

MINES RESCUE ACT.

Act No. 3, 1925.

George V, No. 3. An Act to provide for rescue operations in coal and shale mines; for the establishment, equipment, maintenance, and control of rescue stations and rescue corps; for the payment by the owners of mines of certain contributions towards Mines Rescue Funds to be devoted to the foregoing purposes; for the establishment at mines of rescue brigades; for the provision at mines of certain apparatus, and the training of men in the use thereof; and for purposes connected therewith. [Assented to, 28th September, 1925.]

BE

BE it enacted by the King's Most Excellent Majesty, **George V,**
by and with the advice and consent of the Legis- **No. 3.**
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Mines Rescue Short title
and com-
mencement.
Act, 1925."

(2) This Act shall come into operation on the
thirty-first day of December, one thousand nine hundred
and twenty-five.

(3) This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—CENTRAL RESCUE STATIONS—*ss.* 5-13.

PART III.—ESTABLISHMENT OF PERMANENT
RESCUE CORPS—*ss.* 14, 15.

PART IV.—RESCUE BRIGADES—*ss.* 16-18.

PART V.—GENERAL—*ss.* 19-26.

2. In this Act, unless the context otherwise indicates Interpre-
tation.
or requires,—

"Breathing apparatus" means an apparatus of
such a character that the wearer carries with
him all the means for respiration in an
irrespirable atmosphere, and is of a type for
the time being approved by the Minister.

"Central rescue station" or "rescue station" means
a station established under this Act to serve
mines within a district.

"Committee" means the committee of a district
constituted under this Act.

"District" means an area declared by proclamation
to be a district for the purposes of this Act.

"Fund" means the Mines Rescue Station Fund
of a district established under this Act.

"Inspector"

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“Inspector” means an inspector of collieries appointed under the provisions of the Coal Mines Regulation Act, 1912, or any Act amending the same.

“Mine” means any mine opened under the provisions of the Coal Mines Regulation Act, 1912, or any Act amending the same.

“Owner” means any person who is the immediate proprietor, or lessee, or occupier of any mine, and does not include a person merely receiving a royalty, rent, or fine from the mine.

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under the authority of this Act.

“Superintendent” means superintendent of a rescue station.

Application
of Act.
S.R.O., 1912
No. 347, r. 1.

3. (1) This Act applies to all mines in which coal or shale is worked.

(2) The Minister may exempt from all or any of the provisions of this Act any mine in which less than fifty persons are employed underground, if the mine is so situated or the circumstances are such that the application of all or any of the provisions of this Act are not, in the opinion of the Minister, reasonably practicable.

Entry to a
mine after
explosion.
Ibid. r. 2.

4. No person, unless authorised by the manager or official appointed by the manager for the purpose, or in the absence of the manager or such official, by the principal official of the mine present at the surface, shall be allowed to enter a mine for the purpose of engaging in rescue work after an explosion of fire-damp or coal dust, or after the occurrence of a fire.

PART II.

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CENTRAL RESCUE STATIONS.

5. (1) The Governor may by proclamation published in the Gazette establish districts for the purpose of this Act and may from time to time by proclamation vary the boundaries of such districts. Districts and rescue stations.

(2) The erection of a central rescue station for a district shall be carried out by the committee subject to the provisions of the regulations.

(3) The Minister upon the recommendation of the committee may agree to accept a building in a district as a central rescue station.

(4) The control, maintenance, upkeep and administration of a central rescue station shall be vested in the committee.

6. The owner of every mine within a district shall contribute towards the cost of erection, equipment, and maintenance of the rescue station such sum as may be prescribed for such district, based upon every ton of coal or shale won from the mine during the preceding year ending the thirty-first day of December. The first payment shall be made on or before the twenty-first day of January, one thousand nine hundred and twenty-six, and thereafter within the first twenty-one days of January in each year. Contribution to rescue stations by owners.

7. (1) All moneys received as contributions from the owners within a district or which may be voted by Parliament for the purpose of assisting in the provision and equipment of the rescue station for a district or which are derived by a committee from any other source shall be paid into a fund which shall be under the direction and control of the committee of the district. Mines Rescue Fund.

(2) The fund shall be applied towards—

- (a) the cost of provision, maintenance, upkeep, and administrative expenses of the rescue station within a district;
- (b) the salary of the superintendent;
- (c) the wages of persons employed as instructors, or as members of or acting with the corps attached to the station;

(d)

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- (d) the purchase of apparatus, accessories, appliances, requisites; and
- (e) the instalments necessary to create a sinking fund for the extinguishment within a period of ten years of any liability incurred for the capital cost of the station together with interest thereon at a rate not exceeding six per centum per annum.

Rescue
apparatus.

8. There shall be kept and maintained at the central rescue station of a district not less than fifteen complete suits of breathing apparatus together with such accessories, appliances, and other requisites as the Minister may direct as being necessary for the carrying out of rescue operations. A motor car shall also be provided and maintained thereat and kept in constant readiness for use.

Room for
rescue and
first aid
purposes.

9. At every mine to which this Act applies there shall be a room provided and maintained by the owner exclusively for rescue and first aid purposes. The room—

- (a) shall be situated on the surface conveniently near the entrance of the mine and shall be distinguished by a conspicuous sign on the door;
- (b) shall have a floor space such as may be prescribed with a minimum of one hundred square feet, and shall be provided with ample means of natural and artificial lighting and heating, with a strong table and sufficient lockers, drawers and shelves for articles required to be provided by this Act, and with a plentiful supply of drinking water and water for washing; and
- (c) shall be placed under the charge of a person appointed in writing by the manager, who shall hold a certificate of proficiency in first aid from a society or body approved by the Minister, and shall also always be readily available during working hours and shall be responsible for maintaining the room and the fittings and appliances thereof in good order and for attending to the needs and comfort of the injured and of any rescue team or rescue brigade engaged in practices or work at the mine.

10. (1) There shall be provided and maintained by the owner at the mine in a district where a permanent rescue corps has been established at least two complete suits of breathing apparatus, together with such accessories, appliances, and other requisites as may be prescribed or as the Minister may direct as being necessary for the carrying out of rescue operations.

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Rescue
apparatus to
be provided
at each mine.

(2) Telephone communication shall be established and maintained by the owner of the mine between the mine and the rescue station.

11. In each district there shall be a committee consisting of the check inspector of the district and not less than three or more than five persons elected by the owners of the mines within the district in the prescribed manner. The committee shall have the powers and duties prescribed.

Committee
for rescue
stations.

12. (1) Every central rescue station shall be in charge of a superintendent, to be appointed by the committee.

Superin-
tendent.

(2) No person shall be appointed superintendent unless he has had at least five years actual practical experience in coal mines, and can furnish satisfactory evidence that he has a thorough knowledge—

- (a) of the construction and use of breathing apparatus;
- (b) of the methods of working and ventilating mines;
- (c) of the nature and properties of noxious and poisonous gases;
- (d) of the means of detecting the presence of and preventing accumulations of such gases and the means of removing same; and
- (e) of the uses and dangers of electricity as applied to mines.

(3) The superintendent shall devote his whole time to the duties of his office, and shall perform all such duties in the instruction of rescue brigades and the maintenance and working of the station as may be prescribed.

(4)

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(4) Whenever the superintendent of a central rescue station shall receive notification that an explosion or accident has occurred at a mine within the district he shall—

- (a) proceed immediately with suitable equipment to the mine; and
- (b) on arrival co-operate with the management of the mine in rescue work; and
- (c) superintend the work of the rescue corps or rescue brigades in saving life and property.

Instructions,

13. (1) There shall be appointed by the committee, upon the recommendation of the superintendent, at every central rescue station, in addition to the superintendent, persons who are competent to train a rescue corps or rescue brigade, and the number so appointed shall in no case be less than the number specified in the following scale :—

- (a) At rescue stations maintaining a permanent rescue corps—if the total number of persons employed underground at the mines in the district served by the stations does not exceed fifteen thousand, one in addition to the superintendent; if the number exceeds fifteen thousand, two in addition to the superintendent.
- (b) At rescue stations not maintaining a permanent rescue corps—if the total number of brigades required to be provided at the mines served by the station does not exceed fifty, one in addition to the superintendent; exceeding fifty, two in addition to the superintendent.

(2) The owner of a mine at which a rescue brigade is organised shall, subject to the approval of the superintendent, be entitled to engage the services of any such instructor to train the members of the rescue brigade upon payment of the prescribed rates.

(3) The instructor shall, subject to the direction of the superintendent, perform such duties as may be prescribed.

PART III.

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ESTABLISHMENT OF PERMANENT RESCUE CORPS.

14. (1) By direction of the Minister the committee in any district shall establish at a central rescue station a permanent rescue corps, subject to the following conditions:—

- (a) The rescue corps at such central rescue station shall consist of such number of men (not less than six) as the Minister may approve.
- (b) The members of the corps shall be appointed by the committee.
- (c) Each member of such corps shall be carefully selected on the ground of his physical fitness and general suitability for the work, and shall hold the prescribed certificate of proficiency in first aid.
- (d) It shall be a condition of the employment of a member of the corps that he shall at all times be within immediate call of the station.
- (e) Each member of the corps shall be thoroughly trained in the use of breathing apparatus and in rescue work in accordance with a scheme approved by the Minister.

(2) Two or more competent persons from each mine within a district shall be selected by the owner for the purpose of acting with the rescue corps when summoned, as follows:—

If the total number of underground employees is not more than two hundred and fifty—not less than two persons.

If the total number of underground employees is more than two hundred and fifty but not more than seven hundred—not less than four persons.

If the total number of underground employees is more than seven hundred—not less than five persons.

Such persons shall out of the fund be paid such fees as may be prescribed, and shall attend for training with the

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(3) No breach of subsection two of this section shall be deemed to have been committed in consequence of failure to maintain at the mine the full number of trained men in accordance with the foregoing provisions if the owner of the mine satisfies the Minister that he has made every effort to comply with those provisions and that the failure is due to causes over which he had no control.

Training of
rescue corps. **15.** Every rescue corps shall, after the completion of its training, undergo at least six practices underground in mines with breathing apparatus every year, and at least one such practice in every quarter.

PART IV.

RESCUE BRIGADES.

Organisation
and
maintenance.
S.R.O., 1912
No. 347, r. 3. **16.** (1) Where the Minister has not directed that a permanent rescue corps be established in any district or where a mine is situate without a district there shall be organised and maintained by the owner at every mine competent rescue brigades on the following scale:—

Where the number of underground employees at any one time is two hundred and fifty or less—
one brigade.

Where the number of underground employees is at any one time more than two hundred and fifty but not more than seven hundred—two
brigades.

Where the number of underground employees is at any one time more than seven hundred but not more than one thousand—three brigades.

Where the number of underground employees is at any one time more than one thousand—four
brigades.

(2)

(2) A rescue brigade shall consist of not less than five persons employed at the mine, selected with regard to their medical fitness, physical qualifications, and knowledge of underground work and first aid.

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(3) There shall be selected by the owner from the ranks of each rescue brigade one person who shall act as captain or leader of the brigade and perform the duties prescribed.

(4) A brigade shall not be deemed competent unless—

- (a) the members of the brigade have been given a prescribed course of instruction and training by some person approved by the Minister;
- (b) the members have thereafter in every quarter at least one day's practice with breathing apparatus, which practice shall at least twice in the year take place at the mine;
- (c) the members of the brigade shall have received instruction in the reading of mine plans, in the use and construction of breathing apparatus, in the properties and detection of inflammable and other gases, and in the various appliances used in connection with mine rescue and first aid work.

(5) The members of a rescue brigade who have undergone (to the satisfaction of the Minister) the approved course of training may be granted a certificate or medallion as may be prescribed.

(6) The owner shall pay to persons for time occupied in performing duties under this section an amount not being less than the rate of a first-class shiftman's wages ruling for the time being at the mine.

(7) The owner shall pay to the person approved by the Minister to give the prescribed course of instruction and training such fees as may be prescribed.

(8) Arrangements shall be made by the owner at every mine for summoning members of rescue brigades immediately their services are required.

17. Where it can be proved to the satisfaction of the Minister that the necessary number of persons employed underground at a mine will not consent to form the requisite

Failure to
form a
brigade.
S.R.O., 1912
No. 347, r. 4.

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- (a) that he has endeavoured to the best of his ability to constitute the requisite number of brigades, and has afforded every opportunity to the persons employed at the mine to undergo the necessary training; and
- (b) that he has made application for the supply of an existing rescue corps from a central rescue station of a district and contributes as if the mine was situated within the district.

Breathing
apparatus
to be
provided.

18. (1) There shall be provided by the owner as soon as reasonably practicable after the passing of this Act and maintained at every mine at which a rescue brigade is established under this Part at least two suits of portable breathing apparatus for each brigade required to be maintained at the mine.

(2) The number of suits to be provided and maintained at a mine shall not in any case be less than five. The apparatus must be capable of enabling the wearer to remain for at least one hour in an irrespirable atmosphere and must be kept ready for immediate use, and it shall be kept in suitable receptacles and housed in a dry room provided for the purposes of this Act.

(3) There shall be provided by the owner, and maintained at every mine at which a rescue brigade is established under this Part, such other accessories, appliances, and requisites as may be prescribed as being necessary for the carrying out of rescue operations.

PART V.

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GENERAL.

19. (1) If any site required for the erection of a central rescue station is situate within the boundaries of a lease of Crown lands held under the provisions of the Mining Act, 1906, the resumption thereof shall be deemed to be for a public purpose within the meaning of section one hundred and thirty of the Mining Act, 1906.

Site for
rescue
station.

(2) The land upon which any central rescue station is erected or which is acquired for the purpose of a central rescue station shall be so transferred assured or reserved so as to vest in trustees to be appointed by the Governor, who shall hold the same for the purposes of this Act and subject thereto in trust for His Majesty the King.

20. There shall be kept by the owner at every mine tracings of the workings of the mine up to a date not more than three months previously, showing the ventilation and all principal doors, stoppings, and air crossings, regulators, and telephone stations, and distinguishing the intake air by a different colour from return air, which tracings shall be in a suitable form for use by the brigades or rescue corps. The signs and distinguishing features used on the tracings shall be as prescribed.

Tracings of
workings to
be kept.
S.R.O., 1912
No. 347, r. 4.

21. At every mine there shall be established as prescribed—

Uniform
rules and
signals.

- (a) a code of rules for the conduct and guidance of persons employed in rescue operations;
- (b) a code of signals to be used in such rescue operations.

Ibid., r. 8.

The codes shall be conspicuously displayed at the mine and all brigades shall be thoroughly instructed therein.

22. (1) An inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with.

Powers of
inspectors.

(2)

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(2) Any person who wilfully obstructs any inspector in the execution of his duty under this Act, and every owner who refuses or neglects to furnish to the inspector the means necessary for making any inspection, examination, or inquiry under this Act, shall be guilty of an offence against this Act.

(3) Every inspector shall make an annual report of the result of his inspections during the preceding year to the Minister.

Failure to
comply with
the require-
ments.

23. If the inspector considers that the owner has failed to comply with any of the requirements of this Act or that any appliance, apparatus, material, or thing is defective, he shall give notice to the owner requiring that same be forthwith remedied, and unless the same be remedied within the period named in the notice the owner shall be deemed guilty of an offence against this Act.

Service of
notices.

24. Any order or notice required by this Act or the regulations to be served upon the owner may be served personally or by post addressed to the manager at the mine.

Penalties.

25. Any person who by act or omission contravenes any of the provisions of this Act shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Regulations.

26. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or authorised to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, and any such regulation may prescribe—

- (a) a penalty for any breach thereof, and also distinct penalties in case of successive breaches thereof, provided that no such penalty shall exceed fifty pounds ;
- (b) a daily or weekly penalty, not exceeding two pounds a day or five pounds a week, for any continuing breach thereof.

(2) The regulations shall be published in the Gazette, and shall take effect from the date of publication or from a later date to be specified in the regulations.

(3)

Prickly-pear (Amendment) Act.

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(3) The regulations shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

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(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.
