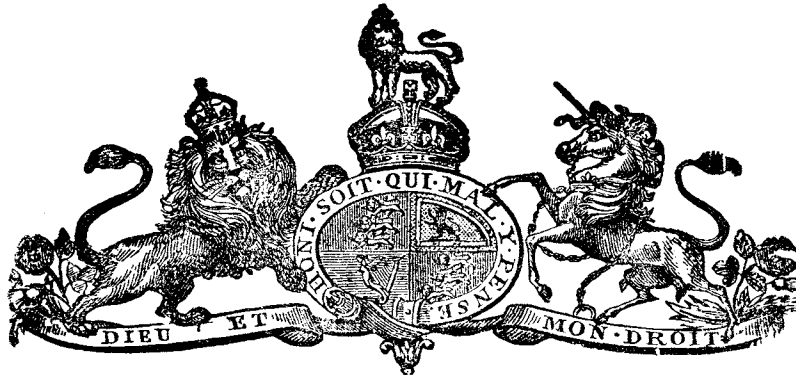


TASMANIA.



1926.

ANNO SEPTIMO DECIMO
GEORGII V. REGIS.
No. 49.

ANALYSIS.

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| <ul style="list-style-type: none"> 1. Short title. 2. Amendment of 6 Geo. V No 41. <ul style="list-style-type: none"> Section 4. Section 21. Section 27. Section 28. Section 35. | <ul style="list-style-type: none"> Section 42. New Sections 50a & 50b. <ul style="list-style-type: none"> Division of mine into parts. Notice of abandonment or new works, &c. Schedule. |
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AN ACT to amend the Mines and Works
Regulation Act, 1915. [21 December, 1926.]

A.D.
1926.

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 :—

1 This Act may be cited as “The Mines and Works Regulation Act, 1926.”

Short title.

2 The Mines and Works Regulation Act, 1915, is hereby amended—

Amend-
ment of
6 Geo. V,
No. 41.

I. As to Section Four thereof, by inserting after the word “downwards” and the definition of the word “shaft,” the words “at an angle exceeding forty-five degrees from the horizontal”:

Section 4

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- A.D. 1926.
Section 21.
- II. As to Section Twenty-one thereof, by adding thereto after Subsection (2) the following new Subsections (3) and (4)—
 “(3) In every mine of coal or shale such manager as aforesaid shall hold a certificate of competency or certificate of service under this Act, except that in case of a mine in which not more than twenty persons are employed underground it shall be sufficient for such manager to hold a permit from the Chief Inspector as hereinafter provided;
 “(4) The Chief Inspector in his discretion may grant such permit as aforesaid to any person whom he thinks fit for any period not exceeding twelve months, and may renew such permit from time to time for a like period”:
- Section 27.
- III. As to Section Twenty-seven thereof, by deleting therefrom all the words from and including the word “experienced” in the thirteenth line down to and including the word “mine” in the fifteenth line, and substituting therefor the words “and the workers’ inspector”:
- Section 28.
- IV. As to Section Twenty-eight thereof, by inserting after the word “manager” in the second line thereof the words “or, in his absence, to the person immediately in authority over them”:
- Section 35.
- V. As to Section Thirty-five thereof, by inserting after the word “electricity” in the second line thereof the words “water or other mechanical power”:
- Section 42.
- VI. As to Section Forty-two thereof—
 I. By deleting from Paragraph i. of Subsection (1) thereof all the words after the word “mine” in the eighth line of that paragraph to the end thereof;
 II. By deleting Paragraphs II. and III. thereof, and substituting therefor the following new Paragraphs II. and III.—
 “II. Such shafts, tunnels, or outlets must be not less than fifty yards apart at every point, and there shall be between such two shafts, tunnels, or outlets communication of not less than four feet high and having a sectional area of not less than forty square feet:
 “III. A cage or cages, running in guides, for raising or lowering persons, shall be established and maintained at each such shaft or outlet exceeding one hundred and fifty feet in depth: Provided that in every shaft not exceeding one hundred and fifty feet in depth, and not provided with a cage, a ladder shall be fixed. Such ladder shall not be fixed in a vertical or overhanging

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position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows. Every ladder-shaft shall have substantial platforms or sollars at intervals of not more than thirty feet. The space between the rungs of the ladder shall not exceed twelve inches, and the rungs shall in no case be less than five inches from the wall of the shaft. A suitable fixture for a hand-grip shall be placed above each ladder for the use of persons ascending or descending.”: and

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- iii. By deleting the word “fourteen” from the last line of Subsection (4) thereof, and substituting therefor the word “ten”:

- VII. By inserting in Part Three thereof, after Section Fifty, the following new Sections **50a** and **50b**—

“**50a**—(1) Where two or more parts of a mine are worked separately, the owner, agent, or manager of the mine shall give notice, in writing, to that effect to the inspector of the district, and thereupon each such part shall, for all purposes of this Act, be deemed to be a separate mine.

Division of
mine into
parts.

New
Sections
50A & 50B.

(2) If the Chief Inspector is of opinion that the division of a mine as aforesaid tends to evasion of the provisions of this Act, or is calculated to hamper the effective administration thereof, he may forbid such division by notice in writing served on the owner, agent, or manager of such mine.

(3) Any such owner, agent, or manager who is dissatisfied with the decision of the Chief Inspector as aforesaid may apply to a Warden’s Court under the Mining Act, 1917, by plaint filed in such Court within twenty-one days after the service on him of such notice to cancel such notice.

(4) Such Warden’s Court shall hear and determine the matter in dispute, and may cancel or confirm such notice and make such order thereon as it thinks necessary.

“**50b** In any case where—

- i. Any working is commenced for the purpose of opening a new shaft for, or a new seam in, any mine:
- ii The working of a shaft or a seam of any mine is recommenced after any abandonment or discontinuance extending over a period exceeding two months: or
- iii. Any change occurs in the name of any mine, or in the name of the owner, agent, or manager of any mine, to which this Act

Notice of
abandon-
ment or new
works, &c.

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applies, or in the principal officers of an incorporated company which is the owner of a mine—

the owner, agent, or manager of the mine, shall give notice thereof to the inspector of the district within one week after the commencement, abandonment, discontinuance, recommencement, or change; and if such notice is not given, the owner, agent, or manager, shall be guilty of an offence against this Act."

Schedule.

VIII. As to the schedule thereto, by expunging Part III. thereof, and substituting therefor the following new Part III.—

"PART III.

"GENERAL RULES FOR COLLIERIES.

General rules.

"The following general rules shall be observed, so far as is reasonably practicable, in every mine:—

Ventilation of mines.

"1—

- I. In every mine which is in operation, unless a certificate exemption from compliance with this rule has been granted by the Chief Inspector, whether any person employed therein shall be below ground or not, an amount of ventilation by air drawn from a pure source by means of a furnace or mechanical contrivance, shall be continuously produced (except where the furnace or mechanism supplying the producing-power is wholly or partially suspended for necessary repair or alteration) adequate 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 road to and from those working places, shall be in a fit state for working and passing therein: Provided that when any mine has ceased to be worked the Chief Inspector of Mines shall grant such certificate of exemption, if he is satisfied that the granting of such exemption will not endanger human life; but in such case, the ventilating apparatus shall be kept in operation for at least twenty-four hours before the miners or other workmen are allowed to re-enter the mine:
- II. When any person or animal employed or used in the mine is below ground for any lawful purpose, the ventilation so to be produced shall be the supply of pure air in quantity not less than 150 cubic feet per minute for each such person and animal, so below as aforesaid, which air with as much more, not exceeding 200 feet per minute, as the inspector may direct, shall sweep along the airways and be forced as far as the face of, and into, each and every working place where any person or animal is engaged or passing, main return airways only excepted:
- III. The maximum temperature of the air in any working place shall not exceed 75 degrees F. measured by a wet-bulb thermometer, nor 80 degrees F. measured by a dry-bulb thermometer; and where the temperature as measured by wet-bulb thermometer is 70 degrees F. there shall be at least 2 degrees F. between it and the reading on the dry-bulb thermometer; and for every 1 degree F. above 70

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degrees F. as measured by the wet-bulb thermometer, the difference between it and the dry-bulb thermometer shall be increased by 1 degree until the maximums are reached: A.D. 1926.

- IV. The conditions contained in Paragraph II. of this rule as to a minimum supply shall in no way operate to reduce the obligations imposed by Paragraph I. thereof:
- V. Every mine, except such as are worked on the long-wall system, shall be divided into districts or splits of not more than seventy men in each; and each district shall be supplied with a separate current of fresh air. The intake air shall travel free from all stagnant water, stables, and old workings.

In the case of mines required by this Act to be under the control of a certified manager, the quantity of air in the respective splits or currents shall, at least once in every month, be measured and entered in a book to be kept for the purpose at the mine, also dry and wet temperatures (bulb):

- VI. If, in the opinion of the Chief Inspector, the state of ventilation of any part of a mine is unsuitable or inadequate, and there is no immediate prospect of improvement, he may, in writing, require that additional or auxiliary ventilation appliances be provided, installed, or kept working.

Inspector may order additional ventilation appliances.

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

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

Ventilation by machinery

"II. If the circulation system of a mine is, in the opinion of an inspector, not suitable or adequate, he may order the manager to make such circulation suitable or adequate as the case may require.

"4. A station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and the following provisions shall have effect:—

Stations and inspections of conditions as to ventilation.

- I. As to inspection before commencing work:—

A competent person or competent persons, appointed by the owner, agent, or manager for the purpose, not being a contractor for getting coal or shale in the mine, shall within such time immediately before the commencement of each shift as shall be fixed by special rules made under this Act, inspect every part of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides, and general safety are concerned.

No workman shall pass beyond any such station until the part of the mine beyond that station has been so examined, and stated by such competent person to be safe.

The inspection shall be made with a locked safety-lamp, except in the case of any mine in which inflammable gas has not been found within the preceding twelve months.

A report specifying where noxious or inflammable gas (if any) was found present, the condition of the ventilation, and what defects, if any, in the roof or

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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 the purpose, and accessible to the workmen; and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the hand-writing of, the person who made the inspection.

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.

II. As to inspection during shifts:—

A similar inspection shall be made in the course of each shift of all parts of the mine in which workmen are to work or pass during that shift; but it shall not be necessary to record a report of the same in a book: Provided that in the case of a mine worked continuously throughout the 24 hours by a succession of shifts, the report of one of such inspections shall be recorded in manner above required.

Inspection of machinery, &c., above and below ground.

“5. A competent person or competent persons, appointed by the owner, agent, or manager for the purpose, shall, once at least in every 24 hours, examine the state of all brakes, the external parts of the machinery, the state of the guides and conductors in the shafts, and the state of the head-gear, ropes, chains, and other similar appliances of the mine which are in actual use both above ground and below ground, including incline haulages; and shall, once at least in every week, examine the state of the shafts by which persons ascend or descend; and shall make a true report of the result of such examination; and every such report shall be recorded without delay in a book to be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Fencing and entrances.

“6. 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.

Withdrawal of workmen in case of danger.

“7. If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of inflammable gases prevailing in the mine or that part thereof, or of any cause whatever, the mine or that part is dangerous, every workman shall be withdrawn from the mine or part so found dangerous, and a competent person appointed for the purpose shall inspect the mine or part so found dangerous, and, if the danger arises from inflammable gas, shall inspect the mine or part with a locked safety-lamp; and in every case shall make a true report of the condition of the mine or part; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine, or part so found dangerous, until the same is stated by the person appointed as aforesaid not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Use of safety-lamps in certain places.

“8. No lamp or light other than a locked safety-lamp shall be allowed or used—

- I. In any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous: or

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- II. In any working approaching near a place in which there is likely to be an accumulation of inflammable gas. And when it is necessary to work the coal with naked lights in another part of the same ventilating district situated between the place where such lamps are being used and the return airway. A.D. 1926.
- “9. Wherever safety-lamps are used they shall be so constructed that they may be safely carried against the air-current ordinarily prevailing in that part of the mine in which the lamps are for the time being in use, even though such current should be inflammable. Construction of safety-lamps.
- “10. In any mine or part of a mine in which safety-lamps are required by this Act, or by the special rules made in pursuance of this Act, to be used— Examination of safety-lamps.
- I. A competent person, appointed by the owner, agent, or manager for the purpose, shall, either at the surface or at the appointed lamp station, examine every safety-lamp immediately before it is taken into the workings for use, and ascertain if it be in safe working order and securely locked; and such lamps shall not be used until they have been so examined, and found in safe working order and securely locked:
- II. A safety-lamp shall not be unlocked except either at the appointed lamp station or for the purpose of firing a shot, in conformity with the provisions hereinafter contained:
- III. A person, unless he has been appointed either for the purpose of examining safety-lamps or for the purpose of firing shots, shall not have in his possession any contrivance for opening the lock of any safety-lamp:
- IV. A person shall not have in his possession any lucifer match or apparatus of any kind for striking a light, except within a completely closed chamber attached to the fuse of the shot.
- “11. Where safety-lamps are required to be used the position of the lamp stations for lighting or relighting the lamps shall not be in the return airway. Lamp stations.
- “12. Any explosive substance shall only be used in the mine below ground as follows— Use of explosives below ground.
- I. It shall not be stored in the mine:
- II. It shall not be taken into the mine, except in cartridges in a secure case or canister containing not more than five pounds: 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 cartridge:
- III. A workman shall not have in use at one time in any one place more than one of such cases or canisters:
- IV. In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel pricker, scraper, charger, tamping-rod, or stemmer; nor in any mine or part of a mine in which safety-lamps are required by this Act to be used shall dry coal or coal-dust be used for tamping:
- V. No explosive shall be forcibly pressed into a hole of insufficient size, and when a hole has been charged the explosive shall not be unrammed; and no hole shall be bored for a charge at a distance of less than 6 inches from

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any hole where the charge has missed fire: Provided that in cases where a fuse is used no person shall return to a place where such charge has missed fire until a period of eight hours has elapsed from the lighting of the fuse attached to such charge:

- VI. In any place in which the use of a locked safety-lamp is for the time being required by or in pursuance of this Act, or which is dry or dusty, no fire shall be fired except by, or under the direction of, a competent person appointed by the owner, agent, or manager of the mine; and such person shall not fire the shot or allow it to be fired until he has examined both the place itself where the shot is to be fired and all contiguous accessible places of the same seam within a radius of 20 yards, and has found such place safe for firing:
- VII. If in any mine, at either of the inspections under Rule 4 recorded last, before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired—
- (a) Unless a competent person, appointed as aforesaid, has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or
 - (b) Unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas:
- VIII. If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed; that is to say—
- (a) Unless the place of firing and all contiguous accessible places within a radius of 20 yards therefrom are at the time of firing in a wet state from thorough watering, or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or
 - (b) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust:
- IX. If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing dust adhering to the roof and sides, no shot shall be fired there unless—
- (a) The provisions of Paragraph II. hereof have been observed: or
 - (b) Such one of the conditions mentioned in Paragraph VIII. hereof as may be applicable to the particular place has been observed, and all workmen have been removed from the seam in which the shot is to be fired, and from all

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seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily employed in attending to the ventilating furnaces, steam-boilers, engines, machinery, winding apparatus, signals, or horses, or in inspecting the mine: A.D. 1926.

- x. In this Act "ventilating district" means such part of a seam as has an independent intake commencing from a main intake air-course, and an independent return airway terminating at a main return air-course; and "main haulage road" means a road which has been, or for the time being is, in use for removing trams by steam or other mechanical power:
- xI. Where a seam of a mine is not divided into separate ventilating districts, the provisions of this Act relating to ventilating districts shall be read as though the word "seam" were substituted for the words "ventilating district":
- xII. Neither gunpowder nor any other kind of explosive which is not on the list of permitted explosives in force for the time being shall be used in any mine which is not both naturally wet and free from inflammable gas:
- xIII. No explosive shall be taken or used in any mine except explosives provided by the owner; and the price, if any, charged by the owner to the workmen for any explosives so provided shall not exceed the actual net cost to the owner.

"13. Where any place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any place 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.

Water and bore-holes.

"14. Every underground plane on which persons travel, which is self-acting, or worked by an engine, windlass, or gin, shall be provided, if exceeding 30 yards in length, with some proper means of communicating distinct and definite signals between the stopping-places and the ends of the plane; and shall be provided in every case with sufficient man-holes for places of refuge, at intervals of not more than 20 yards, and of not less than the height of the travelling way, nor less than 3 feet wide, and 4 feet deep. If there is not room for a person to stand between the side of a tub and the side of the plane, then, unless the tubs are moved by an endless chain or rope, such manholes shall be at intervals of not more than 10 yards.

Signalling and man-holes for travelling planes worked by machinery.

"15. Every road on which persons travel underground, where the load is drawn by a horse or other animal, shall be provided, at intervals of not more than 50 yards, with sufficient man-holes or sufficient places of refuge; and every such place of refuge shall be of sufficient length, and at least 3 feet in width between the wagons running on the road and the side of such road. There shall be at least two proper travelling ways in every steam-engine room and boiler-gallery.

Manholes for other travelling roads.

"16. Every man-hole and every place of refuge shall be constantly kept clear and conspicuously painted, and no person shall place anything in any such man-hole or place of refuge.

Man-holes to be kept clear.

"17. 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.

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Fencing of shafts.
Trolley over pit-mouth.

Fencing of entrances to shafts.

Securing of shafts.
Sinking pit to be cleared of gas.

Securing of roofs and sides.

Timbering.

Option of using downcast shaft.

Means of signalling for working shafts.

Overwinding

" 18. 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.

" 19. Every shaft in course of sinking shall be provided with a trolley to run over the pit's mouth and receive the load when brought to the surface. Such trolley shall be large enough to cover the opening at the pit top.

" 20. The top and all entrances between the top and bottom, including the sump, if any, of every working, ventilating, or pumping shaft shall be properly fenced; but this shall not be taken to prevent the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

" 21. Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure. Every shaft in course of sinking shall be kept clear of all noxious gases by a fan or some other appliance.

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

" 23. Where the timbering of the working-places is done by the workmen employed therein, suitable timber shall be provided at the workings, gate-end, pass-by, siding, or other similar place in the mine convenient to the workmen, and the distance between the sprags or holding props where they are required shall not exceed 6 feet, or such less distance as may be ordered by the owner, agent, or manager, and done to their satisfaction.

" 24. 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.

" 25. In any mine which is usually entered by means of machinery a competent certificated male person, not less than 21 years of age, shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for that purpose during the whole time that any person is below ground in the mine.

" Where any shaft, plane or level is used for the purpose of communication from one part to another part of a mine, and persons are taken up or down or along such shaft, plane, or level by means of any engine, windlass, or gin driven or worked by steam or any mechanical power, or by an animal, or by manual labour, the person in charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, must be a competent male person not less than 18 years of age. Where the machinery is worked by an animal, the person under whose direction the driver of the animal acts shall for the purpose of this rule be deemed to be the person in charge of the machinery.

" 26. Every working shaft used for the purpose of drawing coal or shale or for the lowering and raising of persons shall, if exceeding 50 yards in depth, and not exempted in writing by the inspector of the district, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft, from every entrance for the time being in use between the surface, and from the surface to the bottom of the shaft, and to every entrance for the time being in use between the surface and the bottom of the shaft.

" 27. If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding, then the cage when men are being raised shall not be wound up at a speed exceeding

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- three miles an hour, after the cage has reached a point in the shaft to be fixed by the special rules. A.D. 1926.
- “28. A sufficient cover overhead shall be used for every cage or tub employed in lowering or raising any persons in any working shaft, except where the cage or tub is worked by a windlass, or where persons are employed at work in the shaft, or where a written exemption is given by the inspector of the district. Cover overhead.
- “29. 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 tub. Chains.
- “30. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. Prevention of rope slipping on drum.
- “31. There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate brake or brakes and a proper indicator, in addition to any mark on the rope, showing to the person who works the machine the position of the cage or tub in the shaft. If the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft. Brake and indicator.
- “32. Every fly-wheel, and all exposed and dangerous parts of the machinery used in or about the mine, shall be, and shall be kept, securely fenced. Fencing machinery
- “33. A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine. Barometer, &c.
- “34. Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at and in the principal districts of the mine, ready for immediate use in case of accident. Stretchers.
- “35. No person shall wilfully damage, or without proper authority remove or render useless, any fence, fencing, man-hole, place of refuge, case, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act. Wilful damage.
- “36. Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Act or the special rules in force in the mine. Observance of directions.
- “37. The books mentioned in these rules shall be provided by the owner, agent, or manager, and the books, or a correct copy thereof, shall be kept at the office of the mine; and any inspector under this Act, and any person employed in the mine, may at all reasonable times inspect and take copies of or extracts from any such books; but nothing in these rules shall be construed to impose the obligation of keeping any such book or a copy thereof for more than twelve months after the book had ceased to be used for entries therein under this Act. Any report by this Act required to be recorded in a book may be partly in print, including lithograph, and partly in writing. Books and copies thereof.
- “38. The persons employed in a mine may from time to time appoint two of their number, or any two persons who are practical miners, to inspect the mine at their own cost; and the persons so appointed shall be allowed, once at least in every month, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine, and to inspect the shafts, levels, planes, working-places, return airways, ventilating apparatus, old workings, and machinery. Every facility shall be afforded by the owner, agent, or manager, and all persons in the mine, for the purpose of inspection; and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in a book to be kept in the mine for the purpose, and shall be signed by the persons who made the inspection; Periodical inspection on behalf of workmen.

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Person not to be employed in coal-getting without experience.

and if the report states the existence or the apprehended existence of any danger, the agent, owner, or manager shall forthwith cause a true copy of the report to be sent to the inspector of the district.

“ 39. Except by consent of the Chief Inspector of Mines, no person, other than a person employed or working as a coal-getter or a shale-getter, shall work or be allowed to work as a coal-getter or a shale-getter in the face of the workings of a mine, unless—

I. He has been employed or has worked for two years in or about the face of the workings of a mine as coal-getter or shale-getter; or

II. He works in company with a person who has been employed or has worked for two years in or about the face of the workings of a mine as a coal-getter or a shale-getter.

Penalty for interference with office of check-inspector or check-weigher.

“ 40. If the owner, agent, or manager of any mine, or any persons employed by or acting under the instructions of any such owner, agent, or manager, interferes with the appointment of a check-inspector or check-weigher, or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment, 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 person entitled to appoint a check-inspector or a check-weigher, or any of them, not to reappoint any particular person, or to vote for or against any particular person, in the appointment of a check-inspector or check-weigher, such owner, agent, or manager shall be guilty of an offence against this Act.

“ 41. Every sinking shaft exceeding 150 feet in depth shall be provided with guides and guide attachments, applied in such manner as to prevent the bucket or other appliance from swinging while being lowered or raised in such shaft; and such guides and guide attachments shall be maintained from the surface to a distance of not more than 75 feet from the bottom of such shaft until its sinking has been completed.

Sanitation.

“ 42. The owner, agent, or manager of every mine shall make provision for the proper sanitation of the mine where any nuisance can be shown to exist to the satisfaction of an inspector.

Enforcing Rule 39.

“ 43. Where it is reported to an inspector, and such inspector is satisfied after due inquiry, that any person is working in a mine in contravention of the provisions of Rule 39, he may, after giving notice to the owner of the mine, or his agent or manager, order such person to cease working, and such person shall cease working as aforesaid.

Penalty on non-compliance with rules.

“ 44. Every person who contravenes or does not comply with any of the general rules in this Act shall be guilty of an offence against this Act; and in the event of any contravention of, or non-compliance with, any of the said general rules in the case of any mine to which this Act applies, by any person whomsoever, the owner, agent, and manager 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 said rules and regulations for the working of the mine, to prevent such contravention or non-compliance.

Changing-room.

“ 45. 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 as near as is reasonably practicable to 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.

Mines and Works Regulation.

“In every changing-room an ample supply of fresh water and 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.

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“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.

“46. Every changing-room in connection with a mine shall be provided with a fire or suitable heating appliance 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.

“47. When instructed in writing by an 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 (free of cost) as the inspector may direct.

“48. No person, other than an official of the mine or a person employed on the road in connection with the haulage, or a person engaged in carrying out any repairing work requiring to be carried out forthwith, shall, while the haulage is in motion, travel on foot on any haulage road on which the haulage is worked by gravity or mechanical power, except—

Travelling on haulage roads.

- I. Where there is provided on one side of the road a clear space of at least 2 feet in width between the tubs and that side of the road, and the rate of haulage is not more than 10 miles an hour: or
- II. Where, in the case of a haulage road in which such a clear space as aforesaid is not provided, the rate of haulage is not more than 3 miles an hour and the gradient does not exceed one in twelve, or, in respect of any part of the road not exceeding 100 yards in length, one in nine, and the space between the tracks of rail, where there is more than one track, is kept clear of obstructions:

Provided that—

- (a) In the case of a haulage road in which such a clear space as aforesaid has been provided, such a space so provided has in some part of it been reduced to a width of less than 2 feet by reason of some cause over which the owner, agent, or manager of the mine has not control, the foregoing prohibition shall not apply during the time (not exceeding the time reasonably required for the purpose) during which the repairs necessary for restoring the width to 2 feet are being carried out; and if any question arises as to whether the character of the strata in any mine makes it unreasonable to require a clear space to be provided, that question shall be determined by the Chief Inspector:

- (b) The provisions of this rule shall only apply to mines in which there are more than 20 persons employed.

Riding on haulage.

Mines and Works Regulation.

A.D. 1926.

“ 49 Where the haulage is worked by gravity or mechanical power, no person other than a set rider shall be allowed to ride on sets or trains of tubs, except—

- I. A person travelling on a set or train for the purpose of attaching or detaching tubs to or from the haulage-rope, if that set or train is not proceeding at a higher speed than three miles an hour: or
- II. Men being conveyed, with the written permission of the manager or under-manager, to or from their work at the commencement or end of their employment (including any person in charge of a set or train of tubs on which men are being so conveyed): or
- III. The driver of a locomotive.

Clear space along
side tubs.

“ 50 In all places where sets or trains consisting of three or more tubs are coupled or uncoupled, there shall be a clear space of at least 2 feet between tubs standing on any rails and the side of the road nearest to those rails: Provided that—

- I. Where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least 2 feet 6 inches between tubs standing on those rails: and
- II. Where, in the case of any existing mine, compliance with the provisions of this subsection would necessitate the removal of arching or other masonry work or permanent timbering, or where, in the case of any mine, sets or trains of tubs are coupled or uncoupled at the face, or at the pass-by next the face, other provisions for securing safety may be substituted by the special rules of the mine for those requirements.
- III. This subsection shall not apply to any district in any mine which the Chief Inspector is satisfied will be worked out within three years.

In measuring any clear space for the purpose of this rule, any props or other supports of the roof projecting beyond the side of the road shall be deemed to form part of the side.

Special rules made
by the Governor.

“ 51. The Governor may make and publish in the ‘ Gazette ’ a set or sets of special rules, and thereafter the rules so made and published shall be deemed the special rules of every mine to which this Act applies and in respect of which no special rules shall be in force: Provided that upon special rules being established for any mine, the special rules made by the Governor as aforesaid shall cease to apply to such mine.

Publication of Abstract of Act and of Special Rules.

“ 52. For the purpose of making known the provisions of this Act and the special rules to all persons employed in and about each mine, an abstract of this Act supplied, on the application of the owner, agent, or manager of the mine, by the inspector of the district on behalf of the Chief Inspector, and a correct copy of all the special rules, shall be published as follows:—

- I. The owner, agent, or manager of the mine shall cause the abstract and copy of the rules, with the name of the mine 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, where they may be conveniently read by the persons employed; and, so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch:

Mines and Works Regulation.

- II. The owner, agent, or manager shall supply a printed copy of the abstract, and the special rules, gratis, to each person employed in or about the mine who applies for a copy at the office at which the persons immediately employed by the owner, agent, or manager are paid: A.D.1926.
- 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.

“In the event of any non-compliance with the provisions of this rule by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act; but the owner, agent, or manager of such mine shall not be deemed guilty if he proves that he had used all reasonable means, by enforcing to the best of his power the observance of this rule to prevent such non-compliance.

“53. Every person who pulls down, injures, or defaces any abstract, notice, proposed special rules, or special rules, when posted up in pursuance of the provisions of this Act, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.” Pulling down or defacing notices.

