

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Disposal of fees payable in respect of Minister's approval or consent to exercise of powers by Wardens or Commissioners of Crown Lands. 3. Certain provisions of principal Act to continue to apply to State forests. 4. Certain lands to be subject to section 28 of principal Act. | <ol style="list-style-type: none"> 5. Section 142 of principal Act amended. 6. Section 153 of principal Act amended. 7. Section 165 of principal Act amended. 8. Section 233 of principal Act amended. Repeal. 9. Section 235 of principal Act amended. 10. Section 254 of principal Act amended. 11. Notification of accident in mine. Repeals. 12. Qualification of Inspectors. 13. Section 30 of Mining Amendment Act, 1914, amended. |
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1922, No. 53.

Title. AN ACT to amend the Mining Act, 1908.
[31st October, 1922.]

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

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| <p>Short Title.</p> | <p>1. This Act may be cited as the Mining Amendment Act, 1922, and shall be read together with and deemed part of the Mining Act, 1908 (hereinafter referred to as the principal Act).</p> |
| <p>Disposal of fees payable in respect of Minister's approval or consent to exercise of powers by Wardens or Commissioners of Crown Lands.</p> | <p>2. Where pursuant to the principal Act the approval of the Minister must be obtained prior to the exercise or performance of any power or duty by a Warden or Commissioner of Crown Lands, and where fees are hereafter prescribed to be paid in respect of the obtaining of such approval or consent, such fees shall, notwithstanding anything to the contrary in any Act, be paid into the Public Account, and shall form part of the Consolidated Fund.</p> |
| <p>Certain provisions of principal Act to continue to apply to State forests.</p> | <p>3. (1.) The application of sections one hundred and forty-seven to one hundred and fifty-two of the principal Act with respect to any lands comprised in a State forest shall be subject to the provisions of section thirty-five of the Forests Act, 1921-22.
(2.) Save as aforesaid, section twenty of the principal Act shall continue to apply with respect to lands comprised in State forests notwithstanding anything to the contrary in section twenty-four of the Forests Act, 1921-22.</p> |
| <p>Certain lands to be subject to section 28 of principal Act.</p> | <p>4. The powers conferred upon the Native Land Court by section twenty-eight of the principal Act may be at any time</p> |

exercised by that Court in respect of any land that has heretofore been, or may hereafter be, set apart under any Act for the use or benefit of landless Natives, and nothing in that section as to investigation of title or as to partition shall restrict the exercise of those powers with reference to the land referred to in this section.

5. Section one hundred and forty-two of the principal Act is hereby amended by repealing the first proviso to paragraph (a) thereof. Section 142 of principal Act amended.

6. Section one hundred and fifty-three of the principal Act is hereby amended by repealing subsections two and three thereof, and substituting the following subsections:— Section 153 of principal Act amended.

“(2.) No such tramway or other additional mining privilege shall be granted, save as provided in this subsection, that is to say,—

“(a.) In the case of lands comprised in a State forest, save with the consent of the Commissioner of State Forests, and subject to such conditions as he may impose.

“(b.) In the case of other lands, save with the consent of the Minister of Mines, and subject to such conditions as he may impose.

“(3.) Such of the provisions of the Tramways Act, 1908, as the Governor-General in Council may from time to time prescribe shall apply to licenses for tramways under this Act.”

7. Section one hundred and sixty-five of the principal Act is hereby amended by repealing paragraph (y) thereof, and substituting the following paragraph:— Section 165 of principal Act amended.

“(y.) In any of the following cases,—

“(i.) If the land to which the application relates is outside a mining district; or

“(ii.) If the application is for a license for a special claim the area of which exceeds thirty acres, or for a license for any mining privilege (whatever the area thereof) under the sea or on the foreshore, or for a license within the Otago Mining District for an ordinary alluvial claim, an extended alluvial claim, or an hydraulic elevating claim,—

the Warden shall not grant any such license, except with the consent in writing of the Minister, and subject to such terms and conditions as the Minister thinks fit.”

8. (1.) Subsection one of section two hundred and thirty-three of the principal Act is hereby amended as follows:— Section 233 of principal Act amended.

(a.) By omitting the words “the fee of one pound,” and substituting the words “a fee of two pounds two shillings in the case of an application for a first-class mine-manager’s certificate, or a fee of one pound one shilling in any other case”:

(b.) By repealing the proviso thereto, and substituting the following,—

“Provided that if the candidate fails to pass such examination he may, without the payment of any further fee, be examined again at such time as may be fixed in that behalf by the Chairman of the Board of Examiners.”

Repeal.

(2.) Paragraph (j) of section nineteen of the Mining Amendment Act, 1910, is hereby consequentially repealed.

Section 235 of principal Act amended.

9. Section two hundred and thirty-five of the principal Act is hereby amended as follows:—

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

(b.) By inserting, after the words “satisfies the Board that he is,” the words “resident in New Zealand and is.”

Section 254 of principal Act amended.

10. Section two hundred and fifty-four of the principal Act is hereby amended by omitting paragraph eight, and substituting the following:—

“(8.) Every abandoned or disused shaft shall be fenced or securely covered in, or if the Inspector so directs shall be surrounded by a stone or concrete wall. The position of the shaft shall be indicated on the surface by a permanent distinguishing mark approved by the Inspector.”

Notification of accident in mine.

11. (1.) Where any accident in a mine—

(a.) Causes loss of life to any person; or

(b.) Causes any fracture of the head, or of any limb, or any other serious personal injury to any person,—

the mine-manager, or other person for the time being in charge of the mine, shall forthwith by telegraph give notice of such accident to the Minister, the Warden, the Inspector, and the workmen's inspectors appointed under section fourteen of the Mining Amendment Act, 1914, and shall also give to the Inspector in the prescribed form written notice of such accident.

Repeals.

(2.) This section is in substitution for paragraph (b) of section two hundred and sixty-nine of the principal Act, and that paragraph and so much of paragraph (t) of section nineteen of the Mining Amendment Act, 1910, as relates thereto are hereby repealed.

Qualification of Inspectors.

12. Section twenty-eight of the Mining Amendment Act, 1914, is hereby amended by adding thereto the following proviso:—

“Provided that any Inspector under the Coal-mines 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 the principal Act, save that no such person shall inspect any mine in which more than twelve men are employed above ground, or more than six men below ground.”

Section 30 of Mining Amendment Act, 1914, amended.

13. Section thirty of the Mining Amendment Act, 1914, is hereby amended as follows:—

(a.) By inserting, before the word “cause” in subsection three, the word “sufficient”:

(b.) By omitting from subsection four the words “may unless cause,” and substituting the words “shall unless sufficient cause”; and by inserting, after the word “shown” in the same subsection, the words “to the Minister.”