



## Mining Act 1971

1971

**Citation:** No 25  
**Date of Assent:** 25 September, 1971  
**Commencement:** 1 January, 1973

**Repeal:** Repealed 1992, No 96  
**Amendments:** 1978, No 52.  
1981, No 128.  
1985, No 92.  
1987, No 99.  
1991, No 70: Repeals most sections.

**Type of Legislation:** Public

**Subject:** Mining  
Lakes, Rivers, Beds, Foreshores etc.  
Public/Native/Maori Trustee  
Alienation of Maori Land  
Wahi Tapu & Non Tangible Resources

**Relevant Sections:** s27: Mining privileges over foreshore and seabed.  
s30: All Maori land shall be open for mining if there is the written consent of the owners. A consent transaction deemed to be an alienation otherwise than by transfer.  
s31: All rent payable under s224 in respect of Maori land shall be deemed to be proceeds derived from the alienation of Maori land.  
s33: Compensation payable in respect of Maori land shall be the same as if the land were European land. Role of the Maori Trustee in the payment of any compensation.  
s34: All rights held by the Crown authorising mining on Maori ceded land are relinquished unless land is subject to a mining privilege or licence in force at commencement of this Act.  
s37: Procedure for declaring the land open for mining if the owner of... Maori land refuses to consent to the grant of a mining privilege; but not applicable if land is within 100 feet of burial ground, or is set apart as a Maori reservation under s439, Maori Affairs Act 1953.

**Commentary:** The Government introduced this bill as a measure to balance the interests of mining and conservation. It provides for the preservation of the physical environment and the rehabilitation of land after mining. The changes in regard to Maori land are to give Maori the same rights as Pakeha when it comes to mining licence applications. As part of this policy, rights over land which had been ceded to the

*Commentary and Cross Reference continued over page*



## Mining Act 1971 *continued*

Crown for gold mining purposes in the 19th Century are to be returned to Maori owners who can then deal with mining applications themselves. During the Debates Reweti draws attention to the Hauraki gold fields compensation claim and general Maori concerns over land ceded in the 19th century for gold fields. The Waitangi Tribunal (Ngai Tahu report) recommended that this Act should be amended so that no licence relating to pounamu/greenstone shall be granted to any person or body other than Ngai Tahu.

**Cross Reference:** NZPD vol 372 (1971) 703 - 704  
NZPD vol 373 (1971) 2485 - 2488, 2497 - 2528  
Waitangi Tribunal *The Ngai Tahu Report* Wai 27  
(Brooker & Friend, Wellington, 1991) 130 - 131.