Hon. Mr. Macmillan.

MINING AMENDMENT.

ANALYSIS.

A BILL INTITULED

AN ACT to amend the Mining Act, 1926. Title.

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, 1933, and shall be read together with and deemed part of the Mining Act, 1926 (hereinafter referred to as the principal Act). Short Title. See Reprint of Statutes, Vol. V, p. 943

2. Section seventy-two of the principal Act is hereby repealed and the following substituted therefor :— Repeal.

" 72. (1) Prospecting licenses may be of three classes— to wit, ordinary prospecting licenses, special prospecting licenses, and tunnel prospecting licenses. Prospecting licenses, three classes.

"(2) The first such class shall apply to prospecting generally, the second such class to such special prospecting purpose or purposes as are prescribed in that behalf, and the third such class to prospecting on or near the line of any tunnel which a licensee is constructing or proposes to construct."

Section 73 of principal Act amended.

3. Section seventy-three of the principal Act is hereby amended as follows:—

(*a*) By repealing paragraphs (*f*) and (*g*), and substituting the following paragraphs:—

"(*f*) The area of land to which a prospecting license relates shall not exceed in the case of—

"(i) An ordinary prospecting license, one hundred acres; or

"(ii) A special prospecting license, six hundred acres; or

"(iii) A tunnel prospecting license, one hundred and fifty yards measured on each side of the middle line of the tunnel along the whole length thereof:

"Provided that in no case shall the land comprised in a tunnel prospecting license include any river or river-bed.

"(*g*) A prospecting warrant or an ordinary prospecting license shall continue in force for one year, and a special prospecting license shall continue in force for three years. No such warrant or license shall be renewed, but if on the expiry thereof the holder so desires he may make a fresh application."

(*b*) By omitting from subparagraph (iii) of paragraph (*h*) the words "preceding twelve months", and substituting the words "term of the expired warrant or license".

(*c*) By repealing paragraph (*k*), and substituting the following paragraph:—

"(*k*) Such fees shall in the case of—

"(i) A prospecting warrant, become due and payable on the date of the warrant which shall not be issued until the fee is paid;

"(ii) An ordinary prospecting license or a special prospecting license, be payable half-yearly in advance:

"(iii) A tunnel prospecting license, be payable half-yearly in advance while the license or its renewal continues in force."

Extending limit of dredging claims.

4. The first proviso to subsection one of section eighty-eight of the principal Act is hereby amended by omitting the words "three miles", and substituting the words "sixteen miles"; by omitting the words "acquiring", and substituting the words "constructing and operating"; and by omitting the words "seventy-five acres", and substituting the words "six hundred acres".

Section 89 of principal Act amended.

5. Section eighty-nine of the principal Act is hereby amended by omitting the words "eight miles in length or".

Section 169 of principal Act amended.

6. Section one hundred and sixty-nine of the principal Act is hereby amended by repealing subparagraph (iii) of paragraph (*y*) and substituting the following:—

"(iii) If the application is for a special prospecting license,—".

Section 195 of principal Act amended.

7. Section one hundred and ninety-five of the principal Act is hereby amended by omitting the words "or in course of construction on the claim or in the vicinity thereof", and substituting the words "on the claim unless the construction of a suitable dredge is begun before the expiration of such two years or within such time thereafter as the Minister before such expiration approves by writing under his hand".

Section 241 of principal Act amended.

8. Section two hundred and forty-one of the principal Act is hereby amended by omitting the words "all of whom shall be the holders of first-class mine-managers' certificates", and substituting the words "of whom three shall be the holders of first-class mine-managers' certificates and one shall be the holder of a battery superintendent's certificate".

Section 245 of principal Act amended.

9. Section two hundred and forty-five of the principal Act is hereby amended by adding the following as subsection two thereof:—

"(2) Every person employed or acting in the capacity of an engine-driver in charge of an engine which is used for hauling material up an inclined plane in which any person is working shall be the holder of a winding-engine driver's certificate, granted under the Inspection of Machinery Act, 1928, or be the holder of a permit issued by an Inspector, entitling him only to drive or have

charge of such engine. Such permit shall be granted subject to such conditions (if any) as are prescribed, and shall not be granted until the person affected has undergone a practical test in driving the engine and generally has satisfied the Inspector that he is competent to work the same."

Section 253 of principal Act amended.

10. Subsection one of section two hundred and fifty-three of the principal Act is hereby amended by omitting the words "being the holder of a mine-manager's certificate", and substituting the words "approved by the Inspector".

Section 261 of principal Act amended.

11. Section two hundred and sixty-one of the principal Act is hereby amended by inserting, after the word "operations", the words "or except in such other cases as may be approved by the Minister, subject to such conditions as the Minister thinks fit".

Section 274 of principal Act amended.

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

(*a*) By repealing subparagraph (*h*), and substituting the following:—

"(*h*) No iron or steel tool shall be used for charging or tamping shots and no iron or steel tamping-bar shall be taken into any mine."

(*b*) By repealing subparagraph (*i*).

Inquests.
1925, No. 39, s. 146

13. (1) Where a Coroner holds an inquest on the body of any person whose death may have been caused by any accident of which notice is required by the principal Act to be given to the Inspector, the Coroner shall adjourn the inquest, unless an Inspector, or some other person on behalf of the Minister, is present to watch the proceedings.

(2) The Coroner, at least four days before holding the adjourned inquest, shall send to the Inspector notice in writing of the time and place of holding the adjourned inquest.

(3) The Coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(4) If an accident has not occasioned the death of more than one person, and the Coroner has sent to the Inspector notice of the time and place of holding the inquest at such time as to reach the Inspector not less than forty-eight hours before the time of holding the same,

it shall not be imperative on him to adjourn the inquest in pursuance of this section if, sitting without a jury, he thinks it unnecessary so to adjourn, or, sitting with a jury, the majority of the jury think it unnecessary.

(5) An Inspector, or other person authorized in that behalf by the Minister, shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the Coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(6) Where evidence is given at an inquest at which an Inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in or about the mine appearing to the Coroner or jury to require a remedy, the Coroner shall send to the Inspector notice in writing of such neglect or defect.

(7) Where an inquest is taken by jurors, any person having a personal interest in or employed in or about or in the management of the mine in or about which the accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or to sit on the jury. One-half of the jurors shall, however, whenever it is practicable, be miners.

(8) The following persons shall be at liberty to attend at any inquest and examine any witness, either in person or by counsel, subject nevertheless to the power of the Coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question:—

(*a*) Any relative of any person whose death may have been caused by the accident:

(*b*) The owner or manager of the mine in which the accident occurred:

(*c*) Any person appointed in writing by any association of workmen to which the deceased at the time of his death belonged.

(9) This section is in substitution for section two hundred and ninety-eight of the principal Act, and that section is hereby accordingly repealed. Repeal.

Minister may require percentage of gold won to be delivered to Crown as condition of his consent to granting of certain mining privileges.

14. (1) In any case where the consent of the Minister to the granting of any mining privilege is required by the principal Act the Minister may, as a condition precedent to the giving of such consent, require the applicant to enter into an agreement whereby five per centum of the gold won during each month from the land comprised within the mining privilege shall, as and when won, become the property of the Crown and be delivered not later than the fifteenth day of the next succeeding month to such licensed gold-dealer as the Minister from time to time directs.

(2) Every such agreement shall be binding upon the applicant, his successors, executors, administrators, or assigns.

(3) On breach of any of the provisions of any such agreement the Warden, on the application of the Minister or any officer appointed in writing by him in that behalf, may forfeit the mining privilege to which the agreement relates.

(4) Every such agreement as aforesaid entered into before the passing of this Act shall for all purposes have force and effect from the date thereof as if it had been duly entered into pursuant to the authority conferred by this section.

Entry on land for purpose of geological and geophysical surveys.

Cf. 1924, No. 3, s. 7

15. (1) Any person authorized either specially or generally by the Minister in that behalf may enter from time to time during the daytime upon any land, with such assistants as he thinks fit, for the purpose of making a geological or geophysical survey of such land, and may affix or set up thereon pegs, marks, or poles, and may do all other things necessary for such survey or for any inspection or alteration thereof, including the digging of pits and the firing of explosive charges; provided that all pits shall be filled up immediately thereafter.

(2) Before entry the person authorized as aforesaid shall, when practicable, give reasonable notice to the owner or occupier of the land of the intention to enter thereon, and shall, if required by such owner or occupier, produce and show the authority under which he claims to enter or has entered on such land.

(3) The owner or occupier of the land shall be entitled by way of compensation for any damage done in the making of such survey, to such amount as the Warden determines.

(4) Sections ten and eleven of the Land Act, 1924, shall, with the necessary modifications, apply with respect to surveys made under the authority of this section.

(5) This section shall be deemed to have come into force on the first day of January, nineteen hundred and thirty-one, and every geophysical survey of any land made after that date and before the passing of this Act shall for all purposes be deemed to have been duly made under the authority of this section.

Consent of Minister before granting of mining privileges in respect of areas geophysically surveyed.

16. (1) Notwithstanding anything contained in the principal Act, it shall not be lawful for the Warden without the prior consent of the Minister to grant any mining privileges in any area or areas in respect of which the Minister has notified the Warden in writing that a geophysical survey is being or will be made.

(2) In giving any such consent the Minister may impose such conditions (if any) as he thinks fit, and any mining privileges granted in respect of the area affected shall be subject to such conditions.

By Authority: G. H. Loney, Government Printer, Wellington.—1933