

[AS REPORTED FROM THE GOLDFIELDS AND MINES  
COMMITTEE]

House of Representatives, 9th September, 1948

Hon. Mr. McLagan

MINING AMENDMENT

ANALYSIS

Title.	5. Consent of Minister required to
1. Short Title and commencement.	grant of mining privilege
2. Royalty on mineral licences to	over land affected by coal-
be fixed by weight or	mining right.
quantity.	6. Hours of work underground not
3. Restricting right to renewal of	to exceed seven hours a day
mining licences.	or thirty-five hours a week.
4. Appointment of Wardens.	7. Repeal.

A BILL INTITULED

AN ACT to amend the Mining Act, 1926.

Title.

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

1. (1) This Act may be cited as the Mining Amend-  
ment Act, 1948, and shall be read together with and  
deemed part of the Mining Act, 1926 (hereinafter  
referred to as the principal Act).

Short Title  
and  
commencement.  
See Reprint  
of Statutes,  
Vol. V, p. 943

10 (2) This Act shall come into force on the *first* day  
of *January*, nineteen hundred and forty-nine.

2. (1) Section one hundred and six of the principal  
Act is hereby amended by omitting from paragraph (e)  
the words "being not less than one-hundredth nor  
15 more than one twenty-fifth of their value at the pit's  
mouth", and substituting the words "fixed by  
reference to their weight or quantity".

Royalty on  
mineral licences  
to be fixed  
by weight  
or quantity.

(2) The foregoing provisions of this section shall not apply with respect to any licence granted before the commencement of this Act.

Restricting  
right to renewal  
of mining  
licences.

3. (1) Section one hundred and seventy-six of the principal Act is hereby amended as follows:— 5

(a) By inserting, after paragraph (d) of subsection one, the following new ~~subsection~~ *paragraphs*:—

“(dd) A licence other than a business-site licence or a residence-site licence shall not be renewed, but if the holder so desires he may make a fresh application on the expiry of the licence and on the expiry of each successive licence. Every such application made on the expiry of the original licence (but not of any successive licence) shall have priority over all other applications in respect of the same area if— 10 15

“(i) The applicant has given notice in writing, not less than three days before the expiry of his licence, of his intention to apply for a new licence; 20

“(ii) The application is made not later than fourteen days after the expiry of the licence, and the land comprised therein has within that period been identified or marked out in such manner (if any) as may be required; and 25 30

“(iii) The Warden is satisfied that the applicant has satisfactorily carried out the terms and conditions of the expired licence: 35

*New*

“(ddd) Where a new water-race licence is granted to the holder of a water-race licence upon an application made on the expiry of the former licence, and the conditions set out in subparagraphs (i), (ii), and (iii) of paragraph (dd) hereof are fulfilled, the licensee's priorities and other rights in respect of the race and the water shall be the same under the new licence as they were under the former licence:” 40 45

- (b) By omitting from paragraph (e) of subsection one the words "any licence", and substituting the words "any business-site licence or residence-site licence".
- 5 (2) Section one hundred and seventy-seven of the principal Act is hereby amended by omitting from subsection four the words "receive a renewal of his licence", and substituting the words "apply for a fresh licence".
- 10 (3) The foregoing provisions of this section shall not apply with respect to any licence granted before the commencement of this Act.
4. Section nine of the principal Act is hereby amended by omitting the words "Order in Council",  
 15 and substituting the words "warrant under his hand".
5. Section one hundred and sixty-nine of the principal Act (as amended by section eighteen of the Mining Amendment Act, 1934), is hereby further amended by inserting in paragraph (y), after sub-  
 20 paragraph (ii), the following subparagraph:—  
 "(iii) If the application is for a mining privilege of any description affecting land which is the subject of a coal-mining right granted under the Coal-mines Act, 1925,—"
- 25 6. Section two hundred and sixty-five of the principal Act is hereby amended by omitting the words "eight hours", and substituting the words "seven hours".  
*Struck out*
- 30 and also by adding the following subsection as subsection two thereof:—  
 "(2) Every workman employed underground in a mine shall be paid overtime for every period during which he is employed underground in excess of thirty-five hours in any week."
- 35 7. Section two hundred and sixty-six of the principal Act is hereby repealed.

Appointment  
of Wardens.

Consent of  
Minister  
required to  
grant of mining  
privilege over  
land affected  
by coal-mining  
right.  
1934, No. 26

See Reprint  
of Statutes,  
Vol. V, p. 843

Hours of work  
underground  
not to exceed  
seven hours a  
day.

Repeal.