

MINES (AMENDMENT) BILL.

EXPLANATORY MEMORANDUM.

The main purposes of the Bill are—

1. To bring trenches within the scope of the Mines Act and Regulations.
2. To alter the requirement for persons who manage mines, including trenches, so that they are appropriate to the skills needed to manage the particular type of mine they will be in charge of.
3. To alter the composition of the Board of Examiners for Mine Managers to facilitate the examination of candidates for certificates for different classes of mines.
4. To allow appeals from decisions of the Board not to grant certificates of competency.
5. To increase the penalties for breaches of the Act and Regulations.

Clause 1 is the usual citation and commencement provision and allows for the several provisions of the Act to come into operation by successive proclamations.

Clause 2 amends section 18 of the Act which makes provision with respect to claims. Under that section, the owner of a claim is prohibited from taking from the land the subject of the claim more than a specified quantity of material unless he has obtained the Minister's consent. Section 19 makes provision with respect to the termination of claims. In particular, it provides that a person who has been the owner of a claim and whose claim has expired cannot again hold a claim in respect of the same land without the consent of the Minister. The amendment enables the Minister to delegate these two powers and provides for the revocation of the delegation.

Clause 3 modifies the definition of "Mine" in section 369 of the Principal Act in order to include trenches and makes other minor amendments consequential on this. The clause also adds to the definition of "Plant" all works relating to ground support in connexion with a mine. It also enables the Minister to exempt classes of mines from the operation of Division 2 of Part III. The clause also makes provision for the exercise of the powers of the Chief Mining Inspector by any other person authorized by the Minister in that behalf.

Clause 4 makes an amendment to section 371 of the Act by repealing the prohibition in that section on the employment of females in or about mines.

Clause 5 restricts the requirement in section 381 of the Principal Act for posting the general regulations in a permanent place to mines defined in paragraph (a) of the interpretation because of the fact that in many construction excavations, principally trenches, the posting of such regulations would not be practicable due to the great length occupied by many of these openings.

Clause 6 amends the regulation-making power of section 383 particularly with a view to taking into account mines in the construction excavation category. It also provides an increase in penalties to bring them into line with the present-day value of money.

Clause 7 The object of this amendment to section 386 of the Principal Act is to enable greater flexibility in the requirements for mine managers. The present mine management provisions have been directed primarily towards the needs of underground gold mining. The proposed amendment will enable the appointment of managers with qualifications and skills appropriate to the type of mine they are to manage.

Paragraph (a) of proposed sub-section (1) is directed primarily to the managing of construction excavations and trenches. The other proposed sub-sections relate to the issue of permits by Inspectors of Mines. Permits may only be issued in respect of prescribed classes of mines, and it is anticipated that these will be mines employing six persons or less.

Clause 8 amends section 390 of the Principal Act in relation to the constitution of the Board of Examiners for Mine Managers in order to enable appropriate consideration of applications for the various types of Mine Managers' Certificates that will now be required. The provision enables the constitution of the Board to be modified according to type of Mine Managers' Certificate being considered.

Clause 9 amends section 391 of the Act which relates to applications for certificates, to provide for applications in relation to classes of certificates.

Clause 10 extends the provisions of section 392 of the Principal Act relating to examinations to cope with the new certificates.

Clause 11 modifies section 393 by deletion of specific experience requirements which will be incorporated in the regulations in a manner appropriate to the various types of mining. The section also is amended by inserting proposed sub-section (1A) which enables a certificate of competency to be issued to a person who does not hold the prescribed qualifications but who has practical experience in mining approved by the Board.

Clause 12 inserts a new section 396A into the Principal Act which provides for appeal to a County Court by persons aggrieved by decisions of the Board refusing to grant certificates.

Clause 13 makes an amendment to section 400A by inserting in sub-section (1) a reference to a permit issued under section 386. The object of this amendment is to prevent a person whose permit has been cancelled or suspended from engaging in work normally undertaken by the holder of a permit.

Clause 14 makes a series of amendments to section 400C which sets out various offences in relation to certificates of competency. The amendments are for the purpose of applying that section to permits issued under section 386 of the Act.

Clause 15 amends section 400E which confers regulation-making power in relation to certificates of competency on the Governor in Council, by inserting a reference to permits granted under section 386 of the Act.

Clause 16 amends section 419 of the Principal Act to update penalties relating to offences.

Clause 17 amends sections 385, 386 and 389 of the Principal Act by altering the references to the Chief Inspector of Mines to Chief Mining Inspector.