

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">LANDS AND MINES SUBJECT TO THIS ACT.</p> <p>2. Unalienated Crown lands may be set apart.</p> <p>3. Land Board to ascertain whether land contains coal before disposing thereof.</p> <p>4. Lands set apart or resumed to be dealt with under Act. Power to lease until required.</p> <p style="text-align: center;">STATE COAL-MINES.</p> <p>5. Minister may open and work coal-mines.</p> <p>6. Powers of Minister for carrying on coal-mining.</p> <p>7. Powers of Minister in respect of transport of coal.</p> <p>8. When coal-mine resumed, owner's contracts transferred to Minister.</p> <p>9. Every resumption subject to approval of Parliament.</p> <p>10. Power to raise moneys.</p> <p>11. Authority for lending moneys.</p> <p>12. Security for persons lending moneys.</p> | <p>13. Debentures may be issued as security. Provisions relating to debentures.</p> <p style="text-align: center;">ACCOUNTS.</p> <p>14. Accounts to be kept as to each coal-mine, and balance-sheet prepared.</p> <p style="text-align: center;">APPLICATION OF PROFITS.</p> <p>15. Purposes for which net surplus profits to be applied.</p> <p>16. Price of coal may be reduced if profits exceed 5 per cent.</p> <p style="text-align: center;">MISCELLANEOUS.</p> <p>17. Mines to be worked subject to "The Coal-mines Act, 1891."</p> <p>18. Industrial awards to apply to State coal-mines in certain cases.</p> <p>19. Moneys payable to be appropriated.</p> <p>20. Provisions as to Westport and Greymouth Harbour Boards.</p> <p>21. Regulations.</p> |
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1901, No. 47.

AN ACT to enable His Majesty to acquire and work Coal-mines in New Zealand. Title.
[7th November, 1901.]

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 State Coal-mines Act, 1901"; and it shall form part of and be read together with "The Coal-mines Act, 1891" (hereinafter called "the principal Act"). Short Title.

LANDS AND MINES SUBJECT TO THIS ACT.

2. The Governor may from time to time by notice in the *Gazette* set apart for the purposes of this Act any unalienated Crown lands which in his opinion contain coal, or may be required for coal-mining operations under this Act. Unalienated Crown lands may be set apart.

3. It shall be the duty of every Land Board, or other authority charged with the sale or other disposal of Crown lands, to ascertain before such sale or disposal whether the same contain coal, and, if they do, to report the fact to the Governor, and not to sell or otherwise dispose of the lands without the consent of the Governor. Land Board to ascertain whether land contains coal before disposing thereof.

Lands set apart or resumed to be dealt with under Act.

4. (1.) All lands set apart as aforesaid, and all lands and mines resumed or acquired under the provisions of sections fifty-nine and sixty of the principal Act, shall be deemed to be subject to this Act, and shall be held and dealt with thereunder and not otherwise.

(2.) The Governor may from time to time, by notice in the *Gazette*, exempt any of the said lands or mines from the operation of this Act, and thereupon the lands or mines so exempted shall cease to be subject to this Act, and shall be disposed of as the Governor directs.

Power to lease until required.

(3.) The Governor may permit any lands subject to this Act to be disposed of by way of lease under "The Land Act, 1892," subject to the condition that the lease may be determined at any time by the Governor without compensation to the lessee, in the event of the land being required for coal-mining purposes under this Act:

Provided that with respect to the lands comprised in the First, Second, and Third Schedules to "The Westland and Nelson Coal-fields Administration Act, 1877," subsection one of section forty-four of "The Mining Act, 1898," shall apply.

STATE COAL-MINES.

Minister may open and work coal-mines.

5. Subject to the provisions of this Act, it shall be lawful for the Minister, on behalf of His Majesty, to open and work coal-mines on land subject to this Act, and to work coal-mines subject to this Act, and generally to carry on the business of coal-mining in all its branches.

Powers of Minister for carrying on coal-mining.

6. For the purposes of the last preceding section the Minister, on behalf of His Majesty, may from time to time, in such manner and on such terms as he thinks fit,—

- (1.) Appoint managers, engineers, agents, workmen, and servants; and
- (2.) Construct, erect, or by purchase, lease, or otherwise acquire buildings, plant, machinery, railways, tramways, hulks, ships, and other fixed or movable appliances or works of any description, and sell or otherwise dispose of the same when no longer required; and
- (3.) After State requirements have been provided for, sell, supply, and deliver coal and other products the result of coal-mining operations; and
- (4.) Enter into and enforce contracts and engagements; and
- (5.) Generally, in so far as is not elsewhere in this Act sufficiently provided for, do anything that the owner of a coal-mine might lawfully do in the working of the mine, or that is authorised by regulations under this Act.

Powers of Minister in respect of transport of coal.

7. In addition to the powers conferred on the Minister by the last preceding section he may, in such manner as he thinks fit, work any tramway, hulk, ship, or other movable appliance acquired by him under that section for the purpose of supplying and delivering coal.

When coal-mine resumed, owner's contracts transferred to Minister.

8. In every case where a coal-mine is resumed or acquired under the provisions of the principal Act, all the owner's contracts and engagements then in force relating to the mine or its operations, or the output or supply of coal therefrom, shall, except in so far as is otherwise agreed on between the owner and the Minister, be deemed

to be transferred to His Majesty by force of this Act, without the necessity of any instrument of transfer, assignment, or other assurance, and the benefit and burden thereof shall accordingly pass to and devolve upon the Minister on behalf of His Majesty:

Provided that the owner shall from time to time execute all such instruments as the Minister deems necessary for the purpose of giving fuller effect to the statutory transfer created by this section.

9. Section sixty of the principal Act is hereby amended by repealing all the words from and including "Provided that" to the end of the section; and in lieu thereof it is hereby declared that every resumption of land under section fifty-nine and every contract under section sixty of the principal Act shall be subject to the approval of Parliament, and for that purpose the following provisions shall apply:—

Every resumption subject to approval of Parliament.

(1.) Full particulars of such resumption or contract shall, within ten days after the same is decided on, be laid before Parliament if sitting, or, if not, then within ten days after the commencement of the next-ensuing session.

(2.) Such resumption or contract shall not be proceeded with unless a resolution approving the same is, within thirty days after the presentation of such particulars to Parliament, passed by the House of Representatives, and such resolution, if passed, is not, within ten days after the same has been communicated to the Legislative Council by the House, negatived by resolution of the Council.

10. In order to provide funds for the payment of all compensation or purchase-moneys payable in respect of any resumption or contract as aforesaid which has been approved by Parliament, or for the construction, erection, or acquisition of buildings, plant, machinery, railways, tramways, hulks, ships, or other appliances or works required for the working of any mine under this Act, or for the supply of coal therefrom, the Colonial Treasurer, upon being authorised by the Governor in Council so to do, may from time to time raise any sum or sums not exceeding in the whole the sum of one hundred and fifty thousand pounds from any balances in any of the accounts mentioned in Part VIII. of "The Public Revenues Act, 1891," or from any moneys to the credit of the Public Works Fund, or from any bank, monetary institution, or person.

Power to raise moneys.

11. This Act shall be a sufficient authority to the officers having the custody or control of the aforesaid accounts, and to the Colonial Treasurer in respect of the Public Works Fund, to lend out of such balances and moneys as aforesaid any sums not exceeding in the whole one hundred and fifty thousand pounds.

Authority for lending moneys.

12. No person, body, or authority from whom any moneys are raised as aforesaid shall be concerned to see or inquire whether or to what extent the powers given by the Act to raise money have been exercised or are intended to be exercised; and all sums raised or purporting to be raised under this Act shall, in so far as concerns the safety and security of the lender, be deemed to have been lawfully raised.

Security for persons lending moneys

Debentures may be issued as security.

13. As security for the moneys so raised, or in satisfaction of the aforesaid compensation or purchase-money, where the persons entitled thereto are willing to accept debentures in lieu of cash, the Colonial Treasurer may from time to time create and issue debentures for any amount not exceeding in the whole one hundred and fifty thousand pounds, and with respect to such debentures the following provisions shall apply :—

Provisions relating to debentures.

- (1.) The debentures shall be in such form as the Colonial Treasurer prescribes, and shall be signed by him and countersigned by the Controller and Auditor-General.
- (2.) They shall, in the case of each debenture, be for such amount, being not less than one hundred pounds nor more than one thousand pounds, as the Colonial Treasurer thinks fit, and shall be payable to bearer.
- (3.) They shall have a currency of not more than forty years, and shall bear interest at a rate of not more than four per centum per annum, payable half-yearly.
- (4.) They shall be payable, both as to principal and interest, at such place as is named therein.
- (5.) They shall be numbered consecutively in series of debentures of the same amount, so that no two debentures of the same amount shall bear the same number.
- (6.) They may, if the Governor in Council so declares, be convertible into stock created or issued under "The New Zealand Consolidated Stock Act, 1877," and "The Consolidated Stock Act, 1884."
- (7.) The principal sum named in every debenture, and all interest thereon, shall be a charge upon and shall be paid out of the Consolidated Fund.
- (8.) Every debenture which on its face purports to have been issued under the authority of this Act shall, in so far as concerns the safety and security of the holder thereof, be deemed to have been validly issued, and no holder of any such debenture shall be concerned to see or inquire whether or to what extent the powers of issue given by this Act have been exercised or are intended to be exercised.

ACCOUNTS.

Accounts to be kept as to each coal-mine, and balance-sheet prepared.

14. With respect to each coal-mine worked by the Minister under this Act the following provisions shall apply :—

- (1.) The Minister shall cause full and faithful accounts to be kept of all moneys received and expended, and of all credits and liabilities.
- (2.) Within twenty-one days after the close of each financial year the Minister shall cause a balance-sheet for the year to be prepared, together with a statement of accounts (including a capital account and a profit and loss account).
- (3.) Such balance-sheet and statement shall be so prepared as to show fully and faithfully the financial position of the mine, and the financial result of its operations for the year.

- (4.) Within twenty-eight days after the close of each financial year the Minister shall cause the balance-sheet and statement of accounts for the year to be submitted to the Audit Office for audit, and when so audited the same shall be published in the *New Zealand Gazette*.
- (5.) The balance-sheet and statement of accounts, duly audited, together with a report by the manager on the operations of the mine for the year, shall, within ten days after the audit is completed, be laid by the Minister before Parliament, if sitting, and, if not, then within ten days after the commencement of the next ensuing session thereof.

APPLICATION OF PROFITS.

15. After full provision has, in the case of each mine, been made for all outgoings, losses, and liabilities for the year (including interest on debentures issued, and on moneys paid out of the Consolidated Fund and not recouped) the net surplus profits then remaining shall be applied in establishing a sinking fund in respect of debentures issued or moneys to be recouped to the Consolidated Fund, as aforesaid, and, subject thereto, in establishing a depreciation fund in respect of capital expended.

Purposes for which net surplus profits to be applied.

16. If at the close of any financial year it appears in the case of any mine that the net surplus profits for the year, computed as aforesaid, exceed five per centum on the total capital expended, then during the following year the Minister may reduce the price of the coal from such mine to such extent as, on the basis of the previous year's operations, will produce a net surplus profit of five per centum on the total capital expended.

Price of coal may be reduced if profits exceed 5 per cent.

MISCELLANEOUS.

17. Every coal-mine worked under this Act shall be managed and worked subject to the provisions of "The Coal-mines Act, 1891," in so far as the same are applicable, and, in particular, sections sixty-four to eighty-five of that Act and the Appendix thereto shall apply.

Mines to be worked subject to "The Coal-Mines Act, 1891."

18. Any award under "The Industrial Conciliation and Arbitration Act, 1900," relating to coal-mines in the industrial district in which any State coal-mine is situated shall, subject to such variations as in the opinion of the Court are necessitated by local circumstances, apply to such State coal-mine.

Industrial awards to apply to State coal-mines in certain cases.

19. Except as provided by sections ten to thirteen hereof, all sums expended or payable under this Act shall be payable out of moneys to be appropriated by Parliament; and all moneys received under this Act shall be paid into the Public Account, and shall form part of the Consolidated Fund:

Moneys payable to be appropriated.

Provided that moneys received under this Act in respect of the sale or supply of coal (including the moneys received from the Government Railways and other departments) may, without further appropriation than this Act, be expended in or towards carrying out the purposes of this Act.

Provisions as to
Westport and Grey-
mouth Harbour
Boards.

20. In order to preserve the interests of the Westport Harbour Board and the Greymouth Harbour Board the following provisions shall apply in every case where land purchased, acquired, or taken under the powers in that behalf hereinbefore contained is subject to the provisions of "The Westland and Nelson Coalfields Administration Act, 1877":—

- (1.) A sum equal to the rents, royalties, fees, or other moneys which but for the operation of this Act would have been payable to either of the said Boards in respect of such land, shall be paid to such Board out of the proceeds of the sale of coal from such land under this Act.
- (2.) Such payment shall be made at such time and in such manner as the Minister directs, and the decision of the Minister as to the amount to be paid to each Board under this section shall be final and conclusive.

Regulations.

21. (1.) The Governor may from time to time make such regulations as he thinks necessary for any of the following purposes:—

- (a.) The management of coal-mines under this Act.
 - (b.) The functions, duties, and powers of all persons acting in the management and working of coal-mines under this Act.
 - (c.) The form of the accounts to be kept and the balance-sheets to be prepared in respect of coal-mines under this Act.
 - (d.) The mode in which the sinking funds and other funds connected with coal-mines under this Act shall be held and administered.
 - (e.) Generally any other purpose for which, in the opinion of the Governor, regulations are contemplated or required.
- (2.) All such regulations shall be gazetted.