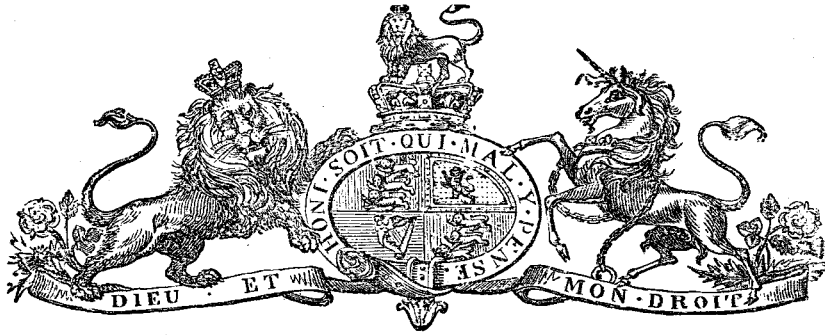


T A S M A N I A.



1891.

ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 31.

57 24



AN ACT to consolidate and amend the Law A.D. 1891.
providing for the Regulation and Inspec-
tion of Mines. [10 November, 1891.]

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 Regulation of Mines Act, 1891,” and shall come into operation on the First day of *January*, One thousand eight hundred and ninety-two Title and commencement of Act.

2 In the construction of this Act, unless the context otherwise determines— Interpretation of terms.

“Minister” shall mean the Minister of Lands and Works for the time being :

“Commissioner” includes a Commissioner of Gold Fields and a Commissioner acting under “The Mineral Lands Act, 1884,” and every Act amending the same :

“Mine Owner” and “Owner” means any person or body corporate who is the immediate proprietor, or lessee, or licensee, or occupier of any mine or any part thereof, and does not include a person or body corporate who merely receives a royalty, rent, tribute, or fine from a mine, or is merely the proprietor of a mine subject to any

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lease, grant, or licence for the working thereof; and, in the case of a company incorporated under any Act relating to Mining Companies or Joint Stock Companies, shall include the manager or agent of such Company, and in any other case the person having the management of mining operations carried on in any mine; but any contractor for the working of any mine or any part thereof, or for doing any specific work therein, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability:

“Mining Manager” shall mean the person in charge of and having the control and direction of mining operations in a mine, and registered as hereinafter provided:

“Inspector of Mines” or “Inspector” means any Inspector of Mines appointed under this Act:

“Mine” shall mean and include any claim, place, pit, shaft, drive, level, or other excavation, drift, gutter, lead, vein, lode, or reef wherein, or whereby, is or shall be, or has been carried on, any operation for or in connection with the purpose of obtaining any metal or mineral by any mode or method, or of stacking, or otherwise storing any substance as containing any metal or mineral, or wherein operations are carried on for the treatment of mine products:

“Machinery” shall mean and include steam and other engines, boilers, furnaces, stampers, winding and pumping gear, whims, windlasses, chains, trucks, tramways, tackle, blocks, ropes, tools, and all appliances of whatsoever kind used in or about a mine or elsewhere for the treatment of mine products or for mining purposes.

Repeal of existing Acts.
Schedule.

3 On and after the day on which this Act comes into operation, the Acts of the Parliament of *Tasmania* set forth in the Schedule hereto shall be and are hereby repealed: Provided that such repeal shall not affect—

i. Anything duly done under any Act hereby repealed before the date on which this Act comes into operation:

ii. Any liability accruing under any such repealed Act before the date on which this Act comes into operation.

Application of Act to matters and things done.

And, excepting so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things done under any repealed Act, and of any force or effect at the date on which this Act comes into operation by virtue of any Act hereby repealed, as if made or done hereunder.

Provisions of 53 Vict. No. 12 not affected.

4 Nothing in this Act contained shall be deemed to abridge or annul any of the provisions of “The Inspection of Machinery Act, 1889,” or any Act amending the same; nor to affect the duties of any Inspectors appointed under the said Act in relation to the inspection in mines of machinery and boilers coming within the operation of the said Act.

Appointment of Inspectors of Mines.

5 It shall be lawful for the Governor in Council, from time to time, by notice in the *Gazette*, to appoint such person or persons as he sees fit as and to be an Inspector of Mines or Inspectors of Mines under this Act; but no Inspector of Mines shall be allowed to hold any interest whatever in any mine in this Colony.

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6 The Governor in Council may, subject to the provisions of this Act, from time to time make, alter, amend, and revoke Regulations for all or any of the purposes following:—

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—
Regulations.

- (1.) For regulating the duties and functions of Inspectors of Mines:
- (2.) For providing for the safety of all persons working in or on mines, and for regulating the proper working of mines to ensure such safety and the prevention of accidents:
- (3.) For prescribing terms and conditions for the issue of certificates of competency for the office of Mining Manager of a Mine and Inspector of Mines: regulating the examinations to be held with respect to the necessary knowledge and experience in working mines of persons applying for such certificates; and appointing a Board of Examiners to conduct such examinations: Provided that nothing in this Section shall apply to any mining manager who has been employed in such capacity for a period of Three years:
- (4.) For prescribing conditions as to the manner in which the surveys of the underground workings of mines, required in accordance with Section Fourteen of this Act, shall be effected, and as to the scale to which the plans and sections referred to in the same Section shall be drawn, and as to the terms on which the copies of plans and sections required by the said Section to be furnished to the Inspector of Mines will be accepted as satisfactory:
- (5.) And generally for facilitating and more effectually carrying into execution the objects of this Act, especially in cases where no provision, or no sufficient provision, is made for the same:
- (6.) Every Regulation made under this Act may be made to apply generally to all mining districts within the Colony, or to any particular district or districts only.

Every Regulation made under this Act shall be published in the *Hobart Gazette*, and from and after the date of such publication shall have the force of law, as if the same had been enacted in this Act.

Every person committing any breach, whether by way of omission or commission, of any Regulation made under this Act, shall be guilty of an offence against this Act.

7 An Inspector under this Act shall have power to do all or any of the following things; namely—

Powers of
Inspectors.

- (1.) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with:
- (2.) To enter, inspect, and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to unnecessarily impede or obstruct the working of the said mine:
- (3.) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules (if any) for the time being in force in the mine, and all matters and

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things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto :

- (4.) To exercise such other powers as may be necessary for carrying this Act into effect.

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

Mining Manager to be appointed and name registered.

8 Every mine-owner shall appoint and continue to have a manager who shall be deemed the mining manager of the mine; and the name and address of such manager for the time being shall be notified by him in writing to the Inspector of Mines, and registered by him; and no person shall be so appointed who has not the management of the mining operations carried on by such owner. In the event of such mining manager ceasing to be in his employment, the said owner shall forthwith give notice of the same in writing to the said Inspector.

It shall be the duty of every mining manager to enforce, to the best of his power, the observance of the provisions of this Act by all persons employed in or about the mine of which he has charge; and no agreement with contractors or tributors or others will be allowed to relieve him of the responsibility of having all work in and about the mine carried on in a safe manner, and in accordance with this Act.

Employment of women and children in mines.

9 No boy under the age of Fourteen years, and no girl or woman of any age, shall be employed in or be allowed to be for the purpose of employment in any mine.

Age of person employed at mine.

10 No person under the age of Eighteen years shall be employed as lander or bracceman at any time at a brace over any shaft. No person under the age of Eighteen years shall be employed for more than Forty-eight hours in any week exclusive of the time allowed for meals, nor more than Eight hours in any day except in cases of emergency.

But no person shall be deemed guilty of an offence against this Act for a contravention of that part of this section relating to the time for which persons shall not be employed, if he prove before any Two Justices, not being interested in any mine in which such person or persons are employed, that there were special circumstances to render such contravention necessary for the proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine.

Limit of period of employment in charge of machinery.

11 No person in charge of steam machinery used in connection with any mine, or for the treatment of the products of any mine, shall be employed for more than Eight consecutive hours at any time; such period of Eight hours shall be exclusive of any time occupied in raising steam, and in drawing fires and exhausting steam in connection with the machinery in the charge of such person, and exclusive of meal hours, and of any time in which such person is employed in case of breakage or other emergency.

Every person in charge as aforesaid who is guilty of negligence, by which any property is destroyed or damaged, shall be guilty of an offence against this Act.

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12 No person whose sight or hearing is defective, or who is subject to fits or any other infirmity likely to interfere with the efficient discharge of his duties, shall be allowed to have charge of machinery by means of which persons are raised from or lowered into any mine. Any such person who accepts such charge, and every other person who employs any such person as aforesaid, shall be guilty of an offence against this Act. Also any person who is in a state of intoxication while in such charge shall be guilty of an offence against this Act.

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Certain persons
not to have charge
of machinery.

13 The mining manager of every mine shall, within twenty-four hours after the occurrence of any accident attended with serious injury to any person, give notice thereof to the Inspector of Mines; and any mining manager who shall wilfully omit to give such notice shall be deemed guilty of an offence against this Act. Any portion of a mine where an accident occurs shall not be interfered with until inspected by the Inspector or by a Coroner's Jury unless with the view of saving life or preventing further injury.

Notice of accident
to be given to
Inspector of
Mines.

14 Every mine-owner shall have and preserve accurate plans and sections showing the position of all the underground workings in his mine drawn from actual surveys effected in accordance with Regulations made under this Act by a duly authorised surveyor or by a mining manager who holds a certificate of competency under this Act; and at intervals of not more than Six months all additional underground workings and extensions of workings made since the previous surveys were effected shall be surveyed as aforesaid and delineated upon the said plans and sections, and no underground workings shall be filled up or allowed to fall into disrepair until they have been so surveyed. Before any mine having underground workings is abandoned the survey thereof shall be completed, and certified copies of plans and sections as aforesaid showing all the workings up to the date of abandonment shall be sent to the Inspector of Mines within One month after such date.

Plans of under-
ground operations
to be furnished.

During the month of *January* in every year the owner of any mine shall, when required by the Minister, furnish to the Inspector of Mines certified copies of the aforesaid plans and sections showing as far as possible all the underground workings that have been effected in his mine up to the thirty-first day of *December* immediately preceding the said month of *January*: but if at any time previously such copies of plans and sections have been already furnished by the said owner, then it shall only be necessary for him to supply copies of plans and sections of such workings and extensions of workings as have been effected since such time.

All copies of plans and sections shall show a connection to some permanent mark on the surface of the ground.

If any owner shall fail to comply with the provisions of this Section he shall be deemed guilty of an offence against this Act.

15 If upon the receipt of any such plan or section as aforesaid the Inspector of Mines has reason to believe that the same is an incorrect or incomplete plan or section of the underground workings of any such mine, the Minister may if he sees fit cause a check survey to be made of the underground workings of such mine; and if upon the making of any such check survey the plan or section furnished as aforesaid is proved to be incorrect or incomplete in any material respect, of which

If plans not
complete, Minister
may order new
survey.

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incorrectness or incompleteness the Minister shall be sole judge, the owner of such mine shall pay the cost of making such check survey and all expenses incurred in connection therewith; and such costs and expenses shall be recoverable from such owner as a debt due to Her Majesty.

Shafts with vertical or overhanging ladders to have platforms.

16 In every case where at the time of the passing of this Act vertical or overhanging ladders were used in connection with the shaft of any mine, securely fixed platforms shall be constructed at intervals of not more than Thirty feet from each other in such shaft, and such ladders shall have sufficient spaces for foot-holds of not less than Six inches; but in no case shall new vertical or overhanging ladders be constructed either in substitution for old ones or otherwise. Every person who contravenes or does not comply with this Section within a reasonable time after the passing hereof shall be guilty of an offence against this Act.

Notice to be given by Inspectors of causes of danger not provided for by the rules.

17 If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any Inspector find any mine or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such Inspector may give notice in writing thereof to the owner and manager of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice to be dangerous or defective, and shall require the same to be remedied; and unless the same be forthwith remedied the Inspector shall also report the same to the Minister.

If the owner of the mine objects to remedy the matter complained of in the notice, he may, within Twenty days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Minister; and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of such objection shall be deemed to be the date of the reference.

If the owner fails to comply either with the requisition of the notice, where no objection is sent within the time aforesaid, or with the award made on arbitration, within Twenty days after the expiration of the time for objection or the time of making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence.

Provided that the Court, if satisfied that the owner has taken active measures for complying with the notice or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such offence, and, if the works are completed within a reasonable time, no penalty shall be inflicted.

No person shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of this Section, or be liable under any contract to any penalty or forfeiture for doing such acts.

Arbitration.

Provisions as to arbitrations.

18 With respect to arbitrations under this Act, the following provisions shall have effect:—

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- (1.) The parties to an arbitration under this Act shall be the owner of the mine on the one hand, and an Inspector of Mines on behalf of the Minister on the other : A.D. 1891.
- (2.) Each of the parties to the arbitration may, within Twenty-one days after the date of the reference, appoint an arbitrator :
- (3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is interested in the mine to which the arbitration relates :
- (4.) The appointment of an arbitrator under this Section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party :
- (5.) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this Section :
- (6.) If within the said Twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final :
- (7.) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for Fourteen days refuses or neglects to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place ; and if he fails to do so within Fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final :
- (8.) In either of the foregoing cases where an arbitrator is empowered to act singly upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made :
- (9.) If the arbitrators fail to make their award within Twenty-one days after the day on which the last of them was appointed or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned :
- (10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ :
- (11.) If the umpire dies or becomes incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place :
- (12.) If the arbitrators fail or refuse or for Seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the Chairman of the General or Quarter Sessions of the Peace within the jurisdiction of which the mine is situate :

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- (13.) The decision of every umpire on the matters referred to him shall be final:
- (14.) If a single arbitrator fails to make his award within Twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place:
- (15.) The arbitrators and their umpire, or any of them, may summon and examine the parties and such witnesses as may be deemed necessary, and for the purposes of such examination may administer an oath to such parties or witnesses; they may also consult any counsel, engineer or scientific person whom they may think it expedient to consult:
- (16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Minister, and together with the costs of the arbitration and award shall be paid by the parties or one of them according as the award may direct. Such costs may be taxed by the Taxing Officer of the Supreme Court, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Minister shall be paid out of the Consolidated Revenue Fund. The amount, if any, payable by the owner may in the event of non-payment be recovered in the same manner as penalties under this Act:
- (17.) Every person who is appointed an arbitrator or umpire under this Section shall be a practical mining engineer, or a person accustomed to the working of mines, but when an award has been made under this Section the arbitrator or umpire who made the same shall be deemed to have been duly qualified as provided by this Section.

*General Rules.***General Rules.**

19 The following General Rules shall, so far as may be reasonably practicable, be observed in every mine:—

Ventilation.

i. An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, under-ground stables, and working-places of such mine, and the travelling roads to and from such working-places, shall be in a sufficient state of ventilation for working and passing therein.

Gunpowder and blasting.

ii. Gunpowder, or other explosive or inflammable substance, shall only be used in a mine as hereunder provided (that is to say):—

(a.) It shall not be stored in the mine in any quantity exceeding what would be required for use during Six working days for the purposes of the mine: And if stored in the mine it shall be kept in a drive or chamber separated by a door fixed across such drive at least Thirty feet from any travelling road.

(b.) It shall not be taken for use into the workings of the mine except in a securely covered case or canister containing not more than eight pounds.

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- (c.) A workman shall not have in use at one time in any one place more than one of such cases or canisters. A.D. 1891.
- (d.) No person shall enter with a naked light a powder magazine or any excavation in a mine where powder or other explosive or inflammable substance is stored.
- (e.) Detonators for blasting shall be kept on the surface of the ground in a covered box, but not in the same magazine with nitro-glycerine compounds. Not more than One hundred detonators shall be kept in any mine at one time, and these shall be kept in a covered box in the drive or chamber set apart for storing explosives as hereinbefore provided, and only taken out in such quantities as required for immediate use. Cartridges shall not be primed with detonators except for immediate use. Detonators shall not on any pretence whatever be placed near any travelling road, pass, or working face.
- (f.) No iron or steel pricker shall be used in blasting in any mine, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine.
- (g.) A charge of gunpowder which has missed fire may be drawn by a copper pricker; but in no case shall an iron or steel tool be used for the purpose of drawing or drilling out such charge. A charge of any nitro-glycerine compound shall not be drawn from a hole or have its tamping removed on any pretence. A charge of any explosive which has missed fire shall not be visited until Thirty minutes shall have elapsed from the time of lighting the fuse thereof; but this shall not apply to charges fired by an electric current.
- (h.) No person under the age of Eighteen years shall charge a hole with explosives, or fire any charge of explosives.
- (i.) No drill-hole shall be bored in any remaining portion of a hole in which a charge of nitro-glycerine compound has been previously exploded.
- (k.) Nitro-glycerine compounds shall not be used in a frozen state: when in such frozen state they shall be thoroughly thawed or softened previous to use in a dry vessel heated by warm water of a temperature not higher than 130° Fahrenheit.
- (l.) In all cases where the fumes arising from the explosion of any nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered innocuous by the person in charge of the blasting operations by the use of

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- a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations.
- Owners of mines or persons employing miners in blasting with nitro-glycerine compounds shall supply such miners with proper and safe means of thawing such compounds, and with the means of producing sprays of solution of sulphate of iron.
- III. Every underground plane on which persons travel which is self-acting or worked by an engine, windlass, or gin shall be provided (if exceeding Thirty yards in length) with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case, at intervals of not more than Twenty yards, with sufficient man-holes for places of refuge.
- IV. Every road on which persons travel underground where the produce of the mine in transit exceeds Ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided at intervals of not more than One hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length and of at least Three feet in width between the waggons running on the tramroad and the side of the road.
- v. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.
- VI. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly and securely fenced or securely covered, but this provision shall not be taken to forbid the temporary removal of any fence or cover for the purpose of repairs or other operations if proper precautions are used ; and every abandoned or disused shaft shall be fenced or securely covered in by the occupiers of the land upon which such disused shaft is situate, and its position indicated on the surface by a post with a notice thereon affixed.
- VII. When a fence or cover has been temporarily removed from any entrance to a shaft to admit of the performance of ordinary mining operations, a strong horizontal bar shall be securely fixed across such entrance not less than Three nor more than Four feet from the floor of the brace, chamber, or drive, as the case may be.
- VIII. Where the natural strata are not safe every working or pumping shaft shall be securely cased, lined, or otherwise made secure, for which purpose an ample supply of sound, good timber shall be kept on the ground ready for immediate use.
- IX. When a shaft is being sunk in rock formation and blasting operations are necessary, short cross-drives or manholes shall be formed at depths of every Two hundred feet for use by miners as places of refuge during the occurrence of blasts, and access to such manholes from the bottom of the shaft shall be provided by the use of suitable ladders.
- Man-holes in self-acting or engine planes.
- Spaces in horse roads.
- Keeping spaces clear.
- Fencing of entrance to shafts.
- Protection when fencing removed.
- Securing of shafts.
- Manholes in shafts.

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- x. Every drive and every excavation of any kind in connection with the working of a mine shall be securely protected and made safe for persons employed therein. A.D. 1891.
- xI. Suitable lights effectually protected from draughts of air shall be provided for the use of miners when travelling in the main drives of any alluvial mine; and the upper entrance to every winze, rise, or jump-up in any mine while open or unfenced shall be illuminated by a fixed light. Drive and excavation to be protected.
Lights to be provided.
- xII. Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine and another portion of the same shaft is used for raising material, the first-mentioned portion shall be cased or otherwise securely fenced off from the last-mentioned portion. Division of shaft.
- xIII. Every working shaft in which a cage is used and every division of such shaft in which persons are raised and lowered, and every shaft in which appliances worked by steam or other machinery are used, shall be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in work between the top and the bottom of the shaft, to the top and thence to the engine-room, and from the engine-room and top to the bottom of the shaft and to every entrance for the time being in work between the top and the bottom of the shaft; and no verbal signals or communications shall be made up or down a shaft exceeding Fifty yards in depth in which cages are used except through speaking tubes or telephones in the pump compartment of such shaft. Signalling.
- xIV. Every person employed in a mine shall make himself acquainted with the system of signals used in such mine. A line or some other appliance shall be provided in each shaft to admit of danger signals being communicated to the engine-driver from any portion of such shaft. Every person to know signals.
- xV. A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace. Engine-driver to see shaft.
- xVI. All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted and maintained in a clear and legible form on framed boards, one of which shall be placed in each chamber or entrance to the shaft, and one at the brace at or near the top of the shaft, and one in the view of the person in charge of the machine used for lowering or raising persons or material in such shafts. Signals to be clear and distinct.
- Such methods shall be subject to the approval of the Inspector; and any neglect to carry out such methods shall be an offence against this Act.
- xVII. Wherever any underground work is being performed in alluvial mines at greater distances than Two hundred feet from the shafts, proper means shall be provided for communicating along the lower drives of such mines distinct and definite signals to and from the plats at the bottom of the shafts, and to and from such places in which men may be at work.
- xVIII. A cage shall have a sufficient cover overhead when used for lowering or raising persons in any working shaft; such Protection to persons ascending or descending shaft.

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- cage-cover shall be at least Six feet Six inches above the floor of the cage, and shall be constructed of iron not less than one quarter of an inch thick, and shall be fitted with sloping sides and securely hung on hinges so as to be readily lifted upward by persons within the cage. Wherever practicable, all persons working in shafts shall be protected overhead from falls of material down such shaft by means of a roof or other suitable appliance.
- No person to leave moving cage.
Brace to be covered.
How to descend shaft.
- Person in shaft to be securely stayed.
- Shaft to have proper appliances.
- Inclination of ladders.
- Chains.
- Chains, &c. to be tested.
- xxix. No person shall get off or on a cage while it is in motion.
- xx. Every brace shall be properly covered to protect the workmen from the inclemency of the weather.
- xxi. A proper ladder or foot way shall be provided in every shaft in which a whim, whip, or windlass is used, and in every working pit or shaft where no machinery is used for lowering or raising persons employed therein; and no person shall ascend or descend in any shaft except by means of ladders, or in a man engine, or in a safety-cage, unless for the purpose of effecting repairs to the shaft, or in case of emergency. Any person contravening this rule shall be deemed guilty of an offence against this Act.
- xxii. Whenever it is found necessary to raise or lower any person in a shaft without using the safety-cage, he may be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the arms, and such method of staying may be used by every person who finds it necessary in the execution of his duty to descend or ascend a shaft on top of the cage-covers; and in all such cases the necessary straps or other fastenings shall be provided by the mine-owners.
- xxiii. Whenever any shaft is the sole means of entrance into or egress from any part of a mine, it shall be provided with a proper ladder-way, in addition to any safety-cage or other machine for raising or lowering men that may be used therein.
- xxiv. A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position unless in shafts used exclusively for pumping, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms at intervals of not more than Thirty feet; and a suitable fixture for a hand-grip shall be placed above such ladder for the use of persons ascending or descending by it.
- xxv. A single linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load. When chains are employed as couplings, two single linked chains of uniform size shall be used to each coupling.
- xxvi. Before any rope or chain is used in the shaft of a mine it shall be tested and proved to be equal to carrying twice the weight of the ordinary load, and in mines where men are lowered or raised in shafts, the ropes and chains used for such purposes shall be periodically tested at intervals of not more than Three months to carry twice the weight of the ordinary load. The dates and results of such

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- tests shall be recorded in a book kept by the mining manager, and such book shall, on demand, be open to perusal by any Inspector under this Act. A.D. 1891.
- xxvii. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also if the drum is conical such other appliances as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.
- xxviii. There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the shaft. Brake.
- xxix. Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent it coming into contact with the poppet-heads. Cages to have suitable appliances.
- xxx. Spring catches, or automatic or self-acting doors or tumblers of a suitable kind shall be affixed to the skids or guides below the poppet-heads of every shaft in which a cage is used, to prevent the fall of such cage down the shaft when detached from the rope or chain by over-winding. Catches to be affixed to skids
- xxxi. Before any safety-cage be first used it shall be tested in the presence of an Inspector of Mines or an Inspector of Machinery to show that it is in working order; and no such cage shall be used unless and until an Inspector as aforesaid gives a certificate to the effect that such cage is in fit working order and condition. Safety-cage to be tested.
- xxxii. When men are being lowered or raised in any shaft by means of machinery the rate of speed for the descent or ascent of such men shall not exceed within One hundred feet of the surface of a mine Two hundred feet in each minute of time, and shall not in any other part of a shaft exceed Five hundred feet in each minute of time. Speed of winding machinery.
- xxxiii. If more than Twelve persons are ordinarily employed in the mine below ground in one shift, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses; and in no case shall men be allowed to change their dresses upon a boiler. Dressing-room.
- xxxiv. No person under the age of Eighteen years shall be placed in charge of or have the control of any steam engine or boiler used in connection with the working of any mine. No person in charge of steam machinery in connection with the working of any mine shall, under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision of such machinery during the time it is used in working the mine. Person in charge of machinery.
- xxxv. Every fly-wheel and all exposed or dangerous parts of the machinery, and every tramway constructed on an elevated platform, used in or about the mine, shall be and be kept securely fenced, except tramways worked by ropes. Fencing machinery.

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Gauges to boilers and safety-valve.

xxxvi. Every steam boiler shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety-valve; and at least once in every Six months, or oftener if required, every boiler shall be thoroughly cleansed.

Smoke not allowed to escape.

xxxvii. The smoke from every boiler for generating steam, and from every furnace used in any part of the underground workings of a mine, shall not be allowed to escape into any part of such workings, nor in any manner other than by means of an air-tight flue conducting such smoke directly from the boiler or furnace into a vertical shaft cut in the rock up to the surface of the ground to the open air, or built up to the surface as aforesaid with bricks and cement in manner as to be completely air-tight.

Wilful damage.

xxxviii. No person shall wilfully damage or without proper authority remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act; and no person shall after any shaft shall have become disused for mining purposes wilfully damage or render useless such shaft by the removal of any fencing, covering, casing, lining, ladder, platform, or other appliance provided in such shaft without the consent of a Commissioner.

Protection of abandoned shafts.**Boring-rods to be used.**

xxxix. In every working in a mine approaching a place likely to contain a dangerous accumulation of water, or of fire-damp, boring-rods shall be kept and used for the purpose of perforating the ground Ten feet in advance of, or near or at any angle from such working; and no drive, gallery, or other excavation shall be made within a dangerous distance of such accumulation of water or fire-damp.

Mines liable to be flooded to be provided with escape drives.

xl. In every mine which in the opinion of the Inspector is liable to an inundation or inburst of water, such additional rises, chambers, drives, and other workings, or any of them, shall be constructed as may seem necessary and as may be prescribed by the Minister for the escape of workmen from the lower workings, or to ensure their safety in every such mine during the period of any inundation or inburst of water in such mine.

Ladders to be provided in jump-ups.

xli. Ladders, and, when necessary, convenient platforms connected therewith, shall be provided in each rise, jump-up, or passage giving access to workings at a higher or lower level in a mine.

Mining manager in charge of a mine to inspect.

xlII. The mining manager of every mine, or some competent person or persons appointed by him for such purpose, shall once at least in every week examine the state of all ropes, safety appliances, or gear connected with the cages or shafts of the mine; and shall once in each week carefully examine the buildings, machinery, shafts, levels, planes, and all places used in the working of such mine; and shall record in writing, in a book to be kept for that purpose, his opinion as to their

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condition and safety, and any repairs and any alterations required to ensure greater safety to the persons employed in the working of such mine; and such book shall on demand be open to perusal by any Inspector under this Act or "The Inspection of Machinery Act, 1889," or any Commissioner; and every such rope, safety appliance, or gear, if condemned by any Inspector of Mines or Inspector of Machinery, shall be forthwith removed or made fit. **A.D. 1891.**

XLIII. The books mentioned in these Rules or a copy thereof, and a copy of this Act, shall be kept at the office at the mine, or, if there is no office, at some convenient place near the mine; and any Inspector under this Act or "The Inspection of Machinery Act, 1889," or any Commissioner, and any person employed in the mine, may at all reasonable times inspect and take copies from any such books or extracts from such Act. **Books to be open to inspection.**

Any person employed in or about a mine who contravenes or fails to comply with any of these Rules shall be guilty of an offence against this Act; and any mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine who contravenes or does not comply with any of these Rules, or who allows them to be contravened or not complied with by any person employed under him, shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance.

A printed copy of these Rules shall be posted in the office and on a building or board in some conspicuous place in connection with every mine, and be preserved in a legible condition.

Special Rules.

20 The owner of any mine may, if he think fit, transmit to the Inspector of Mines, for approval by the Minister, Rules (referred to in this Act as Special Rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same, so as to prevent dangerous accidents, and to provide for the safety and proper discipline of the persons employed in or about the mine, and such Special Rules, when established, shall be signed by the Inspector at the time such Rules are established, and shall be observed in and about every such mine in the same manner as if they were enacted in this Act. **Special Rules.**

If any person who is bound to observe the Special Rules established for any mine, acts in contravention of or fails to comply with any of such Special Rules, he shall be guilty of an offence against this Act, and also the owner and the mining manager of such mine shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the said Rules as regulations for the working of the mine to prevent such contravention or non-compliance.

Miscellaneous.

21 Every person employed in or about any mine shall satisfy himself of the safety of any tubs, chains, tackle, windlass, ropes, or other appliances he may use before commencing and whilst at work, and in **Employés to inform employers of breaches of Act.**

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A.D. 1891. case of any defect or insecurity he shall cease to use anything unsafe; and every such person who shall witness in or about any such mine any circumstance, matter, or thing which may be likely to produce therein danger of any kind, and every person who may be notified by any such person of any such circumstance, matter, or thing, shall notify the same to the person (if any) under whose immediate directions or control he may be, otherwise he shall be guilty of an offence against this Act; and every such person in sub-charge of and employed in mining operations in any part of a mine shall, on changing his shift, inform the person appointed to relieve him of the state of the workings in the part of the mine in which he has been employed, otherwise he shall be guilty of an offence against this Act.

Inspector to hold enquiry on hearing complaint.

22 Immediately upon any miner working in a mine making a complaint under this Act to an Inspector, it shall be the duty of the Inspector to make inquiry into the matter of such complaint, and to take such other steps as he may deem necessary to investigate the matter.

Employer to compensate employé injured through non-observance of this Act.

23 If any person employed in or about any mine suffers any injury in person or is killed owing to the non-observance in such mine of any of the provisions of this Act, such non-observance not being due to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine, the person so injured or his personal representatives or the personal representatives of the person so killed may recover from the owner compensation by way of damages as for a tort committed by such owner; and the amount of such compensation with the costs of recovering the same when determined shall constitute a charge on the mine and mining plant in or about which such person was so employed. Nothing in this Section contained shall take away from any person any right to take proceedings in respect of a claim for compensation in any Court of competent jurisdiction.

Jury at Coroners' Inquests.

24—(1.) Any person having a personal interest in or employed in or in the management of any mine in which any accident has occurred which may have caused the death of any person shall not be qualified to serve as a jurymen on any jury empanelled at a Coroner's Inquest on the body of any such person whose death may have been caused as aforesaid.

(2.) It shall be the duty of the Coroner, before swearing any Jury on any such Inquest as aforesaid, to inquire if any of such Jury are disqualified from serving as such under this Section.

(3.) Whenever it is practicable, at least one-half of the Jury on all Inquests as aforesaid shall be miners.

What is an offence against this Act.

25 Every person who contravenes or does not comply with any of the provisions of this Act, or who is guilty of negligence, either by himself, his agent, or servants, by which any person is injured or killed, shall be deemed guilty of an offence against this Act.

Penalty.

26 Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding, if he is the owner, mining manager, or person in charge of or giving orders or directions relating to the carrying on of any mining operations in any mine, Fifty

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Pounds, and if he is any other person, Ten Pounds for each offence. A.D. 1891.
The imposition of such a penalty shall not bar the right of action of
any person injured or his personal representatives under this Act or
otherwise.

27 All offences against this Act shall be heard and determined, and all penalties shall be recovered, by and before any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*. And every person who deems himself aggrieved by any penalty imposed upon him under this Act, may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

Recovery of penalties.
19 Vict. No. 8.
Appeal.
19 Vict. No. 10.

28 Every person charged with an offence against this Act shall be a competent witness on his own behalf at the hearing of such charge, and whether the person so charged is charged solely or jointly with another or others.

Person charged competent witness.

29 No person so charged shall be compellable to be a witness on any such hearing.

Person charged not compelled.

30 All penalties recovered under this Act shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

Appropriation of penalties.

31 No person shall be liable to be proceeded against for any offence against this Act unless an information is laid in respect thereof within Three months after the offence committed.

Offences to be prosecuted within Three months.

32 For the purpose of any proceeding taken under the provisions of this Act against any mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, the burden shall lie on the defendant of proving he is not such manager or person.

Burden of proof to lie on defendant.

33 No prosecution shall be instituted against the owner or mining manager of a mine for any offence punishable in a summary way except by an Inspector, or with the consent in writing of the Minister; and if the owner or mining manager of a mine proves to the satisfaction of the Inspector that he had taken all reasonable means to prevent the commission of any such offence, the Inspector shall not institute any prosecution against such owner or mining manager. All costs incurred by the Inspector or which may be awarded against him in any proceedings under this Act shall be paid out of the Consolidated Revenue Fund, and the Inspector shall not be personally liable for the same.

Prosecution for offences.

34 All notices under this Act shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served or sent by or to an Inspector or the Minister may be either delivered personally or served and sent by post, by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed and put

Notices may be served by post.

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Notice to
Inspector.

into the post. Any notice required by this Act to be given or sent to the Inspector of Mines shall be deemed to have been given or sent to the Inspector of Mines if given or sent to the Inspector of Mines residing nearest to the mine to which such notice relates.

SCHEDULE.

ACTS TO BE REPEALED.

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
45 Vict. No. 8.	"The Regulation of Mines Act, 1881."	The whole Act.
48 Vict. No. 17.	"The Regulation of Mines Amendment Act, 1884."	The whole Act.