

Coal Fields Regulation.

No. XVII.

An Act for the better regulation of Coal Fields and Collieries. [20th December, 1862.]

COAL FIELDS
REGULATION.

WHEREAS it is expedient to make better provision for the Regulation and Inspection of the Coal Fields and Collieries of the Colony Be it therefore enacted by the Queen'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:—

1. The Act eighteenth Victoria number thirty-two for the Registration and Inspection of Coal Mines is hereby repealed Repeal of 18th Vic. No. 32 saving penalties thereunder. Provided that all penalties incurred thereunder may be proceeded for and recovered and applied as if the said Act were still in force.

2. For the purposes of this Act the following terms in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

“Minister”—The Minister for Lands.

“Colliery”—Every Colliery and Coal Mine whether in actual work or discontinued or exhausted or abandoned and every shaft level and inclined plane in course of being made or driven for commencing or opening any such Colliery or Coal Mine and all works belonging thereto respectively.

“Owner”—The immediate proprietor lessee or occupier of any Colliery or any part thereof.

“Agent”—Any person having for the time being on behalf of the owner the care and direction of any Colliery.

“District”—The Coal Districts respectively into which the Colony may be divided under this Act.

“Examiner”—Examiner of Coal Fields for the District and where no such Examiner the Inspector or if more than one the Senior Inspector of the District.

“Inspector”—Inspector of Collieries for the purposes of this Act.

3. The Governor with the advice of the Executive Council may for the purposes of this Act proclaim Coal Districts and may appoint Governor in Council to proclaim Coal Fields and appoint officers. Examiners and Inspectors and also a Keeper of Mining Records for any district or one only for the Colony and such other officers as may be deemed necessary and every such District and appointment shall be notified in the *Gazette*.

4. It shall be the duty of the Examiners of the respective Districts with the aid of the Inspectors and such other officers as aforesaid to ascertain the state and condition of all Collieries and to obtain plans of all workings thereof and reports of all accidents therein and other matters of importance connected therewith and especially of every breach of any of the provisions of this Act in relation thereto and also touching every discovery relating to the existence of coal or other minerals on any Crown Lands and from time to time as they may deem needful or be required by the Minister for Lands to report to him all such matters. Duties of Examiners.

5. On the occasion of any examination or inspection of a Colliery the owner or agent shall produce to the Examiner or Inspector or to any other person duly authorized by the Examiner an accurate plan of the workings thereof and in default of such production or if the Examiner Inspector or such other authorized person finds that any part of any plan

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is withheld or any part of the workings of the Colliery is concealed from his inspection or that any plan produced is imperfect or inaccurate he may require an accurate plan of the actual workings of such Colliery to be made within a reasonable time by and at the expense of the owner on a scale of not less than two chains to the inch or on such other scale as the plan then in use in the Colliery is constructed on And every such plan as aforesaid shall shew the workings of the Colliery up to within six months of the time of the inspection and the owner or agent shall if required by such Examiner Inspector or other authorized person cause to be marked on such plan the progress of the workings of the Colliery up to the time of such inspection and shall also permit the Examiner or Inspector to take a copy or tracing thereof Provided that no Examiner or Inspector shall furnish a copy of any such plan or permit the same to be open to public inspection.

Notice to be given
of the abandonment
and opening of
mines.

6. When any Colliery is abandoned or the working thereof discontinued or when after any abandonment or discontinuance for more than two months the working thereof is recommenced or when any workings are commenced for opening a new Colliery the owner or agent shall give notice thereof to the Examiner of the District by letter delivered or sent through the Post within one month after such abandonment discontinuance recommencement or commencement And in every such case of abandonment or discontinuance the Colliery shall be and be kept securely fenced by the owner or agent.

Persons under
thirteen years old not
to work in Colliery.

7. After the thirty-first day of March next no person under the age of thirteen years shall work under ground in any Colliery And every owner or agent or other person who shall knowingly employ or permit any person under that age to work under ground in any Colliery shall for every such offence be liable to a penalty not exceeding twenty pounds.

None but persons
eighteen years old
to work engine &c.

8. Wherever any entrance to any Colliery or any communication within any part of any Colliery to any other part thereof shall be by means of a vertical shaft or pit or inclined plane no person other than a properly competent person of the full age of eighteen years shall have charge of any steam engine or other engine windlass or gin (whether driven or worked by manual labor or any other power) or of any part of the machinery ropes chains or other tackle by or by means of which engine machinery ropes chains or other tackle persons are brought up or passed down any such vertical shaft or pit or inclined plane And every owner or agent or other person who shall knowingly employ or permit any person other than as aforesaid to have any such charge shall for every such offence be liable to a penalty not exceeding fifty pounds.

General Rules.

9. The following General Rules shall be observed in every Colliery—

- (1.) Within one year and six months after commencing the working of any boards stalls or longwall workings in any Colliery there shall be made and completed at least two separate and distinct openings to the day or surface from such Colliery intercommunicating with each other by means of either of which openings all persons employed in the Colliery may at all times whatsoever pass in or out Provided that if in any Colliery such boards stalls or longwall workings shall have been commenced before the passing of this Act and without a second such opening as aforesaid the same shall be completed at or before the termination of the year one thousand eight hundred and sixty-three And the owner of every Colliery wherein such two openings shall not be completed as aforesaid shall be liable to a penalty not exceeding one hundred pounds for every month during which the same shall remain incomplete.

(2.)

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- (2.) Ventilation shall be constantly produced of adequate amount to dilute and render harmless all noxious gases and to such an extent that all working places of the pits levels and workings of the Colliery and the travelling roads to and from such working places shall be so ventilated except in the case of such Colliery being abandoned as hereinbefore referred to.
- (3.) All entrances to any place not in actual course of working and extension and suspected to contain or be liable to engender dangerous gas of any kind shall be properly walled or fenced off so as to prevent access thereto.
- (4.) Whenever any safety-lamp is required to be used it shall be first examined and securely locked by some person duly authorized for that purpose who shall keep the key thereof.
- (5.) Every shaft or pit which is out of use or used only as an air pit shall be securely fenced.
- (6.) Every working or pumping pit or shaft shall be properly fenced when operations shall have ceased or been suspended.
- (7.) Every working and pumping pit or shaft where the natural strata are not safe shall be securely cased or lined or otherwise made secure.
- (8.) Every working pit or shaft shall be provided with some proper means of communicating distinct and definite signals from the bottom of the shaft to the surface and from the surface of the shaft to the bottom.
- (9.) All underground self-acting and engine planes on which persons travel shall be provided with some proper means of signalling between the stopping places and the ends of the planes and with sufficient places of refuge at the sides of such planes at intervals of not more than twenty yards.
- (10.) A sufficient cover over head shall be used when lowering or raising persons in every working pit or shaft.
- (11.) No single-linked chain shall be used for lowering or raising persons in any working pit or shaft and no material shall be lowered or raised in the same cage with any person.
- (12.) Flanges or horns of sufficient length or diameter shall be attached to the drum of every machine used for lowering or raising persons.
- (13.) A proper indicator to shew the position of the load in the pit or shaft and also an adequate break shall be attached to every machine worked by steam or water power used for lowering or raising persons.
- (14.) Every steam boiler shall be provided with a proper steam-gauge water-gauge and safety-valve.
- (15.) The fly-wheel of every engine shall be securely fenced.
- (16.) Sufficient boreholes shall be kept in advance and on both sides to prevent inundations in every working approaching a place likely to contain a dangerous accumulation of water.
- (17.) Every Examiner and Inspector taking any copy or transcript of any plan of a Colliery as aforesaid and of the workings thereof accompanied or not by any observations and documents explanatory thereof or applicable thereto shall from time to time hand over the same to the Keeper of Mining Records by whom they shall be kept as of record Provided that no such Keeper of Mining Records shall furnish any copy or tracing of any such plan or permit the same to be open to public inspection.

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10. There shall also be established and observed in every Colliery such Special Rules for the conduct and guidance of the persons acting in the management thereof and of all persons employed in or about the same as under the particular state and circumstances of such Colliery may appear best calculated to ensure the health and safety of the persons employed therein.

Promulgation of Rules.

11. For the purpose of making known the General and Special Rules to all persons employed in or about each Colliery the owner or agent thereof shall cause the General Rules aforesaid and also all Special Rules applicable to each Colliery to be painted on a board or printed upon paper and pasted on a board to be hung up or affixed on some conspicuous part of the principal office or place of business at such Colliery and at the place where the workmen thereof are paid And all rules so painted or printed and hung up shall be renewed and restored with all reasonable dispatch as often as the same or any part thereof may be defaced obliterated or destroyed And a printed copy of such General and Special Rules shall be supplied to every person before he shall be employed in or about the Colliery.

Mode of determining new Special Rules.

12. With a view to determining the proper Special Rules to be established the owner of every Colliery shall frame and transmit to the Minister Special Rules for such Colliery Provided always that such Special Rules shall be hung up in the manner directed by the next preceding section for fourteen days before the same are so transmitted and such Special Rules shall be so transmitted for every Colliery in work at the commencement of this Act within three months after such commencement and for every such Colliery not then in work within three months after the working thereof shall be commenced or renewed and such rules when approved by the Governor with the advice aforesaid shall be published in the *Gazette* Provided that if not so approved the Minister shall within forty days after the receipt thereof propose and transmit to the owner any alterations in or additions to the same or the substitution of any other rules therefor or for any of them And if such owner object to any such alteration or addition or substituted rules he may within fourteen days after his receipt of the same give notice thereof to the Minister and thereupon the Minister and the owner may concur in the appointment of a single arbitrator or failing such appointment each party on the request of the other shall appoint an arbitrator (such arbitrator not being interested or employed in such Colliery) and such arbitrators shall before they enter upon the reference appoint by writing under their hands an umpire to determine the matters in difference and to decide what Special Rules shall be established in such Colliery And the determination of such arbitrator or of such arbitrators or the majority of them if more than two shall be final and the Special Rules as approved by him or them shall be established accordingly and be published as aforesaid.

Powers and duties of Inspectors.

13. It shall be lawful for the Examiner or any Inspector of the District to enter inspect and examine any Colliery at all reasonable times by day or night but so as not to impede or obstruct the working of such Colliery and to make inquiry into the state and condition thereof or the works and machinery and the ventilation or drainage thereof and the mode of lighting or using lights therein and into all matters connected with or relating to the safety of the persons employed in or about the same and especially to make inquiry whether the provisions of this Act are complied with in relation to such Colliery And the owner or agent of such Colliery is hereby required to furnish all means necessary for such entry inspection examination and inquiry.

Inspectors to give notice of matters not provided for by rules.

14. If any Inspector find on any such inspection examination or inquiry any Colliery or the works or machinery thereof or any matter or practice in or connected therewith to be dangerous or defective so

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as in his opinion to threaten or tend to the bodily injury of any person he shall give notice in writing to the owner or agent of the particular grounds on which such Inspector is of opinion that such Colliery or any part thereof or any other of the particulars aforesaid is dangerous or defective and shall also report the same to the Examiner of the District And if the owner or agent object to remove or remedy the danger or defect which is the subject of such notice within twenty days such owner or agent may after the receipt of such notice give notice thereof to the Minister and thereupon the Minister and the owner may concur in the appointment of a single arbitrator or failing such appointment each party on the request of the other shall appoint an arbitrator (such arbitrators not being interested or employed in such Colliery) and such arbitrators shall before they enter upon the reference appoint by writing under their hands an umpire and thereupon further proceedings shall be had for the final determination of the matters in difference as provided in the case of Special Rules and if the said owner or agent after having been furnished with a copy of the award shall neglect forthwith to take measures for removing or remedying any danger or defect which according thereto ought to be removed or remedied such owner shall be liable to a penalty of one pound for every day during which such owner or agent so neglect.

15. The costs of every arbitration under this Act shall be defrayed and paid by the parties against whom the award shall be given by such arbitrators. Costs of arbitrations to be paid by unsuccessful party.

16. Whenever loss of life or serious personal injury to any person employed in or about any Colliery occurs by reason of any explosion or other accident whatever within such Colliery or any pit or shaft thereof or any works or machinery connected therewith the owner or agent shall within twenty-four hours next after such accident give notice in writing thereof and of the loss of life or serious personal injury occasioned thereby to the Minister and to the Examiner of the District within which such accident shall have occurred and shall specify in such notice the probable cause thereof and such notice may be delivered or transmitted through the Post And every owner or agent who neglects to send or cause to be sent such notice within the time aforesaid shall for every such offence be liable to a penalty not exceeding twenty pounds. Notice of accidents in mines.

17. Every Coroner holding an inquest upon the body of any person whose death may have been caused by any such accident shall unless the Examiner or Inspector of the District or some person on behalf of the Minister be present to watch the proceedings at such inquest adjourn the same and by letter delivered or sent through the Post four days at the least before holding the adjourned inquest give notice of the time and place of holding the same Provided that such Coroner may before such adjournment take evidence to identify the body and order the interment thereof Provided also that if the accident has not occasioned more than one death and notice of the inquest has been given by the Coroner not less than forty-eight hours before the time of holding the same it shall not be imperative on the Coroner to adjourn such inquest if the majority of the jury think it unnecessary And the Examiner Inspector or other person authorized in that behalf shall be at liberty to examine or cross-examine any witness at any such inquest. Adjournments of inquests on deaths from accidents.

18. If any Colliery be worked and through the default of the owner or agent thereof Special Rules have not been established for the same according to the provisions of this Act or the General or Special Rules have not been hung up or affixed or have not after obliteration or destruction been renewed or restored or if any of such General or Special Rules which ought to have been observed by the owner or agent of such Penalties for offences against this Act.

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such Colliery be neglected or wilfully violated by any such owner or agent such person shall be liable to a penalty not exceeding twenty pounds and also in case the default or neglect be not remedied with all reasonable dispatch after notice in writing thereof given by the Examiner or Inspector to the owner or agent of such Colliery to a further penalty of one pound for every day during which the offence continues after such notice or in default of payment of any such penalty to be imprisoned for any period not exceeding one month. And every person other than as aforesaid employed in or about any Colliery who neglects or wilfully violates any of the Special Rules established for such Colliery shall for every such offence be liable to a penalty not exceeding five pounds or in default of payment to be imprisoned for any period not exceeding one month.

Penalty for obstructing Inspectors.

19. Every person who wilfully obstructs any Examiner or Inspector in the execution of this Act and every owner or agent of any Colliery who refuses or neglects to make or produce as hereinbefore required a plan of the workings of the Colliery or to furnish the means necessary for making any entry inspection examination or inquiry under this Act shall for every such offence be liable to a penalty not exceeding fifty pounds.

Penalty for defacing notices.

20. Every person who pulls down injures or defaces any notice hung up or affixed as required by this Act shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty for offences not expressly provided for.

21. Every person who wilfully violates or neglects any provision of this Act for the violation or neglect of which no penalty is hereby expressly imposed or any general or special rule established hereby or hereunder shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalties how recoverable and to be applied.

22. All penalties imposed by this Act may be recovered summarily before two or more Justices of the Peace provided that every information be laid within three months after the commission of the offence. And all penalties imposed by this Act shall when recovered be paid to the Colonial Treasurer and shall be carried to and form part of the Consolidated Revenue Fund. Provided also that it shall be lawful for the Governor with the advice aforesaid to direct that any penalty imposed for neglecting to send or cause to be sent notice of any accident as required by this Act or for any offence against this Act which may have occasioned loss of life or personal injury shall be paid to any relative or among any relatives of the deceased person or to the injured person not being a person who occasioned or contributed to the accident or committed the offence.

Certified copy of Special Rules to be evidence.

23. A copy of the Special Rules for the time being established in any Colliery certified under the hand of the Examiner of the District to be a copy of the Special Rules established in such Colliery shall without further proof be evidence of such Special Rules and of their being duly established under this Act.

Reports of Inspectors.

24. Every Inspector shall on or before the thirty-first day of January and the thirty-first day of July in every year make a report in writing of his proceedings during the respective half years ending on the next preceding thirty-first day of December and thirtieth day of June and transmit the same to the Examiner of the District.

Where payment is by weight &c. an account may be taken.

25. Every person employed in any Colliery who is paid according to the weight measure or gauge of coal or other material gotten by him may at his own cost station any other person employed in such Colliery at the place appointed for weighing measuring or gauging in order to take an account of the weight measure or gauge used therein on behalf of his employer. Provided that the person taking such account shall not in any way impede or interrupt the working of the Colliery or interfere

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interfere with the weighing measuring or gauging and that his absence shall not be a reason for delaying or interrupting the same.

26. No person who shall act or practice as a land agent or as a manager viewer or agent or mining engineer or a valuer of lands or arbitrator in any matter of dispute arising between owners of mines or be otherwise employed in any way in any mine shall act as an Inspector or Examiner of Mines under this Act. No person who shall act as a land agent &c. shall act as an Inspector or Examiner of Mines.

27. This Act shall commence and come into operation on the thirty-first day of March next and shall be styled and may be cited as the "Coal Fields Regulation Act of 1862." Commencement and short title.
