

[AS REPORTED FROM THE GOLDFIELDS AND MINES
COMMITTEE.]

House of Representatives, 15th November, 1937.

Hon. Mr. Webb.

COAL-MINES AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	16. Section 104 of principal Act amended.
2. Penalty for breach of conditions of lease.	17. Section 107 of principal Act amended.
3. Amending provisions as to surrender of coal-mining rights.	18. Section 117 of principal Act amended.
4. Qualifications as to age of mine-managers and other officials.	19. Section 123 of principal Act amended.
5. Section 60 of principal Act amended.	20. Section 126 of principal Act amended.
6. Certificates of competency as underviewers or firemen-deputies to be periodically endorsed by Inspector.	21. Prohibiting the underground use of certain appliances, with a view to prevention of coal-dust.
7. Modification of restrictions on employment of women and boys in coal-mines.	22. Sections 128 and 129 of principal Act affected.
8. Youths under sixteen not to be employed underground.	23. Qualifications of workmen's inspectors.
9. Extension of restrictions as to Sunday employment in mine.	24. Section 130 of principal Act amended.
10. Except with consent of Minister, wages of workmen engaged in mining coal to be computed by reference to weight of coal got. Consequential amendment of section 76 of principal Act.	25. Provision for appointment of workmen's inspector by organization known as the United Mine Workers of New Zealand.
11. Extending operation of section 79 of principal Act (as to plans of coal-mines).	26. Section 131 of principal Act amended.
12. Particulars as to wages to be supplied to local coal-miners' union. Repeal.	27. Particulars to be supplied to Inspector with respect to accidents resulting in absence from work.
13. Section 93 of principal Act (as to airways) amended.	28. Section 150 of principal Act amended.
14. Section 94 of principal Act amended.	29. Minister may require owners to contribute towards cost of transport of workmen to and from mines.
15. Section 95 of principal Act amended.	30. Increase of borrowing-powers in respect of State coal-mines.
	31. Extending power to make regulations to ensure the safety of workmen.

A BILL INTITULED

Title.	AN ACT to amend the Coal-mines Act, 1925.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title. See Reprint of Statutes, Vol. V, p. 843	1. This Act may be cited as the Coal-mines Amendment Act, 1937, and shall be read together with and deemed part of the Coal-mines Act, 1925 (hereinafter referred to as the principal Act).	
Penalty for breach of conditions of lease.	2. (1) If the lessee under any coal-mining lease carries on any mining operations otherwise than in accordance with the terms of his lease, or commits any breach of the terms of his lease, he shall be guilty of an offence under the principal Act and shall be liable to a fine of <i>one hundred</i> pounds.	10
	(2) In any proceedings under this section it shall be a good defence if the defendant satisfies the Court that the act or default in respect of which the proceedings are brought was due to a strike, accident, or other cause unavoidable by the lessee.	15
	(3) No person shall be proceeded against under this section whose lease has been determined by the Minister in accordance with paragraph (<i>h</i>) of subsection one of section eighteen of the principal Act, and if any person has been proceeded against under this section his lease shall not be determinable under the aforesaid paragraph (<i>h</i>) for the same act or default.	20
Amending provisions as to surrender of coal-mining rights.	3. Section twenty-six of the principal Act is hereby amended by adding to paragraph (<i>d</i>) of subsection one the words “over the whole or over any portion of the lands comprised therein”.	25
Qualifications as to age of mine-managers and other officials.	4. Notwithstanding anything to the contrary in the principal Act, no person shall, after the commencement of this Act, be appointed as manager or as deputy-manager of a coal-mine, or as an underviewer or fireman-deputy in any coal-mine, unless he has attained the age of twenty-three years.	30
Section 60 of principal Act amended.	5. (1) Subsection one of section sixty of the principal Act is hereby amended by inserting the words “(including the manager)”—	35
	(a) After the words “twenty men” in paragraph (<i>a</i>):	40
	(b) After the words “twenty men” in paragraph (<i>b</i>):	

- (c) After the words " ten men " in paragraph (c):
 (d) After the words " eight men " in paragraph (d):
 (e) After the words " eight men " and also after
 the words " four men " in paragraph (e).

5 (2) Subsection two of the said section sixty is hereby amended by omitting the words " during the ten years immediately preceding the application for the permit " where those words first occur in the said subsection.

10 (3) No person shall be granted a permit under paragraph (e) of subsection one of section sixty of the principal Act unless the Inspector is satisfied that he has an adequate knowledge of the duties of the manager of a mine of the class to which the application for the permit relates, and also that he has an adequate
 15 knowledge of the provisions of the principal Act and the regulations thereunder.

6. (1) Every certificate of competency as an under-
 viewer or as a fireman-deputy (whether granted before
 or after the commencement of this Act) shall be deemed
 20 to be suspended in accordance with this section unless it is from time to time endorsed by an Inspector with a certificate to the effect—

Certificates of competency as underviewers or firemen-deputies to be periodically endorsed by Inspector.

- (a) That the holder of the certificate is capable of
 25 making tests for inflammable gas (accurate so far as is practicable with a safety-lamp); and
 (b) That the sense of hearing of the holder is not defective or, as the case may be, that his sense of hearing is not so defective as to prevent him from carrying out his duties efficiently.

30 (2) The suspension of a certificate of competency in accordance with this section shall take effect as follows:—

- (a) In the case of a certificate that has been endorsed
 35 under this section, on the expiration of five years from the date of the last endorsement:
 (b) In the case of a certificate that has not been endorsed under this section, on the expiration of five years from the date of the certificate or of one year from the commencement of this Act (whichever of the said periods is the later
 40 to expire).

(3) A certificate of competency to which this section applies shall have no force or effect during any period
 45 while it is suspended in accordance with the foregoing provisions of this section.

- 1910, No. 76
- (4) For the purposes of this section the expression "certificate of competency" includes a certificate of service granted under section two of the Coal-mines Amendment Act, 1910.
- (5) A record of every endorsement made for the purposes of this section shall be made in the register of certificates of competency kept in accordance with section fifty-four of the principal Act. 5
- Modification of restrictions on employment of women and boys in coal-mines.
7. The restriction imposed by section sixty-six of the principal Act on the employment of females and of boys in mines shall have no application with respect to persons engaged solely in clerical employment or as nurses or charwomen. 10
- Youths under sixteen not to be employed underground.
8. Section sixty-seven of the principal Act is hereby amended by adding the following words: "and no youth under the age of sixteen years shall be employed underground in any mine". 15
- Extension of restrictions as to Sunday employment in mine.
9. (1) Section seventy-two of the principal Act is hereby amended by inserting, after the words "it shall not be lawful" in subsection one, the words "for any person to do any skilled or unskilled manual labour in or about any mine on Sunday or". 20
- (2) The said section is hereby further amended by inserting, after the words "If any workman is employed in breach of this section" in subsection four, the words "or if any other person does any manual labour in breach of this section, the workman or other person as aforesaid". 25
- Except with consent of Minister, wages of workmen engaged in mining coal to be computed by reference to weight of coal got.
10. (1) Notwithstanding anything to the contrary in any award of the Arbitration Court, or in any industrial agreement or other agreement, the wages payable to workmen engaged in mining coal shall be computed by reference to the weight of the coal got by them except— 30
- (a) In cases where, with the consent in writing of the Minister, the wages payable are computed by measure or gauge; or 35
- (b) In cases where the wages payable are computed by reference to the time worked.
- (2) Any consent given by the Minister for the purposes of paragraph (a) of the last preceding subsection may be at any time in like manner revoked. 40

(3) At every mine where the wages of any workmen are computed by reference to the weight of coal got by them, a weighbridge shall, except as provided in the *next succeeding* subsection, be installed in accordance with the following provisions, namely:—

- 5 (a) In the case of a mine that is being worked on the passing of this Act, within *six* months thereafter:
- 10 (b) In the case of any other mine, within *six* months after the commencement or recommencement of mining operations therein.

(4) Where, with the consent of the Minister, the wages of the workmen engaged in mining coal in any mine have been computed by measure or gauge, it shall be sufficient compliance with the requirements of this section if a weighbridge is installed within *six* months after notice has been duly given of the revocation of the Minister's consent, or (as the case may be) within *six* months after the voluntary adoption of the system of computing wages by reference to the weight of coal won.

15 (5) Where, with the consent of the Minister given as aforesaid, the wages of any workmen are computed by measure or gauge, the method of measuring or gauging, in the absence of agreement between the owner and the workmen, shall be determined by an Inspector of Weights and Measures appointed under the Weights and Measures Act, 1925.

See Reprint
of Statutes,
Vol. VIII,
p. 1145

20 (6) If at any mine where a weighbridge is required to be installed in accordance with this section such weighbridge is not duly installed, or, being installed, is not maintained in effective working-order, the owner of the mine shall be deemed to have committed an offence against the principal Act and shall be liable to a fine of *not exceeding fifty* pounds.

25 (7) Nothing in the principal Act or in this section shall be construed to entitle any workmen whose wages are computed by reference to the weight or quantity of coal got by them to claim payment except for coal (exclusive of stones or any other material that may be found therewith).

30 (8) Section seventy-six of the principal Act is hereby consequentially amended as follows:—

Consequential
amendment of
section 76 of
principal Act.

(a) By repealing subsection one:

(b) By omitting from subsection two the words “Notwithstanding anything in the foregoing provisions of this section”, and substituting the words “Where the wages payable to any workmen engaged in mining coal are computed by reference to the weight of coal got by them”.

Extending operation of section 79 of principal Act (as to plans of coal-mines).

11. (1) Section seventy-nine of the principal Act is hereby amended by omitting from subsection one the words “in which more than six men are employed”.

(2) The said section is hereby further amended by omitting from subsection four the words “or under the supervision of”.

Particulars as to wages to be supplied to local coal-miners’ union.

12. (1) On the request in writing of the secretary of the local coal-miners’ union, the owner, agent, or manager of a coal-mine shall supply particulars showing with respect to each workman employed in the mine the amount of the last payment of wages received by him, the hours worked in respect of such payment, and the amount of work performed.

Repeal.

(2) This section is in substitution for section eighty-eight of the principal Act, and that section is hereby repealed accordingly.

Section 93 of principal Act (as to airways) amended.

13. Section ninety-three of the principal Act is hereby amended as follows:—

(a) By omitting from subsection two all words after the words “in such manner as may be prescribed”:

(b) By adding the following subsection:—

“(3) All stoppings between the intake airway and the return airway in any ventilating district shall be constructed in accordance with such design and of such materials as the Inspector may require or approve.”

Section 94 of principal Act amended.

14. Section ninety-four of the principal Act is hereby amended by repealing subsection one thereof.

Section 95 of principal Act amended.

15. Section ninety-five of the principal Act is hereby amended by omitting from subsection four the words “a fortnight”, and substituting the words “twenty-four hours”.

16. Section one hundred and four of the principal Act is hereby amended by adding the following as subsection two thereof:—

Section 104
of principal
Act amended.

5 “(2) In every case where the Inspector so requires reasonable protection from the inclemency of the weather shall be provided, to his satisfaction, for workmen employed on exposed portions of haulage-roads.”

10 17. Section one hundred and seven of the principal Act is hereby amended by repealing subsection three, and substituting the following subsections:—

Section 107 of
principal Act
amended.

“ (3) Every detaching-hook shall from time to time be tested by an actual overwind in the presence of an Inspector, in accordance with the following provisions,

15 namely:—

“ (a) It shall be so tested before being used for the first time in any winding-shaft:

20 “(b) It shall be so tested before being used after any alteration in design has been made to the cage or any alteration has been made to the head frame or the detaching-gear:

25 “(c) In no case shall a longer interval than twenty-one months elapse between one test and the next succeeding test, notwithstanding that in that interval no alterations of a kind referred to in the *last preceding* paragraph may have been made.

30 “(3A) At intervals not exceeding three months the detaching-hook shall be completely taken apart, annealed, and greased, and a new copper rivet shall be fitted in it.

35 “(3B) The periodical testing and overhaul of the detaching-hook shall be conducted by a competent person appointed for the purpose by the manager, and the person by whom any such test or overhaul is conducted shall enter the result in a book to be kept for the purpose. Every such entry shall be signed by the person making the same.”

18. Section one hundred and seventeen of the principal Act is hereby amended as follows:—

Section 117 of
principal Act
amended.

40 (a) By omitting from subsection two the words “ the roadway ”, and substituting the words “ that or any other roadway ”:

(b) By omitting from subsection three the words “ and advanced ”.

Section 123 of
principal Act
amended.

19. Section one hundred and twenty-three of the principal Act is hereby amended by omitting from subsection one and also from subsection two the words "oil or gas engine", and in each case substituting the words "internal-combustion engine".

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Section 126 of
principal Act
amended.

20. (1) Section one hundred and twenty-six of the principal Act is hereby amended by omitting the words "unless the floor, roof, and sides of the roads are naturally wet throughout"; and also by inserting, after the word "roads" in paragraph (c), the words "and all working-places".

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(2) Exemption from all or any of the requirements of the said section one hundred and twenty-six may be granted by the Inspector in respect of any mine if he is satisfied that the floor, roof, and sides of the roads, and the working-places in the mine are naturally wet throughout.

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Prohibiting
the underground
use of certain
appliances,
with a view
to prevention
of coal-dust.

21. (1) With a view to preventing the accumulation of coal-dust, the sizing or screening of coal underground in mines is hereby prohibited, and it shall not be lawful to use or to permit to be used underground any forks, harps, riddles, or other implements by which coal can, in effect, be sized or screened:

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New.

Provided that the Minister may, by writing under his hand, exempt any mine from the requirements of this section, either absolutely or subject to such conditions as in any case he thinks fit. Any exemption granted under this section may be at any time in like manner varied or revoked.

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(2) This section shall come into force on the first day of January, nineteen hundred and thirty-nine.

Sections 128
and 129 of
principal Act
affected.

22. Every report made for the purposes of section one hundred and twenty-eight or section one hundred and twenty-nine of the principal Act shall, if written in the underground workings of the mine, be made in duplicate, and a copy thereof shall as soon as possible be transmitted to the surface and be recorded in the office of the mine.

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Qualifications
of workmen's
inspectors.

23. (1) No person shall hereafter be qualified to be appointed or to act as a workmen's inspector under section one hundred and thirty of the principal Act unless—

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- (a) He is the holder of a gas-testing certificate issued in accordance with regulations under the principal Act; and
- 5 (b) He has had not less than three years' practical experience as a coal-hewer and (inclusive of the said period of three years) has had at least five years' practical experience underground in a mine.
- 10 (2) Section one hundred and thirty of the principal Act is hereby consequentially amended by omitting from subsection one the words " who have had at least three years' practical experience in a mine as coal-hewers ".
- (3) This section shall come into force on the first day of January, nineteen hundred and thirty-nine.
- 15 **24.** Section one hundred and thirty of the principal Act is hereby further amended by omitting from the proviso to subsection three the words " due notice ", and substituting the words " at least twelve hours' notice in writing ".
- 20 **25.** (1) The organization known as the United Mine Workers of New Zealand, or any other organization for the time being recognized by the Minister as being representative of the workers employed in coal-mines throughout New Zealand, may from time to time in
- 25 accordance with this section appoint a fit person (hereinafter in this section referred to as the Workmen's National Inspector) with authority to inspect any mine or mines in New Zealand in accordance with this section.
- 30 (2) No person shall be qualified for appointment or to hold office as the Workmen's National Inspector unless—
- (a) He is the holder of a gas-testing certificate issued in accordance with regulations under the principal Act; and
- 35 (b) He has had not less than three years' practical experience as a coal-hewer and (inclusive of the said period of three years) has had at least five years' practical experience underground in a mine.
- 40 (3) Notice of the appointment of any person as the Workmen's National Inspector under this section shall be given by the appointing authority to the manager of every mine in which coal-mining operations are for the time being carried on and to every Inspector of Mines.

Section 130 of principal Act amended.

Provision for appointment of workmen's inspector by organization known as the United Mine Workers of New Zealand.

(4) The Workmen's National Inspector shall, in accordance with this section, be allowed to inspect any mine in which any members of the appointing authority or of any society affiliated to the appointing authority are for the time being employed or engaged: 5

Provided that before making any such inspection at least twelve hours' notice in writing of intention to make the inspection shall be given to the manager of the mine.

(5) In making any inspection as aforesaid the Workmen's National Inspector shall be allowed to inspect every part of the mine, its machinery, and workings. 10

(6) When carrying out an inspection of any mine the Workmen's National Inspector may be accompanied by the workmen's inspector appointed in respect of that mine pursuant to section one hundred and thirty of the principal Act (or by one of such inspectors, if more than one has been appointed). He may also be accompanied by the manager or some person appointed in that behalf by the manager. 15 20

(7) It shall be the duty of the mine-manager to give to the Workmen's National Inspector and to any workmen's inspector accompanying him full and free facilities for making any inspection in accordance with this section. 25

(8) The Workmen's National Inspector shall, forthwith after making any inspection in accordance with this section, make a full and accurate report in writing of the result of his inspection, and shall immediately thereafter furnish a copy of his report to the manager of the mine inspected, who shall cause the same to be recorded in the book required to be kept pursuant to subsection six of section one hundred and thirty of the principal Act, and if the report is to the effect that the mine or any part thereof is in a condition dangerous to life or that any dangerous practice exists in the working of the mine, the mine-manager shall forthwith forward a copy of the report to the Inspector of Mines. 30 35 40

(9) If the inspection of any mine by the Workmen's National Inspector occupies more than one day, a separate report shall be made for each day of the inspection.

Section 131 of
principal Act
amended.

26. Section one hundred and thirty-one of the principal Act is hereby amended by omitting from 45

subsection two the words "two and a half", and substituting the word "two".

27. (1) Within seven days after the happening in or about a mine of any accident that renders any workman unfit for work for three days or upwards, the owner, agent, or manager shall furnish to the Inspector, in duplicate, such particulars of the accident as may be required in accordance with forms to be provided by the Inspector for the purpose.

Particulars to be supplied to Inspector with respect to accidents resulting in absence from work.

10 (2) The requirements of the *last preceding* subsection are in addition to, and not in substitution for, the requirements of subsection one of section one hundred and forty-five of the principal Act.

28. (1) Section one hundred and fifty of the principal Act is hereby amended by repealing subsections two and three, and substituting the following subsections:—

Section 150 of principal Act amended.

20 "(2) The owner shall not be compelled to erect bathhouses, or to reopen bathhouses that have been closed in accordance with the provisions of subsection four hereof, unless a vote of the workmen working underground in the mine has been taken on a proposal that bathhouses be provided or that the bathhouses be reopened (as the case may require), and the proposal has been carried. A proposal that bathhouses be provided or that the bathhouses be reopened shall be deemed to be carried only if the following conditions are satisfied, but not otherwise:—

30 "(a) Where the number of workmen who are entitled to vote is twenty or less, if at least seventy-five per centum of the men so entitled vote in favour of the proposal:

85 "(b) Where the number of workmen who are entitled to vote exceeds twenty but does not exceed fifty, if at least fifty per centum of the men so entitled vote in favour of the proposal:

40 "(c) Where the number of workmen who are entitled to vote exceeds fifty, if at least thirty per centum of the men so entitled vote in favour of the proposal.

45 "Notwithstanding anything in the foregoing provisions of this subsection, where the number of men entitled to vote exceeds twenty but does not exceed fifty, a proposal shall not be deemed to be carried unless at least fifteen of those men vote in favour thereof, and where the

number of men entitled to vote exceeds fifty a proposal shall not be deemed to be carried unless at least twenty-five of those men vote in favour thereof.

“ (3) A vote for the purposes of the *last preceding* subsection shall be taken on a requisition signed by not less than ten workmen entitled to vote. No such requisition shall be presented before the expiration of *three* months after the commencement of mining operations in the mine to which the requisition relates.”

Minister may require owners to contribute towards cost of transport of workmen to and from mines.

29. (1) In lieu of requiring the provision of housing accommodation for workmen, in accordance with the provisions in that behalf of section one hundred and fifty-one of the principal Act, the Minister may, by notice in writing under his hand, require the owner or agent of any coal-mine to contribute, in respect of the workmen or any of the workmen employed in or about the mine, such portion of the cost of their conveyance to and from the mine as may be specified in such notice.

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

(3) Any moneys payable under this section shall, in accordance with the direction of the Minister, be payable to the workmen concerned or to the person to whom fares for the conveyance of workmen are payable, or shall be payable in such other manner as the Minister may specify.

(4) Any moneys payable by the owner or agent in accordance with this section and not paid may be recovered as a debt due to the Crown, and all moneys so recovered shall, without further authority than this section, be payable by direction of the Minister to the person or persons who in his opinion are entitled thereto.

(5) If any owner or agent fails to pay any moneys payable by him in accordance with this section, as and when such moneys become payable, he shall be guilty of an offence against the principal Act.

Increase of borrowing-powers in respect of State coal-mines.

30. Section one hundred and seventy-nine of the principal Act is hereby amended by omitting therefrom the words “ two hundred and eighty thousand pounds ”, and substituting the words “ three hundred and thirty thousand pounds ”.

Extending power to make regulations to ensure the safety of workmen.

31. (1) The power to make regulations to provide for the safety, health, and convenience of persons employed in mines, conferred on the Governor-General by paragraph (g) of subsection one of section one

hundred and ninety-two of the principal Act, is hereby extended so as to authorize the making of regulations requiring the use by workmen of protective clothing, covering, or equipment of a prescribed kind.

- 5 (2) Any such regulations may be made to apply generally with respect to all workmen employed in mines, or may be limited to apply only to workmen employed in work of a prescribed kind, or to
10 workmen employed in work carried on in prescribed places or under prescribed conditions.

New.

- 15 **32.** (1) Section one hundred and ninety-two of the principal Act is hereby amended by inserting, after paragraph (g) of subsection one thereof, the following new paragraph:—

“(gg) The screening of coal in coal-mines or in connection with coal-mines.”

- 20 (2) Any regulations made for the purposes of this section may be of general application or may relate to any specified coal-mines, or to coal-mines in any specified locality or district.

Power to make regulations in respect of the screening of coal.