

The Coal Mines Regulation Act, 1902.

(1° and 2° Edward VII., No. 25.)

ANALYSIS OF CONTENTS.

<p><i>Preliminary.</i></p> <p>Section.</p> <p>1. Short title.</p> <p>2. Commencement of Act.</p> <p>3. Application of Act.</p> <p>4. Interpretation of terms.</p>	<p>18. (1.) Non-application of provisions as to distance between two shafts, etc.</p> <p>(2.) Non-application of provisions as to dimensions of communication between two shafts, etc.</p> <p>19. Agreements not to preclude compliance with Act.</p>
<p><i>Restriction on Employment.</i></p> <p>5. (1.) Who shall not be employed in mines.</p> <p>(4.) Landers and bracedmen not to be employed more than eight hours per diem, except in special circumstances.</p> <p>(6.) Liability for misrepresentation as to age, etc.</p> <p>6. (1.) Persons not to be employed below ground more than eight hours on any day.</p> <p>7. (1.) Regulation of employment of persons in charge of machinery, etc.</p> <p>8. Negligence.</p> <p>9. Register to be kept of boys employed.</p> <p>10. (1.) Penalty for employment of persons in contravention of Act.</p>	<p><i>Division of mine into parts</i></p> <p>20. (1.) Division of mine into parts.</p> <p><i>Certificate of managers.</i></p> <p>21. (1.) Appointment of manager of mine.</p> <p>22. (1.) Daily supervision of mine by manager or under-manager.</p> <p><i>Board of Examiners for Mining Managers, Under-managers, and Overmen.</i></p> <p>23. Constitution of Board of Examiners. Appointment and removal of Board.</p> <p>24. (1.) Certificates of competency of managers and under-managers.</p> <p>(2.) First-class certificate of service for managers.</p> <p>(3.) Second-class certificate of service for under-managers.</p> <p>25. (1.) Proceedings and powers of Board.</p> <p>26. Inquiry into competency of manager, and cancellation of certificate in case of unfitness.</p> <p>27. (1.) Cost and expenses of inquiry.</p> <p>28. Record and cancellation of certificate; restoration in certain cases.</p> <p>29. Copy of certificate in case of loss.</p> <p>30. Penalty for forgery or false declaration as to certificate.</p>
<p><i>Wages.</i></p> <p>11. (1.) Prohibition of payment of wages at public houses, etc.</p> <p>12. (1.) Payment of persons employed in mines by weight.</p> <p>(2.) Penalty.</p> <p>(3.) "Standard weight" system illegal.</p> <p>(4.) "Average weight" system not illegal.</p> <p>(5.) Power to Ministers to sanction other methods of payment.</p> <p>13. (1.) Appointment on part of men and removal of check-weigher.</p> <p>14. (1.) Remuneration of check-weigher.</p> <p>15. (1.) Application of Weights and Measures Act.</p>	<p><i>Board of Examiners for Engine-drivers in Coal Mines.</i></p> <p>31. Board of Examiners for engine-drivers.</p> <p>32. Certificates of service for engine-drivers.</p> <p>33. Interim engine-drivers' certificates.</p> <p>34. Certificates under Mines Regulation Act, 1895.</p> <p>35. Penalty on unqualified person taking charge of machinery.</p> <p>36. Person having charge of machinery, etc., without certificate.</p>
<p><i>Single shafts, tunnels, or outlets.</i></p> <p>16. (1.) Prohibition of single shafts, tunnels, or outlets.</p> <p>17. Exceptions from provisions as to shafts.</p>	

Coal Mines Regulation.

Returns, Plan, Notices, and Abandonment.

37. (1.) Returns by owner, agent, or manager of mine.
38. (1.) Plan of mine to be kept at office.
39. Duties and responsibility of manager.
40. Notice to be given of opening and abandonment of mine.
41. (1.) Fencing in case of abandoned mine.
42. (1.) Plan of abandoned mine or seam to be sent to Minister.

Inspection.

43. (1.) Appointment of Inspectors of Mines.
44. (1.) Powers of inspectors.
45. (1.) Notice by inspector of causes of danger not expressly provided against.
(2.) Arbitration.

Arbitration.

46. Provisions as to arbitration.
47. Notice of accident to be given to Inspector of Mines. Inquiry on accidents.
48. Special report by Inspector or Court of Inquiry.

Coroners.

49. (1.) Provisions as to coroners' inquests on deaths from accidents in mines.

General Rules.

50. (1.) General rules.
51. Penalty on non-compliance with rules.

Special Rules.

52. (1.) Special rules for every mine.
53. (1.) Establishment of new special rules.
54. (1.) The Minister may object to special rules.
(3.) Arbitration.
55. (1.) Amendment of special rules.

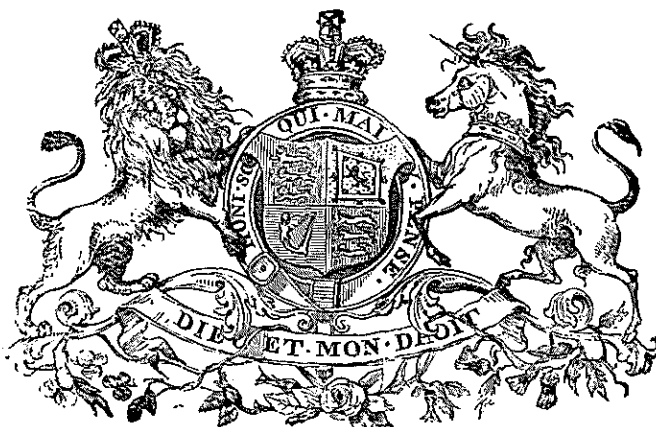
56. False statements and neglect to transmit special rules.
57. Certified copy of special rules to be evidence.
58. Special rules made by the Governor in Council.
59. Publication of abstract of Act and copy of special rules.
60. Pulling down or defacing notices.

Miscellaneous.

61. (1.) Penalty for offences against Act.
62. Imprisonment for wilful neglect endangering life or limb.
63. General provisions as to summary proceedings.
64. (1.) Prosecution of owners, managers, etc.
(2.) Regulations.
(2.) Publication of regulations.
66. Owner of mine, etc., not to act as Justice, etc., in proceedings under this Act.
67. Application of penalties.
68. Decision of question whether a mine is under this Act.
69. Powers of Minister as to making and revoking orders.
70. (1.) Entry on adjoining mine, etc., to ascertain whether owner, etc., is encroaching.
(2.) Deposit.
(3.) What may be done under such authority.
(4.) Prior statutory declaration required.
(5.) Penalty.
71. Sanitation.
72. (1.) Coal Mines Accident Relief Fund.
73. Repeal of Coal Mines Regulation Act.
74. Special rules of Mines Regulation Act, 1895, to have effect.
75. Burden of proof to lie on defendant.
76. Power of Governor in Council to make, alter, and repeal regulations.

SCHEDULE.

General rules.



Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

No. XXV.

AN ACT relating to Coal Mines.

[Assented to, 19th February, 1902.]

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 (that is to say):—

Preliminary.

1. THIS Act may be cited as the Coal Mines Regulation Act, 1902.

Short title.

2. THIS Act shall come into operation on the first day of June, One thousand nine hundred and two.

Commencement of Act.

3. THIS Act shall apply to mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay; and in this Act, unless the context otherwise requires, the word "mine" or "mining" means a mine or mining to which this Act applies.

Application of Act.
See Vic. 50 & 51
Vict., c. 58, s. 3.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

Interpretation of terms.

See N.S.W. 60 Vict., No. 12, s. 74.

See Vic. 50 & 51 Vict., c. 58, s. 75.

4. IN this Act, unless the context otherwise requires,—

- (a.) "Boy" means a male under the age of eighteen years:
- (b.) "Mine" includes every shaft in the course of being sunk, every tunnel, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, working places, works, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to a coal mine:
- (c.) "Miner" means any person employed in or about a coal mine:
- (d.) "Owner," when used in relation to any mine, means any person or persons or body corporate who is the immediate proprietor, or lessee, or occupier of any mine or of any part thereof, or any agent, or trustee, or trustees acting on behalf of owner, and does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of any mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability:
- (e.) "Plan" includes a correct copy or tracing of any original plan:
- (f.) "Regulations" means regulations under this Act.
- (g.) "Shaft" includes pit:
- (h.) "Inspector" means Inspector of Mines or State Mining Engineer under this Act:
- (i.) "Minister" means the Minister of Mines:
- (j.) "Manager" means the manager or mining manager having the control and daily supervision of the mine:
- (k.) "Registrar" means Registrar of a Mining District.

Restriction on Employment.

Who shall not be employed in mines. 5. (1.) BOYS under the age of fourteen years and females shall not be employed in or about any mine.

(2.) No boy shall be employed in caging or uncaging trucks or skips.

(3.) No boy shall be employed as a lander or bracedman.

Landers and bracedmen not to be employed more than eight hours per diem, except in special circumstances.

(4.) No person shall be employed for more than forty-eight hours in any week as a lander or bracedman, nor more than eight hours in any twenty-four hours, except in cases of emergency.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

(5.) No person shall be deemed to be guilty of an offence against this Act for a contravention of subsection four of this section, or of so much of the next following section as relates to the time for which persons shall not be employed below ground, if he proves that there were special circumstances to render such contravention necessary for the proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine.

(6.) If it appears that a boy was employed on the representation of his parent or guardian that he was of the age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian (as the case may be) shall, for the misrepresentation, be deemed guilty of an offence against this Act.

Liability for misrepresentation as to age, etc.

See N.S.W. 60 Vict., No. 12, s. 34.

See Vic. 50 & 51 Vict., c. 58, s. 64.

6. (1.) NO person shall be employed below ground in any mine for more than eight consecutive hours at any time, or for more than forty-eight hours in any week, except in cases of emergency.

Persons not to be employed below ground more than eight hours on any day.

(2.) A person shall be deemed and is hereby held to be employed below ground and in the service of the owner of a mine, within the meaning of this Act, from the time that he commences to descend a mine until he returns to the surface.

(3.) The prohibition contained in this section shall not apply to the manager of a mine or to any overman or deputy.

7. (1.) NO person in charge of machinery on which steam, water, electricity, or air, or any two or more of them are used as a motive power in connection with any mine, or for the treatment of the products of any mine, shall be employed for more than eight consecutive hours at any time, or for more than eight hours in any twenty-four hours.

Regulation of employment of persons in charge of machinery, etc.

(2.) Such period of eight hours shall be exclusive of any time occupied in raising steam, or in drawing fires and exhausting steam in connection with the machinery in the charge of such person, and of any time in which such person is employed in case of breakage, emergency, or necessity.

8. EVERY person in charge as aforesaid who is guilty of negligence by which any property is destroyed or damaged shall be guilty of an offence against this Act.

Negligence.

9. THE owner or manager of every mine shall keep, in the office at the mine, a register, and shall cause to be entered in that register, in such form as the regulations prescribe or sanction, the

Register to be kept of boys employed.

See Vic. 50 & 51, Vict., c. 58, s. 8.

Coal Mines Regulation.

name, age, residence, and date of first employment of all boys over fourteen years of age employed in the mine below ground, and of all boys employed above ground in connection with the mine, and shall, on request, produce the register to any inspector under this Act.

Penalty for employment of persons in contravention of Act.

See *ibid.*, s. 9.

10. (1.) IF any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Act with respect to the employment of boys, or to the register of boys, he shall be guilty of an offence against this Act.

(2.) In the event of any such contravention or non-compliance by any person whomsoever, the owner or manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the provisions of this Act to prevent the contravention or non-compliance.

Wages.

Prohibition of payment of wages at public houses, etc.

N.S.W. 60 Vict., No. 12, s. 37.

See Vic. 50 & 51 Vict., c. 58, s. 11.

11. (1.) NO wages shall be paid to any person employed in or about any mine at or within any public house or any place for the sale of any spirits, beer, wine, cider, or other spirituous or fermented liquor, or house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith; and all wages shall be paid in cash.

(2.) Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section, shall be guilty of an offence against this Act; and, in the event of any such contravention or non-compliance by any person whomsoever, the owner and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the provisions of this section to prevent such contravention or non-compliance.

Payment of persons employed in mines by weight.

See N.S.W. 60 Vict., No. 12, s. 38.

12. (1.) WHERE the amount of wages paid to any of the persons employed in a mine depends upon the amount of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten; and the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable before being screened and cleaned.

See Vic. 50 & 51 Vict., c. 58, s. 12.

Nothing in this section shall preclude the owner or manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of

Coal Mines Regulation.

any tubs or skips being improperly filled, in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him; such deductions being determined in such special mode as may be agreed upon between the owner and manager of the mine on the one hand and the persons employed in the mine on the other, or by some person, appointed in that behalf by the owner or manager, or (if any check-weigher is stationed for this purpose as hereinafter mentioned) by such person and such check-weigher, or, in case of difference, by a third person to be mutually agreed on by the owner or manager of the mine on the one hand and the persons employed in the mine on the other, or, in default of agreement, appointed by a Resident Magistrate within the jurisdiction of which any shaft of the mine is situate;

(2.) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section, he shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever, the owner or manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the provisions of this section to prevent the contravention or non-compliance. Penalty.

(3.) Nothing in this Act shall be held to authorise or give any power to any owner or manager of a mine to pay miners by the method known as the standard weight system, and from and after the commencement of this Act that system shall be and is hereby abolished. "Standard weight" system illegal.
N.S.W. *ibid.*, s. 38.
(3).

(4.) Nothing in this Act shall prevent any company from making an agreement with its workmen for the system known as the "average weight" being accepted until such time as machinery can be procured to weigh the whole of the coal; such time shall not exceed a period of twelve months after the commencement of this Act for companies then at work; and all companies starting operations after such commencement shall be allowed a period not exceeding twelve months from the date of the starting of such operations to procure the necessary machinery. "Average weight" system not illegal.

(5.) In the case of any mine or class of mines employing not more than twenty persons underground, where it is proved to the satisfaction of the Minister to be expedient that the persons employed therein should, upon the joint representation of the owner or owners of any such mine or class of mines and the said persons, be paid by any method other than that provided by this section, the Minister may, if he think fit, by order under his hand allow the same, either without conditions or during the time and on the conditions specified in the order. Power to Ministers to sanction other methods of payment.
N.S.W. *ibid.*, s. 38
(4).

Coal Mines Regulation.

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

See N.S.W. 60 Vict.,
No. 12, s. 40.

See Vic. Nos. 50 &
51 Vict., c. 28, s. 13.

N.S.W.

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

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

(3.) A check-weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing, or with any of the workmen, or with the management of the mine; but shall be authorised only to fulfil the duties in the two preceding subsections mentioned, and the absence of a check-weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner or manager, unless the absent check-weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with: Provided always, that nothing in this section shall prevent a check-weigher giving to any workman an account of the mineral contracted to be gotten by him, or information with respect to the weighing or the weighing machine, or the taring of the tubs or trams, or with respect to the deductions, or any other matter within the scope of his duties as check-weigher; so always, nevertheless, that the working of the mine be not interrupted or impeded.

(4.) If the owner or manager of the mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing or with any of the workmen or with the management of the mine, or has, at the mine, to the detriment of the owner or manager, done anything beyond taking such account determining such deductions or giving such information as aforesaid, the owner or manager may complain to the nearest Court of petty sessions, who, if of the opinion that the owner or manager shows sufficient

Coal Mines Regulation.

prima facie ground for the removal of the check-weigher, shall call on the check-weigher to show cause against his removal.

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

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

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

(8.) If the miners consider that the person appointed by the owner or manager improperly interferes with or alters the weighing machine or the tare in order to prevent a correct account being taken of the weighing and taring, they may complain to the owner or manager, and, if the owner or manager fails to remedy such complaint, the miners may then complain to the nearest Court of petty sessions, who, if of opinion that the miners show sufficient *prima facie* ground for the removal of the weigher, shall call on the weigher to show cause against his removal.

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

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

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

Remuneration of
check-weigher.

See N.S.W. 60
Vict., No. 12, s. 41.

See Vic. 50 & 51
Vict., c. 58, s. 14.

Coal Mines Regulation.

Application of
Weights and Measures Act to weights,
etc., used in mines.
See N.S.W., 60 Vict.,
No. 12, s. 42.
See Vic. 50 & 51,
c. 58, s. 15.

15. (1.) THE Weights and Measures Act, 1899, and any Acts from time to time amending the same, shall apply to all weights, balances, scales, and weighing machines used at any time for determining the wages payable to any person employed in the mine according to the weight of the mineral contracted to be gotten by him, in like manner as it applies to weights, balances, scales, and weighing machines used for trade.

(2.) An inspector of weights and measures appointed under the said Act shall, once at least in every six months, inspect and test, by standard weight, in manner directed by the said Act, the weights, balances, scales, and weighing machines used, or in the possession of any person for use as aforesaid at any mine within his district; and shall also make such inspection and examination at any other time in any case where he had reasonable cause to believe that there is in use at the mine any false or unjust weight, balance, scale, or weighing machine.

(3.) The inspector of weights and measures shall also inspect and examine the measures and gauges in use at the mines within his district.

(4.) An inspector of weights and measures may, for the purposes of this section, exercise at or in any mine, as respects all weights, measures, scales, balances, and weighing machines used or in the possession of any person for use at or in that mine, all such powers as he could exercise under the Weights and Measures Act, 1899, and any Acts amending the same, with respect to any weights, measures, scales, balances, beams, or other weighing machines as herein mentioned; and all the provisions of sections forty-eight and fifty-six of the said Act, including the liabilities as to penalties, shall apply to such inspection.

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

Single Shafts, Tunnels, or Outlets.

Prohibition of
single shafts,
tunnels, or outlets.

16. (1.) THE owner or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts, tunnels, or outlets are complied with (that is to say):—

See Vic. 60 Vict.,
No. 12, s. 43.
N.S.W., 50 & 61
Vict., c. 58, s. 16.

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

Coal Mines Regulation.

whether the shafts, tunnels, or outlets belong to the same mine or to more than one mine. The second shaft, tunnel, or outlet shall not be required to be commenced until one year after coal has been struck in the first shaft, tunnel, or outlet; and mines at work at the commencement of this Act shall not be required to commence the second shaft, tunnel, or outlet until six months after such commencement; and when the second shaft or tunnel is commenced, work shall be carried on continuously with not less than three shifts of an adequate number of men.

- (b.) Such shafts, tunnels, or outlets must not at any point be nearer to one another than twenty yards; and there shall be between such two shafts, tunnels, or outlets a communication not less than five feet wide and six feet high; the roads between such shafts, tunnels, or outlets shall at all times be kept clear of any obstruction.
- (c.) Proper apparatus for raising and lowering persons at each such shaft or outlet shall be kept on the works belonging to the mine, and such apparatus, if not in actual use at the shafts or outlets, shall be constantly available for use.
- (d.) In all working shafts there shall be provided a steam engine or other power approved by the inspector, with winding plant provided with a cage or cages with suitable safety appliances to prevent the fall of the cage or cages down the shaft, and with suitable appliances to prevent overwinding. No steam machinery shall be required on winzes, but inclined ladders, with platforms at not more than thirty feet apart from the top to the bottom of winzes, shall be fixed.

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

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

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

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

Exceptions from provisions as to shafts.

See N.S.W., 60 Vict., No. 12, s. 45.

See Vic. 50 & 51 Vict., c. 58, s. 18.

17. THE foregoing provisions of this Act with respect to shafts, tunnels, or outlets, shall not apply:—

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

(a.) To any new working for the purpose of making a communication between two or more shafts, tunnels, or outlets, or

(b.) To any working for the purpose of searching for or proving minerals,

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

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

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

(b.) That the workings in any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working; but no pillars shall be taken out that will cause the communication to be cut off from both outlets; nor

(3.) To any mine—

(a.) While a shaft is being sunk, or a tunnel or an outlet being made; or

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

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

Coal Mines Regulation.

18. (1.) THE foregoing provisions of this Act, requiring any two shafts, tunnels, or outlets of a mine to be separated by a distance of not less than twenty yards, shall not apply to any mine which is provided with two shafts sunk (or two tunnels or outlets made) before the commencement of this Act, but at that time separated by a distance of not less than ten feet, or commenced to be sunk or made before the commencement of this Act, but separated by a distance of more than ten feet and less than twenty yards.

Non-application of provisions as to distance between two shafts, etc.

See *ibid.*, s. 45 (3.)

Ibid., s. 18 (3.)

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

Non-application of provisions as to dimensions of communication between two shafts, etc.

19. NO person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft, tunnel, or outlet to a mine where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts, tunnels, or outlets.

Agreements not to preclude compliance with Act.

See N.S.W. 60 Vict., No. 12, s. 44.

Vic. 50 & 51 Vict., c. 58., s. 17.

Division of Mine into parts.

20. (1.) WHERE two or more parts of a mine are worked separately, the owner or manager of the mine shall give notice in writing to that effect to the inspector of the district, and thereupon each such part shall, for all the purposes of this Act, be deemed to be a separate mine as noted on the plan.

Division of mine into parts.

See *ibid.*, s. 46.

See *ibid.*, s. 19.

(2.) If the inspector is of opinion that the division of a mine, in pursuance of this section, tends to lead to evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to the division by a notice served on the owner or manager of the mine; and the owner or manager, if he declines to acquiesce in such objection, may, within twenty days after receipt of the notice, send a notice to the inspector of the district stating that he declines so to acquiesce, and thereupon the matter shall be finally and conclusively determined by the Minister, after giving all parties interested an opportunity of being heard by him.

Certificate of Managers.

21. (1.) EVERY mine shall be under a manager, who shall be responsible for the control, management, and direction of the mine, and all the machinery and plant used in connection therewith; and the owner of every mine shall nominate himself or some other

Appointment of manager of mine.

See *ibid.*, s. 2.

See *ibid.*, s. 20.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

person to be the manager of such mine, and shall send written notice to the Minister and to the inspector of the district of the manager's name and address.

(2.) A person shall not be qualified to be a manager of a mine unless he is for the time being registered as the holder of a first-class certificate under this Act.

(3.) If any mine is worked for more than fourteen days without there being such a manager for the mine as is required by this section, the owner of the mine shall, on conviction, be liable to a penalty not exceeding Fifty pounds, and to a further penalty not exceeding Five pounds for every day during which the mine is so worked after any conviction.

Provided that—

- (a.) The owner of the mine shall not be liable to any such penalty if he proves that he had taken all reasonable means, by the enforcement of this section, to prevent the mine being worked in contravention of this section ; and
- (b.) If at the commencement of this Act, for any reasonable cause, there is for the time being no manager of a mine qualified as required by this section, the owner of the mine may appoint any competent person not holding a certificate under this Act to be manager, for a period not exceeding two months ; and
- (c.) At the expiration of six months after the commencement of this Act, no manager shall be allowed to take charge of a mine without having a certificate from the said Board.

The Board may, subject to regulations, issue a first-class certificate of competency to any person who has received a certificate of competency as a colliery manager from—

- (a.) Any legally constituted Board of Examiners for colliery managers in any of the Australasian States, or from
- (b.) Any authority by whom an examination (equivalent to that required by the Board) to test the qualifications of candidates is required prior to the granting of such certificate, provided that such person is still entitled to practise as a colliery manager in the State or country wherein he obtained such certificate.
- (c.) The Board may refuse a certificate of any class to any applicant if it is not satisfied as to his character.

Coal Mines Regulation.

22. (1.) IN every mine required by this Act to be under the control of a certificated manager, daily personal supervision shall be exercised either by the manager or by an under-manager or overman nominated in writing by the owner or manager of the mine.

Daily supervision of mine by manager or under-manager.

(2.) Every person nominated must hold either a first-class or second-class certificate under this Act, and shall, in the absence of the manager, have the same responsibility and be subject to the same liabilities as the manager under this Act.

See N.S.W. 60 Vict., No. 12, s. 3. Vic. 50 & 51. Vict., c. 58, s. 21.

Board of Examiners for Mining Managers, Under-managers, and Overmen.

23. FOR the purpose of granting certificates of competency and of service for the purposes of this Act, there shall be a Board of Examiners, consisting of not more than three members and a secretary, who shall be appointed and may be removed by the Governor in Council, and shall hold office during his pleasure.

Constitution of Board of Examiners. Comp. N.S.W. 60 Vict., No. 12, s. 5 (2).

Appointment and removal of Board.

24. (1.) THERE shall be two descriptions of certificates of competency under this Act:

Certificates of competency of managers and under-managers.

(a.) First-class certificates, that is to say, certificates of fitness to be manager; and

See N.S.W. 60 Vict. No. 12, s. 5. See Vic. 50 & 51 Vict., c. 58, s. 23.

(b.) Second-class certificates, that is to say, certificates of fitness to be under-manager or overman; but no person shall be entitled to a certificate under this Act unless he shall have had practical experience in coal mines for at least five years.

(2.) The Board of Examiners shall grant a first-class certificate of service to every person who furnishes to the said Board satisfactory evidence that he has acted in the capacity of inspector of mines or manager of a coal mine or coal mines for two years, within a period of five years immediately prior to the commencement of this Act, and such first-class certificate shall confer the same privileges as a first-class certificate of competency.

First-class certificate of service for managers.

(3.) The Board shall grant a second-class certificate of service to every person who satisfies the Board either that before the commencement of this Act he was exercising, and has since that date exercised, or that he has, at any time within five years immediately before such commencement, exercised for not less than two years, functions substantially corresponding to those of an under-manager, or overman, in a mine.

Second-class certificate of service for under-managers. See *ibid.*, s. 8. See *ibid.*, s. 80.

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

Coal Mines Regulation.

Proceedings and
powers of Board.
See *ibid.*, s. 6.
See *ibid.*, ss. 24-26.

25. (1.) THE proceedings of the Board and the fees to be paid by applicants for examination or certificates of service shall be in accordance with such regulations as may be made for the purpose by the Governor in Council.

(2.) The Board shall, from time to time, conduct the examinations of applicants for certificates of competency or service under this Act, partly in writing and orally, and the Board shall issue certificates to the successful applicants, and the Governor in Council may make regulations as to the conduct of such examinations and the qualifications of the applicants, so however that in every such examination regard shall be had to such knowledge as is necessary for the practical working of mines, and that the examination and qualifications of applicants for second-class certificates shall be suitable for practical working miners.

(3.) The Board shall from time to time make to the Minister a report of their proceedings, and of such other matters as the Minister may at any time require.

(4.) A register of the holders of such certificates shall be kept by the Board.

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

See N.S.W. 60 Vict., No. 12, s. 10.

See Vic. 50 & 51, c. 58, s. 27.

26. IF at any time representation is made to the Minister by an inspector or otherwise that any manager, under-manager, or overman holding a certificate under this Act is incapable, incompetent, or unfit to discharge his duties, or has been convicted of an offence against this Act, the Minister may, if he thinks fit, cause inquiry to be made by the Board of Examiners into the conduct of the manager, under-manager, or overman, and with respect to every such inquiry the following provisions shall have effect:—

(a.) The inquiry shall be held at such time and place as the Board may appoint; the manager, under-manager, or overman to have the right to engage counsel to defend him at such inquiry. He shall receive twenty-one days' notice of the Board's intention to hold the inquiry, and if the manager, under-manager, or overman intends to employ counsel, he shall give ten days' notice of such intention to the secretary of the Board.

(b.) The Board shall, at least ten days before the commencement of the inquiry, furnish to the manager, under-manager, or overman a statement of the case upon which the inquiry is instituted.

(c.) The manager, under-manager, or overman shall attend such inquiry and may produce such evidence as may be considered necessary.

Coal Mines Regulation.

- (d.) The Board shall, upon the conclusion of the inquiry, forward to the Minister a report containing a full statement of the case and their opinion thereon; and the Governor, on the recommendation of the Minister, may either cancel or suspend such certificate.
- (e.) Any person shall, if ordered in writing so to do by the Minister, deliver into the charge of the said Board his certificate of competency or of service, which shall be retained by the said Board during the period of his disqualification, and no such person shall during the period of such disqualification take charge of any mine, and any manager failing or neglecting to comply with this order shall be guilty of an offence against this Act; and
- (f.) Persons attending as witnesses before the Board shall be allowed such expenses as would be allowed to witnesses in a criminal case at the Supreme Court:

27. (1.) THE Board of Examiners may make such order as it thinks fit respecting the costs and expenses of the inquiry, and such order shall, on the application of any party entitled to the benefit thereof, be enforced by any Court of summary jurisdiction as if such costs and expenses were a penalty imposed by that Court.

Cost and expenses of inquiry.

See *ibid.*, s. 11.

See *ibid.*, s. 28.

(2.) The party entitled to the benefit of such order shall be entitled to obtain from the Board a certified copy thereof.

28. WHERE a certificate of a manager, under-manager, or overman is altered, suspended, or cancelled in pursuance of this Act, the alteration, suspension, or cancellation shall be recorded in the register of holders of certificates, and shall be notified by the Board to the Minister.

Record and cancellation of certificate; restoration in certain cases.

See N.S.W. 60 Vict. No. 12, s. 12.

See Vic. 50 & 51 Vict., c. 58, s. 29.

29. WHENEVER any person proves to the satisfaction of the Minister that he has, without fault on his part, lost any certificate granted to him under this Act, the Minister may, on payment of such fee (if any) as the regulations direct, cause a copy of the certificate to which the applicant appears by the register to be entitled to be made out and certified by the person who keeps the register and delivered to the applicant; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original certificate.

Copy of certificate in case of loss.

See *ibid.*, s. 13.

See *ibid.*, s. 30.

30. EVERY person who commits any of the following offences (that is to say):—

- (1.) Forges or counterfeits, or knowingly makes any false statement in any certificate of competency under this

Forgery, misrepresentation, etc.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

Act, or in any certificate of service granted under this Act, or any official copy of any such certificate ; or

- (2.) Knowingly utters or uses any such certificate or copy which has been forged or counterfeited or contains any false statement, or knowingly makes use of or attempts to make use of any certificate of competency or service granted to some other person ; or
- (3.) For the purpose of obtaining for himself or any other person employment as a certificated manager, under-manager, or overman, or the grant, renewal, or restoration of any certificate under this Act, or a copy thereof, either—
 - (a.) Makes or gives any declaration, representation, statement, or evidence which is false in any particular ; or
 - (b.) Knowingly utters, produces, or makes use of any such declaration, representation, statement, or evidence, or any document containing the same,

shall be guilty of a misdemeanour and be liable on conviction to imprisonment for any term not exceeding two years.

Board of Examiners for Engine-drivers in Coal Mines.

Board of Examiners
for engine-drivers.

31. THE Governor may from time to time appoint, remove, or re-appoint two or more persons (one of whom shall be a qualified engineer and one a certificated engine-driver) to act as a Board of Examiners for any mining district, to hold examinations, and to examine any persons who desire to qualify themselves as engine-drivers ; and such Board, when satisfied of the skill and competence of any candidate, and that he is not subject to any physical infirmity, such as deafness, defective vision, or epilepsy, which would render him unfit, may grant him a first or second-class certificate of competency in the manner prescribed by the Regulations.

Certificates of ser-
vice for engine-
drivers.

32. THE said Board shall grant a certificate of service to every person who furnishes to the said Board satisfactory evidence that he has been in charge of, and has efficiently managed upon a mine of any description, machinery worked by steam, for a period of twelve months prior to the passing of this Act ; providing such board is satisfied that the candidate is then not subject to any physical infirmity, such as deafness, defective vision, or epilepsy, which would render him unfit, and such certificate shall confer the same privileges as a first or second-class certificate of competency, as may be decided by the Board, and the Board, or any member thereof, may grant a learner's permit certificate to any person, in

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

accordance with the regulations, after being satisfied as to the applicant's fitness to become a learner, and such certificate shall entitle the holder to become a learner under a certificated engine-driver and assist in driving any engine for mining purposes other than a winding engine.

33. WHERE an engine-driver holding a certificate equivalent to one of the first or second-class under this Act has had no opportunity of presenting himself to the Board for examination, the Board, or any member thereof, on being satisfied as to the experience of such engine-driver, may grant him an interim certificate of the first or second-class, as the case may be, which shall operate accordingly until the day next afterwards appointed for the examination of engine-drivers.

Interim engine-drivers' certificates.

34. EVERY first-class and second-class certificate of competency or service issued under the Mines Regulation Act, 1895, shall be equivalent to a similar certificate of competency or service granted under this Act.

Certificates under Mines Regulation Act, 1895.

35. ANY person holding a certificate of competency or of service under this Act, or under the Mines Regulation Act, 1895, as an engine-driver, and who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, may be called upon by the Board of Examiners to show cause why he should not be disqualified as a certificated engine-driver; and if he fails to satisfy the said Board, his certificate may be cancelled by the Governor, or he may be disqualified by the Governor for any period from acting as an engine-driver, and such disqualification shall be notified in the *Government Gazette*; and every such person shall, after such notice, deliver into the charge of the said Board his certificate of competency or of service, which shall be retained by the said Board during the period of his disqualification; and no such person shall, during the period of such disqualification, take charge of any machinery in which steam, water, air, gas, oil, or electricity, or any two or more of them, are used as motive power.

Penalty on unqualified person taking charge of machinery.

36. FROM the date of the commencement of this Act every person who, in the place to which this Act has been so applied—

Person having charge of machinery etc., without certificate.

- (a.) Without holding a first-class certificate of competency, or a certificate by this Act made equivalent thereto, takes or has charge of any winding machinery in which steam, water, air, gas, oil, or electricity, or any two or more of them are used as the motive power by which men or materials are raised or lowered in any shaft; or

Coal Mines Regulation.

(b.) Without holding a first or second-class certificate of competency, or a certificate by this Act rendered equivalent thereto, takes or has charge of any machinery worked by steam, water, air, gas, oil, or electricity, or any two or more of them ; or

(c.) Every manager or owner who acts in contravention of or fails to comply with this section,

shall be guilty of an offence against this Act: Provided that sinking pumps and boring and coal-cutting machines shall not be deemed machinery within the meaning of this section.

Returns, Plan, Notices, and Abandonment.

Returns by owner, agent, or manager of mine.

See N.S.W. 60 Vict., No. 12, s. 27.

See Vic. 50 & 51 Vict., c. 58, s. 33.

37. (1.) ON or before the fifth day of every month, the owner or manager of every mine shall send to the inspector of the district, on behalf of the Minister, a correct return in duplicate with respect to the preceding month, particulars as to the name and situation of the mine, the names and descriptions of the owner, manager, and overmen, the number of persons ordinarily employed therein, and the quantity of mineral gotten or wrought and the value of same, and such return shall contain such other particulars and be in such form as may from time to time be prescribed by the regulations.

(2.) The inspector shall forward every return received by him to the Minister, who may publish the aggregate results of the returns made under this section with respect to any particular district, or any large portion of a district.

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

Plan of mine to be kept at office.

See N.S.W. 60 Vict., No. 12, s. 28.

See Vic. 50 & 51 Vict., c. 58, s. 34.

38. (1.) THE owner or manager of every mine shall keep, in the office at the mine, an accurate plan of the workings of the mine, showing the workings up to a date not more than one month previously, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that be not reasonably practicable, a statement of the depth of the shaft, with a section of the seam; and in addition to the abovementioned plan, there shall also be provided a tracing of a surface plan on the same scale, showing thereon all streets, roads, buildings, creeks, rivers, bays, swamps, navigable waters, and depths of same, and limits of any tidal waters within the boundaries of the property; and at any time when required to do so by the Minister, such owner or manager shall furnish the Minister with a copy of every such plan, section, or statement.

(2.) The owner or manager of the mine shall, on request at any time of an inspector, produce to him at the office at the mine such plan and section, and shall also, on the like request, mark on

Coal Mines Regulation.

such plan and section the state of the workings of the mine complete to the date of the said request; and the inspector shall be entitled to inspect the plan and section, and, for official purposes only, to make a copy of any part of such plan and section respectively.

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

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

39. THE manager of every mine shall enforce the observance of the provisions of this Act in and upon the mine under his charge, and shall, as soon as practicable after the occurrence thereof, report in writing to the nearest inspector or, in the absence of the inspector, to the Registrar any offence against this Act which has been committed in or on the mine, whether the person committing it was or was not employed in the work of the mine; and in the event of the contravention of or non-compliance with this Act in or upon any mine, by any person, the manager of such mine shall be guilty of an offence against this Act.

Duties and responsibility of manager.

(2.) Provided that such manager shall not be deemed guilty of such offence if he proves to the satisfaction of the Court that he has taken all reasonable means of enforcing the provisions of this Act, and of preventing such contravention or non-compliance.

(3.) But the manager shall supervise all work carried out by contract in the mine, and shall be responsible for any offence against this Act committed by any contractor or his workmen, unless he shall prove that he had taken all reasonable means to prevent such offence, and had reported the same to the nearest inspector or, in the absence of the inspector, to the Registrar immediately after it came to his knowledge.

Coal Mines Regulation.

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

40. IN any of the following cases, namely:—

Notice to be given of opening and abandonment of mine.

See *ibid.*, s. 30.
Ibid., s. 36.

- (a.) Where any working is commenced for the purpose of opening a new shaft or a seam of any mine;
(b.) Where a shaft or seam of any mine is abandoned or the working thereof discontinued;
(c.) Where the working of a shaft or a seam of any mine is recommenced after any abandonment or discontinuance for a period exceeding two months; or
(d.) Where any change occurs in the name of any mine or in the name of the owner or manager of any mine or of any company which is the owner of a mine,

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

Fencing in case of abandoned mine.

See N.S.W. 60
Vict., No. 12, s. 31.
See Vic. 50 & 51
Vict., c. 58 s. 37.

41. (1.) WHERE any mine is abandoned or the working thereof discontinued, at whatever mine the abandonment or discontinuance occurred, the owner thereof shall cause the top of every shaft and every side entrance from the surface to be and to be kept securely fenced for the prevention of accidents.

Provided that,—

- (a.) Subject to any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in the minerals of the mine, be liable to carry into effect this section, and to pay any costs, charges, and expenses incurred by any other person interested in the minerals of the mine in carrying this section into effect;
(b.) Nothing in this section shall exempt any person from any liability under any other Act, or otherwise.
(2.) If any person fails to act in conformity with this section, he shall be guilty of an offence against this Act.
(3.) No person shall be precluded by any agreement from doing, or be liable under any contract to any damages, penalty, or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this section.

Coal Mines Regulation.

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

(5.) Any shaft or side entrance of any abandoned mine which is not fenced as required by this section, and is within fifty yards of any highway, road, footpath, or place of public resort, or is in open or unenclosed land, shall be deemed to be and may be dealt with as a nuisance within the meaning of the Public Health Act, 1898, and any Acts amending the same.

42. (1.) WHERE any mine or seam is abandoned, the owner of the mine or seam at the time of its abandonment shall, within fourteen days after the abandonment, send to the inspector of the district, on behalf of the Minister, an accurate plan showing the boundaries of the workings of the mine or seam up to the time of the abandonment, and the position of the workings with regard to the surfaces and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that is not reasonably practicable, a statement of the depth of the shaft with a section of the seam. Every such plan or section shall be on such scale as may be from time to time prescribed by the Minister.

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

See N.S.W. 60 Vict., No. 12, s. 32.

See Vic. 50 & 51 Vict., c. 58, s. 38.

(2.) Such plan and section shall be preserved under the care of the Minister. Any person shall, by permission of the Minister, be permitted at any time to examine the plan and section of the underground workings of any mine so abandoned.

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

(4.) If the owner of a mine or seam fails to comply with this section, he shall be guilty of an offence against this Act.

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

Inspection.

43. (1.) SUBJECT to the provisions of the Public Service Act, the Governor in Council may appoint any fit persons qualified to obtain first-class certificates of competency to be inspectors of mines, under whatever title he may from time to time fix, and may remove any such inspector.

Appointment of inspectors of mines.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

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

(3.) No inspector under this Act shall be allowed to hold any interest whatever in any coal mine in Western Australia.

44. (1.) AN inspector under this Act shall have power to do all Powers of inspec- or any of the following things, namely:—
tors.

See N.S.W. 60 Vict.,
No. 12, s. 19.

See Vic. 50 & 51
Vict., c. 58, s. 41.

- (a.) To make such examination and inquiry as may be necessary at any time to ascertain whether the provisions of this Act and any regulations thereunder relating to matter above ground or below ground are complied with in the case of any mine, and the machinery and plant in connection therewith;
- (b.) To enter, inspect, and examine any mine and every part thereof at all reasonable times, by day and night, but so as not to impede or obstruct the working of the mine;
- (c.) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the machinery and plant in connection therewith, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and the machinery and plant in connection therewith, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, or the care and treatment of the horses and other animals used in the mine; and
- (d.) To initiate and conduct prosecutions for offences against the provisions of this Act.
- (e.) To appear at all inquiries and inquests held respecting mining accidents, and, if he thinks fit, to call and examine and cross-examine witnesses.
- (f.) To exercise any such powers as may be necessary for carrying this Act into effect.
- (g.) A representative of the Miners' Association of the district, or of the employer, may be present at any inquiry, and may put questions to any witness as to the cause of the accident.

Coal Mines Regulation.

(h.) A personal representative of the relatives of any person killed or injured in consequence of any such accident may be present at any inquiry, and may put questions to any witness as to the cause of the accident.

(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.

(3.) Whenever any mining 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 condition of the mine and machinery thereon at the time of such inspection.

45. (1.) IF in any respect, which is not provided against by any express provision of this Act or by any special rule, any inspector finds any mine or any part thereof, or the machinery and plant in connection therewith, or any matter, thing, or practice in or connected with any such mine, or with the control, management, or direction thereof by the manager, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, he shall order the manager to at once do such works as will in his opinion remove such danger or defect; he shall also give notice in writing thereof to the owner or manager of the mine, and shall state in the notice the particulars in which he considers the mine or any part thereof, or the machinery and plant in connection therewith, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied; and unless the same be forthwith remedied shall also report the same to the Minister.

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

See *ibid.*, s. 20.

Ibid., s. 42.

(2.) If the owner or manager of the mine objects to remedy the matter complained of in the notice, he may forthwith, on receipt of the notice, send his objection in writing, stating the grounds thereof, to the Minister, who may finally and conclusively determine such matter as he may think fit, or he shall decide that the matter shall be determined by arbitration in the manner provided in this Act, and the date of such decision shall be taken to be the date of the reference.

Arbitration.

(3.) If the owner or manager fails, when no objection is sent as aforesaid, to comply with the requisition of the notice within ten days after the expiration of the time for objection, or when there has been a determination by the Minister or an arbitration to comply therewith within the time fixed by the Minister or the award, he

Coal Mines Regulation.

shall be guilty of an offence against this Act, and the notice and determination shall respectively be deemed to be written notice of the offence.

(4.) In any proceeding for any offence, the Court, if satisfied that the owner or manager has taken active measures for complying with the notice or determination, but has not with reasonable diligence been able to complete the works, may adjourn any proceedings taken before them for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted, but costs may be awarded.

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

Arbitration.

46. WITH respect to arbitrations under this Act, the following provisions shall have effect, namely:—

Provisions as to
arbitration.
See N.S.W., 60 Vict.,
No. 12, s. 25.
Vic. 50 & 51 Vict.,
c. 58, s. 47..

- (1.) Where the parties to the arbitration are the owner or manager of the mine on the one hand, and the Inspector of Mines on behalf of the Minister on the other, subsections one to sixteen of this section shall apply to such arbitration.
- (2.) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.
- (3.) No person shall act as umpire under this Act who is employed in, or in the management of, or is interested in the mine to which the arbitration relates.
- (4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.
- (5.) If within the said fourteen days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.
- (6.) If, before an award has been made, any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within

Coal Mines Regulation.

seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

- (7.) In either of the foregoing cases where an arbitrator is empowered to act singly, or on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.
- (8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.
- (9.) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hand an umpire to decide on points on which they may differ.
- (10.) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the person or persons who appointed such umpire shall forthwith appoint another umpire in his place.
- (11.) If the arbitrators refuse or fail, or for seven days after the request of either party neglect to appoint an umpire, then, on the application of either party, an umpire shall be appointed by the Minister, and such umpire shall be a Resident Magistrate within the jurisdiction of which the mine or any shaft of the mine is situate, or a Judge of the Supreme Court.
- (12.) The decision of every umpire on the matters referred to him shall be final.
- (13.) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.
- (14.) Arrangements shall, when practicable, be made for the matter in difference being heard at the same time before the arbitrators and the umpire.
- (15.) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may

Coal Mines Regulation.

also consult any barrister and solicitor, engineer, and scientific person whom they may think it expedient to consult.

- (16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Minister, and, together with the costs of the arbitration and award, shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by the taxing master of the Supreme Court, who, on the written application of either of the parties, shall ascertain and certify the proper amount thereof. The amount, if any, payable by either of the parties may, in the event of non-payment, be recovered in any Court of competent jurisdiction.

Notice of accident
to be given to
inspector of mines.

47. EVERY workman employed in or about a mine, personally knowing of an accident which shall have occurred in or about the mine, shall, as soon as possible, report to the manager or overman, and any workman who fails immediately to report the same shall be deemed guilty of an offence against this Act, and the mining manager shall forthwith, after the occurrence of any serious accident in or upon any mine attended with or without serious injury to any person, give notice thereof to the inspector, or in the absence of the inspector, to the Registrar; and any mining manager who omits to give such notice shall be deemed guilty of an offence against this Act. Upon receipt of any such notice the inspector, or in his absence any person appointed by the Registrar, shall proceed to the scene of such accident, examine the place where such accident has occurred, take down the statement of any witness of such accident, or of any person who can afford any evidence as to the cause thereof, and thereupon forward to the Registrar a full report. The Registrar shall, if he thinks it necessary, hold an inquiry into the nature and cause of the accident, and shall forward to the Minister a copy of the evidence, together with his report on the inquiry, and the Registrar shall have—

Inquiry on acci-
dents.

- (a.) Power to require by summons signed by himself the attendance of all such persons as he thinks fit to call before him and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as he thinks fit to make;
- (b.) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;
- (c.) Persons attending as witnesses before the Court shall be allowed such expenses as would be allowed to witnesses in a case at the Petty Sessions.

Coal Mines Regulation.

- (d.) Any person who without reasonable excuse, proof whereof shall lie on him, either fails after having had the conduct money to which he is entitled tendered to him to comply with any summons or requisition of a Court holding an investigation under this section, or prevents or impedes the Court in the execution of its duty, shall for every such offence be liable to a penalty not exceeding Ten pounds, and in the case of a failure to comply with a requisition for making any answer or return or producing any book, paper, or document, shall be liable to a penalty not exceeding Ten pounds for every day that such failure continues.
- (e.) The place in which an accident occasioning personal injury has occurred shall not be interfered with, except with a view of saving life or preventing further injury, until it has been examined by the inspector, or, in his absence, if demanded by any three miners engaged on the mine, or, if the Registrar so direct, by two competent persons to be appointed by him.

48. THE Minister may cause any special report of an inspector or any report of a Court under this Act to be made public, at such time and in such manner as he may think fit.

Special report of inspector.

Coroners.

49. (1.) WITH respect to Coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in or about mines, the following provisions shall have effect:—

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

- (a.) Where a coroner holds an inquest on the body of any person whose death may have been caused by any explosion or accident of which notice is required by this Act to be given to the inspector of the district, the coroner shall adjourn the inquest unless an inspector, or some person on behalf of the Minister, is present to watch the proceedings.
- (b.) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.
- (c.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.
- (d.) The inspector of the district shall, when practicable, be present at inquests and may examine witnesses and elicit evidence relative to the cause of death and to

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

the issue whether the accident was attributable to negligence or any omission to comply with the provisions of this Act.

(e.) Any person having a personal interest in or employed in or in the management of the mine in which the explosion or accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury; nevertheless, whenever it is practicable, one half of the jury shall be working miners.

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

(2.) In this Act the word "coroner" includes deputy-coroner, and also any Justice who holds an inquest pursuant to the provisions of The Ordinance to facilitate Enquiries in the Nature of Coroners' Inquests, 1856, and any Acts amending the same.

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

General Rules.

50. (1.) THE Governor in Council may make general rules which shall, so far as is reasonably practicable, be observed in every mine.

(2.) Such rules may be made for all or any of the under-mentioned purposes, namely:—

(a.) The ventilation of mines:

(b.) Inspection of the condition of mines as to ventilation, and the appointment of inspecting stations in mines:

(c.) The inspection of machinery and plant above and below ground:

See *ibid.*, s. 26.
See Vic. 50 & 51
Vict., c. 58, s. 48, and
No. 1514, s. 50.

General rules.

Coal Mines Regulation.

- (d.) The fencing of entrances:
- (e.) The withdrawal of workmen in case of danger:
- (f.) The use of certain lamps in certain places:
- (g.) The construction of safety lamps:
- (h.) The examination of safety lamps:
- (i.) The position of lamp stations:
- (j.) The use of explosives below ground:
- (k.) The position of water and bore holes:
- (l.) The providing of signalling and manholes for travelling planes worked by machinery:
- (m.) The providing of manholes for other travelling roads:
- (n.) The keeping clear of manholes:
- (o.) The dimensions of travelling roads:
- (p.) The fencing of entrances to shafts:
- (q.) The securing of shafts:
- (r.) The securing of roofs and sides:
- (s.) The nature and size of timbering:
- (t.) The prevention of over-winding:
- (u.) The use of down-cast shafts:
- (v.) The providing of safety appliances:
- (w.) The attendance of engine-drivers:
- (x.) The providing and testing of cages in shafts:
- (y.) The means of signalling for working shafts:
- (z.) The providing of gates in shafts:
- (aa.) The providing of sufficient cover overhead.
- (bb.) The employment of persons in charge of machinery:
- (cc.) The use of chains and ropes and the testing thereof:
- (dd.) The keeping of machinery in good order and condition:
- (ee.) The prevention of rope slipping on drum:
- (ff.) As to travelling in main return air ways:
- (gg.) As to brakes and indicators:
- (hh.) As to the fencing of machinery:
- (ii.) As to safety valves and gauges for boilers:
- (jj.) As to barometers and thermometers:
- (kk.) The providing of stretchers:
- (ll.) The prevention of wilful damage:
- (mm.) As to the observance of regulations:
- (nn.) As to the keeping of books and copies thereof:

Coal Mines Regulation.

(oo.) As to the employment of skilled workmen in the face of the workings:

(pp.) As to periodical inspections on behalf of workmen.

(3.) All such general rules shall be published in the *Government Gazette*, and shall take effect from a date to be named therein, and after such date shall have the force of law, and a copy thereof shall be laid before both Houses of Parliament forthwith if sitting, and, if not sitting, then within fourteen days after the commencement of next session.

(4.) Until otherwise provided by general rules made as aforesaid, the general rules set forth in the Schedule to this Act shall, so far as may be reasonably practicable, be observed in every mine.

51. EVERY person who contravenes or does not comply with any of the general rules shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the general rules in the case of any mine to which this Act applies by any person whomsoever, the owner or manager shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said rules and regulations for the working of the mine to prevent such contravention or non-compliance.

Penalty on non-compliance with rules.

See N.S.W., 60 Vict., No. 12, s. 48.

See Vic. 50 & 51 Vict., c. 58, s. 50, No. 1514, s. 136.

Special Rules.

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

Special rules for every mine.

See *ibid.*, s. 49.

See Vic. 50 & 51 Vict., c. 58, s. 51.

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

(3.) If any person who is bound to observe the special rules established for any mine acts in contravention of, or fails to comply with any of them, he shall be guilty of an offence against this Act; and also the owner or manager of such mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the rules and regulations for the working of the mine so as to prevent such contravention or non-compliance.

Coal Mines Regulation.

(4.) If special rules shall have been established for any mine, and subsequently a change occurs, either in the name of such mine or in the ownership of such mine, such special rules shall, notwithstanding the aforesaid change, be and continue to be the special rules of such mine, unless and until they shall be amended or new rules submitted therefor under the provisions of this Act.

53. (1.) THE owner or manager of every mine shall prepare and transmit to the inspector of the district, for approval by the Minister, special rules for the mine within three months after the commencement of this Act, or within three months after the commencement (if subject to the commencement of this Act) of any working for the purpose of opening a new mine or of renewing the working of an old mine.

Establishment of
new special rules
See N.S.W., 60
Vict., No. 12, s. 50.
See Vict. 50 & 51,
Vict. c. 58, s. 52.

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

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

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

The Minister may
object to special
rules.
See *ibid.*, s. 51.
Ibid., s. 53.

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

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

Arbitration.

Coal Mines Regulation.

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

Amendment of
special rules.
See N.S.W. 60 Vict.,
No. 12, s. 52.
See Vic. 50 & 51
Vict. c. 58, s. 54.

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

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

False statements
and neglect to
transmit special
rules.
See *ibid.*, s. 53.
Ibid., s. 55.

56. IF the owner or manager of any mine makes any false statement with respect to the posting up of the rules and notices, he shall be guilty of an offence against this Act; and if special rules for any mine are not transmitted within the time limited by this Act to the inspector, for the approval of the Minister, the owner or manager of such mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by enforcing, to the best of his power, the provisions of this Act to secure the transmission of the rules.

Certified copy of
special rules to be
evidence.
See *ibid.*, s. 54.
Ibid., s. 55.

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

Special rules made
by the Governor in
Council.
See N.S.W. 60
Vict., No. 12, s. 55.

58. THE Governor in Council may make and publish in the *Government Gazette* a set or sets of special rules, and thereafter the rules so made and published shall be deemed the special rules of every mine to which this Act applies and in respect of which no special rules shall be in force. Upon special rules being established for any mine, the special rules made by the Governor in Council as aforesaid shall cease to apply to such mine.

Coal Mines Regulation.

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

Publication of abstract of Act and copy of special rules.
See *ibid.*, s. 57;
Vic. 50 & 51 Vict.,
c. 58, s. 57.

- (1.) The owner or manager of the mine shall cause the abstract and copy of the rules, with the name of the mine and the name and address of the inspector of the district, and the name of the owner or manager appended thereto, to be posted up in legible characters in some conspicuous place at or near the mine where they may be conveniently read by the persons employed; and so often as the same become defaced, obliterated, or destroyed shall cause them to be renewed with all reasonable despatch.
- (2.) The owner or manager shall supply a printed copy of the abstract and the special rules (at a price not exceeding Threepence per copy) to each person employed in or about the mine who applies for a copy at the office at which the persons immediately employed by the owner or manager are paid. Every person employed in or about the mine is enjoined to acquaint himself thoroughly with the general and special rules, and to certify and sign to that effect.
- (3.) Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and the employed.

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

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

Pulling down or defacing notices.
See N.S.W. 60 Vict., No. 12, s. 58.
See Vic. 50 & 51, Vict., c. 58, s. 58.

Miscellaneous.

61. (1.) EVERY person employed in or about a mine (other than an owner or manager) who is guilty of any act or omission which, in the case of an owner or manager, would be an offence

Penalty for offences against Act.
See *ibid.*, s. 59.
Ibid., s. 59.

Coal Mines Regulation.

against this Act, shall be deemed to be guilty of an offence against this Act.

(2.) Every person who is guilty of an offence against this Act for which a penalty is not expressly prescribed shall be liable to a penalty not exceeding, if he is an owner or manager, Twenty pounds, and if he is any other person, Two pounds for each offence; and if an inspector has given notice of any such offence, to a further penalty not exceeding Five pounds for every day after such notice that such offence continues to be committed after any conviction.

Imprisonment for wilful neglect endangering life or limb

See *ibid.*, s. 60.

Ibid., s. 60.

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

General provisions as to summary proceedings.

See N.S.W., 60 Vict., No. 12, s. 62.

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

Prosecution of owners, managers, etc.

See *ibid.*, s. 65, Vic. 50 & 51 Vict., c. 58, s. 65.

64. (1.) NO prosecution shall be instituted before a Court of Petty Sessions, except by an inspector or with the consent in writing of the Minister.

(2.) No prosecution shall be instituted against a coroner for any offence against this Act, except with the consent of the Minister.

Regulations.

65. (1.) THE Governor in Council may make regulations not inconsistent with this Act for—

(a.) Prescribing the form of register to be kept of boys employed in or in connection with any mine;

(b.) Prescribing the conduct of examinations of applicants for certificates of competency or service as managers or overmen or engine-drivers; the fees payable for examinations and certificates; and the mode of the proceedings of each Board of Examiners;

Coal Mines Regulation.

(c.) Prescribing any forms of returns or plans or sections to be furnished under this Act, and the particulars to be stated therein ;

(d.) For the management and administration of funds and moneys in connection with the accident fund under this Act ; and

(e.) Generally for carrying this Act into execution.

(2.) All such regulations shall, on being published in the *Government Gazette*, be as valid in law as if the same were enacted in this Act, and shall be judicially noticed.

Publication of regulations.

66. A PERSON who is the owner or manager of any mine, or miner or miner's agent, or who is a director of a company, being the owner of a mine, shall not, except with the consent of both parties to the case, sit in Petty Sessions or adjudicate in respect of any offence under this Act.

Owner of mine, etc., not to act as Justice, etc., in proceedings under this Act. See N.S.W. 60 Vict., No. 12, s. 68. Vic. 50 & 51 Vict., c. 58, s. 69.

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

Application of penalties. See *ibid.*, s. 69. *Ibid.*, s. 70.

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

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

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

Decision of question whether a mine is under this Act. See *ibid.*, s. 70. *Ibid.*, s. 71.

69. ANY order of or exemption granted by the Minister under this Act may be made and from time to time revoked or altered by the Minister, either unconditionally or subject to such conditions as he may see fit, and shall be signed by the Minister or Under Secretary on the Minister's behalf.

Powers of Minister as to making and revoking orders. *Ibid.*, s. 71. *Ibid.*, s. 72.

Coal Mines Regulation.

70. (1.) UPON the affidavit of any person claiming to be legally or equitably interested in any mine or in any land adjoining or near to any other mine, that the owner of such last mentioned mine is, or is by the person making such affidavit believed to be, encroaching upon such first-mentioned mine or land, the Minister may by writing under his hand authorise an inspector, together with a mining surveyor or experienced miner, to enter upon such last mentioned mine or land for the purpose of ascertaining whether any such encroachment has been made, and, if so, the extent thereof.

Entry on adjoining mine, etc., to ascertain whether owner etc., is encroaching.
See N.S.W. 60 Vict., No. 12, s. 73.

Deposit.

(2.) Before granting such authority, the Minister shall require the person making or lodging the affidavit to deposit such a sum of money, not exceeding Twenty pounds, as shall be necessary to cover the cost of such inspection.

What may be done under such authority.

(3.) The persons so authorised may thereupon enter upon the mine or land described in such order, and descend any shaft or enter any mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the person whose shaft or mine shall be descended or entered, and make such plans and sections of the mine or land entered upon, and of other works therein as shall be necessary for the purpose aforesaid; and the owner of the mine to be entered upon shall render all necessary assistance to the person so authorised.

Prior statutory declaration required.

(4.) Every such inspector or surveyor or miner shall, before entering upon such mine or land, make a statutory declaration that he will not (except as a witness in a Court of justice), without the consent in writing of the owner of the mine or land to be entered upon, divulge, or cause to be divulged to any person whomsoever any information obtained upon or by such entry, save only as to, whether such owner is encroaching on such first-mentioned mine or land; and every person who shall, contrary to such declaration, and any owner who shall refuse such assistance as shall be necessary to enable the persons authorised by the Minister to descend the shaft, or enter and examine the mine, shall forfeit and pay a sum not exceeding Ten pounds for every such refusal.

Penalty.

(5.) The Minister may, out of the sum deposited as aforesaid, defray the cost of such inspection, and if such owner render such assistance as shall be necessary for the purposes aforesaid, and if there be no encroachment, may, out of such sum, award to such owner compensation for any loss or expense to which he may be put by reason of such inspection.

Sanitation.

71. PROPER sanitation shall be maintained in all mines for the use of the men working above and underground, as far as practicable.

Coal Mines Accident Relief Fund.
Comp. N.Z. No. 46 of 1891, s. 69.

72. (1.) THE owner of every mine shall contribute to a fund for the necessary relief of miners who have been injured whilst

Coal Mines Regulation.

working in coal mines in Western Australia, and for the relief of the families of miners who have been killed or of persons injured whilst so working, and for the purpose of such fund shall, in the months of January and July in every year, pay a sum equivalent to one half-penny per ton on the output of all coal sold from any mine during the preceding six months respectively, ending on the last day of the preceding month of December or June (as the case may be), into a trust account to be kept by a Trust constituted pursuant to this section as hereinafter provided for.

(2.) All employees (excepting boys) of every coal mine working in Western Australia shall each contribute to the Coal Mines Accident Relief Fund one shilling per fortnight, and boys working in such mines shall each contribute sixpence per fortnight to the said fund, and boys in case of accident shall receive only half the benefits from the fund as compared with the adult employees, and the owner or manager of every such mine shall deduct fortnightly from the earnings of each of his employees such contributions, and pay the same to the Trust to be dealt with in accordance with the provisions of this Act, and shall be responsible to the said Trust for compliance with the provisions of this section.

(3.) The said Trust shall be called the Coal Mines Accident Relief Fund Trust, and shall consist of a representative of the Mining Department, to be appointed by the Minister and two persons to be appointed by the mine owners and miners respectively, in the manner prescribed in the regulations, and the said Trustees shall, subject to the regulations, pay such sums to persons who have been injured, or to the relatives of persons who have been killed by accident, as shall be recommended and approved of by the accident committee to be appointed by the employees of the coal mines, in the manner prescribed in the regulations.

(4.) The trustees shall have power to examine from time to time the books of any owner or manager of a coal mine, for the exclusive purpose of ascertaining the amounts due or paid by such mine to the said Accident Relief Fund, and also as to the amounts deducted from the employees of the mine as contributions towards such fund.

(5.) If on such examination it appears that any such owner or manager has not paid into the said Accident Relief Fund any amount as hereby prescribed, or only a part thereof, such owner or manager shall be deemed guilty of an offence against this Act, and shall be liable to a penalty of One pound in respect of each and every pound or fraction of a pound which he should have paid into the said fund, and all penalties recovered under this section, less the expenses incident to recovery of same, shall be paid into the aforesaid fund, and shall form part thereof.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

(6.) Every owner, or manager, or officer appointed by the employees of a coal mine who refuses, obstructs, or prevents or causes the refusal, obstruction, or prevention of the production of the books of the mine, and the free examination of such books for the aforesaid purposes, shall be deemed guilty of an offence against this Act.

(7.) The cheque books, bank books, vouchers, and documents of the trustees and accident committee, relating to the said Accident Relief Fund, shall be audited every six months by an auditor appointed by the Minister.

(8.) In any action brought by a workman against the owner or manager for injuries, the amount to which such workman may be entitled from the said fund shall be taken into consideration in assessing the damages.

Repeal of Mines
Regulation Act,
1895.

73. THE Mines Regulation Act of 1895, and all amendments and regulations relating to the same, as applying to coal mines, are hereby repealed, but such repeal shall not affect anything done or suffered before the commencement of this Act, and all penalties incurred under the said repealed Acts may be proceeded for and recovered and applied as if this Act had not been passed.

Special rules of
Mines Regulation
Act, 1895, to have
effect.

74. UNTIL special rules are framed under this Act, the special rules under the Mines Regulation Act, 1895, shall have effect.

Burden of proof to
lie on defendant.

75. IN any proceeding under the provisions of this Act against a mining manager or person in charge of the mining operations in or upon a mine, the burden shall lie on the defendant of proving he is not such manager or person.

Power of Governor
in Council to make,
alter, and repeal
regulations.

76. (1.) IT shall be lawful for the Governor in Council from time to time to make, alter, and repeal such regulations as may be necessary for the purpose of giving effect to this Act.

(2.) Such regulations may be made for the whole of the State or for any particular part thereof, and shall be published in the *Government Gazette*, and, after publication therein, shall have the force and effect of law, and shall be judicially noticed in every Court of Justice. Copies of all regulations made under this Act shall be laid before both Houses of Parliament within fourteen days from the making thereof, if Parliament shall be then in session, and, if not, then within fourteen days after the commencement of the next session thereof; and such regulations shall, in so far as not disallowed by Parliament, be deemed to be within the powers conferred by this Act, and to have been legally and properly made.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

(3.) It shall be lawful by such regulations to impose for any breach thereof, or for any disobedience of a lawful order of the Registrar, a fine not exceeding Ten pounds, or, in default of payment, imprisonment, with or without hard labour, for any period not exceeding three months.

In the name and on behalf of the King I hereby assent
to this Act.

ARTHUR LAWLEY, Governor.

Coal Mines Regulation.

SCHEDULE.

GENERAL RULES FOR THE REGULATION, GOVERNMENT, OR PROTECTION OF MINES, AND PERSONS EMPLOYED THEREIN, OR RESORTING THERETO, OR VISITING THE SAME.

General rules.

THE following General Rules shall be observed, so far as is reasonably practicable, in every mine:—

Ventilation of mines.

RULE 1.—An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working place of the shafts, levels, stables, and workings of the mine, and the travelling roads to and from those working places shall be in a fit state for working and passing therein. The ventilation so produced shall be the supply of pure air in quantity not less than one hundred cubic feet per minute, for each man, boy, and horse, or other animal employed in the mine, which air (in that proportion, but with as much more as the Inspector shall direct) not exceeding 200 cubic feet per minute, shall sweep along the airways and be forced as far as the face of and into each and every working-place where man, boy, horse, or other animal is engaged or passing, main return airways only excepted.

Every mine, except such as are worked on the long-wall system, shall be divided into districts or splits of not more than fifty men in each; and each district shall be supplied with a separate current of fresh air. The intake air shall travel free from all stagnant water, stables, steam pipes, fires, and old workings. In the case of mines required by this Act to be under the control of a certificated manager, the quantity of air in the respective splits or currents shall at least once in every month be measured and entered in a book to be kept for the purpose at the mine.

Ventilation by fire.

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

Ventilation by machinery.

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

Stations and inspection of conditions as to ventilation, etc.

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

(1.) As to inspection before commencing work—

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

No workman shall pass beyond any such station until the part of the mine beyond that station has been so examined and stated by such competent person to be safe. The inspection shall be made with a locked safety lamp, except in the case of any mine in which inflammable gas has not been found within the preceding twelve months.

Coal Mines Regulation.

A report specifying where noxious or inflammable gases, if any, were found present, the condition of the ventilation, and what defects, if any, in roofs, or sides, and what, if any, other source of danger were or was observed, shall be recorded without delay in a book to be kept at the mine for the purpose, and accessible to the check inspectors, and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the hand-writing of the person who made the inspection.

For the purpose of the foregoing provisions of this rule, two or more shifts succeeding one another without any interval are to be deemed to be one shift.

(2.) As to inspection during shifts :—

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

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

Inspection of machinery, etc., above and below ground.

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

Fencing of entrances.

RULE 7.—If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of inflammable gases prevailing in the mine, or that part thereof, or of any cause whatever, the mine or that part is dangerous, every workman shall be withdrawn from the mine or part so found dangerous; and a competent person appointed for the purpose shall inspect the mine, or part so found dangerous; and if the danger arises from inflammable gas, shall inspect the mine or part with a locked safety lamp, and in every case shall make a true report of the condition of the mine or part; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be readmitted into the mine, or part so found dangerous, until the same is stated by the person appointed as aforesaid not to be dangerous. Every such report shall be recorded in a book, which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Withdrawal of workmen in case of danger.

RULE 8.—No lamp or light other than a locked safety lamp shall be allowed or used—

- (a.) In any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous; or
- (b.) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas.

Use of safety lamps in certain places.

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

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

Construction of safety lamps.

RULE 9.—Wherever safety lamps are used, they shall be constructed of a type to be approved by the inspector.

Examination of safety lamps.

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

- (1.) A competent person appointed by the owner, agent, or manager for the purpose shall, either at the surface or at the appointed lamp station, examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be in safe working order and securely locked, and such lamps shall not be used until they have been so examined and found in safe working order, and securely locked.
- (2.) A safety lamp shall not be unlocked except either at the appointed lamps station or for the purpose of firing a shot, in conformity with the provisions hereinafter contained.
- (3.) A person, unless he has been appointed either for the purpose of examining safety lamps, or for the purpose of firing shots, shall not have in his possession any contrivance for opening the lock of any safety lamp.
- (4.) A person shall not have in his possession any lucifer match or apparatus of any kind for striking a light excepting within a completely closed chamber attached to the fuse of the shot.

Lamp stations.

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

Use of explosives below ground.

RULE 12.—Gunpowder or other explosive or inflammable substance shall only be used in a mine as hereunder provided, that is to say :—

- (a.) It shall not be stored on the surface or adjacent to the mine except in such magazine and in such quantities as may be in writing approved by the Minister. Detonators shall be stored in a separate magazine.
- (b.) It shall not be stored in the mine.
- (c.) It shall not be taken into or kept in the mine, except in cartridges in a secure case or canister containing not more than eight pounds of powder or four pounds of nitro-glycerine compound.

Provided that on the application of the owner, agent, or manager of any mine, the Minister may, by order, exempt such mine from so much of this rule as forbids taking an explosive substance into the mine except in cartridges.

- (d.) A workman or party of workmen shall not have in use at any one time in any one place more than one of such cases or canisters.
- (e.) In the process of charging or stemming for blasting, a person shall not use any iron or steel implement or tool; nor in any mine or part of a mine in which safety lamps are required by this Act to be used shall dry coal or coal dust be used for tamping.
- (f.) No explosive shall be forcibly pressed into a hole of insufficient size, and when a hole has been charged, the explosive shall not be unrammed; and no hole shall be bored for a charge at a distance of less than six inches from any hole where the charge has missed fire: Provided that in cases where a fuse is used no person shall return to a place where such charge has missed fire until a period of eight hours has elapsed from the lighting of the fuse attached to such charge.
- (g.) In any case in which the use of a locked safety lamp is for the time being required by or in pursuance of this Act, or which is dry and dusty, no shot shall be fired except by or under the direction of a

Coal Mines Regulation.

competent person appointed by the owner, agent, or manager of the mine; and such person shall not fire the shot nor allow it to be fired until he has examined both the place itself where the shot is to be fired and all contiguous accessible places of the same seam within a radius of twenty yards, and has found such place safe for firing.

- (h.) If in any mine, at either of the inspections under Rule four recorded last, before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired—
- (i.) Unless a competent person appointed as aforesaid has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or
 - (ii.) Unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas.
- (i.) If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say—
- (a.) Unless the place of firing and all contiguous accessible places within a radius of twenty yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or
 - (b.) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water, or other contrivance, as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust.
- (j.) If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing dust adhering to the roof and sides, no shot shall be fired there unless—
- (i.) Both the conditions mentioned in sub-head (i.) have been observed; or
 - (ii.) Unless such one of the conditions mentioned in sub-head (i.) as may be applicable to the particular place has been observed, and, moreover, all workmen have been removed from the seam in which the shot is to be fired, and from all seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily employed in attending to the ventilating furnaces, steam boilers, engines, machinery, winding apparatus, signals, or horses, or in inspecting the mine.
- (k.) In this Act “ventilating district” means such part of a seam as has an independent intake commencing from a main intake air course, and an independent return airway terminating at a main return aircourse; and “main haulage road” means a road which has been, or for the time being is, in use for moving trams by steam or other mechanical power.
- (l.) Where a seam of a mine is not divided into separate ventilating districts, the provisions in this Act relating to ventilating districts shall be read as though the word “seam” were substituted for the words “ventilating district.”

RULE 13.—No person shall enter, with a naked light, a powder magazine.

Naked lights in powder magazines.

1° & 2° EDWARDI VII., No. 25.

Coal Mines Regulation.

Signalling.

RULE 14.—All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted in a clear and legible form on framed boards, one of which shall be placed at each chamber in the shaft, another on the brace, and a third in the engine room.

(a.) Such methods shall be subject to the approval of the inspector, and shall also be subject to such alterations and amendments as may from time to time be indicated by the Minister on the report of the Inspector, and any neglect to carry out such indicated alterations or amendments shall be an offence against this Act.

(b.) A line, or some other appliance, shall be provided in each shaft to admit of danger signals being communicated to the engine-driver from any portion of such shaft.

(c.) Every person employed in a mine shall make himself acquainted with the system of signals used in such mine.

View of shaft by engine driver.

RULE 15.—A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace.

Person in charge of machinery.

RULE 16.—No person under the age of eighteen years shall be placed in charge of or have the control of any engine or winch driven by steam, air, gas, oil, or electricity used in connection with the working of a mine. No person in charge of any such engine or winch working on a mine shall, under any pretext whatever unless relieved by a competent person, absent himself or cease to have continual supervision during the time such machinery is so used.

Means of egress to be kept ready for use.

RULE 17.—When the only means of egress from a mine is a machine worked by steam, water, or mechanical power, such machine shall be always kept ready for use (and the person in charge thereof shall so remain in charge) whilst any person is below in the mine.

RULE 18.—No iron, timber, tools, rails, trucks, skips, sprags, or other material, except when repairing the shaft, shall be placed in the same cage, bucket, or other carriage, receptacle, or platform in which men are being lowered or raised from their work.

RULE 19.—All machinery, whether above or below ground, shall be kept in good order and condition.

RULE 20.—Every brace, or pit-bank shall be properly covered, to protect the workmen from the inclemency of the weather.

Fencing machinery.

RULE 21.—Every fly-wheel, and all exposed or dangerous parts of the machinery used in or about the mine, shall be kept securely fenced.

Mining manager in charge of a mine to inspect.

RULE 22.—The mining manager, or in his absence the under manager, shall once a week carefully examine the machinery and buildings used in the working of the mine and the condition of the mine itself, and shall record, in writing, in a book kept for that purpose, his opinion as to their condition and safety, and any repairs and alterations required to ensure greater safety to the persons employed therein.

Shafts with ladders to have platforms.

RULE 23.—After the passing of this Act, every ladder constructed and fixed in a shaft for the ascent and descent of persons working in the mine shall be inclined at the most convenient angle which the space allows, and such ladder shall have substantial platforms at intervals of not more than thirty feet, and with spaces for foothold of not less than six inches clear of wall.

RULE 24.—Safety cages shall be provided, when required by the inspector, and shall be tested before they are used.

Water and bore holes.

RULE 25.—Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within forty yards of that place exceed eight feet in width, and there shall be constantly kept at a sufficient distance, not being less than five yards in advance, at least one bore hole, near the centre of the working, and sufficient flank bore holes on each side.

Coal Mines Regulation.

RULE 26.—Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, jig, or gin, shall be provided, if exceeding thirty yards in length, with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient manholes for places of refuge, at intervals of not more than twenty yards, and of not less than six feet high, three feet wide, and four feet deep, or if there is not room for a person to stand between the side of a tub and the side of the plane, then (unless the tubs are moved by an endless chain or rope) at intervals of not more than ten yards.

Signalling and manholes for travelling planes worked by machinery.

RULE 27.—Every road on which persons travel underground, where the load is drawn by a horse or other animal, shall be provided, at intervals of not more than fifty yards, with sufficient manholes, or with places of refuge, and every such place of refuge shall be of sufficient length, and at least three feet in width between the wagons running on the road and the side of such road. There shall be at least two proper travelling ways into every steam-engine room and boiler gallery.

Manholes for other travelling roads.

RULE 28.—Every manhole and every place of refuge shall be constantly kept clear, and no person shall place anything in any such manhole or place of refuge.

Manholes to be kept clear.

RULE 29.—Every travelling road on which a horse or other draught animal is used underground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering.

Dimensions of travelling roads.

RULE 30.—The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be and shall be kept securely fenced.

Fencing of shafts.

RULE 31.—Every shaft in course of sinking shall be provided with a trolley to run over the pit's mouth, and receive the load when brought to the surface. Such trolley to be large enough to cover the opening at pit top. This rule shall not apply to sinking with windlasses worked by hand.

Trolley over pit mouth.

RULE 32.—The top and all entrances between the top and bottom, including the sump, if any, of every working, ventilating, or pumping shaft shall be properly fenced; but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

Fencing of entrances to shafts.

RULE 33.—Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure. Every shaft in course of sinking shall be kept clear of all noxious gases by a fan or some other appliance.

Securing of shafts.

Sinking pit to be cleared of gas.

RULE 34.—The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not made so secure.

Securing of roofs and sides.

RULE 35.—Where the timbering of the working places is done by the workmen employed therein, suitable timber shall be provided within twelve feet of the working face, gate end, pass by, siding, or other similar place in the mine convenient to the workmen, and the distance between the sprags or holing props, where they are required, shall not exceed six feet, or such less distance as may be ordered by the owner, agent, or manager.

Timbering.

RULE 36.—Where there is a downcast and furnace shaft to the same seam, and both such shafts are provided with apparatus in use for raising and lowering persons, every person employed in the mine shall, on giving reasonable notice, have the option of using the downcast shaft.

Option of using down-cast shaft.

RULE 37.—In any mine which is usually entered by means of machinery, a competent male person not less than twenty-two years of age shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for that purpose during the whole time that any person is below ground in the mine.

Attendance of engine-man.

Where any shaft, plane, or level is used for the purpose of communication from one part to another part of a mine, and persons are taken up or down or along such shaft, plane, or level, by means of any engine, windlass, or gin, driven

Coal Mines Regulation.

Means of signalling for working shafts.	or worked by steam or any mechanical power, or by an animal, or by manual labour, the person in charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, must be a competent male person, not less than eighteen years of age.
	RULE 38.—Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector of the district, be provided with guides, and some method of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in use between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft, and to every entrance for the time being in use between the surface and the bottom of the shaft.
Overwinding.	RULE 39.—If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding, then the cage, when men are being raised, shall not be wound up at a speed exceeding three miles an hour, after the cage has reached a point in the shaft to be fixed by the special rules.
Cover overhead.	RULE 40.—A sufficient cover overhead shall be used for every cage or tub employed in lowering or raising persons in any working shaft, except where the cage or tub is worked by a windlass, or where persons are employed at work in the shaft, or where a written exemption is given by the inspector of the district.
Chains.	RULE 41.—A single-linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to the cage or tub.
Prevention of rope slipping on drum.	RULE 42.—There shall be on the drum of every machine used for lowering or raising persons, such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping.
Brake and indicator.	RULE 43.—There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate brake or brakes and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage or tub in the shaft. If the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft.
Fencing machinery.	RULE 44.—Every fly-wheel, and all exposed and dangerous parts of the machinery used in or about the mine, shall be and shall be kept securely fenced.
Barometer, etc.	RULE 45.—A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.
Stretchers.	RULE 46.—Where persons are employed underground, ambulances or stretchers, with splints, bandages, blankets, and medical requisites, shall be kept at the mine ready for immediate use in case of accident.
Wilful damage.	RULE 47.—No person shall wilfully damage, or without proper authority remove or render useless any fence, fencing, manhole, place of refuge, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, break, indicator, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act.
Observance of directions.	RULE 48.—Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Act or the special rules in force in the mine.
Books and copies thereof.	RULE 49.—The books mentioned in these rules shall be provided by the owner, agent, or manager, and the books, or a correct copy thereof, shall be kept at the office of the mine, and any inspector under this Act may, at all reasonable times, inspect and take copies of and extracts from any such books; but nothing in these rules shall be construed to impose the obligation of keeping any such book or a copy thereof for more than twelve months after the book has ceased to be used for entries therein under this Act. Any report by this Act requiring to be recorded in a book may be partly in print (including lithograph) and partly in writing.

Coal Mines Regulation.

RULE 50.—The persons employed in a mine may from time to time appoint two of their number, or any two persons, not being mining engineers, who are practical working miners to inspect the mine at their own cost, and the persons so appointed shall be allowed once at least in every month accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings, and machinery. Every facility shall be afforded by the owner, agent, or manager, and all persons in the mine for the purpose of inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons who made the inspection, and if the report states the existence or apprehended existence of any danger they shall forthwith cause a true copy of the report to be sent to the inspector of the district.

Periodical inspection on behalf of workmen.

RULE 51.—No person not now employed as a coal getter shall be allowed to work alone as a coal getter in the face of the workings until he has satisfied the manager that he has had two years' experience of such work under the supervision of skilled workmen, or unless he shall have been previously employed for two years in or about the face of the workings of a mine.

Person not to be employed in coal getting without experience.

RULE 52.—If the owner, agent, or manager of any mine or any persons employed by or acting under the instruction of any such owner, agent, or manager interferes with the appointment of a check-inspector or check-weigher, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check-inspector or a check-weigher, or any of them, not to re-appoint any particular person, or to vote for or against any particular person, in the appointment of a check-inspector or check-weigher, such owner, agent, or manager shall be guilty of an offence against this Act.

Penalty for interference with office of check-inspector or check-weigher.

RULE 53.—In any mine or part of a mine where naked lights are used, all brattice cloth used shall be of a non-inflammable character.

Brattice cloth.

RULE 54.—Every person who contravenes or does not comply with any of the general rules or special rules in this Act, shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the said rules as regulations for the working of the mine to prevent such contravention or non-compliance.

Penalty on non-compliance with rules.

RULE 55.—If, in the opinion of the Inspector, the observance of the foregoing general rules, or any of them, is not reasonably practicable in any particular mine, the Governor in Council may, from time to time, by notification in the *Gazette*, suspend, alter, or vary such rules, or any of them, in such manner as he deems necessary in respect to such mine. And any general rules so altered or varied shall be deemed to be the general rules of the mine to which they relate.

Governor in Council may suspend, alter, or vary rules.