

Mines Inspection (Amendment) Bill, 1914.

EXPLANATION.

THIS Bill amends the Mines Inspection Act, 1901, the provisions of which are, where applicable, extended to quarries, smelting-works, and dredges.

Clauses 1 and 2.—Formal.

Clause 3 contains definitions of dredge, quarry, and smelting works, and brings within the meaning of the term "mineral," not only any substance which is a mineral for the purposes of the Mining Act, 1906, but other substances which are, or may be, worked or mined for in "quarries." This will have the effect of bringing brickworks under the provisions of the Principal Act, brick-clay being a mineral under the Mining Act.

Clause 4 applies certain provisions of the Principal Act to dredges and smelting-works. These provisions relate chiefly to the employment of certificated engine-drivers; inspection and notice by inspectors of causes of danger; notification by owner of accidents; testing of boilers; coroners' inquests on fatal accidents, and prevention of lead-poisoning. Six months' time is allowed before the provisions relative to certificated engine-drivers are to become applicable.

Clause 5 allows a manager to be absent for recreation purposes not exceeding two months in any year, subject to the appointment of an experienced person to act in his absence.

Clause 6 requires dredges and smelting works to be under the control of a responsible person to be nominated by the owner.

Clause 7 exempts a candidate for certificate as manager, being a graduate of a University or School of Mines, from passing an examination in technical subjects, other than the Mines Inspection Acts and Regulations, subject to his having had three years' practical experience in a mine, including eighteen months working regular shift as a miner or timberman. Certificates of competency as mine-manager are divided into two classes, viz., lode and alluvial.

Clause 8 provides that no certificates of service as mine-manager will be granted after the first day of July, 1914.

Clause 9 provides for the grant, during a period of four years after the Act comes into force, of certificates of service as engine-driver to persons who have been employed as engine-drivers at smelting works.

Clause 10 provides that steam boilers and small air-hoists need not be in charge of a certificated engine-driver, but the person in charge of any such hoist must hold a permit granted by an inspector.

Clause 11 provides for the recognition of "engineers" certificates of competency granted by any duly constituted and recognised authority as equivalent to "engine-drivers" certificates.

Clause 12, new section 16A, allows an inspector to grant a provisional permit to act as engine-driver to any person applying for registration of a certificate granted outside New South Wales, such permit to be in force for not more than one month.

Clause 12, 16B, empowers the Board of Examiners to require evidence of physical fitness of applicants for certificates of competency or service.

Clause 12, 16C, authorises the division of engine-drivers' certificates into classes—winding, ordinary, electric motor, &c.; and provides that such certificates shall be valid only in respect of the class of machinery therein described. Applicants for a certificate of a higher grade must deliver up their lower grade certificate for cancellation.

Clause 13 requires that all wages of mine employees shall be paid at intervals of not more than sixteen days.

Clause 14 omits a provision in the Principal Act relative to the employment of uncertificated engine-drivers, the operation of which is exhausted.

Clause 15 provides a penalty for wilful employment of persons in charge of machinery for more than eight consecutive hours.

Clause 16 is in substitution for section 30 (2) of the Principal Act hereby repealed, and renders clearer the meaning of the original provision relative to negligence of engine-drivers resulting in destruction of or damage to property.

Clause 17 authorises inspectors under the Coal Mines Regulation Act to act as inspectors under the Principal Act in relation to quarries and smelting works within their respective districts.

Clause 18, new clauses 41A and 41B, requires the owner of every mine in which not less than ten persons are ordinarily employed underground for two months or more to keep a plan and sections of such mine, and deliver a copy thereof to the Chief Inspector. The Minister may also require the owner of any mine employing less than ten men to furnish such plan and sections. The owner of every mine, quarry, &c., is also required (41B) to furnish annual returns of the quantity and value of the mineral obtained therefrom. These returns are for statistical purposes, and may only be published in the aggregate.

Clauses 19 and 20 require notice to be given of recommencing to work any mine previously abandoned or discontinued, except alluvial mines or mines of opal or precious stones.

Clause 21 authorises the Minister to grant a "statement of particulars" to any licensed boiler-tester who has lost his license.

Clause 22 relates to proceedings at magisterial inquiries respecting deaths caused by explosions or accidents in or about mines, and provides that any such inquiry shall be adjourned, unless an inspector is present.

Clause 23 empowers the Governor to make regulations relative to the working of machinery and the preservation of life and property in connection with dredges and smelting works.

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[DRAFT.]

No. , 1914.

A BILL

To make further provision for the regulation and inspection of certain mines ; to extend certain provisions of the Mines Inspection Act, 1901, to smelting works, quarries, and dredges ; to amend the Mines Inspection Act, 1901, and the Coal Mines Regulation Act, 1912 ; and for other purposes.

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

1. This Act may be cited as the "Mines Inspection Short title: (Amendment) Act, 1914," and shall be construed with the Mines Inspection Act, 1901, hereinafter referred to as the Principal Act.

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7—A (2)

2.

Interpreta-
tion.

2. In amendments inserted by this Act in the Principal Act, the expression "this Act" means the Principal Act, as amended by this Act, whether by amendments of enactments or by insertion of new provisions.

5

Amendment
of s. 4 of Prin-
cipal Act.

Act No. 75,
1901.

3. Section four of the Principal Act is amended by inserting the following definitions :—

"Dredge" means and includes dredge, barge, pontoon, or other structure used in carrying on mining operations by means of dredging.

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"Metal" and "mineral" include any substance which is a mineral as defined in the Mining Act, 1906, and sandstone, basalt, andesite, syenite, trachyte, granite, porphyry, and any other substance which may from time to time be declared a mineral within the meaning of this Act by proclamation of the Governor published in the Gazette.

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"Quarry" means mine from which sandstone, basalt, andesite, syenite, trachyte, granite, or porphyry is obtained.

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"Smelting-works" includes all works wherein operations are carried on for the purpose of concentrating, smelting, refining, or otherwise treating the products (other than coal or shale) of any mine or dredge.

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Amendment
of Principal
Act.

Application
of certain
enactments to
smelting
works.

4. The following section is inserted next after section four of the Principal Act :—

4A. The provisions of the following enactments of this Act relating to mines are mutatis mutandis extended to apply in relation to smelting works not connected with a mine, and to dredges :—

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Division 2 of Part II.

Division 3 of Part II, so far as the enactments in such division relate to engine-drivers.

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Section thirty-six.

Section thirty-seven.

Section thirty-nine.

Section forty-three.

Section forty-six.

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Section forty-seven.

Section forty-eight.

Section fifty-five :

Provided

Mines Inspection (Amendment).

Provided that the provisions of section twelve shall not so apply until after the expiration of six months from the commencement of the Mines Inspection (Amendment) Act, 1914.

5 **5.** Section five of the Principal Act is amended by inserting the following subsection next after subsection five :— Amendment of s. 5 of Principal Act.

10 (5A) Provided also that a manager may be absent from the mine for purposes of recreation for any period not exceeding two months in any year, in which case the owner, on giving notice to the chief inspector of mines, may appoint a competent person not holding a certificate as aforesaid, who is under-manager or some other official of the mine, and who has had at least three years' practical experience in a mine, including eighteen months working regular shift as miner or timberman, to be manager during the period of such absence. Absence of manager.

20 **6.** The following section is inserted next after section five of the Principal Act :— New s. 5A of Principal Act.

25 5A. (1) Any dredge and any smelting-works not connected with a mine, shall be under a person in charge, who shall be responsible for the control, management, and direction of such dredge or smelting-works. Control of dredge and smelting works.

(2) Such person in charge shall be the owner of the dredge or smelting-works, or some person nominated by him. Such owner shall notify the inspector in writing whether he or any other person so nominated is in charge.

30 **7.** Section seven of the Principal Act is repealed, and the following is inserted in its place :— Repeal of s. 7 of Principal Act.

35 7. (1) The Minister shall grant a certificate of competency as manager to every applicant who is duly reported by the board of examiners to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, and that he has had practical experience in a mine for at least three years, including at least eighteen months working regular shift as miner or timberman, and— Certificate of competency.

40 (a) to have passed satisfactorily the examination referred to in section six ; or (b)

(b) to have passed satisfactorily an examination in the Mines Inspection Acts and the rules and regulations made thereunder, and to have satisfied the board that he is at the date of application a bachelor of engineering in mining and metallurgy of the University of Sydney, or a graduate of any other university or a school of mines, and holds a diploma or certificate of such university or school, considered by the board to be equivalent to the degree of bachelor of engineering in mining and metallurgy of the University of Sydney.

(2) The Minister may make rules prescribing the conduct of the examinations under paragraph (b) of the last preceding subsection, and the fee, not exceeding two pounds, to be paid by an applicant desiring to be examined.

(3) A certificate of competency may be either—

(a) a lode mine manager's certificate, entitling the holder to act as manager of a lode mine ;
or

(b) an alluvial mine manager's certificate, entitling the holder to act as manager of an alluvial mine.

Amendment
of ss. 8 and
15 of Principal
Act.

8. Subsection one of section eight and subsection one of section fifteen of the Principal Act are respectively amended by inserting at the end of each subsection the words "Provided also that no such certificate shall be granted under the above provisions after the first day of July, one thousand nine hundred and fourteen."

Amendment
of s. 15 of
Principal
Act.

9. Section fifteen of the same Act is further amended by inserting next after subsection one the following subsection :—

(1A) A certificate of service as engine-driver shall be granted by the Minister to every person who furnishes to the board of examiners of engine-drivers satisfactory evidence that he has been employed—

(a) for a period of one month prior to the commencement of the Mines Inspection (Amendment) Act, 1914, and is at the date of application employed as engine-driver at some smelting-works ; or
(b)

(b) as engine-driver at any smelting-works for a period of not less than twelve months within the five years immediately prior to the commencement of the said Act.

5 Provided that no such certificate shall be granted under the above provisions after the thirty-first day of December, one thousand nine hundred and seventeen.

10 **10.** (1) Subsection one of section sixteen of the Principal Act is amended by inserting the words "or engineer" after the word "engine-driver" wherever occurring; and by omitting the words "outside New South Wales" in such subsection. Amendment of s. 16 of Principal Act.

15 (2) Subsection two of the same section is amended by omitting the word "similar" where occurring before the word "certificate" and by inserting after the said word "certificate" the words "of competency or service as engine-driver."

20 **11.** The following sections are inserted next after section sixteen of the Principal Act:— New ss. 16A, 16B, and 16C of Principal Act.

25 16A. (1) An inspector may grant a permit to any person being the holder of a certificate of competency or service as engine-driver or engineer granted by any duly constituted and recognised authority outside New South Wales, and who has applied under the last preceding section for approval of such certificate. Permit for person applying for approval of his certificate.

30 (2) Every such permit shall be in such form as the Minister may approve, and shall specify the class of engine to which it relates, and may be granted for any period not exceeding one calendar month.

35 (3) Every such permit shall be returned to the inspector upon expiration of the period for which it is granted, or upon approval of the holder's certificate, and any person failing so to return such permit shall be guilty of an offence against this Act.

40 (4) The Minister may cancel any such permit at any time.

(5)

(5) The holder of a permit granted under this section shall, during the period therein named, be entitled to take charge at any time of any machinery of the class therein described as if he were the holder of a certificate of competency or service duly approved under the provisions of this Act. 5

Physical requirements of applicant for certificate.

16B. The board of examiners of engine-drivers may require every applicant for a certificate of competency or service, or for the approval of any such certificate, to produce satisfactory evidence of his physical fitness, and that his sight, hearing, and other faculties are unimpaired, and the Minister may make rules prescribing the form of medical certificate to be furnished as to such qualifications. 10 15

Classes of certificates.

16c. (1) The Minister may make rules prescribing the classes of certificates of competency or service as engine-drivers to be granted under this Act; the qualifications of applicants for such certificates; and the machinery which each class of certificate shall entitle the holder to drive. 20

(2) Every such certificate shall contain a description of the machinery or class of machinery which the holder is entitled to drive, and every such certificate granted before the first day of January, one thousand nine hundred and fourteen, shall be valid and effectual only in respect of the class of machinery therein described. 25

(3) Where the holder of a certificate makes application for a certificate of a higher class, the Minister may, before issuing such certificate, require the applicant to deliver up for cancellation any other certificate granted under this Act which he may hold, and, upon the issue of such certificate of a higher class, the Minister may cancel the certificate so delivered up. 30 35

(4) If any applicant fails or refuses to comply with the request of the Minister to deliver up any certificate the Minister may withhold the grant to the applicant of a certificate of a higher class until such request has been complied with. 40

12. The following subsection is added next after subsection one of section twenty-five of the Principal Act:—

5 (1A) The wages of all persons employed in, on, or about a mine shall be paid at intervals of not more than sixteen days.

13. Section twenty-seven of the Principal Act is hereby amended by omitting paragraph (c), and by omitting the word "nor" in paragraph (b) of that section.

14. Subsection two of section thirty of the Principal Act is repealed, and the following is inserted in its place:—

15 (2) Any person who wilfully employs any person in contravention of the above provision shall be guilty of an offence against this Act.

15. The following new section is inserted next after section thirty of the Principal Act:—

20 30A If any person in charge of machinery in which steam, water, electricity, gas, oil, or air or any two or more of them are used as a motive power in connection with a mine, or with the treatment of the products of a mine, is guilty of negligence in such employment by which any property is destroyed or damaged, he shall be guilty of an offence against this Act.

16. Section thirty-two of the Principal Act is amended by the addition of the following subsection:—

30 (4) Provided that any inspector appointed under the provisions of the Coal Mines Regulation Act, 1912, shall be and shall perform the duties of an inspector under this Act in respect of all quarries and smelting works situated within the district to which such inspector is assigned, notwithstanding that such inspector is not the holder of a certificate of competency or service as specified in the last preceding subsection.

New s. 40A of
Principal
Act.
Check-
inspectors.

17. The following new sections are inserted next after section forty of the Principal Act:—

40A. (1) The Minister may appoint duly qualified persons, elected in the manner hereinafter prescribed, to be check-inspectors on behalf of the 5 persons employed in or about mines.

(2) The board of examiners of managers may inquire into and report upon the qualifications of candidates for election and appointment as check-inspectors, and no such candidate shall be 10 elected or appointed unless the board of examiners have reported to the Minister that he has had practical experience in a mine for at least three years, and has given satisfactory evidence of his ability, sobriety, and general good conduct. 15

(3) Candidates for appointment as check-inspectors shall be elected in the manner prescribed by general rules made under the provisions of this Act.

(4) The Minister may by notice in the 20 Gazette define districts or groups of mines, and appoint check-inspectors to such districts or groups of mines.

(5) Every check-inspector shall be appointed for such period, not exceeding twelve months, as 25 the Minister may determine, but shall be eligible for re-appointment, and shall be paid a salary at such rate not exceeding pounds per annum as may be provided by Parliament.

Inspection by
check-
inspector.

40B. (1) The owner or manager of a mine shall 30 allow a check-inspector, at any time while men are working below ground, to go to every part of the mine and to inspect the shafts, levels, drives, cross-cuts, stopes, winzes, raises, old workings, machinery, and appliances. 35

(2) The check-inspector may be accompanied, if the owner or manager thinks fit, by himself or one or more officers of the mine, and every facility shall be afforded by the owner, manager, and all persons employed in the mine, for 40 the purpose of inspection.

(3)

5 (3) The check-inspector shall forthwith make a true report of the result of the inspection, and such report shall be recorded in a book to be kept by the manager at the mine for the purpose, and shall be signed by the check-inspector; and if the report states the existence or apprehended existence of any danger, the owner or manager shall forthwith cause a true copy of the report to be sent to the inspector of the district.

10 (4) Any check inspector who, without the consent of the owner of the mine, divulges or makes known to any person, except as a witness in a court of justice, any information obtained by him in the discharge of his duties, respecting any drift, gutter, lead, vein, lode, reef, or other metalliferous or mineral deposit in any mine, other than information as to the safety of the mine and appliances, shall be liable to a penalty not exceeding *fifty* pounds, and shall be dismissed from his office.

20 **18.** The following new section is inserted next after section forty-one of the Principal Act :—

New s. 41A of Principal Act. Plans of mine to be kept.

25 41A. (1) Within six months after the first day of January, one thousand nine hundred and fifteen, the owner or manager of every mine at which not less than ten persons have been ordinarily employed underground for a period of two months or more shall prepare and keep in the office at the mine an accurate plan and sections of the workings of the mine, showing the workings up to a date not more than three months previously.

30 (2) Such owner or manager shall, within nine months after the first day of January, one thousand nine hundred and fifteen, furnish to the Chief Inspector of Mines, Department of Mines, Sydney, a true copy of such plan, sections, and tracing, and shall thereafter, on request at any time of an inspector, mark on such plan, sections, and tracing the then state of the workings of the mine; and the inspector shall be entitled to examine the original plan and sections, and to compare the same with the copy.

(3) The Minister may, by notice in writing, require the owner or manager of any mine at which less than ten men have been ordinarily employed underground for a period of two months or more to prepare and keep the plan, sections, and tracing, 5 and to furnish within the time mentioned in such notice, the copy hereinbefore referred to, and from and after the receipt by the owner or manager of such notice the provisions of this section shall apply to such mine. (4) 10

(4) If the owner or manager of any mine fails to prepare and keep, or wilfully refuses to produce or allow to be examined, the plan and sections aforesaid, or wilfully withholds any portion thereof, or wilfully refuses, on request, to mark 15 thereon the state of the workings of the mine, or conceals any part of those workings, or produces or furnishes an imperfect or inaccurate plan or sections or copy thereof, he shall (unless he shows that he was ignorant of the concealment, imperfection, or 20 inaccuracy) be guilty of an offence against this Act, and, further, the inspector may, by notice in writing (whether a penalty for the offence has or has not been inflicted), require the owner or manager to cause an accurate plan and sections, showing the 25 particulars hereinbefore required, to be made within a reasonable time at the expense of the owner of the mine. Every such plan must be on a scale not less than two chains to the inch, or on the same scale as the plan for the time being in use at the 30 mine.

(5) If the owner or manager fails, within one month after the requisition of the inspector, or within such further time as is allowed by the Minister, to cause such plan and sections and copy 35 to be made or furnished as hereby required, he shall be guilty of an offence against this Act.

(6) Every copy as aforesaid shall be deposited in the principal office of the Department of Mines, and, except as evidence in a court, no copy thereof 40 shall be furnished nor information in relation thereto given,

given, without the consent of the owner or manager ;
 but if, on the complaint of any owner or lessee of
 the surface, or the accredited officer of any muni-
 cipality, that his or their rights or interests may be
 affected by the working of the mine, the Minister
 thinks fit so to direct, the inspector shall furnish a
 tracing of such part of the workings as are situated
 under the surface in respect of which complaint has
 been made.

(7) If any officer furnishes any copy, tracing,
 or information, or allows any person to inspect any
 such plan or tracing, or copy thereof, unless directed
 by the Minister as aforesaid, he shall be guilty of
 an offence against this Act: Provided that this
 subsection shall not apply to any mine which has
 been abandoned for any period exceeding two
 months.

41B. (1) The owner of every mine, quarry, dredge,
 or smelting-works shall, during the month of
 January in each year, furnish to the Minister a full
 return, verified by statutory declaration, showing the
 quantity and approximate value of gold, minerals,
 or stone won from such mine or quarry, or from
 mining operations conducted by means of such
 dredge, or treated at such smelting works during
 the preceding year ending thirty-first December ;
 also showing the average number of men employed
 in or about such mine, quarry, dredge, or smelting-
 works, and such other particulars relating to the
 working and operations of the mine, quarry, dredge,
 or smelting-works as the Minister may from time
 to time require or demand.

Returns to be
 furnished.
 cf. Act
 No. 49, 1906,
 s. 115.

(2) Every such return shall be in the form
 prescribed by the Minister, and if the owner of any
 such mine, quarry, dredge, or smelting-works is a
 public company, such return shall be furnished by
 the manager or person acting in the management,
 or by the secretary of the company, and the said
 manager, person, or secretary shall on default be
 liable to the penalty hereinafter provided.

(3)

(3) Any such owner who fails to furnish a return within the prescribed time or in the prescribed form shall be liable to a penalty not exceeding *five* pounds, and to a further penalty not exceeding *one* pound for every day after the thirty-first day of January during which he fails to furnish such return. 5

Publication of returns. cf. Act No. 73, 1902, s. 27.

(4) The Minister may publish the aggregate results of the returns made under this section with respect to the whole of New South Wales, or to any particular mining district, but no individual return or portion thereof shall be published except with the consent of the person making the return, or the owner of the mine to which it relates, and no person except the Minister or an officer of the Department of Mines shall be entitled, without such consent, to inspect any individual return. 10 15

Amendment of s. 44 of Principal Act.

19. Section forty-four of the Principal Act is amended by omitting paragraph (c), and by omitting the word "recommencement" in that section. 20

New s. 44A of Principal Act.

20. The following section is inserted next after section forty-four of the Principal Act:—

Notice given to recommence working any mine.

44A. Where the working of any mine or any part thereof is recommenced after any abandonment or discontinuance for a period exceeding two months, the owner or manager of such mine shall give notice thereof to an inspector within fourteen days after the recommencement, and if such notice is not given, the owner or manager shall be guilty of an offence against this Act: Provided that this section shall not apply to alluvial gold, platinum, or tin mines, or to mines of opal or precious stones. 25 30

Amendment of s. 46 of the Principal Act.

21. Section forty-six of the Principal Act is amended by the addition of the following subsection:—

(4) Whenever any person to whom a license has been granted proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of such license, the Minister shall cause a statement containing such particulars as the records of the Department of Mines may disclose with regard to the grant of such license to 35 40

to be made out and certified by the Chief Inspector of Mines, and delivered to the applicant; and any such statement shall have the same effect as the original license, and for the purposes of this Act shall be deemed to be a license of the same nature as the original license.

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

New s. 47A of Principal Act.

47A. With respect to magisterial inquiries respecting deaths caused by explosions or accidents in or about mines, the following provisions shall have effect:—

Proceedings at magisterial inquiry.

(a) Where the death may have been caused by any explosion or accident, of which notice is required by this Act to be given to an inspector, the inquiry shall be adjourned unless an inspector, or some person on behalf of the Minister, is present to watch the proceedings.

(b) The magistrate or justices holding the inquiry shall, at least four days before holding the adjourned inquiry, send to an inspector notice in writing of the time and place of holding the adjourned inquiry.

(c) If an explosion or accident has not occasioned the death of more than one person, and notice of the time and place of holding the inquiry has been sent at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be necessary to adjourn the inquiry in pursuance of this section.

(d) An inspector may at such inquiry examine any witness, subject nevertheless to the order of the magistrate or justices.

(e) Where evidence is given at any such inquiry at which an inspector is not present of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the magistrate or justices to require a remedy, such

magistrate or justices shall send to an inspector notice in writing of such neglect or defect.

- (f) Any relative of any person whose death may have been caused by the explosion or accident with respect to which the inquiry is being held, and the owner or manager of the mine in which the explosion or accident occurred, and any person appointed by the order in writing of the majority of the persons employed at the said mine, shall be at liberty to attend and examine any witness, either in person or by his counsel, solicitor, or agent. 5 10

Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Act. 15

Amendment
of s. 56 of
Principal
Act.

23. Subsection one of section fifty-six of the Principal Act is amended by inserting at the end of such subsection the following paragraph:—

Rules as to
dredges and
smelting-
works.

- (vii) regulating the working of machinery on dredges, and at smelting-works not connected with a mine, and making provision for the safety of life and property in connection with such dredges and smelting-works. 20