

COAL MINES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Coal Mines Act 1925.

Clause 2 repeals section 26 (3) of the principal Act requiring an assignment or transfer of a coal-mining right or an amalgamation or consolidation of a coal-mining lease, after it has been consented to by the Minister, to be laid before Parliament. The subsection to be repealed also provides that, if no resolution refusing to permit the transaction is passed by the House within 10 days after it is tabled, it takes effect according to its tenor. All that will be required in the future is the consent of the Minister.

Clause 3 consequentially replaces section 27 of the principal Act in an amended form in view of the provisions of *clause 2* of the Bill.

Clause 4 repeals section 43 (1) (d) of the principal Act, which provides that one of the members of the Board of Examiners is to be a registered electrical engineer or registered electrician nominated by the Electricians Registration Board. Previously the Board of Examiners issued certificates of competency for mine electricians, but that certificate has now been abolished. Mine electricians are now required to hold certificates issued by the Electricians Registration Board and the Board of Examiners no longer conducts examinations for electricians.

Clause 5 authorises the Minister to delegate his powers under the principal Act or under any regulations under that Act to the Under-Secretary of Mines and to other officers of the Mines Department.

Hon. Mr Shand

COAL MINES AMENDMENT

ANALYSIS

Title		3. Conditional consent of Minister to assignment, etc.
1. Short Title		4. Board of Examiners
2. Assignments, etc., of coal-mining rights		5. Delegation of Minister's powers

A BILL INTITULED

An Act to amend the Coal Mines Act 1925

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

1. **Short Title**—This Act may be cited as the Coal Mines Amendment Act 1961, and shall be read together with and deemed part of the Coal Mines Act 1925* (hereinafter referred to as the principal Act).

10 2. **Assignments, etc., of coal-mining rights**—Section 26 of the principal Act is hereby amended by repealing subsection (3).

15 3. **Conditional consent of Minister to assignment, etc.**—The principal Act is hereby further amended by repealing section 27, and substituting the following section:

20 “27. Where the Minister has granted his consent to any assignment or transfer of a coal-mining right or any amalgamation or consolidation of a coal-mining lease subject to conditions imposed by him, every person taking the benefit of the assignment, transfer, amalgamation, or consolidation shall be deemed to have entered into a covenant with the Minister to perform the conditions imposed by the Minister, and shall be liable accordingly; and every coal-mining right or coal-mining lease the subject of that assignment, transfer,

*1957 Reprint, Vol. 2, p. 157
Amendment: 1959, No. 41

amalgamation, or consolidation shall be liable to forfeiture at the suit of the Minister if the conditions imposed by the Minister are not duly performed and complied with.”

4. Board of Examiners—Section 43 of the principal Act (as substituted by subsection (1) of section 6 of the Coal Mines Amendment Act 1959) is hereby amended by repealing paragraph (d) of subsection (1). 5

5. Delegation of Minister's powers—(1) The Minister may from time to time, by writing under his hand, delegate to the Under-Secretary of Mines or to any other officer or officers of the Mines Department any of his powers under the principal Act or under any regulations made under that Act. 10

(2) The officer or officers referred to in subsection (1) of this section may be an officer or officers referred to by name, or the officer or officers who for the time being hold any specified position or positions in the Department. 15

(3) Subject to any general or special conditions attached by the Minister, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation. 20

(4) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation. 25

(5) Every delegation under this section shall be revocable in writing at will, and no such delegation shall prevent the exercise of any power by the Minister.

(6) Every delegation made under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding that the Minister may have ceased to hold office, and shall continue to have effect as if made by his successor in office. 30

(7) Every reference to the Minister in any Act, regulation, order, application, notice, licence, or document whatsoever shall, in relation to any power that the Minister has delegated to the Under-Secretary of Mines or to any other officer of the Mines Department under this section, be read as a reference to the Under-Secretary of Mines or to that other officer, as the case may be. 35 40