

No. XXXI.

An Act to make better provision for the Regulation of Coal Mines and Collieries. [11th May, 1876.]

COAL MINES
REGULATION.
—

WHEREAS it is expedient to make better provision for the regulation and inspection of Coal Mines and Collieries 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 The Act twenty-sixth Victoria number seventeen is hereby repealed. Repeal of 26 Vic. No. 17. Provided that such repeal shall not affect anything done or suffered before the commencement of this Act and all penalties incurred under the said repealed Act may be proceeded for and recovered and applied as if this Act had not been passed.

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 Secretary for Mines.

“Mine”—Every colliery and coal or shale 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 land or colliery or any part thereof.

“Agent”—

Coal Mines Regulation.

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

“District”—Any coal district proclaimed under the Act hereby repealed or under this Act.

“Examiner”—Examiner of Coal Fields or such inspector as he shall direct to act or in the absence of the Examiner of Coal Fields the inspector or if more than one the senior inspector of the district.

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

Governor in Council
to proclaim coal
fields and appoint
officers.

3. The Governor with the advice of the Executive Council may for the purposes of this Act proclaim coal districts and may appoint such officers as may be deemed necessary and every such district and appointment shall be notified in the *Gazette* Provided that the persons now holding the respective offices of Examiner of Coal Fields and of Inspector of Collieries shall continue to hold the said offices as if they had been appointed under this Act.

Duties of examiners.

4. It shall be the duty of the examiner or inspector to ascertain the state and condition of all mines 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 this Act and also every discovery of coal or other minerals on any Crown lands and report all such matters to the Minister who shall transmit all reports of such discoveries of minerals on Crown lands to the Minister for Lands.

Owners or agents to
produce plans.

5. On the occasion of any examination or inspection of a mine the owner or agent shall if required so to do produce to the examiner or inspector or to any other person duly authorized by the Minister 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 is withheld or any part of the workings of the mine 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 mine 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 mine is constructed on And every such plan as aforesaid shall show the workings of the mine 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 mine up to the time of such inspection and shall also permit the examiner or inspector to take a copy or tracing thereof Every such copy or tracing shall be deposited with the keeper of mining records and no copy or tracing thereof shall be furnished nor information in relation thereto given nor shall such plans or tracings be open to inspection If any officer shall furnish any copy tracing or information or shall allow any person to inspect any such plan or tracing he shall be guilty of an offence against this Act.

Returns by owners
agents or managers
of mines.

6. On or before the first day of April in every year the owner agent or manager of every mine shall send to the Minister a correct return for the preceding twelve months ending on the thirty-first day of December previous specifying the quantity of coal or other mineral wrought in such mine and the number of persons ordinarily employed in or about such mine below ground and above ground respectively The return shall be in the form contained in the Schedule hereto and forms for the purpose of such returns shall be furnished on application to the Department of Mines The Minister may publish the results of such returns And every owner agent or manager of a mine who fails to comply with this section or makes any return which is to his knowledge false in any particular shall be guilty of an offence against this Act.

Coal Mines Regulation.

7. When any mine is abandoned or the working thereof discontinued or 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 mine the owner or agent shall give notice thereof to the examiner or inspector delivered or sent through the post as a registered letter 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 And all trial pits shall be fenced and kept secure by the owner of the land on which such trial pits are sunk.

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

8. No male person under the age of thirteen years and no female shall be employed in any mine And no male person between the age of thirteen years and eighteen years shall be employed in or allowed to be for the purpose of employment in any mine below ground for more than ten hours on Monday Tuesday Wednesday Thursday Friday and six hours on one Saturday and eight hours on the next Saturday.

Hours of employment of male young persons in mines.

9. For the purpose of this Act with respect to the employment of such male young persons in a mine below ground the following regulations shall have effect that is to say—

Regulations as to employment of male young persons.

- (1.) There shall be allowed an interval of not less than twelve hours between each period of employment.
- (2.) Each period of employment shall be inclusive of one hour for meals.
- (3.) A week shall be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night.

10. If any person contravenes or fails to comply with or permits any person to contravene or fail to comply with this Act with respect to the employment of any female or any male persons under the age of thirteen and eighteen years respectively he shall be guilty of an offence against this Act and in case of any such contravention or non-compliance by any person whomsoever the owner agent and manager shall each be guilty of an offence against this Act unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this Act to prevent such contravention or non-compliance If it appear that a male person employed in a mine or that a person employed about an engine windlass or gin was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Act and under the belief in good faith that he was of the proper age the owner agent or manager of the mine and employer shall be exempted from any penalty and the parent or guardian shall for such misrepresentation be deemed guilty of an offence against this Act If it appear that any male person under the age of eighteen years working for or with his parent or guardian or other person or under his order or charge be kept at work for a longer period than is prescribed by this Act such parent guardian or person shall be responsible therefor.

Penalty for employment of persons in contravention of provisions of this Act.

11. Wherever any entrance to any mine or any communication within any part of any mine 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 engine windlass or gin (whether driven or worked by manual labour or any other power) or of any part of the machinery ropes chains or other tackle by or by means of which 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

No persons under eighteen years old to work engine &c.

Coal Mines Regulation.

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.

12. 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 mine there shall be made and completed at least two separate and distinct openings to the day or surface from such mine 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 mine 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 seventy-seven. And the owner of every mine 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.) An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts levels stables and workings of such mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein.
- (3.) An adequate amount of ventilation shall mean not less (as a minimum) than one hundred cubic feet of pure air per minute for each man boy and horse which shall sweep undiminished along the airway past each working place.
- (4.) Within six months after the commencement of this Act every mine shall be divided into districts or splits of not more than seventy men and each district shall be supplied with a separate current of fresh air. All intake air shall travel free from all stagnant water stables and old workings and no place shall be driven more than thirty-five yards before the current of air without a cut through put through or bratticed up within three yards of the face of such working place.
- (5.) If at any time it is found by the person in charge of a mine or any part thereof or by the examiner or inspector that by reason of noxious gases prevailing in such mine or such part thereof or of any cause whatever the mine or the said part is dangerous every workman shall be withdrawn therefrom and the examiner or inspector shall inspect the same (and if the danger arises from inflammable gas shall make such inspection with a locked safety-lamp) and in every case shall make a true report of the condition of such mine or part thereof and no workman shall except in so far as is necessary for inquiry into the cause of danger or for the removal thereof or for exploration be readmitted into the mine or such part thereof as was so found dangerous until the same is stated by the examiner or inspector to be safe. Every such report shall be recorded in a book which shall be kept at the mine for the purpose and shall be signed by the person reporting.
- (6.) 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.
- (7.)

Coal Mines Regulation.

- (7.) 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.
- (8.) Every shaft or pit which is out of use or used only as an air pit shall be securely fenced to the satisfaction of the Examiner or Inspector.
- (9.) Every working and pumping pit or shaft where the natural strata are not safe shall be securely cased or lined or otherwise made secure.
- (10.) Every working pit or shaft and entrance thereto shall be provided with means of communicating from the bottom of the shaft to the surface and from the surface to the bottom of the shaft by such distinct and definite signals as shall be prescribed by the Examiner.
- (11.) 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 and such places of refuge shall be at all times kept clear.
- (12.) A sufficient cover over head shall be used when lowering or raising persons in every working pit or shaft.
- (13.) 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 or in the opposite cage against any person.
- (14.) To the drum of every machine used for lowering or raising persons such flanges or horns or such other appliances as shall be sufficient to prevent the rope from slipping shall be attached.
- (15.) A proper indicator to show 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.
- (16.) Every steam boiler shall be provided with a proper steam-gauge water-gauge and safety-valve.
- (17.) The fly-wheel of every engine shall be securely fenced to the satisfaction of the examiner or inspector.
- (18.) 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.
- (19.) The roof and sides of every travelling road and working place shall be made secure and no person unless appointed for the purpose of exploring or repairing shall travel or work in any such road or place until it is made secure.

13. Within three months after the commencement of this Act Special rules. or within three months after work shall be commenced or resumed at any mine the owner or agent thereof shall frame special rules for the conduct and guidance of persons acting or employed in or about such mine as may appear under the particular state and circumstances best calculated to ensure the health and safety of such persons and such owner or agent shall cause a copy of such special rules to be hung up in some conspicuous place in the mine and call the attention of the miners working therein to such special rules a copy of which shall at once be transmitted by the owner or agent to the Examiner who shall forthwith transmit them with a report of their respective fitness to the Minister and if they are not objected to within one month after the receipt thereof by the Minister they shall be the special rules of the mine and published in the *Gazette*.

Coal Mines Regulation.

Mode of adopting
special rules when
objected to.

14. If the Minister do not approve of any proposed special rules he shall within thirty days after the receipt of them propose and transmit to the owner or agent by whom they were framed and to some person on behalf of the miners employed in the mine to which they refer any alteration in or addition to the same or the substitution of other rules therefor or for any of them. And if the owner or agent object to any such alteration or addition or substituted rules he may within fourteen days after receipt of the same give notice thereof to the Minister. If the miners object to the special rules they shall give notice of such objection to the owner or agent within one month after such rules shall be hung up as aforesaid or if they object to the alterations proposed by the Minister they shall give him notice of such objection within fourteen days after the receipt thereof and thereupon the parties interested may concur in the appointment of a single arbitrator or failing such concurrence each party on the request of the other shall appoint an arbitrator who shall not be interested or employed in such mine (and if there be only two arbitrators they shall before entering upon the reference appoint by writing under their hand an umpire) to determine the matter in difference and to decide what special rules shall be established in the mine. And in the event of any dispute arising between the parties aforesaid as to such rules or between the parties and the examiner or inspector as to the administration of the rules or upon any matter within the scope of this Act (not being an offence against this Act) and not otherwise provided for the matter in dispute may be referred to arbitration in manner aforesaid. And the determination of such arbitrator or of such arbitrators or arbitrators and umpire or of the majority thereof (if there be more than two) shall be final and the award may be made a rule of the nearest District Court.

Promulgation of
rules.

15. For the purpose of making known the general and special rules to all persons employed in or about a mine the owner or agent thereof shall cause a printed copy to be supplied to every person before he shall be employed in or about such mine.

Amendment of
special rules.

16. The provisions contained in the thirteenth and fourteenth clauses of this Act shall apply to and be followed in respect of any proposal to amend such special rules.

Cost of arbitrations
to be paid by un-
successful party.

17. 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.

Certified copy of
special rules to be
evidence.

18. A copy of the special rules purporting to be certified under the hand of the examiner shall upon production without further proof be evidence of such special rules and of their being duly made under this Act.

As to payment by
weight of persons
employed in mines.

19. Where the amount of wages payable to any of the persons employed in a mine depends on the amount of mineral gotten by them such persons shall after the first day of February one thousand eight hundred and seventy-six be paid according to the weight of the mineral gotten by them. Provided always that nothing herein contained shall preclude the owner or agent of the mine from agreeing with the persons employed in such mine that deductions shall be made in respect of stones or materials other than mineral contracted to be gotten which shall be sent out of the mine with such mineral or in respect of any tubs baskets or hutches being improperly filled in those cases where they are filled by the getter of the mineral or his drawer or by the person immediately employed by him such deductions being determined by the banksman or weigher and check-weigher (if there be one) or in case of difference by a third party to be mutually agreed on by the owner agent or manager of the mine on the one hand and the persons employed in the mine on the other. Where it is proved to the satisfaction

Coal Mines Regulation.

satisfaction of the Minister that by reason of any exigencies existing in the case of any mine or class of mines to which the foregoing provision in this section applies it is requisite or expedient that the persons employed in such mine or class of mines should not be paid by the weight of the mineral gotten by them or that the beginning of such payment by weight should be postponed such Minister may if he think fit by order exempt such mine or class of mines from the provisions of this section either without condition or during the time and upon the conditions specified in the order or postpone in such mine or class of mines the beginning of such payment by weight and may from time to time revoke or alter any such order. If any person contravenes or fails to comply with or permits any person to contravene or fail to comply with this section he shall be guilty of an offence against this Act and in the event of any contravention of or non-compliance with this section by any person whomsoever the owner agent and manager shall each be guilty of an offence against this Act unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent such contravention and non-compliance.

20. The persons who are employed in a mine to which this Act applies and are paid according to the weight of the mineral gotten by them may at their own cost station a person (in this Act referred to as "a check-weigher") being a person employed at the said mine or any mine belonging to the same company or proprietor at the place appointed for the weighing of such mineral in order to take an account of the weight thereof and if in any mine reasonable facilities are not afforded to him for taking such account the owner and agent of such mine shall each be guilty of an offence against this Act. The check-weigher shall not be authorized in any way to impede or interrupt the working of the mine or to interfere with the weighing but shall be authorized only to take such account as aforesaid and his absence shall not be a reason for interrupting or delaying such weighing. If a check-weigher shall impede or interrupt the working of the mine or interfere with the weighing or otherwise misconduct himself such owner or agent may complain to the nearest Court of Petty Sessions which if it shall think fit may call upon the check-weigher to shew cause against his removal. Such Court shall hear the parties and if it think that sufficient ground is shown to justify the removal of the check-weigher make a summary order for his removal and he shall thereupon be removed. The Court may in every case make such order as to the cost of the proceedings as it thinks just.

Appointment and removal of check-weigher on part of men.

21. The Weights and Measures Act shall apply to the weights and machines used in or at any mine for weighing mineral and the inspector shall without unnecessarily impeding or interrupting the working of the mine inspect and examine in manner directed by the said Act the weighing-machines and weights so used or the measures or gauges used at or in such mines in lieu of weights.

Application of Weights and Measures Act to weights used in mines &c.

22. Whenever any sum of money not exceeding fifty pounds shall be claimed to be due to any person on account of any kind of labour performed at any colliery in charge of owner or agent it shall be lawful for any Justice or Clerk of Petty Sessions upon complaint made to him touching or concerning the non-payment of any such sum to summon such owner or agent to appear before any two Justices at the nearest Petty Sessions and the Justices there assembled may examine the parties and their respective witnesses touching the complaint and may inspect any agreement or duplicate copy thereof if produced and may make an order for the payment by such owner or agent of any sum not exceeding fifty pounds as shall appear to such Justices lawfully due together with all costs incurred and damage sustained.

Agent may be summoned for wages.

Coal Mines Regulation.

sustained by the complainant in prosecuting such claim and in case of refusal or non-payment of any sum so ordered to be paid by such owner or agent then such Justices shall issue their warrant to levy the same by distress and sale of all or a sufficient part of the goods chattels colliery produce plant rolling-stock horses and machinery of or belonging to the owner of such colliery Provided always that no person making default in payment under this section shall be liable to imprisonment any law to the contrary notwithstanding.

Prohibition of payment of wages at public-houses &c.

23. No wages or contract money shall be paid to any person employed in or about any mine to which this Act applies at or within any public-house beer-shop or place for the sale of any spirits beer wine cider or other spirituous or fermented liquor or other house of entertainment or any office garden or place belonging thereto or occupied therewith every person who contravenes or fails to comply with or permits any person to contravene or fail to comply with this section shall be guilty of an offence against this Act.

Power of inspectors.

24. The examiner or an inspector under this Act shall have power to do all or any of the following things namely

- (1.) To make at least once in eight weeks such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with
- (2.) To enter inspect and examine any mine and every part thereof at all reasonable times by day and night but so as not to impede or obstruct the working of the said mine
- (3.) To examine into and make inquiry respecting the state and condition of any mine or any part thereof and the ventilation of the mine and the sufficiency of the special rules for the time being in force in the mine and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto
- (4.) To exercise such other powers as may be necessary for carrying this Act into effect

Every person who wilfully obstructs the examiner or any inspector in the execution of his duty under this Act and every owner agent and manager of a mine who refuses or neglects to furnish the means necessary for making any entry inspection examination or inquiry under this Act in relation to such mine shall be guilty of an offence against this Act.

Notice by inspectors of causes of danger not provided for by the rules.

25. If in any respect (which is not provided against by any express provision of this Act or by any special rule) any inspector find any mine or any part thereof or any matter thing or practice in or connected with any such mine to be dangerous or defective so as in his opinion to threaten or tend to the bodily injury of any person such inspector may give notice in writing thereof to the owner or agent of the mine and shall state in such notice the particulars in which he considers such mine or any part thereof or any matter thing or practice to be dangerous or defective and require the same to be remedied and unless the same be forthwith remedied the inspector shall also report the same to the Minister If the owner or agent of the mine objects to remedy the matter complained of in the notice he may within seven days after the receipt of such notice send his objection in writing stating the grounds thereof to the Minister and thereupon the matter shall be determined by arbitration in manner provided by this Act in relation to the special rules and the date of the receipt of such objection shall be deemed to be the date of the reference If the owner or agent fail to comply either with the requisition of the notice given by the inspector when no objection is sent within the time aforesaid or with the award made on arbitration within twenty days after the receipt of such

Coal Mines Regulation.

such notice or the making of the award (as the case may be) he shall be guilty of an offence against this Act and the notice and award shall respectively be deemed to be written notice of such offence. Provided that the Court if satisfied that the owner or agent has taken active measures for complying with the notice or award but has not with reasonable diligence been able to complete the works may adjourn any proceedings taken before them for punishing such offence and if the works are completed within a reasonable time no penalty shall be inflicted. No persons shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of this section or be liable under any contract to any penalty or forfeiture for doing such acts.

26. Every inspector shall during the months of January and July respectively in every year make a report in writing of his proceedings during the preceding half-year and transmit the same to the examiner who shall thereupon submit them with a general report to the Minister. Reports of inspectors.

27. No examiner or inspector shall act or practice as a land agent or as a manager viewer or agent or mining engineer or a valuer of land or arbitrator in any matter of dispute arising between owners of mines or be otherwise employed or interested in any way in any mine. No person who shall act as a land agent &c. shall act as an inspector or examiner of mines.

28. Whenever loss of life or serious personal injury to any person employed in or about any mine occurs by reason of any explosion or other accident whatever within such mine 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 to the examiner or to the inspector of the district within which such accident shall have occurred and shall specify in such notice the probable cause thereof. 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. And the examiner or the inspector shall forthwith after inspection report the accident and the cause thereof to the Minister and in such report shall state whether in his opinion such accident was due to or caused by any act or default or negligence of the owner or agent. Notice of accidents in mines.

29. Unless the examiner or inspector or some person on behalf of the Minister be present at an inquest holden upon the body of any person whose death may have been caused by any such accident the Coroner shall adjourn the same and by written notice delivered or sent four days at the least before holding the adjourned inquest give notice of the time and place of holding the same but before such adjournment the Coroner may take evidence to identify the body and order the interment thereof. 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. Provided 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. Adjournments of inquests on deaths from accidents.

30. The persons employed in a mine may at their own cost appoint two of their number to inspect the mine and the persons so appointed shall be allowed once at least in every month to go to every part thereof and to inspect the shafts levels planes working places return air-ways ventilating apparatus old workings and machinery and the owner agent and manager (who may if they think fit accompany them) and all persons in the mine shall afford every facility for the purpose of such inspection and the persons so appointed shall make a true report of the result of such inspection and such report shall be recorded in a book to be kept at the mine for the purpose and shall be signed by the persons reporting. Miners' inspectors.

Coal Mines Regulation.

Penalties for offences
against this Act.

31. If any mine be worked and through the default of the owner or agent thereof special rules have not been established for the same according to this Act or the general or special rules have not been promulgated as hereinbefore provided or if any of such general or special rules which ought to have been observed by the owner or agent of such mine be by him neglected or wilfully violated he shall be liable to a penalty not exceeding twenty pounds and to a further penalty of one pound for every day during which the offence continued after notice thereof in writing given by the examiner or inspector and 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 mine who neglects or wilfully violates any of the special rules established for such mine 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 obstruct-
ing inspectors.

32. Every person who wilfully obstructs any examiner or inspector in the execution of this Act and every owner or agent of any mine who refuses or neglects to make or produce as hereinbefore required a plan of the workings of the mine 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 twenty pounds.

Penalty for defacing
notices.

33. 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 pro-
vided for.

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

Penalties how
recoverable and to be
applied.

35. All penalties imposed by this Act may be recovered summarily before two or more Justices of the Peace at the suit of the examiner inspector or other officer authorized in that behalf by the Minister but every information shall be laid within two months after the offence has been complained of. 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 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.

Notices may be
served by post.

36. All notices under this Act shall be in writing or print or partly in writing and partly in print and all notices and documents required by this Act to be served or sent by or to an examiner or inspector may be either delivered personally or served and sent by post as a registered letter and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service or sending it shall be sufficient to produce the receipt for the registration of such letter.

Continuance of exist-
ing special rules.

37. The special rules which at the commencement of this Act are in force in any mine under any Act hereby repealed shall continue to be the special rules in such mine until substituted by rules established under this Act.

Coal Mines Regulation.

38. Upon the affidavit of any person taken before any Justice of the Peace or Commissioner of the Supreme Court for taking affidavits claiming to be legally or equitably interested in any mine or in any land adjoining or near to any other mine that the owner of such last-mentioned mine is or is by the person making such affidavit believed to be encroaching upon such first-mentioned mine or land the Minister may by writing under his hand authorize the examiner or inspector together with a mining surveyor or experienced miner to enter upon such last-mentioned mine or land for the purpose of ascertaining whether any such encroachment has been made and if so the extent thereof. But before granting such authority the Minister shall require the person making or lodging the affidavit to deposit such a sum of money not exceeding one hundred pounds as shall be necessary to cover the cost of such inspection. The persons so authorized may thereupon enter on the mine or land described in such order and descend any shaft or enter any mine and for such purpose use the engines and other machinery ordinarily employed for that purpose by the persons whose shaft or mine shall be descended or entered and make such plans and sections of the mine or land entered upon and of any drives or other works therein as shall be necessary for the purpose aforesaid. And the owner or agent of the mine to be entered upon shall render all necessary assistance to the persons so authorized. And every such examiner inspector surveyor or miner shall before entering on such mine or land make a statutory declaration before any person authorized to take the same that he will not (except as a witness in a Court of Justice) without the consent in writing of the owner of the mine or land to be entered upon divulge or cause to be divulged to any person whomsoever any information obtained upon or by such entry save only as to whether such owner is encroaching on such first-mentioned mine or land and every person who shall act contrary to such declaration and any owner or agent who shall refuse such assistance as shall be necessary to enable the persons authorized by the Minister to descend the shaft or enter and examine the mine shall forfeit and pay a sum not exceeding ten pounds. Provided always that the Minister may out of the sum deposited as aforesaid defray the cost of such inspection and if such owner or agent render such assistance as shall be necessary for the purposes aforesaid and if there be no encroachment may out of such sum award to such owner compensation for any loss or expense to which he may be put by reason of such inspection.

Entry on adjoining mine &c. to ascertain whether owner &c. is encroaching.

What may be done under such authority.

Prior statutory declaration required.

Penalty.

39. This Act shall commence and come into operation on the first day of June next and may be cited as the "Coal Mines Regulation Act 1876."

Commencement and short title.

Barristers Admission.

SCHEDULE.

Annual Return from Owner or Agent.

Name of Colliery

Name of Pit

Name of Seam

Year ending the

day of

187

Average number of Persons employed daily.		Average total quantity of fresh air in cubic feet per minute.	Quantity of Coal raised.	Value of Coal raised.
Above ground.	Under ground.			
