

# THE MINING ACT, 1908.

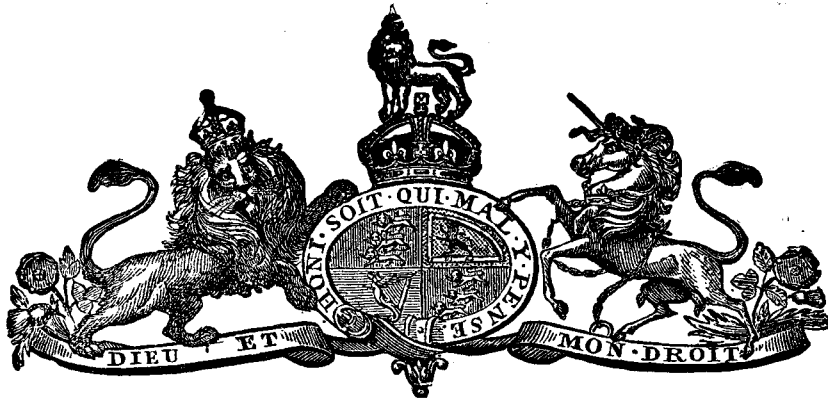
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## ANALYSIS.

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| <ol style="list-style-type: none"><li>1. Short title and incorporation with 5 Ed. VII. No. 23.</li><li>2. Interpretation.<br/>"Sunday."</li><li>3. Amendment of Section 5 of Principal Act.</li><li>4. Amendment of Section 19 of Principal Act.</li><li>5. In lease under former Act covenants mentioned in Section 81 of Principal Act to be substituted for corresponding covenants contained in lease.</li><li>6. Certain leases, &amp;c., to confer same rights and privileges, and entail same obligations and penalties, as if Principal Act not passed.</li><li>7. Amendment of Section 69 of Principal Act.</li><li>8. Objections to licences.</li><li>9. Amendment of Section 78 of Principal Act.</li><li>10. Repeal and re-enactment of Section 79 of Principal Act.</li><li>11. Amendment of Section 92 of Principal Act.</li><li>12. Repeal of Subsections (4.) and (5.) of Section 94 of Principal Act.</li></ol> | <ol style="list-style-type: none"><li>13. Board's discretion as to costs.</li><li>14. Power to Board to order forfeiture if default made in payment of fine.</li><li>15. Amendment of Section 98 of Principal Act.</li><li>16. Amendment of Section 98 of Principal Act.</li><li>17. Amendment of Section 99 of Principal Act.</li><li>18. Amendment of Section 167 of Principal Act.</li><li>19. Amendment of Section 174 of Principal Act.</li><li>20. Repeal and re-enactment of Section 180 of Principal Act.</li><li>21. Amendment of Section 183 of Principal Act.</li><li>22. Amendment of Section 241 of Principal Act.</li><li>23. Employment of labour in mines on Sunday prohibited.</li><li>24. Penalty for breach of Act.</li><li>25. Section 23 not to apply in certain cases.<br/>Works of necessity or mercy not prohibited.</li><li>26. Amendment of First Schedule to Principal Act.</li></ol> |
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# TASMANIA



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 51.

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AN ACT to amend "The Mining Act, 1905." <sup>A.D.</sup> 1908.  
[14 December, 1908.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as "The Mining Act, 1908," and shall be deemed to be incorporated with and be construed as one with "The Mining Act, 1905" (hereinafter referred to as the Principal Act). Short title and  
incorporation with  
5 Ed. VII.  
No. 23.

**2** "*Sunday*" means the period of time which begins at midnight on *Saturday* and ends at midnight on the following day. Interpretation,  
"Sunday."

**3** Section Five of the Principal Act is hereby amended by repealing the words "This subsection shall not apply," in line Ten of Subsection (1.), and also repealing all the words of that subsection immediately following those words. Amendment of  
Section 5 of  
Principal Act.

**4** Section Nineteen of the Principal Act is hereby amended by striking out the proviso. Amendment of  
Section 19 of  
Principal Act.

**5—(1.)** Every gold-mining and every mineral lease issued under any former Act shall be deemed to contain, and shall be subject to, the several covenants by the lessee, and conditions and provisos mentioned In lease under  
former Act cove-  
nants mentioned  
in Section 81 of

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Principal Act to be substituted for corresponding covenants contained in lease.

in Section Eighty-one of the Principal Act (except those referred to in paragraph vii. of that section), in substitution for any covenants and conditions of a similar nature contained expressly or by implication in any such lease.

(2.) The provisions of this section shall not apply to any lease mentioned in the First Schedule to this Act.

Certain leases, &c., to confer same rights and privileges, and entail same obligations and penalties, as if Principal Act not passed.

**6**—(1.) Notwithstanding anything to the contrary contained in any Act, no lease, licence, or grant specified in the First Schedule hereto shall be affected by the repeal of the Act under which it was granted.

(2.) Every such lease, licence, and grant shall, until the date of the expiration thereof—

i. Confer the same rights and privileges as are set forth therein :  
and

ii. Entail the same obligations thereunder, and the same penalties, fines, and liability to forfeiture for the breach of any covenant or provision contained therein—

as if the Principal Act had not been passed.

(3.) All questions arising in relation to any former Act, or in relation to any right, title, or privilege acquired, or liability incurred thereunder, shall, notwithstanding the repeal thereof, be determined under such Act; and any such former Act, so far as may be necessary for the purposes of this section, shall be deemed to be unrepealed; and a warden under the Principal Act shall have all the powers of and be deemed to be a commissioner of mines under such former Act, and he may, wherever necessary, prescribe the procedure to be followed.

(4.) Subject to the foregoing provisions of this section, every lease, licence, or grant specified in the First Schedule to this Act shall be held subject to the provisions of this and the Principal Act and the regulations thereunder in force for the time being.

Amendment of Section 69 of Principal Act.

**7** Section Sixty-nine of the Principal Act is hereby amended by inserting in line Fifteen, after the word “be,” the words “a peppercorn rent or.”

Objections to licences.

**8** Any person may object to the granting of a licence under Part V. of the Principal Act within the time and in the manner prescribed; and every objection shall be dealt with in the manner provided in Division Six of Part IV. of the Principal Act.

Amendment of Section 78 of Principal Act.

**9** Section Seventy-eight of the Principal Act is hereby amended by inserting at the end thereof the words “and the person making the report shall be submitted to cross-examination if required by the applicant or the objector.”

Repeal and re-enactment of

**10** Section Seventy-nine of the Principal Act is hereby repealed, and the following section shall be inserted in lieu thereof:—

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**“79.—**(1.) Every warden shall have power and authority—

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- i. To hear and determine in a summary manner any objection to an application for a lease or a water-right or mining easement or any other right; to uphold any such application and dismiss any objection thereto, or to uphold any objection to any such application, and to reject such application, or in his discretion to impose a penalty not exceeding Ten Pounds on the applicant, and in default of payment of such penalty within such period as may be ordered, to reject such application, and to make such order in reference to any application as under this Act and the regulations the circumstances of the case shall require : and

Section 79 of  
Principal Act.

- ii. To perform any other duty or act which he may be authorised or required to perform by this Act or as prescribed.

**“(2.)** The determination of a warden shall be binding and conclusive on all parties, and upon the Minister; but an appeal therefrom shall lie to the Supreme Court notwithstanding the provisions of paragraph iii. of Section Two hundred and seventy-eight of the Principal Act.”

**11** The word “Seven” in line Two of Subsection (1.) of Section Ninety-two is hereby repealed, and the word “Nine” inserted in lieu thereof; and the word “Seven” in line Two of paragraph iv. of Subsection (7.) of the said section is hereby repealed, and the word “Nine” inserted in lieu thereof.

Amendment of  
Section 92  
of Principal Act.

**12** Subsections (4.) and (5.) of Section Ninety-four of the Principal Act are hereby repealed.

Repeal of Sub-  
sections (4.) and  
(5.) of Section 94  
of Principal Act.

**13** Where any person makes an application under Section Ninety-three of the Principal Act, all costs in connection therewith and also in connection with any proceedings subsequent thereto, shall be in the discretion of the Board, who may fix them or direct them to be taxed; and the Board may make such order as to costs and the payment thereof, and as to the disposal of any deposit lodged by any such applicant, as the Board think fit.

Board's discretion  
as to costs.

All costs ordered by the Board to be paid shall be recoverable in such warden's court as the Board direct as if they were costs ordered to be paid by that warden's court.

**14** It shall be lawful for the Board, in their discretion, to order that any fine imposed under Section Ninety-seven of the Principal Act as an alternative to forfeiture shall be paid forthwith, or within such time as the Board shall allow for payment thereof; and if default is made in payment, the Board, upon proof of such default, may—

Power to Board  
to order forfeiture  
if default made in  
payment of fine.

- i. Upon application in that behalf : or

- ii. Upon their own motion—

declare the lease in respect of which the fine is imposed to be forfeited.

Upon any such lease being so declared forfeited, the liability to pay the said fine shall be deemed extinguished.

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Amendment of  
Section 98 of  
Principal Act.**15** Section Ninety-eight of the Principal Act is hereby amended as to paragraph (1.)—

- I. By repealing the word "Fourteen," and substituting the words "Twenty-one" therefor :
- II. By repealing the word "hereinafter," and substituting the word "hereinbefore."

Amendment of  
Section 98 of  
Principal Act.**16** Section Ninety-eight of the Principal Act is hereby amended by striking out the word "Governor" in the First line, and substituting "Board," and also by striking out the word "his" in the First line. and substituting "their."Amendment of  
Section 99 of  
Principal Act.**17** Section Ninety-nine of the Principal Act is hereby amended by striking out the word "Governor," and substituting "Board."Amendment of  
Section 167 of  
Principal Act.**18** Section One hundred and sixty-seven of the Principal Act is hereby amended by inserting after the words "Chief Inspector" in the Sixteenth line the following words, namely :—

. "If any manager—

(a) Is incapacitated from performing his duties : or

(b) Is about to be absent for more than Seven days—

he or the authority empowered to appoint the manager shall appoint some fit person to act as deputy-manager during such incapacity or absence, and shall cause the name of such person to be recorded in the mine record book."

Amendment of  
Section 174 of  
Principal Act.**19** Section One hundred and seventy-four of the Principal Act is hereby amended by inserting in line Eighteen the word "Chief" before the word "Inspector."Repeal and  
re-enactment of  
Section 180 of  
Principal Act.  
Notice to be  
given of accidents  
in mines or works.  
Cf. 6 Ed. VII.  
c. 53, s. 2.  
50 & 51 Vict. c.  
58, s. 35.**20** Section One hundred and eighty-one of the Principal Act is hereby repealed, and the following substituted therefor, namely :—**"181—**(1.) Where in or about any mine or works, whether above or below ground, any accident occurs which either—

- I. Causes loss of life to any person : or
- II. Causes any fracture of the head or of any limb, or any dislocation of a limb, or any other serious personal injury to any person : or
- III. So disables any person employed in or about the mine as to cause him to be absent throughout at least Fourteen whole days from his ordinary work : or
- IV. Is caused by any explosion of gas or coal-dust, or any explosive, or by electricity, or by any other such special cause as the Minister for Mines specifies by gazetted notice—

or any overwinding to a serious extent or to the poppet-head, or accident to machinery or plant, or other serious occurrence in or about a mine or works, takes place, whether personal injury or disablement is caused thereby or not, the mine manager of the mine and the owner

*Mining Act Amendment.*

or manager of the works, or the person in charge of the mine or works, shall forthwith send notice in writing, and if serious personal injury has resulted, also by telegraph if practicable, of the accident or occurrence, and of any loss of life or personal injury caused thereby, to the nearest inspector of mines. The notice in writing shall be in such form and accompanied by such particulars as the Minister for Mines prescribes. A.D. 1908.

“(2.) Where loss of life or serious personal injury has immediately resulted from an explosion or accident, the place where the explosion or accident occurred shall be left as it was immediately after the explosion or accident until—

- i. The expiration of at least Three days from the sending of such notice as aforesaid of such explosion or accident : or
- ii. The place has been visited by a coroner’s jury or an inspector of mines, or, in his absence, a competent person appointed pursuant to Section One hundred and eighty-three of this Act, whichever first happens, unless compliance with this enactment would—
  - (a) Tend to increase or continue a danger ; or
  - (b) Impede the working of the mine or works, and the inspector of mines in writing dispenses with an inspection.

“(3.) Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing, and also by telegraph where practicable, of the death shall be sent forthwith to the nearest inspector.

“(4.) Every owner, manager, or person who fails to act in compliance with this section shall be guilty of an offence against this Act.”

**21** Section One hundred and eighty-three of the Principal Act is hereby amended as to paragraph i., by repealing the word “clerk,” and substituting therefor the words “a police officer of or above the rank of sergeant.”

**22** Section Two hundred and forty-one of the Principal Act is hereby amended as to paragraph xiii.—

- i. By inserting after the word “lessees” the words “or holders, or persons holding shares or interests in any lease or mining tenement :”
- ii. By inserting at the end of the paragraph the following words :—“or may in any case in which the court deems it proper so to do, forfeit the share or interest of any such person whose conduct in the opinion of the court amounts to an abandonment of his share or interest.”

**23** Except as to works of necessity or mercy, no person shall directly or indirectly employ any workman for hire or reward to do any skilled or unskilled manual labour on a *Sunday* in or about any mine within the meaning of “The Mining Act, 1905,” and any amendment thereof.

Place of accident or explosion causing loss of life or serious personal injury to be left undisturbed, except in certain cases.

Where personal injury results in death, notice of death to be given.

Failure to comply with section to be an offence.

Amendment of Section 183 of Principal Act.

Amendment of Section 241 of Principal Act.

Employment of labour in mines on *Sunday* prohibited.

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Penalty for  
breach of Act.Section 23 not to  
apply in certain  
cases.Works of  
necessity or  
mercy not  
prohibited.

**24** Every person who employs a workman to do work on a *Sunday* contrary to this Act shall be liable, on being convicted thereof in a summary way before a police magistrate or any Two or more justices, to a penalty not exceeding Five Pounds for every workman so employed.

**25** Notwithstanding anything contained in Section Twenty-three of this Act any person may on *Sunday* do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression "work of necessity or mercy," it is hereby declared that it shall be deemed to include the following classes of work:—

- i. Any necessary work in connection with smelting or roasting furnaces, or ore-reduction plants using cyanide or chemicals in a continuous process :
- ii. The necessary work of stable hands, watchmen, and caretakers in or about a mine or works :
- iii. Work in attending to electric lighting plant :
- iv. Work in repairing any shaft, furnace, engine, boiler, tramway power transmission line, machinery or plant, or so that the same may be in working order at the close of *Sunday* :
- v. Work in pumping or otherwise clearing or keeping clear a mine from water, in order to prevent damage to the workings or so that work may be resumed at the close of *Sunday* :
- vi. Work in sinking any shaft in wet ground where the inflow of water is so serious as to necessitate continuous work :
- vii. Work in repairing any water service :
- viii. Any work necessitated by a dangerous emergency :
- ix. Opencut work which cannot be safely carried on when the full number of men usually employed are at work :
- x. Opencut work which has had to be suspended during the preceding week, and which is necessary to maintain continuous operations at any smelting or reduction works :
- xi. Work in connection with any lighting or tramway plant :
- xii. Blowing off or getting up steam, or any work rendered necessary in consequence of the cessation of mining operations at the beginning of *Sunday*, or in order that mining operations may be resumed at the close of *Sunday* :
- xiii. Any operation incidental to any of the foregoing matters :
- xiv. Any work which the Governor, having regard to the object of Section Twenty-three, by proclamation declares to be a work of necessity or mercy.

Amendment of  
First Schedule to  
Principal Act.

**26** The First Schedule to the Principal Act is hereby amended to the extent and in the manner set forth in the Second Schedule to this Act.



*Mining Act Amendment.***FIRST SCHEDULE.**

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**LEASES, LICENCES, AND GRANTS.**

No. of Lease, Licence, or Grant.	Name of Lessee, Licensee, or Grantee.	Description of Lease, Licence, or Grant.	Act.
172-91w	Arba Tin Mining Company, No Liability	Tailings area licence	1884
173-91w	Arba Tin Mining Company, No Liability	Tailings area licence	1884
488-93w	Arba Tin Mining Company, No Liability	Boxed tail-race licence	1900
2333-87m	Brown, Charles Eaton	Lease	1884
2102-91m	Brown, Charles Eaton	Lease	1884
5214-93m	Bakhap, Thomas Jerome Kingston	Lease	1900
650-m	Bakhap, Simon Peter	Lease	1900
5243-93m	Banca Tin Mining Company, No Liability	Lease	1900
5318-93m	Banca Tin Mining Company, No Liability	Lease	1900
54-m	Banca Tin Mining Company, No Liability	Lease	1900
58-m	Banca Tin Mining Company, No Liability	Lease	1900
292-m	Banca Tin Mining Company, No Liability	Lease	1900
463-93w	Banca Tin Mining Company, No Liability	Dam-site grant	1893
642-93w	Banca Tin Mining Company, No Liability	Tail-race licence	1900
216-93m	Colebrook Prospecting Association, No Liability	Lease	1893
239-93m	Colebrook Prospecting Association, No Liability	Lease	1893
353-m	Dickinson, W., and Bakhap, T.	Lease	1900
6	Dunne's Mt. Read Mining Company, Limited	Gold licence	1893
164-93m	Dunne's Mt. Read Mining Company, Limited	Lease	1893
218-93m	Dunne's Mt. Read Mining Company, Limited	Lease	1893
271-m	Flight, Edward	Lease	1900
424-m	Fowler, Thomas	Lease	1900
448-m	Grant, Henry	Lease	1900
117-w	Grant, Henry	Water-right and race grant	1900
850-m	Hartnett, M., and Merrick, B.	Lease	1900
133-m	Maskell, Robert William	Lease	1900
134-m	Maskell, Robert William	Lease	1900
1259-93G	Mangana (Tasmania) Gold Reefs, Limited	Lease	1893
346-m	Moore, William C.	Lease	1900
91-w	Moore, William C.	Water-right, race, and dam-site grant	1900
169-w	Moore, William C.	Water-right and race grant	1900
177-w	Moore, William C.	Dam-site grant	1900
183-w	Moore, William C.	Tail-race licence	1900
237-93w	Mount Rex Tin Mining Company, No Liability	Water-right and race grant	1893
238-93w	Mount Rex Tin Mining Company, No Liability	Water-right and race grant	1893
239-93w	Mount Rex Tin Mining Company, No Liability	Water-right and race grant	1893
214-m	Munro, James Stuart	Lease	1900
671-93m	McCreery, Henry Prim	Lease	1893
819-87m	Oonah Silver Mining Company, No Liability	Lease	1884
1110-87m	Oonah Silver Mining Company, No Liability	Lease	1884

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No. of Lease, Licence, or Grant.	Name of Lessee, Licencee, or Grantee.	Description of Lease, Licence, or Grant.	Act.
1111-87M	Oonah Silver Mining Company, No Liability	Lease	1884
1949-93M	Patterson, P., and Patterson, C.	Lease	1893
3831-93M	Patterson, P., and Patterson, C.	Lease	1893
11-w	Patterson, P., and Patterson, C.	Water-right and race grant	1900
268D.C.	Radcliff, Hamilton, and Crisp, S. P.	Lease	1900
323 93w	Southerwood, W. J., and Meredith, G. L.	Water-right and race grant	1893
187-87M	Silver Queen Extended Prospecting Association, No Liability	Lease	1884
188-87M	Silver Queen Extended Prospecting Association, No Liability	Lease	1884
305	Thomson, James Alves	Lease	1893
1653-93M	Thomson, James Alves	Lease	1893
4349-93M	Thomson, James Alves	Lease	1893
4350-93M	Thomson, James Alves	Lease	1893
5311-93M	Thomson, James Alves	Lease	1900
1149-M	Thomson, James Alves	Lease	1900
19-87w	Thomson, James Alves	Water-right and race grant	1884
106-87w	Thomson, James Alves	Water-right and race grant	1884
458-93w	Thomson, James Alves	Extension-race grant	1893
524-93w	Thomson, James Alves	Water-race and dam grant	1893
618-93w	Thomson, James Alves	Additional water grant	1900
440-93w	White Rock Hydraulic Tin Sluicing Company, No Liability	Water-right and race grant	1893

## SECOND SCHEDULE.

AMENDMENTS TO PART (1.) OF FIRST SCHEDULE OF  
PRINCIPAL ACT.

## GENERAL RULES FOR ALL MINES AND FOR "WORKS."

*As to Rule 4—*

Throughout Paragraph I. the words "Thirty-five" are repealed, and the word "Fifty" substituted therefor.

Paragraph v. is repealed, and the following substituted therefor, namely:—

"v. Explosives shall be taken for use into the working underground faces of the mine only in securely covered cases or canisters of a pattern and make approved of by an inspector of mines, and containing not more than Fifteen pounds of gunpowder or Fifteen pounds of high explosive in each case or canister."

In Paragraph VI. the words "and in actual use" are repealed.

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Rule 12 is repealed, and the following substituted therefor, namely:—

"12. When a shaft is being sunk, or a rise put up in rock formation, and blasting operations are necessary, short cross-drives or man-holes, of such dimensions as shall be approved of by an inspector of mines, shall be formed throughout the shaft or rise, as the case may be, for use by miners as places of refuge during the occurrence of blasts, and suitable and convenient means of access to such places of refuge shall be provided from the bottom of the shaft and the top of the rise.

"In no case shall the cross-drives or man-holes for a—

I. Shaft be more than Two hundred feet apart :

II. Rise be more than One hundred feet apart :

nor shall more than 200 feet as to a shaft, or 100 feet as to a rise, intervene between the top or bottom of the shaft or rise, as the case may be, and the nearest cross-drive or man-hole."

*As to Rule 16—*

The following words are inserted at the end of this rule, namely:—

"Entering or crossing the winding compartment of a shaft is prohibited, except to ascend or descend, or for the purpose of effecting repairs ; and before any repairs are commenced the person in charge of or directing the repairs must inform the enginedriver of the nature thereof.

When any repairs taking over one hour to execute have been effected in any winding-shaft, the cage, skip, or bucket shall be run empty from top to working bottom of same, and back again to surface, before being used for men or materials."

*As to Rule 19—*

The following words, namely, "Unless an inspector of mines considers it impracticable," are inserted at the commencement of this rule.

*As to Rule 26—*

Rule 26 is repealed, and the following substituted therefor, namely:—

"26. During shaft-sinking operations no other work in any other place in the shaft shall be executed, nor any tools, ore, mullock, stone, or other material hoisted or lowered to or from any other place in such shaft, while men are at work in the bottom of the shaft, unless the winding compartment used for the purposes of such other work or such hoisting or lowering be protected to its full width below such place by a securely constructed pent-house.

"During shaft-sinking operations the manager of every mine shall provide adequate overhead protection for men who are engaged in shaft-sinking, and in all cases such penthouse or penthouses shall be constructed, or other suitable provision made, as an inspector of mines may require and order for the safety of men working in the bottom of shafts "

*As to Rule 31—*

In line one "permanently" is substituted for "permantly."

In line five, after the word "shafts," the words "which are not used exclusively for pumping" are inserted.

*As to Rule 37—*

Rule 37 is repealed, and the following substituted therefor, namely:—

"37. There shall be attached to every machine worked by steam, water, oil, gas, electricity, air, or mechanical power, and used for lowering or raising persons, an adequate brake or other sufficient appliance (in addition to any on the flywheel) fitted to each winding-drum or gear in such manner that it can be applied by the enginedriver without leaving the starting-handle of the engine. A dial or indicator (in addition to any mark on the rope) shall be attached to every machine used for raising or lowering persons or material, and shall be so placed that it will show to the person who works the machine the position of each of the cages or loads in the shaft when at any level or chamber, or place of refuge. In the case of shafts exceeding One thousand

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feet in depth, such brakes, if so ordered by an inspector of mines, must be worked by steam, air, electricity, or water. No brake shall be allowed on a fly-wheel unless with the approval of an inspector of mines."

*As to Rule 40—*

In line eight, after the word "plat-set," the words "or with other suitable appliances to be approved of by an inspector of mines" are inserted.

*As to Rule 41—*

The following words at the end of the rule, namely, "All cages to be tested from the drums with full and empty trucks, and wherever in a shaft an inspector directs," are repealed, and the following words substituted therefor, namely:—"All cages to be tested with full and empty trucks, and either from the shackle or from the drums, as an inspector of mines may direct. Any cage used for raising or lowering men shall be equipped with side guard bars, or a centre bar."

*As to Rule 54—*

Rule 54 is repealed, and the following substituted therefor, namely:—"54. In no case shall the face of an opencut be worked over ground that is considered dangerous by an inspector of mines, except with his permission and upon compliance with such conditions for safe working as he may impose. This rule, however, shall not prohibit the sinking of passes from the floor of an opencut for the purpose of filling up underground stopes, which stopes shall in all cases be kept securely timbered and 'stowed up' as the ore or other material is extracted from them."

AMENDMENTS TO PART (2.) OF FIRST SCHEDULE OF  
PRINCIPAL ACT.

## GENERAL RULE FOR COLLIERIES ONLY.

*As to Rule 1—*

In line three, after the word "employed," the word "underground" is inserted.

*As to Rule 2—*

In line two the word "daily" is repealed.

*As to Rule 18—*

In line four the words "to within Five feet of the face" are repealed, and the following words substituted therefor, namely:—"As close to the face as an inspector of mines considers reasonably practicable."

*As to Rule 19—*

The following words are inserted at the end of the rule, namely:—"And provided also that where seams of less than Four feet in thickness are worked, the size of the pillars shall be such as shall be ordered by an inspector of mines."