

New Zealand



ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Appointment of Electrical Inspector of Coal-mines.</p> <p>3. Particulars of boring operations to be supplied.</p> <p>4. Entry on land for purposes of geological or geophysical surveys in connection with coal-mining.</p> <p>5. Annual returns by coal-mining companies.</p> <p>6. Owners may deduct moneys from wages towards repayment of loans to workers to enable them to acquire homes.</p> <p>7. Agreements for working coal-mining rights on tribute or on a royalty basis.</p> | <p>8. Addition to Board of Examiners.</p> <p>9. Inspector may require higher certificated managers in certain cases.</p> <p>10. Section 61 of principal Act amended.</p> <p>11. Amending provisions as to the use of safety-lamps.</p> <p>12. Inspector may require ventilation survey and improvements in ventilation in certain cases.</p> <p>13. Section 147 of principal Act amended.</p> <p>14. Claystone or fireclay mines not coal-mines within meaning of section 152 to section 155 of principal Act.</p> <p>15. Section 6 of Statutes Amendment Act, 1940, amended.</p> |
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1941, No. 15

AN ACT to amend the Coal-mines Act, 1925.

Title.

[13th October, 1941

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 Coal-mines Amendment Act, 1941, and shall be read together with and deemed part of the Coal-mines Act, 1925 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. V, p. 843

2. (1) For the purposes of the principal Act there may be appointed as an officer of the Public Service a fit person to be known as the Electrical Inspector of Coal-mines.

Appointment of Electrical Inspector of Coal-mines.

(2) It shall be the function of the Electrical Inspector of Coal-mines to inspect electrical apparatus used in coal-mining operations, and for the purpose of enabling him more effectually to carry out his duties the provisions of sections thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, one hundred and thirty-three, one hundred and thirty-four, and one hundred and ninety-seven of the principal Act shall, with the necessary modifications, apply as if he were an Inspector of Coal-mines.

(3) Section two of the principal Act is hereby consequentially amended by adding to the definition of the term "Inspector of Coal-mines" the words "but does not include the Electrical Inspector of Coal-mines".

Particulars
of boring
operations to
be supplied.
Cf. 1926,
No. 15, s. 283

3. (1) Every person who in the course of coal-mining operations drills or causes to be drilled a borehole shall forthwith on commencing the work notify the Inspector thereof, at the same time furnishing him with particulars of the location of the borehole, and shall from time to time thereafter as required by the Inspector forward to the Inspector such other particulars as are required.

(2) Where in the course of drilling a borehole a core is obtained, the core, other than material therefrom required for purposes of analysis, shall be labelled in manner prescribed and preserved for at least one year after the completion of the borehole. If no core is obtained, samples of the material obtained in drilling shall be taken in the prescribed manner and labelled and preserved as aforesaid:

Provided that before disposing of any core or samples after the expiry of a year at least two weeks' notice shall be given to the Minister.

(3) Cores and samples preserved as aforesaid shall at all times be available for examination by the Director of the Geological Survey of New Zealand, or an Inspector, or by any other person authorized in that behalf by the Minister, and specimens may be taken for purposes of analysis or other treatment.

(4) No information obtained pursuant to this section shall be given to any person other than the owner of the land in which the borehole is drilled if the land is freehold, or the licensee if the land is held under a

coal-mining right, except with the consent of the Minister, which may be given subject to such conditions as the Minister thinks fit.

4. (1) Any person authorized either specially or generally by the Minister in that behalf may from time to time during the daytime enter upon any land, with such assistants and such equipment and materials as he thinks fit, for the purpose of making a geological or geophysical survey of such land for coal-mining purposes, and may affix or set up thereon such pegs, marks, or poles as may be required for the purposes of such survey, and may do all other things necessary for such survey or for any inspection or alteration thereof, including the digging of pits and the firing of explosive charges:

Entry on land for purposes of geological or geophysical surveys in connection with coal-mining.

Cf. 1934, No. 26, s. 4

Provided that all such pits shall be filled immediately after the purpose for which they were dug has been served and the ground in or on which any such explosive charge has been fired shall, as soon thereafter as practicable, be restored as far as possible to its former condition.

(2) Before entry on any land for the purposes of this section the person authorized as aforesaid shall, if practicable, give reasonable notice to the owner or occupier of that land of his intention to enter thereon, and shall, if required by such owner or occupier, produce the authority under which he claims to enter or has entered on such land.

(3) The owner or occupier of the land shall be entitled to compensation for any damage done in the making of any such survey. In default of agreement the amount of any such compensation shall, notwithstanding anything to the contrary in the principal Act, be fixed by the Warden in the case of land situated in a mining district, and in every other case shall be fixed by a Stipendiary Magistrate.

(4) Every person commits an offence and shall be liable on summary conviction to a fine of fifty pounds or to imprisonment for three months who—

(a) Without lawful authority removes, destroys, or alters the position of any peg, mark, pole, or other thing used for the purposes of any survey made or in the course of being made pursuant to this section; or

- (b) Wilfully damages or destroys or otherwise interferes with any peg, mark, or other thing as aforesaid; or
- (c) Wilfully obstructs or interferes with any person lawfully engaged in connection with any survey that is being made pursuant to this section.

Annual returns
by coal-mining
companies.

5. (1) On or before the thirty-first day of January in every year every limited company that is engaged in coal-mining operations shall forward to the Under-Secretary, on a form to be provided for the purpose, a true statement of the affairs of the company as at the end of its last preceding financial year, accompanied by a certificate from the company's secretary verifying the statement.

(2) If any company makes default in complying with this section it shall be deemed to have committed an offence against the principal Act.

(3) Section eighty-one of the principal Act is hereby amended by repealing subsection two thereof.

Owners may
deduct moneys
from wages
towards
repayment
of loans to
workers to
enable them
to acquire
homes.
1939, No. 27

6. (1) Notwithstanding anything to the contrary in the Wages Protection and Contractors' Liens Act, 1939, the owner of a coal-mine who has advanced moneys to a worker employed by him for the purpose of acquiring a home may, with the written consent of the worker, deduct from time to time from his wages such sums as may be agreed upon between the worker and the owner towards repayment of such moneys and the payment of interest and other charges in respect of such loan.

(2) No deduction shall be made under this section unless the terms and conditions on which the moneys were advanced have been approved in writing by the Minister.

Agreements
for working
coal-mining
rights on
tribute or on
a royalty
basis.

7. With respect to every agreement for the working of a coal-mining right or any part thereof on tribute or on a royalty basis the following provisions shall apply:—

- (a) The agreement shall be in writing signed by or on behalf of the parties, and shall have no force or effect as against the tributers or licensees unless and until by memorandum thereon the Minister, on the application of the holder of the coal-mining right, certifies

that the terms and conditions are reasonable and proper in so far as concerns the interests of the tributers or licensees:

Provided that the tributers or licensees shall be at liberty to enforce the agreement, notwithstanding the fact that the Minister's certificate has not been given:

- (b) Notwithstanding anything to the contrary in the agreement, no provision contained therein for the cancellation thereof or for the forfeiture of the tributers' or licensees' rights thereunder shall operate or be enforceable by the holder of the coal-mining right or his successor in title without the consent in writing of the Minister:
- (c) Notice of the intended application for such consent shall be given to the tributers or licensees, or at least one of them, by the applicant:
- (d) On dealing with the application the Minister after obtaining a recommendation of the Warden or the Commissioner, as the case may be, may in his discretion grant the application, or refuse the application or relieve from forfeiture or cancellation on such terms as he thinks equitable or make such other order in the premises as he thinks equitable, and every such order shall be binding on the parties.

8. Section forty-three of the principal Act is hereby amended as follows:—

- (a) By inserting, after paragraph (d) of subsection one, the following paragraph:—

“(dd) A person nominated by the Electrical Wiremen's Registration Board constituted under section three of the Electrical Wiremen's Registration Act, 1925 (who shall be a registered electrical engineer or a registered electrical wireman) to be appointed by the Governor-General”:

- (b) By omitting from subsection two the words “in paragraph (e)”, and substituting the words “in paragraphs (dd) or (e)”:
- (c) By repealing the proviso to subsection two.

Addition to
Board of
Examiners.

See Reprint
of Statutes,
Vol. III, p. 73

Inspector
may require
higher
certificated
managers in
certain cases.

REP. 19
No. 8.

Section 61 of
principal Act
amended.

Amending
provisions
as to the use
of safety-
lamps.

9. (1) Notwithstanding the provisions of section sixty of the principal Act, where that section permits the appointment of a manager holding any certificate lower than that of a second-class mine-manager, the Inspector, if he considers it expedient to do so in respect of any particular mine, may by notice in writing require the appointment for that mine of a manager holding a higher certificate than that prescribed by the said section for the mine but not in any case higher than a second-class mine-manager's certificate.

(2) Any notice under this section may at any time in like manner be revoked.

10. Section sixty-one of the principal Act is hereby amended by adding the following proviso:—

“ Provided also that the Inspector may require the manager of any mine to appoint for any shift such additional officials of any class or classes as in the opinion of the Inspector may be necessary for the safe and proper working of the mine, and the manager shall comply with such requisition.”

11. (1) Section ninety-five of the principal Act is hereby amended as follows:—

(a) By repealing paragraph (b) of subsection one, and substituting the following paragraph:—

“(b) In any seam in a mine (except in the main intake airways within two hundred yards from the shaft or entrance to the mine) in which an ignition or explosion of inflammable gas has occurred within the previous twelve months”:

(b) By adding to subsection one the following paragraph:—

“(f) In any mine or part of a mine where the Inspector directs the use of locked safety-lamps on the ground that the use of naked lights would be a source of danger”:

(c) By inserting, after subsection one, the following subsections:—

“(1A) Any direction made under paragraph (f) of the last preceding subsection shall state a period within which the mine-manager must comply with the direction.

“(1B) If the mine-manager considers any direction under the said paragraph unnecessary or unreasonable he may apply to the Minister to be exempted from the same, and the Minister may either refuse the application or grant it, either unconditionally or upon or subject to such conditions as he thinks fit. Pending the consideration of the application the mine-manager shall either comply with the direction of the Inspector or withdraw all workmen from the mine or the part of the mine, as the case may be, to which the direction relates.”

(2) Section ninety-seven of the principal Act is hereby amended as follows:—

(a) By omitting the words “Where safety-lamps are required to be used as aforesaid the following provisions shall apply”, and substituting the words “The following provisions shall apply with respect to the use of safety-lamps”:

(b) By omitting from paragraph (c) the words “electric hand-lamps”, and substituting the words “a portable electric safety-lamp”.

(3) Section one hundred and twenty-eight of the principal Act is hereby amended by inserting in subsection one, after the word “locked”, the word “flame”.

(4) Section one hundred and twenty-nine of the principal Act is hereby amended by omitting from paragraph (c) of subsection one the words “locked safety-lamp”, and substituting the words “locked flame safety-lamp or other device for the detection of inflammable gas of a type approved by the Chief Inspector”.

(5) Section one hundred and thirty-one of the principal Act is hereby amended by inserting in subsection one, after the word “locked”, the word “flame”.

12. (1) If at any time the Inspector finds that the percentage of inflammable gas in the general body of the air in any working-place is not less than one and one-half, he may, if he thinks fit, require a ventilation survey to be made of the mine or any part thereof.

Inspector
may require
ventilation
survey and
improvements
in ventilation
in certain cases.

(2) If the Inspector is satisfied, with or without such a survey, that it is practicable to reduce the percentage of inflammable gas in the general body of the air in any working-place below one and one-half, he may require the manager to inform him what steps, if any, are proposed to be taken to improve the ventilation in that place and within what period the improvement will be effected.

(3) The Inspector may either require the mine-manager to carry out his proposals for the improvement of the ventilation or he may require such further or other steps to be taken for that purpose as he deems fit.

(4) Any mine-manager who fails or neglects to comply with any requirement made in accordance with this section commits an offence against the principal Act.

13. Section one hundred and forty-seven of the principal Act is hereby amended by omitting from subsection two all words after the words "committed by such owner".

14. (1) For the purposes of sections one hundred and fifty-two to one hundred and fifty-five of the principal Act a coal-mine shall not include a claystone-mine or a fireclay-mine.

(2) Subsection nine of the said section one hundred and fifty-two is hereby consequentially repealed.

15. Section six of the Statutes Amendment Act, 1940, is hereby amended by inserting in subsection three, after the words "Inspection of Machinery Act, 1928", the words "or has had at least twelve months' actual experience in the operation of an electrically driven winch on an inclined plane or level".

Section 147
of principal
Act amended.

REF. 19

No. s.

Claystone or
fireclay mines
not coal-mines
within meaning
of section 152
to section 155
of principal
Act.

Section 6 of
Statutes
Amendment
Act, 1940,
amended.

1940, No. 18

REF. 19

No. s.