



Western Australia.

ANNO SEXAGESIMO TERTIO
VICTORIÆ REGINÆ.

No. XLIX.

AN ACT to amend the Mines Regulation Act of 1895, and to make further provision for the Inspection of Mines and Collieries.

[Assented to, 16th December, 1899.]

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

1. THIS Act may be cited as the Mines Regulation Act Amendment Act, 1899, and shall be incorporated with the Mines Regulation Act of 1895, hereinafter called the principal Act.

Short title and incorporation with 59 Vict., 37.

2. IN this Act and in the principal Act, unless the context otherwise requires, the following terms in quotation marks shall have the respective meaning hereby assigned to them, that is to say:—

Interpretation.

- “Earth”—Any rock, stone, quartz, clay, sand, soil, or mineral:
- “Machinery”—Steam or other engines, boilers, furnaces, stampers, rollers, winding and pumping gear, chains, belts, trucks, tramways, tackle, blocks, ropes, tools, and all appliances of whatever kind used in or about a mine, or in or about any works used for the treatment of metals or minerals:

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“Mine”—Any place, pit, shaft, drive, level, or other excavation, drift, gutter, lead, vein, lode, or reef wherein or whereby any operation for or in connection with mining purposes is or shall be carried on :

“Mining” or “to Mine”—To disturb, remove, cart, carry, wash, sift, smelt, refine, crush, or otherwise deal with any earth by any mode or method whatsoever for the purpose of obtaining gold or any other mineral therefrom :

Application of this Act and the principal Act.

3. THIS Act and the principal Act shall apply to all mines and machinery areas.

Repeal of s. 2 of principal Act.

4. SECTION two of the principal Act and the definition of “mine” and “machinery,” in section four thereof, are hereby repealed.

Amendment to s. 9 of principal Act.

5. SECTION nine of the principal Act is hereby amended as follows:—

At the end of paragraph four the words “in any manner prescribed by this Act” are struck out, and the words “and to inspect the same in the manner prescribed by the Steam Boilers Act, 1897,” are substituted.

Amendment to s. 11 of principal Act.

6. SECTION eleven of the principal Act is hereby amended by striking out the word “miner,” in the first line thereof, and substituting the word “person.”

Amendments to s. 17 of principal Act.

7. SECTION seventeen of the principal Act is hereby amended by adding after the word “Inspector,” “or, in the absence of the Inspector, to the Warden or Registrar,” and by adding after the last word of the section: “Upon receipt of any such notice the Inspector or, in his absence, any person appointed by the Warden or Registrar, as the case may be, shall proceed to the scene of such accident, examine the place where such accident has occurred, take down the statements of any witness of such accident or of any person who can afford any evidence as to the cause thereof, and thereupon forward to the Warden, or, if in a mining district, to the Registrar, a full report. The Warden or the Registrar, as the case may be, shall, if he thinks it necessary, hold an inquiry into the nature and cause of the accident, and shall forward to the Minister a copy of the evidence, together with his report on the inquiry.”

Amendment to s. 21 of principal Act.

8. SECTION twenty-one of the principal Act is hereby amended by striking out the word “sixteen,” in the second paragraph thereof, and substituting the word “eighteen.”

Amendment to s. 22 of principal Act.

9. SECTION twenty-two of the principal Act is hereby amended by striking out the word “steam,” in the first line, and by

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inserting after the word "machinery," in the same line, the words "worked by steam, air, gas, oil, or electricity," in the second line, and by adding, at the end of the first paragraph of that section, the words "and, save in the case of breakage or other emergency, such person shall not, during the said period of eight hours, be employed in work of any other kind, or in any other part of the mine than where the machinery of which he is in charge is placed."

10. SUB-SECTION (1) of section twenty-three of the principal Act is hereby repealed, and the following is substituted in lieu thereof:—

Ventilation of
Mines.

(1.) AN adequate amount of ventilation, that is to say, not less than one hundred cubic feet of air per minute for each man and boy, and one hundred and fifty cubic feet per minute for each horse employed underground in a mine, excepting in cases where noxious gases exist to a dangerous degree, when the quantity of air required shall be increased to five hundred cubic feet respectively, and shall be constantly produced in every mine to such an extent that the shafts, winzes, levels, underground stables, and working places of such mines, and the travelling ways to and from such workings and places shall be in a fit state for working and passing therein: And all drives in quartz workings by which any two mines are connected shall, if considered necessary by the Inspector of Mines, be kept open for ventilation and for escape drives, and upon the order of the Inspector of Mines, authorised by the Minister, companies shall construct such connecting drives, where the works are not more than three hundred feet apart, for ventilation and escape, at their joint expense, and where deemed necessary for the purposes of ventilation by the Inspector of Mines, if authorised by the Minister, all levels shall be connected with winzes.

But this shall not apply to alluvial mines, except where, in the opinion of the Inspector, if authorised by the Minister, it is considered necessary.

11. SECTION twenty-three of the principal Act is hereby amended as follows:—

Amendments to s. 23
of principal Act.
(General Rules.)

In general rule two, paragraph (*d*) thereof, the first four words are struck out, and the words "No workman or party of workmen shall" are substituted.

In general rule six, after the word "shaft," in the seventh line thereof, the words "or costeen" are inserted; and after the words "covered in," in the same line thereof, the words "or filled with earth or rock" are inserted.

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- In general rule eight, in the first line thereof, after the word "kind," the words "whether at surface or underground" are inserted.
- In general rule nine, the word "vertical," in the first line thereof, is struck out; after "man-engine," in the second line thereof, the words "or cage" are inserted, and paragraph (a) thereof is struck out.
- In general rule ten, the words "if exceeding fifty yards in depth" are struck out.
- In general rule eleven, the words, in the fifth line, "the chamber at the bottom of the workings" are struck out, and the words "at each chamber" are substituted.
- In general rule sixteen, the word "steam," in the second line, is struck out, and after the word "engine," in the same line, the words "or winch driven by steam, air, gas, oil, or electricity" are inserted; and after the words "charge of," in the fourth line, the words "the steam machinery working in" are struck out, and the words "any such engine or winch working on" are inserted.
- In general rule seventeen, after the word "use," in the third line, the words "and the person in charge thereof shall so remain in charge" shall be inserted.
- In general rule nineteen the word "sprays," in the first line, is struck out, and the word "sprags" is inserted in lieu thereof; and after the word "cage," in the third line, the words "bucket, or other carriage, receptacle, or platform" are inserted.
- In general rule twenty-four, after the word "once," in the fifth line, the words "at least" are inserted, and after the word "tested," in the fourth line of the second paragraph, the words "or inspected" are inserted; and at the end of the second paragraph the words "provided that nothing herein contained shall limit or affect the operation or provisions of the Steam Boilers Act, 1895," are added.
- In general rule twenty-five, after the word "any," in the second line, the word "timber" is inserted.
- In the margin of general rule twenty-eight the words "vertical or overhanging" are struck out.
- General rule thirty is repealed, and the following general rule is substituted:—

30. Every cage used in a mine shall be fitted with side catches and with a safety hook or other similar

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appliance above the cage to prevent it falling down the shaft through overwinding, or from the breaking of a rope or winding machinery.

General rule thirty-one is repealed, and the following general rule is substituted:—

31. A suitable light, protected from draughts of air, shall be provided at the upper entrance in a level to every winze, shoot, or pass, while open or unfenced.

In general rule thirty-two the first four words are struck out and the words “Means of ascent shall be provided” are substituted, and the words “in each winze, rise, or jump-up” are struck out, and the words “in winzes and rises” are substituted.

12. SECTION twenty-six of the principal Act is hereby amended by inserting after the word “uses,” in the fourth line, the words “and the place in which he works,” and after the word “anything,” in the same line, by inserting the words “or work in a place that is.”

Amendments to s. 26
of principal Act.

13. SECTION twenty-seven of the principal Act is hereby amended by inserting after the word “person,” in the first line, the word “employed.”

Amendment to s. 27
of principal Act.

14. (1.) NO action for the recovery of compensation by any person, or the representatives of any person employed in or about a mine, and injured or killed owing to any negligence or non-observance as by section twenty-seven of the principal Act mentioned, shall be maintainable unless written notice stating in ordinary language that injury has been sustained and the cause of the injury and the date when it was sustained, is served upon the owner or his agent or manager within three months, and unless the action is commenced within six months from the occurrence of the accident causing the injury, or, in case of death, within twelve months from such occurrence: Provided always, that the want of such notice shall be no bar to the maintenance of such action if the Judge shall be of opinion that there was reasonable excuse for such want of notice.

Notice of action to
be given.

(2.) Every action by the personal representatives of a person killed or injured as aforesaid shall be for the benefit of the wife, parent, and child of such person, and the Court or a Judge before whom such action is brought may apportion the damages awarded or paid into Court in such manner as it or he thinks

Action in event of
death to be for
benefit of wife, etc.

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proportioned to the injury to such wife, parent, and child, and such damages shall be divided accordingly, subject to such order as the Court or a Judge may make as to the settlement of any share or part thereof.

Only one action for same complaint.

(3.) No more than one action shall lie for or in respect of the same subject-matter of complaint, and in every such action the plaintiff shall indorse on his writ of summons or complaint full particulars of the names, addresses, occupations, and ages of the persons for whose benefit such action is maintained.

Repeal of s. 29 of principal Act and substitution of a section therefor.

15. SECTION twenty-nine of the principal Act is hereby repealed, and, in lieu thereof, the following section is substituted:—

29. EVERY person who, after any shaft, level, drive, or excavation has become disused for mining purposes, wilfully damages, or renders it useless by the removal of any timber, fencing, casing, lining, ladder, platform, or other appliance provided in or about the same, without the consent of the Minister, shall be guilty of an offence against this Act.

This section shall apply to all mines, but shall not apply to any owner of freehold land whereon any such shaft is situated.

The owner, agent, or manager of a mine, when about to abandon it, or upon the forfeiture of the lease thereof, shall cause to be filled up all surface excavations and costeen cuttings, and shall securely cover over all shafts.

Examination of engine-drivers.

16. SECTION thirty-three of the principal Act is hereby repealed, and the following substituted:—

Repeal of s. 33 of principal Act and substitution of new section.

33. THE Governor may from time to time appoint, remove, or re-appoint two or more persons (one of whom shall be a qualified engineer) to act as a Board of Examiners for any goldfield, goldfield district, or mining district, to hold examinations, and to examine any persons who desire to qualify themselves as engine-drivers; and such Board when satisfied of the skill and competence of any candidate, and that he is not subject to any physical infirmity, such as deafness, defective vision, or epilepsy, which would render him unfit, may grant him a first or second-class certificate of competency in the manner prescribed by the Regulations.

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17. SECTION thirty-four of the principal Act is hereby repealed, and the following substituted:—

Certificates of service for engine-drivers to be granted.

34. THE said Board shall grant a certificate of service to every person who furnishes to the said Board satisfactory evidence that he has been in charge of, and has efficiently managed upon a mine, machinery worked by steam, for a period of twelve months prior to the passing of the Mines Regulation Act, 1895; and such certificate shall confer the same privileges as a first or second-class certificate of competency, as may be decided by the Board.

Repeal of s. 34 of principal Act and substitution of a section therefor.

18. WHERE an engine-driver holding a certificate equivalent to one of the first or second class under this Act has had no opportunity of presenting himself to the Board for examination, the Board, or any member thereof, on being satisfied as to the experience of such engine-driver, may grant him an interim certificate of the first or second-class, as the case may be, which shall operate accordingly until the day next afterwards appointed for the examination of engine-drivers.

Interim engine-drivers' certificates.

19. ALL certificates of competency or service issued before the coming into operation of this Act without restrictions expressed thereon shall be equivalent to a first-class certificate of competency granted under this Act, and, if any restrictions are so expressed, shall be equivalent to a second-class certificate granted under this Act.

Saving of certificates issued before this Act comes into operation.

20. ANY person holding a certificate of competency or of service under this Act, or under the Mines Regulation Act, 1895, as an engine-driver, and who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, may be called upon by the Board of Examiners to show cause why he should not be disqualified as a certificated engine-driver; and if he fails to satisfy the said Board, he may be disqualified by the Governor for any period from acting as an engine-driver, and such disqualification shall be notified in the *Government Gazette*; and every such person shall, after such notice, deliver into the charge of the said Board his certificate of competency or of service, which shall be retained by the said Board during the period of his disqualification and no such person shall, during the period of such disqualification, take charge of any machinery in which steam, water, air, gas, oil, or electricity, or any two or more of them, are used as motive power.

Disqualification of holder of certificate.

21. SECTION thirty-five of the principal Act is hereby repealed, and the following substituted:—

35. FROM the date of the Order in Council applying this Act to a goldfield, goldfield district, or mining district, or

Penalty on engine-drivers working, or being employed to work, without proper certificates.

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Repeal of s. 35 of principal Act, and substitution of a section.

any portions thereof respectively, every person who, in the place to which this Act has been so applied,—

Without holding a first-class certificate of competency or a certificate by this Act made equivalent thereto, takes or has charge of any winding machinery in which steam, water, air, gas, oil, or electricity, or any two or more of them are used as the motive power by which men or materials are raised or lowered in any shaft: or

Without holding a first or second-class certificate of competency, or a certificate by this Act rendered equivalent thereto, takes or has charge of any machinery worked by steam, water, air, gas, oil, or electricity, or any two or more of them; and

Every person employing such a person so to take or have charge,

shall be guilty of an offence against the principal Act.

Provided that sinking pumps and boring machines shall not be deemed machinery within the meaning of this section.

Hours of employment.

22. NO person shall be employed for hire, except in cases of emergency, below ground in any mine for more than forty-eight hours in any week, nor more than eight hours in any day, and a person shall be deemed to be employed below ground from the time that he commences to descend a mine until he is relieved of his work and commences to return to the surface.

Uniformity of signals.

23. THERE shall be in all mines a uniform code of signals, as prescribed by the regulations.

Repeal of s. 36 of principal Act.

24. SECTION thirty-six of the principal Act is hereby repealed.

Coroners' inquests on deaths from accidents in mines.

Victorian Mines Act, 1890, s. 373.

25. WITH respect to Coroners' inquests on the bodies of any persons whose death may have been caused by accidents in mines, the following provisions shall have effect, that is to say:—

No person having an interest in or being employed in or in the management of the mine in which the accident occurred shall be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other summoning officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit as a jurymen; nevertheless, whenever it is feasible, a majority of the jury shall be practical miners.

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The Inspector of Mines of the district shall be present at inquests, and may examine witnesses and elicit evidence relative to the cause of death, and to the issue whether the accident was attributable to negligence or any omission to comply with the provisions of this Act.

A representative of the Miners' Association of the district, and of the employer, may be present at any inquiry, and may put questions to any witness as to the cause of the accident.

26. WHEREVER in the principal Act the words "Mineral District" occur, they shall be read "Mining District."

Mineral district
altered to mining
district.

27. THE Governor may from time to time make, and from time to time repeal and alter, regulations for carrying this Act and the principal Act into effect.

Regulations.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.