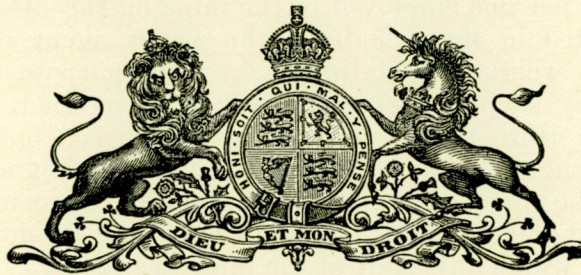


# New South Wales.



ANNO QUARTO

## EDWARDI VII REGIS.

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### Act No. 21, 1904.

An Act to amend the Mines Inspection Act of 1901; to make provision for the appointment of check weighman or check clerk, and the payment of such check weighman or check clerk; and to provide for weighing in certain cases. [Assented to, 10th December, 1904.]

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

1. This Act may be cited as the "Mines Inspection Amendment Short title. Act of 1904," and shall be read and construed as one with the said Act.

2. Where the amount of wages paid to any of the persons Payment by weight. employed in a mine depends on the amount of mineral gotten by them, such

*Mines Inspection Amendment.*

such persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed: Provided that nothing in this section shall preclude the owner, agent, or 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, or in respect of any tubs being improperly filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such 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, 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 General or Quarter Sessions within the jurisdiction of which any shaft of the mine is situate.

Appointment on the part of men of check weigher or check clerk.

3. 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 persons, in this Act referred to as a check weigher and check clerk, at each place appointed for the weighing or checking the weight of the mineral in order that they may, on behalf of the persons by whom they are so stationed, take a correct account of the weight of the mineral. Such check weigher and check clerk shall be authorised to require that the process of weighing shall be carried on continuously throughout the working hours during the whole time that the mine is drawing mineral.

Check weigher to have facilities to examine and weigh.

4. A check weigher shall have every facility afforded to 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 skips where necessary, and including also the continuous weighing of the mineral; and if at any time proper facilities are not afforded to a check weigher as required by this section, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless such owner, agent, or manager proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

Check weigher or check clerk not to impede work.

5. A check weigher or check clerk shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing or with any of the workmen, or with the management of the mine, but shall be authorised only to fulfil the duties

*Mines Inspection Amendment.*

duties of the two preceding sections, and the absence of a check weigher or check clerk from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing, but the same shall be done by the persons appointed in that behalf by the owner, agent, or manager, unless the absent check weigher or check clerk had reasonable grounds to suppose that the weighing would not be proceeded with: Provided always that nothing in this section shall prevent a check weigher or check clerk 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 skips, or any other matter within the scope of their duties as check weigher or check clerk, so that the working of the mine be not interrupted or impeded.

6. If the owner, agent, or manager of the mine desires the removal of a check weigher or check clerk on the ground that the check weigher or check clerk 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 or determining such deductions, or giving such information as aforesaid, the owner, agent, or manager may complain to the nearest court of petty sessions, and the court, if of opinion that the owner, agent, or manager shows sufficient prima facie ground for the removal of the check weigher or check clerk, shall call on the check weigher or check clerk to show cause against his removal.

How check weigher or check clerk may be removed for misconduct.

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

Case in court.

8. Proceedings for the removal of a check weigher or check clerk shall be deemed to be a matter on which justices in petty sessions have authority by law to make an order, and the court may in every case make such order as to the costs of the proceedings as the court may think just.

Powers of court.

9. If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check weigher or check clerk 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.

Impeding check weigher or check clerk.

*Mines Inspection Amendment.*

Remuneration of  
check weigher or  
check clerk.

**10.** (1) Where a check weigher or check clerk 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 or check clerk's wages or recompense, notwithstanding that any of the persons by whom the check weigher or check clerk was appointed may have left the mine or others have entered the same since the check weigher's or check clerk's appointment any rule of law or equity to the contrary notwithstanding.

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

Method of payment.

**11.** Where it is proved to the satisfaction of the Minister, 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, the 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.

By Authority: WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1904.

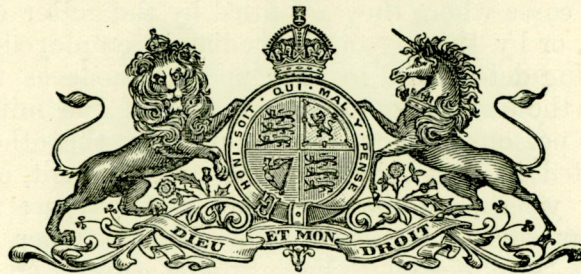
[3d.]

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

*Legislative Assembly Chamber,  
Sydney, 1 December, 1904.* }

RICHD. A. ARNOLD,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO QUARTO

## EDWARDI VII REGIS.

\*\*\*\*\*

### Act No. 21, 1904.

An Act to amend the Mines Inspection Act of 1901; to make provision for the appointment of check weighman or check clerk, and the payment of such check weighman or check clerk; and to provide for weighing in certain cases. [Assented to, 10th December, 1904.]

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

1. This Act may be cited as the "Mines Inspection Amendment Act of 1904," and shall be read and construed as one with the said Act. Short title.

2. Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, Payment by weight.  
such

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

W. P. CRICK,  
*Chairman of Committees of the Legislative Assembly.*

*Mines Inspection Amendment.*

such persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed: Provided that nothing in this section shall preclude the owner, agent, or 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, or in respect of any tubs being improperly filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such 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, 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 General or Quarter Sessions within the jurisdiction of which any shaft of the mine is situate.

Appointment on the part of men of check weigher or check clerk.

3. 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 persons, in this Act referred to as a check weigher and check clerk, at each place appointed for the weighing or checking the weight of the mineral in order that they may, on behalf of the persons by whom they are so stationed, take a correct account of the weight of the mineral. Such check weigher and check clerk shall be authorised to require that the process of weighing shall be carried on continuously throughout the working hours during the whole time that the mine is drawing mineral.

Check weigher to have facilities to examine and weigh.

4. A check weigher shall have every facility afforded to 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 skips where necessary, and including also the continuous weighing of the mineral; and if at any time proper facilities are not afforded to a check weigher as required by this section, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless such owner, agent, or manager proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

Check weigher or check clerk not to impede work.

5. A check weigher or check clerk shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing or with any of the workmen, or with the management of the mine, but shall be authorised only to fulfil the duties

*Mines Inspection Amendment.*

duties of the two preceding sections, and the absence of a check weigher or check clerk from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing, but the same shall be done by the persons appointed in that behalf by the owner, agent, or manager, unless the absent check weigher or check clerk had reasonable grounds to suppose that the weighing would not be proceeded with: Provided always that nothing in this section shall prevent a check weigher or check clerk 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 skips, or any other matter within the scope of their duties as check weigher or check clerk, so that the working of the mine be not interrupted or impeded.

6. If the owner, agent, or manager of the mine desires the removal of a check weigher or check clerk on the ground that the check weigher or check clerk 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 or determining such deductions, or giving such information as aforesaid, the owner, agent, or manager may complain to the nearest court of petty sessions, and the court, if of opinion that the owner, agent, or manager shows sufficient prima facie ground for the removal of the check weigher or check clerk, shall call on the check weigher or check clerk to show cause against his removal.

How check weigher or check clerk may be removed for misconduct.

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

Case in court.

8. Proceedings for the removal of a check weigher or check clerk shall be deemed to be a matter on which justices in petty sessions have authority by law to make an order, and the court may in every case make such order as to the costs of the proceedings as the court may think just.

Powers of court.

9. If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check weigher or check clerk 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.

Impeding check weigher or check clerk.

*Mines Inspection Amendment.*

Remuneration of  
check weigher or  
check clerk.

10. (1) Where a check weigher or check clerk 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 or check clerk's wages or recompense, notwithstanding that any of the persons by whom the check weigher or check clerk was appointed may have left the mine or others have entered the same since the check weigher's or check clerk's appointment any rule of law or equity to the contrary notwithstanding.

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

Method of payment.

11. Where it is proved to the satisfaction of the Minister, 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, the 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.

*In the name and on the behalf of His Majesty I assent to this Act.*

*State Government House,  
Sydney, 10th December, 1904.*

HARRY H. RAWSON,  
*Governor.*



MINES INSPECTION AMENDMENT BILL.

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*SCHEDULE of the Amendments referred to in Message of 29th November, 1904.*

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- Page 3, clause 5, line 2. *Omit "they are" insert "he is"*  
Page 3, clause 6, line 25. *Omit "their" insert "his"*  
Page 3, clause 7, line 30. *Omit "their" insert "his"*  
Page 3, clause 7, line 33. *Omit "their" insert "his"*  
Page 3, clause 9, line 41. *Omit "their" insert "his"*  
Page 4, clause 10, line 4. *Omit "they" insert "he"*
-

MINUTES OF THE BOARD OF DIRECTORS

OF THE [Faded Name]

- Page 1. [Faded]
- Page 2. [Faded]
- Page 3. [Faded]
- Page 4. [Faded]
- Page 5. [Faded]
- Page 6. [Faded]

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, 16 November, 1904. }

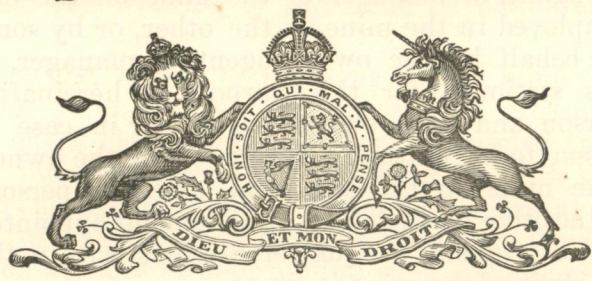
RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.

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

Legislative Council Chamber,  
Sydney, 29th November, 1904. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

# New South Wales.



ANNO QUARTO

# EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1904.

An Act to amend the Mines Inspection Act of 1901; to make provision for the appointment of check weighman or check clerk, and the payment of such check weighman or check clerk; and to provide for weighing in certain cases.

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

5 1. This Act may be cited as the "Mines Inspection Amendment Short title. Act of 1904," and shall be read and construed as one with the said Act.

2. Where the amount of wages paid to any of the persons Payment by weight. employed in a mine depends on the amount of mineral gotten by them, such

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such

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

*Mines Inspection Amendment.*

such persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed: Provided that nothing in this section shall preclude the owner, agent, or manager of the mine from agreeing  
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 15 (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  
 20 by a Chairman of a Court of General or Quarter Sessions within the jurisdiction of which any shaft of the mine is situate.

3. 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 persons, in this Act referred to as a check weigher and  
 25 check clerk, at each place appointed for the weighing or checking the weight of the mineral in order that they may, on behalf of the persons by whom they are so stationed, take a correct account of the weight of the mineral. Such check weigher and check clerk shall be authorised to require that the process of weighing shall be carried on continuously  
 30 throughout the working hours during the whole time that the mine is drawing mineral.

4. A check weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including  
 35 facilities for examining and testing the weighing-machine, and checking the taring of skips where necessary, and including also the continuous weighing of the mineral; and if at any time proper facilities are not afforded to a check weigher as required by this section, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless such owner, agent, or manager proves that he  
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 45 management of the mine, but shall be authorised only to fulfil the duties

Appointment on the part of men of check weigher or check clerk.

Check weigher to have facilities to examine and weigh.

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*Mines Inspection Amendment.*

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6. If the owner, agent, or manager of the mine desires the  
 15 removal of a check weigher or check clerk on the ground that the check weigher or check clerk 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  
 20 beyond taking such account or determining such deductions, or giving such information as aforesaid, the owner, agent, or manager may complain to the nearest court of petty sessions, and the court, if of opinion that the owner, agent, or manager shows sufficient prima facie ground for the removal of the check weigher or check clerk, shall call  
 25 on the check weigher or check clerk to show cause against ~~their~~ **his** removal.

How check weigher or check clerk may be removed for misconduct.

7. On the hearing of the case the court shall hear the parties,  
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 30 the court shall make a summary order for ~~their~~ **his** removal, and the check weigher or check clerk shall thereupon be removed, but without prejudice to the stationing of another check weigher or check clerk in  
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Case in court.

8. Proceedings for the removal of a check weigher or check  
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Powers of court.

9. If the person appointed by the owner, agent, or manager to  
 40 weigh the mineral impedes or interrupts the check weigher or check clerk in the proper discharge of ~~their~~ **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.

Impeding check weigher or check clerk.

*Mines Inspection Amendment.*

10. (1) Where a check weigher or check clerk 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, ~~they~~ he may recover from any person for the time being employed at such mine and so paid his proportion of the check weigher's or check clerk's wages or recompense, notwithstanding that any of the persons by whom the check weigher or check clerk was appointed may have left the mine or others have entered the same since the check weigher's or check clerk's appointment any rule of law or equity to the contrary notwithstanding.

Remuneration of check weigher or check clerk.

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

11. Where it is proved to the satisfaction of the Minister, 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, the 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.

Method of payment.

*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, 16 November, 1904. }*

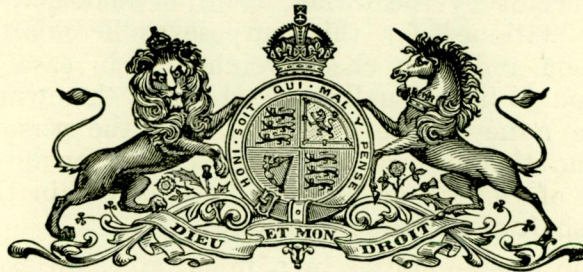
**RICHD. A. ARNOLD,**  
*Clerk of the Legislative Assembly.*

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

*Legislative Council Chamber,  
Sydney, November, 1904. }*

*Clerk of the Parliaments.*

## New South Wales



ANNO QUARTO

## EDWARDI VII REGIS.

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Act No. , 1904.

An Act to amend the Mines Inspection Act of 1901; to make provision for the appointment of check weighman or check clerk, and the payment of such check weighman or check clerk; and to provide for weighing in certain cases.

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

5 **1.** This Act may be cited as the "Mines Inspection Amendment Act of 1904," and shall be read and construed as one with the said Act. Short title.

**2.** Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, Payment by weight.  
such

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*Mines Inspection Amendment.*

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 15 (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  
 20 by a Chairman of a Court of General or Quarter Sessions within the jurisdiction of which any shaft of the mine is situate.

3. 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 persons, in this Act referred to as a check weigher and  
 25 check clerk, at each place appointed for the weighing or checking the weight of the mineral in order that they may, on behalf of the persons by whom they are so stationed, take a correct account of the weight of the mineral. Such check weigher and check clerk shall be authorised to require that the process of weighing shall be carried on continuously  
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4. A check weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing-machine, and checking  
 35 the taring of skips where necessary, and including also the continuous weighing of the mineral; and if at any time proper facilities are not afforded to a check weigher as required by this section, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless such owner, agent, or manager proves that he  
 40 had taken all reasonable means to enforce to the best of his power the requirements of this section.

5. A check weigher or check clerk shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing or with any of the workmen, or with the  
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Appointment on the part of men of check weigher or check clerk.

Check weigher to have facilities to examine and weigh.

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*Mines Inspection Amendment.*

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 10 an account of the mineral gotten by him, or information with respect to the weighing or the weighing machine, or the taring of the skips, or any other matter within the scope of their duties as check weigher or check clerk, so that the working of the mine be not interrupted or impeded.

6. If the owner, agent, or manager of the mine desires the  
 15 removal of a check weigher or check clerk on the ground that the check weigher or check clerk 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,  
 20 to the detriment of the owner, agent, or manager, done anything beyond taking such account or determining such deductions, or giving such information as aforesaid, the owner, agent, or manager may complain to the nearest court of petty sessions, and the court, if of opinion that the owner, agent, or manager shows sufficient prima facie  
 25 ground for the removal of the check weigher or check clerk, shall call on the check weigher or check clerk to show cause against ~~their~~ **his** removal.

How check weigher or check clerk may be removed for misconduct.

7. On the hearing of the case the court shall hear the parties,  
 and, if at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check weigher or check clerk,  
 30 the court shall make a summary order for ~~their~~ **his** removal, and the check weigher or check clerk shall thereupon be removed, but without prejudice to the stationing of another check weigher or check clerk in  
~~their~~ **his** place.

Case in court.

8. Proceedings for the removal of a check weigher or check  
 35 clerk shall be deemed to be a matter on which justices in petty sessions have authority by law to make an order, and the court may in every case make such order as to the costs of the proceedings as the court may think just.

Powers of court.

9. If the person appointed by the owner, agent, or manager to  
 40 weigh the mineral impedes or interrupts the check weigher or check clerk in the proper discharge of ~~their~~ **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.

Impeding check weigher or check clerk.

*Mines Inspection Amendment.*

10. (1) Where a check weigher or check clerk 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, ~~they~~ he may recover from any person for the time being employed at such mine and so paid his proportion of the check weigher's or check clerk's wages or recompense, notwithstanding that any of the persons by whom the check weigher or check clerk was appointed may have left the mine or others have entered the same since the check weigher's or check clerk's appointment any rule of law or equity to the contrary notwithstanding.

Remuneration of  
check weigher or  
check clerk.

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

11. Where it is proved to the satisfaction of the Minister, 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, the 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.

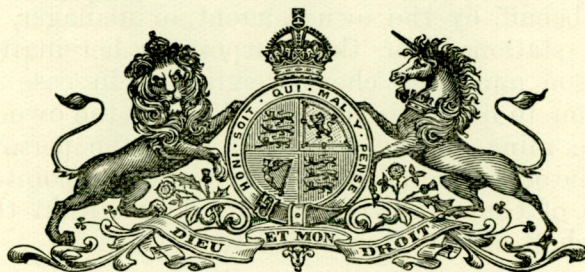
Method of payment.

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, 16 November, 1904. }

RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.

## New South Wales.



ANNO QUARTO

# EDWARDI VII REGIS.

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Act No. , 1904.

An Act to amend the Mines Inspection Act of 1901; to make provision for the appointment of check weighman or check clerk, and the payment of such check weighman or check clerk; and to provide for weighing in certain cases.

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

5 1. This Act may be cited as the "Mines Inspection Amendment Act of 1904," and shall be read and construed as one with the said Act. Short title.

2. Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, Payment by weight.  
such

*Mines Inspection Amendment.*

such persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed: Provided that nothing in this section shall preclude the owner, agent, or manager of the mine from agreeing  
 5 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, or in respect of any tubs being improperly  
 10 filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such 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, or  
 15 (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  
 20 by a Chairman of a Court of General or Quarter Sessions within the jurisdiction of which any shaft of the mine is situate.

3. 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 persons, in this Act referred to as a check weigher and  
 25 check clerk, at each place appointed for the weighing or checking the weight of the mineral in order that they may, on behalf of the persons by whom they are so stationed, take a correct account of the weight of the mineral. Such check weigher and check clerk shall be authorised to require that the process of weighing shall be carried on continuously  
 30 throughout the working hours during the whole time that the mine is drawing mineral.

4. A check weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including  
 35 facilities for examining and testing the weighing-machine, and checking the taring of skips where necessary, and including also the continuous weighing of the mineral; and if at any time proper facilities are not afforded to a check weigher as required by this section, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless such owner, agent, or manager proves that he  
 40 had taken all reasonable means to enforce to the best of his power the requirements of this section.

5. A check weigher or check clerk shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing or with any of the workmen, or with the  
 45 management of the mine, but shall be authorised only to fulfil the duties

Appointment on the part of men of check weigher or check clerk.

Check weigher to have facilities to examine and weigh.

Check weigher or check clerk not to impede work.

*Mines Inspection Amendment.*

duties of the two preceding sections, and the absence of a check weigher or check clerk from the place at which they are stationed shall not be a reason for interrupting or delaying the weighing, but the same shall be done by the persons appointed in that behalf by the  
 5 owner, agent, or manager, unless the absent check weigher or check clerk had reasonable grounds to suppose that the weighing would not be proceeded with: Provided always that nothing in this section shall prevent a check weigher or check clerk giving to any workman  
 10 an account of the mineral gotten by him, or information with respect to the weighing or the weighing machine, or the taring of the skips, or any other matter within the scope of their duties as check weigher or check clerk, so that the working of the mine be not interrupted or impeded.

6. If the owner, agent, or manager of the mine desires the  
 15 removal of a check weigher or check clerk on the ground that the check weigher or check clerk 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  
 20 beyond taking such account or determining such deductions, or giving such information as aforesaid, the owner, agent, or manager may complain to the nearest court of petty sessions, and the court, if of opinion that the owner, agent, or manager shows sufficient prima facie ground for the removal of the check weigher or check clerk, shall call  
 25 on the check weigher or check clerk to show cause against their removal.

How check weigher or check clerk may be removed for misconduct.

7. On the hearing of the case the court shall hear the parties,  
 and, if at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check weigher or check clerk,  
 30 the court shall make a summary order for their removal, and the check weigher or check clerk shall thereupon be removed, but without prejudice to the stationing of another check weigher or check clerk in their place.

Case in court.

8. Proceedings for the removal of a check weigher or check  
 35 clerk shall be deemed to be a matter on which justices in petty sessions have authority by law to make an order, and the court may in every case make such order as to the costs of the proceedings as the court may think just.

Powers of court.

9. If the person appointed by the owner, agent, or manager to  
 40 weigh the mineral impedes or interrupts the check weigher or check clerk in the proper discharge of their 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.

Impeding check weigher or check clerk.

*Mines Inspection Amendment.*

10. (1) Where a check weigher or check clerk 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, they may recover from  
 5 any person for the time being employed at such mine and so paid his proportion of the check weigher's or check clerk's wages or recompense, notwithstanding that any of the persons by whom the check weigher or check clerk was appointed may have left the mine or others have entered the same since the check weigher's or check clerk's appointment  
 10 any rule of law or equity to the contrary notwithstanding.

Remuneration of  
check weigher or  
check clerk.

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

11. Where it is proved to the satisfaction of the Minister, 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  
 20 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, the 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.

Method of payment.