

## New Zealand.



### ANALYSIS.

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1902, No. 22.

AN ACT to amend "The Mining Act, 1898."

[2nd October, 1902.]

**Title.**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Mining Act Amendment Act, 1902"; and it shall form part of and be read together with "The Mining Act, 1898" (hereinafter referred to as "the principal Act").

**Short Title.**

2. (1.) Notwithstanding anything in subsection three of section ninety of the principal Act, the Warden may grant a mineral lease authorising the lessee to occupy any part of the land described in the Schedule hereto, not exceeding one thousand acres and in one continuous block, for the purpose of mining for any specified metal or mineral other than gold.

**Mineral lease may be granted in Nelson Land District.**

(2.) The Warden shall not grant the lease unless and until the Minister has consented thereto and notified such consent in writing on the instrument of lease. Any lease granted shall contain a provision that the State may purchase at a fair value, to be ascertained in the manner set forth therein.

(3.) Subsection nine of section ninety of the principal Act shall not apply to a lease granted under this section, so that, in the event of the land in respect of which a lease under this section is granted, or any part thereof, being proved to be auriferous or to contain any metal or mineral other than that specified in the lease, the lease shall not on that account be cancelled.

(4.) The Warden may from time to time, if it appears to him that the working of the land comprised in such lease for the purpose

specified in the lease is not thereby prejudiced, grant any mining privilege over any part of the land comprised in such lease :

Provided that, if at any time it appears to the Warden that the exercise of any such mining privilege is prejudicial to the working of the land by the lessor, the Warden may forthwith cancel such mining privilege, and the holder thereof shall have no right to compensation in respect of such cancellation, either against the Crown or the lessor.

(5.) Nothing in this section shall authorise the inclusion in any such lease of lands held in freehold by any person, or any area in respect of which any mining privilege has been heretofore granted and is now in force.

Section 8 of Act of 1899 extended to timber-cutting.

3. (1.) The provisions of section eight of "The Mining Act Amendment Act, 1899," shall extend and apply to timber-cutting, and the operation of sawmill licenses and the holders thereof, and the land held under such licenses, in the like manner as in the case of mining privileges and mining operations.

Definition of "mining privilege" extended.

(2.) The definition of the term "mining privilege" contained in section five of the principal Act is hereby extended to include a timber-cutting right.

Section retrospective.

(3.) This section shall be deemed to have been in operation from the commencement of the principal Act.

Reduced number of workmen to be wages-men.

4. Section eighty-five of the principal Act is hereby amended by adding to subsection two thereof the following proviso :—

"Provided further that the reduced number of workmen shall in every case be wages-men."

Labour conditions on contiguous claims held by same person.

5. (1.) Subsection one of section eighty-six of the principal Act (relating to the number of workmen to be employed on contiguous claims held by the same person) is hereby amended by adding thereto the following proviso :—

"Provided that where the total area of such claims exceeds four hundred acres the number of workmen to be employed for every acre in excess of four hundred acres shall be such as is prescribed by regulations."

(2.) This section shall apply to claims taken up before as well as after the commencement of this Act.

Dredgemasters' certificates of service.

6. In addition to the provisions of section eight of "The Mining Act Amendment Act, 1901" (relating to dredgemasters' certificates), it shall be lawful for the Board to issue a certificate of service as dredgemaster, without examination, to any person of good repute who, prior to the thirty-first day of December, one thousand nine hundred and two, applies for the same in the prescribed manner, and produces a testimonial from his former employer of his having been actually employed as a dredgemaster in charge of a dredge working on a deep or swift-flowing stream for a period of not less than twelve months during the five years immediately preceding the date of his application.

Licenses of the Otago Land Board validated.

7. (1.) All water-race licenses and licenses for water privileges duly granted under "The Otago Waste Lands Act, 1872," or "The Land Act, 1877," and which have been annually renewed by the Otago Land Board or the Commissioner of Crown Lands, shall, notwithstanding the repeal of those Acts, be deemed to be valid, and the renewals so made to have been validly made, as if the Board or Commissioner had been legally entitled to renew the same.

(2.) The holder of any such license may at any time within twelve months of the passing of this Act apply to the Warden of the district in which the water-race or other privilege is situate, or to the Commissioner of Crown Lands where such water-race or privilege is outside a mining district, for a new license for a similar privilege.

(3.) Such new license shall confer the same priority of rights, and be subject to the same encumbrances, liens, and interests, as the license in respect of which the application is made was subject to.

(4.) All such priorities, encumbrances, liens, and interests shall be specified in or indorsed on such new license, and registered, and such specification or indorsement shall, subject to the right of appeal, be final and conclusive.

8. (1.) The powers and functions conferred by the principal Act upon the Warden and Registrar respectively for receiving and disposing of applications for the mining privileges hereinafter mentioned—that is to say, prospecting warrants, prospecting licenses, or licenses for mining privileges in respect of water—shall, where the land is outside a mining district, be exercisable by the Commissioner of Crown Lands; and for that purpose, as also for the purpose of appealing against the decision of the Commissioner, all the provisions of the principal Act and its amendments shall apply as if the land was within a mining district and the Commissioner was a Warden and Registrar, and the Commissioner's Office was a Warden's Court in a constituted mining district:

Powers of  
Commissioners of  
Crown Lands.

Provided that this subsection shall not apply in the case of Native land, or of land partly within and partly outside a mining district.

(2.) With respect to mining privileges duly granted by the Commissioner, the land shall, for the purposes of any matter arising subsequent to the granting thereof, be deemed to be situate in the nearest mining district, and the mining privileges to have been granted by the Warden of that district.

(3.) On and after the passing of this Act the two preceding subsections of this section shall apply to all mining privileges heretofore granted by any Commissioner of Crown Lands, and to all pending applications for the same.

(4.) The Governor may from time to time make regulations prescribing the mode of transferring the records of any mining privilege granted by the Commissioner, and generally anything required to give effect to this section.

(5.) The provisions of this section are in substitution of those contained in section three of "The Mining Act Amendment Act, 1899," and section three of "The Mining Act Amendment Act, 1901," and those sections are hereby accordingly repealed.

9. (1.) Subject to the provisions of any award now or hereafter in force under "The Industrial Conciliation and Arbitration Act, 1900," a miner shall be entitled to be paid overtime when he is employed underground in a mine for more than eight hours in any day, counting from the time he enters the underground workings of the mine to the time he leaves the same.

Overtime and hours  
for working under-  
ground.

(2.) Section five of "The Mining Act Amendment Act, 1901," is hereby repealed.

Repeal.

(3.) This section shall extend and apply to coal-mines.

## Schedule.

## SCHEDULE.

ALL that block of land in the Land District of Nelson, containing by admeasurement 2,100 acres, more or less, and situated in Blocks I. and II., Waitapu Survey District, and Block IV., Aorere Survey District, and bounded as follows: Commencing at a point on the Parapara River intersected by the south-western boundary of Section 192, Takaka; thence by the said boundary and the north-western boundary of Section 77, Milnthorpe Suburban, to the western corner of the latter section; thence along the south-western boundary of the said section to the northern corner of Section 122, Square 14; thence along the north-western, south-western, and south-eastern boundaries of Section 122, Square 14, to the southern corner of Section 76, Milnthorpe Suburban; thence along the south-eastern boundaries of Sections 76, 74, 72, and 70, Milnthorpe Suburban, to Trig. AA, at eastern corner of the latter section; thence by a line to the southern corner of Section 69, Milnthorpe Suburban; thence along the south-western boundaries of Sections 68 and 67, Milnthorpe Suburban, to the southern corner of the latter section; thence along the north-western and south-western boundaries of Section 99, Takaka, to southern corner of same; thence along the north-western and south-western boundaries of Section 95, Takaka, to the northern corner of Section 16, Block II., Waitapu Survey District; thence along the north-western and south-western boundaries of that section to the Onekaka River; thence in a south-westerly direction along that river to the southern corner of Section 152, Square 14; thence by a right line bearing due west to the boundary between the Waitapu and Aorere Survey Districts respectively; thence due north along said boundary to its intersection with the south-western boundary of Section 149, Square 14; thence to the western corner of that section; thence by a line bearing 20° west of north to the Parapara River; and thence by that river to the point of commencement: excepting and excluding Section 3, Block IV., Aorere Survey District, which is within the above-described boundaries.