

COAL MINES REGULATION.

17th GEO. V., No. XXXVI.

No. 36 of 1926.

AN ACT to Amend the Law relating to the Regulation of Coal Mines.

[Assented to 16th December, 1926.]

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

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

2. Section three of the principal Act is amended by omitting the words "mines of stratified ironstone." Amendment of sec. 3.

3. Section four of the principal Act is amended by substituting the word "nineteen" for the word "eighteen" in paragraph (a). Amendment of sec. 4.

4. Section five of the principal Act is amended by adding to subsections (2) and (3) respectively the words "in or at any shaft," and by inserting in subsection (5) after the word "proper" the words "and safe." Amendment of sec. 5.

Amendment of
sec. 6.

5. Subsection (3) of section six of the principal Act is amended by omitting the word "or" before "deputy," and by adding the words "engineer, mechanic, electrician, or pumper."

Amendment of
sec. 7.

6. Section seven of the principal Act is amended by adding to subsection (1) a proviso as follows:—

Provided that sinking pumps, borers, and coal-cutting machines shall not be deemed to be machinery within the meaning of this subsection.

Amendment of
sec. 12.

7. Section twelve of the principal Act is amended by adding to the first paragraph of subsection (1) the following words:—"but such place shall not be more than two hundred yards distant from the pit mouth except when otherwise sanctioned by the Minister."

Amendment of
sec. 15.

8. Section fifteen of the principal Act is amended as follows:—

(1) In subsection (1) the words "and the Weights and Measures Act, 1915, when brought into operation by proclamation," are substituted for the words "and any Acts from time to time amending the same."

(2) In subsection (4) the word "the" is substituted for "an" in the first line, and the words "and the Weights and Measures Act, 1915, when brought into operation by proclamation," are substituted for the words "and any Acts amending the same," and the words "and the provisions of the said Acts" are substituted for the words "and all the provisions of sections forty-eight and fifty-six of the said Act."

(3) In subsection (5) the word "unduly" is inserted before the word "impede."

(4) Subsection (2) thereof is repealed, and a subsection is inserted in place thereof as follows:—

(2) An inspector of weights and measures shall be appointed under this Act, and shall once at least in every six months inspect and test, by standard weight, in manner directed by the Weights and Measures Act in force for the time being, 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 make such inspection and examination at any other time in any case where the employer or the accredited representative of any industrial union of workers who are engaged in the coal mining industry, and whose wages are determined on the basis of the tonnage of coal raised, has reasonable cause to believe that there is in use at the mine any false or unjust weight, balance, scale, or weighing machine.

9. Paragraph (a) of subsection (1) of section sixteen of the principal Act is amended by substituting the words "six months" for "one year" in the ninth line; and a paragraph is added to the subsection as follows:—

Amendment of
sec. 16.

(e) Where the seam to be worked is reached by means of a tunnel from the surface the second outlet required by this section shall also be by a separate tunnel.

10. Section eighteen of the principal Act is repealed.

Repeal of sec.
18.

11. Section twenty of the principal Act is amended by inserting after the word "district" in subsection (1) the words "together with a plan showing such parts of the mine."

Amendment of
sec. 20.

12. Section twenty-one of the principal Act is amended as follows:—

Amendment of
sec. 21.

(1) In subsection (1) the word "have" is substituted for the words "be responsible for."

(2) A subsection is inserted as follows:—

(2a) A certificated manager under this Act shall have control and management of one mine only. Provided that nothing in this subsection shall prevent any person acting as general manager of two or more mines, if each of such mines has in charge thereof a certificated manager who is not engaged in the management of any other mine.

(3) The proviso to subsection (3) is repealed to the end of paragraph (c).

(4) The figure (4) is inserted before the words "The Board" which immediately follow paragraph (c) of the proviso to subsection (3).

Amendment of
sec. 23.

13. Section twenty-three of the principal Act is amended by omitting the words "and a secretary," and inserting in place thereof "two of whom shall form a quorum."

Amendment of
sec. 24.

14. Section twenty-four of the principal Act is amended as follows:—

(1) The word "underground" is inserted after the word "practical" in paragraph (b) of subsection (1).

(2) Subsections (2), (3), and (4) are repealed.

(3) A subsection is inserted as follows:—

(2) Any certificate of service issued prior to the passing of the Coal Mines Regulation Act Amendment Act, 1925, shall continue to be valid as if such Act had not been passed.

Amendment of
sec. 25.

15. Section twenty-five of the principal Act is amended by substituting for the words "or certificates of service" in subsection (1) the words "for certificates"; and the words "or service" in subsection (2) are deleted.

Amendment of
sec. 37.

16. Section thirty-seven of the principal Act is amended by substituting the word "tenth" for the word "fifth" in the first line.

Amendment of
sec. 44.

17. Section forty-four of the principal Act is amended by inserting the word "unduly" after the word "not" in paragraph (b).

Amendment of
sec. 50.

18. Section fifty of the principal Act is amended by adding to paragraph (kk) the words "and necessary ambulance and first aid requisites approved by the Minister for use in case of accidents," and by inserting paragraphs as follows:—

(qq) Use of electricity and electrical equipment.

(rr) Care and treatment of animals underground.

Prohibition of
Sunday labour.

19. A section is inserted in the principal Act as follows:—

60a. (1.) Except as hereinafter mentioned, no person shall, directly or indirectly, employ any person for hire or reward to do any skilled or unskilled manual labour on a Sunday in or about any mine.

(2.) Every person who employs a person to do work on a Sunday contrary to this Act, shall be liable to a penalty not exceeding five pounds for every person so employed.

(3.) This section shall not apply to the employment of persons engaged—

- (a) As watchmen or caretakers for the protection of property in or about a mine; or
- (b) In repairing any shaft, furnace, engine, boiler, or machinery so that the same may be in working order at the close of Sunday; or
- (c) In pumping or otherwise clearing a mine from water so that work may be resumed at the close of Sunday; or.
- (d) In sinking any shaft in wet ground when in the opinion of the inspector the inflow of water is so serious as to necessitate continuous work; or
- (e) In doing any work necessitated by a dangerous emergency; or
- (f) In doing work authorised by an inspector of mines, as hereinafter provided.

(4.) An inspector, on being satisfied that the employment of labour on a Sunday is necessary to avoid the risk of damage to the underground workings, machinery, or equipment of a mine, or loss of time in the subsequent working of the mine, may give authority for such employment by writing, stating therein the reasons therefor, the number of persons who may be so employed, the nature of their employment, and the period for which the authority shall extend, but no authority shall be given by an inspector for the breaking out or raising of any coal or mineral for purposes of sale, unless the sanction of the Minister has been first obtained.

Power to inspector to authorise Sunday labour in certain cases.

Permits granted in accordance with this subsection shall set out the nature of the work to be performed on the portion or portions of the mine, and the number of persons permitted to be employed, and shall be posted at a conspicuous place at the pit mouth.

(5.) Section forty-seven of the Mines Regulation Act, 1906, is hereby repealed.

Change house.

20. A section is inserted in the principal Act as follows:—

71a. (1.) At every coal mine where twenty or more persons are ordinarily employed below ground, a change house shall be provided, and such change house shall be divided so that clean and dirty clothes can be kept entirely separate in separate rooms, and the bathrooms, showers, and washing accommodation shall also be divided off and effectively screened from the change rooms. An area of not less than five square feet shall be provided in each change room for every person so employed. There shall be provided at every change house an ample supply of hot and cold wholesome water, equal to five gallons per man or boy, and a sufficient number of showers for the employees to have the use of same when required without unnecessary delay, but not less than one shower for every ten persons ordinarily employed underground. The water supply for showers shall be so arranged that the temperature can be regulated by the person using same. No water shall be used for baths which owing to liability to cause injury to health or for any reason is unsuitable for the purpose, and in the event of any question arising as to whether the water is unsuitable, samples shall be submitted to the Government Analyst, and his report shall determine whether or not such water is unsuitable.

(2.) Suitable drainage shall be provided at every change room for the refuse water, and the floors of all baths shall be so constructed that the used water will be properly drained and that the water from the different baths shall not be allowed to enter the floor of the adjoining ones.

(3.) The floors of all bathrooms shall be of concrete, and the walls shall be constructed of galvanised iron or other impervious material. Suitable hangers shall be provided for all workmen, so that the clothes can be properly aired and dried.

(4.) All change rooms and bathrooms shall be kept in a clean and sanitary condition. In every change room an impervious metal receptacle shall be provided in which all discarded clothing, paper, or other material shall be placed. Any person wilfully neglecting to use the receptacle or leaving such discarded clothing, paper, or other material about the floors of the change rooms shall be guilty of an offence.

(5) Separate accommodation shall be provided for boys under the age of sixteen years.

(6.) Change houses and bathrooms already constructed may be continued in use, provided that the inspector is satisfied that the design and arrangements in connection therewith are satisfactory and sufficient.

(7.) If in any particular case it is proved to the Minister that any of the requirements of the foregoing provisions are not reasonably practicable at any mine, he may exempt such mine from compliance with the said requirements to such extent and on such conditions as he thinks fit.

(8.) These provisions of this section shall not be compulsory until twelve months after the commencement of the Coal Mines Regulation Act Amendment Act, 1926.

21. Section seventy-two of the principal Act is amended as follows:— Amendment of
sec. 72.

(1) The following words are added to subsection (2):—“From moneys received from the owners and employees the said Trust shall pay into the Aged and Infirm Coal Miners’ Superannuation Fund Trust, hereinafter specified, a sum equivalent to one-eighth of the moneys so collected.”

(2) The following words are added to subsection (3):—“The Minister shall have power to authorise to reopen for consideration any case that may have occurred within nine years prior to the passing of this Act, and which has been brought before the Accident Relief Fund Committee or the Trustees of the said Fund, who shall grant such sum in compensation from the Fund as may be deemed necessary in the circumstances.”

(3) After the word “trustees” in the first line of subsection (4) the words “or their accredited representative” are inserted.

(4) A subsection is inserted in place of subsection (8) as follows, viz.:—

(8) All moneys remaining unclaimed for twelve months shall revert to the Fund.

22. A section is inserted in the principal Act as follows:— Aged and infirm
coal miners’ super-
annuation.

72a. (1.) All adult miners shall contribute the sum of threepence per fortnight, and the owner of every mine shall contribute a sum equivalent to the total amount

subscribed by the miners employed by him, and such contributions, together with a sum equal to one-eighth to be deducted from the moneys received by the trustees of the Coal Miners' Accident Relief Fund, under section seventy-two of this Act, shall be paid to, and recoverable by, trustees to be appointed by the Minister for the purposes of this section, and shall be paid by such trustees to the credit of a fund to be called "The Aged and Infirm Coal Miners' Superannuation Fund," and the said fund shall be operated upon by such trustees.

(2.) The executive of the Coal Miners' Industrial Union of Workers shall, during their term of office in that capacity, be the trustees to be appointed under this section of this Act, and any duties performed by them in administering the fund shall be without any monetary payment from the fund.

(3.) Any person who has worked continuously as a miner in the coalfields district of Western Australia for a period of not less than six years shall be entitled to benefits from the fund, subject to the following conditions:—

- (a) That he is unable through infirmity or old age to follow his usual occupation as a miner or any other employment: Provided that persons who at the commencement of this section of this Act and for four years previous thereto have been unable to follow their usual occupation as miners or any other employment shall be deemed to be entitled to benefits under this section.
- (b) That he has not received under the Workers' Compensation Act, 1912, or any Act thereby repealed, the maximum compensation for total disability, and that at date of application to be admitted to the benefits of the fund he is not within the provisions of the Workers' Compensation Act of 1912-1924, or any Act thereby repealed.
- (c) Where the applicant is in receipt of the Commonwealth invalid or old age pension moneys, the maximum amount he shall receive from the fund shall not exceed the allowance provided for in section twenty-four, subsection (1), of Commonwealth Invalid and Old

Age Pensions Act of 1908-1925, and any amendments of such Act, subject however to the fluctuation in the rate of pension under the said Act.

(4.) The cheque books, bank books, vouchers, and documents of the trustees of the said fund shall be audited every six months by an auditor approved by the Minister.

(5.) For the purposes of this and the preceding section the word "Miner" means any person employed in or about a mine, and shall for the purposes of the "Accident Relief Fund" and "Aged and Infirm Coal Miners' Superannuation Fund" include manager, mine clerical staff, coal weigher, miner's check-coal-weigher, workmen's inspectors and miners' union secretary.

23. The Schedule to the principal Act is amended as follows:— Amendment of
Schedule.

(1) In the second line of the second paragraph of Rule 1 the word "sixty" is substituted for "fifty."

(2) A paragraph is added to Rule 1 as follows:—

For the proper conduct of air into and along the working places and roads, all doors, brattices, stoppings, and walls shall be kept thorough air-tight to prevent the escape of air, provided that stoppings between main intake and return airways shall be constructed of mortared stone, brick, or concrete to the satisfaction of the inspector.

This subclause shall not be compulsory until twelve months after the commencement of the Coal Mines Regulation Act Amendment Act, 1926.

(3) Rule 2 is omitted.

(4.) In the second line of Rule 7 after the word "inflammable" the words "or noxious" are inserted.

(5.) In Rule 16 the word "seventeen" is inserted in place of "eighteen."

(6.) Rule 51 is omitted, and the following is inserted in place thereof:—

51. No person, gold and metal miners excepted, shall be allowed to work as a coal, shale or clay getter otherwise than under the supervision of a skilled workman until he has had two

years' experience of such work under such supervision, or unless he has been previously employed for two years in or about the face of the workings, nor shall a skilled workman have under his supervision at the same time more than one person who has not had such experience, or been so employed, as aforesaid.

Consolidation of
principal Act with
amendments.

24. All copies of the principal Act to be hereafter printed by the Government Printer shall be printed as amended by the Acts No. 53 of 1904 and No. 25 of 1915 and by this Act under the supervision of the Clerk of Parliaments, and all necessary references to this Act shall be made in the margin.

In such reprint the sections may be renumbered in arithmetical order, and cross-references shall be adjusted, and the short title shall be "The Coal Mines Regulation Act, 1902-1926."