

## New Zealand.



### ANALYSIS.

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1919, No. 35.

Title.

AN ACT to amend the Mining Act, 1908.

[5th November, 1919.

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

Short Title.

1. This Act may be cited as the Mining Amendment Act, 1919, and shall be read together with and deemed part of the Mining Act, 1908 (hereinafter referred to as the principal Act).

Section 4 of Mining Amendment Act, 1911, amended.

2. Section four of the Mining Amendment Act, 1911, is hereby amended by omitting the words "more than twenty heads of water," and substituting the words "more than ten heads of water, or to take any quantity of water for more than twenty-one years."

Definition of "claim" extended.

3. (1.) Section four of the principal Act is hereby amended by omitting from the definition of the term "claim" the words "for gold."

(2.) Section two hundred and twenty-five of the principal Act is hereby amended by inserting, after the word "gold" in paragraphs (b) and (c), the words "or scheelite."

4. Section two of the Mining Amendment Act, 1913, is hereby repealed.

5. (1.) Section one hundred and eighty-four of the principal Act is hereby amended by adding to paragraph (d) thereof the words "Where the suit is for forfeiture of a mining privilege in respect of water, the discretion of the Court to inflict a fine in lieu of decreeing a forfeiture may be exercised without limitation to the existence of special circumstances in the case if the Court is satisfied that, either in the public interest or for other reasons, it is just and equitable that a fine should be inflicted in lieu of forfeiture."

(2.) The Court shall have the extended discretion conferred by this section in the determination of suits for forfeiture now pending and in which judgment has not been delivered as well as in suits to be hereafter commenced.

6. (1.) Every candidate for a certificate by examination as a mine-manager (other than an alluvial-mine manager) shall be required to furnish to the Board of Examiners satisfactory evidence that he has been actually employed in the underground workings of a mine for the periods hereinafter mentioned, namely:—

(a.) In the case of a candidate who is the holder of a mine-manager's certificate of competency by examination under the Coal-mines Act, 1908, a period not less than three years:

(b.) In the case of a candidate who (not being a candidate to whom the last preceding paragraph applies) is the holder of the degree of Bachelor of Engineering (Mining) conferred by the New Zealand University, or the holder of the diploma of Associate of the Otago School of Mines, a period not less than four years:

(c.) In the case of every other candidate, a period not less than five years.

(2.) Every candidate for a certificate by examination as an alluvial-mine manager or as a battery superintendent or dredge-master under the principal Act shall be required to furnish to the Board of Examiners satisfactory evidence that he has been actually employed for such period and in such manner as may be prescribed by regulations in that behalf.

(3.) This section is in substitution for section two hundred and thirty-four of the principal Act, and that section and also section five of the Mining Amendment Act, 1914, are hereby repealed accordingly.

7. (1.) In every case where in any mine quartz or other substances are crushed in a dry state there shall at all times be used in and about the battery or place where such crushing is done an adequate jet or spray of water or approved suction fan, or such other appliances as in the opinion of the Inspector will effectually keep the air pure and prevent dust circulating in the place where such operations are being carried on, and for this purpose an adequate supply of water shall be provided.

Section 225 of principal Act (relating to tribute agreements) extended to apply to scheelite.

Repeal.

Special discretion conferred upon the Court in suits for forfeiture of water-rights.

Candidates for mine-managers' certificates to produce evidence of practical experience.

Repeal.

Section 254 of principal Act (prescribing general rules to be observed in working mines) amended.

(2.) No rock-drills shall be used in any mine after the first day of October, nineteen hundred and twenty, other than axial water-feed rock-drills.

(3.) If the owner of any mine or the workmen's inspector is dissatisfied with the opinion of the Inspector under this section an appeal shall lie to the Warden, whose decision shall be final.

Repeals.

(4.) This section is in substitution for subparagraph (a) of paragraph (1) of section two hundred and fifty-four of the principal Act, and that subparagraph and also paragraph (m) of section nineteen of the Mining Amendment Act, 1910, are hereby repealed.

Section 254 of principal Act further amended.

8. (1.) Section two hundred and fifty-four of the principal Act is hereby amended as follows:—

(a.) By repealing subparagraph (j) of paragraph (3) thereof, and substituting the following subparagraph:—

“(j.) A charge which has missed fire shall not be drawn or drilled out, and shall not be visited before the expiration of at least half an hour in the case of charges fired by electric current, and of at least one hour in any other case”; and

(b.) By adding to paragraph (3) the following subparagraph:—

“(o.) Blasting shall not take place in any mine except at meal-times or at the close of a working shift, unless with the express authority of the mine-manager or other person for the time being in charge of the mine. Such authority may be given only in cases where blasting is deemed necessary for the removal of obstructions or of dangerous overhanging ground, or to permit of the erection of timber or for dealing with charges that have missed fire.”

Repeal.

(2.) Section six of the Mining Amendment Act, 1914, is hereby repealed.

Section 254 of principal Act further amended.

9. Section two hundred and fifty-four of the principal Act is hereby further amended as follows:—

(a.) By adding to paragraph (23) thereof the following words:—  
“All cage-chains in general use shall be annealed from time to time at intervals not exceeding six months”; and

(b.) By inserting after paragraph (27) the following new paragraphs:—

“(27A.) The mine-manager or some competent person to be appointed by him for the purpose shall with the workmen's inspector test the safety appliances designed to prevent the fall of a cage in the shaft in the event of a breakage of the winding-rope, and also the brakes attached to every winding-engine, once at least in every week, and shall forthwith after each test record in writing in a book to be kept for the purpose a description of the test and a statement as to the condition of the said safety appliances. The method of making these tests shall be approved in writing by the Inspector of Mines for the district.

“(27B.) The detaching-hook shall be tested by an actual overwind once at least in every three months, and

shall be cleaned and refitted after such test by a competent person, who shall record the test in the book referred to in the last preceding paragraph.

“(27c.) There shall be not less than ten feet of clearance between the detaching-hook and the point of detachment when the cage is at the brace or uppermost landing. This provision shall not apply to existing head-gears unless the Inspector certifies in writing that in his opinion the present clearance between the detaching-hook and the point of detachment is insufficient for safety.

“(27d.) Every cage used for lowering or raising persons shall be provided with suitable gates, to be approved in writing by the Inspector, and also with a rigid bar fixed in a position where it can be easily reached by all persons in the cage.”

10. (1.) Any requisition under section two hundred and sixty-one of the principal Act may be served by delivery at the mine, or may be sent by post as a registered letter, in which case it shall be deemed to be served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to produce the receipt for the registration of the letter.

Section 261 of principal Act (relating to requisitions for remedy of dangerous matters in mines) amended.

(2.) Section two hundred and sixty-one of the principal Act is hereby amended as follows:—

Consequential amendments.

(a.) By omitting from paragraph (a) the words “and delivered at the mine”; and

(b.) By omitting from paragraph (b) the word “delivery,” and substituting the word “service.”

11. Section three hundred and ninety-two of the principal Act is hereby amended by omitting from paragraph (40) all words after the words “mining statistics,” and substituting the words “and for that purpose requiring from the holders of mining privileges all such particulars as may be prescribed in that behalf.”

Compilation of mining statistics.

12. (1.) In every case where, after the passing of this Act, application is made to a Warden for the grant of a mining privilege to authorize the dredging of any land (whether Crown land or not) the Warden shall, before granting the application, submit the same to the Commissioner of Crown Lands for the district in which the land is situated for a report as to whether or not, in the opinion of the Commissioner, the land is suitable for agricultural or pastoral purposes.

Provisions for protection of surface of land suitable for agricultural or pastoral purposes.

(2.) Except in cases where the Commissioner certifies that in his opinion the land to which the application relates is not suitable for agricultural or pastoral purposes, the Warden shall, if the application is approved, issue a license subject to such special terms, conditions, and reservations as may be prescribed by regulations in that behalf, or, in default of such regulations, as he may consider sufficient to prevent, so far as practicable, the destruction of the surface of the land or the rendering of it unfit for pastoral or agricultural purposes.

(3.) This section is in substitution for section ten of the Mining Amendment Act, 1910, and that section is hereby accordingly repealed.

Repeal.

Section 17 of Mining Amendment Act, 1910 (imposing restrictions on transfers of water-race licenses), amended.

13. Section seventeen of the Mining Amendment Act, 1910, is hereby amended as follows:—

- (a.) By omitting the word "twenty," and substituting the word "ten";
- (b.) By adding to the section the following words: "or, if by virtue of such transfer, the water may be used in connection with any land other than that in respect of which the license was originally granted"; and
- (c.) By adding to the section the following proviso:—

"Provided that this section shall not apply where a company is the holder of a water-race license entitling it to the use of more than ten heads of water and all the property of such company is acquired by another company upon the liquidation or reconstruction of, or by amalgamation with, such first-mentioned company."

Mining privilege held by Crown not to be determined by effluxion of time.

14. Section three of the Mining Amendment Act, 1915, is hereby amended by adding thereto the following subsection:—

"(4.) A mining privilege held on behalf of His Majesty shall not be determinable by effluxion of time, but shall continue in force, notwithstanding the expiry of the term for which it was granted, until surrendered by a notice published by the Minister of Mines in the *Gazette*."

Further provisions with respect to mining operations for mineral oil or natural gas.

15. (1.) Notwithstanding anything to the contrary in the principal Act, as extended by the Mining Amendment Act, 1911, or in any Warrant, lease, or license issued under the principal Act authorizing any person to prospect or bore for petroleum or other mineral oils or natural gas, it shall not be lawful for any person after the passing of this Act to commence or to continue to carry on prospecting or mining operations for any such oil or gas except pursuant to a license issued in that behalf pursuant to regulations under subsection three of section two of the Mining Amendment Act, 1911.

(2.) Regulations under the said section may, *inter alia*, prescribe—

- (a.) The form of licenses that may be so issued;
- (b.) The term or terms for which such licenses may be issued;
- (c.) The minimum and maximum areas over which such licenses may be issued;
- (d.) The fees to be paid therefor; and
- (e.) The conditions subject to which such licenses may be reissued and held or revoked.

Extension of provisions for which advances by way of loan may be made under Part X of the principal Act.

16. (1.) Part X of the principal Act (relating to loans to companies and persons for the development of mining) shall, with the necessary modifications, extend and apply so as to authorize the making of loans for any of the purposes following, that is to say:—

- (a.) For carrying on quarrying or coal-mining operations, including the purchase of plant, the construction of roads, railway-lines, and sidings or other means of access to any quarry or coal-mine, and all other matters incidental to the carrying-on of any such operations;
- (b.) The extraction, rectification, storage, and transport of oil derivable or derived from swamp or other lands; and

(c.) The erection, reconstruction, or repair of dwellings by the owners of any coal-mine for the use of persons employed therein.

(2.) Every application for a loan under Part X of the principal Act or under this section shall be referred by the Minister for inquiry and report to a Board consisting of such persons as the Minister may from time to time appoint.

(3.) The following enactments are hereby repealed, namely:— Repeals.

(a.) Section three hundred and fifty-eight of the principal Act:

(b.) Section eight of the Mining Amendment Act, 1911:

(c.) Section twenty-seven of the Mining Amendment Act, 1914.

17. (1.) Section four of the Mining Amendment Act, 1913 (authorizing the Minister of Finance to borrow moneys for the purposes of Part X of the principal Act), is hereby amended by omitting from subsection one thereof the words "twenty thousand pounds," and substituting the words "fifty thousand pounds." Increased authority to borrow money for purposes of Part X of principal Act as extended by this Act.

(2.) Section twenty-one of the Mining Amendment Act, 1914 (amending the provisions of section three hundred and fifty-nine of the principal Act), is hereby amended by omitting the words "ten thousand," and substituting the words "twenty thousand." Increase of amount that may be granted by way of loan to any one applicant.

18. Regulations under section twenty-five of the Mining Amendment Act, 1914, may be made requiring samples to be taken of the air in mines for the purpose of determining the amount of dust therein and prescribing a standard of purity of the air in mines having reference to the quantity of dust therein. Additional powers to make regulations.