

[As REPORTED FROM THE GOLDFIELDS COMMITTEE.]

Hon. Mr. G. F. Richardson.

MINING ACT AMENDMENT (No. 2).

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Governor may take land for deposit of tailings, or for sludge- or tailings-channels.</p> <p>3. Future purchasers of land on watercourses in mining districts to acquire no riparian rights.</p> <p>4. Mining operations on the foreshore or under the sea. (1.) Governor may grant leases. (2.) May make regulations.</p> <p>5. Governor may make contracts, &c., and sign instruments in respect of Native lands ceded for mining purposes.</p> <p>6. Native lands within a mining district deemed Crown lands for mining purposes only.</p> <p>7. Governor may delegate powers of granting prospecting licenses or leases.</p>	<p>8. State forests to be subject to Mining Acts.</p> <p>9. Thames Drainage Board deemed duly constituted.</p> <p>10. Amendments in Act of 1886.</p> <p>11. Amendment in Act of 1887.</p> <p>12. Unexecuted leases under "The Mines Act, 1877," cancelled.</p> <p>13. Forfeited claims.</p> <p>14. Powers of Land Boards for dealing with lands in mining districts transferred to Wardens.</p> <p>15. Depasturing and timber and other licenses within mining districts to be granted by Wardens only.</p> <p>16. Warden may grant licenses for mining other minerals than gold.</p> <p>17. Annual renewal drainage areas and other mining rights unnecessary.</p>
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A BILL INTITULED

AN ACT for Further Amendment of "The Mining Act, 1886." Title.

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

5 1. The Short Title of this Act is "The Mining Act Amendment Act, 1887 (No. 2)." It shall be read together with "The Mining Act, 1886" (hereinafter referred to as "the said Act"). Short Title.

10 2. The taking of land for the deposit of tailings or for the construction of sludge-channels or tailings-channels in connection with mining operations shall be deemed to be taking of land for a public work within the meaning of "The Public Works Act, 1882;" and the Governor may accordingly take land under such Act for the aforesaid purposes. Governor may take land for deposit of tailings, or for sludge- or tailings-channels.

15 3. No person who, after the date of the passing of this Act, shall purchase, lease, occupy, or otherwise acquire any Crown lands within a mining district under any law for the time being in force regulating the sale or acquisition of such lands shall be deemed to have any right or title to the flow of any watercourse running through, in, or upon such lands which would interfere with or prejudice the right of any holder of a miner's right or mining lease or licensed holding to discharge into such watercourse any tailings, mining *débris*, or waste water produced or used in or upon any claim within a mining district. Future purchasers of land on watercourses in mining districts to acquire no riparian rights.

Sections one hundred and fifty-five and one hundred and fifty-six of the said Act are hereby repealed in respect of all persons purchasing, leasing, occupying, or otherwise acquiring any Crown lands within a mining district after the date of the passing of this Act.

Mining operations on the foreshore or under the sea.

4. Any person desirous of carrying on mining operations at deep levels under the sea or any portion of the foreshore, by means of sinking shafts above high-water mark and driving adits under the sea, shall make application to the Warden for a special claim of the area intended to be worked; and on receipt of such application, and a deposit of *twenty* pounds being lodged with the Receiver of Gold Revenue to cover cost of survey, advertisement, and other charges, the Warden shall hear the application and objections, if any, in the same manner as prescribed in respect of applications for licensed holdings in the said Act, and shall, after hearing the applications and objections, if any, forward such applications to the Minister, with his recommendations thereon.

Governor may grant leases.

(1.) The Governor may from time to time, subject to any regulations made under the said Act and this Act, or either of them, grant special claims under the sea, or of any portion of the foreshore, at any place whether within the limits of a mining district or outside thereof, on such terms and conditions as he shall think fit; but not for a term exceeding twenty-one years, nor for a greater area than one hundred acres.

No special claim granted under this section shall entitle the owner thereof to any ground within ~~one hundred and fifty~~ feet of the surface. If any claim applied for be for any part under the foreshore which is under the control of a Harbour Board, the proposed conditions thereof shall be submitted to such Harbour Board before such claim is granted.

May make regulations.

(2.) The Governor is hereby authorised from time to time to make, alter, amend, or revoke regulations for regulating the applications for and the granting of special claims under the sea or on the foreshore of the sea, and the terms and conditions on which such claims shall be granted, and the rent or royalty to be paid in respect thereof, and the mode of payment of the same; or may declare that any regulations made under the said Act shall apply in respect to any such special claim notwithstanding the same may be outside the limits of a mining district; and all regulations so made shall be deemed to be made under section two hundred and seventy-five of the said Act.

Governor may make contracts, &c., and sign instruments in respect of Native lands ceded for mining purposes.

5. In any case where lands have been ceded or are proposed to be ceded to Her Majesty by the Native owners thereof for mining purposes under the provisions of section one hundred and thirty-seven of "The Mining Act, 1886," the Governor may from time to time, in the name and on behalf of Her Majesty the Queen, make, vary, or rescind any contract, agreement, or arrangement, and do, make, and perform any act, deed, matter, or thing which may be necessary or expedient to be done, made, performed, or suffered for the purpose of giving effect to or carrying out any of the provisions aforesaid.

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New clause.

6. All Native land within a mining district which has at any time heretofore or hereafter may be ceded by the Native owners thereof to the Governor for mining purposes shall for the said purposes, but no further or otherwise, be deemed to be Crown lands open for mining under the provisions of "The Mining Act, 1886," subject in every case, however, to the terms and conditions of the particular agreement under which such land was ceded as aforesaid; and the Warden may deal with any such land accordingly, as if the same had ceased to be private land, during the subsistence of the agreement last aforesaid.

Native lands within a mining district deemed Crown lands for mining purposes only.

7. The Governor from time to time may, by warrant under his hand, delegate to any Commissioner of Crown lands the powers vested in the Governor under sections one hundred and thirty-one and one hundred and thirty-two of the said Act, and may alter or revoke any such delegation in part or in whole.

Governor may delegate powers of granting prospecting licenses or leases.

8. Notwithstanding anything contained in "The New Zealand State Forests Act, 1885," all Crown lands heretofore set apart for forest lands, or which may hereafter be so set apart under the provisions of the Act last named, shall nevertheless continue to be subject to all laws relating to mining on Crown lands, and to any regulations made under such laws or any of them.

State forests to be subject to Mining Acts.

9. The Thames Drainage Board, as constituted by regulations under an Order in Council dated the nineteenth day of January, in the year one thousand eight hundred and eighty-six, and gazetted on the twenty-first day of the same month and year, and the Thames drainage area, fixed by the same regulations, and all powers and authorities granted to the said Board under the said regulations, and all other matters and things provided for in the said regulations, and all rules therein prescribing the manner in which drainage rates as contributions for drainage works shall be assessed on lands within the said area, the making, collecting, and recovery of such rates, and for regulating appeals against such assessments, shall be in force and be deemed to have been in force continuously since the original date of their coming into force, notwithstanding the passing of the said Act; and the said Act shall not be deemed to have repealed the aforesaid Order in Council of the nineteenth day of January, one thousand eight hundred and eighty-six, nor any regulations made thereunder.

Thames Drainage Board deemed duly constituted.

10. The said Act is hereby amended as follows, that is to say,—

Amendments in Act of 1886.

(1.) Section ten: The words "The owner of any good and valid" are hereby repealed, and the words "The holder of any." substituted in lieu thereof.

Struck out.

(2.) Section sixty-nine: The words following are hereby added to the section:—
"But the holder of a residence site shall not be entitled to carry on any business on such site unless he is the holder of of a business license."

3. (2.) Section seventy-nine: The definition of Native lands is hereby repealed and the following substituted:—

“Native district” means exclusively that part of a mining district wherein the land is the property of Natives, but over which the Governor, in Her Majesty’s behalf, has by agreement with such owners obtained the right of mining.

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Struck out.

(4.) Section eighty-five: The words “who need not be the holder of a miner’s right” are hereby repealed.

5. (3.) Section one hundred and four: The word “registered” is hereby repealed. 10

6. (4.) Section one hundred and six: After the words “or any part thereof,” where they occur in each of the two subsections, insert the words “or any share or interest therein.”

Amendment in Act of 1887.

11. Section fifteen of “The Mining Act 1886 Amendment Act, 1887,” is hereby amended by the substitution of the words “one hundred and seventy-five” for the words “one hundred and seventy-six” where the latter occur in the said section. 15

Unexecuted leases under “The Mines Act, 1877,” cancelled.

12. All mining leases authorised to be granted under “The Mines Act, 1877,” or under any Act repealed thereby, and remaining unexecuted by any of the parties thereto at the time of the passing of this Act, are hereby cancelled, and no such lease shall be capable of execution hereafter, and if so executed shall be absolutely null and void. 20

New clauses.

Forfeited claims.

13. If it shall be proved to the satisfaction of the Court that any special claim heretofore granted has remained unworked for a period of six months, and that it was not protected, the Court shall declare the same to be forfeited; or the Warden, in his discretion, on sufficient cause being shown, may substitute a monetary fine in lieu of forfeiture, and may allow thereout a sufficient sum to defray any reasonable expenses incurred by the plaintiff, if any, in the prosecution of his suit. 25 30

Powers of Land Boards for dealing with lands in mining districts transferred to Wardens.

14. All powers granted to a Land Board by the provisions contained in paragraphs one to twenty-four inclusive of Appendix C to “The Land Act, 1885,” and in paragraphs twelve to sixteen inclusive of Appendix F to the same Act are hereby abrogated in so far as relates to land within mining districts, and all such lands shall, from and after the passing of this Act, be dealt with exclusively by a Warden in accordance with and subject to the provisions of “The Mining Act, 1886,” and not otherwise. 35 40

Depasturing and timber and other licenses within mining districts to be granted by Wardens only.

15. All powers of a Land Board under “The Land Act, 1885,” to grant licenses for any of the following purposes,— 45 50
 Depasturing;
 Cutting or felling of timber;
 Removal of clay for bricks and pottery;
 Removal of sand, gravel, or stone;
 Working of quarries;
 Sites for ferries, saw-mills, flour-mills, tanneries, fellmongers’ yards, slaughter-yards, potteries, brick- or lime-kilns; and cutting, growing, or dressing flax,
 are hereby abrogated within mining districts, and shall, from and

after the passing of this Act, be exercised within mining districts by the Warden, subject to such regulations as the Governor, by Order in Council, is hereby authorized from time to time to prescribe in that behalf, and to alter or revoke.

5 16. The Warden, subject to the provisions of the said Act and to any regulations thereunder, may grant mineral licenses to occupy any Crown lands within a mining district for the purpose of mining for metals or minerals other than gold, silver, or coal, subject to the following conditions :—

Warden may grant licenses for mining other minerals than gold.

- 10 (1.) The area comprised in any mineral license shall not exceed three hundred and twenty acres, and the term for which the same shall be granted shall not exceed twenty-one years from the time of granting the same.
- 15 (2.) The rent shall be two shillings and sixpence per acre or fractional part of an acre, payable annually in advance; the first payment to be made at the time of making the application for the license, which shall cover the rent for one year from the granting thereof.
- 20 (3.) The royalty on all minerals raised shall not be less than one-fiftieth nor more than one-twenty-fifth of their value at the pit's mouth, provided that when and so long as the amount of royalty on any mineral license exceeds the sum paid as rent the rent-charge shall cease.
- 25 (4.) The licensee shall be liable to pay royalty in respect of coal which may be found on the land described in his license, not being metals or minerals for which he is authorised to mine under his license.
- 30 (5.) No mineral license shall entitle the holder thereof to mine or dig for gold or silver. If either of those metals, or ore containing them, be found within the area comprised in such mineral license, the land on which gold and silver are found shall be taken up as a licensed holding under the said Act.

35 The Warden shall give public notice of the application by advertisement in one or more newspapers circulated in the district, and shall therein name a day on which the application will be heard; and on such day, or on some subsequent day to which the hearing may be postponed, the Warden shall hear the application, and may, and whether or not any objection has been made to the application, 40 grant or refuse to grant to the applicant, or to the person appointed by him, a license in the form set forth in the Fifth Schedule to the said Act, which shall specify particularly the metals or minerals authorised to be mined for in the terms of such license.

45 17. Notwithstanding anything contained in the said Act or any preceding Act, or under any rules and regulations that formerly have been in force, it shall not be necessary for the owner or owners of any drainage area, tail-race, branch-race, flood-race, sludge-channel, main tail-race, alteration by extension of race, diversion of creek, tramway, dam or reservoir, puddling-machine, residence-site, tunnel, 50 special site, prospecting area, or other mining right, to annually renew the certificate for same.

Annual renewal drainage areas and other mining rights unnecessary.