



ANNO UNDECIMO

GEORGI V REGIS.

A.D. 1920.

No. 1444.

An Act to make better provision for the Regulation and Inspection of Mines and Works, and for other purposes.

[*Assented to, December 9th, 1920.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Mines and Works Inspection Act, 1920." Short title.

2. This Act shall come into force on a day to be fixed by proclamation. Commencement of Act.

3. The Acts mentioned in the First Schedule are hereby repealed to the extent therein mentioned. Acts repealed.

4. In this Act— Interpretation.

"Agent" means the agent or representative of the owner of the mine:

"Inspector" means an Inspector of Mines appointed under this Act, and includes the Chief Inspector of Mines:

"Machinery" means steam or other engines, boilers, furnaces, air receivers, stampers or other crushing apparatus, ore reduction or concentrating or treatment plants, winding or pumping gear, trucks, tramways, whims, whips, windlasses, and includes all chains, straps, bands, belts, wires, ropes, cables, tackle, blocks, tools, and all appliances of whatsoever kind used in or about or in connection with a mine:
"Manager"

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“Manager” means the person for the time being having the immediate charge or direction of the mining operations on any mine:

“Mine” means any place in, on, or under which any mining operation has been or is being carried on, and includes works:

“Mining” or “to mine” includes quarrying and all modes of prospecting for, obtaining, collecting, or treating any metal, mineral, coal, oil, guano, or other substance:

“Owner” means any person who is the immediate proprietor or lessee or occupier of a mine, or any part thereof, and includes a contractor or tributor working therein, but does not include a person who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine which is subject to any lease, grant, or licence for the working thereof, or is merely the owner of the soil and not interested in the products of the mine:

“Works” means any battery, crushing plant, ore concentrating works, cyanide or chlorination works, leaching plant, smelting or metal refining works, or other works wherein operations are carried on for the treatment of the products of any mining operation.

Application of Act.

5. This Act shall apply to every mine under whatsoever tenure held and wheresoever situated within the State.

Appointment of Inspectors.

6. The Governor may appoint a Chief Inspector of Mines and such other Inspectors of Mines as he deems necessary for the purposes of carrying out the provisions of this Act.

Inspection for official purposes.

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

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

(3) For the purposes of every such inspection every such person shall have all the powers and authorities conferred on Inspectors by this Act.

Disqualification for office of Inspector.

8. (1) Any person shall be disqualified from being appointed or acting as an Inspector who, without the authority of the Minister,—

(a) practices or acts, either alone or in partnership with any person, as a land agent, mining engineer, manager, viewer, agent, or valuer of mines, or as an arbitrator in any difference or dispute arising between owners, agents, or managers of mines; or

(b) is otherwise employed in or about any mine within the State; or

(c) holds, directly or indirectly, any interest in any mine within the State.

(2) Any

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(2) Any person who acts as an Inspector whilst disqualified as aforesaid shall be liable to a penalty not exceeding One Hundred Pounds.

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

Inspector not to report or divulge information without authority.

(2) Any Inspector who is guilty of any contravention of this section shall be liable to a penalty not exceeding One Hundred Pounds.

Penalty.

10. (1) An Inspector shall have power to do any or all of the following things, namely:—

Powers of Inspector on inspection.

- i. He may, without previous notice, enter, inspect and examine any mine, and every part thereof, at all times by day or night, but so as not unnecessarily to impede or obstruct the working of the mine ;
- ii. He may make examination or inquiry to ascertain whether in respect of any mine the provisions of this Act are being complied with ;
- iii. He may examine into and make inquiry respecting—
 - (a) the state and condition of any mine, or any part thereof ;
 - (b) the state and condition of the machinery in or about any mine ;
 - (c) the ventilation and the air of the mine ; and
 - (d) all matters and things connected with or relating to the safety, health, or well-being of the persons employed in or about the mine or any mine contiguous thereto, or of the general public ;
- iv. He may order to be discontinued in or about any mine—
 - (a) the use of any machinery which he considers unsafe or defective until such machinery is made safe or the defect remedied ; and
 - (b) any practice which he considers liable to affect the safety or health of the persons employed in or about any mine, or of the general public ;
- v. He may order the immediate cessation of work in and the departure of all persons from any mine, or any part thereof, which he considers unsafe, or he may allow persons to continue to work in such mine or part, only on such precautions being taken or such things being done as he considers necessary ;
- vi. He may inspect the storage and use of explosives in or about any mine ;

vii. He

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vii. He may give such directions as to any practice, or as to the doing of any matter or thing, not provided for by regulations made under this Act, as he considers necessary in the interests of the health and safety of any person; and

viii. He may exercise such other powers as are necessary for carrying this Act into effect.

(2) An order or direction by an Inspector under this section shall be sufficiently given—

(a) to any owner, agent, or manager of a mine, if given orally or by notice in writing; or

(b) to any other person, if given orally or by notice in writing, or if a written notice thereof is posted up in some conspicuous position on the mine, or part thereof, to which the order or direction relates.

(3) If—

(a) any owner, agent, or manager, or any other person, fails to comply with or acts in contravention of any order or direction given by an Inspector under this Act; or

(b) any owner, agent, or manager of a mine permits or suffers any person employed in such mine to act in contravention of any order or direction given by an Inspector under this Act,

he shall be liable to a penalty not exceeding, for a first offence, Fifty Pounds, and for any subsequent offence One Hundred Pounds.

It shall be a defence to any proceeding for an offence under this section if it is proved to the satisfaction of the Court that such order or direction was not justified by the purpose for which such order or direction was given.

Any dangerous practice or omission to be remedied.

11. (1) If any Inspector is of opinion that any mine, or any part thereof, or any machinery in or about any mine, or any matter, thing, or practice in or connected with such mine, or in connection with the control, management, or direction thereof by the owner, agent, or manager, is dangerous or defective so as, in his opinion, to threaten or tend to injure the health or safety of any person, or that the absence of any matter, thing, or practice threatens or tends to injure the health or safety of any person, such Inspector—

(a) may serve notice thereof in writing on the owner, agent, or manager of the mine; and

(b) shall state in such notice the particulars in which he considers such mine, or any part thereof, or machinery, to be dangerous or defective, or particulars of the matter, thing, or practice which is complained of or the absence of which is complained of; and

(c) in such notice shall require the same to be remedied in the manner and within the period named in such notice.

(2) If

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(2) If such notice is not complied with in the manner and within the period so named, the Inspector may take proceedings against the owner, agent, or manager for such default, and on being satisfied that such notice was justified by the matter complained of, the Court may impose on such owner, agent, or manager a penalty not exceeding Fifty Pounds and a further penalty of Five Pounds for every day during which such non-compliance continues.

(3) In any proceedings in respect of an offence against this section the Court, if satisfied that the owner, agent, or manager of the mine has taken active measures for complying with the notice of the Inspector, but has not been able with reasonable diligence to complete the necessary works, or to do such other things as are necessary to comply with the notice, may adjourn any proceedings for punishing such offence, and if the notice of the Inspector is complied with within a reasonable time no penalty shall be inflicted.

(4) The powers conferred on an Inspector by this section shall be in addition to, and not in derogation of, the powers conferred on an Inspector by section 10.

12. (1) The miners employed in any mine may appoint two of their number, or any two persons who are practical miners, to inspect the mine, and the persons so appointed shall, on giving notice to the manager, be allowed to inspect at their own cost every part of the mine and all its machinery. Miners' inspectors.

(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, in like manner, appoint two of their number, or any two persons who are practical miners, to inspect, at their own cost, such workings, and the persons so appointed shall, on giving notice to the manager, be allowed to inspect such workings.

(3) Every facility shall be afforded by the owner, agent, or manager for any such inspection, and the manager or one or more officers of the mine may, if the owner, agent, or manager thinks fit, accompany the persons making any such inspection.

(4) The persons so inspecting shall record and sign a true report of the result of every such inspection in the record-book, 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 Chief Inspector, and shall notify the manager of such danger.

(5) The persons so appointed shall be designated miners' inspectors, and shall, while making any inspection for the purposes of this section, be deemed to be workmen employed by the owner of the mine within the meaning of the Workmen's Compensation Acts, 1911 to 1920.

(6) The Minister may, at any time, terminate any appointment made under this section, if it appear to him for any reason necessary or desirable so to do.

13. (a) Every

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Obstructing or refusing to assist Inspector.

13. (a) Every person who wilfully obstructs, hinders, or interferes with, 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

(b) Every owner, agent, or manager of a mine who refuses or neglects to furnish an Inspector, or any person having the powers and authorities of an Inspector, with the means necessary for making any entry, inspection, examination, or inquiry under this Act in relation to such mine,

shall be liable to a penalty not exceeding Fifty Pounds.

Agreement not to preclude or exempt.

14. No person shall be precluded or exempted by any contract or agreement from doing such acts as may be necessary to comply with the provisions of this Act, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.

Special inquiry may be directed.

15. The Minister may direct an Inspector to make a special inquiry and report with respect to any accident in or about a mine causing loss of life or personal injury, and may cause such report to be made public at such time and in such manner as he thinks expedient.

Notices, how given.

16. All notices and documents required by this Act to be given to or served upon the owner, agent, or manager of any mine, or to or upon any person employed in any mine, may be given or served upon him personally, or may be given or served by post by a registered letter, addressed to his usual or last known address, or to the mine of which he is the owner, agent, or manager or in which he is employed, and the giving or service of such notice by post shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Boys under eighteen and females not to be employed underground.

17. No boy under the age of eighteen years and no girl or woman of any age shall be employed underground in any mine.

Regulations.

18. (1) The Governor may make regulations for the purpose of ensuring the safety and health of all persons who are employed in or about any mine and of the general public who may be affected by mining operations, and for the carrying on of all mining with due regard to the health and safety of the general public, including, though without in any way limiting the general power of making regulations hereby conferred, regulations with respect to all or any of the matters mentioned in the Second Schedule hereto.

(2) It may be provided by any such regulation that all or any of the regulations made under this Act shall apply to the whole State or only to any specified part thereof, or to all mines or only to any specified mine or specified class or classes of mines.

(3) Any such regulation may impose a penalty for the breach of the same or any other regulation not exceeding for a first offence Twenty Pounds and for a subsequent offence One Hundred Pounds.

(4) The

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(4) The regulations referred to in the Third Schedule hereto are hereby confirmed and validated as from the date of the publication of the said regulations in the *Government Gazette*, and shall be of the same force and effect as if made under this Act.

Regulations
validated.

19. (1) No proceedings in respect of any offence against this Act shall be taken except by an Inspector or by some person authorised by the Minister.

Proceedings in
respect of offences.

(2) All proceedings in respect of offences against this Act shall be commenced within three months from the time when the matter of the information or complaint came to the knowledge of the Inspector or person taking proceedings.

(3) All costs incurred by or awarded against any Inspector in connection with any such proceedings shall be payable out of moneys from time to time appropriated by Parliament, and the Inspector shall not be personally responsible for the same.

20. Where any owner, agent, or manager of any mine, or any person employed in or about any mine, is guilty of any offence against this Act which, in the opinion of the Court which tries the case, is one which was—

Imprisonment for
wilful neglect
endangering life or
limb.

- (a) reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident; and
- (b) committed wilfully by the personal act, personal default, or personal negligence of the person accused,

the Court, if of the opinion that a fine will not meet the circumstances of the case, may, in lieu of imposing a monetary penalty, impose a sentence of imprisonment for any period not exceeding six months.

21. (1) Where a fine is imposed under this Act for any offence against this Act which has occasioned loss of life or personal injury, the Minister may direct such fine to be paid to, or distributed in such manner as he thinks fit among, the persons injured and the relatives of any person whose death may have been occasioned by the offence, or among such of them as the Minister thinks fit: Provided that the Minister shall not make any such direction unless he is of opinion that such persons did not occasion, or contribute to occasion, the offence, or did not commit and were not parties to committing the offence.

Application of fines.

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

(3) Save as aforesaid, all fines recovered under this Act shall be paid to the Treasurer for the public uses of the State.

22. In

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General provisions as to proceedings before Justices.

22. In any proceedings in respect of any offence against this Act—

i. The onus shall be on the defendant to prove—

(a) that any person alleged in the information to be an Inspector, or a person authorised to take proceedings in respect of an offence against this Act, is not an Inspector or such person; or

(b) that any person alleged in the information to be an owner, agent, or manager of any mine, is not an owner, agent, or manager of the mine in question; or

(c) that any person alleged in the information to be employed in any mine, is not employed in the mine in question.

ii. The authorisation by the Minister of any person to take proceedings, may be proved by the production of any document to that effect purporting to be signed by the Minister.

Saving of proceedings under other Acts or at common law.

23. (1) Nothing in this Act shall prevent any person from being indicted for any act or omission constituting an offence against this Act, or from being liable for any such act or omission under any other Act, or otherwise, to any other or higher penalty or punishment than that provided by this Act: Provided that no person shall be punished twice for the same offence.

(2) If the Court before which a person is charged with an offence under this Act is of opinion that proceedings ought to be taken against such person for such offence under some other Act, or otherwise, such Court may adjourn the hearing of the case to enable such proceedings to be taken, and such proceedings may thereupon be taken.

Summary proceedings for offences.

24. All proceedings in respect of offences against this Act shall be disposed of summarily.

Appeal.

25. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Special case.

26. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

Protection of officers.

27. No action shall be brought against any Inspector or other person for or on account of any matter or thing done or committed by him in the execution, or intended execution, of his duty or office under this Act, unless such action is commenced within six months after the cause of action arises.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. E. G. A. WEIGALL, Governor.

SCHEDULES.

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SCHEDULES.

THE FIRST SCHEDULE.

Sec. 3.

Reference to Act.	Extent of Repeal.
The Mining Act, 1893 (No. 587 of 1893)..	Part IV., paragraphs III., XVIII., and XX. of section 92, and section 120.
The Mining Act Amendment Act, 1904 (No. 858 of 1904)	The whole
Mining Act Further Amendment Act, 1919 (No. 1410 of 1919)	The whole

THE SECOND SCHEDULE.

Sec. 18 (1).

Subject Matter for Regulations.

1. The powers and duties of inspectors. Inspectors.
2. The inspection of mines and of machinery in or about mines. Inspections.
3. The appointment by mine owners of agents, and the registration of such appointments with the Minister. Agents.
4. The appointment by mine owners and agents of mine managers and temporary mine managers, and the registration of such appointments with the Minister. Mine managers.
5. The responsibilities and duties of owners and agents, and of mine managers and other persons employed in or about or in connection with mines. Responsibilities and duties of persons employed.
6. Plans and sections of underground and surface workings of mines, including— Plans.
 - I. The keeping of such plans and sections by the owner, agent, or manager of the mine :
 - II. The furnishing from time to time of copies of such plans and sections to the Minister, and the terms on which such copies will be accepted as satisfactory :
 - III. The manner in which surveys of the underground or surface workings for the purposes of such plans and sections shall be effected, and the scale to which such plans and sections shall be drawn.
7. The maintenance of order and discipline, and the prevention of accidents. Discipline, accidents, &c.
8. Accidents in or about mines, including— Accidents.
 - I. The notification of accidents :
 - II. The steps to be taken on the occurrence of an accident ; the supply and maintenance of appliances for use in rescue work, and the formation and training of rescue brigades ; the supply and maintenance of ambulance appliances and the training of men in ambulance work :
 - III. The procedure at inquiries into accidents, and the evidence receivable at such inquiries as to any particular matter.
9. Returns from mines for statistical purposes. Returns.
10. The form of records, returns, notices, and other writings and documents to be used for the purposes of this Act. Forms.
11. The

*Mines and Works Inspection Act.—1920.***Ventilation.**

11. The ventilation of mines, including—
 - i. Standards of purity, temperature, and humidity of the air ; the quantity of air which shall be made to circulate in the mine or the airways ; methods by which the air shall be tested as to its adequacy in quantity, purity, temperature, humidity, and efficiency of circulation :
 - ii. Recording the state of ventilation in all parts of the mine ; showing upon the plans the position of all airdoors and ventilating devices and appliances, and the direction of the air currents :
 - iii. 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 :
 - iv. The conditions under which the use of mechanical appliances to assist ventilation shall be compulsory :
 - v. The use of compressed air :
 - vi. The conditions under which tailings from cyanide or other chemical or metallurgical processes may be used for the filling of stopes :
 - vii. The prevention of the escape of deleterious gases and fumes from any chemical or metallurgical process.

Connections for ventilation purposes.

12. The connection of workings for ventilation purposes, including—
 - i. The making of other excavations concurrently with shaft sinking :
 - ii. The connection of adjoining mines :
 - iii. The connection of workings in the same mine :
 - iv. Any other matter relating to the ventilation of mines.

Health and sanitation.

13. The protection of health in mines and the sanitary conditions in mines, including—
 - i. The prevention and laying of dust ; the prevention of the escape of poisonous or deleterious gases and fumes from any chemical or metallurgical process in use on mines ; the use of water sprays, atomisers, and other damping appliances :
 - ii. The use of apparatus for collecting, filtering, and preventing the inhalation of dust :
 - iii. The prevention of nuisances, and the cleansing and keeping clean of the mine ; the construction and position of all sanitary conveniences, and the condition in which they shall be kept :
 - iv. 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 :
 - v. Examination and exclusion of persons likely to be infected with infectious or transmissible diseases.

Safety.

14. The safety of all persons working in or about mines, including the provision of refuges and manholes.

Handling material.

15. The safe handling of materials.

Explosives.

16. The storage and use of explosives and highly inflammable substances, including—
 - i. The construction of magazines :
 - ii. Storage and handling :
 - iii. Lights and smoking :
 - iv. The removal and destruction of fumes by mechanical or artificial means :
 - v. The persons who may charge or fire charges, and the methods and implements that may or may not be employed in doing so :
 - vi. Charges that have missed fire, and holes which have been charged, or in which a charge has been previously fired or attempted to be fired :

vii. The

Mines and Works Inspection Act.—1920.

- VII. The time that must elapse before men return to a hole where a charge has been fired, or has missed fire :
- VIII. The notification of charges that have missed fire :
- IX. The use of fuse.
17. The winding of persons and materials, including—
- Winding and testing
of ropes and other
appliances.
- I. The strength and efficiency of ropes, chains, brakes, and cages, and all winding appliances, gear, and machinery, and the tests, from time to time or otherwise, of such strength and efficiency :
- II. The maintenance of ropes, chains, brakes, and cages, and all winding appliances, gear, and machinery :
- III. The persons who may have charge of winding machinery and their periodical medical examination.
18. The fencing, lining, dividing, and otherwise securing of shafts and other openings. Shafts.
19. Ladders and travelling ways. Ladders and
travelling ways.
20. Signals. Signals.
21. The use of electricity and electrical machinery, and the rules and precautions to be observed. Use of electricity.
22. Machinery, including— Machinery.
- I. The persons who may work or have charge of machinery :
- II. The maintenance and safeguarding of machinery :
- III. The fitting, cleaning, working, and testing of machinery, whether in accordance with any Act or otherwise.
23. The fees payable in respect of— Fees.
- (a) witnesses' expenses and the remuneration of persons holding inquiries :
- (b) the testing of ropes, chains, brakes, cages, and other winding appliances, gear, and machinery :
- (c) any other service rendered by any person under this Act.
24. Abandonment of mines, including the protection of abandoned mines. Abandonment.

THE THIRD SCHEDULE.

Sec. 18 (4).

Regulations Confirmed and Validated.

1. Regulation 241 (headed "Special Rules for Coal Mines") of the regulations under the Mining Act, 1893, made on the 28th day of February, 1894, and published in the *Government Gazette* on the 1st day of March, 1894.

2. The regulations under the Mining Acts, 1893 to 1918, made on the 20th day of October, 1920, and published in the *Government Gazette* on the 21st day of October, 1920.