

PAPUA.



No. 18 of 1939.

AN ORDINANCE

To Amend the "Mining Ordinance, 1937."

[RESERVED 15TH AUGUST, 1939;  
ASSENTED TO 15TH NOVEMBER, 1939.]<sup>(a)</sup>

**B**E it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

**1.** (1) This Ordinance may be cited as the *Mining Ordinance, 1939*. Short title and citation.

(2) *The Mining Ordinance, 1937*, is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Mining Ordinance, 1937-1939*.

**2.** This Ordinance shall commence on a date to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette*. Commencement of Ordinance.

**3.** Subsection (g) of Section Fourteen of the Principal Ordinance is amended by adding at the end thereof the following words:— Section 14 (g) of Principal Ordinance amended.

“ but when timber is situated upon Crown land being native lands it shall not be cut and removed unless the permission in writing of the nearest Warden has first been obtained and subject to the payment of such compensation to the native owners as he may fix ”.

(a) Assent notified in *Gazette* No. 27 of 6th December, 1939.

*Mining Ordinance, 1939.*

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Section 26 of  
Principal  
Ordinance  
amended.

**4.** Section Twenty-six of the Principal Ordinance is amended by omitting the words "or on or within the area of any mineral lease."

Section 27 of  
Principal  
Ordinance  
amended.

**5.** Section Twenty-seven of the Principal Ordinance is amended by omitting the word "futher" appearing in the last proviso to Subsection (a) and inserting the word "further" in its stead.

Section 71 of  
Principal  
Ordinance  
amended.

**6.** Section Seventy-one of the Principal Ordinance is amended by omitting the word "deemed" and inserting the word "deem" in its stead.

Section 75 of  
Principal  
Ordinance  
amended.

**7.** Section Seventy-five of the Principal Ordinance is amended by omitting the words "together with the amount due as royalty thereon."

Section 76 of  
Principal  
Ordinance  
amended.

**8.** Section Seventy-six of the Principal Ordinance is amended by omitting the following words "for the purpose of ascertaining the amount of royalty payable in respect of the gold raised from such mine."

Section 77 of  
Principal  
Ordinance  
repealed.

**9.** Section Seventy-seven of the Principal Ordinance is repealed.

Section 162 of  
Principal  
Ordinance  
amended.

**10.** Section One hundred and sixty-two of the Principal Ordinance is amended by omitting the words "the next succeeding section" and inserting the words "Section One hundred and sixty-four of this Ordinance" in their stead.

Section 209 of  
Principal  
Ordinance  
amended.

**11.** Section Two hundred and nine of the Principal Ordinance is amended by adding at the end thereof the following further words:—

"When a mine is of such a kind that it is not practicable for one manager to be responsible for the control and direction of the whole the Lieutenant-Governor may require the appointment of more than one manager each of whom shall be responsible for the control and direction of the portion of the mine for which he is appointed".

Section 213 of  
Principal  
Ordinance  
repealed.

**12.** Section Two hundred and thirteen of the Principal Ordinance is repealed and the following section substituted—

"213. Where in or about any mine whether above or below ground loss of life or any personal

injury whatever to any person employed in or about the mine occurs by reason of any explosion of gas or of any explosive or of any steam boiler or by reason of any accident whatever the owner or manager shall within twenty-four hours or as soon after as is practicable after the explosion or accident send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the warden or inspector and shall specify in the notice the character of the explosion or accident and the number of persons killed or injured and in the case of injured persons a description of the injuries."

**13.** Clause (28) of Section Two hundred and twenty-one is repealed and the following substituted:—

Section 221 (28)  
of Principal  
Ordinance  
repealed and  
substituted.

"(28) The manager of every mine or such competent person or persons as he may appoint for the purpose shall once in every twenty-four hours examine the state of all safety appliances or gear connected with the cages of shafts of the mine and shall once in every week carefully examine the buildings machinery shafts levels planes and all places used in the working of such mine and shall record in writing in a book to be kept on the mine for that purpose his opinion as to their condition and safety and as to any repairs or alterations required to insure greater safety to the persons employed in the working of such mine and such book shall on demand be open to perusal by any inspector and every such appliance or gear if condemned by any inspector shall be forthwith removed or made fit."

Passed in Council this fifteenth day of August, in the year of Our Lord One thousand nine hundred and thirty-nine.

*Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the fifteenth day of November, One thousand nine hundred and thirty-nine.*

