

WESTERN AUSTRALIA.



ANNO QUARTO EDWARDI SEPTIMI REGIS, XII.

No. 37 of 1904.

AN ACT to amend the Mines Regulation Act, 1895.

[Assented to 25th November, 1904.]

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

1. This Act may be cited as the *Mines Regulation Amendment Act*, 1904, and shall be read as one with the Mines Regulation Act, 1895, hereinafter referred to as the principal Act.

Short title, and
incorporation with
59 Vict., No. 37.

2. In any case where an inspector finds any mine, or any part thereof, or any machine, plant, matter, thing, or practice in or connected therewith, to be dangerous or defective, so as, in his opinion, to threaten or tend to the bodily injury of any person, and the case is not elsewhere sufficiently provided for by any express provision of the principal Act, the following special provisions shall apply:

Inspector may give
notice of dangerous
or defective matters
not provided for.

N.Z., No. 38 of 1898,
s. 211.

- (1.) The inspector shall, by requisition in writing addressed in general terms to the mining manager, and delivered at the mine, specify the nature of such danger or defect, together with his reason for holding that the same exists, and require that the matter complained of be forthwith remedied.

- (2.) On receipt of such requisition the mining manager shall forthwith comply therewith, or, if he intends to object thereto, as provided by the next following subsection, he shall cease to use the said mine or part thereof, machine, plant, matter, thing, or practice, and shall forthwith withdraw all men from the danger indicated by the inspector until such time as the matter shall have been determined by arbitration; provided nevertheless, that the Minister or the inspector may allow work to proceed during such period, under such restrictions and upon such conditions as he may consider necessary and shall specify, in writing, to insure the safety of the workmen.
- (3.) If the mining manager objects to comply with such requisition, he may, within seven days after the delivery thereof as aforesaid, send his objections in writing, stating the grounds of his objections, to the inspector, who shall send a copy thereof to the Minister, and thereupon the matter shall be determined by arbitration in the prescribed manner.
- (4.) For the purposes of such arbitration, the date of the receipt by the inspector of such objection shall be deemed to be the date of the reference.
- (5.) If the owner fails to comply with the requisition, or, in the event of objection and arbitration, with the award made on arbitration, and such failure continues for fourteen days after the expiration of the time for objection or the date of the award, as the case may be, he commits an offence, and the requisition or award, as the case may be, shall be deemed to be written notice of such offence.
- (6.) In any proceedings for a penalty in respect of such offence, the Court, if satisfied that the owner has taken active measures for complying with the requisition or award, but has not, with reasonable diligence, been able to complete the works, may adjourn such proceedings, and if the works are completed within a reasonable time, no penalty shall be inflicted.
- (7.) No person shall be deemed to be precluded by any contract or agreement from doing such acts as may be necessary to comply with any of the provisions of this section, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.
- (8.) In the event of the matter in dispute being submitted to arbitration, the arbitrators may determine which party shall pay the cost of the award, and such costs may be recovered in a summary way before any two justices of the peace in petty sessions.

3. The Governor may from time to time direct that the wages due to all workmen employed on any mine shall be paid in two or more instalments in each month. Every such direction shall be published in the *Government Gazette*, and may from time to time be altered, varied, or suspended by the Governor. Any manager who shall fail to comply with such direction shall be guilty of an offence against the principal Act.

By-monthly pay-
ment of wages.

4. The Governor may make regulations for the purposes of this Act.

Regulations.