

Hon Mr. McGowan.

MINING AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 9 of principal Act amended.</p> <p>3. Prospecting over endowments or public reserves.</p> <p>4. Section 87 of principal Act amended.</p> <p>5. Minerals associated with gold.</p> <p>6. Section 99 of principal Act amended.</p> <p>7. Residence-site licenses.</p> <p>8. Timber-cutting rights. Repeal.</p> <p>9. Liens on dredges.</p> <p>10. Section 233 of principal Act amended.</p> <p>11. Section 254 of principal Act amended.</p>	<p>12. Section 258 of principal Act amended.</p> <p>13. Section 264 of principal Act amended.</p> <p>14. Power of inspection by certain departmental officers.</p> <p>15. Right of inspection by miners.</p> <p>16. Section 333 of principal Act amended.</p> <p>17. Monthly returns of registrations. Repeal.</p> <p>18. Destruction of surface of pastoral land.</p> <p>19. Section 97 of principal Act amended.</p> <p>20. Section 216 of principal Act amended.</p> <p>21. Section 258 of principal Act amended.</p> <p>23. Easement with respect to moving dredges.</p>
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A BILL INTITULED

AN ACT to amend the Mining Act, 1908.

Title.

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>1. This Act may be cited as the Mining Amendment Act, 1908, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).</p> <p>2. Section nine of the principal Act is hereby amended by omitting the words "by Order in Council."</p> <p>3. Notwithstanding anything in section sixty-seven of the principal Act, prospecting warrants and prospecting licenses may, with the consent of the trustees, be granted over any endowment or public reserve.</p> <p>4. 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 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 and area.</p> <p>5. 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.</p> | <p>Short Title.</p> <p>Section 9 of principal Act amended.</p> <p>Prospecting over endowments or public reserves.</p> <p>Section 87 of principal Act amended.</p> <p>Minerals associated with gold.</p> |
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Section 99 of principal Act amended.

6. Section ninety-nine of the principal Act is hereby amended by adding to 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." 5

Struck out.

Residence-site licenses.

7. An application for a residence-site license shall not be granted unless the applicant is the holder of a miner's right issued in the mining district in which the residence-site applied for is situated, and the miner's right is produced to the Warden. 10

Timber-cutting rights.

8. (1.) All timber-cutting rights shall hereafter be granted by the Commissioner of Crown Lands.

(2.) In Warden's timber-areas such rights shall only be granted with the approval of the Warden. 15

Repeal.

(3.) Section one hundred and forty-nine of the principal Act is hereby repealed.

Liens on dredges.

9. 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. 20

Struck out.

Section 233 of principal Act amended.

10. Section two hundred and thirty-three of the principal Act is hereby amended by omitting the proviso to subsection one. 25

Section 254 of principal Act amended.

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

(a.) As to paragraph (1) thereof: By omitting the words "such appliances" in subparagraph (a), and substituting therefor the words "an adequate spray of water or such other appliances": 30

Struck out.

(b.) As to paragraph (3) thereof: By omitting the words "three feet directly below or within" in subparagraph (l):

(c.) As to paragraph (9) thereof: By omitting the words "not less than three nor more than four," and substituting therefor the word "three": 35

(d.) By inserting after paragraph (37) thereof 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." 40

Section 258 of principal Act amended.

12. Section two hundred and fifty-eight of the principal Act is hereby amended by omitting the words "a duly qualified mining engineer," and substituting therefor the words "a mining engineer approved by the Inspector." 45

Section 264 of principal Act amended.

13. Section two hundred and sixty-four of the principal Act is hereby amended by inserting, after the word "shall" in paragraph (c), the words "within twenty-four hours after the inspection."

Power of inspection by certain departmental officers.

14. (1.) The Inspecting Engineer of Mines, or any other officer of the Mines Department who is duly authorised in writing by the Minister, may at any time enter and inspect any mine. 50

(2.) Section two hundred and seventy-one of the principal Act is hereby amended by repealing paragraph (e).

Struck out.

15. (1.) Where workmen are employed in a mine, and any of the workmen so employed are members of an industrial union of workers formed in connection with the gold-mining industry, and registered under the Industrial Conciliation and Arbitration Act, 1908, the said union may, at its own cost, appoint any two persons to inspect the mine, whether those persons are employed in the mine or not.

Right of inspection by miners.

(2.) The persons so appointed shall have full liberty to visit and inspect every part of the mine, its machinery, treatment plant, and workings, once at least in every month.

(3.) Prior to any such inspection notice in writing, signed by the secretary of the union, shall be served on the certificated manager of the mine.

(4.) The mine-owner and mine-manager may accompany the persons so appointed in their inspection, and shall give them full and free facilities for the inspection.

(5.) The persons so appointed shall make a full and faithful report in writing of the result of their inspection, which report shall be signed by them, and they shall furnish a copy thereof to the owner or manager of the mine, who shall cause the same to be recorded in a book kept at the office of the mine.

(6.) Such book shall at all reasonable times be open to the inspection of any Inspector, or of any workman employed in the mine, or of any officer of the said union, who may take copies of or extracts from the reports recorded therein.

16. Section three hundred and thirty-three of the principal Act is hereby amended as follows:—

Section 333 of principal Act amended.

(a.) By inserting, at the end of paragraph (15), the words "or be retained in the Warden's office from which it was issued."

(b.) By inserting, after the word "affixed" in paragraph (16), the words "or a notice that it is retained in the Warden's office."

17. (1.) The Warden shall furnish to the Minister a monthly return in the prescribed form, setting forth the particulars of all licenses, transfers, forfeitures, and other transactions registered by the Mining Registrar during the preceding month.

Monthly returns of registrations.

(2.) Section four hundred and five of the principal Act is hereby repealed.

Repeal.

18. 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.

New clauses.

19. Section ninety-seven of the principal Act is hereby amended by adding at the end thereof the words "or men employed on contract but not on tribute."

Section 97 of principal Act amended.

20. Section two hundred and sixteen of the principal Act is hereby amended by adding, after the word "lien" in subsection two, the words "together with such costs (if any) as the Warden allows."

Section 216 of principal Act amended.

21. Section two hundred and fifty-eight of the principal Act is hereby amended by adding the following subsection:—

Section 258 of principal Act amended.

New.

"(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." 5

Section 269 of
principal Act
amended.

22. Section two hundred and sixty-nine of the principal Act is hereby amended by inserting, after the words "mine-manager" in paragraph (ab), the words "or other person in charge of the mine."

Easement with
respect to moving
dredges.

23. For the purpose of facilitating the carrying-on of mining operations by means of dredging the following special provisions shall apply:— 10

(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. 15

(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. 20

(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. 25

(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. 35

(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 same shall be determined, at the option of any person entitled to compensation, 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. 40 45

Men may
appoint check-
weighman.

24. (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. 50

New.

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

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

(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-weighmen to show cause against his removal.

May be removed by Court if he interrupts.

(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.

(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.

Payment of check-weighman.

25. 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.

Where persons employed are paid by measure or gauge.

26. 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 three 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.

Weights and Measures Act to apply.