

RESUMPTION OF PRIVATE LAND FOR MINING VILLAGESSection 183A.

1) Whenever, in the opinion of the Governor, any land is required for the purpose of a mining village, and no Crown land suitable for the purpose is available within a reasonable distance of the centre of mining operations, the Governor may, by notification in the Gazette, resume any private lands which he may seem necessary for such purpose, and such resumption may be of the land without any limitation as to depth, or of the surface and the land to any specified depth below the surface.

2) Upon publication of such notification in the Gazette such private lands shall vest in His Majesty, freed and discharged from estates, interests, and trusts, affecting the same, and shall become Crown Lands, within the meaning of the Crown Lands Act, 1911, and this Act, and may be disposed of under any such Act, but shall be reserved from sale lease and exempted from occupation under any miner's right or business licence until the Governor, by notification in the Gazette, revokes such reservation or exemption.

3) Upon publication of such notification the owner of such land shall be entitled to compensation for the loss of his interest therein, and in the event of there being a tenant or rightful occupier of such land other than the owner, such tenant or occupier shall be entitled to compensation for the loss of his interest therein.

4) The Minister may direct the warden or other person to assess the market value of such land any improvements thereon at the date of resumption, reasonable allowance being made for any damage that may be caused by severance, and if there is any person other than the owner having interest in such land, the value of such interest shall also be assessed, and such assessed value shall be paid to the persons entitled thereto respectively.

5) It shall be lawful, if the owner so desires, for the Governor to accept a surrender of such private lands, and to grant to the owner by way of exchange any area of Crown lands of equal value, and the provisions of the relative to surrender and exchange of lands shall apply to any such surrender or exchange.

Mining on private land held without reservation of Minerals.InterpretationSection 183B

In this part of the words and terms, with the exception of "private land" and "mineral rights" have the same meanings and inclusions as in Section 163 of this Act.

"Private Land" means any land not being Crown Land within the meaning of section Four of this Act, and which is held without reservation of minerals to the Crown. The term includes land alienated in fee simple from the Crown before the Fourteenth day of November, one thousand eight hundred and ninety-three.

"Owner" includes in addition to the definition in Section 163 the owner of the mineral rights of any private land. In every case where "owner" is used in this Part it is specified whether of the land or the mineral rights.

Grant of Permit to Enter

Section 183C

1) Except as hereinafter provided it shall be lawful, and after the day of one thousand nine hundred and the warden to grant a permit or permits to enter and search for minerals in and upon any private lands alienated and fee-simples from the Crown before the Fourteenth day of November, One thousand eight hundred and ninety-three without any reservation of minerals to the Crown, or with a reservation of gold or gold and silver only.

2) Application for any such permit to enter shall be made to and such authority may be granted by the warden subject to assessment and payment of compensation in the manner prescribed in Section 168 of this Act, and the regulations there-under in the case of permits to enter applied for or granted hereunder.

3) Every such permit shall confer the like rights and privileges and entail the like obligation and penalties as are respectively prescribed by this Act in relation to permits to enter granted under the said Section.

Application for Lease

Section 183D

1) Any holder of any such permit to enter who desires to obtain a lease of the land defined in such permit or any part thereof may make application for such lease, in the manner prescribed in Section 171, of this Act.

2) Leases may be granted and the provisions of Section 169 and 170 of this Act relating to the grant or refusal of applications for leases of private lands shall apply to applications made under this section.

3) The provisions of this Act in relation to the term, rent, area dimensions, form and conditions of leases of private lands and the rights and duties of lessees shall apply to leases granted under this Part.

Percentage of profits payable

Section 183E

1) The holder of any permit, and the lessee of any lease granted under the preceding Sections of this Part, shall at any time and in the manner prescribed pay to the Minister on behalf of the owner of the mineral rights of the land included in such permit or lease a sum equal to five per cent of the net annual profits of working the mines or winning the minerals in and from the said land.

2) The Minister shall at the time and in the manner prescribed pay to the owner of the mineral rights of the said land all the sums paid as aforesaid less an amount equal to one per cent of the sums, which he is hereby authorised to deduct from such sums, and the amounts so deducted shall be paid by the Minister into the Treasury and carried to the Consolidated Revenue Fund.

Protection of Land upon which Mining Operations are being carried on.

Section 183F

1) No permit to enter, and no lease under this Part shall be granted in respect of any land in or upon which bona fide mining operations are being carried on by or with the concurrence of the owner at the time when the application is made. Provided that in the event of any dispute arising as to whether bona fide mining operations are being carried on as aforesaid, or as to the area protected by this section, the question shall be determined by the Minister after inquiry and report by the warden.

2) The provisions of Section 170 of this Act shall apply to applications for permit to enter or lease under this Part.

Exemptions

Section 183G

The Governor may from time to time, by proclamation from the operations of this Act, either wholly or for such period as he thinks fit, private lands in any specified locality or any specified portions of private lands.

Resumption of Private Land for Mining Villages

Section 183H

The Governor may, if any land is required for the purpose of a mining village, and no Crown Land suitable for the purpose is available within a reasonable distance of the centre of mining operations resume any private land deemed necessary for this purpose in like manner to Section 183A and subject to the same conditions as regards notification compensation to owner assessment of compensation and right of owner to surrender land in exchange for other land.

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