

# THE MINES AND WORKS REGULATION ACT, 1915

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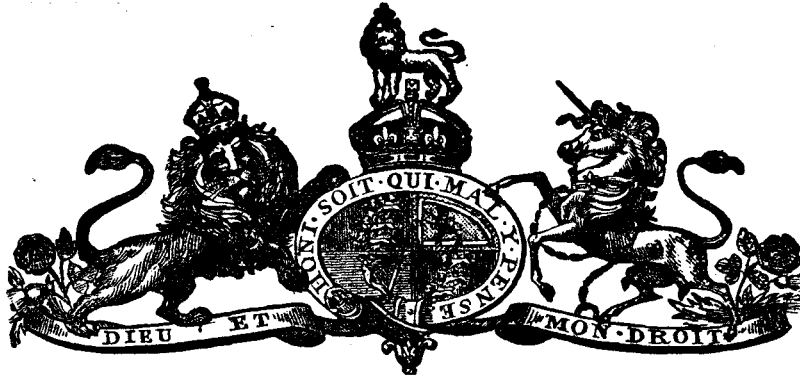
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# TASMANIA.



1915.

ANNO SEXTO

GEORGII V. REGIS.

No. 41.

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AN ACT to make better provision for the Regulation and Inspection of Mines and certain Works, and for other purposes.

A.D.  
1915.

[21 January, 1916.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

## PART I.

### PRELIMINARY.

**1** This Act may be cited as “The Mines and Works Regulation Act, 1915,” and shall commence and take effect on and from the First day of April, One thousand nine hundred and sixteen. This Act shall be read as one with the Acts for the time being in force relating to mines and mining.

Short title,  
construction,  
and commence-  
ment.

**2** This Act is divided into Parts, as follow :—

Division of Act.

Part I.—Preliminary.

Part II.—Provisions relating to all Mines and to Works.

Part III.—Provisions relating to Collieries only.

Part IV.—General and Special Rules.

Part V.—Miscellaneous Provisions.

Part VI.—Governor's Power to make Rules or Regulations.

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Repeal of certain provisions.

Schedule.

Savings.

**3** The enactments mentioned in the schedule to this section are hereby repealed.

Provided that the following provisions shall apply :—

- i. All proclamations, orders in council, orders, special rules, warrants, securities, charges, offices, appointments, sub-missions, arbitrations, awards, requisitions, notifications, records, reports, certificates, instruments, documents or writings, and generally all acts of authority which originated under or by virtue of any enactment hereby repealed, and are subsisting or in force at the commencement of this Act, shall as far as practicable enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated :
- ii. All matters and proceedings commenced under any enactment hereby repealed, and pending or in progress at the commencement of this Act, may be continued, completed, and enforced under this Act :
- iii. All officers appointed under or by virtue of any enactment hereby repealed and holding office at the commencement of this Act shall, subject to the provisions of "The Public Service Act, 1905," continue in such office :
- iv. The provisions of "The Interpretation Act, 1906," with regard to repeals shall apply, subject to the modifications contained in this section.

5 Ed. VII. No. 9.

6 Ed. VII. No. 12.

*Schedule.*

## Repealed Enactments.

5 Ed. VII. No. 23.

8 Ed. VII. No. 51.

2 Geo. V. No. 23.

Part VIII. of "The Mining Act, 1905," and the First Schedule to that Act ;  
 Sections Twenty-three, Twenty-four, and Twenty-five of "The Mining Act, 1908" ;  
 Section Twenty-three of "The Mining Act, 1911," and the schedule to that Act.

Interpretation.

**4** In this Act and in any rules or regulations made thereunder, unless the context otherwise indicates, the following terms have the meanings and inclusions set against them respectively ; that is to say :—

"Agent."

"Agent" means the person or body corporate having as the attorney or representative of the owner control of the mine or works and of the manager :

"Chief Inspector."

"Chief Inspector" means the Chief Inspector of Mines for the time being, and includes an acting Chief Inspector of Mines.

"Colliery."

"Colliery" means a mine worked for the produce of coal or shale :

"Excavation."

"Excavation" means any cavity in or on a mine or works ; the term includes shafts, winzes, drives, and all passages and workings :

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- “Explosives” means explosives within the meaning of “The Explosives Act, 1900” : A.D. 1915.
- “Inspector” means an inspector of mines appointed or deemed to have been appointed under this Act ; the term includes the Chief Inspector and any assistant inspector : “Explosives.”  
64 Vict. No. 15.  
“Inspector.”
- “Machinery” means and includes steam and other engines, boilers, air-receivers, furnaces, stampers, winding and pumping gear, whims, windlasses, chains, trucks, cages, tramways, tackle, blocks, ropes, tools, and all electric and other appliances of whatsoever kind used in or about works or a mine or for mining purposes : “Machinery.”
- “Manager” means the person having immediate charge and direction of the mining operations on any mine or the operations at any works. The term includes a mine manager or manager of works appointed pursuant to this Act and any deputy manager appointed by an owner, agent, or manager, and also includes any person under whose immediate direction or control contractors or tributers work in a mine : “Manager.”
- “Mine” as a noun includes every parcel of land or place in, on, or under which is or has been, carried on any operation for or in connection with mining or mining purposes : “Minè.”
- “Mining” or “To mine” means to disturb, remove, cart, carry, wash, sift, melt, refine, crush, or otherwise deal with, any rock, stone, quartz, clay, sand, soil, or mineral by any mode or method whatever for the purpose of obtaining metal or mineral therefrom : “Mining.”
- “Owner” means any person who is the immediate proprietor, or lessee, or licensee, or occupier of any mine, or any part thereof, and does not include a person who merely receives a royalty, rent, tribute, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or licence for the working thereof ; and, in the case of a company incorporated under any Act relating to mining companies or joint stock companies, shall include the manager or agent of such company, and in any other case the person having the management of mining operations carried on in any mine ; but any contractor or tributer for the working of any mine or any part thereof, or for doing any specific work therein, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability : “Owner.”
- “Plan” includes an original plan or section and a correct copy or tracing thereof : “Plan.”
- “Shaft” means any vertical or inclined way or opening 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 mine : the term includes a winze which is or might be so used : “Shaft.”

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"Sunday."

"This Act."

"Tributer."

"Warden."

"Warden's Court."

"Winze."

"Works."

"Sunday" means the period of time which begins at midnight on Saturday, and ends at midnight on the following day:

"This Act" means this Act with the rules set forth in the schedule to this Act and all further and other rules and special rules and regulations made under or pursuant to this Act, for the time being in force:

"Tributer" means a person who works a mine or portion of a mine under an agreement with the lessee or owner of the mine to pay such lessee or owner a portion or percentage of the gold, minerals, coal, or oil, or of the value of the gold, minerals, coal, or oil taken from such mine:

"Warden" means any warden appointed, or deemed to have been appointed, under the provisions of any Act relating to mines and mining:

"Warden's Court" means any court held by and before a warden, whether sitting alone or with assessors:

"Winze" means any vertical or inclined way or opening downwards from the underground workings in a mine:

"Works" means any battery, crushing mill, ore-concentrating works, cyanide or chlorination works, smelting works, metal refining, or other works wherein operations are carried on for the treatment of mine products, whether such works are connected or not with any mine.

Other terms used have the meanings respectively assigned to them by the Acts for the time being in force relating to mines and mining.

Application  
of Act.

**5** This Act shall extend and apply to every mine under what tenure soever held.

Governor may  
apply Act to  
quarries, &c.

**6**—(1) The Governor may, on the recommendation of the Chief Inspector, make orders for extending and applying the provisions of this Act, or any of them, with such modifications and alterations as the Chief Inspector may recommend and the Governor approve, to quarries, tunnels, reservoirs, or any other works or undertakings in, on, or under which is or shall be carried on any operation for or in connection with any industry or purpose other than mining; any such order may be made applicable to any such quarries, tunnels, reservoirs, or other works or undertakings generally, or to any particular quarry, tunnel, reservoir, or work or undertaking, or to any particular class of quarry, tunnel, reservoir, or work or undertaking.

(2) Every such order shall be published in the "Gazette," and the order shall contain regulations by the Governor, or regulations by the Governor shall be separately and subsequently made for giving effect to any matter the Governor may deem necessary to be prescribed, and generally for the purpose of carrying into effect any provisions of this Act as so extended and applied as aforesaid.

(3) The Governor, on the recommendation of the Chief Inspector, by order published in the "Gazette," may revoke any such order as aforesaid.

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## PART II.

## PROVISIONS RELATING TO ALL MINES AND TO WORKS.

*Inspection.*

**7** There may be appointed from time to time, in conformity with the provisions of "The Public Service Act, 1905"—

Appointment or officers.

i. A Chief Inspector of Mines :

5 Ed. VII. No. 9.

ii. Inspectors of mines :

iii. Assistant inspectors of mines.

Every person so appointed after the commencement of this Act shall hold a first-class certificate as a mine manager.

**8** The persons who at the commencement of this Act hold the office of Chief Inspector of Mines and inspectors of mines respectively under "The Mining Act, 1905," shall continue in office and be deemed to have been appointed Chief Inspector of Mines and inspectors of mines respectively under this Act, and shall be subject to its provisions.

Officers continued.

5 Ed. VII. No. 23.

**9—(1)** An inspector may from time to time and as often as in his opinion is necessary—

Powers of inspectors.

i. Enter, inspect, and examine any mine or works, and every part thereof respectively, at all times by day and night, but so as not unnecessarily to impede or obstruct the working of the mine, or the operations at the works :

Cf. 5 Ed. VII. No. 23, s. 165 (Tas.).

1 Geo. V. No. 24, s. 7 (Q.).

ii. Make examination and inquiry to ascertain whether the provisions of this Act affecting any mine or works are complied with :

iii. Examine into and make inquiry respecting—

(a) The state and condition of any mine or works, or any part thereof respectively ;

(b) The state and condition of the machinery in or about the mine or works ;

(c) The ventilation of the mine ;

(d) The sufficiency of the special rules (if any) for the time being in force in the mine or at the works ;

(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 works or any mine contiguous thereto ;

(f) The care and treatment of the horses and other animals used in the mine or at the works :

iv. Order the immediate cessation of work in, and the departure of all persons from, any mine or works or portion thereof which he considers unsafe, or allow persons to continue to work therein on such precautions being taken as he deems necessary :

v. Order the use to be discontinued of any machinery which he deems unsafe or defective until inspected by an

2 Ed. VII. No. 11.

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inspector under "The Inspection of Machinery Act, 1902," or until the machinery is made safe or the defect remedied:

vi. Initiate and conduct prosecutions against persons offending against this Act:

vii. Obtain written statements from witnesses and appear at inquiries held respecting mining accidents, and call and examine and cross-examine witnesses:

viii. Exercise such other powers as may be necessary for carrying this Act into effect.

2 Ed. VII. No. 11.

(2) It shall be the duty of the Chief Inspector and inspectors generally to see that the provisions of this Act are complied with, and from time to time to visit and inspect mines, works, and all machinery used therein other than steam engines and boilers; and, for the purpose of enabling the Chief Inspector or an inspector to more effectually perform his duties and functions under this Act, he shall have all the powers of an inspector of machinery under "The Inspection of Machinery Act, 1902," and that Act shall be construed accordingly.

Inspection for official purposes.  
Cf. 1 Geo. V. No. 24, s. 8 (Q.).

**10**—(1) Any warden, State mining engineer, Government geologist, or assistant Government geologist, with such assistants as he deems necessary, may at all reasonable times enter and inspect any mine or works 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 mine or works, and to sample any mine.

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

Particulars of inspection to be entered in book.  
Cf. 5 Ed. VII. No. 23, s. 165 (3) (Tas.).  
1 Geo. V. No. 24, s. 9 (Q.).

**11**—(1) Whenever any inspector shall have inspected any mine, works, or machinery he shall enter in a book, to be kept on the mine or works for that purpose, his opinion derived from such inspection of the actual condition of the mine, works, and machinery at the time of such inspection.

He shall also enter in such book particulars of any alterations or requirements he thinks are necessary.

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

(3) The said book shall be open at all reasonable times to the examination of—

- i. Any inspector:
- ii. Persons employed in or about the mine or works:
- iii. The workers' inspectors:
- iv. Any person authorised by the Minister.

Inspector to make inquiry on hearing complaint.

**12** Immediately upon any person employed in a mine or works, or a representative of the miners' association for the district on his behalf, making a complaint in writing under this Act to an inspector, it



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shall be the duty of the inspector to make inquiry into the matter of such complaint, and to take such other steps as he may deem necessary to investigate the matter, and the name of the person making such complaint shall not be divulged by the inspector or other person.

**13** The majority of persons employed underground in any mine may, at their own cost, appoint Two of their number, or any Two persons with not less than Five years' experience in practical mining gained within the last Ten years, throughout this Act called "the workers' inspectors," to inspect the mine Once in every month, or oftener if and whenever the workings or any part of the workings of the mine are considered unsafe by any miners working therein, any such appointment to be for the space of One year from the making thereof. The manner of appointment to be as provided by regulations made by the Governor in Council.

With respect to such inspection the following provisions shall apply :—

- i. The workers' inspectors, on giving notice to the mining manager, shall be allowed at any time to visit and inspect every part of the mine, and all its machinery and appliances :
- ii. The owner or agent, together with the manager or One or more officers of the mine may, if the owner, agent, or manager thinks fit, accompany the persons making such inspection, and shall give them every facility for the inspection :
- iii. The workers' inspectors shall, without delay, furnish to the owner, agent, or manager a full and faithful report, in writing, of the result of every such inspection :
- iv. The owner, agent, or manager shall cause the report to be recorded in ink in a report-book, which shall be kept in good order and condition at the mine, and used solely for entering therein reports of such inspections :
- v. If the report states the existence, or apprehension, of any danger, the manager shall forthwith cause a true copy of the report to be sent to the inspector for the district :
- vi. Any inspector, or any workmen employed in the mine, or the workers' inspectors, or any person authorised by the Minister, may at all reasonable times inspect the report-book, and take copies of, or extracts from, the reports recorded therein :
- vii. If the owner, agent, or manager, or any person employed by him or acting under his instructions interferes with the appointment of workers' inspectors under this section, or the lawful inspection of the mine by such inspectors, or attempts to improperly influence or impede any such inspector by withholding facilities for inspection, or by bribes, or threats, or notice of dismissal or any other penalty or inducement, he shall be guilty of an offence against this Act :

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Cf. 5 Ed. VII.  
No. 23, ss. 178 &  
179 (Tas.).  
1 Geo. V. No. 24,  
s. 10 (Q.).

Inspection of  
mines by persons  
appointed by  
employees.  
Cf. 2 Geo. V.  
No. 23, s. 23  
(Tas.).  
1 Geo. V. No.

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VIII. If any person so appointed as aforesaid to inspect a mine uses his visit or right of inspection for any purpose other than *bona fide* inspection authorised by this section, he shall be guilty of an offence against this Act.

Inspector to give notice of dangerous or defective matters not provided against.

Cf. 5 Ed. VII.

No. 23, s. 176

(Tas.).

1 Geo. V.

No. 24, s. 12

(Q.)

**14** Whenever an inspector finds at or on a mine or any works 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, and the case is not elsewhere sufficiently provided for by this Act, the following provisions shall apply :—

I. The inspector shall report the facts to the Chief Inspector who may, if he thinks fit, by requisition in writing addressed in general terms to the owner, agent, or manager of the mine or works, and delivered at the mine or works, notify to the owner, agent, or manager thereof 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 of the nearest warden's court :

Objections.

II. If the owner, agent, or manager objects to comply with such requisition he shall, within Seven 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 Chief Inspector, who shall report on the same to the warden :

III. The warden shall fix a time for the hearing and determination of the requisition and the objections, and shall cause notice to be given to the objector and to the Chief Inspector of the time so fixed :

The matter so to be heard and determined shall be deemed a matter within the jurisdiction of the warden's court, and the provisions of the Acts for the time being in force relating to mining which provide for the administration of justice shall, with the necessary alterations, accordingly apply :

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

IV. If the owner, agent, or manager fails to comply with the requisition, or, in the event of objection, with the 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 Fifty Pounds, and to a further penalty not exceeding One Pound for every day during which such non-compliance continues :

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- v. In any proceedings for a penalty in respect of such offence, the warden, 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 work, may adjourn such proceedings, and if the work is completed within a time which the court thinks reasonable no penalty shall be inflicted : A.D. 1915.
- vi. No person shall be deemed to be precluded by any contract or agreement from doing such acts as may be necessary in order to comply with any of the provisions of this section, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.

**15** When an inspector is not readily available, and the warden has reason to believe that any shaft or underground working is unsafe from insufficient timbering or any other cause, he shall 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 authorised by an inspector duly appointed under this Act. Warden may order inspection.  
1 Geo. V. No. 24,  
s. 13 (Q.).

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

- 16**—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 Obstructing inspector.  
Ct. 5 Ed. VII.  
No. 23, s. 166  
(Tas.).
- ii. Any person who refuses or neglects to obey any lawful order of an inspector given in the execution of his duty : and 1 Geo. V. No. 24,  
s. 14 (Q.).
- iii. Any owner, agent, or manager of a mine or works 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 the mine or works :

shall be guilty of an offence against this Act.

- 17** No person shall be qualified to be appointed or to act as an inspector who— Disqualification for office of inspector.  
Ct. 5 Ed. VII.  
No. 23, s. 164  
(Tas.).  
6 Ed. VII.  
No. 36, s. 8  
(W.A.).
- i. 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, agent, or managers of mines : or
- ii. Is otherwise employed in or about any mine within the State : or
- iii. Holds directly or indirectly any interest in any mine within the State.

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Inspector not to  
report or divulge  
information.  
6 Ed. VII.  
No. 36, s. 9  
(W.A.).

Penalty.  
Cf. 5 Ed. VII.  
No. 23, s. 164  
(Tas.).  
6 Ed. VII.  
No. 36, s. 10  
(W.A.).

Inspectors may  
exercise powers  
conferred on  
justices.  
5 Ed. VII.  
No. 23, s. 203  
(Tas.).  
And may  
administer oaths  
on inquiries.

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

**19** An inspector who contravenes any of the provisions of the last two preceding sections shall be guilty of a misdemeanour, and be liable on conviction to a penalty not exceeding One hundred Pounds, or to imprisonment for a term not exceeding Twelve calendar months.

**20** Upon any inquiry which by this Act an inspector is authorised to hold, every inspector shall have and may exercise, for the purpose of procuring and enforcing the attendance of witnesses, and for hearing and determining the matter brought before him, all the powers conferred upon a Justice of the Peace by "The Magistrates Summary Procedure Act," and shall have power to administer an oath to or take an affirmation from any person appearing before him to give evidence at any inquiry which may be necessary or expedient to hold.

*Responsibility in Connection with Mines and Works.*

Appointment of  
manager in  
respect of mines  
and works.

Cf. 5 Ed. VII.  
No. 23, s. 167  
(Tas.)  
1 Geo. V. No. 24,  
s. 15 (Q.).

**21**—(1) Every mine or works while being worked or operated shall be under a manager, who shall be responsible for the control, management, and direction thereof.

The owner or agent of every mine or works shall appoint himself or some other person to be the manager thereof, and shall, immediately upon any appointment being made, send written notice to the Chief Inspector of the manager's name and address. He shall also give notice of any change of manager forthwith after such change is made.

The same person may be appointed manager in respect of several mines or works, or of mines and works in conjunction.

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

Except as is hereinafter provided, a contractor for getting mineral 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 Chief Inspector shall record in a register to be kept at his office the names and addresses of all managers of mines and works.

Name to be  
recorded.

Penalty for  
neglect to appoint  
manager.  
Cf. 5 Ed. VII.  
No. 23, s. 168  
(Tas.)  
1 Geo. V. No. 24,  
s. 16 (Q.).

**22**—(1) If any mine is worked or works are operated for more than Seven days without a manager, the owner and agent of such mine or works 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 or works are so operated, as the case may be.

*Mines and Works Regulation.*

Provided that if the manager of the mine or works—

i. Is incapacitated from performing his duties : or

ii. Is about to be absent for more than Seven days—

he or the owner or agent may appoint some fit person to be deputy-manager during such incapacity or absence, and shall record the name of the person so appointed in the mine record-book ; and the owner, agent, or manager shall forthwith notify such appointment and the reason therefor to the nearest inspector.

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

A.D 1915.

Proviso.

**23**—(1) The manager shall enforce the observance of the provisions of this Act, as far as may be reasonably practicable, in or about the mine or works under his charge.

Manager to  
enforce Act.  
2 Geo. V. No. 23,  
s. 14 (Tas.).

(2) As soon as practicable after the occurrence of any breach of this Act that shall have come to his knowledge, the manager shall report the same in writing to the inspector, warden, registrar of mines, or Minister, whether the same has been committed by any person employed in or about the mine or works, or by a contractor or tributer working therein or his men, or by any other person.

**24**—(1) If at any time the person for the time being in charge of a mine or any part thereof, or the inspector certifies in writing his opinion that by reason of any cause whatever the mine or a part thereof is dangerous, every workman shall forthwith be withdrawn from the mine or part so certified to be dangerous ; and a competent person or persons, appointed for the purpose by the owner, agent, or manager, shall inspect the mine or part so certified to be 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 re-admitted into the mine or part so certified to be dangerous until the same is stated by the person or persons appointed as aforesaid not to be dangerous.

Withdrawal of  
workmen in case  
of danger.  
Cf. Rule 12, Part  
(2), First  
Schedule to  
5 Ed. VII.  
No. 23 (Tas.).  
1 Geo. V No. 24  
s. 22 (Q.).

Every such report shall be recorded in the record-book, and shall be signed by the person or persons making the inspection.

(2) Any such person or inspector so certifying a mine or part thereof to be dangerous, shall forthwith send by post a copy of the certificate to the Chief Inspector.

**25** In every 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 he shall enforce as far as may be reasonably practicable, the observance of the provisions of this Act in or about the workings or work of which he so has supervision and control, 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.

Manager's  
responsibility  
for working of  
contractors and  
tributers.

*Mines and Works Regulation.*

A.D. 1915.

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

This section shall not apply where the whole of the land or mines comprised in a mining tenement has or have been let on One entire 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.

*As to Accidents.*

Notice to be given of accidents in mines or works.

Cf. 6 Ed. VII.  
c. 53, s. 2.  
50 and 51 Vict.  
c. 58, s. 35.  
3 Ed. VII.  
No. 51, s. 20  
(Tas.).

**26—**(1) Where in or about any mine or works, whether above or below ground, any accident occurs which either—

- i. Causes loss of life to any person : or
- ii. Causes any fracture of the head or of any limb, or any dislocation of a limb, or any other serious personal injury to any person ; or
- iii. So disables any person employed in or about the mine or works as to be likely to cause him to be absent throughout at least Fourteen whole days from his ordinary work : or
- iv. Is caused by any explosion of gas or coal-dust, or any explosive, or by electricity, or by any other such special cause as the Minister specifies by gazetted notice—

or any outbreak of fire whether underground or at the surface, or any interference with or obstruction of the use of any travelling way takes place, or any overwinding to a serious extent or to the poppet-head, or accident to machinery or plant, or other serious occurrence in or about a mine or works, takes place, whether personal injury or disablement is caused thereby or not, the owner, agent, or manager of the mine or works, shall forthwith send notice in writing, and if serious personal injury has resulted, also by telegraph if practicable, of the accident or occurrence, and of any loss of life or personal injury caused thereby, to the nearest inspector. The notice in writing shall be in such form and accompanied by such particulars as the Minister prescribes.

Place of accident or explosion causing loss of life or serious personal injury to be left undisturbed, except in certain cases.

(2) Where loss of life or serious personal injury has immediately resulted from an explosion or accident, the place where the explosion or accident occurred shall be left as it was immediately after the explosion or accident until it has been visited and examined by a coroner's jury or an inspector of mines, or, in his absence, a competent person appointed pursuant to Section Twenty-seven of this Act, unless compliance with this enactment would—

- i. Tend to increase or continue a danger : or
- ii. Impede the working of the mine or works, and the inspector in writing dispenses with an inspection.

Where personal injury results in death, notice of death to be given.

(3) Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing, and also by telegraph where practicable, of the death shall be sent forthwith to the nearest inspector by the owner, agent, or manager.

*Mines and Works Regulation.*

(4) Every person who fails to act in compliance with this section shall be guilty of an offence against this Act. A.D. 1915.

**27** In every case where an accident of the nature set forth in the preceding section occurs in a mine or works the following provisions shall apply:—

Failure to comply with section to be an offence.  
Report.

- i. In the absence of the inspector, the warden, or in his absence the registrar of mines or a police officer of or above the rank of sergeant, may appoint some competent person to examine the place where the accident occurred, and to report to him on the state and condition of the mine or works:

5 Ed. VII.  
No. 23, s. 133  
(Tas.).

- ii. A copy of such report shall be forwarded forthwith to the Minister; and any examination of a mine or works made as in this section prescribed shall be deemed to be an examination made by an inspector.

Where the accident occurs in a mine One person experienced in practical mining, and appointed by the persons employed in or about the mine may, for the purpose of viewing the place where the accident occurred, accompany the inspector or his substitute upon his first visit to such place.

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

Miners to report accidents.  
1 Geo. V.  
No. 21, s. 29  
(Q.).

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

*Employees.*

**29**—(1) No boy under the age of Fourteen years, and no female, shall be employed for hire in any capacity in or about a mine: Provided that this shall not apply in the case of clerical employment.

Employment of women and children in mines.  
Cf. 5 Ed. VII.  
No. 23, s. 170.

(2) No boy under the age of Sixteen years shall be employed in any capacity underground in any metalliferous mine.

**30**—(1) No person under the age of Eighteen years shall be employed as lander, bracedman, or platman at any shaft.

Age of person employed at mine.  
5 Ed. VII.  
No. 23, s. 171.

(2) No person shall be employed underground in a mine for more than Forty-eight hours in any week, or for more than Eight hours in any period of Twenty-four hours, except in cases of urgency or emergency or where the service or process is necessarily a continuous one.

(3) No person shall be deemed guilty of an offence against this Act for a contravention of so much of this section as relates to the time for which persons shall not be employed, if he satisfies the warden that special circumstances rendered such contravention necessary for the safe and proper working of the mine.

*Mines and Works Regulation..*

A.D. 1915.

Enginedrivers  
to be certificated.  
See Section 78.

Proviso.

2 Ed. VII No. 11.

Medical certifi-  
cate for persons  
in charge of  
winding machi-  
nery.

Negligence as to  
property an  
offence.

Inspector to  
report negligence.

Limit of period  
of employment in  
charge of  
machinery.  
5 Ed. VII.  
No. 23, s. 172  
(Tas.).  
Cf. 1 Geo. V.  
No. 24, s. 36  
(Q.).

**31**—(1) Any person who does not hold a certificate under “The Inspection of Machinery Act, 1902,” entitling him to drive a winding-engine, and who takes or has charge of any winding machinery by which men or materials are raised or lowered, or under which men are working, in any shaft, shall be guilty of an offence against this Act.

Provided that when any Holman or other similar hoisting apparatus commonly used instead of a hand windlass in winzes or other workings, is in the opinion of the inspector for the district used or about to be used in such a place, and under such conditions that it may be safely operated by any competent workman who does not hold a certificate or permit under “The Inspection of Machinery Act, 1902,” exemption in writing from such of the provisions of “The Inspection of Machinery Act, 1902” and of this Section as require certificates or permits under that Act to be held in respect thereof may be granted by the Inspector for the district for such period and upon such terms and conditions as he thinks fit to impose; and any such grant of exemption may at any time be suspended or cancelled by such inspector or the Chief Inspector.

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

**32**—(1) Every certificated enginedriver 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 an inspector may require, certifying that the holder is free from deafness, defective vision, epilepsy, disease of the heart, and any other infirmity likely to interfere with the efficient discharge of his duties or which might cause him to lose control of the engine.

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

**33** Every person in charge of machinery who is guilty of negligence by which any property is destroyed or damaged, shall be guilty of an offence against this Act.

**34** When any person who is in charge of winding machinery on a 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 as soon as possible after he becomes aware thereof.

**35**—(1) No person in charge of machinery worked by steam, air, gas, oil, or electricity, and used in connection with any mine or works, or for the treatment of the products of any mine, shall be employed for a longer period than Eight consecutive hours at any one time.



*Mines and Works Regulation.*

(2) Between each such period and the next there shall be an interval of at least Four hours. A.D. 1915.

(3) Such period of Eight hours shall be exclusive of—

- i. Any time occupied in raising steam, supplying air, drawing fires, and exhausting steam in connection with the machinery in his charge : and
- ii. Meal hours : and
- iii. Any time in which such person is employed in cases of breakage or other emergency or urgency.

**36—**(1) No workman shall be employed in or about a mine for more than Thirteen consecutive days in any fortnight, except in cases of emergency or urgency or in any service or process which is necessarily a continuous one. No workman to be employed for more than Thirteen days in a fortnight.

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

**37** Except as to works of necessity or mercy, no person shall directly or indirectly employ any workman for hire or reward to do any skilled or unskilled manual labour on a Sunday in or about any mine or works. Employment of labour in mines on Sunday prohibited.  
8 Ed. VII.  
No. 51, s. 23  
(1as.).

**38** Every person who employs a workman to do work on a Sunday contrary to this Act shall be liable, on being convicted thereof in a summary way before a police magistrate or any two or more justices, to a penalty not exceeding Five Pounds for every workman so employed. Penalty for breach of Act.  
*Ibid.*, s. 24.

**39** Notwithstanding anything contained in Section Thirty-seven of this Act any person may on Sunday do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression "work of necessity or mercy," it is hereby declared that it shall be deemed to include the following classes of work— Section 37 not to apply in certain cases.  
Works of necessity or mercy not prohibited.  
*Ibid.*, s. 25.

- i. Any necessary work in connection with smelting or roasting furnaces, or ore reduction plants using cyanide or chemicals in a continuous process :
- ii. The necessary work of stable hands, watchmen, and caretakers in or about a mine or works :
- iii. Work in attending to electric lighting plant :
- iv. Work in repairing any shaft, furnace, engine, boiler, tramway, power transmission line, machinery or plant, or so that the same may be in working order at the close of Sunday :
- v. Work in pumping or otherwise clearing or keeping clear a mine from water, in order to prevent damage to the workings or so that work may be resumed at the close of Sunday :
- vi. Work in sinking any shaft in wet ground where the inflow of water is so serious as to necessitate continuous work :
- vii. Work in repairing any water service :
- viii. Any work necessitated by dangerous emergency :

*Mines and Works Regulation.*

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- ix. Opencut work which cannot be safely carried on when the full number of men usually employed are at work :
- x. Opencut work which has had to be suspended during the preceding week, and which is necessary to maintain continuous operations at any smelting or reduction works :
- xi. Work in connection with any lighting or tramway plant :
- xii. Blowing off or getting up steam, or any work rendered necessary in consequence of the cessation of mining operations at the beginning of Sunday, or in order that mining operations may be resumed at the close of Sunday :
- xiii. Any operation incidental to any of the foregoing matters :
- xiv. Any work which the Governor, having regard to the object of Section Thirty-seven, by proclamation declares to be a work of necessity or mercy.

*Plans.*

Plans to be  
kept and copies  
furnished.  
Cf. 5 Ed VII.  
No. 23, s. 174  
(Tas.).

**40—**(1) The owner, agent, or manager of every mine shall have and preserve at the office at the mine accurate plans and sections of all the underground workings in such mine, and also, if the Chief Inspector so requires, of the surface workings of the mine, drawn from actual surveys effected in accordance with the regulations by a duly-authorized surveyor, or by a mining manager who holds a certificate of competency under this Act, or by any person approved by the Chief Inspector.

At intervals of not more than Three months in the case of collieries, and Six months in the case of all other mines, all additional underground workings and extensions, and all additional surface workings, if so required as aforesaid, and extensions, made since the previous survey was effected, shall be surveyed as aforesaid, and delineated upon the said plans and sections.

No underground workings shall be filled up or allowed to fall into disrepair before they have been so surveyed.

(2) Before any mine having underground workings is abandoned, or suspends or ceases operations for any period exceeding Seven days, the survey thereof shall be completed, and certified copies of plans and sections as aforesaid, showing all the workings up to the date of abandonment, or suspension or cesser, shall be sent to the Chief Inspector within One month after such date.

(3) During the quarter ending the Thirty-first day of March in every year the owner, agent, or manager of every mine shall furnish to the Chief Inspector certified copies of the said plans and sections, showing as far as possible all the underground workings, and, if the Chief Inspector shall so require, the surface workings, effected up to the Thirty-first day of December immediately preceding the commencement of the said quarter; but if at any time previously the said certified copies of the said plans and sections have been so furnished as aforesaid, then, provided and so long as the Chief Inspector does not require the owner, agent, or manager to again furnish such certified copies of such complete plans and sections, it shall suffice if he furnishes certified copies of plans and sections of such workings and extensions of workings as have been effected since such time.

*Mines and Works Regulation.*

(4) If the Chief Inspector has reason to believe that any plan or section furnished is incorrect or incomplete, he shall report the same to the Minister, and the Minister may, if he sees fit, cause a check-survey to be made of the workings of such mine; and if the said plan or section is proved to be incorrect or incomplete in any material respect—of which incorrectness or incompleteness the Minister shall be sole judge—the owner, agent, or manager of such mine shall pay the cost of making such check-survey and all expenses incurred in connection therewith; and such costs and expenses shall be recoverable as a debt due to His Majesty.

A.D. 1915.

If plans not complete, Minister may order new survey.  
Cf. 5 Ed. VII.  
No. 23, s. 175  
(Tas.).

(5) The plans and sections to be kept as aforesaid—

- i. Shall show a connection to some permanent mark on the surface of the ground :
- ii. In the case of a colliery shall show the general direction and rate of dip of the strata, together with the section of the strata sunk through, or if that be not reasonably practicable, in the opinion of the Chief Inspector, a statement of the depth of the shaft with a section of the seam :
- iii. May be inspected by any person or persons duly authorised by writing under the hand of the Minister : Provided that a lessee upon making application for the purpose may without any such authorisation inspect copies of his own plans or of any plans of any mine workings in relation to any land of which he is the lessee.

(6) The said plans and sections shall be produced to the inspector or to any other officer duly authorised by the Minister, and the owner, agent, or manager shall, if requested, mark or cause to be marked on such plans and sections within a reasonable time after the request for such production, the progress of the workings of the 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 or of any part thereof.

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

Penalty.

- i. Fails to comply with any provision of this section relating to the keeping of plans and sections, or the furnishing of certified copies thereof; or
- ii. Wilfully refuses to produce such plans and sections and mark them as prescribed, or to allow them to be examined or copied; or
- iii. Conceals any part of the workings of his mine; or
- iv. Knowingly produces an imperfect or inaccurate plan or section—

he shall be guilty of an offence against this Act : Provided, nevertheless, that the Chief Inspector may by writing under his hand excuse any owner, agent, or manager from having such surveys as the Chief Inspector may specify effected.

*Mines and Works Regulation.*

A.D. 1915.

Copies of plans  
not to be  
furnished.1 Geo. V. No. 24,  
s. 40 (Q.).

**41** Except by written permission of the Minister, for the *bona fide* purposes of the Government of the State or any Government department of the State, no plan or section, or copy or tracing of any plan or section, 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, except as aforesaid, furnishes to any person or allows any person to inspect any such plan or section or copy or tracing of any plan or section, or gives any information in relation thereto, he shall be guilty of an offence against this Act.

## PART III.

## PROVISIONS RELATING TO COLLIERIES ONLY.

Prohibition of  
single shafts,  
tunnels, or outlets.  
5 Ed. VII.  
No. 23, s. 185  
(Tas.).

**42—(1)** The owner, agent, or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts, tunnels, or outlets are complied with (that is to say) :—

- i. There must be at least Two shafts, tunnels, or outlets with which every seam for the time being at work in the mine shall have a communication, so that such shafts, tunnels, or outlets shall at all times afford separate means of ingress and egress available to the persons employed in every such seam, whether the shafts, tunnels, or outlets belong to the same mine or to more than One mine. The Second shaft, tunnel, or outlet shall not be required to be commenced until One year after coal has been struck in the first shaft, tunnel, or outlet; and when the Second shaft or tunnel is commenced, work shall be carried on continuously with not less than Three shifts of an adequate number of men :
- ii. Such shafts, tunnels, or outlets must not at any point be nearer to one another than Twenty yards, or such less distance as may be approved by an inspector; and there shall be between such Two shafts, tunnels, or outlets a communication not less than Five feet wide and Six feet high, or of such smaller dimensions as an inspector may approve; the roads between such shafts, tunnels, or outlets shall at all times be kept clear of any obstruction :
- iii. Proper apparatus for raising and lowering persons at each such shaft or outlet, if such shaft or outlet exceeds Fifty feet in depth, shall be kept on the works belonging to the mine, and such apparatus, if not in actual use at the shafts or outlets, shall be constantly available for use.

(2) Every owner, agent, or manager of a mine who acts in contravention of or fails to comply with this section shall be guilty of an offence against this Act.

*Mines and Works Regulation.*

(3) The Supreme Court or a judge thereof, whether any other proceedings have or have not been taken, may, on the application of or on behalf of the Attorney-General, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment in contravention of this section, and may award such costs in the matter of the injunction as the court or judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

(4) Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner, agent, or manager of the mine not less than Fourteen days before the application is made.

**43** The foregoing provisions of this Part of this Act with respect to shafts, tunnels, or outlets, shall not apply:—

Exceptions from provisions as to shafts.

i. In the case of a new mine being opened—

5 Ed. VII.  
No. 23, s. 18b  
(Tas.).

(a) To any new working for the purpose of making a communication between Two or more shafts, tunnels, or outlets; or

(b) To any working for the purpose of searching for or proving minerals,

so long as not more than Twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft, tunnel, or outlet; nor

ii. To any proved mine, so long as it is exempted by order of the Minister, on the ground either—

(a) That the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second shaft, tunnel, or outlet, or by establishing communication with a second shaft, tunnel, or outlet, in any case where such communication existed and has become unavailable; or

(b) That the workings in any seam of the mine have reached the boundary of the property, and that it is expedient to work away the pillars already formed in course of the ordinary working; but no pillars shall be taken out that will cause the communication to be cut off from both outlets; nor

iii. To any mine—

(a) While a shaft is being sunk, or a tunnel or an outlet being made; or

(b) One of the shafts, tunnels, or outlets of which has become, by reason of some accident, unavailable for the use of the persons employed in the mine; nor

so long as the mine is exempted by order of the Minister and so long as the conditions (if any) annexed to the order of exemption are duly observed.

*Mines and Works Regulation.*

A.D. 1915.

Non-application  
of provisions as  
to dimensions of  
communication  
between Two  
shafts, &c.  
5 Ed. VII.  
No. 23, s 187  
(Tas.).

Agreements not  
to preclude com-  
pliance with Act.  
*Ibid.*, s. 188  
(Tas.).

Payment of  
persons employed  
in mines by  
weight.  
*Ibid.*, s. 189  
(Tas.).

Penalty.

**44** The foregoing provisions of this Part of this Act as to the dimensions of the communication between Two shafts, tunnels, or outlets shall not apply to any mine or class of mines so long as the same is exempted therefrom by order of the Minister by reason of the thinness of the seams or other exigencies affecting that mine or class of mines, and so long as the conditions (if any) annexed to the order of exemption are duly observed.

**45** No person shall be precluded by any agreement from doing such acts as may be necessary for providing a Second shaft, tunnel, or outlet to a mine where the same is required by this Part of this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provision of this Part of this Act with respect to shafts, tunnels, or outlets.

**46—(1)** Where the amount of wages paid to any of the persons employed in a mine depends on the amount of marketable mineral got by them, those persons shall be paid according to the actual weight got by them of the marketable mineral contracted to be got; and the marketable mineral got by them shall be truly weighed at a place as near to the pit mouth or other entrance to the mine as is reasonably practicable.

Nothing in this section shall preclude the owner, agent, or manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of—

- I. Stones or substances other than the marketable mineral contracted to be got, which shall be sent out of the mine with the marketable mineral contracted to be got: or
- II. Any tubs or skips being improperly filled, in those cases where they are filled by the getter of the marketable mineral or his drawer, or by the person immediately employed by him:

such deductions being determined in such special mode as may be agreed upon between the owner, agent, or manager of the mine on the one hand and the persons employed in the mine on the other, or by some person appointed in that behalf by the owner, agent, or manager, or (if any check-weigher is stationed for this purpose as hereinafter mentioned) by such person and such check-weigher, or, in case of difference, by a Third person to be mutually agreed on by the owner, agent, or manager of the mine on the one hand and the persons employed in the mine on the other, or, in default of agreement, appointed by a warden of mines within whose jurisdiction the mine is situate.

**(2)** If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section, he shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the provisions of this section to prevent the contravention or non-compliance.

*Mines and Works Regulation.*

(3) Nothing in this Act shall be held to authorise or give any power to any owner, agent, or manager of a mine to pay miners by the method known as the "standard weight" system, and that system shall be and is hereby abolished. A.D. 1915.

(4) Nothing in this Act shall prevent any owner from making an agreement with his workmen for the system known as the "average weight" being accepted until such time as machinery can be procured to weigh the whole of the coal; and every owner starting operations after the commencement of this Act shall be allowed a period not exceeding Twelve months from the date of the starting of such operations to procure the necessary machinery.

(5) In the case of any mine or class of mines employing not more than Twenty persons underground, where it is proved to the satisfaction of the Minister to be expedient that the persons employed therein should, upon the joint representation of the owner of any such mine or class of mines and the said persons, be paid by any method other than that provided by this section, the Minister may, if he think fit, by order under his hand, allow the same, either without conditions or during the time and on the conditions specified in the order.

**47—**(1) The persons who are employed in a mine and are paid according to the weight of the marketable mineral got by them may, at their own cost, station a person (in this Act referred to as a "check-weigher") at each place appointed for the weighing of the marketable mineral, and at each place appointed for determining the deductions, in order that he may, on behalf of the persons by whom he is so stationed, take a correct account of the weight of the marketable mineral or determine correctly the deductions, as the case may be.

(2) A check-weigher shall have every facility afforded 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, skips, and trams where necessary (and including also the continuous weighing of the coal); and if at any time proper facilities are not afforded to a check-weigher as required by this section the manager of the mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce, to the best of his power, the requirements of this section.

(3) A check-weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing, or with any of the workmen, or with the management of the mine; but shall be authorised only to fulfil the duties in the Two preceding subsections mentioned, and the absence of a check-weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such place but the same shall be done or made by the person appointed in that behalf by the owner, agent, or manager, unless the absent check-weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with: Provided always, that nothing in this section shall

—  
"Standard weight" system illegal.

"Average weight" system not illegal.

Power to Ministers to sanction other methods of payment.

Appointment on part of men and removal of check-weigher.  
*Ibid.*, s. 190  
(Tas.).

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prevent a check-weigher giving to any workman an account of the marketable mineral got by him, or information with respect to the weighing or the weighing machine, or the taring of the tubs, skips, or trams, or with respect to the deductions, or any other matter within the scope of his duties as check-weigher; so always, nevertheless, that the working of the mine be not interrupted or impeded.

(4) If the owner, agent, or manager of the mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing or with any of the workmen or with the management of the mine, or has, at the mine, to the detriment of the owner, agent, or manager, done anything beyond taking such account, determining such deductions, or giving such information as aforesaid, the owner, agent, or manager may make a complaint to the nearest warden in his capacity of a justice of the peace, who, if of the opinion that the owner, agent, or manager shows sufficient *prima facie* ground for the removal of the check-weigher, shall call on the check-weigher to show cause against his removal.

(5) On the hearing of the case, the warden shall hear the parties, and if he thinks that at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check-weigher, shall make a summary order for his removal, and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

(6) The warden may, in every case, make such order as to the costs of the proceedings as he thinks just.

(7) If in pursuance of any order of exemption made by the Minister, the persons employed in a mine are paid by the measure or gauge of the marketable material got by them, the provisions of this Part of this Act shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

(8) If the miners consider that the person appointed by the owner, agent, or manager improperly interferes with or alters the weighing-machine or the tare in order to prevent a correct account being taken of the weighing and taring, they may complain to the owner, agent, or manager, and, if the owner, agent, or manager fails to remedy such complaint, the miners may then make a complaint through a superintendent or sub-inspector of police to the nearest warden, in his capacity of a justice of the peace, who, if of opinion that the miners show sufficient *prima facie* ground for the removal of the weigher, shall call on the weigher to show cause against his removal.

(9) On the hearing of the case, the warden shall first hear the parties, and if he thinks that, at the hearing, sufficient ground is shown by the miners to justify the removal of the weigher, shall make a summary order for his removal, and the weigher shall thereupon be removed, but without prejudice to the stationing of another weigher in his place.

(10) The warden may, in every case, make such order as to the costs of the proceedings as he thinks just.



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(11) Every complaint made under this section to a warden in his capacity of a justice of the peace, and all costs imposed by him, shall be heard, determined, and recovered in a summary way before him, according to the provisions of "The Magistrates Summary Procedure Act."

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**48—**(1) Where a check-weigher has been appointed by the persons employed in a mine who are paid according to the weight of the marketable mineral got by them, and has acted as such, he may recover from any person for the time being employed at such mine, and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed may have left the mine or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding.

Remuneration of  
check-weigher.  
*Ibid.*, s. 191  
(Tas.).

(2) Every checkweigher shall be appointed by the persons employed in the mine who are paid according to the weight of the marketable mineral got, and where more than One person is nominated to the position of checkweigher, the appointment shall be made by a ballot of the persons so employed present at a meeting to be convened for the purpose by notice signed by not less than Five of the persons so employed. Such notice shall be posted in some conspicuous place at the mine for not less than Twenty-four hours prior to the time of the meeting. The persons present at such meeting shall elect a chairman, who shall notify the manager of the result of the ballot.

**49—**(1) The Act of Council (4th William IV. No. 3), relating to weights and measures, and any Acts from time to time amending the same, shall apply to all balances, steelyards, scales, weights, measures, and weighing-machines used at any colliery for determining the wages payable to any person employed in the mine according to the weight of the marketable mineral got by him, in like manner as it applies to balances, scales, weights, measures, and weighing-machines used for trade.

Application of  
Weights and  
Measures Act to  
weights, &c., used  
in mines.  
*Ibid.*, s. 192  
(Tas.).

(2) An examiner of weights and measures appointed under the said Act shall, Once at least in every Six months, examine and test, by standard weight, in manner directed by the said Act, the balances, steelyards, scales, weights, measures, and weighing-machines used, or in the possession of any person for use as aforesaid, at any mine within his district; and shall also make an 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 balance, steelyard, scale, weights, measures, or weighing-machine.

(3) The examiner of weights and measures shall also inspect and examine the measures and gauges in use at the mines within his district.

(4) An examiner of weights and measures may, for the purposes of this section, exercise at or in any mine, as respects all balances, steelyards, scales, weights, measures, and weighing-machines used or in the

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possession of any person for use at or in that mine, all such powers as he could exercise under the said Act of Council (4th William IV. No. 3), and any Acts amending the same, with respect to any such balances, steelyards, scales, beams, weights, measures, or other weighing-machines as therein mentioned; and all the provisions of the said Act, including the liabilities as to penalties, shall apply to any such examination or inspection.

(5) An examiner of weights and measures shall not, in fulfilling the duties required of him under this section, impede or obstruct the working of the mine.

Penalty for interference with office of check-weigher. *Ibid.*, s. 193 (Tas.).

**50** If the owner, agent, or manager of any mine directly or indirectly interferes with the appointment of a check-weigher, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check-weigher not to appoint any particular person, or to vote for or against any particular person, in the appointment of a check-weigher, such owner, agent, or manager shall be guilty of an offence against this Act.

## PART IV.

## GENERAL AND SPECIAL RULES.

*General Rules.*

General rules. First Schedule. Cf. 5 Ed. VII. No. 23, s. 196 (Tas.).

**51**—(1) The general rules set forth in the schedule to this Act shall, so far as may be reasonably practicable, be observed in mines, collieries, and works (whether situate upon Crown land or upon private property) as follows, namely:—

- i. Those set forth in Part (2) of that schedule shall be observed in every mine (including collieries except in so far as other provisions are prescribed with respect to collieries), and where any such rules refer to works they shall be observed at or in the works referred to:
- ii. Those set forth in Part (3) of that schedule (in addition to the general rules set forth in the said Part (2) except in so far as other provision is made in the said Part (3)) shall be observed in every colliery: and
- iii. Those set forth in Part (4) of that schedule shall be observed at or in smelting works only.

Power for Governor to suspend, alter, or vary rules. *Ibid.*, s. 197 (Tas.).

**52** If in the opinion of the Chief Inspector the observance of the general rules or any of them (whether amended or not under this Act) is not reasonably practicable in any particular mine, colliery, or works, the Governor may from time to time, by notification in the "Gazette," suspend, alter, or vary such rules or any of them in such manner as he deems necessary in respect to such mine, colliery, or works; and in the case of mines or collieries ordinarily employing

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not more than Four persons underground the inspector may, according to the particular circumstances, himself determine which of the rules are reasonably practicable. A.D. 1915.

And any general rules so altered or varied shall be deemed to be the general rules of the mine, colliery, or works to which they relate.

*Special Rules.*

**53**—(1) The Chief Inspector may, by notice in writing, require the owner, agent, or manager of any mine or works to establish such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or works, or employed in or about the same respectively, as under the particular state and circumstances of such mine or works may appear best calculated to prevent dangerous accidents, and to provide for the safety, convenience, and proper discipline of the persons employed in or about the mine or works. Special rules. *Ibid.*, s. 198 (Tas.).

(2) Such special rules, when approved by the Minister and published in the "Gazette," shall be deemed established, and shall be observed in and about the mine or works to which they refer (including any extension thereof) in the same manner as if they were enacted in this Act.

(3) If special rules have been established for any mine or works, and subsequently thereto a change occurs either in the name of such mine or works, or in the ownership of such mine or works, such special rules shall, notwithstanding the aforesaid change, be and continue to be the special rules of such mine or works, until they are amended or new rules are established under this Act.

**54**—(1) The owner, agent, or manager of any mine or works, if so required as aforesaid, shall within Three months after the receipt by him of such request, frame and transmit the special rules to the inspector for the district for examination by the Chief Inspector. Establishment of special rules. *Ibid.*, s. 199 (Tas.).

(2) The proposed special rules, together with a printed notice stating that any objection to the rules on the ground of anything contained therein or omitted therefrom, may be sent by any of the persons employed in the mine or works to the inspector, at his address, stated in the notice, shall, during not less than Two weeks before the rules are transmitted to the inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the mine or works; and a certificate that the rules and notice have been so posted up shall be sent to the inspector, with Two copies of the rules signed by the person sending the same.

(3) The proposed special rules, the objections (if any), and the certificate, in the preceding subsection mentioned, shall be transmitted by the inspector, with his report thereon, to the Chief Inspector.

(4) If the rules are not objected to by the Chief Inspector, he shall so certify in writing, and shall transmit the rules, with such certificate, to the Minister for his approval; and if the Minister approves of the rules, he shall cause them to be published in the "Gazette," and thereupon they shall be established.

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The Chief  
Inspector may  
object to special  
rules.  
*Ibid.*, s. 200  
(Tas.).

**55**—(1) If the Chief Inspector is of opinion that the proposed special rules so transmitted, or any of them—

- i. Do not sufficiently provide for the prevention of dangerous accidents in the mine or works, or for the safety, convenience, and proper discipline of the persons employed in or about the mine or works : or

- ii. Are unreasonable—

he may, within Thirty days after the rules are received by the inspector, object to the rules, and propose to the owner, agent, or manager, in writing, any modifications in the rules by way of omission, alteration, substitution, or addition.

(2) If the owner, agent, or manager does not, within Twenty days after the modifications proposed by the Chief Inspector are received by him, object in writing to them, the proposed special rules, with those modifications, shall, together with the certificate in writing of the Chief Inspector that he does not object thereto, be transmitted by the latter to the Minister, who, if he approves of the rules, shall cause them to be published in the "Gazette," and thereupon they shall be established.

(3) If the owner, agent, or manager sends his objection in writing within the said Twenty days to the Chief Inspector, he shall refer the same to the warden, and thereupon it shall be determined in the manner appointed by Section Fourteen of this Act.

(4) Such special rules when determined as aforesaid shall be established in accordance therewith upon their being published in the "Gazette."

Amendment of  
special rules.  
*Ibid.*, s. 201  
(Tas.).

**56**—(1) After special rules are established under this Act in any mine or works, the owner, agent, or manager of the mine or works may, from time to time, propose in writing to the inspector, for examination by the Chief Inspector and the approval of the Minister, any amendment of the rules, or any new special rules ; and the provisions of this Act, with respect to the original special rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original special rules.

(2) The Chief Inspector may, from time to time, propose in writing to the owner, agent, or manager of the mine or works, any amendment of the special rules or any new special rules ; and the provisions of this Act, with respect to a proposal of the Chief Inspector for modifying the special rules transmitted by the owner, agent, or manager of a mine or works, shall apply to all such amendments and new special rules in like manner, as nearly as may be.

False statements,  
and neglect to  
transmit special  
rules.  
*Ibid.*, s. 202  
(Tas.).

**57** If the owner, agent, or manager of any mine or works makes any false statement with respect to the posting up of the rules and notices, he shall be guilty of an offence against this Act ; and if special rules for any mine or works are not transmitted within the time limited by this Act to an inspector for examination by the Chief Inspector, the owner, agent, and manager of such mine or works shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by enforcing, to the best of his power, the provisions of this Act, to secure the transmission of the rules.

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**58** The Chief Inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act in any mine or works, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules, and of the fact that they are duly established under this Act and have been signed by the Chief Inspector.

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Certified copy of special rules to be evidence.  
*Ibid.*, s. 203  
(Tas.).

**59** The Governor may make and publish in the "Gazette" a set of special rules for any mine or works, and thereafter the rules so made and published shall be deemed to be established and to be the special rules of such mine or works: Provided that upon special rules being established for any mine or works, the special rules made by the Governor as aforesaid shall cease to apply to such mine or works.

Special rules made by the Governor.  
*Ibid.*, s. 204  
(Tas.).

*Publication of Rules.*

**60** For the purpose of making known the provisions of the general rules and special rules (if any) to all persons employed in and about a mine or works, a correct copy thereof shall be published, as follows:—

Publication of copy of special rules.  
*Ibid.*, s. 205  
(Tas.).

- i. The owner, agent, or manager of the mine or works shall cause the copy of the rules, with the name of the mine or works and the name and address of the inspector for the district, and the name of the owner or agent, and of the manager appended thereto, to be posted up, in legible characters, in some conspicuous place at or near the mine or works, where they may be conveniently read by the persons employed therein; and so often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch:
- ii. The owner, agent, or manager shall supply a printed copy of the rules *gratis* to each person who at the commencement of this Act is employed in or about the mine or works, as soon as practicable, and to every future employee upon engaging him. The owner, agent, or manager shall see that each person supplied with a copy signs a receipt therefor in a book to be kept for that purpose:
- iii. Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and the employed.

## PART V.

## MISCELLANEOUS PROVISIONS.

**61** No person shall be precluded by any agreement from doing such acts as are necessary for complying with any of the provisions 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 Act.

No liability to be incurred by complying with Act.

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*Liability of Employer and Employee*

Employer to compensate employee injured through non-observance of this Act.  
5 Ed. VII. No. 23,  
s. 182 (Tas.).

**62**—(1) If any person employed in or about any mine or works suffers injury in person or is killed—

- I. Owing to the negligence of the owner, contractor, or tributer of such mine or works, or his agent or servant: or
- II. Owing to the non-observance in such mine or works 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 representatives or the personal representatives of the person so killed, may, in any court of competent jurisdiction, recover from the owner, contractor, or tributer of such mine or works, as the case may be, compensation by way of damages, as for a tort committed by such owner, contractor, or tributer.

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.

(2) The amount of such compensation, with the costs of recovering the same when determined, shall constitute a charge on the mine and mining plant or the works, as the case may be, in or about which such person was so employed. As between themselves, all such charges shall have priority, according to the priority of the time when they accrue (being the time when the accident occurred); but such of them as accrue on the same day shall be deemed to accrue at the time when the earliest of them accrued, and shall rank equally one with another.

The Governor may from time to time make regulations prescribing the mode in which such charges may be enforced.

(3) Nothing in this section contained shall take away from any person the right to take the same proceedings as are open to him, independently of this Act, in respect of a claim for compensation, in any court of competent jurisdiction; but the owner, contractor, or tributer shall not be liable to pay compensation independently of and also under this Act.

Time for taking proceedings.  
See 6 Ed. VII.,  
c. 58, s. 2.

Notice of accident.

Claim for compensation.

**63**—(1) An action for the recovery, under the immediately preceding section, of compensation for an injury shall not be maintainable unless—

- I. Notice in writing that injury has been sustained is given within Three months from the occurrence of the accident causing the injury: and
- II. The action is commenced within Twelve months from the occurrence of the accident causing the injury, or in case of death within Twelve months from the time of death:

Provided that—

Defect or inaccuracy in notice.

- I. The want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such action if the judge shall be of opinion that the defendant in the action is not or would not if a notice or amended notice were then given and the hearing postponed be prejudiced in his defence by such want, defect, or inaccuracy, or if

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such want, defect, or inaccuracy, was occasioned by mistake, absence from Tasmania, or any other cause the judge deems reasonable: and

- ii. The failure to commence such action within the period above specified shall not be a bar to the maintenance of such action if it is found that the failure was occasioned by mistake, absence from Tasmania, or any other cause the judge deems reasonable.

(2) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the owner, contractor, or tributer, or their agents or managers, as the case may be.

(3) The notice may be served by delivering it to the person on whom it is to be served, or by sending it by post in a registered letter addressed to him at his residence or place of business.

(4) Where the owner, contractor, or tributer is a body of persons corporate or unincorporate, the notice may be served by delivering it at, or by sending it by post in a registered letter duly addressed to the office or One of the offices of the owner, contractor, or tributer, or their agents or managers, as the case may be.

**64**—(1) Every person employed in or about a mine or works shall, before commencing, and whilst at work, use ordinary and reasonable precaution to ascertain that the tubs, chains, tackle, windlass, ropes, tools, or other appliances he uses, and the place in which he works, are not unsafe; he shall not use anything or work in a place that is unsafe, or apparently unsafe.

(2) Every such person who witnesses or becomes aware of anything in or about the mine or works likely to produce danger of any kind shall forthwith report the same to the person in immediate authority over him, and it shall be the duty of such last-mentioned person forthwith to report the same to the manager.

(3) On leaving work every person employed on a mine shall report to the man relieving him, or the shift boss, the state of that part of the workings where he has been employed.

(4) Any such person who knowingly contravenes any provision of this section, shall be guilty of an offence against this Act,

*Returns from Mines for Statistical Purposes.*

**65** Within Fourteen days from the commencement of every quarter the owner, agent, or manager of every mine shall send to an inspector, warden, or registrar, of mines a correct return, specifying, with respect to the immediately preceding quarter, such particulars relative to the nature, quantity, and value of metals or minerals obtained, and the number of men employed, as may be prescribed, and in such form as may be prescribed.

Forms of the return shall on application be furnished by the Registrar of Mines or Inspector for the district.

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Failure to make claim.

Contents of notice.

Service.

Service upon corporation, &amp;c.

Employees to satisfy themselves of safety of appliances.  
Cf. 5 Ed. VII.  
No. 23, s. 177  
(Tas.).6 Ed. VII. No.  
36, s. 50 (W.A.).Quarterly return to be furnished.  
5 Ed. VII. No. 23,  
s. 169 (Tas.).

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Onus of proof  
in proceedings.

Any owner, agent, or manager of a mine who fails to comply with this section, or makes any return which to his knowledge is false in any particular, shall be guilty of an offence against this Act.

In all proceedings in respect of any offence against any provision of this section any allegation contained in the information that no return has been furnished pursuant to this section, or that a return has been furnished but the same does not comply with the provisions of this section, as the case may be, shall be deemed to be proved in the absence of proof by the defendant to the contrary.

*Abandonment.*

Protection of  
abandoned shafts.  
Cf. 6 Ed. VII.  
No. 36, s. 51  
(W.A.).  
Cf. Rule 59 in  
Schedule to 5  
Ed. VII, No. 23  
(Tas.).

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

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

Such timber, fencing, covering, casing, lining, ladder, platform, or other appliance in or connected with the shaft of any abandoned mine shall until such consent has been obtained be deemed to be the property of the Crown.

Responsibility  
for protecting  
abandoned shafts  
Cf. Rule 12 in  
Schedule to  
5 Ed. VII, No. 23  
(Tas.).

**67** Every abandoned or disused shaft, or dangerous surface excavation, shall be safely and securely fenced or covered in or filled in by the owner, agent, or manager of the mine upon which such disused shaft or dangerous surface excavation is situated, and the owner, agent, or manager of the mine shall keep the same so fenced or covered or filled in, and shall indicate its position on the surface by a substantial and securely fixed post, with a notice thereon affixed, or cairn of stones, or by some other sufficient and permanent distinguishing mark such as an inspector thinks sufficient.

The owner, agent, and manager respectively shall remain personally responsible for the due carrying out of the foregoing provisions, unless and until a certificate has been obtained from the inspector that the work has been properly executed, notwithstanding the mine has been abandoned or declared forfeited.

Props and  
timber not to be  
removed or  
openings  
obstructed.  
Cf. 1 Geo. V.  
No. 24, s. 58  
(Q.).

**68** The owner, agent, or manager of any mine shall not, without giving due notice to the owner, agent, or manager of any adjoining 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



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any portion of the workings of such adjoining mine unsafe or inaccessible; and where the underground workings of a mine or Two or more mines communicate with each other so as to afford means of ventilation, such ventilation shall not be obstructed without the consent of an inspector. A.D. 1915. —

*Penalties and Procedure.*

**69** If, through the default of the manager of a mine or works, 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.

**70—(1)** Any person who—

- I. 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 mine, or works: or
- II. By negligence of himself, his agent or servant, causes any person to be injured or killed or endangers the safety of any person in or about a mine or works: or
- III. Pulls down, injures, or defaces any notice, general rules, proposed special rules, special rules, or document posted up or affixed as required by this Act—

Offences against this Act.

Cf. 5 Ed. VII. No. 23, ss. 180 & 209 (Tas.).

Cf. 5 Ed. VII. No. 23, s. 206 (Tas.).

shall be guilty of an offence against this Act.

(2) In the case of every breach of this Act or of the general or special rules in force for the time being, the manager, owner, or agent shall be guilty of an offence against this Act, unless he reports such breach, and proves that he had taken all reasonable means of enforcing the said Act and rules and of preventing such breach.

(3) In any prosecution for a breach of any of the general rules in force for the time being relating to any mine or works—

- I. The observance of and compliance with the provisions of the rules shall be deemed to be reasonably practicable, and the onus of proving the contrary shall lie upon the defendant:
- II. The defendant shall not be convicted if he proves facts which satisfy the court, or the court is otherwise satisfied, that the observance of or compliance with the provisions of such rules for the breach of which he is prosecuted was not, under the circumstances, reasonably practicable.

(4) 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.

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General penalty.  
5 Ed. VII.  
No. 23, s. 209 (2)  
(Tas.).

**71** Any person who is guilty of an offence against this Act for which no specific penalty is provided by this Act shall, on conviction in a summary way, be liable—

- i. If he is the owner, agent, or manager, or person in charge or giving orders or directions relating to the carrying on of any mining operations in a mine, or operations at any works, to a penalty not exceeding Fifty Pounds: and
- ii. In all other cases to a penalty not exceeding Ten Pounds.

Penalty for  
unseemly or  
riotous conduct,  
intoxication, &c.  
5 Ed. VII. No. 23,  
s. 210.

**72** Every person employed in or about any mine or works, or in charge of any machinery used thereon, who while so employed or in charge shall be guilty of neglect of duty, or of unseemly or riotous conduct or behaviour, or is in a state of intoxication, and every person who in or about any mine or works uses any threatening, obscene, abusive, or insulting words within the hearing of any person, or is guilty of unseemly or riotous conduct or behaviour shall be guilty of an offence against this Act, and liable to a penalty not exceeding Ten Pounds.

Offences to be  
prosecuted within  
Six months.  
*Ib.*, Sec. 211.

**73** No person shall be liable to be proceeded against for any offence against this Act unless an information is laid in respect thereof within Six months after the offence is committed.

Onus of proof.  
*Ib.*, Sec. 308.

**74**—(1) In any proceeding under this Act the averment that any person is an inspector or warden, or is a person authorised to take any proceeding or perform any duty under this Act, shall be sufficient, without proof of the fact, unless the defendant proves the contrary.

If any question arises as to the authority of the defendant to do the act complained of, the proof thereof shall lie upon the defendant.

*Ib.*, Sec. 212.

(2) In any proceeding taken under the provisions of this Act against any person alleged in such proceeding to be the manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, or of any operations at any works, the burden shall lie on the defendant of proving he is not such manager or person.

Prosecution for  
offences.  
*Ib.*, Sec. 210.

**75**—(1) No prosecution shall be instituted against the owner, agent, or manager of any mine or works, for any offence against this Act not committed personally by such owner, agent, or manager, which can be prosecuted in a summary way, except by an inspector, or with the consent, in writing, of the Minister.

(2) No prosecution shall be instituted against such owner, agent, or manager, if the Chief Inspector is satisfied that all reasonable means to prevent the commission of the offence have been taken.

(3) All costs incurred by the inspector, or which may be awarded against him in any proceedings under this Act, shall be paid out of the Consolidated Revenue, and the inspector shall not be personally liable for the same.

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**76** All informations or complaints in respect of offences against this Act, other than misdemeanours, and all penalties and sums of money imposed or made payable by this Act, may be heard, determined, and recovered in a summary way by and before a warden in his capacity of a police magistrate, according to the provisions of "The Magistrates' Summary Procedure Act."

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Offences against  
this Act.  
5 Ed. VII. No. 23,  
s. 232.

**77**—(1) Nothing in this Act contained shall be construed so as to repeal or limit the operation of "The Workers Compensation Act, 1910."

Saving of other  
Acts.

Cf. 5 Ed. VII.  
No. 23, s. 267  
(Tas.).

See Section 31.

(2) Except in so far as this Act expressly otherwise provides, nothing in this Act contained shall be construed so as to repeal or limit any of the provisions of "The Inspection of Machinery Act, 1902," or to affect the duties of any inspector appointed under that Act in relation to the inspection in mines or works of machinery and boilers coming within the operation of that Act.

**78** Notwithstanding anything to the contrary contained in Section Twelve of "The Inspection of Machinery Act, 1902," or in this Act, exemption in writing from the provisions of the said section or this Act requiring constant attendance upon any electrical motor or other machinery whilst in use or prohibiting absence therefrom, may be granted by the inspector for the district for such period and subject to such terms and conditions as he thinks fit, in respect of any electrical pumps or other machinery which in his opinion are completely and effectively controlled by automatic stopping and starting devices. Any such grant of exemption may at any time be suspended or cancelled by such inspector or the Chief Inspector.

Inspector may  
exempt from  
constant attend-  
ance on certain  
machinery.

## PART VI.

## RULES.

**79**—(1) The Governor may, from time to time, make rules or regulations with respect to all or any of the matters mentioned in Part I. of the schedule to this Act.

Power to make  
rules or regula-  
tions.

Schedule, Part I.

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

Same may be  
general or local.

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

Power to amend  
rules in schedule

Every such notice shall be published in the "Gazette," and Once at least in a newspaper published in Hobart and in Launceston, and otherwise as the Minister directs. A newspaper containing such notice shall be posted at the office of every warden.

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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 Six weeks after the day of publication no cause deemed sufficient by the Governor is shown to him why the power proposed to be exercised should not be exercised, the Governor may exercise such power with respect to the said rules.

To be published  
in "Gazette."

**81—**(1) Rules or regulations made under this Act, including any rules rescinding, adding to, amending, or otherwise modifying any of the general rules set forth in the 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.

Every such rule or regulation shall be judicially noticed.

May impose  
penalties.

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

Copies to be laid  
before  
Parliament.

(3) Copies of all rules or regulations made under this Act shall be laid before Parliament within Thirty days after the making thereof if Parliament is then in session; and, if not, then within Thirty days after the commencement of the next session thereof.

If either House of Parliament, by resolution passed within One month after such rules or regulations have been laid before such House, 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 such resolution cease to be binding, but without prejudice to the validity of anything previously done thereunder.

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**THE SCHEDULE.****PART I.—SUBJECT-MATTER FOR RULES OR REGULATIONS.****PART II.—GENERAL RULES TO BE OBSERVED IN ALL MINES AND WORKS.**

- Division I.—Ventilation and Connecting Drives;*
- Division II.—Precautions against Fire;*
- Division III.—Health and Sanitation;*
- Division IV.—Explosives;*
- Division V.—Ladders and Travelling Ways;*
- Division VI.—Lighting;*
- Division VII.—Winding and Signals;*
- Division VIII.—Machinery;*
- Division IX.—Safety and Protection;*
- Division X.—Tests and Inspections;*
- Division XI.—Dredges;*
- Division XII.—General.*

**PART III.—GENERAL RULES RELATING TO COLLIERIES ONLY.**

- Division I.—Management and Control;*
- Division II.—Ventilation;*
- Division III.—Explosives.*
- Division IV.—Travelling Ways;*
- Division V.—Winding;*
- Division VI.—Inspections;*
- Division VII.—Safety and Protection;*
- Division VIII.—General.*

**PART IV.—RULES RELATING TO SMELTING WORKS.****PART I.****SUBJECT-MATTER FOR RULES OR REGULATIONS.**

1. Regulating and prescribing the powers, duties, and qualifications of all inspectors, and prescribing the scope and methods of examination to be set for them. Inspectors.
2. Regulating methods of inspection of mines and works. Inspections.
3. The grant, either upon examination of the applicant, or not, of certificates of competency, or the grant of certificates of service equivalent thereto, to— Grant of certificates to mine managers, &c.
  - i. Mine managers.
  - ii. Mine foremen (shift bosses).
  - iii. Superintendents of crushing mills or batteries.
  - iv. Such other classes of persons employed or engaged in or about mines or works as the Governor may deem it expedient from time to time to require to be in possession of certificates of competency or of service.
4. Prescribing forms 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. Forms.
5. Regulating and prescribing the conduct of examinations for certificates, and the issue, approval, registration, suspension, and cancellation of certificates; the appointment and remuneration of examiners; the inquiry to be held before any certificate is suspended or cancelled. Examinations and certificates.

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Accident inquiries.  
Surveys of workings.

Rescue and aid in  
case of accidents  
in mines.

Ventilation.

Connections for  
ventilation purposes.

Winding and testing  
ropes and other  
appliances.

Health and  
sanitation.

6. Regulating the procedure at inquiries into accidents.

7. Prescribing conditions as to the manner in which the surveys of the underground or surface workings of mines required in accordance with this Act shall be effected, and as to the scale to which the plans and sections referred to in this Act shall be drawn, and as to the terms on which the copies of the plans and sections required by this Act to be furnished to the Chief Inspector will be accepted as satisfactory.

8. Requiring such provision as he may consider to be necessary to be made at all mines, or any particular mine, or any particular class of mines, in regard to all or any of the following matters:—

- i. Supply and maintenance of appliances for use in rescue work, and formation and training of rescue brigades.
- ii. Supply and maintenance of ambulance appliances and the training of men in ambulance work.

9. Dealing with 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 air-ways; 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 air-doors 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.

10. Dealing with 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.

11. 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.

12. Providing for the protection of health, and regulating the sanitary conditions in mines and works, 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, cleansing and keeping clean the mine or works, and the premises; 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.

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13. Providing for the safe handling of materials, particularly hot furnace products. A.D 1915.
14. Regulating the use of explosives, including—  
 i. The construction of magazines.  
 ii. Storage and handling.  
 iii. Removal or destruction of fumes by mechanical or artificial means.  
 iv. Testing of explosives before use.  
 v. Strength of detonators.  
 vi. The persons who shall be allowed to charge and fire charges, and the methods to be employed in doing so.  
 vii. The time that must elapse before men return to a place where shots have been fired or have missed fire.  
 viii. The use of fuse.  
 Handling material.  
 Explosives.
15. Prescribing a code of signals to be used in all mines, in any particular mine, or in any particular class of mines. Code of signals.
16. Providing for the safety of all persons working in or on mines or works. Safety.
17. Dealing with the employment of persons having charge of winding machinery and providing for their periodical medical examination. Winding machinery.
18. The use of electricity and electrical machinery; prescribing the rules and precautions to be observed. Use of electricity.
19. Prescribing fees payable in respect of—  
 i. Applications for certificates.  
 ii. The examination of candidates for certificates.  
 iii. The registration and approval of certificates, and the granting of certificates.  
 iv. The issue of a fresh certificate in lieu of certificate lost or destroyed.  
 v. Witnesses' expenses; the remuneration of persons holding inquiries and of assessors.  
 vi. The testing of ropes.  
 Fees.
20. For the purposes of any section of this Act in which regulations or rules are referred to or in which the word "prescribed" is used.
21. Providing for the maintenance of order and discipline and the prevention of accidents. Accidents, &c.
22. Dealing with and effectuating any matter, thing, or practice required by the general rules under this Act, or connected with the regulation of mines and the working thereof, or with works, or not expressly provided for or insufficiently provided for by this Act; and generally all other matters and things that the Governor may deem necessary to give effect to this Act. General.

## PART II.

## GENERAL RULES FOR ALL MINES AND FOR WORKS.

The following General Rules shall, so far as may be reasonably practicable, be observed in every mine, whether the mine is on Crown land or on private property, and shall, where they refer to any works, be observed at or in such works:— General Rules.

*Division I.—Ventilation and Connecting Drives.*

1. An adequate amount of pure air shall be caused to enter every mine and circulate through all parts in which men are employed. Ventilation.
- The supply shall not be less than 100 cubic feet per minute for each man or boy employed, and 150 cubic feet for each horse.
- The total quantity of carbon dioxide present in the air shall not exceed 0.25 per centum by volume; but at any point where firing of explosives has taken place, a greater percentage of carbon dioxide shall be permissible for a reasonable time after the last explosion.

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Connecting drives,  
&c.

The maximum temperature of the air in any working place shall not exceed 80° F., measured by a wet-bulb thermometer, nor 85° F., measured by a dry-bulb thermometer, unless firing of explosives has occurred in such place not more than 20 minutes previous to the observation of the thermometer.

2. Whenever the underground workings of different mines are not more than 300 feet apart the inspector for the district shall inform the Chief Inspector thereof as soon as practicable, making a report upon the circumstances of the case; and in such report the inspector shall recommend that such workings be connected by means of drives or rises, as the case may require, for the purpose either of escape or ventilation, unless in such report he furnishes valid and sufficient reasons for the postponement of the construction of such connection. Upon the receipt of any such report the Chief Inspector shall forthwith transmit the same to the Minister for his consideration, and the Minister may either authorise an inspector to order the construction of such connection to be carried out, or may dispose of the matter by postponement, or in any other way he thinks fit.

Recovery of cost of  
connecting drives.

Upon the order of an inspector, authorised by the Minister, owners shall construct such connecting drives or rises where the workings are not more than 300 feet apart for escape or ventilation at their joint expense.

An owner who has constructed drives up to the boundary of his mine shall not be liable to contribute to the cost of constructing such drives into the land, lease, or claim of another owner unless, in the opinion of an inspector, such construction of drives or connection is of benefit to the first-mentioned owner; and in default of such firstmentioned owner contributing his fair and proper proportion of the cost thereof, or constructing such portion of such connecting drive as a warden shall adjudge to be a fair and reasonable proportion having regard to the amount of benefit derived by such firstmentioned owner, the owner who has caused such connecting drive to be made may, upon a plaint in that behalf, have the amount to be paid by such firstmentioned owner determined in the Warden's Court; and for the purpose of enabling the court to try such plaint and to hear and determine the matter and enforce its decisions, and of enabling appeals to be made from its decisions the plaint shall be deemed to be a proceeding and matter within the jurisdiction of the Warden's Court, and all the provisions of any Act in force for the time being relating to mines and mining which apply to such proceedings shall apply to such plaint so far as the same may be applicable.

When an inspector is of opinion that existing connections with the surface, whether by shaft, rise, or adit, form inadequate means of escape, he shall report that an additional outlet, either by shaft, rise, or adit, should be provided; and the Minister may, after due investigation, order the same to be constructed.

*Division II.—Precautions against Fire.*Adequate precautions  
to be taken.

3. The owner, agent, and manager of every mine shall take adequate precautions both underground and at the surface against any outbreak of fire and for the prompt suppression of any such outbreak.

Men to be warned.

In the event of an outbreak of fire occurring underground, the men shall be immediately warned, and every practicable provision made for bringing them to the surface without delay.

Inspector to approve  
provisions made.

4. All provisions against fire shall be subject to the approval of an inspector who may give such orders in relation thereto as he thinks advisable, and such orders shall be carried out.

Unprotected light.

5. No person shall leave an unprotected light close to timber in any place.

Warming food.

6. Proper and safe provision shall be made underground in every mine for warming food or drink wherever an inspector deems it necessary.

Machinery placed in  
chambers to be  
absolutely fireproof.

7. Where any machinery is placed in chambers underground, such chambers shall be made absolutely fireproof.

Waste.

8. Waste used in cleaning machinery underground shall be kept in a securely-covered metal vessel.

Chips, &amp;c.

9. Chips, shavings, waste, wood, paper, or other rubbish shall not be allowed to lie about and accumulate in any part of a mine; nor shall any such matter or any inflammable material be thrown into passes.



*Mines and Works Regulation.**Division III.—Health and Sanitation.*

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10. In every case where rock-drills are used underground there shall at all times be used in and about the place where such drilling is done, such jets, sprays, or other means as in the opinion of an inspector will effectually keep the air pure and free from dust, and prevent the accumulation of dust.

Where rock-drills used, air to be kept free from dust.

11. In dry roads or other workings, if the broken material is dry and dusty, it shall not be removed until it has been effectually damped.

Material to be damped.

12. In the event of any nuisance whatsoever being caused by dust or fumes mingling with the air in any portion of the workings of a mine in which miners are working to such an extent as in the opinion of the inspector to be detrimental to the health of such miners, it shall be the duty of the manager to remove such nuisance by spraying or other effective means.

Removal of nuisance from dust or fumes by spraying, &c.

13. Every person employed in a mine who damages or misuses, or fails to use when necessary, any appliance for the prevention of dust, fumes, or smoke, or any other sanitary appliance provided by the owner, agent, or manager of the mine, is liable to a penalty not exceeding Five Pounds.

Damaging sanitary appliances, &c.  
Penalty.

14. No debris, refuse, or other materials which is or are likely to be injurious to the health of those working in the mine shall be sent down a mine whether abandoned or not for the purpose of filling up excavations or for any other purpose.

Debris not to be used for filling excavations, &c.

15. If more than four persons are ordinarily employed in the mine below ground in one shift, sufficient changing-room accommodation and facilities for the purpose of enabling the persons employed in the mine to conveniently dry and change their clothes, shall be provided above ground near the principal entrance of the mine. The engine-house or boiler-house shall not be used for that purpose unless the inspector consents thereto in any case where the number of men employed underground does not exceed six, and there is no direct access from the changing-room to the boiler or engine. In no case shall men be allowed to change their clothes upon a boiler.

Changing-room.

In every changing-room an ample supply of fresh water—and, if practicable, hot water—shall be provided for the men to wash themselves with, and washing basins at the rate of one for every five men employed on any one shift. Proper provision shall be made for removing the waste water.

Where there is a good supply of fresh water available at any mine, shower-baths shall, if reasonably practicable, be provided in the changing-room, at the rate of one for every thirty men employed underground in any one shift. The baths shall be screened from observation, and provided with drainage to remove the waste water.

16. Every changing-room in connection with a mine shall be provided with a fire or suitable heating appliances for the purpose of drying the clothing of the persons employed in and about such mine. Such changing-room shall be available to the workmen free of cost, at all reasonable hours, and so that the same, or part of the same, can be used by every shift, and shall be reasonably comfortable and sufficiently lighted after dark.

Provision to be made.

17. When instructed in writing by the inspector there shall be provided changing-rooms approved by him, and such conveniences and facilities in connection therewith for the use of persons employed on the surface of any mine or in and about any works (free of cost), as the inspector may direct.

18. In and about every mine and the underground workings thereof, and in and about any works, proper provision to the satisfaction of an inspector shall be made at all times for sanitation and for the prevention of nuisances, and for this purpose the inspector may require the owner, agent, or manager, to provide latrine accommodation and the use of disinfectants, and to make proper provision, to the inspector's satisfaction, for sanitation, and for the prevention of nuisances.

Sanitary accommodation and the prevention of nuisances.

19. An adequate supply of pure drinking water (except where there is a natural and continuous supply of such water conveniently available) shall be provided in and about every mine for the use of the employees connected therewith, and all necessary provision for preventing such water becoming polluted or rendered unwholesome shall be made.

Drinking water.

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Storage and use of  
gunpowder, detona-  
tors, and other  
explosives.

*Division IV.—Explosives.*

20. Gunpowder or other explosive or inflammable substance shall only be used or kept at a mine as hereunder provided; that is to say:—

- i. It shall not be stored or kept in the mine or on the surface unless—
  - (a) When the quantity exceeds 50 lb. in weight the person storing or keeping the same holds a licence under "The Explosives Act, 1900."
  - (b) When the weight does not exceed 50 lb. the person storing or keeping the same obtains the permission, in writing, of the inspector.

All places where it is stored or kept, whether on the surface or underground, shall be approved by an inspector.

- ii. Without such licence or permission it shall not be stored or kept in the mine in any quantity exceeding what would be required for use during six working days for the purposes of the mine; and if stored in the mine it shall be kept in a drive or chamber separated by a door fixed across such drive of which an inspector shall approve.
- iii. All explosives kept for the purposes of a mine shall be kept in the custody of the manager, or of some person appointed for that purpose, who shall be responsible for the safe-keeping and proper issue thereof.
- iv. Where the explosives are kept or stored in any magazine or locker underground in quantities exceeding 15 lb. the distribution of such explosives shall be under the supervision of a person authorised by the manager.
- v. Whenever explosives are taken into the mine from the surface magazine or the place of storage at the surface, they shall be conveyed direct therefrom to the proper place of storage in the mine, or to the workings of the mine if required for immediate use.
- vi. Unless with the permission of an inspector, explosives shall be taken for use into the working underground faces of the mines only in securely-covered cases or canisters of a pattern and make approved of by an inspector, and containing not more than 15 lb. of gunpowder or 15 lb. of high explosive in each case or canister.
- vii. There shall not be had open at one time in any one place more than one of such cases or canisters, and, except when actually in use for purposes of charging explosives shall be returned to the place provided for storage thereof at the surface or underground.
- viii. No person shall enter with a naked light a powder magazine or any excavation or place in a mine where powder or other explosive or inflammable substance is stored.
- ix. Detonators for blasting shall be kept at the surface in a covered box, but not in the same magazine with nitro-glycerine compounds.  
 Not more than one week's supply of detonators shall be kept in any one level or working face in a mine at one time without the consent of an inspector, and these shall be kept apart from other explosives and in a covered box in a separate drive or chamber at least 30 feet distant from other explosives and set apart for storing explosives as hereinbefore provided, and shall be taken out only in such quantities as are required for immediate use.  
 Cartridges shall not be primed with detonators except for immediate use only.  
 Detonators shall not on any pretence whatever be placed near any travelling road, pass, or working face.  
 Detonators shall only be fixed to the fuse by means of pincers provided for that purpose by the manager.
- x. No iron or steel pricker shall be used in blasting in any mine, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine, and where nitro-glycerine explosives are used wooden rammers only shall be used in charging.

Charging and firing  
explosives; misfires.

*Mines and Works Regulation.*

- xI. A charge of gunpowder which has missed fire may be drawn by a copper pricker; but in no case shall an iron or steel tool be used for the purpose of drawing or drilling out such charge. A charge of any nitro-glycerine compound shall not be drawn from a hole on any pretence, or (except as directed by the next subsection) have its tamping removed on any pretence. A.D. 1915.
- xII. A charge of any nitro-glycerine compound which has missed fire shall not be drawn; but the tamping shall be carefully removed to a depth distant not more than 12, and not less than 6, inches from the outer end of the charge, and a fresh charge or fresh charges shall be inserted for the purpose of exploding the original charge until the same be exploded, and no hole shall be bored in the neighbourhood of an unexploded charge for the purpose of exploding it by means of the explosion of a charge in the new hole.
- xIII. A charge of any explosive which has hung fire, or is supposed to have missed fire, shall not be visited until 45 minutes shall have elapsed from the time of lighting the fuse thereof. The foregoing provisions shall not apply to charges fired by an electric current, provided the conducting wires are first disconnected.
- In every case of an explosive hanging fire, or there being any doubt as to its having missed fire, the person laying the charge shall report the occurrence to the person under whose immediate control or direction he may be, or to one of the mine officials and to the person relieving him (if any). No hole shall be charged with explosives unless it is intended to immediately fire the charge, and if any such charge is not fired or exploded it shall be treated as a missfire.
- When using explosives in any mine or works the men charging and firing the explosives shall be jointly and severally responsible for the proper handling and firing thereof.
- xIV. When, owing to simultaneous explosions, there is a doubt in counting the reports as to the occurrence of a missfire, a missfire shall be deemed to have taken place.
- xV. In the event of the bottom of a hole in which a blast has been exploded remaining in any working-place, then, unless or until it can be clearly seen by two persons that no explosive remains unexploded in such bottom, no work, whether of boring, barring down (except so far as may be absolutely necessary in order to make it safe to approach such bottom), picking, or otherwise, shall be done in such place, until such bottom has been broken away and completely exposed by a further charge or further charges inserted therein; but, for the purpose of inspection, such bottom shall be carefully cleaned out, water being freely used therein, before being finally proved to contain no explosive. This rule shall apply to all "old bottoms," wherever found.
- xVI. After the last shot has been fired in any working place in any open cut, and before any relief of shift, the person firing such shot, or a competent person being a member of the party firing such shot shall, except in the case of a missfire or a hangfire, carefully inspect the face of such place. In the event either of any danger being found to exist, or of a shot missing fire or hanging fire, the fact shall be reported to the relieving shift before it comes to the face.
- The members of a relieved party shall, on proof of failure to make the inspection or the report required as aforesaid, each be guilty of an offence against this Act, notwithstanding that such failure is the wrongful act or omission of a member or members of such party to whom the other member or members have entrusted the duty of making such report or inspection.
- xVII. No person under the age of 18 years shall use explosives, charge a hole with explosives, or fire any charge of explosives. Age restriction
- xVIII. No drill-hole shall be bored in any remaining portion of a hole in which a charge of high explosive has been previously exploded.

*Mines and Works Regulation.*

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xix. Nitro-glycerine compounds shall not be used in a frozen or hard state; when in such frozen or hard state they shall be thoroughly thawed or softened previous to use, in a dry vessel heated by warm water, of a temperature not higher than 130° Fahrenheit.

xx. In all cases where the fumes arising from the explosion of any nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered innocuous by the person in charge of the blasting operations by the use of a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations.

Miners employed in blasting with nitro-glycerine compounds shall be supplied with proper and safe means of thawing such compounds, and with the means of spraying.

xxi. A bulled hole shall under no circumstances be loaded with a further bulling charge unless it is thoroughly washed or swabbed out with water.

Before loading the main firing charge, either a sufficient quantity of water to fill the bulled chamber must be poured in, or, as an alternative, the hole must be allowed to stand unloaded (after bulling) for at least 30 minutes, and then a copper tamping-rod must be inserted in the hole for at least five minutes and found to be nowhere hot to the touch.

xxii. Under no circumstance whatever shall any person use any high explosive compound for the purpose of igniting fuse: provided that any person engaged in blasting operations may, for the purpose of "spitting" fuse, use a small piece of gelignite or blasting gelatine, if it is carefully and securely inserted at the extremity of the fuse.

Firing blast.

21. No blast shall be fired under circumstances likely to injure any person.

Removing explosives.

22. No person shall remove any explosive from a mine without the written consent of the manager.

23—(1) No safety fuse whose rate of burning is less than 80 or more than 100 seconds per lineal yard shall be used in any mine.

(2) The manager of every mine shall ascertain the rates of burning of the fuse used therein and shall take all necessary steps to have such rates made known to the men using the fuse.

*Division V.—Ladders and Travelling Ways.*

Proper ladders to be provided.

24—(1) A proper ladder shall be provided in every shaft or winze which has an inclination of 35° or more from the horizontal, and is used for men ascending or descending, and whether machinery is used or not.

No person shall ascend or descend in any such shaft or winze except by means of ladders or in a man engine or safety-cage, unless for the purpose of effecting repairs to the shaft, or in case of pressing necessity. Provided that men employed in shaft-sinking may ascend and descend for a distance not exceeding 200 feet by means of the bucket used for hoisting material.

(2) All shafts or winzes used for men ascending or descending shall, if inclined at less than 35° from the horizontal, be provided with a proper foot-way and guiding-rope, or chain, or, if so directed by the inspector, with a ladder.

Fixing of ladders.

25—(1) Under no circumstances shall any permanent ladder be fixed in an overhanging position.

(2) A ladder permanently and habitually used for the ascent or descent of persons in the mine shall not, unless under exceptional circumstances, and with the consent of the inspector, be fixed in a vertical position, except in the pump compartment of any shaft or in winzes or rises giving access to stopes actually being worked; but shall, subject to the provisions of paragraph (3), be inclined at the most convenient angle which the space available allows.

(3) In no case, excepting in the pump compartment of any shaft, or in winzes or rises giving access to stopes actually being worked, shall any ladder be fixed at an inclination of more than 80° from the horizontal unless with the consent of the inspector.

*Mines and Works Regulation.*

(4) Every ladder, inclusive of ladders fixed in pump-shafts which are not used exclusively for pumping, shall, when the ladder-way exceeds 60 feet in depth and has an inclination of 70° or more from the horizontal, have substantial platforms or resting-places at intervals of not more than 30 feet, approved by the inspector as adequate resting-places, and as sufficient for the protection of men using the ladders. Such platforms or resting-places so approved as aforesaid shall also be provided in ladder-ways with a less inclination than 70° from the horizontal whenever the inspector shall so direct.

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Platforms.

(5) Every ladder shall project at least 3 feet from the mouth of the shaft. At each platform or resting-place there shall be provided a suitable fixture for a hand-grip placed above every ladder for the convenient use of persons ascending or descending.

(6) Ladders shall be so placed as to cover the man-holes of the resting-places.

(7) Every ladder used in a mine shall be of strong construction, and shall be securely fastened to the timbering or wall of the shaft in such a manner as the inspector shall approve, and shall be maintained in good repair.

(8) The spaces between the rungs in every ladder provided after the 1st day of January, 1912, shall not exceed 10 inches, and the rungs shall in no case be less than 5 inches distant from the wall against which the ladder is placed.

The rungs shall be kept clear of everything which might interfere with the foothold.

(9) During sinking operations chain or rope ladders shall be provided from the end of ladderways to the bottom of shafts in order to secure the fixed ladders from damage during blasting, and to ensure a safe means of exit. Chain or rope ladders must not be so used over a greater length than 20 feet unless with the consent of the inspector.

26. Ladders, and, when necessary, convenient platforms connecting therewith, or suitable footways, shall be provided in each rise, winze, jump-up, or passage giving access to stopes or workings at a higher or lower level or place in the mine. Where stages are used, means for ascending them safely shall be provided.

Ladders, &amp;c., to be provided in rises, &amp;c.

All such rises, winzes, jumps-up, and passages, with their ladders, platforms, footways, and stages, shall be such as are approved by the inspector.

Places of refuge shall be opened in rises at such points as may be determined by the inspector.

*Division VI.—Lighting.*

27. Suitable lights, effectually protected from draughts of air, shall be provided for the use of persons in every working plat in the main drives of any mine, and also in such other places as an inspector may direct; and the upper entrance to every winze, rise, or jump-up in any mine while open or unfenced shall be illuminated by a fixed light, which shall be kept constantly burning, and effectually protected from draughts of air.

Lighting to be provided.

*Division VII.—Winding and Signals.*

28. Every working shaft in which a cage is used and in which persons are raised or lowered, and every shaft in which appliances worked by steam or other machinery are used, shall be provided with guides and some proper means of communicating distinct and definite signals—

Signalling.

- i. From the bottom of the shaft, and from every entrance for the time being in work between the top and the bottom of the shaft, to the top and thence to the engine-room; and
- ii. If required by an inspector, from the engine-room and top to the bottom of the shaft and to and between every entrance for the time being in work between the top and the bottom of the shaft.

And in every working shaft in which a cage is used and in which more than one level is being worked at the same time a platman shall be placed in charge of the cage.

*Mines and Works Regulation.*

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Any signal line or knocker line used shall be accessible at any part of the shaft, and be so balanced as to be easily worked by hand without the aid of a lever; unless the signalling appliances are operated by electricity, in which case they shall be subject to the approval of an inspector.

No verbal signals or communication shall be made up or down a shaft exceeding 75 feet in depth in which cages are used, except through speaking tubes or telephones, which shall, whenever practicable, be placed in one pump compartment of such shaft.

Signals to be clear  
and distinct.

29. All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted and maintained in a clear and legible form on framed boards, one of which shall be placed in each chamber or entrance to the shaft, and one at the brace at or near the top of the shaft, and one in the view of the person in charge of the machine used for lowering or raising persons or material in such shaft.

Such methods shall be in accordance with such code as may from time to time be prescribed, and, until a code is prescribed, shall be subject to the approval of an inspector, and shall also be subject to such alterations and amendments as may from time to time be indicated by the Minister on the report of the inspector.

Any neglect to carry out such methods shall be an offence against this Act.

Every person to  
know signals.

30. Every person employed in a mine shall make himself acquainted with the system of signals used in such mine.

Danger signals.

31. In every working shaft and in each winding compartment thereof in every mine, except where electrical signalling is used, a line or some other appliance or means approved by an inspector shall be provided, to enable danger signals to be communicated to the enginedriver or person in charge of the machinery from any portion of such shaft or division: And where in any mine electrical signalling is used, a knocker line or some other auxiliary means of communication shall be provided, if required by an inspector.

Enginedriver to  
see shaft.

32. Unless an inspector considers it impracticable, a clear view shall be kept for the enginedriver between his station and the shaft at the surface brace.

Drives in mines to be  
provided with proper  
signals.

33. Wherever any underground work is being performed at greater distances from the shafts, or from the entrance to the adit level (in the case of an adit mine), than—

i. Two hundred feet in alluvial mines; or

ii. Four hundred feet in lode mines—

proper means shall, if and whenever required by an inspector, be provided for communicating along the lower drives of the mines distinct and definite signals to and from the plats at the bottom of the shafts, and to and from places in which men may be at work; and also for communicating such signals effectively along the adit levels and drives of any adit mine.

Protection to persons  
ascending or  
descending shaft.

34. Safety-cages shall be provided, kept, and used for raising or lowering men in any shaft when and wherever required by an inspector.

Cage-covers.

35. A cage shall have a sufficient cover overhead when used for lowering or raising persons in any shaft; such cage-cover shall be at least 6 feet 6 inches above the floor of the cage, and shall be constructed of iron not less than  $\frac{1}{4}$ -inch thick, or of steel not less than  $\frac{3}{16}$ -inch thick, and shall be fitted with sloping sides and securely hung on hinges so as to be readily lifted upward by persons within the cage.

Whenever practicable, all persons working in shafts shall be protected overhead from falls of material down such shaft by means of a roof or other suitable appliance.

Cage to be numbered.

36. Every cage used in a mine shall have a distinguishing number, which shall be painted or marked thereon, and kept clearly visible, in such manner as an inspector directs.

Maximum number  
of occupants.

The maximum number of persons that may lawfully be lowered or raised in one cage shall not exceed such number as the inspector, having regard to the size and strength of the cage, gear, and machinery, specially authorises by writing under his hand.

No person to leave  
moving cage.

No person shall get off or on a cage while it is in motion.

*Mines and Works Regulation.*

37. No truck, tools, iron, timber, rails, or other material (except for repairing the shaft), and no explosives, shall be taken up or down a shaft in the same cage, bucket, or other carriage or receptacle with any person: Provided that this shall not be held to prevent the person actually having the custody of explosives from riding in the same cage with such explosives.

38. No timber shall be sent down any shaft unless secured to a rope by means of a shackle, or securely fastened in a cage or bucket.

39. Whenever any person by the aid of machinery ascends or descends a shaft in which a safety-cage is not used or available, he may, at his request, be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the arms, and such method of staying may be used by every person who finds it necessary in the execution of his duty to descend or ascend a shaft on the top of the cage-covers, and in all such cases the necessary straps or other fastenings shall be provided and kept available and ready for use in a convenient place, by the owner, agent, or manager.

40. No open hook shall be used with a bucket in hoisting, but only such kind of hook or shackle as may be sanctioned in writing by an inspector of mines.

41. A single-linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to the cage or load.

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

42. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if such drum is conical, such other appliances as may be sufficient to prevent the rope from slipping.

43. There shall be attached to every machine worked by steam, water, oil, gas, electricity, air, or mechanical power, and used for lowering or raising persons, an adequate brake or other sufficient appliance (in addition to any on the fly-wheel) fitted to each winding-drum or gear in such manner that it can be applied by the enginedriver without leaving the starting-handle of the engine: provided that where the depth does not exceed 200 feet, an inspector may permit the use of a single brake fitted to one of the winding drums.

A dial or indicator (in addition to any mark on the rope) shall be attached to every machine used for raising or lowering persons or material, excepting winches, and electric and air-hoists, used in sinking from an underground level, and shall be so placed that it will show to the person who works the machine the position of each of the cages or loads in the shaft when at any level or chamber, or place of refuge.

In the case of shafts exceeding 1000 feet in depth, such brakes, if so ordered by an inspector, must be worked by steam, air, electricity, or water.

No brake shall be allowed on a flywheel unless with the approval of an inspector.

44. Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent it coming into contact with the poppet-heads.

45. In every mine where iron or steel wire ropes of not less than 1½ inch in circumference are in use for hauling purposes, a proper machine, to be approved by an inspector, shall, whenever required by him, be provided and used for cleaning and oiling such ropes.

46. Spring catches, or automatic or self-acting doors or tumblers of a suitable kind shall, whenever practicable, be affixed to the cage-skids, guides, or framing below the poppet-heads of every shaft in which a cage is used, to prevent the fall of such cage down the shaft when detached from the rope or chain by over-winding. Such automatic or self-acting doors or tumblers shall be surrounded by proper platforms and hand-railings, and at every plat or level where trucks are removed on or off the cage while in the shaft, such shaft shall be fitted with bearers (not being loose wooden bearers) securely and strongly hinged to the solepiece of the plat-set, or with other suitable appliances to be approved by an inspector; and gates (not less than 4 feet 6 inches in height) shall be used in all shafts where hauling is done with cages.

47. Any cage used for raising or lowering men shall be equipped with side-guard bars, or a centre bar.

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

Shackle to be used in lowering timber down a shaft.

Person in shaft to be securely stayed.

Open hook.

Single-linked chains.

Slipping of rope on drum.

Brake and dial.

Cages to have suitable appliances

Rope-cleaners.

Catches to be affixed to skids.

Side-guard bars, &c.

*Mines and Works Regulation.*

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Speed.

48.—(1) In raising or lowering men with a bucket, the speed, except in case of apprehended danger, shall not exceed 200 feet per minute when the bucket is within 100 feet of the surface, or 500 feet per minute in any other part of the shaft.

In all other cases the inspector shall fix the maximum speed at which the winding-engine shall run, and such speed shall not be exceeded.

(2) The driver of a winding-engine shall avoid shocks in starting and stopping the engine, and shall cause cages, buckets, or other means of conveyance to be gently brought to rest at stopping-places.

Prohibition.

49. No person shall be lowered by means of an ungeared or single drum with brake or friction gear.

*Division VIII.—Machinery.*

Condition of machinery.

50. All machinery, whether above or below ground, shall be kept in good order and condition.

Duties of engine-drivers.  
See Section 78.

51. Except in so far as this Act expressly otherwise provides, no person in charge of any winding or other engine or boiler, winch, or generator used in connection with the working of any mine, shall, under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision during the time the engine, boiler, winch, or generator is in use.

At every shaft where machinery is used for winding purposes a bracman shall be kept in constant attendance on miners during the time they are engaged in sinking such shaft.

Smoke not allowed to escape.

52. The smoke from any boiler for generating steam and from any furnace used in any part of the underground workings of a mine, shall not be allowed to escape into any part of such workings, nor in any manner other than by means of an air-tight flue conducting such smoke directly from the boiler or furnace into a vertical shaft cut in the rock up to the surface of the ground to the open air, or built up to the surface as aforesaid with bricks and cement in such manner as to be completely airtight. No steam shall be allowed to escape into any part of the underground workings of a mine.

53. From and after the commencement of this Act—

I. No furnace or boiler for the generation of steam shall be installed underground in any mine.

II. Steam generated at the surface shall not be used or employed underground except with the permission in writing of the inspector for the district, and upon such terms and subject to such conditions as he may impose.

Any such permission may at any time be suspended or cancelled by such inspector or the chief inspector.

*Division IX.—Safety and Protection.*

Man-holes in self-acting or engine-planes.

54. Every underground plane, whether self-acting or worked by an engine, windlass, whim, whip, or gin, shall, for the use of persons travelling thereon, be provided (if exceeding 30 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 20 yards, with sufficient man-holes for places of refuge.

Spaces in horse-roads.

55. Every road on which the produce of the mine in the transit exceeds 8 tons in any one hour over any part thereof, and on which the load is drawn by electric traction, or by a horse or other animal, shall, for the use of persons travelling thereon, be provided at intervals of not more than 100 yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length and width for the purpose.

Where the road is being used by the persons employed to reach and leave their work, no trucks, ore, or other material shall be hauled or transported during any change of shifts if, in the opinion of an inspector, such practice is likely to cause injury to the persons employed in the mine.



*Mines and Works Regulation.*

56. Every man-hole and space for a place of refuge shall be of such dimensions as an inspector approves, and shall, together with the approach thereto, be whitened or made conspicuous in such a manner as the inspector directs. Every man-hole and space shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

57. There shall be provided adequate protection from the inclemency of the weather for drivers of stationary engines, stokers, and bracemen while on duty.

58. Every fly-wheel and all exposed or dangerous parts of the machinery, and every tramway constructed on an elevated platform, used in or about the mine, or in or about any works above ground, other than tramways by ropes, shall be and be kept securely and safely fenced.

All ashpits or ash-heaps shall be kept securely and safely fenced.

59. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly and securely fenced and furnished with gates, or securely covered, and kept so fenced and furnished or covered; but this provision shall not be taken to forbid the temporary removal of any fence or cover for the purpose of repairs or other operations, if proper precautions are used.

60. Where one portion of a shaft is used for the ascent and descent of persons by ladders, and another portion of the same shaft is used for raising material, the firstmentioned portion shall be cased or otherwise securely fenced off from the lastmentioned portion; and every shaft over 100 feet in depth, and in which buckets are used for raising material, shall be skidded, and provided with means sufficient in the opinion of an inspector to steady the bucket.

Entering or crossing the winding compartment of a shaft is prohibited, except to ascend or descend, or for the purpose of effecting repairs; and before repairs are commenced the person in charge of or directing the repairs must inform the enginedriver of the nature thereof.

When any repairs taking over one hour to execute have been effected in any winding-shaft, the cage, skip, or bucket shall be run empty from top to working bottom of same, and back again before being used for men or materials.

61. When a fence, gate, or cover has been temporarily removed from any entrance to a shaft to admit of the performance of ordinary mining operations, a strong horizontal bar shall be securely fixed across such entrance not less than Three nor more than Four feet from the floor of the brace, chamber, or drive, as the case may be.

62. Every working or pumping shaft shall be securely cased, lined, or otherwise made secure.

63. When a shaft is being sunk, or a rise put up in rock-formation, and blasting operations are necessary, short cross-drives or man-holes, of such dimensions as shall be approved of by an inspector, shall be formed throughout the shaft or rise, as the case may be, for use by miners as places of refuge during the occurrence of blasts, and suitable and convenient means of access to such places of refuge shall be provided from the bottom of the shaft and the top of the rise.

In no case shall such cross-drives or man-holes be more than 100 feet apart; nor shall more than 100 feet intervene between the top or bottom of the shaft or rise, as the case may be, and the nearest cross-drive or man-hole, except in the case of a shaft sunk with the use of a winding-engine for raising and lowering men, when such cross-drives or man-holes may be 200 feet apart, and the distance between the top or the bottom of the shaft and the nearest cross-drive or man-hole may be 200 feet.

64. Every drive and every excavation of any kind whether in course of construction or not, or whether used or not, in connection with the working of a mine shall be securely protected and made and kept safe for persons employed therein.

65. As soon as practicable after the opening of each level, the surface and all levels shall be connected with each other by passage-ways independent of and separate from the main shaft or other principal entrance to the mine as a means of exit.

66. All persons employed underground shall be kept informed of all auxiliary exits, and the word "escape" shall be painted, and kept painted conspicuously, or otherwise clearly shown, at all entrances to levels, rises, or passes used or intended to be used as exits.

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Keeping spaces clear.

Protection for enginedrivers.

Fencing machinery.

Fencing of entrance to shafts.

Division of shaft.

Protection when fencing removed.

Securing of shafts.

Man-holes in shaft.

Drive and excavation to be protected.

Levels to be connected.

"Exits" to be notified.

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Ladders as means  
of egress.Protection during  
shaft-sinking.Boring-rods to be  
used.Mines liable to be  
flooded to be  
provided with escape  
drives.Riding in trucks, &c.,  
on inclined plane.Open cuts.  
Angle of batter.Provision as to  
working face of  
open-cut over  
dangerous ground.Places of refuge,  
"danger" and  
"safety" signals to  
be provided.Signals to be  
answered by  
contiguous mines  
before and after  
blasting.No person to be  
permitted to work  
by himself in heavy  
or dangerous ground

67. The manager shall see that all such passes and rises intended to be used as exits are fitted with ladders and are maintained in a state of efficiency as means of egress.

68. During shaft-sinking operations no other work in any other place in the shaft shall be executed, nor any tools, ore, mullock, stone, or other material hoisted or lowered to or from any other place in such shaft, while men are at work in the bottom of the shaft, unless the winding compartment used for the purposes of such other work or such hoisting or lowering be protected to its full width below such place by a securely-constructed penthouse.

During shaft-sinking operations the manager shall provide adequate protection for men who are engaged in shaft-sinking, and in all cases such penthouse or pent-houses shall be constructed, or other suitable provision made, as an inspector may require and order for the safety of men working in the bottom of the shaft.

69. In every working in a mine approaching or in the vicinity of a place likely to contain a dangerous accumulation of water, or noxious or inflammable gas, boring rods shall be kept and used for the purpose of perforating the ground 20 feet in advance in alluvial mines and 10 feet in metalliferous mines of, or near, or at any angle from such working, and no drive, gallery, or other excavation, and no extension of any working, shall be made within a dangerous distance of such accumulation of water or gas, and safety-lamps shall be provided for the use of the miners whilst working in such places.

70. In every mine which, in the opinion of an inspector, is liable to an inundation or inburst of water, such additional rises, chambers, drives, and other workings, shall be constructed as are necessary, or as may be directed by the inspector for ventilation or in order to insure the escape of workmen from the lower workings, or their safety in the mine during the period of any inundation or inburst of water. A notice calling attention to the means of escape shall be conspicuously posted, and kept so posted, at the foot of each rise, jump-up, or passage or working provided or available for the purpose of escape.

71. Where the gradient of any inclined plane exceeds 10 degrees from the horizontal, no person shall, where such inclined plane is situated above ground, ride or be permitted to ride thereon, in any loaded truck, skip, wagon, or other vehicle or conveyance, and no person shall, where any such inclined plane is situated underground, ride or be permitted to ride thereon, in any loaded or empty truck, skip, wagon, or other vehicle or conveyance. This rule shall not apply to any underlay shaft where a proper safety-cage is used, nor to a person in charge of a set of skips or trucks.

72. The batter of an open-cut, quarry, or other surface excavation, shall be at such an angle as, taking into consideration the surrounding conditions, shall be safe.

73. In no case shall the face of an open-cut be worked over ground that is considered dangerous by an inspector, except with his permission and upon compliance with such conditions for safe working as he may impose. This rule, however, shall not prohibit the sinking of passes from the floor of an open-cut for the purpose of filling up underground stopes.

74. On all open-cut or other surface works where blasting is carried on, places of refuge, to be approved by the inspector, shall be provided for workmen and others, and, before firing, a signal to signify "danger" shall be made with bell and flag, and after the firing is over a signal to signify "safety" shall be made.

75. When surface blasting is proceeding at one or both of two mines in close proximity to one another, no shots shall be fired at either of them until the "danger" signal shall have been acknowledged by a signal from the other of them, to indicate that all workmen and others are in a place of refuge, and after the firing is over a signal shall be given to signify "safety," and shall be acknowledged from the other mine.

76. No person shall be permitted to work by himself in ground which is heavy or dangerous, in or at any time, either underground or at the surface.

No person shall be permitted to work a rock drill, working on a bar, unless there is some person within easy hearing.

*Mines and Works Regulation.*

77. When any pass underground which has an angle of inclination greater than 45 degrees from the horizontal has become obstructed or jammed with ore, rock, mullock, or sand "hung-up" in it, no person shall go up into it beneath such ore, rock, mullock, or sand, for the purpose of examining, blasting, or freeing the obstruction or for any other purpose.

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Passes obstructed  
with ore, &c.

*Division X.—Tests and Inspections.*

78. Before any rope or chain is used in the shaft of a mine, it shall be tested at the mine and proved to be equal to carrying one and a half times the weight of the ordinary load, which shall consist of the cage, truck, or buckets and contents, and weight of rope from bottom of shaft to pit-head pulley or windlass, and the working load shall not be more than one-eighth of the breaking strain of rope; and in mines where men are lowered or raised in shafts or winzes, the ropes and chains used for such purposes shall, whenever an inspector may require, be tested and proved to be equal to carrying one and a half times the weight of the ordinary load. The dates and results of every such test shall be recorded in a book to be provided and kept by the manager, and such book shall, on demand by an inspector, be available to him for his perusal. Every such rope shall be reshod at least once in every six months. Before any rope is used for winding in a mine, including capstan ropes, the owner, agent, or manager shall obtain a certificate from the manufacturer, showing its breaking strain, such certificate to be available at the mine for the perusal of the inspector.

Chains, &c., to be  
tested.

79. In the event of a mine ceasing operations for any period exceeding six months, it shall be the duty of the owner, agent, or manager before work is resumed, to give notice to the inspector for the district of such proposed resumption, and the inspector shall forthwith examine the plant on such mine and shall make an entry in the manager's report-book stating whether or not such plant may be used with safety to those employed in the mine, and no such mining operation shall be resumed as aforesaid unless the inspector certify that such plant may be worked with safety, or in the event of a dispute unless the Chief Inspector authorises the use of such plant.

Examination of plant  
of mine which has  
ceased operations  
before resumption  
of work.

80. Before any safety-cage is first used for raising or lowering men it shall be tested in the presence of an inspector to show that it is supplied with proper appliances, and no such cage shall be used unless and until such inspector gives a certificate to the effect that such cage is in fit working order and condition: Provided that if the inspector be not available, the manager may test the cage, and shall enter the result of any such test in his record-book, and forthwith notify the same to the inspector; and the cage shall be shown to the satisfaction of the inspector to be supplied with proper appliances, and to be in fit and working order and condition, and thereupon the inspector shall give a certificate to that effect. The manager shall test each cage at least once in every two months and enter the result in his record-book, or cause it to be so tested by a competent person and the result entered in such record-book; all cages shall be tested with full and empty trucks, and either from the shackle or from the drums, as an inspector may direct.

Safety-cages to be  
tested periodically.

81. The manager, or some other competent person or persons approved by him for such purposes, shall have a constant knowledge of the state of all ropes, safety appliances, or gear connected with the cages or shafts of the mine; and shall once in each week carefully examine the buildings, machinery, shafts, levels, planes, and all places used in the working of such mine, and the condition of the mine; and shall record in writing, in a book to be kept on the mine for that purpose, his opinion as to their condition and safety, and as to any alterations or repairs required to ensure greater safety to the persons employed in the working of such mine; and he shall also record in the said book any mishaps or accidents other than of a trivial nature occurring in or about the mine or its machinery, and not attended with injury to any person. The manager, for the time being, shall be responsible for the condition and safety of such book, and such book shall on demand be open to perusal by any inspector or any inspector under "The Inspection of Machinery Act, 1902," or any warden. Every such rope, safety appliance, or gear, if condemned by any inspector or inspector of machinery, shall be forthwith removed or made fit.

Manager in charge  
of mine to inspect.

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*Division XI.—Dredges.*

Dredges, &amp;c., may be examined by inspector.

82. Whenever and as often as any inspector shall deem it necessary, or shall desire to inspect, examine into, and make inquiry respecting the state and condition of any dredge, and of any pontoon, barge, or other vessel, and any machinery used in connection with dredging operations, and any matters and things connected with or relating to the safety of the persons employed on or about any dredge, or in connection with dredging operations, it shall be the duty of the owner and person in charge, upon being required by the inspector so to do, to provide for such inspector safe means of access to and from such dredge pontoon, barge, or other vessel, or any place where dredging operations are being carried on; and to furnish to such inspector the means necessary for making any inspection, examination, or enquiry. For the purposes of this rule, "owner" shall mean any person who is the immediate proprietor or lessee of any dredge or the immediate proprietor, lessee, or occupier of any land for the purpose of mining thereon or thereunder by dredging; and "person in charge" shall mean any person who has the control, management, or direction of any dredge or dredging operations.

Life-saving appliances.

83. Every dredge, pontoon, barge, or other vessel used in conjunction with dredging operations shall at all times be equipped with life-saving appliances to the satisfaction of an inspector.

Hull to be water tight.

84. The hull of every dredge, floating pontoon, barge, or other vessel used in connection with dredging operations shall be kept sound and water-tight.

*Division XII.—General.*

Stoping.

85. When stoping is carried on by any method by which the excavated ground is filled with waste rock, sand, earth, or broken ore as the support of the persons engaged in working the stope, the filling shall, in the case of stopes other than timber stopes, at all times be kept up to within a mean distance of 10 feet from the filling, measured at right angles from the mean surface of the filling, unless the inspector shall have given permission in writing in the Record Book for a greater distance than 10 feet, but which shall not exceed 14 feet.

Box method.

86. In all rises in which compressed air is not being used and which are intended to be more than 30 feet in height above the recognised back, the box method of rising shall be adopted whenever required by an inspector.

Wilful damage.

87. No person shall wilfully damage or without proper authority remove or render useless any fencing, covering, casing, lining, guide, means of signalling, signal-cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with the Act.

Books to be open to inspection.

88. The books mentioned in these rules, and a copy of this Act, and of the rules and regulations thereunder, shall be kept at the office at the mine, or, if there is no office, at some convenient place near the mine; and any inspector or any inspector under "The Inspection of Machinery Act, 1902," or any warden, or any person employed in the mine, may at all reasonable times inspect and take copies from any such books or extracts from such Act, rules, and regulations.

Removal of books an offence.

89. Any person removing or carrying away any of the books mentioned in these rules shall be guilty of an offence against this Act.

Observance of directions.

90. Every person shall observe such directions with respect to working as may be given to him with a view to a compliance with this Act and the general and special rules (if any) in force in the mine.

## PART III.

## GENERAL RULES FOR COLLIERIES ONLY.

In addition to the general rules set forth in Part (2) of the Schedule, the following rules shall also, so far as may be reasonably practicable, be observed in all collieries (whether upon Crown land or private property), and in the case of any variance between such general and the following rules the latter shall prevail.

*Mines and Works Regulation.**Division I.—Management and Control.*

A.D. 1915.

1. Every mine of coal or shale shall be under a manager holding a certificate of competency, or a certificate of service under the Act: Provided always that in the case of a mine where not more than 20 persons are employed underground it shall be sufficient for the manager to hold a permit from the Chief Inspector, which permit the latter may in his discretion grant, and such permit shall remain in force for 12 months from the date thereof, but may be from time to time renewed at the option of the Chief Inspector.

Manager.

*Division II.—Ventilation.*

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

Adequate amount of ventilation to be produced.

The ventilation so produced shall be the supply of pure air in quantity not less than 100 cubic feet per minute for each man or boy, and not less than 150 cubic feet per minute for each horse, employed underground in the mine, which air (in that proportion, but with as much more as the inspector shall direct) 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.

The total quantity of carbon dioxide present in the return air shall not exceed 1.25 per centum by volume; but at any point where firing of explosives has taken place, a greater percentage of carbon dioxide shall be permissible for a reasonable time after the last explosion.

3. Where a fire is used for ventilation in any mine newly opened after the commencement of this Act, the return air, unless it be so diluted as not to be inflammable, shall be carried off clear of the fire by means of a dumb drift or airway.

Ventilation by fire.

*Division III.—Explosives.*

4. Gunpowder or other explosive or inflammable substance shall only be used in a mine as hereunder provided; that is to say:—

Use of explosive below ground.

- i. It shall not be stored on the surface or adjacent to the mine except in such magazine and in such quantities as may be in writing approved by the Minister controlling explosives. Detonators shall be stored in a separate magazine.
- ii. It shall not be stored in the mine.
- iii. It shall not be taken into or kept in the mine except in cartridges in a secure case or canister containing not more than 8 lb. of powder or 4 lb. of nitro-glycerine compound, and it shall be so taken or kept only when required for immediate use: Provided that on the application of the owner, agent, or manager of any mine, the Chief Inspector may, by order, exempt such mine from so much of this rule as forbids taking an explosive substance into the mine except in cartridges.
- iv. A workman or party of workmen shall not have in use at any one time in any one place more than one of such cases or canisters.

*Division IV.—Travelling Ways.*

5. Every travelling road on which a horse or other draught animal is used underground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering.

Dimensions of travelling roads.

6. The gate roads in "long wall" workings shall not be more than 50 yards apart, and, where practicable, the length of such roads from the coal-face to the go-by or pony road shall not exceed 60 yards. The gob pack-walls at road-sides shall be carried forward as close to the face as an inspector considers reasonably practicable, before fresh holing is commenced; no prop shall be built into or touch these walls. The "goafs" or spaces between gate roads shall be kept well filled with gobs or debris as the work proceeds,

Gate roads, &amp;c.

*Mines and Works Regulation.*

A.D. 1915.

Securing of roofs  
and sides.

7. The roof and sides of every travelling and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not made so secure.

*Division V.—Winding.*Trolly over pit  
mouth.

8. Every shaft in course of sinking shall be provided with a trolly to run over the pit's mouth, and receive the load when brought to the surface. Such trolly to be large enough to cover the opening at the pit top. This rule shall not apply to sinking with windlasses worked by hand.

Option of using  
down-cast shaft.

9. Where there is a down-cast and furnace 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 down-cast shaft.

*Division VI.—Inspections.*Inspection before  
work commences.

10—(1) A competent person or persons, appointed by the owner, agent, or manager for the purpose, not being contractors for getting mineral in the mine, shall immediately before the commencement of each shift, inspect every part of the mine in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas and the ventilation, roof, sides, and general safety are concerned. No miner or other workman shall proceed towards or into his working place at the commencement of any shift until it shall have been intimated to him by such competent person that the travelling roads and working places have been examined and are safe to enter.

Report.

(2) A report specifying whether noxious or inflammable gases, if any, were found present, the condition of the ventilation, and what defects, if any, in roofs or sides, and what, if any, other source of danger were or was observed, shall be recorded, without delay, in a book to be kept at the mine for that 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.

(3) For the purpose of the foregoing provisions of this rule two or more shifts succeeding one another without any interval are to be deemed to be one shift.

Weekly inspection.

11. In every mine worked at a greater depth than 100 feet below the surface, and having any area of worked-out ground, goafs, or waste spaces where inflammable gas may possibly exist, an inspection, in addition to the one before work as aforesaid, shall be made once in every week with a locked safety lamp; and such weekly inspection shall include all wastes, goafs, and old or abandoned workings within the ventilating district inspected.

*Division VII.—Safety and Protection.*Discovery of noxious  
or inflammable gas  
to be notified to  
manager.

12. Every person employed in or about any mine, who shall discover or notice the presence of any noxious or inflammable gas in such mine shall at once notify the same to the manager.

Discovery of  
inflammable gas to  
be reported to  
inspector.

13. If at any time the discovery is made that inflammable gas exists in a mine, it shall be the duty of the manager to report such discovery forthwith to the inspector for the district, who, if he, after an inspection, considers that the quantity of gas so discovered is sufficient to render the use of naked lights dangerous, may, with the approval of the Chief Inspector, order the use of safety lamps in the ventilation district in which the gas has been discovered.

Safety-lamps to be  
kept on a mine where  
inflammable gas is  
known to exist.

14. Every owner, agent, or manager of a coal mine shall, upon a discovery of inflammable gas being made in his mine, thereafter provide and keep provided and in good order and ready for immediate use, as many safety lamps, of a make and pattern to be approved of by an inspector as may be required by men working in any part of the mine in which the use of naked lights may be considered dangerous by the inspector, and also a sufficient number of spare safety lamps to meet any case of emergency.

*Mines and Works Regulation.*

15. Every entrance to any place which is not in actual use or course of working and extension shall be properly fenced across the whole width of the entrance, so as to prevent persons inadvertently entering the same.

A.D. 1915.

16. Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within 40 yards of that place exceed 8 feet in width, and there shall be constantly kept at a sufficient distance, not being less than 5 yards in advance, at least one bore hole, near the centre of the working, and sufficient flank bore holes on each side.

Fencing of entrances.  
Dangerous accumulations of water.

17. The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be kept securely fenced.

Fencing of shafts.

18. In any mine or part of a mine where naked lights are used, all brattice cloth used shall be of a non-inflammable character.

Brattice cloth.

*Division VIII.—General.*

19. The manager shall see that a good and sufficient supply of sound timber for legs, collars, lagging, props, lids, sprags, and cogs, and also an ample supply of ropes, brattice cloth, and other requisite materials, are provided and kept on hand for the use of the men employed.

Timber for legs, &c.,  
to be kept on hand.

20. Every person employed hewing or cutting coal in any coal mine, whether in long wall, bord, heading, or place, shall, before commencing to "hole" or undercut the seam, render the same secure by "spragging" with suitable timber props placed not more than 6 feet apart, a second row of short sprags to be used if the "holing" is carried in more than 3 feet from the face. In all pillar and bord or pillar and stall working the pillars shall be of rectangular shape, or as near thereto as practicable. All pillars in each division of the mine shall be of uniform size. The percentage of coal to be left in such pillars in the first working shall be as follows:—Where the depth from the surface of the ground does not exceed 200 feet, 50 per cent.; from 200 to 500 feet, in the proportion of from 50 to 60 per cent.; from 500 to 1000 feet, in the proportion of from 60 to 70 per cent.; from 1000 to 2000 feet, in the proportion of from 70 to 85 per cent.: Provided that in every case where the coal is not to be recovered from the pillars, 10 per cent. less than the quantity hereinbefore stipulated may be left in the pillars at first working.

Seams to be made  
secure by spragging.  
Size of coal pillars.

21. For the purposes of these rules the expression "ventilating district" means such part of a seam as has an independent intake commencing from a main intake air-course, and an independent return air-way terminable at a main return air-course.

"Ventilating  
district."

**PART IV.****GENERAL RULES FOR SMELTING WORKS ONLY, WHETHER CARRIED ON IN CONNECTION WITH MINING OPERATIONS OR NOT.**

1. The owner, agent, or manager of every smelting works shall provide an ample supply of pure drinking water for the use of all persons employed in or about such works, and such supply shall be freely and easily available. And necessary provision shall be made for preventing such water becoming polluted or being rendered unwholesome.

Drinking water.

2. No person employed in or about any smelting works shall carry any vessel containing tea, water, or other fluid for drinking purposes unless the vessel is covered by a tight-fitting lid, which shall not be removed in the works, except when a drink is required.

Vessels containing  
tea, &c., to have  
tight-fitting lids.

3. On feed floors, tapping floors, and at every other place in any smelting works where dust is raised, stand pipes and hose or other suitable contrivances shall be provided by the owner, agent, or manager of such works, together with an ample supply of water for sprinkling, so that the dust may be conveniently laid. Proper provision shall be made in every smelting works to enable men to wash their hands.

Stand pipes, &c.,  
laying dust to be  
provided.

*Mines and Works Regulation*

A.D. 1915.

Bath-houses and  
changing-rooms at  
smelting works  
where lead ores  
smelted.

4. At every smelting works where lead ores are smelted sufficient accommodation in the way of bath-houses and changing-rooms shall be provided by the owner, agent, or manager of such works to the satisfaction of an inspector; and such accommodation shall be available to the workmen free of cost at all reasonable hours, and for use by every shift. An adequate supply of clean water shall be provided, warmed to at least 70 degrees F. in cold weather, and be available for such bath-houses. A caretaker shall be in charge of bath-houses and changing-rooms; and it shall be part of his duty to keep a day-book, and to record therein the names of all persons who use the baths. No person shall destroy, damage, deface, or disfigure any bath-house or changing-room, or any appliances therein, or used in connection therewith, nor be guilty of unseemly or indecent conduct. No person shall enter or use any bath-house or changing-room whilst in an intoxicated state.

Prevention of  
emission of flue-dust.

5. Adequate provision shall be made by the owner, agent, or manager of every smelting works to prevent, as far as practicable, the emission of flue-dust from smelter stacks.

Flue-dust to be  
wetted.

6. Adequate provision shall be made for carefully wetting flue-dust as soon as it is drawn from the flue. Flue-dust shall not be permitted to accumulate so as to be a nuisance or injurious to the health of workmen.

Furnaces to have  
special hoods.

7. At all works where lead ores are smelted, furnaces shall be surrounded with a hood, which shall expand below so as to catch fumes from molten metal and slag. Such hoods shall terminate in a chimney, or other means of access to the air.