

MINING AMENDMENT BILL

EXPLANATORY NOTE

THE main purpose of this Bill is to allow prospecting and mining in national parks and scenic reserves on restricted conditions.

At present a national park situated in a mining district may be opened for prospecting or mining by the Governor-General by notice in the *Gazette*. There is no authority at present to open for prospecting or mining a national park that is outside a mining district.

The grant of a mining privilege in respect of land in a scenic reserve requires the consent of the Minister of Lands, but there is some doubt as to whether, in the case of a scenic reserve in a mining district, the reserve must first be opened for mining by the Governor-General, and, in the case of a scenic reserve outside a mining district, whether a mining privilege may be granted at all.

The Bill provides that land in a national park or scenic reserve (whether or not it is situated in a mining district) shall be available for prospecting or mining in accordance with the provisions of the principal Act, subject to the provisions of this Bill. The mining privileges that may be granted in respect of a national park or scenic reserve will not include a miner's right.

No such mining privilege may be granted except with the prior consent in writing of the Minister of Mines and the Minister of Lands. Before giving his consent the Minister of Lands must consult, in the case of a national park, with the National Parks Authority, and, in the case of a scenic reserve, with the administering body of that reserve.

The Minister of Mines and the Minister of Lands may consent subject to such terms and conditions as they think fit, and may grant their consent subject to terms and conditions restricting or limiting or excluding any rights that the holder of the mining privilege would otherwise have under the principal Act.

Clause 4 applies the appeal provisions of the Magistrates' Courts Act 1947 to appeals from the Warden's Court. Most of these provisions already apply and the only change effected by the amendment is to extend the time for giving notice of appeal and for appealing. These times will be the same as apply in appeals from the Magistrate's Court.

Hon. Mr Shand

MINING AMENDMENT

ANALYSIS

Title	63A. Prospecting and mining in national parks and scenic reserves
1. Short Title	3. Consequential amendments
2. New Part IIIA inserted in principal Act	4. Procedure on appeals from Wardens

A BILL INTITULED

An Act to amend the Mining Act 1926

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

1. Short Title—This Act may be cited as the Mining Amendment Act 1962, and shall be read together with and deemed part of the Mining Act 1926* (hereinafter referred to as the principal Act).

10 **2. New Part IIIA inserted in principal Act**—The principal Act is hereby amended by inserting, after Part III, the following new Part:

*1957 Reprint, Vol. 10, p. 1
Amendments: 1960, No. 72; 1961, No. 115

"PART IIIA

"PROSPECTING AND MINING IN NATIONAL PARKS AND SCENIC RESERVES

"63A. **Prospecting and mining in national parks and scenic reserves**—(1) In this section— 5

" 'Mining privilege' does not include a miner's right:

" 'National park' means a national park under the National Parks Act 1952:

" 'Scenic reserve' means a scenic reserve subject to Part IV of the Reserves and Domains Act 1953. 10

"(2) Notwithstanding anything in section 24 of this Act, but subject to the provisions of this section, all national parks and scenic reserves shall be subject to the provisions of this Act relating to mining on Crown lands.

"(3) Notwithstanding anything in this Act, no mining privilege in respect of any land in a national park or scenic reserve shall be granted except with the previous consent in writing of the Minister of Mines and the Minister of Lands. 15

"(4) Any consent by those Ministers may be granted subject to such terms and conditions as they think fit to impose, including, but without limiting the generality of the foregoing provisions of this subsection, terms and conditions restricting or limiting or excluding rights to which the holder of any such mining privilege would otherwise be entitled under this Act, and the terms and conditions so imposed shall have effect notwithstanding anything in this Act. 20 25

"(5) Before giving his consent to the granting of any such privilege, the Minister of Lands shall consult, in the case of land in a national park, with the National Parks Authority, and, in the case of land in a scenic reserve, with the administering body of that reserve. 30

"(6) All fees, rents, royalties, and other money received under this Act in respect of land in any national park or scenic reserve shall be paid into the Public Account, and such portion thereof as would be payable to local authorities as goldfields revenue if the land were Crown lands open for mining shall— 35

"(a) In the case of land in any national park, be paid to the National Park Board:

"(b) In the case of land in a scenic reserve, be paid to the administering body of the reserve. 40

“(7) The portion so payable to a National Park Board or to the administering body of a scenic reserve shall, where necessary, be determined by the Minister, whose decision shall be final.

5 “(8) Notwithstanding anything in this Act, the rights conferred by this Act on the holder of a miner’s right shall not be exercised in respect of any land in a national park or scenic reserve.”

10 **3. Consequential amendments**—(1) The principal Act is hereby further amended by repealing section 22 (as substituted by section 2 of the Mining Amendment Act 1953), and substituting the following section:

15 “22. (1) Notwithstanding anything in the Forests Act 1949, all Crown lands set apart thereunder as State forest land shall be subject to the provisions of this Act relating to mining on Crown lands:

20 “Provided that nothing in this subsection shall be construed to authorise the felling or removing of any timber upon or from State forest land within a mining district except under the provisions of the Forests Act 1949.

25 “(2) Every grant of a licence or other mining privilege over any State forest land shall be subject to the previous consent of the Minister of Forests, who may refuse his consent or grant it unconditionally or on such conditions as he thinks fit to impose.”

(2) The principal Act is hereby further amended by inserting in section 25, after the words “public reserve”, the words “(not being a national park or scenic reserve)”.

30 (3) Section 2 of the Mining Amendment Act 1953 is hereby repealed.

(4) Section 59 of the National Parks Act 1952 is hereby amended by repealing the proviso to subsection (1).

35 (5) Section 96 of the Reserves and Domains Act 1953 is hereby amended by omitting from the proviso to subsection (1) the words “and a scenic reserve subject to Part IV of this Act”.

4. Procedure on appeals from Wardens—(1) The principal Act is hereby amended by inserting, after section 367, the following section:

40 “367A. Sections 72, 73, 74, 75, and 76 of the Magistrates’ Courts Act 1947 shall, subject to section 11 of the Mining Act 1941 and with the necessary modifications, apply with respect to every appeal hereafter made under section 366 of this Act, and for that purpose references in those sections

to a Magistrate shall be read as references to the Warden, references to the Registrar of the Magistrate's Court as references to the Clerk of the Warden's Court, and references to the Magistrate's Court as references to the Warden's Court."

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(2) Subsection (1) of section 34 of the Mining Amendment Act 1934 and section 2 of the Mining Amendment Act 1935 are hereby repealed.

(3) Subsection (4) of section 125 of the Magistrates' Courts Act 1947 is hereby consequentially repealed.

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