

lease, license, or other private agreement as against the owner of any such land entitled to mine for any mineral on or under such land, then if within one year after the date of the passing of the said last-mentioned Act such person makes application for a mining tenement in respect of such land or part thereof comprised in such conveyance, lease, license, or other private agreement, his application shall have priority over all others, including that of the owner of such land, and notwithstanding any neglect or refusal on the part of such owner to consent to the application.”

16 Geo. V.  
No. 30.  
THE COAL  
MINING ACT  
OF 1925.

**An Act to Consolidate and Amend the Laws with respect to Prospecting and Mining for Coal and the Regulation of Coal Mines.**

[ASSENTED TO 13TH NOVEMBER, 1925.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—  
PRELIMINARY.

PART I.—PRELIMINARY.

Short title  
and com-  
mencement  
of Act.

1. (1.) This Act may be cited as “*The Coal Mining Act of 1925*,” and shall come into operation on the first day of January, one thousand nine hundred and twenty-six, which date is hereinafter referred to as “the commencement of this Act.”

Parts of Act.

(2.) This Act is divided into Parts, as follows:—

- PART I.—PRELIMINARY;
- PART II.—COAL-MINING LICENSES AND LEASES;
- PART III.—DRAINAGE OF COAL MINES;
- PART IV.—REGULATION OF COAL MINES;
- PART V.—MISCELLANEOUS PROVISIONS.

Repeal.

2. (1.) So much of the provisions of \**“The Mining Acts, 1898 to 1921,”* and of †*“The Mines Regulation Acts, 1910 to 1916,”* and of ‡*“The Mining for Coal and Mineral*

\* 62 Vic. No. 24 and amending Acts, *supra*, pages 2178 *et seq.*

† 1 Geo. V. No. 24, 3 Geo. V. No. 5, 7 Geo. V. No. 12, *supra*, page 8077.

‡ 3 Geo. V. No. 6, *supra*, page 5675.

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PRELIMINARY.

*Oil Act of 1912*,” and \**“The Drainage of Mines Act of 1912”* as relate to prospecting and mining for coal and the regulation of coal mines is repealed.

(2.) Provided as follows :—

(i.) All lands and mining tenements which at the commencement of this Act are applied for, leased, occupied, used, or enjoyed under Part VI. of †*“The Mining Act of 1898”* or under ‡*“The Mining for Coal and Mineral Oil Act of 1912”* for the purpose of searching or mining for coal shall, as far as practicable, until the existing title thereto is determined, be dealt with under this Act and subject thereto under the provisions of the Act under which they are held respectively, which shall for that purpose be deemed to continue in force.

(ii.) All regulations and special rules applicable to any coal mine made under any of the Acts mentioned in subsection one of this section relating to matters coming within the operation of this Act, and in force at the commencement of this Act, shall (except where inconsistent with this Act) continue in force until amended or repealed by regulations or rules under this Act.

(3.) All officers appointed under the last-mentioned Acts for the purposes of any coalfield, and holding office at the commencement of this Act, shall be deemed to have been appointed under this Act.

(4.) For the purposes of §*“The Miners’ Homestead Perpetual Leases Act of 1913”* as amended by subsequent Acts, a coalfield constituted under this Act shall be a mining field. Nothing in this Act contained shall be construed so as to repeal or affect section 19A of the said Act.

(5.) Nothing in this Act contained shall be construed so as to repeal, amend, or otherwise affect any of the provisions of ||*“The Mining on Private Land Act of 1909”* Saving of 9 Edw. VII No. 15.

\* 3 Geo. V. No. 9, *supra*, page 5685.

† 62 Vic. No. 24, *supra*, page 2178.

‡ 3 Geo. V. No. 6, *supra*, page 5675.

§ 4 Geo. V. No. 14, *supra*, page 5934.

|| 9 Edw. VII. No. 15, *supra*, page 2233.

as amended by \**"The Mining Acts Amendment Act of 1925"*: Provided, however, that coal-mining leases granted in respect of private land and the coal mines upon the lands comprised in all such leases shall be subject to the provisions of this Act.

Act does not apply to petroleum, natural gas, or mineral oil.

3. This Act does not apply to petroleum occurring in a free state and which may be so obtained by borings or wells, or to natural gas or to mineral oil which may be extracted from coal, shale, or other rock by some industrial process.

Interpretation.

4. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

Agent.

"Agent"—The person or body corporate having as the attorney or representative of the owner the care direction or control of the coal mine or of any works connected therewith and of the manager;

Board of Examiners.

"Board of Examiners"—The Board of Examiners appointed under section twenty-five of the Mines Regulation Act;

Coal.

"Coal" includes stratified iron and fireclay;

Coalfield.

"Coalfield"—Any portion of Crown land constituted for the time being a coalfield under this Act;

Coal mine or mine.

"Coal mine" or "Mine"—A mine worked for coal, or a place where the products of any such mine have been or are being treated or dealt with;

Coal-mining lease.

"Coal-mining lease" or "Lease"—A lease for the purpose of mining for coal, or for purposes connected with such mining;

Coal-mining license.

"Coal-mining license" or "License"—A license granted under this Act for the purpose of searching for coal;

Crown land.

"Crown land"—All vacant land of the Crown and all land held under any tenancy or tenure whatsoever from the Crown pursuant to any Act or any regulations made thereunder in respect of which no grant of the fee-simple has been issued or lawfully contracted

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*Coal Mining Act.*PART I.—  
PRELIMINARY.

- to be issued before the commencement of this Act, and all reserves (including without limiting the generality of the term "reserve" all timber and camping reserves, and reserves for aboriginals) ;
- "Drainage area"—A coal mines drainage area Drainage area. constituted under this Act ;
- "Drainage board"—A coal mines drainage Drainage board. board constituted under this Act ;
- "Drive"—Any passage in a coal mine in any Drive. direction or at any angle whatsoever, other than a shaft ;
- "Earth"—Any rock, stone, clay, sand, soil, or Earth. mineral ;
- "Excavation"—Any cavity in a coal mine : the Excavation. term includes shafts, drives, and all passages and workings ;
- "Explosives"—Explosives within the meaning of Explosives. \*"*The Explosives Act of 1906*" or any Act amending or in substitution for that Act ;
- "Improvements"—Any house, store, stable, hut, Improve-ments. or other building or any fence, well, dam, tank, reservoir, trough, pump, or other apparatus for raising water, or any garden, plantation, or cultivation ;
- "Insolvency"—As well insolvency as liquidation Insolvency. by arrangement ;
- "Inspector"—An inspector of mines appointed Inspector. under the Mines Regulation Act or under this Act : the term includes the Chief Inspector of Coal Mines and any assistant inspector so appointed ;
- "Land Act"—†"*The Land Act of 1910*" with all Land Act. subsequent amendments thereof in force for the time being ;
- "Machinery"—Every kind of mechanical appli- Machinery. ance : the term includes boilers, air receivers, steam pipes, air pipes, electric wires, cables, belts, and ropes employed in or about a coal mine ;

\* 6 Edw. VII. No. 21, *supra*, page 749.† 1 Geo. V. No. 15, *supra*, page 8775.

Manager.	“Manager”—The person having immediate charge and direction of the mining operations of any coal mine: the term includes a mine manager appointed pursuant to this Act and any deputy appointed by an owner, agent, or manager;
Mark the land.	“Mark the land”—Mark the land applied for by firmly fixing in the ground a substantial post set in L trenches at one angle or corner of the land, and firmly fixing thereon, or in proximity thereto, a notice in the prescribed form;
Miner's homestead.	“Miner's homestead”—Land comprised in a miner's homestead lease;
Miner's homestead lease.	“Miner's homestead lease”—Any subsisting lease granted under the provisions of Part VIII. of the Mining Act and any perpetual lease granted under * <i>“The Miners' Homestead Perpetual Leases Act of 1913”</i> as amended by subsequent Acts;
Mines Regulation Act.	“Mines Regulation Act”—† <i>“The Mines Regulation Acts, 1910 to 1916”</i> and any Act and Order in Council amending the said Acts;
Mining.	“Mining” or “To mine”—To disturb, remove, cart, carry, wash, sift, or otherwise deal with any coal or with any earth for the purpose of obtaining coal;
Mining Act	“Mining Act”—‡ <i>“The Mining Act of 1898”</i> as amended by subsequent Acts;
Mining purposes.	“Mining purposes”—The purpose of searching for or obtaining coal, by any mode or method of mining, and of stacking or otherwise storing coal or any earth containing coal;
Mining tenement.	“Mining tenement”—Any land held under a coal-mining license or coal-mining lease or application therefor;
Minister.	“Minister”—The Secretary for Mines or other Minister of the Crown for the time being charged with the administration of this Act;

\* 4 Geo. V. No. 14, *supra*, page 5934.† 1 Geo. V. No. 24, 3 Geo. V. No. 5, 7 Geo. V. No. 12, *supra*, page 8077.‡ 62 Vic. No. 24, *supra*, page 2178.

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- “Owner”—Any person or body corporate, being <sup>Owner.</sup> the immediate proprietor or lessee or occupier of any coal mine or any part thereof: the term does not include a person or body corporate merely receiving a royalty, rent, or fine from a coal mine, or being merely the proprietor of a coal mine subject to any lease, grant, or license for the working thereof, or being merely the owner of the soil and not interested in the coal of the mine ;
- “Payable” as applied to coal or to a seam of coal— <sup>Payable.</sup> Coal of such quality and thickness that it can, under ordinary circumstances, be worked with profit ;
- “Pendency of an application” for a license or <sup>Pendency of an application.</sup> lease begins with the lodging of the application for the land by the applicant, and continues until the application is granted or refused or withdrawn ;
- “Plan”—A map and section, and a correct copy <sup>Plan.</sup> or tracing of any original plan as so defined ;
- “Prescribed ”—Prescribed by this Act ; <sup>Prescribed.</sup>
- “Regulations”—The regulations and forms for <sup>Regulations.</sup> the time being in force under this Act ;
- “Reserve”—Any street or road or any lands <sup>Reserve.</sup> which are for the time being set apart as a reserve for public purposes, or which for the time being are vested in the Secretary for Public Instruction in Queensland, or vested in any other corporation or person upon trust for public purposes, or which are for the time being excepted from occupation for mining purposes under the provisions of this Act or otherwise ;
- “Shaft ”—Any vertical or inclined way or opening <sup>Shaft.</sup> downwards, whether from the surface or from any underground working, which is or might be used for winding, draining, travelling, or ventilating purposes in connection with the working of a coal mine ;
- “Stock”—Any bull, cow, ox, heifer, steer, calf, <sup>Stock.</sup> horse, mare, gelding, colt, filly, ass, mule, sheep, goat, camel, or swine ;

PART I.—  
PRELIMINARY.*Coal Mining Act.*

16 GEO. V. No. 30,

This Act.	“ This Act ”—This Act and all regulations and rules made under the authority of this Act ;
Warden.	“ Warden ”—A warden appointed under the Mining Act ;
Warden's court.	“ Warden's court ”—A warden's court established under and pursuant to the Mining Act.

*Coalfields.*

Proclamation of coalfields. **5.** The Governor in Council may, by Proclamation in the *Gazette*—

- (1) Constitute any portion of Crown land to be a coalfield ;
- (2) Alter or amend the boundaries of a coalfield, or abolish such coalfield.

*Officers.*

Officers.

**6.** The Governor in Council may from time to time appoint a Chief Inspector of Coal Mines and such inspectors and officers as are deemed necessary for the administration of this Act.

PART II.—  
COAL-MINING  
LICENSES AND  
LEASES.Licenses and  
leases.

## PART II.—COAL-MINING LICENSES AND LEASES.

**7.** (1.) Subject to this Act—

- (i.) The Minister may issue coal-mining licenses ; and
- (ii.) The Governor in Council may grant coal-mining leases—

to persons, covering or comprising any Crown land within Queensland which is not excluded from license or lease under Proclamation as hereinafter provided.

So far as relates to the grant of a coal-mining lease situated upon private land as defined by \**“The Mining on Private Land Act of 1909”* as amended by †*“The Mining Acts Amendment Act of 1925,”* application therefor shall be made under the provisions of the said Act and the Governor in Council is hereby empowered to grant the same under this Act. And for this purpose a coal-mining lease shall be deemed to be a mining tenement and mineral lease.

\* 9 Edw. VII. No. 15, *supra*, page 2233.† 16 Geo. V. No. 8, *supra*, page 11354.

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(2.) The Governor in Council may from time to time by Proclamation published in the *Gazette* declare and define any area or areas of Crown land within the State which shall not be open to license or lease under this Act, and while such Proclamation remains unrevoked it shall not be lawful to grant any license covering or lease comprising any land situated within any area mentioned in such Proclamation.

Areas may  
be excluded  
from being  
open to  
license or  
lease.

8. (1.) Any person who desires to prospect Crown land for coal may make application in the prescribed form to the nearest warden for a license to occupy the Crown land described in the application, and not being of greater area than two thousand five hundred and sixty acres, for the purpose of searching thereon for coal.

Coal-mining  
licenses.

The applicant shall pay to the warden, when he lodges the application, a sum equal to one penny for every acre of the land applied for.

(2.) Upon receipt of the application, the warden shall forthwith make a report thereon to the Minister.

(3.) Upon receipt of the report, the Minister may either refuse the application, or require it to be amended, or may accept it.

(4.) Upon the acceptance of the application, or upon its being amended to the satisfaction of the Minister and accepted in its amended form, the Minister may grant to the applicant a license to occupy the land for a period of twelve months from the date of the license, and to dig and search therein for coal.

(5.) A license may be renewed by the Minister for a further period of twelve months upon payment of a sum equal to one penny for every acre of the land held under the license: provided that application for renewal shall be made before the expiration of the current license or within thirty days thereafter.

9. (1.) Every such person (herein referred to as a "licensee") shall within ninety days, or such further time as the Minister may allow, after the grant of his license commence to search for coal upon the land held under his license, and if he makes default in this respect the Minister may cancel the license.

Cancellation  
of license.

(2.) The Minister, if at any time during the currency of a license or renewed license complaint is made to him

or he has cause to believe that a licensee has not made or is not making reasonable endeavours to search for coal upon the land, may order the warden to call upon the licensee to show cause why his license should not be cancelled.

The warden shall thereupon give at least fourteen days' notice to the licensee or his agent to appear before him to show cause why the license should not be cancelled, and, having heard the case in open court, shall forward the evidence to the Minister, who, if satisfied that it is just to do so, may cancel the license.

(3.) At any time during the currency of a license or renewed license the Minister may, by notice, require the licensee to apply for the land held under license or a part thereof as a coal-mining lease; and if within fourteen days after receiving such notice the licensee does not so apply for such land or a part thereof as a lease, the Minister may cancel the license.

Coal-mining  
leases.

**10.** Subject to this Act, coal-mining leases may be granted for any or all of the undermentioned purposes, that is to say:—

- (1) For mining and for all purposes necessary to effectually carry on mining operations for coal in or on the land demised; or
- (2) For cutting and constructing thereon water-races, drains, dams, reservoirs, tramways, and roads to be used in connection with such mining; or
- (3) For erecting thereon any buildings and machinery to be used in connection with such mining; or
- (4) For pumping or raising water from any land mined for coal; or
- (5) For residence thereon in connection with any of such purposes.

Applications  
for leases.

**11.** (1.) Every application for a coal-mining lease shall be made in the prescribed form, and shall be accompanied by the prescribed survey fee when required and the first year's rent.

A lease may be granted, notwithstanding that the applicant has not complied in every respect with this Act, if its provisions have been substantially complied with.

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If the application of any person is refused, he shall be informed of the reasons for such refusal.

(2.) The area comprised in a coal-mining lease shall not exceed six hundred and forty acres. Area.

(3.) The term shall not exceed twenty-one years. Term.

(4.) The yearly rent shall be payable in advance, and shall be at the rate of one shilling per acre. Rent.

12. (1.) Every coal-mining lease shall contain the following reservations, covenants, and conditions, that is to say,— Conditions of lease.

- (i.) A reservation of all gold found in the land comprised in the lease ;
- (ii.) A covenant by the lessee, his executors, administrators, and assigns, to pay rent and royalty at the prescribed times ;
- (iii.) A covenant on the part of the lessee, his executors, administrators, and assigns, to use the land continuously and *bona fide* for the purposes for which it is demised and in accordance with the regulations ;
- (iv.) A covenant on the part of the lessee, his executors, administrators, and assigns, not to assign, underlet, or part with the possession of the land demised, or any part thereof, without the previous consent of the Minister ;
- (v.) Such other covenants, not inconsistent with this Act, as may be prescribed ;
- (vi.) A condition that for any breach of any of the covenants therein contained the Minister may either forfeit the lease or in his discretion impose upon the lessee a fine not exceeding one hundred pounds, and on non-payment of any such fine may forfeit the lease.

(2.) So far as relates to a coal-mining lease of land comprised in a reserve, residence area, or business area, or in any special lease granted under section one hundred and seventy-nine of \**“The Land Act of 1910,”* or under Coal-mining leases on reserves, &c.

\* 1 Geo. V. No. 15, *supra*, page 8775.

any similar provisions of any prior Crown Lands Act, the following provisions shall be applicable, notwithstanding any other provisions of this Act:—

- (i.) The lease shall, so far as regards any land comprised in a residence area or business area, be deemed to be of the coal mines under such land only and not of the surface of the land, but the surface may be resumed under such conditions as may be prescribed by this Act or the Regulations ;
- (ii.) The lessee shall not be entitled to disturb the surface of a reserve which is a street or road, or to do any act which will affect or disturb the beneficial enjoyment of the surface ;
- (iii.) In the case of a reserve which is not a street or road, and in the case of land comprised within a special lease as aforesaid, the lessee shall not be entitled to disturb the surface of the reserve or land or to do any act which will affect or disturb the beneficial enjoyment of the surface, except in either case with the permission of the Minister, and then only upon such part of the reserve or land and under such conditions as he may prescribe ;
- (iv.) If the lessee does any injury to the surface, or does any act affecting or disturbing the beneficial enjoyment of the surface, he shall make compensation to the persons entitled to the surface or charged with the care and management thereof, for all such damage ;
- (v.) Any claim for compensation must be made within three months after the right to make the claim has accrued ;
- (vi.) Any damages sustained by any person in respect of injury done to the surface of any reserve, residence area, or business area, or land comprised in a special lease as aforesaid, and which any other person is liable to pay, may be recovered in the warden's court.

Royalty.

**13.** In addition to the yearly rent, there shall be reserved in every coal-mining lease a royalty as follows :— During the first five years of the term, at the rate of four pence for every ton of coal raised from the land if it is situated more than one hundred miles from a seaport

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or other place of delivery, and at the rate of six pence for every ton of coal raised from the land if it is situated not more than one hundred miles from a seaport or other place of delivery; and during the remainder of the term in the first-mentioned case at the rate of eight pence, and in the second case at the rate of one shilling, for every ton of coal raised.

14. (1.) Every coal-mining lease shall, in addition to all other covenants and conditions applicable to such leases, contain a covenant and condition on the part of the lessee, his executors, administrators, and assigns, as follows:—

Labour  
covenant or  
expenditure  
covenant.

- (a) To work the land demised by not less than one man for every forty acres or fraction of forty acres during the first two years of the term, and by not less than one man for every twenty acres during the remainder of the term:

Provided that, upon the recommendation of the Minister, the Governor in Council may, in lieu of the aforesaid covenant, authorise the grant of such lease containing the covenant following, that is to say:—

During each half-year of the first two years of the term, to expend in mining operations upon the land or in work connected with and necessary for the effectual proving, development, and working of the mines in the land, such as the construction of any tramways, roads, races, or dams, or the purchase and erection of buildings, machinery, and plant, a sum of not less than one hundred pounds for every forty acres or fraction of forty acres:

And during each half-year of the remainder of the term to expend as aforesaid a sum at the rate of not less than one hundred pounds for every twenty acres or fraction of twenty acres.

And during the whole term not to remove any buildings or machinery or other improvements erected, placed, or constructed upon the land by means of the expenditure aforesaid, except by the express permission of the Minister, or except for the purpose of the necessary repair or renewal thereof.

- (b) A condition that for any breach of the aforesaid covenant, or of any of the covenants contained in the lease, the Minister may either forfeit the lease or in his discretion impose upon the lessee a fine not exceeding one hundred pounds, and on non-payment of any such fine may forfeit the lease.

Work done under a tribute agreement shall be a sufficient compliance with the labour covenant.

Any work done by the lessee himself or by any tributers shall, to the amount of the value of such work and upon the lessee satisfying the Minister as to such value, be deemed to be equivalent to the expenditure of money.

Verification  
of  
expenditure  
of money.

(2.) For the purpose of verifying the necessary expenditure of money, the lessee shall, before the thirty-first days of January and July in each year, furnish to the Minister a statutory declaration showing the amount expended during the preceding six months in mining operations on the land or in work connected with and necessary for the effectual proving, development, and working of the mines in the land.

If he neglects or refuses to furnish such declaration, he shall, on the complaint of an inspector or other officer of the Department of Mines, be liable to a penalty not exceeding ten pounds for the first offence, and not exceeding fifty pounds for any subsequent offence.

If the lessee is a company, or if the lessee does not reside in Queensland, then the manager or agent for the owner shall furnish such statutory declaration. But in case of a conviction of such manager or agent a warrant of distress shall be enforced against the assets of the lessee, and not against the individual assets of such manager or agent; and such manager or agent shall not be liable to imprisonment for the non-payment thereof.

Exemption  
by the  
Minister.

**15.** Total or partial exemption from the covenants contained in any coal-mining lease as to the employment of labour or the expenditure of money may be granted by the Minister on such conditions as he may see fit to impose.

Exemption  
as of right.

**16.** If at any time the lessee satisfies the Minister that his leasehold has not been worked at a profit during the last preceding period of six months, and that he has

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at any time expended more money in connection with the land than the amount prescribed to be expended under the covenant relating to the expenditure of money, he shall, for each amount of excess expenditure as is equal to twice the prescribed maximum half-yearly expenditure, be entitled to exemption for six months from the observance of the said covenant :

Provided that—

- (a) No exemption under this section shall be granted in respect of expenditure incurred prior to the date of any expired period of exemption granted under this section ; and
- (b) The aggregate of the periods, whether consecutive or otherwise, during the term for which such exemption may be granted shall not exceed three years.

17. Notwithstanding anything in this Act or in any other Act to the contrary contained, no license or lease shall be granted or held under this Act to or by any company which is not incorporated or registered in Queensland under the provisions of some public or private Act relating to the incorporation or registration of companies, or whereof the incorporation is not otherwise recognised by some public or private Act.

Disqualifica-  
tion of  
certain  
companies.

18. (1.) Every applicant for a license or lease shall, within two days or such further time as the warden may allow after his application has been lodged, mark the land applied for :

Provisions  
as to  
applications  
for licenses  
or leases.

Provided that the applicant may mark the land before lodging his application.

The application shall be accompanied by a description and plan of the land sufficient to identify it.

The shape of the land applied for shall, as nearly as circumstances permit, be that of a rectangular parallelogram, of which the length shall not exceed twice the width. But when, owing to the position of adjoining boundaries or natural features, rectangular areas are not available, intervening or irregularly shaped pieces of land may be applied for.

Applications shall take priority according to the time of lodging.

But if two or more applications for the same land or comprising in part the same land are duly lodged at the

same time, the warden shall decide by lot which of those applications shall be deemed to have been first lodged :

Preferent  
right of  
licensee to  
lease.

(2.) Provided always that the application of a licensee for a lease in respect of any portion of the land comprised in his license shall have priority over the application of any other person for the same land, if the licensee proves to the satisfaction of the Minister that the conditions of his license have been fulfilled so far as the time which has elapsed has permitted.

Land  
applied for  
protected  
against other  
persons.

**19.** The entry upon, occupation of, or interference with any land during the pendency of an application for a license or lease thereof by any person who has not, prior to such application, been in the lawful occupation of such land, shall, unless such entry, occupation, or interference is authorised by the Governor in Council or the Minister or by this Act, be deemed a trespass.

The applicant for the license or lease may proceed in the warden's court for such trespass, and for damages in respect thereof, and for the recovery of any coal taken by the trespasser from the land or the value thereof ; but any coal, or the value thereof, so recovered shall be held by the warden pending the application for the license or lease, and if the license or lease is refused may be claimed by the Minister on behalf of His Majesty :

Provided that no applicant shall succeed under such procedure who fails to prove to the satisfaction of the court that he has complied with the provisions of this Act, so far as such provisions at the time of such entry, occupation, or interference were capable of being complied with.

Occupation  
on approval  
of  
application.

**20.** When an application for a license or lease has been approved, notice of such approval shall be given to the applicant, and upon the receipt thereof he shall be at liberty to enter upon and occupy the land for the purpose for which the license or lease is to be granted ; and from the date of such notice he shall be deemed to hold the land as the licensee or lessee thereof, under and subject to the conditions applicable to such license or lease :

Provided that any application for a lease approved before the land comprised in the application has been surveyed shall be deemed to be approved subject to the land being found to be available after the survey has been made.

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21. Every license or lease shall be deemed to have been granted subject to the following conditions, but nothing herein contained shall be construed to derogate from the provisions of subsection two of section twelve of this Act with respect to coal-mining leases to which those provisions are applicable :—

Conditions  
of license  
or lease.

(1.) The surface of the land and all water and water-courses shall be reserved, and the licensee or lessee, subject to the regulations, shall not be deemed to be in possession of such surface except of an area not exceeding one hundred acres in the aggregate, which is required for purposes connected with the mining operations upon the land, or for the construction of any tramway to be used in connection with such mining operations: Provided that every such area shall be enclosed by a substantial fence, and shall be kept free from prickly-pear and other noxious weeds and plants.

Surface.

The licensee or lessee may nevertheless take or divert water from any natural spring, lake, pool, or watercourse situated on or flowing through the land, and may use such water for any purpose necessary or incidental to the *bona fide* occupation of the land under the license or lease by himself or persons employed by him.

(2.) All timber growing upon the land shall be reserved.

Timber.

The licensee or lessee may nevertheless cut and use any such timber required by him for constructing any tramway as aforesaid, or for pit wood, or for buildings or firewood or other necessary purposes.

(3.) The licensee or lessee shall be entitled to depas- ture upon the land any stock used by him in connection with the mining operations upon the land, or kept for his own use or the use of persons employed by him in and about such mining operations.

Stock.

(4.) Notwithstanding the license or lease, or the pendency of any application therefor, the land may be mined upon for gold or minerals other than coal, and may be dealt with under the laws in force relating to mining for gold or such other minerals.

Mining for  
other  
minerals.

But any person mining for gold or such other minerals shall not interfere with the workings of the licensee or lessee in actual use, or with any tramway, building, machinery, or plant used in connection with such workings, and shall not be entitled to acquire any mining

tenement upon the land except at such distance from such workings or from any such tramway, building, machinery, or plant as may be determined by the warden's court, and its decision with respect to all matters arising under this provision shall be final and without appeal.

Residence  
areas.

(5.) Notwithstanding the license or lease, any person who is the holder of a miner's right under the Mining Act and is employed by the licensee or lessee shall be entitled to occupy on that part of the surface of the land comprised in the license or lease which is not deemed to be in possession of the licensee or lessee an area not exceeding one acre in extent as a residence area in accordance with the provisions of the Mining Act.

This subsection shall not apply to any land comprised in a coal-mining lease to which the provisions of subsection two of section twelve of this Act are applicable.

Power to  
amend  
description  
of lands  
comprised in  
lease.

22. If after the issue of any coal-mining lease it is found, on survey or by mutual consent of the parties interested, that the description of the lands therein contained does not describe with sufficient accuracy the lands intended to be therein comprised, the Governor in Council may, by Proclamation, describe the land intended to have been comprised in such lease.

And in every such case the land so described as last aforesaid shall be taken to be the land described in such lease and to have been leased thereby.

Amalgama-  
tion of  
leases.

23. Two or more coal-mining leases, the property of the same lessee and the aggregate area of which does not exceed twelve hundred and eighty acres, may, in the discretion of the Minister, be amalgamated.

The amalgamation of such leases shall, however, extend only to the covenant for labour or expenditure of money, and the labour to be employed or the money to be expended on the aggregate area shall, unless exemption or partial exemption is granted, be not less than the sum of the labour or expenditure, as the case may be, prescribed in respect of each separate lease.

Transfer of  
leases.

24. Subject to this Act a lease or an application for the same, or any interest therein, may be transferred, assigned, sublet, or encumbered in manner prescribed, on payment of the prescribed fee, which shall be any sum

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not exceeding one pound in addition to the fee payable to the Treasurer under the laws in force for the time being relating to stamp duties.

**25.** All mining tenements shall, on the death or insolvency of the holder or holders thereof, devolve on his or their personal representative or representatives or assignee or trustee in insolvency, and shall be liable to seizure and sale under any execution issued from the Supreme Court, magistrates court, warden's court, or any other competent court. The proper officer appointed to sell the same shall have full power to give an effectual transfer of the interest sold by him.

Devolution  
of mining  
tenements.

**26.** A lease may be surrendered at any time, provided that at the time of the surrender the conditions thereof on the part of the lessee have been fulfilled as far as the time which may have elapsed permits and that all payments due in respect thereof up to date have been made.

Surrender of  
leases.

**27.** In case any lease is or is liable to be forfeited or determined by any breach of condition or otherwise, or in case the term thereby granted has expired, possession of the land demised shall and may be taken on behalf of His Majesty immediately and without suit or process of any kind by posting a notice in the prescribed form outside the warden's or mining registrar's office; and a certificate purporting to be signed by the Under Secretary or chief clerk of the Department of Mines, or a warden or mining registrar, that such notice has been duly posted, shall be sufficient proof in every court of justice, and for all purposes, of that fact and of the due taking possession of the land.

Recovery of  
possession of  
leases.

**28.** So much of the provisions of Part IX. of the Mining Act comprised in sections one hundred to one hundred and fifty-three thereof both inclusive as are in force at the commencement of this Act and as can be applied, shall apply to and within coalfields and to and in respect of mining tenements and to coal mining and to coal.

Application  
of Part IX.  
of the  
Mining Act.

For the purposes of the said Part IX. of the Mining Act every coalfield shall be deemed to be a mineral field, and the expression "mining" shall include coal mining, and the expression "mining tenement" shall

include a mining tenement held under coal-mining license or coal-mining lease, and the expression "mineral" shall include "coal."

Unauthorised  
miners may  
be ejected.

**29.** (1.) Any person who—

(i.) Not being the holder of a license or lease or the employee of the licensee or lessee is found working for coal on Crown land; or

Proceeding  
and penalty  
for mining  
or removing  
coal  
without  
authority.

(ii.) Is found working for coal or taking or removing coal from the land comprised in the license or lease of any other person or from the land comprised in any application by any other person for such license or lease without permission of such other person—

may be forcibly ejected by a warden, police officer, Crown lands ranger, or any other person authorised by the Minister; and shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way before two justices.

Removing  
coal, &c.,  
from land  
larceny.

(2.) Any person who takes or removes coal from the land comprised in the license or lease of any other person or from the land comprised in any application by any other person for such license or lease of any other person without permission of such other person shall be deemed to have stolen the same; and any person receiving the same with knowledge of such facts shall be deemed to have received the same knowing it to have been stolen.

Fees,  
penalties,  
&c., how  
recoverable  
and applied.

**30.** All fees, charges, and sums of money which shall or may be imposed or made payable, and all penalties incurred under this Act, for which no other mode of recovery is provided, may be recovered, carried out, or enforced by any warden in the manner in which justices of the peace are now by law authorised to enforce any order or award made in any court of petty sessions.

Returns.

**31.** The owner or manager of every mine worked for coal, under whatever tenure such mine may be held and whether under this Act or not, shall, not later than the fourth day of each month in each year, forward to the Minister a return in the prescribed form showing the amount of coal obtained from such mine during the last preceding month, and the value thereof, and such

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other particulars as to the operations of the mine as may be prescribed, and pay the amount, if any, due as royalty.

If the amount of royalty due is not paid within fourteen days after such amount has been ascertained, any officer appointed for that purpose by the Minister may seize and take possession, on behalf of His Majesty, of any coal obtained from such mine, and the coal-mining lease (if any) of such mine may be forfeited.

Any manager who neglects or refuses to furnish any return as hereinbefore required, or who wilfully makes a false return, shall be liable to a penalty not exceeding fifty pounds.

**32.** The lessee or owner or manager of a coal mine shall keep proper books and accounts, from which may be ascertained the expenditure of money in pursuance of the covenant in his lease in that respect, and the amount of royalty (if any) payable in respect of the coal obtained from his mine, and also the correctness of any return, and, when required to do so, shall produce such books and accounts to any officer authorised by the Minister to examine them. Inspection of books, &c. .

Any person who impedes or obstructs any such officer in the performance of his duty under this section shall be liable to a penalty not exceeding fifty pounds.

**33.** Notwithstanding anything in the Lands Act to the contrary contained, no Crown land situated on a coalfield shall be leased, conveyed, granted, or disposed of under the provisions of that Act without the approval of the Secretary for Mines or other Minister for the time being charged with the administration of this Act. Leases, &c., to be approved by Minister.

## PART III.—DRAINAGE OF COAL MINES.

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DRAINAGE OF  
COAL MINES.  
Constitution of drainage  
areas.

**34.** If it is made to appear to the Governor in Council—

- (a) That any coal mines within a specified area are so situated as to be liable to any influx of water, whether by flood water or the discharge or flow of water accumulated in any coal mine or other place, or by the percolation of water from any source, or in any direction, or in any other manner whatever, and whether from above or below ground; and

(b) That, in order to prevent injury to or hindrance to the operations or increase to the costs of any coal mine or mines within such area from such influx, it is desirable that common action should be taken by and at the joint expense of the owners of the coal mines within such area—

the Governor in Council may, by Proclamation, constitute such area a coal mines drainage area.

He may, by like Proclamation, abolish any coal mines drainage area or amend the boundaries thereof.

Coal mines  
drainage  
board.

**35.** For every coal mines drainage area there shall be a coal mines drainage board.

Such board shall be elected by the owners of the coal mines within the drainage area, and shall consist of so many members as may be directed by the Governor in Council, from time to time, by Proclamation.

At each election of a member or members of the board each owner of a mine shall have one vote.

When a joint stock company or several persons are the owners of a coal mine, the directors of the company or such persons shall from time to time appoint some person to vote on behalf of such owners respectively at elections of members of the drainage board.

When a person, joint stock company, or several persons is or are the owner or owners of several coal mines, such person shall have a vote for each of his mines, and the person appointed by such company or several persons shall have a vote for each mine owned by such company or persons :

Provided that all ground which is worked together as one mining property shall for the purposes of this section be deemed to be one coal mine.

Failure to  
elect board.

**36.** If within three months after a drainage area is constituted the owners or a majority of the owners of the coal mines therein fail to elect members of the drainage board for such area, the Governor in Council may appoint a drainage board therefor, and the members so appointed shall be deemed to have been duly elected under this Act.

Corporation.

**37.** Every drainage board shall be a body corporate by the corporate name assigned to it by the Governor in Council, and shall have perpetual succession and a

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common seal, and shall be capable in law of suing and being sued, and shall have the power to purchase machinery and materials for raising or draining water, or constructing dams, barriers, pumping-engines, and other drainage works for preventing the influx of water into coal mines within the drainage area, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

For all the purposes of this Act a drainage board may, on its own initiative or after default of any owner of a coal mine, construct, provide, or arrange for in any manner, and maintain and carry on any necessary works and appliances in or in connection with any coal mine, or on or in any place within the drainage area.

**38.** (1.) For preventing the influx of water into coal mines within the drainage area, a drainage board may require any owner of a coal mine within the drainage area—

Board may  
require  
drainage  
works.

- (a) To raise or drain water from such mine continuously or otherwise with any machinery already erected or that may thereafter be erected upon his mine, and to use such machinery for raising or draining such water in such manner as the drainage board considers necessary ; or
- (b) To construct, maintain, or repair upon his mine any dam, barrier, pumping-engine, or other works, plant, or appliances which the drainage board considers necessary.

(2.) If such owner does not forthwith comply with the requirement of the drainage board or at any time makes default in such compliance, or if such owner cannot be found, the drainage board may, by its officers, agents, servants, and workmen, enter upon the mine and proceed to raise or drain water therefrom, and from time to time construct, maintain, and repair such works, plant, or appliances, and do such things as appear to it necessary.

**39.** (1.) The cost of raising or draining water as aforesaid and of the construction, maintenance, or repair of any works, plant, or appliances pursuant to the last preceding section, and any other expenses necessarily incurred by the drainage board in carrying out this Act,

Contribution  
of cost of  
works.

shall be borne by the owners of the coal mines within the drainage area ; and the total amount of such cost and other expenses shall be contributed by them respectively in proportion to the benefit derived from the raising or draining of the water, or from the construction, maintenance, or repair of the works, plant, or appliances.

(2.) The amount of such cost and other expenses shall be determined, and the contribution payable by each owner under this section shall be assessed and apportioned, by the drainage board.

Each owner liable to contribute shall receive credit for the value of any work which he has performed in assisting to raise or drain water ; but if the whole or any portion of the water raised or drained by such owner is used or sold by him, the value of such water so used or sold shall be determined by the drainage board and deducted from such credit.

Appeal  
against  
assessment

**40.** Any person who thinks himself aggrieved by the drainage board's assessment may, within one month after notice of the amount of contribution payable by him and of the amount of credit (if any) allowed him for assisting to raise or drain water, appeal to the warden.

The warden shall hear the matter after notice to all other parties liable or alleged to be liable to contribute.

The warden may alter the drainage board's assessment and determine the amount of the contribution payable by such person.

The decision of the warden with respect to such contribution shall be final and conclusive in all respects, and shall not be set aside, reversed, altered, or varied by or questioned in any court upon any ground whatsoever.

Contribution  
due is a  
debt.

**41.** (1.) The contribution payable by each owner shall be a debt due to the drainage board by the owner, and if not paid shall be recoverable by such board by proceedings in the warden's court or in any other court of competent jurisdiction.

Contribution  
from  
successors in  
interest.

(2.) When the contribution is payable by any owner, it shall, in case of default by such owner, be payable by any other person or body of persons to whom or to which such owner's interest in the mine comes by operation of law.

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(3.) Subject to prior encumbrances, the amount of every such contribution shall, after notification thereof by the drainage board to the warden, be a charge upon the coal mine and upon all plant, machinery, and effects the property of such owner or of any such person or body and used in connection with the mine; and such charge may be enforced by order of the warden for the sale of the mine, plant, machinery, and effects:

Contribution  
a charge on  
the mine.

Provided that no liability in respect of any such contribution shall attach to the Crown.

42. A drainage board may make rules prescribing the manner of assessing the contribution payable by each owner.

Rules as to  
contribution.

Such rules shall be published by such board in such manner as it thinks fit, and be available to all persons liable to contribute, and shall not be altered except by a majority of all the members of such board.

43. Where the operations of efficient machinery or appliances which are employed in raising or draining water from a coal mine are beneficial to another coal mine or other coal mines, or are rendered more onerous by reason of the influx of water from another coal mine or other coal mines, the owner of the machinery or appliances shall be entitled to receive contribution towards the working expenses of raising or draining water from the first-mentioned coal mine from the owner or owners of such other coal mine or coal mines.

Contribution  
by owners  
of mines  
towards  
expense of  
raising  
water by  
machinery.

The amount of such contribution shall be in proportion to the benefit conferred upon the last-mentioned mine or mines, or the amount of burden imposed by it or them, as the case may be, and may be recovered by action in the warden's court or in any other court of competent jurisdiction.

If the owner of such machinery or appliances who has claimed and received such contribution desires to discontinue such operations, he shall give at least three months' notice to all contributors, and also, if a drainage board has been constituted, to such board; and, if such owner discontinues such operations without giving such notice, or, if a drainage board has been constituted, without the express permission of such board, he shall be liable to damages for any injury which any contributor sustains in consequence of the discontinuance:

Notice of  
discontinu-  
ance by  
owner of  
machine.

Provided that such owner shall not be liable for any damages on account of the discontinuance of operations, if such discontinuance was caused by accidental injury to machinery or any other cause over which he had no control, and if due diligence was exercised in repairing such injury to machinery (if any).

For the purposes of this section, the expression "owner of the machinery or appliances" includes a mortgagee and any person in possession of or using such machinery or appliances, whether engaged in mining or in mining in conjunction with drainage or in drainage works only.

Compulsory  
bailing.

**44.** The owner of a coal mine in which water has accumulated to the injury or probable injury of any adjoining coal mine shall, upon a service of a notice calling upon him so to do by the party injured or likely to be injured or his agent, bail his mine or in some other manner effectually remedy the injury.

Or the party injured or likely to be injured may lodge a plaint in the warden's court, and the court may order the owner of such mine to bail the same and keep it continuously free from any injurious accumulation of water.

The court may also determine the amount of injury suffered from such accumulation of water by any person complaining, and order the owner of such mine causing the injury to pay the amount thereof.

Application  
of two last  
sections.

**45.** The provisions of the two last preceding sections apply to all coal mines whatsoever, whether situated within a drainage area or not, and whether situated upon Crown land or upon private land or elsewhere, and upon whatsoever tenure any such mine is held.

Plans to be  
provided.

**46.** Every drainage board shall provide and maintain plans of the drainage area, showing the positions of all dams, flood gates, and other works constructed by the board.

All known natural features likely to influence or permit of the flow or percolation of water, and all connections between coal mines, shall be clearly shown thereon.

All depths and levels marked on such plans shall refer to a common datum.

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In the event of an appeal from the drainage board's assessment to the warden's court, the said plans shall be produced for its information if it so requires.

A copy of such plans shall be lodged with the warden, and shall be available for public inspection.

47. When the holder of a coal-mining lease fails to pay the amount of any contribution which he is lawfully ordered to pay under this Act, the Governor in Council may declare the lease to be forfeited, and the same shall be forfeited accordingly.

Enforcement  
of payment  
by  
forfeiture.

48. No forfeiture, surrender, or abandonment of a coal mine, whether situated upon Crown land or upon private land or elsewhere and under whatsoever tenure held or formerly held, shall operate as a release or discharge of any debt due to the drainage board which had been incurred under this Act or otherwise at the time of such forfeiture, surrender, or abandonment.

Forfeiture,  
&c., not to  
affect debt  
to Board.

## PART IV.—REGULATION OF COAL MINES.

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49. This Part of this Act shall extend and apply to every coal mine, whether situated upon Crown land or upon private land or elsewhere and under whatsoever tenure held.

Application  
of this Part.

50. (1.) Every coal mine while being worked shall be under a manager, who shall be responsible for the control, management, and direction of the mine.

Appoint-  
ment of  
manager.

The owner or agent of every coal mine shall appoint himself or some other person to be manager of such mine, and shall within fourteen days after such appointment send written notice to the warden of the manager's name and address. He shall also give notice of any change of manager within three days after such change.

In every case where and so long as a coal mine is worked without a manager, the owner or agent of the mine shall be answerable for all the obligations of the manager under this Act.

Except as is hereinafter provided, a contractor for getting coal in any mine or any portion of a mine shall not be appointed to the post of manager of that mine or any portion thereof.

(2.) The warden shall record in a register to be kept at his office the names and addresses of all managers of coal mines in his district.

(3.) On receipt of every notice under this section, the warden shall cause particulars thereof to be forwarded to the inspector.

(4.) The owner or agent (not being the registered manager) or any general manager superintendent engineer or other person appointed by such owner or agent to a position of control or authority over the manager shall not exercise such control or authority in any way whatever to prevent hamper or hinder the manager from observing or enforcing the observance of the provisions of this Act; and any such owner or agent general manager superintendent engineer or other person may be proceeded against for any non-compliance with any of the provisions of this Act by the manager or any person, and shall each be guilty of an offence unless such owner or agent general manager superintendent or other person proves that he has not exercised control or authority so as to prevent hamper or hinder the manager as aforesaid.

Certificated  
managers.

**51.** (1.) Subject to the provisions hereinafter mentioned, no person shall be qualified to be a manager unless he holds a certificate as a mine manager granted under this Act.

(2.) If after the commencement of this Act any coal mine is worked for more than fourteen days without such a certificated manager, 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 ten pounds for each day during which such mine is so worked.

(3.) Provided that if for any reasonable cause there is for the time being no certificated manager available, the owner or agent shall, or, if the manager of the mine is incapacitated from performing his duties or is about to be absent for more than three days, he or the owner or agent shall appoint some competent person, not necessarily the holder of a mine manager's certificate, to be deputy manager until a certificated manager is obtainable or during such incapacity or absence; and the owner, agent, or manager shall forthwith notify such appointment, and the reason therefor, to the warden and inspector.

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The person so appointed shall be subject to the same obligations and liabilities as the manager.

But no such appointment shall, except with the permission of the inspector, be for a longer period than two weeks, nor, except with the approval of the Minister, for a longer period than one month; and no uncertificated person shall be appointed deputy manager under this subsection if the holder of a first-class or second-class mine manager's certificate is available to be so appointed.

(4.) All coal mines in which not more than twenty persons are ordinarily employed below ground shall be exempted from this section, unless the Minister in any particular case or class of cases directs that such mine or mines shall be subject to this section notwithstanding that the number of men ordinarily so employed is not more than twenty; in such event this exemption shall not extend to such mine or class of mines, and the manager to be appointed shall hold a first-class or a second-class certificate or a permit from the Board of Examiners as the Minister directs; such permit, which may be issued on such conditions as the Board thinks fit, shall be deemed to be a certificate for the purposes of this section, and shall remain in force for twelve months, but may be renewed at the option of the Board.

(5.) For the purposes of this section "coal mine" means a place where any operation for the purpose of obtaining coal has been or is being carried on, but not a place where the products of any such place have been or are being treated or dealt with.

**52.** No person shall be appointed manager of more than one coal mine unless by the special written permission of the Minister.

Working more than one mine under one manager.

**53.** Within fourteen days after mining operations in a coal mine are commenced, discontinued, recommenced, or abandoned, notice of the fact shall be given by the owner, agent, or manager to the warden or inspector.

Notice of commencement, discontinuance and abandonment.

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

Manager to enforce Act.

(2.) As soon as practicable after the occurrence of any breach of this Act that has come to his knowledge, he shall report the same in writing to the inspector,

warden, mining registrar, or Minister, whether the same has been committed by any person employed in or about the mine, or by a contractor or tributer working therein or his men, or by any other person.

Deputies.

**55. (1.)** For every coal mine there shall be appointed by the manager in writing one or more competent persons (hereinafter referred to as deputies) to make such inspections and carry out such other duties, as to the presence of gas, ventilation, state of roof and sides, and general safety (including the checking and recording of the number of persons under his charge) as are required by this Act and the rules of the mine.

(2.) A deputy shall be required to devote his whole time to such duties as aforesaid (hereinafter referred to as his statutory duties), but this provision shall not apply in the case of a deputy in—

- (a) Any mine in which the total number of persons employed below ground at one time does not exceed twenty; or
- (b) Any mine exempted by the Minister on the recommendation of an inspector on the ground of the special circumstances of the mine;

and nothing in this provision shall prevent any deputy in any mine being employed in the firing of shots and erection of brattices in his district: Provided that any duties assigned to or undertaken by the deputy in addition to his statutory duties shall not be such as to prevent him carrying out his statutory duties in a thorough manner; and if any question arises whether any additional duties are such as to prevent him carrying out his statutory duties in a thorough manner, that question shall be decided by the inspector.

(3.) The district of a mine assigned to a deputy shall not be of such a size as would prevent him from carrying out in a thorough manner all his statutory duties.

(4.) A person shall not be qualified to be appointed a deputy in any mine unless he holds a deputy's certificate granted under this Act, nor unless he has within the last preceding five years obtained from a legally qualified medical practitioner a certificate to the effect that his eyesight is such as to enable him to make accurate tests for inflammable gas and that his hearing is normal.

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The said certificate as to the eyesight and hearing of a deputy employed in a mine shall, whilst he is so employed, be kept at the office of the mine, and shall, whenever a request in that behalf is made by an inspector, be produced for his inspection.

(5.) A deputy shall not be dismissed for reporting in the record book any dangerous condition in a mine or the presence of inflammable or noxious gas.

Any owner, agent, or manager so doing shall be guilty of an offence against this Act.

**56.** If it is made to appear to the Governor in Council that it is necessary that persons acting as mine electricians in or about a coal mine where the output of the generating plant exceeds thirty kilowatts, or so acting in any place in a coal mine where naked lights are prohibited notwithstanding that the output of the generating plant is less than thirty kilowatts, should hold certificates under this Act as mine electricians, the Governor in Council may prescribe the coal mines or districts in which the holding of certificates as mine electricians shall be compulsory.

**57. (1.)** The Board of Examiners shall have power to grant the following certificates and licenses after examination—namely, Classes of certificates.

- First-class mine manager's certificates ;
- Second-class mine manager's certificates ;
- Deputy's certificates ;
- Winding licenses ;
- Certificates as mine electricians.

The rules set forth in the Third Schedule to this Act shall apply to the granting, suspension, and cancellation of certificates, and shall be observed by the Board and all persons concerned. But such rules shall not be construed to prevent or limit the making of further or other rules under this Act for the purpose of giving full effect thereto. Rules relating thereto. Schedule III.

(2.) A first-class mine manager's certificate shall entitle the holder thereof to be manager of or to assist the manager in any coal mine ; and the holder of such certificate shall be designated therein as a mine manager. Status of certificates.

(3.) A second-class mine manager's certificate shall entitle the holder thereof to assist the manager in any

coal mine; and the holder of such certificate shall be designated therein as an underground foreman.

(4.) A deputy's certificate shall entitle the holder to act as deputy in any coal mine.

(5.) A winding license shall entitle the holder thereof to operate or drive the winding machinery by means whereof persons or materials are drawn up, down, or along any shaft, pit, or inclined plane or level in any coal mine.

Winding licenses shall apply to such class or classes of winding machinery as are respectively specified in such licenses.

Winding licenses may be suspended or cancelled on the grounds and in the manner prescribed.

No winding license in respect of any machinery to which \**"The Inspection of Machinery Act of 1915"* applies shall be granted to any person who does not hold a certificate under that Act entitling him to take and have charge of such machinery; but every extra first-class engine-driver's certificate and winding-engine driver's certificate granted under that Act, and subsisting at the commencement of this Act, shall have the force and effect of a winding license granted under this Act and shall be subject in all respects to this Act.

(6.) For the purposes of this subsection "coal mine" means a place where any operation for the purpose of obtaining coal has been or is being carried on, but not a place where the products of any such place have been or are being treated, or otherwise dealt with.

Obtaining  
certificate  
improperly.

**58.** (1.) Any person who obtains or attempts to obtain a certificate under this Act by fraud shall be liable to a penalty not exceeding twenty pounds.

(2.) Every such certificate improperly obtained, whether obtained before or after the commencement of this Act, may be cancelled by the Board of Examiners; and the holder thereof shall, when called upon by the Board, return such certificate.

(3.) Every person who uses any such certificate after notice by the Board that the same has been cancelled shall be liable to a penalty not exceeding twenty pounds.

\* 6 Geo. V. No. 24, *supra*, page 6859.

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**59.** (1.) In every coal mine daily personal supervision of all working parts of the mine shall be exercised either by the manager or by a competent person appointed by the owner, agent, or manager. Daily supervision.

If the Minister is of opinion, owing to the extent of the underground workings or for other reasons, that the duties required by this section cannot be exercised adequately for the purposes of this Act by one manager alone, the Minister may direct that a competent person shall be appointed to assist the manager in the supervision and control of the underground works.

(2.) The person appointed to assist the manager in the supervision and control of the underground works, who may be designated underground foreman, under manager, or overman, shall, if more than twenty men are ordinarily employed below ground, be the holder of a first-class or second-class certificate under this Act.

Written notice of such appointment shall, within fourteen days after such appointment, be sent by the owner, agent, or manager to the warden, who shall record such appointment in the register to be kept at his office in accordance with this Act, and cause particulars of such appointment to be forwarded to the inspector.

The person appointed as aforesaid shall, in the absence of the manager at any time, and unless and until some other person is appointed to be deputy manager during such absence as hereinbefore provided, be subject to the same obligations and liabilities as the manager.

But the appointment of such a person to assist the manager shall not affect the personal responsibilities of the manager under this Act.

**60.** The manager shall every week make an inspection of the coal mine, and at least once every month as far as is practicable make an inspection of all waste and abandoned workings, and shall record in the record book the result of each such inspection and his opinion as to any precautions, repairs, or alterations required to ensure greater safety to the persons working in or on the mine. Manager to inspect.

**61.** If at any time it is found by the person for the time being in charge of a coal mine or any part thereof, or by the inspector, that by reason of any cause whatever the mine or that part is dangerous, every workman shall forthwith be withdrawn from the mine or part so found Withdrawal of workmen in case of danger.

dangerous; and a deputy or a competent person or persons, appointed for the purpose by the owner, agent, or manager, shall inspect the mine or part so found dangerous, and, if the danger arises from inflammable gas, shall inspect the mine or part with a locked safety lamp, and in every case shall make a true report of the condition of the mine or part; and, except so far as is necessary for inquiring into the cause of danger or for the removal thereof or for exploration, no workman shall be readmitted into the mine or part so found dangerous until the same is stated by the person or persons appointed as aforesaid not to be dangerous.

Every such report shall be recorded in the record book, and shall be signed by the person or persons making the inspection, and a copy of such report and signatures shall be posted at the entrance to the mine.

For the purposes of this section a place, if situated in any mine or part of a mine worked with safety lamps, shall be deemed to be dangerous if the percentage of inflammable gas in the general body of the air in that place is found to be two and a-half or upwards, or, if situated in a part of a mine worked with naked lights, one and a-quarter or upwards.

If a workman discovers the presence of inflammable gas in his working place he shall immediately withdraw therefrom and inform the manager, under-manager, or deputy.

The manager shall immediately notify the inspector of any action taken under this section.

Manager's  
responsi-  
bility for  
working of  
contractors  
and  
tributers.

**62.** In every coal mine it shall be a condition of the agreement with every contractor and tributer working in the mine that the manager shall have supervision and control of all the work carried out by the contractor or tributer, and in respect of such work shall be deemed to be the manager appointed by the contractor or tributer in so far as such contractor or tributer is owner of such mine or part thereof, unless the contractor or tributer, with the consent in writing of the owner, agent, or manager from whom the contract or tribute is taken, himself appoints a manager to have charge of the said work.

The owner and the contractor or tributer shall, in writing, prescribe the part or parts of the mine in which such contractor's or tributer's manager shall have

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responsibility for the due performance of this Act, and beyond such prescribed part or parts the first-mentioned manager shall have full responsibility.

This section shall not apply where the whole of the land or coal mines comprised in a mining tenement has or have been let on tribute, and it is one of the conditions of the tribute agreement that the tributer, or some person nominated by him, shall be appointed manager.

**63.** An inspector may from time to time and as often as in his opinion is necessary— as Powers of inspector.

- (i.) Enter, inspect, and examine any coal mine and any part thereof at all times by day or night, but so as not unnecessarily to impede or obstruct the working of the mine ;
- (ii.) Make examination and inquiry to ascertain whether the provisions of this Act affecting any coal mine are complied with ;
- (iii.) Examine into and make inquiry respecting—
  - (a) The state and condition of any coal mine or any part thereof ;
  - (b) The state and condition of the machinery in or about the mine ;
  - (c) The ventilation of the mine ;
  - (d) The sufficiency of the rules and any special rules for the time being in force therein ;
  - (e) All matters and things connected with or relating to the safety or well-being of the persons employed in or about the mine or any adjacent coal mine ;
  - (f) The care and treatment of the horses and other animals used in the mine ;
- (iv.) Initiate and conduct prosecutions against persons offending against this Act ;
- (v.) Obtain written statements from witnesses and appear at inquiries held respecting mining accidents, and, if he thinks fit, call and examine and cross-examine witnesses ;
- (vi.) Exercise such other powers as are necessary for carrying this Act into effect.

Inspection  
for official  
purposes.

**64.** (1.) Any warden, Government geologist, or assistant Government geologist, with such assistants as he deems necessary, may at all reasonable times enter and inspect any coal mine for official purposes.

(2.) The Minister may at any time authorise any officer of the Department of Mines or a surveyor to enter and inspect any coal mine.

(3.) For the purpose of every such inspection, every such officer shall have all the powers and authorities conferred on inspectors by this Act.

Record book.

**65.** (1.) Every inspector shall, after an inspection made by him, forthwith enter in a book to be kept at the coal mine and called the "record book" particulars of—

- (a) The portions of the mine inspected by him ;
- (b) The nature of his inspection ;
- (c) Every defect which he observes in the state and condition of the mine and machinery ;
- (d) Any alterations or requirements he thinks necessary.

(2.) But nothing contained in or omitted from such entry shall limit or affect the duties or obligations of the owner, agent, or manager under this Act.

(3.) The record book shall be kept solely for the purpose of entering therein the records and reports required by this Act. It shall be kept in good order and condition, and in a place approved by the inspector so situated that the workmen employed in the mine may have free access to examine the records and reports ; all entries therein shall be written in ink and shall be signed by the person making the same.

(4.) The record book shall be open at all reasonable times to the examination of the inspector, and of the workmen employed in the mine, and of the miners' inspectors appointed as hereinafter provided, and of any person authorised by the Minister.

Any  
dangerous  
practice or  
omission  
shall be  
remedied.

**66.** (1.) Whenever an inspector finds at or on a coal mine or part thereof that any thing or practice connected therewith is wholly or partly dangerous or defective, or that the absence of any thing or practice threatens or tends to the bodily injury of any person,

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and the case is not elsewhere sufficiently provided for by this Act or by any special rule of the mine, the following provisions shall apply:—

(2.) The inspector may forthwith order such precautions to be taken or changes to be made as in his opinion will ensure safety temporarily. The manager of the mine shall obey such orders, and for any failure so to do shall be liable to have his certificate cancelled by the Board of Examiners on the ground of misconduct; but an appeal shall lie to the Minister from any order of such Board cancelling a certificate under this provision, and the Minister shall thereupon give such decision in the matter of such appeal as he thinks just; and his decision shall be final.

The inspector shall report the facts to the Minister, and shall, if directed by the Minister, 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 and his reason for holding that the same exists, and require that the matter complained of be forthwith remedied; he shall also forward a copy of such report and requisition to the warden.

(3.) If the owner, agent, or manager objects to comply with such requisition, he shall within ten days after the delivery thereof as aforesaid send his objections in writing, stating the grounds of his objections, to the warden, and shall also send a copy of the same to the inspector, who shall report on the same to the warden.

The warden shall fix a time for the hearing of the requisition and the objections, and shall cause notice to be given to the objector and to the inspector of the time so fixed.

On the hearing, the warden's court may, by order, confirm, reverse, or modify the requisition as it thinks fit, and, subject to any appeal, such order shall be final and binding on all parties.

(4.) If the owner, agent, or manager fails to comply with the requisition or order, and such failure continues for fourteen days after the expiration of the time for objection or after the date of the order or after the date of the final decision on an appeal which confirms such order in whole or in part, as the case may be, he shall be liable to

a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such non-compliance continues.

(5.) 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 order, but has not with reasonable diligence been able to complete the works, may adjourn such proceedings, and if the works are completed within a time which the court thinks reasonable no penalty shall be inflicted; nevertheless the defendant shall be liable to pay such costs of the proceedings as the court may fix.

Warden may  
order  
inspection.

**67.** When an inspector is not habitually resident, and the warden has reason to believe that any shaft or underground working is unsafe from insufficient timbering or any other cause, he shall immediately cause an examination of such shaft or working to be made by two competent persons, and upon the report of such persons may order the owner of the mine to remove the cause of danger within a specified time, and, further, to pay the cost of inspection; and he may prohibit any further work being done in such shaft or working until such order has been complied with or until the mine has been inspected by the inspector, who shall be immediately notified by the warden of any action taken under this section.

For the purposes of any such inspection such persons shall have all the powers and authorities conferred on inspectors by this Act.

Obstructing  
inspector.

**68.—**

- (i.) Any person who wilfully obstructs or uses insulting language to an inspector or any person having the powers and authorities of an inspector in the execution of his duty; and
- (ii.) Any owner, agent, or manager of a mine who refuses or neglects to furnish to the inspector, or any person having the powers and authorities of an inspector, the means necessary for making an entry, inspection, examination, or inquiry under this Act in relation to a coal mine;

shall be guilty of an offence against this Act.

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**69.** Any person working in a coal mine may make, either personally or by a representative, complaint to an inspector of any breach of this Act, or that any thing or practice connected with the mine is dangerous, and the inspector shall investigate and remedy the matter. Complaint  
by miner.

The name of the informant shall not be divulged.

**70. (1.)** The workmen employed in any mine may appoint two of their number or any two persons, who are or who have been practical working miners and have had not less than five years' experience of underground work, to inspect the mine, and the persons so appointed shall be allowed, at any time on giving notice to the manager, to go to every part of the mine and to inspect the shafts, roads, levels, workings, air-ways, ventilating apparatus, old workings, and machinery and appliances. The persons so appointed shall be designated "miners' inspectors." Miners'  
inspections.

The Minister may at any time terminate any such appointment of a miners' inspector if in his opinion such miners' inspector is not carrying out his duties in a satisfactory manner.

Any miners' inspector, whether so removed or not, shall be eligible for reappointment.

(2.) If at any time the workings, or any part of the workings, of any mine are considered unsafe by any of the miners working therein, the miners working therein may appoint two of their number or any two persons who are practical miners to inspect such workings, and the persons so appointed shall, on giving notice to the manager, be allowed to inspect such workings.

(3.) Miners' inspectors shall, while making any inspection for the purposes of this section, be deemed to be workers employed by the owner of the mine within the meaning of \**"The Workers' Compensation Acts, 1916 to 1923"* or any Act amending or in substitution for those Acts.

(4.) Every facility shall be afforded for such inspections, and the manager or one or more officers of the mine may, if the owner, agent, or manager thinks fit, accompany the miners' inspectors making such inspections.

(5.) Miners' inspectors shall record and sign a true report of the result of every such inspection in the record

\* 6 Geo. V. No. 35 and amending Acts, *supra*, pages 9851 and 10596.

book, and shall also cause a copy of the report to be written and posted at the entrance to the mine, and, if the report states the existence or apprehended existence of any danger, they shall forthwith cause a true copy of the report to be sent to the inspector, and shall notify the manager.

(6.) Miners' inspectors shall have power to suspend all operations in any dangerous place until such place has been certified by an inspector to be safe.

(7.) The remuneration of and expenses incurred by miners' inspectors, to such an extent and on such conditions as the Minister from time to time approves, may be defrayed out of the Consolidated Revenue, which is hereby appropriated for the purpose.

Notice of  
accident to  
inspector.

71. (1.) Forthwith after the occurrence of any accident in, on, or about a coal mine causing death or serious bodily injury, the manager shall give notice thereof to the inspector, or, if he is not immediately available, to the warden.

(2.) The place in which any such accident has occurred shall not be interfered with, except for the purpose of saving life or preventing further injury, until it has been examined by the inspector, or, in his absence, by two competent persons appointed by the warden, or, in the warden's absence, by a justice of the peace; and such examination shall be made as soon as practicable. The miners' inspectors may, if they so desire, also examine such place.

(3.) Within one week after the occurrence of any accident in, on, or about a mine, attended with serious bodily injury to any person, the manager shall send a written report to the inspector containing a correct statement of the cause and circumstances surrounding the occurrence.

(4.) Within one month after the occurrence of any accident in, on, or about a coal mine attended with bodily injury to any person, the manager shall give notice in writing to the inspector whether or not such accident resulted in more than fourteen days' disablement of the injured person.

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(5.) Within twenty-four hours after the occurrence of—

- (a) Any breakage of any essential part of the winding machinery at any coal mine, or any over-wind, or any accident of any kind in connection with the winding arrangements ;
- (b) Any extensive subsidence, settlement, or fall of ground, whether as a result of blasting or otherwise, or any collapse of any part of the workings of a coal mine, whether at the time of such collapse supported by timber or not ;
- (c) Any outbreak of fire above or below ground at any coal mine ;
- (d) Any breakage of a rope, chain, or other gear by which men are lowered or raised ;
- (e) Any inrush of water from old workings or other source ;
- (f) Any accidental ignition of gas or dust below ground, or the discovery of the presence of gas or an outburst of gas in any part of a coal mine ;

whether any bodily injury to any person or damage to property has resulted or not, the manager shall give notice thereof to the inspector, or, if he is not immediately available, to the warden, and shall furnish the inspector or warden, as the case may be, with such particulars in respect thereof as he may ask for, and shall record particulars of such occurrence in the record book.

(6.) Any manager who omits to give any such notice as is prescribed by this section shall be guilty of an offence against this Act.

(7.) Any manager, agent, or other person who conceals any essential detail, or who gives or tenders false or misleading information, regarding such accident or the nature of the injury caused thereby shall be guilty of an offence against this Act.

72. It shall be the duty of persons employed in, on, or about a coal mine to report to the manager any accident in, on, or about the mine which comes to their knowledge as soon as possible after the occurrence thereof. Miners to report accidents.

Any person who neglects so to do shall be guilty of a offence against this Act.

Ambulance.

**73.** When ten or more persons are ordinarily employed in, on, or about a coal mine, ambulances or stretchers, with splints and bandages, adhesive plaster, boric vaseline, cotton wool, and tincture of iodine or other suitable antiseptic solution shall be kept at the mine ready for immediate use in case of accident, unless there is an ambulance corps established within a radius of two miles from the mine.

The manager or other qualified official appointed by him shall personally inspect the appliances so provided at least once in every month, and satisfy himself that they are in conformity with the above requirements.

Inquiries  
into  
accidents.

**74.** (1.) In every case of accident causing death or serious bodily injury, an inquiry into the nature and cause of such accident shall be held before the warden and four experienced coal miners selected by the warden and having no connection with or interest in the coal mine where the accident occurred.

Where there is an association representative of the coal miners, the secretary or other person authorised by such association may from time to time furnish to the warden a list or revised list of the members thereof for the use of the warden in the selection of experienced miners for any inquiry held under this section, and the warden may select one or more of such members who are not otherwise disqualified by the provisions of this section.

(2.) In every case of accident causing death, the warden shall, at least four days before such inquiry is held, send notice of the time and place of holding the inquiry to the owner, agent, or manager of the coal mine in or on or about which the accident has occurred, and to the principal officer of police in the district, and to either of the miners' inspectors, and also to the widow or nearest of kindred of the deceased, if such widow or nearest of kindred can be found on the coalfield where the accident occurred.

In every case of accident causing serious bodily injury, like notice shall be given to such owner, agent, or manager, and to either of the miners' inspectors, and to such person resident on the coalfield as the injured person may name.

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Any person to whom such notice is sent shall be entitled to be present at the inquiry and to call, examine, and cross-examine any witness either in person or by his counsel, solicitor, or agent.

(3.) The warden shall forward to the Attorney-General the notes of evidence taken at such inquiry and the opinion of the experienced miners (who shall record their finding as to the nature and cause of the accident, and make such recommendations as appear to them necessary for the prevention of similar accidents), and his report as to the nature and cause of such accident, and shall forward a copy of the same to the Minister.

The warden shall also announce the finding at the conclusion of the inquiry.

(4.) The warden shall on the application of the inspector or the miners' inspectors, or whenever he thinks necessary, in like manner hold an inquiry into any accident in, on, or about a coal mine, whether such accident was attended with injury to any person or not.

(5.) The warden may issue his summons for the attendance of witnesses at inquiries into accidents held under this section, but no witness shall be compelled to attend to whom payment or tender of his expenses on the prescribed scale has not been made.

(6.) The evidence taken at any inquiry held under this section may, if the Minister thinks fit, be submitted to the Board of Examiners; and if it appears to such Board from such evidence that the accident was caused directly or indirectly by the non-observance by the holder of any certificate, license, or permit under any of the provisions of this Act, or by reason of his negligence, such Board may require him to show cause why his certificate, license, or permit should not be suspended, cancelled, or otherwise dealt with.

Every person so required to show cause shall, when called upon, appear before the warden, who shall hold a further inquiry into the conduct of such person.

Before the commencement of such further inquiry, such Board shall, through the warden, furnish the person into whose conduct inquiry is made with a statement of the case on which the inquiry is instituted, and with a notification of the time and place at which he is to appear.

If such person fails to appear, or such Board finds after such further inquiry that he has been guilty of any offence against this Act or of any negligence or misconduct, such Board may disqualify him by cancelling or suspending his certificate, license, or permit, or, if such certificate or license was granted by an authority outside the State, by cancelling or suspending the approval thereof for such period as such Board thinks fit; and during the period of such disqualification the person so disqualified shall be deemed not to hold a certificate, license, or permit.

(7.) For all purposes of an inquiry under this Act, the warden shall have the power of a warden's court.

Accident  
evidence of  
neglect.

**75.** The occurrence of any accident in or on a coal mine shall be *prima facie* evidence of negligence on the part of the owner and the manager.

Rescue  
stations.

**76.** The Minister may, by order published in the *Gazette*, establish in any locality, to be defined by him in such order (which locality may be redefined in any subsequent order) a rescue station for the purpose of affording first aid in case of accident in any coal mine situated within the locality as so defined for the time being.

Such rescue station shall consist of all necessary buildings and structures, surgical and medical appliances and supplies, and hospital and first-aid equipment and appliances and ambulances as are deemed necessary or requisite.

There shall be continuously in attendance at such rescue station such and so many persons as the Minister directs, trained in first aid and holding certificates of competency in that behalf approved by the Minister.

The expenses of and in connection with the establishment, equipment, management, and working of such rescue station shall be paid in the first instance by the Minister, but one third part thereof shall, as and when demanded, be repaid to the Minister by the State Insurance Commissioner out of the State Insurance Fund (Workers' Compensation Account), and one third part thereof shall, as and when demanded, be repaid to the Minister by the respective owners of the coal mines situated within the said locality, in such proportions as between themselves as the Minister may think proper to allocate to each such coal mine.

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All sums payable to the Minister under this section may be recovered from the persons liable respectively to pay the same by action in any court of competent jurisdiction; and the certificate of the Minister as to the amount due, purporting to be signed by him or by the Under Secretary of his Department, shall be conclusive evidence of such amount.

77. If any person employed in or about a coal mine suffers injury in person, or is killed, owing to the negligence of the owner, contractor, or tributer of such mine, or his agent or servant, or owing to the non-observance in such mine of any of the provisions of this Act (such non-observance, not being solely due to the negligence of the person so injured or killed), the person injured or his personal representative, or the personal representative of the person so killed, may recover from the owner, contractor, or tributer of such mine compensation by way of damages as for an actionable wrong committed by such owner, contractor, or tributer:

Liability of  
employer  
in case of  
negligence.

Provided that in estimating the damages due regard shall be had to the extent (if any) to which the person injured or killed contributed by any negligence on his own part to the injury or death.

78. (1.) Every person employed in or about a coal mine shall, before commencing and whilst at work, use ordinary and reasonable precautions to ascertain that the tubs, buckets, cages, chains, tackle, windlass, ropes, tools, or other appliances he uses, and the place in which he works, are not unsafe, and he shall cease to use anything unsafe.

Duty of  
employees to  
satisfy  
themselves  
of safety of  
appliances.

(2.) 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 manager.

Duty to  
report  
danger.

On leaving work, he shall report to the man relieving him the state of that part of the works where he has been employed, and the manager shall further investigate the matter and take steps to prevent any accident likely to result from such danger.

(3.) Any such person who knowingly contravenes this section shall be guilty of an offence against this Act.

Who shall  
not be  
employed.

**79.** (1.) No person under the age of twenty-one years shall act as mine manager.

(2.) No person under the age of eighteen years shall be employed as bracedman, platman, or lander in or on any coal mine, or be allowed to handle, charge, or fire explosives.

(3.) No boy under the age of sixteen years, except with the written permission of the Chief Inspector of Coal Mines, and unless he has passed the fifth standard at school, and has also obtained a doctor's certificate as to his physical fitness, and no female shall be employed below ground in any coal mine. No such permission shall be granted with respect to any boy under the age of fourteen years.

(4.) The manager of every coal mine shall keep in the office of the mine a register, and shall cause to be entered in that register the name, age, residence, date of first employment, and nature of employment of all boys under the age of eighteen years employed in the mine below ground, and also any change in the nature of such employment.

No boy under the age of eighteen years shall be employed in any dangerous place in the mine.

(5.) In dangerous ground, no workman shall be employed alone unless there is some person within easy hearing.

Engine-  
drivers to be  
certificated.

**80.** (1.) Any person who takes or has charge of or operates or drives any winding machinery or any winding engine by means whereof persons or materials are drawn up, down, or along any shaft, pit, or inclined plane or level in any coal mine, and who does not hold the proper winding license applicable to the class of winding machinery in question or such winding engine, shall be guilty of an offence against this Act.

For the purposes of this subsection, "coal mine" means a place where any operation for the purpose of obtaining coal has been or is being carried on, but not a place where the products of any such place have been or are being treated or otherwise dealt with.

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

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**81.** (1.) Every licensed winding-engine driver in charge of a winding engine shall hold a medical certificate, which shall be renewed or endorsed at intervals not exceeding two years or at such time or times as the owner, manager, or inspector may require, certifying that the holder is free from deafness, defective vision, epilepsy, disease of the heart, and any other infirmity which might cause him to lose control of the engine.

Medical  
certificate  
for persons  
in charge of  
winding  
machinery.

(2.) Any winding-engine driver who, in the opinion of two duly registered medical practitioners, is not in a fit state of physical health to have charge of a winding engine shall not take such charge.

(3.) Any winding-engine driver who does not comply with or contravenes this section, and any manager who employs such winding-engine driver, shall each be liable to a penalty not exceeding twenty pounds.

**82.** When any person who is in charge of winding machinery on a coal mine has been guilty of negligence or misconduct, whereby the life or safety of any person was or might have been endangered, the inspector shall forthwith report the facts to the chief inspector.

Negligence  
of person in  
charge of  
winding  
machinery.

**83.** No person (other than a watchman or caretaker) in charge of machinery used in connection with any coal mine shall be so employed for more than eight consecutive hours at any time, or for more than eight hours in any twenty-four hours. Such period of eight hours shall be exclusive of—

Working  
hours.

- (a) Any time occupied in raising or exhausting steam, or in drawing fires in connection with the machinery in his charge; and
- (b) Meal time; and
- (c) Any time in which such person is employed in case of breakage or other emergency.

**84.** (1.) No person shall do or cause or permit to be done any work in, on, or about a coal mine on Sunday unless such work is—

Sunday  
work

- (a) That of watchman or caretaker for the protection of property in, on, or about the mine;
- (b) Examination of shafts, ropes, and other appliances, or repairs or cleaning above or below ground which cannot be done upon any other day without unduly interfering

with the working of the mine, and which are necessary to enable work to be resumed at the close of Sunday ;

- (c) Pumping or otherwise clearing a mine from water so that work may be resumed at the close of Sunday ;
- (d) 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 ;
- (e) Necessitated by a dangerous emergency ;
- (f) Authorised by an inspector, as hereinafter provided.

(2.) Every owner, agent, or manager 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.

Inspector may authorise Sunday work in certain cases.

**85.** 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 coal mine, or serious delay in the subsequent working of the mine, may give a permit for such employment by writing, stating therein—

- (a) The reasons therefor ;
- (b) The number of workmen who may be employed ;
- (c) The nature of the work to be performed ; and
- (d) The period for which the authority shall extend.

Permits granted in accordance with this section shall be posted at a conspicuous place at the surface brace.

Plans to be furnished.

**86.** (1.) The owner, agent, or manager of every coal mine shall keep at the office at the mine accurate plans of the workings, made from actual survey by an authorised surveyor or other competent person appointed by the warden on the recommendation of the inspector, showing the underground workings effected within the last preceding three months.

At intervals of not more than three months all additional underground workings and extensions made since the previous survey was effected shall be surveyed and delineated on the plans.

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(2.) In the month of March of every year the owner, agent, or manager shall transmit to the Minister, through the inspector, certified copies of such plans, showing the workings up to the time of the last survey, and for the purposes of this section the inspector shall return to the manager such copy not later than the thirty-first day of January in each year.

(3.) Every such copy shall be deposited with such person at such place as the Minister may appoint.

(4.) If the Minister has reason to believe that any plan received by him is incorrect or incomplete, he may cause a check survey to be made of the underground workings by a mining surveyor, and if such 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 cost and expenses shall be recoverable as a debt due to His Majesty.

(5.) The plans to be kept shall include—

- (a) A plan of all tenements situated on the coal mine, showing the position thereon of all shafts, open cuts, and openings from the surface to underground workings;
- (b) A general plan of all underground workings to a scale not less than two chains to an inch, showing the levels superimposed one upon another, and if the lower levels cannot be so shown clearly, owing to those at higher levels being superimposed, there shall also be furnished such plans of each level or of successive groups of levels as are sufficient to clearly show the workings in each level;
- (c) If required by the inspector, longitudinal sections to the same scale as the plans of the workings, showing all stopping and sufficient cross sections to the same scale as the plans to clearly show the seams and workings thereon.

(6.) The plans shall be produced to the inspector or any other officer duly authorised by the Minister, and the owner shall, if requested, mark or cause to be marked on such plans, within a reasonable time after the request for such production, and also on the copy of such plans

transmitted to the Minister as hereinbefore provided, the progress of the workings of the coal mine up to the time of the request for such production, and shall allow the inspector or such other officer to examine and take a copy thereof.

The plans shall be available for the inspection of the miners' inspectors.

(7.) If the owner, agent, or manager of any coal mine—

- (a) Fails to keep and transmit such plans as prescribed by this section ; or
- (b) Wilfully refuses to produce such plans and mark them as prescribed, or to allow them to be examined or copied ; or
- (c) Conceals any part of the workings of his mine ;  
or
- (d) Knowingly produces an imperfect or inaccurate plan,

he shall be guilty of an offence against this Act.

Copies of  
plans not to  
be  
furnished.

**87.** Except by permission of the Minister, or as authorised by this Act, no plan or copy or tracing of any plan transmitted to the Minister or taken by any officer under this Act shall be furnished to, or be open to inspection by, nor shall information in relation thereto be given to, any person.

If any officer without such permission or authority furnishes to any person or allows any person to inspect any such plan or copy or tracing of any plan, or gives any information in relation thereto, he shall be guilty of an offence against this Act.

Returns.

**88.** The owner, agent, or manager of every coal mine shall provide the Minister, in the month of December in each year, or at his request more frequently, with returns of labour employed, work done, output of coal raised for all purposes, machinery or other appliances existing at the mine, and such other returns as may be required by the Minister.

Any officer appointed for that purpose by the Minister shall at any time have access to the books of such mine, and may examine the same for the purpose of ascertaining if such returns are correct.

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Any owner, agent, or manager who neglects or refuses to furnish any return required by this section, or who knowingly makes a false return, and any person who impedes or obstructs any inspector or officer appointed by the Minister to perform any duty under this section, shall be liable to a penalty not exceeding fifty pounds.

In the case of a company, the manager and every director of the company who causes or is privy to any such neglect, refusal, or falsity shall also be liable to the same penalty.

**89.** (1.) Upon the application of any person claiming to be interested in any coal mine or land adjoining or near to another coal mine, or of any Local Authority having control of any road in the vicinity of a coal mine, supported by such evidence as the warden thinks proper, the warden may, by order, authorise such person or his surveyor to enter on such last-mentioned coal mine to ascertain—

Entry and  
inspection.

- (a) Whether any encroachment exists and, if so, the extent thereof ; or
- (b) Whether there is any influx of water therefrom or any accumulation of water thereon ; or
- (c) Whether any surface rights are interfered with or endangered ; or
- (d) Any other matter for which in the warden's opinion such inspection is necessary.

Before making any such order, the warden may in his discretion direct that the owner or agent of such mine shall be served with notice of such application and have an opportunity of adducing evidence and being heard in opposition thereto, and for such purpose may adjourn the application.

Before making any such order, the warden may require the applicant to deposit such sum of money as the warden thinks sufficient to cover the cost of inspection and compensation for loss or expense.

Every person so authorised may thereupon enter upon the mine described in the order, descend any mine or shaft, and make such inspection (and, if a surveyor, make such survey, sections, and plans as he deems necessary), and avail himself of the engines, machinery, and appliances used in the ordinary operations of the mine ; and the manager shall render all necessary assistance to the person so authorised.

The warden may, out of any sum deposited as aforesaid, defray the cost of such examination, and, if the manager renders the assistance necessary for the purposes aforesaid, and if there is no encroachment or other matter justifying the inspection, may out of such sum award to the owner compensation for any loss or expense to which he is put by reason of such examination.

And the balance (if any) of such money shall be returned to the person making the deposit.

(2.) Upon any such application as aforesaid, the warden, if in his opinion an inspection of the plans of the mine may be sufficient, may, in lieu of or as a preliminary to any order for inspection of the mine under this section, order that the applicant or some other person on his behalf shall be at liberty to inspect the plans of the mine or of such portions of the mine as may be necessary; and the manager shall thereupon produce such plans to the applicant or person authorised by the warden. In such case no order for inspection of the mine shall be made unless the warden is satisfied that inspection of the plans as aforesaid has proved to be insufficient.

(3.) If any such person, except as a witness in a court of justice, without the consent in writing of the owner or agent of the mine entered upon, divulges to any person whomsoever any information obtained upon or by such inspection of the plans or such entry or inspection of a mine, otherwise than for the purposes thereof, or if any manager refuses the assistance necessary to enable the person so authorised to make such inspection or entry and inspection, he shall be liable to a penalty not exceeding one hundred pounds.

Two  
openings to  
be provided.

**90.** (1.) Within one year and six months after breaking away from the shaft bottom in any coal mine, there shall be made and completed at least two separate openings to the surface from such mine not less than fifty feet apart intercommunicating with each other, by means of both of which all persons employed in the mine may at all times pass in or out.

(2.) The owner of any coal mine wherein two such openings are not completed as aforesaid shall be liable to a penalty not exceeding fifty pounds for every month during which the same remain incomplete whilst work is carried on in the mine.

(3.) The foregoing provisions of this section shall not apply so long as not more than ten persons are

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employed below ground at any one time in the whole of the different seams in connection with each opening in such mine.

(4.) Where two separate openings to the surface are provided, proper apparatus for raising and lowering men at each such opening shall be kept on the works of the mine; and such apparatus, if not in actual use at the openings, shall be constantly available for use. This subsection does not apply to any opening by which persons can walk into or out of the mine.

(5.) Where apparatus is provided at any coal mine in compliance with this section, other than the apparatus ordinarily in use for the purpose of ingress or egress, it shall not be deemed to be proper apparatus within the meaning of this Act unless, in the opinion of the inspector, it would suffice as a temporary means of ingress or egress for all persons in the mine on any working day and as an adequate means of egress in case of emergency, and until he has certified to that effect in the record book.

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

Option of  
using  
downcast  
shaft.

**91.** On the inside of the boundary lines of every coal mine suitable walls shall be left standing, which shall be not less than fifteen yards in width, measured at right angles from the boundary line:

Walls to be  
left.

Provided that the Minister may give written permission for such walls to be partially removed or cut through or wholly removed on such conditions as he thinks fit.

**92.** Before working any coal under or near any road, permanent water, or natural watercourse, the owner, agent, or manager of the coal mine shall give due notice to the inspector of his intention to work such coal, and the inspector, if he considers that such working is likely to result in damage or danger to such road or to the workings of the same or any other coal mine from subsidence, whether vertical or lateral, influx of water, or other cause, may, by notice in writing addressed to such

Mining  
under roads  
and water-  
courses.

owner, agent, or manager, prohibit the working of such coal or limit the working thereof to such extent as he considers necessary.

If such owner, agent, or manager objects to comply with such notice, he may within fourteen days after the receipt thereof make an objection in writing to the Minister; and the Minister, after considering the objection, may confirm the notice, or cancel the same, or modify the same to such extent as he thinks proper. The decision of the Minister on the matter shall be final and conclusive.

*Payment by Weight.*

Payment by  
weight to  
persons  
employed in  
coal mines.

**93.** Where the amount of wages payable to any persons employed in a coal mine depends on the amount of mineral got by them, such persons shall be paid according to the weight of the mineral got by them.

The owner of every coal mine shall at his own cost provide and maintain all necessary apparatus for truly weighing such mineral at a place as near to the pit or mine mouth as is reasonably practicable, and shall be liable to a penalty not exceeding ten pounds for every week during which such apparatus is not provided and maintained:

Provided that nothing herein contained shall preclude the owner, agent, or manager from agreeing with the persons employed therein that deductions shall be made in respect of the stones or substances, other than mineral contracted to be got, which are sent out of the mine with such mineral, or in respect of the tubs, baskets, or hutches being improperly filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such deductions being determined by the bankman or weigher and check-weigher (if there is one), or, in case of difference, by a third party to be mutually agreed on by the manager on the one hand and persons employed in the mine on the other, or, in default of agreement, appointed by a police magistrate.

Where it is proved to the satisfaction of the Minister that by reason of exigencies existing in the case of a coal mine to which the foregoing provision applies it is expedient that the persons therein employed should not be paid by the weight of the mineral got by them, or that the beginning of payment by weight should be postponed, the Minister may, if he thinks fit, by order,

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exempt such mine from this section, either with or without conditions, or postpone in such mine the beginning of such payment by weight.

94. (1.) The persons employed in a coal mine and paid according to the weight of the mineral got by them may, if two-thirds of their number so agree, at their own cost station a person (in this Act referred to as a "check-weigher") at the place appointed for the weighing of such mineral, in order to take an account of the weight thereof and any deductions.

Appoint-  
ment of  
check-  
weigher by  
employees.

(2.) The check-weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing-machine and checking the taring of tubs and trams where necessary, a sufficient number of weights to test the weighing-machine, and a shelter from the weather at least six feet six inches high and six feet wide, containing accommodation sufficient for two persons, and a desk or table at which the check-weigher may write.

The check-weigher shall be authorised to require that the process of weighing shall be carried on continuously throughout the working hours during the whole time that the mine is drawing mineral.

If at any coal mine proper facilities are not afforded to the check-weigher as required by this section, the owner, agent, and manager shall each be guilty of an offence against this Act unless the defendant proves that he had taken all reasonable means to enforce the requirements of this section.

(3.) All the persons so employed in such mine shall contribute equally to the wages of such check-weigher; and the amount contributable by each such person may be recovered by such check-weigher in the warden's court or in any other court of competent jurisdiction.

(4.) The check-weigher shall not be authorised in any way to impede or interrupt the working of the coal mine or to interfere with the weighing, but shall be authorised only to fulfil the duties in this section mentioned.

The absence of the check-weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing and the taking of

such account as aforesaid, but the same shall be done or taken by the person appointed in that behalf by the owner, agent, or manager unless the absent check-weigher was informed or had reasonable ground to suppose that the taking account of weight or deductions, as the case may be, would not be proceeded with.

(5.) If a check-weigher impedes or interrupts the working of the coal mine, or interferes with the weighing, or otherwise misconducts himself, the manager may complain to the warden's court or the nearest court of petty sessions, which if it thinks fit may call upon the check-weigher to show cause against his removal.

Removal of  
check-  
weigher in  
certain cases.

The court shall hear the parties and, if it thinks that sufficient ground is shown to justify the removal of the check-weigher, make a summary order for his removal, and he shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

The court may, in every case, make such order as to the cost of the proceedings as it thinks just.

(6.) If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check-weigher in the proper discharge of his duties, or improperly interferes with or alters the weighing machine or the tare so as to prevent a correct account being taken of the weighing and taring, he shall be guilty of an offence against this Act.

Application  
of Weights  
and  
Measures  
Act.

**95.** \**"The Weights and Measures Act of 1924"* shall apply to all weights and weighing instruments used at any coal mine for determining the wages payable to any person employed in such mine according to the weight of the mineral got by him in like manner as it applies to other weights and weighing instruments.

An inspector appointed under the said Act shall, once at least in every six months, inspect and examine in manner directed by the said Act the weights and weighing instruments used or in the possession of any person for use as aforesaid at coal mines; and shall also make such inspection and examination at any other time in any case where he has reasonable cause to believe that there is in use at the mine any false or unjust weight or weighing instrument.

\* 15 Geo. V. No. 2, *supra*, page 11116.

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MINES.

Such inspector shall also inspect and examine the measures and gauges in use at coal mines ; but nothing in this section shall prevent or interfere with the use of the measures of gauges ordinarily used.

Such inspector may, for the purpose of this section, exercise at or in any coal mine, with respect to all weights and weighing instruments used or in the possession of any person for use at or in that mine, all powers conferred by the said Act with respect to any such weights and weighing instruments ; and all the provisions of the said Act, including the liability to penalties, shall apply to such inspection.

Such inspector shall not, in fulfilling the duties required of him under this section, impede or obstruct the working of the mine.

**96.** (1.) The general rules set forth in the Second Schedule to this Act shall be observed in every coal mine. General rules for all mines. Sch. II.

(2.) If it is proved to the Governor in Council that the observance of the said general rules or any part of them (whether amended or not under this Act) is not reasonably practicable in any particular coal mine, he may from time to time, by notification in the *Gazette*, suspend or vary such rules or part thereof in such manner as he deems necessary with respect to such mine. Power of Governor in Council to suspend, alter, or vary rules.

And any general rules so varied shall be deemed to be the general rules of the coal mine to which they relate.

**97.** (1.) Within three months after work is commenced or resumed at any coal mine, the manager shall frame such special rules for the conduct and guidance of persons employed in, on, or about the mine as appear under the particular circumstances best calculated to ensure their health and safety. Special rules.

He shall cause a copy of such special rules to be hung up in some conspicuous place at the mine, and call the attention of the miners working therein to them.

(2.) A copy of such rules shall also at once be transmitted by him to the Minister, with the name of some person representing the miners employed, and, if they are not objected to within one month after the receipt thereof by the Minister, they shall be published in the *Gazette*, and shall be the special rules of the coal mine.

(3.) If the Minister does not approve of any proposed special rules, he shall, within thirty days after the receipt of them, propose and transmit to the manager by whom they were framed, and to the person representing the miners employed, any alteration in or addition to the same or the substitution of any other rules therefor.

(4.) If the manager objects to any such alteration, or addition, or substituted rules, he may, within fourteen days after receipt of the same, give notice thereof to the Minister.

(5.) If the miners object to the special rules, they shall, through their representative, give notice of such objection to the manager and the Minister within one month after such rules are hung up as aforesaid; or if they object to the alterations proposed by the Minister, they shall give him notice of such objection within fourteen days after the receipt thereof; and thereupon the parties interested may concur in the appointment of a single arbitrator, or, failing such concurrence, each party, on the request of the other, shall appoint an arbitrator who is not interested or employed in such mine (and if there are only two arbitrators they shall, before entering upon the reference, appoint by writing under their hand an umpire) to determine the matter in difference and to decide what special rules shall be established in the mine.

(6.) In the event of any dispute arising between the parties aforesaid as to such rules, or between the parties and any inspector as to the administration of the rules, or upon any matter within the scope of this Act (not being an offence against this Act) and not otherwise provided for, the matter in dispute may be referred to arbitration in manner aforesaid.

(7.) The determination of such arbitrators or arbitrators and umpire, or of the majority of them (if there are more than two), shall be final, and the award may be made a rule of the Supreme Court.

(8.) The costs of every such arbitration shall be in the discretion of the arbitrators.

(9.) The provisions hereinbefore contained in respect of the adoption and promulgation of special rules shall apply to and be followed in respect of any proposed amendments of such special rules proposed either by the Minister, manager, or miners.

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(10.) For the purpose of making known the special rules to all persons employed in, on, or about a coal mine, the manager shall cause a printed copy to be supplied to every person before he is employed in, on, or about such mine.

(11.) The production of the *Gazette* containing such special rules shall be evidence of the establishment of such special rules under this Act.

**98.** A printed copy of all the said general rules and all other rules under this Act and of this section shall be posted in the office (if any) and on a building or board in some conspicuous place in connection with every coal mine. Copy of rules to be posted at every mine.

**99.** If, through the default of the manager of a coal mine, special rules are not established for the same, or the general or special rules are not promulgated as herein provided, the manager shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which the offence is continued after notice thereof in writing is given by the Minister or inspector. Penalty for neglect to establish and promulgate rules.

**100.** No person shall be precluded by any agreement from doing such acts as are necessary for complying with any of the provisions of this Part of this Act, or be liable under any agreement to any penalty, damages, or forfeiture for doing such acts as are necessary for complying with any of the provisions of this Part of this Act. No liability to be incurred by complying with Part.

**101.** Any person, whether owner or not, who, without the consent in writing of the warden or inspector, after any shaft, level, drive, or excavation has become disused for coal-mining purposes, wilfully damages it or renders it useless by the removal of any covering, fencing, casing, lining, ladder, platform, timber, or other appliance provided in or about the same, or who removes any part of the mound or dump required to protect the opening of any shaft at the surface, shall be guilty of an offence against this Act. Protection of abandoned shafts.

**102.** Where operations have been discontinued in a coal mine, the owner, agent, and manager shall continue to be responsible for carrying out the provisions of this Act relating to the protection of any shaft or excavation Responsibility for protecting abandoned shafts.

on the surface of such mine and for seeing that the same are always safe, and for the furnishing of plans of such mine until such provisions have been complied with.

Upon the inspector being satisfied that such provisions have been complied with, he shall issue a certificate to that effect, and the owner shall thereupon be relieved from all responsibility.

Props and  
timber not to  
be removed  
or openings  
obstructed.

**103.** The owner of any coal mine shall not, without giving due notice to the owner of any adjoining coal mine and without the consent of the inspector, remove any props, timber, or stone wall in or on his mine, the removal of which may make any portion of the workings of such adjoining mine unsafe or inaccessible; and where the underground workings of a coal mine or two or more coal mines communicate with each other so as to afford means of ventilation, such ventilation shall not be obstructed without the consent of an inspector.

PART V.—  
MISCEL-  
LANEOUS  
PROVISIONS.

#### PART V.—MISCELLANEOUS PROVISIONS.

##### *Penalties and Procedure.*

Offences  
against this  
Act.

**104.** (1.) Any person who—

- (a) Contravenes or does not comply with any of the provisions of this Act or any of the general or special rules in force for the time being relating to any coal mine; or
- (b) By negligence, causes any person to be injured or killed or endangers the safety of any person in or about a coal mine; or
- (c) Pulls down, injures, or defaces any notice or document hung up or affixed as required by this Act;

shall be guilty of an offence against this Act.

(2.) In the case of every breach of this Act the manager, owner, and agent shall each be guilty of an offence against this Act, unless such manager, owner, or agent reports such breach and proves that he had taken all reasonable means of enforcing this Act and of preventing such breach.

(3.) Whenever any contravention of or non-compliance with any of the general or special rules by any person other than the manager is proved, the manager

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shall also be deemed guilty of an offence, unless he proves that he adopted all reasonable means by publishing, and to the best of his power enforcing, the said rules to prevent such contravention or non-compliance.

(4.) In any prosecution for a breach of any of the general rules in force for the time being relating to any coal mine, the defendant shall not be convicted if he proves facts which satisfy the court that the observance of or compliance with the provision of such rules for the breach of which he is prosecuted was not, under the circumstances, reasonably practicable.

(5.) Nothing in this section shall exempt any person from prosecution for an offence under the common law or any statute, nor prevent the infliction on him, if convicted of such offence, of a more severe penalty or punishment than is imposed for an offence against this Act.

**105.** Any person who is guilty of an offence against this Act for which no specific penalty is herein provided shall be liable—

General  
penalty.

- (a) If he is the owner, agent, manager, or person in charge of or giving orders or directions relating to the carrying on of any mining operations on or in a coal mine, to a penalty not exceeding fifty pounds; and
- (b) In all other cases, to a penalty not exceeding twenty pounds.

**106.** In any proceeding under this Act against a manager or person in charge of any mining operations or machinery in or on a coal mine, the burden shall lie on the defendant of proving he is not such manager or person.

Burden of  
proof on  
defendant.

**107.** Whenever by this Act a penalty is imposed for any offence against this Act, the proceedings for the recovery of such penalty may be taken in a summary way either in the warden's court according to \**"The Justices Act of 1886,"* as amended by subsequent Acts, which provisions shall apply in like manner as if the warden was sitting as a police magistrate in a court of petty sessions under those Acts, or subject to †*"The Justices*

Recovery of  
penalties.

\* 50 Vic. No. 17, *supra*, page 1132.

† 9 Edw. VII. No. 11, *supra*, page 1192.

*Act Amendment Act of 1909,*” before any two justices of the peace in petty sessions, upon the complaint of an inspector or any officer authorised by the Minister :

Provided that, for any offence against the special rules made with respect to any coal mine under this Act, the owner, agent, or manager of such mine shall be deemed to be a person authorised to make a complaint.

The whole or any part of such penalty may be awarded to any person injured, or to the personal representative of any person killed, in consequence of such offence; and such award shall not prejudice any other right or remedy which such person or personal representative may have under this Act or otherwise.

The right of appeal from any decision of a warden’s court or justices in any such proceedings, and the procedure thereon, shall be governed by \**“The Justices Act of 1886”* and the Rules of the Supreme Court relating to appeals from justices.

Application  
of penalties,  
&c.

**108.** All penalties, fees, and other moneys recovered or received by any warden, inspector, or other State officer or by the Board of Examiners under this Act shall be paid into the Consolidated Revenue.

Service of  
notices.

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

Saving of  
other Acts.

**110.** Nothing in this Act contained shall be construed as so to repeal or limit the operation of †*“The Workers’ Compensation Acts, 1916 to 1923”* or ‡*“The Inspection of Machinery Act of 1915”* or §*“The Inspection of Scaffolding Act of 1915”* or any Act amending or in substitution for those Acts or any of them:

Power to  
make rules.  
Sch. I.  
Part I.

**111. (1.)** The Governor in Council may from time to time make rules with respect to all or any of the matters mentioned in the First Part of the First Schedule to this Act.

\* 50 Vic. No. 17, *supra*, page 1132.

† 6 Geo. V. No. 35 and amending Acts, *supra*, pages 9851 and 10596.

‡ 6 Geo. V. No. 24, *supra*, page 6859.

§ 6 Geo. V. No. 25, *supra*, page 6888.

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(2.) Such rules may be for the whole State or for any particular part thereof, and may be made applicable to all coal mines or to any particular coal mine.

Rules may be  
general or  
local.

**112.** If it is made to appear to the Governor in Council that it is expedient to rescind, amend, add to, or otherwise modify any of the rules set forth in the Second Schedule to this Act, the Minister shall publish a notice stating the intention of the Governor in Council to exercise such power, and the extent to which the rules are intended to be so dealt with.

Power to  
amend rules  
in Sch. II.

Every such notice shall be published in the *Gazette* and otherwise as the Minister directs. *Gazettes* containing such notices shall be posted at the warden's office.

The last day on which such notice is published in the *Gazette* shall be deemed to be the day of the publication thereof.

If within three months after the day of the publication no sufficient cause is shown to the Governor in Council why the power proposed to be exercised should not be exercised, the Governor in Council may exercise such power with respect to the said rules.

**113.** (1.) Rules made under this Act, including any rules rescinding, adding to, amending, or otherwise modifying any of the rules set forth in the Second Schedule to this Act, shall, after publication in the *Gazette*, have the same effect as if they were enacted in this Act and shall not be questioned in any proceedings whatsoever.

To be  
published in  
*Gazette*.

Every such rule shall be judicially noticed.

(2.) Rules made under this Act, including such rules as aforesaid, may impose for any breach thereof a penalty not exceeding twenty pounds.

May impose  
penalties.

**114.** (1.) The Governor in Council may from time to time make regulations with respect to all or any of the matters mentioned in the Second Part of the First Schedule to this Act.

Power to  
make  
regulations,  
Sch. I.  
Part II.

(2.) Such regulations may be for the whole State or for any particular part thereof, and, so far as the same relate to drainage boards, may be of general application or may apply to one such board or two or more specified boards.

Regulations  
may be  
general or  
local.

PART V.—  
MISCELLANEOUS  
PROVISIONS.

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16 GEO. V. No. 30,

Regulations  
to be  
published in  
*Gazette.*

(3.) Such regulations shall be published in the *Gazette*, and after publication therein shall have the force and effect of law, and shall be judicially noticed: Provided that nothing herein contained shall affect the rights of His Majesty or prevent the operation of any municipal by-law or regulation of the Commissioner of Health.

Regulations  
may impose  
penalties.

(4.) Such regulations may impose for any breach thereof or for any disobedience of a lawful order of a warden or of any board constituted under this Act or its chairman or other authorised officer a penalty not exceeding fifty pounds, and in default of payment imprisonment with or without hard labour for any period not exceeding six months.

Copies of  
rules and  
regulations  
to be  
laid before  
Parliament.

115. Copies of all rules and regulations made under this Act shall be laid before the Legislative Assembly within forty days after the making thereof, if the Legislative Assembly is then in session; and if not, then within forty days after the commencement of the next session thereof.

If the Legislative Assembly by resolution passed within one month after such rules or regulations have been laid before it, resolves that the whole or any part of such rules or regulations ought not to continue in force, in such case the whole or such part thereof as is so included in such resolution shall from and after the date of the passing of such resolution cease to be binding, but without prejudice to the validity of anything previously done thereunder.

FIRST SCHEDULE.

PART I.—SUBJECT-MATTER FOR RULES.

Forms.

1. Prescribing form of writings and documents to be used for the purposes of this Act; the form of returns and the information to be shown thereon for statistical purposes.

Accident  
inquiries.

2. Regulating the procedure at inquiries into accidents.

First aid.

3. Prescribing the appliances and remedies to be kept at coal mines for the relief of persons injured.

Ventilation.

4. Dealing with ventilation of coal mines, including—

(a) Standards of purity, temperature, and humidity of the air; the quantity of air which shall be made to circulate in the mine or the air ways; methods by which the air shall be tested as to its adequacy in quantity, purity, temperature, humidity, and efficiency of circulation;

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- (b) Recording the state of ventilation in all parts of the mine; showing upon the plans the position of all air doors and ventilating devices and appliances, and the direction of the air currents;
- (c) The conditions under which disused portions of the mine may or shall be shut off from the ventilation system, and when and in what manner they shall be ventilated;
- (d) The conditions under which the use of mechanical appliances to assist ventilation shall be compulsory;
- (e) The use of compressed air;
- (f) The conditions under which tailings or debris may be used for the filling of stopes;
- (g) The prevention of the escape of deleterious gases and fumes.

**5. Dealing with the connection of workings for ventilation purposes, including—** Connections for ventilation purposes.

- (a) The making of other excavations concurrently with shaft sinking;
- (b) The connection of adjoining mines;
- (c) The connection of workings in the same mine;
- (d) Any other matter relating to the ventilation of mines;
- (e) The materials out of which stoppings shall be made.

**6. Regulating the winding of persons and materials; requiring and prescribing tests of the efficiency of ropes, chains, brakes, machines, and all winding appliances and gear.** Winding and testing ropes and other appliances.

**7. Providing for the protection of health, and regulating the sanitary conditions in coal mines, including—** Health and sanitation.

- (a) The prevention and laying of dust; the prevention of the escape of poisonous or deleterious gases and fumes; the use of water sprays, atomisers, and other damping appliances;
- (b) The use of apparatus for collecting, filtering, and preventing the inhalation of dust;
- (c) The prevention of nuisances; cleansing and keeping clean the mine and mine premises; the construction and position of sanitary conveniences on the surface and underground, and the condition in which they shall be kept;
- (d) The provision and construction of change houses and their accommodation, baths, washing appliances, the destruction of old clothes, and drying of clothes; pure water supply; the provision of clean drinking water in coal mines;
- (e) Examination and exclusion of persons likely to be infected with infectious or transmissible diseases.

**8. Providing for the safe handling of materials.**

Handling material.

**9. Regulating the use of explosives, including—**

Explosives.

- (a) The construction of magazines;
- (b) Storage and handling;

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- (c) Removal or destruction of fumes by mechanical or artificial means;
- (d) Testing of explosives before use;
- (e) Strength of detonators;
- (f) The persons who shall be allowed to charge and fire charges, and the methods to be employed in doing so;
- (g) The time that must elapse before men return to a place where shots have been fired or have missed fire;
- (h) The use of fuse.
- Fencing. **10.** The fencing and protection of openings and excavations, elevated platforms, machinery, and appliances used in mining operations.
- Lighting; safety lamps. **11.** The lighting of coal mines, and the lights to be used; requiring and regulating the use of safety lamps.
- Coal dust. **12.** Prevention of the accumulation of coal dust.
- Ladders, &c. **13.** Requiring and regulating the use of ladders and travelling ways.
- Use of machinery. **14.** The safe use of machinery.
- Use of electricity. **15.** The use of electricity and electrical machinery; prescribing the rules and precautions to be observed.
- Fees. **16.** Prescribing fees payable for—
- (a) Witnesses' expenses; the remuneration of persons holding inquiries and of assessors;
- (b) The testing of ropes.
- Accidents, &c. **17.** Providing for the maintenance of order and discipline and the prevention of accidents.
- Fires. **18.** The provision of means for extinguishing fires in coal mines.
- Baths. **19.** The provision of bath rooms and of hot and cold shower baths at coal mines; the cleanliness thereof; the size and construction of bath rooms.
- General. **20.** Dealing with and effectuating any matter, thing, or practice required by the general rules under this Act, and generally all other matters and things that may be necessary to give effect to this Act.

## PART II.—SUBJECT-MATTER FOR REGULATIONS.

- Mining tenements. **1.** Determining the dimensions, boundaries, form, position, and extent of any mining tenement and the subsequent adjustment of the same where necessary, and the time when such determination shall be deemed to take effect, and the number and extent of mining tenements which any one person or any two or more persons may take possession of.
- Marking. **2.** Prescribing the manner in which persons desirous of taking possession of mining tenements on all lands coming within the operation of this Act shall mark out the same and the requirements to be complied with by such persons.

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- 3.** Providing for the registration and the mode of obtaining and effecting the registration of mining tenements and any share or interest therein, and any lien or encumbrance thereon, and of the assignment or sublease thereof, and of any share or interest therein, and of any lien or encumbrance thereon, and of the discharge of any such lien or encumbrance; providing for the registration and the mode of effecting and obtaining the registration of any such mining tenement, share, interest, lien, encumbrance, assignment, or sublease in the case of death, insolvency, or insanity, or of sale under the decree, judgment, or order of any court. Registration.
- 4.** Prescribing the labour conditions not hereinbefore provided for, subject to which any mining tenement shall be held, and the condition on which exemption from the performance thereof may be applied for, granted, and obtained, and generally prescribing the manner in which, and with what incidents, rights, and obligations any mining tenement shall be taken possession of, held, occupied, used; worked, or enjoyed. Labour conditions, &c.
- 5.** Determining the events on which the title to any mining tenement or any share therein shall become forfeited, and imposing any penalty on the happening of any one or more of such events in lieu of any such forfeiture; determining what shall constitute exemptions from or suspensions of such forfeiture, and what persons shall be entitled to enforce such forfeiture or penalty, and whether there shall be any order of priority of right in any persons to enforce any such forfeiture or penalty, and if so, what shall be such order unless hereinbefore provided for. Forfeiture.
- 6.** Limiting the time within which and prescribing the mode in which proceedings for any such forfeiture or penalty must be taken. Limitation of time.
- 7.** Determining whether and under what circumstances any person who shall have obtained an adjudication of any such forfeiture shall, as a condition precedent to his obtaining possession of the forfeited tenement, pay to the person as against whom the same shall be adjudged forfeited any sum as compensation for any property upon such mining tenement. Compensation.
- 8.** Regulating the cutting, constructing, use, and maintenance of races, dams, and reservoirs upon Crown lands. Races, dams, &c.
- 9.** Determining what shall constitute relinquished, abandoned, or deserted, as distinguished from forfeited mining tenements or shares therein, and by what person lawfully competent thereto, and in what mode and under what circumstances it shall be ascertained whether any particular mining tenement or share therein is relinquished, abandoned, or deserted within the meaning so determined, and whether and under what circumstances any person shall be permitted to relinquish without being liable to any consequences as for the forfeiture of any mining tenement. Abandonment, &c.
- 10.** Determining the mode in which any mining tenement or any share therein which may be transferred, assigned, sublet, or encumbered, may be so transferred, assigned, sublet, or encumbered, and in which any lien or encumbrance may be assigned or Transfer, &c.

discharged, and determining the rights and obligations of any assignee, lienee, or encumbrancee of or upon any mining tenement or share therein, and the order of priority of any two or more such lienees or encumbrancees.

Exercise of rights.

**11.** Regulating the mode in which the rights, privileges, and interests of the owners of mining tenements may be exercised or enjoyed, and limiting, qualifying, or restricting the exercise and enjoyment of such rights, privileges, and interests, and generally for the protection of such owners in the exercise and enjoyment of such rights, privileges, and interests.

Refuse, &c.,

**12.** Preventing the accumulation of and for the removal to some convenient place of waste and refuse matter oozing or flowing from or connected with any mining tenement, and of waste water; and for the making of such channels as shall be necessary for any of the purposes aforesaid, and for otherwise regulating and preventing the allowance of such oozing, flowing, and running to waste, with or without any condition for payment of money or otherwise.

Protection of property.

**13.** The protection from injury, destruction, and unlawful removal of any machinery, and of races, drains, dams, and reservoirs, and of the water therein, and of pegs, posts, fences, and notices, and of any plant or appliances used for or in connection with coal mining, and for the protection from obstruction of such races and dams, and of channels, drains, creeks, and rivers used for coal-mining purposes.

Embankments.

**14.** The mode of construction and materials and strength of embankments of dams and reservoirs used or constructed for coal-mining purposes.

Bridges, &c.

**15.** The constructing and keeping in repair of suitable bridges or other crossings over races, channels, or drains used for coal-mining purposes and cut across roads or thoroughfares or over such races, channels, or drains, over which roads or thoroughfares shall be carried, and for making proper approaches to such bridges or crossings, and for determining the width of such bridges, crossings, and approaches.

Private ways, &c.

**16.** Making and keeping in repair and regulating the width and formation of private ways and passages used for coal-mining purposes over Crown lands used in connection with coal mining, and regulating and imposing conditions on the right to change the direction of any such way or passage, and for the protection of the same from injury or obstruction.

Nuisances.

**17.** The prevention of nuisances in or about any mining tenement, and for cleansing and keeping clean the same.

Bailing.

**18.** Securing the bailing of water from coal mines so as to prevent injury from such water to any mining workings.

Water for domestic use.

**19.** Preventing the defiling or wasting of water used for domestic purposes, and for determining whether any and what waterhole, spring, or other depository of water shall be reserved for domestic use, and the mode of such reservation.

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- 20.** Determining the cases in which Crown lands exempted from occupation for coal-mining purposes shall cease to be so exempted. Cesser of exemption from use.
- 21.** Prescribing the manner in which compensation shall be ascertained and paid under the provisions of this Act. Ascertainment of compensation.
- 22.** Determining the distance and enforcing the same at which shafts and other mining workings are to be kept from public and private roads, ways, and passages, and from private land, dwellings, and other buildings. Protection of roads, &c.
- 23.** Prescribing rules for the management of coal fields and for the regulation of coal mining generally. Rules.
- 24.** Defining the manner of doing or performing any thing by this Act required to be done or performed. Mode of action.
- 25.** Prescribing the manner in which registers shall be kept. Registers.
- 26.** Prescribing the survey of any land or mining tenement, and the manner in which the same are to be surveyed. Surveys.
- 27.** Defining the powers and duties of wardens, mining registrars, surveyors, inspectors, and engineers and clerks, bailiffs, and assistants in relation to coal mining. Powers of officers.
- 28.** Prescribing the manner in which persons desirous of having licenses or leases granted to them shall mark out the land they apply for. Marking by applicants for licenses.
- 29.** Prescribing the mode of making and investigating and determining upon applications for and objections to the granting of licenses and leases, and the amount of deposit (if any) to be paid by applicants and objectors respectively in connection with such determination. Applications and objections.
- 30.** Prescribing the manner of dealing with cases when two or more applications are made in respect of the same mining tenement. Simultaneous applications.
- 31.** Prescribing the forms of leases, licenses, certificates, applications, objections, notices, and other documents granted, issued, or used under or for the purposes of this Act. Forms.
- 32.** Prescribing the covenants, conditions, reservations, and exceptions to be inserted in leases granted under this Act, and the manner in which such leases shall be registered. Covenants, &c.
- 33.** Determining the time and mode of ascertaining the amount of any royalty, and the time for payment thereof. Royalty.
- 34.** Prescribing returns to be furnished by owners and managers of coal mines. Returns.
- 35.** Prescribing the fees (if any) which shall be payable for the several matters hereinafter mentioned— Fees.
- (a) The inspection during office hours of any register kept under the provisions of this Act;
  - (b) Applications, surveys, travelling expenses, and processes, and exemptions from performance of labour conditions, or conditions of use or occupation or otherwise;

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- (c) The registration of any amalgamation or subdivision of coal-mining leases, or of any mortgage, lien, or encumbrance, or any transfer or discharge thereof, or of any underlease, assignment, or transfer, or of any rules or agreements;
- (d) The filing of any declaration of the loss of any document;
- (e) The registration of transmission by death or under the laws relating to insolvency or insanity.

## Drainage.

**36.—**

- (i.) Securing the bailing of water from coal mines so as to prevent injury from such water to any mining workings;
- (ii.) Prescribing the qualifications of members of drainage boards, the time and mode of election, their tenure of office, and the mode of conducting their proceedings;
- (iii.) Empowering the drainage board to grant an allowance to the chairman to cover his expenses;
- (iv.) Enabling the drainage board to enforce its orders or the orders of its chairman, or other authorised officer;
- (v.) Empowering the drainage board from time to time to order all work to cease in any mine within its drainage area when and for such time as it deems expedient;
- (vi.) Empowering the drainage board to compel the permanent or temporary shutting and closing of all doors, gates, and other appliances in any coal mines, whether constructed by the board or not, for preventing flooding in any coal mines within its drainage area;
- (vii.) Empowering the drainage board to compel the bailing of water accumulating in coal mines, and the removal of any obstruction in coal mines hindering or likely to hinder the board in viewing, repairing, or dealing with dams, gates, doors, or other appliances;
- (viii.) Regulating the carrying out of works ordered by the drainage board, and the mode of recovery of any expenses incurred by the Board in doing the same.

## Generally.

**37.** For all other matters and things that may be necessary to give effect to this Act.

## SECOND SCHEDULE.

*Ventilation.*Air supply  
and  
circulation.

**1.** An adequate amount of ventilation shall be constantly produced in every coal mine to dilute and render harmless inflammable and noxious gases to such an extent that all the shafts, roads, levels, stables, and working places of the coal mine, and the travelling roads to and from those working places, shall be in a fit state for working and passing therein.

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Such ventilation shall be the supply of pure air in quantity not less than the amount hereinafter prescribed for each man, boy, and horse employed in the mine, which air (in that proportion, but with as much more as the inspector directs) shall sweep along the airways and be forced as far as the face of and into each and every working place where man, boy, or horse is engaged or passing, main return airways only excepted. In no case shall less than one hundred and fifty cubic feet of air per minute be provided for each man or boy and six hundred cubic feet of air per minute be provided for each horse while employed underground.

When a furnace or mechanical contrivance is in use in any coal mine for producing the ventilation and supply of air in the prescribed quantity, or in that quantity with as much more as may be directed by the inspector to be supplied during the time the men are ordinarily working in the coal mine as provided by this rule, and by reason of the likelihood of an accumulation of inflammable or noxious gases the inspector considers it necessary for the safety of the coal mine that a supply of air in the prescribed quantity or in that quantity with as much more as he may direct, should be circulated throughout the workings of the coal mine during the whole or any part of the time the men are not ordinarily working in the coal mine, he may, by requisition in writing addressed to the manager, require that a supply of air in such quantity as aforesaid shall be circulated continuously, or at such times or for so long before the men are allowed to enter the mine as he may direct.

If the manager objects to comply with such requisition, he may, within three days after receipt thereof, send his objection in writing to the Minister, and the Minister may, if he considers it necessary, alter or modify such requisition, but the Minister's decision shall be final and conclusive.

Nothing in this rule shall prevent the furnace or mechanical contrivance being temporarily suspended for repairs or alteration, if the inspector is notified of such suspension.

2. (1.) (a) It is especially prescribed that in all cases mechanical ventilating appliances shall be started and continuously run to their usual running capacity during the time persons are employed underground and for not less than two hours before men start work in the mine. <sup>Ventilating fan.</sup>

(b) Every coal mine where there are thirty persons employed below ground shall have an adequate ventilation fan installed to produce sufficient air current to comply with this section; and in any coal mine where there are less than thirty persons employed below ground the inspector may order the installation of such a ventilation fan.

(c) Air doors, stoppings, crossovers, and brattices or other ventilating appliances shall be provided where necessary for regulation of the ventilating air currents, and shall be kept in good order and condition.

(d) For the proper conduct of air into and along the working places and roads, all doors, brattices, stoppings, and walls shall be kept thoroughly airtight to prevent the escape of air.

Distribution  
of air.

(2.) Every mine, except such as are worked on the long-wall system, shall be divided into districts or splits of not more than seventy men in each; and each district shall be supplied with a separate current of fresh air.

(3.) The intake air shall travel free from all steam, stagnant water, stables, and old workings.

(4.) In the case of mines required to have a certificated manager, the quantity of air in the respective splits or currents shall, at least once in every month, be measured and recorded in the record book.

(5.) No fire shall be allowed underground for producing ventilation in any coal mine where safety lamps are required to be used.

(6.) Where a mechanical contrivance for ventilation is hereafter introduced into any mine, it shall be in such position and placed under such conditions as will tend to ensure its being uninjured by an explosion.

Plan of  
system of  
ventilation.

3. When required by the inspector, the direction and course of the air currents and the position of all air doors and all ventilating appliances throughout the mine shall be marked upon the plans required to be kept at the mine under this Act.

Auxiliary  
ventilating  
appliances.

4. In addition to the foregoing provisions, the inspector may in any particular case require that additional or auxiliary ventilating appliances be provided and kept working.

Quality  
of air.

5. (1.) Where the temperature in the mine workings is unavoidably high, the ventilation shall be adequate to maintain a reasonable limit of humidity—that is to say, at a temperature of eighty-two degrees Fahrenheit by a dry bulb thermometer, the reading of the wet bulb should be at least three degrees less, and for every two degrees rise in temperature above eighty-two degrees Fahrenheit by a dry bulb there should be an additional degree of difference between the dry and wet bulb readings. Where the percentage of humidity is at any time during any working day greater than is shown above, for the day on which such greater humidity is obtained all persons employed in such place (not being deputies, roadsmen, bratticemen, or district shotfirers) shall have their working day reduced by one-third, and all persons whose working day has been so reduced shall be paid the full shift wages or rates for such day.

(2.) In every coal mine the quantity of air in the main current and in every split, and at such other points as may be required by the inspector, shall at least once in every month be measured and entered in the record book.

(3.) A barometer and thermometer shall be placed above ground in a conspicuous place near the entrance to the mine, and a hygrometer shall be placed below ground near a shaft or outlet, both in the main intake airway and in the main return airway.

The instruments required to be provided under this rule shall be read daily by the manager or other specified employee and the results recorded in the record book.

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(4.) The inspector shall make such tests as he thinks fit, and may, in writing, require tests to be made by the manager or other specified employee in the mine at stated intervals in workings in which he considers such test necessary. The results of all such tests shall be recorded in the record book.

*Daily Examinations of Workings.*

6. (1.) For the purpose of the inspections before the commencement of work in a shift hereinafter mentioned, one or more stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in manner hereinafter mentioned.

Stations and  
inspections  
by deputies.

(2.) The deputy or deputies of a mine shall, within such time not exceeding two hours immediately before the commencement of work in a shift as may be fixed by the rules of the mine, inspect with a locked safety lamp every part of the mine situated beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and all working places in which work is temporarily stopped within any ventilating district in which the men have to work, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides, and general safety are concerned.

(3.) A full and accurate report specifying whether or not, and where, if any, noxious or inflammable gas was found, and whether or not any, and (if any) what defects in roofs or sides and other sources of danger were observed, shall be recorded without delay in the record book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the handwriting of, the person who made the inspection.

(4.) For the purpose of the foregoing provisions of this section, two or more shifts succeeding one another so that work is carried on without any interval are to be deemed to be one shift.

(5.) A similar inspection shall be made twice at least in the course of each shift of all parts of the mine situated beyond the station or each of the stations aforesaid and in which workmen are to work or pass during that shift, but it shall not be necessary to record a report of the first of such inspections in a book: Provided that, in the case of a mine worked by a succession of shifts, no place shall remain uninspected for an interval of more than five hours.

*Coal Dust.*

7. In every coal mine the roads shall be examined daily and a report on their condition as to coal dust and on the steps taken to mitigate danger arising therefrom shall be recorded in the record book.

Coal dust.

Systematic steps shall be taken either by watering or spreading stone dust or other means to prevent explosions of coal dust occurring being carried along any road.

The floor, roof, and sides of all roads shall be systematically cleaned so as to prevent, as far as practicable, coal dust accumulating.

*Lighting.*

**Lights.**

**8.** (1.) Adequate and suitable lights shall be provided during working hours at the bottom of and at all entrances in actual use between the top and bottom of every shaft.

(2.) No person shall move about in any unilluminated part of a mine without a light.

(3.) All working places on the surface shall be provided with adequate lights at night.

**Safety lamps.**

**9.** (1.) No lamp or light other than a locked safety lamp shall be allowed or used—

(a) In any seam where the air current in the return airway from any ventilating district in the seam is found normally to contain more than one-half per cent. of inflammable gas; or

(b) In any seam (except in the main intake airways within two hundred yards from the shaft) in which an explosion of inflammable gas causing any personal injury whatever has occurred within the previous twelve months, unless an exemption is given by the Minister on the ground that, on account of the special character of the mine, the use of safety lamps is not required; or

(c) In any place in which there is likely to be any such quantity of inflammable gas as to render the use of a naked light dangerous; or

(d) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas; or

(e) In any place where the use of safety lamps is required by the special rules of the mine, provided that—

(i.) Subject always to the provisions of this Act and any regulations made thereunder as to the use of electricity in mines, electric lamps if enclosed in air-tight fittings and having the lamp globes hermetically sealed may be used on main haulage roads or elsewhere within such limits as may be fixed by the special rules of the mine; and

(ii.) For the purpose of paragraph (b) of this rule, an explosion occurring before the commencement of this Act shall not be taken into account.

(2.) Where in pursuance of this Act or the special rules of the mine the use of safety lamps has been introduced in any part of a ventilating district, it shall not be lawful to use naked lights in any other part of the same ventilating district situated between the place where such lamps are used and the return airway, except when the use of safety lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety lamps throughout the district.

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(3.) Where in pursuance of this Act or the special rules of the mine the use of safety lamps has been introduced otherwise than as a temporary precaution against apprehended danger in any part of a mine, no lamps or light other than a locked safety lamp shall subsequently be allowed or used in that part without the sanction of the inspector, which sanction shall not be withheld unreasonably, and any question as to whether such sanction has been unreasonably withheld shall be determined by the warden sitting with four experienced miners, in the same manner as provided for holding enquiries under this Act.

(4.) The average percentage of inflammable gas found in six samples of air taken by an inspector in the air current in the return airway in the ventilating district at intervals of not less than a fortnight shall, for the purpose of this rule, be deemed to be the percentage normally contained in the air.

(5.) Whenever safety lamps are required by this Act or the special rules of the mine to be used, no safety lamp shall be used by any person employed in the mine unless it is provided by the owner of the mine and is of a type that has passed the official test and approved of by the Board of Trade for the purpose of the British Coal Mines Act, and shall be so constructed that they may be safely carried against the air current ordinarily prevailing in that part of the mine in which the lamps are for the time being in use, even though such current should be inflammable.

(6.) In any mine or part of a mine in which safety lamps are required by this Act or the special rules of the mine to be used—

- (i.) A safety lamp shall not be used unless it has since last in use been thoroughly examined at the surface by a competent person appointed in writing by the manager for the purpose and found by him in safe working order and securely locked, and a record shall be kept of the men to whom the several lamps are given out.
- (ii.) A competent person appointed in writing by the manager for the purpose shall also examine every lamp on its being returned, and if on such an examination any lamp is found to be damaged he shall record the nature of the damage in a book to be kept at the mine for the purpose, and the damage shall be deemed to have been due to the neglect or default of the person to whom the lamp was given out unless he proves that the damage was due to no fault of his own and that he immediately gave notice of the damage to the deputy or some other official of the mine.
- (iii.) A safety lamp shall not be unlocked except at an appointed lamp station (which shall not be in a return airway) by a competent person appointed in writing by the manager for the purpose, nor except in the case of electric hand lamps shall it be relighted, except by such a person at an appointed lamp station after examination by him, and no person other than such person as aforesaid shall have in his possession any contrivance for relighting or opening the lock of any safety lamp.

(iv.) No part of a safety lamp shall be removed by any person whilst the lamp is in ordinary use.

(7.) Where in any such mine or part of a mine as aforesaid any damage is caused to a lamp through the neglect or default of the person to whom the lamp was given out, that person shall be guilty of an offence against this Act.

(8.) In any mine or part of a mine in which safety lamps are required by this Act or the special rules of the mine to be used, no person shall have in his possession any match or matches nor any apparatus of any kind for producing a light or spark (except so far as may be authorised for the purpose of shotfiring or relighting lamps), nor smoking tobacco, cigar, cigarette, pipe, or contrivance for smoking.

(9.) The manager of a mine in which or in any part of which safety lamps are required by this Act or the special rules of the mine to be used shall, for the purpose of ascertaining before the persons employed below ground in the mine or in the part of the mine, as the case may be, commence work, whether they have in their possession any match or such apparatus as aforesaid, or smoking tobacco, cigar, cigarette, pipe, or contrivance for smoking, cause either all those persons, or such of them as may be selected, on a system approved by the inspector, to be searched in the prescribed manner after or immediately before entering the mine or that part of the mine.

(10.) No person shall search any workman in pursuance of this section, unless he has previously given an opportunity to some two workmen employed in the mine to search himself, and no match or such apparatus as aforesaid, and no cigar, smoking tobacco, cigarette, pipe, or contrivance for smoking has been found on him.

(11.) Any person who refuses to allow himself to be searched in accordance with the foregoing provisions shall be guilty of an offence against this Act, and shall not be allowed to enter the mine or part of a mine, as the case may be, and any person who on being searched is found to have in his possession any of the articles prohibited under this section shall be guilty of an offence against this Act.

*Fencing and Protection.*

Fencing, &c.,  
on surface.

**10.** (1.) Every fly wheel, all exposed or dangerous parts of the machinery, all ash heaps, and all dangerous openings from the surface, shall be kept securely fenced.

(2.) The brace and all elevated tramways shall be kept securely fenced.

(3.) Every brace and pit bank shall be covered to protect workmen from the weather, or be provided with a shelter-house for the bracemen.

Abandoned  
shaft.

**11.** Every abandoned or disused shaft or tunnel shall be securely fenced or covered over by the owner, and in the latter case its position indicated on the surface by a cairn of stones or a post to the satisfaction of the inspector.

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**12.** The entrance to every shaft at the surface and brace shall be properly and securely protected by a fence, gate, or covering; but this provision shall not forbid the temporary removal of such fence, gate, or covering if proper precautions are taken to prevent danger.

Entrance to shaft.

**13.** The top of every shaft, and all entrances between the top and bottom of every shaft or other downward excavation in a mine, shall be properly and securely protected by a fence, gate, or covering; but this provision shall not be taken to forbid the temporary removal of such fence, gate, or covering if proper precautions are taken to prevent danger.

Fencing entrances to shafts.

**14.** When a fence, gate, or covering has been temporarily removed as aforesaid, a strong horizontal bar shall be securely fixed across the unprotected entrance not less than three nor more than four feet from the floor at the entrance.

Temporary removal of fence.

**15.** (1.) Every working shaft and division thereof shall be securely timbered or otherwise made secure.

Securing shafts, &amp;c.

(2.) Every excavation in a mine, whether at surface or underground, shall be securely protected and made safe for persons working therein.

**16.** Persons engaged in sinking operations and (where necessary) in other work in a shaft shall be protected from the danger of falling material by a properly constructed penthouse or covering, or such other precaution shall be taken as the inspector may require.

Penthouse, &amp;c.

**17.** In every working 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 angles from the working as is necessary to ensure safety; and no excavation shall be made within a dangerous distance of an accumulation of water or gas until the ground has been so tested; and, where there is a likelihood of danger from gas, safety lamps shall be provided.

Approaching dangerous amount of water or gas.

**18.** The roof and sides of every passage or road in use and working place shall be made secure; and no person shall, unless appointed for the purpose of exploring or repairing, travel or work in any such passage, road, or working place which is not made so secure.

Securing roof and sides.

**19.** Where the timbering of the working place is done by the workmen employed therein, suitable timber shall be provided at the working place, gate end, pass-by siding, or other similar place in the coal mine convenient to the workmen.

Timbering.

*Ladders and Travelling Ways.*

**20.** A proper ladder or foot way shall be provided in every shaft where no machinery, other than a whim, whip, or windlass, is used for lowering or raising persons.

Proper ladder.

**21.** Where connections in addition to the main shaft have been made between levels, a ladder or other ready means of access between these levels shall be provided in at least one of such connections.

Connections between levels.

Ladders.

**22.** Ladders or other means of ascent equivalent thereto shall be provided in any vertical or inclined way or opening downwards from the underground workings in a mine, and in rises in course of construction and while used as travelling-ways, to give access from the lower to the higher levels in a mine.

In sinking shafts or any vertical or inclined way or opening downwards from the underground workings in a mine, a chain or other form of ladder shall be provided so as to ensure a safe means of exit.

Ladders to have platforms.

**23.** Every ladder hereafter fixed, whether in substitution for an old one or otherwise, shall be inclined at an angle of not more than eighty degrees from the horizontal; but, under exceptional circumstances, ladders may, with the consent of the inspector, be fixed at a greater angle.

No ladder shall be fixed in an overhanging position.

In ladder-ways exceeding sixty feet in depth, and having an inclination of more than seventy degrees from the horizontal, platforms shall be provided as resting-places at convenient intervals. In vertical shafts such platforms shall not be more than thirty feet distant from one another.

Every ladder shall project at least three feet above the platform or top of the shaft, or a suitable fixture for a handgrip shall be placed above such ladder.

All ladders shall be of sufficient strength, and be securely fastened to the timbering or wall of the excavation, and maintained in proper repair.

The spaces between the rungs of every ladder shall not exceed twelve inches, and the rungs shall not be less than six inches distant from the wall of the excavation, and if of iron or steel, not less than five-eighths of an inch in diameter.

Division of shaft.

**24.** Where one portion of a vertical shaft is used for the ascent and descent of persons, and another portion of the same shaft is used for raising material, the first-mentioned portion shall be cased or otherwise securely fenced off from the last-mentioned portion.

Signalling stations and manholes for planes.

**25.** Every underground plane, whether self-acting or worked by an engine, whim, or whip, shall, for the use of persons travelling thereon, be provided (if exceeding forty yards in length) 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 man-holes for places of refuge.

Spaces in horse roads.

**26.** Every underground road, where the material conveyed exceeds ten tons per hour over any part thereof, and where the load is drawn by animal power, 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 measured between wagons running on the road and the wall of the road.

Spaces to be kept clear.

**27.** Every space for a place of refuge shall be constantly kept clear; no person shall deposit anything in such space so as to prevent access thereto.

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*Coal Mining Act.**Machinery.*

**28.** All machinery at a coal mine shall be kept in good order and condition, and shall be provided with all necessary fittings and appliances required by this or any other Act relating thereto; and the manager shall, when required, satisfy the inspector that such machinery has been properly tested and examined. Condition of machinery.

**29.** No person placed in charge of or having the control of any engine at a coal mine shall, unless relieved by a competent person, absent himself or cease to have effective supervision during the time such machinery is used. Person in charge of machinery.

**30.** When the usual means of egress from below ground is by machinery, worked by power other than hand or animal power, such machinery shall, while any person is below ground, be kept ready for immediate use, and the person in charge shall remain in attendance. Means of egress to be kept ready for use.

**31.** No person shall wilfully damage or, without proper authority, use, remove, or render useless any machinery, timber, material, fitting, appliance, gear, or thing provided in or on or about a coal mine. Wilful damage.

*Winding.*

**32.** Every shaft and every division thereof, where appliances worked by machinery are used in raising or lowering persons, if such shaft or division exceeds two hundred feet in depth, shall when required by the inspector be provided with proper guides for such appliances. Guides and signalling apparatus in shafts.

**33.** Every shaft and every division thereof where appliances worked by machinery are used in raising or lowering persons, if such shaft or division exceed sixty feet in depth, shall be provided with 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 use between the top and the bottom, to the top, and thence to the engine-room;
- (b) From the engine-room and top to the bottom of the shaft, and to every entrance for the time being in work between the top and the bottom of the shaft.

**34.** (1.) Subject to this Act the following code of signals shall be used in all mines:— Code of signals.

Knocks or rings—

- One to hoist;
- One to stop when cage or other conveyance is in motion;
- Two to lower;
- Three to communicate;
- Four, men about to get on;
- Ten, accident;
- Such other knocks or rings as may be arranged at the mine.

(2.) The engine-driver or person in charge shall not start his engine or machinery until he has received a distinct signal, as above.

(3.) No person shall enter a cage or other conveyance until a signal in return has been received from the engine-driver or person in charge of the machinery.

(4.) When considered necessary by the inspector, only persons authorised by the manager shall, except in case of emergency, give a signal.

(5.) The prescribed code shall be posted in a clear and legible form on framed boards—one of which shall be placed at the chamber of every level in the shaft, one on the brace, and one in the engine room.

(6.) In every shaft and every division thereof a knocker line or other appliance approved by the inspector shall be provided to enable danger signals to be communicated to the engine-driver or person in charge of the machinery from any portion of the shaft.

(7.) Every person employed in a mine shall make himself acquainted with the code of signals in use.

Speed of raising or lowering.

**35.** In raising or lowering persons, the rate of speed shall not exceed two hundred feet per minute when the cage or other conveyance is within one hundred feet of the surface, bottom, or stopping place, nor five hundred feet per minute when it is in any other part of the shaft.

Materials and men not to be raised or lowered at the same time.

**36.** Except when repairing the shaft, no truck, tool, or any material shall be placed in the same cage or other conveyance in which persons are being lowered or raised.

Securing materials.

**37.** All material shall be securely placed in or attached to the cage or other conveyance, and shall not be allowed to project or hang over the side.

Number of persons allowed to ride.

**38.** The number of persons allowed to ride at one time in a cage or other conveyance shall be fixed by the inspector, and shall be kept posted up at the brace and each stopping place.

Stoppers on whims, whips, and windlasses.

**39.** Whims, whips, and windlasses shall be provided with a stopper or pawl or other reliable holder.

Winding engine sufficient capacity.

**40.** Every winding engine used for raising or lowering persons shall be of sufficient capacity for safely conveying them to or from any level or part of the shaft where such persons are working.

Pressure gauge.

**41.** At every winding engine worked by steam or compressed air there shall be a pressure gauge so placed that the engine-driver can see the pressure available.

Brako.

**42.** (1.) An adequate brake, independent of that on the fly wheel of the engine, shall be fixed to every winding drum, and it shall be so placed that the engine-driver can apply it without leaving the driving lever or controlling mechanism of the engine; and the inspector may at any time order to be made a test of the efficiency of such brake.

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*Coal Mining Act.*

There shall also be a sprag block to hold the drum when out of gear, and an efficient indicator showing to the engine-driver the position of every cage or other conveyance in the shaft; and such indicator shall, in shafts exceeding two hundred feet in depth, ring a bell in the engine room or otherwise warn the engine-driver when the cage or other conveyance is at such distance as is not less than the equivalent of four revolutions of the drum of the winding engine from the landing place at the surface landing of the shaft.

(2.) When a winding engine is used for raising or lowering persons, the brake shall be tested and proved to be adequate for any emergency, and shall not be deemed to be adequate unless each winding drum unclutched from the engine can be maintained in a position of rest, with no more slipping than one foot, by means of its own brakes—

- (a) When bearing its maximum working load when winding persons; and
- (b) When this load is increased to the extent of doubling the number of persons allowed to ride at one time in the cage or other conveyance.

For the purpose of estimating the weight of persons in making the foregoing tests, one hundred and fifty pounds weight shall be allotted to each person.

**43.** Every machine used for raising or lowering persons shall be fitted with flanges or horns on the winding drum, and, if the drum is conical, with other appliances sufficient to prevent the rope from slipping. Slipping of rope on drum.

**44.** Every shaft exceeding two hundred feet in depth where engine power is used for winding shall, when required by the inspector, be provided with a cage. Cages in shafts.

**45.** Every cage used for raising and lowering men shall have a clear height of six feet six inches from the floor of the cage to the under side of the moving parts of the safety gearing, or, if the gearing is outside the cage, between the floor and the cover of the cage. The cover shall be constructed of iron or steel not less than one-quarter of an inch thick, and shall be securely hung on hinges and fitted with sloping sides so as to be readily lifted upwards by persons within the cage. Height of cage.

Keps or shuts for supporting the cage when at rest shall be provided at the surface level where mineral is usually unloaded, but shall not be provided at any intermediate landings in the shaft. The keps or shuts provided at the surface level, and also if provided at the bottom of a shaft, shall be used when persons are entering or leaving the cage.

Nothing in this rule shall prevent the use of buckets or skips during sinking operations or for conveying material or debris if proper precautions for safety are taken.

**46.** Every cage shall be provided in each compartment with suitable hand rails. The sides shall be protected with an iron or steel plate, and, when directed by the inspector, the ends shall be fitted with gates. Construction of cage.

Where cage  
not used.

**47.** In every shaft in which cages are not used, the persons ascending or descending therein by the aid of machinery shall be stayed to the rope or protected in such manner as the inspector may require.

Cages to be  
provided  
with safety  
catches and  
hooks.

**48.** Every cage and, when required by the inspector, every other conveyance used in a shaft shall be fitted with—

- (a) Appliances to prevent its sudden fall down the shaft. Cages so fitted are herein referred to as safety cages:

Provided that, where a rope or iron guides have been installed and the installation of safety cages are not reasonably practical, no winding rope which has been in use for more than three and a-half years or which has been spliced shall be used for raising or lowering persons;

- (b) A safety hook with detaching appliances fixed to the poppet-heads to prevent it coming into contact with the poppet-heads.

No safety hook shall be used that will not suspend the cage or other conveyance at the poppet-heads when detached from the rope.

Chains.

**49.** When chains are employed as couplings to cages or tanks, two single-linked chains of uniform size shall be used to each coupling.

Space  
between  
hook and  
point of  
detachment.

**50.** When a cage is used, there shall be not less than ten feet of clearance between the detaching hook and the point of detachment when the cage is at the brace or uppermost landing.

In the case of existing head gears and where buckets or other appliances are used, the inspector shall have power to determine the distance to be allowed between the floor of the brace and the pulley wheel.

Safety cages  
to be tested.

**51.** No safety cage and no cage or other conveyance fitted with safety appliances as aforesaid shall be used until it has been tested by the manager or other competent person appointed by the manager, and proved to be in working order. Such test shall be conducted in the manner approved by the inspector, and in his presence, or in the presence of one of the miners' inspectors appointed under section seventy of this Act, if available.

The manager or his appointee shall in like manner test such cage or other conveyance at least once in every month, and record the result in the record book.

Safety cages shall be tested from the drums with full and empty trucks.

Winding-rope  
connections  
to be  
examined.

**52.** The connecting attachments between the rope and the cage or other conveyance when newly made, and after every stoppage of work exceeding one month such attachments and also the rope, shall be examined by the manager or his appointee, and shall not be used for ordinary conveyance of persons until after two complete trips up and down the working portion of the shaft have been run with its maximum working load as hereinafter defined.

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The result of such examination and tests shall be immediately recorded in the record book.

**53.** Any safety appliance or gear if condemned by the inspector shall be forthwith removed or made fit. Condemned gear to be removed.

**54.** Where winding operations have been discontinued for eight hours or more, the cage or other conveyance shall be run up and down that portion of the shaft in which persons require to travel before any persons are allowed to travel therein. Trial runs in shafts.

**55.** Ropes out of which any defective portion has been cut and which have been spliced at that part, and ropes which have been previously in use in places beyond the manager's control, shall not be used to raise or lower persons unless the inspector is satisfied that they may be safely used for the purpose. Certain ropes not to be used for winding.

**56.** Ropes shall be cleaned and oiled when necessary, and proper appliances shall be kept and used for that purpose. Cleaning and oiling ropes.

**57.** The manager, or such competent person or persons as he may appoint for the purpose, whose name or names shall be recorded by him in the record book, shall, where winding plant is used for raising or lowering persons, carefully examine— Examination of winding gear.

- (a) At least once in every twenty-four hours the winding ropes and their attachments to the cages and drums, the brakes, depth indicators, the cages and their safety appliances, the pulley wheel, and every external part of the winding arrangements upon the proper working of which safety may depend;
- (b) At least once in every week the guides, shafts, winding compartments, signalling arrangements, and the external parts of the winding engine;
- (c) At least once in every month all detaching hooks, safety catches, and attachments upon which safety may depend, also the structure of the winding rope in order to discover the amount of deterioration of the rope.

For this examination all such detaching hooks, safety catches, and attachments shall be taken to pieces, where necessary for thorough examination, cleaned, and oiled, and the ropes shall be thoroughly cleaned at selected places;

- (d) A report of every weekly or monthly examination required by this rule shall be recorded in the record book, and shall be made and signed by every person making the examination.

If by such examination any defect is discovered by which safety may be endangered, the defect shall immediately be reported to the manager and remedied.

No person shall be raised or lowered until such defect is remedied.

**58.** (1.) Before any rope or chain is used in a shaft it shall, in places remote from the inspector's office, be tested at the mine and proved to be equal to carrying not less than one and a-half times Testing ropes and chains.

the weight of the ordinary load, consisting of cage, loaded truck, and weight of rope, from bottom of shaft to pulley wheel.

Such test shall be made under the supervision of the inspector, if available, but, if not, by the manager and two adult employees: Provided that when required by the inspector a test shall also be made by the machine at his office. In places accessible to the inspector's office every rope before use in a shaft shall be tested by the machine at such office.

(2.) For the purpose of testing wire ropes by the machine at the inspector's office, a piece of the rope of the length required for testing shall be cut from the end of the rope, thoroughly cleaned, and delivered at the inspector's office, with the warden's receipt for the prescribed fee.

The test shall be a test of the breaking strength of the wires, and shall include a torsional and bending test of the wires.

(3.) The maximum working load shall include the weight of rope in the shaft when the skip, cage, or other conveyance is at the lowest working point of the shaft, as well as the weight of such skip, cage, or other conveyance with its connections to the rope and its contained load.

In case a winding rope is used for other purposes besides the conveyance of persons, the maximum working load permitted when raising or lowering persons shall not exceed 0.85 of the maximum load when the rope is in use for other purposes.

The working load shall not at any time exceed one-eighth of the breaking strength of the rope as shown by manufacturer's certificate, or by the test made by the machine at the inspector's office.

(4.) Every rope and chain used in lowering and raising persons in a shaft shall be tested at the mine, or, if required by the inspector, tested in the manner prescribed, at intervals of not more than six months, and shall be cut and recapped or shod at more frequent intervals when necessary.

(5.) When any prescribed test shows that the rope can no longer be safely used, such rope may be condemned by the inspector, and shall be removed by the manager.

(6.) The result of every test shall be recorded in the record book by the person making the test:

Provided that when a rope is tested on the machine at the inspector's office, it shall be sufficient if the inspector sends a copy of the result of the test to the manager, who shall permanently insert such copy in the record book.

**New ropes.**

**59.** Whenever a new rope is put on and tested for the first time, the manufacturer's certificate of breaking strength or a certified copy thereof shall be supplied to the inspector. A copy of such certificate shall also be recorded in the record book, and the following particulars:—

Lengths of rope.

Diameter.

Circumference.

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- Number of strands in rope.
- Class of core.
- Number of wires in each strand.
- Diameter of wires in each strand.
- Class of core in each strand.
- Breaking stress of steel of which wire is made.
- Breaking load of rope.

**60.** Whenever a rope in use is cut, the following particulars, <sup>Cutting and retesting.</sup> or such of these as are applicable, shall be supplied to the inspector and recorded in the record book:—

- Name of shaft and compartment of shaft in which rope is used.
- Date when rope put on.
- Dates of shortening.
- Dates of recapping.
- Dates of turning end for end.

**61.** If the inspector is not satisfied with the manufacturer's <sup>Certificate.</sup> certificate supplied to him, or if such certificate is not supplied, the manager shall either obtain and produce a certificate of the result of a test at some recognised testing laboratory of the breaking strength of a piece cut from one end of the rope and of its full cross section without any separation of strands, which certificate shall be considered sufficient, or the breaking strength as ascertained by the test made by the machine at the inspector's office shall be taken to be the breaking strength of the rope.

*Explosives.*

**62.** No explosives shall be used in any coal mine except <sup>Supply of</sup> explosives provided by the owner, agent, or manager, and the price, <sup>explosives.</sup> (if any) charged by the owner, agent, or manager to the workmen shall not exceed the actual net cost to such owner, agent, or manager.

**63.** If the use of any explosive or any class of explosive, by <sup>Prohibition</sup> reason of its likelihood to inflame gas or dust, is, in the opinion of <sup>of certain</sup> the inspector, dangerous in any mine or any part of a mine, the <sup>explosives by</sup> inspector may, by notice in writing, require the manager to <sup>inspector.</sup> discontinue the use of such explosive in such mine or part.

When notice is received by the manager under this rule, he shall insert the same in the record book, and shall comply with the requirements of the notice within the time specified therein.

**64.** No explosive other than a permitted explosive, as defined <sup>Use of</sup> by the regulations and orders for the time being in force under <sup>permitted</sup> "The British Coal Mines Act, 1911," shall be used in any coal <sup>explosives.</sup> mine that is not naturally damp and free from explosive gas.

**65.** (1.) Explosives shall only be stored in or on a mine or <sup>Storage of</sup> adjacent thereto, or taken for use into the workings, as hereunder <sup>explosives.</sup> provided—

- (a) Explosives shall not be stored on the surface of or adjacent to the mine, unless in such magazine and in such quantities as the inspector in writing approves;

- (b) Gunpowder shall not be stored in any magazine with explosives intended to be exploded by a detonator;
  - (c) The construction, lining, and ventilation of every explosives 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) Every magazine on the surface shall be in charge of the manager or person authorised by him, who shall have in his possession the keys of the magazine and be responsible for the safe storage of the explosives contained therein. The name of such person shall be recorded in the record book;
  - (e) Explosives shall not be taken for use into the workings except in quantities actually required during the shift nor except in cartridges in a secure case or canister containing not more than five pounds, and a person shall not have in use at one time in any one place more than one of such cases or canisters.
- (2.) Explosives shall not be stored below ground in any coal-mine.
- (3.) Suitable provision shall be made conveniently near the entrance of the mine for the storage of surplus explosive brought out of the mine at the end of each shift.
- (4.) The person responsible for the safe storage of explosives shall not issue detonators except to shotfirers or other persons specially authorised by the owner, agent, or manager in writing.
- All detonators so issued shall be kept, until about to be used, in a secure case and shall be kept separate from any other explosive therein.
- (5.) Detonators shall be stored apart from other explosives. Detonators shall not be placed dangerously near any passage or road in use or working face. Detonators shall only be fixed to the fuse by means of pincers specially provided by the manager.

Appointment  
of shotfirer.

**66.** For the purpose of charging and firing explosives in any part of a coal mine, a person or persons, who shall be competent in the use of explosives for blasting, shall be appointed in writing by the owner, agent, or manager. The names of all such persons, hereinafter called "shotfirers," shall be recorded in the record book.

A shotfirer, who shall be the holder of a deputy's certificate under this Act, shall be appointed for each district of the mine allotted to a competent person for daily inspection as required by rule six of these rules, but if the number of shotfirers so provided is found insufficient for conveniently firing the shots in any part of the mine, the manager may make written application to the inspector, stating the number and names of the additional or subordinate shotfirers required and certifying as to their competency in the use of explosives, and the inspector may sanction in writing the appointment of such or so many of these additional or subordinate shotfirers, who shall be under the general direction of the district shotfirer, as may appear to him necessary under the circumstances.

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*Coal Mining Act.*

Every district shotfirer shall, at the commencement of any shift, be at the station fixed in accordance with rule six hereof before any of the additional or subordinate shotfirers pass beyond such station, and shall refer to and initial the reports of the last recorded inspections of the mine under the said rule six, and if, at any of the inspections under the aforesaid rule recorded last before the shift about to be worked, inflammable gas has been reported to be present in the district allotted to him as district shotfirer, he shall forthwith prohibit the firing of explosives in such district by any of the subordinate shotfirers under his direction, and shall deal with the matter as provided in subsection two of rule seventy of these rules.

**67.** No person other than a shotfirer appointed as aforesaid shall be allowed to charge or fire explosives, and only a shotfirer or a person authorised in writing by the manager shall be allowed to have explosives in his possession.

Persons  
allowed to  
charge and  
fire  
explosives.

**68.** (1.)—

Charging.

- (a) No tool consisting wholly or in part of metal shall be used in charging, tamping, or ramming, or in unramming the tamping or withdrawing any part of a charge.
- (b) Every charge shall be placed in a properly drilled and placed shothole, and shall have sufficient stemming and shall consist of a cartridge or cartridges of not more than one description of explosive, and it shall be the duty of the person firing the shot to satisfy himself that these requirements are fulfilled before he fires the shot.
- (c) No hole shall be bored in the butt or in the remaining portion of a hole in which a charge of nitro-glycerine compound has been previously exploded.
- (d) No drill hole shall be bored in such a position or given such a direction that it can come in contact with any remaining portion of a hole in which a charge of explosives has been previously exploded, or with a hole in which the charge has missed fire.

(2.) The manager of every coal mine shall provide a supply of clay or other non-inflammable substance for tamping or stemming holes charged with explosives, and such supply shall be sufficient for the day's work, and shall be kept at or within ten yards of the working face. Only such clay or non-inflammable substance as aforesaid shall be used for tamping any charge.

(3.) In any process of charging, ramming, tamping, or stemming for blasting, no explosive shall be forcibly pressed into a hole of insufficient size. Every charge shall have sufficient tamping or stemming, and only clay or other non-inflammable substance shall be used for the purpose of tamping or stemming. Coal or coal dust shall not be used for tamping or stemming.

Before any hole is charged, its direction shall be marked out on the roof or other convenient place, so that in case of miss-fire the direction of the hole will be known.

When a hole has been charged, the explosive shall not be unrammed. No hole shall be bored for a charge at a distance of

less than twelve inches from a hole where the charge has missed fire, and any hole so bored for a charge shall be bored in such a direction that it cannot come in contact with the charge which has missed fire.

Number of charges permitted.

**69.** Two or more charges of explosive shall not be fired at one time in any place, but in the case of stone drives, and other special work not connected with the actual getting of coal, the manager may by written authority sanction a district shotfirer to fire more than one but not exceeding five charges at one time:

Provided that, if two or more but not exceeding ten charges are required to be fired simultaneously, this rule shall not apply if an efficient electrical apparatus is used for firing such charges.

Shotfirer's examination before firing.

**70.** (1.) Every place in which explosives are about to be fired shall be inspected by a shotfirer immediately before the firing of such explosives, and when any place is unsafe for firing he shall not fire such charge until such place has been made safe for firing.

(2.) If in any mine, at any of the inspections under rule six of these rules recorded last before a charge of explosives is to be fired, inflammable gas has been reported to be present in the ventilating district in which the charge is to be fired, the charge shall not be fired unless a district shotfirer appointed as aforesaid has examined the place where gas has been so reported to be present, and made tests therein with a safety lamp for the presence of inflammable gas, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot.

To ascertain in what places inflammable gas has been reported to be present in the ventilating district in which a charge of explosives is to be fired, the shotfirer shall, before entering the mine, at each shift refer to the last recorded inspections of the mine under the said rule six, and initial the report of such inspections.

General warning of firing operations in progress.

**71.** (1.) Before firing any charge of explosive a shotfirer shall see that due warning is given in accordance with the provisions of the next succeeding provision of this rule, and shall also see that all persons are at a safe distance from the place where the shot is to be fired.

(2.) Before firing a charge or charges of explosives, the person in charge of the firing operations shall see that due warning is given in every direction by shouting "Fire," and all entrances to the place where such charge or charges are being fired shall be guarded, or a barrier shall be erected therein, to prevent inadvertent access thereto while firing operations are going on. Such barrier shall be removed after firing, and replaced before each subsequent firing of a charge or charges.

Warning in places likely to be broken into by firing operations.

**72.** Before firing a charge of explosive in any place which is likely to be holed or broken through by the firing of such charge into another place, a shotfirer shall personally see that due warning is given to prevent any person being at the time of firing in the place likely to be holed or broken into by the firing of such charge, and take precautions to prevent any person entering therein until the charge has exploded.

1925.

*Coal Mining Act.*

**73.** After any charge of explosives has been fired, the shotfirer shall return and make an examination of the place where such charge has been fired, and of all brattices, sheets, doors, and roof near to the place (and where the conditions mentioned in paragraphs one and two of rule seventy hereof are being observed, and in the vicinity of faults or where there is a likelihood of the presence of gas, such examination shall be made by the district shotfirer personally with a safety lamp). If on making such examination the shotfirer or district shotfirer sees reason to apprehend danger from any cause he shall notify the workmen and place a danger signal across such place, and no person shall enter therein (unless for repairs) until the place has been reported to be safe.

Shotfirers' examination after firing.

**74.** If a charge of explosive misses fire in any place, the shotfirer shall, unless the charge was attempted to be fired by an electrical appliance, notify the workmen who were working in such place, and fence off the place by erecting a danger signal, and no person shall enter the place for a period of eight hours after such charge was attempted to be fired; but if the charge was attempted to be fired by an electrical apparatus, the shotfirer may return when five minutes has elapsed after the attempt was made to fire the charge, provided that he disconnects the cable of the battery and takes the battery with him.

Action in case of miss-fires.

If any charge of explosive misses fire, the charge shall not be unrammed; but in all cases a relieving hole shall be bored at a distance of not less than twelve inches from and as near as possible parallel to the hole containing the charge which has missed fire.

After firing the relieving hole the shotfirer shall see that all the explosive which missed fire is taken out of the coal when broken down, and that no coal is filled out of the place in which the charge missed fire until all such explosive has been recovered.

If such charge contains a detonator, the shotfirer shall, before charging the relieving hole, attach a string to the fuse of the missed shot and secure it to a prop or to the cable, and after firing the relieving hole he shall, with his hands only, with the greatest care search the coal or stone for the purpose of finding and recovering the detonator; if he fails to find the detonator, or is not satisfied that it has been exploded by the firing of the relieving charge, he shall cause the coal or stone to be loaded with the greatest care and sent to the surface for further examination.

If the missed shot is not dislodged by the firing of the first relieving hole, further holes must be drilled or other safe means adopted to dislodge the missed shot. The shotfirer shall report all miss-fires to the manager or underground foreman without delay and deliver the explosives and detonator to him when found.

**75.** The foregoing rules specifying the duties of shotfirers in regard to the safe use of explosives shall be observed by every shotfirer, whether such shotfirer is a subordinate shotfirer or a district shotfirer, and any subordinate or district shotfirer who fails to duly observe the said rules will be liable to have his appointment as shotfirer or his deputy's certificate, as the case may be, cancelled.

Duty of shotfirers.

Firing where permitted explosives are required to be used.

**76.** (1.) In any mine in which within three months before a charge of explosive is to be fired inflammable gas has been found in such quantity as to be indicative of danger, and in any mine which is not naturally damp, no charge of explosive shall be fired unless the explosive employed in the charge is a permitted explosive as hereinbefore defined, and the following provisions of this rule are strictly observed.

(2.) If in any mine, at any of the inspections under rule six of these rules recorded last before the charge is to be fired, inflammable gas has been reported to be present in the ventilating district in which the charge is to be fired, the charge shall not be fired unless the district shotfirer has examined the place where the shot is to be fired and all contiguous accessible places within a radius of twenty yards from the place, and has found them clear of inflammable gas.

(3.) If the place where a charge of explosive is to be fired is dry and dusty, the charge shall not be fired unless the place of firing and all contiguous accessible places within a radius of twenty yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides.

If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, the charge shall not be fired unless the foregoing provisions of this subsection have been observed and all workmen have been removed from the seam in which the shot is to be fired and from all seams communicating with the shaft in the same level, except the men engaged in firing the charge of explosive, and such other persons not exceeding ten as are necessarily employed in the attending to the machinery or horses or in inspecting the mine.

(4.) In any mine in which permitted explosives are required by the foregoing rules to be used, no charge of explosive shall be fired except by means of an efficient electrical apparatus so enclosed as to afford reasonable security against the ignition of inflammable gas, and where charges are so fired the cable used for the purpose shall not be less than twenty yards in length.

Every electrical firing apparatus shall be provided with a removable handle or safety plug which shall not be placed in position or operated until the shot is required to be fired, and which shall be removed or released as soon as a shot has been fired. The removable handle or safety plug shall at all times remain in the personal custody of the shotfirer whilst on duty.

(5.) In this rule "ventilating district" means such part of a seam as has an independent intake air-course and an independent return airway, terminating at a main return air-course. Where a seam of a mine is not divided into separate ventilating districts, the provisions of this rule relating to ventilating districts shall be read as though the word "seam" were substituted for "ventilating district."

(6.) Where permitted explosives are required to be used, every shot hole shall be charged and stemmed by a district shotfirer, who

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shall keep a record, in a book to be provided by the manager, of the number of shots so fired in each working place during the shift and of every miss-shot: Provided that—

- (i.) When permitted explosives are required to be used in any mine, and the conditions in respect of gas or dust in any part or parts thereof are such that in the opinion of the inspector the district shotfirer can, by the exercise of general supervision over the charging and stemming of shot holes by subordinate shotfirers in such part or parts, sufficiently attend to the observance of the provisions of these rules specifying the duties of shotfirers, the inspector may in his discretion authorise the shot holes in such part or parts to be charged and stemmed under the supervision of the district shotfirer in the manner aforesaid.
- (ii.) The inspector shall in writing prescribe such part or parts, and when the shot holes therein are not charged and stemmed by the district shotfirer personally, the district shotfirer shall ascertain the position of every shot hole bored or charged or about to be bored or charged in the said part or parts during the shift, and may give permission for the charging and firing of such shot hole, and shall keep a record, in the book provided for the purpose, of the number of shots so fired in each working place during the shift and of every miss-shot.
- (iii.) No such shot hole shall be charged or fired without the permission of the district shotfirer as aforesaid.
- (iv.) The district shotfirer shall not be called upon to act in any other capacity unless he can so act without interfering with the efficient performance of the duties as prescribed by these rules.
- (v.) Nothing in this rule shall be construed so as to relieve the district shotfirer from his responsibilities under these rules.

(7.) No shot shall be fired in any coal mine in which permitted explosives are required to be used unless the shotfirer has examined the floor, roof, and sides of all contiguous accessible places within a radius of five yards of the place where the shot is to be fired, for coal dust, and has taken efficient steps by watering or other approved means to render any dust within that area harmless.

(8.) The manager shall appoint the district shotfirer, in writing, specifying the district in which he is responsible, in addition to recording his name in the record book, and shall also supply him with a copy of these rules.

*Health and Sanitation.*

**77.** Adequate provision shall be made in every mine for Cleanliness, cleanliness, sanitation, and the prevention of dust. &c.

**78.** (1.) At every coal mine where five 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 Change house and bathing accommodation. dirty clothes can be kept entirely separate in separate rooms of

equal area, 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 and washing basins for the employees to have the use of same when required without unnecessary delay, but not less than one shower and two basins 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 or for washing 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 these rules 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.

Appliances  
for dressing  
wounds.

**79.** Every mine more than one hundred feet deep shall keep below in one or more convenient places appliances and chemicals for washing and dressing cuts and wounds; such appliances and chemicals to be approved of by the inspector.

The manager of every mine shall see that some person employed at the mine is qualified and is the holder of a certificate in first aid.

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**80.** Where the inspector considers the health of the workmen Rock dust. underground to be endangered by dust arising from the use of rock-drilling machines or by dust or fumes from any cause mixing with the air in any portion of the workings of a mine in which miners are working, he shall give notice in writing to that effect; and the owner, agent, or manager shall thereupon provide and cause to be constantly used jets or sprays to prevent the nuisance, or, if in any case there is likely to be danger from falls of roof or sides, owing to the moistening of the rock by such sprays, or danger to health, adopt such other measures as are in the opinion of the inspector sufficient.

**81.** The owner, agent, or manager shall cause a sufficient Sanitary conveniences. number of suitable sanitary conveniences to be provided above and below ground in suitable and convenient places for the use of the persons employed, and to be constantly kept in a cleanly and sanitary condition; and no person shall relieve his bowels below ground elsewhere than in those conveniences.

Such conveniences shall be constructed in a manner satisfactory to the inspector, properly placed in order to avoid the addition of organic effluvia to the ventilatory currents entering working places or travelling ways, and so screened as to afford decent privacy of usage. The conveniences shall be furnished with suitable deodorants, and removal of the contents shall be effected as often as may be necessary, but not less frequently than once every two days. Close-fitting covers shall be placed on the pans whilst they are being transferred to the surface, and the pans shall be thoroughly cleansed on the double service system before they are sent again underground.

No person shall soil or render unfit for use in any way any convenience or sanitary utensil or appliance provided for the use of the persons employed. Pump cisterns, sumps, and water accumulations in the mine shall not be directly or indirectly used for the purpose of this rule as sanitary conveniences.

**82.** (1.) A place or places for meals shall be set aside in levels Meals. where necessary. Such places shall be kept clean.

(2.) At every such place an impervious receptacle shall be provided in which all waste food, paper, and other rubbish shall be placed. Any person wilfully neglecting to use the receptacle or throwing waste food about the mine shall be guilty of an offence.

(3.) The contents of the receptacle shall be sent to the surface, and the receptacle shall be thoroughly cleansed as often as may be necessary, but not less frequently than once every three days.

**83.** Where provision is made as required by these rules for Preventing nuisances. preventing nuisances or securing the health or safety of persons employed in or about a mine, and any person wilfully refuses or omits to make use of any appliances, contrivances, or means provided for any such purposes, such person shall be guilty of an offence, unless the court before which he is brought certifies that his refusal or omission was excusable under the circumstances.

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*Certificates.*Examina-  
tions.

**84.** Subject to these rules, all certificates shall be granted after examination only.

School of  
mines  
diploma.

**85.** On payment of the prescribed fee, the Board may, without examination, grant a first-class mine manager's or second-class mine manager's certificate to any person of good repute who satisfies the Board that he is resident in Queensland and who produces to the Board satisfactory evidence that he has had not less than three years' practical mining experience and that he has passed at any university or school of mines recognised by the Board examinations corresponding to those required for such certificates under this Act.

Registration  
of foreign  
certificates.

**86.** (1.) Any mine manager's certificate of competency granted by any duly constituted and recognised authority outside Queensland may, if the holder thereof produces such certificate and gives satisfactory evidence of his sobriety and good character, be approved by the Board, provided that certificates issued under this Act are similarly approved by such authority.

(2.) Every certificate so approved shall, on payment of the prescribed fee, be registered, and shall be equivalent in all respects to a similar certificate granted under this Act.

Fee for  
examination.

**87.** All applications for examination shall be forwarded to the chairman of the Board, accompanied by the prescribed fee.

Grant of  
certificate  
after  
examination

**88.** Upon an applicant passing the required examination, and upon the Board being satisfied of his fitness in all other respects, the Board shall grant a certificate of the appropriate grade; but no certificate shall be granted to any person who does not produce satisfactory evidence that he has had not less than three years' practical mining experience.

Age.

**89.** No certificate under this Act shall be granted to any person under twenty-one years of age.

Register of  
certificates.

**90.** A register shall be kept of all certificates granted under this Act.

Interim  
certificates.

**91.** Where a mine manager or mine foreman uncertificated under this Act has had no opportunity of presenting himself for examination, the Board, on being satisfied as to the experience of such person, may grant him an interim certificate of the appropriate grade, which shall operate accordingly until the day next afterwards appointed for the examination.

Duplicate  
certificate  
in case of  
loss.

**92.** If any certificate granted under this Act is lost or destroyed, the holder or some person having knowledge of the facts and circumstances may make a statutory declaration thereof; and the Board, if satisfied with such declaration, may issue a fresh certificate to the person entitled to hold the same on payment of the prescribed fee.

Such certificate shall be endorsed with a memorandum setting out the reasons for the issue thereof, and thereafter such certificate shall be available as if it were the original certificate.

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*Coal Mining Act.**Winding Licenses for Winding Persons and Materials in Mines.*

**93.** Subject to these rules, there shall be three descriptions of winding licenses, viz.:— Description of winding licenses.

- A general winding license;
- A limited winding license;
- A special winding license.

**94.** A general winding license shall entitle the holder to drive or have charge of any winding engine worked by steam or compressed air. General winding license.

**95.** (1.) A limited winding license shall entitle the holder only to drive or have charge of such particular winding engine worked by steam or compressed air as may be approved by the inspector, in the manner hereinafter provided. Limited winding license.

(2.) The inspector's approval of any engine which may be taken charge of by the holder of a limited license shall be in the prescribed form and signed by the inspector, and shall be posted up in a conspicuous place on or near the engine approved.

(3.) No such approval shall be given by the inspector under this rule for any winding engine which is—

- (a) Used for drawing persons up, down, or along any shaft, winze, level, or inclined plane in any mine; or
- (b) Used for raising or lowering material in any shaft, winze, or tunnel in course of sinking; or
- (c) In the opinion of the inspector of mines, so used that a limited license may not be safely granted; or
- (d) Of a size or power exceeding that of engines which the holder of a second-class engine-driver's certificate issued under \**The Inspection of Machinery Act of 1915* is entitled to drive.

**96.** A special winding license shall entitle the holder to drive or have charge of winding engines worked by such motive power, other than steam or compressed air, as is specified on the license, and may be general or limited in its application to such winding engines. Special winding license.

**97.** (1.) All applications for winding licenses shall be forwarded to the Mines Department, Brisbane, accompanied by— Application for license.

- (a) A medical certificate obtained not more than two years before the date of the application, certifying that the applicant is free from deafness, defective vision, epilepsy, disease of the heart, and any other infirmity which might cause him to lose control of the engine;
- (b) Except in the case of applications made under rule ten, satisfactory evidence that during the twelve months immediately preceding the application the applicant has had, under the supervision of the holder of a winding license, six months' practice, amounting to not less than twelve hours per week, in driving at a vertical shaft a winding engine of the class in respect of which the license is applied for;

\* 6 Geo. V. No. 24, *supra*, page 6859.

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- (c) If the application is for a general winding license, satisfactory evidence that the applicant is the holder of a first-class engine-driver's certificate issued under \**"The Inspection of Machinery Act of 1915"*;
- (d) If the application is for a limited winding license, satisfactory evidence that the applicant is the holder of a second-class engine-driver's certificate issued under \**"The Inspection of Machinery Act of 1915"*;
- (e) If the application is for a special license, satisfactory evidence of a competent knowledge of the class of machinery in respect of which the special license is applied for.

(2.) The evidence in the case of paragraph (b) of this rule shall be a statutory declaration in the prescribed form, and the evidence in the case of paragraphs (c) and (d) shall be the engine-driver's certificate, which shall be produced to the Board. The evidence in the case of paragraph (e) shall consist of a document certifying to the applicant's competency, obtained from some source or authority recognised by the Board, or shall be the passing of a special examination which may be held by the Board.

Extension of  
limited  
license.

**98.** The holder of a limited winding license may, on obtaining a first-class engine-driver's certificate under \**"The Inspection of Machinery Act of 1915,"* be granted a general winding license without further examination; but if more than six months has elapsed since such holder was last employed driving a winding engine the Board may, if it thinks fit, require him to obtain such additional practice as may be considered necessary before granting him a general winding license.

Examination.

**99.** (1.) Except as hereinafter provided by rule one hundred and three of these rules, no winding license shall be granted to any applicant unless he satisfies the Board that he possesses a competent knowledge of matters relating specially to the duties of winding, by passing an examination in the following subjects:—

- (1) General duties of winding-engine drivers; precautions when taking charge, &c.
- (2) Queensland signal code: Prime signals and different combinations; precautions in giving signals, &c.
- (3) Raising and lowering men and materials: Precautions to be taken, speed allowed, and determination of; different forms of indicators.
- (4) Brakes: Different forms; method of attachment to engine; mode of operation and testing of.
- (5) Winding accidents: Causes of; means of prevention; action in case of emergency.
- (6) Cleaning and oiling wire ropes; method of putting new rope on drum, &c.
- (7) Winding engines: Operation of; general construction and different varieties; reversing gears, &c.
- (8) Care of winding machinery: Dangerous defects.
- (9) Air compressors: Management of; construction; different types; accidents with, &c.:

\* 6 Geo. V. No. 24, *supra*, page 6859.

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Provided that in the case of a special winding license subjects seven and eight shall be taken to refer to winding engines of the class in respect of which the special license is required, and subject nine shall be optional.

(2.) Examinations shall be held at the principal towns and mining centres, in such manner and at such times as the Board may decide, and the exact date of the examinations shall be notified by advertisement beforehand.

**100.** On an applicant passing the prescribed examination, and upon the Board being satisfied of his fitness in all other respects, the Board may grant him a winding license of the description to which he is entitled. Grant of license.

**101.** Any person who is the holder of any winding license, and who drives or takes charge of any winding machinery to which his license is not applicable, or which he is not entitled by his license to drive or take charge of, shall be liable to have his license suspended or cancelled, and any such person who has had his license suspended or cancelled, or any person who without holding a winding license drives or takes charge of any winding machinery, shall be guilty of an offence. Penalty for misuse of license or working without license.

Provided that when any Holman or other small hoisting apparatus is temporarily set up for the purpose only of moving or lifting materials, otherwise than in any shaft or winze, or is in the opinion of the inspector of mines used under such conditions that it may be safely operated by any competent workman who does not hold a license, such portable apparatus shall be deemed to be a class of engine for which no license is issued under the Act, and for which no license shall be necessary.

**102.** A register shall be kept of all winding licenses issued. Register of winding licenses.

**103.** Any person who holds a certificate entitling him to take charge of any class of winding engines granted by an authority recognised by the Board within or outside the State may, on making application in the manner prescribed, and forwarding such certificate to the Department of Mines, be granted without examination a winding license applicable to the same class of winding engines: Provided that such certificate was originally granted under *"The Inspection of Machinery and Scaffolding Act of 1908,"* or that the holder thereof has obtained the grade of certificate he is entitled to under the provisions of that Act relating to existing certificates, re-issue, and reciprocity. Recognition of existing certificates and reciprocity.

Provided further that if the original certificate was issued by an authority outside the State the Board may, before issuing the license, require any applicant under this rule to furnish satisfactory evidence as to his knowledge of the rules relating to winding under the Mines Regulation Act and satisfactory evidence as to his qualifications and character.

**104.** No license under this Act shall be granted to any person under twenty-one years of age. Age.

\* 8 Edw. 7 No. 9 (*supra*, page 1310), repealed by 6 Geo. V. No. 24, *supra*, page 6859.

Duplicate  
license in  
case of loss.

**105.** If any license granted under this Act is lost or destroyed, the holder or some person having knowledge of the facts and circumstances may make a statutory declaration thereof; and the Board, if satisfied with such declaration, may issue a fresh license to the person entitled to hold the same on payment of the prescribed fee.

Such license shall be endorsed with a memorandum setting out the reasons for the issue thereof, and thereafter such license shall be available as if it were the original license.

Form of  
declaration.

**106.** A declaration in favour of an applicant for a winding license who has practised under the holder of a winding license shall be in the following form:—

*Statutory Declaration by Holder of Winding License.*

I, \_\_\_\_\_, of \_\_\_\_\_, in the State of Queensland, do solemnly and sincerely declare as follows:—

That I am the holder of winding license No. \_\_\_\_\_, under "The Coal Mining Act of 1925." That \_\_\_\_\_ has been operating a winding engine of the undermentioned class at a vertical shaft at the \_\_\_\_\_ Mine, under my supervision, for \_\_\_\_\_ months, and during that time he has been employed \_\_\_\_\_ hours per week on the engine.

I consider him competent to take charge and safely operate a winding engine of the class hereunder mentioned on a vertical shaft.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the "Oaths Act of 1867."

(Signed)

Taken and declared before me, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

A Justice of the Peace.

Class of engine driven—State motive power, size, depth of shaft, size of drums, and, if worked by steam or compressed air, the following:—

First or second motion:  
Link motion or loose eccentric;  
Size of cylinders:  
Length of stroke:  
Speed revolutions per minute:  
Steam pressure:

Initials of holder of license.

This declaration can only be made by the holder of a winding license.

Approval of  
engine for  
limited  
license.

**107.** The approval by an inspector of a winding engine which may be taken charge of by the holder of a limited winding license shall be in the following form:—

*Approval of Engine which may be taken Charge of by Holder of Limited Winding License.*

Name of mine:  
Particulars to identify engine:  
Place in mine where engine situated:

Under the provisions of "The Coal Mining Act of 1925," I hereby approve of the above-mentioned winding engine being taken charge of by the holder of a limited winding license, under the following conditions:—

Purpose for which winding engine may be used:  
Period for which approval in force:  
Other particulars:

(Signed)

Inspector of Mines.

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*Coal Mining Act.**Granting and Designation of Certificates to Deputies.*

**108.** (1.) Every deputy's certificate shall be designated "Certificate of fitness as deputy." Deputy's certificates.

(2.) Every application for such a certificate shall be addressed to the Chairman, Board of Examiners, Mines Department, Brisbane, and shall be accompanied by a medical certificate that the applicant's hearing and eyesight are normal, and by testimonials setting out fully the applicant's whole experience in coal mines.

(3.) Applicants whose medical certificates and testimonials are satisfactory to the Board may be candidates at an examination held by the Board or some school or college of instruction recognised by the Board, which shall consist of an oral examination of, and practical demonstrations carried out as far as possible by, the candidates in the following subjects:—

- (a) Knowledge of gases in mines and occurrence and properties of the same;
- (b) Method of testing for gases in mines;
- (c) Construction and use of safety lamps;
- (d) Ascertaining sufficiency of ventilation and state of roof and sides;
- (e) Duties of deputies; and
- (f) Supervising the general duties of shotfirers:

Provided that if an applicant possesses a first-class mine manager's certificate or a second-class mine manager's certificate of competency under "*The Coal Mining Act of 1925*," such certificate shall be accepted by the said Board in lieu of the passing of the abovementioned examination.

(4.) Candidates shall be over the age of twenty-one years.

(5.) It shall not be necessary for a candidate before examination to have attended classes or received instruction at any school or college.

(6.) The Board may make rules prescribing the scope of the examination in the subjects specified.

(7.) On a candidate satisfying the Board as to his knowledge of the subjects specified, either by such examination held by the Board or by producing a certificate granted after examination by a recognised college of instruction or a first-class certificate or a second-class certificate of competency under the said Acts, the Board shall grant him a certificate of fitness as deputy.

*Suspension and Cancellation of Certificates and Licenses.*

**109.** (1.) If at any time it appears to the Board that the holder of any certificate or winding license granted or approved under this Act is guilty of an offence against this Act or misconduct or negligence, the holder of such certificate or license may be called upon by the Board to show cause why his certificate or license shall not be cancelled, suspended, or otherwise dealt with. Cancellation or suspension of certificates or licenses.

(2.) The Board shall inquire into the matter, and every such inquiry shall be made by the Board or by some person appointed by the Board for that purpose, not being the person by whom a charge was made.

(3.) If the inquiry is not made by the Board collectively, the evidence shall be taken in writing, and shall be forwarded to the Board for consideration. At any such inquiry evidence may be given upon oath and for the purposes of holding such inquiry the Board or its deputy shall have the power of a warden's court to summon witnesses.

(4.) If the holder of the certificate or license does not appear, or if the Board find that he has been guilty of any offence against this Act, or of any negligence or misconduct, the Board may disqualify him by cancelling or suspending his certificate or license, or, if he is the holder of a certificate or license granted by an authority outside the State, by cancelling or suspending the approval thereof, for such period as the Board think fit; and during the period of such disqualification the person so disqualified shall be deemed to be without a certificate or license.

*Use of Electricity and Electrical Machinery in Coal Mines.*

Owner or manager to send notice of electric installation to inspectors.

**110.** Within one month after the coming into force of these rules, the owner or manager must send notice in writing giving particulars of any existing electric installation, to the inspector; and before any new electric installation is erected, or any material alteration of or addition to any installation is made, at any time, similar notice thereof in writing must be sent to the inspector.

Appointment of electrician.

**111.** At every mine where electricity is used for power or lighting purposes, a competent person shall be appointed to take charge of the whole of the electrical machinery, apparatus, and conductors in and about the mines.

Such person shall be subject to the authority of the manager, and his name shall be recorded in the record book as the mine electrician.

Electrician on duty when machinery working.

**112.** The electrician or an assistant electrician shall be on duty at the mine when the electrical apparatus or machinery is in use, and, if in the opinion of the inspector continual supervision of the electrical machinery below ground is necessary, an electrician or an assistant electrician shall be on duty at the mine above ground and another below ground.

Persons working electrical apparatus to receive instruction.

**113.** Every person who is required or is appointed to work any electric apparatus shall have been instructed in his duty, and be competent for the work that he is set to do.

Telephonic communication where electrical power used underground.

**114.** In every mine where electricity is used below ground for power purposes, direct telephonic or other equivalent means of communication shall be provided between the surface and the shaft bottom or main distributing centre underground.

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- 115.** Instructions shall be posted up at the mine entrance, and in every generating transformer and motor house, containing directions as to the restoration of persons suffering from electric shock. All employees working in connection with the electric apparatus shall be required to acquaint themselves with the instructions in question. Instructions as to procedure in case of electric shock.
- 116.** Fire buckets, filled with clean dry sand, shall be kept in electrical machine rooms, ready for immediate use in extinguishing fires. Fire buckets.
- 117.** Every personal accident occurring in connection with the operation of the electrical equipment (including electric shocks and burns) shall be promptly reported by the person injured or by some other person on his behalf at the office of the mine, and shall be there recorded; and a report of such occurrence shall be forwarded by the manager to the inspector of mines. Reporting accidents.
- 118.** In the event of any instance occurring of breakdown of or damage or injury to any portion of the electrical equipment in the mine, or of over-heating, or of the appearance of sparks or arcs outside the enclosing casings—or in the event of any portion of the equipment (not being a proper part of the electrical circuit) becoming alive—every such occurrence shall be promptly reported in the record book and signed by the person making such report. Recording cases of breakdown, derangement of gear, &c.
- 119.** In all machine rooms and other places underground, where a failure of electric light is likely to cause danger, proper lamps or lights, which shall be to the satisfaction of the inspector, shall be kept for use in the event of such failure. Provision of lamps in case of failure of electric light.
- 120.** No person other than an authorised person shall enter a machine room or motor room; and no person shall wilfully damage, interfere with, or, without proper authority, remove or render useless any electric line or any machine, apparatus, or part thereof, used in connection with the supply or use of electricity. Persons permitted to enter machine or motor rooms.
- 121.** (1.) Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use before the coming into force of these rules may be continued in use, subject to compliance with such of the rules or such conditions affecting safety as the inspector may require, unless, in the opinion of the inspector, it would be unsafe for such electrical plant or apparatus to be continued in use. Exemptions.
- In case any difference of opinion shall arise between an inspector and an owner, agent, or manager of a mine under this rule, the same shall be settled as provided in section sixty-six of this Act.
- (2.) Exemption from any of the foregoing requirements may be granted by the Minister, on the ground either of emergency or special circumstances, on such conditions and to such extent as the Minister shall prescribe.
- (3.) Except in so far as is provided in subsection three of rule one hundred and fifty hereof, these rules shall not apply to apparatus used for telephone, telegraph, and signal purposes.

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- Pressure.** **122.** The expression "pressure," if not inconsistent with the context, means the difference of electrical potential between any two conductors through which a supply of energy is given, or between any part of either conductor and earth, as read by a hot-wire or electrostatic voltmeter.
- Low pressure.** **123.** Where the conditions of the supply are such that the pressure at the terminals where the electricity is used cannot exceed two hundred and fifty volts, the supply shall be deemed a low-pressure supply.
- Medium pressure.** **124.** Where the conditions of supply are such that the pressure at the terminals where the electricity is used, between any two conductors, or between one conductor and earth, may at any time exceed two hundred and fifty volts, but cannot exceed six hundred and fifty volts, the supply shall be deemed a medium-pressure supply.
- High pressure.** **125.** Where the conditions of supply are such that the pressure at the terminals where the electricity is used, between any two conductors, or between one conductor and earth, may at any time exceed six hundred and fifty volts, but cannot exceed three thousand volts, the supply shall be deemed a high-pressure supply.
- Extra high pressure.** **126.** Where the conditions of supply are such that the pressure at the terminals where the electricity is used, between any two conductors, or between one conductor and earth, may at any time exceed three thousand volts, the supply shall be deemed an extra high-pressure supply.
- " Minimum."** **127.** The expression "the minimum" in these rules, if not inconsistent with the context, signifies the least reasonably possible to be attained, by the proper use of the means from time to time known and available, so as to secure safety, with efficiency.
- Pressure allowed.** **128.** A higher pressure than a medium pressure shall only be used underground for transmission, and when a higher pressure than a medium pressure is so used the precautions set forth in rules one hundred and fifty-four and one hundred and fifty-five of these rules shall be observed in addition to any other of these rules.
- Provision at generating stations, machine rooms, &c.** **129.** (1.) A switch box or boxes, efficiently enclosed and locked, or a locked switch house, shall be provided near the mine entrance, for cutting off the supply of electricity to the mine in all cases where the generating station under the control of the owner or manager of the mine is not within four hundred yards of the shaft mouth or mine entrance.
- (2.) There shall be a passage way in front of the switchboard in all generating stations and machine rooms of not less than three feet in width; and, if there are any connections at the back of the switchboard, no portion of the switchboard or any attachment thereto shall be less than two feet six inches from the wall against which it is placed. The space between the switchboard and the wall shall not be utilised as a storeroom or a lumber room, or obstructed in any manner by resistance frames or meters, or otherwise. If space is required for resistance frames or other electrical apparatus behind the board, the passage way must be widened accordingly.

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No cable shall cross the space at the back of the board except below the floor, or at a height of not less than seven feet above the floor.

The space at the back of the switchboards shall be properly floored, and except in the case of low-pressure switchboards shall be accessible from each end and kept locked up; but the lock must allow of the door being opened from the inside without the use of a key. The floor at the back shall be firm and even.

(3.) Every generator shall be provided with a switch on each pole, between the generator and the bus-bars.

Suitable instruments shall be provided for measuring the current and pressure of each generator.

Every feeder connected to the bus-bars in the generating station shall be furnished with an ammeter on the main switchboard when the total power supplied by such feeder exceeds five kilowatts.

(4.) The frames and bedplates of generators and transformers shall be efficiently earthed if the pressure at the terminals where the electricity is used exceeds the limits of low pressure.

Frames and bedplates of generators, &c.

**130.** In every completely insulated circuit, earth or fault detectors shall be kept connected up in every generating and transforming station, to show immediately any defect in the insulation of the system. These instruments shall be inspected daily by a competent person.

Earth or fault detectors.

**131.** (1.) Circuit-breakers must be arranged so that when the contact lever opens outwards no danger exists of its striking the attendant.

Fitting and construction of circuit-breakers, switches, fuses, &c.

Where the supply is at a pressure exceeding the limits of medium pressure, there shall be no live metal work on the front of the main switchboard within eight feet of the floor or platform, and the space provided under rule one hundred and twenty-nine shall be not less than four feet in the clear. Insulating floors or mats shall be provided for switchboards where medium or higher pressure is used.

(2.) All switches, circuit-breakers, and fuses must have incombustible bases of marble, slate, or porcelain, or other suitable incombustible insulating material. All live parts of switches, circuit-breakers, and fuses, not in machine rooms, or in compartments specially arranged for the purpose, must be covered. These covers must be of incombustible material, and must be either non-conducting or of rigid metal clear of all internal mechanism.

(3.) Main and distribution switch and fuse boards shall be made of incombustible insulating material, such as marble or slate free from metallic veins, and be fixed in as dry a situation as practicable.

(4.) Fuses and automatic circuit-breakers shall be so constructed as effectually to interrupt the current when a short circuit occurs, or when the current through them exceeds by two hundred per centum the working current in the case of motors, or by one hundred per centum the permissible current of the cables which the fuses protect. Fuses shall be stamped or marked, or shall have a

label attached, indicating the current at which they are intended to fuse; or, where fuse wire is used, each coil in use shall be so stamped or labelled. Fuses shall only be adjusted or replaced by a competent person authorised by the manager.

No unenclosed fuses shall be used.

Replacing of fuses, and record of fuse opening.

**132.** Fuses shall not be replaced by anyone except the electrician, an assistant electrician, a deputy machine-man, or some other competent person appointed by the manager. A record of each instance of a generator circuit-breaker or generator fuse opening shall be made in a book kept in each generating station or room, and signed by the person making the record.

Insulation.

**133.** All terminals and live metal on machines under ground shall, where practicable, be protected with insulating covers or with metal covers connected to earth.

Repair and cleaning of switches and electrical apparatus.

**134.** No repair or cleaning of the live parts of switches or any electrical machine apparatus, except mere wiping or oiling, shall be done when the current is on.

Where the live parts of switches or machines working at a pressure exceeding the limits of low pressure may have to be handled for the purpose of adjustment, or for such wiping or oiling, gloves, mats, or shoes of indiarubber or other non-conducting material, shall be supplied by the manager and shall be used by the attendants.

Size and construction of conductors and apparatus.

**135.** (1.) All conductors and electrical apparatus shall be sufficient in size and power for the work they may be called upon to do, and efficiently covered or safeguarded, and so installed, worked, and maintained as to reduce the danger, through accidental shock or fire or over-heating, to the minimum, and shall be of such construction, and so worked, that the rise in temperature caused by ordinary working will not injure the insulating materials.

(2.) The size of the conductor (except in the case of overhead wires upon the surface) will be determined in accordance with the table showing maximum current for copper conductors set forth in rule one hundred and fifty-six of these rules, column three of which table refers to cables having insulation of Class A, and column four to cables having insulation of Class B, according to the following definitions:—

- (A) A dielectric which is impervious to moisture, and only needs mechanical protection, such as vulcanised rubber or bitumen ("dielectric" does not include the braiding or taping).
- (B) A dielectric which, to be effective, must be kept perfectly dry, and, therefore, needs to be encased in a waterproof sheath, generally of soft metal such as lead, drawn closely over the dielectric, such as impregnated paper or fibre.

Below ground, however, column four may be applied to cables having insulation of Class A, in cases where the atmospheric temperature never exceeds one hundred degrees Fahrenheit.

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For the purpose of applying the table, the current in the conductor must be taken as equal to that required for the maximum number of motors or other current-using apparatus that are at any time used simultaneously on the circuit.

**136.** All metallic coverings and armouring of cables shall be electrically continuous throughout and efficiently earthed, if the pressure at the terminals where the electricity is used exceeds the limits of low pressure.

Earthing of coverings and armouring of cables.

**137.** All conductors inside a mine, except as hereinafter provided, shall be continuously covered with insulating material—

Continuous covering of cables with insulating material.

- (a) A continuously insulated cable must be so constructed that when a test piece of it has been immersed in water for twenty-four hours it will, while still immersed, in the case of cables intended for low or medium pressures, withstand two thousand volts for ten minutes between the conductor and the water, and between cores if there are more than one in the cable.
- (b) If the cable is intended for high or extra high pressure, twice the working pressure shall be taken for this test.
- (c) Prior to the immersion the test piece must have been bent six times (three times in one direction and three times in the opposite direction) round a cylindrical surface not more than twelve times the diameter (or the shorter axis, in case the section is not circular) of the finished cable.

**138.** Where a medium-pressure supply is used for power purposes, or for arc or incandescent lamps in series, the conductors which form the connections to the motors, transformers, or lamps, or are otherwise used in connection with the supply, shall be completely enclosed in strong armouring or metal casing efficiently connected with earth; or they shall be fixed at such a distance apart, or in such a manner, that danger from fire or shock shall be reduced to the minimum. This rule shall not apply to trailing cables which are dealt with under rule one hundred and forty-eight hereof.

Cables required in certain case to be completely enclosed in armouring or metal casing.

**139.** All conductors (except as hereinafter provided) shall in every case be maintained completely insulated from earth; but it is permissible to use the concentric system with earthed outer conductor, if proper arrangements are made to reduce the danger from fire or shock to the minimum; and the neutral point of polyphase system and the middle wire of three-wire continuous-current systems may be earthed at one point.

Conductors which shall be insulated from earth.

**140.** Unless fixed out of reach of injury, all conductors intended for a pressure higher than low pressure, other than armoured cables, must in addition to the insulation be protected by a suitable covering.

Fixing and protection of conductors.

The exposed ends of cables, where they enter the terminals of switches, fuses, and other appliances, shall be properly protected

and finished off, so that moisture cannot creep along the insulating material within the waterproof sheath, or the insulating material, if of an oily nature, leak out of the cable.

Fixing small wires for lighting-circuits.

**141.** Small wires for lighting-circuits shall either be conveyed in pipes or casings; or they may be suspended from porcelain insulators or tied to them with some non-conducting material which will not cut the covering and so that they do not touch any timbering or metal work. On no account shall staples be used. If metallic pipes are used, they must be electrically continuous and earthed. If separate uncased wires are used, they shall be kept at least two inches apart and not brought together except at lamps or switches or fittings.

Fixing cables in shafts.

**142.** All cables used in shafts must be highly insulated and substantially fixed. Shaft cables not capable of sustaining their own weight shall be properly supported at intervals, varying according to the weight of the cable. Where the cables are not completely boxed in and protected from falling material, space shall be left between them and the side of the shaft, that they may yield and thus lessen a blow given by falling material.

Fixing cables in drives and haulage roads.

**143.** Where the cables in drives or roads along which material is conveyed cannot be kept at least one foot from any part of the truck or tram, they shall be specially protected. When separate cables are used, they shall be fixed not less than six inches apart and must not be placed vertically one above the other.

Cables and wires, unless provided with metallic coverings, shall not be fixed to walls or timbers by means of metallic fastenings.

Where main or other roads are being repaired, or blasting is being carried out, suitable temporary protection must be used so that the cables are reasonably protected from damage.

Overhead bare wires on surface.

**144.** Overhead bare wires on the surface shall be properly secured to insulators, and clear of any traffic, and provided with efficient lightning arresters.

Lightning arresters in certain cases.

**145.** If the transmission lines from the generating station to the shaft or mine entrance are overhead, there shall be lightning arresters in connection therewith.

Testing of insulation.

**146.** A test of the insulation of every complete lighting and power circuit, including all machinery, apparatus, and devices, forming part of or in connection with such circuit, shall be taken at least once a fortnight; and a record of such test shall be made and signed by the person making the test in a book kept for the purpose. The insulation of every such circuit shall be so maintained that the leakage current shall not exceed one-thousandth of the maximum supply current; and, in the event of the leakage current exceeding this maximum, suitable steps shall be taken at once to localise and remedy the leakage.

Subcircuits.

**147.** Every subcircuit shall be protected by a fuse on each pole, except in the case of the earthed middle wire of a three-wire

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system, in which case the fuses may be on the outers only. Every circuit having a current of more than five ampères at any pressure up to one hundred and twenty-five volts, or three ampères at any pressure above one hundred and twenty-five volts, must be protected by one of the following alternative methods:—

- (a) By an automatic maximum-current circuit-breaker on each pole;
- (b) By a detachable fuse on each pole, constructed in such a manner that it can be removed from a live circuit with the minimum risk of shock, *i.e.*, a switch fuse;
- (c) By a switch and fuse on each pole.

**148.** (1.) Trailing cables for portable machines shall be specially flexible, heavily insulated, and protected with extra stout braiding, hose pipes, or other equally effective covering. Bare metal armouring shall not be used upon any trailing cable carrying current at a pressure exceeding the limits of low pressure. Trailing cables for portable machines, &c.

(2.) All joints must be mechanically and electrically efficient, and, where reasonably practicable, must be suitably soldered. Where joints are not soldered, they must be made by means of approved metal screw clamps or connectors. All joints must be insulated, and joints in armoured cables must be made in suitable joint boxes.

(3.) The joints, if any, made in trailing cables shall be soldered. Clamps of any kind must not be used for this purpose.

(4.) The two cables of the twin trailing cable shall be divided at the motor end only for such a length as is necessary for the making of connection to the motor; and the twin cable with its outer covering complete shall be securely held by a suitable clamp on the motor frame in such manner as to protect the trailing cable from injury, and to prevent any mechanical strain being borne by the single ends making electrical connection with the motor.

(5.) At points where the flexible conductors are joined to the main cables, a fixed terminal box shall be provided; and a switch and fuses shall be fitted in the terminal box capable of entirely cutting off the supply from the trailing cable, and the box shall be so constructed that the plug attached to the flexible cable cannot be inserted or withdrawn or the box opened while the switch is closed.

(6.) Each trailing cable in use shall be examined daily by the mine electrician or an assistant electrician for abrasions and other defects; and the result of such examination shall be recorded daily in a book, kept at the mine for the purpose, and shall be signed by the person making such report.

The machine-men shall also be required to carefully observe the trailing cable, while in use, so as to detect defects; and, in the event of any defect becoming apparent, notice of the same shall at once be sent to the deputy of the district, or the deputy machine-man, or the mine electrician, or an assistant electrician.

(7.) The trailing cable shall be kept disconnected from the machine while the machine is being loaded on to or unloaded from the power-truck unless the construction of the machine is such that the electric power is necessary for its unloading or reloading.

(8.) Each trailing cable shall have a distinguishing number, which shall be clearly indicated on a suitable label securely attached to the cable.

The insulation resistance of each conductor of every trailing cable shall be measured and recorded at least once per fortnight, the resistance being taken between the conductor and the surrounding water after the whole cable with the exception of the ends has been immersed for at least six hours.

For this test the manager must supply an instrument suitable for measuring resistances up to at least five megohms.

The trailing cable must not be put into service unless the insulation resistance of each conductor measures at least one megohm after immersion.

Paragraphs one, five, six, and eight of this rule shall not apply to portable tools with a low pressure above ground, or in smelting or metallurgical works.

Trolley-wire  
systems.

**149.** (1.) The trolley wires in underground roads, unless sufficiently guarded, must be placed so that they are throughout at least seven feet above the level of the road or track, or the pressure must be cut off from the wires at all times when such roads are used for travelling on foot. The hours during which travelling on foot therein is permitted shall be clearly indicated by notices and signals placed in conspicuous positions at the ends of and at all entrances into the roads. At other times no one except a duly authorised person shall be permitted to travel on foot along such roads. A trolley wire will be held to be efficiently guarded if protected on each side by continuous boards placed not more than four inches from the wire and extending not less than four inches below the wire.

(2.) Under the conditions indicated in paragraph one of this rule, trolley wires may be used with current at a pressure not exceeding low pressure; but a pressure not exceeding medium pressure may be used if the trolley wires above ground are kept throughout at least seven feet above the road or track, and underground are efficiently guarded with the inverted wooden troughing as in paragraph one of this rule, or if the trolley wires are fixed in places where persons are not required to work in proximity to such wires and where travelling on foot is not at any time permitted, except in the case of persons duly authorised to travel only for the purposes of inspection and to effect repairs. If a medium pressure is used all trolley wires above ground must be specially protected to the satisfaction of the inspector in all places where persons are required to work in proximity thereto.

(3.) In connection with the use of electric locomotives, either insulated returns or uninsulated metallic returns of low resistance may be employed.

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(4.) In order to prevent the earthing of any other electric circuit in the mine, by connection with the trolley system, the current supplied for use on the latter, when the return is uninsulated, shall (except when low pressure is employed, or the concentric system, with earthed outer conductor, is used) be generated by a separate machine, and shall not be taken from, or be in connection with, any electric line otherwise completely insulated from earth.

**150.** (1.) When shot-firing cables or wires are used in the vicinity of power or lighting cables, sufficient precautions shall be taken to prevent the shot-firing cables or wires from coming in contact with the lighting or power cables.

Precautions to prevent shot-firing, signal, or telephone wires from coming in contact with lighting and power cables.

(2.) Electricity from lighting or power cables shall not be used for firing shots.

(3.) All proper precautions must be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

**151.** A plan, of a scale not smaller than four chains to one inch, shall be kept at the mine, showing the position of all permanent electrical machinery and fixed cables in the mine, and shall be corrected as often as may be necessary to keep it as nearly as practicable up to date, and never more than three months in arrear. Such plan shall, so far as is consistent with this rule, be subject to the same conditions as are provided by section eighty-six of this Act in relation to the plans therein mentioned.

Plan of cables, wiring, and apparatus.

**152.** (1.) Every motor, together with its starting resistance, shall be protected by a fuse in accordance with rule one hundred and thirty-one of these rules, and by switches capable of entirely cutting off the pressure. The switches shall be fixed in a convenient position near the motor; and every motor of ten brake horse-power or over in a machine room underground shall be provided with a suitable ammeter to indicate the load on the machine.

Construction and arrangement of motors.

The frames and bedplates of motors other than portable motors shall be efficiently earthed if the pressure at the terminals where the electricity is used exceeds the limit of low pressure.

(2.) Where unarmoured cables or wires pass through metal frames or into boxes or motor casings, the holes shall be substantially bushed with insulating collars, and, where necessary, with gas-tight bushings which cannot readily become displaced.

(3.) Terminal boxes of portable motors shall be securely attached to the machine, or must form a part thereof.

**153.** (1.) The person in charge of a coal cutter, drilling machine, or other portable machine shall not leave the machine while it is working, and shall, before leaving the working place, see that

Management and care of motors.

the pressure is cut off from the trailing cables. The cables must not be dragged along by the machine. No repairs shall be made to any portable machine until the pressure has been cut off from the trailing cables.

(2.) Where the insulation of a motor is found to become damp during a stoppage, suitable steps shall be taken to ensure that the insulation shall be dry before the working of the motor is resumed, in order that its base may not become alive.

(3.) If any electric sparking or arc be produced outside a cross-cutting, drilling, or other portable motor or about the cables or rails, the machine shall be stopped and shall not be worked again until the defect is remedied. The occurrence shall be at once reported to an official of the mine.

(4.) The casing or inspection doors of all portable motors used underground, and the casings of their switches and other appliances, shall at least once a week be opened by a competent person appointed by the manager; and the parts so disclosed shall be cleaned and examined before the coverings are replaced. In special cases requiring a motor to run continuously longer than one week, the motor shall be examined at the end of the run. A report of all such examinations shall be entered in a report book, and signed by the person who made the examination.

Conditions under which high pressure may be applied underground.

**154.** A higher pressure than a medium pressure, when used underground for transmission as permitted by rule one hundred and twenty-eight of these rules, shall be applied only to transformers and induction motors in which the whole of the high-pressure circuit is stationary.

The high-pressure conductors (other than overhead lines above ground) which form the connections of such motors or transformers, or are otherwise used in connection with the supply, shall be completely enclosed in a strong armouring or metal casing sufficiently connected with earth; or they shall be fixed at such a distance apart, or in such a manner that danger from fire or shock shall be reduced to the minimum.

For work underground, when furnished with current at a pressure higher than medium pressure, a transformer shall not be of less normal rating than ten kilowatts, nor shall a motor be of less normal rating than twenty brake horse-power.

Marking and protection of machines and apparatus.

**155.** (1.) All high-pressure machines, apparatus, and lines shall be so marked by the use of the word "Danger" at frequent intervals, or by red paint properly renewed when necessary, or in some other conspicuous manner, as to clearly indicate that they are high-pressure.

(2.) All terminals and live metal on machines over medium pressure above ground shall, where practicable, be protected by insulating covers or with metal covers connected to earth.

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**156.** The figures specified in columns three and four shall be taken as the maximum current for conductors of the thickness specified in columns one and two:—

Maximum current for copper conductors.

TABLE SHOWING MAXIMUM CURRENT FOR COPPER CONDUCTORS.

1.	2.	3.	4.	1.	2.	3.	4.
GAUGE.	SECTION.	AMPERES.	AMPERES.	GAUGE.	SECTION.	AMPERES.	AMPERES.
Number of Wires and Gauge in S. W. G. or Inches.	Nominal Size of Conductors in Square Inches	Maximum Amperes for Conductors with Class A Insulation.	Maximum Amperes for Conductors with Class B Insulation.	Number of Wires and Gauge in S. W. G. or Inches.	Nominal Size of Conductors in Square Inches.	Maximum Amperes for Conductors with Class A Insulation.	Maximum Amperes for Conductors with Class B Insulation.
1/18	·001810	3·2	4·2	37/·072"	·15	96·0	158·0
3/22	·001825	3·3	4·3	19/12	·1595	102·0	166·0
1/17	·002463	4·0	5·4	37/14	·1838	114·0	187·0
3/20	·003016	4·7	6·4	37/·082"	·2	121·0	200·0
1/16	·003217	4·9	6·8	61/15	·2455	142·0	237·0
1/15	·004072	5·9	8·2	37/·092"	·25	145·0	241·0
7/22	·004266	6·2	8·5	37/·101"	·3	166·0	279·0
1/14	·005027	7·0	9·8	61/14	·3029	168·0	282·0
3/18	·005364	7·3	10·3	37/12	·3105	170·0	287·0
7/20	·007052	9·0	13·0	37/·110"	·35	187·0	317·0
7/18	·01254	14·0	21·0	37/·118"	·4	208·0	354·0
19/20	·01912	20·0	29·0	61/·092"	·4	208·0	354·0
7/16	·02227	22·0	33·0	61/·101"	·5	248·0	425·0
19/18	·03399	31·0	47·0	61/12	·5120	252·0	433·0
7/14	·03483	31·0	48·0	61/·110"	·6	282·0	493·0
7/·095"	·05	42·0	64·0	91/·092"	·6	282·0	493·0
19/·058"	·05	42·0	64·0	91/·098"	·7	320·0	560·0
19/16	·06039	48·0	75·0	91/·101"	·75	340·0	592·0
19/14	·09442	68·0	108·0	91/·104"	·8	352·0	624·0
19/·082"	·1	71·0	113·0	91/·110"	·9	390·0	688·0
37/16	·1176	81·0	130·0	91/11	·9504	406·0	719·0
19/·092"	·125	84·0	136·0	91/·118"	1·0	424·0	750·0
19/·101"	·15	96·0	158·0	127/·101"	1·0	424·0	750·0

**157.** (1.) Motors of coal-cutting and other portable machines shall not be used at a pressure higher than a medium pressure.

Use of coal-cutting machines.

(2.) Where electric coal-cutting machines are in use a duplicate trailing cable shall be kept in each section of the mine; and, in the event of the trailing cable in service breaking down, or being damaged in any way, or of its inflicting a shock upon any person, it shall be at once put out of service, and the duplicate cable shall be substituted therefor. The faulty cable shall not again be used until after it has been repaired and tested at the surface of the mine and passed by the mine electrician.

(3.) All horse traffic shall be suspended on the part of every road along which a trailing cable is extended for the purpose of fitting a machine.

Trailing cables shall at all times be supported clear of the rails and traffic, except when fitting.

(4.) In order that the roof may be carefully examined, a coal-cutter motor shall not be kept continuously at work for a length of

time exceeding a maximum period, which shall be specified in writing by the manager and approved by the district inspector of coal mines.

Arc lamps.

**158.** Arc lamps shall be so guarded as to prevent pieces of heated carbon falling from them, and shall not be used in situations where there is likely to be danger from the presence of coal dust. They shall be so screened as to prevent risk of contact with persons.

Precautions  
when safety  
lamps are  
used.

**159.** In any place or part of a mine where safety lamps are used the following provisions shall apply:—

- (a) A higher pressure than a medium pressure shall not be transmitted beyond the inbye ends of the main airways; and all motors, transformers, and other apparatus connected with such higher-pressure supply must be placed in suitable chambers ventilated by intake air.
- (b) The pressure employed for signalling purposes shall not in any one circuit exceed fifteen volts in an intake airway or ten volts elsewhere; and bare wires shall not be used for such purposes except in haulage roads.
- (c) The main cables shall be taken into the mine by way only of an intake airway, unless this course is less expedient in the interests of safety than the use for that purpose of a return airway.
- (d) The covering of all electrical apparatus and conductors shall be constructed so that there is no danger of firing gas by sparking or flashing which may occur during the normal or abnormal working of the apparatus.
- (e) Electric haulage by locomotives on the trolley-wire system shall not be allowed.
- (f) If storage battery locomotives are used, the provisions of this rule applying to motors shall also be deemed to apply to the boxes containing the cells.
- (g) Motors, unless placed in such rooms as are separately ventilated with intake air, shall have all their current-carrying parts, also their switches, starters, terminals, and connections, completely enclosed in flame-tight enclosures, made of incombustible material, and of sufficient strength to escape damage in the event of an explosion of firedamp occurring in the interior; and such enclosures shall not be opened except by an authorised person, and then only when the current is switched off. The pressure shall not be switched on while the enclosures are open.
- (h) Switches, circuit-breakers, and fuses (except as provided in paragraph (g) of this rule) shall not be of the open type, but must either be enclosed in gas-tight boxes or break under oil.
- (i) Where joints are made in conductors, suitable joint boxes must be used having an approved method of sealing in such manner as to be gas-tight, and the

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conductors shall be connected by means of metal screw clamps or connectors; or some other equally safe construction must be adopted of a description approved by the inspector: Provided, however, that, in any place or part of a mine where a shot may be fired, joints may be soldered by or in the presence of a person authorised in that behalf by the manager; but the same precautions in regard to examination and removal of workmen as are prescribed by the rules with respect to the use of explosives in coal mines shall be observed in all such cases, and where the place is dry and dusty the precautions as to watering similarly prescribed by such rules shall also be observed. Wires, other than blasting wires or cables, must not be joined by merely twisting them together.

This provision does not apply to trailing cables.

- (j) A safety lamp or other suitable apparatus for the detection of firedamp shall be provided for the use of the attendant with each stationary machine, when working; and should any indication of firedamp appear on the flame of the safety lamp or other apparatus used for the detection of firedamp the person in charge shall immediately stop the machine, cut off the current at the nearest switch, and report the matter to an official of the mine.
- (k) Before a coal-cutting machine is brought within twenty yards of the working face, and on each occasion immediately before a cut is started or restarted, the machine-man who is about to operate the starting switch of the machine shall make an examination for gas in the place where the machine is to work, unless such an examination is then made by some other competent person authorised or appointed for that purpose by the manager. If any inflammable gas is found in the place, the machine shall not enter therein.

No coal-cutting machine shall be continued in operation for a longer period than half an hour without such an examination as above described being made for gas; and if gas is found when the machine is present the current shall at once be switched off the machine, and the trailing cable shall forthwith be disconnected at the junction box.

The person finding the gas shall at once erect a danger fence to warn persons against entering the place. The trailing and the duplicate cable, if any, in the immediate vicinity shall be entirely removed from such place.

The cable shall not be brought back, nor shall the machine be again started in such place, until the deputy has examined such place and has pronounced it free from gas and has removed the danger-board.

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The person finding gas shall forthwith report the same to the deputy of the district, and at the end of the shift shall make and sign a written report in a book kept at the mine for the purpose.

- (l) Where coal-cutting machines are fitted by electric power, or the machine-men are paid at tonnage rates, a deputy machine-man shall be employed, who shall, in addition to the ordinary examinations required by rule six of these rules, make at least once in the course of each shift an examination for gas in each place in which an electric coal-cutter is or is to be employed during that shift. A report of every such examination shall be made in a book kept at the mine for the purpose, and shall be signed by the person making such examination.
- (m) Where electric power is used for fitting, the machine-men shall, before fitting the machine, give notice to the deputy machine-man of their intention to do so; and no fitting shall be done except in the presence and under the supervision of the deputy machine-man.
- (n) Electric lamps, if installed, must be of the vacuum or enclosed type, and, except on the main intake airways and mechanical haulage roads, being also on the outbye side of relighting stations, they shall be protected by gas-tight fittings of strong glass, and shall have no flexible cord connections. Electric lamps shall be replaced by a duly authorised competent person only; and while the lamps are being replaced the current shall be switched off.

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## POOLS.

*See* AGRICULTURE; PRIMARY PRODUCE.

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