



ANNO DECIMO

GEORGII VI REGIS.

A.D. 1946.

No. 11 of 1946.

An Act to amend the Mining Act, 1930-1945.

[Assented to 24th October, 1946.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Mining Act Amendment Act, 1946". Short titles.
- (2) The Mining Act, 1930-1945, as amended by this Act may be cited as the "Mining Act, 1930-1946".
- (3) The Mining Act, 1930-1945, is hereinafter called "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. The following section is enacted and inserted in the principal Act after section 23 thereof :— Enactment of s. 23a of principal Act—
 - 23a. (1) Where, pursuant to this Part, a lease reserves a sum based on the gross amount realized from the sale of any substances obtained from the land comprised in the lease, then for the purpose of computing that gross amount— Basis of royalties in certain cases.
 - (a) any such substance which is used by the lessee in manufacture, shall be deemed to be sold by him at the time when it is so used :
 - (b) the value of the substance assuming that it were sold at the time when it is so used, and that

the buyer took delivery of it on the land comprised in the lease, shall be deemed to be the said gross amount.

(2) If any dispute arises between the lessee and the Minister as to the value of any substance for the purpose of this section, the Minister or the lessee may require it to be settled by arbitration. Thereupon it shall be referred to and decided by a single arbitrator nominated by the Governor. The Governor shall nominate as arbitrator either a Judge of the Supreme Court, a Local Court Judge, or a Special Magistrate, or a legal practitioner of not less than ten years standing.

Amendment of s. 47 of principal Act—
Gold leases.

4. Section 47 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided that where the gold lease is granted after the commencement of the Mining Act Amendment Act, 1946, the said further sum so reserved shall be two and one-half per centum of the gross amounts realized from the sale of metals, precious stones and minerals obtained from the lands comprised in the lease.

Amendment of s. 52 of principal Act—
Mineral leases.

5. Section 52 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided that where the lease is granted after the commencement of the Mining Act Amendment Act, 1946, the said further sum so reserved shall be two and one-half per centum of the gross amounts realized from the sale of metals and minerals obtained from the land comprised in the lease.

Amendment of s. 55 of principal Act—
Leases for coal mining.

6. Section 55 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided that where the lease is granted after the commencement of the Mining Act Amendment Act, 1946, the said further sum so reserved shall be two and one-half per centum of the gross amounts realized from the sale of coal obtained from the lands comprised in the lease.

Amendment of s. 59 of principal Act—
Salt and gypsum leases.

7. Section 59 of the principal Act is amended by adding at the end thereof the following proviso :—

Provided that where the lease is granted after the commencement of the Mining Act Amendment Act, 1946,

the said further sum shall be two and one-half per centum of the gross amounts realized from the sale of salt and gypsum or mineral waters obtained from the lands comprised in the lease.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.