

New South Wales.



ANNO QUARTO

GEORGI V REGIS.

Act No. 11, 1913.

An Act to amend the Coal Mines Regulation Act, 1912; to bring certain persons under the Public Service Act, 1902; and for purposes consequent thereon or incidental thereto. [Assented to, 15th October, 1913.]

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:—

Preliminary and repeal.

1. This Act may be cited as the "Coal Mines Short title. Regulation (Amending) Act, 1913."

In this Act the Coal Mines Regulation Act, 1912, is referred to as the Principal Act.

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2.

Coal Mines Regulation (Amending).

Repeal

2. Subsection one of section six, subsections one, two, four, and six of section eight, section twenty-four, and general rules thirty-three and thirty-five of section fifty-four of the Principal Act are repealed.

Amendment of Principal Act.

Amendment
of s. 3.

3. Section three of the Principal Act is amended by omitting the definition of "boy," and by inserting, at the end of the section, the following new definition:—

"Permitted explosive" means explosive the use of which is permitted, either unconditionally or subject to conditions by the Minister, by notice published in the Gazette: Provided that such conditions (if any) are duly observed.

New section
5A.Appointment
of deputy.

4. The following section is inserted next after section five of the Principal Act:—

5A. (1) In every mine required by this Act to be under the control of a certificated manager, and in which safety-lamps are used, a competent person shall be appointed as deputy, who shall make the inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency of ventilation, state of roof and sides, which duties shall be designated his statutory duties, supervising the general duties of shot-firers, and such other matters relative to the general safety of the mine as are required to be performed by this Act.

(2) After the thirtieth day of June, one thousand nine hundred and fourteen, no person shall be appointed or act as a deputy, unless he—

- (a) is not less than twenty-three years of age;
- (b) has had at least five years' practical experience in a mine;
- (c) is the holder of a certificate of service or competency as manager, under-manager, or deputy; and
- (d) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate tests for inflammable gas.

5.

Coal Mines Regulation (Amending).

5. (1) For subsection one of section six of the Principal Act the following subsection is substituted:— Section 6 (1).

6. (1) There shall be three descriptions of certificates of competency under this Act— New subsection.

- (a) first-class certificates,—that is to say, certificates of fitness to be manager; Certificates of competency.
- (b) second-class certificates,—that is to say, certificates of fitness to be under-manager; and
- (c) third-class certificates,—that is to say, certificates of fitness to be deputy.

But no person shall be entitled to a certificate of competency under this Act unless he has had practical experience in a mine for at least five years, or has had practical experience in a mine for at least three years, and has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received after due examination, from some university, school of mines, or other body approved by the Minister, a diploma, degree, license, or certificate.

(2) Subsection five of the said section is amended by inserting the words "and third-class" after the words "second-class" in such subsection.

6. (1) For subsection one of section eight of the Principal Act the following subsection is substituted:— Section 8 (1).

8. (1) A certificate of service as deputy shall be granted by the Minister to every person who satisfies him either that before the first day of July, one thousand nine hundred and thirteen, he was acting, and has since that date acted, or that he has at any time within five years before the said date, for a period of not less than three months, acted in the capacity of a deputy or as fireman or shot-firer at a mine, or such part of a mine as can under and for the purposes of this Act be made a separate mine. New subsection. Grant of certificate of service as deputy.

(2) Subsection five of the said section is amended by omitting the words "to a manager or under-manager."
(3)

Coal Mines Regulation (Amending).

(3) Subsection seven of the same section is amended by inserting after "repealed thereby" the words "or the Imperial Act 1 and 2 George V, c. 50."

New section 11A.

7. The following section is inserted next after section eleven of the Principal Act:—

11A. Notwithstanding anything to the contrary contained in the last preceding section, the holder of an ordinary certificate as engine-driver who is not subject to any of the infirmities mentioned in paragraph (b) of the said section shall be qualified to take charge of a hauling engine by means of which men are hauled along any plane or road at any mine.

Amendment of ss. 15, 17, and 20.

8. Sections fifteen, seventeen and twenty of the Principal Act are amended by omitting the words "manager or under-manager" whenever occurring in such sections, and by inserting in lieu thereof the words "manager, under-manager, or deputy."

Amendment of s. 22.

9. Section twenty-two of the Principal Act is amended by inserting after "kilowatts" in paragraph (a) the words "or so acts in any place in a mine where naked lights are prohibited, notwithstanding that the output of such generating plant is less than thirty kilowatts"; and the following subsection is inserted at the end of that section:—

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

New section 24.

10. For section twenty-four of the Principal Act the following section is substituted:—

Inspectors subject to the Public Service Act, 1902.

24. (1) All inspectors, including the chief inspector, holding office on the first day of July, one thousand nine hundred and thirteen, shall be subject to the provisions of the Public Service Act, 1902, and shall be entitled to all rights and subject to all the provisions of the said Act, and any Acts amending the same, as if they had been appointed thereunder.

(2)

Coal Mines Regulation (Amending).

(2) Employment in such office shall be counted as employment under the said Act, and any such officer who has during such employment contributed to the Superannuation Account shall be entitled to the same payment, pension, or gratuity as though he had been subject to the said Act.

(3) Subject to the provisions of the said Act, ^{Appointment of inspectors.} the Governor may appoint duly qualified persons to be inspectors of mines.

(4) Every inspector shall be an inspector under this Act, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of New South Wales with reference to which the term is used.

(5) Every inspector shall hold a first-class certificate of competency or service, as provided in this Act with regard to managers.

11. The following section is inserted next after ^{New section 35A.} section thirty-five of the Principal Act:—

35A. (1) The owner, agent, or manager of every ^{Plans to be furnished.} mine shall within six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913, furnish to the Under-Secretary for Mines a plan on a scale not less than of ten chains to the inch showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine.

(2) Within three months after acquiring and adding to such colliery holding any other freehold or leasehold lands, the owner, agent, or manager shall furnish to the Under-Secretary for Mines a plan of such other lands on the same scale as the plan of the original colliery holding.

12. Paragraph (a) of subsection one of section ^{Amendment of s. 36 (1).} thirty-six of the Principal Act is amended by inserting the words “or by electricity” after the words “steam boiler” in such paragraph.

13. The following words are inserted at the end of ^{Amendment of s. 36 (2).} subsection two of section thirty-six of the Principal Act:—“The manager shall permit a representative of the persons employed in the mine, who shall be one of the
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Coal Mines Regulation (Amending).

the persons so employed, to make, after the explosion or accident, an inspection of the place where the explosion or accident occurred so soon as such inspection can safely be made. Such inspection shall be made in company with an inspector, if one be available. Such representative shall, before leaving the mine, report in a book to be kept at the mine for the purpose the result of his inspection."

New section
36A.

14. The following section is inserted next after section thirty-six of the Principal Act:—

Certain
occurrences
to be
reported.

36A. Where, in or about any mine, there has occurred—

- any case of overwinding a cage;
- any breakage of a rope used for the raising or lowering of men;
- any inrush of water from old workings, or otherwise;
- any outbreak of fire below ground; or
- any accidental ignition of gas or dust below ground (except ignition of gas in a safety-lamp),

and no loss of life or serious personal injury results therefrom, the owner, agent, or manager of the mine shall, within twenty-four hours after such occurrence has taken place, report the same to an inspector, and shall furnish the inspector with such particulars in respect thereof as the inspector may ask for.

If any such owner, agent, or manager fails to carry out the provisions of this section he shall be guilty of an offence against this Act.

Amendment
of s. 45 (1).

15. Subsection one of section forty-five of the Principal Act is amended by inserting after "practicable," at the end of the first paragraph of such subsection, the words "and before being put on the screen: Provided that the Minister may, on the recommendation of the inspector, grant exemption in cases where the weights of large and small coal respectively are ascertained before the coal is put over any travelling belt: Provided further that no proceedings to recover a penalty for failure

Coal Mines Regulation (Amending).

failure to weigh the mineral before being put on the screen shall be instituted before the first day of December, one thousand nine hundred and thirteen."

16. Section forty-eight of the Principal Act is ^{Amendment} amended as follows:— _{of s. 48.}

- (a) In subsection one omit the words "majority, ascertained by ballot, of the"
- (b) In subsection two omit the words "ascertained as aforesaid"
- (c) Add the following subsection:—

(3) Every checkweigher shall be appointed by the persons employed in the mine who are paid by the amount of the mineral gotten, and where more than one person is nominated to the position of checkweigher, the appointment shall be made by a ballot of the persons so employed, present at a meeting to be convened for the purpose by notice signed by not less than five of the persons so employed. Such notice shall be posted in some conspicuous place at the mine for not less than twenty-four hours prior to the time of the meeting. The persons present at such meeting shall elect a chairman, who shall notify the manager of the mine of the result of the ballot.

17. Paragraph (c) of subsection one of section fifty ^{Amendment} of the Principal Act is omitted, and the following para- _{of s. 50 (1).} graph is inserted in lieu thereof:—

- (c) A cage, or cages, running in guides, for raising and lowering persons, shall be established and maintained at each such shaft or outlet exceeding one hundred and fifty feet in depth: Provided that in every shaft not exceeding one hundred and fifty feet in depth and not provided with a cage a ladder shall be fixed. Such ladder shall not be fixed in a vertical or overhanging position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows. Every ladder-shaft shall have substantial platforms or sollars at intervals of not more than thirty feet. The space between the rungs of a ladder shall not exceed

Coal Mines Regulation (Amending).

exceed twelve inches, and the rungs shall in no case be less than five inches from the wall of the shaft. A suitable fixture for a hand grip shall be placed above each ladder for the use of persons ascending or descending.

Amendment
of general
rule 12, s. 54.

18. The following paragraphs are added to general rule twelve of section fifty-four of the Principal Act :—

- (m) Neither gunpowder nor any other explosive which is not on the list of permitted explosives in force for the time being shall be used in any mine which is not both naturally wet and free from inflammable gas.
- (n) No explosive shall be taken or used in any mine except explosives provided by the owner; and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

Amendment
of general
rules 33 and
35, s. 54.

19. The following rules are respectively substituted for the general rules thirty-three and thirty-five of section fifty-four of the Principal Act :—

Rule 33. (a) Every steam boiler used for generating steam in or about a mine must, whether separate or one of a range,—

- (i) 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; and
- (ii) be examined thoroughly by a competent person at least once in every fourteen months; and
- (iii) be cleaned out and examined internally, as far as the construction of the boiler will permit, by a competent person, at least once in every three months.

(b) Every such boiler, safety-valve, steam-gauge, and water-gauge must be maintained in proper working condition, and all the water-gauges shall be adequately protected by a covering or guard, unless so constructed as to be equally safe to the persons employed whether so protected or not.

(c)

Coal Mines Regulation (Amending).

(c) A report of the result of every examination under this rule in the prescribed form and containing the prescribed particulars shall, within fourteen days, be entered in or attached to a book, to be kept at the mine for the purpose, and the report shall be signed by the person making the examination.

(d) The foregoing provisions of this rule shall not apply to the boiler of any railway locomotive.

(e) A steam boiler shall not be placed underground in any mine after the first day of December, one thousand nine hundred and thirteen.

Rule 35. Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at and in the principal districts of the mine, ready for immediate use in case of accident.

20. General rule thirty-nine of section fifty-four of the Principal Act is amended by omitting the words "not being mining engineers." Amendment of general rule 39, s. 54.

21. The following general rule is inserted next after general rule forty-two of section fifty-four of the Principal Act:— New general rule 43, s. 54.

Rule 43. The owner, agent, or manager of every mine shall make provision for the proper sanitation of the mine where any nuisance can be shown to exist to the satisfaction of an inspector.

22. The following section is inserted next after section fifty-six of the Principal Act:— New sub-section 56A.

56A. (1) On and after the first day of July, one thousand nine hundred and fifteen, no person, other than an official of the mine or a person employed on the road in connection with the haulage, or a person engaged in carrying out any repairing work requiring to be carried out forthwith, shall, while the haulage is in motion, travel on foot on any haulage road on which the haulage is worked by gravity or mechanical power, except— Provisions as to travelling on haulage roads, &c.

(a) where there is provided on one side of the road a clear space of at least two feet in width
B between

Coal Mines Regulation (Amending).

between the tubs and that side of the road, and the rate of haulage is not more than ten miles an hour ; or

- (b) where in the case of a haulage road in which such a clear space as aforesaid is not provided, the rate of haulage is not more than three miles an hour and the gradient does not exceed one in twelve, or in respect of any part of the road not exceeding one hundred yards in length, one in nine, and the space between the tracks of rail, where there is more than one track, is kept clear of obstructions :

Provided that—

- (i) in the case of a haulage road in which such a clear space as aforesaid has been provided, but the space so provided has in some part of it been reduced to a width of less than two feet by reason of some cause over which the owner, agent, or manager of the mine has no control, the foregoing prohibition shall not apply during the time (not exceeding the time reasonably required for the purpose) during which the repairs necessary for restoring the width to two feet are being carried out ; and
- (ii) the exception hereinbefore contained with respect to haulage roads in which no such clear space as aforesaid is provided shall apply only in the case of mines opened before the commencement of the Coal Mines Regulation (Amending) Act, 1913, or mines in which the character of the strata makes it unreasonable to require such a clear space to be provided.

If any question arises as to whether the character of the strata in any mine makes it unreasonable to require a clear space to be provided, that question shall be determined by the Chief Inspector of Coal Mines.

(iii)

Coal Mines Regulation (Amending).

(iii) the provisions of this subsection shall only apply to mines in which more than twenty persons are employed.

(2) Where the haulage is worked by gravity ^{Riding on} or mechanical power, no person, other than a ^{trains of tubs.} set-rider, shall be allowed to ride on sets or trains of tubs except—

- (a) a person travelling on a set or train for the purpose of detaching or attaching tubs from or to the haulage rope, if that set or train is not proceeding at a higher speed than three miles an hour; or
- (b) men being conveyed, with the written permission of the manager or under-manager, to or from their work at the commencement or end of their employment (including any person in charge of a set or train of tubs on which men are being so conveyed); or
- (c) the driver of a locomotive.

(3) In all places where sets or trains consisting of three or more tubs are coupled or uncoupled, there shall be a clear space ^{Clear space} of at least ^{alongside} two feet between tubs standing on any rails and the ^{tubs.} side of the road nearest to those rails:

Provided that—

- (a) where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least two feet six inches between tubs standing on those rails; and
- (b) where, in the case of any existing mine, compliance with the requirements of this subsection would necessitate the removal of arching or other masonry work or permanent timbering, or where, in the case of any mine, sets or trains of tubs are coupled or uncoupled at the face, or at the pass-bye next the face, other provisions for securing safety may be substituted by the special rules of the mine for those requirements.

The

Coal Mines Regulation (Amending).

The provisions of this subsection shall come into operation on the first day of January, one thousand nine hundred and fifteen:

Provided that this subsection shall not apply to any district in any mine which the Minister is satisfied will be worked out within three years from the first day of January, one thousand nine hundred and fourteen.

Measuring
clear space.

(4) In measuring any clear space for the purposes of this section, any props or other supports of the roof projecting beyond the side of the road shall be deemed to form part of the side.

By Authority:

WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1913.

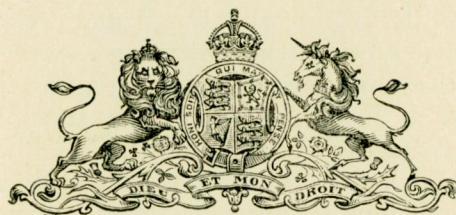
[9d.]

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.

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

Legislative Assembly Chamber,
Sydney, 8 October, 1913.

New South Wales.



ANNO QUARTO

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Act No. 11, 1913.

An Act to amend the Coal Mines Regulation Act, 1912; to bring certain persons under the Public Service Act, 1902; and for purposes consequent thereon or incidental thereto. [Assented to, 15th October, 1913.]

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:—

Preliminary and repeal.

1. This Act may be cited as the "Coal Mines Short title. Regulation (Amending) Act, 1913."

In this Act the Coal Mines Regulation Act, 1912, is referred to as the Principal Act. **2.**

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

R. D. MEAGHER,
Chairman of Committees of the Legislative Assembly.

Coal Mines Regulation (Amending).

Repeal

2. Subsection one of section six, subsections one, two, four, and six of section eight, section twenty-four, and general rules thirty-three and thirty-five of section fifty-four of the Principal Act are repealed.

Amendment of Principal Act.

Amendment
of s. 3.

3. Section three of the Principal Act is amended by omitting the definition of "boy," and by inserting, at the end of the section, the following new definition:—

"Permitted explosive" means explosive the use of which is permitted, either unconditionally or subject to conditions by the Minister, by notice published in the Gazette: Provided that such conditions (if any) are duly observed.

New section
5A.

4. The following section is inserted next after section five of the Principal Act:—

Appointment
of deputy.

5A. (1) In every mine required by this Act to be under the control of a certificated manager, and in which safety-lamps are used, a competent person shall be appointed as deputy, who shall make the inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency of ventilation, state of roof and sides, which duties shall be designated his statutory duties, supervising the general duties of shot-firers, and such other matters relative to the general safety of the mine as are required to be performed by this Act.

(2) After the thirtieth day of June, one thousand nine hundred and fourteen, no person shall be appointed or act as a deputy, unless he—

- (a) is not less than twenty-three years of age;
- (b) has had at least five years' practical experience in a mine;
- (c) is the holder of a certificate of service or competency as manager, under-manager, or deputy; and
- (d) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate tests for inflammable gas.

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Coal Mines Regulation (Amending).

5. (1) For subsection one of section six of the Section 6 (1).
Principal Act the following subsection is substituted:—

6. (1) There shall be three descriptions of cer- New
subsection.
tificates of competency under this Act—

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- (b) second-class certificates,—that is to say,
certificates of fitness to be under-manager;
and
- (c) third-class certificates,—that is to say, cer-
tificates of fitness to be deputy.

But no person shall be entitled to a certificate of competency under this Act unless he has had practical experience in a mine for at least five years, or has had practical experience in a mine for at least three years, and has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received after due examination, from some university, school of mines, or other body approved by the Minister, a diploma, degree, license, or certificate.

(2) Subsection five of the said section is amended by inserting the words "and third-class" after the words "second-class" in such subsection.

6. (1) For subsection one of section eight of the Section 8 (1).
Principal Act the following subsection is substituted:—

8. (1) A certificate of service as deputy shall be New
subsection.
Grant of
certificate of
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granted by the Minister to every person who satisfies him either that before the first day of July, one thousand nine hundred and thirteen, he was acting, and has since that date acted, or that he has at any time within five years before the said date, for a period of not less than three months, acted in the capacity of a deputy or as fireman or shot-firer at a mine, or such part of a mine as can under and for the purposes of this Act be made a separate mine.

(2) Subsection five of the said section is amended by omitting the words "to a manager or under-manager."
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Coal Mines Regulation (Amending).

(3) Subsection seven of the same section is amended by inserting after "repealed thereby" the words "or the Imperial Act 1 and 2 George V, c. 50."

New section 11A.

7. The following section is inserted next after section eleven of the Principal Act:—

11A. Notwithstanding anything to the contrary contained in the last preceding section, the holder of an ordinary certificate as engine-driver who is not subject to any of the infirmities mentioned in paragraph (b) of the said section shall be qualified to take charge of a hauling engine by means of which men are hauled along any plane or road at any mine.

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

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Inspectors subject to the Public Service Act, 1902.

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Coal Mines Regulation (Amending).

(2) Employment in such office shall be counted as employment under the said Act, and any such officer who has during such employment contributed to the Superannuation Account shall be entitled to the same payment, pension, or gratuity as though he had been subject to the said Act.

(3) Subject to the provisions of the said Act, ^{Appointment of inspectors.} the Governor may appoint duly qualified persons to be inspectors of mines.

(4) Every inspector shall be an inspector under this Act, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of New South Wales with reference to which the term is used.

(5) Every inspector shall hold a first-class certificate of competency or service, as provided in this Act with regard to managers.

11. The following section is inserted next after ^{New section 35A.} section thirty-five of the Principal Act:—

35A. (1) The owner, agent, or manager of every ^{Plans to be furnished.} mine shall within six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913, furnish to the Under-Secretary for Mines a plan on a scale not less than of ten chains to the inch showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine.

(2) Within three months after acquiring and adding to such colliery holding any other freehold or leasehold lands, the owner, agent, or manager shall furnish to the Under-Secretary for Mines a plan of such other lands on the same scale as the plan of the original colliery holding.

12. Paragraph (a) of subsection one of section ^{Amendment of s. 36 (1).} thirty-six of the Principal Act is amended by inserting the words "or by electricity" after the words "steam boiler" in such paragraph.

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and no loss of life or serious personal injury results therefrom, the owner, agent, or manager of the mine shall, within twenty-four hours after such occurrence has taken place, report the same to an inspector, and shall furnish the inspector with such particulars in respect thereof as the inspector may ask for.

If any such owner, agent, or manager fails to carry out the provisions of this section he shall be guilty of an offence against this Act.

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failure to weigh the mineral before being put on the screen shall be instituted before the first day of December, one thousand nine hundred and thirteen."

16. Section forty-eight of the Principal Act is Amendment of s. 48. amended as follows:—

- (a) In subsection one omit the words "majority, ascertained by ballot, of the"
- (b) In subsection two omit the words "ascertained as aforesaid"
- (c) Add the following subsection:—

(3) Every checkweigher shall be appointed by the persons employed in the mine who are paid by the amount of the mineral gotten, and where more than one person is nominated to the position of checkweigher, the appointment shall be made by a ballot of the persons so employed, present at a meeting to be convened for the purpose by notice signed by not less than five of the persons so employed. Such notice shall be posted in some conspicuous place at the mine for not less than twenty-four hours prior to the time of the meeting. The persons present at such meeting shall elect a chairman, who shall notify the manager of the mine of the result of the ballot.

17. Paragraph (c) of subsection one of section fifty Amendment of s. 50 (1). of the Principal Act is omitted, and the following paragraph is inserted in lieu thereof:—

- (c) A cage, or cages, running in guides, for raising and lowering persons, shall be established and maintained at each such shaft or outlet exceeding one hundred and fifty feet in depth: Provided that in every shaft not exceeding one hundred and fifty feet in depth and not provided with a cage a ladder shall be fixed. Such ladder shall not be fixed in a vertical or overhanging position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows. Every ladder-shaft shall have substantial platforms or sollars at intervals of not more than thirty feet. The space between the rungs of a ladder shall not exceed

Coal Mines Regulation (Amending).

exceed twelve inches, and the rungs shall in no case be less than five inches from the wall of the shaft. A suitable fixture for a hand grip shall be placed above each ladder for the use of persons ascending or descending.

Amendment
of general
rule 12, s 54.

18. The following paragraphs are added to general rule twelve of section fifty-four of the Principal Act :—

- (m) Neither gunpowder nor any other explosive which is not on the list of permitted explosives in force for the time being shall be used in any mine which is not both naturally wet and free from inflammable gas.
- (n) No explosive shall be taken or used in any mine except explosives provided by the owner; and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

Amendment
of general
rules 33 and
35, s. 54.

19. The following rules are respectively substituted for the general rules thirty-three and thirty-five of section fifty-four of the Principal Act :—

Rule 33. (a) Every steam boiler used for generating steam in or about a mine must, whether separate or one of a range,—

- (i) 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; and
- (ii) be examined thoroughly by a competent person at least once in every fourteen months; and
- (iii) be cleaned out and examined internally, as far as the construction of the boiler will permit, by a competent person, at least once in every three months.

(b) Every such boiler, safety-valve, steam-gauge, and water-gauge must be maintained in proper working condition, and all the water-gauges shall be adequately protected by a covering or guard, unless so constructed as to be equally safe to the persons employed whether so protected or not. (c)

Coal Mines Regulation (Amending).

(c) A report of the result of every examination under this rule in the prescribed form and containing the prescribed particulars shall, within fourteen days, be entered in or attached to a book, to be kept at the mine for the purpose, and the report shall be signed by the person making the examination.

(d) The foregoing provisions of this rule shall not apply to the boiler of any railway locomotive.

(e) A steam boiler shall not be placed underground in any mine after the first day of December, one thousand nine hundred and thirteen.

Rule 35. Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at and in the principal districts of the mine, ready for immediate use in case of accident.

20. General rule thirty-nine of section fifty-four of the Principal Act is amended by omitting the words "not being mining engineers." Amendment of general rule 39, s. 54.

21. The following general rule is inserted next after general rule forty-two of section fifty-four of the Principal Act:— New general rule 43, s. 54.

Rule 43. The owner, agent, or manager of every mine shall make provision for the proper sanitation of the mine where any nuisance can be shown to exist to the satisfaction of an inspector.

22. The following section is inserted next after section fifty-six of the Principal Act:— New sub-section 56A.

56A. (1) On and after the first day of July, one thousand nine hundred and fifteen, no person, other than an official of the mine or a person employed on the road in connection with the haulage, or a person engaged in carrying out any repairing work requiring to be carried out forthwith, shall, while the haulage is in motion, travel on foot on any haulage road on which the haulage is worked by gravity or mechanical power, except— Provisions as to travelling on haulage roads, &c.

(a) where there is provided on one side of the road a clear space of at least two feet in width between

Coal Mines Regulation (Amending).

between the tubs and that side of the road, and the rate of haulage is not more than ten miles an hour; or

- (b) where in the case of a haulage road in which such a clear space as aforesaid is not provided, the rate of haulage is not more than three miles an hour and the gradient does not exceed one in twelve, or in respect of any part of the road not exceeding one hundred yards in length, one in nine, and the space between the tracks of rail, where there is more than one track, is kept clear of obstructions:

Provided that—

- (i) in the case of a haulage road in which such a clear space as aforesaid has been provided, but the space so provided has in some part of it been reduced to a width of less than two feet by reason of some cause over which the owner, agent, or manager of the mine has no control, the foregoing prohibition shall not apply during the time (not exceeding the time reasonably required for the purpose) during which the repairs necessary for restoring the width to two feet are being carried out; and
- (ii) the exception hereinbefore contained with respect to haulage roads in which no such clear space as aforesaid is provided shall apply only in the case of mines opened before the commencement of the Coal Mines Regulation (Amending) Act, 1913, or mines in which the character of the strata makes it unreasonable to require such a clear space to be provided.

If any question arises as to whether the character of the strata in any mine makes it unreasonable to require a clear space to be provided, that question shall be determined by the Chief Inspector of Coal Mines.

(iii)

Coal Mines Regulation (Amending).

(iii) the provisions of this subsection shall only apply to mines in which more than twenty persons are employed.

(2) Where the haulage is worked by gravity ^{Riding on trains of tubs.} or mechanical power, no person, other than a set-rider, shall be allowed to ride on sets or trains of tubs except—

- (a) a person travelling on a set or train for the purpose of detaching or attaching tubs from or to the haulage rope, if that set or train is not proceeding at a higher speed than three miles an hour; or
- (b) men being conveyed, with the written permission of the manager or under-manager, to or from their work at the commencement or end of their employment (including any person in charge of a set or train of tubs on which men are being so conveyed); or
- (c) the driver of a locomotive.

(3) In all places where sets or trains consisting of three or more tubs are coupled or uncoupled, there shall be a clear space of at least two feet between tubs standing on any rails and the side of the road nearest to those rails: ^{Clear space alongside tubs.}

Provided that—

- (a) where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least two feet six inches between tubs standing on those rails; and
- (b) where, in the case of any existing mine, compliance with the requirements of this subsection would necessitate the removal of arching or other masonry work or permanent timbering, or where, in the case of any mine, sets or trains of tubs are coupled or uncoupled at the face, or at the pass-bye next the face, other provisions for securing safety may be substituted by the special rules of the mine for those requirements.

The

Coal Mines Regulation (Amending).

The provisions of this subsection shall come into operation on the first day of January, one thousand nine hundred and fifteen :

Provided that this subsection shall not apply to any district in any mine which the Minister is satisfied will be worked out within three years from the first day of January, one thousand nine hundred and fourteen.

Measuring
clear space.

(4) In measuring any clear space for the purposes of this section, any props or other supports of the roof projecting beyond the side of the road shall be deemed to form part of the side.

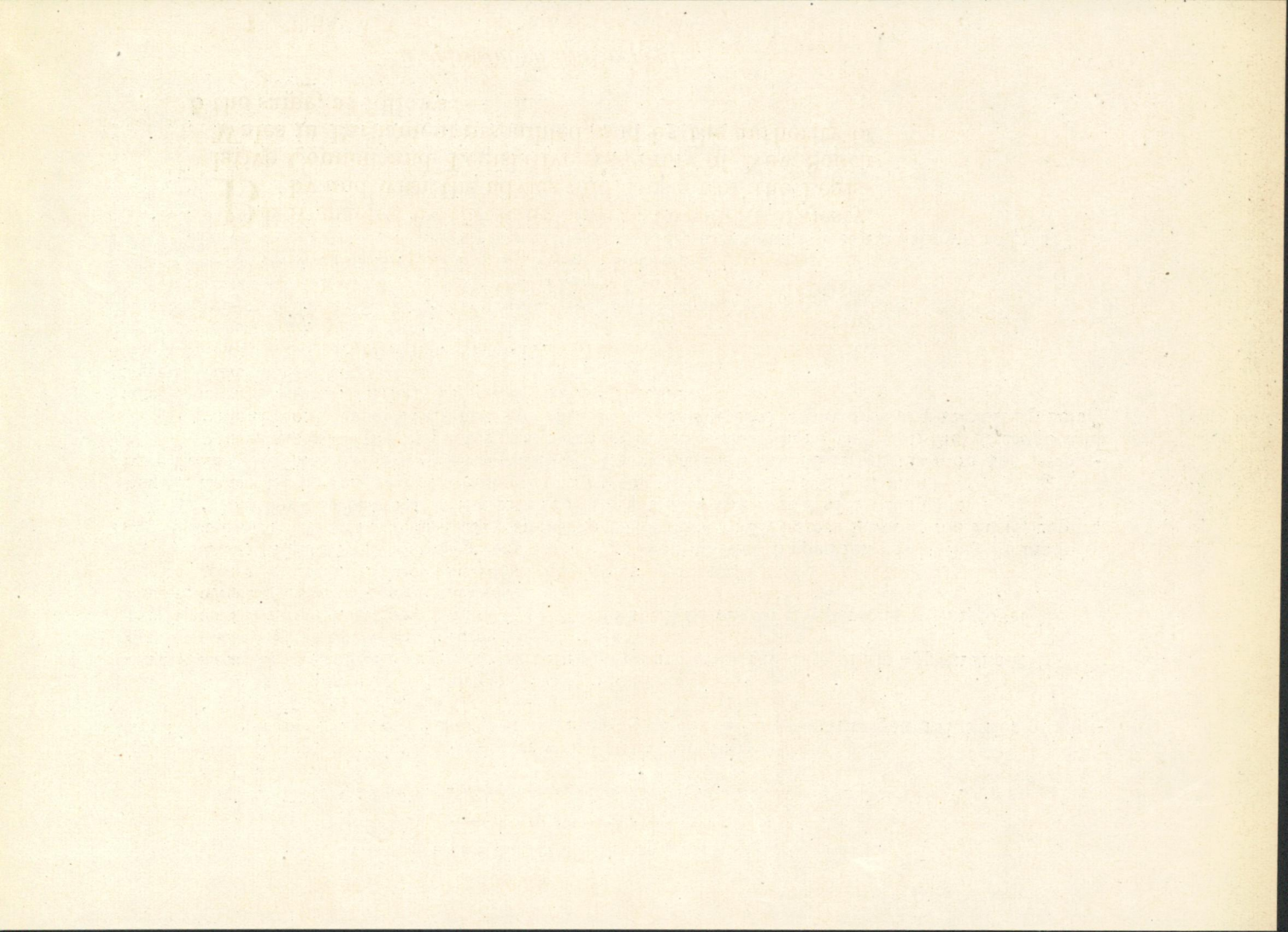
*In the name and on behalf of His Majesty I assent to
this Act.*

G. STRICKLAND,
Governor.
State Government House,
Sydney, 15th October, 1913.

COAL MINES REGULATION (AMENDING) BILL.

SCHEDULE of the Amendments referred to in Message of 8th October, 1913.

- Page 2, clause 4, lines 20 and 21. *Omit* "or which is dry and dusty"
- Page 2, clause 4, line 27. *Omit* "charge of and firing of explosives" *insert* "the general duties of shot-firers"
- Page 2, clause 4, line 32. *Omit* "thirteen" *insert* "fourteen"
- Page 4, clause 9. At end of clause *add* "within one month after the date of his appointment"
- Page 5, clause 11, line 26. *Omit* "three" *insert* "six"
- Page 6, clause 13, line 4. *After* "mine" *insert* "who shall be one of the persons so employed"
- Page 6, clause 13, line 5. *Omit* "immediately"
- Page 6, clause 13, line 6. *After* "explosion" *insert* "or accident"
- Page 6, clause 13, line 7. *After* "occurred" *insert* "so soon as such inspection can safely be made"
- Page 6, clause 13. At end of clause *add* "such representative shall, before leaving the mine, report
"in a book to be kept at the mine for the purpose the result of his inspection"
- Page 6, clause 14, line 18. *Omit* "winding" *insert* "the raising or lowering of men"
- Page 6, clause 15, line 39. *After* "screen" *insert* "Provided that the Minister may on the recommendation of the inspector grant exemption in cases where the weights of large and
"small coal respectively are ascertained before the coal is put over any travelling belt"
- Page 7, clause 15, line 2. *After* "Provided" *insert* "further"
- Page 7. *Omit* clause 16.
- Page 8. *Omit* clause 18, *insert* new clause 17.
- Page 9, clause 19. 18. *Omit* paragraph (o).
- Page 10, clause 20. 19, line 24. *After* "locomotive" *omit* remainder of paragraph (d).
- Page 10, clause 20. 19, line 27. *After* "the" *insert* "first"
- Page 10, clause 20. 19, line 27. *After* "of" *insert* "December"
- Page 10, clause 22. 21, line 42. *After* "mine" *insert* "where any nuisance can be shown to exist"
- Page 11, clause 23. 22, line 4. *Omit* "fourteen" *insert* "fifteen"
- Page 12, clause 23. 22. *After* paragraph (ii) *insert* new paragraph "(iii)"
- Page 12, clause 23. 22, line 40. *Omit* "three feet" *insert* "two feet six inches"
- Page 13, clause 23. 22, line 4. *After* "work" *insert* "or permanent timbering"
- Page 13, clause 23. 22, line 13. *Omit* "fourteen" *insert* "fifteen"



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.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 29 August, 1913, A.M.

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

JOHN J. CALVERT
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 8th October, 1913.

New South Wales.



ANNO QUARTO

GEORGIUS V REGIS.

Act No. , 1913.

An Act to amend the Coal Mines Regulation Act, 1912; to bring certain persons under the Public Service Act, 1902; and for purposes consequent thereon or incidental thereto.

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:—

Preliminary and repeal.

1. This Act may be cited as the "Coal Mines Short title, Regulation (Amending) Act, 1913."

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1—A

In

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

Coal Mines Regulation (Amending).

In this Act the Coal Mines Regulation Act, 1912, is referred to as the Principal Act.

2. Subsection one of section six, subsections one, two, four, and six of section eight, section twenty-four, and general rules thirty-three and thirty-five of section fifty-four of the Principal Act are repealed.

Amendment of Principal Act.

3. Section three of the Principal Act is amended by omitting the definition of "boy," and by inserting, at the end of the section, the following new definition:—

"Permitted explosive" means explosive the use of which is permitted, either unconditionally or subject to conditions by the Minister, by notice published in the Gazette: Provided that such conditions (if any) are duly observed.

4. The following section is inserted next after section five of the Principal Act:—

5A. (1) In every mine required by this Act to be under the control of a certificated manager, and in which safety-lamps are used, ~~or which is dry and dusty,~~ a competent person shall be appointed as deputy, who shall make the inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency of ventilation, state of roof and sides, which duties shall be designated his statutory duties, supervising ~~charge of and firing of explosives~~ the general duties of ~~shot-firers,~~ and such other matters relative to the general safety of the mine as are required to be performed by this Act.

(2) After the thirtieth day of June, one thousand nine hundred and ~~thirteen~~ fourteen, no person shall be appointed or act as a deputy, unless he—

- (a) is not less than twenty-three years of age;
- (b) has had at least five years' practical experience in a mine;
- (c) is the holder of a certificate of service or competency as manager, under-manager, or deputy; and
- (d)

Coal Mines Regulation (Amending).

5 (d) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate tests for inflammable gas.

5. (1) For subsection one of section six of the Principal Act the following subsection is substituted:—

6. (1) There shall be three descriptions of certificates of competency under this Act—

10 (a) first-class certificates,—that is to say, certificates of fitness to be manager;

(b) second-class certificates,—that is to say, certificates of fitness to be under-manager; and

15 (c) third-class certificates,—that is to say, certificates of fitness to be deputy.

20 But no person shall be entitled to a certificate of competency under this Act unless he has had practical experience in a mine for at least five years, or has had practical experience in a mine for at least three years, and has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received after due examination, from some university, school of mines, or other body approved by the Minister, a diploma, degree, license, or certificate.

(2) Subsection five of the said section is amended by inserting the words "and third-class" after the words "second-class" in such subsection.

30 6. (1) For subsection one of section eight of the Principal Act the following subsection is substituted:—

35 8. (1) A certificate of service as deputy shall be granted by the Minister to every person who satisfies him either that before the first day of July, one thousand nine hundred and thirteen, he was acting, and has since that date acted, or that he has at any time within five years before the said date, for a period of not less than three months, acted in the capacity of a deputy or as fireman or shot-firer

Section 6 (1).

New subsection.

Certificates of competency.

Section 8 (1).

New subsection.

Grant of certificate of service as deputy.

Coal Mines Regulation (Amending).

firer at a mine, or such part of a mine as can under and for the purposes of this Act be made a separate mine.

5 (2) Subsection five of the said section is amended by omitting the words "to a manager or under-manager."

(3) Subsection seven of the same section is amended by inserting after "repealed thereby" the words "or the Imperial Act 1 and 2 George V, c. 50."

10 **7.** The following section is inserted next after section eleven of the Principal Act:— New section 11A.

15 11A. Notwithstanding anything to the contrary contained in the last preceding section, the holder of an ordinary certificate as engine-driver who is not subject to any of the infirmities mentioned in paragraph (b) of the said section shall be qualified to take charge of a hauling engine by means of which men are hauled along any plane or road at any mine.

20 **8.** Sections fifteen, seventeen and twenty of the Principal Act are amended by omitting the words "manager or under-manager" whenever occurring in such sections, and by inserting in lieu thereof the words "manager, under-manager, or deputy." Amendment of ss. 15, 17, and 20.

25 **9.** Section twenty-two of the Principal Act is amended by inserting after "kilowatts" in paragraph (a) the words "or so acts in any place in a mine where naked lights are prohibited, notwithstanding that the output of such generating plant is less than thirty Amendment of s. 22.

30 kilowatts"; and the following subsection is inserted at the end of that section:—

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

10. For section twenty-four of the Principal Act the following section is substituted:— New section 24.

40 24. (1) All inspectors, including the chief inspector, holding office on the first day of July, one thousand nine hundred and thirteen, shall be subject to Inspectors subject to the Public Service Act, 1902.

Coal Mines Regulation (Amending).

to the provisions of the Public Service Act, 1902, and shall be entitled to all rights and subject to all the provisions of the said Act, and any Acts amending the same, as if they had been appointed thereunder.

(2) Employment in such office shall be counted as employment under the said Act, and any such officer who has during such employment contributed to the Superannuation Account shall be entitled to the same payment, pension, or gratuity as though he had been subject to the said Act.

(3) Subject to the provisions of the said Act, Appointment of inspectors. the Governor may appoint duly qualified persons to be inspectors of mines.

(4) Every inspector shall be an inspector under this Act, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of New South Wales with reference to which the term is used.

(5) Every inspector shall hold a first-class certificate of competency or service, as provided in this Act with regard to managers.

11. The following section is inserted next after New section 35A. section thirty-five of the Principal Act:—

35A. (1) The owner, agent, or manager of every Plans to be furnished. mine shall within ~~three~~ six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913, furnish to the Under-Secretary for Mines a plan on a scale not less than of ten chains to the inch showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine.

(2) Within three months after acquiring and adding to such colliery holding any other freehold or leasehold lands, the owner, agent, or manager shall furnish to the Under-Secretary for Mines a plan of such other lands on the same scale as the plan of the original colliery holding.

12. Paragraph (a) of subsection one of section Amendment of s. 36 (1). thirty-six of the Principal Act is amended by inserting the words "or by electricity" after the words "steam boiler" in such paragraph.

13.

Coal Mines Regulation (Amending).

13. The following words are inserted at the end of subsection two of section thirty-six of the Principal Act:—"The manager shall permit a representative of the persons employed in the mine, **who shall be one of** 5 **the persons so employed**, to make, ~~immediately~~ after the explosion or accident, an inspection of the place where the explosion or accident occurred **so soon as such inspection can safely be made.** Such inspection shall be made in company with an inspector, if one be 10 available. **Such representative shall, before leaving the mine, report in a book to be kept at the mine for the purpose the result of his inspection."**

Amendment of s. 36 (2).

14. The following section is inserted next after section thirty-six of the Principal Act:—

New section 36A.

15 **36A.** Where, in or about any mine, there has occurred—

Certain occurrences to be reported.

any case of overwinding a cage ;
 any breakage of a rope used for ~~winding~~ the
 20 **raising or lowering of men ;**
 any inrush of water from old workings, or otherwise ;
 any outbreak of fire below ground ; or
 any accidental ignition of gas or dust below
 25 ground (except ignition of gas in a safety-lamp),

and no loss of life or serious personal injury results therefrom, the owner, agent, or manager of the mine shall, within twenty-four hours after such occurrence has taken place, report the same to an 30 inspector, and shall furnish the inspector with such particulars in respect thereof as the inspector may ask for.

If any such owner, agent, or manager fails to carry out the provisions of this section he shall be 35 guilty of an offence against this Act.

15. Subsection one of section forty-five of the Principal Act is amended by inserting after "practicable," at the end of the first paragraph of such subsection, the words "and before being put on the screen : **Provided** 40 **that the Minister may, on the recommendation of the inspector, grant exemption in cases where the weights of**

Amendment of s. 45 (1).

Coal Mines Regulation (Amending).

of large and small coal respectively are ascertained before the coal is put over any travelling belt: Provided further that no proceedings to recover a penalty for failure to weigh the mineral before being put on the screen shall be instituted before the first day of December, one thousand nine hundred and thirteen."

16. The following section is inserted next after section forty-five of the Principal Act:—

10 45A. For every seam in a mine newly opened after the first day of January, one thousand nine hundred and thirteen, there shall be provided two main intake airways, one of which shall be used as a travelling road, and shall not be less than
15 six feet in height, and six feet in width, and shall be maintained in such a condition as to afford a ready means of ingress to and egress from the workings, and this travelling road shall not be used for the haulage of coal.

17. **16.** Section forty-eight of the Principal Act is amended as follows:—

- (a) In subsection one omit the words "majority, ascertained by ballot, of the"
(b) In subsection two omit the words "ascertained as aforesaid"
25 (c) Add the following subsection:—

(3) Every checkweigher shall be appointed by the persons employed in the mine who are paid by the amount of the mineral gotten, and where more than one person is nominated to the position of
30 checkweigher, the appointment shall be made by a ballot of the persons so employed, present at a meeting to be convened for the purpose by notice signed by not less than five of the persons so employed. Such notice shall be posted in some
35 conspicuous place at the mine for not less than twenty-four hours prior to the time of the meeting. The persons present at such meeting shall elect a chairman, who shall notify the manager of the mine of the result of the ballot.

Coal Mines Regulation (Amending).

18. Paragraph (c) of subsection one of section fifty of the Principal Act is amended as follows:— Amendment of s. 50 (1).

- (a) Omit "proper apparatus," and insert the words
"a cage or cages running in guides"
- 5 (b) After "shaft or outlet" insert the words
"exceeding one hundred and fifty feet in
depth"
- (c) At the end of the paragraph insert the following
proviso:—
- 10 "Provided that in every shaft not exceeding one
hundred and fifty feet in depth a ladder shall be
fixed. Such ladder shall not be fixed in a vertical
or overhanging position, and shall be inclined at
the most convenient angle which the space in which
15 the ladder is fixed allows. Every ladder-shaft shall
have substantial platforms or sollars at intervals of
not more than thirty feet. The space between the
rungs of a ladder shall not exceed twelve inches,
and the rungs shall in no case be less than five
20 inches from the wall of the shaft. A suitable fixture
for a hand grip shall be placed above each ladder
for the use of persons ascending or descending."

17. Paragraph (c) of subsection one of section fifty of the Principal Act is omitted, and the following Amendment of s. 50 (1).
25 paragraph is inserted in lieu thereof:—

- (c) A cage or cages, running in guides, for raising
and lowering persons, shall be established and
maintained at each such shaft or outlet
exceeding one hundred and fifty feet in depth:
- 30 Provided that in every shaft not exceeding one
hundred and fifty feet in depth and not provided
with a cage a ladder shall be fixed. Such
ladder shall not be fixed in a vertical or over-
hanging position, and shall be inclined at the
35 most convenient angle which the space in which
the ladder is fixed allows. Every ladder-shaft
shall have substantial platforms or sollars at
intervals of not more than thirty feet. The
space between the rungs of a ladder shall not
40 exceed twelve inches, and the rungs shall in
no case be less than five inches from the wall
of

Coal Mines Regulation (Amending).

of the shaft. A suitable fixture for a hand grip shall be placed above each ladder for the use of persons ascending or descending.

19. **18.** The following paragraphs are added to general Amendment of general rule 12, s. 54.
5 rule twelve of section fifty-four of the Principal Act :—

(m) Neither gunpowder nor any other explosive which is not on the list of permitted explosives in force for the time being shall be used in any mine which is not both naturally wet and free from inflammable gas.

(n) No explosive shall be taken or used in any mine except explosives provided by the owner; and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

(o) The owner, agent, or manager of the mine shall provide a suitable place or places of storage above ground for all explosives intended to be used in the mine, and shall make suitable provision conveniently near the entrance of the mine for the storage of surplus explosive brought out of the mine at the end of each shift. If any explosive remains in the possession of a workman at the end of his shift, either he shall bring it with him out of the mine and return it at once to the place of storage provided for the purpose, or if the explosive is required for a shift immediately following, he shall deliver it personally to the workman succeeding him in his working place.

20. **19.** The following rules are respectively substituted for the general rules thirty-three and thirty-five of section fifty-four of the Principal Act :— Amendment of general rules 33 and 35, s. 54.

35 **Rule 33.** (a) Every steam boiler used for generating steam in or about a mine must, whether separate or one of a range,—

(i) 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; and

1—B

(ii)

Coal Mines Regulation (Amending).

(ii) be examined thoroughly by a competent person at least once in every fourteen months; and

5 (iii) be cleaned out and examined internally, as far as the construction of the boiler will permit, by a competent person, at least once in every three months.

10 (b) Every such boiler, safety-valve, steam-gauge, and water-gauge must be maintained in proper working condition, and all the water-gauges shall be adequately protected by a covering or guard, unless so constructed as to be equally safe to the persons employed whether so protected or not.

15 (c) A report of the result of every examination under this rule in the prescribed form and containing the prescribed particulars shall, within fourteen days, be entered in or attached to a book, to be kept at the mine for the purpose, and the report shall be signed by the person making the examination.

20 (d) The foregoing provisions of this rule shall not apply to the boiler of any railway locomotive ~~which belongs to and is used by any person or company other than the owner of the mine.~~

25 (e) A steam boiler shall not be placed underground in any mine after the first day of **December**, one thousand nine hundred and thirteen.

30 *Rule 35.* Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at and in the principal districts of the mine, ready for immediate use in case of accident.

35 ~~21.~~ **20.** General rule thirty-nine of section fifty-four of the Principal Act is amended by omitting the words "not being mining engineers." Amendment of general rule 39, s. 54.

~~22.~~ **21.** The following general rule is inserted next after general rule forty-two of section fifty-four of the Principal Act:— New general rule 43, s. 54.

40 *Rule 43.* The owner, agent, or manager of every mine shall make provision for the proper sanitation of the mine where any nuisance can be shown to exist to the satisfaction of an inspector. 23.

Coal Mines Regulation (Amending).

23. **22.** The following section is inserted next after section fifty-six of the Principal Act :—

New sub-section 56A.

5 56A. (1) On and after the first day of July, one thousand nine hundred and ~~fourteen~~ **fifteen**, no person, other than an official of the mine or a person employed on the road in connection with the haulage, or a person engaged in carrying out any repairing work requiring to be carried out forthwith, shall, while the haulage is in motion, travel on foot on any haulage road on which the haulage is worked by gravity or mechanical power, except—

Provisions as to travelling on haulage roads, &c.

10 (a) where there is provided on one side of the road a clear space of at least two feet in width between the tubs and that side of the road, and the rate of haulage is not more than ten miles an hour ; or

15 (b) where in the case of a haulage road in which such a clear space as aforesaid is not provided, the rate of haulage is not more than three miles an hour and the gradient does not exceed one in twelve, or in respect of any part of the road not exceeding one hundred yards in length, one in nine, and the space between the tracks of rail, where there is more than one track, is kept clear of obstructions :

25 Provided that—

30 (i) in the case of a haulage road in which such a clear space as aforesaid has been provided, but the space so provided has in some part of it been reduced to a width of less than two feet by reason of some cause over which the owner, agent, or manager of the mine has no control, the foregoing prohibition shall not apply during the time (not exceeding the time reasonably required for the purpose) during which the repairs necessary for restoring the width to two feet are being carried out ; and

35 40 (ii) the exception hereinbefore contained with respect to haulage roads in which no such clear

Coal Mines Regulation (Amending).

clear space as aforesaid is provided shall apply only in the case of mines opened before the commencement of the Coal Mines Regulation (Amending) Act, 1913, or mines
5 in which the character of the strata makes it unreasonable to require such a clear space to be provided.

If any question arises as to whether the character of the strata in any mine makes it
10 unreasonable to require a clear space to be provided, that question shall be determined by the Chief Inspector of Coal Mines.

(iii) the provisions of this subsection shall only
15 apply to mines in which more than twenty persons are employed.

(2) Where the haulage is worked by gravity ^{Riding on} or mechanical power, no person, other than a ^{trains of tubs.} set-rider, shall be allowed to ride on sets or trains of tubs except—

20 (a) a person travelling on a set or train for the purpose of detaching or attaching tubs from or to the haulage rope, if that set or train is not proceeding at a higher speed than three miles an hour; or

25 (b) men being conveyed, with the written permission of the manager or under-manager, to or from their work at the commencement or end of their employment (including any person in charge of a set or train of tubs on which men are being so conveyed); or

30 (c) the driver of a locomotive.

(3) In all places where sets or trains ^{Clear space} consisting of three or more tubs are coupled ^{alongside} or ^{tubs.} uncoupled, there shall be a clear space of at least two feet between tubs standing on any rails and the
35 side of the road nearest to those rails:

Provided that—

40 (a) where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least ~~three feet~~ **two feet six inches** between tubs standing on those rails; and (b)

Coal Mines Regulation (Amending).

5 (b) where, in the case of any existing mine,
compliance with the requirements of this
subsection would necessitate the removal of
arching or other masonry work or permanent
timbering, or where, in the case of any mine,
sets or trains of tubs are coupled or uncoupled
at the face, or at the pass-by next the face,
other provisions for securing safety may be
substituted by the special rules of the mine
10 for those requirements.

The provisions of this subsection shall come into
operation on the first day of January, one thousand
nine hundred and ~~fourteen~~ fifteen :

15 Provided that this subsection shall not apply to
any district in any mine which the Minister is
satisfied will be worked out within three years from
the first day of January, one thousand nine hundred
and fourteen.

20 (4) In measuring any clear space for the ^{Measuring}
purposes of this section, any props or other supports ^{clear space.}
of the roof projecting beyond the side of the road
shall be deemed to form part of the side.

Coal Mines Regulation (Amendment)

(b) where, in the case of any existing mine, compliance with the requirements of this section would necessitate the removal of any or other machinery used in the mine, or where, in the case of any mine, any or other machinery used in the mine is of such a nature as to be likely to be dangerous to the health or safety of any person, the Minister may, by order, exempt any or other machinery from the requirements of this section.

5
10

The provisions of this section shall come into operation on the first day of January next following the date of the commencement of this Act.

Provided that this section shall not apply to any mine in any case where the Minister is satisfied that it is not practicable to comply with the requirements of this section, and that the health and safety of any person would be thereby prejudiced.

15

(c) In any case where any person is employed in any mine, the person shall be deemed to be employed in that mine for the purposes of this section, notwithstanding that he may be employed in other mines, or that he may be employed in any other capacity, if he is employed in any mine, or in any other capacity, on the same day as he is employed in that mine.

20

Nothing in this section shall be taken to prevent any person from being employed in any mine, or in any other capacity, on any day, if he is not employed in any mine, or in any other capacity, on that day.

[...]

Nothing in this section shall be taken to prevent any person from being employed in any mine, or in any other capacity, on any day, if he is not employed in any mine, or in any other capacity, on that day.

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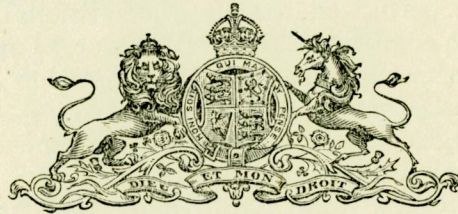
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 29 August, 1913, A.M.

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

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, October, 1913.

New South Wales.



ANNO QUARTO

GEORGII V REGIS.

Act No. , 1913.

An Act to amend the Coal Mines Regulation Act, 1912; to bring certain persons under the Public Service Act, 1902; and for purposes consequent thereon or incidental thereto.

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:—

Preliminary and repeal.

1. This Act may be cited as the "Coal Mines Regulation (Amending) Act, 1913."

48439

1—A

In

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

Coal Mines Regulation (Amending).

In this Act the Coal Mines Regulation Act, 1912, is referred to as the Principal Act.

2. Subsection one of section six, subsections one, ^{Repeal} two, four, and six of section eight, section twenty-four, ⁵ and general rules thirty-three and thirty-five of section fifty-four of the Principal Act are repealed.

Amendment of Principal Act.

3. Section three of the Principal Act is amended by ^{Amendment} omitting the definition of "boy," and by inserting, ^{of s. 3.} at the end of the section, the following new definition:—

15 "Permitted explosive" means explosive the use of which is permitted, either unconditionally or subject to conditions by the Minister, by notice published in the Gazette: Provided that such conditions (if any) are duly observed.

4. The following section is inserted next after section ^{New section} five of the Principal Act:— ^{5A.}

20 5A. (1) In every mine required by this Act to ^{Appointment} be under the control of a certificated manager, and ^{of deputy.} in which safety-lamps are used, ~~or which is dry and dusty,~~ a competent person shall be appointed as deputy, who shall make the inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency of ventilation, state of roof and sides, which duties shall be designated his statutory duties, supervising ~~charge of and firing of explosives~~ **the general duties of shot-firers**, and such other matters relative to the general safety of the mine as are required to be performed by this Act.

30 (2) After the thirtieth day of June, one thousand nine hundred and ~~thirteen~~ fourteen, no person shall be appointed or act as a deputy, unless he—

- 35 (a) is not less than twenty-three years of age ;
 (b) has had at least five years' practical experience in a mine ;
 40 (c) is the holder of a certificate of service or competency as manager, under-manager, or deputy ; and (d)

Coal Mines Regulation (Amending).

(d) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate tests for inflammable gas.

5 **5.** (1) For subsection one of section six of the Principal Act the following subsection is substituted:—

6. (1) There shall be three descriptions of certificates of competency under this Act—

- 10 (a) first-class certificates,—that is to say, certificates of fitness to be manager;
- (b) second-class certificates,—that is to say, certificates of fitness to be under-manager; and
- 15 (c) third-class certificates,—that is to say, certificates of fitness to be deputy.

But no person shall be entitled to a certificate of competency under this Act unless he has had practical experience in a mine for at least five years, or has had practical experience in a mine for at least three years, and has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received after due examination, from some university, school of mines, or other body approved by the Minister, a diploma, degree, license, or certificate.

(2) Subsection five of the said section is amended by inserting the words "and third-class" after the words "second-class" in such subsection.

30 **6.** (1) For subsection one of section eight of the Principal Act the following subsection is substituted:—

8. (1) A certificate of service as deputy shall be granted by the Minister to every person who satisfies him either that before the first day of July, one thousand nine hundred and thirteen, he was acting, and has since that date acted, or that he has at any time within five years before the said date, for a period of not less than three months, acted in the capacity of a deputy or as fireman or shot-firer

New subsection.

Certificates of competency.

Section 8 (1).

New subsection.

Grant of certificate of service as deputy.

Coal Mines Regulation (Amending).

firer at a mine, or such part of a mine as can under and for the purposes of this Act be made a separate mine.

(2) Subsection five of the said section is amended by omitting the words "to a manager or under-manager."

(3) Subsection seven of the same section is amended by inserting after "repealed thereby" the words "or the Imperial Act 1 and 2 George V, c. 50."

10 **7.** The following section is inserted next after section eleven of the Principal Act:— New section 11A.

15 11A. Notwithstanding anything to the contrary contained in the last preceding section, the holder of an ordinary certificate as engine-driver who is not subject to any of the infirmities mentioned in paragraph (b) of the said section shall be qualified to take charge of a hauling engine by means of which men are hauled along any plane or road at any mine.

20 **8.** Sections fifteen, seventeen and twenty of the Principal Act are amended by omitting the words "manager or under-manager" whenever occurring in such sections, and by inserting in lieu thereof the words "manager, under-manager, or deputy." Amendment of ss. 15, 17, and 20.

25 **9.** Section twenty-two of the Principal Act is amended by inserting after "kilowatts" in paragraph (a) the words "or so acts in any place in a mine where naked lights are prohibited, notwithstanding that the output of such generating plant is less than thirty
30 kilowatts"; and the following subsection is inserted at the end of that section:— Amendment of s. 22.

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

10. For section twenty-four of the Principal Act the following section is substituted:— New section 24.

40 24. (1) All inspectors, including the chief inspector, holding office on the first day of July, one thousand nine hundred and thirteen, shall be subject to Inspectors subject to the Public Service Act, 1902.

Coal Mines Regulation (Amending).

to the provisions of the Public Service Act, 1902, and shall be entitled to all rights and subject to all the provisions of the said Act, and any Acts amending the same, as if they had been appointed thereunder.

(2) Employment in such office shall be counted as employment under the said Act, and any such officer who has during such employment contributed to the Superannuation Account shall be entitled to the same payment, pension, or gratuity as though he had been subject to the said Act.

(3) Subject to the provisions of the said Act, ^{Appointment of inspectors} the Governor may appoint duly qualified persons to be inspectors of mines.

(4) Every inspector shall be an inspector under this Act, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of New South Wales with reference to which the term is used.

(5) Every inspector shall hold a first-class certificate of competency or service, as provided in this Act with regard to managers.

11. The following section is inserted next after ^{New section 35A.} section thirty-five of the Principal Act:—

35A. (1) The owner, agent, or manager of every ^{Plans to be furnished.} mine shall within ~~three~~ **six** months after the commencement of the Coal Mines Regulation (Amending) Act, 1913, furnish to the Under-Secretary for Mines a plan on a scale not less than of ten chains to the inch showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine.

(2) Within three months after acquiring and adding to such colliery holding any other freehold or leasehold lands, the owner, agent, or manager shall furnish to the Under-Secretary for Mines a plan of such other lands on the same scale as the plan of the original colliery holding.

12. Paragraph (a) of subsection one of section ^{Amendment of s. 36 (1).} thirty-six of the Principal Act is amended by inserting the words "or by electricity" after the words "steam boiler" in such paragraph.

13.

Coal Mines Regulation (Amending).

13. The following words are inserted at the end of subsection two of section thirty-six of the Principal Act:—"The manager shall permit a representative of the persons employed in the mine, who shall be one of
5 the persons so employed, to make, immediately after the explosion or accident, an inspection of the place where the explosion or accident occurred so soon as such inspection can safely be made. Such inspection shall be made in company with an inspector, if one be
10 available. Such representative shall, before leaving the mine, report in a book to be kept at the mine for the purpose the result of his inspection."

Amendment
of s. 36 (2).

14. The following section is inserted next after section thirty-six of the Principal Act:—

New section
36A.

15 36A. Where, in or about any mine, there has occurred—

Certain
occurrences
to be
reported.

any case of overwinding a cage;
any breakage of a rope used for winding the
raising or lowering of men;
20 any inrush of water from old workings, or otherwise;
any outbreak of fire below ground; or
any accidental ignition of gas or dust below
ground (except ignition of gas in a safety-
25 lamp),

and no loss of life or serious personal injury results therefrom, the owner, agent, or manager of the mine shall, within twenty-four hours after such occurrence has taken place, report the same to an
30 inspector, and shall furnish the inspector with such particulars in respect thereof as the inspector may ask for.

If any such owner, agent, or manager fails to
35 carry out the provisions of this section he shall be guilty of an offence against this Act.

15. Subsection one of section forty-five of the Principal Act is amended by inserting after "practicable,"
40 that the Minister may, on the recommendation of the inspector, grant exemption in cases where the weights
of

Amendment
of s. 45 (1).

Coal Mines Regulation (Amending).

of large and small coal respectively are ascertained before the coal is put over any travelling belt: Provided further that no proceedings to recover a penalty for failure to weigh the mineral before being put on the screen shall be instituted before the first day of December, one thousand nine hundred and thirteen."

16. The following section is inserted next after section forty-five of the Principal Act:—

10 45A. For every seam in a mine newly opened after the first day of January, one thousand nine hundred and thirteen, there shall be provided two main intake airways, one of which shall be used as a travelling road, and shall not be less than six feet in height, and six feet in width, and shall be maintained in such a condition as to afford a ready means of ingress to and egress from the workings, and this travelling road shall not be used for the haulage of coal.

17. **16.** Section forty-eight of the Principal Act is amended as follows:—

- (a) In subsection one omit the words "majority, ascertained by ballot, of the"
- (b) In subsection two omit the words "ascertained as aforesaid"
- 25 (c) Add the following subsection:—

(3) Every checkweigher shall be appointed by the persons employed in the mine who are paid by the amount of the mineral gotten, and where more than one person is nominated to the position of checkweigher, the appointment shall be made by a ballot of the persons so employed, present at a meeting to be convened for the purpose by notice signed by not less than five of the persons so employed. Such notice shall be posted in some conspicuous place at the mine for not less than twenty-four hours prior to the time of the meeting. The persons present at such meeting shall elect a chairman, who shall notify the manager of the mine of the result of the ballot.

Coal Mines Regulation (Amending).

18. Paragraph (c) of subsection one of section fifty of the Principal Act is amended as follows:— Amendment
of s. 50 (1).

- (a) Omit "proper apparatus," and insert the words
"a cage or cages running in guides"
- 5 (b) After "shaft or outlet" insert the words
"exceeding one hundred and fifty feet in
depth"
- (c) At the end of the paragraph insert the following
proviso:—
- 10 "Provided that in every shaft not exceeding one
hundred and fifty feet in depth a ladder shall be
fixed. Such ladder shall not be fixed in a vertical
or overhanging position, and shall be inclined at
the most convenient angle which the space in which
15 the ladder is fixed allows. Every ladder-shaft shall
have substantial platforms or sollars at intervals of
not more than thirty feet. The space between the
rungs of a ladder shall not exceed twelve inches,
and the rungs shall in no case be less than five
20 inches from the wall of the shaft. A suitable fixture
for a hand grip shall be placed above each ladder
for the use of persons ascending or descending."

17. Paragraph (c) of subsection one of section fifty of the Principal Act is omitted, and the following Amendment
of s. 50 (1).
25 paragraph is inserted in lieu thereof:—

- (c) A cage or cages, running in guides, for raising
and lowering persons, shall be established and
maintained at each such shaft or outlet
exceeding one hundred and fifty feet in depth:
- 30 Provided that in every shaft not exceeding one
hundred and fifty feet in depth and not provided
with a cage a ladder shall be fixed. Such
ladder shall not be fixed in a vertical or over-
hanging position, and shall be inclined at the
most convenient angle which the space in which
35 the ladder is fixed allows. Every ladder-shaft
shall have substantial platforms or sollars at
intervals of not more than thirty feet. The
space between the rungs of a ladder shall not
exceed twelve inches, and the rungs shall in
40 no case be less than five inches from the wall
of

Coal Mines Regulation (Amending).

of the shaft. A suitable fixture for a hand grip shall be placed above each ladder for the use of persons ascending or descending.

10. **18.** The following paragraphs are added to general Amendment of general rule 12, s. 54.
 5 rule twelve of section fifty-four of the Principal Act :—

(m) Neither gunpowder nor any other explosive which is not on the list of permitted explosives in force for the time being shall be used in any mine which is not both naturally wet and free from inflammable gas.

(n) No explosive shall be taken or used in any mine except explosives provided by the owner; and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

(o) The owner, agent, or manager of the mine shall provide a suitable place or places of storage above ground for all explosives intended to be used in the mine, and shall make suitable provision conveniently near the entrance of the mine for the storage of surplus explosive brought out of the mine at the end of each shift. If any explosive remains in the possession of a workman at the end of his shift, either he shall bring it with him out of the mine and return it at once to the place of storage provided for the purpose, or if the explosive is required for a shift immediately following, he shall deliver it personally to the workman succeeding him in his working place.

20. **19.** The following rules are respectively substituted Amendment of general rules 33 and 35, s. 54.
 for the general rules thirty-three and thirty-five of section fifty-four of the Principal Act :—

35 **Rule 33.** (a) Every steam boiler used for generating steam in or about a mine must, whether separate or one of a range,—

(i) 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; and

1—B

(ii)

Coal Mines Regulation (Amending).

(ii) be examined thoroughly by a competent person at least once in every fourteen months; and

5 (iii) be cleaned out and examined internally, as far as the construction of the boiler will permit, by a competent person, at least once in every three months.

10 (b) Every such boiler, safety-valve, steam-gauge, and water-gauge must be maintained in proper working condition, and all the water-gauges shall be adequately protected by a covering or guard, unless so constructed as to be equally safe to the persons employed whether so protected or not.

15 (c) A report of the result of every examination under this rule in the prescribed form and containing the prescribed particulars shall, within fourteen days, be entered in or attached to a book, to be kept at the mine for the purpose, and
20 the report shall be signed by the person making the examination.

(d) The foregoing provisions of this rule shall not apply to the boiler of any railway locomotive ~~which belongs to and is used by any person or company other than the owner of the mine.~~

25

(e) A steam boiler shall not be placed underground in any mine after the first day of December, one thousand nine hundred and thirteen.

30 *Rule 35.* Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at and in the principal districts of the mine, ready for immediate use in case of accident.

~~21.~~ **20.** General rule thirty-nine of section fifty-four of the Principal Act is amended by omitting the words "not being mining engineers."
35 Amendment of general rule 39, s. 54.

~~22.~~ **21.** The following general rule is inserted next after general rule forty-two of section fifty-four of the Principal Act:—
40 New general rule 43, s. 54.

Rule 43. The owner, agent, or manager of every mine shall make provision for the proper sanitation of the mine where any nuisance can be shown to exist to the satisfaction of an inspector.

23.

Coal Mines Regulation (Amending).

23. **22.** The following section is inserted next after section New sub-section 56A.
 fifty-six of the Principal Act :—

5 **56A.** (1) On and after the first day of July, Provisions as to travelling on haulage roads, &c.
 one thousand nine hundred and ~~fourteen~~ **fifteen**, no
 person, other than an official of the mine or a person
 employed on the road in connection with the haul-
 age, or a person engaged in carrying out any repair-
 ing work requiring to be carried out forthwith,
 shall, while the haulage is in motion, travel on
 10 foot on any haulage road on which the haulage is
 worked by gravity or mechanical power, except—

(a) where there is provided on one side of the road
 a clear space of at least two feet in width
 between the tubs and that side of the road,
 15 and the rate of haulage is not more than ten
 miles an hour ; or

(b) where in the case of a haulage road in which
 such a clear space as aforesaid is not provided,
 the rate of haulage is not more than three
 20 miles an hour and the gradient does not
 exceed one in twelve, or in respect of any
 part of the road not exceeding one hundred
 yards in length, one in nine, and the space
 between the tracks of rail, where there is
 25 more than one track, is kept clear of
 obstructions :

Provided that—

(i) in the case of a haulage road in which such
 a clear space as aforesaid has been provided,
 30 but the space so provided has in some part
 of it been reduced to a width of less than
 two feet by reason of some cause over which
 the owner, agent, or manager of the mine
 has no control, the foregoing prohibition
 shall not apply during the time (not exceed-
 ing the time reasonably required for the
 purpose) during which the repairs necessary
 for restoring the width to two feet are being
 carried out ; and

40 (ii) the exception hereinbefore contained with
 respect to haulage roads in which no such
 clear

Coal Mines Regulation (Amending).

5 clear space as aforesaid is provided shall apply only in the case of mines opened before the commencement of the Coal Mines Regulation (Amending) Act, 1913, or mines in which the character of the strata makes it unreasonable to require such a clear space to be provided.

10 If any question arises as to whether the character of the strata in any mine makes it unreasonable to require a clear space to be provided, that question shall be determined by the Chief Inspector of Coal Mines.

15 (iii) **the provisions of this subsection shall only apply to mines in which more than twenty persons are employed.**

(2) Where the haulage is worked by gravity ^{Riding on} or mechanical power, no person, other than a ^{trains of tubs.} set-rider, shall be allowed to ride on sets or trains of tubs except—

20 (a) a person travelling on a set or train for the purpose of detaching or attaching tubs from or to the haulage rope, if that set or train is not proceeding at a higher speed than three miles an hour; or

25 (b) men being conveyed, with the written permission of the manager or under-manager, to or from their work at the commencement or end of their employment (including any person in charge of a set or train of tubs on which men are being so conveyed); or

30 (c) the driver of a locomotive.

(3) In all places where sets or trains consisting of three or more tubs are coupled or ^{Clear space} uncoupled, there shall be a clear space of at least ^{alongside} two feet between tubs standing on any rails and the ^{tubs.} side of the road nearest to those rails:

Provided that—

40 (a) where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least ~~three feet~~ **two feet six inches** between tubs standing on those rails; and (b)

Coal Mines Regulation (Amending).

5 (b) where, in the case of any existing mine,
compliance with the requirements of this
subsection would necessitate the removal of
arching or other masonry work or permanent
timbering, or where, in the case of any mine,
sets or trains of tubs are coupled or uncoupled
at the face, or at the pass-bye next the face,
10 other provisions for securing safety may be
substituted by the special rules of the mine
for those requirements.

The provisions of this subsection shall come into
operation on the first day of January, one thousand
nine hundred and ~~fourteen~~ fifteen :

15 Provided that this subsection shall not apply to
any district in any mine which the Minister is
satisfied will be worked out within three years from
the first day of January, one thousand nine hundred
and fourteen.

20 (4) In measuring any clear space for the ^{Measuring}
purposes of this section, any props or other supports ^{clear space.}
of the roof projecting beyond the side of the road
shall be deemed to form part of the side.

Act 32, 1917 (Continued)

(1) In response to any clear space for the
 portion of this section and more or other purposes
 of the road protected by the side of the road
 shall be located to the part of the side.

(2) In response to any clear space for the
 portion of this section and more or other purposes
 of the road protected by the side of the road
 shall be located to the part of the side.

(3) In response to any clear space for the
 portion of this section and more or other purposes
 of the road protected by the side of the road
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(4) In response to any clear space for the
 portion of this section and more or other purposes
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(5) In response to any clear space for the
 portion of this section and more or other purposes
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(6) In response to any clear space for the
 portion of this section and more or other purposes
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 shall be located to the part of the side.

(7) In response to any clear space for the
 portion of this section and more or other purposes
 of the road protected by the side of the road
 shall be located to the part of the side.

(8) In response to any clear space for the
 portion of this section and more or other purposes
 of the road protected by the side of the road
 shall be located to the part of the side.

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.

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

*Legislative Assembly Chamber,
Sydney, 29 August, 1913, A.M.*

New South Wales.



ANNO QUARTO

GEORGI V REGIS.

Act No. , 1913.

An Act to amend the Coal Mines Regulation Act,
1912; to bring certain persons under the
Public Service Act, 1902; and for purposes
consequent thereon or incidental thereto.

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

Preliminary and repeal.

1. This Act may be cited as the “Coal Mines Short title-
Regulation (Amending) Act, 1913.”

Coal Mines Regulation (Amending).

In this Act the Coal Mines Regulation Act, 1912, is referred to as the Principal Act.

2. Subsection one of section six, subsections one, two, four, and six of section eight, section twenty-four, and general rules thirty-three and thirty-five of section fifty-four of the Principal Act are repealed.

Amendment of Principal Act.

3. Section three of the Principal Act is amended by omitting the definition of "boy," and by inserting, at the end of the section, the following new definition:—

"Permitted explosive" means explosive the use of which is permitted, either unconditionally or subject to conditions by the Minister, by notice published in the Gazette: Provided that such conditions (if any) are duly observed.

4. The following section is inserted next after section five of the Principal Act:—

5A. (1) In every mine required by this Act to be under the control of a certificated manager, and in which safety-lamps are used, or which is dry and dusty, a competent person shall be appointed as deputy, who shall make the inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency of ventilation, state of roof and sides, which duties shall be designated his statutory duties, supervising charge of and firing of explosives, and such other matters relative to the general safety of the mine as are required to be performed by this Act.

(2) After the thirtieth day of June, one thousand nine hundred and thirteen, no person shall be appointed or act as a deputy, unless he—

- (a) is not less than twenty-three years of age;
- (b) has had at least five years' practical experience in a mine;
- (c) is the holder of a certificate of service or competency as manager, under-manager, or deputy; and
- (d)

Coal Mines Regulation (Amending).

5 (d) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate tests for inflammable gas.

5. (1) For subsection one of section six of the Principal Act the following subsection is substituted:—

6. (1) There shall be three descriptions of certificates of competency under this Act—
- 10 (a) first-class certificates,—that is to say, certificates of fitness to be manager;
- (b) second-class certificates,—that is to say, certificates of fitness to be under-manager; and
- 15 (c) third-class certificates,—that is to say, certificates of fitness to be deputy.

20 But no person shall be entitled to a certificate of competency under this Act unless he has had practical experience in a mine for at least five years, or has had practical experience in a mine for at least three years, and has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received after due examination, from some university, school of mines, or other body approved by the Minister, a diploma, degree, license, or certificate.

25 (2) Subsection five of the said section is amended by inserting the words "and third-class" after the words "second-class" in such subsection.

30 **6.** (1) For subsection one of section eight of the Principal Act the following subsection is substituted:—

- 35 **8.** (1) A certificate of service as deputy shall be granted by the Minister to every person who satisfies him either that before the first day of July, one thousand nine hundred and thirteen, he was acting, and has since that date acted, or that he has at any time within five years before the said date, for a period of not less than three months, acted in the capacity of a deputy or as fireman or shot-firer

Section 6 (1).

New subsection.

Certificates of competency.

Section 8 (1).

New subsection.

Grant of certificate of service as deputy.

Coal Mines Regulation (Amending).

firer at a mine, or such part of a mine as can under and for the purposes of this Act be made a separate mine.

5 (2) Subsection five of the said section is amended by omitting the words "to a manager or under-manager."

(3) Subsection seven of the same section is amended by inserting after "repealed thereby" the words "or the Imperial Act 1 and 2 George V, c. 50."

10 **7.** The following section is inserted next after section eleven of the Principal Act:— New section 11A.

15 11A. Notwithstanding anything to the contrary contained in the last preceding section, the holder of an ordinary certificate as engine-driver who is not subject to any of the infirmities mentioned in paragraph (b) of the said section shall be qualified to take charge of a hauling engine by means of which men are hauled along any plane or road at any mine.

20 **8.** Sections fifteen, seventeen, and twenty of the Principal Act are amended by omitting the words "manager or under-manager" wherever occurring in such sections, and by inserting in lieu thereof the words "manager, under-manager, or deputy." Amendment of ss. 15, 17, and 20.

25 **9.** Section twenty-two of the Principal Act is amended by inserting after "kilowatts" in paragraph (a) the words "or so acts in any place in a mine where naked lights are prohibited, notwithstanding that the output of such generating plant is less than thirty Amendment of s. 22.
30 kilowatts"; and the following subsection is inserted at the end of that section:—

(2) Where a certificated mine electrician is required to be employed at any mine, the owner or agent of the mine shall send to the inspector of the district wherein the mine is situated a written notice of such electrician's name and address.

10. For section twenty-four of the Principal Act the following section is substituted:— New section 24.

40 **24.** (1) All inspectors, including the chief inspector, holding office on the first day of July, one thousand nine hundred and thirteen, shall be subject to Inspectors subject to the Public Service Act, 1902.

Coal Mines Regulation (Amending).

5 to the provisions of the Public Service Act, 1902, and shall be entitled to all rights and subject to all the provisions of the said Act, and any Acts amending the same, as if they had been appointed thereunder.

10 (2) Employment in such office shall be counted as employment under the said Act, and any such officer who has during such employment, contributed to the Superannuation Account, shall be entitled to the same payment, pension, or gratuity, as though he had been subject to the said Act.

(3) Subject to the provisions of the said Act, ^{Appointment of inspectors.} the Governor may appoint duly qualified persons to be inspectors of mines.

15 (4) Every inspector shall be an inspector under this Act, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of New South Wales with reference to which the term is used.

20 (5) Every inspector shall hold a first-class certificate of competency or service, as provided in this Act with regard to managers.

11. The following section is inserted next after ^{New section 35A.} section thirty-five of the Principal Act:—

25 35A. (1) The owner, agent, or manager of every mine shall within three months after the com- ^{Plans to be furnished.} mencement of the Coal Mines Regulation (Amending) Act, 1913, furnish to the Under-Secretary for Mines a plan on a scale not less than of ten ³⁰ chains to the inch showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine.

35 (2) Within three months after acquiring and adding to such colliery holding any other freehold or leasehold lands, the owner, agent, or manager shall furnish to the Under-Secretary for Mines a plan of such other lands on the same scale as the plan of the original colliery holding.

Coal Mines Regulation (Amending).

- 12.** Paragraph (a) of subsection one of section thirty-six of the Principal Act is amended by inserting the words "or by electricity" after the words "steam boiler" in such paragraph. Amendment of s. 36 (1).
- 5 13.** The following words are inserted at the end of subsection two of section thirty-six of the Principal Act:—"The manager shall permit a representative of the persons employed in the mine to make, immediately after the explosion, an inspection of the place where **10** the explosion or accident occurred. Such inspection shall be made in company with an inspector, if one be available."
- 14.** The following section is inserted next after section thirty-six of the Principal Act:— New section 36A.
- 15 36A.** Where, in or about any mine, there has occurred— Certain occurrences to be reported.
- any case of overwinding a cage ;
any breakage of a rope used for winding ;
any inrush of water from old workings, or
20 otherwise ;
any outbreak of fire below ground ; or
any accidental ignition of gas or dust below ground (except ignition of gas in a safety-lamp),
- 25** and no loss of life or serious personal injury results therefrom, the owner, agent, or manager of the mine shall, within twenty-four hours after such occurrence has taken place, report the same to an inspector, and shall furnish the inspector with
- 30** such particulars in respect thereof as the inspector may ask for.
- If any such owner, agent, or manager fails to carry out the provisions of this section he shall be guilty of an offence against this Act.
- 35 15.** Subsection one of section forty-five of the Principal Act is amended by inserting after "practicable," Amendment of s. 45 (1). at the end of the first paragraph of such subsection, the words "and before being put on the screen : Provided that no proceedings to recover a penalty for failure to
- 40** weigh the mineral before being put on the screen shall be instituted before the first day of December, one thousand nine hundred and thirteen."

16.

Coal Mines Regulation (Amending).

16. The following section is inserted next after section forty-five of the Principal Act:— New section 45A.

5 45A. For every seam in a mine newly opened Airways.
after the first day of January one thousand nine
hundred and thirteen, there shall be provided two
main intake airways, one of which shall be used as
a travelling road, and shall not be less than
six feet in height, and six feet in width, and shall be
maintained in such a condition as to afford a ready
10 means of ingress to and egress from the workings,
and this travelling road shall not be used for the
haulage of coal.

17. Section forty-eight of the Principal Act is Amendment of s. 48.
amended as follows:—

15 (a) In subsection one omit the words "majority,
ascertained by ballot, of the"

18 (b) In subsection two omit the words "ascertained
as aforesaid"

(c) Add the following subsection:—

20 (3) Every checkweigher shall be appointed by
the persons employed in the mine who are paid by
the amount of the mineral gotten, and where more
than one person is nominated to the position of
checkweigher, the appointment shall be made by
25 a ballot of the persons so employed, present at a
meeting to be convened for the purpose by notice
signed by not less than five of the persons so
employed. Such notice shall be posted in some
conspicuous place at the mine for not less than
30 twenty-four hours prior to the time of the meeting.
The persons present at such meeting shall elect a
chairman, who shall notify the manager of the
mine of the result of the ballot.

18. Paragraph (c) of subsection one of section fifty Amendment of s. 50 (1).
35 of the Principal Act is amended as follows:—

(a) Omit "proper apparatus," and insert the words
"a cage or cages running in guides"

(b) After "shaft or outlet" insert the words
"exceeding one hundred and fifty feet in
40 depth"

(c)

Coal Mines Regulation (Amending).

(c) At the end of the paragraph insert the following proviso :—

5 “ Provided that in every shaft not exceeding one
hundred and fifty feet in depth, a ladder shall be
fixed. Such ladder shall not be fixed in a vertical
or overhanging position, and shall be inclined at
the most convenient angle which the space in which
the ladder is fixed allows. Every ladder-shaft shall
10 have substantial platforms or sollars at intervals of
not more than thirty feet. The space between the
rungs of a ladder shall not exceed twelve inches,
and the rungs shall in no case be less than five
inches from the wall of the shaft. A suitable fixture
for a hand grip shall be placed above each ladder
15 for the use of persons ascending or descending.”

19. The following paragraphs are added to general Amendment
of general
rule 12, s. 54. rule twelve of section fifty-four of the Principal Act :—

20 (m) Neither gunpowder nor any other explosive
which is not on the list of permitted explosives
in force for the time being shall be used in
any mine which is not both naturally wet and
free from inflammable gas.

25 (n) No explosive shall be taken or used in any
mine except explosives provided by the owner;
and the price, if any, charged by the owner to
the workman for any explosives so provided
shall not exceed the actual net cost to the
owner.

30 (o) The owner, agent, or manager of the mine shall
provide a suitable place or places of storage
above ground for all explosives intended to be
used in the mine, and shall make suitable
provision conveniently near the entrance of the
mine for the storage of surplus explosive
35 brought out of the mine at the end of each
shift. If any explosive remains in the possession
of a workman at the end of his shift, either
he shall bring it with him out of the mine and
return it at once to the place of storage
40 provided for the purpose, or if the explosive is
required for a shift immediately following, he
shall deliver it personally to the workman
succeeding him in his working place. **20.**

Coal Mines Regulation (Amending).

20. The following rules are respectively substituted for the general rules thirty-three and thirty-five of section fifty four of the Principal Act :—

Amendment
of general
rules 33 and
35, s. 54.

5 *Rule 33.* (a) Every steam boiler used for generating steam in or about a mine must, whether separate or one of a range,—

- 10 (i) 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 ; and
- 15 (ii) be examined thoroughly by a competent person at least once in every fourteen months ; and
- (iii) be cleaned out and examined internally, as far as the construction of the boiler will permit, by a competent person, at least once in every three months.

20 (b) Every such boiler, safety valve, steam-gauge, and water-gauge must be maintained in proper working condition, and all the water-gauges shall be adequately protected by a covering or guard, unless so constructed as to be equally safe to the persons employed whether so protected or not.

25 (c) A report of the result of every examination under this rule in the prescribed form and containing the prescribed particulars shall, within fourteen days, be entered in or attached to a book, to be kept at the mine for the purpose, and the report shall be signed by the person making the examination.

30

35 (d) The foregoing provisions of this rule shall not apply to the boiler of any railway locomotive which belongs to and is used by any person or company other than the owner of the mine.

40 (e) A steam boiler shall not be placed underground in any mine after the day of , one thousand nine hundred and thirteen.

Coal Mines Regulation (Amending).

Rule 35. Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at and in the principal districts of the mine, ready for immediate use in case of accident.

5 **21.** General rule thirty-nine of section fifty-four of the Principal Act is amended by omitting the words "not being mining engineers." Amendment of general rule 39, s. 54.

22. The following general rule is inserted next after general rule forty-two of section fifty-four of the Principal Act:— New general rule 43, s. 54.

Rule 43. The owner, agent, or manager of every mine shall make provision for the proper sanitation of the mine to the satisfaction of an inspector.

23. The following section is inserted next after section fifty-six of the Principal Act:— New sub-section 56A.

56A. (1) On and after the first day of July, one thousand nine hundred and fourteen, no person, other than an official of the mine or a person employed on the road in connection with the haulage, or a person engaged in carrying out any repairing work requiring to be carried out forthwith, shall, while the haulage is in motion, travel on foot on any haulage road on which the haulage is worked by gravity or mechanical power, except— Provisions as to travelling on haulage roads, &c.

25 (a) where there is provided on one side of the road a clear space of at least two feet in width between the tubs and that side of the road, and the rate of haulage is not more than ten miles an hour; or

30 (b) where in the case of a haulage road in which such a clear space as aforesaid is not provided, the rate of haulage is not more than three miles an hour and the gradient does not exceed one in twelve, or in respect of any part of the road not exceeding one hundred yards in length, one in nine, and the space between the tracks of rail, where there is more than one track, is kept clear of obstructions:

Provided

Coal Mines Regulation (Amending).

Provided that—

- 5 (i) in the case of a haulage road in which such a clear space as aforesaid has been provided, but the space so provided has in some part of it been reduced to a width of less than two feet by reason of some cause over which the owner, agent, or manager of the mine has no control, the foregoing prohibition shall not apply during the time (not exceeding the time reasonably required for the purpose) during which the repairs necessary for restoring the width to two feet are being carried out; and
- 10
- 15 (ii) the exception hereinbefore contained with respect to haulage roads in which no such clear space as aforesaid is provided shall apply only in the case of mines opened before the commencement of the Coal Mines Regulation (Amending) Act, 1913, or mines
- 20 in which the character of the strata makes it unreasonable to require such a clear space to be provided.

25 If any question arises as to whether the character of the strata in any mine makes it unreasonable to require a clear space to be provided, that question shall be determined by the Chief Inspector of Coal Mines.

30 (2) Where the haulage is worked by gravity or mechanical power, no person, other than a set-rider, shall be allowed to ride on sets or trains of tubs except—

- 35 (a) a person travelling on a set or train for the purpose of detaching or attaching tubs from or to the haulage rope, if that set or train is not proceeding at a higher speed than three miles an hour; or
- 40 (b) men being conveyed, with the written permission of the manager or under-manager, to or from their work at the commencement or end of their employment (including any person in charge of a set or train of tubs on which men are being so conveyed); or
- (c) the driver of a locomotive. (3)

Coal Mines Regulation (Amending).

(3) In all places where sets or trains consisting of three or more tubs are coupled or uncoupled, there shall be a clear space of at least two feet between tubs standing on any rails and the side of the road nearest to those rails :

Clear space
alongside
tubs.

5 Provided that—

- (a) where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least three feet between tubs standing on those rails; and
- 10 (b) where, in the case of any existing mine, compliance with the requirements of this subsection would necessitate the removal of arching or other masonry work, or where, in the case of
- 15 any mine, sets or trains of tubs are coupled or uncoupled at the face, or at the pass-by next the face, other provisions for securing safety may be substituted by the special rules of the mine for those requirements.

20 The provisions of this subsection shall come into operation on the first day of January, one thousand nine hundred and fourteen :

25 Provided that this subsection shall not apply to any district in any mine which the Minister is satisfied will be worked out within three years from the first day of January, one thousand nine hundred and fourteen.

(4) In measuring any clear space for the purposes of this section, any props or other supports of the roof projecting beyond the side of the road shall be deemed to form part of the side.

Measuring
clear space.