

Hon. Mr. Rolleston.

RESERVES IN MINING DISTRICTS.

ANALYSIS.

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A BILL INTITULED

AN ACT to extend the operation of the Laws relating to Gold Fields to all Public Reserves situate within Mining Districts. Title.

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

1. The Short Title of this Act is "The Reserves in Mining Districts Act, 1882." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

"Mining District" means a district constituted under "The Gold-Mining Districts Act, 1873," or "The Mines Act, 1877," respectively:

"Public reserves" or "reserves" means respectively and includes all lands now or hereafter to be set apart for any of the purposes mentioned in the First Schedule to "The Public Reserves Act, 1851," whether or not the same respectively remain vested in Her Majesty:

"Trustees" means and includes all trustees, commissioners, governors, and others persons, whether incorporate or not, and all corporate bodies, local bodies, and public bodies of any sort, and in respect to reserves vested in Her Majesty means the Governor or a responsible Minister of the Crown:

"Warden" means the Warden for the mining district wherein a reserve is situate.

3. This Act shall not apply to any reserves made for the use, support, or education of aboriginal Natives, except with the sanction of the Governor in Council, who may grant such sanction, from time to time, in respect to certain Native reserves only, or to certain classes of Native reserves in particular, or to all Native reserves generally, as he shall think fit, and subject in any case to such conditions and restrictions as may appear to him just and proper. Native reserves excluded from Act except with sanction of Governor.

4. The Governor in Council may, from time to time, by Proclamation, declare that such portion of The laws relating to gold fields and to Wardens' Courts within the colony as he shall think fit shall come into have operation and be of full force and effect within any public reserve or any portion thereof, and may at any time alter or revoke any such Proclamation. Laws relating to gold fields and Wardens' Courts to operate within all public reserves.

From and after the date of any such Proclamation as aforesaid, such provisions of the laws aforesaid as shall be mentioned in such Proclamation shall have operation within any reserve so proclaimed, and which may be situated in any mining district, as if the same had never been reserved or granted.

Every holder of a miner's right or business license may exercise the same respectively over the aforesaid lands, subject to the provisions of this Act and of "The Gold-Mining Districts Act, 1873," and "The Mines Act, 1877," and of any regulations made thereunder.

Governor in Council may make by laws for regulating mining on public reserves.

5. The Governor in Council may from time to time make special regulations for facilitating mining on public reserves, and for hearing and determining suits in Wardens' Courts in connection with same, where any existing regulations made under "The Gold-Mining Districts Act, 1873," or "The Mines Act, 1877," are not adapted to the circumstances of the case, and may alter, vary, or repeal the same respectively. 5 10

Such regulations shall have the same force and effect as if made under the provisions of the aforesaid Acts, respectively.

Protection of constructed works.

6. Nothing in this Act contained,—

(1.) Shall empower any person to interfere in any way whatsoever with any works already constructed or that may be hereafter constructed by the Governor or any persons or trustees within and upon any public reserve. 15

Saving of existing mining rights.

(2.) Shall detrimentally affect any rights heretofore granted by the Warden upon any such reserve; and all rights existing at the time of the coming into operation of this Act, and not being in any way injurious to the works upon the reserve, and the owners of which comply with any regulation hereafter to be made by the Governor in Council under the authority of this Act, shall be considered to be and be treated as rights granted under the provisions of this Act. 20 25

Scale of fees to be charged.

7. The scale of fees to be charged in respect of the occupation, for mining or other purposes, of public reserves or any portion of the said lands shall be the same as those fixed by "The Gold-Mining Districts Act, 1873," or "The Mines Act, 1877," and regulations made thereunder. 30

Appropriation.

All moneys arising therefrom shall be paid into the public account, and shall be paid out therefrom in the manner and the proportion which the Warden of the district wherein such moneys respectively arise shall determine in each case; and his decision shall be final. 35

Adjustment of revenue as betwixt local bodies.

8. ~~In adjusting the proportion of fees to be distributed as aforesaid, the Warden shall estimate a certain portion of such fees as Gold Fields revenue, and the remainder as to~~ *The Warden shall estimate the amount of all moneys derived from any public reserve under authority of this Act which would be payable as gold-fields revenue to local bodies if there were no such public reserve, and such amount shall be paid to the persons or trustees respectively to whom or in whom the reserve, in respect of which the fees such moneys accrued, is granted or vested.* 40

Saving.

Title of beneficiaries of reserves.

9. Nothing in this Act contained shall affect—

(1.) The title of the persons or trustees to whom or in whom respectively any public reserve has been granted or vested; 45

Existing leases, contracts, &c.

(2.) Any leases, licenses, contracts, or agreements lawfully made and existing at the time of the coming into operation of this Act;

Kumara Education Reserve Act.

(3.) Any of the provisions of "The Kumara Education Reserve Act, 1879," which shall continue in force as if this Act had not been passed. 50