

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
26th October, 1920.*

[AS REPORTED FROM THE GOLDFIELDS AND MINES COMMITTEE.]
Legislative Council, 28th October, 1920.

Right Hon. Mr. Massey.

MINING AMENDMENT.

Title.	ANALYSIS.
1. Short Title.	7. Operation of gold-dealers' licenses extended.
2. Appointment of Inspecting Engineer of Metalliferous Mines.	8. Provision for increased area of special dredging claims.
3. Surrender of water-race licenses.	9. Supplementary powers of Warden's Court for effective exercise of its jurisdiction.
4. Licenses in respect of water not to be renewed if privilege required by Crown.	10. Section 7 of Mining Amendment Act, 1919, amended.
5. Costs of inquiries as to accidents in mines.	11. Section 20 of principal Act amended.
6. Section 359 of principal Act (relating to advances for development of mining) amended.	

A BILL INTITULED

AN ACT to amend the Mining Act, 1908.

Title.

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

1. This Act may be cited as the Mining Amendment Act, 1920, and shall be read together with and deemed part of the Mining Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

10 2. (1.) For the purposes of the principal Act there may be appointed an officer of the Public Service to be known as the Inspecting Engineer of Metalliferous Mines.

Appointment of Inspecting Engineer of Metalliferous Mines.

15 (2.) The officer of the Public Service holding office on the date of the passing of this Act as the Inspecting Engineer of Metalliferous Mines shall continue to hold such office as if he had been appointed under this section.

20 (3.) Section two hundred and twenty-six of the principal Act and paragraph (u) of section nineteen of the Mining Amendment Act, 1910, are hereby respectively amended by omitting the reference to the Inspecting Engineer of Mines, and in each case substituting a reference to the Inspecting Engineer of Metalliferous Mines.

3. No water-race license, whether granted before or after the passing of this Act, shall be surrendered without the precedent consent of the Minister.

Surrender of water-race licenses.

25 4. (1.) Notwithstanding anything to the contrary in section one hundred and seventy of the principal Act, or in any license heretofore granted or that may hereafter be granted for a mining privilege in respect of water, no such license shall be renewed except subject to the provisions of this section.

Licenses in respect of water not to be renewed if privilege required by Crown.

30 (2.) Notice of every application that may hereafter be received for the renewal of any such license as aforesaid shall be served by the applicant on the Minister.

(3.) If within two months after service of such notice the Minister, or any person authorized by him in that behalf, pursuant to section three of the Mining Amendment Act, 1915, applies for a license on behalf of His Majesty in respect of the mining privilege, a license shall be granted by the Warden accordingly. 5

(4.) If within the period of two months aforesaid application is not made for a license on behalf of His Majesty, the licensee shall be entitled to receive a renewal of his license under section one hundred and seventy of the principal Act.

(5.) Where a license is granted to His Majesty under this section the former licensee shall be entitled to compensation, to be assessed in the manner prescribed by Part VII of the principal Act, in respect of the loss or damage sustained by him: 10

Provided that the compensation in any such case shall not exceed the fair market-value of the works constructed for the purpose of the license, together with the consequent depreciation in value of any other property comprised in a mining privilege held by the same licensee. 15

Costs of inquiries as to accidents in mines.

5. (1.) In any inquiry under section two hundred and sixty-six of the principal Act the Court holding the inquiry may make such order as to payment of the costs of the inquiry as it thinks fit. 20

(2.) For the purpose of enforcing any such order as to costs a duplicate of the order may be filed in the Magistrate's Court, and shall thereupon be enforceable in all respects as a final judgment of that Court in its civil jurisdiction. 25

Section 359 of principal Act (relating to advances for development of mining) amended. Operation of gold-dealers' licenses extended.

6. Section three hundred and fifty-nine of the principal Act is hereby amended by omitting from subsection four the words "after entering into such agreement." 25

7. Section three hundred and sixty-nine of the principal Act is hereby amended by omitting the words "and shall have effect only within the district therein specified," and substituting the words "Any such license shall have effect either generally throughout New Zealand or only in such mining district or mining districts as may be specified therein." 30

Provision for increased area of special dredging claims.

8. Section three of the Mining Amendment Act, 1910, is hereby amended by omitting the words "four hundred acres," and substituting the words "twelve hundred acres." 35

Supplementary powers of Warden's Court for effective exercise of its jurisdiction.

9. (1.) Where for the purposes of the principal Act the Court or the Warden has power to order the sale or transfer of any mining privilege or any share or interest therein, or to vest the same in any partner or other person, the Warden shall have power and authority, whenever necessary for the purpose of giving effect to any such order or power, to execute all transfers, assignments, or documents necessary to vest such mining privilege or any share or interest therein in any purchaser, partner, or person, subject to the following conditions:— 40

(a.) Every such transfer, assignment, or document shall be prepared by and at the expense of the person requiring the same, and shall have fully set forth therein the conditions, restrictions, and encumbrances subject to which the purchaser, partner, or other person acquires such mining privilege or share or interest therein. 50

(b.) The Warden shall execute the same in his official name and under the seal of the Court, but the Warden shall incur no personal or other liability by reason of executing any such instrument, and the execution thereof shall vest in the purchaser, partner, or other person the mining privilege or any share or interest therein so transferred or assigned, subject only to such encumbrances as are set out in such instrument.

(c.) Where such instrument relates to a duly registered mining privilege the instrument so executed by the Warden shall be duly registered by and at the expense of the person in whom such property is vested under such instrument.

(d.) Whenever any order is made for the sale, transfer, or vesting of any duly registered mining privilege or any share or interest therein, the Mining Registrar shall not register any instrument of transfer, assignment, mortgage, lien, or other dealing whereby any priority may be given over the instrument giving effect to such order, or otherwise than in pursuance of such order without the consent of the Warden endorsed on such instrument.

(2.) Nothing in this section shall prevent the holder of any mining privilege or any share or interest therein from himself executing any instrument to give effect to any order of the Court or Warden.

10. (1.) The time limited by subsection two of section seven of the Mining Amendment Act, 1919, is hereby extended to the thirty-first day of December, nineteen hundred and *twenty*, in cases where rock-drills are required for stoping and the Inspector of Mines certifies that the system of stoping in use in any mine requires the use of telescopic rock-drills.

Section 7 of Mining Amendment Act, 1919, amended.

(2.) The said subsection is hereby amended by adding the following words: "except in shafts or winzes or other places with respect to which a certificate under the hand of the Inspector of Mines is in force to the effect that there is sufficient water in the ground to prevent the formation of dust."

11. Section twenty of the principal Act is hereby amended as follows:—

Section 20 of principal Act amended.

(a.) By inserting, after the words "State Forests Act, 1908," the words "or the Scenery Preservation Act, 1908";

(b.) By inserting, after the words "forest lands," the words "or as reserves"; and

(c.) By adding the following proviso:—

"Provided also that no license or other mining privilege shall be granted over any land comprised in a reserve under the Scenery Preservation Act, 1908, without the consent of the Minister for the time being charged with the administration of that Act."

New.

12. (1.) Section seventy-six of the principal Act is hereby amended by omitting from subsection one the words "one specified mineral," and substituting the words "specified mineral or minerals."

Mineral prospecting warrants may be issued in respect of more than one mineral.

New.

(2.) Section seventy-eight of the principal Act is hereby amended by inserting, after the word "mineral," the words "or minerals."

(3.) Section eighty-two of the principal Act is hereby amended by omitting the words "other than that," and substituting the words "other than the mineral or minerals." 5

Section 236 of
principal Act
amended.

13. (1.) Section two hundred and thirty-six of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:— 10

"(a.) To carry on mining operations in any mine where more than twelve men are employed at any one time above ground, or where more than six men are employed below ground, unless such mine and operations are under the management and charge of a duly certificated mine-manager." 15

Consequential
repeal.

(2.) Section nineteen of the Mining Amendment Act, 1910, is hereby amended by repealing paragraph (k) thereof.