

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

3rd October, 1922.

Hon. Mr. Anderson.

COAL-MINES AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Coal-mines Act, 1908.

Title.

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, 1922, and shall be read together with and deemed part of the Coal-mines Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. The power to grant leases and licenses conferred on Wardens and on Commissioners of Crown Lands respectively by sections six, seven, and twenty-two of the principal Act shall be deemed to include the power to grant such leases and licenses in respect of land comprised in any reserve under the Scenery Preservation Act, 1908, or in any State forest under the Forests Act, 1921-22:

Coal leases and licenses may be granted in respect of scenic reserves.

Provided that no such lease or license shall be granted over any land comprised in any such reserve or State forest as aforesaid without the prior consent in writing of the Minister for the time being charged with the administration of the Scenery Preservation Act, 1908, or of the Commissioner of State Forests, as the case may be.

3. (1.) Licenses under section twenty-two of the principal Act to prospect for coal may, subject to this section, be granted over any education reserve or education endowment.

Prospecting licenses over education reserves.

(2.) In the case of any education reserve or endowment administered by a Land Board pursuant to the Education Reserves Amendment Act, 1910, a prospecting license as aforesaid shall not be granted, save with the consent of the Minister of Education.

(3.) In the case of any other education reserve or endowment, a prospecting license as aforesaid shall not be granted, save with the consent of the governing body of the corporation in which any such reserve or endowment may be vested or which may be beneficially entitled to the revenues derived therefrom. 5

(4.) All revenues derived from any license granted under this section in respect of any education reserve or endowment shall be applied as if they were moneys derived from the lease of such reserve or endowment.

Section 22 of
principal Act
amended.

4. Section twenty-two of the principal Act is hereby amended as follows :— 10

(a.) By omitting from paragraph (e) of subsection two the words “three thousand acres,” and substituting the words “two thousand acres” :

(b.) By repealing paragraph (f) of subsection two, and substituting the following paragraph :— 15

“(f.) A coal-prospecting license shall continue in force for one year, but, with the consent of the Minister and subject to such conditions as he may impose, may be renewed by the Warden or Commissioner of Crown Lands, as the case may be, for a further period not exceeding two years” : 20

(c.) By adding to paragraph (h) the following words : “Where any such license is cancelled by the Warden on the application of the Inspector the Warden may award costs against the licensee.” 25

Qualification of
Inspectors.

5. Section twenty-three of the principal Act is hereby amended by adding to subsection six the following proviso :—

“Provided that any Inspector under the Mining Act, 1908, being the holder of a first-class certificate as a mine-manager under that Act may, without further qualification, and if so directed by the Minister, act as an Inspector of Mines under this Act, save that no person shall inspect any coal-mine in which more than eight persons are employed or any coal-mine wherein safety-lamps other than those used in the daily examination of coal-mines are required to be used, unless he is the holder of a first-class mine-manager’s certificate under this Act.” 30 35

Fees payable on
application for
mine-managers’
certificates.

6. Section twenty-six of the principal Act is hereby amended by omitting from subsection one the words “and shall forward with such application the sum of one pound sterling as a fee for such certificate,” and substituting the words “Every such applicant shall forward with his application the sum of *two pounds two shillings* in the case of a first-class certificate, and the sum of *one pound one shilling* in the case of a second-class certificate.” 40

Qualification of
mine-managers.

7. (1.) Every person employed as, or acting in the capacity of, a mine-manager of a mine shall be the holder of a first-class mine-manager’s certificate where more than twenty men are employed, of a second-class or higher certificate where more than eight but not more than twenty men are employed, and of a fireman and deputy’s certificate or a higher certificate where more than four but not more than eight men are employed ; and where not more than four men are employed he shall, unless he is the holder of any such certificate as aforesaid, be the holder of a permit from the Inspector, 45 50

for which a fee of *one* pound shall be payable, and no person shall be granted such a permit who has not, within the period of ten years immediately preceding the date of application for such permit, had at least three years' practical experience in work in a coal-mine.

5 (2.) The holder of a permit under this section may act as fireman and deputy in the mine in respect of which such permit is granted notwithstanding that he may not be the holder of a fireman and deputy's certificate.

10 (3.) This section is in substitution for subsection one of section twenty-seven of the principal Act, and that subsection and section three of the Coal-mines Amendment Act, 1908, are hereby consequentially repealed. Repeals.

8. Section twenty-eight of the principal Act as set out in section five of the Coal-mines Amendment Act, 1914, is hereby amended as follows :— Section 28 of principal Act amended.

(a.) By omitting the words "ten shillings," and substituting the words "*one* pound *one* shilling":

(b.) By inserting, after the words "to an applicant," the words "resident in New Zealand."

20 9. Section thirty-eight of the principal Act as amended by section two of the Coal-mines Amendment Act, 1908, is hereby further amended by omitting the words "entitled to be" wherever they occur. Compulsory overtime for underground work.

25 10. (1.) Section forty of the principal Act is hereby amended as follows :— Section 40 of principal Act amended.

(a.) By omitting from subparagraph (l) of paragraph (2) the words "three feet directly below or within one foot in any other direction," and substituting the words "one foot":

30 (b.) By repealing paragraph (42), and substituting the following paragraphs therefor :—

35 " (42.) The firemen-deputies of a mine shall, within the two hours immediately before the commencement of work in a shift, inspect with a locked safety-lamp every part of the mine in which workmen are to work or pass during the shift, and all working-places in which work is temporarily stopped within any ventilating district in which the men have to work during the shift, and shall ascertain the condition thereof with respect to the presence of gas and as to ventilation, the condition of the roof and sides, and generally as to the safety of the mine and of the men employed therein.

40 " (42A.) A full and accurate report, specifying whether or not any noxious or inflammable gas was found, and, if so, where such gas was so found, and whether or not any defects in the roof or sides or any other sources of danger were observed, and the nature of all such defects or sources of danger (if any), shall be recorded without delay in a book which shall be kept at the mine for the purpose, and shall be accessible to the workmen; and such report shall be signed by and, so far as the same does not consist of printed matter, shall be in the handwriting of the person who made the inspection."

55 (2.) Section eight of the Coal-mines Amendment Act, 1919, is hereby repealed. Consequential repeal.

Section 62 of principal Act (as to notices of accidents) amended.

11. (1.) Subsection one of section sixty-two of the principal Act is hereby repealed, and the following subsection substituted therefor:—

“(1.) Where, in or about any mine, whether above or below ground, any accident occurs which—

“(a.) Causes loss of life to any person employed in or about the mine; or 5

“(b.) Causes to any person employed in or about the mine any fracture of the head or of any limb, or causes any dislocation of a limb or any other serious personal injury; or

“(c.) Causes any personal injury whatever to any person employed in or about the mine, and is caused by an explosion or ignition of gas or coaldust or other explosive, or by electricity, or by overwinding, or by fire below ground, or by an irruption of water, or by any such other special cause as may be prescribed,— 10 15

the mine-manager shall forthwith by telegraph give notice of such accident in the prescribed form to the Inspector and to the workmen's inspector, and where such accident is attended with loss of life shall, in like manner, also give notice thereof to the Minister.

(2.) Section ten of the Coal-mines Amendment Act, 1914, is hereby repealed. 20

Power to prescribe fines for breaches of regulations.

12. (1.) The power to make regulations conferred on the Governor-General by section seventy-seven of the principal Act, or by section twenty-two of the Coal-mines Amendment Act, 1914, shall include power to make regulations prescribing the maximum fines that may be imposed for breaches of any such regulation, not exceeding in any case *ten* pounds for a first offence or *thirty* pounds for a second or subsequent offence, save that with respect to continuing offences additional fines may be prescribed, not exceeding in any case *five* pounds for every day or part of a day during which an offence continues after notice thereof has been given in writing by an Inspector to the person committing the same. 25 30

Consequential amendments.

(2.) Section seventy-seven of the principal Act is hereby amended by repealing paragraph (*h*) thereof.

(3.) Section twenty-two of the Coal-mines Amendment Act, 1914, is hereby amended by omitting from paragraph (*j*) thereof all words after the words “the principal Act or this Act.” 35

Section 95 of principal Act amended.

13. Section ninety-five of the principal Act is hereby amended by omitting the words “ten pounds,” and substituting the words “thirty pounds.” 40

Extending provisions for institution of proceedings for offences against regulations.

14. Section ninety-six of the principal Act is hereby amended by inserting, after the words “the breach of” in subsection two, the words “any regulation or of.”

Section 126 of principal Act amended.

15. Section one hundred and twenty-six of the principal Act is hereby amended as follows:— 45

(a.) By omitting from subsection one the words “one hundred and thirty-two,” and substituting the words “one hundred and thirty-one”:

(b.) By inserting in subsection three, after the word “referred,” the words “either by the Minister or by the union.” 50

Holder of office under Crown in connection with administration of Coal-mines Acts not to hold interest in coal-mine, &c.

16. No person shall, after the expiration of three months from the passing of this Act, be capable of being appointed to, or of continuing to hold, any office or employment under the Crown in connection with the administration of the Coal-mines Acts or in, or in connection with, any mine under Part II of the principal Act while he, or his wife, or any 55

member of his family has any pecuniary interest in or in connection with any coal-mine or in any coal-mining lease or license.

17. Subsection one of section nine of the Coal-mines Amendment Act, 1909, is hereby amended as follows:—

Section 9 of
Amendment Act,
1909, amended.

5 (a.) By omitting the words "at least five years' experience in underground workings in a coal-mine" and substituting the words "not less than three years' experience in underground workings in a coal-mine in the case of the holder of a mine-manager's certificate granted after examination under the Mining Act, 1908, and not less than five years such experience in any other case."

(b.) By adding the following proviso—

"Provided that any person being the holder of a first-class or a second-class certificate under the principal Act as a mine-manager may be employed as an underviewer or fireman and deputy without complying with the requirements of this subsection."

18. Section six of the Coal-mines Amendment Act, 1914, is hereby amended by adding the following as subsection two:—

Section 6 of
Amendment Act,
1914, amended.

20 "(2.) The mine-manager shall enter in a book to be kept for the purpose the full name and the date and place of birth of every miner for the time being employed at hewing coal in the mine who is under the age of twenty-one years, and such book shall at all times be open for inspection by an Inspector."

25 19. (1.) Section nine of the Coal-mines Amendment Act, 1919, is hereby amended by repealing subsection three, and substituting the following subsection:—

Section 9 of
Amendment Act,
1919, amended.

30 "(3.) A copy of the said plan, showing the workings as on a day to be specified therein (being in every case a day within the month immediately preceding the day on which the copy is forwarded to the Inspector as herein required) shall be forwarded to the Inspector as follows:—

35 "(a.) In the case of a mine from which not more than twelve thousand tons of coal have been removed in any year, a copy shall be forwarded as aforesaid not later than the last day of December of the next succeeding year;

40 "(b.) In the case of a mine from which more than twelve thousand tons of coal have been removed in any year, a copy shall be forwarded not later than the last day of June of the next succeeding year, and another copy showing the workings as on a date not less than six months after the date of the first copy shall be forwarded not later than the last day of December next ensuing."

45 (2.) The said section nine is hereby further amended by inserting, after the words "shall be distinctively indicated" in subsection five, the words "in different colours or by approved marking and dating."

20. Section ten of the Coal-mines Amendment Act, 1919, is hereby amended by inserting, after the words "under section eighty-two of the principal Act" in subsection two, the words "or may authorize the transfer of any moneys in a Coal-miners' Relief Fund to a Sick and Accident Fund."

Section 10 of
Coal-mines
Amendment Act,
1919, amended.

21. The Second Schedule to the principal Act is hereby amended as follows:—

Second Schedule to
principal Act
amended.

55 (a.) By omitting from Rule 1 all words after the words "carrying out all necessary operations," and substituting the words

“ He shall appoint in writing to be officials of the mine such number of competent persons as will be sufficient to secure a thorough supervision of all the operations in or about the mine and the enforcement of the requirements of the Coal-mines Acts and regulations thereunder and any additional rules made in respect of the mine. He shall also assign their duties to the several officials of the mine, and shall to the best of his power see that each official understands and carries out and enforces those provisions of the Acts and regulations and special and additional rules which relate to the matters in respect of which duties are assigned to him ” :

(b.) By omitting from Rule 53 the words “ be permitted to enter or to,” and substituting the words “ enter or.”

Further provision respecting examination of underviewers and firemen and deputies.

22. In any case in which the services of a member of the Board of Examiners are not available for the purpose of conducting an examination under section nine of the Coal-mines Amendment Act, 1909, such examination may be conducted by an Inspector of Mines and such other person or persons as the Governor-General appoints for the purpose.

On assignment of coal-mining lease Minister may require payment of proportion of royalty exceeding one shilling per ton.

23. (1.) If the lessee of any coal-mining lease (whether granted before or after the passing of this Act) hereafter assigns or otherwise parts with, or agrees to assign or otherwise part with, possession of the demised premises, or any part thereof, or any interest therein, in consideration of the payment to him of a royalty or other like consideration in excess of one shilling per ton on the output of all marketable coal to be raised under the powers of the lease, or in consideration of any payment which the Minister deems to be in commutation of such royalty, the Minister may, as a condition precedent to the giving of his consent to the assignment or other disposition, as required by section eleven of the principal Act, require the lessee or his assigns to pay to him, for disposal under this section, such proportion of the royalty, or other consideration aforesaid, as he may from time to time determine.

(2.) All moneys required to be paid pursuant to a requisition of the Minister under the *last preceding* subsection shall become due and payable from time to time in accordance with the terms of the requisition in that behalf, and all amounts unpaid on the due date shall be recoverable as a debt due to the Crown at the suit of the Minister or of any person appointed for the purpose in writing by the Minister.

(3.) All moneys received by the Minister under this section shall be paid into the Consolidated Fund or other account to which the rent reserved under the lease is payable.

(4.) All moneys credited to the Consolidated Fund under this section, may, without further appropriation than this section, be applied for the purpose of opening up coal-bearing areas by the provision of roads, bridges, wharves, and other facilities for access or transport, and generally in the development of the coal-mining industry of New Zealand.