

COAL MINES REGULATION
(AMENDMENT) ACT.

Act No. 52, 1931.

George V,
No. 52, 1931.

An Act to make further provision for the regulation of coal mines and shale mines; to amend the Coal Mines Regulation Act, 1912, and certain other Acts; and for purposes connected therewith; [Assented to, 7th October, 1931.]

BE

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

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1. (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1931."

Short title, citation, and commencement.

(2) The Coal Mines Regulation Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1912-1931.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended by inserting in section three next after the definition of "Agent" the following new definition :—

Amendment of Act No. 37, 1912, s. 3. (Interpretation.)

"Check inspector" means a person appointed under general rule thirty-nine of section fifty-four of this Act.

3. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 5.

(a) by inserting at the end of subsection one of section five the words: "Such owner or agent shall send written notice to the inspector of the district of the under-manager's name and address within fourteen days after the nomination of the under-manager";

Subsec. (1). (Nomination of under-manager.)

(b) by inserting next after subsection three of section five the following new subsections :—

New subsecs. (4) (9).

(4) Where any person is appointed to be manager of two or more producing mines required by this Act to be under the control of a manager holding a first-class certificate of competency a separate under-manager shall be appointed for each mine.

cf. 1 & 2 Geo. V, c. 50, s. 4 (2).

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cf. 1 & 2
Geo. V, c. 50,
s. 4 (3).

(5) If it appears to the Minister that the management and control of a mine required to be exercised by the manager are insufficient by reason of the fact that such manager is also manager of any other mine or mines, the Minister may by order in writing under his hand limit the number of such mines for which a person may act as manager.

(6) The order shall be delivered personally or sent by post by a registered letter to such manager and to the owner or agent of each mine of which he is manager.

(7) If the owner, agent, or manager objects to the reasonableness of the order he may within ten days after the receipt of the order send his objection in writing, stating the grounds thereof, to the Minister, who may withdraw the order or refer the matter to the court to be determined.

(8) If the owner, agent, or manager fails when no objection is sent as aforesaid to comply with the order within fourteen days after the expiration of the time for objection, or where the matter has been determined by the court to comply with the order of the court within the time therein specified, he shall be guilty of an offence against this Act.

(9) No person shall be precluded by any agreement from doing or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary to comply with any order under this section.

Further
amendment of
Act No. 37, 1912,
s. 5A.

Subsec. (1).
(Deputies
and shot-
firers.)

Subsec. (4).

Sec. 8.
(Certificate of
service as
deputy.)

4. The Principal Act is further amended—

- (a) (i) by omitting from subsection one of section 5A the words "required by this Act to be under the control of a certificated manager";
- (ii) by omitting subsection four of the same section.
- (b) by omitting section eight.

5.

5. The Principal Act is further amended by inserting in section twenty-one after the words "in that behalf" the following words:—

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Further amendment of Act No. 37, 1912, s. 21.

"Every such applicant must have had at least two years' practical experience in the use of electrical machinery and apparatus in a mine."

(Mine electricians.)

6. (1) The Principal Act is further amended by omitting section twenty-two and by inserting in lieu thereof the following section:—

Further amendment of Act No. 37, 1912, s. 22.

22. (1) Where electricity exceeding in the aggregate thirty kilowatts is used in or about any mine for power and/or lighting purposes, a competent person shall be appointed as mine electrician, who shall be subject to the authority of the manager, and in his absence the under-manager, and shall have charge of all electrical machinery and apparatus in or about the mine.

Employment of mine electricians.

(2) A person shall not be qualified to act as mine electrician unless he is for the time being registered as the holder of a certificate of competency as mine electrician under this Act.

(3) Any person who—

(a) not being registered under this Act as the holder of a certificate of competency as a mine electrician acts as a mine electrician in or about a mine where the electricity used for power and/or lighting purposes exceeds thirty kilowatts or so acts in any place in a mine where naked lights are prohibited notwithstanding that the electricity used is less than thirty kilowatts; or

(b) knowing that such person is not so registered employs him as a mine electrician in or about such mine,

shall be guilty of an offence against this Act.

(4) Upon the recommendation of the chief inspector the Minister may by writing under his hand grant an exemption in respect of all or any of the provisions of this section either absolutely or upon such terms and conditions as the Minister may impose.

(5)

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(5) Where a certificated mine electrician is required to be employed at any mine the owner or agent of the mine shall send to the inspector of the district wherein the mine is situated a written notice of such electrician's name and address within one month after the date of his appointment.

(6) This section shall not apply to electricians attending to lamp charging sets on the surface, electric signalling, telephones, or lighting on main intake, travelling or haulage roads underground, provided such power does not exceed thirty kilowatts.

Amendment of Act No. 11, 1913, s. 9.

(2) The Coal Mines Regulation (Amending) Act, 1913, is amended by omitting section nine.

Further amendment of Act No. 37, 1912, s. 35.

7. The Principal Act is further amended—

(Plan of mine.) Subsec. (1).

(a) by inserting in subsection one of section thirty-five after the word "strata" where firstly occurring the words "and all faults, dykes, and other dislocations of the seam or seams";

New subsec. 2A.

(b) by inserting next after subsection two of the same section the following new subsection:—

(2A) The owner, agent, or manager of the mine shall, on the request of a check inspector appointed by the employees of such mine, produce to the check inspector at the office of the mine during an inspection of the mine such plan and section.

The check inspector shall be entitled to examine the plan and section but he shall not be entitled to take away from the mine any copy thereof or divulge any information derived therefrom without the authority of the manager.

A check inspector who contravenes the provisions of this subsection shall be guilty of an offence against this Act.

8.

8. The Principal Act is further amended—

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Further amendment of Act No. 37, 1912, s. 35A.

- (a) by inserting at the commencement of subsection one of section 35A the following words: "Unless the Under-Secretary for Mines upon application made in that behalf otherwise determines";
- (b) by omitting from the same subsection the following words: "six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913," and by inserting in lieu thereof the following words: "three months of the opening of such mine";
- (c) by omitting from subsection two of the same section the following words: "acquiring and adding to such colliery holding any other freehold or leasehold lands" and by inserting in lieu thereof the following words: "any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of lands of any tenure";
- (d) by omitting from the same subsection the word "other" where secondly occurring.

9. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 39.
(Plan of abandoned mine.)

- (a) by omitting from subsection one of section thirty-nine all words following the word "Minister" and by inserting in lieu thereof the following paragraphs:—

Subsec. (1).

- (a) an accurate plan of the mine or seam showing—

cf. 1 & 2
Geo. V, c. 50,
s. 21.

- (i) the boundaries of the workings of the mine or seam including not only the working faces but also all headings in advance thereof, up to the time of the abandonment;
- (ii) the pillars of coal or other mineral remaining unworked;

(iii)

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- (iii) the position, direction, and extent of every known fault of every seam in the mine, or of the seam, as the case may be, with the vertical throw of every known fault, wash-out, or intrusive dyke;
 - (iv) the position of the workings with regard to the surface;
 - (v) the general direction and rate of dip of the strata; and
 - (vi) the depth of every shaft, or in the case of an abandoned seam, the depth of every shaft from the surface to that seam;
- (b) a section of the strata sunk through, or if that is not reasonably practicable, a section of every seam in the mine, or of the seam, as the case may be.

Every such plan shall be of a durable character, and shall be on a scale of not less than two chains to the inch, or on the same scale as the plan used at the mine at the time of its abandonment.

Further amendment of Act No. 37, 1912.

10. The Principal Act is further amended—

New s. 39A.

- (a) by inserting next after section thirty-nine the following new section:—

Accuracy of plans to be certified.

39A. (1) The accuracy of every plan, section, and tracing which is made at any time after the expiration of twelve months from the commencement of this Act, for the purposes of section thirty-five, section 35A, or section thirty-nine of this Act shall be certified by a person who is registered as a surveyor under the Surveyors Act, 1929, or who is the holder of a surveyor's certificate of competency granted under this section.

(2) For the purpose of ascertaining the persons to whom surveyors' certificates of competency may be granted, examiners shall be appointed by the board for appointing examiners constituted under subsection two of section

six of this Act, who may hold examinations and examine applicants for such certificates in such subjects as may be prescribed by any rules made by the Minister in that behalf.

The provisions of section seven of this Act shall, *mutatis mutandis*, apply to and in respect of surveyors' certificates of competency.

(3) No person shall be entitled to a surveyor's certificate of competency unless—

- (a) he is at least twenty-one years of age ;
- (b) he furnishes to the examiners satisfactory evidence of his sobriety and good conduct ;
- (c) he furnishes to the examiners satisfactory evidence that he has had practical experience in surveying mines during a period of not less than four years :

Provided that in the case of a candidate who—

- (i) has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received, after due examination, from some university, school of mines, or other body approved by the Minister, a degree or diploma ; or
- (ii) has passed satisfactorily a full course of instruction in surveying at an institution approved by the Minister,

it shall be a sufficient compliance with the requirements of paragraph (c) of this subsection if the candidate furnishes to the examiners satisfactory evidence that he has had practical experience in mines during a period of not less than one year.

(4) For all other purposes relating to the examination of applicants, and the granting, cancellation, and suspension of such certificates, and the registration of the holders of such certificates, the provisions of this Act relating to managers' certificates of competency shall, *mutatis mutandis*, apply and have effect.

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(5) A certificate of service as mine surveyor shall be granted by the Minister to every person who satisfies him either that before the first day in July, one thousand nine hundred and thirty-one, he was acting, and has since that day acted, or that he has at any time within five years before the said date, for a period of not less than two years, acted in the capacity of a mine surveyor at a mine required by the Act to be under the control of a certificated manager.

Third
Schedule.

- (b) by inserting in the Third Schedule after the words "mine electrician's certificate" the words "or surveyor's certificate of competency."

Further
amendment
of Act No. 37,
1912, ss. 41,
42 and
Fourth
Schedule.**11.** The Principal Act is further amended--

- (a) (i) by omitting from section forty-one the word "fourteen" and by inserting in lieu thereof the word "sixteen";
(ii) by inserting at the end of the same section the following new subsection:—

(2) The provisions of this section shall not prevent a boy under the age of sixteen years who before the commencement of the Coal Mines Regulation (Amendment) Act, 1931, was lawfully employed in or about any mine from continuing to be so employed.

Temporary
saving of
employment
of boys under
16.
cf. Act 60
Vic No. 12,
s. 35

- (b) by omitting from subsection one of section forty-two the words "between the age of fourteen years and" and by inserting in lieu thereof the following words: "under the age of";
(c) by omitting from the return of persons ordinarily employed during the year in Part A of the Fourth Schedule the figures "16" wherever occurring and by inserting in lieu thereof the figures "18";
(d) by omitting from the same return the words and figures "Boys under 14";
(e) by omitting from the same return the figures "14" were lastly occurring and by inserting in lieu thereof the figures "16."

12.

12. The Principal Act is further amended by inserting next after paragraph (b) of subsection one of section fifty the following new paragraph :—

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Further amendment of Act No. 37, 1912, s. 50.

(Means of egress.)

cf. 1 & 2 Geo. V, c. 70, s. 35 (3).

(b1) Every part of the mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording means of egress to the surface and so arranged that in the event of either becoming impassable at any point the other will afford means of egress to the surface: Provided that upon written application being made in that behalf the inspector may grant an exemption in respect of any part of any mine.

13. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, New Division 10 Sec. 53A.

(a) by inserting next after section fifty-three the following new Division :—

DIVISION 10.—Special provisions as to mines worked by contractor.

53A. (1) In every mine the materials required for the support of the roofs and sides shall be provided by and at the cost of the owner of the mine, and the deputies, shot-firers, and all other officials of the mine shall be appointed and their wages paid by the owner, notwithstanding that the mine or any part thereof is worked, or any part of the operations therein is carried on by a contractor, and no such contractor nor any person employed by him shall be appointed to be manager, under-manager, deputy, or shotfirer of the mine.

Mines worked by contractor. cf. 1 & 2 Geo. V, c. 50, s. 27.

(2) Where under any contract existing at the commencement of the Coal Mines Regulation (Amendment) Act, 1931, the materials required for the support of the roof or sides are to be provided, or the wages of any official are to be paid, by any person other than the owner, the owner may apply to the district court for the district in which the mine is situate and the court may make such variation in the terms of the contract as appears to the court

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court just and equitable under the circumstances of the case, or in the alternative the court may, at the request of the owner, determine the contract.

(3) If in any mine there is a contravention of or non-compliance with the provisions of this section the owner of the mine shall be deemed to be guilty of an offence against this Act.

Sec. 1 (3).

- (b) by inserting in subsection three of section one after the words and symbols "DIVISION 9.—*Division of mine into parts—s. 53*" the words and symbols "DIVISION 10.—*Special provisions as to mines worked by contractor—s. 53A.*"

Further amendment of Act No. 37, 1912, s. 54.

(General rules.)

General rule 1.

14. (1) Section fifty-four of the Principal Act is amended—

- (a) by omitting from paragraph (e) of general rule one the following words: "Provided that the second sample shall not be taken within a period of less than one fortnight after the result of the first sample is communicated to the owner, agent, or manager of the mine";
- (b) by omitting general rule four and by inserting in lieu thereof the following rule:—

Substituted general rule 4.

Appointment of stations and inspections before commencing work.

cf. 1 & 2
Geo. V, c. 50,
ss. 63, 64.

Rule 4. (a) For the purpose of the inspections before the commencement of work in a shift as provided in this rule, one or more stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in manner provided in this rule.

(b) Competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, within such time before the commencement of each shift as may be fixed by the

the special rules of the mine, inspect with a locked safety lamp the part of the mine situated beyond the station or each of the stations, and in which workmen are to work or travel during the shift, and all working-places in which work is temporarily idle which are safely accessible on the intake side of the last working-place, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof, and sides and general safety are concerned.

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

(d) 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.

(e) A similar inspection shall be made in the course of each shift of all parts of the mine situated beyond the station or each of the stations aforesaid and in which workmen are to work or travel during the shift, but it shall not be necessary unless inflammable gas is found to record a report of such inspection in a book : ^{Inspection} _{during shifts.}

Provided that in the case of a mine worked by a succession of shifts the report of one such inspection shall be recorded in the manner above required.

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Inspection
after shift.General
rule 8

(f) A competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, immediately after each shift and the workmen have withdrawn, inspect with a locked safety-lamp every part of a naked light mine in which workmen worked or travelled during the said shift, and shall ascertain the condition of the mine in respect of danger from fire and report the same and forthwith enter the said report in a book to be kept at the mine for the purpose.

- (c) (i) by omitting from paragraph (b) of subclause one of general rule eight the word "normally"; and by inserting after the word "gas" in general rule 8 (1) (b) the words "when sampled in the same manner as provided for intake air under general rule (1) (e) of the Principal Act";
- (ii) by omitting from paragraph (c) of subclause one of the same general rule the words "(except in the main intake airways within two hundred yards from the shaft)"; also the words "causing any personal injury whatever"; and by inserting after the word "has" in general rule 8 (1) (c) the words "been definitely proved to have";
- (iii) by omitting paragraphs (d) and (e) of subclause one of the same general rule and by inserting in lieu thereof the following paragraphs:—
- (d) in any place or part of a mine where any quantity (capable of being detected by an ordinary oil safety lamp), of inflammable gas has been given off within the previous twelve months.
- (e) in any working which is within twenty yards of, or is being advanced towards any locality where it is doubtful

doubtful whether or not there may be an accumulation of inflammable gas, or any place in the same district on the return airway side of such working.

- (iv) by omitting from subclause two of the same general rule the words "except when the use of safety-lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety-lamps throughout the district" and by inserting in lieu thereof the words "or in any part of the mine situated on the return airway side of such ventilating district";
- (v) by omitting from subclause three of the same general rule the words "otherwise than as a temporary precaution against apprehended danger";
- (vi) by omitting subclause four of the same general rule;
- (vii) by omitting from subclause five of the same general rule the words "two per centum" and by inserting in lieu thereof the words "one and a quarter percentum";
- (viii) by omitting from subclause five of the same general rule the words "as are on the return side of the said place in that ventilating district" and by inserting in lieu thereof the words "in that ventilating district as he may direct";
- (ix) by omitting from subclause five of the same general rule the words "unless he appeals in manner prescribed against the said requisition of the inspector to the court" and by inserting in lieu thereof the words "until the matter has been otherwise decided by appeal in manner prescribed against the said requisition of the inspector";

(d)

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General
rule 10.

- (d) (i) by omitting from paragraph (b) of general rule ten the word "either" and also the words "or for the purpose of firing a shot in conformity with the provisions hereinafter contained"
- (ii) by omitting from paragraph (c) of the same general rule the word "either" and also the words "or for the purpose of firing shots"
- (iii) by inserting next after paragraph (d) of the same general rule the following new paragraph:—
(d1) A person shall not damage a safety-lamp;
- (iv) by inserting in paragraph (e) of the same general rule after the words "given out" the words "and such person shall be guilty of an offence against this Act";

General
rule 12B.

- (e) (i) by inserting in subclause three of general rule 12B after the words "Such treatment shall not be compulsory if" the words "the chief inspector has granted a written exemption in respect thereof and";
- (ii) by omitting from subclause three of the same general rule all words following the word "path";
- (iii) by omitting from subclause four of the same general rule the words "or suitably treated so as to prevent, as far as practicable" and by inserting in lieu thereof the words "and suitably treated so as to prevent as far as practicable any danger arising from";

New general
rule 16A.
Control of
trains.
cf. S. R. & O.,
1913 (England),
1 & 2 Geo. V,
c. 50, general
regulation 23.

- (f) by inserting next after general rule sixteen the following new general rule:—

Rule 16A. Trains run for the conveyance of workmen, whether above or below ground and whether on the premises of a mine or on a line or siding belonging to the owners of the mine shall be under the entire control of a person appointed to accompany and have charge

charge of the train, and no person shall attempt to get into or out of the train when in motion nor ride upon the footboard (if any) nor upon the buffers or couplings, nor refuse to comply with the directions of the person in charge, nor in any way obstruct or interfere with such person in the discharge of his duties, and any person failing to comply with this rule shall be guilty of an offence against this Act and shall be reported by the person in charge to the manager or under-manager.

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- (g) by omitting general rule twenty-three and by inserting in lieu thereof the following general rules:—

Rule 23. (1) Where props or props and bars or chocks are used to support the roof at the working face, the roof under which any work of getting coal or filling skips is carried on shall be systematically and adequately supported, and the props or chocks shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

General rules 23, 23A.
Systematic support of roofs and sides.
cf. 1 & 2
Geo. V, c. 50,
s. 50.

(2) Holing props or sprags shall be set as soon as practicable, and shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned, and shall not be removed until the coal is about to be taken down and before the roof supports (if any) have been advanced in the manner specified in the notice.

(3) In all parts of a roadway in which sets or trains consisting of three or more skips are coupled or uncoupled, the roof and sides shall be systematically and adequately supported, and in such parts and in all other parts of the roadway the roof or sides of which require to be supported, if props or bars are

are used as supports, such supports shall be set at such regular intervals and in such manner as may be specified in the notice hereinafter mentioned.

(4) The manager shall by notice specify for each district or part or a district in the mine (if roof conditions are variable) the manner in which the supports are to be set and advanced, and the maximum intervals to be observed on roadways between the supports and at the face—

- (a) between each row of props ;
- (b) between adjacent props in the same row ;
- (c) between the front row of props and the face ;
- (d) between the holing props or sprags ;
- (e) between chocks :

Provided that the interval between holing props or sprags shall in no case exceed six feet.

(5) (a) If the inspector of the district considers that the system of supporting the roof and sides adopted in any part of a mine is unsatisfactory either by reason of the distances fixed or any of them being excessive or otherwise, he may require the manager to fix some less distance, or otherwise modify the system.

(b) The requisition shall be in writing under the hand of the inspector and shall be delivered personally or sent by post by a registered letter to the manager.

(c) If the manager objects to the reasonableness of the requisition he may, within fourteen days after the receipt of the requisition, send his objection

objection in writing stating the grounds thereof to the chief inspector who may withdraw the requisition or refer the matter to the court to be determined.

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(d) If the manager fails when no objection is sent as aforesaid to comply with the order within ten days after the expiration of the time for objection, or where the matter has been determined by the court, to comply with the order of the court within the time therein specified he shall be guilty of an offence against this Act.

(6) Nothing in this rule shall prevent a workman from setting supports in his working-place at more frequent intervals than those specified in the notice aforesaid where necessary for safety.

Rule 23A. Where the work of erecting the supports of the roof and sides of working-places is done by the workmen employed therein, a sufficient supply of timber or other materials suitable for supports shall be kept at or within ten yards of every working-place where, in pursuance of this Act, supports are required to be erected, and also at the pass-bye, siding, or other similar place in the mine convenient to the workmen; and it shall be the duty of the deputies to see that such sufficient supply is so kept, and any working-place in which such a sufficient supply is not kept shall not be deemed to be safe for the purpose of the provisions of this Act. Sufficient timber or other materials as aforesaid, to enable the deputies to see that the provisions of this rule are complied with shall be constantly provided by the owner, agent, or manager.

Supply of
props and
bars.
cf. 1 & 2
Geo. V, c. 50,
s. 51.

(h)

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General rules
27, 28, 28A.

Overwinding,
cf. 1 & 2
Geo. V, c. 59,
s. 40 (2).

(h) by omitting general rules twenty-seven and twenty-eight and by inserting in lieu thereof the following general rules :—

Rule 27. (1) Where the apparatus ordinarily used for raising or lowering persons to or from the surface is worked by mechanical power it shall, if the shaft is vertical, be provided with a detaching hook, and, if the shaft is more than three hundred feet in depth, shall also be provided with an effective automatic contrivance to prevent overwinding.

The provisions of this subclause of this rule shall come into operation on the first day of July, one thousand nine hundred and thirty-three :

Provided that the Minister may, if he is satisfied that the special circumstances of any particular mine so require, by notice under his hand exempt such mine from the provisions of this subclause or from such provisions as are specified in the notice. The exemption may be unlimited as to duration, or may have effect only for a period specified in the notice.

(2) If in any mine the winding apparatus is not provided with some automatic contrivance to prevent overwinding in accordance with subclause one of this rule, the cage when men are being raised or lowered shall not be wound at a speed exceeding three miles an hour after the cage has reached a point in the shaft within thirty feet of the surface or the bottom of the shaft as the case may be.

Rule 28. Every cage shall be provided with catches or other suitable contrivance to prevent skips falling out, and if used for lowering or raising persons, shall

Cover
overhead,
cf. 1 & 2
Geo. V, c. 59,
s. 40 (7).

shall be covered in completely at the top and closed in at the two sides in a sufficient manner to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be reached easily by all persons in the cage :

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Provided that the provisions of this rule shall not apply where the cage or skip is worked by a windlass or where persons are employed at work in the shaft, or where a written exemption is given by the chief inspector.

Rule 28A. Keps for supporting the cage when at rest shall be provided at the surface level where mineral is usually unloaded, but shall not be provided at any intermediate landings in the shaft. The keps provided at the surface level, and also the keps, if any, provided at the bottom of the shaft, shall be used when persons are entering or leaving the cage.

Provision
of keps.
cf. 1 & 2
Geo. V, c. 50,
s. 40 (4).

The foregoing requirement as to the provision of keps shall not apply to a system of winding by means of a single rope where the cages are held by the friction of the rope on the winding sheave.

Rule 28B. Where there is a ventilating shaft nearer to the centre of the working places than the shaft or tunnel used as a second means of egress the Minister may, on the recommendation of the chief inspector, require by notice under his hand that such shaft shall within the period specified in the notice, if any, be equipped with suitable and efficient machinery for raising or lowering persons therein, and the said machinery

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machinery when installed shall be constantly maintained in safe working order, and shall be available for raising persons from the mine during the whole time that more than twenty employees are underground.

General
rule 33.

(i) by omitting subparagraph (ii) of paragraph (a) of general rule thirty-three and by inserting in lieu thereof the following subparagraph:—

(ii) be examined thoroughly at least once in every twelve months by a person licensed under the provisions of section forty-six of the Mines Inspection Act, 1901, to test and examine any boiler at a mine.

General
rule 38.

(j) by inserting in general rule thirty-eight after the word “shall” where firstly occurring the words “be in or to the effect of the prescribed form and shall”;

General
rule 39

(k) (i) by inserting in general rule thirty-nine after the word “miners” the words “and one of whom is the holder of at least a third-class certificate of competency or of service under this Act”;

(ii) by omitting from the same general rule the words “once at least in every month” and by inserting in lieu thereof the words “at any time on giving reasonable notice to the manager”;

(iii) by inserting in the same general rule after the word “machinery” the words and proviso “and also to examine the plan and section of the mine as provided by section thirty-five of this Act:

Provided that such inspection shall not be conducted so as to impede or obstruct the working of the mine”;

(l) by inserting in general rule forty after the word “coal-getter” or the word “shale-getter” wherever occurring the words “or filler”;

(m)

- (m) by inserting next after general rule forty-three the following new general rule:—

No. 52, 1931.

New general rule 43A.

Rule 43A.—A drill worked by mechanical power shall not be used for drilling in stone or rock unless—

Dust prevention.
cf. Act No. 75, 1931, s. 55 (55).

- (a) water is fed into the bottom of the hole; or
- (b) a jet or spray of water is directed and kept directed into or about the hole; or
- (c) other steps approved by the chief inspector are taken,

in such manner and to such extent as is necessary to prevent the issue of dust from the hole during the drilling operations:

Provided that where the drilling in stone or rock is done intermittently in a working-place and in conjunction with coal-getting operations the chief inspector, upon application in that behalf, may, by writing under his hand, grant an exemption in respect of the whole or any part of the provisions of this rule.

- (n) by inserting next after paragraph (k) of sub-clause one of general rule forty-four the following new paragraph:—

General rule 44.

- (1) no coal or coke fire shall be allowed in the interior of the building.

(2) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraph (c) of subsection two of section nine.

Amendment of Act No. 19, 1926, s. 9 (2) (c).

15. The Principal Act is further amended—

Further amendment of Act No. 37, 1912.

- (a) by inserting next after section 56A the following new Division:—

New Division 1A.

DIVISION 1A.—*Regulations.*

56B. (1) The Governor may—

Power of Governor to make regulations.

- (a) make regulations amending or repealing any or all of the general rules set out in section fifty-four of this Act;

cf. 1 & 2 Geo. V, c. 50, s. 86; Act No. 75, 1901, s. 56,

- (b)

- (b) make such regulations for the conduct and guidance of persons acting in the management of mines or employed in or about mines as may appear best calculated to prevent dangerous accidents and to provide for the safety, health, convenience, and proper discipline of persons employed in or about mines;
- (c) make regulations dealing with—
 - (i) the care and treatment of horses or other animals used in or about mines;
 - (ii) the ventilation of mines and the regulation of the use of mechanical ventilating appliances;
 - (iii) the nature, maintenance, examination and inspection of all machinery used in or about mines;
 - (iv) the precautions to be taken against coal dust;
 - (v) the form of any notice, requisition, or document required by or under this Act, and for which express provision is not made in this Act;
 - (vi) the method of service of any notice, requisition, or document required to be served on or sent to any person by or under this Act, and for which express provision is not made in this Act;
 - (vii) any other matter dealt with in the general rules set out in section fifty-four of this Act;
 - (viii) any other matter whatsoever involved in or connected with the control and working of mines and of works in which coal is carbonised or otherwise treated where such works are adjacent to and belonging to the mine.

(2) The regulations may apply either to all mines or to any specified class or description of mines, and may provide for the exemption of any specified class or description of mines either absolutely or subject to conditions specified in the regulations.

(3) The provisions contained in section 56c of this Act shall have effect with respect to the procedure for making regulations under this section.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

56c. (1) Before any regulation is made under section 56B of this Act the Minister shall cause to be published in such manner as he may think best adapted for informing persons affected notice of the proposal to make the regulation and of the place where copies of the draft regulation may be obtained and of the time (which shall not be less than thirty days) within which any objection made with respect to the draft regulation by or on behalf of persons affected must be sent to the Minister.

Procedure for making regulations. cf. 1 & 2 Geo. V, c. 50, Second Schedule, Part I.

(2) Every objection must be in writing, and state—

- (a) the specific grounds of objection;
- (b) the omissions, additions, or modifications asked for.

(3)

(3) The Minister shall consider any objection made by or on behalf of any person appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulation, and the foregoing provisions shall apply to the amended draft in like manner as they apply to the original draft.

(4) If after the publication of the notice with respect to any such draft regulation (whether an original or amended draft) any general objection as defined in this section is made within the required time with respect to the draft and not withdrawn, the regulation shall not be made until the matter has been referred to the court for determination.

If on any such reference the court considers that the draft regulation should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and effect shall be given to the recommendation in the regulation if made.

(5) If the Minister considers that any objection, though not a general objection, is of such a character that it is desirable to refer it to the court he may so refer it, and in that case the foregoing provisions shall apply as in the case of a general objection.

(6) If any objection, though not a general objection, is made on behalf of the owners of mines of any particular class or mines in any separate area, and it is alleged in the objection that having regard to the special natural conditions or special methods of working in mines of that class, or mines in that area, the proposed regulation ought not to apply to those mines, the Minister shall, unless he is of opinion that the objection is frivolous, refer it to the court, and in that case the foregoing provisions shall apply as in the case of a general objection.

(7)

(7) For the purposes of this section a general objection means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the draft regulation or, if such draft contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed.

The number of men employed shall be calculated in accordance with the returns for the last preceding year sent by owners of mines to the inspectors in pursuance of the provisions of this Act.

- (b) by inserting in subsection three of section one after the words and symbols "DIVISION 1.—*General rules—ss. 54–56A*" the words and symbols "DIVISION 1A.—*Regulations—ss. 56B, 56c*"; Sec. 1 (3). (Division into parts.)
- (c) by inserting in section three after the definition of "Small mine" the following definition: "This Act" includes the regulations made thereunder. Sec. 3. (Interpretation.)
- (d) (i) by inserting in section fifty-six after the word "Act" where firstly occurring the words "or any regulation made under this Act"; Sec. 56. (Penalties.)
- (ii) by inserting in the same section after the words "general rules" where secondly occurring the words "or the said regulations";
- (iii) by omitting from the same section the words "said rules as regulations" and by inserting in lieu thereof the words "observance of the said rules and regulations";
- (e) by inserting in section sixty-four after the word "Act" where firstly and secondly occurring the words "and of the regulations made thereunder." Sec. 64. (Publication of abstract.)

No. 52, 1931.

Further amendment of Act No. 37, 1912.

Substituted sections.

Special rules. cf. 1 & 2 Geo. V, c. 50, s. 87.

16. (1) The Principal Act is further amended by omitting sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, and sixty-two, and by inserting in lieu thereof the following sections :—

57. (1) Where the district inspector or the owner, agent, or manager of, or a majority of the workmen employed in any mine is of opinion that any regulation or general rule for the time being in force with respect to the mine ought in its application to that mine to be supplemented or modified, the inspector, or the owner, agent, or manager, or such majority of workmen, may transmit for the approval of the Minister special rules for the mine.

(2) Where any special rules have been transmitted under this section to the Minister for approval he shall consider the special rules and either approve or disapprove the same.

Where the Minister disapproves the special rules no further action shall be taken in the matter.

Before the Minister approves the special rules there shall be published, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the special rules and of the place where copies of the draft special rules may be obtained, and of the time (which shall not be less than thirty days) in which any objection with respect to the draft special rules made by or on behalf of persons affected must be sent to the Minister.

(3) Every objection must be in writing and state—

- (a) the specific grounds of objection ;
- (b) the omissions, additions, or modifications asked for.

(4) The Minister shall consider any objection made by or on behalf of persons appearing to him to be affected which is sent to him within the required time, and he may, before approving the special rules, require such amendments to be made therein as he may think fit.

(5)

(5) If any person who has sent any objection to any special rules transmitted for approval feel aggrieved by the refusal of the Minister to give effect to their objection, the objection shall be referred to the court for determination.

(6) If on any such reference the court considers that the special rules should be varied to meet the objection, it shall recommend any variation which it considers necessary or expedient, and the Minister before approving the special rules shall require that variation to be made.

(7) When special rules have been approved by the Minister they shall, as respects that mine, have effect until revoked as if they formed part of the general rules and the regulations applicable to the mine.

(8) Where any special regulations are in force with respect to any mine they may be revoked, altered, or added to at the instance of the inspector of the district or of the owner, agent, or manager of, or a majority of the workmen employed in the mine in like manner and subject to the same provisions as the original special rules.

58. (1) The general rules and the regulations applicable to a mine as supplemented or modified by the special rules, if any, for the time being in force with respect to the mine shall be the rules of the mine. Rules of a mine. cf. 1 & 2 (Geo. V, c. 50, s. 89).

(2) An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of the rules of the mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) that those rules are the rules of the mine and of the fact that they are duly made under this Act.

59. If any person who is bound to observe the rules of any mine acts in contravention of or fails to comply with any of them he shall be guilty of an offence against this Act, and also the owner, agent, and manager of such mine shall each be guilty of an Penalty for breach of rules of a mine. cf. *Ibid.* s. 90.

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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 rules, to prevent such contravention or non-compliance.

(2) All special rules established under the sections of the Principal Act repealed by subsection one of this section and in force at the commencement of this Act shall, to the extent to which the said special rules are not inconsistent with the provisions of the Principal Act, as amended by this Act, or with any regulations made under the Principal Act as so amended, remain in force until amended or revoked by regulations made under section 56B of the Principal Act, as so amended, or by special rules made under section fifty-seven of the Principal Act as inserted by subsection one of this section.

Consequential amendment of Act No. 19, 1926, s. 11.

(3) The Coal Mines Regulation (Amendment) Act, 1926, is amended by omitting paragraphs (a), (b), and (c) of section eleven.

Further amendment of Act No. 37, 1912, Fourth Schedule.

17. The Principal Act is further amended by inserting next after Part B of the Fourth Schedule the following new Parts :—

PART C.

PARTICULARS of Explosives, Coal-cutting Machines, Conveyors, and Safety-lamps used during the year ending 31st December, 19 .

I.—Explosives.

Name of explosive.	Quantity used (lbs.)	Estimated number of shots fired.		
		By electricity.	By fuse.	Total.
The number of miss-fire shots :—				
	1. With electricity ...	...	...	...
	2. With fuse ...	...	...	...
	3. Otherwise ...	...	...	...

II.

Coal Mines Regulation (Amendment) Act.

II.—Coal-cutting Machines and Conveyors.

Description.	Number driven by—		Number of statute tons cut by—				Number of conveyors at coal face.
	Electricity.	Compressed air.	Electricity.		Compressed air.		
			Coal.	Other minerals.	Coal.	Other minerals.	
			Tons.	Description.	Tons.	Description.	

III.—Safety-lamps.

*Name and description of lamp.	Total number in use.	No. of lamps according to method of locking.				No. of lamps according to kind of illuminant.				
		Lead rivet.	Magnetic.	Screw.	Other.	Colza or colza and petroleum	Petroleum.	Volatile spirit.	Electricity.	Other illuminant.

* No. of gauzes, and whether shielded or not.

State the method of lighting the lamps, e.g., by electricity or otherwise

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PART D.

Type and aggregate horse-power of electrical apparatus.

1.—System of supply (whether continuous current or alternating current)				
Voltage of supply	...	...	...	...
Periodicity (if alternating current)	...	...	...	...
Source of supply	...	...	...	...
<hr/>				
2.—Voltage at which current is used for—				
Lighting	...	...	...	...
Power	...	...	...	...
<hr/>				
3.—Aggregate H.P. of motors installed on surface for—				
Winding	...	...	...	...
Ventilation	...	...	...	...
Haulage	...	...	...	...
Coal washing or screening	...	...	...	...
Miscellaneous	...	...	...	...
Total H.P.	...	...	...	...
<hr/>				
4.—Aggregate H.P. of motors installed below ground for—				
Haulage	...	...	...	...
Pumping	...	...	...	...
Portable machinery	...	...	...	...
Miscellaneous	...	...	...	...
Total H.P.	...	...	...	...
<hr/>				
5.—Total H.P. (addition of 3 and 4)				

(Signed).....

Owner, Agent, or Manager

Date.....

18. The Fifth Schedule to the Principal Act is amended—

No. 52, 1931.

Further amendment of Act No. 37 1913.

Fifth Schedule.

Reg. 7 (g).

(a) by inserting next after the word "material" in paragraph (g) of regulation seven the words "provided by the owner and"

(b) (i) by omitting from subparagraph (i) of paragraph (j) of regulation seven the words "or other treatment equivalent to watering";

Reg. 7 (i).

(ii) by inserting next after subparagraph (i) of the same paragraph the following new subparagraph:—

(iA) in any case in which efficient treatment with stone dust has been carried out, unless the place of firing and all contiguous accessible places, whether roof, floor, or sides are at the time of firing in a wet state from thorough watering in all parts where dust is lodged, within the following area, namely:—

Within a radius of five yards from the shot hole, and thence within such further distance (if any) as may be necessary to make the watering continuous from the shot hole to the point at which efficient treatment with stone dust has been carried out.

(c) by omitting regulations nine and ten and by inserting in lieu thereof the following regulation:

9. Where there are two or more shot-holes in the one place only one of such shot-holes shall be charged or stemmed at the one time and no other shot-hole shall be charged until the shot is fired.

(d) by omitting regulation twenty-five and by inserting in lieu thereof the following regulation:—

Reg. 25.

25. No shot shall be fired unless immediately before the shot is to be fired the shotfirer has examined the floor, roof, and sides of the place where the shot is to be fired and of all contiguous accessible

accessible places within a radius of twenty yards from the place where the shot is to be fired for coal-dust and has taken efficient steps to render any coal-dust within that area harmless and to otherwise comply with the requirements of paragraph (j) of regulation seven of these regulations.
