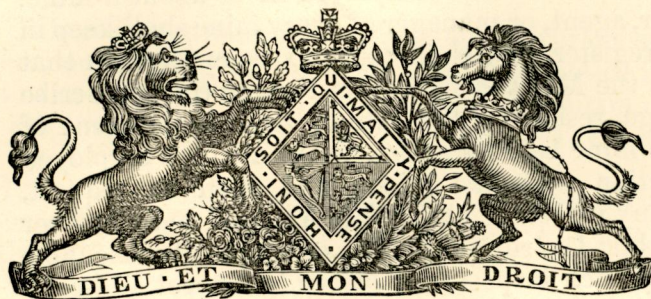


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 21 March, 1893. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No .

An Act to make better provision for the Regulation of Coal Mines and Collieries and for other purposes connected therewith.

WHEREAS it is expedient to make better provision for the regulation and inspection of Coal Mines and Collieries and certain other Mines : Be it therefore 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. (I) This Act shall come into operation on the first day of July, one thousand eight hundred and ninety-three (which date is in this Act referred to as the commencement of this Act), and may be cited as the "Coal Mines Regulation Act, 1893."

(II) This Act shall apply to mines of coal and mines of shale.

PART I.

Employment of Male Persons.

2. No person shall, except in case of emergency or when life or property are in danger, work below ground in any mine for more than eight hours (inclusive of one break of twenty minutes for the purpose of obtaining food) on Monday, Tuesday, Wednesday, Thursday, and Friday, and for more than six hours on each alternate Saturday:

507—A

And

Coal Mines Regulation.

And no person so employed below ground shall draw or hew coal on the pay Saturday, save and excepting the drawing of small coal necessary for the ventilation of the mine during the succeeding fortnight; and any contravention of this section by any person whomsoever shall be deemed an offence against this Act.

Employment of Boys and Females.

3. (I) Subject to the provisions of section seventy-two of this Act (dealing with the employment of boys), no boy under the age of fourteen years and no female shall be employed in or about a mine. Employment and registration of boys and females.

10 (II) The owner, agent, or manager of every mine shall keep in the office at the mine a register, and shall cause to be entered in that register, in such form as the Minister may from time to time prescribe or sanction, the name, age, residence, and date of first employment of all boys employed in the mine below ground, and of all boys employed 15 above ground in connection with the mine; and shall on request, produce the register to any inspector under this Act, and to any officer of the Department of Public Instruction, at the mine, at all reasonable times, and shall allow any such inspector or officer to inspect and copy the same.

20 (III) The immediate employer of every boy, other than the owner, agent, or manager of the mine, before he causes the boy to be below ground in any mine, shall report to the manager of the mine, or to some person appointed by that manager, that he is about to employ the boy in the mine.

25 4. If any person contravenes or fails to comply with or permits any person to contravene or fail to comply with any provision of this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys, he shall be guilty of an offence against this Act; and in the event of 30 any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the 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 provisions of this Act, to prevent the contravention or 35 non-compliance. Penalty for employment of persons in contravention of Act.

Wages.

5. (I) No wages shall be paid to any person employed in or about any mine at or within any public-house, beer-shop, or place for the sale of any spirits, beer, wine, cider, or other spirituous or 40 fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith. Prohibition of payment of wages at public-houses, &c.

(II) Every person who contravenes or fails to comply with or permits any person to contravene or fail to comply with this section shall be guilty of an offence against this Act; and in the event of any 45 such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the 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 provisions of this section, to prevent the contravention 50 or non-compliance.

6. (I) Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and unless otherwise 55 mutually agreed upon all the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable: Provided that nothing in this section shall preclude the owner, agent, or manager Payment of persons employed in mines by weight.

Coal Mines Regulation.

manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, such
 5 deductions being determined in such special mode as may be agreed upon between the owner, agent, or manager of the mine on the one hand, and the persons employed in the mine on the other; or by some person appointed in that behalf by the owner, agent, or manager,
 10 mentioned) by such person and such check weigher, or in case of difference by a third person to be mutually agreed on by the owner, agent, or manager of the mine on the one hand, and the persons employed in the mine on the other, or in default of agreement appointed by a Chairman of a Court of Quarter Sessions within the
 15 jurisdiction of which any shaft of the mine is situate.

(II) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with this section, he shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever,
 20 the owner, agent, and manager of the 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 provisions of this section to prevent the contravention or non-compliance.

(III) That nothing in this Act shall be held to authorise or give any power to any owner or manager of a mine to pay miners by the method known as the standard weight system, and from and after the passing of this Act that system shall be and is hereby abolished.

(IV) Where it is proved to the satisfaction of the Minister,
 30 in the case of any mine or class of mines employing not more than twenty persons under ground, to be expedient that the persons employed therein should, upon the joint representation of the owner or owners of any such mine or class of mines and the said persons, be paid by any method other than that provided by this Act, such
 35 Minister may, if he think fit, by order allow the same either without conditions or during the time and on the conditions specified in the order.

7. (I) The persons who are employed in a mine, and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person (in this Act referred to as "a check weigher")
 40 at each place appointed for determining the deductions, in order that he may, on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral, or determine correctly the deductions, as the case may be.

(II) A check weigher shall have every facility afforded to
 45 him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing machine, and checking the taring of tubs and trams where necessary; and if at any mine proper facilities are not afforded to a check weigher as required by this section, the owner, agent, and manager of the mine
 50 shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

(III) A check weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the
 55 weighing, or with any of the workmen, or with the management of the mine; but shall be authorised only to take such account or determine such deductions as aforesaid, and the absence of a check weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such

Appointment on part of men, and removal of check weigher.

Coal Mines Regulation.

such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner, agent, or manager, unless the absent check weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may
 5 be, would not be proceeded with: Provided always that nothing in this section shall prevent a check weigher giving to any workman an account of the mineral gotten by him, or information with respect to the weighing or the weighing machine, or the taring of the tubs or trams, or with respect to the deductions, or any other matter within the scope
 10 of his duties as check weigher, so always, nevertheless, that the working of the mine be not interrupted or impeded.

(iv) If the owner, agent, or manager of the mine desires the removal of a check weigher on the ground that the check weigher has impeded or interrupted the working of the mine, or interfered with
 15 the weighing or with any of the workmen, or with the management of the mine, or has at the mine, to the detriment of the owner, agent, or manager, done anything beyond taking such account, determining such deductions, or giving such information as aforesaid, he may complain to a court of summary jurisdiction, who, if of opinion that
 20 the owner, agent, or manager shows sufficient *prima facie* ground for the removal of the check weigher, shall call on the check weigher to show cause against his removal.

(v) On the hearing of the case the Court shall hear the parties, and if they think that at the hearing sufficient ground is shown
 25 by the owner, agent, or manager to justify the removal of the check weigher, shall make a summary order for his removal, and the check weigher shall thereupon be removed, but without prejudice to the stationing of another check weigher in his place.

(vi) The Court may in every case make such order as to
 30 the costs of the proceedings as the Court may think just.

(vii) If, in pursuance of any order of exemption made by the Minister, the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of this Act shall apply in like manner as if the term "weighing" included measuring
 35 and gauging, and the terms relating to weighing shall be construed accordingly.

(viii) If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check weigher in the proper discharge of his duties, or improperly interferes with or
 40 alters the weighing machine or the tare in order to prevent a correct account being taken of the weighing and taring, he shall be guilty of an offence against this Act.

8. (i) Where a check weigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine
 45 who are paid according to the weight of the mineral gotten by them, and has acted as such, he may recover from any person for the time being employed at such mine and so paid, his proportion of the check weigher's wages or recompense, notwithstanding that any of the persons by whom the check weigher was appointed may have left the
 50 mine or others have entered the same since the check weigher's appointment, any rule of law or equity to the contrary notwithstanding.

(ii) It shall be lawful for the owner or manager of any mine, where the majority of the before-mentioned persons, ascertained as aforesaid, so agree, to retain the agreed contribution of the persons
 55 so employed and paid as aforesaid for the check weigher, and to pay and account for the same to the check weigher.

9. (i) The "Weights and Measures Act," sixteenth Victoria
 number thirty-four, and any Act relating to weights and measures, shall apply to all weights, balances, scales, steelyards, and weighing
 machines

Remuneration of
check weigher.

Application of 16
Vict. No. 34, to
weights, &c., used in
mines.

Coal Mines Regulation.

machines used at any mine for determining the wages payable to any person employed in the mine according to the weight of the mineral gotten by him, in like manner as it applies to weights, balances, scales, steelyards, and weighing machines used for buying and selling, 5 or for trade.

(II) An inspector of weights and measures appointed under the said Act shall once at least in every six months inspect and examine in manner directed by the said Act the weights, balances, scales, steelyards, and weighing machines used or in the possession of 10 any person for use as aforesaid at any mine within his district; and shall also make such inspection and examination at any other time in any case where he has reasonable cause to believe that there is in use at the mine any false or unjust weight, balance, scale, steelyard, or weighing machine, or when required by the manager or majority of 15 employers so to do.

(III) The inspector shall also inspect and examine the measures and gauges in use at the mines within his district; but nothing in this section shall prevent or interfere with the use of the measures or gauges ordinarily used at the mine.

(IV) An inspector may, for the purposes of this section, without any authorisation from a Justice of the Peace, exercise at or in any mine, as respects all weights, measures, scales, balances, steel- yards, and weighing machines used or in the possession of any person for use at or in that mine, all such powers as he could exercise, if 20 authorised in writing by a Justice of the Peace, under the Weights and Measures Act, with respect to any such weights, measures, scales, balances, steelyards, and weighing machines as therein mentioned; and all the provisions of sections seventeen and eighteen of that Act, including the liability to penalties, shall apply to such inspection.

(V) The inspector of weights and measures shall not, in fulfilling the duties required of him under this section, impede or obstruct the working of the mine. 30

Single Shafts.

10. (I) After the commencement of this Act the owner, agent, 35 or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts or outlets are complied with, that is to say,—

(a) There must be at least two shafts or outlets, with which every 40 seam for the time being at work in the mine shall have a communication, so that such shafts or outlets shall afford separate means of ingress and egress available to the persons employed in every such seam, whether the shafts or outlets belong to the same mine or to more than one mine.

(b) Such shafts or outlets must not at any point be nearer to one 45 another than fifty yards, and there shall be between such two shafts or outlets a communication not less than six feet wide and six feet high, and in the case of communications made after the commencement of this Act between shafts or outlets, not less than six feet high. 50

(c) Proper apparatus for raising and lowering persons at each such shaft or outlet shall be kept on the works belonging to the mine, and such apparatus if not in actual use at the shafts or outlets shall be constantly available for use.

(d) Every mine shall be provided with some automatic con- 55 trivance to prevent overwinding.

(II) Every owner, agent, and manager of a mine who acts in contravention of or fails to comply with this section shall be guilty of an offence against this Act.

(III)

Prohibition of single shafts.

Coal Mines Regulation.

(III) The Supreme Court, whether any other proceedings have or have not been taken, may, on the application of the Attorney-General, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment in contravention of this section, and may award such costs in the matter of the injunction as the Court thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

(IV) Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner, agent, or manager of the mine not less than ten days before the application is made.

11. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine, where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets. Agreements not to preclude compliance with Act.

12. The foregoing provisions of this Act with respect to shafts or outlets shall not apply— Exceptions from provisions as to shafts.

(I) In the case of a new mine being opened—

(a) to any working for the purpose of making a communication between two or more shafts;

(b) to any working for the purpose of searching for or proving minerals;

so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft or outlet: nor

(II) To any proved mine so long as it is exempted by order of the Minister on the ground either—

(a) that the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second shaft or outlet, or by establishing communication with a second shaft or outlet, in any case where such communication existed and has become unavailable; or

(b) that the workings in any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working, notwithstanding that one of the shafts or outlets may be cut off by so working away the pillars of that seam;

and so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft or outlet; nor

(III) To any mine—

(a) while a shaft is being sunk, or an outlet being made; or

(b) one of the shafts or outlets of which has become, by reason of some accident, unavailable for the use of the persons employed in the mine;

so long as the mine is exempted by order of the Minister, and as the conditions (if any) annexed to the order of exemption are duly observed.

The provision in this Act requiring the two shafts or outlets of a mine to be separated by a distance of not less than fifty yards shall not apply to any mine which is provided with two shafts sunk before the first day of January one thousand eight hundred and ninety-three, but at that time separated by a distance of less than ten feet, or commenced to be sunk before the commencement of this Act but separated

Coal Mines Regulation.

separated by a distance of more than ten feet and less than fifty yards. The foregoing provisions of this Act as to the dimensions of the communication between two shafts or outlets shall not apply to any mine or class of mines so long as the same is exempted therefrom by order of the Minister by reason of the thinness of the seams or other exigencies affecting that mine or class of mines, and so long as the conditions (if any) annexed to the order of exemption are duly observed.

Division of Mine into Splits.

10 13. (I) Where two or more parts of a mine are worked separately, the owner, agent, or manager of the mine shall give notice in writing to that effect to the inspector of the district, and thereupon each such part shall, for all purposes of this Act, be deemed to be a separate mine. Division of mine into splits.

15 (II) If the Minister is of opinion that the division of a mine in pursuance of this section tends to lead to evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to the division by notice served on the owner, agent, or manager of the mine; and the owner, agent, or manager, if he declines to acquiesce in such objection, may, within twenty days after receipt of the notice, send a notice to the inspector of the district, stating that he declines so to acquiesce, and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of the last-mentioned notice shall be deemed to be the date of the reference.

(III) Within six months after the commencement of this Act, every mine, unless worked on the long-wall system, shall be divided into districts or splits of not more than sixty men exclusive of wheelers and horses; and each district shall be supplied with a separate current of fresh air, which shall be taken to within fifteen yards of each working face by brattice or otherwise where gas does not exist, and to within three yards of the working face where gas does exist.

Certificated Managers.

35 14. (I) After one year from the passing of this Act, every mine shall be under a manager, who shall be responsible for the control, management, and direction of the mine, and the owner or agent of every such mine shall nominate himself or some other person to be the manager of such mine, and shall send written notice to the inspector of the district of the manager's name and address. Appointment of manager of mine.

(II) A person shall not be qualified to be a manager of a mine unless he is for the time being registered as the holder of a first-class certificate under this Act, or under the Imperial Act fifty and fifty-one Victoria, chapter fifty-eight, or any Act thereby repealed.

45 (III) If after one year from the passing of this Act any mine is worked for more than fourteen days without there being such a manager for the mine as is required by this section, the owner and agent of the mine shall each be liable to a fine not exceeding fifty pounds, and to a further fine not exceeding ten pounds for every day during which the mine is so worked; provided that:—

(a) The owner of the mine shall not be liable to any such fine if he proves that he had taken all reasonable means by the enforcement of this section to prevent the mine being worked in contravention to this section.

55 (b) If for any reasonable cause there is for the time being no manager of a mine qualified as required by this section, the owner or agent of the mine may appoint any competent person

Coal Mines Regulation.

person not holding a certificate under this Act to be manager, for a period not exceeding two months or such longer period as may elapse before such person has an opportunity in the district wherein the mine is situate of obtaining by examination a certificate under this Act, and shall send to the inspector of the district a written notice of the manager's name and address, and of the reason for his appointment; and

5 (c) A mine in which not more than ten persons are employed below ground shall be exempt from the provisions of this section, unless the inspector of the district, by notice in writing served on the owner or agent of the mine, requires that it be under the control of a manager.

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15. (I) In every mine required by this Act to be under the control of a certificated manager, daily personal supervision shall be exercised either by the manager or by a duly qualified under-manager, in accordance with the provisions of this Act, nominated in writing by the owner or agent of the mine.

Daily supervision of mine by manager or under-manager.

(II) After one year from the passing of this Act every person so nominated and then exercising supervision of a mine must hold either a first-class or second-class certificate under this Act or under the Imperial Act, fifty and fifty-one Victoria chapter fifty-eight, or any Act thereby repealed, or a certificate of service under section seventy of this Act, or under any of the said Imperial Acts, and shall, in the absence of the manager, have the same responsibility, and be subject to the same liabilities as the manager under this Act; but the nomination of an under-manager shall not affect the personal responsibility of the manager under this Act.

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16. A contractor while so contracting for mineral, or person employed by such a contractor, is not eligible for the post of manager or under-manager under this Act.

30 Disqualifications for post of manager or under-manager.

17. (I) There shall be two descriptions of certificates of competency under this Act—(1) first-class certificates, that is to say, certificates of fitness to be manager; and (2) second-class certificates, that is to say, certificates of fitness to be under-manager; but no person shall be entitled to a certificate under this Act unless he has had practical experience in a mine for at least five years.

35 Constitution of board for appointing examiners for granting certificates of competency to managers and under-managers.

(II) For the purpose of granting certificates of competency for the purposes of this Act, a Board of examiners shall be appointed consisting of—

- 40 (a) Two persons employed or who have been employed in or about any mine in this Colony;
- (b) Two persons practising as mining engineers, agents, or managers of mines, or coal viewers in this Colony; and
- (c) One inspector under this Act.

45 (III) The members of the board shall be appointed and may be removed by the Minister, and shall hold office during his pleasure.

18. The Minister may from time to time make, alter, and revoke rules as to the places and times of examinations of applicants for certificates of competency under this Act, the number and remuneration of the examiners, and the fees to be paid by the applicants, so that the fees do not exceed those specified in Schedule Two to this Act. Every such rule shall be observed by the Board appointed under this Act.

50 Rules by Minister as to examinations.

19. (I) The Minister shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, such a certificate of competency as the case requires. The certificate shall be in such form as the Minister from time to time directs.

Grant of certificates to applicants on passing examination.

(II)

Coal Mines Regulation.

(II) A register of the holders of certificates of competency or service under this Act and under any of the Imperial Acts aforesaid shall be kept by such person and in such manner as the Minister from time to time directs.

5 20. If at any time representation is made to the Minister by an inspector or otherwise that any manager or under-manager holding a certificate under this Act or under any Imperial Act is by reason of incompetency or gross negligence, unfit to discharge his duties, or has been convicted of an offence against this Act, the Minister may, if he
10 think fit, cause inquiry to be made into the conduct of the manager or under-manager, and with respect to every such inquiry the following provisions shall have effect:—

Inquiry into competency of manager and cancellation of certificate in case of unfitness.

15 (I) The inquiry shall be public, and shall be held at such place as the Minister may appoint by such District Court Judge, Police Magistrate, Stipendiary Magistrate, or other person or persons, as may be directed by the Minister, and either alone or with the assistance of any assessor or assessors named by the Minister.

20 (II) The Minister shall, before the commencement of the inquiry, furnish to the manager or under-manager a statement of the case on which the inquiry is instituted.

(III) Some person appointed by the Minister shall undertake the management of the case.

25 (IV) The manager or under-manager may attend the inquiry by himself, his counsel, solicitor, or agent, and may, if he thinks fit, be sworn and examined as an ordinary witness in the case.

30 (V) The person or persons appointed to hold the inquiry, in this Act referred to as the court, shall, on the conclusion of the inquiry, send to the Minister a report containing a full statement of the case, and the opinion of the court thereon, and such report of, or extracts from the evidence, as the court may think fit.

35 (VI) The court shall have power to cancel or suspend or otherwise deal with the certificate of the manager or under-manager, if it finds that he is by reason of incompetency or gross negligence, or of his having been convicted of any offence against this Act, unfit to discharge his duty.

40 (VII) The court may, if it thinks fit, require a manager or under-manager to deliver up his certificate, and if any manager or under-manager fails without sufficient cause to the satisfaction of the court, to comply with such requisition, he shall be liable to a fine not exceeding *one hundred* pounds. The court shall hold a certificate so delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend, or otherwise deal with the certificate according to its judgment on the case.

45 (VIII) The court shall have for the purpose of the inquiry, all the powers of a court of Petty Sessions, and all the powers of an inspector under this Act.

50 (IX) The court may also, by summons signed by the court, require the attendance of all such persons as it thinks fit to summon and examine for the purpose of the inquiry; and every person so summoned shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court; and in case of dispute as to the amount
55 to be allowed, the same shall be referred by the court to the Prothonotary who, on request signed by the court, shall ascertain and certify the proper amount of such expenses.

21. (I) The court may make such order as it thinks fit respecting the costs and expenses of the inquiry, and such order shall, on the
60 application of any party entitled to the benefit thereof, be enforced by any

Costs and expenses of inquiry.

Coal Mines Regulation.

any Stipendiary or Police Magistrate or any two Justices of the Peace in Petty Sessions, as if such costs and expenses were a fine imposed by that Court of Petty Sessions.

(II) The Minister may, if he thinks fit, pay to the person or persons constituting the court, including any assessors, such remuneration as he may appoint.

(III) Any costs and expenses ordered by the court to be paid by the Minister, and any remuneration paid under this section, shall be paid out of moneys provided by Parliament.

10 22. (I) Where a certificate of a manager or under-manager is cancelled or suspended or otherwise dealt with in pursuance of this Act, the Minister shall cause the cancellation or suspension or a notification of the order of the court to be recorded in the register of holders of certificates. Record of cancellation of certificate; restoration in certain cases.

15 (II) The Minister may at any time, if it is shown to him to be just so to do, renew or restore, on such terms as he thinks fit, any certificate which has been cancelled or suspended or otherwise dealt with in pursuance of this Act, and cause the renewal or restoration to be recorded in the register aforesaid.

20 23. Whenever any person proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act or under any Imperial Act, the Minister shall, on payment of such fee, if any, as he may direct, but not exceeding the fee specified in Schedule Two to this Act, cause a copy of the certificate to which the applicant appears by the register to be entitled, to be made out and certified by the person who keeps the register, and delivered to the applicant; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original certificate. Copy of certificate in case of loss.

30 24. (I) All expenses incurred by the Minister in carrying into effect the provisions of this Act with respect to certificates of competency shall be defrayed out of moneys provided by Parliament. Expenses in relation to certificates and application of fees.

(II) All fees payable by the applicants for examination for or for a copy of a certificate under this Act shall be paid into the Treasury as the Colonial Treasurer may from time to time direct, and be carried to the Consolidated Revenue Fund.

25. Every person who commits any of the following offences; that is to say:— Penalty for forgery of, or false declaration as to certificate

40 (I) Forges, or counterfeits, or knowingly makes any false statement in any certificate of competency, or of service granted under this Act or the Imperial Act fifty and fifty-one Victoria chapter fifty-eight, or any Act repealed thereby, or any official copy of any such certificate; or

45 (II) Knowingly utters or uses any such certificate or copy which has been forged or counterfeited or contains any false statement; or

(III) For the purpose of obtaining for himself or any other person employment as a certificated manager or under-manager, or the grant, renewal, or restoration of any certificate under this Act or under any of the said Imperial Acts, or a copy thereof, either.

50 (a) Makes or gives any declaration, representation, statement, or evidence which is false in any particular; or

55 (b) Knowingly utters, produces, or makes use of any such declaration, representation, statement, or evidence, or any document containing the same,

shall be guilty of a misdemeanour, and be liable on conviction to imprisonment for a term not exceeding *two* years, with or without hard labour.

Returns,

*Coal Mines Regulation.**Returns, Plan, Notices, and Abandonment.*

26. (I) On or before the twenty-first day of January in every year, the owner, agent, or manager of every mine shall send to the inspector of the district on behalf of the Minister a correct return, specifying, with respect to the year ending on the preceding thirty-first day of December, the particulars contained in the form in Schedule Three to this Act, or in such other form as may from time to time be prescribed in lieu of that form by the Minister: Provided that in the case of any mine which is not required by this Act to be under the control of a certificated manager, a return shall not be required of the particulars contained in Part B of the said form, unless or until the Minister otherwise prescribes.

Returns by owner,
agent, or manager
of mine.

(II) Forms for the purpose of the returns required by this section shall from time to time, on application, be furnished by the inspector on behalf of the Minister.

(III) The Minister may publish the aggregate results of the returns made under this section with respect to the whole Colony or any particular inspector's district, or any large portion of an inspector's district, and so much of any individual return as does not relate to the quantity of mineral gotten or wrought; but the portion of any individual return relating to the quantity of mineral gotten or wrought shall not be published without the consent of the person making the return, or of the owner of the mine to which it relates; and no person except an inspector, or the Minister, or the Under Secretary shall be entitled, without such consent, to see such portion as aforesaid of any individual return.

(IV) Every owner agent or manager of a mine who fails to comply with this section or makes any return which is to his knowledge false in any particular shall be guilty of an offence against this Act.

27. (I) The owner, agent, or manager of every mine shall keep in the office at the mine an accurate plan of the workings of the mine, showing the workings up to a date not more than three months previously, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that be not reasonably practicable, a statement of the depth of the shaft, with a section of the seam.

Plan of mine to be
kept at office.

(II) The owner, agent, or manager of the mine shall, on request at any time of an inspector under this Act, produce to him at the office at the mine such plan and section, and shall also on the like request mark on such plan and section the then state of the workings of the mine; and the inspector shall be entitled to examine the plan and section, and for official purposes only to make a copy of any part thereof respectively.

(III) If the owner, agent, or manager of any mine fails to keep, or wilfully refuses to produce or allow to be examined, the plan and section aforesaid, or wilfully withholds any portion thereof, or wilfully refuses on request, to mark thereon the state of the workings of the mine, or conceals any part of those workings, or produces an imperfect or inaccurate plan or section, he shall (unless he shows that he was ignorant of the concealment, imperfection, or inaccuracy) be guilty of an offence against this Act; and further, the inspector may by notice in writing (whether a penalty for the offence has or has not been inflicted) require the owner, agent, or manager to cause an accurate plan and section, showing the particulars hereinbefore required, to be made within a reasonable time at the expense of the owner of the mine. Every such plan must be on a scale of not less than two chains to the inch or on the same scale as the plan for the time being in use at the mine.

(IV)

Coal Mines Regulation.

(IV) If the owner, agent, or manager fails within twenty days after the requisition of the inspector, or within such further time as may be allowed by the Minister, to cause such plan and section to be made as hereby required, he shall be guilty of an offence against this Act.

28. (I) Where in or about any mine, whether above or below ground, either:— Notice to be given of accidents in mines.

10 (I) Loss of life or any personal injury whatever to any person employed in or about the mine occurs by reason of any explosion of gas, or any explosive, or of any steam boiler; or

(II) Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner, agent, or manager of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the inspector of the district on behalf of the Minister, and shall specify in the notice the character of the explosion or accident, and the number of persons killed or injured respectively.

20 (II) Where loss of life or serious personal injury has immediately resulted from an explosion or accident, the place where the explosion or accident occurred shall be left as it was immediately after the explosion or accident, until the expiration of at least three days after the sending of such notice as aforesaid of such explosion or
25 accident, or until the visit of the place by an inspector, whichever first happens, unless compliance with this enactment would tend to increase or continue a danger, or would impede the working of the mine.

(III) Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured,
30 notice in writing of the death shall be sent to the inspector of the district on behalf of the Minister within twenty-four hours after such death comes to the knowledge of the owner, agent, or manager.

(IV) Every owner, agent, or manager who fails to act in compliance with this section shall be guilty of an offence against this Act.

35 29. In any of the following cases, namely:—

(I) Where any working is commenced for the purpose of opening a new shaft for or a seam of any mine. Notice to be given of opening and abandonment of mine.

(II) Where a shaft or seam of any mine is abandoned, or the working thereof discontinued.

40 (III) Where the working of a shaft or a seam of any mine is recommenced after any abandonment or discontinuance for a period exceeding two months; or

45 (IV) Where any change occurs in the name of any mine, or in the name of the owner, agent, or manager of any mine to which this Act applies, or in the principal officers of any incorporated company which is the owner of a mine;

the owner, agent, or manager of the mine shall give notice thereof to the inspector of the district within two months after the commencement, abandonment, discontinuance, recommencement, or change; and
50 if such notice is not given, the owner, agent, or manager shall be guilty of an offence against this Act.

30. (I) Where any mine is abandoned or the working thereof discontinued, at whatever time the abandonment or discontinuance occurred, the owner thereof and every other person interested in the
55 minerals of the mine shall cause the top of every shaft and every side entrance from the surface to be and to be kept securely fenced for the prevention of accidents: Provided that,—

(I) Subject to any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in

Fencing in case of abandoned mine.

Coal Mines Regulation.

in the minerals of the mine, be liable to carry into effect this section, and to pay any costs, charges, and expenses incurred by any other person interested in the minerals of the mine in carrying this section into effect.

5 (II) Nothing in this section shall exempt any person from any liability under any other Act or otherwise.

(II) If any person fails to act in conformity with this section, he shall be guilty of an offence against this Act.

10 (III) No person shall be precluded by any agreement from doing, or be liable under any contract to any damages, penalty, or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this section.

(IV) If any occupier of land or other person wilfully obstructs the owner of a mine or other person interested as aforesaid 15 in doing any such acts, he shall be guilty of an offence against this Act.

(V) Any shaft or side entrance which is not fenced as required by this section, and is within fifty yards of any highway, road, footpath, or place of public resort, or is in open or uninclosed land, 20 shall be deemed to be a public nuisance.

31. (I) Where any mine or seam is abandoned, the owner of the mine or seam at the time of its abandonment shall, within three months after the abandonment, send to the Minister an accurate plan showing the boundaries of the workings of the mine or seam up to the 25 time of the abandonment, and the position of the workings with regard to the surfaces, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that is not reasonably practicable, a statement of the depth of the shaft, with a section of the seam. Every such plan must be on a scale of not less 30 than two chains to the inch, or on the same scale as the plan used at the mine at the time of its abandonment.

Plan of abandoned mine or seam to be sent to Minister.

(II) The plan and section shall be preserved under the care of the Minister; but no person, except an inspector under this Act, shall be entitled, without the consent of the owner of the mine 35 or seam, to see the plan when so sent until after the expiration of ten years from the time of the abandonment.

(III) The owner aforesaid shall also, within three months of the abandonment of the mine or seam, send to the inspector of the district, on behalf of the Minister, a correct return specifying, with 40 respect to the period which has elapsed since the expiration of the year covered by the last annual return made under this Act, the particulars required in that return, and the provisions of this Act with respect to the said annual return shall apply to the return so sent.

45 (IV) If the owner of a mine or seam fails to comply with this section he shall be guilty of an offence against this Act, and be liable to a fine not exceeding thirty pounds.

(V) A complaint or information of an offence under this section may be made or laid at any time within six months after 50 abandonment of the mine or seam, or after service on the owner aforesaid of a notice to comply with the requirements of this section, whichever last happens.

Inspection.

32. (I) The Minister may from time to time appoint duly 55 qualified persons to be inspectors (under whatever title he may from time to time fix) of mines, and assign them their duties, and may award them such salaries as he may think fit, or as Parliament may approve, and may remove any such inspector.

Appointment of inspectors of mines.

(II)

Coal Mines Regulation.

(II) Notice of the appointment of every such inspector shall be published in the *Gazette*.

(III) Every such inspector is referred to in this Act as an inspector, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of the Colony with reference to which the term is used.

(IV) The salaries of the inspectors and the expenses incurred by them or by the Minister, in the execution of this Act, shall continue to be paid out of moneys to be provided by Parliament.

10 Every Inspector under this Act shall within six months after the passing of this Act hold a certificate of competency or service as hereinafter provided in regard to Managers, but for the purposes of this Act service as an Inspector of Collieries will be equivalent to service as manager of a mine. Inspectors to hold certificates.

15 33. Any person who practices or acts as or is a partner of any person who practices or acts as a land agent or mining engineer, or as a manager, viewer, agent, or valuer of mines, or arbitrator in any difference arising between owners, agents, or managers of mines, or is otherwise employed in or about any mine, or is a miner's agent or a mine owner (whether the mine is one to which this Act applies or not) shall not act as an inspector of mines under this Act, and no inspector shall be a partner or have any interest direct or indirect in any mine in the district under his charge. Disqualification of persons as inspectors.

25 34. An inspector under this Act shall have power to do all or any of the following things, namely:— Powers of inspectors.

(I) To make at least once in each month such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine.

30 (II) To enter, inspect, and examine any mine, and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the mine except when absolutely necessary.

35 (III) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto, or the care and treatment of the horses and other animals used in the mine.

40 (IV) To exercise such other powers as may be necessary for carrying this Act into effect.

45 (V) To require the manager to withdraw the men from the mine if at any time he finds that, by reason of inflammable gases prevailing in any mine or any part thereof, or of any cause whatever, the mine or the said part is dangerous; and no person shall, except so far as is necessary for exploration or inquiry into the cause of danger or the removal thereof, be readmitted into the mine or such part thereof as was found dangerous, until the same is stated by the Inspector to be safe. Miners may be withdrawn if Inspector finds cause of danger.

50 Every person who wilfully obstructs any inspector in the execution of his duty under this Act, and every owner, agent, and manager of a mine who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act, in relation to the mine, shall be guilty of an offence against this Act.

Coal Mines Regulation.

35. (I) If in any respect (which is not provided against by any express provision of this Act or by any special rule) any inspector finds any mine or any part thereof, or any matter, thing, or practice in or connected, with any such mine, or with the control, management, 5 or direction thereof by the manager to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, he may give notice in writing thereof to the owner, agent, or manager of the mine, and shall state in the notice the particulars in which he considers the mine or any part thereof, or any matter, thing, or 10 practice to be dangerous or defective, and require the same to be remedied, and unless the same be forthwith remedied shall also report the same to the Minister.

Notice by inspector of causes of danger not expressly provided against.

(II) If the owner, agent, or manager of the mine objects to remedy the matter complained of in the notice he may, within ten 15 days after receipt of the notice, send his objection in writing, stating the grounds thereof to the Minister, and thereupon the matter shall be determined by arbitration in manner provided by this Act, and the date of the receipt of the objection shall be deemed to be the date of the reference.

20 (III) If the owner, agent, or manager fail, when no objection is sent as aforesaid, to comply with the requisition of the notice within ten days after the expiration of the time for objection, or when there has been an arbitration to comply with the award within the time fixed by the award, he shall be guilty of an offence against this Act, 25 and the notice and award shall respectively be deemed to be written notice of the offence: Provided that the court, if satisfied that the owner, agent, or manager has taken active measures for complying with the notice or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before 30 them for punishing the offence, and, if the works are completed within a reasonable time, no penalty shall be inflicted.

(IV) 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 in order to comply with the 35 provisions of this section.

36. Every inspector of a district under this Act shall make an annual report of his proceedings during the preceding year to the Minister, which report, when embodied in the Annual Report of the Department of Mines, shall be laid before both Houses of Parliament.

Annual reports of inspectors.

40 37. Where in any mine an explosion or accident has caused loss of life or personal injury to any person, the Minister may at any time direct an inspector to make a special report with respect to the explosion or accident.

Special reports of inspectors.

45 38. Where it appears to the Minister that a formal investigation of any explosion or accident and of its causes and circumstances is expedient, the Minister may direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

Formal investigation when directed by the Minister.

50 (I) The Minister may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation.

55 (II) The person or persons so appointed (hereinafter called the court) shall hold the investigation in open court, in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the explosion or accident, and enabling the court to make the report in this section mentioned.

(III)

Coal Mines Regulation.

(III) The court shall have for the purpose of the investigation all the powers of a Court of Petty Sessions when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers, namely.

5

(a) Power to enter and inspect any place or building, the entry or inspection whereof appears to the court requisite for the said purpose.

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(b) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make.

15

(c) Power to require the production of all books, papers, and documents which it considers important for the said purpose.

(d) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.

20

(IV) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before the Supreme Court; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to the Prothonotary, who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

25

(v) The court holding an investigation under this section shall make a report to the Minister, stating the causes of the explosion or accident and its circumstances, and adding any observations which the court thinks right to make.

30

(VI) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Minister in the execution of this Act.

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(VII) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be liable to a fine not exceeding *ten* pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding *ten* pounds for every day that such failure continues.

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39. The Minister may cause any special report of an inspector or any report of a court, under this part of this Act, to be made public at such time and in such manner as he may think fit. Publication of reports.

Arbitration.

50 40. With respect to arbitrations under this Act, the following provisions shall have effect, notwithstanding anything to the contrary contained in the "Arbitration Act, 1892":— Provisions as to arbitrations.

55 (I) The parties to the arbitration are in this section deemed to be the owner, agent, or manager of the mine on the one hand, and the inspector of mines (on behalf of the Minister) on the other.

(II) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(III)

Coal Mines Regulation.

- (III) No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in the mine to which the arbitration relates.
- 5 (IV) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.
- 10 (V) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section.
- 15 (VI) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.
- 20 (VII) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place, and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.
- 25 (VIII) In either of the foregoing cases where an arbitrator is empowered to act singly on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.
- 30 (IX) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.
- 35 (X) The arbitrators, before they enter on the matter referred to them, shall appoint, by writing under their hands, an umpire to decide on points on which they may differ.
- 40 (XI) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.
- 45 (XII) If the arbitrators refuse or fail, or for seven days after the request of either party neglect to appoint an umpire, then, on the application of either party, an umpire may be appointed by the Chairman of the General or Quarter Sessions of the Peace within the jurisdiction of which the mine or any shaft of the mine is situate.
- 50 (XIII) The decision of every umpire on the matters referred to him shall be final.
- (XIV) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.
- 55 (XV) Arrangements shall, whenever practicable, be made for the matter in difference being heard at the same time, before the arbitrators and the umpire.

Coal Mines Regulation.

- (xvi) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.
- 5 (xvii) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Minister, and, together with the costs of the arbitration and award, shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by the Prothonotary, who, on the written application of either of the parties, shall ascertain and certify the proper amount thereof. The amount, if any, payable by the Minister shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the owner, agent, or manager, may, in the event of non-payment, be recovered in the same manner as fines under this Act.
- 10
- 15 (xviii) Every person who is appointed an arbitrator under this section shall be a practical mining engineer, or a person accustomed to the working of mines; and every person who is appointed an umpire under this section shall be a District Court Judge, a Police or Stipendiary Magistrate, or a Registrar of a District Court; but when an award has been made under this section the arbitrator or umpire who made it shall be deemed to have been duly qualified as provided by this section.
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Coroners.

41. With respect to coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in or about mines, the following provisions shall have effect :—

Provisions as to coroners' inquests on deaths from accidents in mines.

- 30 (i) Where a coroner holds an inquest on the body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the inspector of the district, the coroner shall adjourn the inquest, unless an inspector, or some person on behalf of the Minister, is present to watch the proceedings.
- 35 (ii) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.
- 40 (iii) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.
- (iv) If an explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.
- 45
- 50 (v) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner.
- (vi) Where evidence is given at an inquest at which an inspector is not present of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector of the district notice in writing of such neglect or defect.
- 55

(vii)

Coal Mines Regulation.

(VII) Any person having a personal interest in, or employed in, or in the management of the mine in which the explosion or accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury.

(VIII) Any relative of any person whose death may have been caused by the explosion or accident with respect to which the inquest is being held, and the owner, agent, or manager of the mine in which the explosion or accident occurred, and any person appointed by the order in writing of the majority of the workmen employed at the said mine, shall be at liberty to attend and examine any witness, either in person or by his counsel, solicitor, or agent.

Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

PART II.

*Rules.**General Rules.*

42. The following general rules shall be observed, so far as is reasonably practicable, in every mine:—

Rule 1. An adequate amount of ventilation (not in any case less than one hundred and fifty cubic feet of pure air per minute for each man and each boy, and two hundred cubic feet for each horse employed in the mine) shall be constantly produced in every mine, and shall sweep undiminished along the airways and into each working place to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables, and workings of the mine, and the travelling roads to and from those working places shall be in a fit state for working and passing therein. And no place shall be driven more than twenty-five yards exclusive of the cut-through away from the current of the air without a cut-through being put through, and in single headings, or where gas is known to be generated, it shall be bratticed up to within three yards of the face of such working place: And no return airways shall be used as travelling roads. In the case of mines required by this Act to be under the control of a certificated manager, the quantity of air in the respective splits or currents shall at least once in every month be measured and entered in a book to be kept for the purpose at the mine.

Rule 2. Where a fire is used for ventilation in any mine newly opened after the passing of this Act, the return air, unless it be so diluted as not to be inflammable, shall be carried off clear of the fire by means of a dumb drift or air-way.

Rule 3. Where a mechanical contrivance for ventilation is introduced into any mine after the commencement of this Act, it shall be in such position and placed under such conditions as will tend to insure its being uninjured by an explosion.

Rule

Coal Mines Regulation.

Rule 4. A station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and the following provisions shall have effect :—

Stations and inspection of condition as to ventilation, &c.

(I) As to inspection before commencing work :—

5 A competent person or competent persons appointed by the owner, agent, or manager for the purpose, not being contractors for getting minerals in the mine shall, within such time immediately before the commencement of each shift, as shall be fixed by special rules made under this Act, inspect each working face of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof, and sides, and general safety are concerned.

15 No workman shall pass beyond any such station until the part of the mine beyond that station has been so examined and stated by such competent person to be safe.

The inspection shall be made with a locked safety lamp.

20 A report specifying where noxious or inflammable gas, if any, was found present, the condition of the ventilation, and what defects, if any, in roofs or sides, and what if any other source of danger were or was observed, shall be recorded without delay in a 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 handwriting of the person who made the inspection.

30 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.

(II) As to inspection during shifts :—

35 A similar inspection shall be made in the course of each shift of all parts of the mine in which workmen are to work or pass during that shift, but it shall not be necessary to record a report of the same in a book : Provided that in the case of a mine worked continuously throughout the twenty-four hours by a succession of shifts, the report of one of such inspections shall be recorded in manner above required.

40 *Rule 5.* A competent person or competent persons, appointed by the owner, agent, or manager for the purpose, shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery, the state of the guides and conductors in the shafts, and the state of the head gear, ropes, chains, and other similar appliances of the mine which are in actual use both above ground and below ground, and shall once at least in every week examine the state of the shafts by which persons ascend or descend ; and shall make a true report of the result of such examination, and every such report shall be recorded without delay in a book to be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Inspection of machinery, &c., above and below ground.

55 *Rule 6.* Every entrance to any place which is not in actual use or course of working and extension shall be properly fenced across the whole width of the entrance, so as to prevent persons inadvertently entering the same.

Fencing of entrances

Rule 7. If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of inflammable gases prevailing in the mine, or that part thereof,

Withdrawal of workmen in case of danger.

or

Coal Mines Regulation.

or of any cause whatever, the mine or that part is dangerous, every workman shall be withdrawn from the mine or part so found dangerous, and a competent person appointed for the purpose shall inspect the mine or part so found dangerous, and if the danger arises from inflammable gas, shall inspect the mine or part with a locked safety lamp; and in every case shall make a true report of the condition of the mine or part; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be readmitted into the mine, or part so found dangerous, until the same is stated by the person appointed as aforesaid not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Rule 8. No lamp or light other than a locked safety lamp shall be allowed or used,— Use of safety lamps in certain places.

(a) In any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous; or

(b) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas.

And when it is necessary to work the coal in any part of a ventilating district with safety lamps, it shall not be allowable to work the coal with naked lights in another part of the same ventilating district situated between the place where such lamps are being used and the return air-way.

Rule 9. Wherever safety lamps are used, they shall be so constructed that they may be safely carried against the air current ordinarily prevailing in that part of the mine in which the lamps are for the time being in use, even though such current should be inflammable. Construction of safety lamps.

Rule 10. In any mine or part of a mine in which safety lamps are required by this Act, or by the special rules made in pursuance of this Act to be used,— Examination of safety lamps.

(I) A competent person appointed by the owner, agent, or manager for the purpose shall, either at the surface or at the appointed lamp station, examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be in safe working order and securely locked; and such lamps shall not be used until they have been so examined and found in safe working order and securely locked.

(II) A safety lamp shall not be unlocked except either at the appointed lamp station or for the purpose of firing a shot, in conformity with the provisions hereinafter contained.

(III) A person, unless he has been appointed either for the purpose of examining safety lamps, or for the purpose of firing shots, shall not have in his possession any contrivance for opening the lock of any safety lamp.

(IV) A person shall not have in his possession any lucifer match or apparatus of any kind for striking a light.

Rule 11. Where safety lamps are required to be used, the position of the lamp stations for lighting or relighting the lamps shall not be in the return air. Lamp stations.

Rule 12. Any explosive substance shall only be used in the mine below ground as follows:— Use of explosives below ground.

(a) It shall not be stored in the mine.

(b)

Coal Mines Regulation.

- (b) It shall not be taken into the mine, except in a secure case or canister containing not more than five pounds.
- (c) A workman shall not have in use at one time in any one place more than one of such cases or canisters.
- 5 (d) In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel pricker, scraper, charger, tamping rod, or stemmer.
- 10 (e) No explosive shall be forcibly pressed into a hole of insufficient size, and when a hole has been charged, the explosive shall not be unrammed; and no hole shall be bored for a charge at a distance of less than six inches from any hole where the charge has missed fire: Provided that no person shall return to a place where such charge has missed fire until a period of eight hours has elapsed from the lighting of the fuse attached to such charge.
- 15 (f) In any place in which the use of a locked safety lamp is for the time being required by or in pursuance of this Act, or which is dry and dusty, no shot shall be fired except by, or under the direction of, a competent person appointed by the owner, agent, or manager of the mine; and such person shall not fire the shot or allow it to be fired until he has examined both the place itself where the shot is to be fired and all contiguous accessible places of the same seam within a radius of twenty yards, and has found such place safe for firing.
- 20 (g) If in any mine, at either of the four inspections under rule four recorded last before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired,—
- 25 (i) Unless a competent person, appointed as aforesaid, has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or
- 30 (ii) Unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas.
- 35 (h) If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say:—
- 40 (i) Unless the place of firing and all contiguous accessible places within a radius of twenty yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or
- 45 (ii) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust.
- 50 (i) If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing dust adhering to the roof and sides, no shot shall be fired there unless—
- 55 (i) Both the conditions mentioned in sub-head (h) have been observed; or

(ii)

Coal Mines Regulation.

- (II) Unless such one of the conditions mentioned in sub-head (h) as may be applicable to the particular place has been observed, and moreover all workmen have been removed from the seam in which the shot is to be fired, and from all seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily employed in attending to the ventilating furnaces, steam-boilers, engines, machinery, winding apparatus signals, or horses; or in inspecting the mine :
- (k) In this Act "ventilating district" means such part of a seam as has an independent intake commencing from a main intake air-course, and an independent return air-way terminating at a main return air-course; and "main haulage road" means a road which has been, or for the time being is, in use for moving trams by steam or other mechanical power.
- (l) Where a seam of a mine is not divided into separate ventilating districts the provisions in this Act relating to ventilating districts shall be read as though the word "seam" were substituted for the words "ventilating district."
- Rule 13.* Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within forty yards of that place exceed eight feet in width, and there shall be constantly kept at a sufficient distance, not being less than five yards in advance, at least one bore-hole, near the centre of the working, and sufficient flank bore-holes on each side. Water and bore-holes.
- Rule 14.* Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding thirty yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient man-holes for places of refuge, at intervals of not more than twenty yards, and of not less than six feet high, three feet wide, and four feet deep, or if there is not room for a person to stand between the side of a tub and the side of the plane, then (unless the tubs are moved by an endless chain or rope) at intervals of not more than ten yards. Signalling and man-holes for travelling planes worked by machinery.
- Rule 15.* Every road on which persons travel underground where the load is drawn by a horse or other animal shall be provided, at intervals of not more than fifty yards, with sufficient man-holes, or with places of refuge, and every such place of refuge shall be six feet high, three feet wide, and four feet deep between the waggons running on the road and the side of such road. There shall be at least two proper travelling ways into every steam-engine room and boiler gallery. Man-holes for other travelling roads.
- Rule 16.* Every man-hole and every place of refuge shall be constantly kept clear, and no person shall place anything in any such man-hole or place of refuge. Man-holes to be kept clear.
- Rule 17.* In the case of working coal by the pillar and stall system under river or tidal or ocean waters the workings shall be laid off systematically and carefully, and the size of the pillars shall be such as will afford ample support, after exposure to the crumbling effect of the air over many years, and shall not be less than twice the width of the bords or coal wrought out between such pillars. The bords on one side of the headings, Width of pillars and position under ocean.

Coal Mines Regulation.

- headings, levels, or cross-cuts, shall, unless prevented by rolls or faults, be driven opposite the bord pillars on the other side of the heading, level, or cross-cut. The minimum width of the pillars of coal shall be eight yards, and the maximum width of the bords or stalls six yards. And in no case shall the pillars under ocean or tidal waters be removed.
- 5 *Rule 18.* Every travelling road on which a horse or other draught animal is used under-ground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering. Dimensions of travelling roads.
- 10 *Rule 19.* The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be and shall be kept securely fenced. Fencing of shafts.
- 15 *Rule 20.* In the case of working coal under tidal waters or rivers, from one road of every pair of "winning off" or leading headings or levels (which shall not except for sidings exceed eight feet in width), and from the face of every bord a bore-hole shall be kept going not less than twelve feet in advance, for the purpose of foretelling the presence of any fissure, open joint, fault, or otherwise, and in the case of working under the ocean or tidal waters every "winning off" or leading headings or levels shall be driven at least one hundred yards in advance of the working bords, and shall not exceed eight feet in width except for sidings. Width of winning headings under tidal waters, &c.
- 20
- 25 *Rule 21.* The top and all entrances between the top and bottom, including the sump, if any, of every working, ventilating, or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used. Fencing of entrances to shafts.
- 30
- Rule 22.* Boreholes for the purpose of proving the thickness of the alluvial deposit shall be put down by the owner or manager on all lands fronting the ocean, tidal waters, or rivers where the thickness of the strata and deposits which overlie the coal worked or about to be worked is less than two hundred feet. Such boreholes, at distances not exceeding one hundred yards apart, shall be put down from the surface through the alluvial deposit to the rock, and to the rise of the coal seam worked. An account of the strata and deposits so bored through shall be furnished by the owner or manager to the Inspector when the boring has reached the rock. Thickness of strata near ocean, &c., to be ascertained by boring.
- 35
- 40 *Rule 23.* Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure. Securing of shafts.
- 45 *Rule 24.* In mines not under river or ocean or tidal waters worked on the pillar and stall system, where it is intended to remove the pillars, the stalls or bords shall not exceed in width eight yards, and the pillars shall not be less than eight yards wide. Where it is not proposed to remove the pillars they shall be of such dimensions as shall be necessary to support the roof. In mines worked on the long-wall system substantial supports shall be erected sufficient to protect the workmen. In mines worked on the Welsh bords or double-stall systems good, substantial, and sufficient pack walls shall be built, and a sufficient number of props set on each side of the pack walls. Size of pillars in mines not under ocean, &c.
- 50
- 55 *Rule 25.* The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not made so secure. Securing of roofs and sides.
- 60
- Rule*

Coal Mines Regulation.

5 *Rule 26.* Where the timbering of the working places is done by ^{Timbering.} the workmen employed therein, suitable timber shall be provided at the working place, gate end, pass bye, siding, or other similar place in the mine convenient to the workmen, and the distance between the sprags or holing props where they are required shall not exceed six feet or such less distance as may be ordered by the owner, agent, or manager.

10 *Rule 27.* Where there is a downcast and furnace shaft to the same seam, and both such shafts are provided with apparatus ^{Option of using downcast shaft.} in use for raising and lowering persons, every person employed in the mine shall, on giving reasonable notice, have the option of using the downcast shaft.

15 *Rule 28.* Subject to the provisions of section seventy-two of this Act in any mine which is usually entered by means of ^{Qualification and attendance of engine-man.} machinery, or where any shaft, plane, or level is used for the purpose of communication from one part to another part of a mine, and persons are taken up or down or along such shaft, plane, or level, by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, a competent male person not less than twenty-one years of age, and being the holder of a certificate of competency or certificate of service, shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for that purpose during the whole time that any person is below ground in the mine, and such person shall have charge of all ropes, chains, or tackle connected with such machinery. Where any windlass, gin, or machine used for any of the purposes aforesaid, is worked by an animal or by manual labour, the person in charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, must be a competent male person not less than eighteen years of age. Where the machinery is worked by an animal, the person under whose direction the driver of the animal acts, shall for the purposes of this rule be deemed to be the person in charge of the machinery.

30 *Rule 29.* The coal shall not be wrought under any proclaimed or made road without the sanction, in writing, of the Minister, ^{Coal not to be wrought under roads.} but headings may be driven under any such road for the purpose of connecting the workings, or of working the coal on either side thereof, but all such headings shall be in such positions, of such dimensions, and so supported as the Inspector shall, by writing under his hand, direct.

35 *Rule 30.* Every working shaft used for the purpose of drawing ^{Means of signalling for working shafts.} minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector of the district, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface, and the bottom of the shaft.

40 *Rule 31.* If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding, then the cage when men are being raised shall not be wound up at a speed exceeding three miles an hour, after the cage has reached a point in the shaft to be fixed by the special rules.

Coal Mines Regulation.

- Rule 32.** A sufficient cover overhead shall be used for every cage Cover overhead.
or tub employed in lowering or raising persons in any
working shaft, except where the cage or tub is worked by a
windlass, or where persons are employed at work in the shaft,
or where a written exemption is given by the inspector of
the district.
- Rule 33.** A single-linked chain shall not be used for lowering or Chains.
raising persons in any working shaft or plane, except for the
short coupling chain attached to the cage or tub.
- Rule 34.** There shall be on the drum of every machine used for Prevention of rope
lowering or raising persons, such flanges or horns, and also, slipping on drum.
if the drum is conical, such other appliances as may be
sufficient to prevent the rope from slipping.
- Rule 35.** There shall be attached to every machine worked by Break and indicator.
steam, water, or mechanical power, and used for lowering or
raising persons, an adequate break or breaks and a proper
indicator (in addition to any mark on the rope) showing to
the person who works the machine the position of the cage
or tub in the shaft. If the drum is not on the crank shaft
there shall be an adequate break on the drum shaft.
- Rule 36.** Every fly-wheel and all exposed and dangerous parts of Fencing machinery.
the machinery used in or about the mine shall be and shall be
kept securely fenced.
- Rule 37.** Each steam boiler, whether separate or one of a range, Safety-valves and
shall have attached to it a proper safety-valve and also a gauges for boilers.
proper steam-gauge and water-gauge to show respectively
the pressure of steam and the height of water in each boiler.
- Rule 38.** At any mine where a boiler is used for generating steam, Examination of
the owner or manager shall at least once in every six months boilers.
cause every such boiler to be thoroughly examined and tested
by a competent person, who shall, immediately after the
completion of such examination and test, enter in a book to
be kept at the mine for that purpose a full and true report of
the result of such examination and test, and of the state of
every boiler so examined and tested, and every such report
shall be signed by the person making it, and shall bear date
of the day of entry, and a copy of such report shall be forth-
with sent to the Inspector.
- Rule 39.** A barometer and thermometer shall be placed above Barometer, &c.
ground in a conspicuous position near the entrance to the
mine.
- Rule 40.** Where persons are employed underground ambulances Stretchers.
or stretchers, with splints and bandages, shall be kept at the
mine ready for immediate use in case of accident.
- Rule 41.** No person shall wilfully damage, or without proper Wilful damage.
authority remove or render useless, any fence, fencing, man-
hole, place of refuge, casing, lining, guide, means of signalling,
signal, cover, chain, flange, horn, break, indicator, steam-
gauge, water-gauge, safety-valve, or other appliance or thing
provided in any mine in compliance with this Act.
- Rule 42.** Every person shall observe such directions with respect Observance of
to working as may be given to him with a view to comply directions.
with this Act or the special rules in force in the mine.
- Rule 43.** The books mentioned in these rules shall be provided Books and copies
by the owner, agent, or manager, and the books, or a correct thereof.
copy thereof, shall be kept at the office at the mine, and any
inspector under this Act, and any person employed in the
mine or any one having the written authority of any inspector
or person so employed, may at all reasonable times inspect
and

Coal Mines Regulation.

and take copies of and extracts from any such books; but nothing in these rules shall be construed to impose the obligation of keeping any such book or a copy thereof for more than twelve months after the book has ceased to be used for entries therein under this Act. Any report by this Act
5 required to be recorded in a book may be partly in print (including lithograph) and partly in writing.

Rule 44. The persons employed in a mine may from time to time appoint two of their number or any two persons not being
10 mining engineers, who are practical working miners, to inspect the mine at their own cost, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to
15 go to every part of the mine, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings, and machinery. Every facility shall be afforded by the owner, agent, and manager, and all persons in the mine for the purpose of the inspection, and the persons appointed
20 shall forthwith make a true report of the result of the inspection, and that report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons who made the inspection, and if the report states the existence or apprehended existence of any danger, the owner,
25 agent, or manager shall forthwith cause a true copy of the report to be sent to the inspector of the district.

Rule 45. No person not now employed as a coal getter shall be allowed to work alone as a coal getter in the face of the workings until he has had two years' experience of such work
30 under the supervision of skilled workmen, or unless he shall have been previously employed for two years in or about the face of the workings of a mine.

43. If any owner or manager object to any of the following general rules, namely, general rule numbers seventeen, twenty, twenty-
35 two, and twenty-four, being enforced or applied to a coal mine or colliery, he may give notice thereof to the Minister setting out his objections and the reasons therefor, and upon receipt of such notice the Minister may allow or disallow such objections or any of them. If the Minister allow such objections or any of them, he may order that
40 the coal mine or colliery be exempt from the operation of any such rule or rules, or he may order that, so far as such coal mine or colliery is concerned, the provisions of any such general rule may be modified or varied. If the Minister disallow the objections, and the owner or manager do not withdraw such objections, the matter shall be referred
45 to arbitration, and the arbitrators may make any order which under this section the Minister could make.

44. Every person who contravenes or does not comply with any of the general rules in this Act shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance
50 with any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, the owner, agent, and manager 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 said rules as regulations for the
55 working of the mine, to prevent such contravention or non-compliance.

Special

*Coal Mines Regulation.**Special Rules.*

45. (I) There shall be established in every mine such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the mine as, under the particular state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety, convenience, and proper discipline of the persons employed in or about the mine. Special rules for every mine.

(II) Such special rules, when established, shall be signed in duplicate by the inspector who is inspector of the district at the time the rules are established, and shall be observed in and about every such mine (including any extension thereof) in the same manner as if they were enacted in this Act.

(III) If any person who is bound to observe the special rules established for 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 as regulations for the working of the mine, so as to prevent such contravention or non-compliance.

46. (I) The owner, agent, or manager of every mine (where no special rules are in force) shall frame and transmit to the inspector of the district, for approval by the Minister, special rules for the mine within three months after the commencement of this Act, or within three months after the commencement (if subsequent to the commencement of this Act) of any working for the purpose of opening a new mine or of renewing the working of an old mine. Establishment of new special rules.

(II) The proposed special rules (together with a printed notice specifying that any objection to the rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the mine to the inspector of the district, at his address, stated in the notice, shall, during not less than two weeks before the rules are transmitted) to the inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the mine; and a certificate that the rules and notice have been so posted up shall be sent to the inspector with two copies of the rules signed by the person sending the same.

(III) If the rules are not objected to by the Minister within forty days after their receipt by the inspector, they shall be established.

47. (I) If the Minister is of opinion that the proposed special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, or for the safety or convenience of the persons employed in or about the mine, or are unreasonable, he may, within forty days after the rules are received by the inspector, object to the rules, and propose to the owner, agent, or manager, in writing, any modifications in the rules by way either of omission, alteration, substitution, or addition. The Minister may object to special rules.

(II) If the owner, agent, or manager does not, within twenty days after the modifications proposed by the Minister are received by him, object in writing to them, the proposed special rules, with those modifications, shall be established.

(III) If the owner, agent, or manager sends his objection in writing within the said twenty days to the Minister, the matter shall be referred to arbitration under this Act, and the date of the receipt of

Coal Mines Regulation.

of the objection by the Minister shall be deemed to be the date of the reference, and the rules shall be established as settled by an award on arbitration.

48. (I) After special rules are established under this Act in any mine, the owner, agent, or manager of the mine may, from time to time, propose in writing to the inspector of the district, for the approval of the Minister, any amendment of the rules or any new special rules; and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules. Amendment of special rules.

(II) The Minister may from time to time propose in writing to the owner, agent, or manager of the mine any new special rules, or any amendment of the special rules; and the provisions of this Act with respect to a proposal of the Minister for modifying the special rules transmitted by the owner, agent, or manager of a mine shall apply to all such new special rules and amendments in like manner, as nearly as may be, as they apply to the proposal.

49. If the owner, agent, or manager of any mine makes any false statement with respect to the posting up of the rules and notices, he shall be guilty of an offence against this Act; and if special rules for any mine are not transmitted within the time limited by this Act to the inspector for the approval of the Minister, 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 enforcing to the best of his power the provisions of this Act, to secure the transmission of the rules. False statements, and neglect to transmit special rules.

50. An inspector under this Act shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules which, for the time being, are established under this Act in any mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules, and of the fact that they are duly established under this Act and have been signed by the inspector. Certified copy of special rules to be evidence.

Publication of abstract of Act and of Special Rules.

51. For the purpose of making known the provisions of this Act and the special rules to all persons employed in and about each mine, an abstract of this Act supplied, on the application of the owner, agent, or manager of the mine, by the inspector of the district on behalf of the Minister, and a correct copy of all the special rules shall be published as follows:— Publication of abstract of Act and copy of special rules.

- (I) The owner, agent, or manager of the mine shall cause the abstract and copy of the rules, with the name of the mine and the name and address of the inspector of the district, and the name of the owner or agent and of the manager appended thereto, to be posted up, in legible characters, in some conspicuous place at or near the mine, where they may be conveniently read by the persons employed; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch.
- (II) The owner, agent, or manager shall supply a printed copy of the abstract and the special rules gratis to each person employed in or about the mine who applies for a copy at the office at which the persons immediately employed by the owner, agent, or manager are paid.
- (III) Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and employed.

In

Coal Mines Regulation.

In the event of any non-compliance with the provisions of this section by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act; but the owner, agent, or manager of such mine shall not be deemed guilty if he proves that he
 5 had taken all reasonable means, by enforcing, to the best of his power, the observance of this section to prevent such non-compliance.

52. Every person who wilfully pulls down, injures, or defaces Pulling down or defacing notices. any abstract, notice, proposed special rules, or special rules, when posted up in pursuance of the provisions of this Act, or any notice posted up
 10 in pursuance of the special rules, shall be guilty of an offence against this Act.

PART III.

*Supplemental.**Legal Proceedings.*

15 53. (I) Every person employed in or about a mine other than Penalty for offences against Act. an owner, agent, or manager, who is guilty of any act or omission, which in the case of an owner, agent, or manager would be an offence against this Act, shall be deemed to be guilty of an offence
 20 against this Act.

(II) Every person who is guilty of an offence against this Act for which a penalty is not expressly prescribed shall be liable to a fine not exceeding, if he is an owner, agent, or manager, or under
 25 manager, twenty pounds, and if he is any other person, two pounds for each offence; and if an inspector has given written notice of any such offence, to a further fine not exceeding one pound for every day
 after such notice that such offence continues to be committed.

54. Where a person who is an owner, agent, manager, or under Imprisonment for wilful neglect endangering life or limb. manager of, or a person employed in or about a mine is guilty of any offence against this Act which, in the opinion of the court that tries
 30 the case, is one which was reasonably calculated to endanger the the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal
 35 shall be liable, if the court is of opinion that a fine will not meet the circumstances of the case, to imprisonment with or without hard labour for a period not exceeding three months.

55. (I) All offences under this Act not declared to be mis- Summary proceedings for offences, fines, &c. demeanours, and all fines under this Act, and all moneys and costs by this Act directed to be recovered as fines, may be prosecuted and
 40 recovered before a Stipendiary or Police Magistrate or any two Justices of the Peace in Petty Sessions.

(II) Proceedings for the removal of a check weigher shall be deemed to be a matter on which Justices in Petty Sessions have
 45 authority by law to make an order; and summary orders under this Act may be made on complaint before Justices in Petty Sessions.

56. In every part of the Colony the following provisions shall General provisions as to summary proceedings. have effect:—

50 (I) Any complaint or information made or laid in pursuance of this Act shall (save as otherwise expressly provided by this Act) be made or laid within three months from the time when the matter of the complaint or information arose.

(II)

Coal Mines Regulation.

(II) Any person charged with any offence under this Act may, if he thinks fit, be sworn and examined as an ordinary witness in the case.

(III) The court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

5 57. If any person feels aggrieved by any conviction made by Justices in Petty Sessions on determining any information under this Act by which conviction, imprisonment, or a fine amounting to or exceeding one half the maximum fine is adjudged, he may appeal
10 therefrom to a Court of Quarter Sessions in manner provided by section three of the Act of Council fifth William the Fourth, number twenty-two.

Appeal to Quarter Sessions.

15 58. If it appears that a boy was employed on the representation of his parent or guardian that he was of the age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, or that a person has worked alone as a coal-getter on his representation that he has had two years' experience of such work under the supervision of skilled workmen, or that he has been previously employed for two years in or about the
20 face of the workings of a mine, and under the belief in good faith that he has had such experience or has been so previously employed, the owner, agent, or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian or the person who has so worked alone, as the case may be, shall for the misrepresentation
25 be deemed guilty of an offence against this Act.

Liability for misrepresentation as to age, &c.

59. No prosecution shall be instituted against the owner, agent, manager, under-manager, or employee of a mine for any offence under this Act, not committed personally by such owner, agent, manager, under-manager, or employee, which can be prosecuted before Justices
30 in Petty Sessions, except by an inspector or with the consent in writing of the Minister; and in the case of any offence of which the owner, agent, manager, under-manager, or employee of a mine is not guilty if he proves that he had taken all reasonable means to prevent the commission thereof, an inspector shall not institute any prosecution
35 against such owner, agent, manager, under-manager, or employee if satisfied that he had taken such reasonable means as aforesaid. No prosecution shall be instituted against a coroner for any offence under this Act, except with the consent in writing of the Minister.

Prosecution of owners, agents, managers, &c.

40 60. Where the owner, agent, or manager of a mine has taken proceedings under this Act against any person employed in or about a mine in respect of an offence committed under this Act, he shall within twenty-one days after the hearing of the case, report the result thereof to the inspector of the district.

Report of result of proceedings against workmen.

45 61. (I) Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so, however, that no person be punished twice for the same offence.

Saving for proceedings under other Acts.

50 (II) If the Justices before whom a person is charged with an offence under this Act, think that proceedings ought to be taken against such person for such offence under any other Act or otherwise, they may adjourn the case to enable such proceedings to be taken.

55 62. A person who is the owner, agent, or manager of any mine, or a miner or miner's agent, or the father, son, or brother, or father-in-law, son-in-law, or brother-in-law, of such owner, agent, or manager, or of a miner or miner's agent, or who is a director of a company being the owner of a mine, shall not sit in Petty Sessions or adjudicate in respect of any offence under this Act.

Owner of mine, &c., not to act as Justice, &c., in proceedings under this Act.

Coal Mines Regulation.

63. Where a fine is imposed under this Act for neglecting to send a notice of any explosion or accident, or for any offence against this Act which has occasioned loss of life or personal injury, the Minister may (if he thinks fit) direct such fine to be paid to or distributed among the persons injured, and the relatives of any persons whose death may have been occasioned by the explosion, accident, or offence, or among some of them : Provided that :—

(I) Such persons did not in his opinion occasion or contribute to occasion the explosion or accident, and did not commit and were not parties to committing the offence ;

(II) The fact of the payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on the explosion, accident, or offence.

Save as aforesaid all fines recovered under this Act shall be paid into the Treasury and carried to the Consolidated Revenue Fund.

Miscellaneous.

64. If any question arises, otherwise than in legal proceedings, whether a mine is a mine to which this Act applies, the question shall be referred to the Minister, whose decision thereon shall be final.

65. Any order of or exemption granted by the Minister under this Act may be made, and from time to time revoked or altered by the Minister, either unconditionally or subject to such conditions as he may see fit, and shall be signed by the Minister, or Under Secretary, or Assistant Under Secretary.

66. All notices under this Act shall (unless expressly required to be in print) be in either writing or print (including lithograph), or partly in writing and partly in print (including lithograph), and all notices and documents required by this Act to be served or sent by or to an inspector may be either delivered personally, or served and sent by post by a prepaid letter, and if served or sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post ; and in proving such service or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

67. In this Act, unless the context otherwise requires :—

“ Mine ” includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to the mine.

“ Shaft ” includes pit.

“ Plan ” includes a correct copy or tracing of any original plan.

“ Owner,” when used in relation to any mine, means any person or body corporate who is the immediate proprietor or lessee, or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine, subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine ; but any contractor for the working of any mine, or any part thereof, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability.

“ Agent,”

Application of fines.

Decision of question whether a mine is under this Act.

Powers of Minister as to making and revoking orders.

Service of notices.

Interpretation of terms.

Coal Mines Regulation.

- “Agent,” when used in relation to any mine, means, any person appointed as the representative of the owner in respect of any mine, or of any part thereof, and as such superior to a manager appointed in pursuance of this Act.
- 5 “The Minister” means the Secretary for Mines.
- “Under Secretary” and “Assistant Under Secretary” mean respectively the Under Secretary and Assistant Under Secretary of the Department of Mines.
- “The Treasury” means the Colonial Treasury.
- 10 “Boy” means a male under the age of sixteen years.

Transitory Provisions and Repeal.

68. The persons who at the commencement of this Act are acting as inspectors under the Act hereby repealed shall continue to act in the same manner, and generally to be in the same position, Existing inspectors continued.

15 as if they had been respectively appointed under this Act.

69. All orders made by the Minister under the Act repealed by this Act, which are in force immediately before the commencement of this Act, shall be deemed to have been made under this Act. Existing orders continued.

70. (I) A certificate of service shall be granted by the Minister to every person who satisfies him either that before the passing of this Act he was exercising, and has since that date exercised, or that he has at any time within five years before the passing of this Act, for a period of not less than twelve months, exercised functions substantially corresponding to those of a manager or an under-manager in a mine. Grant of certificates of service in case of certain under-managers.

25 (II) Every such certificate of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered; and a certificate of service may be refused to any person who fails to give a full and satisfactory account of the particulars

30 aforesaid, or to pay such registration fee as the Minister may direct, not exceeding that mentioned in the Second Schedule to this Act.

(III) A certificate of service granted under this section shall have the same effect for the purposes of this Act as a certificate of competency granted under this Act.

35 (IV) A certificate of competency or of service granted under the Imperial Act fifty and fifty-one Victoria, chapter fifty-eight, or under any Act repealed thereby, shall be equivalent in all respects to a similar certificate granted under this Act. Certain certificates equivalent to certificates under this Act.

71. (I) A certificate of service shall be granted by the Minister to every person who satisfies him either that before the passing of this Act he was exercising, and has since that date exercised, or that he has at any time within five years before the passing of this Act, for a period of not less than twelve months, exercised functions substantially corresponding to those of an engine-driver in a mine. Grant of certificates of service in case of certain engine-drivers.

45 (II) Every such certificate of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered; and a certificate of service may be refused to any person who fails to give a full and satisfactory account of the particulars aforesaid, or to

50 pay such registration fee as the Minister may direct not exceeding that mentioned in the First Schedule to this Act.

(III) A certificate of service granted under this section shall have the same effect for the purposes of this Act as a certificate of competency granted under this Act.

Coal Mines Regulation.

(iv) The Minister may from time to time appoint a Board to examine candidates for certificates of competency, and may by regulations prescribe the mode of conducting such examinations and granting such certificates, and the conditions under which such certificates or certificates of service shall be held, or may be suspended or cancelled; and may from time to time make, alter, and revoke such regulations as aforesaid.

72. The special rules which at the commencement of this Act are in force under the Act hereby repealed in any mine shall continue to be the special rules in such mine until special rules are established under this Act for such mine, and while they so continue shall be of the same force as if they were established under this Act. Existing special rules continued.

73. The provisions of this Act shall not—

(a) Prevent a boy under the age of fourteen years who, before the commencement of this Act, is lawfully employed in any mine below ground from continuing to be employed in a mine; Temporary saving for employment of boys, &c.

(b) Prevent a boy, who before the commencement of this Act, is lawfully employed above ground in connection with any mine from continuing to be employed above ground in connection with a mine; nor

(c) Prevent a competent male person above the age of eighteen years who, before the commencement of this Act, is lawfully employed in working the machinery used for lowering and raising persons in a mine from continuing to be so employed; in like manner, and subject to the same provisions and regulations as before the commencement of this Act; and the provisions of the Act repealed by this Act, with respect to the employment of such boy, or competent male person shall continue to apply accordingly.

74. Any enactment or document referring to the Act repealed by this Act, or to any enactment thereof, shall be construed to refer to this Act, and to the corresponding enactments thereof. Construction of references to repealed Act.

75. The Act thirty-ninth Victoria number thirty-one is hereby repealed: Provided that this repeal shall not affect any exemption granted, or other thing done or suffered before the commencement of this Act; and all offences committed and penalties incurred and proceedings commenced before the commencement of this Act may be punished, recovered, continued, and completed in the same manner as if this Act had not passed. Repeal of Act.

40

SCHEDULES.

SCHEDULE I.

Sections 19 and 24.

Table of Maximum Fees to be paid in respect of Certificates.

First-class Certificate.					£ s. d.		
By an applicant for examination	...	...	...	...	2	0	0
For copy of certificate	...	...	...	...	0	5	0
Second-class Certificate.							
By an applicant for examination	...	...	...	...	1	0	0
For copy of certificate	...	...	...	...	0	2	6

SCHEDULE

Coal Mines Regulation.

SCHEDULE II.

Section 27.

“ COAL MINES REGULATION ACT OF 189 .”

Form of Return.

This form to be correctly filled up by the owner, agent, or manager, and sent to the 5 inspector of the district, on behalf of the Minister, on or before twenty-first January every year.

PART A.

Year ending 31 December, 18 .

- 10
- Name of mine
Situation of mine
County
Name of owner (Company)
Name of manager
Name of under manager
- 15
- Postal address

RETURN of persons ordinarily employed during the year :—

Under ground	...	...	...	Boys under 16	...	...	...
				Males above 16	...	...	...
				Total under ground	...			
20 Above ground (including those employed on sidings and private branch railways and tramways, and in cleaning, washing, and coking of coal).				Boys under 14	...	...	...
				Boys of 14 and under 16	...	...	...
				Males above 16	...	...	...
25				Total above ground	...			
				Total number of persons employed under ground and above ground...				

Quantity of Mineral wrought during the year.

30	Mineral wrought.				Number of statute tons wrought.		Value.
	Coal (round)	...	...	...
	Coal (small)	...	...	...
	Shale-oil shale	...	...	...

The Number of Days in each Month on which Coal or Shale has been drawn.

35								Number of days on which coal <i>or</i> shale was drawn.
	January	...	...	...	...	...	...
	February	...	...	...	...	...	...
	March	...	...	...	...	...	...
40	April	...	...	...	...	...	...
	May	...	...	...	...	...	...
	June	...	...	...	...	...	...
	July	...	...	...	...	...	...
	August	...	...	...	...	...	...
45	September	...	...	...	...	...	...
	October	...	...	...	...	...	...
	November	...	...	...	...	...	...
	December	...	...	...	...	...	...

day of (Signed) 18 .

Coal Mines Regulation.

PART B.

Name of Mine

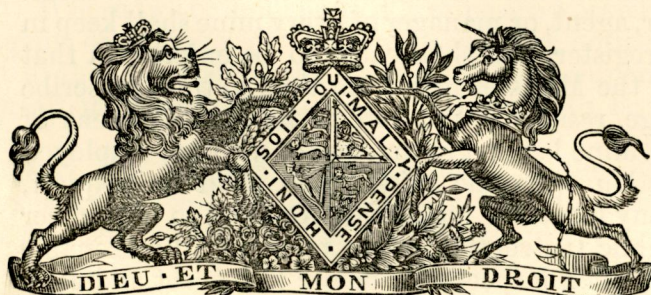
5	Name of seam.	Mode of ventilation, with description.	Diameter and depth of downcast and upcast shafts.				Number of splits and quantity.		Airways.		Average total quantity of fresh air per minute.
			Downcast.		Upcast.				Length of splits.	Sectional area.	
			Diameter in feet.	Depth in feet.	Diameter in feet.	Depth in feet.	Splits.	Quantity in cubic feet per minute.	Yards.	Square feet.		Cubic feet.

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, 21 March, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No .

An Act to make better provision for the Regulation of Coal Mines and Collieries and for other purposes connected therewith.

WHEREAS it is expedient to make better provision for the regulation and inspection of Coal Mines and Collieries and certain other Mines: Be it therefore 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. (I) This Act shall come into operation on the first day of July, one thousand eight hundred and ninety-three (which date is in this Act referred to as the commencement of this Act), and may be cited as the "Coal Mines Regulation Act, 1893."

(II) This Act shall apply to mines of coal and mines of shale.

PART I.

Employment of Male Persons.

2. No person shall, except in case of emergency or when life or property are in danger, work below ground in any mine for more than eight hours (inclusive of one break of twenty minutes for the purpose of obtaining food) on Monday, Tuesday, Wednesday, Thursday, and Friday, and for more than six hours on each alternate Saturday:

507—A

And

Coal Mines Regulation.

And no person so employed below ground shall draw or hew coal on the pay Saturday, save and excepting the drawing of small coal necessary for the ventilation of the mine during the succeeding fortnight; and any contravention of this section by any person whomsoever shall be deemed an offence against this Act.

Employment of Boys and Females.

3. (I) Subject to the provisions of section seventy-two of this Act (dealing with the employment of boys), no boy under the age of fourteen years and no female shall be employed in or about a mine.

Employment and registration of boys and females.

10 (II) The owner, agent, or manager of every mine shall keep in the office at the mine a register, and shall cause to be entered in that register, in such form as the Minister may from time to time prescribe or sanction, the name, age, residence, and date of first employment of all boys employed in the mine below ground, and of all boys employed
15 above ground in connection with the mine; and shall on request, produce the register to any inspector under this Act, and to any officer of the Department of Public Instruction, at the mine, at all reasonable times, and shall allow any such inspector or officer to inspect and copy the same.

20 (III) The immediate employer of every boy, other than the owner, agent, or manager of the mine, before he causes the boy to be below ground in any mine, shall report to the manager of the mine, or to some person appointed by that manager, that he is about to employ the boy in the mine.

25 4. If any person contravenes or fails to comply with or permits any person to contravene or fail to comply with any provision of this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys, he shall be guilty of an offence against this Act; and in the event of
30 any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the 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 provisions of this Act, to prevent the contravention or
35 non-compliance.

Penalty for employment of persons in contravention of Act.

Wages.

5. (I) No wages shall be paid to any person employed in or about any mine at or within any public-house, beer-shop, or place for the sale of any spirits, beer, wine, cider, or other spirituous or
40 fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith.

Prohibition of payment of wages at public-houses, &c.

(II) Every person who contravenes or fails to comply with or permits any person to contravene or fail to comply with this section shall be guilty of an offence against this Act; and in the event of any
45 such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the 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 provisions of this section, to prevent the contravention
50 or non-compliance.

6. (I) Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and unless otherwise
55 mutually agreed upon all the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable: Provided that nothing in this section shall preclude the owner, agent, or manager

Payment of persons employed in mines by weight.

Coal Mines Regulation.

manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, such
 5 deductions being determined in such special mode as may be agreed upon between the owner, agent, or manager of the mine on the one hand, and the persons employed in the mine on the other; or by some person appointed in that behalf by the owner, agent, or manager,
 10 or (if any check weigher is stationed for this purpose as hereinafter mentioned) by such person and such check weigher, or in case of difference by a third person to be mutually agreed on by the owner, agent, or manager of the mine on the one hand, and the persons employed in the mine on the other, or in default of agreement appointed by a Chairman of a Court of Quarter Sessions within the
 15 jurisdiction of which any shaft of the mine is situate.

(II) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with this section, he shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever,
 20 the owner, agent, and manager of the 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 provisions of this section to prevent the contravention or non-compliance.

25 (III) That nothing in this Act shall be held to authorise or give any power to any owner or manager of a mine to pay miners by the method known as the standard weight system, and from and after the passing of this Act that system shall be and is hereby abolished.

(IV) Where it is proved to the satisfaction of the Minister,
 30 in the case of any mine or class of mines employing not more than twenty persons under ground, to be expedient that the persons employed therein should, upon the joint representation of the owner or owners of any such mine or class of mines and the said persons, be paid by any method other than that provided by this Act, such
 35 Minister may, if he think fit, by order allow the same either without conditions or during the time and on the conditions specified in the order.

7. (I) The persons who are employed in a mine, and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person (in this Act referred to as "a check weigher")
 40 at each place appointed for determining the deductions, in order that he may, on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral, or determine correctly the deductions, as the case may be.

(II) A check weigher shall have every facility afforded to
 45 him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing machine, and checking the taring of tubs and trams where necessary; and if at any mine proper facilities are not afforded to a check weigher as required by this section, the owner, agent, and manager of the mine
 50 shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

(III) A check weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the
 55 weighing, or with any of the workmen, or with the management of the mine; but shall be authorised only to take such account or determine such deductions as aforesaid, and the absence of a check weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such

Appointment on part of men, and removal of check weigher.

Coal Mines Regulation.

such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner, agent, or manager, unless the absent check weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with: Provided always that nothing in this section shall prevent a check weigher giving to any workman an account of the mineral gotten by him, or information with respect to the weighing or the weighing machine, or the taring of the tubs or trams, or with respect to the deductions, or any other matter within the scope of his duties as check weigher, so always, nevertheless, that the working of the mine be not interrupted or impeded.

(iv) If the owner, agent, or manager of the mine desires the removal of a check weigher on the ground that the check weigher has impeded or interrupted the working of the mine, or interfered with the weighing or with any of the workmen, or with the management of the mine, or has at the mine, to the detriment of the owner, agent, or manager, done anything beyond taking such account, determining such deductions, or giving such information as aforesaid, he may complain to a court of summary jurisdiction, who, if of opinion that the owner, agent, or manager shows sufficient *prima facie* ground for the removal of the check weigher, shall call on the check weigher to show cause against his removal.

(v) On the hearing of the case the Court shall hear the parties, and if they think that at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check weigher, shall make a summary order for his removal, and the check weigher shall thereupon be removed, but without prejudice to the stationing of another check weigher in his place.

(vi) The Court may in every case make such order as to the costs of the proceedings as the Court may think just.

(vii) If, in pursuance of any order of exemption made by the Minister, the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of this Act shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

(viii) If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check weigher in the proper discharge of his duties, or improperly interferes with or alters the weighing machine or the tare in order to prevent a correct account being taken of the weighing and taring, he shall be guilty of an offence against this Act.

8. (i) Where a check weigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine who are paid according to the weight of the mineral gotten by them, and has acted as such, he may recover from any person for the time being employed at such mine and so paid, his proportion of the check weigher's wages or recompense, notwithstanding that any of the persons by whom the check weigher was appointed may have left the mine or others have entered the same since the check weigher's appointment, any rule of law or equity to the contrary notwithstanding.

(ii) It shall be lawful for the owner or manager of any mine, where the majority of the before-mentioned persons, ascertained as aforesaid, so agree, to retain the agreed contribution of the persons so employed and paid as aforesaid for the check weigher, and to pay and account for the same to the check weigher.

9. (i) The "Weights and Measures Act," sixteenth Victoria number thirty-four, and any Act relating to weights and measures, shall apply to all weights, balances, scales, steelyards, and weighing machines.

Remuneration of
check weigher.

Application of 16
Vict. No. 34, to
weights, &c., used in
mines.

Coal Mines Regulation.

machines used at any mine for determining the wages payable to any person employed in the mine according to the weight of the mineral gotten by him, in like manner as it applies to weights, balances, scales, steelyards, and weighing machines used for buying and selling, 5 or for trade.

(II) An inspector of weights and measures appointed under the said Act shall once at least in every six months inspect and examine in manner directed by the said Act the weights, balances, scales, steelyards, and weighing machines used or in the possession of 10 any person for use as aforesaid at any mine within his district; and shall also make such inspection and examination at any other time in any case where he has reasonable cause to believe that there is in use at the mine any false or unjust weight, balance, scale, steelyard, or weighing machine, or when required by the manager or majority of 15 employers so to do.

(III) The inspector shall also inspect and examine the measures and gauges in use at the mines within his district; but nothing in this section shall prevent or interfere with the use of the measures or gauges ordinarily used at the mine.

20 (IV) An inspector may, for the purposes of this section, without any authorisation from a Justice of the Peace, exercise at or in any mine, as respects all weights, measures, scales, balances, steelyards, and weighing machines used or in the possession of any person for use at or in that mine, all such powers as he could exercise, if 25 authorised in writing by a Justice of the Peace, under the Weights and Measures Act, with respect to any such weights, measures, scales, balances, steelyards, and weighing machines as therein mentioned; and all the provisions of sections seventeen and eighteen of that Act, including the liability to penalties, shall apply to such inspection.

30 (v) The inspector of weights and measures shall not, in fulfilling the duties required of him under this section, impede or obstruct the working of the mine.

Single Shafts.

10. (I) After the commencement of this Act the owner, agent, 35 or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts or outlets are complied with, that is to say,—

40 (a) There must be at least two shafts or outlets, with which every seam for the time being at work in the mine shall have a communication, so that such shafts or outlets shall afford separate means of ingress and egress available to the persons employed in every such seam, whether the shafts or outlets belong to the same mine or to more than one mine.

45 (b) Such shafts or outlets must not at any point be nearer to one another than fifty yards, and there shall be between such two shafts or outlets a communication not less than six feet wide and six feet high, and in the case of communications made after the commencement of this Act between shafts or 50 outlets, not less than six feet high.

(c) Proper apparatus for raising and lowering persons at each such shaft or outlet shall be kept on the works belonging to the mine, and such apparatus if not in actual use at the shafts or outlets shall be constantly available for use.

55 (d) Every mine shall be provided with some automatic contrivance to prevent overwinding.

(II) Every owner, agent, and manager of a mine who acts in contravention of or fails to comply with this section shall be guilty of an offence against this Act.

(III)

Prohibition of single shafts.

Coal Mines Regulation.

(III) The Supreme Court, whether any other proceedings have or have not been taken, may, on the application of the Attorney-General, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment in contravention of this section, and may award such costs in the matter of the injunction as the Court thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

(IV) Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner, agent, or manager of the mine not less than ten days before the application is made.

11. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine, where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets. Agreements not to preclude compliance with Act.

12. The foregoing provisions of this Act with respect to shafts or outlets shall not apply— Exceptions from provisions as to shafts.

(I) In the case of a new mine being opened—

(a) to any working for the purpose of making a communication between two or more shafts;

(b) to any working for the purpose of searching for or proving minerals;

so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft or outlet: nor

(II) To any proved mine so long as it is exempted by order of the Minister on the ground either—

(a) that the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second shaft or outlet, or by establishing communication with a second shaft or outlet, in any case where such communication existed and has become unavailable; or

(b) that the workings in any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working, notwithstanding that one of the shafts or outlets may be cut off by so working away the pillars of that seam;

and so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft or outlet; nor

(III) To any mine—

(a) while a shaft is being sunk, or an outlet being made; or

(b) one of the shafts or outlets of which has become, by reason of some accident, unavailable for the use of the persons employed in the mine;

so long as the mine is exempted by order of the Minister, and as the conditions (if any) annexed to the order of exemption are duly observed.

The provision in this Act requiring the two shafts or outlets of a mine to be separated by a distance of not less than fifty yards shall not apply to any mine which is provided with two shafts sunk before the first day of January one thousand eight hundred and ninety-three, but at that time separated by a distance of less than ten feet, or commenced to be sunk before the commencement of this Act but separated

Coal Mines Regulation.

separated by a distance of more than ten feet and less than fifty yards. The foregoing provisions of this Act as to the dimensions of the communication between two shafts or outlets shall not apply to any mine or class of mines so long as the same is exempted therefrom 5 by order of the Minister by reason of the thinness of the seams or other exigencies affecting that mine or class of mines, and so long as the conditions (if any) annexed to the order of exemption are duly observed.

Division of Mine into Splits.

10 13. (I) Where two or more parts of a mine are worked separately, the owner, agent, or manager of the mine shall give notice in writing to that effect to the inspector of the district, and thereupon each such part shall, for all purposes of this Act, be deemed to be a separate mine. Division of mine into splits.

15 (II) If the Minister is of opinion that the division of a mine in pursuance of this section tends to lead to evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to the division by notice served on the owner, agent, or manager of the mine; and the owner, agent, or manager, if 20 he declines to acquiesce in such objection, may, within twenty days after receipt of the notice, send a notice to the inspector of the district, stating that he declines so to acquiesce, and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of the last-mentioned notice shall be deemed to be 25 the date of the reference.

(III) Within six months after the commencement of this Act, every mine, unless worked on the long-wall system, shall be divided into districts or splits of not more than sixty men exclusive of wheelers and horses; and each district shall be supplied with a 30 separate current of fresh air, which shall be taken to within fifteen yards of each working face by brattice or otherwise where gas does not exist, and to within three yards of the working face where gas does exist.

Certificated Managers.

35 14. (I) After one year from the passing of this Act, every mine shall be under a manager, who shall be responsible for the control, management, and direction of the mine, and the owner or agent of every such mine shall nominate himself or some other person to be the manager of such mine, and shall send written notice to the inspector 40 of the district of the manager's name and address. Appointment of manager of mine.

(II) A person shall not be qualified to be a manager of a mine unless he is for the time being registered as the holder of a first-class certificate under this Act, or under the Imperial Act fifty and fifty-one Victoria, chapter fifty-eight, or any Act thereby repealed.

45 (III) If after one year from the passing of this Act any mine is worked for more than fourteen days without there being such a manager for the mine as is required by this section, the owner and agent of the mine shall each be liable to a fine not exceeding fifty pounds, and to a further fine not exceeding ten pounds for every day 50 during which the mine is so worked; provided that:—

(a) The owner of the mine shall not be liable to any such fine if he proves that he had taken all reasonable means by the enforcement of this section to prevent the mine being worked in contravention to this section.

55 (b) If for any reasonable cause there is for the time being no manager of a mine qualified as required by this section, the owner or agent of the mine may appoint any competent person

Coal Mines Regulation.

person not holding a certificate under this Act to be manager, for a period not exceeding two months or such longer period as may elapse before such person has an opportunity in the district wherein the mine is situate of obtaining by examination a certificate under this Act, and shall send to the inspector of the district a written notice of the manager's name and address, and of the reason for his appointment; and

5 (c) A mine in which not more than ten persons are employed below ground shall be exempt from the provisions of this section, unless the inspector of the district, by notice in writing served on the owner or agent of the mine, requires that it be under the control of a manager.

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15. (I) In every mine required by this Act to be under the control of a certificated manager, daily personal supervision shall be exercised either by the manager or by a duly qualified under-manager, in accordance with the provisions of this Act, nominated in writing by the owner or agent of the mine.

Daily supervision of mine by manager or under-manager.

(II) After one year from the passing of this Act every person so nominated and then exercising supervision of a mine must hold either a first-class or second-class certificate under this Act or under the Imperial Act, fifty and fifty-one Victoria chapter fifty-eight, or any Act thereby repealed, or a certificate of service under section seventy of this Act, or under any of the said Imperial Acts, and shall, in the absence of the manager, have the same responsibility, and be subject to the same liabilities as the manager under this Act; but the nomination of an under-manager shall not affect the personal responsibility of the manager under this Act.

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16. A contractor while so contracting for mineral, or person employed by such a contractor, is not eligible for the post of manager or under-manager under this Act.

30 Disqualifications for post of manager or under-manager.

17. (I) There shall be two descriptions of certificates of competency under this Act—(1) first-class certificates, that is to say, certificates of fitness to be manager; and (2) second-class certificates, that is to say, certificates of fitness to be under-manager; but no person shall be entitled to a certificate under this Act unless he has had practical experience in a mine for at least five years.

35 Constitution of board for appointing examiners for granting certificates of competency to managers and under-managers.

(II) For the purpose of granting certificates of competency for the purposes of this Act, a Board of examiners shall be appointed consisting of—

- 40 (a) Two persons employed or who have been employed in or about any mine in this Colony;
- (b) Two persons practising as mining engineers, agents, or managers of mines, or coal viewers in this Colony; and
- (c) One inspector under this Act.

45 (III) The members of the board shall be appointed and may be removed by the Minister, and shall hold office during his pleasure.

18. The Minister may from time to time make, alter, and revoke rules as to the places and times of examinations of applicants for certificates of competency under this Act, the number and remuneration of the examiners, and the fees to be paid by the applicants, so that the fees do not exceed those specified in Schedule Two to this Act. Every such rule shall be observed by the Board appointed under this Act.

50 Rules by Minister as to examinations.

19. (I) The Minister shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, such a certificate of competency as the case requires. The certificate shall be in such form as the Minister from time to time directs.

5 Grant of certificates to applicants on passing examination.

(II)

Coal Mines Regulation.

(II) A register of the holders of certificates of competency or service under this Act and under any of the Imperial Acts aforesaid shall be kept by such person and in such manner as the Minister from time to time directs.

5 20. If at any time representation is made to the Minister by an inspector or otherwise that any manager or under-manager holding a certificate under this Act or under any Imperial Act is by reason of incompetency or gross negligence, unfit to discharge his duties, or has been convicted of an offence against this Act, the Minister may, if he
10 think fit, cause inquiry to be made into the conduct of the manager or under-manager, and with respect to every such inquiry the following provisions shall have effect:—

Inquiry into competency of manager and cancellation of certificate in case of unfitness.

15 (I) The inquiry shall be public, and shall be held at such place as the Minister may appoint by such District Court Judge, Police Magistrate, Stipendiary Magistrate, or other person or persons, as may be directed by the Minister, and either alone or with the assistance of any assessor or assessors named by the Minister.

20 (II) The Minister shall, before the commencement of the inquiry, furnish to the manager or under-manager a statement of the case on which the inquiry is instituted.

 (III) Some person appointed by the Minister shall undertake the management of the case.

25 (IV) The manager or under-manager may attend the inquiry by himself, his counsel, solicitor, or agent, and may, if he thinks fit, be sworn and examined as an ordinary witness in the case.

30 (V) The person or persons appointed to hold the inquiry, in this Act referred to as the court, shall, on the conclusion of the inquiry, send to the Minister a report containing a full statement of the case, and the opinion of the court thereon, and such report of, or extracts from the evidence, as the court may think fit.

35 (VI) The court shall have power to cancel or suspend or otherwise deal with the certificate of the manager or under-manager, if it finds that he is by reason of incompetency or gross negligence, or of his having been convicted of any offence against this Act, unfit to discharge his duty.

40 (VII) The court may, if it thinks fit, require a manager or under-manager to deliver up his certificate, and if any manager or under-manager fails without sufficient cause to the satisfaction of the court, to comply with such requisition, he shall be liable to a fine not exceeding *one hundred* pounds. The court shall hold a certificate so delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend, or otherwise deal with the certificate according to its judgment on the case.

45 (VIII) The court shall have for the purpose of the inquiry, all the powers of a court of Petty Sessions, and all the powers of an inspector under this Act.

50 (IX) The court may also, by summons signed by the court, require the attendance of all such persons as it thinks fit to summon and examine for the purpose of the inquiry; and every person so summoned shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to the Prothonotary who, on request signed by the court, shall ascertain and certify the proper amount of such expenses.

55 21. (I) The court may make such order as it thinks fit respecting the costs and expenses of the inquiry, and such order shall, on the
60 application of any party entitled to the benefit thereof, be enforced by

Costs and expenses of inquiry.

Coal Mines Regulation.

any Stipendiary or Police Magistrate or any two Justices of the Peace in Petty Sessions, as if such costs and expenses were a fine imposed by that Court of Petty Sessions.

(II) The Minister may, if he thinks fit, pay to the person or persons constituting the court, including any assessors, such remuneration as he may appoint.

(III) Any costs and expenses ordered by the court to be paid by the Minister, and any remuneration paid under this section, shall be paid out of moneys provided by Parliament.

22. (I) Where a certificate of a manager or under-manager is cancelled or suspended or otherwise dealt with in pursuance of this Act, the Minister shall cause the cancellation or suspension or a notification of the order of the court to be recorded in the register of holders of certificates. Record of cancellation of certificate; restoration in certain cases.

(II) The Minister may at any time, if it is shown to him to be just so to do, renew or restore, on such terms as he thinks fit, any certificate which has been cancelled or suspended or otherwise dealt with in pursuance of this Act, and cause the renewal or restoration to be recorded in the register aforesaid.

23. Whenever any person proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act or under any Imperial Act, the Minister shall, on payment of such fee, if any, as he may direct, but not exceeding the fee specified in Schedule Two to this Act, cause a copy of the certificate to which the applicant appears by the register to be entitled, to be made out and certified by the person who keeps the register, and delivered to the applicant; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original certificate. Copy of certificate in case of loss.

24. (I) All expenses incurred by the Minister in carrying into effect the provisions of this Act with respect to certificates of competency shall be defrayed out of moneys provided by Parliament. Expenses in relation to certificates and application of fees.

(II) All fees payable by the applicants for examination for or for a copy of a certificate under this Act shall be paid into the Treasury as the Colonial Treasurer may from time to time direct, and be carried to the Consolidated Revenue Fund.

25. Every person who commits any of the following offences; that is to say:— Penalty for forgery of, or false declaration as to certificate

(I) Forges, or counterfeits, or knowingly makes any false statement in any certificate of competency, or of service granted under this Act or the Imperial Act fifty and fifty-one Victoria chapter fifty-eight, or any Act repealed thereby, or any official copy of any such certificate; or

(II) Knowingly utters or uses any such certificate or copy which has been forged or counterfeited or contains any false statement; or

(III) For the purpose of obtaining for himself or any other person employment as a certificated manager or under-manager, or the grant, renewal, or restoration of any certificate under this Act or under any of the said Imperial Acts, or a copy thereof, either.

(a) Makes or gives any declaration, representation, statement, or evidence which is false in any particular; or

(b) Knowingly utters, produces, or makes use of any such declaration, representation, statement, or evidence, or any document containing the same,

shall be guilty of a misdemeanour, and be liable on conviction to imprisonment for a term not exceeding *two* years, with or without hard labour.

Returns,

*Coal Mines Regulation.**Returns, Plan, Notices, and Abandonment.*

26. (I) On or before the twenty-first day of January in every year, the owner, agent, or manager of every mine shall send to the inspector of the district on behalf of the Minister a correct return, ^{Returns by owner, agent, or manager of mine.} specifying, with respect to the year ending on the preceding thirty-first day of December, the particulars contained in the form in Schedule Three to this Act, or in such other form as may from time to time be prescribed in lieu of that form by the Minister: Provided that in the case of any mine which is not required by this Act to be under the control of a certificated manager, a return shall not be required of the particulars contained in Part B of the said form, unless or until the Minister otherwise prescribes.

(II) Forms for the purpose of the returns required by this section shall from time to time, on application, be furnished by the inspector on behalf of the Minister.

(III) The Minister may publish the aggregate results of the returns made under this section with respect to the whole Colony or any particular inspector's district, or any large portion of an inspector's district, and so much of any individual return as does not relate to the quantity of mineral gotten or wrought; but the portion of any individual return relating to the quantity of mineral gotten or wrought shall not be published without the consent of the person making the return, or of the owner of the mine to which it relates; and no person except an inspector, or the Minister, or the Under Secretary shall be entitled, without such consent, to see such portion as aforesaid of any individual return.

(IV) Every owner agent or manager of a mine who fails to comply with this section or makes any return which is to his knowledge false in any particular shall be guilty of an offence against this Act.

27. (I) The owner, agent, or manager of every mine shall keep in the office at the mine an accurate plan of the workings of the mine, showing the workings up to a date not more than three months previously, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that be not reasonably practicable, a statement of the depth of the shaft, with a section of the seam. ^{Plan of mine to be kept at office.}

(II) The owner, agent, or manager of the mine shall, on request at any time of an inspector under this Act, produce to him at the office at the mine such plan and section, and shall also on the like request mark on such plan and section the then state of the workings of the mine; and the inspector shall be entitled to examine the plan and section, and for official purposes only to make a copy of any part thereof respectively.

(III) If the owner, agent, or manager of any mine fails to keep, or wilfully refuses to produce or allow to be examined, the plan and section aforesaid, or wilfully withholds any portion thereof, or wilfully refuses on request, to mark thereon the state of the workings of the mine, or conceals any part of those workings, or produces an imperfect or inaccurate plan or section, he shall (unless he shows that he was ignorant of the concealment, imperfection, or inaccuracy) be guilty of an offence against this Act; and further, the inspector may by notice in writing (whether a penalty for the offence has or has not been inflicted) require the owner, agent, or manager to cause an accurate plan and section, showing the particulars hereinbefore required, to be made within a reasonable time at the expense of the owner of the mine. Every such plan must be on a scale of not less than two chains to the inch or on the same scale as the plan for the time being in use at the mine.

(IV)

Coal Mines Regulation.

(IV) If the owner, agent, or manager fails within twenty days after the requisition of the inspector, or within such further time as may be allowed by the Minister, to cause such plan and section to be made as hereby required, he shall be guilty of an offence against this Act.

28. (I) Where in or about any mine, whether above or below ground, either :— Notice to be given of accidents in mines.

- 10 (I) Loss of life or any personal injury whatever to any person employed in or about the mine occurs by reason of any explosion of gas, or any explosive, or of any steam boiler ; or
- (II) Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner, agent, or manager of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the inspector of the district on behalf of the Minister, and shall specify in the notice the character of the explosion or accident, and the number of persons killed or injured respectively.

20 (II) Where loss of life or serious personal injury has immediately resulted from an explosion or accident, the place where the explosion or accident occurred shall be left as it was immediately after the explosion or accident, until the expiration of at least three days after the sending of such notice as aforesaid of such explosion or

25 accident, or until the visit of the place by an inspector, whichever first happens, unless compliance with this enactment would tend to increase or continue a danger, or would impede the working of the mine.

(III) Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the inspector of the district on behalf of the Minister within twenty-four hours after such death comes to the knowledge of the owner, agent, or manager.

(IV) Every owner, agent, or manager who fails to act in compliance with this section shall be guilty of an offence against this Act.

35 29. In any of the following cases, namely :—

- (I) Where any working is commenced for the purpose of opening a new shaft for or a seam of any mine. Notice to be given of opening and abandonment of mine.
- (II) Where a shaft or seam of any mine is abandoned, or the working thereof discontinued.
- 40 (III) Where the working of a shaft or a seam of any mine is recommenced after any abandonment or discontinuance for a period exceeding two months ; or
- (IV) Where any change occurs in the name of any mine, or in the name of the owner, agent, or manager of any mine to which this Act applies, or in the principal officers of any
- 45 incorporated company which is the owner of a mine ;

the owner, agent, or manager of the mine shall give notice thereof to the inspector of the district within two months after the commencement, abandonment, discontinuance, recommencement, or change ; and

50 if such notice is not given, the owner, agent, or manager shall be guilty of an offence against this Act.

30. (I) Where any mine is abandoned or the working thereof discontinued, at whatever time the abandonment or discontinuance occurred, the owner thereof and every other person interested in the

55 minerals of the mine shall cause the top of every shaft and every side entrance from the surface to be and to be kept securely fenced for the prevention of accidents : Provided that,—

- (I) Subject to any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in

Coal Mines Regulation.

in the minerals of the mine, be liable to carry into effect this section, and to pay any costs, charges, and expenses incurred by any other person interested in the minerals of the mine in carrying this section into effect.

5 (II) Nothing in this section shall exempt any person from any liability under any other Act or otherwise.

(II) If any person fails to act in conformity with this section, he shall be guilty of an offence against this Act.

10 (III) No person shall be precluded by any agreement from doing, or be liable under any contract to any damages, penalty, or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this section.

(IV) If any occupier of land or other person wilfully obstructs the owner of a mine or other person interested as aforesaid 15 in doing any such acts, he shall be guilty of an offence against this Act.

(v) Any shaft or side entrance which is not fenced as required by this section, and is within fifty yards of any highway, road, footpath, or place of public resort, or is in open or uninclosed land, 20 shall be deemed to be a public nuisance.

31. (I) Where any mine or seam is abandoned, the owner of the mine or seam at the time of its abandonment shall, within three months after the abandonment, send to the Minister an accurate plan showing the boundaries of the workings of the mine or seam up to the 25 time of the abandonment, and the position of the workings with regard to the surfaces, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that is not reasonably practicable, a statement of the depth of the shaft, with a section of the seam. Every such plan must be on a scale of not less 30 than two chains to the inch, or on the same scale as the plan used at the mine at the time of its abandonment.

Plan of abandoned mine or seam to be sent to Minister.

(II) The plan and section shall be preserved under the care of the Minister; but no person, except an inspector under this Act, shall be entitled, without the consent of the owner of the mine 35 or seam, to see the plan when so sent until after the expiration of ten years from the time of the abandonment.

(III) The owner aforesaid shall also, within three months of the abandonment of the mine or seam, send to the inspector of the district, on behalf of the Minister, a correct return specifying, with 40 respect to the period which has elapsed since the expiration of the year covered by the last annual return made under this Act, the particulars required in that return, and the provisions of this Act with respect to the said annual return shall apply to the return so sent.

45 (IV) If the owner of a mine or seam fails to comply with this section he shall be guilty of an offence against this Act, and be liable to a fine not exceeding thirty pounds.

(v) A complaint or information of an offence under this section may be made or laid at any time within six months after 50 abandonment of the mine or seam, or after service on the owner aforesaid of a notice to comply with the requirements of this section, whichever last happens.

Inspection.

32. (I) The Minister may from time to time appoint duly 55 qualified persons to be inspectors (under whatever title he may from time to time fix) of mines, and assign them their duties, and may award them such salaries as he may think fit, or as Parliament may approve, and may remove any such inspector.

Appointment of inspectors of mines.

(II)

Coal Mines Regulation.

(II) Notice of the appointment of every such inspector shall be published in the *Gazette*.

(III) Every such inspector is referred to in this Act as an inspector, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of the Colony with reference to which the term is used.

(IV) The salaries of the inspectors and the expenses incurred by them or by the Minister, in the execution of this Act, shall continue to be paid out of moneys to be provided by Parliament.

10 Every Inspector under this Act shall within six months after the passing of this Act hold a certificate of competency or service as hereinafter provided in regard to Managers, but for the purposes of this Act service as an Inspector of Collieries will be equivalent to service as manager of a mine. Inspectors to hold certificates.

15 33. Any person who practices or acts as or is a partner of any person who practices or acts as a land agent or mining engineer, or as a manager, viewer, agent, or valuer of mines, or arbitrator in any difference arising between owners, agents, or managers of mines, or is otherwise employed in or about any mine, or is a miner's agent or a mine owner (whether the mine is one to which this Act applies or not) shall not act as an inspector of mines under this Act, and no inspector shall be a partner or have any interest direct or indirect in any mine in the district under his charge. Disqualification of persons as inspectors.

25 34. An inspector under this Act shall have power to do all or any of the following things, namely:— Powers of inspectors.

(I) To make at least once in each month such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine.

30 (II) To enter, inspect, and examine any mine, and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the mine except when absolutely necessary.

35 (III) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto, or the care and treatment of the horses and other animals used in the mine.

40 (IV) To exercise such other powers as may be necessary for carrying this Act into effect.

45 (V) To require the manager to withdraw the men from the mine if at any time he finds that, by reason of inflammable gases prevailing in any mine or any part thereof, or of any cause whatever, the mine or the said part is dangerous; and no person shall, except so far as is necessary for exploration or inquiry into the cause of danger or the removal thereof, be readmitted into the mine or such part thereof as was found dangerous, until the same is stated by the Inspector to be safe. Miners may be withdrawn if Inspector finds cause of danger.

50 Every person who wilfully obstructs any inspector in the execution of his duty under this Act, and every owner, agent, and manager of a mine who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act, in relation to the mine, shall be guilty of an offence against this Act.

Coal Mines Regulation.

35. (I) If in any respect (which is not provided against by any express provision of this Act or by any special rule) any inspector finds any mine or any part thereof, or any matter, thing, or practice in or connected, with any such mine, or with the control, management, 5 or direction thereof by the manager to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, he may give notice in writing thereof to the owner, agent, or manager of the mine, and shall state in the notice the particulars in which he considers the mine or any part thereof, or any matter, thing, or 10 practice to be dangerous or defective, and require the same to be remedied, and unless the same be forthwith remedied shall also report the same to the Minister.

Notice by inspector of causes of danger not expressly provided against.

(II) If the owner, agent, or manager of the mine objects to remedy the matter complained of in the notice he may, within ten 15 days after receipt of the notice, send his objection in writing, stating the grounds thereof to the Minister, and thereupon the matter shall be determined by arbitration in manner provided by this Act, and the date of the receipt of the objection shall be deemed to be the date of the reference.

(III) If the owner, agent, or manager fail, when no objection is sent as aforesaid, to comply with the requisition of the notice within ten days after the expiration of the time for objection, or when there has been an arbitration to comply with the award within the time fixed by the award, he shall be guilty of an offence against this Act, 25 and the notice and award shall respectively be deemed to be written notice of the offence: Provided that the court, if satisfied that the owner, agent, or manager has taken active measures for complying with the notice or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before 30 them for punishing the offence, and, if the works are completed within a reasonable time, no penalty shall be inflicted.

(IV) 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 in order to comply with the 35 provisions of this section.

36. Every inspector of a district under this Act shall make an annual report of his proceedings during the preceding year to the Minister, which report, when embodied in the Annual Report of the Department of Mines, shall be laid before both Houses of Parliament.

Annual reports of inspectors.

40 37. Where in any mine an explosion or accident has caused loss of life or personal injury to any person, the Minister may at any time direct an inspector to make a special report with respect to the explosion or accident.

Special reports of inspectors.

45 38. Where it appears to the Minister that a formal investigation of any explosion or accident and of its causes and circumstances is expedient, the Minister may direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

Formal investigation when directed by the Minister.

50 (I) The Minister may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation.

55 (II) The person or persons so appointed (hereinafter called the court) shall hold the investigation in open court, in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the explosion or accident, and enabling the court to make the report in this section mentioned.

(III)

Coal Mines Regulation.

- (III) The court shall have for the purpose of the investigation all the powers of a Court of Petty Sessions when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers, namely.
- 5 (a) Power to enter and inspect any place or building, the entry or inspection whereof appears to the court requisite for the said purpose.
- 10 (b) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make.
- 15 (c) Power to require the production of all books, papers, and documents which it considers important for the said purpose.
- (d) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.
- 20 (IV) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before the Supreme Court; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to the Prothonotary, who, on request signed by the
- 25 court, shall ascertain and certify the proper amount of the expenses.
- (v) The court holding an investigation under this section shall make a report to the Minister, stating the causes of the explosion or accident and its circumstances, and adding any observations which the court thinks right to make.
- 30 (VI) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Minister in the execution of this Act.
- 35 (VII) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be
- 40 liable to a fine not exceeding *ten* pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding *ten* pounds for every day that such failure continues.
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39. The Minister may cause any special report of an inspector or any report of a court, under this part of this Act, to be made public at such time and in such manner as he may think fit.

Publication of reports.

Arbitration.

50 40. With respect to arbitrations under this Act, the following provisions shall have effect, notwithstanding anything to the contrary contained in the "Arbitration Act, 1892":—

Provisions as to arbitrations.

- (I) The parties to the arbitration are in this section deemed to be the owner, agent, or manager of the mine on the one hand, and the inspector of mines (on behalf of the Minister) on the other.
- 55 (II) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(III)

Coal Mines Regulation.

- (III) No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in the mine to which the arbitration relates.
- 5 (IV) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.
- 10 (v) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section.
- 15 (VI) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.
- 20 (VII) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place, and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.
- 25 (VIII) In either of the foregoing cases where an arbitrator is empowered to act singly on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.
- 30 (IX) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.
- 35 (x) The arbitrators, before they enter on the matter referred to them, shall appoint, by writing under their hands, an umpire to decide on points on which they may differ.
- 40 (XI) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.
- 45 (XII) If the arbitrators refuse or fail, or for seven days after the request of either party neglect to appoint an umpire, then, on the application of either party, an umpire may be appointed by the Chairman of the General or Quarter Sessions of the Peace within the jurisdiction of which the mine or any shaft of the mine is situate.
- 50 (XIII) The decision of every umpire on the matters referred to him shall be final.
- (XIV) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.
- 55 (xv) Arrangements shall, whenever practicable, be made for the matter in difference being heard at the same time, before the arbitrators and the umpire.

Coal Mines Regulation.

- (xvi) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.
- 5 (xvii) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Minister, and, together with the costs of the arbitration and award, shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by the Prothonotary, who, on the written application of either of the parties, shall ascertain and certify the proper amount thereof. The amount, if any, payable by the Minister shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the owner, agent, or manager, may, in the event of non-payment, be recovered in the same manner as fines under this Act.
- 10
- 15 (xviii) Every person who is appointed an arbitrator under this section shall be a practical mining engineer, or a person accustomed to the working of mines; and every person who is appointed an umpire under this section shall be a District Court Judge, a Police or Stipendiary Magistrate, or a Registrar of a District Court; but when an award has been made under this section the arbitrator or umpire who made it shall be deemed to have been duly qualified as provided by this section.
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Coroners.

41. With respect to coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in or about mines, the following provisions shall have effect:—

Provisions as to coroners' inquests on deaths from accidents in mines.

- 30 (i) Where a coroner holds an inquest on the body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the inspector of the district, the coroner shall adjourn the inquest, unless an inspector, or some person on behalf of the Minister, is present to watch the proceedings.
- 35 (ii) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.
- 40 (iii) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.
- (iv) If an explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.
- 45
- 50 (v) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner.
- (vi) Where evidence is given at an inquest at which an inspector is not present of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector of the district notice in writing of such neglect or defect.
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(vii)

Coal Mines Regulation.

- (VII) Any person having a personal interest in, or employed in, or in the management of the mine in which the explosion or accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury.
- (VIII) Any relative of any person whose death may have been caused by the explosion or accident with respect to which the inquest is being held, and the owner, agent, or manager of the mine in which the explosion or accident occurred, and any person appointed by the order in writing of the majority of the workmen employed at the said mine, shall be at liberty to attend and examine any witness, either in person or by his counsel, solicitor, or agent.
- Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

PART II.

*Rules.**General Rules.*

42. The following general rules shall be observed, so far as is reasonably practicable, in every mine:—

- Rule 1.* An adequate amount of ventilation (not in any case less than one hundred and fifty cubic feet of pure air per minute for each man and each boy, and two hundred cubic feet for each horse employed in the mine) shall be constantly produced in every mine, and shall sweep undiminished along the airways and into each working place to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables, and workings of the mine, and the travelling roads to and from those working places shall be in a fit state for working and passing therein. And no place shall be driven more than twenty-five yards exclusive of the cut-through away from the current of the air without a cut-through being put through, and in single headings, or where gas is known to be generated, it shall be bratticed up to within three yards of the face of such working place: And no return airways shall be used as travelling roads. In the case of mines required by this Act to be under the control of a certificated manager, the quantity of air in the respective splits or currents shall at least once in every month be measured and entered in a book to be kept for the purpose at the mine.
- Rule 2.* Where a fire is used for ventilation in any mine newly opened after the passing of this Act, the return air, unless it be so diluted as not to be inflammable, shall be carried off clear of the fire by means of a dumb drift or air-way.
- Rule 3.* Where a mechanical contrivance for ventilation is introduced into any mine after the commencement of this Act, it shall be in such position and placed under such conditions as will tend to insure its being uninjured by an explosion.

Rule

Coal Mines Regulation.

Rule 4. A station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and the following provisions shall have effect :—

Stations and inspection of condition as to ventilation, &c.

(I) As to inspection before commencing work :—

5 A competent person or competent persons appointed by the owner, agent, or manager for the purpose, not being contractors for getting minerals in the mine shall, within such time immediately before the commencement of each shift, as shall be fixed by special rules made under this Act, inspect each working face of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof, and sides, and general safety are concerned.

10 No workman shall pass beyond any such station until the part of the mine beyond that station has been so examined and stated by such competent person to be safe.

The inspection shall be made with a locked safety lamp.

20 A report specifying where noxious or inflammable gas, if any, was found present, the condition of the ventilation, and what defects, if any, in roofs or sides, and what if any other source of danger were or was observed, shall be recorded without delay in a 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 handwriting of the person who made the inspection.

25 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.

30 (II) As to inspection during shifts :—

A similar inspection shall be made in the course of each shift of all parts of the mine in which workmen are to work or pass during that shift, but it shall not be necessary to record a report of the same in a book : Provided that in the case of a mine worked continuously throughout the twenty-four hours by a succession of shifts, the report of one of such inspections shall be recorded in manner above required.

40 *Rule 5.* A competent person or competent persons, appointed by the owner, agent, or manager for the purpose, shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery, the state of the guides and conductors in the shafts, and the state of the head gear, ropes, chains, and other similar appliances of the mine which are in actual use both above ground and below ground, and shall once at least in every week examine the state of the shafts by which persons ascend or descend ; and shall make a true report of the result of such examination, and every such report shall be recorded without delay in a book to be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Inspection of machinery, &c., above and below ground.

45 *Rule 6.* Every entrance to any place which is not in actual use or course of working and extension shall be properly fenced across the whole width of the entrance, so as to prevent persons inadvertently entering the same.

Fencing of entrances

50 *Rule 7.* If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of inflammable gases prevailing in the mine, or that part thereof,

Withdrawal of workmen in case of danger.

or

Coal Mines Regulation.

5 or of any cause whatever, the mine or that part is dangerous,
 every workman shall be withdrawn from the mine or part so
 found dangerous, and a competent person appointed for the
 purpose shall inspect the mine or part so found dangerous,
 10 and if the danger arises from inflammable gas, shall inspect the
 mine or part with a locked safety lamp; and in every case
 shall make a true report of the condition of the mine or part;
 and a workman shall not, except in so far as is necessary
 for inquiring into the cause of danger or for the removal
 thereof, or for exploration, be readmitted into the mine, or
 15 part so found dangerous, until the same is stated by the
 person appointed as aforesaid not to be dangerous. Every
 such report shall be recorded in a book which shall be kept
 at the mine for the purpose, and shall be signed by the person
 who made the inspection.

Rule 8. No lamp or light other than a locked safety lamp shall be allowed or used,— Use of safety lamps in certain places.

(a) In any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous; or

(b) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas.

25 And when it is necessary to work the coal in any part of a ventilating district with safety lamps, it shall not be allowable to work the coal with naked lights in another part of the same ventilating district situated between the place where such lamps are being used and the return air-way.

Rule 9. Wherever safety lamps are used, they shall be so constructed that they may be safely carried against the air current ordinarily prevailing in that part of the mine in which the lamps are for the time being in use, even though such current should be inflammable. Construction of safety lamps.

Rule 10. In any mine or part of a mine in which safety lamps are required by this Act, or by the special rules made in pursuance of this Act to be used,— Examination of safety lamps.

(I) A competent person appointed by the owner, agent, or manager for the purpose shall, either at the surface or at the appointed lamp station, examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be in safe working order and securely locked; and such lamps shall not be used until they have been so examined and found in safe working order and securely locked.

(II) A safety lamp shall not be unlocked except either at the appointed lamp station or for the purpose of firing a shot, in conformity with the provisions hereinafter contained.

(III) A person, unless he has been appointed either for the purpose of examining safety lamps, or for the purpose of firing shots, shall not have in his possession any contrivance for opening the lock of any safety lamp.

(IV) A person shall not have in his possession any lucifer match or apparatus of any kind for striking a light.

Rule 11. Where safety lamps are required to be used, the position of the lamp stations for lighting or relighting the lamps shall not be in the return air. Lamp stations.

Rule 12. Any explosive substance shall only be used in the mine below ground as follows:— Use of explosives below ground.

(a) It shall not be stored in the mine.

(b)

Coal Mines Regulation.

- (b) It shall not be taken into the mine, except in a secure case or canister containing not more than five pounds.
- (c) A workman shall not have in use at one time in any one place more than one of such cases or canisters.
- 5 (d) In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel pricker, scraper, charger, tamping rod, or stemmer.
- 10 (e) No explosive shall be forcibly pressed into a hole of insufficient size, and when a hole has been charged, the explosive shall not be unrammed; and no hole shall be bored for a charge at a distance of less than six inches from any hole where the charge has missed fire: Provided that no person shall return to a place where such charge has missed fire until a period of eight hours has elapsed from the lighting of the fuse attached to such charge.
- 15 (f) In any place in which the use of a locked safety lamp is for the time being required by or in pursuance of this Act, or which is dry and dusty, no shot shall be fired except by, or under the direction of, a competent person appointed by the owner, agent, or manager of the mine; and such person shall not fire the shot or allow it to be fired until he has examined both the place itself where the shot is to be fired and all contiguous accessible places of the same seam within a radius of twenty yards, and has found such place safe for firing.
- 20 (g) If in any mine, at either of the four inspections under rule four recorded last before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired,—
- 25 (i) Unless a competent person, appointed as aforesaid, has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or
- 30 (ii) Unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas.
- 35 (h) If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say:—
- 40 (i) Unless the place of firing and all contiguous accessible places within a radius of twenty yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or
- 45 (ii) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust.
- 50 (i) If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing dust adhering to the roof and sides, no shot shall be fired there unless—
- 55 (i) Both the conditions mentioned in sub-head (h) have been observed; or

(ii)

Coal Mines Regulation.

- (II) Unless such one of the conditions mentioned in sub-head (h) as may be applicable to the particular place has been observed, and moreover all workmen have been removed from the seam in which the shot is to be fired, and from all seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily employed in attending to the ventilating furnaces, steam-boilers, engines, machinery, winding apparatus signals, or horses, or in inspecting the mine :
- (k) In this Act "ventilating district" means such part of a seam as has an independent intake commencing from a main intake air-course, and an independent return air-way terminating at a main return air-course; and "main haulage road" means a road which has been, or for the time being is, in use for moving trams by steam or other mechanical power.
- (l) Where a seam of a mine is not divided into separate ventilating districts the provisions in this Act relating to ventilating districts shall be read as though the word "seam" were substituted for the words "ventilating district."
- Rule 13.* Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within forty yards of that place exceed eight feet in width, and there shall be constantly kept at a sufficient distance, not being less than five yards in advance, at least one bore-hole, near the centre of the working, and sufficient flank bore-holes on each side. Water and bore-holes.
- Rule 14.* Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding thirty yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient man-holes for places of refuge, at intervals of not more than twenty yards, and of not less than six feet high, three feet wide, and four feet deep, or if there is not room for a person to stand between the side of a tub and the side of the plane, then (unless the tubs are moved by an endless chain or rope) at intervals of not more than ten yards. Signalling and man-holes for travelling planes worked by machinery.
- Rule 15.* Every road on which persons travel underground where the load is drawn by a horse or other animal shall be provided, at intervals of not more than fifty yards, with sufficient man-holes, or with places of refuge, and every such place of refuge shall be six feet high, three feet wide, and four feet deep between the waggons running on the road and the side of such road. There shall be at least two proper travelling ways into every steam-engine room and boiler gallery. Man-holes for other travelling roads.
- Rule 16.* Every man-hole and every place of refuge shall be constantly kept clear, and no person shall place anything in any such man-hole or place of refuge. Man-holes to be kept clear.
- Rule 17.* In the case of working coal by the pillar and stall system under river or tidal or ocean waters the workings shall be laid off systematically and carefully, and the size of the pillars shall be such as will afford ample support, after exposure to the crumbling effect of the air over many years, and shall not be less than twice the width of the bords or coal wrought out between such pillars. The bords on one side of the headings, Width of pillars and position under ocean.

Coal Mines Regulation.

- headings, levels, or cross-cuts, shall, unless prevented by rolls or faults, be driven opposite the bord pillars on the other side of the heading, level, or cross-cut. The minimum width of the pillars of coal shall be eight yards, and the maximum width of the bords or stalls six yards. And in no case shall the pillars under ocean or tidal waters be removed.
- 5 *Rule 18.* Every travelling road on which a horse or other draught animal is used under-ground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering. Dimensions of travelling roads.
- 10 *Rule 19.* The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be and shall be kept securely fenced. Fencing of shafts.
- 15 *Rule 20.* In the case of working coal under tidal waters or rivers, from one road of every pair of "winning off" or leading headings or levels (which shall not except for sidings exceed eight feet in width), and from the face of every bord a bore-hole shall be kept going not less than twelve feet in advance, for the purpose of foretelling the presence of any fissure, open joint, fault, or otherwise, and in the case of working under the ocean or tidal waters every "winning off" or leading headings or levels shall be driven at least one hundred yards in advance of the working bords, and shall not exceed eight feet in width except for sidings. Width of winning headings under tidal waters, &c.
- 20 *Rule 21.* The top and all entrances between the top and bottom, including the sump, if any, of every working, ventilating, or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used. Fencing of entrances to shafts.
- 25 *Rule 22.* Boreholes for the purpose of proving the thickness of the alluvial deposit shall be put down by the owner or manager on all lands fronting the ocean, tidal waters, or rivers where the thickness of the strata and deposits which overlie the coal worked or about to be worked is less than two hundred feet. Such boreholes, at distances not exceeding one hundred yards apart, shall be put down from the surface through the alluvial deposit to the rock, and to the rise of the coal seam worked. An account of the strata and deposits so bored through shall be furnished by the owner or manager to the Inspector when the boring has reached the rock. Thickness of strata near ocean, &c., to be ascertained by boring.
- 30 *Rule 23.* Where the natural strata are not safe, every working or pumping shaft shall be securely-cased, lined, or otherwise made secure. Securing of shafts.
- 35 *Rule 24.* In mines not under river or ocean or tidal waters worked on the pillar and stall system, where it is intended to remove the pillars, the stalls or bords shall not exceed in width eight yards, and the pillars shall not be less than eight yards wide. Where it is not proposed to remove the pillars they shall be of such dimensions as shall be necessary to support the roof. In mines worked on the long-wall system substantial supports shall be erected sufficient to protect the workmen. In mines worked on the Welsh bords or double-stall systems good, substantial, and sufficient pack walls shall be built, and a sufficient number of props set on each side of the pack walls. Size of pillars in mines not under ocean, &c.
- 40 *Rule 25.* The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not made so secure. Securing of roofs and sides.
- 45 *Rule*
- 50
- 55
- 60

Coal Mines Regulation.

5 *Rule 26.* Where the timbering of the working places is done by ^{Timbering.} the workmen employed therein, suitable timber shall be provided at the working place, gate end, pass bye, siding, or other similar place in the mine convenient to the workmen, and the distance between the sprags or holing props where they are required shall not exceed six feet or such less distance as may be ordered by the owner, agent, or manager.

10 *Rule 27.* Where there is a downcast and furnace shaft to the same seam, and both such shafts are provided with apparatus ^{Option of using downcast shaft.} in use for raising and lowering persons, every person employed in the mine shall, on giving reasonable notice, have the option of using the downcast shaft.

15 *Rule 28.* Subject to the provisions of section seventy-two of this Act in any mine which is usually entered by means of ^{Qualification and attendance of engine-} machinery, or where any shaft, plane, or level is used for the purpose of communication from one part to another part of a mine, and persons are taken up or down or along such shaft, plane, or level, by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, a competent male person not less than twenty-one years of age, and being the holder of a certificate of competency or certificate of service, shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for that purpose during the whole time that any person is below ground in the mine, and such person shall have charge of all ropes, chains, or tackle connected with such machinery. Where any windlass, gin, or machine used for any of the purposes aforesaid, is worked by an animal or by manual labour, the person in charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, must be a competent male person not less than eighteen years of age. Where the machinery is worked by an animal, the person under whose direction the driver of the animal acts, shall for the purposes of this rule be deemed to be the person in charge of the machinery.

30 *Rule 29.* The coal shall not be wrought under any proclaimed or made road without the sanction, in writing, of the Minister, ^{Coal not to be wrought under roads.} but headings may be driven under any such road for the purpose of connecting the workings, or of working the coal on either side thereof, but all such headings shall be in such positions, of such dimensions, and so supported as the Inspector shall, by writing under his hand, direct.

45 *Rule 30.* Every working shaft used for the purpose of drawing ^{Means of signalling for working shafts.} minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector of the district, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface, and the bottom of the shaft.

50 *Rule 31.* If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding, then the cage when men are being raised shall not be wound up at a speed exceeding three miles an hour, after the cage has reached a point in the shaft to be fixed by the special rules.

Coal Mines Regulation.

- Rule 32.** A sufficient cover overhead shall be used for every cage or tub employed in lowering or raising persons in any working shaft, except where the cage or tub is worked by a windlass, or where persons are employed at work in the shaft, or where a written exemption is given by the inspector of the district. Cover overhead.
- Rule 33.** A single-linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to the cage or tub. Chains.
- Rule 34.** There shall be on the drum of every machine used for lowering or raising persons, such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. Prevention of rope slipping on drum.
- Rule 35.** There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate break or breaks and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage or tub in the shaft. If the drum is not on the crank shaft there shall be an adequate break on the drum shaft. Break and indicator.
- Rule 36.** Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and shall be kept securely fenced. Fencing machinery.
- Rule 37.** Each steam boiler, whether separate or one of a range, shall have attached to it a proper safety-valve and also a proper steam-gauge and water-gauge to show respectively the pressure of steam and the height of water in each boiler. Safety-valves and gauges for boilers.
- Rule 38.** At any mine where a boiler is used for generating steam, the owner or manager shall at least once in every six months cause every such boiler to be thoroughly examined and tested by a competent person, who shall, immediately after the completion of such examination and test, enter in a book to be kept at the mine for that purpose a full and true report of the result of such examination and test, and of the state of every boiler so examined and tested, and every such report shall be signed by the person making it, and shall bear date of the day of entry, and a copy of such report shall be forthwith sent to the Inspector. Examination of boilers.
- Rule 39.** A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine. Barometer, &c.
- Rule 40.** Where persons are employed underground ambulances or stretchers, with splints and bandages, shall be kept at the mine ready for immediate use in case of accident. Stretchers.
- Rule 41.** No person shall wilfully damage, or without proper authority remove or render useless, any fence, fencing, man-hole, place of refuge, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, break, indicator, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act. Wilful damage.
- Rule 42.** Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Act or the special rules in force in the mine. Observance of directions.
- Rule 43.** The books mentioned in these rules shall be provided by the owner, agent, or manager, and the books, or a correct copy thereof, shall be kept at the office at the mine, and any inspector under this Act, and any person employed in the mine or any one having the written authority of any inspector or person so employed, may at all reasonable times inspect and Books and copies thereof.

Coal Mines Regulation.

and take copies of and extracts from any such books; but nothing in these rules shall be construed to impose the obligation of keeping any such book or a copy thereof for more than twelve months after the book has ceased to be used for entries therein under this Act. Any report by this Act required to be recorded in a book may be partly in print (including lithograph) and partly in writing.

Rule 44. The persons employed in a mine may from time to time appoint two of their number or any two persons not being mining engineers, who are practical working miners, to inspect the mine at their own cost, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings, and machinery. Every facility shall be afforded by the owner, agent, and manager, and all persons in the mine for the purpose of the inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons who made the inspection, and if the report states the existence or apprehended existence of any danger, the owner, agent, or manager shall forthwith cause a true copy of the report to be sent to the inspector of the district.

Periodical inspection
on behalf of
workmen.

Rule 45. No person not now employed as a coal getter shall be allowed to work alone as a coal getter in the face of the workings until he has had two years' experience of such work under the supervision of skilled workmen, or unless he shall have been previously employed for two years in or about the face of the workings of a mine.

43. If any owner or manager object to any of the following general rules, namely, general rule numbers seventeen, twenty, twenty-two, and twenty-four, being enforced or applied to a coal mine or colliery, he may give notice thereof to the Minister setting out his objections and the reasons therefor, and upon receipt of such notice the Minister may allow or disallow such objections or any of them. If the Minister allow such objections or any of them, he may order that the coal mine or colliery be exempt from the operation of any such rule or rules, or he may order that, so far as such coal mine or colliery is concerned, the provisions of any such general rule may be modified or varied. If the Minister disallow the objections, and the owner or manager do not withdraw such objections, the matter shall be referred to arbitration, and the arbitrators may make any order which under this section the Minister could make.

Objection to general
rule.

44. Every person who contravenes or does not comply with any of the general rules in this Act shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, the owner, agent, and manager 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 said rules as regulations for the working of the mine, to prevent such contravention or non-compliance.

Penalty on non-
compliance with
rules.

Special

*Coal Mines Regulation.**Special Rules.*

45. (I) There shall be established in every mine such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the mine as, under the particular state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety, convenience, and proper discipline of the persons employed in or about the mine. Special rules for every mine.

(II) Such special rules, when established, shall be signed in duplicate by the inspector who is inspector of the district at the time the rules are established, and shall be observed in and about every such mine (including any extension thereof) in the same manner as if they were enacted in this Act.

(III) If any person who is bound to observe the special rules established for 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 as regulations for the working of the mine, so as to prevent such contravention or non-compliance.

46. (I) The owner, agent, or manager of every mine (where no special rules are in force) shall frame and transmit to the inspector of the district, for approval by the Minister, special rules for the mine within three months after the commencement of this Act, or within three months after the commencement (if subsequent to the commencement of this Act) of any working for the purpose of opening a new mine or of renewing the working of an old mine. Establishment of new special rules.

(II) The proposed special rules (together with a printed notice specifying that any objection to the rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the mine to the inspector of the district, at his address, stated in the notice, shall, during not less than two weeks before the rules are transmitted) to the inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the mine; and a certificate that the rules and notice have been so posted up shall be sent to the inspector with two copies of the rules signed by the person sending the same.

(III) If the rules are not objected to by the Minister within forty days after their receipt by the inspector, they shall be established.

47. (I) If the Minister is of opinion that the proposed special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, or for the safety or convenience of the persons employed in or about the mine, or are unreasonable, he may, within forty days after the rules are received by the inspector, object to the rules, and propose to the owner, agent, or manager, in writing, any modifications in the rules by way either of omission, alteration, substitution, or addition. The Minister may object to special rules.

(II) If the owner, agent, or manager does not, within twenty days after the modifications proposed by the Minister are received by him, object in writing to them, the proposed special rules, with those modifications, shall be established.

(III) If the owner, agent, or manager sends his objection in writing within the said twenty days to the Minister, the matter shall be referred to arbitration under this Act, and the date of the receipt of

Coal Mines Regulation.

of the objection by the Minister shall be deemed to be the date of the reference, and the rules shall be established as settled by an award on arbitration.

48. (I) After special rules are established under this Act in any mine, the owner, agent, or manager of the mine may, from time to time, propose in writing to the inspector of the district, for the approval of the Minister, any amendment of the rules or any new special rules; and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules. Amendment of special rules.

(II) The Minister may from time to time propose in writing to the owner, agent, or manager of the mine any new special rules, or any amendment of the special rules; and the provisions of this Act with respect to a proposal of the Minister for modifying the special rules transmitted by the owner, agent, or manager of a mine shall apply to all such new special rules and amendments in like manner, as nearly as may be, as they apply to the proposal.

49. If the owner, agent, or manager of any mine makes any false statement with respect to the posting up of the rules and notices, he shall be guilty of an offence against this Act; and if for any mine are not transmitted within the time limited by this Act to the inspector for the approval of the Minister, 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 enforcing to the best of his power the provisions of this Act, to secure the transmission of the rules. False statements, and neglect to transmit special rules.

50. An inspector under this Act shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules which, for the time being, are established under this Act in any mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules, and of the fact that they are duly established under this Act and have been signed by the inspector. Certified copy of special rules to be evidence.

Publication of abstract of Act and of Special Rules.

51. For the purpose of making known the provisions of this Act and the special rules to all persons employed in and about each mine, an abstract of this Act supplied, on the application of the owner, agent, or manager of the mine, by the inspector of the district on behalf of the Minister, and a correct copy of all the special rules shall be published as follows:— Publication of abstract of Act and copy of special rules.

(I) The owner, agent, or manager of the mine shall cause the abstract and copy of the rules, with the name of the mine and the name and address of the inspector of the district, and the name of the owner or agent and of the manager appended thereto, to be posted up, in legible characters, in some conspicuous place at or near the mine, where they may be conveniently read by the persons employed; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch.

(II) The owner, agent, or manager shall supply a printed copy of the abstract and the special rules gratis to each person employed in or about the mine who applies for a copy at the office at which the persons immediately employed by the owner, agent, or manager are paid.

(III) Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and employed.

In

Coal Mines Regulation.

In the event of any non-compliance with the provisions of this section by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act; but the owner, agent, or manager of such mine shall not be deemed guilty if he proves that he had taken all reasonable means, by enforcing, to the best of his power, the observance of this section to prevent such non-compliance.

52. Every person who wilfully pulls down, injures, or defaces any abstract, notice, proposed special rules, or special rules, when posted up in pursuance of the provisions of this Act, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.

Pulling down or defacing notices.

PART III.

*Supplemental.**Legal Proceedings.*

53. (I) Every person employed in or about a mine other than an owner, agent, or manager, who is guilty of any act or omission, which in the case of an owner, agent, or manager would be an offence against this Act, shall be deemed to be guilty of an offence against this Act.

Penalty for offences against Act.

(II) Every person who is guilty of an offence against this Act for which a penalty is not expressly prescribed shall be liable to a fine not exceeding, if he is an owner, agent, or manager, or under manager, twenty pounds, and if he is any other person, two pounds for each offence; and if an inspector has given written notice of any such offence, to a further fine not exceeding one pound for every day after such notice that such offence continues to be committed.

54. Where a person who is an owner, agent, manager, or under manager of, or a person employed in or about a mine is guilty of any offence against this Act which, in the opinion of the court that tries the case, is one which was reasonably calculated to endanger the the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the court is of opinion that a fine will not meet the circumstances of the case, to imprisonment with or without hard labour for a period not exceeding three months.

Imprisonment for wilful neglect endangering life or limb.

55. (I) All offences under this Act not declared to be misdemeanours, and all fines under this Act, and all moneys and costs by this Act directed to be recovered as fines, may be prosecuted and recovered before a Stipendiary or Police Magistrate or any two Justices of the Peace in Petty Sessions.

Summary proceedings for offences, fines, &c.

(II) Proceedings for the removal of a check weigher shall be deemed to be a matter on which Justices in Petty Sessions have authority by law to make an order; and summary orders under this Act may be made on complaint before Justices in Petty Sessions.

56. In every part of the Colony the following provisions shall have effect:—

General provisions as to summary proceedings.

(I) Any complaint or information made or laid in pursuance of this Act shall (save as otherwise expressly provided by this Act) be made or laid within three months from the time when the matter of the complaint or information arose.

(II)

Coal Mines Regulation.

(II) Any person charged with any offence under this Act may, if he thinks fit, be sworn and examined as an ordinary witness in the case.

(III) The court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

57. If any person feels aggrieved by any conviction made by Justices in Petty Sessions on determining any information under this Act by which conviction, imprisonment, or a fine amounting to or exceeding one half the maximum fine is adjudged, he may appeal therefrom to a Court of Quarter Sessions in manner provided by section three of the Act of Council fifth William the Fourth, number twenty-two.

Appeal to Quarter Sessions.

58. If it appears that a boy was employed on the representation of his parent or guardian that he was of the age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, or that a person has worked alone as a coal-getter on his representation that he has had two years' experience of such work under the supervision of skilled workmen, or that he has been previously employed for two years in or about the face of the workings of a mine, and under the belief in good faith that he has had such experience or has been so previously employed, the owner, agent, or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian or the person who has so worked alone, as the case may be, shall for the misrepresentation be deemed guilty of an offence against this Act.

Liability for misrepresentation as to age, &c.

59. No prosecution shall be instituted against the owner, agent, manager, under-manager, or employee of a mine for any offence under this Act, not committed personally by such owner, agent, manager, under-manager, or employee, which can be prosecuted before Justices in Petty Sessions, except by an inspector or with the consent in writing of the Minister; and in the case of any offence of which the owner, agent, manager, under-manager, or employee of a mine is not guilty if he proves that he had taken all reasonable means to prevent the commission thereof, an inspector shall not institute any prosecution against such owner, agent, manager, under-manager, or employee if satisfied that he had taken such reasonable means as aforesaid. No prosecution shall be instituted against a coroner for any offence under this Act, except with the consent in writing of the Minister.

Prosecution of owners, agents, managers, &c.

60. Where the owner, agent, or manager of a mine has taken proceedings under this Act against any person employed in or about a mine in respect of an offence committed under this Act, he shall within twenty-one days after the hearing of the case, report the result thereof to the inspector of the district.

Report of result of proceedings against workmen.

61. (I) Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so, however, that no person be punished twice for the same offence.

Saving for proceedings under other Acts.

(II) If the Justices before whom a person is charged with an offence under this Act, think that proceedings ought to be taken against such person for such offence under any other Act or otherwise, they may adjourn the case to enable such proceedings to be taken.

62. A person who is the owner, agent, or manager of any mine, or a miner or miner's agent, or the father, son, or brother, or father-in-law, son-in-law, or brother-in-law, of such owner, agent, or manager, or of a miner or miner's agent, or who is a director of a company being the owner of a mine, shall not sit in Petty Sessions or adjudicate in respect of any offence under this Act.

Owner of mine, &c., not to act as Justice, &c., in proceedings under this Act.

Coal Mines Regulation.

63. Where a fine is imposed under this Act for neglecting to send a notice of any explosion or accident, or for any offence against this Act which has occasioned loss of life or personal injury, the Minister may (if he thinks fit) direct such fine to be paid to or distributed among the persons injured, and the relatives of any persons whose death may have been occasioned by the explosion, accident, or offence, or among some of them : Provided that :—

(I) Such persons did not in his opinion occasion or contribute to occasion the explosion or accident, and did not commit and were not parties to committing the offence ;

(II) The fact of the payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on the explosion, accident, or offence.

Save as aforesaid all fines recovered under this Act shall be paid into the Treasury and carried to the Consolidated Revenue Fund.

Miscellaneous.

64. If any question arises, otherwise than in legal proceedings, whether a mine is a mine to which this Act applies, the question shall be referred to the Minister, whose decision thereon shall be final.

65. Any order of or exemption granted by the Minister under this Act may be made, and from time to time revoked or altered by the Minister, either unconditionally or subject to such conditions as he may see fit, and shall be signed by the Minister, or Under Secretary, or Assistant Under Secretary.

66. All notices under this Act shall (unless expressly required to be in print) be in either writing or print (including lithograph), or partly in writing and partly in print (including lithograph), and all notices and documents required by this Act to be served or sent by or to an inspector may be either delivered personally, or served and sent by post by a prepaid letter, and if served or sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post ; and in proving such service or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

67. In this Act, unless the context otherwise requires :—

“ Mine ” includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to the mine.

“ Shaft ” includes pit.

“ Plan ” includes a correct copy or tracing of any original plan.

“ Owner,” when used in relation to any mine, means any person or body corporate who is the immediate proprietor or lessee, or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine, subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine ; but any contractor for the working of any mine, or any part thereof, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability.

“ Agent,”

Application of fines.

Decision of question whether a mine is under this Act.

Powers of Minister as to making and revoking orders.

Service of notices.

Interpretation of terms.

Coal Mines Regulation.

- “Agent,” when used in relation to any mine, means, any person appointed as the representative of the owner in respect of any mine, or of any part thereof, and as such superior to a manager appointed in pursuance of this Act.
- 5 “The Minister” means the Secretary for Mines.
- “Under Secretary” and “Assistant Under Secretary” mean respectively the Under Secretary and Assistant Under Secretary of the Department of Mines.
- 10 “The Treasury” means the Colonial Treasury.
- “Boy” means a male under the age of sixteen years.

Transitory Provisions and Repeal.

68. The persons who at the commencement of this Act are acting as inspectors under the Act hereby repealed shall continue to act in the same manner, and generally to be in the same position, as if they had been respectively appointed under this Act. Existing inspectors continued.

69. All orders made by the Minister under the Act repealed by this Act, which are in force immediately before the commencement of this Act, shall be deemed to have been made under this Act. Existing orders continued.

70. (I) A certificate of service shall be granted by the Minister to every person who satisfies him either that before the passing of this Act he was exercising, and has since that date exercised, or that he has at any time within five years before the passing of this Act, for a period of not less than twelve months, exercised functions substantially corresponding to those of a manager or an under-manager in a mine. Grant of certificates of service in case of certain under-managers.

25 (II) Every such certificate of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered; and a certificate of service may be refused to any person who fails to give a full and satisfactory account of the particulars aforesaid, or to pay such registration fee as the Minister may direct, not exceeding that mentioned in the Second Schedule to this Act.

(III) A certificate of service granted under this section shall have the same effect for the purposes of this Act as a certificate of competency granted under this Act.

35 (IV) A certificate of competency or of service granted under the Imperial Act fifty and fifty-one Victoria, chapter fifty-eight, or under any Act repealed thereby, shall be equivalent in all respects to a similar certificate granted under this Act. Certain certificates equivalent to certificates under this Act.

40 71. (I) A certificate of service shall be granted by the Minister to every person who satisfies him either that before the passing of this Act he was exercising, and has since that date exercised, or that he has at any time within five years before the passing of this Act, for a period of not less than twelve months, exercised functions substantially corresponding to those of an engine-driver in a mine. Grant of certificates of service in case of certain engine-drivers.

45 (II) Every such certificate of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered; and a certificate of service may be refused to any person who fails to give a full and satisfactory account of the particulars aforesaid, or to pay such registration fee as the Minister may direct not exceeding that mentioned in the First Schedule to this Act.

(III) A certificate of service granted under this section shall have the same effect for the purposes of this Act as a certificate of competency granted under this Act.

Coal Mines Regulation.

(iv) The Minister may from time to time appoint a Board to examine candidates for certificates of competency, and may by regulations prescribe the mode of conducting such examinations and granting such certificates, and the conditions under which such certificates or certificates of service shall be held, or may be suspended or cancelled; and may from time to time make, alter, and revoke such regulations as aforesaid.

72. The special rules which at the commencement of this Act are in force under the Act hereby repealed in any mine shall continue to be the special rules in such mine until special rules are established under this Act for such mine, and while they so continue shall be of the same force as if they were established under this Act.

Existing special rules continued.

73. The provisions of this Act shall not—

(a) Prevent a boy under the age of fourteen years who, before the commencement of this Act, is lawfully employed in any mine below ground from continuing to be employed in a mine; nor

Temporary saving for employment of boys, &c.

(b) Prevent a boy, who before the commencement of this Act, is lawfully employed above ground in connection with any mine from continuing to be employed above ground in connection with a mine; nor

(c) Prevent a competent male person above the age of eighteen years who, before the commencement of this Act, is lawfully employed in working the machinery used for lowering and raising persons in a mine from continuing to be so employed; in like manner, and subject to the same provisions and regulations as before the commencement of this Act; and the provisions of the Act repealed by this Act, with respect to the employment of such boy, or competent male person shall continue to apply accordingly.

74. Any enactment or document referring to the Act repealed by this Act, or to any enactment thereof, shall be construed to refer to this Act, and to the corresponding enactments thereof.

Construction of references to repealed Act.

75. The Act thirty-ninth Victoria number thirty-one is hereby repealed: Provided that this repeal shall not affect any exemption granted, or other thing done or suffered before the commencement of this Act; and all offences committed and penalties incurred and proceedings commenced before the commencement of this Act may be punished, recovered, continued, and completed in the same manner as if this Act had not passed.

Repeal of Act.

SCHEDULES.

SCHEDULE I.

Sections 19 and 24.

Table of Maximum Fees to be paid in respect of Certificates.

First-class Certificate.					£ s. d.		
By an applicant for examination	...	...	...	...	2	0	0
For copy of certificate	...	...	...	...	0	5	0
Second-class Certificate.							
By an applicant for examination	...	...	...	...	1	0	0
For copy of certificate	...	...	...	...	0	2	6

SCHEDULE

Coal Mines Regulation.

SCHEDULE II.

Section 27.

“ COAL MINES REGULATION ACT OF 189 .”

Form of Return.

THIS form to be correctly filled up by the owner, agent, or manager, and sent to the 5 inspector of the district, on behalf of the Minister, on or before twenty-first January every year.

PART A.

Year ending 31 December, 18 .

- 10
- Name of mine
Situation of mine
County
Name of owner (Company)
Name of manager
Name of under manager
- 15
- Postal address

RETURN of persons ordinarily employed during the year :—

Under ground	...	...	...	Boys under 16	...	...	...
				Males above 16	...	...	...
				Total under ground	...		
20 Above ground (including those employed on sidings and private branch railways and tramways, and in cleaning, washing, and coking of coal).				Boys under 14	...	...	...
				Boys of 14 and under 16	...	...	...
				Males above 16	...	...	...
25				Total above ground	...		
				Total number of persons employed under ground and above ground...			

Quantity of Mineral wrought during the year.

30	Mineral wrought.				Number of statute tons wrought.	Value.
	Coal (round)	...	...	...
	Coal (small)	...	...	...
	Shale-oil shale	...	...	...

The Number of Days in each Month on which Coal or Shale has been drawn.

35								Number of days on which coal <i>or</i> shale was drawn.
	January	...	...	...	...	...	...
	February	...	...	...	...	...	...
	March	...	...	...	...	...	...
40	April	...	...	...	...	...	...
	May	...	...	...	...	...	...
	June	...	...	...	...	...	...
	July	...	...	...	...	...	...
	August	...	...	...	...	...	...
45	September	...	...	...	...	...	...
	October	...	...	...	...	...	...
	November	...	...	...	...	...	...
	December	...	...	...	...	...	...

Coal Mines Regulation.

PART B.

Name of Mine

5	Name of seam.	Mode of ventilation, with description.	Diameter and depth of downcast and upcast shafts.				Number of splits and quantity.		Airways.		Average total quantity of fresh air per minute.
			Downcast.		Upcast.		Splits.	Quantity in cubic feet per minute.	Length of splits.	Sectional area.	
			Diameter in feet.	Depth in feet.	Diameter in feet.	Depth in feet.			Yards.	Square feet.	
			Cubic feet.								