

21-2

No. , 1921.

A BILL

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, 1921,” and shall be construed with the Mines Inspection Act, 1901, hereinafter referred to as the Principal Act.

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. 10

"Metal" and "mineral" include any substance which is a mineral as defined in the Mining Act, 1906, and sandstone, basalt, andesite, trachyte, 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. 15

"Quarry" means and includes any quarry, place, open cut, or excavation in which, or whereby any operation is conducted above ground for the purpose of obtaining any metal or mineral, and any place adjoining thereto on which any product of the quarry is stacked, stored, crushed, or otherwise treated. 25

"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. 30

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 :— 35

Division 2 of Part II.

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

Section thirty-six. 40

Section

- Section thirty-seven.
- Section thirty-nine.
- Section forty-three.
- Section forty-six.
- 5 Section forty-seven.
- Section forty-eight.
- Section fifty-five :

10 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, 1921.

5. Section five of the Principal Act is amended— Amendment of s. 5 of Principal Act.

(a) by inserting the following subsection next after subsection four :—

15 (4A) Provided also that where more than twenty persons but not more than fifty persons are employed below ground the Minister may, upon the recommendation of the board of examiners of mine managers, grant a permit to manage the mine to any person who has given evidence of his sobriety and general good conduct, and has had not less than five years practical experience underground, including three years as miner, timberman, or pitman, and two years as manager, under-manager, mine foreman, or shift boss in a mine in which ten persons were ordinarily employed below ground. Such permit shall remain in force for such term as the Minister may decide and may be renewed from time to time by the Minister.

(b) by inserting the following subsection next after subsection five :—

35 (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

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. 5

New s. 5A of Principal Act.

6. The following section is inserted next after section five of the Principal Act:—

5A. (1) Any quarry in which more than ten men are employed shall be under a manager, who shall exercise supervision and be responsible for the control, management, and direction of the quarry. The manager shall be the holder of a permit, which the Minister is hereby authorised to grant; such permit shall remain in force for twelve months, but may be renewed from time to time by the Minister. 15

Control of dredge and smelting works.

(2) 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. 20

(3) 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. 25

Repeal of s. 7 of Principal Act.

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

Certificate of competency.

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, and— 30

(a) to have passed satisfactorily the examination referred to in section six; or 35

(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 40

5 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.

10 (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.

15 (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

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

25 **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 twenty-two." Amendment of ss. 8 and 15 of Principal Act.

30 **9.** Section fifteen of the same Act is further amended by inserting next after subsection one the following subsection :— Amendment of s. 15 of Principal Act.

(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—

35 (a) for a period of one month prior to the commencement of the Mines Inspection (Amendment) Act, 1921, and is at the date of application employed as engine-driver at some quarry or smelting-works; or

(b)

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

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

Amendment
of s. 12 of
Principal
Act.

10. Section twelve of the Principal Act is amended by inserting the words "a boiler under steam used in 10 connection with any mine or of" after the words "in charge of," and by omitting all words after "offence against this Act" and inserting the following:—"This section shall not apply to—

- (1) sinking pumps and boring machines; 15
- (2) small air-hoists in which the diameter of the cylinders does not exceed four inches and the length of the stroke does not exceed six inches and which are used for other than 20 for raising and lowering men, or for haulage from winzes where men are working beneath, provided that the person in charge of any such hoist is the holder of a permit empowering him to drive the same issued by the Minister, who may make rules prescribing the form and 25 duration of such permit and the conditions under which it may be issued and used by the holder and may cancel any such permit at any time;
- (3) air-driven pumps used underground and where 30 the diameter of the water delivery pipe does not exceed three inches;
- (4) air-driven engines having cylinders not exceeding four inches in diameter;
- (5) ventilating fans used underground when driven 35 by an electric motor with a horse power not exceeding ten."

Amendment
of s. 16 of
Principal
Act.

11. (1) Subsection one of section sixteen of the Principal Act is amended by inserting the words "or engineer" after the word "engine-driver" wherever 40 occurring; and by omitting the words "outside New South Wales" in such subsection. (2)

(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."

12. The following sections are inserted next after section sixteen of the Principal Act:—

New ss. 16A, 16B, and 16C of Principal Act.

10 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, and who has applied under the last preceding section for approval of such certificate.

Permit for person applying for approval of his certificate.

15 (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.

20 (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.

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

30 (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.

35 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
40 may make rules prescribing the form of medical certificate to be furnished as to such qualifications.

Physical requirements of applicant for certificate.

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 5 of certificate shall entitle the holder to drive.

(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 10 January, one thousand nine hundred and twenty-two, shall be valid and effectual only in respect of the class of machinery therein described.

(3) Where the holder of a certificate makes application for a certificate of a higher class, the 15 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 20 certificate so delivered up.

(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 25 class until such request has been complied with.

Amendment
of s. 25 of
Principal Act.

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

Payment of
wages.

(1A) The wages of all persons employed in, on, 30 or about a mine shall be paid at intervals of not more than sixteen days.

Repeal of s. 27
of Principal Act.

14. Section twenty-seven of the Principal Act is hereby repealed.

New
subsection (2)
of s. 30 of
Principal
Act.

15. Subsection two of section thirty of the 35 Principal Act is repealed, and the following is inserted in its place:—

(2) Any person who wilfully employs any person in contravention of the above provision shall be guilty of an offence against this Act. 40

16.

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

New s. 30A of Principal Act.

5 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.

Negligence in use of machinery.

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

Amendment of s. 32 of Principal Act.

15 (4) Provided that any inspector appointed under the provisions of the Coal Mines Regulation Act, 1912, shall be and may 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.

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

New s. 41A of Principal Act.

25 41A. (1) Within six months after the first day of January, one thousand nine hundred and twenty-two, 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.

Plans of mine to be kept. cf. Act No. 37, 1912, s. 35 (1).

30 (2) Such owner or manager shall, within nine months after the first day of January, one thousand nine hundred and twenty-two, 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,

35 and

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, 5
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, and to furnish within the time mentioned in such 10
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.

cf. Act
No. 37, 1912,
s. 35 (3).

(4) If the owner or manager of any mine 15
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 thereon the state of the workings of the mine, or 20
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 inaccuracy) be guilty of an offence against this Act, 25
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 particulars hereinbefore required, to be made within 30
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 mine. 35

(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 to be made or furnished as hereby required, he shall 40
be guilty of an offence against this Act.

(6)

267

5 (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
 shall be furnished nor information in relation thereto
 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-
 10 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.

15 (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
 20 been abandoned for any period exceeding two
 months.

25 41B. (1) The owner or manager of every mine, quarry, dredge, or smelting-works shall, during the
 month of January in each year, furnish to the Minister a full return, showing the quantity and
 approximate value of the metal or mineral won from such mine or quarry, or from mining operations
 conducted by means of such dredge, or by treatment at such smelting works during the preceding year
 30 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 oper-
 ations of the mine, quarry, dredge, or smelting-works as the Minister may from time to time require or
 35 demand.

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

40 (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. (3)

(3) Any such owner, manager, person, or secretary who fails to furnish a return within the prescribed time or in the prescribed form, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against 5 this Act.

Publication of returns.
cf. Act No. 37, 1912, s. 34.

(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, or division, or any large 10 portion thereof, but the portion of any individual return relating to the quantity and value of the metal or mineral won shall not be published without the consent of the person making the return, or the owner of the mine to which it relates, and no person 15 except the Minister or an officer of the Department of Mines shall be entitled, without such consent, to see such portion as aforesaid of any individual return.

Amendment of s. 44 of Principal Act.

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

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 25 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 30 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.

Amendment of s. 46 of the Principal Act.

21. Section forty-six of the Principal Act is amended 35 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

5 been deprived of such license, the Minister shall
 cause a statement containing such particulars as
 the records of the Department of Mines may dis-
 close with regard to the grant of such license
 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
 10 as the original license.

22. The following section is inserted next after sec- New s. 47A of
Principal
Act.
 tion forty-seven of the Principal Act:—

47A. With respect to magisterial inquiries respect- Proceedings
at magisterial
inquiry.
 15 ing deaths caused by explosions or accidents in or
 about mines, the following provisions shall have
 effect:—

(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
 20 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
 25 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 occa-
 sioned 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
 30 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
 35 neglect
 40

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. 5

- (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. 10 15

Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Act. 20

Amendment
of s. 56 of
Principal
Act.

Rules as to
dredges and
smelting-
works.

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

- (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. 25