

New Zealand.**MINING.****1908, No. 120.**

AN ACT to consolidate certain Enactments of the General Assembly relating to Mines and Mining.

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

1. (1.) The Short Title of this Act is "The Mining Act, 1908."

Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall, without limiting the various specific saving provisions of this Act, apply:—

Enactments consolidated.

(a.) All districts, Courts, offices, appointments, Proclamations, Orders in Council, orders, regulations, registers, registrations, records, warrants, licenses, leases, certificates, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(3.) This Act is divided into Parts, as follows:—

PART I.—Preliminary. (Sections 2 to 7.)

PART II.—Districts and Appointments. (Sections 8 to 15.)

PART III.—Lands subject to this Act, and Lands exempted therefrom. (Sections 16 to 62.)

Act divided into Parts.

1905, No. 39, sec. 2

- “Mining privilege” means any license, right, title, or privilege relating to mining lawfully granted or acquired under this Act or any former Mining Act, and includes the specific parcel of land in respect whereof such license, right, title, or privilege is so granted or acquired; it also includes a timber-cutting right, a water-right not relating to mining, and also a business license, or a business, residence, or special site, but not an agricultural lease nor an occupation license:
- “Mining Registrar” or “Registrar” means a Mining Registrar appointed under this Act:
- “Minister” means the Minister of Mines:
- “Native” means an aboriginal Native of New Zealand, and includes half-castes and their descendants:
- “Native ceded land” means Native land over which his Majesty, or the Governor or the Minister on his behalf, by cession, agreement, or otherwise, possesses the right to authorise the carrying-on of mining operations:
- “Native land” means land owned by Natives and acquired otherwise than by purchase from the Crown or from any person (other than a Native) deriving title from the Crown, whether the title to such Native land has or has not been ascertained by the Native Land Court or other duly constituted authority:
- “Native reserves” includes all lands set aside for the use, support, or education of Natives, whether out of Crown lands or on or in connection with the sale by Natives of lands to the Crown:
- “Occupier” of land includes every person in actual occupation of land under any lawful title granted by or derived from the owner of the fee-simple thereof:
- “Owner,” for the purposes of Part V of this Act, relating to the working, regulation, and inspection of mines, means the immediate proprietor, or lessee, or licensee, or occupier of any mine or any part thereof; and, in the case of an incorporated or registered company, includes the mine-manager of such company, and in any other case includes the mine-manager of any mine; but “owner” does not include a person who merely receives a royalty, rent, tribute, or fine from a mine, or is merely the proprietor of a mine which is being worked by another person pursuant to any lease, grant, or license for the working thereof: Any contractor or tributer for the working of any mine or any part thereof, or for doing any specific work therein, shall be subject to this Act in like manner as if he were an owner, but so nevertheless as not to exempt the owner from any liability:
- “Person” includes mining partnerships, local authorities, and incorporated or registered companies:
- “Prescribed” means prescribed by this Act or by any regulations made thereunder:
- “Private lands” means lands owned in fee-simple under title from His Majesty, and includes land held under license or lease from His Majesty with the right of acquiring the fee-simple thereof:

- “Dam” includes any natural as well as any artificial depository of water :
- “District” and “mining district” mean a mining district constituted under this Act :
- “Endowment” means any land set apart under any Act by way of endowment for any public body or local authority, in whomsoever the fee-simple of such land is vested :
- “Former Mining Act” means any Mining Act in force at any time prior to the coming into operation of this Act :
- “Gold” includes any substance containing gold or silver, or having gold or silver mixed therein, or set apart for the purpose of extracting gold or silver therefrom :
- “Inspector of Mines” or “Inspector” means an Inspector of Mines appointed under this Act, and includes an Assistant Inspector :
- “Land” includes water :
- “Local authority” means a Borough or County Council, a Town or Road Board, or a Harbour Board :
- “Machinery” includes all mechanical appliances of whatsoever kind used for any mining purpose :
- “Metal” includes gold :
- “Mine,” as a noun, includes every parcel of land in, on, or under which any mining operations are carried on, whether such mine is occupied under any title or not; and includes also all machinery used in such operations :
- “Mine,” as a verb, includes any mode or method of working a mine :
- “Mine-manager” means the person having the actual control and working of any mine :
- “Mineral” means any metal or mineral other than precious metals, precious stones, and coal; and includes petroleum and other mineral oils :
- “Miner’s right” includes also a consolidated miner’s right :
- “Mining” means mining operations, and includes prospecting :
- “Mining Act” means any Act relating to mining for gold or any other metal or mineral :
- “Mining operations” and “mining purposes” mean mining for gold or any other metal or mineral; and include—
- (a.) The stacking, storing, and treatment of any substance supposed to contain gold or any other metal or mineral;
- (b.) The erection, maintenance, and use of machinery, and the construction or use of races, dams, channels, batteries, dredges, buildings, and other works connected with any such operations or purposes;
- (c.) The deposit or discharge of tailings, *debris*, refuse, and waste water produced from or consequent on any such operations or purposes;
- (d.) The lawful use of land, watercourses, and water, and the doing of all lawful acts incident or conducive to any such operations or purposes :