

COAL MINES REGULATION (AMENDMENT) BILL.

*SCHEDULE showing the Legislative Assembly's Disagreements from the Legislative Council's Amendments referred to in Message of 29 September, 1931.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

- Page 5, clause 6, lines 1-6. *Omit* “(6) This section shall not apply to electricians attending to lamp charging sets on the surface, electric signalling, telephones, or lighting on main intake, travelling or haulage roads underground, provided such power does not exceed thirty kilowatts.”
- Page 6, clauses 9 and 10. *Reinsert* clauses 9 and 10.
- Page 9, clause 12 10. *Omit* new subclause (5).
- Page 12, clause 16 14, lines 28 and 29. *Reinsert* all words in these lines *omit* “Competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine”
- Page 12, clause 16 14, lines 34 and 35. *Reinsert* “not exceeding three hours immediately”
- Page 12, clause 16 14, line 36. *Reinsert* “Work in a” *omit* “each”
- Page 13, clause 16 14, lines 3-5. *Reinsert* “stopped within any ventilating district in which the men have to work” *omit* “idle which are safely accessible on the intake side of the last working-place”
- Page 13, clause 16 14, lines 28 and 29. *Reinsert* “so that work is carried on”
- Page 13, clause 16 14, line 30. *Reinsert* “twice at least”
- Page 13, clause 16 14, lines 38 and 39. *Reinsert* “of the first of such inspections” *omit* “of such inspection”
- Page 14, clause 16 14, lines 2-6. *Reinsert* “no place shall remain uninspected for an interval of more than five hours” *omit* “the report of one such inspection shall be recorded in the manner above required”
- Page 14, clause 16 14, lines 24-28. *Omit* “and by inserting after the word ‘gas’ in general rule 8 (1) (b) the words ‘when sampled in the same manner as provided for intake air under General Rule (1) (e) of the Principal Act’;”
- Page 14, clause 16 14, lines 34-36. *Omit* “and by inserting after the word ‘has’ in general rule 8 (1) (c) the words ‘been definitely proved to have’;”
- Page 14, clause 16 14, line 43. *Reinsert* “however small.”

Faint header text at the top of the page, possibly a title or page number.

Main body of faint, illegible text, appearing to be a list or series of entries.

Faint footer text at the bottom of the page, possibly a date or page reference.

COAL MINES REGULATION (AMENDMENT) BILL, 1931.

*Schedule of Amendments referred to in Message of 24th September, 1931.*

- Page 2, clause 3, line 26. *After* " more " *insert* " **producing** "
- Page 5, clause 6. *At end* of subclause (1) *add* new subsection (6).
- Page 6. *Omit* clauses 9 and 10.
- Pages 7 and 8, clause ~~11~~ 9. *Omit* lines 37 to 41 on page 7 and lines 1 to 6 on page 8.
- Page 9, clause ~~12~~ 10. *After* line 26 *insert* new subclause (5).
- Page 10, clause ~~13~~ 11. *After* line 4 *insert* new paragraph (ii).
- Page 10, clause ~~13~~ 11, lines 14 to 16. *Omit* " section forty-two the word ' fourteen ' and by inserting in lieu thereof the word ' sixteen ' " *insert* " **subsection one of section forty-two the words ' between the age of fourteen years and, and by inserting in lieu thereof the following words ' under the age of ' "**
- Pages 10 and 11, clause ~~14~~ 12. *At end* of clause *add* " Provided that upon written application being made in that behalf, the inspector may grant an exemption in respect of any part of any mine "
- Page 12, clause ~~16~~ 16, lines 28 and 29. *Omit* " The deputy or deputies of a mine (as provided by section 5A, of this Act) " *insert* " **Competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine** "
- Page 12, clause 16, lines 34 and 35. *Omit* " not exceeding three hours immediately "
- Page 12, clause 16, line 36. *Omit* " work in a " *insert* " **each** "
- Page 13, clause 16, lines 3 to 5. *Omit* " stopped within any ventilating district in which the men have to work " *insert* " **idle which are safely accessible on the intake side of the last working-place** "
- Page 13, clause 16, lines 28 and 29. *Omit* " so that work is carried on "
- Page 13, clause 16, line 32. *Omit* " twice at least "
- Page 13, clause 16, lines 38 and 39. *Omit* " of the first of such inspections and " *insert* " **of such inspection** "
- Page 14, clause 16, lines 2 to 4. *Omit* " no place shall remain uninspected for an interval of more than five hours " *insert* " **the report of one such inspection shall be recorded in the manner above required** "
- Page 14, clause 16, line 24. *After* " normally " *insert* " **and by inserting after the word ' gas ' in general rule 8 (1) (b) the words ' when sampled in the same manner as provided for intake air under general rule (1) (e) of the Principal Act ' "**
- Page 14, clause 16, line 34. *After* " whatever " *insert* " **and by inserting after the word ' has ' in general rule 8 (1) (c) the words ' been definitely proved to have ' "**
- Page 14, clause 16, line 42. *Omit* " however small "



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 3 September, 1931.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 24th September, 1931.*

## New South Wales.



ANNO VICESIMO SECUNDO

# GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1931.

An Act to make further provision for the regulation of coal mines and shale mines; to amend the Coal Mines Regulation Act, 1912, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1931."

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182—A

(2)

Short title, citation, and commencement.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Coal Mines Regulation (Amendment).*

(2) The Coal Mines Regulation Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1912-1931.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

10 **2.** The Principal Act is amended by inserting in section three next after the definition of "Agent" the following new definition:—

Amendment  
of Act No. 37,  
1912, s. 3.  
(Interpreta-  
tion.)

15 "Check inspector" means a person appointed under general rule thirty-nine of section fifty-four of this Act.

**3.** The Principal Act is further amended—

Further  
amendment of  
Act No. 37, 1912,  
s. 5.

20 (a) by inserting at the end of subsection one of section five the words: "Such owner or agent shall send written notice to the inspector of the district of the under-manager's name and address within fourteen days after the nomination of the under-manager";

Subsec. (1).  
(Nomination  
of under-  
manager.)

(b) by inserting next after subsection three of section five the following new subsections:—

New subsecs.  
(4)-(9).

25 (4) Where any person is appointed to be manager of two or more **producing** mines required by this Act to be under the control of a manager holding a first-class certificate of competency a separate under-manager shall be appointed for each mine.

cf. 1 & 2  
Geo. V, c. 50,  
s. 4 (2).

30 (5) If it appears to the Minister that the management and control of a mine required to be exercised by the manager are insufficient by reason of the fact that such manager is also manager of any other mine or mines, the Minister may by order in writing under his hand limit the number of such mines for which a person may act as manager.

cf. 1 & 2  
Geo. V, c. 50,  
s. 4 (3).

(6)

*Coal Mines Regulation (Amendment).*

(6) The order shall be delivered personally or sent by post by a registered letter to such manager and to the owner or agent of each mine of which he is manager.

5 (7) If the owner, agent, or manager objects to the reasonableness of the order he may within ten days after the receipt of the order send his objection in writing, stating the grounds thereof, to the Minister, who may  
10 withdraw the order or refer the matter to the court to be determined.

(8) If the owner, agent, or manager fails when no objection is sent as aforesaid to comply with the order within fourteen days after the expiration of the time for objection, or where the matter has been determined by the court to comply with the order of the court within the time therein specified, he shall be  
15 guilty of an offence against this Act.

20 (9) No person shall be precluded by any agreement from doing or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary to comply with any order under this section.

25 **4.** The Principal Act is further amended—

(a) (i) by omitting from subsection one of section 5A the words “required by this Act to be under the control of a certificated manager”;

Further amendment of Act No. 27, 1912, s. 5A.

Subsec. (1). (Deputies and shot-firers.)

30 (ii) by omitting subsection four of the same section.

Subsec. (4).

(b) by omitting section eight.

Sec. 8. (Certificate of service as deputy.)

**5.** The Principal Act is further amended by inserting in section twenty-one after the words “in that behalf”  
35 the following words:—

Further amendment of Act No. 37, 1912, s. 21.

“Every such applicant must have had at least two years’ practical experience in the use of electrical machinery and apparatus in a mine.”

(Mine electricians.)

**6.**

*Coal Mines Regulation (Amendment).*

6. (1) The Principal Act is further amended by omitting section twenty-two and by inserting in lieu thereof the following section:—

Further  
amendment of  
Act No. 37, 1912,  
s. 22.

5        22. (1) Where electricity exceeding in the aggregate thirty kilowatts is used in or about any mine for power and/or lighting purposes, a competent person shall be appointed as mine electrician, who shall be subject to the authority of the manager, and in his absence the under-  
10        manager, and shall have charge of all electrical machinery and apparatus in or about the mine.

Employment  
of mine  
electricians.

(2) A person shall not be qualified to act as mine electrician unless he is for the time being registered as the holder of a certificate of competency as mine electrician under this Act.

15        (3) Any person who—  
(a) not being registered under this Act as the holder of a certificate of competency as a mine electrician acts as a mine electrician in or about a mine where the electricity used for power and/or lighting purposes exceeds thirty kilowatts or so acts in any place in a mine where naked lights are prohibited notwithstanding that the electricity used is less  
20        than thirty kilowatts; or  
(b) knowing that such person is not so registered employs him as a mine electrician in or about such mine,  
25        shall be guilty of an offence against this Act.

30        (4) Upon the recommendation of the chief inspector the Minister may by writing under his hand grant an exemption in respect of all or any of the provisions of this section either absolutely or upon such terms and conditions as the Minister may impose.

35        (5) Where a certificated mine electrician is required to be employed at any mine the owner or agent of the mine shall send to the inspector of the district wherein the mine is situated a written notice of such electrician's name and address within one month after the date of his  
40        appointment.

(6)



*Coal Mines Regulation (Amendment).*

5 (6) This section shall not apply to electricians attending to lamp charging sets on the surface, electric signalling, telephones, or lighting on main intake, travelling or haulage roads underground, provided such power does not exceed thirty kilowatts.

(2) The Coal Mines Regulation (Amending) Act, 1913, is amended by omitting section nine.

Amendment of Act No. 11, 1913, s. 9.

7. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 35.

(Plan of mine, Subsec. (1).

10 (a) by inserting in subsection one of section thirty-five after the word "strata" where firstly occurring the words "and all faults, dykes, and other dislocations of the seam or seams";

15 (b) by inserting next after subsection two of the same section the following new subsection:—<sup>2A.</sup>

New subsec. 2A.

20 (2A) The owner, agent, or manager of the mine shall, on the request of a check inspector appointed by the employees of such mine, produce to the check inspector at the office of the mine during an inspection of the mine such plan and section.

25 The check inspector shall be entitled to examine the plan and section but he shall not be entitled to take away from the mine any copy thereof or divulge any information derived therefrom without the authority of the manager.

30 A check inspector who contravenes the provisions of this subsection shall be guilty of an offence against this Act.

8. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 35A.

35 (a) by inserting at the commencement of subsection one of section 35A the following words: "Unless the Under-Secretary for Mines upon application made in that behalf otherwise determines";

(b)

*Coal Mines Regulation (Amendment).*

- 5 (b) by omitting from the same subsection the following words: "six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913," and by inserting in lieu thereof the following words: "three months of the opening of such mine";
- 10 (c) by omitting from subsection two of the same section the following words: "acquiring and adding to such colliery holding any other freehold or leasehold lands" and by inserting in lieu thereof the following words: "any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of lands of any tenure";
- 15 (d) by omitting from the same subsection the word "other" where secondly occurring.

**9.** The Principal Act is further amended—

- 20 (a) by inserting in subsection one of section thirty-six after the word "Minister" the words "and to a check inspector"; Further amendment of Act No. 37, 1912, s. 36.
- (b) by inserting in subsection three of the same section after the word "Minister" the words "and to a check inspector."

25 **10.** The Principal Act is further amended by omitting from section 36A the following words: "to an inspector and shall furnish the inspector with such particulars in respect thereof as the inspector may ask for" and by inserting in lieu thereof the following words: "to the inspector of the district and to the check inspector and shall furnish to the inspector of the district such particulars in respect thereof as he may ask for." Further amendment of Act No. 37, 1912, s. 36a.

**119.** The Principal Act is further amended—

- (a) by omitting from subsection one of section thirty-nine all words following the word "Minister" Further amendment of Act No. 37, 1912, s. 39. (Plan of abandoned mine.) Subsec. (1).

*Coal Mines Regulation (Amendment).*

“Minister” and by inserting in lieu thereof the following paragraphs:—

(a) an accurate plan of the mine or seam showing— cf. 1 & 2  
Geo. V, c. 50,  
s. 21.

5 (i) the boundaries of the workings of the mine or seam including not only the working faces but also all headings in advance thereof, up to the time of the abandonment;

10 (ii) the pillars of coal or other mineral remaining unworked;

15 (iii) the position, direction, and extent of every known fault of every seam in the mine, or of the seam, as the case may be, with the vertical throw of every known fault, wash-out, or intrusive dyke;

20 (iv) the position of the workings with regard to the surface;

(v) the general direction and rate of dip of the strata; and

25 (vi) the depth of every shaft, or in the case of an abandoned seam, the depth of every shaft from the surface to that seam;

30 (b) a section of the strata sunk through, or if that is not reasonably practicable, a section of every seam in the mine, or of the seam, as the case may be.

35 Every such plan shall be of a durable character, and shall be on a scale of not less than two chains to the inch, or on the same scale as the plan used at the mine at the time of its abandonment.

40 (b) by inserting next after subsection two of the same section the following new subsection:— New subsec.  
(2A).

(2A) Where a mine or seam has not been worked for a period of twelve months, it shall be deemed for the purposes of this Act to have

*Coal Mines Regulation (Amendment).*

5 have been abandoned unless the plan furnished in accordance with section thirty-five shows the workings up to the date of cessation of work and unless the main and district roadways of the mine or seam are maintained in an accessible condition.

1210. The Principal Act is further amended—

Further amendment of Act No. 37, 1931

(a) by inserting next after section thirty-nine the following new section :—

New s. 39A.

10 39A. (1) The accuracy of every plan, section, and tracing which is made at any time after the expiration of twelve months from the commencement of this Act, for the purposes of section thirty-five, section 35A, or section 15 thirty-nine of this Act shall be certified by a person who is registered as a surveyor under the Surveyors Act, 1929, or who is the holder of a surveyor's certificate of competency granted under this section.

Accuracy of plans to be certified.

20 (2) For the purpose of ascertaining the persons to whom surveyors' certificates of competency may be granted, examiners shall be appointed by the board for appointing examiners constituted under subsection two of section 25 six of this Act, who may hold examinations and examine applicants for such certificates in such subjects as may be prescribed by any rules made by the Minister in that behalf.

30 The provisions of section seven of this Act shall, mutatis mutandis, apply to and in respect of surveyors' certificates of competency.

(3) No person shall be entitled to a surveyor's certificate of competency unless—

- 35 (a) he is at least twenty-one years of age ;  
 (b) he furnishes to the examiners satisfactory evidence of his sobriety and good conduct ;  
 40 (c) he furnishes to the examiners satisfactory evidence that he has had practical experience in surveying mines during a period of not less than four years :  
 Provided

*Coal Mines Regulation (Amendment).*

Provided that in the case of a candidate who—

- 5 (i) has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received, after due examination, from some university, school of mines, or other body approved by the Minister, a degree or diploma; or
- 10 (ii) has passed satisfactorily a full course of instruction in surveying at an institution approved by the Minister,

15 it shall be a sufficient compliance with the requirements of paragraph (c) of this subsection if the candidate furnishes to the examiners satisfactory evidence that he has had practical experience in mines during a period of not less than one year.

20 (4) For all other purposes relating to the examination of applicants, and the granting, cancellation, and suspension of such certificates, and the registration of the holders of such certificates, the provisions of this Act relating to managers' certificates of competency shall, mutatis mutandis, apply and have effect.

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30 (5) A certificate of service as mine surveyor shall be granted by the Minister to every person who satisfies him either that before the first day in July, one thousand nine hundred and thirty-one, he was acting, and has since that day acted, or that he has at any time within five years before the said date, for a period of not less than two years, acted in the capacity of a mine surveyor at a mine required by the Act to be under the control of a certificated manager.

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40 (b) by inserting in the Third Schedule after the words "mine electrician's certificate" the words "or surveyor's certificate of competency."

*Coal Mines Regulation (Amendment).*

1311. The Principal Act is further amended--

Further amendment of Act No. 37, 1912, ss. 41, 42 and Fourth Schedule.

- (a) (i) by omitting from section forty-one the word "fourteen" and by inserting in lieu thereof the word "sixteen";
- 5 (ii) by inserting at the end of the same section the following new subsection:—

(2) The provisions of this section shall not prevent a boy under the age of sixteen years who before the commencement of the Coal Mines Regulation (Amendment) Act, 1931, was lawfully employed in or about any mine from continuing to be so employed.

Temporary saving of employment of boys under 16. cf. Act 60 Vic. No. 12, s. 35.

- 15 (b) by omitting from section forty-two the word "fourteen" and by inserting in lieu thereof the word "sixteen"; subsection one of section forty-two the words "between the age of fourteen years and" and by inserting in lieu thereof the following words: "under the age of";
- 20 (c) by omitting from the return of persons ordinarily employed during the year in Part A of the Fourth Schedule the figures "16" wherever occurring and by inserting in lieu thereof the figures "18";
- 25 (d) by omitting from the same return the words and figures "Boys under 14";
- (e) by omitting from the same return the figures "14" were lastly occurring and by inserting in lieu thereof the figures "16."

30 1412. The Principal Act is further amended by inserting next after paragraph (b) of subsection one of section fifty the following new paragraph:—

- 35 (b1) Every part of the mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording means of egress to the surface and so arranged that in the event of either becoming impassable at any point the other will afford means of egress to the surface: **Provided that upon**
- 40 **written**

Further amendment of Act No. 37, 1912, s. 50. (Means of egress. cf. 1 & 2 Geo. V, c. 50, s. 36 (3).)

*Coal Mines Regulation (Amendment).*

**written application being made in that behalf the inspector may grant an exemption in respect of any part of any mine.**

**1513.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912.

5 (a) by inserting next after section fifty-three the following new Division :—

New Division 10. Sec. 53A.

*DIVISION 10.—Special provisions as to mines worked by contractor.*

10 53A. (1) In every mine the materials re-  
quired for the support of the roofs and sides shall be provided by and at the cost of the owner of the mine, and the deputies, shotfirers, and all other officials of the mine shall be appointed and their wages paid by the owner, notwithstanding that the mine or any part thereof is worked, or any part of the operations therein is carried on by a contractor, and no such contractor nor any person employed by him shall be appointed to be manager, under-manager, deputy, or shotfirer of the mine.

Mines worked by contractor. cf. 1 & 2 Geo. V, c 50, s. 27.

20 (2) Where under any contract existing at the commencement of the Coal Mines Regulation (Amendment) Act, 1931, the materials required for the support of the roof or sides are to be provided, or the wages of any official are to be paid, by any person other than the owner, the owner may apply to the district court for the district in which the mine is situate and the court may make such variation in the terms of the contract as appears to the court just and equitable under the circumstances of the case, or in the alternative the court may, at the request of the owner, determine the contract.

35 (3) If in any mine there is a contravention of or non-compliance with the provisions of this section the owner of the mine shall be deemed to be guilty of an offence against this Act.

(b)

*Coal Mines Regulation (Amendment).*

5 (b) by inserting in subsection three of section one after the words and symbols "DIVISION 9.—*Division of mine into parts—s. 53*" the words and symbols "DIVISION 10.—*Special provisions as to mines worked by contractor—s. 53A.*"

1414. (1) Section fifty-four of the Principal Act is amended—

Further amendment of Act No. 37, 1912 s. 54. (General rules.)

10 (a) by omitting from paragraph (e) of general rule one the following words: "Provided that the second sample shall not be taken within a period of less than one fortnight after the result of the first sample is communicated to the owner, agent, or manager of the mine";

General rule 1.

15 (b) by omitting general rule four and by inserting in lieu thereof the following rule:—

Substituted general rule

20 *Rule 4.* (a) For the purpose of the inspections before the commencement of work in a shift as provided in this rule, one or more stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in manner provided in this rule.

Appointment of stations and inspections before commencing work. cf. 1 & 2 Geo. V. c. 50, ss. 63, 64.

25 (b) ~~The deputy or deputies of a mine (as provided by section 5A of this Act)~~ **Competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, within such time not exceeding three hours immediately before the commencement of work in a each shift as may be fixed by the special rules of the mine, inspect with a locked safety lamp the part of the mine situated beyond the station or each of the stations, and**

40 in



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*Coal Mines Regulation (Amendment).*

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5 in which workmen are to work or travel  
during the shift, and all working-places  
in which work is temporarily stopped  
~~within any ventilating district in which~~  
~~the men have to work~~ **idle which are**  
**safely accessible on the intake side of**  
**the last working-place**, and shall ascer-  
tain the condition thereof so far as the  
10 presence of gas, ventilation, roof, and  
sides and general safety are concerned.

15 (c) A full and accurate report speci-  
fying the condition of the ventilation  
and whether or not, and where, if any,  
noxious or inflammable gas was found,  
and whether or not any and (if any)  
what defects in roofs or sides and other  
sources of danger were observed, shall  
be recorded without delay in the record  
book to be kept at the mine for the  
20 purpose, and accessible to the workmen,  
and such report shall be signed by, and,  
so far as the same does not consist of  
printed matter, shall be in the hand-  
writing of the person who made the  
25 inspection.

(d) For the purpose of the foregoing  
provisions of this rule, two or more  
shifts succeeding one another ~~so that~~  
~~work is carried on~~ without any interval  
are to be deemed to be one shift.  
30

(e) A similar inspection shall be made <sup>Inspection</sup>  
~~twice at least~~ in the course of each shift <sup>during shifts.</sup>  
of all parts of the mine situated beyond  
the station or each of the stations afore-  
said and in which workmen are to work  
or travel during the shift, but it shall  
not be necessary unless inflammable gas  
is found to record a report of ~~the first~~  
of such inspections **of such inspection** in  
a book :  
5

Provided

*Coal Mines Regulation (Amendment).*

5 Provided that in the case of a mine worked by a succession of shifts ~~no place shall remain uninspected for an interval of more than five hours~~ **the report of one such inspection shall be recorded in the manner above required.**

10 (f) A competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, immediately after each shift and the workmen have withdrawn, inspect with a locked safety-lamp every part of a naked light mine in which workmen worked or travelled during the said shift, and shall ascertain the condition of the mine in respect of danger from fire and report the same and forthwith enter the said report in a book to be kept at the mine for the purpose.

15 (c) (i) by omitting from paragraph (b) of sub-clause one of general rule eight the word "normally"; <sup>General rule 8.</sup> and by inserting after the word "gas" in general rule 8 (1) (b) the words "when sampled in the same manner as provided for intake air under General Rule (1) (e) of the Principal Act";

20 (ii) by omitting from paragraph (e) of sub-clause one of the same general rule the words "(except in the main intake airways within two hundred yards from the shaft)"; also the words "causing any personal injury whatever"; and by inserting after the word "has" in general rule 8 (1) (c) the words "been definitely proved to have";

25 (iii) by omitting paragraphs (d) and (e) of subclause one of the same general rule and by inserting in lieu thereof the following paragraphs:—

30 (d) in any place or part of a mine where any quantity ~~however small~~ (capable of

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*Coal Mines Regulation (Amendment).*

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- of being detected by an ordinary oil safety lamp), of inflammable gas has been given off within the previous twelve months.
- 5 (e) in any working which is within twenty yards of, or is being advanced towards any locality where it is doubtful whether or not there may be an accumulation of inflammable gas, or any place in the same district
- 10 on the return airway side of such working.
- (iv) by omitting from subclause two of the same general rule the words "except when the use of safety-lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety-lamps throughout the district" and by inserting in lieu thereof the words "or in any part of the mine situated on the return airway side of such ventilating district";
- 15
- 20
- (v) by omitting from subclause three of the same general rule the words "otherwise than as a temporary precaution against apprehended danger";
- 25
- (vi) by omitting subclause four of the same general rule;
- 30
- (vii) by omitting from subclause five of the same general rule the words "two per centum" and by inserting in lieu thereof the words "one and a quarter percentum";
- 35
- (viii) by omitting from subclause five of the same general rule the words "as are on the return side of the said place in that ventilating district" and by inserting in lieu thereof the words "in that ventilating district as he may direct";
- (ix)

*Coal Mines Regulation (Amendment).*

- 5 (ix) by omitting from subclause five of the same general rule the words "unless he appeals in manner prescribed against the said requisition of the inspector to the court" and by inserting in lieu thereof the words "until the matter has been otherwise decided by appeal in manner prescribed against the said requisition of the inspector";
- 10 (d) (i) by omitting from paragraph (b) of general <sup>General</sup> rule ten the word "either" and also the <sup>rule 10.</sup> words "or for the purpose of firing a shot in conformity with the provisions hereinafter contained"
- 15 (ii) by omitting from paragraph (c) of the same general rule the word "either" and also the words "or for the purpose of firing shots"
- 20 (iii) by inserting next after paragraph (d) of the same general rule the following new paragraph:—  
(d1) A person shall not damage a safety-lamp;
- 25 (iv) by inserting in paragraph (e) of the same general rule after the words "given out" the words "and such person shall be guilty of an offence against this Act";
- 30 (e) (i) by inserting in subclause three of general <sup>General</sup> rule 12B after the words "Such treatment <sup>rule 12B.</sup> shall not be compulsory if" the words "the chief inspector has granted a written exemption in respect thereof and";
- 35 (ii) by omitting from subclause three of the same general rule all words following the word "path";
- 40 (iii) by omitting from subclause four of the same general rule the words "or suitably treated so as to prevent, as far as practicable" and by inserting in lieu thereof the words "and suitably treated so as to prevent as far as practicable any danger arising from"; (f)

*Coal Mines Regulation (Amendment).*

- (f) by inserting next after general rule sixteen the following new general rule:—

New general rule 16A.  
Control of trains.  
cf. S. R. & O., 1913 (England) 1 & 2 Geo. V, c. 50, general regulation 23.

5 *Rule 16A.* Trains run for the conveyance of workmen, whether above or below ground and whether on the premises of a mine or on a line or siding belonging to the owners of the mine shall be under the entire control of a person appointed to accompany and have charge of the train, and no person shall attempt to get into or out of the train when in motion nor ride upon the footboard (if any) nor upon the buffers or couplings, nor refuse to comply with the directions of the person in charge, nor in any way obstruct or interfere with such person in the discharge of his duties, and any person failing to comply with this rule shall be guilty of an offence against this Act and shall be reported by the person in charge to the manager or under-manager.

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- (g) by omitting general rule twenty-three and by inserting in lieu thereof the following general rules:—

General rules 23, 23A.

25 *Rule 23.* (1) Where props or props and bars or chocks are used to support the roof at the working face, the roof under which any work of getting coal or filling skips is carried on shall be systematically and adequately supported, and the props or chocks shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

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Systematic support of roofs and sides.  
cf. 1 & 2 Geo. V, c. 50, s. 50.

(2) Holing props or sprags shall be set as soon as practicable, and shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned, and shall not be removed until the coal is about

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*Coal Mines Regulation (Amendment).*

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to be taken down and before the roof supports (if any) have been advanced in the manner specified in the notice.

5 (3) In all parts of a roadway in which sets or trains consisting of three or more skips are coupled or uncoupled, the roof and sides shall be systematically and adequately supported, and in such parts and in all other parts of the roadway the roof or sides of which 10 require to be supported, if props or bars are used as supports, such supports shall be set at such regular intervals and in such manner as may be specified 15 in the notice hereinafter mentioned.

(4) The manager shall by notice specify for each district or part or a district in the mine (if roof conditions are variable) the manner in which the supports are to be set and advanced, 20 and the maximum intervals to be observed on roadways between the supports and at the face—

- 25 (a) between each row of props ;  
(b) between adjacent props in the same row ;  
(c) between the front row of props and the face ;  
(d) between the holing props or 30 sprags ;  
(e) between chocks :

Provided that the interval between holing props or sprags shall in no case exceed six feet.

35 (5) (a) If the inspector of the district considers that the system of supporting the roof and sides adopted in any part of a mine is unsatisfactory either by reason of the distances fixed 40 or any of them being excessive or otherwise,

*Coal Mines Regulation (Amendment).*

otherwise, he may require the manager to fix some less distance, or otherwise modify the system.

5 (b) The requisition shall be in writing under the hand of the inspector and shall be delivered personally or sent by post by a registered letter to the manager.

10 (c) If the manager objects to the reasonableness of the requisition he may, within fourteen days after the receipt of the requisition, send his objection in writing stating the grounds thereof to the chief inspector who may withdraw the requisition or refer the matter to the court to be determined.

15 (d) If the manager fails when no objection is sent as aforesaid to comply with the order within ten days after the expiration of the time for objection, or where the matter has been determined by the court, to comply with the order of the court within the time therein specified he shall be guilty of an offence against this Act.

20 (6) Nothing in this rule shall prevent a workman from setting supports in his working-place at more frequent intervals than those specified in the notice aforesaid where necessary for safety.

30 *Rule 23A.* Where the work of erecting the supports of the roof and sides of working-places is done by the workmen employed therein, a sufficient supply of timber or other materials suitable for supports shall be kept at or within ten yards of every working-place where, in pursuance of this Act, supports are required to be erected, and also at the pass-bye, siding, or other similar place in

35 Supply of props and bars.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 51.

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*Coal Mines Regulation (Amendment).*

in the mine convenient to the workmen; and it shall be the duty of the deputies to see that such sufficient supply is so kept, and any working-place in which such a sufficient supply is not kept shall not be deemed to be safe for the purpose of the provisions of this Act. Sufficient timber or other materials as aforesaid, to enable the deputies to see that the provisions of this rule are complied with shall be constantly provided by the owner, agent, or manager.

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- (h) by omitting general rules twenty-seven and twenty-eight and by inserting in lieu thereof the following general rules:—

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*Rule 27.* (1) Where the apparatus ordinarily used for raising or lowering persons to or from the surface is worked by mechanical power it shall, if the shaft is vertical, be provided with a detaching hook, and, if the shaft is more than three hundred feet in depth, shall also be provided with an effective automatic contrivance to prevent overwinding.

30

The provisions of this subclause of this rule shall come into operation on the first day of July, one thousand nine hundred and thirty-three:

35

Provided that the Minister may, if he is satisfied that the special circumstances of any particular mine so require, by notice under his hand exempt such mine from the provisions of this subclause or from such provisions as are specified in the notice. The exemption may be unlimited as to duration, or may have effect only for a period specified in the notice.

40

(2)



*Coal Mines Regulation (Amendment).*

(2) If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding in accordance with subclause one of this rule, the cage when men are being raised or lowered shall not be wound at a speed exceeding three miles an hour after the cage has reached a point in the shaft within thirty feet of the surface or the bottom of the shaft as the case may be.

*Rule 28.* Every cage shall be provided with catches or other suitable contrivance to prevent skips falling out, and if used for lowering or raising persons, shall be covered in completely at the top and closed in at the two sides in a sufficient manner to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be reached easily by all persons in the cage:

Cover overhead.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (7).

Provided that the provisions of this rule shall not apply where the cage or skip is worked by a windlass or where persons are employed at work in the shaft, or where a written exemption is given by the chief inspector.

*Rule 28A.* Keps for supporting the cage when at rest shall be provided at the surface level where mineral is usually unloaded, but shall not be provided at any intermediate landings in the shaft. The keps provided at the surface level, and also the keps, if any, provided at the bottom of the shaft, shall be used when persons are entering or leaving the cage.

Provision of keps.  
cf. 1 & 2  
Geo. V, c. 5  
s. 40 (4).

The

*Coal Mines Regulation (Amendment).*

5 The foregoing requirement as to the provision of keps shall not apply to a system of winding by means of a single rope where the cages are held by the friction of the rope on the winding sheave.

10 *Rule 28B.* Where there is a ventilating shaft nearer to the centre of the working places than the shaft or tunnel used as a second means of egress the Minister may, on the recommendation of the chief inspector, require by notice under his hand that such shaft shall within the period specified in the notice, if  
15 any, be equipped with suitable and efficient machinery for raising or lowering persons therein, and the said machinery when installed shall be constantly maintained in safe working order, and shall be available for raising  
20 persons from the mine during the whole time that more than twenty employees are underground.

25 (i) by omitting subparagraph (ii) of paragraph (a) of general rule thirty-three and by inserting in lieu thereof the following subparagraph:—

30 (ii) be examined thoroughly at least once in every twelve months by a person licensed under the provisions of section forty-six of the Mines Inspection Act, 1901, to test and examine any boiler at a mine.

35 (j) by inserting in general rule thirty-eight after the word "shall" where firstly occurring the words "be in or to the effect of the prescribed form and shall";

40 (k) (i) by inserting in general rule thirty-nine after the word "miners" the words "and one of whom is the holder of at least a third-class certificate of competency or of service under this Act";

(ii)

*Coal Mines Regulation (Amendment).*

- 5 (ii) by omitting from the same general rule the words "once at least in every month" and by inserting in lieu thereof the words "at any time on giving reasonable notice to the manager;
- 10 (iii) by inserting in the same general rule after the word "machinery" the words and proviso "and also to examine the plan and section of the mine as provided by section thirty-five of this Act:
- Provided that such inspection shall not be conducted so as to impede or obstruct the working of the mine";
- 15 (l) by inserting in general rule forty after the word "coal-getter" or the word "shale-getter" wherever occurring the words "or filler";
- (m) by inserting next after general rule forty-three the following new general rule:—
- Rule 43A.*—A drill worked by mechanical power shall not be used for drilling in stone or rock unless—
- (a) water is fed into the bottom of the hole; or
- (b) a jet or spray of water is directed and kept directed into or about the hole; or
- (c) other steps approved by the chief inspector are taken,
- in such manner and to such extent as is necessary to prevent the issue of dust from the hole during the drilling operations:
- Provided that where the drilling in stone or rock is done intermittently in a working-place and in conjunction with coal-getting operations the chief inspector, upon application in that behalf, may, by writing under his hand, grant an exemption in respect of the whole or any part of the provisions of this rule.

New general rule 43A.

Dust prevention. cf. Act No. 75, 1931, s. 55 (55).

(n)

*Coal Mines Regulation (Amendment).*

(n) by inserting next after paragraph (k) of sub-  
 clause one of general rule forty-four the  
 following new paragraph :—

General  
 rule 44.

5 (1) no coal or coke fire shall be allowed in  
 the interior of the building.

(2) The Coal Mines Regulation (Amendment)  
 Act, 1926, is amended by omitting paragraph (c) of  
 subsection two of section nine.

Amendment  
 of Act No. 19,  
 1926, s. 9  
 (2) (c).

1715. The Principal Act is further amended—

Further  
 amendment of  
 Act No. 37, 1912.

10 (a) by inserting next after section 56A the follow-  
 ing new Division :—

New Division 1A.

DIVISION 1A.—*Regulations.*

56B. (1) The Governor may—

Power of  
 Governor to  
 make  
 regulations.

15 (a) make regulations amending or repeal-  
 ing any or all of the general rules set  
 out in section fifty-four of this Act ;

cf. 1 & 2 Geo.  
 V, c. 50, s. 86 ;  
 Act No. 75,  
 1901, s. 56.

20 (b) make such regulations for the conduct  
 and guidance of persons acting in the  
 management of mines or employed in  
 or about mines as may appear best  
 calculated to prevent dangerous acci-  
 dents and to provide for the safety,  
 health, convenience, and proper discip-  
 line of persons employed in or about  
 25 mines ;

(c) make regulations dealing with—

30 (i) the care and treatment of horses  
 or other animals used in or about  
 mines ;

(ii) the ventilation of mines and the  
 regulation of the use of mechani-  
 cal ventilating appliances ;

35 (iii) the nature, maintenance, exami-  
 nation and inspection of all  
 machinery used in or about  
 mines ;

(iv) the precautions to be taken  
 against coal dust ;

(v)

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*Coal Mines Regulation (Amendment).*

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- 5 (v) the form of any notice, requisition, or document required by or under this Act, and for which express provision is not made in this Act;
- 10 (vi) the method of service of any notice, requisition, or document required to be served on or sent to any person by or under this Act, and for which express provision is not made in this Act;
- 15 (vii) any other matter dealt with in the general rules set out in section fifty-four of this Act;
- 20 (viii) any other matter whatsoever involved in or connected with the control and working of mines and of works in which coal is carbonised or otherwise treated where such works are adjacent to and belonging to the mine.
- 25 (2) The regulations may apply either to all mines or to any specified class or description of mines, and may provide for the exemption of any specified class or description of mines either absolutely or subject to conditions specified in the regulations.
- 30 (3) The provisions contained in section 56c of this Act shall have effect with respect to the procedure for making regulations under this section.
- 35 (4) The regulations shall—
- (a) be published in the Gazette;
- (b) take effect from the date specified in the regulations;
- 40 (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

*Coal Mines Regulation (Amendment).*

5 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

10 56c. (1) Before any regulation is made under section 56B of this Act the Minister shall cause to be published in such manner as he may think best adapted for informing persons affected notice of the proposal to make the regulation and of the place where copies of the draft regulation may be obtained and of the time (which shall not be less than thirty days) within which any objection made with respect to the draft regulation by or on behalf of persons affected must be sent to the Minister.

Procedure for making regulations. cf. 1 & 2 Geo. V, c. 50, Second Schedule, Part I.

20 (2) Every objection must be in writing, and state—

- (a) the specific grounds of objection ;
- (b) the omissions, additions, or modifications asked for.

25 (3) The Minister shall consider any objection made by or on behalf of any person appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulation, and the foregoing provisions shall apply to the amended draft in like manner as they apply to the original draft.

35 (4) If after the publication of the notice with respect to any such draft regulation (whether an original or amended draft) any general objection as defined in this section is made within the required time with respect to the draft and not withdrawn, the regulation shall not be made until the matter has been referred to the court for determination.

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If

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*Coal Mines Regulation (Amendment).*

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5 If on any such reference the court considers that the draft regulation should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and effect shall be given to the recommendation in the regulation if made.

10 (5) If the Minister considers that any objection, though not a general objection, is of such a character that it is desirable to refer it to the court he may so refer it, and in that case the foregoing provisions shall apply as in the case of a general objection.

15 (6) If any objection, though not a general objection, is made on behalf of the owners of mines of any particular class or mines in any separate area, and it is alleged in the objection that having regard to the special natural conditions or special methods of working in mines of that class, or mines in that area, the proposed regulation ought not to apply to those mines, the Minister shall, unless he is of opinion that the objection is frivolous, refer it to the court, and in that case the foregoing provisions shall apply as in the case of a general objection.

20 (7) For the purposes of this section a general objection means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the draft regulation or, if such draft contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed.

25 The number of men employed shall be calculated in accordance with the returns for the last preceding year sent by owners of mines to the inspectors in pursuance of the provisions of this Act.

(b)

*Coal Mines Regulation (Amendment).*

- (b) by inserting in subsection three of section one after the words and symbols "DIVISION 1.—*General rules—ss. 54-56A*" the words and symbols "DIVISION 1A.—*Regulations—ss. 56B, 56C*"; Sec. 1 (3). (Division into parts.)
- 5
- (c) by inserting in section three after the definition of "Small mine" the following definition: "This Act" includes the regulations made thereunder. Sec. 3. (Interpretation.)
- 10
- (d) (i) by inserting in section fifty-six after the word "Act" where firstly occurring the words "or any regulation made under this Act"; Sec. 56. (Penalties.)
- (ii) by inserting in the same section after the words "general rules" where secondly occurring the words "or the said regulations";
- 15
- (iii) by omitting from the same section the words "said rules as regulations" and by inserting in lieu thereof the words "observance of the said rules and regulations";
- 20
- (e) by inserting in section sixty-four after the word "Act" where firstly and secondly occurring the words "and of the regulations made thereunder." Sec. 64. (Publication of abstract.)
- 25
- 1816.** (1) The Principal Act is further amended by omitting sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, and sixty-two, and by inserting in lieu thereof the following sections:— Further amendment of Act No. 37, 1912. Substituted sections.
- 30
57. (1) Where the district inspector or the owner, agent, or manager of, or a majority of the workmen employed in any mine is of opinion that any regulation or general rule for the time being in force with respect to the mine ought in its application to that mine to be supplemented or modified, the inspector, or the owner, agent, or manager, or such majority of workmen, may transmit for the approval of the Minister special rules for the mine. Special rules. cf. 1 & 2 Geo. V, c. 50, s. 87.
- 35

(2)



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*Coal Mines Regulation (Amendment).*

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(2) Where any special rules have been transmitted under this section to the Minister for approval he shall consider the special rules and either approve or disapprove the same.

5 Where the Minister disapproves the special rules no further action shall be taken in the matter.

Before the Minister approves the special rules there shall be published, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the special rules and of the place where copies of the draft special rules may be obtained, and of the time (which shall not be less than thirty days) in which any objection with respect to the draft special rules made by or on behalf of persons affected must be sent to the Minister.

15 (3) Every objection must be in writing and state—

(a) the specific grounds of objection ;  
20 (b) the omissions, additions, or modifications asked for.

(4) The Minister shall consider any objection made by or on behalf of persons appearing to him to be affected which is sent to him within the required time, and he may, before approving the special rules, require such amendments to be made therein as he may think fit.

25 (5) If any person who has sent any objection to any special rules transmitted for approval feel aggrieved by the refusal of the Minister to give effect to their objection, the objection shall be referred to the court for determination.

30 (6) If on any such reference the court considers that the special rules should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and the Minister before approving the special rules shall require that variation to be made.

35 (7) When special rules have been approved by the Minister they shall, as respects that mine, have effect until revoked as if they formed part of the general rules and the regulations applicable to the mine.  
40 (8)

*Coal Mines Regulation (Amendment).*

5 (8) Where any special regulations are in force with respect to any mine they may be revoked, altered, or added to at the instance of the inspector of the district or of the owner, agent, or manager of, or a majority of the workmen employed in the mine in like manner and subject to the same provisions as the original special rules.

10 58. (1) The general rules and the regulations applicable to a mine as supplemented or modified by the special rules, if any, for the time being in force with respect to the mine shall be the rules of the mine. Rules of a mine. cf. 1 & 2 Geo. V, c. 50, s. 89.

15 (2) An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of the rules of the mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) that those rules are the rules of the mine and of the fact that they are duly made under this Act.

20 59. If any person who is bound to observe the rules of any mine acts in contravention of or fails to comply with any of them he shall be guilty of an offence against this Act, and also the owner, agent, and manager of such mine shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the rules, to prevent such contravention or non-compliance. Penalty for breach of rules of a mine. cf. *Ibid.* s. 90.

25

30 (2) All special rules established under the sections of the Principal Act repealed by subsection one of this section and in force at the commencement of this Act shall, to the extent to which the said special rules are not inconsistent with the provisions of the Principal Act, as amended by this Act, or with any regu-  
35 lations made under the Principal Act as so amended, remain in force until amended or revoked by regulations made under section 56B of the Principal Act, as so amended, or by special rules made under section fifty-seven of the Principal Act as inserted by subsection  
40 one of this section.

(3)

*Coal Mines Regulation (Amendment).*

(3) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraphs (a), (b), and (c) of section eleven.

Consequential amendment of Act No. 19, 1926, s. 11.

1917. The Principal Act is further amended by inserting next after Part B of the Fourth Schedule the following new Parts :—

Further amendment of Act No. 37, 1912. Fourth Schedule.

PART C.

PARTICULARS of Explosives, Coal-cutting Machines, Conveyors, and Safety-lamps used during the year ending 31st December, 19 .

10 I.—*Explosives.*

Name of explosive.	Quantity used (lbs.)	Estimated number of shots fired.		
		By electricity.	By fuse.	Total.

The number of miss-fire shots :—

15

- 1. With electricity ... ..
- 2. With fuse ... ..
- 3. Otherwise ... ..

II.—*Coal-cutting Machines and Conveyors.*

Description.	Number driven by—		Number of statute tons cut by—				Number of conveyors at coal face.
	Elec- tricity.	Com- pressed air.	Electricity.		Compressed air.		
			Coal.	Other minerals.	Coal.	Other minerals.	
			Tons.	Descrip- tion.		Tons.	Descrip- tion.

III.

*Coal Mines Regulation (Amendment).*

III.—*Safety-lamps.*

5	*Name and description of lamp.	Total number in use.	No. of lamps according to method of locking.				No. of lamps according to kind of illuminant.				
			Lead rivet.	Mag. netic.	Screw.	Other.	Colza or colza and petroleum	Petro-leum.	Volatile spirit.	Electri-city.	Other illumin-ant.

\* No. of gauzes, and whether shielded or not.

State the method of lighting the lamps, *e.g.*, by electricity or otherwise . . . . .

PART D.

10 ; *Type and aggregate horse-power of electrical apparatus.*

1.—System of supply (whether continuous current or alternating current) ... ..

Voltage of supply ... ..

Periodicity (if alternating current) ... ..

15 Source of supply ... ..

2.—Voltage at which current is used for—

Lighting ... ..

Power ... ..

PART

*Coal Mines Regulation (Amendment).*

PART D—*continued.*

	3.—Aggregate H.P. of motors installed on surface for—				
	Winding	...	...	...	...
5	Ventilation	...	...	...	...
	Haulage	...	...	...	...
	Coal washing or screening	...	...	...	...
	Miscellaneous	...	...	...	...
	Total H.P.	...	...	...	..
<hr/>					
10	4.—Aggregate H.P. of motors installed below ground for—				
	Haulage	...	...	...	...
	Pumping	...	...	...	...
	Portable machinery	...	...	...	...
15	Miscellaneous	...	...	...	...
	Total H.P.	...	...	...	...
<hr/>					
	5.—Total H.P. (addition of 3 and 4)	...	...	...	...

(Signed).....

*Owner, Agent, or Manager*

20

Date.....

**2018.** The Fifth Schedule to the Principal Act is amended—

Further amendment of Act No. 37 191 Fifth Schedule.

- (a) by inserting next after the word “material” in paragraph (g) of regulation seven the words “provided by the owner and” Reg. 7 (g).
- 25
- (b) (i) by omitting from subparagraph (i) of paragraph (j) of regulation seven the words “or other treatment equivalent to watering”; Reg. 7 (i).
- 182—C (ii)

*Coal Mines Regulation (Amendment).*

(ii) by inserting next after subparagraph (i) of the same paragraph the following new subparagraph:—

5 (iA) in any case in which efficient treatment with stone dust has been carried out, unless the place of firing and all contiguous accessible places, whether roof, floor, or sides are at the time of firing in a wet state from  
10 thorough watering in all parts where dust is lodged, within the following area, namely:—

15 Within a radius of five yards from the shot hole, and thence within such further distance (if any) as may be necessary to make the watering continuous from the shot hole to the point at which efficient treatment with stone dust has been carried out.

20 (c) by omitting regulations nine and ten and by inserting in lieu thereof the following regulation:

25 9. Where there are two or more shot-holes in the one place only one of such shot-holes shall be charged or stemmed at the one time and no other shot-hole shall be charged until the shot is fired.

30 (d) by omitting regulation twenty-five and by inserting in lieu thereof the following regulation:—

35 25. No shot shall be fired unless immediately before the shot is to be fired the shotfirer has examined the floor, roof, and sides of the place where the shot is to be fired and of all contiguous accessible places within a radius of twenty yards from the place where the shot is to be fired for coal-dust and has taken efficient steps to render any coal-dust within that area harmless and  
40 to otherwise comply with the requirements of paragraph (j) of regulation seven of these regulations.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 3 September, 1931.*

## New South Wales.



ANNO VICESIMO SECUNDO

# GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1931.

An Act to make further provision for the regulation of coal mines and shale mines; to amend the Coal Mines Regulation Act, 1912, and certain other Acts; and for purposes connected therewith.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1931."

Short title, citation, and commencement.

*Coal Mines Regulation (Amendment).*

(2) The Coal Mines Regulation Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1912-1931.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

10 **2.** The Principal Act is amended by inserting in section three next after the definition of "Agent" the following new definition:—

Amendment of Act No. 37, 1912, s. 3. (Interpretation.)

15 "Check inspector" means a person appointed under general rule thirty-nine of section fifty-four of this Act.

**3.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 5.

20 (a) by inserting at the end of subsection one of section five the words: "Such owner or agent shall send written notice to the inspector of the district of the under-manager's name and address within fourteen days after the nomination of the under-manager";

Subsec. (1). (Nomination of under-manager.)

(b) by inserting next after subsection three of section five the following new subsections:—

New subsecs. (4)-(9).

25 (4) Where any person is appointed to be manager of two or more mines required by this Act to be under the control of a manager holding a first-class certificate of competency a separate under-manager shall be appointed for each mine.

cf. 1 & 2 Geo. V, c. 50, s. 4 (2).

30 (5) If it appears to the Minister that the management and control of a mine required to be exercised by the manager are insufficient by reason of the fact that such manager is also manager of any other mine or mines, the Minister may by order in writing under his hand limit the number of such mines for which a person may act as manager.

cf. 1 & 2 Geo. V, c. 50, s. 4 (3).

(6)



*Coal Mines Regulation (Amendment).*

(6) The order shall be delivered personally or sent by post by a registered letter to such manager and to the owner or agent of each mine of which he is manager.

5 (7) If the owner, agent, or manager objects to the reasonableness of the order he may within ten days after the receipt of the order send his objection in writing, stating the grounds thereof, to the Minister, who may  
10 withdraw the order or refer the matter to the court to be determined.

(8) If the owner, agent, or manager fails when no objection is sent as aforesaid to comply with the order within fourteen days after the expiration of the time for objection, or where the matter has been determined by the court to comply with the order of the court within the time therein specified, he shall be  
15 guilty of an offence against this Act.

20 (9) No person shall be precluded by any agreement from doing or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary to comply with any order under this section.

25 4. The Principal Act is further amended—

(a) (i) by omitting from subsection one of section 5A the words "required by this Act to be under the control of a certificated manager";

30 (ii) by omitting subsection four of the same section.

(b) by omitting section eight.

Further amendment of Act No. 27, 1912, s. 5A.

Subsec. (1). (Deputies and shot-firers.)

Subsec. (4).

Sec. 8.

(Certificate of service as deputy.)

5. The Principal Act is further amended by inserting in section twenty-one after the words "in that behalf" the following words:—

35 "Every such applicant must have had at least two years' practical experience in the use of electrical machinery and apparatus in a mine."

Further amendment of Act No. 37, 1912, s. 21.

(Mine electricians.)

6.

*Coal Mines Regulation (Amendment).*

6. (1) The Principal Act is further amended by omitting section twenty-two and by inserting in lieu thereof the following section:—

Further amendment of Act No. 37, 1912, s. 22.

5        22. (1) Where electricity exceeding in the aggregate thirty kilowatts is used in or about any mine for power and/or lighting purposes, a competent person shall be appointed as mine electrician, who shall be subject to the authority of the manager, and in his absence the under-  
10        manager, and shall have charge of all electrical machinery and apparatus in or about the mine.

Employment of mine electricians.

15        (2) A person shall not be qualified to act as mine electrician unless he is for the time being registered as the holder of a certificate of competency as mine electrician under this Act.

20        (3) Any person who—  
      (a) not being registered under this Act as the holder of a certificate of competency as a mine electrician acts as a mine electrician in or about a mine where the electricity used for power and/or lighting purposes exceeds thirty kilowatts or so acts in any place in a mine where naked lights are prohibited notwithstanding that the electricity used is less  
25        than thirty kilowatts; or  
      (b) knowing that such person is not so registered employs him as a mine electrician in or about such mine,  
30        shall be guilty of an offence against this Act.

35        (4) Upon the recommendation of the chief inspector the Minister may by writing under his hand grant an exemption in respect of all or any of the provisions of this section either absolutely or upon such terms and conditions as the Minister may impose.

40        (5) Where a certificated mine electrician is required to be employed at any mine the owner or agent of the mine shall send to the inspector of the district wherein the mine is situated a written notice of such electrician's name and address within one month after the date of his appointment.

(2)

*Coal Mines Regulation (Amendment).*

(2) The Coal Mines Regulation (Amending) Act, 1913, is amended by omitting section nine.

Amendment of Act No. 11, 1913, s. 9.

7. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 35.

(Plan of mine.)

Subsec. (1).

5 (a) by inserting in subsection one of section thirty-five after the word "strata" where firstly occurring the words "and all faults, dykes, and other dislocations of the seam or seams";

10 (b) by inserting next after subsection two of the same section the following new subsection:—

New subsec. 2A.

15 (2A) The owner, agent, or manager of the mine shall, on the request of a check inspector appointed by the employees of such mine, produce to the check inspector at the office of the mine during an inspection of the mine such plan and section.

20 The check inspector shall be entitled to examine the plan and section but he shall not be entitled to take away from the mine any copy thereof or divulge any information derived therefrom without the authority of the manager.

25 A check inspector who contravenes the provisions of this subsection shall be guilty of an offence against this Act.

8. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 35A.

30 (a) by inserting at the commencement of subsection one of section 35A the following words: "Unless the Under-Secretary for Mines upon application made in that behalf otherwise determines";

35 (b) by omitting from the same subsection the following words: "six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913," and by inserting in lieu thereof the following words: "three months of the opening of such mine";

{c}

*Coal Mines Regulation (Amendment).*

- (c) by omitting from subsection two of the same section the following words: "acquiring and adding to such colliery holding any other freehold or leasehold lands" and by inserting in lieu thereof the following words: "any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of lands of any tenure";
- (d) by omitting from the same subsection the word "other" where secondly occurring.

**9.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 36.

- (a) by inserting in subsection one of section thirty-six after the word "Minister" the words "and to a check inspector";
- (b) by inserting in subsection three of the same section after the word "Minister" the words "and to a check inspector."

- 10.** The Principal Act is further amended by omitting from section 36A the following words: "to an inspector and shall furnish the inspector with such particulars in respect thereof as the inspector may ask for" and by inserting in lieu thereof the following words: "to the inspector of the district and to the check inspector and shall furnish to the inspector of the district such particulars in respect thereof as he may ask for."

Further amendment of Act No. 37, 1912, s. 36A.

**11.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 39.

(Plan of abandoned mine.)

- (a) by omitting from subsection one of section thirty-nine all words following the word "Minister" and by inserting in lieu thereof the following paragraphs:—

Subsec. (1).

- (a) an accurate plan of the mine or seam showing—
- (i) the boundaries of the workings of the mine or seam including not only the working faces but also

cf. 1 & 2 Geo. V, c. 50, s. 21.

*Coal Mines Regulation (Amendment).*

- also all headings in advance thereof, up to the time of the abandonment ;
- 5 (ii) the pillars of coal or other mineral remaining unworked ;
- (iii) the position, direction, and extent of every known fault of every seam in the mine, or of the seam, as the case may be, with the vertical throw of every known fault, wash-out, or intrusive dyke ;
- 10 (iv) the position of the workings with regard to the surface ;
- 15 (v) the general direction and rate of dip of the strata ; and
- (vi) the depth of every shaft, or in the case of an abandoned seam, the depth of every shaft from the surface to that seam ;
- 20 (b) a section of the strata sunk through, or if that is not reasonably practicable, a section of every seam in the mine, or of the seam, as the case may be.
- 25 Every such plan shall be of a durable character, and shall be on a scale of not less than two chains to the inch, or on the same scale as the plan used at the mine at the time of its abandonment.
- 30 (b) by inserting next after subsection two of the same section the following new subsection :— <sup>New subsec.</sup> (2A).
- (2A) Where a mine or seam has not been worked for a period of twelve months, it shall be deemed for the purposes of this Act to have been abandoned unless the plan furnished in accordance with section thirty-five shows the workings up to the date of cessation of work and unless the main and district roadways of the mine or seam are maintained in an accessible condition.
- 35
- 40

*Coal Mines Regulation (Amendment).***12.** The Principal Act is further amended—Further  
amendment of  
Act No. 37, 1912.

- (a) by inserting next after section thirty-nine the following new section:—

New s. 39A.

5           39A. (1) The accuracy of every plan, section, and tracing which is made at any time after the expiration of twelve months from the commencement of this Act, for the purposes of section thirty-five, section 35A, or section thirty-nine of this Act shall be certified by a person who is registered as a surveyor under the Surveyors Act, 1929, or who is the holder of a surveyor's certificate of competency granted under this section.

Accuracy of  
plans to be  
certified.

10           (2) For the purpose of ascertaining the persons to whom surveyors' certificates of competency may be granted, examiners shall be appointed by the board for appointing examiners constituted under subsection two of section six of this Act, who may hold examinations and examine applicants for such certificates in such subjects as may be prescribed by any rules made by the Minister in that behalf.

15           The provisions of section seven of this Act shall, mutatis mutandis, apply to and in respect of surveyors' certificates of competency.

20           (3) No person shall be entitled to a surveyor's certificate of competency unless—

- 25           (a) he is at least twenty-one years of age ;  
30           (b) he furnishes to the examiners satisfactory evidence of his sobriety and good conduct ;  
35           (c) he furnishes to the examiners satisfactory evidence that he has had practical experience in surveying mines during a period of not less than four years :

Provided that in the case of a candidate who—

- 40           (i) has passed through a regular course of mining study of at least two years' duration

*Coal Mines Regulation (Amendment).*

5 duration in a school of mining, and has received, after due examination, from some university, school of mines, or other body approved by the Minister, a degree or diploma; or

(ii) has passed satisfactorily a full course of instruction in surveying at an institution approved by the Minister, it shall be a sufficient compliance with the requirements of paragraph (c) of this subsection if the candidate furnishes to the examiners satisfactory evidence that he has had practical experience in mines during a period of not less than one year.

15 (4) For all other purposes relating to the examination of applicants, and the granting, cancellation, and suspension of such certificates, and the registration of the holders of such certificates, the provisions of this Act relating to managers' certificates of competency shall, mutatis mutandis, apply and have effect.

25 (b) by inserting in the Third Schedule after the words "mine electrician's certificate" the words "or surveyor's certificate of competency."

**13.** The Principal Act is further amended--

(a) by omitting from section forty-one the word "fourteen" and by inserting in lieu thereof the word "sixteen";

30 (b) by omitting from section forty-two the word "fourteen" and by inserting in lieu thereof the word "sixteen";

(c) by omitting from the return of persons ordinarily employed during the year in Part A of the Fourth Schedule the figures "16" wherever occurring and by inserting in lieu thereof the figures "18";

35 (d) by omitting from the same return the words and figures "Boys under 14";

(e)

Further amendment of Act No. 37, 1912, ss. 41, 42 and Fourth Schedule.

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*Coal Mines Regulation (Amendment).*

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(e) by omitting from the same return the figures "14" were lastly occurring and by inserting in lieu thereof the figures "16";

**14.** The Principal Act is further amended by inserting next after paragraph (b) of subsection one of section fifty the following new paragraph:—

(b1) Every part of the mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording means of egress to the surface and so arranged that in the event of either becoming impassable at any point the other will afford means of egress to the surface.

**15.** The Principal Act is further amended—

(a) by inserting next after section fifty-three the following new Division:—

DIVISION 10.—*Special provisions as to mines worked by contractor.*

53A. (1) In every mine the materials required for the support of the roofs and sides shall be provided by and at the cost of the owner of the mine, and the deputies, shot-firers, and all other officials of the mine shall be appointed and their wages paid by the owner, notwithstanding that the mine or any part thereof is worked, or any part of the operations therein is carried on by a contractor, and no such contractor nor any person employed by him shall be appointed to be manager, under-manager, deputy, or shotfirer of the mine.

(2) Where under any contract existing at the commencement of the Coal Mines Regulation (Amendment) Act, 1931, the materials required for the support of the roof or sides are to be provided, or the wages of any official are to be paid, by any person other than the owner, the owner may apply to the district court

Further amendment of Act No. 37, 1912, s. 50.

(Means of egress.)

cf. 1 & 2 Geo. V, c. 50, s. 36 (3).

Further amendment of Act No. 37, 1912.

New Division 10. Sec. 53A.

Mines worked by contractor.

cf. 1 & 2 Geo. V, c. 50, s. 27.



*Coal Mines Regulation (Amendment).*

5 court for the district in which the mine is situate and the court may make such variation in the terms of the contract as appears to the court just and equitable under the circumstances of the case, or in the alternative the court may, at the request of the owner, determine the contract.

10 (3) If in any mine there is a contravention of or non-compliance with the provisions of this section the owner of the mine shall be deemed to be guilty of an offence against this Act.

15 (b) by inserting in subsection three of section one after the words and symbols "DIVISION 9.—*Division of mine into parts—s. 53*" the words and symbols "DIVISION 10.—*Special provisions as to mines worked by contractor—s. 53A.*"

20 **16.** (1) Section fifty-four of the Principal Act is amended—

(a) by omitting from paragraph (e) of general rule one the following words: "Provided that the second sample shall not be taken within a period of less than one fortnight after the result of the first sample is communicated to the owner, agent, or manager of the mine";

(b) by omitting general rule four and by inserting in lieu thereof the following rule:—

30 *Rule 4.* (a) For the purpose of the inspections before the commencement of work in a shift as provided in this rule, one or more stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in manner provided in this rule.

(b)

Further amendment of Act No. 37, 1912, s. 54.

(General rules.)

General rule 1.

Substituted general rule 4.

Appointment of stations and inspections before commencing work.

cf. 1 & 2 Geo. V, c. 50, ss. 63, 64.

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*Coal Mines Regulation (Amendment).*

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5 (b) The deputy or deputies of a mine  
(as provided by section 5A of this Act)  
shall, within such time not exceeding  
three hours immediately before the  
commencement of work in a shift as  
may be fixed by the special rules of the  
mine, inspect with a locked safety lamp  
the part of the mine situated beyond  
10 the station or each of the stations, and  
in which workmen are to work or travel  
during the shift, and all working-places  
in which work is temporarily stopped  
within any ventilating district in which  
15 the men have to work, and shall ascertain  
the condition thereof so far as the  
presence of gas, ventilation, roof, and  
sides and general safety are concerned.

20 (c) A full and accurate report specifying  
the condition of the ventilation  
and whether or not, and where, if any,  
noxious or inflammable gas was found,  
and whether or not any and (if any)  
what defects in roofs or sides and other  
sources of danger were observed, shall  
25 be recorded without delay in the record  
book to be kept at the mine for the  
purpose, and accessible to the workmen,  
and such report shall be signed by, and,  
so far as the same does not consist of  
30 printed matter, shall be in the hand-  
writing of the person who made the  
inspection.

35 (d) For the purpose of the foregoing  
provisions of this rule, two or more  
shifts succeeding one another so that  
work is carried on without any interval  
are to be deemed to be one shift.

40 (e) A similar inspection shall be made  
twice at least in the course of each shift  
of all parts of the mine situated beyond  
the  
Inspection during shifts.

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*Coal Mines Regulation (Amendment).*

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5 the station or each of the stations afore-  
said and in which workmen are to work  
or travel during the shift, but it shall  
not be necessary unless inflammable gas  
is found to record a report of the first  
of such inspections in a book :

10 Provided that in the case of a mine  
worked by a succession of shifts no  
place shall remain uninspected for an  
interval of more than five hours.

15 (f) A competent person or persons <sup>Inspection</sup>  
appointed by the owner, agent, or <sup>after shift.</sup>  
manager for the purpose, not being a  
contractor for getting minerals in the  
mine, shall, immediately after each  
20 shift and the workmen have withdrawn,  
inspect with a locked safety-lamp every  
part of a naked light mine in which  
workmen worked or travelled during  
the said shift, and shall ascertain the  
condition of the mine in respect of  
danger from fire and report the same  
and forthwith enter the said report in a  
book to be kept at the mine for the  
25 purpose.

(c) (i) by omitting from paragraph (b) of sub-<sup>General</sup>  
clause one of general rule eight the word <sup>rule 8.</sup>  
“normally”;

30 (ii) by omitting from paragraph (c) of sub-  
clause one of the same general rule the  
words “(except in the main intake airways  
within two hundred yards from the shaft)”;  
also the words “causing any personal  
injury whatever”;

35 (iii) by omitting paragraphs (d) and (e) of  
subclause one of the same general rule and  
by inserting in lieu thereof the following  
paragraphs :—

40 (d) in any place or part of a mine where  
any quantity however small (capable  
of

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*Coal Mines Regulation (Amendment).*

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of being detected by an ordinary oil safety lamp), of inflammable gas has been given off within the previous twelve months.

- 5 (e) in any working which is within twenty yards of, or is being advanced towards any locality where it is doubtful whether or not there may be an accumulation of inflammable gas, or any place in the same district on the return airway side of such working.
- 10
- 15 (iv) by omitting from subclause two of the same general rule the words "except when the use of safety-lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety-lamps throughout the district" and by inserting in lieu thereof the words "or in any part of the mine situated on the return airway side of such ventilating district";
- 20
- 25 (v) by omitting from subclause three of the same general rule the words "otherwise than as a temporary precaution against apprehended danger";
- (vi) by omitting subclause four of the same general rule;
- 30 (vii) by omitting from subclause five of the same general rule the words "two per centum" and by inserting in lieu thereof the words "one and a quarter per centum";
- 35 (viii) by omitting from subclause five of the same general rule the words "as are on the return side of the said place in that ventilating district" and by inserting in lieu thereof the words "in that ventilating district as he may direct";
- (ix)

*Coal Mines Regulation (Amendment).*

- 5 (ix) by omitting from subclause five of the same general rule the words "unless he appeals in manner prescribed against the said requisition of the inspector to the court" and by inserting in lieu thereof the words "until the matter has been otherwise decided by appeal in manner prescribed against the said requisition of the inspector";
- 10 (d) (i) by omitting from paragraph (b) of general rule ten the word "either" and also the words "or for the purpose of firing a shot in conformity with the provisions hereinafter contained" General rule 10.
- 15 (ii) by omitting from paragraph (c) of the same general rule the word "either" and also the words "or for the purpose of firing shots";
- 20 (iii) by inserting next after paragraph (d) of the same general rule the following new paragraph:—  
(d1) A person shall not damage a safety-lamp;
- 25 (iv) by inserting in paragraph (e) of the same general rule after the words "given out" the words "and such person shall be guilty of an offence against this Act";
- 30 (e) (i) by inserting in subclause three of general rule 12B after the words "Such treatment shall not be compulsory if" the words "the chief inspector has granted a written exemption in respect thereof and"; General rule 12B.
- 35 (ii) by omitting from subclause three of the same general rule all words following the word "path";
- 40 (iii) by omitting from subclause four of the same general rule the words "or suitably treated so as to prevent, as far as practicable" and by inserting in lieu thereof the words "and suitably treated so as to prevent as far as practicable any danger arising from"; (f)

*Coal Mines Regulation (Amendment).*

(f) by inserting next after general rule sixteen the following new general rule:—

*Rule 16A.* Trains run for the conveyance of workmen, whether above or below ground and whether on the premises of a mine or on a line or siding belonging to the owners of the mine shall be under the entire control of a person appointed to accompany and have charge of the train, and no person shall attempt to get into or out of the train when in motion nor ride upon the footboard (if any) nor upon the buffers or couplings, nor refuse to comply with the directions of the person in charge, nor in any way obstruct or interfere with such person in the discharge of his duties, and any person failing to comply with this rule shall be guilty of an offence against this Act and shall be reported by the person in charge to the manager or under-manager.

New general rule 16A.  
Control of trains.  
cf. S. R. & O., 1913 (England), 1 & 2 Geo. V, c. 50, general regulation 23.

(g) by omitting general rule twenty-three and by inserting in lieu thereof the following general rules:—

*Rule 23.* (1) Where props or props and bars or chocks are used to support the roof at the working face, the roof under which any work of getting coal or filling skips is carried on shall be systematically and adequately supported, and the props or chocks shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

General rules 23, 23A.  
Systematic support of roofs and sides  
cf. 1 & 2 Geo. V, c. 50, s. 50.

(2) Holing props or sprags shall be set as soon as practicable, and shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned, and shall not be removed until the coal is about

to

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*Coal Mines Regulation (Amendment).*

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to be taken down and before the roof supports (if any) have been advanced in the manner specified in the notice.

5 (3) In all parts of a roadway in which sets or trains consisting of three or more skips are coupled or uncoupled, the roof and sides shall be systematically and adequately supported, and in such parts and in all other parts of the roadway the roof or sides of which 10 require to be supported, if props or bars are used as supports, such supports shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned. 15

(4) The manager shall by notice specify for each district or part or a district in the mine (if roof conditions are variable) the manner in which the supports are to be set and advanced, and the maximum intervals to be observed on roadways between the supports and at the face— 20

- 25 (a) between each row of props ;  
(b) between adjacent props in the same row ;  
(c) between the front row of props and the face ;  
(d) between the holing props or 30 sprags ;  
(e) between chocks :

Provided that the interval between holing props or sprags shall in no case exceed six feet.

35 (5) (a) If the inspector of the district considers that the system of supporting the roof and sides adopted in any part of a mine is unsatisfactory either by reason of the distances fixed or any of them being excessive or 40 otherwise,

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*Coal Mines Regulation (Amendment).*

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otherwise, he may require the manager to fix some less distance, or otherwise modify the system.

5 (b) The requisition shall be in writing under the hand of the inspector and shall be delivered personally or sent by post by a registered letter to the manager.

10 (c) If the manager objects to the reasonableness of the requisition he may, within fourteen days after the receipt of the requisition, send his objection in writing stating the grounds thereof to the chief inspector who may withdraw the requisition or refer the matter to the court to be determined.

15 (d) If the manager fails when no objection is sent as aforesaid to comply with the order within ten days after the expiration of the time for objection, or where the matter has been determined by the court, to comply with the order of the court within the time therein specified he shall be guilty of an offence against this Act.

20 (6) Nothing in this rule shall prevent a workman from setting supports in his working-place at more frequent intervals than those specified in the notice aforesaid where necessary for safety.

25 *Rule 23A.* Where the work of erecting the supports of the roof and sides of working-places is done by the workmen employed therein, a sufficient supply of timber or other materials suitable for supports shall be kept at or within ten yards of every working-place where, in pursuance of this Act, supports are required to be erected, and also at the pass-bye, siding, or other similar place  
35  
40  
in

Supply of props and bars.  
cf. 1 & 2 Geo. V, c. 50, s. 51.



*Coal Mines Regulation (Amendment).*

in the mine convenient to the workmen; and it shall be the duty of the deputies to see that such sufficient supply is so kept, and any working-place in which such a sufficient supply is not kept shall not be deemed to be safe for the purpose of the provisions of this Act. Sufficient timber or other materials as aforesaid, to enable the deputies to see that the provisions of this rule are complied with shall be constantly provided by the owner, agent, or manager.

5

10

(h) by omitting general rules twenty-seven and twenty-eight and by inserting in lieu thereof the following general rules:—

General rules  
27, 28, 28A.

15

*Rule 27.* (1) Where the apparatus ordinarily used for raising or lowering persons to or from the surface is worked by mechanical power it shall, if the shaft is vertical, be provided with a detaching hook, and, if the shaft is more than three hundred feet in depth, shall also be provided with an effective automatic contrivance to prevent overwinding.

Overwinding.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (2).

20

25

The provisions of this subclause of this rule shall come into operation on the first day of July, one thousand nine hundred and thirty-three:

30

Provided that the Minister may, if he is satisfied that the special circumstances of any particular mine so require, by notice under his hand exempt such mine from the provisions of this subclause or from such provisions as are specified in the notice. The exemption may be unlimited as to duration, or may have effect only for a period specified in the notice.

35

40

(2)

*Coal Mines Regulation (Amendment).*

5 (2) If in any mine the winding  
 apparatus is not provided with some  
 automatic contrivance to prevent over-  
 winding in accordance with subclause  
 one of this rule, the cage when men are  
 being raised or lowered shall not be  
 wound at a speed exceeding three  
 10 miles an hour after the cage has reached  
 a point in the shaft within thirty feet  
 of the surface or the bottom of the  
 shaft as the case may be.

15 *Rule 28.* Every cage shall be provided  
 with catches or other suitable contriv-  
 ance to prevent skips falling out, and  
 if used for lowering or raising persons,  
 shall be covered in completely at the  
 top and closed in at the two sides in  
 a sufficient manner to prevent persons  
 or things from projecting beyond the  
 20 sides, and shall be provided with suit-  
 able gates or other rigid fences and  
 with a rigid hand bar fixed in a  
 position where it can be reached easily  
 by all persons in the cage:

25 Provided that the provisions of this  
 rule shall not apply where the cage or  
 skip is worked by a windlass or where  
 persons are employed at work in the  
 shaft, or where a written exemption is  
 30 given by the chief inspector.

35 *Rule 28A.* Keps for supporting the cage  
 when at rest shall be provided at the  
 surface level where mineral is usually  
 unloaded, but shall not be provided at  
 any intermediate landings in the shaft.  
 The keps provided at the surface level,  
 and also the keps, if any, provided at  
 the bottom of the shaft, shall be used  
 when persons are entering or leaving  
 40 the cage.

The

*Coal Mines Regulation (Amendment).*

The foregoing requirement as to the provision of keps shall not apply to a system of winding by means of a single rope where the cages are held by the friction of the rope on the winding sheave.

*Rule 28B.* Where there is a ventilating shaft nearer to the centre of the working places than the shaft or tunnel used as a second means of egress the Minister may, on the recommendation of the chief inspector, require by notice under his hand that such shaft shall within the period specified in the notice, if any, be equipped with suitable and efficient machinery for raising or lowering persons therein, and the said machinery when installed shall be constantly maintained in safe working order, and shall be available for raising persons from the mine during the whole time that more than twenty employees are underground.

(i) by omitting subparagraph (ii) of paragraph (a) of general rule thirty-three and by inserting in lieu thereof the following subparagraph:—

(ii) be examined thoroughly at least once in every twelve months by a person licensed under the provisions of section forty-six of the Mines Inspection Act, 1901, to test and examine any boiler at a mine.

(j) by inserting in general rule thirty-eight after the word "shall" where firstly occurring the words "be in or to the effect of the prescribed form and shall";

(k) (i) by inserting in general rule thirty-nine after the word "miners" the words "and one of whom is the holder of at least a third-class certificate of competency or of service under this Act";

(ii)

*Coal Mines Regulation (Amendment).*

5 (ii) by omitting from the same general rule the words "once at least in every month" and by inserting in lieu thereof the words "at any time on giving reasonable notice to the manager;

(iii) by inserting in the same general rule after the word "machinery" the words and proviso "and also to examine the plan and section of the mine as provided by section 10 thirty-five of this Act:

Provided that such inspection shall not be conducted so as to impede or obstruct the working of the mine";

15 (l) by inserting in general rule forty after the word "coal-getter" or the word "shale-getter" wherever occurring the words "or filler";

(m) by inserting next after general rule forty-  
three the following new general rule:—

20 *Rule 43A.*—A drill worked by mechanical power shall not be used for drilling in stone or rock unless—

(a) water is fed into the bottom of the hole; or

25 (b) a jet or spray of water is directed and kept directed into or about the hole; or

(c) other steps approved by the chief inspector are taken,

30 in such manner and to such extent as is necessary to prevent the issue of dust from the hole during the drilling operations:

35 Provided that where the drilling in stone or rock is done intermittently in a working-place and in conjunction with coal-getting operations the chief inspector, upon application in that behalf, may, by writing under his hand, grant an exemption in respect of the whole or any part of the provisions of this rule.

40

(n)

New general rule 43A.

Dust prevention. cf. Act No. 75, 1901, s. 55 (55).

*Coal Mines Regulation (Amendment).*

(n) by inserting next after paragraph (k) of sub-  
 clause one of general rule forty-four the  
 following new paragraph :—

General  
 rule 44.

5 (1) no coal or coke fire shall be allowed in  
 the interior of the building.

(2) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraph (c) of subsection two of section nine.

Amendment  
 of Act No. 19,  
 1926, s. 9  
 (2) (c).

17. The Principal Act is further amended—

Further  
 amendment of  
 Act No. 37, 1912.

10 (a) by inserting next after section 56A the follow-  
 ing new Division :—

New Division 1A.

DIVISION 1A.—*Regulations.*

56B. (1) The Governor may—

15 (a) make regulations amending or repeal-  
 ing any or all of the general rules set  
 out in section fifty-four of this Act ;

Power of  
 Governor to  
 make  
 regulations.  
 cf. 1 & 2 Geo.  
 V, c. 50, s. 86;  
 Act No. 75,  
 1901, s. 56.

20 (b) make such regulations for the conduct  
 and guidance of persons acting in the  
 management of mines or employed in  
 or about mines as may appear best  
 calculated to prevent dangerous acci-  
 dents and to provide for the safety,  
 health, convenience, and proper discip-  
 line of persons employed in or about  
 25 mines ;

(c) make regulations dealing with—

(i) the care and treatment of horses  
 or other animals used in or about  
 30 mines ;

(ii) the ventilation of mines and the  
 regulation of the use of mechani-  
 cal ventilating appliances ;

35 (iii) the nature, maintenance, exami-  
 nation and inspection of all  
 machinery used in or about  
 mines ;

(iv) the precautions to be taken  
 against coal dust ;

(v)

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*Coal Mines Regulation (Amendment).*

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- 5 (v) the form of any notice, requisition, or document required by or under this Act, and for which express provision is not made in this Act;
- 10 (vi) the method of service of any notice, requisition, or document required to be served on or sent to any person by or under this Act, and for which express provision is not made in this Act;
- 15 (vii) any other matter dealt with in the general rules set out in section fifty-four of this Act;
- 20 (viii) any other matter whatsoever involved in or connected with the control and working of mines and of works in which coal is carbonised or otherwise treated where such works are adjacent to and belonging to the mine.

25 (2) The regulations may apply either to all mines or to any specified class or description of mines, and may provide for the exemption of any specified class or description of mines either absolutely or subject to conditions specified in the regulations.

30 (3) The provisions contained in section 56c of this Act shall have effect with respect to the procedure for making regulations under this section.

- (4) The regulations shall—
- 35 (a) be published in the Gazette;
- (b) take effect from the date specified in the regulations;
- 40 (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

*Coal Mines Regulation (Amendment).*

5 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

10 56c. (1) Before any regulation is made under section 56B of this Act the Minister shall cause to be published in such manner as he may think best adapted for informing persons affected notice of the proposal to make the regulation and of the place where copies of the draft regulation may be obtained and of the time (which shall not be less than thirty days) within which any objection made with respect to the draft regulation by or on behalf of persons affected must be sent to the Minister.

Procedure for making regulations. cf. 1 & 2 Geo. V, c. 50, Second Schedule, Part I.

20 (2) Every objection must be in writing, and state—

- (a) the specific grounds of objection ;
- (b) the omissions, additions, or modifications asked for.

25 (3) The Minister shall consider any objection made by or on behalf of any person appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulation, and the foregoing provisions shall apply to the amended draft in like manner as they apply to the original draft.

30 (4) If after the publication of the notice with respect to any such draft regulation (whether an original or amended draft) any general objection as defined in this section is made within the required time with respect to the draft and not withdrawn, the regulation shall not be made until the matter has been referred to the court for determination.

40

If

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*Coal Mines Regulation (Amendment).*

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5 If on any such reference the court considers that the draft regulation should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and effect shall be given to the recommendation in the regulation if made.

10 (5) If the Minister considers that any objection, though not a general objection, is of such a character that it is desirable to refer it to the court he may so refer it, and in that case the foregoing provisions shall apply as in the case of a general objection.

15 (6) If any objection, though not a general objection, is made on behalf of the owners of mines of any particular class or mines in any separate area, and it is alleged in the objection that having regard to the special natural conditions or special methods of working in mines of that class, or mines in that area, the proposed regulation ought not to apply to those mines, the Minister shall, unless he is of opinion that the objection is frivolous, refer it to the court, and in that case the foregoing provisions shall apply as in the case of a general objection.

20 (7) For the purposes of this section a general objection means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the draft regulation or, if such draft contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed.

25 The number of men employed shall be calculated in accordance with the returns for the last preceding year sent by owners of mines to the inspectors in pursuance of the provisions of this Act.

(b)



*Coal Mines Regulation (Amendment).*

- (b) by inserting in subsection three of section one<sup>e</sup> Sec. 1 (3).  
after the words and symbols "DIVISION 1.— (Division  
*General rules—ss. 54-56A*" the words and into parts.)  
symbols "DIVISION 1A.—*Regulations—ss.*  
5 56B, 56C";
- (e) by inserting in section three after the definition Sec. 3.  
of "Small mine" the following definition: (Interpre-  
"This Act" includes the regulations made tation.)  
thereunder.
- 10 (d) (i) by inserting in section fifty-six after the Sec. 56.  
word "Act" where firstly occurring the (Penalties.)  
words "or any regulation made under this  
Act";
- 15 (ii) by inserting in the same section after the  
words "general rules" where secondly  
occurring the words "or the said regu-  
lations";
- 20 (iii) by omitting from the same section the  
words "said rules as regulations" and  
by inserting in lieu thereof the words  
"observance of the said rules and regu-  
lations";
- (e) by inserting in section sixty-four after the Sec. 64.  
word "Act" where firstly and secondly (Publication  
25 occurring the words "and of the regulations of abstract.)  
made thereunder."
- 18.** (1) The Principal Act is further amended by Further  
omitting sections fifty-seven, fifty-eight, fifty-nine, amendment  
sixty, sixty-one, and sixty-two, and by inserting in lieu of Act No. 37,  
30 thereof the following sections:— 1912.  
Substituted  
sections.
57. (1) Where the district inspector or the owner, Special rules.  
agent, or manager of, or a majority of the workmen cf. 1 & 2  
employed in any mine is of opinion that any Geo. V, c. 50,  
35 regulation or general rule for the time being in s. 87.  
force with respect to the mine ought in its applica-  
tion to that mine to be supplemented or modified,  
the inspector, or the owner, agent, or manager, or  
such majority of workmen, may transmit for the  
approval of the Minister special rules for the mine.

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*Coal Mines Regulation (Amendment).*

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(2) Where any special rules have been transmitted under this section to the Minister for approval he shall consider the special rules and either approve or disapprove the same.

5 Where the Minister disapproves the special rules no further action shall be taken in the matter.

Before the Minister approves the special rules there shall be published, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the special rules and of the place where copies of the draft special rules may be obtained, and of the time (which shall not be less than thirty days) in which any objection with respect to the draft special rules made by or on behalf of persons affected must be sent to the Minister.

15 (3) Every objection must be in writing and state—

(a) the specific grounds of objection ;

20 (b) the omissions, additions, or modifications asked for.

(4) The Minister shall consider any objection made by or on behalf of persons appearing to him to be affected which is sent to him within the required time, and he may, before approving the special rules, require such amendments to be made therein as he may think fit.

25 (5) If any person who has sent any objection to any special rules transmitted for approval feel aggrieved by the refusal of the Minister to give effect to their objection, the objection shall be referred to the court for determination.

30 (6) If on any such reference the court considers that the special rules should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and the Minister before approving the special rules shall require that variation to be made.

35 (7) When special rules have been approved by the Minister they shall, as respects that mine, have effect until revoked as if they formed part of the general rules and the regulations applicable to the mine.

(8)

*Coal Mines Regulation (Amendment).*

(8) Where any special regulations are in force with respect to any mine they may be revoked, altered, or added to at the instance of the inspector of the district or of the owner, agent, or manager of, or a majority of the workmen employed in the mine in like manner and subject to the same provisions as the original special rules.

58. (1) The general rules and the regulations applicable to a mine as supplemented or modified by the special rules, if any, for the time being in force with respect to the mine shall be the rules of the mine.

Rules of a mine.  
cf. 1 & 2  
Geo. V, c. 59,  
s. 89.

(2) An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of the rules of the mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) that those rules are the rules of the mine and of the fact that they are duly made under this Act.

59. If any person who is bound to observe the rules of any mine acts in contravention of or fails to comply with any of them he shall be guilty of an offence against this Act, and also the owner, agent, and manager of such mine shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the rules, to prevent such contravention or non-compliance.

Penalty for breach of rules of a mine.  
cf. *Ibid.*  
s. 90.

(2) All special rules established under the sections of the Principal Act repealed by subsection one of this section and in force at the commencement of this Act shall, to the extent to which the said special rules are not inconsistent with the provisions of the Principal Act, as amended by this Act, or with any regulations made under the Principal Act as so amended, remain in force until amended or revoked by regulations made under section 56B of the Principal Act, as so amended, or by special rules made under section fifty-seven of the Principal Act as inserted by subsection one of this section.

(3)

*Coal Mines Regulation (Amendment).*

(3) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraphs (a), (b), and (c) of section eleven.

Consequential amendment of Act No. 19, 1926, s. 11.

**19.** The Principal Act is further amended by inserting next after Part B of the Fourth Schedule the following new Parts :—

Further amendment of Act No. 37, 1912. Fourth Schedule.

PART C.

PARTICULARS of Explosives, Coal cutting Machines, Conveyors, and Safety-lamps used during the year ending 31st December, 19 .

10

I.—*Explosives.*

Name of explosive.	Quantity used (lbs.)	Estimated number of shots fired.		
		By electricity.	By fuse.	Total.
The number of miss-fire shots :—				
	1. With electricity ... ..			
	2. With fuse ... ..			
	3. Otherwise ... ..			

15

II.—*Coal-cutting Machines and Conveyors.*

Description.	Number driven by—		Number of statute tons cut by—				Number of conveyors at coal face.
	Electricity.	Compressed air.	Electricity.		Compressed air.		
			Coal.	Other minerals.	Coal.	Other minerals.	
			Tons.	Description.	Tons.	Description.	

III.

*Coal Mines Regulation (Amendment).*

III.—*Safety-lamps.*

5	*Name and description of lamp.	Total number in use.	No. of lamps according to method of locking.				No. of lamps according to kind of illuminant.				
			Lead rivet.	Mag-netic.	Screw.	Other.	Colza or colza and petroleum	Petro-leum.	Volatile spirit.	Electri-city.	Other illumin-ant.

\* No. of gauzes, and whether shielded or not.

State the method of lighting the lamps, *e.g.*, by electricity or otherwise .....

PART D.

10 *Type and aggregate horse-power of electrical apparatus.*

1.—System of supply (whether continuous current or alternating current) ... ..

Voltage of supply ... ..

Periodicity (if alternating current) ... ..

15 Source of supply ... ..

2.—Voltage at which current is used for—

Lighting ... ..

Power ... ..

PART

*Coal Mines Regulation (Amendment).*

PART D—*continued.*

	3.—Aggregate H.P. of motors installed on surface for—				
	Winding ... ..	...	...	...	...
5	Ventilation ... ..	...	...	...	...
	Haulage ... ..	...	...	...	...
	Coal washing or screening ... ..	...	...	...	...
	Miscellaneous ... ..	...	...	...	...
	Total H.P. ... ..	...	...	...	...
10	4.—Aggregate H.P. of motors installed below ground for—				
	Haulage ... ..	...	...	...	...
	Pumping ... ..	...	...	...	...
	Portable machinery ... ..	...	...	...	...
15	Miscellaneous ... ..	...	...	...	...
	Total H.P. ... ..	...	...	...	...
5	—Total H.P. (addition of 3 and 4) ... ..	...	...	...	...

(Signed).....

*Owner, Agent, or Manager*

20

Date.....

**20.** The Fifth Schedule to the Principal Act is amended—

Further amendment of Act No. 37 1912. Fifth Schedule.

- (a) by inserting next after the word “material” in paragraph (g) of regulation seven the words “provided by the owner and” Reg. 7 (g).
- 25
- (b) (i) by omitting from subparagraph (i) of paragraph (j) of regulation seven the words “or other treatment equivalent to watering”; Reg. 7 (j).  
(ii)

*Coal Mines Regulation (Amendment).*

(ii) by inserting next after subparagraph (i) of the same paragraph the following new subparagraph:—

5 (iA) in any case in which efficient treatment with stone dust has been carried out, unless the place of firing and all contiguous accessible places, whether roof, floor, or sides are at the time of firing in a wet state from  
10 thorough watering in all parts where dust is lodged, within the following area, namely:—

15 Within a radius of five yards from the shot hole, and thence within such further distance (if any) as may be necessary to make the watering continuous from the shot hole to the point at which efficient treatment with stone dust has been carried out.

20 (e) by omitting regulations nine and ten and by inserting in lieu thereof the following regulation:

25 9. Where there are two or more shot-holes in the one place only one of such shot-holes shall be charged or stemmed at the one time and no other shot-hole shall be charged until the shot is fired.

30 (d) by omitting regulation twenty-five and by inserting in lieu thereof the following regulation:—<sup>Reg. 25.</sup>

35 25. No shot shall be fired unless immediately before the shot is to be fired the shotfirer has examined the floor, roof, and sides of the place where the shot is to be fired and of all contiguous accessible places within a radius of twenty yards from the place where the shot is to be fired for coal-dust and has taken efficient steps to render any coal-dust within that area harmless and to otherwise comply with the requirements of  
40 paragraph (j) of regulation seven of these regulations.

Sydney: Alfred James Kent, I.S.O., Government Printer—1931.

[2s. 3d.]

1912

(1) The first part of the report is a general statement of the work done during the year. It is followed by a detailed account of the various experiments conducted, and the results obtained. The second part of the report is a discussion of the results, and an attempt is made to explain the phenomena observed. The third part of the report is a summary of the work done, and a list of the references consulted.

(2) The second part of the report is a detailed account of the various experiments conducted, and the results obtained. It is followed by a discussion of the results, and an attempt is made to explain the phenomena observed. The third part of the report is a summary of the work done, and a list of the references consulted.

(3) The third part of the report is a summary of the work done, and a list of the references consulted.



New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

\*\*\*\*\*

Act No. 52, 1931.

An Act to make further provision for the regulation of coal mines and shale mines; to amend the Coal Mines Regulation Act, 1912, and certain other Acts; and for purposes connected therewith; [Assented to, 7th October, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1931."

Short title, citation, and commencement.

(2)

*Coal Mines Regulation (Amendment).*

(2) The Coal Mines Regulation Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1912-1931.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No. 37,  
1912, s. 3.  
(Interpreta-  
tion.)

**2.** The Principal Act is amended by inserting in section three next after the definition of "Agent" the following new definition:—

"Check inspector" means a person appointed under general rule thirty-nine of section fifty-four of this Act.

Further  
amendment of  
Act No. 37, 1912,  
s. 5.

**3.** The Principal Act is further amended—

Subsec. (1).  
(Nomination  
of under-  
manager.)

(a) by inserting at the end of subsection one of section five the words: "Such owner or agent shall send written notice to the inspector of the district of the under-manager's name and address within fourteen days after the nomination of the under-manager";

New subsecs.  
(4)-(9).

(b) by inserting next after subsection three of section five the following new subsections:—

cf. 1 & 2  
Geo. V, c. 50,  
s. 4 (2).

(4) Where any person is appointed to be manager of two or more producing mines required by this Act to be under the control of a manager holding a first-class certificate of competency a separate under-manager shall be appointed for each mine.

cf. 1 &  
Geo. V, c. 50,  
s. 4 (3).

(5) If it appears to the Minister that the management and control of a mine required to be exercised by the manager are insufficient by reason of the fact that such manager is also manager of any other mine or mines, the Minister may by order in writing under his hand limit the number of such mines for which a person may act as manager.

*Coal Mines Regulation (Amendment).*

(6) The order shall be delivered personally or sent by post by a registered letter to such manager and to the owner or agent of each mine of which he is manager.

(7) If the owner, agent, or manager objects to the reasonableness of the order he may within ten days after the receipt of the order send his objection in writing, stating the grounds thereof, to the Minister, who may withdraw the order or refer the matter to the court to be determined.

(8) If the owner, agent, or manager fails when no objection is sent as aforesaid to comply with the order within fourteen days after the expiration of the time for objection, or where the matter has been determined by the court to comply with the order of the court within the time therein specified, he shall be guilty of an offence against this Act.

(9) No person shall be precluded by any agreement from doing or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary to comply with any order under this section.

**4.** The Principal Act is further amended—

- (a) (i) by omitting from subsection one of section 5A the words “required by this Act to be under the control of a certificated manager”;
- (ii) by omitting subsection four of the same section.
- (b) by omitting section eight.

Further amendment of Act No. 37, 1912, s. 5A.

Subsec. (1).  
(Deputies and shot-firers.)

Subsec. (4).

Sec. 8.  
(Certificate of service as deputy.)

**5.** The Principal Act is further amended by inserting in section twenty-one after the words “in that behalf” the following words:—

Further amendment of Act No. 37, 1912, s. 21.

“Every such applicant must have had at least two years’ practical experience in the use of electrical machinery and apparatus in a mine.”

(Mine electricians.)

**6.**

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*Coal Mines Regulation (Amendment).*

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Further  
amendment of  
Act No. 37, 1912,  
s. 22.

**6.** (1) The Principal Act is further amended by omitting section twenty-two and by inserting in lieu thereof the following section:—

Employment  
of mine  
electricians.

22. (1) Where electricity exceeding in the aggregate thirty kilowatts is used in or about any mine for power and/or lighting purposes, a competent person shall be appointed as mine electrician, who shall be subject to the authority of the manager, and in his absence the under-manager, and shall have charge of all electrical machinery and apparatus in or about the mine.

(2) A person shall not be qualified to act as mine electrician unless he is for the time being registered as the holder of a certificate of competency as mine electrician under this Act.

(3) Any person who—

- (a) not being registered under this Act as the holder of a certificate of competency as a mine electrician acts as a mine electrician in or about a mine where the electricity used for power and/or lighting purposes exceeds thirty kilowatts or so acts in any place in a mine where naked lights are prohibited notwithstanding that the electricity used is less than thirty kilowatts; or
- (b) knowing that such person is not so registered employs him as a mine electrician in or about such mine,

shall be guilty of an offence against this Act.

(4) Upon the recommendation of the chief inspector the Minister may by writing under his hand grant an exemption in respect of all or any of the provisions of this section either absolutely or upon such terms and conditions as the Minister may impose.

(5) Where a certificated mine electrician is required to be employed at any mine the owner or agent of the mine shall send to the inspector of the district wherein the mine is situated a written notice of such electrician's name and address within one month after the date of his appointment.

(6)

*Coal Mines Regulation (Amendment).*

(6) This section shall not apply to electricians attending to lamp charging sets on the surface, electric signalling, telephones, or lighting on main intake, travelling or haulage roads underground, provided such power does not exceed thirty kilowatts.

(2) The Coal Mines Regulation (Amending) Act, 1913, is amended by omitting section nine.

Amendment of Act No. 11, 1913, s. 9.

7. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 35.

(Plan of mine.)

(a) by inserting in subsection one of section thirty-five after the word "strata" where firstly occurring the words "and all faults, dykes, and other dislocations of the seam or seams";

Subsec. (1).

(b) by inserting next after subsection two of the same section the following new subsection:—

New subsec. 2A.

(2A) The owner, agent, or manager of the mine shall, on the request of a check inspector appointed by the employees of such mine, produce to the check inspector at the office of the mine during an inspection of the mine such plan and section.

The check inspector shall be entitled to examine the plan and section but he shall not be entitled to take away from the mine any copy thereof or divulge any information derived therefrom without the authority of the manager.

A check inspector who contravenes the provisions of this subsection shall be guilty of an offence against this Act.

8. The Principal Act is further amended—

Further amendment of Act No. 37 1912, s. 35A.

(a) by inserting at the commencement of subsection one of section 35A the following words: "Unless the Under-Secretary for Mines upon application made in that behalf otherwise determines";

(b)

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*Coal Mines Regulation (Amendment).*

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- (b) by omitting from the same subsection the following words: "six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913," and by inserting in lieu thereof the following words: "three months of the opening of such mine";
- (c) by omitting from subsection two of the same section the following words: "acquiring and adding to such colliery holding any other freehold or leasehold lands" and by inserting in lieu thereof the following words: "any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of lands of any tenure";
- (d) by omitting from the same subsection the word "other" where secondly occurring.

**9. The Principal Act is further amended—**

Further amendment of Act No. 37, 1912, s. 39.

(Plan of abandoned mine.)

Subsec. (1).

- (a) by omitting from subsection one of section thirty-nine all words following the word "Minister" and by inserting in lieu thereof the following paragraphs:—

cf. 1 & 2 Geo. V, c. 50, s. 21.

- (a) an accurate plan of the mine or seam showing—

- (i) the boundaries of the workings of the mine or seam including not only the working faces but also all headings in advance thereof, up to the time of the abandonment;
- (ii) the pillars of coal or other mineral remaining unworked;
- (iii) the position, direction, and extent of every known fault of every seam in the mine, or of the seam, as the case may be, with the vertical

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*Coal Mines Regulation (Amendment).*


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- vertical throw of every known fault, wash-out, or intrusive dyke;
- (iv) the position of the workings with regard to the surface;
  - (v) the general direction and rate of dip of the strata; and
  - (vi) the depth of every shaft, or in the case of an abandoned seam, the depth of every shaft from the surface to that seam;
- (b) a section of the strata sunk through, or if that is not reasonably practicable, a section of every seam in the mine, or of the seam, as the case may be.

Every such plan shall be of a durable character, and shall be on a scale of not less than two chains to the inch, or on the same scale as the plan used at the mine at the time of its abandonment.

**10.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912.

- (a) by inserting next after section thirty-nine the following new section:—

New s. 39A.

39A. (1) The accuracy of every plan, section, and tracing which is made at any time after the expiration of twelve months from the commencement of this Act, for the purposes of section thirty-five, section 35A, or section thirty-nine of this Act shall be certified by a person who is registered as a surveyor under the Surveyors Act, 1929, or who is the holder of a surveyor's certificate of competency granted under this section.

Accuracy of plans to be certified.

(2) For the purpose of ascertaining the persons to whom surveyors' certificates of competency may be granted, examiners shall be appointed by the board for appointing examiners constituted under subsection two of section six of this Act, who may hold examinations and examine applicants for such certificates

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*Coal Mines Regulation (Amendment).*

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in such subjects as may be prescribed by any rules made by the Minister in that behalf.

The provisions of section seven of this Act shall, *mutatis mutandis*, apply to and in respect of surveyors' certificates of competency.

(3) No person shall be entitled to a surveyor's certificate of competency unless—

- (a) he is at least twenty-one years of age ;
- (b) he furnishes to the examiners satisfactory evidence of his sobriety and good conduct ;
- (c) he furnishes to the examiners satisfactory evidence that he has had practical experience in surveying mines during a period of not less than four years :

Provided that in the case of a candidate who—

- (i) has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received, after due examination, from some university, school of mines, or other body approved by the Minister, a degree or diploma ; or
  - (ii) has passed satisfactorily a full course of instruction in surveying at an institution approved by the Minister,
- it shall be a sufficient compliance with the requirements of paragraph (c) of this subsection if the candidate furnishes to the examiners satisfactory evidence that he has had practical experience in mines during a period of not less than one year.

(4) For all other purposes relating to the examination of applicants, and the granting, cancellation, and suspension of such certificates, and the registration of the holders of such certificates, the provisions of this Act relating to managers' certificates of competency shall, *mutatis mutandis*, apply and have effect.

(5)



*Coal Mines Regulation (Amendment).*

(5) A certificate of service as mine surveyor shall be granted by the Minister to every person who satisfies him either that before the first day in July, one thousand nine hundred and thirty-one, he was acting, and has since that day acted, or that he has at any time within five years before the said date, for a period of not less than two years, acted in the capacity of a mine surveyor at a mine required by the Act to be under the control of a certificated manager.

- (b) by inserting in the Third Schedule after the words "mine electrician's certificate" the words "or surveyor's certificate of competency."

Third Schedule.

**11.** The Principal Act is further amended--

Further amendment of Act No. 37, 1912, ss. 41, 42 and Fourth Schedule.

- (a) (i) by omitting from section forty-one the word "fourteen" and by inserting in lieu thereof the word "sixteen";  
 (ii) by inserting at the end of the same section the following new subsection:—

(2) The provisions of this section shall not prevent a boy under the age of sixteen years who before the commencement of the Coal Mines Regulation (Amendment) Act, 1931, was lawfully employed in or about any mine from continuing to be so employed.

Temporary saving of employment of boys under 16. cf. Act 60 Vic. No. 12, s. 35.

- (b) by omitting from subsection one of section forty-two the words "between the age of fourteen years and" and by inserting in lieu thereof the following words: "under the age of";  
 (c) by omitting from the return of persons ordinarily employed during the year in Part A of the Fourth Schedule the figures "16" wherever occurring and by inserting in lieu thereof the figures "18";  
 (d) by omitting from the same return the words and figures "Boys under 14";

(e)

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*Coal Mines Regulation (Amendment).*

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- (e) by omitting from the same return the figures "14" were lastly occurring and by inserting in lieu thereof the figures "16."

Further amendment of Act No. 37, 1912, s. 50. (Means of egress.) cf. 1 & 2 Geo. V, c. 50, s. 36 (3).

**12.** The Principal Act is further amended by inserting next after paragraph (b) of subsection one of section fifty the following new paragraph:—

- (b1) Every part of the mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording means of egress to the surface and so arranged that in the event of either becoming impassable at any point the other will afford means of egress to the surface: Provided that upon written application being made in that behalf the inspector may grant an exemption in respect of any part of any mine.

Further amendment of Act No. 37, 1912, New Division 10, Sec. 53A.

**13.** The Principal Act is further amended—

- (a) by inserting next after section fifty-three the following new Division:—

DIVISION 10.—*Special provisions as to mines worked by contractor.*

Mines worked by contractor. cf. 1 & 2 Geo. V, c. 50, s. 27.

53A. (1) In every mine the materials required for the support of the roofs and sides shall be provided by and at the cost of the owner of the mine, and the deputies, shot-firers, and all other officials of the mine shall be appointed and their wages paid by the owner, notwithstanding that the mine or any part thereof is worked, or any part of the operations therein is carried on by a contractor, and no such contractor nor any person employed by him shall be appointed to be manager, under-manager, deputy, or shotfirer of the mine.

(2) Where under any contract existing at the commencement of the Coal Mines Regulation (Amendment) Act, 1931, the materials required for the support of the roof or sides are to be provided, or the wages of any official are to be paid, by any person other than the owner,

Coal Mines Regulation (Amendment).

owner, the owner may apply to the district court for the district in which the mine is situate and the court may make such variation in the terms of the contract as appears to the court just and equitable under the circumstances of the case, or in the alternative the court may, at the request of the owner, determine the contract.

(3) If in any mine there is a contravention of or non-compliance with the provisions of this section the owner of the mine shall be deemed to be guilty of an offence against this Act.

- (b) by inserting in subsection three of section one Sec. 1 (3). after the words and symbols "DIVISION 9.—*Division of mine into parts—s. 53*" the words and symbols "DIVISION 10.—*Special provisions as to mines worked by contractor—s. 53A.*"

**14.** (1) Section fifty-four of the Principal Act is amended— Further amendment of Act No. 37, 1912, s. 54. (General rules.)

- (a) by omitting from paragraph (e) of general rule one the following words: "Provided that the second sample shall not be taken within a period of less than one fortnight after the result of the first sample is communicated to the owner, agent, or manager of the mine"; General rule 1.
- (b) by omitting general rule four and by inserting Substituted general rule 4. in lieu thereof the following rule:—

*Rule 4.* (a) For the purpose of the inspections before the commencement of work in a shift as provided in this rule, one or more stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in manner provided in this rule. Appointment of stations and inspections before commencing work. cf. 1 & 2 Geo. V, c. 50, ss. 63, 64.

(b)

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*Coal Mines Regulation (Amendment).*

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(b) Competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, within such time before the commencement of each shift as may be fixed by the special rules of the mine, inspect with a locked safety lamp the part of the mine situated beyond the station or each of the stations, and in which workmen are to work or travel during the shift, and all working-places in which work is temporarily idle which are safely accessible on the intake side of the last working-place, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof, and sides and general safety are concerned.

(c) A full and accurate report specifying the condition of the ventilation and whether or not, and where, if any, noxious or inflammable gas was found, and whether or not any and (if any) what defects in roofs or sides and other sources of danger were observed, shall be recorded without delay in the record book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the hand-writing of the person who made the inspection.

(d) For the purpose of the foregoing provisions of this rule, two or more shifts succeeding one another without any interval are to be deemed to be one shift.

(e) A similar inspection shall be made in the course of each shift of all parts of the mine situated beyond the station or each of the stations aforesaid and in which workmen are to work or travel during the shift, but it shall not be necessary

Inspection  
during shifts.

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necessary unless inflammable gas is found to record a report of such inspection in a book :

Provided that in the case of a mine worked by a succession of shifts the report of one such inspection shall be recorded in the manner above required.

(f) A competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, immediately after each shift and the workmen have withdrawn, inspect with a locked safety-lamp every part of a naked light mine in which workmen worked or travelled during the said shift, and shall ascertain the condition of the mine in respect of danger from fire and report the same and forthwith enter the said report in a book to be kept at the mine for the purpose. Inspection  
after shift.

- (c) (i) by omitting from paragraph (b) of sub-clause one of general rule eight the word "normally"; and by inserting after the word "gas" in general rule 8 (1) (b) the words "when sampled in the same manner as provided for intake air under general rule (1) (e) of the Principal Act"; General  
rule 8.
- (ii) by omitting from paragraph (c) of sub-clause one of the same general rule the words "(except in the main intake airways within two hundred yards from the shaft)"; also the words "causing any personal injury whatever"; and by inserting after the word "has" in general rule 8 (1) (c) the words "been definitely proved to have";
- (iii) by omitting paragraphs (d) and (e) of subclause one of the same general rule and by inserting in lieu thereof the following paragraphs :—
- (d) in any place or part of a mine where any quantity (capable of being detected

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*Coal Mines Regulation (Amendment).*

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detected by an ordinary oil safety lamp), of inflammable gas has been given off within the previous twelve months.

- (c) in any working which is within twenty yards of, or is being advanced towards any locality where it is doubtful whether or not there may be an accumulation of inflammable gas, or any place in the same district on the return airway side of such working.
- (iv) by omitting from subclause two of the same general rule the words "except when the use of safety-lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety-lamps throughout the district" and by inserting in lieu thereof the words "or in any part of the mine situated on the return airway side of such ventilating district";
- (v) by omitting from subclause three of the same general rule the words "otherwise than as a temporary precaution against apprehended danger";
- (vi) by omitting subclause four of the same general rule;
- (vii) by omitting from subclause five of the same general rule the words "two per centum" and by inserting in lieu thereof the words "one and a quarter percentum";
- viii) by omitting from subclause five of the same general rule the words "as are on the return side of the said place in that ventilating district" and by inserting in lieu thereof the words "in that ventilating district as he may direct";

(ix)

*Coal Mines Regulation (Amendment).*

- (ix) by omitting from subclause five of the same general rule the words "unless he appeals in manner prescribed against the said requisition of the inspector to the court" and by inserting in lieu thereof the words "until the matter has been otherwise decided by appeal in manner prescribed against the said requisition of the inspector";
- (d) (i) by omitting from paragraph (b) of general <sup>General</sup> rule ten the word "either" and also the <sup>rule 10.</sup> words "or for the purpose of firing a shot in conformity with the provisions herein-after contained"
- (ii) by omitting from paragraph (c) of the same general rule the word "either" and also the words "or for the purpose of firing shots"
- (iii) by inserting next after paragraph (d) of the same general rule the following new paragraph:—
- (d1) A person shall not damage a safety-lamp;
- (iv) by inserting in paragraph (e) of the same general rule after the words "given out" the words "and such person shall be guilty of an offence against this Act";
- (e) (i) by inserting in subclause three of general <sup>General</sup> rule 12B after the words "Such treatment shall not be compulsory if" the words <sup>rule 12B.</sup> "the chief inspector has granted a written exemption in respect thereof and";
- (ii) by omitting from subclause three of the same general rule all words following the word "path";
- (iii) by omitting from subclause four of the same general rule the words "or suitably treated so as to prevent, as far as practicable" and by inserting in lieu thereof the words "and suitably treated so as to prevent as far as practicable any danger arising from";
- (f)

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*Coal Mines Regulation (Amendment).*


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New general  
rule 16A.

Control of  
trains.

cf. S. R. & O.,  
1913 (England).

1 & 2 Geo. V,  
c. 50, general  
regulation 23.

- (f) by inserting next after general rule sixteen the following new general rule:—

*Rule 16A.* Trains run for the conveyance of workmen, whether above or below ground and whether on the premises of a mine or on a line or siding belonging to the owners of the mine shall be under the entire control of a person appointed to accompany and have charge of the train, and no person shall attempt to get into or out of the train when in motion nor ride upon the footboard (if any) nor upon the buffers or couplings, nor refuse to comply with the directions of the person in charge, nor in any way obstruct or interfere with such person in the discharge of his duties, and any person failing to comply with this rule shall be guilty of an offence against this Act and shall be reported by the person in charge to the manager or under-manager.

- (g) by omitting general rule twenty-three and by inserting in lieu thereof the following general rules:—

*Rule 23.* (1) Where props or props and bars or chocks are used to support the roof at the working face, the roof under which any work of getting coal or filling skips is carried on shall be systematically and adequately supported, and the props or chocks shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

(2) Holing props or sprags shall be set as soon as practicable, and shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned, and shall not be removed until the coal is about  
to

General  
rules 23,  
23A.

Systematic  
support of  
roofs and  
sides.

cf. 1 & 2  
Geo. V, c. 50,  
s. 50.



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*Coal Mines Regulation (Amendment).*

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to be taken down and before the roof supports (if any) have been advanced in the manner specified in the notice.

(3) In all parts of a roadway in which sets or trains consisting of three or more skips are coupled or uncoupled, the roof and sides shall be systematically and adequately supported, and in such parts and in all other parts of the roadway the roof or sides of which require to be supported, if props or bars are used as supports, such supports shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

(4) The manager shall by notice specify for each district or part or a district in the mine (if roof conditions are variable) the manner in which the supports are to be set and advanced, and the maximum intervals to be observed on roadways between the supports and at the face—

- (a) between each row of props ;
- (b) between adjacent props in the same row ;
- (c) between the front row of props and the face ;
- (d) between the holing props or sprags ;
- (e) between chocks :

Provided that the interval between holing props or sprags shall in no case exceed six feet.

(5) (a) If the inspector of the district considers that the system of supporting the roof and sides adopted in any part of a mine is unsatisfactory either by reason of the distances fixed or any of them being excessive or otherwise,

*Coal Mines Regulation (Amendment).*

otherwise, he may require the manager to fix some less distance, or otherwise modify the system.

(b) The requisition shall be in writing under the hand of the inspector and shall be delivered personally or sent by post by a registered letter to the manager.

(c) If the manager objects to the reasonableness of the requisition he may, within fourteen days after the receipt of the requisition, send his objection in writing stating the grounds thereof to the chief inspector who may withdraw the requisition or refer the matter to the court to be determined.

(d) If the manager fails when no objection is sent as aforesaid to comply with the order within ten days after the expiration of the time for objection, or where the matter has been determined by the court, to comply with the order of the court within the time therein specified he shall be guilty of an offence against this Act.

(6) Nothing in this rule shall prevent a workman from setting supports in his working-place at more frequent intervals than those specified in the notice aforesaid where necessary for safety.

*Rule 23A.* Where the work of erecting the supports of the roof and sides of working-places is done by the workmen employed therein, a sufficient supply of timber or other materials suitable for supports shall be kept at or within ten yards of every working-place where, in pursuance of this Act, supports are required to be erected, and also at the pass-bye, siding, or other similar place in

Supply of  
props and  
bars.

cf. 1 & 2  
Geo. V, c. 50,  
s. 51.

*Coal Mines Regulation (Amendment).*

in the mine convenient to the workmen; and it shall be the duty of the deputies to see that such sufficient supply is so kept, and any working-place in which such a sufficient supply is not kept shall not be deemed to be safe for the purpose of the provisions of this Act. Sufficient timber or other materials as aforesaid, to enable the deputies to see that the provisions of this rule are complied with shall be constantly provided by the owner, agent, or manager.

- (h) by omitting general rules twenty-seven and twenty-eight and by inserting in lieu thereof the following general rules:—

*Rule 27.* (1) Where the apparatus ordinarily used for raising or lowering persons to or from the surface is worked by mechanical power it shall, if the shaft is vertical, be provided with a detaching hook, and, if the shaft is more than three hundred feet in depth, shall also be provided with an effective automatic contrivance to prevent overwinding.

General rules  
27, 28, 28A.

Overwinding.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (2).

The provisions of this subclause of this rule shall come into operation on the first day of July, one thousand nine hundred and thirty-three:

Provided that the Minister may, if he is satisfied that the special circumstances of any particular mine so require, by notice under his hand exempt such mine from the provisions of this subclause or from such provisions as are specified in the notice. The exemption may be unlimited as to duration, or may have effect only for a period specified in the notice.

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*Coal Mines Regulation (Amendment).*

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(2) If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding in accordance with subclause one of this rule, the cage when men are being raised or lowered shall not be wound at a speed exceeding three miles an hour after the cage has reached a point in the shaft within thirty feet of the surface or the bottom of the shaft as the case may be.

Cover  
overhead.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (7).

*Rule 28.* Every cage shall be provided with catches or other suitable contrivance to prevent skips falling out, and if used for lowering or raising persons, shall be covered in completely at the top and closed in at the two sides in a sufficient manner to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be reached easily by all persons in the cage :

Provided that the provisions of this rule shall not apply where the cage or skip is worked by a windlass or where persons are employed at work in the shaft, or where a written exemption is given by the chief inspector.

Provision  
of keps.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (4).

*Rule 28A.* Keps for supporting the cage when at rest shall be provided at the surface level where mineral is usually unloaded, but shall not be provided at any intermediate landings in the shaft. The keps provided at the surface level, and also the keps, if any, provided at the bottom of the shaft, shall be used when persons are entering or leaving the cage.

The

*Coal Mines Regulation (Amendment).*

The foregoing requirement as to the provision of keps shall not apply to a system of winding by means of a single rope where the cages are held by the friction of the rope on the winding sheave.

*Rule 28B.* Where there is a ventilating shaft nearer to the centre of the working places than the shaft or tunnel used as a second means of egress the Minister may, on the recommendation of the chief inspector, require by notice under his hand that such shaft shall within the period specified in the notice, if any, be equipped with suitable and efficient machinery for raising or lowering persons therein, and the said machinery when installed shall be constantly maintained in safe working order, and shall be available for raising persons from the mine during the whole time that more than twenty employees are underground.

- (i) by omitting subparagraph (ii) of paragraph (a) of general rule thirty-three and by inserting in lieu thereof the following subparagraph:—
- General rule 33.
- (ii) be examined thoroughly at least once in every twelve months by a person licensed under the provisions of section forty-six of the Mines Inspection Act, 1901, to test and examine any boiler at a mine.
- (j) by inserting in general rule thirty-eight after the word "shall" where firstly occurring the words "be in or to the effect of the prescribed form and shall";
- General rule 38.
- (k) (i) by inserting in general rule thirty-nine after the word "miners" the words "and one of whom is the holder of at least a third-class certificate of competency or of service under this Act";
- General rule 39.

(ii)

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*Coal Mines Regulation (Amendment).*

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(ii) by omitting from the same general rule the words "once at least in every month" and by inserting in lieu thereof the words "at any time on giving reasonable notice to the manager;

(iii) by inserting in the same general rule after the word "machinery" the words and proviso "and also to examine the plan and section of the mine as provided by section thirty-five of this Act:

Provided that such inspection shall not be conducted so as to impede or obstruct the working of the mine";

(l) by inserting in general rule forty after the word "coal-getter" or the word "shale-getter" wherever occurring the words "or filler";

(m) by inserting next after general rule forty-three the following new general rule:—

*Rule 43A.*—A drill worked by mechanical power shall not be used for drilling in stone or rock unless—

(a) water is fed into the bottom of the hole; or

(b) a jet or spray of water is directed and kept directed into or about the hole; or

(c) other steps approved by the chief inspector are taken,

in such manner and to such extent as is necessary to prevent the issue of dust from the hole during the drilling operations:

Provided that where the drilling in stone or rock is done intermittently in a working-place and in conjunction with coal-getting operations the chief inspector, upon application in that behalf, may, by writing under his hand, grant an exemption in respect of the whole or any part of the provisions of this rule.

(n)

New general rule 43A.

Dust prevention.  
cf. Act No. 75, 1931,  
s. 55 (55).

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*Coal Mines Regulation (Amendment).*


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(n) by inserting next after paragraph (k) of sub-clause one of general rule forty-four the following new paragraph :—

General rule 44.

(1) no coal or coke fire shall be allowed in the interior of the building.

(2) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraph (c) of subsection two of section nine.

Amendment of Act No. 19, 1926, s. 9 (2) (c).

**15.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912.

(a) by inserting next after section 56A the following new Division :—

New Division 1A.

DIVISION 1A.—*Regulations.*

56B. (1) The Governor may—

- (a) make regulations amending or repealing any or all of the general rules set out in section fifty-four of this Act ;
- (b) make such regulations for the conduct and guidance of persons acting in the management of mines or employed in or about mines as may appear best calculated to prevent dangerous accidents and to provide for the safety, health, convenience, and proper discipline of persons employed in or about mines ;
- (c) make regulations dealing with—
- (i) the care and treatment of horses or other animals used in or about mines ;
  - (ii) the ventilation of mines and the regulation of the use of mechanical ventilating appliances ;
  - (iii) the nature, maintenance, examination and inspection of all machinery used in or about mines ;
  - (iv) the precautions to be taken against coal dust ;

Power of Governor to make regulations. cf. 1 & 2 Geo. V, c. 50, s. 86; Act No. 75, 1901, s. 56.

(v)

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*Coal Mines Regulation (Amendment).*

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- (v) the form of any notice, requisition, or document required by or under this Act, and for which express provision is not made in this Act;
- (vi) the method of service of any notice, requisition, or document required to be served on or sent to any person by or under this Act, and for which express provision is not made in this Act;
- (vii) any other matter dealt with in the general rules set out in section fifty-four of this Act;
- (viii) any other matter whatsoever involved in or connected with the control and working of mines and of works in which coal is carbonised or otherwise treated where such works are adjacent to and belonging to the mine.

(2) The regulations may apply either to all mines or to any specified class or description of mines, and may provide for the exemption of any specified class or description of mines either absolutely or subject to conditions specified in the regulations.

(3) The provisions contained in section 56C of this Act shall have effect with respect to the procedure for making regulations under this section.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If



*Coal Mines Regulation (Amendment).*

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

56c. (1) Before any regulation is made under section 56B of this Act the Minister shall cause to be published in such manner as he may think best adapted for informing persons affected notice of the proposal to make the regulation and of the place where copies of the draft regulation may be obtained and of the time (which shall not be less than thirty days) within which any objection made with respect to the draft regulation by or on behalf of persons affected must be sent to the Minister.

Procedure  
for making  
regulations.  
cf. 1 & 2  
Geo. V, c. 50,  
Second  
Schedule,  
Part I.

(2) Every objection must be in writing, and state—

- (a) the specific grounds of objection ;
- (b) the omissions, additions, or modifications asked for.

(3) The Minister shall consider any objection made by or on behalf of any person appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulation, and the foregoing provisions shall apply to the amended draft in like manner as they apply to the original draft.

(4) If after the publication of the notice with respect to any such draft regulation (whether an original or amended draft) any general objection as defined in this section is made within the required time with respect to the draft and not withdrawn, the regulation shall not be made until the matter has been referred to the court for determination.

If

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*Coal Mines Regulation (Amendment).*

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If on any such reference the court considers that the draft regulation should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and effect shall be given to the recommendation in the regulation if made.

(5) If the Minister considers that any objection, though not a general objection, is of such a character that it is desirable to refer it to the court he may so refer it, and in that case the foregoing provisions shall apply as in the case of a general objection.

(6) If any objection, though not a general objection, is made on behalf of the owners of mines of any particular class or mines in any separate area, and it is alleged in the objection that having regard to the special natural conditions or special methods of working in mines of that class, or mines in that area, the proposed regulation ought not to apply to those mines, the Minister shall, unless he is of opinion that the objection is frivolous, refer it to the court, and in that case the foregoing provisions shall apply as in the case of a general objection.

(7) For the purposes of this section a general objection means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the draft regulation or, if such draft contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed.

The number of men employed shall be calculated in accordance with the returns for the last preceding year sent by owners of mines to the inspectors in pursuance of the provisions of this Act.

(b)

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*Coal Mines Regulation (Amendment).*


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- (b) by inserting in subsection three of section one after the words and symbols "DIVISION 1.—*General rules—ss. 54-56A*" the words and symbols "DIVISION 1A.—*Regulations—ss. 56B, 56C*"; Sec. 1 (3). (Division into parts.)
- (c) by inserting in section three after the definition of "Small mine" the following definition: "This Act" includes the regulations made thereunder. Sec. 3. (Interpretation.)
- (d) (i) by inserting in section fifty-six after the word "Act" where firstly occurring the words "or any regulation made under this Act"; Sec. 56. (Penalties.)
- (ii) by inserting in the same section after the words "general rules" where secondly occurring the words "or the said regulations";
- (iii) by omitting from the same section the words "said rules as regulations" and by inserting in lieu thereof the words "observance of the said rules and regulations";
- (e) by inserting in section sixty-four after the word "Act" where firstly and secondly occurring the words "and of the regulations made thereunder." Sec. 64. (Publication of abstract.)

**16.** (1) The Principal Act is further amended by omitting sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, and sixty-two, and by inserting in lieu thereof the following sections:— Further amendment of Act No. 37, 1912. Substituted sections.

**57.** (1) Where the district inspector or the owner, agent, or manager of, or a majority of the workmen employed in any mine is of opinion that any regulation or general rule for the time being in force with respect to the mine ought in its application to that mine to be supplemented or modified, the inspector, or the owner, agent, or manager, or such majority of workmen, may transmit for the approval of the Minister special rules for the mine. Special rules. cf. 1 & 2 Geo. V, c. 50 s. 87.

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*Coal Mines Regulation (Amendment).*

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(2) Where any special rules have been transmitted under this section to the Minister for approval he shall consider the special rules and either approve or disapprove the same.

Where the Minister disapproves the special rules no further action shall be taken in the matter.

Before the Minister approves the special rules there shall be published, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the special rules and of the place where copies of the draft special rules may be obtained, and of the time (which shall not be less than thirty days) in which any objection with respect to the draft special rules made by or on behalf of persons affected must be sent to the Minister.

(3) Every objection must be in writing and state—

- (a) the specific grounds of objection ;
- (b) the omissions, additions, or modifications asked for.

(4) The Minister shall consider any objection made by or on behalf of persons appearing to him to be affected which is sent to him within the required time, and he may, before approving the special rules, require such amendments to be made therein as he may think fit.

(5) If any person who has sent any objection to any special rules transmitted for approval feel aggrieved by the refusal of the Minister to give effect to their objection, the objection shall be referred to the court for determination.

(6) If on any such reference the court considers that the special rules should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and the Minister before approving the special rules shall require that variation to be made.

(7) When special rules have been approved by the Minister they shall, as respects that mine, have effect until revoked as if they formed part of the general rules and the regulations applicable to the mine.

(8)

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*Coal Mines Regulation (Amendment).*

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(8) Where any special regulations are in force with respect to any mine they may be revoked, altered, or added to at the instance of the inspector of the district or of the owner, agent, or manager of, or a majority of the workmen employed in the mine in like manner and subject to the same provisions as the original special rules.

58. (1) The general rules and the regulations applicable to a mine as supplemented or modified by the special rules, if any, for the time being in force with respect to the mine shall be the rules of the mine. Rules of a mine. cf. 1 & 2 Geo. V, c. 50, s. 89.

(2) An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of the rules of the mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) that those rules are the rules of the mine and of the fact that they are duly made under this Act.

59. If any person who is bound to observe the rules of any mine acts in contravention of or fails to comply with any of them he shall be guilty of an offence against this Act, and also the owner, agent, and manager of such mine shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the rules, to prevent such contravention or non-compliance. Penalty for breach of rules of a mine. cf. *Ibid.* s. 90.

(2) All special rules established under the sections of the Principal Act repealed by subsection one of this section and in force at the commencement of this Act shall, to the extent to which the said special rules are not inconsistent with the provisions of the Principal Act, as amended by this Act, or with any regulations made under the Principal Act as so amended, remain in force until amended or revoked by regulations made under section 56B of the Principal Act, as amended, or by special rules made under section fifty-seven of the Principal Act as inserted by subsection one of this section.

(3)

*Coal Mines Regulation (Amendment).*

Consequential amendment of Act No. 19, 1926, s. 11.

Further amendment of Act No. 37, 1912. Fourth Schedule.

(3) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraphs (a), (b), and (c) of section eleven.

17. The Principal Act is further amended by inserting next after Part B of the Fourth Schedule the following new Parts :—

PART C.

PARTICULARS of Explosives, Coal-cutting Machines, Conveyors, and Safety-lamps used during the year ending 31st December, 19 . . .

I.—*Explosives.*

Name of explosive.	Quantity used (lbs.)	Estimated number of shots fired.		
		By electricity.	By fuse.	Total.

The number of miss-fire shots :—

- 1. With electricity ... ..
- 2. With fuse ... ..
- 3. Otherwise ... ..

II.—*Coal-cutting Machines and Conveyors.*

Description.	Number driven by—		Number of statute tons cut by—				Number of conveyors at coal face.
	Electricity.	Compressed air.	Electricity.		Compressed air.		
			Coal.	Other minerals.	Coal.	Other minerals.	
			Tons.	Description.	Tons.	Description.	

III.

*Coal Mines Regulation (Amendment).*

III.—*Safety-lamps.*

*Name and description of lamp.	Total number in use.	No. of lamps according to method of locking.				No. of lamps according to kind of illuminant.				
		Lead rivet.	Mag-netic.	Screw.	Other.	Colza or colza and petroleum	Petro-leum.	Volatile spirit.	Electri-city.	Other illumin-ant.

\* No. of gauzes, and whether shielded or not.

State the method of lighting the lamps, *e.g.*, by electricity or otherwise .. ...

PART D.

*Type and aggregate horse-power of electrical apparatus.*

- 1.—System of supply (whether continuous current or alternating current) ... ..
- Voltage of supply ... ..
- Periodicity (if alternating current) ... ..
- Source of supply ... ..

2.—Voltage at which current is used for—

- Lighting ... ..
- Power ... ..

*Coal Mines Regulation (Amendment).*

PART D --continued.

3.—Aggregate H.P. of motors installed on surface for—

Winding ...	...	...	...	...
Ventilation ...	...	...	...	...
Haulage ...	...	...	...	...
Coal washing or screening	...	...	...	...
Miscellaneous ...	...	...	...	...
Total H.P.	...	...	...	...

4.—Aggregate H.P. of motors installed below ground for—

Haulage ...	...	...	...	...
Pumping ...	...	...	...	...
Portable machinery	...	...	...	...
Miscellaneous ...	...	...	...	...
Total H.P.	...	...	...	...

5.—Total H.P. (addition of 3 and 4) ... ..

(Signed).....

*Owner, Agent, or Manager*

Date.....

Further amendment of Act No. 37, 1912, Fifth Schedule, Reg. 7 (g).

**18.** The Fifth Schedule to the Principal Act is amended—

(a) by inserting next after the word “material” in paragraph (g) of regulation seven the words “provided by the owner and ”

Reg. 7 (j).

(b) (i) by omitting from subparagraph (i) of paragraph (j) of regulation seven the words “or other treatment equivalent to watering ” ;  
(ii)



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*Coal Mines Regulation (Amendment).*


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(ii) by inserting next after subparagraph (i) of the same paragraph the following new subparagraph:—

(ia) in any case in which efficient treatment with stone dust has been carried out, unless the place of firing and all contiguous accessible places, whether roof, floor, or sides are at the time of firing in a wet state from thorough watering in all parts where dust is lodged, within the following area, namely:—

Within a radius of five yards from the shot hole, and thence within such further distance (if any) as may be necessary to make the watering continuous from the shot hole to the point at which efficient treatment with stone dust has been carried out.

(c) by omitting regulations nine and ten and by inserting in lieu thereof the following regulation:

9. Where there are two or more shot-holes in the one place only one of such shot-holes shall be charged or stemmed at the one time and no other shot-hole shall be charged until the shot is fired.

(d) by omitting regulation twenty-five and by inserting in lieu thereof the following regulation:—

25. No shot shall be fired unless immediately before the shot is to be fired the shotfirer has examined the floor, roof, and sides of the place where the shot is to be fired and of all contiguous accessible places within a radius of twenty yards from the place where the shot is to be fired for coal-dust and has taken efficient steps to render any coal-dust within that area harmless and to otherwise comply with the requirements of paragraph (j) of regulation seven of these regulations.

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By Authority:

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney, 1931.

[Is. 8d.]

Act of 1981 (Amendment)

The following provisions shall apply to the following new provisions of the Act of 1981:

1. The following provisions shall apply to the following new provisions of the Act of 1981:

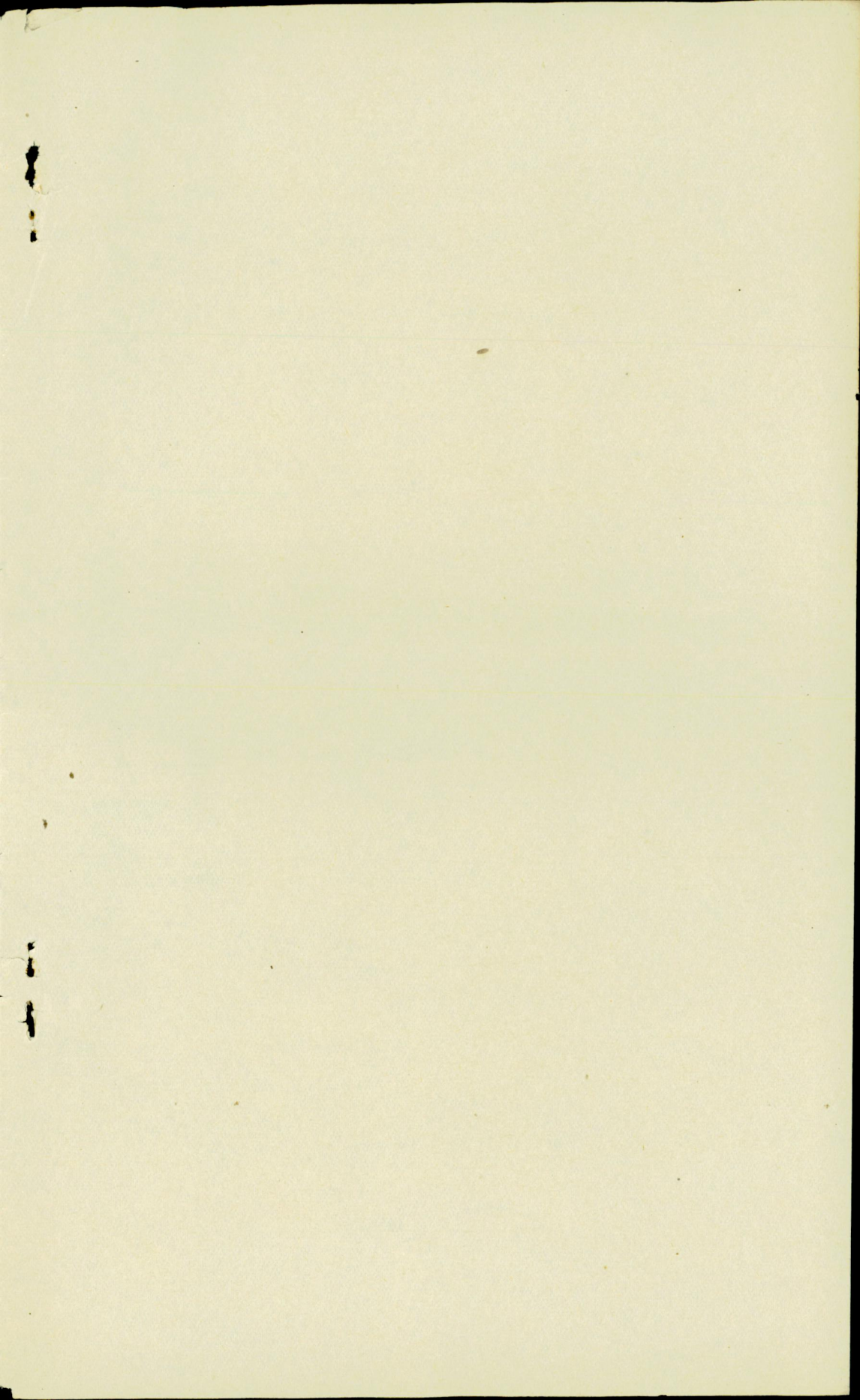
2. The following provisions shall apply to the following new provisions of the Act of 1981:

3. The following provisions shall apply to the following new provisions of the Act of 1981:

Reg 23

4. The following provisions shall apply to the following new provisions of the Act of 1981:

5. The following provisions shall apply to the following new provisions of the Act of 1981:





*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 2 October, 1931.*

## New South Wales.



ANNO VICESIMO SECUNDO

## GEORGII V REGIS.

\*\*\*\*\*

### Act No. 52, 1931.

An Act to make further provision for the regulation of coal mines and shale mines; to amend the Coal Mines Regulation Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 7th October, 1931.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1931."

Short title,  
citation, and  
commence-  
ment.

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

H. J. CONNELL,  
*Chairman of Committees of the Legislative Assembly.*

*Coal Mines Regulation (Amendment).*

(2) The Coal Mines Regulation Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1912-1931.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No. 37,  
1912, s. 3.  
(Interpreta-  
tion.)

**2.** The Principal Act is amended by inserting in section three next after the definition of "Agent" the following new definition:—

"Check inspector" means a person appointed under general rule thirty-nine of section fifty-four of this Act.

Further  
amendment of  
Act No. 37, 1912,  
s. 5.

**3.** The Principal Act is further amended—

Subsec. (1).  
(Nomination  
of under-  
manager.)

(a) by inserting at the end of subsection one of section five the words: "Such owner or agent shall send written notice to the inspector of the district of the under-manager's name and address within fourteen days after the nomination of the under-manager";

New subsecs.  
(4)-(9).

(b) by inserting next after subsection three of section five the following new subsections:—

cf. 1 & 2  
Geo. V, c. 50,  
s. 4 (2).

(4) Where any person is appointed to be manager of two or more producing mines required by this Act to be under the control of a manager holding a first-class certificate of competency a separate under-manager shall be appointed for each mine.

cf. 1 &  
Geo. V, c. 50,  
s. 4 (3).

(5) If it appears to the Minister that the management and control of a mine required to be exercised by the manager are insufficient by reason of the fact that such manager is also manager of any other mine or mines, the Minister may by order in writing under his hand limit the number of such mines for which a person may act as manager.

(6)

*Coal Mines Regulation (Amendment).*

(6) The order shall be delivered personally or sent by post by a registered letter to such manager and to the owner or agent of each mine of which he is manager.

(7) If the owner, agent, or manager objects to the reasonableness of the order he may within ten days after the receipt of the order send his objection in writing, stating the grounds thereof, to the Minister, who may withdraw the order or refer the matter to the court to be determined.

(8) If the owner, agent, or manager fails when no objection is sent as aforesaid to comply with the order within fourteen days after the expiration of the time for objection, or where the matter has been determined by the court to comply with the order of the court within the time therein specified, he shall be guilty of an offence against this Act.

(9) No person shall be precluded by any agreement from doing or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary to comply with any order under this section.

**4.** The Principal Act is further amended—

- (a) (i) by omitting from subsection one of section 5A the words “required by this Act to be under the control of a certificated manager” ;
- (ii) by omitting subsection four of the same section.
- (b) by omitting section eight.

Further amendment of Act No. 37, 1912, s. 5A.

Subsec. (1).  
(Deputies and shot-firers.)

Subsec. (4).

Sec. 8.  
(Certificate of service as deputy.)

**5.** The Principal Act is further amended by inserting in section twenty-one after the words “in that behalf” the following words:—

“Every such applicant must have had at least two years’ practical experience in the use of electrical machinery and apparatus in a mine.”

Further amendment of Act No. 37, 1912, s. 21.

(Mine electricians.)

**6.**

*Coal Mines Regulation (Amendment).*

Further  
amendment of  
Act No. 37, 1912,  
s. 22.

Employment  
of mine  
electricians.

**6.** (1) The Principal Act is further amended by omitting section twenty-two and by inserting in lieu thereof the following section:—

22. (1) Where electricity exceeding in the aggregate thirty kilowatts is used in or about any mine for power and/or lighting purposes, a competent person shall be appointed as mine electrician, who shall be subject to the authority of the manager, and in his absence the under-manager, and shall have charge of all electrical machinery and apparatus in or about the mine.

(2) A person shall not be qualified to act as mine electrician unless he is for the time being registered as the holder of a certificate of competency as mine electrician under this Act.

(3) Any person who—

- (a) not being registered under this Act as the holder of a certificate of competency as a mine electrician acts as a mine electrician in or about a mine where the electricity used for power and/or lighting purposes exceeds thirty kilowatts or so acts in any place in a mine where naked lights are prohibited notwithstanding that the electricity used is less than thirty kilowatts; or
- (b) knowing that such person is not so registered employs him as a mine electrician in or about such mine,

shall be guilty of an offence against this Act.

(4) Upon the recommendation of the chief inspector the Minister may by writing under his hand grant an exemption in respect of all or any of the provisions of this section either absolutely or upon such terms and conditions as the Minister may impose.

(5) Where a certificated mine electrician is required to be employed at any mine the owner or agent of the mine shall send to the inspector of the district wherein the mine is situated a written notice of such electrician's name and address within one month after the date of his appointment.

(6)



*Coal Mines Regulation (Amendment).*

(6) This section shall not apply to electricians attending to lamp charging sets on the surface, electric signalling, telephones, or lighting on main intake, travelling or haulage roads underground, provided such power does not exceed thirty kilowatts.

(2) The Coal Mines Regulation (Amending) Act, 1913, is amended by omitting section nine.

Amendment of Act No. 11, 1913, s. 9.

7. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 35.

(Plan of mine.)

(a) by inserting in subsection one of section thirty-five after the word "strata" where firstly occurring the words "and all faults, dykes, and other dislocations of the seam or seams";

Subsec. (1).

(b) by inserting next after subsection two of the same section the following new subsection:—

New subsec. 2A.

(2A) The owner, agent, or manager of the mine shall, on the request of a check inspector appointed by the employees of such mine, produce to the check inspector at the office of the mine during an inspection of the mine such plan and section.

The check inspector shall be entitled to examine the plan and section but he shall not be entitled to take away from the mine any copy thereof or divulge any information derived therefrom without the authority of the manager.

A check inspector who contravenes the provisions of this subsection shall be guilty of an offence against this Act.

8. The Principal Act is further amended—

Further amendment of Act No. 37 1912, s. 35A.

(a) by inserting at the commencement of subsection one of section 35A the following words: "Unless the Under-Secretary for Mines upon application made in that behalf otherwise determines";

(b)

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*Coal Mines Regulation (Amendment).*


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- (b) by omitting from the same subsection the following words: "six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913," and by inserting in lieu thereof the following words: "three months of the opening of such mine";
- (c) by omitting from subsection two of the same section the following words: "acquiring and adding to such colliery holding any other freehold or leasehold lands" and by inserting in lieu thereof the following words: "any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of lands of any tenure";
- (d) by omitting from the same subsection the word "other" where secondly occurring.

**9.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 39.  
(Plan of abandoned mine.)

Subsec. (1).

- (a) by omitting from subsection one of section thirty-nine all words following the word "Minister" and by inserting in lieu thereof the following paragraphs:—

cf. 1 & 2  
Geo. V, c. 50,  
s. 21.

- (a) an accurate plan of the mine or seam showing—

- (i) the boundaries of the workings of the mine or seam including not only the working faces but also all headings in advance thereof, up to the time of the abandonment;
- (ii) the pillars of coal or other mineral remaining unworked;
- (iii) the position, direction, and extent of every known fault of every seam in the mine, or of the seam, as the case may be, with the  
vertical

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*Coal Mines Regulation (Amendment).*


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vertical throw of every known fault, wash-out, or intrusive dyke;

- (iv) the position of the workings with regard to the surface;
  - (v) the general direction and rate of dip of the strata; and
  - (vi) the depth of every shaft, or in the case of an abandoned seam, the depth of every shaft from the surface to that seam;
- (b) a section of the strata sunk through, or if that is not reasonably practicable, a section of every seam in the mine, or of the seam, as the case may be.

Every such plan shall be of a durable character, and shall be on a scale of not less than two chains to the inch, or on the same scale as the plan used at the mine at the time of its abandonment.

**10.** The Principal Act is further amended—

Further  
amendment of  
Act No. 37, 1912

- (a) by inserting next after section thirty-nine the following new section:—

New s. 39A.

39A. (1) The accuracy of every plan, section, and tracing which is made at any time after the expiration of twelve months from the commencement of this Act, for the purposes of section thirty-five, section 35A, or section thirty-nine of this Act shall be certified by a person who is registered as a surveyor under the Surveyors Act, 1929, or who is the holder of a surveyor's certificate of competency granted under this section.

Accuracy of  
plans to be  
certified.

(2) For the purpose of ascertaining the persons to whom surveyors' certificates of competency may be granted, examiners shall be appointed by the board for appointing examiners constituted under subsection two of section six of this Act, who may hold examinations and examine applicants for such certificates

in

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*Coal Mines Regulation (Amendment).*

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in such subjects as may be prescribed by any rules made by the Minister in that behalf.

The provisions of section seven of this Act shall, mutatis mutandis, apply to and in respect of surveyors' certificates of competency.

(3) No person shall be entitled to a surveyor's certificate of competency unless—

- (a) he is at least twenty-one years of age;
- (b) he furnishes to the examiners satisfactory evidence of his sobriety and good conduct;
- (c) he furnishes to the examiners satisfactory evidence that he has had practical experience in surveying mines during a period of not less than four years:

Provided that in the case of a candidate who—

- (i) has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received, after due examination, from some university, school of mines, or other body approved by the Minister, a degree or diploma; or
- (ii) has passed satisfactorily a full course of instruction in surveying at an institution approved by the Minister,

it shall be a sufficient compliance with the requirements of paragraph (c) of this subsection if the candidate furnishes to the examiners satisfactory evidence that he has had practical experience in mines during a period of not less than one year.

(4) For all other purposes relating to the examination of applicants, and the granting, cancellation, and suspension of such certificates, and the registration of the holders of such certificates, the provisions of this Act relating to managers' certificates of competency shall, mutatis mutandis, apply and have effect. (5)

*Coal Mines Regulation (Amendment).*

(5) A certificate of service as mine surveyor shall be granted by the Minister to every person who satisfies him either that before the first day in July, one thousand nine hundred and thirty-one, he was acting, and has since that day acted, or that he has at any time within five years before the said date, for a period of not less than two years, acted in the capacity of a mine surveyor at a mine required by the Act to be under the control of a certificated manager.

- (b) by inserting in the Third Schedule after the words "mine electrician's certificate" the words "or surveyor's certificate of competency."

Third Schedule.

**11.** The Principal Act is further amended--

Further amendment of Act No. 37, 1912, ss. 41, 42 and Fourth Schedule.

- (a) (i) by omitting from section forty-one the word "fourteen" and by inserting in lieu thereof the word "sixteen";
- (ii) by inserting at the end of the same section the following new subsection:—

(2) The provisions of this section shall not prevent a boy under the age of sixteen years who before the commencement of the Coal Mines Regulation (Amendment) Act, 1931, was lawfully employed in or about any mine from continuing to be so employed.

Temporary saving of employment of boys under 16. cf. Act 60 Vic. No. 12, s. 35.

- (b) by omitting from subsection one of section forty-two the words "between the age of fourteen years and" and by inserting in lieu thereof the following words: "under the age of";
- (c) by omitting from the return of persons ordinarily employed during the year in Part A of the Fourth Schedule the figures "16" wherever occurring and by inserting in lieu thereof the figures "18";
- (d) by omitting from the same return the words and figures "Boys under 14";

(e)

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*Coal Mines Regulation (Amendment).*

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- (e) by omitting from the same return the figures "14" were lastly occurring and by inserting in lieu thereof the figures "16."

Further amendment of Act No. 37, 1912, s. 50. (Means of egress.) cf. 1 & 2 Geo. V, c. 50, s. 36 (3).

**12.** The Principal Act is further amended by inserting next after paragraph (b) of subsection one of section fifty the following new paragraph:—

- (b1) Every part of the mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording means of egress to the surface and so arranged that in the event of either becoming impassable at any point the other will afford means of egress to the surface: Provided that upon written application being made in that behalf the inspector may grant an exemption in respect of any part of any mine.

Further amendment of Act No. 37, 1912. New Division 10. Sec. 53A.

**13.** The Principal Act is further amended—

- (a) by inserting next after section fifty-three the following new Division:—

DIVISION 10.—*Special provisions as to mines worked by contractor.*

Mines worked by contractor. cf. 1 & 2 Geo. V, c. 50, s. 27.

53A. (1) In every mine the materials required for the support of the roofs and sides shall be provided by and at the cost of the owner of the mine, and the deputies, shot-firers, and all other officials of the mine shall be appointed and their wages paid by the owner, notwithstanding that the mine or any part thereof is worked, or any part of the operations therein is carried on by a contractor, and no such contractor nor any person employed by him shall be appointed to be manager, under-manager, deputy, or shotfirer of the mine.

(2) Where under any contract existing at the commencement of the Coal Mines Regulation (Amendment) Act, 1931, the materials required for the support of the roof or sides are to be provided, or the wages of any official are to be paid, by any person other than the  
owner,

*Coal Mines Regulation (Amendment).*

owner, the owner may apply to the district court for the district in which the mine is situate and the court may make such variation in the terms of the contract as appears to the court just and equitable under the circumstances of the case, or in the alternative the court may, at the request of the owner, determine the contract.

(3) If in any mine there is a contravention of or non-compliance with the provisions of this section the owner of the mine shall be deemed to be guilty of an offence against this Act.

- (b) by inserting in subsection three of section one after the words and symbols "DIVISION 9.—*Division of mine into parts—s. 53*" the words and symbols "DIVISION 10.—*Special provisions as to mines worked by contractor—s. 53A.*" Sec. 1 (3).

**14.** (1) Section fifty-four of the Principal Act is amended— Further amendment of Act No. 37, 1912, s. 54. (General rules.)

- (a) by omitting from paragraph (e) of general rule one the following words: "Provided that the second sample shall not be taken within a period of less than one fortnight after the result of the first sample is communicated to the owner, agent, or manager of the mine"; General rule 1.
- (b) by omitting general rule four and by inserting in lieu thereof the following rule:— Substituted general rule 4.

*Rule 4.* (a) For the purpose of the inspections before the commencement of work in a shift as provided in this rule, one or more stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in manner provided in this rule. Appointment of stations and inspections before commencing work. cf. 1 & 2 Geo. V, c. 50, ss. 63, 64.

(b)

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*Coal Mines Regulation (Amendment).*

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(b) Competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, within such time before the commencement of each shift as may be fixed by the special rules of the mine, inspect with a locked safety lamp the part of the mine situated beyond the station or each of the stations, and in which workmen are to work or travel during the shift, and all working-places in which work is temporarily idle which are safely accessible on the intake side of the last working-place, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof, and sides and general safety are concerned.

(c) A full and accurate report specifying the condition of the ventilation and whether or not, and where, if any, noxious or inflammable gas was found, and whether or not any and (if any) what defects in roofs or sides and other sources of danger were observed, shall be recorded without delay in the record book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the hand-writing of the person who made the inspection.

(d) For the purpose of the foregoing provisions of this rule, two or more shifts succeeding one another without any interval are to be deemed to be one shift.

(e) A similar inspection shall be made in the course of each shift of all parts of the mine situated beyond the station or each of the stations aforesaid and in which workmen are to work or travel during the shift, but it shall not be necessary

Inspection  
during shifts.



*Coal Mines Regulation (Amendment).*

necessary unless inflammable gas is found to record a report of such inspection in a book :

Provided that in the case of a mine worked by a succession of shifts the report of one such inspection shall be recorded in the manner above required.

- (f) A competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, immediately after each shift and the workmen have withdrawn, inspect with a locked safety-lamp every part of a naked light mine in which workmen worked or travelled during the said shift, and shall ascertain the condition of the mine in respect of danger from fire and report the same and forthwith enter the said report in a book to be kept at the mine for the purpose.
- (c) (i) by omitting from paragraph (b) of sub-clause one of general rule eight the word "normally"; and by inserting after the word "gas" in general rule 8 (1) (b) the words "when sampled in the same manner as provided for intake air under general rule (1) (e) of the Principal Act";
- (ii) by omitting from paragraph (c) of sub-clause one of the same general rule the words "(except in the main intake airways within two hundred yards from the shaft)"; also the words "causing any personal injury whatever"; and by inserting after the word "has" in general rule 8 (1) (c) the words "been definitely proved to have";
- (iii) by omitting paragraphs (d) and (e) of subclause one of the same general rule and by inserting in lieu thereof the following paragraphs :—
- (d) in any place or part of a mine where any quantity (capable of being detected

Inspection  
after shift.

General  
rule 8.

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*Coal Mines Regulation (Amendment).*

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detected by an ordinary oil safety lamp), of inflammable gas has been given off within the previous twelve months.

- (e) in any working which is within twenty yards of, or is being advanced towards any locality where it is doubtful whether or not there may be an accumulation of inflammable gas, or any place in the same district on the return airway side of such working.
- (iv) by omitting from subclause two of the same general rule the words "except when the use of safety-lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety-lamps throughout the district" and by inserting in lieu thereof the words "or in any part of the mine situated on the return airway side of such ventilating district";
- (v) by omitting from subclause three of the same general rule the words "otherwise than as a temporary precaution against apprehended danger";
- (vi) by omitting subclause four of the same general rule;
- (vii) by omitting from subclause five of the same general rule the words "two per centum" and by inserting in lieu thereof the words "one and a quarter percentum";
- (viii) by omitting from subclause five of the same general rule the words "as are on the return side of the said place in that ventilating district" and by inserting in lieu thereof the words "in that ventilating district as he may direct";
- (ix)

*Coal Mines Regulation (Amendment).*

- (ix) by omitting from subclause five of the same general rule the words "unless he appeals in manner prescribed against the said requisition of the inspector to the court" and by inserting in lieu thereof the words "until the matter has been otherwise decided by appeal in manner prescribed against the said requisition of the inspector";
- (d) (i) by omitting from paragraph (b) of general rule ten the word "either" and also the words "or for the purpose of firing a shot in conformity with the provisions hereinafter contained" <sup>General rule 10.</sup>
- (ii) by omitting from paragraph (c) of the same general rule the word "either" and also the words "or for the purpose of firing shots"
- (iii) by inserting next after paragraph (d) of the same general rule the following new paragraph:—  
 (d1) A person shall not damage a safety-lamp;
- (iv) by inserting in paragraph (e) of the same general rule after the words "given out" the words "and such person shall be guilty of an offence against this Act";
- (e) (i) by inserting in subclause three of general rule 12B after the words "Such treatment shall not be compulsory if" the words "the chief inspector has granted a written exemption in respect thereof and" <sup>General rule 12B</sup>;
- (ii) by omitting from subclause three of the same general rule all words following the word "path";
- (iii) by omitting from subclause four of the same general rule the words "or suitably treated so as to prevent, as far as practicable" and by inserting in lieu thereof the words "and suitably treated so as to prevent as far as practicable any danger arising from"; (f)

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*Coal Mines Regulation (Amendment).*


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New general  
rule 16A.  
Control of  
trains.  
cf. S. R. & O.,  
1913 (England).  
1 & 2 Geo. V,  
c. 50, general  
regulation 23.

- (f) by inserting next after general rule sixteen the following new general rule:—

*Rule 16A.* Trains run for the conveyance of workmen, whether above or below ground and whether on the premises of a mine or on a line or siding belonging to the owners of the mine shall be under the entire control of a person appointed to accompany and have charge of the train, and no person shall attempt to get into or out of the train when in motion nor ride upon the footboard (if any) nor upon the buffers or couplings, nor refuse to comply with the directions of the person in charge, nor in any way obstruct or interfere with such person in the discharge of his duties, and any person failing to comply with this rule shall be guilty of an offence against this Act and shall be reported by the person in charge to the manager or under-manager.

General  
rules 23,  
23A.

- (g) by omitting general rule twenty-three and by inserting in lieu thereof the following general rules:—

Systematic  
support of  
roofs and  
sides.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 50.

*Rule 23.* (1) Where props or props and bars or chocks are used to support the roof at the working face, the roof under which any work of getting coal or filling skips is carried on shall be systematically and adequately supported, and the props or chocks shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

(2) Holing props or sprags shall be set as soon as practicable, and shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned, and shall not be removed until the coal is about  
to

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*Coal Mines Regulation (Amendment).*

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to be taken down and before the roof supports (if any) have been advanced in the manner specified in the notice.

(3) In all parts of a roadway in which sets or trains consisting of three or more skips are coupled or uncoupled, the roof and sides shall be systematically and adequately supported, and in such parts and in all other parts of the roadway the roof or sides of which require to be supported, if props or bars are used as supports, such supports shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

(4) The manager shall by notice specify for each district or part or a district in the mine (if roof conditions are variable) the manner in which the supports are to be set and advanced, and the maximum intervals to be observed on roadways between the supports and at the face—

- (a) between each row of props;
- (b) between adjacent props in the same row;
- (c) between the front row of props and the face;
- (d) between the holing props or sprags;
- (e) between chocks:

Provided that the interval between holing props or sprags shall in no case exceed six feet.

(5) (a) If the inspector of the district considers that the system of supporting the roof and sides adopted in any part of a mine is unsatisfactory either by reason of the distances fixed or any of them being excessive or otherwise,

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*Coal Mines Regulation (Amendment).*


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otherwise, he may require the manager to fix some less distance, or otherwise modify the system.

(b) The requisition shall be in writing under the hand of the inspector and shall be delivered personally or sent by post by a registered letter to the manager.

(c) If the manager objects to the reasonableness of the requisition he may, within fourteen days after the receipt of the requisition, send his objection in writing stating the grounds thereof to the chief inspector who may withdraw the requisition or refer the matter to the court to be determined.

(d) If the manager fails when no objection is sent as aforesaid to comply with the order within ten days after the expiration of the time for objection, or where the matter has been determined by the court, to comply with the order of the court within the time therein specified he shall be guilty of an offence against this Act.

(6) Nothing in this rule shall prevent a workman from setting supports in his working-place at more frequent intervals than those specified in the notice aforesaid where necessary for safety.

*Rule 23A.* Where the work of erecting the supports of the roof and sides of working-places is done by the workmen employed therein, a sufficient supply of timber or other materials suitable for supports shall be kept at or within ten yards of every working-place where, in pursuance of this Act, supports are required to be erected, and also at the pass-bye, siding, or other similar place in

Supply of  
props and  
bars.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 51.

*Coal Mines Regulation (Amendment).*

in the mine convenient to the workmen; and it shall be the duty of the deputies to see that such sufficient supply is so kept, and any working-place in which such a sufficient supply is not kept shall not be deemed to be safe for the purpose of the provisions of this Act. Sufficient timber or other materials as aforesaid, to enable the deputies to see that the provisions of this rule are complied with shall be constantly provided by the owner, agent, or manager.

- (h) by omitting general rules twenty-seven and twenty-eight and by inserting in lieu thereof the following general rules:—

*Rule 27.* (1) Where the apparatus ordinarily used for raising or lowering persons to or from the surface is worked by mechanical power it shall, if the shaft is vertical, be provided with a detaching hook, and, if the shaft is more than three hundred feet in depth, shall also be provided with an effective automatic contrivance to prevent overwinding.

General rules  
27, 28, 28A.  
Overwinding.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (2).

The provisions of this subclause of this rule shall come into operation on the first day of July, one thousand nine hundred and thirty-three:

Provided that the Minister may, if he is satisfied that the special circumstances of any particular mine so require, by notice under his hand exempt such mine from the provisions of this subclause or from such provisions as are specified in the notice. The exemption may be unlimited as to duration, or may have effect only for a period specified in the notice.

(2)

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*Coal Mines Regulation (Amendment).*

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(2) If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding in accordance with subclause one of this rule, the cage when men are being raised or lowered shall not be wound at a speed exceeding three miles an hour after the cage has reached a point in the shaft within thirty feet of the surface or the bottom of the shaft as the case may be.

Cover  
overhead.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (7).

*Rule 28.* Every cage shall be provided with catches or other suitable contrivance to prevent skips falling out, and if used for lowering or raising persons, shall be covered in completely at the top and closed in at the two sides in a sufficient manner to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be reached easily by all persons in the cage:

Provided that the provisions of this rule shall not apply where the cage or skip is worked by a windlass or where persons are employed at work in the shaft, or where a written exemption is given by the chief inspector.

Provision  
of keps.  
cf. 1 & 2  
Geo. V, c. 50,  
s. 40 (4).

*Rule 28A.* Keps for supporting the cage when at rest shall be provided at the surface level where mineral is usually unloaded, but shall not be provided at any intermediate landings in the shaft. The keps provided at the surface level, and also the keps, if any, provided at the bottom of the shaft, shall be used when persons are entering or leaving the cage.

The



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*Coal Mines Regulation (Amendment).*

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The foregoing requirement as to the provision of keps shall not apply to a system of winding by means of a single rope where the cages are held by the friction of the rope on the winding sheave.

*Rule 28B.* Where there is a ventilating shaft nearer to the centre of the working places than the shaft or tunnel used as a second means of egress the Minister may, on the recommendation of the chief inspector, require by notice under his hand that such shaft shall within the period specified in the notice, if any, be equipped with suitable and efficient machinery for raising or lowering persons therein, and the said machinery when installed shall be constantly maintained in safe working order, and shall be available for raising persons from the mine during the whole time that more than twenty employees are underground.

- (i) by omitting subparagraph (ii) of paragraph (a) of general rule thirty-three and by inserting in lieu thereof the following subparagraph:—
- (ii) be examined thoroughly at least once in every twelve months by a person licensed under the provisions of section forty-six of the Mines Inspection Act, 1901, to test and examine any boiler at a mine.
- (j) by inserting in general rule thirty-eight after the word "shall" where firstly occurring the words "be in or to the effect of the prescribed form and shall";
- (k) (i) by inserting in general rule thirty-nine after the word "miners" the words "and one of whom is the holder of at least a third-class certificate of competency or of service under this Act";

(ii)

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*Coal Mines Regulation (Amendment).*


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(ii) by omitting from the same general rule the words "once at least in every month" and by inserting in lieu thereof the words "at any time on giving reasonable notice to the manager;

(iii) by inserting in the same general rule after the word "machinery" the words and proviso "and also to examine the plan and section of the mine as provided by section thirty-five of this Act:

Provided that such inspection shall not be conducted so as to impede or obstruct the working of the mine";

(l) by inserting in general rule forty after the word "coal-getter" or the word "shale-getter" wherever occurring the words "or filler";

(m) by inserting next after general rule forty-three the following new general rule:—

*Rule 43A.*—A drill worked by mechanical power shall not be used for drilling in stone or rock unless—

(a) water is fed into the bottom of the hole; or

(b) a jet or spray of water is directed and kept directed into or about the hole; or

(c) other steps approved by the chief inspector are taken,

in such manner and to such extent as is necessary to prevent the issue of dust from the hole during the drilling operations:

Provided that where the drilling in stone or rock is done intermittently in a working-place and in conjunction with coal-getting operations the chief inspector, upon application in that behalf, may, by writing under his hand, grant an exemption in respect of the whole or any part of the provisions of this rule.

(n)

New general rule 43A.

Dust prevention.  
cf. Act No. 75, 1931,  
s. 55 (55).

*Coal Mines Regulation (Amendment).*

(n) by inserting next after paragraph (k) of sub-clause one of general rule forty-four the following new paragraph:—

General rule 44.

(1) no coal or coke fire shall be allowed in the interior of the building.

(2) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraph (c) of subsection two of section nine.

Amendment of Act No. 19, 1926, s. 9 (2) (c).

**15.** The Principal Act is further amended—

Further amendment of Act No. 37, 1912.

(a) by inserting next after section 56A the following new Division:—

New Division 1A.

DIVISION 1A.—*Regulations.*

56B. (1) The Governor may—

Power of Governor to make regulations.

(a) make regulations amending or repealing any or all of the general rules set out in section fifty-four of this Act;

cf. 1 & 2 Geo. V, c. 50, s. 86; Act No. 75, 1901, s. 56.

(b) make such regulations for the conduct and guidance of persons acting in the management of mines or employed in or about mines as may appear best calculated to prevent dangerous accidents and to provide for the safety, health, convenience, and proper discipline of persons employed in or about mines;

(c) make regulations dealing with—

(i) the care and treatment of horses or other animals used in or about mines;

(ii) the ventilation of mines and the regulation of the use of mechanical ventilating appliances;

(iii) the nature, maintenance, examination and inspection of all machinery used in or about mines;

(iv) the precautions to be taken against coal dust;

(v)

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*Coal Mines Regulation (Amendment).*

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- (v) the form of any notice, requisition, or document required by or under this Act, and for which express provision is not made in this Act;
- (vi) the method of service of any notice, requisition, or document required to be served on or sent to any person by or under this Act, and for which express provision is not made in this Act;
- (vii) any other matter dealt with in the general rules set out in section fifty-four of this Act;
- (viii) any other matter whatsoever involved in or connected with the control and working of mines and of works in which coal is carbonised or otherwise treated where such works are adjacent to and belonging to the mine.

(2) The regulations may apply either to all mines or to any specified class or description of mines, and may provide for the exemption of any specified class or description of mines either absolutely or subject to conditions specified in the regulations.

(3) The provisions contained in section 56c of this Act shall have effect with respect to the procedure for making regulations under this section.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

*Coal Mines Regulation (Amendment).*

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

56c. (1) Before any regulation is made under section 56b of this Act the Minister shall cause to be published in such manner as he may think best adapted for informing persons affected notice of the proposal to make the regulation and of the place where copies of the draft regulation may be obtained and of the time (which shall not be less than thirty days) within which any objection made with respect to the draft regulation by or on behalf of persons affected must be sent to the Minister.

Procedure  
for making  
regulations.  
cf. 1 & 2  
Geo. V, c. 50,  
Second  
Schedule,  
Part I.

(2) Every objection must be in writing, and state—

- (a) the specific grounds of objection ;
- (b) the omissions, additions, or modifications asked for.

(3) The Minister shall consider any objection made by or on behalf of any person appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulation, and the foregoing provisions shall apply to the amended draft in like manner as they apply to the original draft.

(4) If after the publication of the notice with respect to any such draft regulation (whether an original or amended draft) any general objection as defined in this section is made within the required time with respect to the draft and not withdrawn, the regulation shall not be made until the matter has been referred to the court for determination.

If

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*Coal Mines Regulation (Amendment).*

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If on any such reference the court considers that the draft regulation should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and effect shall be given to the recommendation in the regulation if made.

(5) If the Minister considers that any objection, though not a general objection, is of such a character that it is desirable to refer it to the court he may so refer it, and in that case the foregoing provisions shall apply as in the case of a general objection.

(6) If any objection, though not a general objection, is made on behalf of the owners of mines of any particular class or mines in any separate area, and it is alleged in the objection that having regard to the special natural conditions or special methods of working in mines of that class, or mines in that area, the proposed regulation ought not to apply to those mines, the Minister shall, unless he is of opinion that the objection is frivolous, refer it to the court, and in that case the foregoing provisions shall apply as in the case of a general objection.

(7) For the purposes of this section a general objection means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the draft regulation or, if such draft contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed.

The number of men employed shall be calculated in accordance with the returns for the last preceding year sent by owners of mines to the inspectors in pursuance of the provisions of this Act.

(b)

*Coal Mines Regulation (Amendment).*

- (b) by inserting in subsection three of section one after the words and symbols "DIVISION 1.—*General rules—ss. 54–56A*" the words and symbols "DIVISION 1A.—*Regulations—ss. 56B, 56C*"; Sec. 1 (3).  
(Division into parts.)
- (c) by inserting in section three after the definition of "Small mine" the following definition: "This Act" includes the regulations made thereunder. Sec. 3.  
(Interpretation.)
- (d) (i) by inserting in section fifty-six after the word "Act" where firstly occurring the words "or any regulation made under this Act"; Sec. 56.  
(Penalties.)
- (ii) by inserting in the same section after the words "general rules" where secondly occurring the words "or the said regulations";
- (iii) by omitting from the same section the words "said rules as regulations" and by inserting in lieu thereof the words "observance of the said rules and regulations";
- (e) by inserting in section sixty-four after the word "Act" where firstly and secondly occurring the words "and of the regulations made thereunder." Sec. 64.  
(Publication of abstract.)
- 16.** (1) The Principal Act is further amended by omitting sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, and sixty-two, and by inserting in lieu thereof the following sections:— Further amendment of Act No. 37, 1912.  
Substituted sections.
57. (1) Where the district inspector or the owner, agent, or manager of, or a majority of the workmen employed in any mine is of opinion that any regulation or general rule for the time being in force with respect to the mine ought in its application to that mine to be supplemented or modified, the inspector, or the owner, agent, or manager, or such majority of workmen, may transmit for the approval of the Minister special rules for the mine. Special rules. cf. 1 & 2 Geo. V, c. 50 s. 87.

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*Coal Mines Regulation (Amendment).*

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(2) Where any special rules have been transmitted under this section to the Minister for approval he shall consider the special rules and either approve or disapprove the same.

Where the Minister disapproves the special rules no further action shall be taken in the matter.

Before the Minister approves the special rules there shall be published, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the special rules and of the place where copies of the draft special rules may be obtained, and of the time (which shall not be less than thirty days) in which any objection with respect to the draft special rules made by or on behalf of persons affected must be sent to the Minister.

(3) Every objection must be in writing and state—

- (a) the specific grounds of objection ;
- (b) the omissions, additions, or modifications asked for.

(4) The Minister shall consider any objection made by or on behalf of persons appearing to him to be affected which is sent to him within the required time, and he may, before approving the special rules, require such amendments to be made therein as he may think fit.

(5) If any person who has sent any objection to any special rules transmitted for approval feel aggrieved by the refusal of the Minister to give effect to their objection, the objection shall be referred to the court for determination.

(6) If on any such reference the court considers that the special rules should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and the Minister before approving the special rules shall require that variation to be made.

(7) When special rules have been approved by the Minister they shall, as respects that mine, have effect until revoked as if they formed part of the general rules and the regulations applicable to the mine.

(8)



*Coal Mines Regulation (Amendment).*

(8) Where any special regulations are in force with respect to any mine they may be revoked, altered, or added to at the instance of the inspector of the district or of the owner, agent, or manager of, or a majority of the workmen employed in the mine in like manner and subject to the same provisions as the original special rules.

58. (1) The general rules and the regulations applicable to a mine as supplemented or modified by the special rules, if any, for the time being in force with respect to the mine shall be the rules of the mine. Rules of a mine. cf. 1 & 2 Geo. V, c. 50, s. 89.

(2) An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of the rules of the mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) that those rules are the rules of the mine and of the fact that they are duly made under this Act.

59. If any person who is bound to observe the rules of any mine acts in contravention of or fails to comply with any of them he shall be guilty of an offence against this Act, and also the owner, agent, and manager of such mine shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the rules, to prevent such contravention or non-compliance. Penalty for breach of rules of a mine. cf. *Ibid.* s. 90.

(2) All special rules established under the sections of the Principal Act repealed by subsection one of this section and in force at the commencement of this Act shall, to the extent to which the said special rules are not inconsistent with the provisions of the Principal Act, as amended by this Act, or with any regulations made under the Principal Act as so amended, remain in force until amended or revoked by regulations made under section 56B of the Principal Act, as amended, or by special rules made under section fifty-seven of the Principal Act as inserted by subsection one of this section.

(3)

*Coal Mines Regulation (Amendment).*

Consequential amendment of Act No. 19, 1926, s. 11.

Further amendment of Act No. 37, 1912, Fourth Schedule.

(3) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraphs (a), (b), and (c) of section eleven.

17. The Principal Act is further amended by inserting next after Part B of the Fourth Schedule the following new Parts :—

PART C.

PARTICULARS of Explosives, Coal-cutting Machines, Conveyors, and Safety-lamps used during the year ending 31st December, 19 .

I.—*Explosives.*

Name of explosive.	Quantity used (lbs.)	Estimated number of shots fired.		
		By electricity.	By fuse.	Total.
The number of miss-fire shots :—				
1. With electricity ... ..				
2. With fuse ... ..				
3. Otherwise ... ..				

II.—*Coal-cutting Machines and Conveyors.*

Description.	Number driven by—		Number of statute tons cut by—				Number of conveyors at coal face.
	Electricity.	Compressed air.	Electricity.		Compressed air.		
			Coal.	Other minerals.	Coal.	Other minerals.	
			Tons.	Description.	Tons.	Description.	

*Coal Mines Regulation (Amendment).*

III.—*Safety lamps.*

*Name and description of lamp.	Total number in use.	No. of lamps according to method of locking.				No. of lamps according to kind of illuminant.				
		Lead rivet.	Mag-netic.	Screw.	Other.	Colza or colza and petroleum	Petro-leum.	Volatile spirit.	Electri-city.	Other illumin-ant.

\* No. of gauzes, and whether shielded or not.

State the method of lighting the lamps, e.g., by electricity or otherwise ... ..

PART D.

*Type and aggregate horse-power of electrical apparatus.*

- 1.—System of supply (whether continuous current or alternating current) ... ..
- Voltage of supply ... ..
- Periodicity (if alternating current) ... ..
- Source of supply ... ..

2.—Voltage at which current is used for—

- Lighting ... ..
- Power ... ..

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*Coal Mines Regulation (Amendment).*


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 PART D--*continued.*


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 3.—Aggregate H.P. of motors installed on surface  
for—

Winding	...	...	...	...
Ventilation	...	...	...	...
Haulage	...	...	...	...
Coal washing or screening	...	...	...	...
Miscellaneous	...	...	...	...
Total H.P.	...	...	...	...

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 4.—Aggregate H.P. of motors installed below  
ground for—

Haulage	...	...	...	...
Pumping	...	...	...	...
Portable machinery	...	...	...	...
Miscellaneous	...	...	...	...
Total H.P.	...	...	...	...

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 5.—Total H.P. (addition of 3 and 4) ... ..
 

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(Signed).....

*Owner, Agent, or Manager*

Date.....

 Further  
amendment of  
Act No. 37, 1912.  
Fifth Schedule.  
Reg. 7 (g).

**18.** The Fifth Schedule to the Principal Act is  
amended—

- (a) by inserting next after the word "material" in paragraph (g) of regulation seven the words "provided by the owner and"
- Reg. 7 (j). (b) (i) by omitting from subparagraph (i) of paragraph (j) of regulation seven the words "or other treatment equivalent to watering";  
(ii)

*Coal Mines Regulation (Amendment).*

(ii) by inserting next after subparagraph (i) of the same paragraph the following new subparagraph :—

(ia) in any case in which efficient treatment with stone dust has been carried out, unless the place of firing and all contiguous accessible places, whether roof, floor, or sides are at the time of firing in a wet state from thorough watering in all parts where dust is lodged, within the following area, namely :—

Within a radius of five yards from the shot hole, and thence within such further distance (if any) as may be necessary to make the watering continuous from the shot hole to the point at which efficient treatment with stone dust has been carried out.

(e) by omitting regulations nine and ten and by inserting in lieu thereof the following regulation :

9. Where there are two or more shot-holes in the one place only one of such shot-holes shall be charged or stemmed at the one time and no other shot-hole shall be charged until the shot is fired.

(d) by omitting regulation twenty-five and by inserting in lieu thereof the following regulation :—

25. No shot shall be fired unless immediately before the shot is to be fired the shotfirer has examined the floor, roof, and sides of the place where the shot is to be fired and of all contiguous accessible places within a radius of twenty yards from the place where the shot is to be fired for coal-dust and has taken efficient steps to render any coal-dust within that area harmless and to otherwise comply with the requirements of paragraph (j) of regulation seven of these regulations.

*In the name and on behalf of His Majesty I assent to this Act.*

*Government House,  
Sydney, 7th October, 1931.*

PHILIP GAME,  
Governor.

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