

New Zealand.



ANALYSIS.

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Repeals. 5. Inspector may summarily stop mining operations in case of immediate danger. 16. Men to be withdrawn where danger from noxious gases exists. 17. Official inquiries as to accidents. 18. Penalties and application thereof. 19. Appliances to be provided by owners. 20. Procedure for recovery of fines. | <ol style="list-style-type: none"> 21. Section 359 of principal Act amended. Section 360 of principal Act amended. Section 361 of principal Act amended. Section 362 of principal Act amended. 22. Section 362 of principal Act further amended. 23. Section 409 of principal Act amended. 24. Duty of Inspectors to institute proceedings. 25. Regulations. 26. Application of section 393 of principal Act. 27. Section 8 of Amendment Act, 1911, amended. 28. Qualifications of Inspectors of Mines. 29. Annual medical examination of winding-engine drivers. 30. Power of Registrar to revise the register of mining privileges. 31. Condition to be inserted in mineral-oil licenses giving to Crown the right in priority to purchase output. 32. Authorizing reduction of rent in certain cases in respect of mining privileges. 33. Protection of mining privileges in time of war or industrial strike. 34. Section 16 of Mining Amendment Act, 1910, amended. 35. Section 7 of Mining Amendment Act, 1910, amended. |
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1914, No. 62.

AN ACT to amend the Mining Act, 1908.

[5th November, 1914.]

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, 1914, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act). **Short Title.**

2. Section forty-three of the principal Act is hereby amended by omitting the words "twenty-one years" (where they first occur), and substituting the words "forty-two years." **Section 43 of principal Act amended.**

Section 72 of
principal Act
amended.

3. Section seventy-two of the principal Act is hereby amended by inserting after paragraph (g) the following paragraph:—

“(gg.) An application under the last preceding paragraph shall have priority over all other applications in respect of the same area if—

“(i.) The applicant has given notice in writing, not less than fourteen days before the expiry of his warrant or license, of his intention to apply for a new warrant or license;

“(ii.) The application is made not later than seven days after the expiry of the warrant or license, and the land comprised therein has within that period been identified or marked out as required in the case of an application under paragraph (b) or paragraph (c) hereof; and

“(iii.) The Governor or Warden, as the case may be, is satisfied that the applicant has satisfactorily engaged in prospecting operations under the expired warrant or license.”

Section 138 of
principal Act
amended.

4. Section one hundred and thirty-eight of the principal Act is hereby amended by omitting paragraph (c), and substituting the following paragraph:—

“(c.) In the case of a special site, to use the site as a battery-site, a machine-site, a site for the deposit or treatment of gold or tailings, a site for any of the purposes for which a water-race license may be granted, or a site for any other purpose specified in the license.”

Section 234 of
principal Act
amended.

5. Section two hundred and thirty-four of the principal Act is hereby amended by omitting the words “such experience being in the case of a candidate for a mine-manager’s certificate not less than five years’ actual employment in the underground workings of a mine,” and substituting therefor the following words: “such experience being not less than four years’ actual employment in the underground workings of a mine in the case of a candidate for a mine-manager’s certificate who is the holder of the degree of Bachelor of Engineering (Mining) conferred by the New Zealand University, or of the Diploma of Associate of the Otago School of Mines in mining, nor less than five years’ actual employment in such workings in the case of any other candidate for a mine-manager’s certificate.”

Misfires.

6. (1.) Section two hundred and fifty-four of the principal Act is hereby amended by omitting from subparagraph (j) of paragraph (3) the words “three hours have,” and substituting the words “two hours have.”

(2.) In the case of electric firing no workman shall be permitted to return to a misfire within half an hour thereafter.

Section 254 of
principal Act
amended.

7. Section two hundred and fifty-four of the principal Act is hereby amended as follows:—

(a.) By repealing paragraph (24), and substituting the following paragraphs:—

“(24.) Before any winding-rope is used for raising or lowering persons in a mine a full and accurate description of the rope shall be supplied to the Inspector, and his

authority in writing to use the rope for the said purpose shall be obtained.

“(24A.) Every winding-rope shall be recapped at intervals of not more than four months, and no winding-rope which has been in use for more than three and a half years, or has been spliced, shall be used for raising or lowering persons in a mine.”

- (b.) By adding to paragraph (26) the following words: “Such appliances shall be maintained to the satisfaction of the Inspector of Mines at all times while the machine is in use”;
- (c.) By repealing paragraph (28), and substituting the following paragraph:—
“(28.) Spring catches, or automatic or self-acting doors, or tumblers of a suitable kind shall be affixed to the pit-head frame below the pulleys of every shaft in which a cage is used, to prevent the fall of such cage when detached from the rope or chain”; and
- (d.) By omitting from paragraph (44) the words “or other competent person appointed for such purpose,” and substituting the words “or some other person appointed by him for the purpose, with the approval in writing of the Inspector of Mines for the district in which the mine is situated.”

8. The following additional general rules shall be observed in every mine, and shall be deemed to be incorporated in section two hundred and fifty-four of the principal Act:—

Additional general rules.

- (a.) No person engaged on or in close proximity to dredging or other mining machinery shall wear loose or flowing outer clothing.
- (b.) The fuse known as instantaneous fuse shall not be used at or in any mine.
- (c.) Every working-place in any underground mine where rock-drills are in use shall be furnished to the satisfaction of the Inspector with an adequate water-blast or other suitable appliance for laying the dust, smoke, and gases after a blast; and no workman shall be permitted to return to an end, rise, winze, or other close place until the air is reasonably free from dust, smoke, and fumes caused by the blast.
- (d.) Where water is required to be used for the laying of dust it shall be the duty of the owner to provide and maintain a sufficient supply of water in the mine for that purpose.
- (e.) In connection with every shaft in which men are raised or lowered by machinery there shall be appointed a brace-man and a chamberman who shall have joint control of the top and of all the chambers of the shaft, and shall regulate the descent and ascent of persons in the shaft. Every person appointed under this paragraph must be experienced in the work for which he is appointed and be not less than twenty-one years of age. Every person, not being a braceman or a chamberman appointed under

this paragraph or other person authorized by the manager, commits an offence who gives any signal for the moving of any cage in which men are being raised or lowered.

Print of sections
to be exhibited.

9. A printed copy of the two last preceding sections shall be posted in the office or on some building or board in a conspicuous place in connection with every mine.

Section 258 of
principal Act
amended.

10. (1.) Section two hundred and fifty-eight of the principal Act is hereby amended by omitting from paragraph (a) all words after the words "two chains" down to and including the words "authorized surveyor," and substituting therefor the following: "by a mine-manager holding a first-class certificate of competency, by the holder of a diploma in land and mining surveying issued by the Otago University or the University of New Zealand, or by a licensed surveyor under the Surveyors' Institute and Board of Examiners Act, 1908."

(2.) The said section is hereby further amended by inserting after paragraph (a) the following new paragraph:—

"(aa.) The said plan shall be signed and dated by the person who made the same; and, if more than one survey is shown on the said plan, each survey shall be distinctively indicated, and shall be separately signed and dated as aforesaid."

(3.) Section nineteen of the Mining Amendment Act, 1910, is hereby amended by repealing so much of paragraph (r) thereof as relates to paragraph (a) of section two hundred and fifty-eight of the principal Act.

Bathhouses to be
provided.

11. (1.) Subject as hereinafter provided, bathhouses supplied with hot and cold water and of a design prescribed by regulations shall be erected and maintained by the owner at every mine for the use of workmen and other persons employed therein:

Provided that this section shall not apply to mines in which not more than ten men are employed, or to open alluvial mines.

(2.) The owner shall not be compelled to erect bathhouses until a vote of the workmen working underground in the mine has been taken, nor unless at least seventy-five per centum of the men where the number is twenty or under, at least fifty per centum where the number is over twenty but not over fifty, and at least thirty per centum where the number is over fifty, vote in favour of the erection of bathhouses.

(3.) If in the opinion of the mine-manager sufficient use is not made of the baths, he may give notice to the workmen's inspectors that he proposes to take a tally of the men using the baths within a period of one month, and if it is found that the total number using the baths is on the average less than twenty per centum of the men employed underground, it shall be optional with the mine-manager whether he keeps the baths open or not.

(4.) If the baths are closed under the powers of the last preceding subsection, no vote shall be taken to reopen the same for at least three months.

(5.) If a tally is taken under subsection three hereof by the mine-manager, full facilities shall be given to the workmen's inspectors to take a similar tally over the same period.

12. In each underground mine latrine accommodation shall be provided and maintained as prescribed by regulations, both underground and on the surface, at or near the entrance of the mine, but not in the line of the intake airway.

Latrine
accommodation.

13. Section two hundred and sixty-one of the principal Act is hereby amended as follows:—

Section 261 of
principal Act
amended.

(a.) By omitting from paragraph (a) the words “and to the Warden”; and

(b.) By omitting from paragraph (b) the words “who shall report on the same to the Warden.”

14. (1.) Where workmen are employed in a mine or any of the workmen so employed are members of a society formed in connection with the mining industry, such workmen or society may at their own cost appoint any two persons (whether employed in the mine to be inspected or not) to inspect the mine; the persons so appointed must have had at least five years' practical experience as miners; but no discharged employee of the mine shall be so appointed except with the consent of the manager of the mine. In the event of such consent being withheld the matter shall be referred to the Warden, whose decision shall be final.

Workmen may
require mine to be
inspected.

(2.) The persons so appointed (hereinafter referred to as the workmen's inspectors) shall have full liberty to make an inspection of every part of the mine, and its machinery and workings, once in every month.

(3.) In addition to the right of inspection provided in the last preceding subsection, the workmen's inspectors shall have full liberty to make an inspection as aforesaid at all reasonable times on receiving notice from two or more workmen employed in the mine that the mine is in their belief in a condition dangerous to life, and stating the grounds of such belief:

Provided that before the workmen's inspectors exercise the additional right of inspection hereby given they shall first notify the mine-manager in writing under their hands of their intended inspection, and of the time thereof, and of the reason for making the same.

(4.) The mine-manager or other person appointed by him may accompany the workmen's inspectors on any such inspection, and shall give them full and free facilities for the inspection.

(5.) The persons so appointed shall forthwith make a full and accurate report in writing under their hands of the result of their inspection, and shall immediately thereafter furnish a copy of such report to the mine-manager, who shall cause the same to be recorded in a book to be kept for the purpose at the office of the mine; and if the report is to the effect that the mine or any part thereof is in a condition dangerous to life, or that any dangerous practice exists in the working of the mine, the mine-manager shall forthwith furnish a copy of the report to the Inspector. If such inspection occupies more than one day, a separate report as aforesaid shall be made for each day of such inspection.

(6.) On any such inspection the workmen's inspectors may, if they report as aforesaid that the mine or any part thereof is dangerous to life, by notice in writing under their hands, request the mine-manager to cease work in the mine or dangerous part, or

to withdraw the men therefrom and remedy any dangerous condition, or to discontinue any dangerous practice referred to in the report.

(7.) If the mine-manager fails to comply with such notice within a reasonable time, the workmen's inspectors may forward to the Inspector a copy of their report, and request him to withdraw the men from the mine or dangerous part, or to have the dangerous practice discontinued.

(8.) If on the information of the Inspector it is proved to the satisfaction of the Court that the mine or part thereof was dangerous at the time of the inspection by the workmen's inspectors, or that a dangerous practice then existed, and that the mine-manager failed, without reasonable excuse, to comply with the request of the workmen's inspectors, he shall be deemed guilty of an offence under this Act.

(9.) All books in which any such report as aforesaid is recorded shall at all reasonable times be open for the inspection of the Inspector, or of any workman employed in the mine, or of any officer of the said society, and any such person may take copies or extracts from the reports recorded therein.

(10.) The persons so appointed shall, while making any inspection for the purposes of this section, be deemed to be workers employed by the owner of the mine within the meaning of the Workers' Compensation Act, 1908.

Repeals.

(11.) Section two hundred and sixty-four of the principal Act, paragraph (s) of section nineteen of the Mining Amendment Act, 1910, and section seven of the Mining Amendment Act, 1911, are hereby repealed.

Inspector may summarily stop mining operations in case of immediate danger.

15. (1.) Where in the opinion of the Inspector a mine or any part thereof, or any practice therein, is immediately dangerous to life he may, by notice in writing addressed in general terms to the person for the time being in charge of the mine and delivered at the mine, require such person to withdraw the workmen from such mine or part thereof (except such workmen as are required to effect the necessary work to put the same in safe condition), or to discontinue the said practice; and mining operations shall not, save in pursuance of an order made by the Warden under this section, be resumed in the mine or the said part thereof, as the case may be, until the Inspector has certified in writing under his hand that the mine, or such part thereof as aforesaid, has been made safe to his satisfaction, or that such practice has been discontinued.

(2.) The person for the time being in charge of the mine shall immediately upon the said notice coming to his knowledge take active steps to comply with the same, in default whereof he shall be liable to a fine not exceeding one hundred pounds.

(3.) Any owner, agent, mine-manager, or person in charge of a mine who directs or wilfully allows mining operations or any practice to be resumed or continued in breach of this section shall be liable to a fine not exceeding one hundred pounds for every day or part of a day on or during which such operations or practice shall be resumed or continued.

(4.) The Inspector shall forthwith, after giving such notice as aforesaid, send a copy thereof to the Minister and report to him in writing his reasons for giving the notice.

(5.) If the owner objects to comply with the terms of the notice, he may, within seven days after the delivery thereof to the person for the time being in charge of the mine, as provided in subsection one hereof, send his objections in writing, stating the grounds of his objections, to the Warden, and shall also send a copy of the same to the Inspector, who shall report on the same to the Warden.

(6.) The Warden shall fix a time for the hearing of the objections, and shall cause notice to be given to the owner and to the Inspector of the time so fixed.

(7.) On the hearing the Warden may by order confirm, reverse, or modify the notice as he thinks fit, and such order shall be final and binding on all parties.

(8.) Until an order is made by the Warden under the last preceding subsection the said notice shall have full effect, and mining operations shall be suspended in the mine or such part thereof as aforesaid, unless the Inspector has previously given a certificate under subsection one of this section.

(9.) Without prejudice to the liability of the aforesaid penalties, jurisdiction is hereby given to the Supreme Court to restrain any breach or threatened breach of this section by injunction at the instance of the Inspector, and to make such order in the matter as to costs and otherwise as it thinks fit.

(10.) No person shall be deemed to be precluded by any contract or agreement from doing such acts as may be necessary to comply with any of the provisions of this section, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.

16. (1.) If at any time the person for the time being in charge of the mine or any part thereof has reason to believe that by reason of the prevalence of noxious gases, or of any cause whatever, the mine or any place in the mine is dangerous, he shall withdraw every workman from the mine or such place, and shall inspect or cause some competent person to inspect the mine or place, and the person inspecting shall make a full and accurate report of the condition of the mine or place; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine or place until the same is reported by the person in charge, or some competent person authorized by him in that behalf, not to be dangerous.

Men to be
withdrawn where
danger from
noxious gases exists.

(2.) Every such report as mentioned in the last preceding subsection shall be recorded in a separate book kept at the mine, and shall be signed by the persons who made the inspection and reported that the danger no longer existed.

(3.) If a workman discovers the presence of noxious gas in his working-place, he shall immediately withdraw therefrom and inform the shift-boss.

17. Section two hundred and sixty-six of the principal Act is hereby amended by repealing subsection four thereof, and substituting the following subsection:—

Official inquiries as
to accidents.

“(4.) The inquiry shall be held before a Court consisting of the Warden sitting with two Assessors (appointed by the Warden), one of whom shall be the holder of a first-class certificate as a

mine-manager and who has been actually engaged as such, and the other shall be a workman selected by a society of workmen formed in connection with the mining industry."

Penalties and application thereof.

18. The provisions of sections two hundred and seventy-five and two hundred and seventy-six of the principal Act shall extend and apply to offences under this Act with respect to the working, regulation, or inspection of mines.

Appliances to be provided by owners.

19. All appliances, works, and structures required by the principal Act or this Act to be provided or constructed in or at mines or any mine shall be provided or constructed, kept in good repair and condition, maintained, and, when necessary, renewed by the owner.

Procedure for recovery of fines.

20. Section three hundred and ten of the principal Act shall apply to the case of the recovery of fines imposed by this Act or by any regulations thereunder, and the provisions of the said section shall, *mutatis mutandis*, apply accordingly.

Section 359 of principal Act amended.

21. (1.) Section three hundred and fifty-nine of the principal Act is hereby amended by repealing subsections one and two, and by substituting the following subsection:—

"(1.) If, after considering the documents and evidence so supplied by the applicant company, and all evidence and reports relating thereto, the Minister considers that the application is satisfactory, he may, in the name and on behalf of His Majesty, enter into an agreement with such company undertaking that he will, subject to this Act, advance by way of loan to such company any sum or sums not exceeding in the whole the amount of ten thousand pounds."

(2.) The said section is hereby further amended by omitting the words "of Finance" after the word "Minister" in subsections four and five.

Section 360 of principal Act amended.

(3.) Section three hundred and sixty of the principal Act is hereby amended by omitting the words "of Finance" after the word "Minister" wherever those words occur.

Section 361 of principal Act amended.

(4.) Section three hundred and sixty-one of the principal Act is hereby amended—

(a.) By omitting from subsection one the words "to the Minister of Finance"; and

(b.) By omitting from subsection two the words "of Finance" after the word "Minister."

Section 362 of principal Act amended.

(5.) Section three hundred and sixty-two of the principal Act is hereby amended by omitting the words "Minister of Finance" wherever those words occur, and substituting the word "Minister"; and by omitting the words "Minister of Mines," and substituting the word "Minister."

Section 362 of principal Act further amended

22. Section three hundred and sixty-two of the principal Act is hereby further amended by inserting after paragraph (f) the following paragraph:—

"(ff.) In any case where the Minister or a person on his behalf has entered into possession under this section no mining privilege held by or on behalf of the Minister by reason of such entry shall be liable to forfeiture for any cause whatsoever."

23. Section four hundred and nine of the principal Act is hereby amended by omitting from subsection two the words "was received," and substituting the word "accrued."

Section 409 of principal Act amended.

24. It shall be the duty of Inspectors to prosecute all persons who are reasonably believed to have committed any serious breach of any provision of the principal Act, or of this Act, or of any regulation made thereunder respectively, unless in any particular case the Inspector is satisfied that the appropriate proceedings in respect of the same breach have been instituted and are being duly carried on by some other person empowered in that behalf:

Duty of Inspectors to institute proceedings.

Provided always that no person shall be punished twice for one and the same offence.

25. (1.) In addition to other regulations authorized to be made under the principal Act or this Act, the Governor may from time to time make regulations—

Regulations.

- (a.) Providing for the issue of certificates of competency and service for managers of alluvial mines, and applying the provisions of section two hundred and thirty-five of the principal Act to the case of corresponding certificates granted outside New Zealand:
- (b.) Requiring adequate ventilation in mines, and classifying mines in relation to the amount of noxious gases therein and to temperature, and providing for the measuring and distributing of air in mines, and compelling the use of mechanical ventilating appliances:
- (c.) Prescribing, for the purposes of ventilation, the method of putting up and the height of rises, and the carrying-up of air-passes in stopes:
- (d.) Prescribing the designs of bathhouses and sanitary appliances at mines, and regulating the construction, maintenance, equipping, control, and use thereof respectively:
- (e.) Providing for the supply and maintenance of fire-extinguishing appliances, and of appliances for use in rescue-work, and for the formation and training of rescue brigades, and providing also for the supply and maintenance of ambulance appliances at mines and the training of men in ambulance-work:
- (f.) Providing for the installation of telephone communication between mines and the nearest place where medical assistance is obtainable:
- (g.) Regulating the depasturing of stock upon lands within mining districts, and the number of cattle which may be run thereon by holders of miners' rights or by other persons, and for the issue of depasturing licenses, and fixing the fees payable therefor:
- (h.) Imposing penalties upon the owners of horses, cattle, sheep, or other animals illegally depasturing on such lands, and providing for the recovery from such owners, in addition to any other penalty, of the cost of removing such animals from the said lands.

(2.) All penalties recovered pursuant to regulations under paragraph (f) or paragraph (g) of the last preceding subsection shall be

paid to the local authority of the district in which the lands depastured on are situated, or, if the said lands are under the control of any Board or Trustees, shall be paid to the said Board or Trustees.

Application of section 393 of principal Act. Section 8 of Amendment Act, 1911, amended.

26. Section three hundred and ninety-three of the principal Act shall apply to all regulations made under this Act.

27. Section eight of the Mining Amendment Act, 1911, is hereby amended by omitting all words after the word "Board" (where it first occurs) down to and including the word "quorum," and substituting the following words: "the Inspecting Engineer of the Mines Department, the Inspector of Mines for the district to which the application relates, and one other person to be appointed by the Minister as the occasion requires."

Qualifications of Inspectors of Mines.

28. Every Inspector of Mines hereafter appointed shall be the holder of a first-class mine-manager's certificate.

Annual medical examination of winding-engine drivers.

29. (1.) Notwithstanding anything in section nine of the Mining Amendment Act, 1910, a winding-engine driver shall not be employed or continue to be employed as a winding-engine driver at a mine unless he produces or has produced to the mine-manager a written certificate by a registered medical practitioner to the effect that he has within a year last past been medically examined by the said medical practitioner, and that on such examination he was found to be free from heart-weakness, liability to fits, defective hearing, and defective vision, or from any of the said defects.

(2.) Every winding-engine driver employed at a mine shall at any time, on request by the Inspector, produce to the Inspector a medical certificate under this section.

(3.) The owner shall pay the cost of every such examination and certificate made or given while the winding-engine driver is employed at the mine of such owner; the fee for such examination shall be one guinea.

Power of Registrar to revise the register of mining privileges.

30. (1.) Where the Registrar has reasonable cause to believe that a registered mining privilege is not in operation, he shall send to the registered holder thereof by post a letter inquiring whether the mining privilege is in operation.

(2.) If within one month after sending the letter the Registrar does not receive any answer thereto, he shall, within fourteen days after the expiration of such month, send to the registered holder by post a registered letter referring to the first letter, and stating that no answer thereto has been received by him, and that if an answer is not received to the second letter within one month from the date thereof a notice will be published in the *Gazette* with a view to striking the mining privilege off the register.

(3.) If the Registrar either receives an answer from the registered holder to the effect that the mining privilege is not in operation, or does not within one month after sending the second letter receive any answer thereto, the Registrar may publish in the *Gazette* and send to the registered holder a notice that at the expiration of three months from the date of that notice the mining privilege mentioned therein will, unless cause is shown to the contrary, be struck off the register.

(4.) At the expiration of the time mentioned in the notice the Registrar may, unless cause to the contrary is previously shown by

the registered holder, strike the mining privilege off the register, and shall publish a notice thereof in the *Gazette*.

(5.) If the registered holder or any other person feels aggrieved by the mining privilege having been struck off the register in pursuance of this section he may apply to the Warden, and the Warden, if satisfied that it is just so to do, may order the mining privilege to be restored to the register.

(6.) A letter or notice authorized or required for the purposes of this section to be sent to a registered holder may be sent by post addressed to him at his registered address.

31. In every license or warrant hereafter to be issued authorizing mining on Crown lands for petroleum or other mineral oil the following condition or a condition to the like effect shall be inserted, namely:—

Condition to be inserted in mineral oil licenses giving to Crown the right in priority to purchase output.

“The Government of the Dominion of New Zealand, or His Majesty’s Imperial Government, or the agents or representatives of the said Governments, shall at all times upon giving reasonable notice to the licensee, or without prior notice in time of emergency or of war with the forces of the said Dominion or Imperial Governments by land or sea, have the right in priority of all other persons or companies, and notwithstanding any contracts that may have been made by the licensee and are then subsisting for the supply of oil-fuel or other products of the said works, to purchase at current rates the whole or any portion of the output of the said works and mines. The Government of the Dominion of New Zealand shall, in time of war with the forces of the said Government or of His Majesty’s Imperial Government by land or sea, have the right at any time, upon not less than twenty-four hours’ notice, to take over from the licensee the whole working, management, and control of the licensee’s mines, workings, refineries, plant, buildings, and appliances, and to operate and use the same in such manner and for such period as it deems necessary, subject to payment to the licensee of the value of the output of the same at current rates, deducting the ordinary costs of working, but allowing to the licensee reasonable payment for interest on the value of the plant, mines, buildings, and appliances during such period, and for depreciation, wear-and-tear, or damage thereto, except such as may arise from the acts of the King’s enemies.”

32. (1.) Notwithstanding anything in the principal Act, the Minister may, in his discretion, on the recommendation of the Warden, direct, by order in writing under his hand, that the rent payable in respect of any mining privilege shall, during such period as the Minister determines, be reduced to such sum as he thinks fit.

Authorizing reduction of rent in certain cases in respect of mining privileges.

(2.) The Minister may also in like manner direct that the labour conditions prescribed by regulations shall be suspended or modified in respect of any mining privilege for such time and to such extent as he thinks fit.

(3.) No order under this section shall be made or have effect at any time if gold or other material in respect of which the mining privilege was taken up is being obtained.

Protection of mining privileges in time of war or industrial strike.

33. Notwithstanding anything in the principal Act, the Minister, on the recommendation of the Warden, may, if he is satisfied—

(a.) That the holder of any mining privilege has used all reasonable efforts to procure the necessary plant and appliances for the working of the mining privilege, but has, by reason of the existence of a state of war or a strike, been unable and is still unable to procure the same; or

(b.) That, by reason of the existence of a state of war or a strike as aforesaid, any metal or mineral in respect of which the privilege was granted is not able to be disposed of at a fair market value,—

grant protection of such privilege for such period as he thinks necessary, and may extend such grant or make further grants for such further periods as he considers to be rendered necessary by reason of such war or strike.

Section 16 of Mining Amendment Act, 1910, amended.

34. (1.) Notwithstanding anything in section sixteen of the Mining Amendment Act, 1910, duty shall not be payable under that section on gold produced by alluvial mining or dredge mining.

(2.) The Governor may from time to time, by Order in Council gazetted, make regulations for giving effect to this section.

Section 7 of Mining Amendment Act, 1910, amended.

35. Subsection one of section seven of the Mining Amendment Act, 1910, is hereby amended by striking out, after the word "men," the words "at any one time."