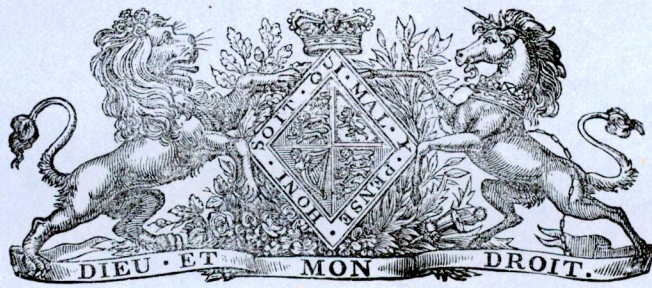


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, }
Sydney, 1 May, 1861. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

An Act for the better Regulation of Coal Fields and Collieries.

WHEREAS it is expedient to make better provision for the Regulation and Inspection of the Coal Fields and Collieries of the Colony Be it enacted by the Queen'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. The Act eighteenth Victoria number thirty-two for the Registration and Inspection of Coal Mines is hereby repealed Repeal of 18th Vict. No. 32 saving penalties thereunder. Provided that all penalties incurred thereunder may be proceeded for and recovered and applied as if the said Act were still in force.

2. For the purposes of this Act the following terms in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

- 15 "Minister"—The Minister for Lands.
- "Colliery"—Every Colliery and Coal Mine whether in actual work or discontinued or exhausted or abandoned and every shaft level and inclined plane in course of being made or driven for commencing or opening any such Colliery or Coal Mine and all works belonging thereto respectively.
- 20 "Owner"—The immediate proprietor lessee or occupier of any Colliery or any part thereof.
- "Agent"—Any person having for the time being on behalf of the owner the care and direction of any Colliery.
- 25 "District"—The Coal Districts respectively into which the Colony may be divided under this Act.

"Examiner"—

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“ Examiner ”—Examiner of Coal Fields for the District and where no such Examiner the Inspector or the Senior Inspector of the District if more than one.

“ Inspector ”—Inspector of Collieries for the purposes of this Act.

5 3. It shall be lawful for the Governor with the advice Governor in Council to appoint Examiner and other officers. aforesaid for the purposes of this Act to divide the Colony into Districts and to appoint to such Districts respectively Examiners and Inspectors and other officers and every such District and appointment shall be notified in the *Gazette* Provided that the Examiner of Coal Mines
10 appointed under the said hereby repealed Act shall be the first Examiner under this Act and shall also be the Keeper of Mining Records.

4. It shall be the duty of the Examiners of the respective Duties of Examiners. Districts with the aid of the Inspectors and such other officers as aforesaid to ascertain the state and condition of all Collieries and to obtain
15 plans of all workings thereof and reports of all accidents therein and other matters of importance connected therewith and especially of every breach of any of the provisions of this Act in relation thereto and also touching every discovery relating to the existence of coal or other
20 minerals on any Crown Lands and from time to time as they may deem needful or be required by the Minister for Lands to report to him all such matters And such Examiners shall furnish owners or agents requiring the same with a certified copy or tracing of any such plan on payment of a fee sufficient to cover the cost of the same.

5. On the occasion of any examination or inspection of a Colliery Owners or agents to produce plans.
25 the owner or agent shall produce to the Examiner or Inspector or to any other person duly authorized by the Examiner an accurate plan of the workings thereof and in default of such production or if the Examiner Inspector or such other authorized person finds that any part of any plan is withheld or any part of the workings of the Colliery is concealed from
30 his inspection or that any plan produced is imperfect or inaccurate he may require an accurate plan of the actual workings of such Colliery to be made within a reasonable time by and at the expense of the owner on a scale of not less than two chains to the inch or on such other scale as the plan then in use in the Colliery
35 is constructed on And every such plan as aforesaid shall shew the workings of the Colliery up to within six months of the time of the inspection and the owner or agent shall if required by such Examiner Inspector or other authorized person cause to be marked on such plan the progress of the workings of the Colliery up to the time of such inspection and shall also
40 on the requisition in writing of the Examiner furnish him with a copy or tracing of any such plan shewing the progress of the workings of the Colliery up to the time of the inspection thereof.

6. When any Colliery is abandoned or the working thereof Notice to be given of the abandonment and opening of mines. discontinued or when after any abandonment or discontinuance for more
45 than two months the working thereof is recommenced or when any workings are commenced for opening a new Colliery the owner or agent shall give notice thereof to the Examiner of the District by letter delivered or sent through the Post within one month after such abandonment discontinuance recommencement or commencement And in every such
50 case of abandonment or discontinuance the Colliery shall be and be kept securely fenced by the owner or agent.

7. After the thirty-first day of December next no person under Persons under twelve years old not to work in Colliery. the age of twelve years shall work in any Colliery or be in any Colliery for the purpose of working or in any way assisting therein And
55 every owner or agent or other person who shall employ or knowingly permit any person under that age to work or in any way whatever assist in working in any Colliery shall be deemed guilty of a misdemeanor.

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8. Wherever any entrance to any Colliery or any communication within any part of any Colliery to any other part thereof shall be by means of a vertical shaft or pit or inclined plane no person other than a male of the full age of eighteen years and who shall produce a certificate of competency from the Examiner shall have charge of any steam engine or other engine windlass or gin (whether driven or worked by manual labour or any other power) or of any part of the machinery ropes chains or other tackle by or by means of which engine machinery ropes chains or other tackle persons are brought up or passed down any such vertical shaft or pit or inclined plane And every owner or agent or other person who shall employ or knowingly permit any person other than as aforesaid to have any such charge shall be deemed guilty of a misdemeanor.

None but males
eighteen years old
to work engine &c.

9. The following General Rules shall be observed in every Colliery—

General Rules.

- (1.) Ventilation shall be constantly produced of adequate amount to dilute and render harmless all noxious gases and to such an extent that all working places of the pits levels and workings of the Colliery and the travelling roads to and from such working places shall be so ventilated except in the case of such Colliery being abandoned as hereinbefore referred to.
- (2.) All entrances to any place not in actual course of working and extension and suspected to contain or be liable to engender dangerous gas of any kind shall be properly walled off so as to prevent access thereto.
- (3.) Whenever any safety-lamp is required to be used it shall be first examined and securely locked by some person duly authorized for that purpose who shall keep the only key thereof.
- (4.) Every shaft or pit which is out of use or used only as an air pit shall be securely fenced.
- (5.) Every working or pumping pit or shaft shall be properly fenced when operations shall have ceased or been suspended.
- (6.) Every working and pumping pit or shaft where the natural strata are not safe shall be securely cased or lined or otherwise made secure.
- (7.) Every working pit or shaft shall be provided with some proper means of communicating distinct and definite signals from the bottom of the shaft to the surface and from the surface of the shaft to the bottom.
- (8.) All underground self-acting and engine planes on which persons travel shall be provided with some proper means of signalling between the stopping places and the ends of the planes and with sufficient places of refuge at the sides of such planes at intervals of not more than twenty yards.
- (9.) A sufficient cover over head shall be used when lowering or raising persons in every working pit or shaft.
- (10.) No single-linked chain shall be used for lowering or raising persons in any working pit or shaft and no material shall be lowered or raised in the same cage with any person.
- (11.) Flanges or horns of sufficient length or diameter shall be attached to the drum of every machine used for lowering or raising persons.
- (12.) A proper indicator to shew the position of the load in the pit or shaft and also an adequate break shall be attached to every machine worked by steam or water power used for lowering or raising persons.

(13.)

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(13.) Every steam boiler shall be provided with a proper steam-gauge water-gauge and safety-valve.

(14.) The fly-wheel of every engine shall be securely fenced.

5 (15.) Sufficient boreholes shall be kept in advance and on both sides to prevent inundations in every working approaching a place likely to contain a dangerous accumulation of water.

10 10. There shall also be established and observed in every Colliery such Special Rules for the conduct and guidance of the persons acting in the management thereof and of all persons employed in or about the same as shall from time to time be approved by the Governor with the advice aforesaid and published in the *Gazette*.

15 11. For the purpose of making known the General and Special Rules to all persons employed in or about each Colliery the owner or agent thereof shall cause the General Rules aforesaid and also all Special Rules applicable to each Colliery to be painted on a board or printed upon paper and pasted on a board to be hung up or affixed on some conspicuous part of the principal office or place of business at such Colliery and at the place where the workmen thereof are paid And all rules so painted or printed and hung up shall be renewed and restored with all reasonable dispatch as often as the same or any part thereof may be defaced obliterated or destroyed And a printed copy of such General and Special Rules shall be supplied to every person before he shall be employed in and about the Colliery.

25 12. With a view to determining the proper Special Rules to be established the owner of every Colliery shall frame and transmit to the Minister Special Rules for such Colliery Provided always that such Special Rules shall be hung up in the manner directed by the next preceding section for fourteen days before the same are so transmitted and such Special Rules shall be so transmitted for every 30 Colliery in work at the commencement of this Act within three months after such commencement and for every such Colliery not then in work within three months after the working thereof shall be commenced or renewed and such rules when approved by the 35 Governor with the advice aforesaid shall be published in the *Gazette* as aforesaid Provided that if not so approved the Minister shall within forty days after the receipt thereof propose and transmit to the owner any alterations in or additions to the same or the substitution of any other rules therefor or for any 40 of them And if such owner object to any such alteration or addition or substituted rules he may within fourteen days after his receipt of the same give notice thereof to the Minister and thereupon the Minister shall appoint one or more persons not interested or employed in such Colliery to be arbitrator or arbitrators to determine the matters in 45 difference and to decide what special rules shall be established in such Colliery And the determination of such arbitrator or of such arbitrators or the majority of them if more than two shall be final and the Special Rules as approved by him or them shall be established accordingly and be published as aforesaid.

50 13. It shall be lawful for the Examiner or any Inspector of the District to enter inspect and examine any Colliery at all reasonable times by day or night but so as not to impede or obstruct the working of such Colliery and to make inquiry into the state and condition thereof or the works and machinery and the ventilation or 55 drainage thereof and the mode of lighting or using lights therein and into all matters connected with or relating to the safety of the persons employed in or about the same and especially to make inquiry whether the provisions of this Act are complied with in relation to such Colliery And the owner or agent of such Colliery is hereby required to furnish 60 all means necessary for such entry inspection examination and inquiry.

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14. If any Inspector find on any such inspection examination or inquiry any Colliery or the works or machinery thereof or any matter or practice in or connected therewith to be dangerous or defective so as in his opinion to threaten or tend to the bodily injury of any person he shall give notice in writing to the owner or agent of the particular grounds on which such Inspector is of opinion that such Colliery or any part thereof or any other of the particulars aforesaid is dangerous or defective and shall also report the same to the Examiner of the District And if the owner or agent object to remove or remedy the danger or defect which is the subject of such notice within twenty days such owner or agent may after the receipt of such notice give notice thereof to the Minister and thereupon the Minister shall appoint one or more persons not interested or employed in such Colliery to be an arbitrator or arbitrators and thereupon further proceedings shall be had for the final determination of the matters in difference as provided in the case of Special Rules and if the said owner or agent after having been furnished with a copy of the award shall neglect forthwith to take measures for removing or remedying any danger or defect which according thereto ought to be removed or remedied such owner shall be liable to a penalty of One pound for every day during which such owner or agent so neglect.
15. Whenever in any Colliery there shall be in the opinion of the Examiner of the District reasonable cause for apprehending imminent danger it shall be lawful for him to suspend the working of the Colliery And he shall forthwith report the suspension to the Minister with his reason for such suspension.
16. Whenever any Colliery or any part of the workings thereof is on fire the owner or agent shall immediately take all available measures for isolating and putting out the fire and in default of his so doing the Examiner shall adopt such means as may seem to him needful from day to day for its isolation and extinction and may recover the expenses from time to time as they are incurred by him from such owner by proceedings if necessary in the District Court as any debt.
17. The costs of every arbitration under this Act shall be defrayed and paid by the owners of the respective Collieries to which such arbitrations relate.
18. Whenever loss of life or serious personal injury to any person employed in or about any Colliery occurs by reason of any explosion or other accident whatever within such Colliery or any pit or shaft thereof or any works or machinery connected therewith the owner or agent shall within twenty-four hours next after such accident give notice in writing thereof and of the loss of life or serious personal injury occasioned thereby to the Minister and to the Examiner of the District within which such accident shall have occurred and shall specify in such notice the probable cause thereof and such notice may be delivered or transmitted through the Post And every owner or agent who neglects to send or cause to be sent such notice within the time aforesaid shall for every such offence be liable to a penalty not exceeding Twenty pounds.
19. Every Coroner holding an inquest upon the body of any person whose death may have been caused by any such accident shall unless the Examiner or Inspector of the District or some person on behalf of the Minister be present to watch the proceedings at such inquest adjourn the same and by letter delivered or sent through the Post four days at the least before holding the adjourned inquest give notice of the time and place of holding the same Provided that such Coroner may before such adjournment take evidence to identify the body and order the interment thereof Provided also that if the accident

Inspectors to give notice of matters not provided for by rules.

Suspension of works on any imminent danger.

Colliery on fire.

Costs of arbitrations to be paid by owners.

Notice of accidents in mines.

Adjournments of inquests on deaths from accidents.

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accident has not occasioned more than one death and notice of the inquest has been given by the Coroner not less than forty-eight hours before the time of holding the same it shall not be imperative on the Coroner to adjourn such inquest if the majority of the jury think it unnecessary
 5 And the Examiner Inspector or other authorized person shall be at liberty to examine or cross-examine any witness at any such inquest.

20. If any Colliery be worked and through the default of the owner or agent thereof Special Rules have not been established for the same according to the provisions of this Act or the General or Special
 10 Rules have not been hung up or affixed or have not after obliteration or destruction been renewed or restored or if any of such General or Special Rules which ought to have been observed by the owner agent or viewer of such Colliery be neglected or wilfully violated by any such owner agent or viewer such person shall be liable to a penalty not exceeding Twenty
 15 pounds and also in case the default or neglect be not remedied with all reasonable dispatch after notice in writing thereof given by the Examiner or Inspector to the owner or agent of such Colliery to a further penalty of One pound for every day during which the offence continues after such notice And every person other than as aforesaid
 20 employed in or about any Colliery who neglects or wilfully violates any of the Special Rules established for such Colliery shall for every such offence be liable to a penalty not exceeding Five pounds or to be imprisoned with or without hard labour for any period not exceeding Three months.

21. Every person who wilfully obstructs any Examiner or Inspector in the execution of this Act and every owner or agent of any Colliery who refuses or neglects to make or produce as hereinbefore required a plan of the workings of the Colliery or to furnish the means necessary for making any entry inspection examination or inquiry under
 30 this Act shall for every such offence be liable to a penalty not exceeding Fifty pounds.

22. Every person who pulls down injures or defaces any notice hung up or affixed as required by this Act shall for every such offence be liable to a penalty not exceeding Forty shillings.

23. Every person who wilfully violates or neglects any provision of this Act for the violation or neglect of which no penalty is hereby expressly imposed shall for every such offence be liable to a penalty not exceeding Ten pounds.

24. All penalties imposed by this Act may be recovered summarily before two or more Justices of the Peace Provided that every information be laid within three months after the commission of the offence And all penalties imposed by this Act shall when recovered be paid to the Colonial Treasurer and shall be carried to and form part of the Consolidated Revenue Fund of the Colony Provided also that it
 45 shall be lawful for the Governor with the advice aforesaid to direct that any penalty imposed for neglecting to send or cause to be sent notice of any accident as required by this Act or for any offence against this Act which may have occasioned loss of life or personal injury shall be paid to or among any relative or relatives of the deceased person or to
 50 the injured person not being a person who occasioned or contributed to the accident or committed the offence.

25. A copy of the Special Rules for the time being established in any Colliery certified under the hand of the Examiner of the District to be a copy of the Special Rules established in such Colliery shall be
 55 evidence of such Special Rules and of their being duly established under this Act without further proof.

26. Every Inspector shall on or before the thirty-first day of January and the thirty-first day of July in every year make a report
 in

Penalties for offences against this Act.

Penalty for obstructing Inspectors.

Penalty for defacing notices.

Penalty for offences not expressly provided for.

Penalties how recoverable and to be applied.

Certified copy of Special Rules to be evidence.

Reports of Inspectors.

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in writing of his proceedings during the respective half-years ending on the next preceding thirty-first day of December and thirtieth day of June and transmit the same to the Examiner of the District.

27. The wages of every person employed in every Colliery shall ^{Wages to be paid directly and in cash.} be paid by his immediate employer to such person or his duly authorized representative in money and not otherwise at an office and at fixed times to be determined for that purpose by the Special Rules for each Colliery And such office shall not be contiguous to any house where spirits wine beer or other spirituous liquors are sold And every owner or agent or such employer who shall pay or permit to be paid any wages to any person in his employ contrary to this enactment shall for every such offence be liable to a penalty not exceeding Ten pounds.

28. Every person employed in any Colliery who is paid according to the weight measure or guage of coal or other material gotten by him ^{Where payment is by weight &c. an account may be taken.} may at his own cost station any other person employed in such Colliery at the place appointed for weighing measuring or guaging in order to take an account of the weight measure or guage used therein on behalf of his employer Provided that the person taking such account shall not in any way impede or interrupt the working of the Colliery or interfere with the weighing measuring or guaging and that his absence shall not be a reason for delaying or interrupting the same.

29. This Act shall commence and come into operation on the ^{Commencement and short title.} Thirty-first day of December next And shall be styled and may be cited as the "Coal Fields Regulation Act of 1861."

