

Act No. 11, 1913.

COAL MINES
REGULATION
(AMENDING).

An Act to amend the Coal Mines Regulation Act, 1912: to bring certain persons under the Public Service Act, 1902; and for purposes consequent thereon or incidental thereto.
[15th October, 1913.]

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

Preliminary and repeal.

Short title.

1. This Act may be cited as the "Coal Mines Regulation (Amending) Act, 1913."

In this Act the Coal Mines Regulation Act, 1912, is referred to as the Principal Act.

2.

Coal Mines Regulation (Amending).

2. Subsection one of section six, subsections one, two, four, and six of section eight, section twenty-four, and general rules thirty-three and thirty-five of section fifty-four of the Principal Act are repealed.

Amendment of Principal Act.

3. Section three of the Principal Act is amended by ^{Amendment of s. 3.} omitting the definition of "boy," and by inserting, at the end of the section, the following new definition:—

"Permitted explosive" means explosive the use of which is permitted, either unconditionally or subject to conditions by the Minister, by notice published in the Gazette: Provided that such conditions (if any) are duly observed.

4. The following section is inserted next after section ^{New section 5A.} five of the Principal Act:—

5A. (1) In every mine required by this Act to be under the control of a certificated manager, and in which safety-lamps are used, a competent person shall be appointed as deputy, who shall make the inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency of ventilation, state of roof and sides, which duties shall be designated his statutory duties, supervising the general duties of shot-firers, and such other matters relative to the general safety of the mine as are required to be performed by this Act.

(2) After the thirtieth day of June, one thousand nine hundred and fourteen, no person shall be appointed or act as a deputy, unless he—

- (a) is not less than twenty-three years of age;
- (b) has had at least five years' practical experience in a mine;
- (c) is the holder of a certificate of service or competency as manager, under-manager, or deputy; and
- (d) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate tests for inflammable gas.

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Section 6 (1).

5. (1) For subsection one of section six of the Principal Act the following subsection is substituted:—

New subsection.

6. (1) There shall be three descriptions of certificates of competency under this Act—

Certificates of competency.

- (a) first-class certificates,—that is to say, certificates of fitness to be manager;
- (b) second-class certificates,—that is to say, certificates of fitness to be under-manager; and
- (c) third-class certificates,—that is to say, certificates of fitness to be deputy.

But no person shall be entitled to a certificate of competency under this Act unless he has had practical experience in a mine for at least five years, or has had practical experience in a mine for at least three years, and has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received after due examination, from some university, school of mines, or other body approved by the Minister, a diploma, degree, license, or certificate.

(2) Subsection five of the said section is amended by inserting the words "and third-class" after the words "second-class" in such subsection.

Section 8 (1).

6. (1) For subsection one of section eight of the Principal Act the following subsection is substituted:—

New subsection.

Grant of certificate of service as deputy.

8. (1) A certificate of service as deputy shall be granted by the Minister to every person who satisfies him either that before the first day of July, one thousand nine hundred and thirteen, he was acting, and has since that date acted, or that he has at any time within five years before the said date, for a period of not less than three months, acted in the capacity of a deputy or as fireman or shot-firer at a mine, or such part of a mine as can under and for the purposes of this Act be made a separate mine.

(2) Subsection five of the said section is amended by omitting the words "to a manager or under-manager."

(3) Subsection seven of the same section is amended by inserting after "repealed thereby" the words "or the Imperial Act 1 and 2 George V, c. 50."

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7. The following section is inserted next after section ^{New} ^{section 11A.} eleven of the Principal Act :—

11A. Notwithstanding anything to the contrary contained in the last preceding section, the holder of an ordinary certificate as engine-driver who is not subject to any of the infirmities mentioned in paragraph (b) of the said section shall be qualified to take charge of a hauling engine by means of which men are hauled along any plane or road at any mine.

8. Sections fifteen, seventeen and twenty of the ^{Amendment} ^{of ss. 15, 17,} Principal Act are amended by omitting the words ^{and 20.} “manager or under-manager” whenever occurring in such sections, and by inserting in lieu thereof the words “manager, under-manager, or deputy.”

9. Section twenty-two of the Principal Act is ^{Amendment} ^{of s. 22.} amended by inserting after “kilowatts” in paragraph (a) the words “or so acts in any place in a mine where naked lights are prohibited, notwithstanding that the output of such generating plant is less than thirty kilowatts”; and the following subsection is inserted at the end of that section :—

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

10. For section twenty-four of the Principal Act the ^{New section} ^{24.} following section is substituted :—

24. (1) All inspectors, including the chief inspector, holding office on the first day of July, one thousand nine hundred and thirteen, shall be subject to the provisions of the Public Service Act, 1902, and shall be entitled to all rights and subject to all the provisions of the said Act, and any Acts amending the same, as if they had been appointed thereunder.

(2) Employment in such office shall be counted as employment under the said Act, and any such officer who has during such employment contributed to the Superannuation Account shall be entitled to the same payment, pension, or gratuity as though he had been subject to the said Act.

(3)

*Coal Mines Regulation (Amending).*Appointment
of inspectors.

(3) Subject to the provisions of the said Act, the Governor may appoint duly qualified persons to be inspectors of mines.

(4) Every inspector shall be an inspector under this Act, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of New South Wales with reference to which the term is used.

(5) Every inspector shall hold a first-class certificate of competency or service, as provided in this Act with regard to managers.

New section
35A.

11. The following section is inserted next after section thirty-five of the Principal Act:—

Plans to be
furnished.

35A. (1) The owner, agent, or manager of every mine shall within six months after the commencement of the Coal Mines Regulation (Amending) Act, 1913, furnish to the Under-Secretary for Mines a plan on a scale not less than of ten chains to the inch showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine.

(2) Within three months after acquiring and adding to such colliery holding any other freehold or leasehold lands, the owner, agent, or manager shall furnish to the Under-Secretary for Mines a plan of such other lands on the same scale as the plan of the original colliery holding.

Amendment
of s. 36 (1).

12. Paragraph (a) of subsection one of section thirty-six of the Principal Act is amended by inserting the words "or by electricity" after the words "steam boiler" in such paragraph.

Amendment
of s. 36 (2).

13. The following words are inserted at the end of subsection two of section thirty-six of the Principal Act:—"The manager shall permit a representative of the persons employed in the mine, who shall be one of the persons so employed, to make, after the explosion or accident, an inspection of the place where the explosion or accident occurred so soon as such inspection can safely be made. Such inspection shall be made in company with an inspector, if one be available. Such representative shall, before leaving the mine, report in a book to be kept at the mine for the purpose the result of his inspection."

14.

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14. The following section is inserted next after New section
section thirty-six of the Principal Act:— ^{36A.}

36A. Where, in or about any mine, there has occurred— ^{Certain occurrences to be reported.}

- any case of overwinding a cage;
- any breakage of a rope used for the raising or lowering of men;
- any inrush of water from old workings, or otherwise;
- any outbreak of fire below ground; or
- any accidental ignition of gas or dust below ground (except ignition of gas in a safety-lamp),

and no loss of life or serious personal injury results therefrom, the owner, agent, or manager of the mine shall, within twenty-four hours after such occurrence has taken place, report the same to an inspector, and shall furnish the inspector with such particulars in respect thereof as the inspector may ask for.

If any such owner, agent, or manager fails to carry out the provisions of this section he shall be guilty of an offence against this Act.

15. Subsection one of section forty-five of the Principal Act is amended by inserting after "practicable," ^{Amendment of s. 45 (1).} at the end of the first paragraph of such subsection, the words "and before being put on the screen: Provided that the Minister may, on the recommendation of the inspector, grant exemption in cases where the weights of large and small coal respectively are ascertained before the coal is put over any travelling belt: Provided further that no proceedings to recover a penalty for failure to weigh the mineral before being put on the screen shall be instituted before the first day of December, one thousand nine hundred and thirteen."

16. Section forty-eight of the Principal Act is ^{Amendment of s. 48.} amended as follows:—

- (a) In subsection one omit the words "majority, ascertained by ballot, of the"
- (b) In subsection two omit the words "ascertained as aforesaid"
- (c) Add the following subsection:—
(3) Every checkweigher shall be appointed by the persons employed in the mine who are paid by the amount of the mineral gotten, and where more than

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than one person is nominated to the position of checkweigher, the appointment shall be made by a ballot of the persons so employed, present at a meeting to be convened for the purpose by notice signed by not less than five of the persons so employed. Such notice shall be posted in some conspicuous place at the mine for not less than twenty-four hours prior to the time of the meeting. The persons present at such meeting shall elect a chairman, who shall notify the manager of the mine of the result of the ballot.

Amendment
of s. 50 (1).

17. Paragraph (c) of subsection one of section fifty of the Principal Act is omitted, and the following paragraph is inserted in lieu thereof :—

(c) A cage, or cages, running in guides, for raising and lowering persons, shall be established and maintained at each such shaft or outlet exceeding one hundred and fifty feet in depth : Provided that in every shaft not exceeding one hundred and fifty feet in depth and not provided with a cage a ladder shall be fixed. Such ladder shall not be fixed in a vertical or overhanging position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows. Every ladder-shaft shall have substantial platforms or sollars at intervals of not more than thirty feet. The space between the rungs of a ladder shall not exceed twelve inches, and the rungs shall in no case be less than five inches from the wall of the shaft. A suitable fixture for a hand grip shall be placed above each ladder for the use of persons ascending or descending.

Amendment
of general
rule 12, s. 54.

18. The following paragraphs are added to general rule twelve of section fifty-four of the Principal Act :—

- (m) Neither gunpowder nor any other explosive which is not on the list of permitted explosives in force for the time being shall be used in any mine which is not both naturally wet and free from inflammable gas.
- (n) No explosive shall be taken or used in any mine except explosives provided by the owner; and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

19.

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19. The following rules are respectively substituted for the general rules thirty-three and thirty-five of section fifty-four of the Principal Act:—

Rule 33. (a) Every steam boiler used for generating steam in or about a mine must, whether separate or one of a range,—

- (i) have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler ; and
- (ii) be examined thoroughly by a competent person at least once in every fourteen months ; and
- (iii) be cleaned out and examined internally, as far as the construction of the boiler will permit, by a competent person, at least once in every three months.

(b) Every such boiler, safety-valve, steam-gauge, and water-gauge must be maintained in proper working condition, and all the water-gauges shall be adequately protected by a covering or guard, unless so constructed as to be equally safe to the persons employed whether so protected or not.

(c) A report of the result of every examination under this rule in the prescribed form and containing the prescribed particulars shall, within fourteen days, be entered in or attached to a book, to be kept at the mine for the purpose, and the report shall be signed by the person making the examination.

(d) The foregoing provisions of this rule shall not apply to the boiler of any railway locomotive.

(e) A steam boiler shall not be placed underground in any mine after the first day of December, one thousand nine hundred and thirteen.

Rule 35. Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at and in the principal districts of the mine, ready for immediate use in case of accident.

20. General rule thirty-nine of section fifty-four of the Principal Act is amended by omitting the words “not being mining engineers.”

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New general rule 43, s. 54.

21. The following general rule is inserted next after general rule forty-two of section fifty-four of the Principal Act:—

Rule 43. The owner, agent, or manager of every mine shall make provision for the proper sanitation of the mine where any nuisance can be shown to exist to the satisfaction of an inspector.

22. The following section is inserted next after section fifty-six of the Principal Act:—

56A. (1) On and after the first day of July, one thousand nine hundred and fifteen, no person, other than an official of the mine or a person employed on the road in connection with the haulage, or a person engaged in carrying out any repairing work requiring to be carried out forthwith, shall, while the haulage is in motion, travel on foot on any haulage road on which the haulage is worked by gravity or mechanical power, except—

(a) where there is provided on one side of the road a clear space of at least two feet in width between the tubs and that side of the road, and the rate of haulage is not more than ten miles an hour; or

(b) where in the case of a haulage road in which such a clear space as aforesaid is not provided, the rate of haulage is not more than three miles an hour and the gradient does not exceed one in twelve, or in respect of any part of the road not exceeding one hundred yards in length, one in nine, and the space between the tracks of rail, where there is more than one track, is kept clear of obstructions:

Provided that—

(i) in the case of a haulage road in which such a clear space as aforesaid has been provided, but the space so provided has in some part of it been reduced to a width of less than two feet by reason of some cause over which the owner, agent, or manager of the mine has no control, the foregoing prohibition shall not apply during the time (not exceeding the time reasonably required for the purpose) during which the repairs necessary for restoring the width to two feet are being carried out; and (ii)

New sub. section 56A.

Provisions as to travelling on haulage roads, &c.

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(ii) the exception hereinbefore contained with respect to haulage roads in which no such clear space as aforesaid is provided shall apply only in the case of mines opened before the commencement of the Coal Mines Regulation (Amending) Act, 1913, or mines in which the character of the strata makes it unreasonable to require such a clear space to be provided.

If any question arises as to whether the character of the strata in any mine makes it unreasonable to require a clear space to be provided, that question shall be determined by the Chief Inspector of Coal Mines.

(iii) the provisions of this subsection shall only apply to mines in which more than twenty persons are employed.

(2) Where the haulage is worked by gravity ^{Riding on}
or mechanical power, no person, other than a ^{trains of tubs.} set-rider, shall be allowed to ride on sets or trains of tubs except—

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

(3) In all places where sets or trains consisting of three or more tubs are coupled or uncoupled, there shall be a clear space of at least two feet between tubs standing on any rails and the side of the road nearest to those rails: ^{Clear space alongside tubs.}

Provided that—

- (a) where there are two parallel lines of rails, the foregoing provision shall not apply if there is a clear space of at least two feet six inches between tubs standing on those rails; and
- (b) where, in the case of any existing mine, compliance with the requirements of this subsection

Coonabarabran to Burren Junction Railway.

subsection would necessitate the removal of arching or other masonry work or permanent timbering, or where, in the case of any mine, sets or trains of tubs are coupled or uncoupled at the face, or at the pass-bye next the face, other provisions for securing safety may be substituted by the special rules of the mine for those requirements.

The provisions of this subsection shall come into operation on the first day of January, one thousand nine hundred and fifteen:

Provided that this subsection shall not apply to any district in any mine which the Minister is satisfied will be worked out within three years from the first day of January, one thousand nine hundred and fourteen.

Measuring
clear space.

(4) In measuring any clear space for the purposes of this section, any props or other supports of the roof projecting beyond the side of the road shall be deemed to form part of the side.