

Hon. Mr. Fraser.

COAL-MINES AMENDMENT (No. 2).

ANALYSIS.

<p>Title.</p> <p>1. Short Title and commencement.</p> <p style="text-align: center;"><i>Coal-mining Leases.</i></p> <p>2. Applications for leases under principal Act to be determined within six months.</p> <p style="text-align: center;"><i>Examinations.</i></p> <p>3. Medical examination of engine-drivers.</p> <p style="text-align: center;"><i>Inspecting Engineer.</i></p> <p>4. Inspecting Engineer and Chief Inspector of Mines.</p> <p style="text-align: center;"><i>Miner in Charge.</i></p> <p>5. Age and experience of miners put in charge of places.</p> <p style="text-align: center;"><i>Official Inquiries.</i></p> <p>6. Official inquiries in case of accidents.</p> <p style="text-align: center;"><i>Further General Rules to be observed in Mines.</i></p> <p>7. Further general rules. Ventilation. Classification of mines. Mechanical ventilation appliances. Missfires. Power to prohibit electricity. Spring catches. Change-houses to be provided. Latrine accommodation. Oiling machinery. Person near machinery not to wear loose clothing. Withdrawal of workmen in case of danger. Use of safety-lamps in certain places. Construction of safety-lamps. Examination of safety-lamps. Workmen may require mine to be inspected.</p> <p style="text-align: center;"><i>Special Rules in Schedule to the Principal Act.</i></p> <p>8. Special rules repealed and amended, and new rules added.</p>	<p style="text-align: center;"><i>Additional Rules of Mines.</i></p> <p>9. Additional rules committee. Meetings. Power to make additional rules. Notification of proposed rules. Objections to rules. Authentication of rules. Evidence of rules.</p> <p>10. Repeal.</p> <p>11. Saving of existing additional rules.</p> <p>12. Principal Act to apply to additional rules.</p> <p style="text-align: center;"><i>Pillar-workings.</i></p> <p>13. Height of lifts in pillar-workings.</p> <p style="text-align: center;"><i>Case of Immediate Danger to Life.</i></p> <p>14. Power for Inspector to summarily stop mining operations in case of immediate danger.</p> <p style="text-align: center;"><i>Sick and Accident and Coal-miners' Relief Funds.</i></p> <p>15. Section 80 of principal Act amended.</p> <p style="text-align: center;"><i>Duties of Inspection and Prosecution.</i></p> <p>16. Inspector to see Act carried out.</p> <p>17. Duty of Inspector to institute proceedings.</p> <p style="text-align: center;"><i>Regulations.</i></p> <p>18. Regulations.</p> <p style="text-align: center;"><i>State Coal-mines.</i></p> <p>19. Section 112 of principal Act amended.</p> <p>20. Power to raise money for resumption, &c.</p> <p>21. Application of this Act to State Coal-mines.</p> <p style="text-align: center;"><i>Application of Principal Act.</i></p> <p>22. Principal Act to apply to this Act. Schedule.</p>
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A BILL INTITULED

AN ACT to amend the Coal-mines Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Coal-mines Amendment Act, 1912, and shall form part of and be read together with the Coal-mines Act, 1908, hereinafter referred to as the principal Act, and shall come into operation on the first day of January, nineteen hundred and thirteen.

Short Title and commencement.

Coal-mining Leases.

Applications for leases under principal Act to be determined within six months.

2. Section eight of the principal Act is hereby amended by adding to paragraph (i) thereof the following proviso:—

“Provided that the application shall be finally disposed of within six months from the date of the filing thereof, or within such extended time as, in special circumstances and with the consent in writing of the Minister, the Warden or Commissioner appoints.”

Examinations.

Medical examination of engine-drivers.

3. (1.) Notwithstanding the provisions of section three of the Coal-mines Amendment Act, 1909, an engine-driver shall not be employed or continue to be employed at a mine *and be in charge of any winding-engine or winding-machinery by means whereof respectively persons are brought up or passed down or along any shaft, pit, or inclined plane or level* unless he shall produce or shall have produced to the mine-manager a written certificate by a registered medical practitioner showing that he has within a year last past been medically examined by such medical practitioner for heart-weakness, liability to fits, and defective hearing and vision, and that he was found on such examination to be *sufficiently free from all such defects to be in charge of any such winding-engine or winding-machinery as aforesaid.*

New.

(2.) Notwithstanding anything hereinbefore contained in this section, if the medical practitioner making such examination includes in his certificate a statement that in his opinion the person examined will not require re-examination for the above purpose for a period to be mentioned in the certificate but not exceeding *three years* from the date of the examination, then such certificate shall be a sufficient certificate under this section for that period.

(23.) Every engine-driver employed at a mine shall at any time, on request by the Inspector, produce his said certificate to him.

(24.) The owner shall pay the cost of every such examination made while the engine-driver is employed at the mine of such owner.

Inspecting Engineer.

Inspecting Engineer and Chief Inspector of Mines.

4. (1.) The Governor may appoint such competent person, as he thinks fit, to be the Inspecting Engineer for Mines, and such person shall perform such duties and have such powers as the Minister shall from time to time direct by writing under his hand.

(2.) The person exercising the powers of Inspecting Engineer for Mines at the coming into operation of this Act shall be deemed appointed Inspecting Engineer for Mines under this section.

(3.) The Inspecting Engineer for Mines shall, by virtue of his office, be also the Chief Inspector of Mines, and shall have, in all parts of the Dominion, all the powers given by the principal Act and this Act to an Inspector of Mines.

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Miner in Charge.

5. A miner shall not be put in charge of any place in a mine unless he shall be of the age of twenty-one years or upwards and has had at least two years' experience in underground coal- ~~or gold-~~ mining, of which at least six months shall have been at the face with an experienced coal-miner.

Age and experience
of miners put in
charge of places.

Official Inquiries.

6. (1.) Where, in the opinion of the Inspector, an accident in a mine resulting in the death or injury of any person was caused, directly or indirectly, by the non-observance by the holder of any certificate under the principal Act of any of the provisions of the principal Act or of this Act or of any regulation thereunder respectively, or of any special rule or of any additional rule of the mine, or by reason of his negligence, the Inspector shall apply to the Warden to hold an inquiry into the matter.

Official inquiries in
case of accidents.

(2.) The Warden shall fix a time and place for the holding of such inquiry, and shall cause not less than seven days' notice thereof to be given to the person whose non-observance or negligence is to be inquired into.

(3.) Such notice shall require the person aforesaid to appear at the time and place so fixed, and then and there to produce his certificate to the Court.

(4.) The inquiry shall be held before a Court consisting of the Warden sitting with two Assessors (appointed by the Warden), one of whom shall be the holder of a first-class certificate as mine-manager, and the other ~~a working miner~~ *an experienced miner working in some mine other than that in which the accident occurred.* The Warden and at least one Assessor shall concur in the decision of the Court. In default of such concurrence, the Warden shall appoint two new Assessors as hereinbefore described (neither of whom shall have sat in the first instance), and a fresh inquiry shall be held, and subsections *two* and *three* shall apply thereto. Such fresh inquiry shall be held before the Court thus reconstituted, and at least two members thereof shall concur in the decision.

(5.) The Court shall have all the powers of a Warden's Court constituted under the Mining Act, 1908.

(6.) If the Court finds that the accident was caused, directly or indirectly, by the non-observance by the holder of any certificate under the principal Act of any of the provisions of the principal Act or of this Act or of any regulation thereunder respectively, or of any special rule or of any additional rule of the mine, or by reason of his negligence, it may disqualify him by cancelling his certificate or by suspending it for such period as the Court thinks fit; and during the period of such disqualification the person so disqualified shall, for all the purposes of the principal Act and of this Act, be deemed not to be the holder of a certificate.

(7.) There shall be the like right of appeal against any order of the Court under this section as if it were an order of the Warden made under Part IX of the Mining Act, 1908.

(8.) Notice of every such disqualification shall be forwarded by the Warden to the Minister, and shall be published in the *Gazette*.

(9.) In this section the word "Warden" means the Warden for the mining district within which the mine is situated, and if the mine is not within a mining district then the Magistrate usually exercising jurisdiction under the Magistrates' Courts Act, 1908, at the Court-house nearest to the mine, or if there are more such Magistrates than one then any of them. 5

(10.) Section thirty of the principal Act is hereby repealed.

Further General Rules to be observed in Mines. 10

Further general rules.

7. Section forty of the principal Act is hereby amended as follows :—

Struck out.

Repeal.

(a.) By striking out the words "so far as may be reasonably practicable" in lines one and two of such section : 15

Ventilation.

(a.) By repealing subsection one of such section, and substituting the following subsections therefor :—

"(1.) An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless inflammable and noxious gases to such an extent that all shafts, roads, levels, stables, and workings of the mine shall be in a fit state for working and passing therein, and, in particular, that the intake airways, up to within one hundred yards of the first working-place which the air enters, shall be kept normally free from inflammable gas : 20 25

"Provided always that an abandoned road or level not used in connection with the working of the mine shall, if properly fenced off, not be deemed to be a road or level within the meaning of this section. 30

"In every mine the quantity of air in the main current and in every split, and at such other points as may be determined by regulations, shall at least once in every month be measured and entered in a book to be kept for the purpose at the mine, and the ordinary number of persons and horses in each split at one time shall be entered in such book. 35

"For the purpose of this subsection a place shall not be deemed to be in a fit state for working or passing therein if the air contains either less than nineteen per centum of oxygen or more than one per centum of carbon-dioxide : 40

"Provided that the Minister may, by warrant under his hand, exempt any mine from this provision on the ground that such mine is liable to spontaneous combustion of the coal, but subject to any conditions specified in such warrant ; and, where any such conditions are so specified, the mine shall be deemed to be exempted as aforesaid only while such conditions are duly complied with : 45

“ Provided further that the Minister may at any time revoke any such warrant.

(b.) By inserting the following new subsections :—

“ (1A.) Regulations may be made providing for the classification of mines according to the amount of inflammable and noxious gases in the main return airway, and the amount of air passing into the mine shall be such amount, proportionate to the number of men and animals employed underground in the mine, as may be prescribed with regard to mines of the class to which the mine belongs, but in no case shall less than one hundred and fifty cubic feet of air per minute be provided for every person, and six hundred cubic feet of air per minute for every horse or other animal while employed underground.

Classification of mines.

“ All such air-measurements shall be taken at the entrance to each ventilating district, and shall there be not less in volume than the said minimum allowance for every man and horse or other animal per minute. The total number of men employed ordinarily in any ventilating district shall not exceed fifty at one time.

“ The obligation imposed by this subsection shall be in addition to, and not in substitution for, the obligation to provide an adequate amount of ventilation imposed by the foregoing subsection.

“ In this subsection the expression ‘ ventilating district ’ means any part of a seam having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway.”

“ (1B.) The Inspector may require that all mechanical ventilation appliances at any mine be run constantly, or for such time as he thinks necessary; and in all cases such ventilation appliances shall be started and continuously run to their usual running-capacity for two hours before men start work in the mine.”

Mechanical ventilation appliances.

(c.) By substituting the words “ one and a half hours ~~has~~ ” for the words “ three hours ~~have~~ ” in paragraph (j) of subsection two of the said section; and by inserting in such subsection the following new paragraphs :—

Missfires.

“ (jj.) In the case of electric firing no workman shall be permitted to return to a missfire within half an hour therefrom.

“ (jjj.) The Inspector may prohibit the use of electricity in any mine or part of a mine where in his opinion its use would be dangerous from risk of explosion of coal dust or gas, and electricity shall not be used in any place in a mine if and while the percentage of inflammable gas in the general body of the air in that place exceeds one and a quarter; but the Inspector may, nevertheless, permit the use of electricity in connection with any telephones, or signalling wires or instruments, or electric hand-lamps.

Power to prohibit electricity.

- (d.) By repealing subsection twenty-four of such section, and substituting the following subsection therefor:—
- Spring catches. “(24.) Spring catches, or automatic or self-acting doors, or tumblers of a suitable kind, shall be affixed to the pit-head frame below the pulleys of every shaft in which a cage is used to prevent the fall of such cage down the shaft when detached from the rope or chain by overwinding or otherwise.” 5
- (e.) By repealing subsection twenty-eight of the said section, and substituting the following subsection therefor:—
- Change-houses to be provided. “(28.) In all mines where workmen are employed sufficient accommodation shall be provided and maintained near the principal entrance of the mine, and not in the engine-shed or boiler-house, for enabling the persons employed in the mine to conveniently change and dry their clothes, and in no case shall men be allowed to change their clothes upon a boiler. Such accommodation shall be provided to the satisfaction of the Inspector.” 10 15
- (f.) By inserting the following new subsections:—
- Latrine accommodation. “(28A.) In each mine latrine accommodation shall be provided and maintained, both underground and on the surface, the accommodation on the surface to be at or near the entrance of the mine, but not in the line of the intake air.” 20
- Oiling machinery. “(31A.) In every case where machinery can be oiled, repaired, or adjusted when stationary, no such machinery shall be oiled, repaired, or adjusted when in motion; and in cases where such machinery cannot be oiled or adjusted except when in motion, such oiling or adjusting shall be done only by a competent and experienced person.” 25 30
- Person near machinery not to wear loose clothing. “(31B.) No person engaged on or in close proximity to machinery shall wear loose or flowing outer clothing.”
- (g.) By repealing subsection forty-five of the said section, and substituting the following subsection therefor:— 35
- Withdrawal of workmen in case of danger. “(45.) (a.) If at any time the person for the time being in charge of the mine or any part thereof has reason to believe that, by reason of the prevalence of inflammable or noxious gases, or of any cause whatever, the mine or any place in the mine is dangerous, he shall withdraw every workman from the mine or place found dangerous, and a fireman or deputy, or other competent person authorized by the manager or under-manager for the purpose, shall inspect the mine or place found dangerous, and, if the danger arises from inflammable gas, shall inspect the mine or place with a locked safety-lamp, and in every case shall make a full and accurate report of the condition of the mine or place; 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 ex- 40 45 50

ploration, be readmitted into the mine or place found dangerous until the same is reported by the person who made the inspection not to be dangerous.

“(b.) For the purposes of this section a place shall be deemed to be dangerous if the percentage of inflammable gas in the general body of the air in that place is found to be two and a half or upwards, or, if situate in a part of the mine worked with naked lights, one and one-quarter or upwards.

“(c.) Every such report shall be recorded in a separate book, which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

“(d.) If a workman discovers the presence of inflammable gas in his working-place he shall immediately withdraw therefrom and inform the fireman or deputy.”

(h.) By repealing subsection forty-six of the said section, and substituting the following subsections therefor:—

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

Use of safety-lamps in certain places.

“(i.) In any seam where the air-current in the return airway from any ventilating district in the seam is found normally to contain more than one-half per cent. of inflammable gas :

“(ii.) In any seam (except in the main intake airways within two hundred yards from the shaft) in which an explosion of inflammable gas causing any personal injury whatever has occurred within the previous twelve months, unless an exemption be given by the Minister on the ground that on account of the special character of the mine the use of safety-lamps is not required :

“(iii.) 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 :

“(iv.) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas :

“(v.) In any place where the use of safety-lamps is required by the special rules or by regulations.

“(b.) Where, in pursuance of this Act, or of the special rules, or of regulations, the use of safety-lamps has been introduced in any part of a ventilating district, it shall not be lawful to use naked lights in any other part of the same ventilating district situated between the place where such lamps are used and the return airway, 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.

“(c.) Where, in pursuance of this Act, or of the special rules, or of regulations, the use of safety-lamps has been introduced otherwise than as a temporary precaution against apprehended danger in any part of a mine, no lamp or light other than a safety-lamp shall subsequently be allowed or used in that part without the sanction of the Inspector, which sanction shall not be withheld unreasonably, and any question as to whether such sanction has been unreasonably withheld shall be determined by arbitration under sections seventy-four and seventy-five of this Act. 5 10

“(d.) The average percentage of inflammable gas found in six samples of air taken by an Inspector in the air-current in the return airway in the ventilating district at intervals of not less than a fortnight shall, for the purposes of this subsection, be deemed to be the percentage normally contained in the air. 15

“(e.) In this subsection the expression “ventilating district” has the meaning given thereto in section seven, paragraph (b), subsection 1A. 20

Construction of safety-lamps.

“(46A.) Wherever safety-lamps are required by this Act, or the special rules, or by regulations to be used, no safety-lamp shall be used by any person employed in the mine unless it is provided by the owner, and is of a type for the time being approved of by the Minister. 25

“(46B.) In any mine or part of a mine in which safety-lamps are required by this Act, or the special rules, or by regulations to be used—

Examination safety-lamps.

“(i.) A safety-lamp shall not be used unless it has since last in use been thoroughly examined at the surface by a competent person appointed by the manager for the purpose, and found by him in safe working-order and securely locked; and a record shall be kept of the men to whom the several lamps are given out: 30 35

“(ii.) Such competent person as aforesaid shall also examine every lamp on its being returned, and if on such examination any lamp is found to be damaged he shall record the nature of the damage in a book to be kept at the mine for the purpose, and the person to whom the lamp was given out shall be deemed to have wilfully damaged the lamp unless he proves that the damage was due to no fault of his own, and that he immediately gave notice of the damage to the fireman, examiner, or deputy: 40 45

“(iii.) A safety-lamp shall not be unlocked except at an appointed lamp-station (which shall not be in a return airway) by a competent person appointed by the manager for the purpose, nor, save in the case of electric hand-lamps, 50

shall it be relighted except by such a person at an appointed lamp-station after examination by him, and no person other than such person as aforesaid shall have in his possession any contrivance for relighting or opening the lock of any safety-lamp :

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“(iv.) No part of a safety-lamp shall be removed by any person whilst the lamp is in ordinary use.”

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(i.) By repealing subsection forty-eight of the said section and section six of the Coal-mines Amendment Act, 1909, and substituting the following subsection therefor :—

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“(48.) (a.) Where workmen are employed in a mine or any of the workmen so employed are members of a society formed in connection with the coal-mining industry, such workmen or society may at their own cost appoint any two persons (whether employed in the mine to be inspected or not) to inspect the mine.

Workmen may require mine to be inspected.

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“(b.) The persons so appointed (hereinafter referred to as workmen’s inspectors) shall have full liberty to make an inspection of every part of the mine, and its machinery and workings, once at least in every fortnight.

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“(c.) In addition to the right of inspection provided in the *last preceding* subsection, such persons shall have full liberty to make an inspection as aforesaid at all reasonable times, on receiving written notice from two or more workmen employed in the mine or any part thereof signed by them setting forth that the same is in their belief in a condition dangerous to life, and stating the grounds of such belief :

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“Provided that before such persons shall exercise the additional right of inspection hereby given they shall first notify the mine-manager in writing under their hands of their intended inspection and of the time thereof, and of the reason for making the same.

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“(d.) The owner and mine-manager may accompany the persons so appointed on any such inspection, and shall give them full and free facilities for the inspection.

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“(e.) The persons so appointed shall make a full and accurate report in writing under their hands of the result of their inspection, and shall within twenty-four hours of the making of such inspection furnish a copy of such report to the mine-manager, who shall cause the same to be recorded in a book kept at the office of the mine ; and if the report is that the mine or any part thereof is dangerous to life or that a dangerous practice exists in the mine, the mine-manager shall forthwith forward a copy of the report to the Inspector.

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“(f.) On any such inspection the workmen’s inspectors may, if they report as aforesaid that the mine or any part thereof is dangerous to life or that a dangerous practice exists, by notice in writing under their hands,

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request the mine-manager to cease work in the mine or dangerous part, or to withdraw the men therefrom and remedy any dangerous condition, or (*as the case may be*) to discontinue any dangerous practice referred to in the report.

“(g.) If the mine-manager fails to comply with such notice within a reasonable time, the workmen’s inspectors may forward to the Inspector a copy of their report, and request him to withdraw the men from the mine or dangerous part, or to have the dangerous practice discontinued.

“(h.) If the Inspector shall be of opinion that the mine-manager was at fault in the matter, he shall prosecute him under the *next* subsection.

“(i.) If on the information of the Inspector it is proved that the mine or part thereof was dangerous at the time of the inspection by the workmen’s inspectors, or that a dangerous practice then existed, and that the mine-manager failed, without reasonable excuse, to comply with the request of the workmen’s inspectors, he shall be deemed guilty of an offence.”

Special Rules in Schedule to the Principal Act.

Special rules repealed and amended, and new rules added.

8. (1.) The new special rules numbered 3A, 3B, 21A, 24A, 57A, and 87A set out in the *Schedule* hereto shall be deemed inserted in the Second Schedule to the principal Act.

(2.) Special Rule No. 4 in the Second Schedule to the principal Act is hereby amended by adding at the end thereof the words: “No timber shall be withdrawn except by lever and chain or by blasting.”

(3.) Special rule No. 75 is hereby repealed.

(4.) Special rule No. 89 is hereby amended by inserting the words “and always used” after the word “fixed,” and the words “and on all working jigs” after the words “each incline” in the second line thereof.

Additional Rules of Mines.

Additional rules committee.

9. Section forty-two of the principal Act is hereby repealed, and the following section substituted therefor:—

“42. (1.) In respect of any mine for which additional rules have been made under section forty-two of the principal Act and are in force at the coming into operation of this Act, and in respect also of any mine for which the Minister shall, by writing under his hand gazetted, require that a Committee as hereinafter described shall be set up, there shall be a committee, consisting of the Inspector, the mine-manager, and a representative of the workmen appointed by a majority of the workmen in the mine in the manner in which a workmen’s inspector is appointed.

Meetings.

“(2.) All meetings of the committee shall be convened by the Inspector either on his own motion or at the request in writing of any member of the committee. Notice in writing convening the

meeting shall be given to each member, and such notice shall specify the object for which the meeting is convened and the time and place for holding the meeting.

5 “(3.) All members of the committee must be present at each meeting of the committee, and no business shall be transacted in the absence of any member, but acts may be done and questions decided by a majority of the members. The Inspector shall preside at all meetings of the committee.

10 “(4.) The committee may from time to time make, alter, and revoke such additional rules, not inconsistent with the principal Act or this Act, or the special rules or any regulations, as, having regard to the particular state and circumstances of the mine, appear to be desirable for insuring the health and safety of persons employed in the mine, and, in particular, may make additional rules with regard to the following matters:—

Power to make additional rules.

- “(a.) The timbering of the mine;
- “(b.) The height of first workings;
- “(c.) The splitting of pillars;
- 20 “(d.) The question whether the panel system of working should be followed;
- “(e.) The use of mechanical appliances for lifting timber underground;
- “(f.) The latrine accommodation to be provided in and about a mine; and

25 “(g.) Such other matters as may be permitted by regulations.

“ (5.) The committee shall post typewritten or printed copies of any proposed rule at some conspicuous place at the mine-mouth and in the dressing-rooms, and shall append to every such copy a notice calling upon all persons employed in the mine to lodge in writing 30 with the Inspector on or before a date to be fixed in such notice, not being earlier than fourteen clear days from and after the posting-up of the proposed rule, any objections they may have thereto, and the grounds of such objections. No objection shall be lodged later than the date so fixed. Any member of the committee may also lodge 35 objections within the time aforesaid.

Notification of proposed rules.

“ (6.) If within seven days after the last day for lodging objections or within seven days after actual receipt by the Inspector of any objection (whichever be the later time) the committee does not amend the proposed rule to the satisfaction of the objector, the 40 Inspector shall forward the objection, together with a copy of the proposed rule, to the Minister, who shall have power to cancel or amend the rule objected to, and his decision thereon shall be final.

Objections to rules.

“ (7.) The rules as originally framed or as amended as aforesaid (as the case may be) shall be signed by the committee and published 45 in the *Gazette*, and from and after the date of such publication shall be the additional rules of the mine, and shall have the force of law.

Authentication of rules.

“ (8.) The production of a copy of the *Gazette* containing any additional rules purporting to be made under this Act shall, until the contrary be shown, be evidence that such rules have been duly and 50 regularly made under this Act.”

Evidence of rules.

10. Section forty-five of the principal Act and all words after the words “this Act,” in line three of section forty-six of such Act are hereby repealed.

Repeal.

Saving of existing additional rules.

11. All additional rules that at the coming into operation of this Act are in force in any mine under or by virtue of the principal Act, and are not inconsistent with the principal Act, or this Act, or with the special rules, shall be deemed to be additional rules of such mine made under this Act, and shall continue in force until revoked or altered by additional rules hereafter made.

Principal Act to apply to additional rules.

12. The additional rules of any mine made or deemed to be made under this Act shall be deemed to be the additional rules of that mine for all the purposes of the principal Act, including the penal provisions thereof.

Struck out.

Water for laying Dust.

Water for laying dust.

13. (1.) In all ways in every dry and dusty mine where the dust cannot be conveniently removed water shall be used for the purpose of laying the dust, and the owner shall provide and maintain a sufficient supply of water in the mine for that purpose.

(2.) This section shall not apply to return airways not used as travelling-ways.

Pillar-workings.

Height of lifts in pillar-workings.

13. (1.) All lifts in pillar-workings in a mine shall be restricted to ten feet in height, and the Inspector shall determine the height to which the remaining coal may be taken out. If the owner is dissatisfied with the height at any time so fixed by the Inspector, he may appeal to the Warden for the district (or, in districts for which there is no Warden, to the Magistrate usually exercising jurisdiction under the Magistrates' Courts Act, 1908, at the Courthouse nearest to the mine, or if there are more such Magistrates than one, then to any of them) and the Inspecting Engineer of Mines, and their decision shall be final; but if they disagree they shall refer the matter to the Minister, in which case his decision shall be final.

(2.) The procedure under this section may be prescribed by regulations.

Case of Immediate Danger to Life.

Power for Inspector to summarily stop mining operations in case of immediate danger.

14. Section fifty-eight of the principal Act is hereby repealed, and the following section substituted therefor:—

“58. (1.) Where in the opinion of the Inspector a mine, or any part thereof, or any practice therein is immediately dangerous to life he may, by notice in writing addressed in general terms to the person for the time being in charge of the mine and delivered at the mine, require such person to withdraw the workmen from such mine or part thereof (except such workmen as are required to effect the necessary work to put the same in safe condition), or to discontinue the said practice; and mining operations shall not, save in pursuance of an award made on arbitration under this section, be resumed in the mine or the said part thereof, as the case may be, until the Inspector shall have certified in writing under his hand that the mine, or such part thereof as aforesaid, has been made safe to his satisfaction, or that such practice has been discontinued.

"(2.) The said person in charge shall immediately upon the said notice coming to his knowledge take active steps to comply with the same, in default whereof he shall be liable to a fine not exceeding one hundred pounds.

5 "(3.) Any owner, agent, mine-manager, or person in charge of a mine who directs or wilfully allows mining operations or any practice to be resumed or continued in breach of this section shall be liable to a fine not exceeding one hundred pounds for every day or part of a day on or during which such operations or practice shall be
10 resumed or continued.

"(4.) The Inspector shall forthwith, after he shall have given such notice as aforesaid, send a copy thereof to the Minister and report to him in writing his reasons for giving the notice.

15 "(5.) Paragraph (a) of subsection one and subsection three of section fifty-seven of the principal Act are hereby incorporated in this section.

20 "(6.) Until an award shall be made on arbitration as provided in the said incorporated paragraph (a) the said notice shall have full effect, and mining operations shall be suspended in the mine or such part thereof as aforesaid, unless the Inspector shall have previously given a certificate under subsection one of this section, and subsections two and three of this section shall have effect accordingly.

25 "(7.) Without prejudice to the liability of the aforesaid penalties, jurisdiction is hereby given to the Warden to restrain any breach or threatened breach of this section by injunction at the instance of the Inspector, and to make such order in the matter as to costs and otherwise as the Warden thinks fit."

Sick and Accident and Coal-miners' Relief Funds.

30 16. 15. Section eighty of the principal Act is hereby amended by omitting from subsection four thereof the words "the aforesaid Minister and Public Trustee jointly for the purposes of the said relief," and substituting the words "the Public Trustee in accordance with regulations to be from time to time made by the Governor in that behalf."

Section 80 of principal Act amended.

Duties of Inspection and Prosecution.

35 17. 16. It shall be the duty of the Inspector to see that the provisions as to the management and working of mines contained in the principal Act and this Act, and all regulations thereunder respectively, and the provisions of all general rules, special rules, and
40 additional rules are duly complied with.

Inspector to see Act carried out.

45 18. 17. It shall be the duty of the Inspector to prosecute every person who he has reason to believe has committed within the locality in which such Inspector exercises his functions any serious breach of any provision of the principal Act, or of this Act, or of any regulation made thereunder respectively, or of any special rule, or of any additional rule of a mine, unless he shall be satisfied that the appropriate proceedings in respect of the same breach have been instituted, and are being duly carried on by some other person empowered in that behalf :

Duty of Inspector to institute proceedings.

50 Provided always that no person shall be punished twice for one and the same offence.

Regulations.

Regulations.

19. 18. In addition to other regulations authorized to be made under the principal Act and this Act, the Governor may, by Order in Council gazetted, make regulations—

- (a.) Providing for the safety of life and property in connection with mining operations, and the prevention of accidents, and for the conduct of mining operations, and the health of persons employed in or at mines; 5

Struck out.

(b.) Requiring Inspectors of Mines to pass a higher examination than is required for a mine-manager; 10

(eb.) Compelling and regulating the use of mechanical ventilating-appliances in mines;

(dc.) Prescribing the explosives that may be used and regulating their use; 15

(d.) Requiring the use of water for the laying of dust in mines;

(e.) Regulating the construction and design of change-houses;

(f.) Providing for the supply and maintenance of ambulance appliances at mines, and for practice with the same; and for the giving of first-aid lectures in mining centres; 20

(g.) Defining the powers of additional rules committees of mines, and regulating the proceedings of such committees; and

(h.) Generally prescribing whatever he deems necessary for the purpose of giving full effect to this Act, including fines for breach of any regulation made under any provision of this Act, such fines not to exceed for a first offence *five* pounds, and for a second or subsequent offence *ten* pounds. 25

State Coal-mines.

Section 112 of the principal Act amended.

20. 19. Section one hundred and twelve of the principal Act is hereby amended by adding the following words at the end of subsection (b) thereof: " may purchase and sell lignite, coke, and fire-wood; and " 30

Power to raise money for resumption, &c.

21. 20. Section one hundred and fourteen of the principal Act is hereby amended by substituting in the last line thereof the words "two hundred and fifty thousand pounds" for the words "one hundred and fifty thousand pounds." 35

Application of this Act to State Coal-mines.

22. 21. The provisions of this Act shall so far as applicable extend and apply to the management and working of every coal-mine worked under Part II of the principal Act. 40

Application of Principal Act.

Principal Act to apply to this Act.

23. 22. (1.) Where by this Act any words are substituted for words in the principal Act, or any portion of the principal Act is amended by the striking-out, insertion, or addition of words, the principal Act (including the penal provisions thereof) shall as from the coming into operation of this Act be read and construed as if such substituted words had been originally contained therein in the place where the superseded words stand, or as if such portion of the principal Act had been originally enacted as so amended. 45

(2.) The penal provisions of the principal Act shall extend and apply generally to breaches of or failure to comply with the provisions of this Act as if such last-mentioned provisions had been enacted by the principal Act.

SCHEDULE.

Schedule.

SPECIAL RULES APPLICABLE TO ALL COAL-MINES.

3A. No fire or furnace shall hereafter be placed underground in any mine.

3B. Where a fire is used for ventilation in any mine the return air shall be carried off clear of the fire by means of a dumb drift or airway, unless the mine is one in which inflammable gas is unknown.

21A. All deputies shall during their rounds examine the roof and sides, irrespectively of the examination by workmen and workmen's inspectors.

24A. The fuse known as instantaneous fuse shall not be used at or in any mine.

57A. (1.) Only wire ropes shall be used for haulage purposes on jigs, except on the face-section, where chains may be used. Anchor chains shall be used on all face-jigs.

(2.) All haulage-inclines, self-acting inclines, and all jigs, except face-jigs, shall be fitted with bells or other adequate signalling-appliances.

(3.) A back-stay or trailer shall be attached to each ascending tub, or set of tubs on every inclined haulage-road where mechanical haulage, other than endless rope or chain, is used.

87A. In all mines where cages are used by the men for travelling in or out of the mine the engine-driver shall always be within hearing of the signals when men are underground.