

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,

2nd November, 1927.

Hon. Mr. Anderson.

MINING AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Business-site and residence-site licenses not to be surrendered with a view to acquisition of mining privilege by other person.</p> <p>3. Prospector to report discovery of minerals to Inspector.</p> <p>4. Section 77 of principal Act (as to mineral prospecting warrant) amended.</p> <p>5. Annual return to be made by holder of water-race license. Section 109 of principal Act amended.</p> <p>6. Section 129 of principal Act amended.</p> <p>7. Section 144 of principal Act (granting of business-site licenses, &c.) amended.</p>	<p>8. Place of filing application for water-race license, &c.</p> <p>9. Section 217 of principal Act (as to reduction of rent, &c.) amended.</p> <p>10. Section 226 of principal Act (as to removal of timber from shafts, &c.) amended.</p> <p>11. Dredgemasters to hold certificates. Repeal.</p> <p>12. General rules amended.</p> <p>13. Mine to have two outlets.</p> <p>14. Section 282 of principal Act (as to plans of workings) amended.</p> <p>15. Section 296 of principal Act (as to accidents in mines) amended.</p> <p>16. Provisions as to directions, &c., given by Inspectors.</p>
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A BILL INTITLED

AN ACT to amend the Mining Act, 1926.

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 Mining Amendment Act, 1927, and shall be read together with and deemed part of the Mining Act, 1926 (hereinafter referred to as the principal Act).

2. (1) The surrender of any residence-site license or business-site license shall not be accepted unless the Warden is satisfied that the proposed surrender is not for the purpose of facilitating the acquisition by any other person of a mining privilege over the land or any portion of the land comprised in the license, and that the licensee has not received or agreed to receive any payment or other consideration in respect of the surrender of the license or in respect of any improvements on the land comprised therein.

(2) Every application for the surrender of a residence-site license or a business-site license shall specify the reasons for the surrender, and the Warden may require the statement contained in any such application to be verified by the statutory declaration of the licensee.

3. Section seventy-four of the principal Act is hereby amended by inserting in paragraph (a), after the words "and the prompt reporting to him," the words "and to the Inspector of Mines for the district."

Title.

Short Title.

Business-site and residence-site licenses not to be surrendered with a view to acquisition of mining privilege by other person.

Prospector to report discovery of minerals to Inspector.

Section 77 of principal Act (as to mineral prospecting warrant) amended.

Annual return to be made by holder of water-race license.

Section 109 of principal Act amended.

Section 129 of principal Act amended.

Section 144 of principal Act (granting of business-site licenses, &c.) amended.

Place of filing application for water-race license, &c.

Section 217 of principal Act (as to reduction of rent, &c.) amended.

4. Section seventy-seven of the principal Act is hereby amended by omitting from the proviso to subsection one the words "produced to," and substituting the words "deposited with."

5. (1) Every water-race license, whether granted before or after the commencement of this Act, shall be deemed to be granted and shall be held subject to the condition that the holder thereof shall, not later than the thirty-first day of January in every year, forward to the Registrar a return for the preceding twelve months ended on the thirty-first day of December of such particulars as may be prescribed relating to the water-race the subject-matter of the license. 5 10

(2) Section one hundred and nine of the principal Act is hereby amended as follows:—

(a) By omitting paragraph (g), and substituting the following paragraph:—

"(g) Any other purposes authorized by the Minister on the recommendation of the Warden"; and 15

(b) By adding to the proviso to the section the words "and subject to such conditions as he may impose."

6. Section one hundred and twenty-nine of the principal Act is hereby amended as follows:— 20

(a) By adding to paragraph (k) the following words,—

"The local authority may apply any moneys received for water supplied by it in payment of interest and sinking-fund charges on any loan or loans raised to provide for the cost of acquisition of the mining privilege or of constructing any work in connection therewith and in payment of the cost of maintenance and repair of such mining privilege or works (including administration expenses)." 25

(b) By adding the following new paragraph,—

"(kk) The local authority may, by special order, from time to time make by-laws, not inconsistent with this Act or the conditions of the mining privilege, for the efficient control, maintenance, or management of the mining privilege and of the works in connection therewith, and for regulating the use of water supplied by it. Such by-laws shall not come into force until they have been approved by the Governor-General." 30 35

7. Section one hundred and forty-four of the principal Act is hereby amended by adding to the proviso the words "or would be contrary to the public interest." 40

8. With respect to every application for a water-race license or any other mining privilege authorizing the diversion of water, the office of the Registrar in which such application must be filed in terms of paragraph (a) of section one hundred and sixty-nine of the principal Act shall be determined by reference to the situation of the proposed point or points of intake for the water: 45

Provided that the application must be filed in the office of a Registrar in the mining district in which such point or points of intake are situated.

9. Section two hundred and seventeen of the principal Act is hereby amended as follows:— 50

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

“(1) Notwithstanding anything to the contrary in this Act the Warden may, with the written consent of the Minister, make an order reducing the rent payable in respect of any mining privilege to such sum and for such period as he thinks fit.”

(b) By omitting from subsection two the words “The Minister may also in like manner direct,” and substituting the words “The Warden may with the like consent make an order directing.”

(c) By adding the following new subsection:—

“(4) Application for a reduction of rent under this section shall be made within *three* months after the date up to which the rental due under the mining privilege has been paid, and shall be accompanied by a deposit equal to *three months’* rent at the reduced rate applied for.”

10. Section two hundred and twenty-six of the principal Act is hereby amended by inserting the following additional proviso to paragraph (b):—

Section 226 of principal Act (as to removal of timber from shafts, &c.) amended.

“Provided further that on application being made in that behalf the Minister may consent to the removal of timber used in connection with water-races. Such consent shall be in writing and may be given subject to such conditions as the Minister thinks fit to impose. Any person failing to comply with any conditions imposed as aforesaid shall be liable to the same penalty as hereinbefore provided for a breach of the provisions of this paragraph.”

11. (1) Subject to the provisions hereinafter set out every person employed or acting as the master or person in charge of a dredge shall be the holder of a dredgemaster’s certificate under this Act.

Dredgemasters to hold certificates.

(2) If such dredge is working in a deep or swift-flowing stream the certificate shall be a Class A certificate.

(3) If such dredge is working elsewhere than in a deep or swift-flowing stream a Class B certificate will be sufficient:

Provided that the requirement of this section as to the holding of a dredgemaster’s certificate for a dredge working elsewhere than in a deep or swift-flowing stream shall not come into force until the first day of January, nineteen hundred and twenty-*nine*.

(4) The examination for dredgemasters’ certificates shall be in such special subjects and shall be subject to such conditions as are prescribed.

(5) If any dredgemaster is incapacitated from performing his duties or is about to be absent from the dredge for more than three days, he or the owner of the dredge shall, in writing, appoint some person, approved by the Inspector, to act as deputy dredgemaster during such incapacity or absence, but no such deputy shall act for more than fourteen days unless authorized so to do by the Inspector. It shall not be necessary for such deputy to hold a dredgemaster’s certificate.

(6) Every person who is the holder of a dredgemaster’s certificate issued prior to the coming into force of this Act shall be deemed to be the holder of a Class A dredgemaster’s certificate, and may on forwarding such certificate to the Board of Examiners have it endorsed accordingly.

(7) The Board of Examiners may, subject to such conditions as are prescribed, grant a Class B dredgemaster’s certificate to any person who at the date of the coming into force of this Act is in charge of a

continuously-working dredge, or who has been in charge of such a dredge for a period or periods of not less than two years in the aggregate. Every person desiring to obtain a certificate as aforesaid shall make application in the prescribed form to the Board not later than the thirty-first day of December, nineteen hundred and twenty-eight, and shall submit with such application satisfactory evidence of his employment in charge of a dredge, and testimonials of good character and sobriety. 5

Repeal.

(8) This section is in substitution for section two hundred and forty-six of the principal Act, and that section is hereby accordingly repealed. 10

General rules amended.

12. Section two hundred and seventy-four of the principal Act is hereby amended as follows:—

(a) By repealing paragraph twenty-one, and substituting the following paragraph:— 15

“(21) No timber, rails, sprags, or other material (except samples from the mine), and no implements or tools other than scientific instruments, shall be raised or lowered whilst persons are being raised or lowered in the same shaft, whether in the same cage or not: 20

Provided that this paragraph shall not apply in the case of men working in the shaft or in the case of men accompanying animals or bulky materials which cannot be raised or lowered in a cage:

Provided further that where a shaft is divided throughout by a substantial partition each section of the shaft shall, for the purposes of the provisions of this paragraph, be deemed to be a separate shaft.” 25

(b) By adding the following proviso to paragraph twenty-six:—

“Provided that where a winding-rope has not been in continuous use, the Inspector may, after the rope has been tested, authorize the extension of the said period of three and a half years for such further period or periods, not exceeding in the whole twelve months, as he thinks fit having regard to the safety of persons to be raised or lowered by such winding-rope.” 30 35

(c) By inserting in paragraph twenty-eight, after the words “and also a proper indicator,” the words “approved by the Inspector.”

(d) By omitting from paragraph thirty-one the word “three.” and substituting the word “four.” 40

Mine to have two outlets.

13. (1) For every mine, whether opened before or after the commencement of this Act, which has underground workings, there shall be at least two separate and distinct outlets intercommunicating with each other, so that such outlets shall afford a separate means of ingress and egress available to the persons employed in such mine. 45

(2) The two outlets required by the *last preceding* subsection shall not at any point in their course be nearer to each other than one hundred feet.

(3) The foregoing provisions of this section shall not apply— 50

(a) To any mine, so long as not more than twenty men are employed in the mine on one shift:

(b) To any mine of which one of the outlets has become temporarily unavailable for use, so long as it is exempted by the Minister and as the conditions (if any) attached to such exemption are observed :

5 (c) To any mine opened before the commencement of this Act, so long as it is exempted by the Minister on the recommendation of the Inspector, on the ground that the quantity of mineral proved and the prospects of the mine are not such as to warrant the restriction of the working of the mine in
10 order to provide a second outlet, and so long as the conditions (if any) attached to such exemption are observed.

(4) The foregoing provisions of this section relating to the distance apart of the two outlets shall not apply to any mine for which there were two outlets in existence at the commencement of this Act :

15 Provided that if in the course of working any such mine it is necessary to extend the existing outlets, and such outlets are less than one hundred feet apart, the extended portions shall be widened to the full one hundred feet.

20 (5) The owner of every mine who works such mine in breach of the provisions of this section shall be liable to a fine of *ten* pounds for each day during which the mine is so worked.

14. Section two hundred and eighty-two of the principal Act is hereby amended by omitting paragraph (a) of subsection one, and substituting the following :—

Section 282 of principal Act (as to plans of workings) amended.

25 “(a) Shall keep at the office at the mine a full and accurate plan of the underground workings of the mine made to a scale of not less than one inch to two chains by a mine-manager holding a first-class certificate of competency, or by the holder of a diploma in land and mining surveying issued by the Otago University or the University of New Zealand, or by a licensed surveyor under the Surveyors’ Institute and Board of Examiners Act, 1908, and showing, in addition to the workings, the boundaries of the area to which the mining privilege relates, with the position of all trigonometrical stations, public roads, tramways, railways, buildings used in connection with the mining
30 privilege, bridges, rivers, streams, lakes, estuaries, or tidal rivers within such boundaries and in the immediate vicinity thereof, and showing also the longitudinal sections of such workings on the different lodes and levels ; and also.”

40 15. Section two hundred and ninety-six of the principal Act is hereby amended by omitting paragraph (a), and substituting the following paragraph :—

Section 296 of principal Act (as to accidents in mines) amended.

45 “(a) Where loss of life or serious personal injury has immediately resulted from an accident, the place where the accident occurred shall be left as it was immediately after the accident until the expiration of at least three days after the sending to the Inspector of the telegraphic notice referred to in the *next succeeding* section, or until the inspection of the place by the Inspector, whichever happens first, unless compliance with this provision would tend to increase
50 or continue a danger or would seriously impede the working of the mine.”

Provisions as to
directions, &c.,
given by Inspectors.

16. Any direction or consent given, or exemption granted, by an Inspector pursuant to the principal Act in connection with the working, regulation, and inspection of a mine shall be in writing signed by the Inspector, and may be given or granted either absolutely or subject to such conditions as he imposes. Any such direction, consent, or exemption may at any time be altered or may be withdrawn or revoked. 5

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1927.