

MINERS RIGHTS COLLECTION



H2112 Miners Right 1857



H2112 Miners Right 1866



H2112 Miners Right Ballarat
1877



H2112 Miners Right Ballarat
1899

Location

BALLARAT GOLD MUSEUM BRADSHAW STREET GOLDEN POINT, BALLARAT CITY

Municipality

BALLARAT CITY

Level of significance

Registered

Victorian Heritage Register (VHR) Number

H2112

VHR Registration

September 13, 2007

Heritage Listing

Statement of Significance

Last updated on - December 19, 2023

What is significant?

The Miner's Rights Collection is held by the Gold Museum, Ballarat. It consists of 298 miner's right certificates issued in Victoria between 1857 and 1971. Of these 183 are from the Ballarat area and the remainder come from various locations in the state.

The Victorian gold rushes began in earnest in mid-1851, and a licence system was introduced shortly after. The licence fee was seen as a direct tax and considered prohibitive by the miners. With increasingly harsh enforcement of the licence system over the next three years, unrest among the miners increased. The protest movement became more organised, with a deputation from Bendigo carrying a petition to the Governor in August 1853 and the Ballarat Reform League Charter presented in November 1854. The Eureka uprising occurred on 3 December 1854. The report of the resulting Royal Commission in March 1855 recommended the change from Gold License to Miner's Right. On 12 June 1855 the third Goldfields Act was passed, in which the Miner's Right became the necessary evidence for the occupation of a claim. Holding of the Miner's Right also elected members of the new Local Court which decided mining disputes. The franchise was effectively given to holders of the Miner's Right, when the new constitution took effect in November 1856, by virtue of the provision for the holder to occupy crown land and reside. This was effective until November 1857, when universal manhood suffrage was introduced.

The first Miner's Right was issued in late June 1855, and in July the first Local Courts were elected by miner's right holders. By the end of July 1855 30,000 Miner's Rights had been issued, and 50,000 had been issued by the end of the year. The fourth Goldfields Act, passed in early 1858, gave increased privileges to holders of Miner's Rights. These included the right to make residential claims, allowing the cutting of timber on claims and giving the right to build races and dams on any crown lands for mining purposes. The Local Courts were replaced by a combination of a Court of Mines and elected Mining Boards. Under the Mining Statute of 1865 the Miner's Right could be issued for up to 15 years. One quarter of an acre of crown land could be occupied for residential purposes. Timber of Crown land could be cut for fuel and timber, stone and other material on Crown land could be used for building and mining purposes. The residential claim was vitally important in the development of Victoria's gold-mining towns where a remarkably high proportion of residents were owner occupiers.

In the 1930s Depression, Miner's Rights were given out to the unemployed, along with supplies and a prospector's guide. In the 1960s most miner's residential areas were converted to freehold. The classes of lands upon which prospecting under a Miner's Right were permitted were gradually restricted and in 1975 holders of the Miner's Right were required to obtain consent before they could obtain the legal right to mine a deposit.

How is it significant?

The Miner's Rights Collection is of historical and social significance to the State of Victoria

Why is it significant?

The Miner's Rights Collection is of historical significance for its capacity to symbolise the positive outcomes for gold miners brought about by Eureka and the preceding democratic movements of the miners. The Miner's Right symbolises the gains of the diggers in terms of enfranchisement and self regulation on the goldfields.

The Miner's Rights Collection is of historical significance for its capacity to represent the successful new system of gold field's administration introduced to the Victorian gold fields. This new system proved economical and sustainable, operating substantially unchanged up until 1975. The Miner's Rights are also of significance because the system was subsequently adopted on a number of other goldfields, including New Zealand.

The Miner's Rights Collection is of historical significance for the inclusion of a Miners Right from 1856 which represents the two year period from 1855 until universal male suffrage in 1857, during which the Miners Right gave the holder the vote in the Legislative Assembly.

The Miner's Rights Collection is of historical significance as a collection representing the use of the right to a residential claim conferred by the Miner's Right which was widely exercised well into the twentieth century. The right to make a residential claim was vitally important in the development of towns in the gold-mining areas of Victoria. The collection demonstrates the continuation of use of this right within families over generations.

The Miner's Rights Collection is of historical significance as a representative collection of Miner's Rights from the first years of its issue up until new legislation in the 1970s.

The Miner's Rights Collection is of social significance as a collection of Miner's Rights which symbolise the attachment of miners over several generations to the freedoms and privileges which the Miners Right permitted. The Miner's Right and associated activities have been an integral part of life in gold fields areas for 150 years.

Permit Exemptions

General Exemptions:

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must [notify](#) the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

Specific Exemptions:

The temporary relocation, movement or external loan of a registered heritage object does not require permit approval by the Executive Director pursuant to the *Heritage Act 1995* where the activity is performed in accordance with the accepted standards, policies and procedures of the Gold Museum, Ballarat

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| Construction dates | 1857, |
| Heritage Act Categories | Registered object, |
| Other Names | MINER'S RIGHTS COLLECTION, |
| Hermes Number | 13628 |
| Property Number | |

History

Historical Background to the Mines Function

Administration of the goldfields was based on a series of Goldfields Acts dating from 1853 when an Act for the better management of the Goldfields, 17 Vic., No.4, was passed. This Act provided for a system of mining leases and licences to be administered by the Commissioners of Crown Lands, who were also known as Goldfields Commissioners. Earlier legislation (e.g. the 1851 and 1852 Acts 15 Vic., No.15 and 17 Vic., No.1) had made provision for the Commissioners to regulate mining on "waste lands of the Crown". In 1855 the licensing system introduced in 1853 was replaced by a system of miners' **rights** administered by local courts which operated in designated districts, and had similar powers to a Court of Petty Sessions (18 Vic., No.37). Members of the courts were elected by holders of miners' **rights** in the district. These arrangements were further refined by the 1857 Act 20 Vic., No.32 which set up a more complex administrative and judicial structure within specified Mining Districts comprising Mining Boards, Mining Wardens and Courts of Mines.

NOTE: For more information about the history of this function, see VRG 30 Mines. For records of Mining Districts, see VRG 25.

Mineral Statistics of **Victoria** for the Year ... - Page 7
by **Victoria** Dept. of Mines, Dept. of Mines, **Victoria** - 1888

There were 23348 **miners' rights** issued in **Victoria** during 1888. Of this number 50 were consolidated **miners' rights**.

Extent of Registration

To the extent of the objects being the collection of 298 Miner's Rights held by the Ballarat Gold Museum as of June 2007.

This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.

For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>