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Mr. W. McLean.

## COAL-MINES ACQUISITION AND RESUMPTION.

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### A BILL INTITLED

AN ACT to enable Her Majesty the Queen to purchase, acquire, resume, and work Coal-mines in New Zealand.

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 Coal-mines Acquisition and Resumption Act, 1892." Short Title.

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

10 "Coal-mine" means every colliery, and coal- or shale-mine, whether in actual work or discontinued or abandoned, and every shaft, pit, and level, and all erections and works belonging to any such mine or used for the purposes thereof or in connection therewith:

Interpretation.

15 "Minister" means the Minister of Mines for the time being: "Owner" means any person or body corporate who is the immediate proprietor, lessor, or licensee of any coal-mine, of any part thereof; and includes the person or body corporate holding the fee-simple or any other estate or interest in any coal-mine.

20 "Plant" means and includes steam and other engines, boilers, furnaces, winding and pumping gear, whims, windlasses,

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Nature of offer.

To be laid before  
Parliament.

Power to resume  
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trucks, tramways, buildings, erections, fixtures, fittings, chains, tackle, blocks, ropes, tools, and all appliances whatsoever used in or upon any coal-mine for the mining for, raising, or getting of coal.

3. "The Public Works Act, 1882," and its several amendments 5 are hereby incorporated with this Act, so far as the same are applicable: Provided that, in any case where under any such Act any power, duty, authority, or function is vested in or imposed upon the Minister for Public Works, such power, duty, authority, or function is, for the purposes of this Act, vested in and may be exercised and 10 performed by the Minister of Mines.

4. After the passing of this Act, no Crown land in which it is known or believed coal exists, or in or upon which is any coal-mine, shall be sold, leased, or otherwise disposed of by or on behalf of Her Majesty, or by any person, Board, or authority for or on behalf of Her 15 Majesty, and whether by virtue of any power conferred by any Act of the General Assembly then in force or any other power or authority whatsoever; and it shall be the duty of every Board or other authority charged with the sale or other disposal of Crown land to ascertain, before such sale or disposal, whether any coal exists or is 20 supposed to exist in or on such land.

Provided that nothing in this section shall be deemed to control or interfere with the operation of "The Midland Railway Contract Act, 1887," or any contract made thereunder and now in force.

5. (1.) Within six months after the passing of this Act the 25 Minister shall cause notices to be inserted in the *Gazette*, and in such newspapers in the colony as he thinks fit, inviting the owners of land in which coal measures are known to exist, and whether being actually worked for coal-mining purposes or not, to offer the same, together with the plant thereon, for sale to the Queen. 30

(2.) Every person making such offer shall accompany the same with a correct plan of the land, a full description of the works and plant thereon (if any), the estate or interest held by the owner therein, and stating the price and terms upon which such owner is willing to sell to the Queen. 35

(3.) All offers to sell the interest in any land containing coal, or any coal-mine and plant, to the Queen shall be laid before each House of the General Assembly within ten days after the receipt thereof by the Minister if Parliament be then sitting, and, if not, then within ten days after the opening of the session of Parliament next succeeding the receipt of such offer. 40

6. (1.) In addition to the powers contained in "The Coal-mines Act, 1891," to resume land for coal-mining purposes as therein provided, the Governor on behalf of the Queen may at any time during the term of any lease, whether such lease has been granted under 45 the provisions of "The Coal-mines Act, 1891," or of any other Act or authority in force prior to the passing of that Act, resume and demised by any such lease for the purposes of a coal-mine, or with the plant in use in or upon such coal-mine, on payment of compensation to the owner and occupier of such coal-mine and plant, herein-after provided. 50

(2.) Any resumption of such coal-mine as aforesaid, and the acquisition of the plant therein or thereon, may be made by the Governor under "The Public Works Act, 1882," as if such resumption and acquisition were respectively the taking of land for a public work

Compensation to be ascertained and paid under Public Works Act.

5 under that Act, and the compensation to be paid in respect thereof shall be ascertained in the manner provided by Part III. of that Act, subject however to the terms of this Act.

7. (1.) After the passing of this Act, the Governor on behalf of the Queen may at any time resume any land held upon any tenure, or for 10 any estate or interest, and whether such land shall be considered to contain coal-measures or not, upon paying compensation to the owner of every such estate or interest thereof as hereinafter provided.

General power to resume any land.

(2.) All such land shall be resumed by the Governor under the powers contained in "The Public Works Act, 1882," as if the same 15 were land required for a public work, but compensation shall be ascertained and paid thereon on the basis of the value thereof as returned by the owner of such estate or interest under the provisions of "The Land and Income Assessment Act, 1891," with ten pounds per centum thereon, but without taking into account any improvements on such 20 land.

Compensation to be ascertained and paid under Public Works Act.

8. (1.) Within three months after the passing of this Act the Minister shall send or cause to be sent to every person or company, being the lessee of a coal-mine from the Queen, a notice to the effect that within a reasonable time after the receipt of such notice, not 25 exceeding six months from the passing of this Act, such lessee shall proceed to work and develop the coal-mine comprised in any such lease, according to the terms, stipulations, and conditions therein contained.

Notice to be sent to lessees of coal-mines from Crown requiring performance of conditions.

(2.) At the expiration of such notice the Minister shall cause an 30 inspection to be made by a competent Inspector of every coal-mine to the owner of which any such notice has been sent, and the Inspector shall forthwith inspect and report upon the working and state thereof, and shall make a separate report thereon to the Minister; and every such report shall be so framed as to show the actual state, 35 working, and condition of such coal-mine, and whether the same is, under the terms, stipulations, and conditions on which it is held, fairly worked and developed.

At expiration of notice, inspection to be made.

9. (1.) If the report upon any such coal-mine shall disclose that the conditions of the lease under which it is held are not being complied with by the owner, the Minister may call upon such owner to show cause to his satisfaction why the Queen, or the person or authority entitled in her behalf, should not exercise any power of entry upon the said coal-mine to determine the said lease thereof, or otherwise to exercise all or any powers thereby or by any law in force 45 vested in the Queen, or in any person or authority on her behalf; and, unless good cause be so shown within the time limited in that behalf by the Minister, any such power of entry as aforesaid may be exercised accordingly.

If cause not shown, lease may be determined.

10. (2.) Any or other power or authority exercised for the determination of a lease under this Act shall release or discharge the lessee or owner from any liability or obligation which he is otherwise liable to, or has incurred, under any such lease prior to such entry or determination.

Entry not to release lessee from other liability.

When lease determined, coal-mine not to be relet.

Contracts in force on land resumed to vest in Queen.

Power to expend money on the working of coal-mines till Parliament decides.

Power to work coal-mines and sell coal.

Power to appoint engineers, &c., also all necessary means to work mines and carry out Act.

**10.** When any lease of a coal-mine which is vested in the Queen shall have been determined under this Act, or under any other power or authority in that behalf, such coal-mine shall not be again leased for coal-mining purposes to any person or company, or used or occupied for such purposes, except under the provisions of this Act. 5

**11.** Whenever land shall be resumed under the powers contained in sections seven and eight of this Act, the Queen shall be liable for all contracts and engagements then in force relating to any coal-mine, or the supply or output of coal therefrom, and shall 10 indemnify the owner from all liabilities in respect thereof; and every such contract, and all benefit and advantage thereof, shall be deemed transferred to the Queen; and the owner shall do and execute all acts and instruments which the Governor may require for that purpose. 15

**12.** If Parliament shall not be in session at the time when any land containing any coal-mine, or on which coal exists or is supposed to exist, is purchased, acquired, or resumed by the Queen under this Act, the Minister may expend in the working or development of such coal-mine, or in ascertaining the existence of coal in any such land, 20 any sum or sums to be fixed by Order in Council, not exceeding pounds in all in any one year; and the Order in Council fixing such sum may apportion to one or more coal-mines, or to land in which coal exists or is supposed to exist, such part of the said sum as may be thought fit. All moneys to be so expended shall 25 be paid out of the Consolidated Fund.

**13.** The Minister may from time to time, on behalf of the Queen, cause any coal-mine purchased, acquired, or resumed under this Act to be worked in such manner and at such times as may be thought fit, and for that purpose may carry on such works, erect such 30 buildings, and procure, use, and replace when necessary all such plant as shall be required for that purpose; and all coal won or gotten from any such mine shall, in the first place, be used or supplied for the purposes of Her Majesty's Naval Forces or of the Government of the colony; and, in the second place, shall be sold 35 and disposed of at such rates as may be thought reasonable to the owners or lessees of railways, steamships, factories, workshops, and to any person for manufacturing or domestic purposes; but, except so far as the same may be required for purposes of Her Majesty's Naval Forces, or the use of steamships trading from New Zealand 40 to other parts, the produce of any such coal-mine shall not be sold or disposed of for the purpose of being again sold or for exportation beyond the colony. 45

**14.** The Governor may from time to time appoint such engineers, surveyors, and managers as may be necessary, and the management of the working for and sale of coal shall be under the control of the Minister of Mines, who may employ such workmen and others as he thinks requisite for the working of any coal-mine purchased, acquired, or resumed on behalf of the Queen under this Act; and the Minister may, on her behalf, from time to time enter into such 50 contracts for the supply or delivery of coal from any such mine to any part of the colony at such rates and upon such terms and conditions

as he thinks fit, but so that no contract shall be made to endure for a longer period than      years; and for all or any of these purposes may hire buildings, sheds, or stores, and do any other act or thing necessary to give effect to this Act. Every contract so  
5 made shall be laid before the General Assembly within ten days after the making thereof, if Parliament be then in session, and if not, then within ten days after the commencement of the session next succeeding the making of such contract.

15. All coal-mines worked or managed by or on behalf of the  
10 Crown shall be so worked and managed subject to the provisions of "The Coal-mines Act, 1891," so far as applicable; and, in particular, sections eighteen to fifty-eight, both inclusive, and sections sixty-four to eighty-five, both inclusive, of that Act, and the Appendix to the said Act, shall extend and apply to all such coal-mines.

15. 16. In order to preserve the interests of the Westport Harbour Board and the Greymouth Harbour Board, it is declared, that where any land purchased or acquired under this Act is there subject to the provisions of "The Westland and Nelson Coalfields Administration Act, 1877," a sum equal to the rents, royalties, fees, or other moneys  
20 which, but for the operation of this Act, would have been payable to either of the said Boards out of lands subject to the said Act shall be retained and set apart by the Colonial Treasurer out of the proceeds of the sales of coal under this Act, and shall be paid over to the Harbour Board entitled thereto, at such time and manner as the  
25 Colonial Treasurer directs. The decision of the Colonial Treasurer as to the amount to which such Board is entitled shall be final and conclusive, and shall be accepted by the Board accordingly.

17. All moneys received under this Act from the working of any coal-mine, or from the sale or conveyance of coal, shall be paid into  
30 the Public Account, and be deemed part of the      Fund of the colony; and, subject to this Act, the expense of carrying the provisions thereof into effect, including compensation to be paid for the purchase or resumption of land and plant, shall be defrayed out of moneys to be from time to time appropriated by the General Assembly for that  
35 purpose.

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

Power to Colonial Treasurer to pay to Greymouth and Westport Harbour Boards a sum in lieu of rents, royalties, &c., now payable to such Boards.

Moneys received under Act to be paid into Public Account and form part of Fund.

Expenses of Act to be paid out of moneys appropriated.