

## COAL MINES REGULATION (AMENDMENT) ACT.

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Act No. 12, 1947.

**George VI.**  
**No. 12, 1947.**  
— An Act to make further provisions for the management and regulation of mines of coal and mines of shale; to amend the Coal Mines Regulation Act, 1912-1941, and certain other Acts; and for purposes connected therewith. [Assented to, 28th March, 1947.]

**B**E 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:—

Short title,  
citation  
and  
commencement.

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1947."

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

(3) The Principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1912-1947.

(4) This Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.**

## 2. The Principal Act is amended—

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Amendment of  
Act No. 37,  
1912.

(a) by inserting in subsection one of section three next after the definition of "Inspector" the following new definition:—

"Joint Coal Board" means the Joint Coal Board constituted pursuant to the Coal Industry Act, 1946.

(b) by inserting at the end of section seven the words: "An officer or employee of the Public Service acting as an examiner under this Act may retain for his own use the remuneration prescribed by such rules for examiners";

(c) by inserting in section eleven after the word "plane" the words "or hauled or lowered on any plane";

(d) by inserting at the end of subsection one of section twenty-two the following proviso:—

Provided that a person shall not be appointed as mine electrician at any mine if he holds an appointment as mine electrician at any other mine.

(e) by omitting from subsection one of section twenty-three the words "a Senior Inspector of Collieries who" and by inserting in lieu thereof the words "two Senior Inspectors of Collieries, each of whom";

(f) by omitting from subsection four of section twenty-four the words "Senior Inspector" and by inserting in lieu thereof the words "Senior Inspectors";

(g) by inserting in subsection one of section twenty-six after the words "subject to" the words "the provisions of the Public Service Act, 1902, as amended by subsequent Acts, and";

(h) by omitting from paragraph (b) of subsection one of section twenty-seven the word "reasonable".

Sec. 3.  
(Interpreta-  
tion of  
terms.)Sec. 7.  
(Rules by  
Minister  
as to  
examina-  
tions.)Sec. 11.  
(Penalty on  
unqualified  
person taking  
charge of  
machinery.)Sec. 22.  
(Employ-  
ment of  
mine  
electricians.)Sec. 23.  
(Chief  
Inspector  
and Senior  
Inspectors.)Sec. 24.  
(Appoint-  
ment of  
inspectors.)Sec. 26.  
(Appoint-  
ment of  
electrical  
inspector.)Sec. 27.  
(Powers of  
inspectors.)

**No. 12, 1947.***Further  
amendment  
of Act No. 37,  
1912.***Sec. 35.**  
(Plan of  
mine to  
be kept  
at office.)**3. The Principal Act is further amended—**

(a) by inserting next after subsection one of section thirty-five the following new subsection:—

(1a) The owner, agent or manager of the mine at periods of not more than six months, shall forward to the Under Secretary for Mines an accurate tracing of the plan required to be kept in the office at the mine under subsection one of this section, showing the mine workings up to a date not more than three months previously and titled the mine record tracing. Such tracing shall show a surveyed connection to some measured portion on the surface of the mine together with the azimuth adopted.

**Sec. 35A.**  
(Plans to be  
furnished.)

(b) (i) by omitting from subsection one of section 35A the words "scale not less than of ten chains to the inch" and by inserting in lieu thereof the words "scale that will clearly define the area";

(ii) by inserting at the end of the same subsection the words "together with a schedule of particulars of title to the lands shown on the plan";

**Sec. 36A.**  
(Certain  
occurrences  
to be  
reported.)

(c) (i) by omitting from section 36A the words "any discovery of inflammable gas which is the subject of a report under subsection five of general rule eight of section fifty-four of this Act" and by inserting in lieu thereof the words—  
"any discovery of inflammable gas in a mine or part of a mine which immediately prior thereto was not a gassy place";

(ii) by inserting in the same section after the words "may ask for" the words "The owner, agent or manager of the mine shall, as soon as practicable, report any such occurrence to the check inspector of the district";

(d)

(d) by inserting at the end of section 37A the following new subsections:—

(3) The re-entry to any mine or part of a mine which has been sealed off on account of self-heating or fire shall not, as far as is practicable, be made on a main production shift.

(4) In a mine in which the coal or strata is liable to spontaneous combustion a site for the erection of a seal shall be prepared in accordance with the approval of the inspector in every open roadway to each panel or district and materials of a type approved by the inspector shall be made available near such site for the purpose of isolating the panel or district in case of emergency.

(e) by omitting from section forty-six the word "coal";

(f) (i) by inserting at the end of paragraph (b1) of subsection one of section fifty the following new subparagraphs:—

(ii) Where the Minister so requires one of such means of egress shall be a return airway.

(iii) The manager of the mine shall cause to be posted up at the pithead in some conspicuous place where it can be conveniently seen by the persons employed a plan of the mine on a suitable scale showing the main roads, the means of egress from each part of the mine to the surface and the telephone stations underground; and so often as such plan becomes defaced, obliterated or destroyed, shall cause it to be replaced with all reasonable despatch.

(ii) by inserting at the end of subsection two of the same section the following new paragraph:—

(b) Any person who pulls down, injures or defaces any plan posted up in

Sec. 37A.

(Sealing on account of self-heating.)

Sec. 46.

(Agent may be summoned for wages.)

Sec. 50.

(Prohibition of single shafts.)

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pursuance of subparagraph (iii) of paragraph (b1) of subsection one of this section shall be guilty of an offence against this Act.

Further  
Amendment  
of Act No.  
37, 1912.

Sec. 54.  
(General  
rules.)

Rule 1.  
(Ventila-  
tion.)

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

(a) (i) by inserting at the end of part (b) of general rule one the following new paragraph:—

(ii) Without prejudice to the generality of the provisions of paragraph (i) of this part in each ventilating district in the mine as near as practicable to a point within one hundred yards outbye of the first working-place at the working face which the air enters there shall be maintained continuously passing a total quantity of pure air equal to one hundred and fifty cubic feet per minute for each person and three hundred cubic feet per minute for each horse engaged or passing in such ventilating district or such greater quantity as the inspector may in his discretion determine.

Such total quantity shall sweep along the air-ways and of such total quantity air in the foregoing proportions shall be forced as far as the face of and into each and every working-place where any person or horse is engaged or passing in such ventilating district:

Provided that the inspector may in respect of any working-place direct that air in greater proportions than those prescribed by the foregoing provisions of this part be supplied to such working place.

(ii)

(ii) by inserting in part (e) of the same general rule after the words "carbon dioxide" the words "or if the air contains more than one part of carbon monoxide in every ten thousand parts thereof";

(iii) (a) by omitting from part (f) of the same general rule the words "after the date of the commencement of the Coal Mines Regulation (Amendment) Act, 1941";

(b) by inserting in the same part after the word "shall" where firstly and thirdly occurring the words "subject to the approval of the inspector";

(c) by inserting at the end of the same part the following new subparagraph:—

(iii) where doors are required outbye a point one hundred yards on the intake side of the face in the first working-place in the ventilating district which the air enters such doors shall be made of wood or other substantial material and brattice shall not be used for this purpose:

Provided that the inspector, if he considers it necessary for efficient ventilation, may require stoppings of brick, or concrete to be erected inbye the point one hundred yards on the outbye side of the first working-place in a ventilating district which the air enters;

(b) (i) by omitting from general rule two the words Rule 2.  
"below ground in any mine or seam" and (Ventila-  
tion by  
by inserting in lieu thereof the words "of fire.)  
any mine";

(ii) by omitting from the same general rule the word "underground";

(c)

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Rule 3.

(Ventilation by machinery.)

(c) by inserting at the end of general rule three the words—

“Any mechanical contrivance introduced underground for auxiliary ventilation shall be installed used and maintained in accordance with the requirements of the inspector and shall not be used to replace the main ventilating system.”

Rule 4.

(Appointment of stations.)

(d) (i) by omitting from paragraph (a) of general rule four the words “or on the intake airway in a ventilating district” and by inserting in lieu thereof the words “and also on the intake airway in each ventilating district”;

(ii) by inserting next after paragraph (e) of the same general rule the following new paragraph:—

(el) A full and accurate report shall be made of one of the similar inspections made under subparagraph (i) of paragraph (e) of this general rule. Such report specifying the condition of the ventilation and whether or not, and where, if any, noxious or inflammable gas was found, and whether or not any, and (if any) what defects in roofs or sides and other sources of danger were observed, shall be recorded without delay in the record book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and so far as the same does not consist of printed matter, shall be in the handwriting of the person who made the inspection.

Rule 12B.

(Prevention of coal dust.)

(e) (i) by inserting in paragraph two of general rule 12B after the words “exposed to the dust” the words—

“The Governor may in like manner vary, amend or revoke any such standard from time to time”;

(ii)

- | (ii) by inserting in the same paragraph after No. 12, 1947. the words "Such standard" the words "or where such standard has been varied or amended such standard as so varied or amended";
- | (iii) by omitting paragraphs five and six of the same general rule and by inserting in lieu thereof the following paragraphs:—
  - | (5) At every working face in a working-place where coal or shale is hewn, cut or filled either by hand or by mechanical means, water in pipes under pressure from a water reticulation system, or other system approved by the Joint Coal Board, shall be provided and the water shall be used during all such operations for the purpose of reducing the dust in the atmosphere to a minimum. The water system shall have such capacity and pressure as is necessary to give the maximum efficiency in the laying of dust. The water shall be applied to coal (other than solid coal including coal in pillars) through water sprays and to solid coal, including coal in pillars, by infusion. To reduce dust to a minimum water or some other agent approved by the Joint Coal Board shall be applied to the part or parts of the floor of all travelling roads and wheeling roads where persons and horses are passing.
  - | (6) The provisions of paragraph five of this general rule shall not apply in a mine or part of a mine where the conditions are naturally wet.
- | (iv) by omitting from paragraph nine of the same general rule the words "of or in excess of the proclaimed standard";
- | (v) by inserting next after paragraph nine of the same general rule the following new paragraph:—
  - | (9A) The Joint Coal Board for such reasons as appear to it to be sufficient and upon

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**Rule 14.**  
 (Signalling  
 and  
 manholes  
 for travel-  
 ling planes  
 worked by  
 machinery.)

upon the written application of the owner, agent or manager of any mine, may subject to such conditions, if any, as it may deem fit, exempt such mine or any part thereof from all or any of the provisions of paragraphs five and nine of this general rule.

(f) by omitting from paragraph (b) of general rule fourteen all the words after the words "twenty yards" and by inserting in lieu thereof the words—

"Where manholes are not built in the solid they shall be constructed to the requirements of the inspector:

Provided that this paragraph shall apply only to haulage roads and not to bords, cut-throughs or other working places."

**Rule 16B.**  
 (Transport  
 to  
 workings.)

(g) (i) by omitting paragraph two of general rule 16B;

(ii) by omitting paragraph four of the same general rule and by inserting in lieu thereof the following paragraph:—

(4) All transport systems shall be equipped—

(a) with efficient brakes on the engine,  
 (b) with efficient brakes or other means whereby the transport cars or trolleys can be stopped quickly in case of emergency, and

(c) with a proper system of signalling including adequate provision for clearly indicating any failure of the system.

Except where the source of the power operating the transport cars or trolleys and the person controlling such operation are with the transport cars or trolleys, all transport systems shall have efficient telephonic communication between the transport cars or trolleys and the person controlling the operation of the system.

(h)

(h) (i) by omitting paragraph one of general rule **No. 12, 1947.** twenty-three and by inserting in lieu thereof **Rule 23.** the following paragraph:—  
 (1) The roof under which any work of hewing or filling mineral is carried on and the roof of all travelling and wheeling roads shall be systematically and adequately supported. For this purpose props, or props and slabs, or props and bars or chocks or other means of support approved by the inspector shall be set at such regular intervals as may be specified in the notice herein-after mentioned.

(ii) by omitting paragraph three of the same general rule;

(i) (i) by omitting from general rule twenty-five **Rule 25.** the words "within hearing of the signals"; **(Attendance of engine-man.)**

(ii) by inserting in the same general rule after the word "mine" where secondly appearing the words "unless he is relieved by a competent male person not less than twenty-one years of age who shall then attend to the working of such machinery in compliance with the foregoing provisions";

(j) by inserting at the end of general rule twenty-six the words—  
 "The signals referred to in this general rule shall be given by means of efficient mechanical or electrical apparatus. There shall be provided in connection with every winding-engine used for the purpose of drawing mineral or for the lowering or raising of persons in such shafts an appliance which shall automatically indicate in a visual manner to the winding-engineman, in addition to the ordinary signal, the nature of such signal until such signal is complied with."

(k) by omitting from paragraph one of general rule twenty-seven the words "if the shaft is vertical, **Rule 27.** be provided with a detaching hook, and, if the shaft is more than three hundred feet in depth, **(Over-winding.)** shall

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shall also be provided with an effective automatic contrivance to prevent over-winding.

The provisions of this subclause of this rule shall come into operation on the first day of July, one thousand nine hundred and thirty-three" and by inserting in lieu thereof the words "be provided with an effective automatic contrivance to prevent over-winding, and if the shaft is vertical shall also be provided with a detaching hook."

New Rule  
29A.

(1) by inserting next after general rule twenty-nine the following new general rule:—

Winding  
ropes.

*Rule 29A.* (1) No rope shall be used for raising or lowering persons in any shaft or inclined plane unless a certificate has been furnished by the manufacturer setting out the date of manufacture, diameter and circumference of the rope in inches, breaking strain of the rope, length of the rope and weight per foot in pounds. A copy of the certificate shall be forwarded to the inspector immediately a rope is newly installed, together with particulars of the weight of load to be carried and the weight of maximum length of the rope to be used.

(2) The factor of safety for all such ropes when newly installed shall be not less than the following:—

Raising or lowering of persons—

Surface to 2,000 feet, factor of safety	10
... . . . .	10

Beyond 2,000 feet, factor of safety	8
... . . . .	8

Raising or lowering of mineral or materials—

Surface to 2,000 feet, factor of safety	8
... . . . .	8

Beyond 2,000 feet, factor of safety	7
... . . . .	7

The

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The factor of safety shall be calculated by dividing the breaking strain of the rope as given in the manufacturer's certificate by the sum of the maximum load to be raised or lowered plus the total weight of the rope in the shaft when fully let out.

(3) At least once in every six months such rope shall have cut off the lower end a portion at least six feet in length.

The length so cut off shall be sent to a testing station approved by the chief inspector for a breaking test.

A copy of such test shall be forwarded to the inspector.

(4) No such rope shall be used when its factor of safety (as calculated in the manner hereinbefore prescribed) has fallen below the following:—

Raising or lowering of persons—

Surface to 2,000 feet, factor of safety	.. .. .. .. ..	8
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Beyond 2,000 feet, factor of safety	.. .. .. .. ..	7
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Raising or lowering of mineral or materials—

Surface to 2,000 feet, factor of safety	.. .. .. .. ..	7
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Beyond 2,000 feet, factor of safety	.. .. .. .. ..	6.5
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(5) The following provisions shall apply to all other ropes (except ropes used on endless rope systems) used for the transporting of persons in or about the mine:—

No rope shall be used for such purpose unless a certificate has been furnished by the manufacturer setting out

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out the date of manufacture, diameter and circumference of the rope in inches, breaking strain of the rope, length of the rope and weight per foot in pounds. A copy of the certificate shall be forwarded to the inspector when a rope is newly put on or a new length of rope put in use, together with the weight of load to be hauled and the weight of maximum length of the rope to be used.

The factor of safety for such a rope when newly put on or for a length of rope newly put on shall be not less than eight.

The factor of safety shall be calculated by dividing the breaking strain of the rope as given in the manufacturer's certificate by the sum of the maximum load to be hauled.

At least once in every twelve months such rope shall have cut off a piece at least six feet in length from that part of the rope subjected to the greatest strain or wear.

The length so cut off shall be sent to a testing station approved by the chief inspector for a breaking test. A copy of such test shall be forwarded to the inspector.

No such rope shall be used when its factor of safety has fallen below six.

(6) All ropes to which this general rule applies shall be treated with a suitable rope compound at least once a month, and shall also be thoroughly examined at least once a month by cleaning at selected places, and the person appointed for that purpose shall note the condition of the rope and record same without delay in a book to be kept for the purpose.

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A record of the result of all breaking tests required to be done under this general rule shall be kept in a report book. No. 12, 1947.

(7) The Minister, on the recommendation of the chief inspector and for such reasons as appear to him sufficient and upon the written application of the owner, agent or manager of any mine, may grant exemption from the provisions of this general rule in any particular and on such conditions as he considers necessary.

(m) by inserting at the end of general rule thirty-three the words— Rule 33.  
(Boilers.)

The owner, agent or manager of the mine shall, within fourteen days of the installation of any new or second-hand boiler or unfired pressure vessel, notify the inspector of such installation and shall, before such boiler or unfired pressure vessel is put into use at the mine, furnish the inspector with a report on such boiler or unfired pressure vessel on Form No. CB 4 of the Standards Association of Australia Boiler Code.

A copy of the certificate of the last inspection of any such boiler or unfired pressure vessel shall be exhibited in a frame with a clean glass front in some conspicuous position at or near the boiler or unfired pressure vessel where it can be seen by all persons working at or with the boiler or unfired pressure vessel.

Subject to any exemption in any particular case which the Minister may grant in writing, no boiler inspector shall issue a certificate of fitness under this general rule in respect of any boiler or unfired pressure vessel owned or used by his employer and no boiler inspector who makes, alters, repairs, owns, sells or is interested in the sale of any boiler or unfired pressure vessel, shall issue such a certificate

in

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in respect of any such boiler or unfired pressure vessel.

New Rule  
35A.

(n) by inserting next after general rule thirty-five the following new general rule:—

Appointment  
of first-aid  
men.

*Rule 35A.* The manager shall take all practicable steps to ensure that of the persons employed underground a sufficient number shall be the holders of certificates of proficiency in first-aid from a society or body approved by the Minister. The manager may designate any holder of any such certificate as a first-aid man.

As far as practicable at least one of such first-aid men shall be included among the employees in each ventilating district of the mine and in any other part of the mine one of such first-aid men shall be included in each group of thirty persons employed in such part.

A list of first-aid men designated as aforesaid shall be kept posted up in the first-aid room at the surface of the mine.

Substituted  
Rule 39.

(o) by omitting general rule thirty-nine and by inserting in lieu thereof the following general rule:—

Periodical  
inspection  
on behalf  
of work-  
men.

*Rule 39.* (1) The majority of the persons employed in or about a mine may from time to time appoint in the manner hereinafter provided two of their number or any two persons who are practical miners and one of whom is the holder of at least a third-class certificate of competency or of service under this Act to inspect the mine at their own cost, and the persons so appointed shall be allowed from time to time on giving reasonable notice to the manager, accompanied, if the owner, agent, or manager

manager of the mine thinks fit, by him- **No. 12, 1947.** —

self or one or more officers of the mine, to go at any time to every part of the mine, and to inspect the shafts, levels, planes, working-places, return air-ways, ventilating apparatus, old workings, and machinery, and also to examine the plan and section of the mine as provided by section thirty-five of this Act:

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

Every facility shall be afforded by the owner, agent, and manager, and all persons in the mine for the purpose of the inspection. The persons appointed shall forthwith make a true report of the result of the inspection in a book to be kept at the mine for that purpose or the persons appointed shall send to the manager within seven days of the inspection a true report of the result of the inspection and such report shall be kept on record at the mine. All such reports shall be signed by the persons making the inspection.

The finding on any day of an inspection of any inflammable or noxious gas or the existence of self-heating of coal, strata or other material whatsoever or of any other condition from which danger to safety, health or property may be apprehended shall be recorded in a book to be kept at the mine for the purpose by the persons making the inspection on that day before they leave the mine.

If any report made under this general rule states the existence or apprehended existence of any danger, the owner, agent or manager shall forthwith cause

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a true copy of the report to be sent to the inspector of the district.

(2) The persons to inspect shall be appointed by ballot by the majority of the persons employed in or about the mine present at a meeting convened for the purpose by notice signed by not less than five of such 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.

(3) In the case of any mine in which two persons have not been appointed in accordance with the foregoing provisions of this general rule and a majority of the employees at which mine are entitled to vote generally in the election of the person holding the office of district check inspector, the person holding such office shall have the same rights and obligations as a check inspector appointed under the provisions of this general rule.

(p) by inserting next after general rule thirty-nine the following new general rule:—

*Rule 39A.* Any person being the holder of a mine electrician's certificate of competency under this Act who may be appointed by the majority of the persons employed in the mines of the State for the purposes of inspecting the electrical equipment in such mines shall be allowed from time to time on giving reasonable notice to the manager of any mine, accompanied, if the owner, agent, or manager of the mine thinks fit, by himself or one or more officers

of

New  
Rule 39A.

Appoint-  
ment of  
electrical  
check  
inspector.

of the mine, to go at any time to every part of such mine and inspect at his own cost all electrical equipment therein: No. 12, 1947.

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

Every facility shall be afforded by the owner, agent and manager, and all persons in the mine for the purpose of the inspection, and the person so appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in a book to be kept in the mine for the purpose, and shall be signed by the person so appointed.

The finding on any day of an inspection of any danger or apprehended danger shall be so recorded by the person so appointed on that day before he leaves the mine.

If any report under this general rule states the existence or apprehended existence of any danger, the owner agent or manager shall forthwith cause a true copy of the report to be sent to the inspector of the district.

(q) by omitting general rule forty and by inserting Substituted  
Rule 40. in lieu thereof the following general rule:—

*Rule 40.* No person shall work as a coal-getter or filler or shale-getter or filler or machine operator in or about the face of the workings of a mine and no person shall work in or about the face of the workings of a mine for the purpose of removing coal, shale or stone therefrom unless—

(a) he has been employed or has worked for two years in or about the face of the workings of a mine as a coal-getter or filler or shale-getter

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shale-getter or filler or mine shiftman or machine operator; or

(b) he works in company with a person who has been employed or has worked for two years in or about the face of the workings of a mine as a coal-getter or filler or shale-getter or filler or mine shiftman or machine operator.

In this general rule "mine shiftman" does not include wheelers, locomotive drivers or other persons not engaged in work of timbering or breaking down of coal, shale, or stone in or about the face workings of a mine.

Rule 44.  
(Bath and  
change-  
house  
accommo-  
dation at  
mines.)

(r) (i) by omitting subparagraphs (c) (d) and (e) of paragraph one of general rule forty-four and by inserting in lieu thereof the following subparagraphs:—

(c) the accommodation and facilities for taking baths and changing clothes shall be provided in a building of sufficient dimensions, efficiently lighted and ventilated and kept in good repair, and while the accommodation is in use the atmosphere in the building shall be heated to a temperature of not less than seventy degrees Fahrenreit;

(d) the building shall be constructed of brick or other material approved by the Minister. The walls of the cabinets and bathing section shall be lined with tiles or other material approved by the Minister to a height of at least seven feet. The floor shall be of cement or similar material so graded and drained as to allow water to run to and be carried away at the sides of the building.

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The building shall also be so constructed as to permit of the interior being easily cleansed, and to prevent accumulations of dirt. No. 12, 1947.

Every bath and change-house shall have adequate lavatory accommodation installed and connected to a sewerage or septic system of disposal;

- (e) the floor space in each of the areas for clean clothes and for dirty clothes, exclusive of any floor space in the portion of the building in which showers are installed and used, shall be not less than ten square feet for each person employed in the largest shift at the mine.
- (ii) by omitting from subparagraph (g) of the same paragraph the word "underground";
- (iii) by omitting subparagraph (m) of the same paragraph and by inserting in lieu thereof the following subparagraph:—
  - (m) a responsible adult person or persons shall be appointed by the manager for the purpose of keeping the bath and change-house in a clean condition and the bath and change-house shall be properly cleaned out once at least in every day on which workmen are employed at the mine.

The person or persons so appointed shall on each such day inspect the bath and change-house accommodation and make a full and accurate report in a book kept at the mine stating the result of such inspection and specifying the measures taken to remedy any defect disclosed during the inspection.

(iv)

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(iv) by omitting from paragraph two of the same general rule the words: "or if the plans and specifications of such bath and change-house were approved by the Minister before the commencement of the Coal Mines Regulation (Amendment) Act, 1941."

New rule  
45.

(s) by inserting next after general rule forty-four the following new general rule:—

Care of  
horses.

*Rule 45.* (1) All horses underground shall, when not at work, be housed in properly constructed stables, and in stalls of adequate size.

(2) All stables in use shall be separated from any road used for haulage of mineral or travelling, and shall be continuously and thoroughly ventilated with intake air, cleaned daily and kept in a sanitary condition and all roofs, walls and partitions in any stable shall, unless painted or made of a smooth surface, be limewashed at intervals of not more than twelve months.

(3) A competent person or persons shall be appointed in writing by the manager to have the care of the horses. Any person so appointed is hereinafter described as "horsekeeper."

(4) A sufficient supply of wholesome food and pure water shall be provided daily for each horse.

(5) A sufficient supply of suitable medicines, ointments and dressings shall be provided and kept readily available for use for such horses.

(6) No horse shall be worked, or allowed by the horsekeeper, to go out to

to work in an unfit condition, or improperly shod, or otherwise than with harness properly fitting and in good condition. A horse shall not be allowed to work in harness likely to cause pain or injury.

(7) The horsekeeper shall not allow a horse to be worked unless it is free from sores calculated to cause pain.

(8) Cartridges of explosive, not being a permitted explosive, may be used below ground in a safety appliance for destroying horses, and may be taken below ground for that purpose but for no other purpose.

(9) The safety appliance shall be of a type approved by the chief inspector. It shall be kept in the custody of a competent official appointed in writing by the manager, and used by or under the immediate supervision of that official.

(10) The explosive shall be in cartridges kept in storage under the sole control of the manager or some person appointed in writing by the manager and shall be issued from the place of storage to the official appointed under paragraph nine of this general rule.

(11) Every person to whom cartridges are issued as aforesaid shall, until the cartridges are about to be used, keep them in a suitable case or box provided by the owner and kept securely locked and separate from any other case or box containing explosive and used only for the storage of such cartridges.

(12) Every such safety appliance shall be cleaned out and examined immediately

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immediately after it has been used, and shall be maintained in efficient and safe working order; and no person shall use below ground any such appliance which is out of order or appears to be defective in any way.

(13) The safety appliance shall only be fired below ground in such circumstances as a shot may be fired in accordance with the provisions of the Fifth Schedule to this Act.

(2) The amendments made by paragraphs (e), (k) and (r) of subsection one of this section shall commence upon such days as are respectively appointed by the Governor and notified by proclamation published in the Gazette.

Any such day so appointed shall not be earlier than the day appointed pursuant to subsection four of section one of this Act.

Further  
amendment  
of Act No.  
37, 1912.

Section 54A.  
(Bath and  
change-  
house  
accommoda-  
tion at  
coke works.)

5. (1) The Principal Act is further amended—

- (a) by omitting paragraphs (c), (d) and (e) of subsection one of section 54A and by inserting in lieu thereof the following paragraphs:—
  - (c) the accommodation and facilities for taking baths and changing clothes shall be provided in a building of sufficient dimensions, efficiently lighted and ventilated and kept in good repair, and while the accommodation is in use the atmosphere in the building shall be heated to a temperature of not less than seventy degrees Fahrenheit;
  - (d) the building shall be constructed of brick or other material approved by the Minister. The walls of the cabinets and bathing section shall be lined with tiles or other material approved by the Minister to a height of at least seven feet. The floor shall be

of

of cement or similar material so graded **No. 12, 1947.**  
and drained as to allow water to run to  
and be carried away at the sides of the  
building.

The building shall also be so con-  
structed as to permit of the interior  
being easily cleansed and to prevent  
accumulations of dirt.

Every bath and change-house shall  
have adequate lavatory accommodation  
installed and connected to a sewerage  
or septic system of disposal;

(e) the floor space in each of the areas for  
clean clothes and for dirty clothes,  
exclusive of any floor space in the  
portion of the building in which showers  
are installed and used, shall be not less  
than ten square feet for each person  
employed in the largest shift at the  
coke-works.

(b) by omitting paragraph (1) of the same sub-  
section and by inserting in lieu thereof the  
following paragraph:—

(1) a responsible adult person shall be  
appointed by the manager for the pur-  
pose of keeping the bath and change-  
house in a clean condition and the bath  
and change-house shall be properly  
cleaned out once at least in every day on  
which workmen are employed at the  
works..

The person so appointed shall on each  
such day inspect the bath and change-  
house accommodation and make a full  
and accurate report in a book kept at  
the works stating the result of such  
inspection and specifying the measures  
taken to remedy any defect disclosed  
during the inspection;

(c)

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(c) by omitting from subsection two of the same section the words "or if the plans and specifications of such bath and change-houses were approved by the Minister before the commencement of the Coal Mines Regulation (Amendment) Act, 1941."

(2) The amendments made by subsection one of this section shall commence upon the day appointed pursuant to subsection two of section four of this Act in respect of the amendment made by paragraph (r) of subsection one of section four of this Act.

Further  
amendment  
of Act No.  
87, 1912.

Section 56B.  
(Power of  
Governor  
to make  
regulations.)

**6.** The Principal Act is further amended—

(a) (i) by inserting at the end of subparagraph (iii) of paragraph (c) of subsection one of section 56B the words "and the qualifications to be possessed by and the competency of persons controlling such machinery and the issue of certificates of competency or fitness to such persons";

(ii) by inserting at the end of the same subsection the following new paragraph and subsection:—

(d) prescribing the standards of effective temperatures and air movement or of effective temperatures or air movement to be maintained in any working place in a mine where any person is engaged or passing, the method of determining such standards, and the conditions under which work may be performed at such standards by persons engaged in any such working-place.

(1A) Regulations under paragraph (d) of subsection one of this section may provide that in the event of the prescribed standards not being complied with work may be performed in any such working-place subject to such special conditions as may be imposed by such regulations.

(iii)

(iii) by omitting subsection three of the same No. 12, 1947.  
section;

(b) by omitting section 56c;

(c) by inserting at the end of subsection one of section 79B the following words:—"The Minister accompanied by an inspector may enter, inspect and examine any mine or part of any mine at any time."

Sec. 56c.  
(Procedure  
for  
making  
regulations.)

Sec. 79B.  
(Inspection  
by geological  
surveyor,  
etc.)

**7. The Principal Act is further amended—**

Further  
amendment  
of Act No.  
37, 1912.

(a) by omitting from regulation three of the Fifth Schedule the words "It shall be the duty of any person firing a shot to satisfy himself of the fulfilment of the following requirements" and by inserting in lieu thereof the words "For the purpose of preventing a blown out shot it shall be the duty of any person firing a shot to ensure that the following requirements have been observed."

(b) (i) by omitting from paragraph (a) of regulation six of the same Schedule the word "chief";

(ii) by inserting after the same paragraph the following new paragraph:—

(a1) When explosive has to be taken into any ventilating district of a mine and cannot reasonably be distributed to the working places forthwith it shall be stored in secure cases or canisters in a container approved by the inspector. Such container shall be kept securely locked except when in use and only persons authorised by the manager shall have access to it. The maximum quantity of explosives to be so stored shall not exceed 200 pounds in any ventilating district unless

Fifth  
Schedule.  
(Regulations  
for shot-  
firing.)

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unless with the permission of the inspector granted on the application of the manager of the mine.

Explosives shall not be stored in such a container for a period exceeding twenty-four hours.

(c) by omitting from regulation eight of the same Schedule the words: "Provided that the Chief Inspector may authorise the charging, stemming and firing of two or more shots at the one time for the purpose of—

(a) shooting down tops; or

(b) conducting experiments in simultaneous shot-firing," and by inserting in lieu thereof the words—

"Provided that upon the application of the owner, agent or manager of any mine, the Minister on the recommendation of the Chief Inspector may authorise the charging, stemming and firing of two or more shots at the one time for any purpose in that mine."

(d) by inserting next after regulation eight of the same Schedule the following new regulation:—

8A. Shots shall not be fired by means of delay-action detonators in any mine except by authorisation of the Minister on the recommendation of the Chief Inspector and subject to such conditions as the Minister considers desirable.

(e) by inserting next after regulation ten of the same Schedule the following new regulation:—

10A. Where a shot-hole has been charged and the shot cannot be fired forthwith, the shot-firer shall not leave the vicinity without fencing off the place and affixing a danger board indicating that the shot has not been fired. A second charge shall not be placed in the same shot-hole.

## 8. The Principal Act is further amended—

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Further amend-  
ment of Act  
No. 37, 1912.

(a) by omitting from regulation sixty-seven of the Sixth Schedule the word and figures “sixteen (16)” and by inserting in lieu thereof the word and figures “eighteen (18);”

(b) by inserting next after regulation sixty-seven of the same Schedule the following new regulation—

67A. He shall see that each locomotive in use above ground, or below ground, is equipped with effective mechanical means of warning persons of the approach of such locomotive.

(c) by inserting at the end of regulation one hundred and four of the same Schedule the words “and shall not allow a loaded cage to be sent up against a cage containing men”;

(d) by omitting regulation one hundred and eighteen of the same Schedule;

(e) (i) by inserting in regulation one hundred and thirty-three of the same Schedule after the word “case” the words “and such authorisation shall be only for the purpose of carrying out operations necessary to comply with this Act and the regulations thereunder.”

(ii) by inserting at the end of the same regulation the words “Except as otherwise provided for in this Act and the regulations thereunder no fire shall be lit underground.”

## 9. The Principal Act is further amended—

Further amend-  
ment of Act  
No. 37, 1912.

(a) by omitting regulation twenty of the Seventh Schedule and by inserting in lieu thereof the following regulation:—

20. No blow lamp shall be used in a gassy or dry and dusty place: Provided that where a manager considers the use of a blow lamp essential for the purpose of making joints in or

soldering

Sixth  
Schedule.  
(General  
Regula-  
tions.)

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soldering cables he may authorise in writing any competent person to use a blow lamp on a non-working shift in any place where a shot may be fired.

No electric or oxy-acetylene welding or cutting apparatus shall be used in a gassy or dry and dusty place and no such apparatus shall be used in any other place below ground except on an intake airway where it is permissible to fire a shot, and not closer than one hundred yards from and on the intake side of the first working or temporary standing place in the ventilating district.

Where any electric or oxy-acetylene welding or cutting apparatus is used below ground in compliance with these regulations, it shall be used only by a person authorised in writing by the manager.

Any authority given under this regulation shall relate only to the specific occasion in respect of which it is so given and shall be duly recorded in a book to be kept at the mine for the purpose.

All work which may be carried out under this regulation shall be carried out by or in the presence of a person who is the registered holder of at least a third-class certificate of competency under this Act and who is in possession of a hearing and eyesight certificate granted under subsection two of section 5A of this Act not more than three years previously. Such person shall see that the place where any apparatus is used pursuant to this regulation is free from inflammable gas and that adequate precautions are taken to prevent danger from fire. He shall see that, on completion of the operations carried out with the use of a blow lamp, electric or oxy-acetylene cutting or welding apparatus, the place is left in a safe condition and shall make a record at the mine stating conditions as to safety during and on the completion of such operations.

A

A generator type of oxy-acetylene plant shall No. 12, 1947.  
not be used below ground.

(b) by inserting next after regulation thirty-one of the same Schedule the following new regulation:—

31A. Where an electrically operated hand-held boring machine is in use in any isolated working place two persons shall be in or about the place while the machine is being so used.

(c) by inserting at the end of regulation thirty-seven of the same Schedule the following new paragraph:—

(e) A test to detect any breakage in the conductors of any trailing cable.

(d) (i) by inserting in regulation forty-one of the same Schedule after the word "tests" the word "overhauls";

(ii) by omitting from the same regulation the word and number "and 39" and by inserting in lieu thereof the word and numbers "39 and 40";

(e) by omitting from regulation sixty-one of the same Schedule the words "shall comply with the specifications and tests adopted by the Standards Association of Australia and in vogue at the time of purchase of the cable, or otherwise."

(f) by inserting next after regulation sixty-one of the same Schedule the following new regulation:—

61A. Cables used on coal-loading machines and other machines that are moved at intervals shall be of an approved type.

(g) by inserting next after regulation sixty-seven of the same Schedule the following new regulation—

67A. (1) A competent person shall at least once in each working shift inspect the leakage indicators required to be provided by regulation

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sixty-seven of this Schedule and shall record the result of such inspection in a book kept at the mine for the purpose.

(2) All automatic earth leakage protection equipment shall be provided with means by which tests of its operation may be made.

A competent person shall at least once in each working shift make a test of such equipment and shall record the result of the test in a book kept at the mine for the purpose. Any defect found in the operation of such equipment shall be rectified without delay.

(h) by inserting at the end of regulation eighty-six of the same Schedule the following new paragraph—

(d) *Rubber Floor Mats*: Rubber floor mats of suitable design and size shall be provided in the front of and at the back of, switch boards containing exposed live parts when such parts are placed in a position less than seven feet from the floor.

(i) by inserting at the end of regulation ninety of the same Schedule the words “capable of cutting off the voltage in the event of a break in the earth conductor of any flexible cable between the gate-end junction box connected to the fixed cables and the boring machine.”

(j) by omitting paragraph ten of regulation ninety-eight of the same Schedule and by inserting in lieu thereof the following paragraph:—

(10) A competent person shall inspect at least once in each working shift all flame-proof enclosures together with their locks or seals, and all cables and connections external to the flame-proof enclosures, including all battery connections. Any loose connections found or any abrasions to cables or other defects observed shall be remedied at once.

The

The person making the inspection shall report **No. 12, 1947.** the result of his inspection without delay on the approved form kept at the charging or repair station of the mine.

- (k) (i) by omitting from paragraph eleven of the same regulation the words "by means of which men are transported";
- (ii) by inserting at the end of subparagraph (a) of the same paragraph the words "and is at least twenty-one years of age or, in the case of any person who was operating such an electric locomotive immediately before the commencement of the Coal Mines Regulation (Amendment) Act, 1947, will have attained the age of twenty-one years not later than the first day of July, one thousand nine hundred and forty-nine";
- (iii) by inserting at the end of the same paragraph the following words:—  
"No person shall be employed as a shunter operating with an electric locomotive, unless he is at least eighteen years of age."

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