

## New Zealand.



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1910, No. 78.

AN ACT to amend the Mining Act, 1908.

[3rd December, 1910.]

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, 1910, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).

2. Notwithstanding anything in section sixty-seven of the principal Act, prospecting warrants and prospecting licenses may, with the consent of the trustees, be granted in respect of any endowment or public reserve.

3. Notwithstanding anything to the contrary in section eighty-seven of the principal Act, in the case of an application for a dredging claim comprising portion of a stream which has been previously held as a dredging claim and abandoned, or in the case of an application for a dredging claim where the ground to be dredged is of shallow depth, the Warden may, in his discretion, but subject to the approval of the Minister, grant to the applicant a special dredging claim of any shape but not exceeding eight miles in length or four hundred acres in area.

Title.

Short Title.

Prospecting over endowments or public reserves.

Section 87 of principal Act extended.

Minerals associated  
with gold.

4. Notwithstanding anything in section ninety-six of the principal Act, where gold is associated with other metals or minerals a special claim may be granted, and the holder thereof shall be entitled to all metals or minerals within the boundaries of the claim, and to mine for or remove the same.

Surveys of claims.

5. (1.) Notwithstanding anything in section one hundred and sixty-seven of the principal Act, the Warden may at any time by order direct that the land comprised in any claim, whether granted before or after the passing of this Act, shall be surveyed in the prescribed manner.

(2.) Any such order may direct that the cost or estimated cost of the survey shall be deposited in the Warden's Court by the person on whose application the order is made.

(3.) Every survey so ordered to be made shall be completed within three months after the service of the order on the person required to make the survey, or within such further time as the Warden by the same or any other order directs.

Liens on dredges.

6. The provisions of section two hundred and fourteen of the principal Act shall extend and apply to wages or contract-moneys earned on a dredge while the dredge is on a claim or in course of removal to or from a claim.

Mine-manager  
to have certificate.

7. Section two hundred and twenty-eight of the principal Act is hereby repealed, and the following substituted therefor:—

“228. (1.) Every person employed or acting in the capacity of a mine-manager of any mine in which more than twelve men are employed at any one time above ground, or more than six men at any one time below ground, shall be the holder of a mine-manager's certificate under this Act.

“(2.) If such mine is worked from a shaft or inclined plane where winding or pumping machinery is used, such certificate shall be a first-class certificate.

“(3.) If such mine is worked from an adit level where no winding or pumping machinery is used, or if the workings are above ground, such certificate need only be a second-class certificate.

Mine-manager's  
certificate of  
service.

8. Every person who at the time of the passing of this Act, or during the preceding two years, is or has been in charge for a period of not less than twelve months of a mine employing not less than six men and does not hold a certificate of competency as a mine-manager shall be entitled to a certificate of service of the second class. Application shall be made to the Board of Examiners within twelve months after the passing of this Act, accompanied by a fee of one pound and satisfactory proof that the requirements of this section have been complied with; and the Board is hereby authorized to issue certificates, subject, however, to the applicant being duly recommended by the Inspector of Mines for the district.

Medical  
examination not to  
be required on  
employment in  
mine.

9. (1.) It shall not be lawful for the owner or manager of any mine, or for any person in charge of a mine, to require any person who is employed in the mine, or applying to be so employed, to be medically examined or to produce a medical certificate that he is in a good or sound state of health.

(2.) Every person who commits a breach of this section is liable for a first offence to a fine of fifty pounds, and for the second or any subsequent offence to a fine of one hundred pounds.

10. Wardens shall have power when granting any license, either in respect of Crown or private lands, to impose such conditions, terms, or reservations as shall tend to obviate the destruction of the surface of pastoral or agricultural land the subject of the license.

Destruction of surface of pastoral land.

11. For the purpose of facilitating the carrying-on of mining operations by means of dredging, the following special provisions shall apply:—

Easement with respect to moving dredges.

- (a.) The Warden, on application in that behalf, may by certificate of easement grant in respect of any private land within a mining district the right to lay the head-lines and side-lines of a dredge along or over any such land, and to fix the same on such land by any of the means commonly employed in working a dredge for gold-mining.
- (b.) The application shall be made, notified, and disposed of in manner prescribed by section one hundred and sixty-five of the principal Act, except that it shall not be necessary to advertise the same unless the Warden so directs.
- (c.) The application, if granted, may be granted on such terms and conditions and for such period as the Warden thinks fit, and shall in every case be deemed to be granted subject to the condition that the grantee in acting under the grant shall not interfere with the reasonable and lawful use of such land, except in so far as is reasonably necessary in order to give effect to the grant.
- (d.) Every owner and occupier of such land shall be entitled to full compensation for all actual or prospective loss or damage that may be suffered by him by reason of the grant or the exercise by the grantee of the rights thereby conferred on him, and the Warden may order security to be given by deposit of money in Court or otherwise for the payment of such compensation, and on such security being given the grantee shall be entitled to exercise the rights so granted.
- (e.) If within one month after the issue of such certificate of easement the amount of the compensation is not agreed on between the parties, the amount of compensation shall be determined, at the option of any person entitled thereto, either by the Warden or by the Warden and assessors in manner provided by section one hundred and thirteen of the principal Act, the provisions whereof shall accordingly apply.

12. (1.) The persons who are employed in a mine to which this Act applies and are paid according to the weight of the material gotten by them may, at their own cost, station a person (in this Act referred to as "a check-weighman") at the place appointed for the weighing of such material in order to take an account of the weight thereof; and if in any mine reasonable facilities are not afforded to him for taking such account, the owner and agent of the mine shall each be guilty of an offence against this Act.

Miners may appoint check-weighman.

Check-weighman not to interrupt the working of the mine.

(2.) The check-weighman shall not be authorized in any way to impede or interrupt the working of the mine or to interfere with the weighing, but shall be authorized only to take such account as aforesaid, and his absence shall not be a reason for interrupting or delaying such weighing.

May be removed by Court if he interrupts.

(3.) If a check-weighman impedes or interrupts the working of the mine, or interferes with the weighing, or otherwise misconducts himself, the owner or agent may complain to the nearest Warden's Court, which, if it thinks fit, may call upon the check-weighman to show cause against his removal.

(4.) The Court shall hear the parties, and, if it thinks that sufficient ground is shown to justify the removal of the check-weighman, may make a summary order for his removal, and he shall thereupon be removed.

(5.) The Court may in every case make such order as to the cost of the proceedings as it thinks just.

Payment of check-weighman.

(6.) The payment of a check-weighman appointed by the persons employed in a mine shall be a charge upon every miner employed in the mine and getting material by weight in the said mine, and may be recovered from any such miner.

Where persons employed are paid by measure or gauge.

13. If the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of the last preceding section shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

Weights and Measures Act to apply.

14. The Weights and Measures Act, 1908, shall apply to the weights and machines used in or at any mine for weighing material; and the Inspector shall, once at least in every six months, without unnecessarily impeding or interrupting the working of the mine, inspect and examine, in manner directed by the said Act, the weighing-machines and weights so used, or the measures or gauges used at or in such mines in lieu of weights.

Applications to be disposed of within specified time.

15. All applications for mining privileges shall be finally heard and decided by the Warden within six months after the date of the application, except in cases where under special circumstances the Warden, with the consent of the Minister, extends the time within which an application may be heard.

Gold-miners' Relief Fund.

16. (1.) In addition to the duty payable under the Gold Duty Act, 1908, on the export of gold, there shall be payable on the export of all gold (whether produced in the North or the South Island) a duty of threepence per ounce troy weight of gold of the fineness of twenty carats and upwards, and so in proportion for any less quantity than an ounce of the fineness aforesaid, and so in proportion on every ounce of a less degree of fineness than twenty carats.

(2.) The duty payable under this section shall be collected and paid in the manner prescribed by the Gold Duty Act, 1908; and the provisions of that Act shall, where applicable, extend and apply to the collection and payment of such duty, irrespective of the locality from which the gold was produced.

(3.) The duty collected under this section shall be paid into the Public Trustee's Account, and shall be placed to the credit of an account to be called the Gold-miners' Relief Fund.

(4.) All moneys from time to time standing to the credit of the Gold-miners' Relief Fund shall be applied by the Public Trustee in accordance with regulations for the relief of miners who are injured while working, and for the relief of the families of miners who are killed or injured while so working.

(5.) Notwithstanding anything in section fifty-five of the Workers' Compensation Act, 1908, any money paid out of the Gold-miners' Relief Fund in respect of the death or injury of any miner shall not be deducted from any compensation payable under the Workers' Compensation Act, 1908, in respect of the accident that caused the death or injury.

17. Except with the consent of the Minister a water-race license shall not be capable of being transferred if by reason of such transfer the transferee would be entitled to the use of more than twenty heads of water from any one watercourse.

Transfer of  
water-race licenses  
restricted.

18. (1.) Section two hundred and fifty-four of the principal Act is hereby amended by inserting, after paragraph (12), the following paragraph:—

Section 254 of  
principal Act  
amended.

“(12A.) In every working-shaft by which men have access to or egress from a mine, and which exceeds two hundred feet in length or depth, there shall be provided a cage, which shall be used for the purpose of raising and lowering persons employed in the mine.”

(2.) This section shall come into operation on the first day of October, nineteen hundred and eleven.

19. The principal Act is hereby further amended in manner following:—

Miscellaneous  
amendments to  
principal Act.

(a.) As to section twenty-eight, by omitting from subsection one the words “and with the written or verbal consent of a majority of the Native owners.”

(b.) As to section eighty-seven, by adding at the end of the first paragraph of subsection one the words “and no applicant or claim-holder shall be granted more than one such claim without the consent of the Minister, unless such further claim is at least one mile distant from any other claim he may hold.”

(c.) As to section ninety-seven, by adding at the end of the section the words “or men employed on contract but not on tribute.”—

(d.) As to section ninety-nine, by adding, at the end of subparagraph (ii) of paragraph (b), the words “Provided that if in the case of any claim the Warden is satisfied that on account of climatic conditions work cannot be carried on during at least three months of the year, the rent shall not exceed five shillings per acre for any year.”

(e.) As to section one hundred and four, by inserting, after the words “drainage-area licenses,” the words “current-power licenses.”

(f.) As to section one hundred and five, by omitting from the proviso thereto the word “forty,” and substituting the word “twenty.”

- (g.) As to section one hundred and sixty-seven, by omitting from paragraph (h) the word "may," and substituting the word "shall"; and by inserting in that paragraph, after the words "in the Warden's Court," the words "within thirty days of the date of the application"; and also by omitting from the proviso to paragraph (i) the words "in his discretion," and substituting the words "with the consent of the Minister."
- (h.) As to section one hundred and eighty-five, by omitting the word "twelve" in paragraph (e), and substituting the word "six."
- (i.) As to section two hundred and sixteen, subsection two, by inserting, after the words "amount of the lien," the words "together with such costs, if any, as the Warden allows."
- (j.) As to section two hundred and thirty-three, subsection one, by inserting, after the words "pass such examination," the words "in not more than two subjects."
- (k.) As to section two hundred and thirty-six, by inserting, after the word "employed" in paragraph (a), the words "at any one time above ground, or more than six men at any one time below ground."
- (l.) As to section two hundred and forty-eight, by omitting from subsection one, and also from subsection two, the words "entitled to be."
- (m.) As to section two hundred and fifty-four, paragraph (1), by omitting the words "such appliances" in subparagraph (a), and substituting the words "an adequate jet or spray of water or such other appliances."
- (n.) As to section two hundred and fifty-four, paragraph (3), by omitting the words "three feet directly below or within" and also the word "other" in subparagraph (l).
- (o.) As to section two hundred and fifty-four, paragraph (9), by inserting, after the words "not less," the words "(as required by the Inspector)."
- (p.) As to section two hundred and fifty-four, by inserting, after paragraph (33), the following paragraph:—  
 "(33A.) When an engine and boiler are in charge of a certificated engine-driver he shall at all times be in effective charge thereof while the machinery is running or steam is being taken from the boiler for any purpose."
- (q.) As to section two hundred and fifty-four, by inserting, after paragraph (37), the following:—  
 "(37A.) Where compressed air is used as the motive power for any machinery, the air-receiver or air-pipe shall have a pressure-gauge so fixed that the engine-driver shall have an uninterrupted view of the pressure-gauge."
- (r.) As to section two hundred and fifty-eight: By omitting from paragraph (a) of subsection one thereof the words "or a duly qualified mining engineer." By adding the following paragraph to subsection one:—  
 "(e.) Shall forward to the Inspector, within one month after the abandonment of the mine, a copy or

tracing of such plan with the workings of the mine up to the date of abandonment marked accurately thereon." And by adding the following subsection:—

"(4.) In the case of a mine in which not more than twelve men are employed the Inspector may by notice in writing require the manager or other person in charge of the mine to comply with such of the provisions of this section as are specified in the notice."

- (s.) As to section two hundred and sixty-four, by omitting the words "employed therein" in subsection one, and substituting the words "members of the said society"; and by inserting, after the words "they shall" in paragraph (d) of subsection two, the words "within twenty-four hours of the making of the inspection."
- (t.) As to section two hundred and sixty-nine, by inserting, after the word "mine-manager" in paragraph (b), the words "or other person for the time being in charge of the mine"; and by inserting, after paragraph (b), the following paragraph:—  
 "(b<sup>1</sup>.) Whether personal injury is caused or not, every accident connected with the winding arrangements, and every case of overwinding, shall forthwith be reported in writing to the Inspector by the mine-manager or other person for the time being in charge of the mine."
- (u.) As to section two hundred and seventy-one, by omitting paragraph (e), and substituting the following:—  
 "(e.) The Inspecting Engineer of Mines, or any other officer of the Mines Department who is authorized in writing by the Minister, may at any time enter and inspect any mine."
- (v.) As to section three hundred and forty-three, by omitting the words "nearest to," and substituting the words "at the place most convenient of access from."
- (w.) As to section three hundred and fifty-six, by omitting the word "pioneer" wherever it occurs.
- (x.) As to section three hundred and fifty-eight, subsection two, by omitting paragraph (b).
- (y.) As to section three hundred and eighty-seven, by omitting paragraph (a).
- (z.) As to section four hundred and nine, subsection five, by inserting after the words "Consolidated Fund" the words "without further appropriation than this Act."