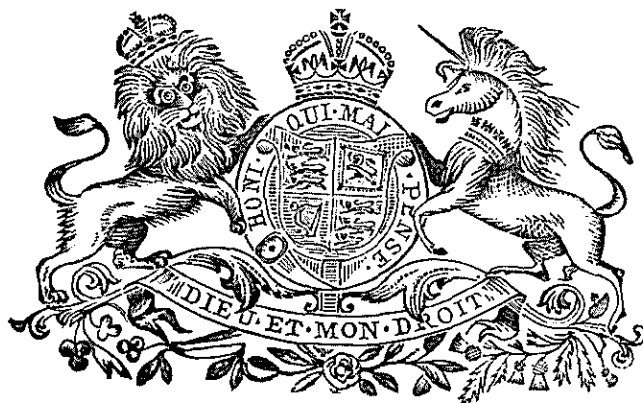


WESTERN AUSTRALIA.



ANNO SEXTO

GEORGI QUINTI REGIS,

XX.

No. 53 of 1915.

AN ACT to amend the Mines Regulation Act,
1906.

[Assented to 20th November, 1915.]

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:—

1. This Act may be cited as the *Mines Regulation Act Amendment Act, 1915*, and shall be read as one with the Mines Regulation Act, 1906, hereinafter referred to as the principal Act. Short title.
2. Section three of the principal Act is amended by adding a paragraph, as follows:— Amendment of Section 3.
“This Act” includes the regulations made and in force under this Act.
3. Sections five to ten of the principal Act, both inclusive, are hereby repealed, and sections five to fourteen of this Act, both inclusive, are substituted in lieu thereof. Repeal of Sections 5 to 10.
4. Section sixteen of the principal Act is hereby repealed. Repeal of Section 16.
5. [5.] The Governor may appoint fit and proper persons to be inspectors of mines. The inspectors of mines appointed under any Act hereby repealed shall be deemed to have been appointed under this Act. Appointment of inspectors of mines. 1906, No. 36, s. 5, amended.

Control.
1906, No. 36, s. 6,
with addition.

6. [6.] 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 districts, portions of districts, or mines, as the Minister may from time to time direct.

Classification of
inspectors.

7. [6a.] Inspectors of Mines shall be of three classes, namely:—

- (a) District inspectors, who shall have the full powers of inspectors under this Act; but every district 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 the several mining districts, and subject to approval of the Minister; but no person shall be eligible for such appointment unless he has been engaged in general practical underground mining work as a working miner for at least five years. Provided that no person shall be eligible to vote in any election for a workmen's inspector who is not a natural born or naturalised British subject.

District inspectors.

8. [6b.] District inspectors shall be under the Public Service Act, 1904, but special and workmen's inspectors shall not by reason of their appointment as such be deemed to be subject to the provisions of the said Act.

Conditions of
appointment of
special and work-
men's inspectors.

9. [6c.] All the terms and conditions of appointment of special inspectors and workmen's inspectors, the mines, districts, and portions of districts 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, subject to the regulations.

Term of appoint-
ment of workmen's
inspectors.

10. [6d.] Workmen's inspectors shall be appointed for a term not to exceed two years, but they shall be eligible for re-appointment.

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.
1906, No. 36, s. 7,
amended.

11. [7.] A district 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 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) 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.

A workmen's 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 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 district inspector, but not otherwise, to initiate and conduct prosecutions against persons offending against the provisions of this Act:
- (e) Where a district inspector is not available, or with the authority of a district 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.

Disqualification of district inspectors. 1906, No. 36, s. 8, amended.

12. [8.] No person shall be qualified to be a district 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.

Inspector not to report or divulge information. 1906, No. 36, s. 9.

13. [9.] An inspector shall not, 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.

Penalty, 1906, No. 36, s. 10, amended.

14. [10.] Any person who acts as a district 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.

Regulations and By-laws.

15. (1.) Any regulation or by-law made or purporting to be made under or by virtue of this Act shall—

- (a.) be published in the *Gazette* ;
- (b.) take effect from the date of publication or from a later date to be specified therein ; and
- (c.) be judicially noticed, and unless and until disallowed as hereinafter provided, or except in so far as in conflict with any express provision of this or any other Act, be conclusively deemed to be valid.

(2.) Such regulations and by-laws shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(3.) If either House of Parliament pass a resolution at any time within one month after any such regulation or by-law has been laid before it disallowing such regulation or by-law, then the same shall thereupon cease to have effect, subject, however, to such and the like savings as apply in the case of the repeal of a statute.

Manner of showing amendments.

16. 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.