

Hon. Mr. McGowan.

COAL-MINES ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">COAL-MINING LEASES.</p> <p>2. General provisions and rules as to applications. Repeal.</p> <p>3. Mine-manager may be disqualified for negligence or breach of rules. Repeal.</p> <p>4. General rules amended.</p> <p>5. General rules further amended.</p> <p>6. Inspection of mine after serious accident. Repeal.</p> <p>7. Wages to be paid at or near the mine.</p>	<p>8. Manager may institute proceedings in certain cases.</p> <p>9. Regulations.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">STATE COAL-MINES.</p> <p>10. Persons appointed under principal Act not Civil servants.</p> <p>11. Industrial disputes in State coal-mines. Repeal.</p> <p>12. State coal-mines on Westland and Nelson coal-fields.</p>
---	---

A BILL INTITULED

AN ACT to amend "The Coal-mines Act, 1905."

Title.

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

5

1. The Short Title of this Act is "The Coal-mines Act Amendment Act, 1906"; and it shall form part of and be read together with "The Coal-mines Act, 1905" (hereinafter referred to as "the principal Act").

Short Title.

10

PART I.

COAL-MINING LEASES.

2. (1.) The following general rules shall apply with respect to every application for a lease or license under the principal Act (including applications for leases and licenses under section five thereof):—

General provisions and rules as to applications.

15

(a.) The application shall be made in the prescribed manner and form, and shall be filed in the office of the Warden or Commissioner, as the case may be, or if there are more such offices than one in the district, then in the office situate nearest by practicable route to the land to which the application relates:

20

Provided that the application shall not be invalidated by reason merely of being filed in the wrong office, but in such case the Warden or Commissioner may either treat it as if duly filed or order it to be transferred to another office, on such terms as he thinks proper, having regard to the convenience of the parties and the circumstances of the case.

25

- (b.) When filing the application, or on the same day, the applicant shall lodge with the Receiver, to abide the disposal of the application, such sums in respect of rent, survey fees, license fees, and otherwise as are prescribed by regulations.
- (c.) The precise time of the filing of the application shall be recorded thereon by the officer receiving the same, and applications in respect of the same land shall have priority according to the priority of time of filing as evidenced by the aforesaid record thereof. 5
- (d.) In the event of it appearing from such record that two or more such applications were filed simultaneously, their respective priorities shall be decided by lot in such manner as the Warden or Commissioner thinks fit. 10
- (e.) Every application shall retain its priority until such application is finally disposed of by being granted, refused, or, by leave of the Warden or Commissioner, withdrawn. 15
- (f.) It shall not be lawful for any person not theretofore in lawful occupation of the land to which the application relates to enter or mine thereon whilst such priority continues.
- (g.) The land to which the application relates shall be surveyed by an authorised surveyor; and a plan thereof in duplicate shall, before the hearing of the application, and not later than *six* months after the date of the application, be filed in the office in which the application is filed or to which it is transferred as aforesaid. 20
- (h.) A copy of the application and of the said plan shall be sent to the Inspector for the district, who shall report to the Warden or Commissioner thereon. 25
- (i.) The application shall be heard at such time and place as the Warden or Commissioner appoints, and the hearing shall in every case be open to the public. 30
- (j.) The application shall be notified in such manner, within such time, and to such persons as are prescribed, including in every case all persons whose interests will be obviously affected. 35
- (k.) Any person desiring to object to the application shall, in the prescribed manner and within the prescribed time, give to the Warden or Commissioner and also to the applicant notice in writing of the nature of such objection, and (subject to the succeeding provisions of this section) no person shall be entitled to appear and object unless he has duly given such notice. 40
- (l.) The Warden or Commissioner in his discretion may, at any time before the application is finally disposed of, direct notice thereof or of any objection thereto to be given to any person, or any survey to be made, or other act to be performed. 45
- (m.) The Warden or Commissioner may, of his own motion and without notice, take any objection he thinks fit, and shall not grant the application if he is satisfied that any valid objection thereto exists. 50
- (n.) Any question or dispute that may arise as to whether or not the prescribed notices have been given shall be decided by the Warden or Commissioner.

- (o.) The Warden or Commissioner may adjourn the application from time to time or from place to place in such manner and on such terms as he thinks fit.
- 5 (p.) On the hearing of the application the applicant and every objector shall appear in person or by solicitor:
Provided that if the applicant does not desire to appear he may, at any time before the hearing, file in the office of the Warden or Commissioner a statutory declaration of compliance with this Act.
- 10 (q.) Such declaration shall be exempt from stamp duty, and shall be in the prescribed form, and shall certify—
- (i.) That all the statements contained in the application are true; and also
- 15 (ii.) That the application has been duly notified as required by this section; and also
- (iii.) That the applicant believes himself entitled to the grant of the application, and knows of no valid objection thereto; and also
- 20 (iv.) That, so far as the applicant is aware, no public or private rights will be prejudicially affected by the grant of the application; and
- (v.) Such other particulars as are prescribed.
- (r.) The Warden or Commissioner, if satisfied with such declaration, may accept it as evidence in support of the application, and grant the application without requiring the applicant to appear.
- 25 (s.) If, however, he is not satisfied with the declaration, or if any objection arises which in his opinion requires to be met, he shall adjourn the hearing, and notify the applicant to appear.
- 30 (t.) If, on hearing of the application, any person appears and objects, the Warden or Commissioner may award to or against the applicant or the objector such costs and expenses as he thinks fit:
- 35 Provided that no costs or expenses shall be awarded against any objector whose objections are based wholly and *bona fide* on purely public grounds.
- (u.) Such costs and expenses shall, as far as practicable, be according to the scale for the time being in use in Warden's Courts, and shall be recoverable in the same manner as if they were a judgment of that Court.
- 40 (v.) For the purpose of hearing and disposing of the application, and of generally giving full effect to the provisions of this section, the Warden and Commissioner respectively shall have all the powers of a Warden exercising jurisdiction in a Warden's Court, and the practice and procedure of that Court (including the practice as to rehearings) shall apply, with such modifications, additions, and exceptions as are prescribed.
- 45 (w.) The application may be granted in respect of either the whole of the land to which it relates or to such portion thereof as
- 50 the Warden or Commissioner thinks fit.

(x.) The application may be granted or refused by the Warden or Commissioner in his discretion.

Repeal.

(2.) Section eight of the principal Act is hereby repealed.

Mine-manager may be disqualified for negligence or breach of rules.

3. (1.) Where in any proceedings or inquiry under the principal Act it appears to the Warden of the mining district or to a Magistrate outside a mining district that, by reason of the non-observance by the mine-manager of any mine of any of the provisions of the principal Act or its amendments or of any regulation thereunder, or by reason of the negligence of such manager, any person is injured or killed, the Warden or Magistrate may require such mine-manager to produce his certificate, and (in addition to any other penalty to which such manager may be liable) may disqualify him, either by cancelling the certificate or by suspending it for such period as he thinks fit; and during the period of such disqualification such manager shall for all the purposes of the principal Act be deemed not to be the holder of a certificate. 5 10 15

(2.) Notice of every such disqualification shall be forwarded by the Warden or Magistrate to the Minister, and shall be published in the *Gazette*.

Repeal.

(3.) Section twenty-nine of the principal Act is hereby repealed.

(4.) Section fifty-seven of the principal Act is hereby amended by repealing the words "or underground manager," and substituting in lieu thereof the words "or underviewer"; and also by repealing all words after the words "for each offence." 20

General rules amended.

4. Section thirty-nine of the principal Act is hereby amended by repealing paragraph (2) thereof (relating to the use of gunpowder), and substituting in lieu thereof the following:— 25

"(2.) Gunpowder or other explosive or inflammable substance shall only be used in a coal-mine as hereunder provided, that is to say:—

"(a.) It shall not be stored on the surface of or adjacent to the mine unless in such magazine and in such quantities as may in writing be approved by the Inspector. 30

"(b.) It shall not be stored in the mine in any quantity exceeding what would be required for use during six working-days for the purpose of the mine; and, whilst so stored, it shall be kept in a drive or chamber separated by a door fixed across such drive or chamber at least thirty feet from any travelling-road. 35

"(c.) It shall not be taken for use into the workings of the mine except in quantities actually required during the shift, not exceeding sixteen pounds of gunpowder or ten pounds of nitro-glycerine compounds in workings where drilling-machines are used, and not exceeding eight pounds of gunpowder nor more than five pounds of nitro-glycerine compounds in any other workings, nor except in securely covered cases or canisters. 40 45

"(d.) A workman shall not have in use at one time in any one place more than one of such cases or canisters.

"(e.) Detonators for blasting shall be kept stored on the surface of the ground in a covered box placed in the powder-magazine apart from other explosives. 50

5 “(f.) Not more than one hundred detonators shall be kept for service in any mine at one time, and these shall be kept in a covered box in the drive or chamber set apart for the purpose, and shall only be taken out in such quantities as are required for immediate use. Detonators shall not, on any pretence whatever, be placed near any travelling-road, pass, or working-face.

10 “(g.) No person shall enter with a naked light a powder-magazine or any excavation in a mine where powder or other explosive or inflammable substance is stored.

“(h.) No iron or steel pricker shall be used in blasting, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine.

15 “(i.) The owner of the mine shall provide copper prickers.

20 “(j.) A charge which has missed fire may be drawn by a copper pricker, but shall not be visited until three hours have elapsed from the time of lighting the fuse of such charge. In no case shall an iron or steel drill be used for the purpose of drawing or drilling out such charge, nor shall any charge be drawn where nitro-glycerine compounds or detonators have been used: Provided that this paragraph shall not apply to charges fired by an electric current.

25 “(k.) No person under the age of eighteen years shall be allowed to charge a hole with explosives or to fire any charge.

30 “(l.) No drill-hole shall be bored within a distance of three feet directly below or within one foot in any other direction from the site of a previously exploded charge of any nitro-glycerine compound and no drill-hole shall be bored in any remaining portion of a hole in which a charge of nitro-glycerine compound has been previously exploded.

35 “(m.) In all cases where the fumes arising from the explosion of any nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered innocuous by the person in charge of the blasting operations by the use of a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations.

40 “(n.) Miners employed in blasting with nitro-glycerine compounds shall be supplied by their employer with the means of thawing such compounds, and with the means of producing sulphate-of-iron spray.”

45 5. Section thirty-nine of the principal Act is further amended as follows:—

(a.) By adding thereto the following paragraph to follow paragraph (26):—

50 “(26A.) Wherever there is no travelling-road, no haulage shall be permitted while men are travelling to or from shift.”

(b.) By inserting, after the words “shafts in the mine, and” in paragraph (39), the words “the manager”; and by inserting,

General rules
further amended.

after the words " of such mine, and " in the same paragraph, the words " every such manager and person, forthwith after every such examination."

(c.) By repealing all words in paragraph (44) after the words " a person shall not," and substituting in lieu thereof the words " have in his possession any lucifer-match or apparatus of any kind for striking a light, or tobaceo-pipe or any contrivance for smoking, nor, unless he is appointed for the purpose, any key or contrivance for opening the lock of any safety-lamp."

Inspection of mine after serious accident.

6. (1.) The mine-manager shall forthwith after the occurrence of any accident attended with serious injury to any person give notice thereof by telegraph to the Minister and to the Inspector, and shall also at the same time send written notice thereof to the Inspector.

(2.) Every manager who omits to give such notice shall be guilty of an offence against the principal Act.

(3.) As soon as practicable thereafter the Inspector shall visit the mine, and shall give notice to the workmen's inspector appointed under paragraph (46) of section thirty-nine of the principal Act of the time when he will visit the mine.

(4.) The workmen's inspector shall be permitted to accompany the Inspector of Mines on such visit, and shall report the result thereof in the manner provided by the said section.

(5.) The part of the mine where the accident occurred shall not be interfered with until inspected by the Inspector or by some other person appointed for the purpose by the Minister, or by the Coroner's jury, unless with the view of saving life or preventing further injury.

Repeal. Wages to be paid at or near the mine.

(6.) Section sixty of the principal Act is hereby repealed.

7. All wages payable to the workmen employed at any mine shall, if so requested by a majority of such workmen, be paid either at the mine or at some place not more than two miles from the mine.

Manager may institute proceedings in certain cases.

8. Notwithstanding anything in section ninety-one of the principal Act, proceedings for the recovery of a fine in respect of the breach of any of the general, special, or additional rules prescribed by the principal Act may be instituted by the mine-manager of the mine at which the breach was committed.

Regulations.

9. The Governor may from time to time, by Order in Council gazetted, make regulations prescribing the form and manner of making applications for leases or licenses, and the survey fees, licenses fees, and other fees payable on any lease or license.

PART II.

STATE COAL-MINES.

Persons appointed under principal Act not Civil servants.

10. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations applying any of the provisions of any Act for the time being in force affecting or regulating the Civil Service to any of the persons or classes of persons appointed under section one hundred and two of the principal Act.

(2.) Except as provided by any such regulations, the provisions of any such Act shall not apply to persons appointed under the said section.

11. (1.) Notwithstanding anything in section one hundred and
5 twenty-eight of "The Industrial Conciliation and Arbitration Act, 1905," any society of workers employed in a State coal-mine may be registered as an industrial union of workers under that Act. Industrial disputes
in State coal-mines.

(2.) The Minister may from time to time enter into industrial agreements with the registered society in like manner in all respects
10 as if the management of the mine were an industry and he were the employer of all workers employed therein.

(3.) If any industrial dispute arises between the Minister and the society it may be referred to the Arbitration Court for settlement in the manner provided by section one hundred and nineteen of "The
15 Industrial Conciliation and Arbitration Act, 1905," in the case of an industrial dispute between the Minister for Railways and the Amalgamated Society of Railway Servants, and all the provisions of that section shall, *mutatis mutandis*, apply.

(4.) Section one hundred and fifteen of the principal Act is hereby
20 repealed. Repeal.

12. The Governor may from time to time set apart for the purposes of Part II of the principal Act any portion of the lands described in the First, Second, and Third Schedules to "The Westland and Nelson Coalfields Administration Act, 1877," as in the case of unalienated
25 Crown lands, and such of the said lands as have heretofore been set apart for the purposes aforesaid shall be deemed to have been validly set apart. State coal-mines on
Westland and
Nelson coalfields.