

WESTERN AUSTRALIA.

MINES REGULATION ACT, 1906-1938.

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## MINES REGULATION.

### No. 36 of 1906.

Reprinted as amended by the Acts No. 53 of 1915, No. 24 of 1920, and No. 42 of 1938, and the sections renumbered in arithmetical order, pursuant to the Amendments Incorporation Act, 1938.

### AN ACT to provide for the Inspection and Regulation of Mines.

[Assented to 14th December, 1906.]

**B**E 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:—

#### *Preliminary.*

1. This Act may be cited as the *Mines Regulation Act*, 1906-1938, and shall come into operation on a day to be fixed by proclamation.\* Short title.  
No. 42 of  
1938, s. 3.

2. The Acts specified in the Schedule hereto are hereby repealed. Repeal.

3. In this Act, unless the context otherwise requires— Interpretation.

“Agent,” when used in connection with the word “owner” or “manager,” means the person or body corporate having, as the attorney or representative of the owner, control and supervision of the mine and of the manager:

“Explosives” means explosives as defined in section four of the Explosives Act, 1895:

“Inspector” means an inspector of mines appointed under this Act:

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\*1st June, 1907 (*Government Gazette*, 26th April, 1907).

“Machinery” means every kind of mechanical appliance, and includes boilers, air receivers, steam pipes, air pipes, electric wires, cables, belts, and ropes employed in or about a mine or in or about any works used for the treatment of metals or minerals:

“Manager” means the person having immediate charge and direction of the mining operations on any mine, and includes a mine manager appointed under this Act, and any deputy appointed by a manager:

“Mine” means a place within a mining district where any operation for the purpose of obtaining any metal or mineral has been or is being carried on, or where the products of any such place are being treated or dealt with:

“Mining” or “to mine” means to disturb, remove, cart, carry, wash, sift, melt, refine, crush or otherwise deal with any rock, stone, quartz, clay, sand soil, or mineral by any mode or method whatsoever for the purpose of obtaining gold or any other mineral therefrom:

“Mining district” means any district proclaimed by the Governor as a mining district under this Act:\*

“Owner,” when used in relation to any mine to which this Act applies, means any person or body corporate who is the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof, and includes a contractor or tributer working therein, but does not include a person 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:

“Plan” includes an original plan or section and a correct copy or tracing thereof:

“Prescribed” means prescribed by this Act or the rules or regulations made under this Act:

“Shaft” shall include any winze which, in the opinion of an inspector, is used as a principal shaft:

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\*The proclamations that have been made and published in the *Government Gazette* are set out in the Appendix hereto.

“This Act” includes the regulations made and in force under this Act. No. 53 of 1915, s. 2.

4. (1) This Act shall not apply, except as hereinafter expressly provided, to any coal mine within the meaning of the Coal Mines Regulation Act, 1902-1926. Exemptions.

(2) The Governor may from time to time exempt from the operation of this Act, or any of the provisions thereof, any mine or class of mines, for such period and on such conditions (if any) as he may think fit.

*\*Appointment of Inspectors and their Duties.*

5. The Governor may appoint fit and proper persons to be inspectors of mines. The inspectors of mines appointed under any Act hereby repealed shall be deemed to have been appointed under this Act. Appointment of inspectors of mines. No. 53 of 1915, s. 5.

6. Every inspector of mines shall be under the control of such person as the Minister may from time to time appoint, and shall act in such districts, portions of districts, or mines, as the Minister may from time to time direct. Control. No. 53 of 1915, s. 6.

7. Inspectors of mines shall be of three classes, namely— Classification of inspectors.

(a) District inspectors, who shall have the full powers of inspectors under this Act; but every district inspector, prior to being appointed, shall satisfy the Minister that he has had not less than five years' practical experience in general underground mining work, and that he has passed an examination prescribed or approved by the Minister in accordance with the regulations; No. 53 of 1915, s. 7.

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\*It is enacted by the Mines and Machinery Inspection Act, 1911, as follows:—

2. The Governor may, by Order in Council, confer upon the chief inspector or any inspector appointed under the Mines Regulation Act, 1906, the Coal Mines Regulation Act, 1902, or the Inspection of Machinery Act, 1904 [now No. 11 of 1922], all or any of the powers of the chief inspector or of an inspector, as the case may be, under all or any of the said Acts, subject to such conditions and restrictions, if any, as to the Governor may seem fit; and any such chief inspector or inspector upon which such powers are conferred shall, notwithstanding anything to the contrary contained in the said Acts, be deemed to have been duly appointed under such Acts respectively, and to have the necessary qualification for appointment, and may exercise the powers and shall perform the duties of a chief inspector or an inspector, as the case may be, under the said Acts accordingly.

- (b) Special inspectors, who shall be appointed to make such special inspections, inquiries, and investigations on matters within the scope of this Act, requiring special technical or scientific training or knowledge, as the Minister may from time to time direct; and
- (c) Workmen's inspectors, who shall in accordance with the regulations be elected by the majority of persons *bona fide* employed in the mines in the several mining districts, and subject to approval of the Minister; but no person shall be eligible for such appointment unless he has been engaged in general practical underground mining work as a working miner for at least five years: Provided that no person shall be eligible to vote in any election for a workmen's inspector who is not a natural born or naturalised British subject.

District In-  
spectors.  
No. 53 of  
1915, s. 8.

8. District inspectors shall be under the Public Service Act, 1904-1935, but special and workmen's inspectors shall not by reason of their appointment as such be deemed to be subject to the provisions of the said Act.

Conditions of  
appointment  
of special  
and work-  
men's inspec-  
tors.  
No. 53 of  
1915, s. 9.

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

Term of ap-  
pointment of  
workmen's  
inspectors.  
No. 53 of  
1915, s. 10.

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

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

Powers of in-  
spectors.  
No. 53 of  
1915, s. 11.

11. A district or special inspector shall have power to do all or any of the following things, namely:—

- (a) To make examination and inquiry to ascertain whether the provisions of this Act affecting any mine are complied with:

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

A workmen's inspector shall have power to do all or any of the following things, namely—

- (a) To make examination and inquiry to ascertain whether the provisions of this Act affecting any mine are complied with:
- (b) To enter, inspect, and examine any mine and every part thereof at all times by day and night, with such assistants as he may deem necessary, but so as not unnecessarily to impede or obstruct the working of the mine:
- (c) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and of all matters or things connected with or relating to the safety or well-being of the persons or animals employed therein or in any mine contiguous thereto, and for the purpose of such examination or inquiry the

inspector may require the attendance of any mine official or employee, and such official or employee shall attend accordingly:

- (d) With the authority of a district inspector, but not otherwise, to initiate and conduct prosecutions against persons offending against the provisions of this Act:
- (e) Where a district inspector is not available, or with the authority of a district inspector, to obtain written statements from witnesses, and to appear at inquiries held respecting mining accidents, and at inquests, and to call and examine witnesses, and to cross-examine witnesses.

**Disqualification of district inspectors.**

No. 53 of 1915, s. 12.

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

**Inspector not to report or divulge information.**

No. 53 of 1915, s. 13.

**13.** An inspector shall not for any purpose whatever make a report on any mine or mining property or prospect, except an official report to his superior officer or the Minister, nor shall he make public or reveal to any person any knowledge or information obtained by him in the exercise of his official duties, except as aforesaid or when giving evidence in a court of justice.

**Penalty.**

No. 53 of 1915, s. 14.

**14.** Any person who acts as a district inspector when disqualified as aforesaid, and any inspector who contravenes any of the provisions of the last preceding section shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for a term not exceeding twelve months.

**Penalty for refusing to give facilities for inspection.**

**15.** Every owner, agent, or manager of a mine who refuses or neglects to furnish to the inspector or any other person duly authorised the means necessary for making an entry, inspection, examination, or inquiry under this Act in relation to such mine, shall be liable to a penalty not exceeding fifty pounds.



16.\* Any person who obstructs or uses insulting language to an inspector acting in the exercise of his duty shall be guilty of an offence against this Act.

Penalty for obstructing inspector

17. The inspector shall, after every inspection made by him, forthwith enter in a book to be kept at the mine, and called the "Record Book," the portions of the mine inspected by him, the nature of his inspection, and every defect which he observes in the state and condition of the mine and machinery; but nothing contained in or omitted from such entry shall limit or affect the duties and obligations of the owner, agent, or manager of such mine under this Act.

Inspector to record result of inspection.

18. The record book shall be open at all reasonable times to the examination of the inspector and of the workers employed in the mine, and of any other person authorised by the Minister.

Record book to be open for inspection.

19. (1) Any person working in a mine may make complaint to the inspector of anything which it would be the duty of such inspector to report upon or remedy.

Upon miner making complaint, inspector to make inquiry.

(2) The inspector may make inquiry into such complaint, and take such other steps as he may deem necessary to investigate the matter; and the name of the informant shall not be divulged.

20. The Government Geologist and any assistant geologist with such assistants as he may deem necessary may, at all reasonable times, enter and inspect any mine for official purposes, and the Minister may at any time authorise any officer of his department to enter and inspect any mine, and for the purpose of every such inspection every such officer shall have all the powers and authorities conferred on inspectors of mines by this Act.

Power to Minister to appoint special inspector.

*Managers—their appointment and duties.*

21. (1) Within one month after notification has been given by the inspector to the owner of a mine that a manager is required, and thereafter until permission of the inspector has been obtained by the owner to dispense

Every mine to be under control of a manager.

\*Section 16 of the principal Act was repealed by the Act No. 53 of 1915, section 4.

with a manager or the mine is abandoned, every mine shall be under the control and daily supervision of a manager.

(2) The manager may be the owner or agent of the mine, or some person appointed by such owner or agent.

Appointment  
of manager  
to be notified.

**22.** (1) The appointment of every manager shall be notified, in writing, by the person appointing him, to the inspector or the warden of the goldfield or mineral field or the mining registrar of the district in which the mine is situated, within fourteen days after his appointment; and every fresh appointment shall be notified in like manner.

No. 50 of  
1920, s. 2.

(2) Where the mine is situated outside of a goldfield or mineral field the appointment shall be notified to the Under Secretary for Mines.

No person to  
act as mana-  
ger of more  
than two  
mines.

**23.** No person who has been appointed manager of any mine in which twenty men or more are employed below ground shall, while he holds such appointment, be appointed or act as manager of any other mine without the sanction, in writing, of the Minister for Mines, and no person shall, without the like sanction, be appointed to act as manager of more than two mines at one and the same time.

On assuming  
control, mana-  
ger to give  
notice to in-  
spector.

No. 50 of  
1920, s. 2.

**24.** Every manager shall, within seven days after he has assumed control and management of a mine, report the fact in writing to the inspector, warden, or mining registrar in whose district the mine is situated, or to the Under Secretary for Mines, and shall, on his relinquishing office within the like period, report the fact in like manner.

Penalty for  
working  
without a  
manager.

**25.** If any mine is worked for more than fourteen days, except under the control and supervision of a manager whose appointment has been notified as aforesaid, the owner and agent of such mine shall each be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for each day during which such mine is so worked.

Temporary  
absence of  
manager.  
No. 50 of  
1920, s. 2.

**26.** If any manager is incapacitated from performing his duties, or is about to be absent from the mine for more than three days, he, or the owner or agent, shall

appoint some fit person to act as deputy manager during such incapacity or absence, and shall notify such appointment to the inspector, warden, mining registrar, or Under Secretary for Mines.

27. When mining operations in a mine are abandoned, discontinued, or recommenced, notice of the fact shall, within one month, be given by the owner, agent, or manager to the inspector.

Notice of abandonment, etc., to be given.

28. (1) The manager of every mine shall enforce the observance of all the provisions of this Act in the mine under his charge, and of all the rules and regulations applicable thereto.

Duties and responsibility of manager.

(2) As soon as practicable after the occurrence of any breach of the provisions of this Act, he shall report the same, in writing, to the inspector, warden, mining registrar, or Under Secretary for Mines, whether the same has been committed by a person employed in the mine or by a contractor working therein or his men, or any other person.

No. 50 of 1920, s. 2.

(3) The manager, owner, and agent shall in every such case be deemed guilty of an offence against this Act unless such manager, owner, or agent reports such breach and proves to the satisfaction of the court that all reasonable means of enforcing the provisions of this Act, and of preventing such breach, were taken.

29. (1) The manager shall, on the occurrence of any accident in the mine attended with serious injury to any person, give notice thereof to the inspector, or in the absence of the inspector, to the warden or mining registrar, or Under Secretary for Mines, within twenty-four hours, or as soon thereafter as possible.

Notice of accident to be given.

No. 50 of 1920, s. 2.

(2) Any manager who omits to give such notice shall, unless such notice was given by the owner or agent, be deemed guilty of an offence against this Act.

(3) For the purposes of this section "serious injury" shall be such as results in the injured person being disabled from following his ordinary occupation and earning his usual rate of remuneration for a period of two weeks or more.

Examination  
and inquiry  
as to cause  
of accident.

**30.** (1) Upon receipt of any such notice the inspector or in his absence, any person appointed by the warden or mining registrar shall proceed to the scene of the accident, examine the place where it occurred, take down the statements of any witness, or of any person who can give any evidence as to the cause thereof (and such statements shall not be taken in the presence of any person interested except when dying depositions are being taken from the person injured), and thereupon forward to the warden or mining registrar a full report.

(2) For such purposes the person appointed by the warden or mining registrar shall have all the powers and authorities conferred on inspectors under this Act.

(3) The warden or mining registrar shall, if he thinks necessary, hold an inquiry into the nature and cause of the accident, and shall forward to the Minister a copy of the evidence taken at the inquiry, together with his report thereon.

(4) A representative of an industrial union of workers in the district shall, subject to the regulations, be entitled to examine the place where the accident occurred, and may appear at inquiries held respecting mining accidents, and shall have the right to call and examine or cross-examine witnesses.

Power to  
summon wit-  
nesses, etc.

**31.** For the purposes of any inquiry under the last preceding section, the warden or mining registrar shall have all the powers of a court of petty sessions under the Justices Act, 1902-1936, as to summoning witnesses and taking evidence.

Place of acci-  
dent not to  
be interfered  
with.

**32.** (1) The place in which any accident has occurred shall not be interfered with, except with a view of saving life or preventing further injury, until it has been examined as provided in section thirty, or, where the accident has proved fatal, until the coroner has granted permission.

(2) But where immediate resumption of mining work in the place in which the accident has occurred is urgently necessary, a person appointed by the warden or mining registrar, after making full examination of the place, and a report in writing of the result of such examination in the record book, may give permission in writing for such resumption.

33. It shall be the duty of persons employed in a mine to report to the manager any accident in the mine which may come to their knowledge as soon as possible after the occurrence thereof, and any person who fails to do so shall be guilty of an offence against this Act.

Persons employed in mines to report accidents.

*Engine-drivers.*

34. (1) Any person who—

Engine-drivers to be certificated.

(a) without holding a first-class engine-driver's certificate under the Inspection of Machinery Act, 1904,\* or a certificate by the same Act made equivalent thereto, takes or has charge of any winding machinery by which men and materials are raised or lowered in any shaft or under which men are working in any shaft; or

(b) without holding a first or second-class engine-driver's certificate, or certificate made equivalent thereto, under the aforesaid Act, takes or has charge of any winding machinery by which materials alone are raised or lowered in any shaft,

shall be guilty of an offence against this Act.

(2) Any person who employs an uncertificated person contrary to the provisions of this section shall be guilty of an offence against this Act.

(3) This section shall apply to coal mines within the meaning of the Coal Mines Regulation Act, 1902-1926.

(4) The Minister may, by writing under his hand, exempt any person from the operation of paragraph (b) of subsection (1) of this section, or of section fifty-three of the Inspection of Machinery Act, 1904,† if satisfied that in the circumstances it is impracticable to employ a certificated engine-driver, and that all reasonable precautions are taken for safety. Such exemption shall be for a stated period not exceeding six months, but may be renewed from time to time.

\* This must now be read as a reference to the Inspection of Machinery Act, 1921. See section 14 of the Interpretation Act, 1918.

† This must now be read as a reference to sections 53 and 54 of the Inspection of Machinery Act, 1921. See section 14 of the Interpretation Act, 1918.

*General Rules.*

General rules.  
Section 32 as  
enacted.

35.† The following general rules shall, so far as may be reasonably practicable, be observed in every mine:—

Ventilation.

(1) An adequate amount of pure air shall be made to circulate through and into the shafts, winzes, levels, underground stables, and all the working places of such mines, and the travelling ways to and from such working places, in such quantity as will maintain the same in a fit state for working and passing therein:

Sanitation.

(2) Adequate provision shall be made in every mine for cleanliness and sanitation:

Explosives.

(3) (a) Explosives shall be stored in a "main magazine" or a "distributing magazine":

(b) A main magazine may be either—

(i) A building on the surface of the ground at a distance of not less than one hundred

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† Section 35 of this Act (as originally printed), relating to coroners' inquests, was repealed by the Coroners Act, 1920. The relative provisions of that Act are as follows:—

Inquests on  
deaths from  
accidents in  
mines.

25. With respect to every inquest on the body of any person whose death may have been caused by an accident in or about a mine, the following provisions shall apply:—

(1) A representative of the person killed, and a representative of a miners' association in the district, or of any industrial union of workers, or a representative of the majority of the workmen employed in the mine, and a representative of the owner may examine the locality of the accident, and be present at the inquest, and may examine any witness as to the cause of the accident, subject nevertheless to the order of the coroner.

(2) The inspector shall, when practicable, and the workmen's inspector may, be present and may examine witnesses and elicit evidence relative to the cause of death, and to the issue whether the accident was attributable to negligence, or to any omission to comply with the provisions of the Mines Regulation Act, 1906.

(3) The coroner may view the scene of the accident, and, when the inquest is held by a coroner with a jury, if a majority of the jury so desire, the coroner shall arrange for the jury to view the scene of the accident; and the owner and manager of the mine shall afford the coroner, and the jury (if any), the facilities that an owner or manager is required by the said Act to afford to an inspector of mines.

Any owner or manager who fails to comply with the provisions of this subsection shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(4) In this section, the terms "mine," "miner," "inspector," "owner," and "manager" have the meanings attached to them by the Mines Regulation Act, 1906.

Notice.

46. Whenever any dead body shall be found, or any case of sudden, violent, or apparently not natural death shall occur, then any person knowing or becoming acquainted with such death, or knowing of any dead body being found, shall forthwith give notice thereof to the nearest coroner, justice, or member of the police force, and in default thereof shall on conviction of such neglect or omission be liable to a penalty of not exceeding ten pounds.

yards from any other buildings, works, or a public road, surrounded by substantial mounds of earth at least four feet in thickness to a height level with the eaves of the building; or

- (ii) An excavation in the ground so arranged that the roof shall not be less than fifteen feet below the surface of the ground; or
- (iii) A drive or chamber in an upper level of the workings of the mine connected with the surface by an independent air-pass; the passage connecting such surface magazine with the workings of the mine shall describe in its course at least one right angle, and the magazine shall be situated at a distance of sixty feet from any travelling road or underground thoroughfare, unless in the opinion of the inspector, owing to the nature of the country, this distance may be reduced, but in no case shall the distance be less than thirty feet:

(c) The construction, lining, and ventilation of every main magazine shall be approved by the inspector, and it shall be protected by doors so constructed and secured as to render it safe against unlawful entry:

(d) The quantity of explosives which may be stored in a main magazine constructed as provided in (i) shall not exceed five hundred pounds, in (ii) shall not exceed two thousand pounds, and in (iii) such quantity as is certified by the inspector not exceeding one week's supply, according to the requirements of the mine, together with such extra amount, not exceeding one thousand pounds, as he may certify to be reasonable to provide for emergencies:

(e) A distributing magazine may be situated in any working level of a mine, and shall consist of a drive or chamber at least thirty feet from any travelling road and separated therefrom by a door so placed and fitted as to render it secure from unlawful entry:

(f) The quantity of explosives allowed in a distributing magazine shall not exceed the supply required for one working day in the level in which the distributing magazine is situated:

\*(g) No explosives shall be taken into a working face except in a securely covered case or canister of size and construction approved by the inspector, nor in any quantity exceeding what would be required for use during one shift in such face. No workman or party of workmen shall have in use at any one time in any place more than one such case or canister:

\*(h) Detonators shall in all cases be stored apart from other explosives. Not more than one week's supply of detonators shall be kept underground in any level at one time, and these shall be kept in covered boxes in separate drives or chambers, and only taken out in such quantities as required for

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\*His Excellency the Governor by an Order in Council published in the *Gazette* on the 8th day of March, 1935, varied paragraphs (g) and (h) of General Rule (3) of this section (section 32 as enacted) so far as relates only to mines using rock-drills to bore holes for blasting underground, as follows:—

In respect of the mines using rock-drills to bore holes for blasting underground, paragraph (g) and paragraph (h) of General Rule (3) of section 32 are varied so as to read, as follows:—

- (g) (i) No explosives shall be taken into any working face in quantity exceeding what would be required for use during one shift in such face. No explosives shall be taken into such face, except in securely covered cases or canisters of size and construction approved by the inspector;
- (ii) Fuses which have detonators attached to them shall not be carried into such face, except in a securely covered receptacle of size and construction approved by the inspector separate from the case or canister used for other explosives;
- (iii) No workman or party of workmen shall have in use at any one time in any places more than one such receptacle for capped fuses and one such case or canister for other explosives.
- (h) Detonators shall not be sent below ground in the workings of a mine unless attached to fuse in the form of "rods." All fuses to be used for firing charges of explosives shall be prepared in daylight, under cover, by being cut into required lengths with a sharp instrument, and detonators shall be placed on the fuse and crimped thereto by an approved tool. The distribution of capped fuses shall be undertaken in accordance with the provisions of paragraph (g) of General Rule (3) of section 32 of the Mines Regulation Act, 1906.

His Excellency the Lieutenant-Governor by an Order in Council published in the *Gazette* on the 10th day of September, 1937, amended subparagraph (ii) of paragraph (g) of General Rule (3) of this section (section 32 as enacted) by adding thereto a proviso, as follows:—

Provided that, where electric blasting is used, primers may be made up in a magazine used solely for that purpose, approved by the Inspector of Mines, and conveyed to the working face in an approved case or canister and kept separate from any other explosive.



immediate use. Detonators shall not, on any pretence whatsoever, be placed near any travelling road, pass, or working face:

(i) Every main magazine shall be in charge of a man specially appointed for the purpose, who shall have in his possession the keys of the magazine, and shall be responsible for the safe storage of explosives contained therein; and the distribution of all explosives from any distributing magazine shall be under the supervision of an authorised person, who may be one of the men at work in such level:

(j) In the event of the closing of any mine, or part of a mine, the explosives stored therein shall be removed and disposed of as directed by the inspector:

(k) The storage of explosives generally in the mine shall be under the direction of the inspector, who shall at any time have access to, and right of inspection of, any magazine or receptacle in connection with the mine:

(l) No naked light shall be introduced into a powder magazine, or any excavation in a mine where powder explosives or inflammable substance is stored, and a proper lamp shall be provided for use in such places, and no charge shall be made up in such places:

(m) In charging holes for blasting, no iron or steel tools shall be used in tamping or ramming, and an adequate supply of tools approved of for this purpose by the inspector shall be provided for use:

(n) A charge of gunpowder which has missed fire may be drawn by a copper pricker, but in no case shall any iron or steel tool be used for the purpose of drawing or drilling out such a charge. A charge intended to be exploded by means of a detonator shall not be drawn by any sort of tool, but shall be reprimed and fired:

(o) A charge which has missed fire shall not be approached until one hour has elapsed from the time of lighting the fuse. This rule shall not apply to charges fired by an electric current, provided the conducting wires are first disconnected:

(p) No hole shall be bored in the butt or the remaining portion of a hole in which a charge of nitro-glycerine compound has been previously exploded:

(q) No hole which has been fired shall be recharged until it has been thoroughly cooled or washed out with water, an adequate supply of which shall be made readily available:

(r) When using explosives in any mine, the men charging and firing the explosives shall be jointly and severally responsible for the proper handling and firing thereof, and when relieved from duty shall forthwith report the position of any charged holes and misfires to the men relieving them, or to the shift-boss or manager. When holes are known to have missed fire, a barricade or other obstruction shall be placed so as to notify the fact of such misfire:

(s) When more than three charges of explosives are being fired at one time in any working face in a mine, the person firing shall have the assistance of another man, but when both men cannot retire together from the firing point without impeding one another, the second man shall retire to a safe position immediately before the fuses are lighted, but shall not leave the vicinity until he knows if the firer has reached a place of safety:

(t) No boy under the age of eighteen years shall be allowed to handle, charge, or fire explosives:

(u) No charge of an explosive shall be fired unless and until proper warning has been given in all adjacent workings whereby any person might approach within danger of the explosion.

(v) No "main magazine" or "distributing magazine" shall be used as a store for explosives kept for the purpose of sale:

(4) Every underground plane on which persons travel, whether self-acting or worked by an engine, whim, or whip, shall (if exceeding forty yards in length) be provided with some proper means of signalling between the stopping places and the ends of the plane; and shall be provided in every case, at intervals of not more than twenty yards, with sufficient manholes for places of refuge:

Manholes to be provided in self-acting or engine planes.

(5) Every road on which persons travel underground, where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided, at intervals of not more than one hundred yards, with sufficient spaces for places of refuge, each of sufficient length, and of at least three feet in width between the wagons running on the tram road and the side of the road:

Spaces in horse roads.

(6) Every manhole and space for a place of refuge shall be constantly kept clear, and no person shall so place anything in such manhole or space as to prevent access thereto:

Keeping spaces clear.

(7) The top, and all entrances between the top and bottom of every working or pumping shaft, shall be properly and securely fenced or covered, but this provision shall not be taken to forbid the temporary removal of a fence for the purpose of repairs or other operations, if proper precautions are used:

Fencing of entrance to shafts.

(8) Where the natural strata are not safe, every ladder, working or pumping shaft shall be securely timbered, lined, or otherwise made secure:

Securing of shafts.

(9) Every drive, winze, rise, or stope, and every excavation of any kind, whether at surface or underground, in connection with the working of a mine shall be securely protected and made safe for persons employed therein:

Drive and excavation to be protected.

(10) Where one portion of a shaft is used for the ascent and descent of persons by ladders or a cage or skip, and another portion of the same shaft is used for raising material, the former portion shall be cased or otherwise securely fenced off from the latter portion:

Division of shafts.

(11) Every working shaft in which a cage or skip is used, and every division of such shaft in which persons are raised or lowered, shall be provided with guides and some proper means of communicating distinct and definite signals—

Signalling.

- (a) from the bottom of the shaft, and from every entrance for the time being in work between the surface and the bottom, to the surface, and thence to the engine-room; and

(b) unless exempted, in writing, by the Minister as being impracticable in the circumstances of the case, from the engine-room and the surface to the bottom of the shaft, and to every entrance for the time being in work between the surface and the bottom of the shaft:

**Method of signalling.**

(12) (a) 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 another in the engine-room. Where knocker lines or bells are used, a code of signals prescribed by regulations shall be used. All other methods shall be subject to the approval of the inspector, and to such alterations and amendments as may from time to time be required by the Minister; and any neglect to carry out alterations or amendments so required shall be an offence against this Act:

(b) No verbal communication shall be made up or down any shaft exceeding sixty feet in depth where cages or skips are used, except through telephones or speaking tubes properly fitted and isolated in a compartment not used for hoisting:

(c) A line or other appliance approved by the inspector shall be provided in every such shaft to enable danger signals to be communicated to the engine-driver from every portion of the shaft:

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

**Ladders and footways.**

(13) In every pit or shaft exceeding thirty feet in depth in which no machinery is used for lowering or raising persons other than a whim, whip, or windlass, a proper ladder or footway shall be provided:

**Exits.**

(14) In every shaft in which machinery is used for raising men a proper ladder-way shall be provided in addition to such machinery, unless some other safe means exist for exit of men from all parts of the mine:

(15) When the usual 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:

Machinery, when the means of egress, to be kept ready for use.

(16) A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace, or, in lieu thereof, such approved indicators shall be provided as in the opinion of the inspector will efficiently provide for safety:

Clear view for engine-driver.

(17) Every machine used for lowering or raising persons shall be fitted with flanges or horns on the drum, and, if the drum is conical, with other appliances sufficient to prevent the rope from slipping:

Slipping of rope on drum.

(18) Every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, shall be fitted with an adequate brake, and with a proper indicator showing to the person who works the machine the position of the cage or load in the shaft:

Brake and indicator.

(19) No person placed in charge of or having the control of any engine or winch driven by steam, air, gas, oil, or electricity used in connection with the working of a mine shall, under any pretext whatever, unless relieved by a competent person, absent himself or cease to have effective supervision during the time such machinery is so used:

Person in charge of engine to have effective supervision.

(20) In raising or lowering men, the rate of speed shall not exceed two hundred feet per minute when the cage, skip, or bucket is within one hundred feet of the surface, nor five hundred feet per minute when it is in any other part of the shaft:

Limit of speed in raising and lowering men.

(21) No iron, timber, tools, rails, sprags, or other material, except when repairing the shaft, shall be placed on the same cage, carriage, receptacle, or platform in which men are being lowered or raised from their work:

Materials not to be raised or lowered on the same cage as men.

(22) All machinery, whether above or below ground shall be kept in good order and condition:

Machinery to be kept in good order.

(23) Every brace or pit-bank shall be properly covered to protect the workmen from the inclemency of the weather:

Braces to be sheltered from weather.

Limit of age  
for landers  
and brace-  
men.

(24) No person under the age of eighteen years shall be employed as lander or braced man on any mine, and the brace and all elevated tramways shall be securely fenced:

Willful dam-  
age.

(25) No person shall wilfully damage or without proper authority use, remove, or render useless any timber, fencing, casing, lining, guide, means of signalling, signal cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, or other appliance or thing provided in a mine:

Boring rods  
and safety  
lamps to be  
used where  
dangerous  
amount of  
water or gas.

(26) In every working in a mine approaching a place likely to contain a dangerous accumulation of water or gas, bore holes shall be kept in advance of the face, and at such angle from the working as may be necessary to insure safety; and no drive, gallery, or other excavation shall be made within a dangerous distance of such accumulation of water or gas until the ground has been so tested: Safety lamps shall be provided for use in all places where there is reason to suspect the presence of inflammable gas: No rise shall be allowed to approach within ten feet of any portion of a winze in which there is a dangerous accumulation of water, unless such winze is first unwatered by bailing or pumping or by means of a bore from the rise:

Manager in  
charge of a  
mine to in-  
spect.

(27) The manager, or some duly qualified person appointed by him, shall, once in each week, carefully examine the buildings and machinery used in the working of the mine and the condition of the mine itself, and shall record in writing and sign, in the record book, his opinion as to their condition and safety, and any repairs and alterations required to insure greater safety to the persons employed therein:

Shafts with  
ladders to  
have plat-  
forms.

(28) 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 in any shaft or part of a shaft sunk after the passing of this Act shall have substantial platforms at intervals of not more than thirty feet and spaces for foothold of not less than six inches. In every shaft or part of a shaft sunk before the passing of this Act

in which the ladders do not comply with the foregoing part of this rule, any parts of the ladderway which are repaired shall be altered so as to comply therewith, and all such ladderways shall be kept in a safe condition:

(29) A sufficient cover overhead securely hung on hinges shall be provided on every cage used for lowering or raising persons in every working shaft:

Cover overhead.

(30) Every cage or skip used in a shaft for raising or lowering men shall, when required by the inspector, be fitted with side catches, and with special and suitable appliances to prevent its sudden fall down the shaft, and also with a safety hook with suitable detaching appliances fixed to the poppet heads; and no safety hook shall be used that will not suspend a cage at the poppet heads when detached from the rope:

Cages used for raising and lowering men to be fitted with side catches, etc.

(31) Safety cages or safety skips shall be tested according to the requirements of the inspector, and shall not be used until provided with all such appliances as are required by him, and unless they are in good working order and condition. The mine manager, or other duly qualified person appointed by him, shall test the cages and skips at least once in every two weeks, and enter the result in the record book. All cages shall be tested from the drums with full and empty trucks:

Safety cages to be tested, etc.

(32) All safety hooks and catches shall, at least once in every month, be taken to pieces, examined, cleaned, and oiled by a competent person, who shall record the fact in the record book:

Safety hooks to be examined.

(33) A suitable light, protected from draughts of air, shall be provided in every working level, at every working plat, and at the upper entrance to every winze, shoot, or pass, while open or unfenced:

Lights in working levels etc.

(34) Ladders or other means of ascent equivalent thereto shall be provided in winzes and rises in course of construction, and while used as travelling ways to give access from the lower to the higher levels in a mine; and in sinking shafts or winzes a chain or other form of ladder shall be provided so as to insure a safe means of exit:

Ladders in winzes, etc.

Accommodation for changing.

(35) If more than four persons are employed underground in any mine, in one shift, sufficient accommodation shall be provided above ground, near the principal entrance of the mine, and not in the engine-room or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their clothes, and in no case shall men change their clothes upon a boiler:

Temporary removal of fence from shaft.

(36) When a fence has been temporarily removed from an entrance to a shaft to admit of the carrying on of ordinary mining operations, a strong horizontal bar shall be securely fixed across the entrance not less than four nor more than five feet from the floor of the brace, chamber, or drive, as the case may be:

Additional rises to be constructed if required.

(37) If required by the Minister to insure the safety or good health of the workmen employed, additional rises, chambers, drives, or other workings shall be constructed:

Waste timber to be removed.

(38) Waste timber in underground workings shall not be piled up and permitted to decay, but shall be removed as soon as practicable:

Wrong signals.

(39) No person shall give or cause to be given any wrong signal, or ride upon any cage or skip at a time when signals have informed the engine-driver that no person is so riding:

Posting up maximum number of men allowed in one cage.

(40) Notice of the maximum number of men permitted to ride at one time on a cage or skip shall be posted up and kept so posted in legible characters at the surface brace:

Trial runs in shafts.

(41) Where winding operations have been discontinued in any shaft for a period of eight hours or more, the cage or skip shall be run up or down that portion of the shaft in which persons require to ascend or descend before any persons are allowed to travel therein:

Ropes to be tested.

(42) (a) Prior to any rope being used for hauling in a shaft, a certificate shall be obtained from the manufacturer, or by means of a prescribed test, of the breaking strain thereof, and tests shall be made at the mine to prove that the rope will carry at least twice the weight which it is anticipated it will ordinarily have to carry, including the weight



of the cage or skip, of the loaded truck, and of the rope from the bottom of the shaft to the pit-head pulley:

(b) The working load shall not exceed one-eighth of the certified breaking strain of the rope when new, and whenever after testing, as provided by regulations, it is found that the breaking strain of any rope is not six times at least greater than the working load, such rope shall be condemned by the inspector:

(c) Ropes used in shafts for lowering or raising men shall be re-tested at such intervals as may be required by the inspector:

(d) Ropes used for winding shall be reshod at least every six months or at such intervals as may be required by the inspector, and he may direct portions to be cut off and tested for torsional and tensile strength by such methods as he shall approve:

(e) The result of all tests made under this rule shall be kept at the mine, and shall be signed by the person making the test and shall be entered in the record book:

(f) Proper appliances shall be kept for cleaning and oiling ropes:

(43) No chain shall be used for lowering or raising persons in any shaft, but short coupling chains may be attached to the cage or load. In such case two single link chains of uniform size shall be used to each coupling, and the two chains shall have a breaking strain not less than fifty per cent. more than the breaking strain of the rope used for winding:\*

Chains.

(44) Every winch worked by steam or compressed air which is worked underground for hauling purposes shall be provided with a proper pressure gauge to indicate to the person in charge the amount of pressure available for working it. In no case shall the steam, air, or other motive power used under-

Underground winches.

\* The Governor in Council by an order published in the *Gazette* on the 24th day of August, 1917, varied this Rule (43) by inserting the word "each" after the word "shall" in the 5th line, and by deleting the words "fifty per cent. more than the breaking strain of the rope used for winding" and inserting in place thereof "eight times the weight of the load upon them."

ground be cut off unless and until the person in charge of the generating plant on the surface has received express instructions from the drivers of the underground machinery:

Incompletely centred shaft.

(45) In every vertical shaft in which men are raised by machinery, other than machinery operated by hand labour, guides shall be provided to within not more than sixty feet from the bottom of the shaft, and there shall be provided and used efficient means and appliances for steadying the load:

Aid to injured persons.

(46) Where more than thirty men are ordinarily employed underground, ambulances or stretchers, and surgical requisites shall be kept at the mine ready for immediate use in case of accidents:

Bearers to be approved.

(47) When bearers are used at plats in shafts to support cages or skips, they shall be of a pattern approved by the inspector of mines:

Pent-houses.

(48) When any shaft is being sunk below levels therefrom which are being worked, it shall be protected below such levels by a securely constructed pent-house as provided by regulation and to the satisfaction of the inspector; and when considered necessary by the inspector further pent-houses shall be constructed in such or any shaft, and pent-houses shall forthwith be constructed in any shaft after he has given instructions to that effect:

Box method.

(49) In all vertical rises and rises at not more than an angle of thirty degrees from the vertical intended to be more than thirty feet in height above the recognised back, the box method of rising shall be adopted, and no such rise shall be constructed to a greater height except by such system:

Nothing contained in the foregoing general rules shall limit or affect the provisions of the Inspection of Machinery Act, 1904,\* so far as they are applicable to any machinery or boilers used in the working of any mine to which this Act applies, and an inspector may exercise all the powers of an inspector of machinery under that Act in respect to such machinery or boilers.

\* See now the Inspection of Machinery Act, 1921, Interpretation Act, 1918, s. 14.

Any person who contravenes or fails to comply with any general rule contained in this section shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance by any person being proved, the manager, owner, and agent shall also be deemed guilty of a like offence, unless it is proved that the manager had taken all reasonable means by publishing and, to the best of his power, enforcing the said rules in order to prevent such contravention or non-compliance.

36. If, in the opinion of the inspector, the observance of the general rules or any of them is not reasonably practicable in any particular mine, the Governor may, by notice in the *Government Gazette*, suspend, alter, or vary such rules in respect of such mine; and in the case of mines ordinarily employing not more than four persons underground the inspector may, according to the particular circumstances, himself determine which of the rules are reasonably practicable.

Governor may vary rules.

37. A printed copy of the general rules for the time being in force in every mine shall be posted in the office (if any) and on a building or board in some conspicuous place on the mine, and the same shall be maintained in a legible condition. Any person who pulls down, injures, or defaces any such printed copy of the rules shall, for every such offence, be liable to a penalty not exceeding forty shillings.

Printed copy of rules to be posted on every mine.

38. 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 this Act, the following special provisions shall apply—

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

- (1) The inspector shall, by requisition in writing addressed in general terms to the owner, agent, or 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 owner, agent, or 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, as to which such requisition shall have been given, 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, and in case of default shall be guilty of an offence against this Act: provided 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 owner, agent, or 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.
- (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 submission.
- (5) If the owner, agent, or manager 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 against this Act, 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, agent, or manager 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.

*Arbitration.*

39. Every arbitration under this Act shall be conducted according to the provisions of the Arbitration Act, 1895, applicable to a reference to two arbitrators and an umpire, subject as follows:—

- (1) The parties to the arbitration shall be deemed to be the owner, agent, or manager of the mine on the one part, and the inspector (on behalf of the Minister) of the other part.
- (2) No person shall act as arbitrator or umpire who is employed in or interested in the mine to which the arbitration relates.
- (3) Every person who is appointed an umpire shall be a practical mining engineer, or a person experienced in the working of mines, or a Judge of the Supreme Court, or a warden or resident or police magistrate; but the fact that any umpire was not duly qualified to act under this subsection shall not be a ground for upsetting any award already made and published.

*As to Employment in Mines.*

40. A person in charge of machinery used in connection with a mine, except in the case of a breakdown or other special emergency, shall not be so employed for more than eight consecutive hours, and between every two periods of employment there shall be an interval of at least four hours. The eight hours shall be exclusive of meal times, and of any time occupied in raising or exhausting steam or drawing fires in connection with the machinery in his charge.

Persons in charge of machinery not to be employed for more than eight consecutive hours.

Inspector may give permission for working longer than eight hours.

**41.** The inspector may, notwithstanding, when satisfied that there are special circumstances which necessitate the employment of such person for more than eight consecutive hours, give permission, in writing, for him to be employed for a specified number of hours in excess of such eight hours. Any such permission shall set out the reasons for which it is granted.

No workman to be employed for more than thirteen days in a fortnight.

**42.** (1) No workman shall be employed in or about a mine for more than thirteen consecutive days in any fortnight, except in cases of special emergency.

(2) Any workman accepting employment contrary to this section, and his employer, shall each be guilty of an offence against this Act.

(3) This section shall not apply to foremen, grooms, caretakers, or watchmen, nor to any person employed on Sunday solely in pumping operations.

Hours of employment below ground.

**43.** (1) No person shall be employed to work below ground in a mine, except in cases of special emergency, for more than forty-eight hours in any one week, or for a longer period than eight hours on any day.

(2) For the purposes of this section a person shall be deemed to be employed below ground from the time that he commences to descend a mine until he is relieved of his work and commences to return to the surface.

Employment of foreigners.

**44.** (1) No person shall be employed in any mine as manager, under-manager, platman, shift-boss, or engine-driver unless he is able to speak the English language readily and intelligibly, and to read it whether printed or written.

(2) No person unable to readily and intelligibly speak the English language shall be employed underground in any mine.

(3) The manager, owner, and agent shall be responsible for the strict enforcement of this and the four last preceding sections, and shall be deemed guilty of an offence against this Act if any breach thereof is committed.

(4) An inspector shall have full power to require the immediate dismissal of any person found working in a mine who does not, in his opinion, after examination in

the presence of the manager or other responsible person, comply with the requirements of this section, and any manager failing to dismiss such person on being required by the inspector so to do shall be guilty of an offence against this Act.

(5) This section shall apply to coal mines within the meaning of the Coal Mines Regulation Act, 1902-1926.

*Sunday Labour in Mines.*

45. Except as hereinafter mentioned, no person shall, directly or indirectly, employ any workman for hire or reward to do any skilled or unskilled manual labour on a Sunday, in or about any mine. Prohibition  
of labour on  
Sunday.

46. Every person who employs a workman to do work on a Sunday contrary to this Act shall be liable to a penalty not exceeding five pounds for every workman so employed; and, if the employer is the owner, agent, or manager, each of them shall be severally liable to the penalty. Penalty.

47. Section forty-five of this Act shall not apply to the employment of persons engaged— Exceptions.

- (1) In connection with smelting or roasting furnaces or ore reduction plants using cyanide or chemicals in a continuous process;
- (2) As watchmen or caretakers for the protection of property in or about a mine;
- (3) In repairing any shaft, furnace, engine, boiler, or machinery so that the same may be in working order at the close of Sunday;
- (4) In pumping or otherwise clearing a mine from water so that work may be resumed at the close of Sunday;
- (5) 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;
- (6) In doing any work necessitated by a dangerous emergency;
- (7) In doing work authorised by an inspector of mines, as hereinafter provided.

Power to in-  
spectator to  
authorise  
Sunday  
labour.

48. 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 workmen 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 ore or mineral for purposes of sale or treatment for the mineral or metal therein contained, unless the sanction of the Minister has been first obtained.

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

Application of  
ss. 45 to 48  
to coal mines.

49. The provisions of sections forty-five to forty-eight inclusive shall apply to coal mines within the meaning of the Coal Mines Regulation Act, 1902-1926.

*As to Plans of Mines.*

Plans to be  
furnished.

50. (1) If required by the inspector, the owner, agent, or manager of every mine shall keep at the office at the mine accurate plans of the workings of such mine, made from actual survey in accordance with prescribed regulations; and, at intervals of not more than six months, all additional underground workings and extensions made since the previous survey was effected shall be surveyed and delineated on the plans, and no such workings shall be filled up or allowed to fall into disrepair before they have been so surveyed and delineated.

(2) In the month of March following any such requirements the owner, agent, or manager shall furnish to the Minister certified copies of such plans, showing thereon, as far as possible, all the underground workings carried out up to the preceding thirty-first day of December; and thereafter during the month of March in every year he shall furnish to the Minister copies of plans showing such workings and extensions of workings as have been effected during the preceding twelve months.



(3) Every certified copy of such plans shall be deposited with such person at such place as the Minister may appoint, and no copy or tracing thereof shall be furnished, or information in relation thereto given, nor shall such plans be open to inspection, unless with the permission of the Minister. If any officer shall furnish any copy, tracing, or information, or allow any person to inspect any such plan, without the consent of the Minister, he shall be guilty of an offence against this Act.

(4) If, on receipt of any such plan, the Minister has reason to believe that the same is incorrect or incomplete, he may, in his discretion, cause a check survey to be made of the underground workings of the mine by a mining surveyor, and if the said plan is proved to be incorrect or incomplete in any material respect, the owner, agent, or manager shall pay the cost of such survey and all expenses incurred in connection therewith, and such costs and expenses shall be recoverable as a debt due to His Majesty.

(5) The plans shall be produced at the mine to the inspector or any other officer duly authorised by the Minister, and the manager shall, if requested, mark on such plans the progress of the workings of the mine up to the time of such production, and shall allow the inspector or such other officer to examine and take a copy thereof.

(6) If the owner, agent, or manager of any mine, after being required so to do, fails to keep a plan, or wilfully refuses to produce the same or to allow it to be examined or copied, or knowingly conceals any part of the workings of his mine, or produces a plan imperfect or incorrect within his knowledge, he shall be guilty of an offence against this Act.

51. Where any mine of which plans should be kept, under the last preceding section, is abandoned for any period exceeding seven days, the owner, agent, or manager at the time of abandonment shall, within one month thereafter, forward to the Minister an accurate plan, showing the workings of such mine up to the time of abandonment.

Where mine  
abandoned  
plans to be  
deposited  
with Minister.

Every person who fails to comply with this section shall be guilty of an offence against this Act.

*Miscellaneous.*

Employees to satisfy themselves of safety of appliances.

52. Every person employed in or about a mine shall, before commencing, and whilst at work, use ordinary and reasonable precaution to ascertain that the tubs, chains, tackle-windlass, ropes, or other appliances he uses, and the place in which he works, are not unsafe; he shall not use anything or work in a place that is unsafe, or apparently unsafe; and every such person who witnesses in or about the mine anything likely to produce danger of any kind shall forthwith report the same to the person in immediate authority over him, and it shall be the duty of such last-mentioned person forthwith to report the same to the manager, and on leaving work every person employed on a mine shall report to the man relieving him the state of that part of the works where he has been employed, and in default he shall be guilty of an offence against this Act.

Failure to report danger.

Protection of abandoned shafts.

53. (1) Every person, whether owner or not, who, after any shaft, level, drive, or excavation has become disused for mining purposes, wilfully damages, or renders it useless by the removal of any timber, fencing, casing, lining, ladder, platform, or other appliance provided in or about the same, or who removes any part of the mound or dump at the mouth of any such shaft so as to lessen or destroy its usefulness in protecting persons and animals from falling into such shaft, without the consent of the Minister, shall be guilty of an offence against this Act.

(2) The court may order any person convicted of an offence under this section to repair or replace any such timber, fencing, casing, lining, ladder, platform, mound, or dump, or other appliance damaged or removed, and in default to pay to the Minister damages to be assessed by the Court.

(3) This section shall not apply to any owner of freehold land, whereon any such shaft is situated.

Responsibility as to fencing and filling in abandoned shafts.

54. The owner, agent, and manager of every mine shall, when required by the inspector, fence or securely cover in or fill with earth or rock every abandoned or disused shaft or dangerous costean and indicate its position on the surface by a post with a notice affixed thereon, and such owner, agent, and manager respectively shall

remain personally responsible for the due carrying out of this provision until a certificate has been obtained from the inspector that the work has been properly executed, notwithstanding that in the meantime the property has been abandoned.

55. No boy under the age of sixteen years, and no female, shall be employed below ground in any mine.

No boy or female to be employed.

56. The Minister may cause the report of any inspector, or check inspector, or of any court of inquiry or other court on whom any powers are conferred by this Act, to be published at such time and in such manner as he may think fit.

Minister may publish reports.

57. (1) Subject to the terms of any award or industrial agreement under the provisions of the Industrial Arbitration Act, 1912-1935, made after the passing of this Act, the Governor may direct by notice in the *Government Gazette* that after the date of such notice the wages of all workmen employed on all mines shall be paid in two instalments in each month.

Payment of wages twice monthly.  
No. 42 of 1938, s. 2.

(2) Any manager who fails to comply with such directions shall be guilty of an offence against this Act.

58. The record book to be kept at every mine shall be kept solely for the purpose of entering therein the reports and records required by this Act, and it shall be kept in good order and condition, and all entries therein shall be written in ink.

Record book, how to be kept.

59. Any person who contravenes or does not comply with any of the provisions of this Act or any regulation made thereunder, and any person in charge of machinery or other property which is damaged or destroyed as a result of his negligence, and any person who by his negligence causes personal injury to, or endangers the safety of any person or causes risk or likelihood of damage to any machinery or other property, shall be deemed guilty of an offence against this Act.

What are offences against this Act.

60. Any person who is guilty of an offence against this Act, for which no specific penalty is herein provided, shall be liable to a penalty not exceeding, if he is the owner, agent, or manager of a mine, fifty pounds, and if he is any other person, ten pounds for each offence.

General penalty.

Proceedings  
to be taken  
by inspector.

**61.** All proceedings for offences under this Act shall be taken by the inspector or by some officer authorised by the Minister. All costs incurred by or awarded against any inspector in connection with any such proceedings shall be payable out of moneys from time to time appropriated by Parliament, and the inspector or officer shall not be personally responsible for the same.

Hearing of  
proceedings.

**62.** All proceedings taken for offences under this Act shall be heard before the warden of the goldfield or mineral field or the resident magistrate of the district in which the offence is alleged to have occurred, and the provisions of the Justices Act, 1902-1936, so far as applicable shall apply to every such proceeding as if it were a proceeding in case of a simple offence or breach of duty under that Act.

Limit of time  
for proceed-  
ings in re-  
spect of  
offences.

**63.** All informations and proceedings in respect of offences against this Act shall be commenced within six months after the offences thereby respectively charged shall have been committed.

Application of  
penalties.

**64.\*** (1) Where a penalty is imposed under this Act for any offence against this Act which has occasioned loss of life or personal injury, the court may, if it thinks fit, direct such penalty, or any portion thereof, to be paid to the person or distributed among the persons injured, or the relatives of any person whose death may have been occasioned by the act or omission constituting such offence:

Provided that—

- (a) such person or persons did not, in its opinion, commit, and were not parties to committing the offence; and
- (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 upon the act or omission constituting the offence.

(2) Nothing in this Act contained shall confer on any person a right of action which would not have accrued to him if this Act had not been passed.

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\* See Fines and Penalties Appropriation Act, 1909 (No. 4 of 1909).

65. The Governor may make regulations for all or any of the purposes following, that is to say:—

Power to  
make Regu-  
lations.

(1) Regulating the duties of inspectors and defining the districts in which they are to carry out their duties.

(2) Regulating methods of inspection of mines.

(3) Dealing with the ventilation of mines, including—

(a) The methods by which the air in mines shall be tested with regard to its adequacy in quantity, purity, temperature, and humidity.

(b) The methods by which constancy in direction of air-currents may or shall be produced in mines.

(c) The conditions under which disused portions of mines may or shall be sealed off from the ventilation system thereof, and when and in what manner they shall be ventilated.

(d) The keeping of records of the state of ventilation in all parts of mines and of plans showing the position of all air-doors and ventilating appliances and the direction of the air-currents.

(e) The conditions under which the use of mechanical appliances to assist ventilation shall be compulsory.

(f) The conditions under which tailings from cyanide or other chemical process may be used for the filling of stopes.

(g) The prevention of the escape of poisonous or deleterious gases and fumes from any chemical or metallurgical process in use on mines.

(h) The use of compressed air for ventilating purposes, especially with regard to the supply being drawn from an unvitiated source, and the prevention of vitiation in the compressor, receiver, and pipe-lines.

(i) Any other matters relating to the ventilation of mines.

- (4) Dealing with the prevention and laying of dust in mines, including—
  - (a) The use of water sprays, atomisers, and other damping appliances in working places, especially while boring.
  - (b) The use of apparatus for collecting and filtering dust and the use of respirators.
  
- (5) Dealing with the use of explosives in mines, including—
  - (a) Their storage and handling in mines.
  - (b) The removal or destruction of fumes from explosives by the use of liquid sprays or other means.
  - (c) The testing of explosives before they are permitted to be used in mines to ascertain the fumes produced therefrom.
  - (d) The time that must elapse before men return to a place where shots have been fired.
  - (e) The strength of detonators to be used with different sorts of explosives.
  - (f) The person who shall be allowed to charge and fire charges of explosives and the methods that shall be employed in doing so.
  - (g) Any other matters relating to the use of fuse and explosives in mines.
  
- (6) Dealing with the connection of workings for ventilation purposes, including—
  - (a) The sinking of winzes in mines concurrently with shaft sinking.
  - (b) The connection of adjoining mines by crosscuts and levels.
  - (c) The connection of various workings in the same mine by crosscuts, levels, winzes, and rises.
  - (d) The height to which rises may be carried and the methods to be used in rising, and the distances permissible between higher and lower levels and between air connections from one level to another.

(7) Dealing with the sanitary conditions of mines, including—

(a) The construction and position of sanitary conveniences on the surface and underground, the use of deodorants and disinfectants therewith, the number of men allowed to use each pan, the times and methods of cleaning pans and privies.

(b) The regulation of crib places underground, the disposal of waste food, and the cleaning of such places.

(c) The removal and destruction of waste timber, refuse from underground stables, and refuse of all sorts liable to vitiate the air.

(d) The removal of stagnant water underground.

(e) The provision of change-houses, their construction and material, the space to be allowed for each person, baths, washing appliances, the destruction of old clothes and drying of clothes.

(f) Examination and exclusion from mines of persons likely to be infected with ankylostomiasis, tuberculosis, or other transmissible diseases.

(g) The provision of pure water underground for drinking.

(8) Dealing with the employment of persons having charge of winding machinery, and providing for their periodical medical examination.

(9) All other matters connected with the regulation of mines and the working thereof not expressly provided for by the provisions of this Act.

Any such regulations may be made applicable generally to all mines in the State or mines within any particular district of the State, or to particular mines within any district, and they may impose a penalty for breach of any such regulation not exceeding twenty pounds.

All such regulations, when published in the *Government Gazette*, shall have full force and effect, and shall be laid before both Houses of Parliament within fourteen days of such publication if Parliament is in session, or if Parliament is not in session, then within fourteen days after the commencement of the next session.

Publication  
of Regula-  
tions.  
No. 53 of  
1915, s. 15.

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

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

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

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

Service of  
notices.

**67.** Any notice required under this Act to be delivered to or served upon the owner, agent, or manager of any mine shall be deemed to be duly delivered or served if sent by registered letter addressed to his usual or last known place of address.

#### SCHEDULE.

Date of Act.	Short Title.
59 Viet., No. 37 ..	The Mines Regulation Act, 1895.
63 Viet., No. 35 ..	The Sunday Labour in Mines Act, 1899.
63 Viet., No. 49 ..	The Mines Regulation Act Amendment Act, 1899.
4 Edw. VII., No. X11. ..	The Mines Regulation Amendment Act, 1904.



**APPENDIX.**

[*See note to interpretation of "Mining District" in section 3.*]

Mines Regulation Act, 1906.

Mining Districts.

**PROCLAMATION**

WESTERN AUSTRALIA, } TO WIT. } FRED. G. D. BEDFORD, } Governor. } [L.S.] }	By His Excellency Admiral Sir Frederick George Denham Bedford, Knight Grand Cross of the Most Honourable Order of the Bath, Governor in and over the State of Western Australia and its Dependencies, etc., etc., etc.
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IN pursuance of the provisions contained in the Mines Regulation Act, 1906, I, the said Governor, acting with the advice and consent of the Executive Council and in exercise of the powers so conferred upon me, do hereby proclaim that the undermentioned Goldfields and Mineral Fields be Mining Districts, within the meaning and for the purposes of the Mines Regulation Act, 1906, and that the Proclamation take effect as regards the Pilbara and West Pilbara Goldfields on the 1st July, 1907, and as regards the remaining Goldfields and Mineral Fields, on the 1st June, 1907:—

Pilbara, West Pilbara, Peak Hill, Murchison, Yalgoo, East Murchison, Mt. Margaret, North Coolgardie, North-East Coolgardie, Coolgardie, East Coolgardie, Yilgarn, Dundas, Phillips River, and Broad Arrow Goldfields, and the Collie, Northampton, and Greenbushes Mineral Fields.

Given under my hand and the Public Seal of the State, at Perth, this 17th day of April, 1907.

By His Excellency's Command,

H. GREGORY,  
Minister for Mines.

GOD SAVE THE KING !!!

[*Published in the "Government Gazette" the 26th day of April, 1907.*]

*Mines Regulation.*

Mines Regulation Act, 1906.

Mining District.

## PROCLAMATION

WESTERN AUSTRALIA, TO WIT. JAMES MITCHELL, Lieutenant-Governor. [L.S.]	}	By His Excellency Sir James Mitchell, K.C.M.G., Lieutenant-Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.
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Corr. No. 137/38.

IN pursuance of the provisions contained in the Mines Regulation Act, 1906, I, the said Lieutenant-Governor, with the advice and consent of the Executive Council and in exercise of the powers conferred by the said Act, do hereby proclaim all that land south of the 28° parallel of latitude in the State of Western Australia and outside the boundaries of any other Mining District proclaimed under the said Act to be a Mining District, within the meaning and for the purposes of the Mines Regulation Act, 1906, and that such Mining District shall be known as the "South-West Mining District."

This Proclamation to take effect from the 1st day of April, 1938.

Given under my hand and the Public Seal of the said State, at  
Perth, this 7th day of April, 1938.

By His Excellency's Command,

M. F. TROY,  
Acting Minister for Mines.

GOD SAVE THE KING !!!

[Published in the "Government Gazette" the 14th day of April, 1938.]