

Western Australia

## **Mining on Private Property Act 1898**

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## **Mining on Private Property Act 1898**

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## **Mining on Private Property Act 1898**

**An Act to permit mining on private property.**

*[1-55. Deleted by No. 15 of 1904 s. 4.]*

*(12) — Hampton Plains Estate*

### **56. The Hampton Lands and Railway Syndicate, Limited**

It is declared as follows: —

- (a) By an agreement, in writing, dated 18 June 1890, made between Sir Frederick Napier Broome, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of the Colony of Western Australia, acting therein for and on behalf of the Government of the said Colony of the one part and the Hampton Lands and Railway Syndicate, Limited, of the other part, it was agreed that the Government should sell and the Syndicate should purchase 216,000 acres of Crown Lands on the terms and conditions in the said agreement mentioned:
- (b) The said purchase was duly completed by the said Syndicate:
- (c) It was one of the terms of the said agreement that the Government should grant to the Syndicate on its application a permit to work all the metals reserved by the Crown Grants of the said lands in accordance with the regulations authorising such permit:
- (d) The lands which were granted to the said Syndicate, under the said agreement, are those set forth in the

**s. 57**

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Schedule hereto, and the same are now held in fee simple by the said Syndicate or its assigns:

- (e) By the regulations authorising the permit aforesaid a royalty of two shillings<sup>2</sup> per ounce is payable on all gold won from the said lands:
- (f) With the object of facilitating the settlement and development of the said lands it is expedient to release the said royalty, and to enact the following provisions.

**57. Regulations may be made**

The respective owners of the said lands mentioned in the Schedule hereto, may, from time to time, with the approval of the Governor, but not otherwise, make, alter, amend, and repeal regulations for the management of gold-mining on their lands.

**58. Regulations on publication to have the force of the law**

Such regulations shall be published in the *Government Gazette*, and after publication shall have the force and effect of law, and shall be judicially noticed in every Court of Justice: Provided that all such regulations shall be submitted to Parliament in the manner prescribed by section 55<sup>3</sup>.

**59. Fines may be imposed**

By such regulations there may be imposed a fine for any breach thereof not exceeding ten pounds<sup>2</sup>.

**60. Proceedings on breach of regulations**

All proceedings for the breach of any such regulations and for the recovery of any fine or penalty may be commenced and prosecuted as if such proceedings related to the breach of the regulations made under the *Goldfields Act 1895*<sup>4</sup>, and the recovery of fines or penalties thereby imposed.

**61. Royalty released**

Subject to the said regulations being duly made and published, and so long as the same shall continue binding on the Syndicate and its assigns, the royalty of two shillings<sup>2</sup> per ounce now payable in respect of all gold won from the said lands shall be, and the same is hereby released.

**62. Provisions of preceding divisions of this Act not to apply**

The provisions of the preceding divisions<sup>5</sup> of this Act shall not apply to the lands in the said Schedule hereto.

**The Schedule**

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**The Schedule**

[Section 57]

			Acreage
East Location	36	.....	6,375
Do.	41	.....	3,995
Do.	48	.....	27,349
Do.	51	.....	6,369
Do.	53	.....	34,468
Do.	55	.....	1,989
Do.	57	.....	1,000
Do.	59	.....	50,830
Do.	32	.....	21,077
Do.	35	.....	2,500
Do.	39	.....	1,920
Do.	40	.....	7,680
Do.	42	.....	13,452
Do.	44	.....	5,120
Do.	45	.....	18,808
Do.	50	.....	8,000
Do.	37	.....	3,000
Do.	61	.....	1,000
Do.	62	.....	1,068



**Notes**

- <sup>1</sup> This is a compilation of the *Mining on Private Property Act 1898* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Mining on Private Property Act 1898</i>	62 Vict. No. 29 (1898)	28 Oct 1898	28 Oct 1898
<i>Mining on Private Property Amendment Act 1899</i>	31 of 1899	16 Dec 1899	16 Dec 1899
<i>Mining Act 1904</i> s. 4	15 of 1904	16 Jan 1904	1 Mar 1904 (see s. 2)
<b>Reprint of the <i>Mining on Private Property Act 1898</i> authorised 2 Apr 1954 in Volume 6 of Reprinted Acts</b> (includes amendments listed above)			
<b>Reprint of the <i>Mining on Private Property Act 1898</i> approved 22 May 1958 in Volume 12 of Reprinted Acts</b> (includes amendments listed above)			
<b>Reprint of the <i>Mining on Private Property Act 1898</i> authorised 2 Sep 1966 (not in a Volume)</b> (includes amendments listed above)			
<b>Reprint 4: The <i>Mining on Private Property Act 1898</i> as at 9 Jun 2004</b> (includes amendments listed above) (correction in <i>Gazette</i> 1 Oct 2004 p. 4283; 29 Oct 2004 p. 4938)			

- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Standardisation of Formatting Act 2010</i> s. 4 and 44(3) <sup>o</sup>	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))

- <sup>2</sup> The *Decimal Currency Act 1965* s. 5 provides for existing references to amounts of money to be read and construed as references to corresponding amounts of

money in terms of decimal currency. Such references have not been amended in this compilation as they are of historical interest only.

<sup>3</sup> Section 55 of the Act was repealed by the *Mining Act 1904*. It read as follows:

“

**55 Power to make regulations**

- (1) It shall be lawful for the Governor, from time to time to make, alter, and repeal such regulations as may be deemed necessary for the purpose of giving effect to this Act, and for the management of mining on private property generally.
- (2) Such regulations may be made for the whole Colony, or for any particular part thereof, and shall be published in the *Government Gazette*, and after publication therein shall have the force and effect of law, and shall be judicially noticed in every court of justice. Copies of all regulations made under this Act, shall be laid before both Houses of Parliament within fourteen days from the making thereof; and such regulations shall, as from such publication as aforesaid, and in so far as not disallowed by Parliament, be deemed to be within the powers conferred by this Act, and to have been legally and properly made.
- (3) It shall be lawful by such regulations to impose for any breach thereof, or for any disobedience of a lawful order of the warden, or Warden's Court, a fine not exceeding Twenty pounds, and in default of payment imprisonment with or without hard labour for any period not exceeding six months.

”

<sup>4</sup> The *Goldfields Act 1895* was repealed by the *Mining Act 1904*.

<sup>5</sup> The provisions of the Act (other than sections 56 to 62 and the Schedule) were repealed by the *Mining Act 1904*.

<sup>6</sup> On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 4 and 44(3) had not come into operation. They read as follows:

**4. Schedule headings reformatted**

- (1) This section amends the Acts listed in the Table.
- (2) In each Schedule listed in the Table:
  - (a) if there is a title set out in the Table for the Schedule — after the identifier for the Schedule insert that title;

- (b) if there is a shoulder note set out in the Table for the Schedule — at the end of the heading to the Schedule insert that shoulder note;
- (c) reformat the heading to the Schedule, as amended by paragraphs (a) and (b) if applicable, so that it is in the current format.

**Table**

<b>Act</b>	<b>Identifier</b>	<b>Title</b>	<b>Shoulder note</b>
<i>Mining On Private Property Act 1898</i>	The Schedule	Hampton Lands and Railway Syndicate, Limited lands	

**44. Ad hoc headings**

- (1) This section amends the Acts listed in Tables 1 and 2.
- (3) In each Act listed in Table 2 before each section listed in the Table delete the heading.

<i>Mining On Private Property Act 1898</i>	s. 56
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