

COAL MINES REGULATION.

19° GEO. V., No. XLIV.

No. 44 of 1928.

AN ACT to amend the Coal Mines Regulation Act, 1902-1926.

[Assented to 28th December, 1928.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Coal Mines Regulation Act Amendment Act, 1928*, and shall be read as one with the Coal Mines Regulation Act, 1902-1926, hereinafter referred to as the principal Act.

Repeal of ss. 36 and 37, etc.

2. (1) Sections thirty-six and thirty-seven of the principal Act are repealed, and the provisions of this Act are substituted in lieu thereof: Provided that inspectors of mines appointed under the repealed section thirty-six shall be deemed to have been duly appointed as departmental inspectors under this Act.

(2) Rule forty-nine in the schedule to the principal Act is repealed, and the words "check inspectors or" in rule fifty-one are deleted.

Appointment of inspectors of mines.

3. [36] The Governor may appoint fit and proper persons to be inspectors of mines.

Notice of every appointment shall be published in the *Gazette*.

Control.

4. [37] Every inspector of mines shall be under the control of such person as the Minister may from time to time appoint, and shall act in such mineral field or mines as the Minister may from time to time direct.

5. [37a] Inspectors of mines shall be of three classes, Classification of inspectors. namely :—

- (a) Departmental inspectors, who shall have the full powers of inspectors under this Act ; but every such inspector, prior to being appointed, shall satisfy the Minister that he has had not less than five years' practical experience in general underground mining work, and that he has passed an examination prescribed or approved by the Minister in accordance with the regulations ;
- (b) Special inspectors, who shall be appointed to make such special inspections, inquiries, and investigations on matters within the scope of this Act, requiring special technical or scientific training or knowledge, as the Minister may from time to time direct ; and
- (c) Workmen's inspectors, who shall in accordance with the regulations be elected by the majority of persons *bona fide* employed in the mines in a mineral field, and subject to approval of the Minister ; but no person shall be eligible for appointment unless he has been engaged in general practical underground mining work as a working miner for at least five years ; and no person not a natural born or naturalised British subject shall be entitled to vote at any such election.

6. [37b] Departmental inspectors shall be under the Public Service Act, 1904, but special and workmen's inspectors shall not by reason of their appointment as such Conditions of appointment. be deemed to be subject to the provisions of the said Act.

No departmental, special, or workmen's inspector shall hold any interest in any coal mine in the State, without the permission in writing of the Minister.

7. [37c] All the terms and conditions of appointment of special inspectors and workmen's inspectors, the mines in which they may exercise their powers, and the number of days to be given by them to the duties of their offices, shall be as may be fixed from time to time by the Minister, Conditions of appointment of special and workmen's inspectors. subject to the regulations.

8. [37d] Workmen's inspectors shall be appointed for a term not to exceed two years, but they shall be eligible for re-appointment. Term of appointment of workmen's inspectors.

A workmen's inspector may be removed from his office by the Minister for any cause which the Minister may, in his discretion, deem sufficient.

Powers of inspectors.

9. [37e] (1) A departmental or special inspector shall have power to do all or any of the following things, namely:—

- (a) To make examination and inquiry to ascertain whether the provisions of this Act affecting any mine are complied with:
- (b) To enter, inspect, and examine any mine and every part thereof at all times by day and night, with such assistants as he may deem necessary, but so as not unnecessarily to impede or obstruct the working of the mine:
- (c) To examine into and make inquiry respecting the state and condition of any mine, or any part thereof, and of all matters or things connected with or relating to the safety or well-being of the persons or animals employed therein or in any mines contiguous thereto, and for the purpose of such examination or inquiry the inspector may require the attendance of any mine official or employee, and such official or employee shall attend accordingly:
- (d) To initiate and conduct prosecutions against persons offending against the provisions of this Act:
- (e) To obtain written statements from witnesses, and to appear at inquiries held respecting mining accidents, and at inquests, and to call and examine witnesses, and to cross-examine witnesses:
- (f) To exercise generally such other powers as are in his discretion necessary for carrying this Act into effect.

(2) A workmen's inspector shall have power, with respect to the mines to which his appointment relates, to do all or any of the following things, namely:—

- (a) To make examination and inquiry to ascertain whether the provisions of this Act affecting any mine are complied with:
- (b) To enter, inspect, and examine any mine and every part thereof at all times by day and night, with such assistants as he may deem necessary, but so as not unnecessarily to impede or obstruct the working of the mine:

- (c) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and of all matters or things connected with or relating to the safety or well-being of the persons or animals employed therein or in any mine contiguous thereto, and for the purpose of such examination or inquiry the inspector may require the attendance of any mine official or employee, and such official or employee shall attend accordingly :
- (d) With the authority of a departmental inspector, but not otherwise, to initiate and conduct prosecutions against persons offending against the provisions of this Act :
- (e) Where a departmental inspector is not available, or with the authority of a departmental inspector, to obtain written statements from witnesses, and to appear at inquiries held respecting mining accidents, and at inquests, and to call and examine witnesses, and to cross-examine witnesses.

(3) Whenever any departmental or workmen's inspector shall have inspected any mine, he shall enter in a book, to be kept on that mine for the purpose by the manager, his opinion, derived from such inspection, of the actual conditions of health and safety therein at the time of such inspection.

10. [37f] No person shall be qualified to be a departmental inspector who at the same time actually practises, either alone or in partnership with any person, as a land agent, mining engineer, mining manager, viewer, agent, or valuer of mines, or acts as an arbitrator in any differences or disputes arising between owners, agents, or managers of mines, or is otherwise employed in or is the owner or part owner of or interested as a shareholder in any mine within the State.

Disqualification of
departmental
inspectors

11. [37g] No departmental or workmen's inspector shall, for any purpose whatever, make a report on any mine or mining property or prospect, except an official report to his superior officer or the Minister, nor shall he make public or reveal to any person any knowledge or information obtained by him in the exercise of his official duties, except as aforesaid or when giving evidence in a court of justice.

Inspector not to
report or divulge
information.

Offences.

12. [37h] (1) Any person who acts as a departmental inspector when disqualified as aforesaid, and any inspector who contravenes any of the provisions of the last preceding section shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for a term not exceeding twelve months.

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

Mineral field defined.

13. [37i] In the preceding sections the words "mineral field" means a mineral field constituted and proclaimed under the Mining Act, 1904, in which coal mining leases are situated, and include the Collie River Coal Mining District, which, by virtue of section fourteen of the said Act, is deemed to have been constituted and proclaimed a mineral field under that Act.

Manner of showing amendments.

14. All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act, under the superintendence of the Clerk of Parliaments, and the sections of this Act inserted therein shall respectively bear the numbers set against each of them in square brackets, and all necessary references to this Act shall be made in the margin.