

Mines Inspection (Amendment) Bill, 1922.

EXPLANATORY NOTE.

THE object of this Bill is to make certain amendments in the Mines Inspection Act, 1901, as amended by subsequent Acts, chiefly by extending the provisions thereof to smelting works, quarries, and dredges. In addition, the following matters are dealt with :—

Clause 4 allows a practically trained man of lengthy experience to hold a permit as mine manager in a mine where not more than forty men are employed below ground. Provision is also made for a manager to be absent for recreation purposes, subject to his appointing a deputy.

Clause 5 provides that a quarry in which more than ten men are employed shall be under a manager, and that a dredge or smelting works shall be controlled by a responsible person nominated by the owner.

Clause 7 provides for the grant of certificates of competency as manager, and amends the existing law as contained in sections 6 and 7 of the Principal Act.

Clause 9 provides for the employment of a certificated engine-driver where a boiler under steam is used in a mine, but that certain other simple and automatic motors and engines may be operated by a person holding a permit from an inspector.

Clause 11 provides for the grant, during a period of three years after commencement of the Act, of certificates of service as engine-driver to persons previously employed at quarries or smelting works.

Clause 13 provides that an inspector may grant a provisional permit to a person pending the issue of a certificate. It empowers the Board of Examiners to require applicants for certificates to produce evidence of physical fitness, and authorises the classification of engine-drivers' certificates according to class of engine to be worked.

Clause 17 empowers inspectors under the Coal Mines Regulation Act to act as inspectors under this Act in relation to quarries and smelting works in their districts.

Clause 18 requires certain returns of operations during the year to be furnished.

Clauses 19 and 20 are inserted for the purpose of requiring that notice be given of recommencing work at an abandoned mine, except alluvial 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 extends the operation of the rules under this Act to dredges and smelting works.

Clause 23 relates to proceedings at magisterial inquiries respecting deaths caused by accident in or about mines, and brings dredges and smelting works within the operation of the Coroners' Act, 1912.

No. , 1922.

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, the Coal Mines Regulation Act, 1912, and certain other Acts ; and for purposes connected therewith.

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, 1922,” and shall be read and construed with the Mines Inspection Act, 1901, as amended by subsequent Acts. The Mines Inspection Act, 1901,
10 as so amended, is hereinafter referred to as the Principal Act.

Amendment
of s. 4 of Prin-
cipal Act.

Act No. 75,
1901.

2. 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. 5

“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. 10

“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. 15 20

“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. 25

Amendment
of Principal
Act.

Application
of certain
enactments to
smelting
works.

3. 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:— 30

Division 2 of Part II.

Division 3 of Part II, so far as the enactments in such division relate to engine-drivers. 35

Section thirty-six. 35

Section thirty-seven.

Section thirty-nine.

Section forty-three.

Section forty-six.

Section forty-eight. 40

Part VI.

Provided

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, 1922.

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

(a) by omitting from subsection four the words "twelve months" and inserting in lieu thereof the words "such period as the Minister may decide";

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

(4A) Provided also that where more than twenty persons but not more than forty persons are employed below ground in the mine it shall be sufficient for the manager to hold a permit, which the Minister is hereby authorised to grant upon the recommendation of the board of examiners of mine managers; such permit shall only be granted to a person who has given evidence of his sobriety and general good conduct, and that he 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 not less than ten persons were ordinarily employed below ground. Such permit shall remain in force for such period as the Minister may decide and may be renewed from time to time by the Minister;

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

(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 with not less than three years practical experience in

Absence of manager.

a mine, including eighteen months working regular shift as miner or timberman, to be manager during the period of such absence.

New s. 5A of Principal Act.

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

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5A. (1) Any quarry in which more than ten men are employed shall be under a manager, who shall exercise supervision of 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 such period as the Minister may decide, but may be renewed from time to time by the Minister.

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.

(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.

Amendment of s. 6 of Principal Act.

6. Section six of the Principal Act is amended by omitting the second paragraph of subsection one.

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—

(a) 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

(b) (i) to have passed satisfactorily an examination held by the said board: such examination shall be partly in writing and partly oral: and regard shall be had to such knowledge as is necessary for the practical working of mines in New South Wales; or

(ii)

5 (ii) 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.

15 (2) 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.

8. Subsection one of section eight of the Principal Act is amended by inserting at the end of the 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-three."

Amendment of s. 8 of Principal Act.

9. Section twelve of the Principal Act is amended by omitting all the words following the words "offence against this Act" and by inserting the following in lieu thereof:—"A boiler under steam used in connection with any mine shall be deemed to be machinery within the meaning of this section.

Amendment of s. 12 of Principal Act.

"This section shall not extend to persons in charge of—

- 35 (1) sinking pumps and boring machines;
- (2) air winches when used for work on the surface;
- (3) 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 for raising and lowering men; also any other air-hoists which do not develop more than ten brake horse-power

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horse-power and which are used for other than for raising and lowering men: Provided that the person in charge of any such hoist shall be the holder of a permit empowering him to drive the same issued by an inspector. The Minister may make rules prescribing the form and 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; 5

- (4) air-driven pumps used underground; 10
- (5) air-driven engines having cylinders not exceeding four inches in diameter;
- (6) electric motors which are used for other than traction, and which do not develop more than ten brake horse-power, and in which the starting switch is a metal-cased oil circuit breaker, or in which starting and acceleration are effected by contactor switches operated either automatically or by push buttons; 15
- (7) electric motors on overhead hoists in which starting and acceleration are effected by drum controller operated by ropes from the floor level. 20

Amendment
of s. 14 of
Principal Act.

10. Section fourteen of the Principal Act is amended by inserting after the word "engine-drivers" the words "to have complied with the provisions of the rules made under this division of this Part of this Act." 25

Amendment
of s. 15 of
Principal
Act.

11. Section fifteen of the same Act is further amended by inserting at the end of subsection one the following proviso and new subsection:—

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-three. 30

(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, 1922, and is at the date of application employed as engine-driver at some quarry or smelting works; or 40
- (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:

5 Provided that such certificate of service may be refused to any person who fails to give full and satisfactory information as to his name, and the place and date of his birth, and as to his sobriety and general good conduct, and to pay such registra-
10 tion fee as the Minister may direct, not exceeding two pounds:

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

12. (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 inserting the words "within or" after the word "authority" in such subsection.

Amendment
of s. 16 of
Principal
Act.

(2) Subsection two of the same section is amended by omitting the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency or of service as engine-driver."

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

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

30 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.

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

40 (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.

(4)

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

(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 5 machinery of the class therein described as if he were the holder of a certificate of competency or of service duly approved under the provisions of this Act.

Physical requirements of applicant for certificate.

16B. The board of examiners of engine-drivers 10 may require every applicant for a certificate of competency or of 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 15 Minister may make rules prescribing the form of medical certificate to be furnished as to such qualifications.

Classes of certificates.

16C. (1) The Minister 'may make rules prescribing the classes of certificates of competency 20 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.

(2) Every such certificate shall contain a 25 description of the machinery or class of machinery which the holder is entitled to drive, and every such certificate granted, whether before or after the commencement of the Mines Inspection (Amendment) Act, 1922, shall be valid and effectual only 30 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 Minister may, before issuing such certificate, require the applicant to deliver up for cancellation 35 any other certificate granted under this Division of this Part of 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.

(4) If any applicant fails or refuses to 40 comply with the request of the Minister to deliver up

Mines Inspection (Amendment).

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.

5 **14.** Section twenty-seven of the Principal Act is hereby repealed. Repeal of s. 27 of Principal Act.

15. Subsection two of section thirty of the Principal Act is repealed, and the following is inserted in its place:— New subsection (2) of s. 30 of Principal Act.

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

16. The following new section is inserted next after section thirty of the Principal Act:— New s. 30A of Principal Act.

15 30A. If any person in charge of a boiler under steam used in connection with any mine or 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.

25 **17.** Section thirty-two of the Principal Act is amended by the addition of the following subsection:— Amendment of s. 32 of Principal Act.

(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.

35 **18.** The following new section is inserted next after section forty-two of the Principal Act:— New s. 42A of Principal Act.

42A. (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 showing the quantity and approximate value of the Returns to be furnished. cf. Act No. 49, 1906, s. 115.

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 ending thirty-first December; also showing the average number of 5 men employed in or about such mine, quarry, dredge, or smelting works, and such further particulars relating to the working and operations of the mine, quarry, dredge, or smelting works other than those relating to working costs or costs of production 10 as the Minister may from time to time require or demand.

(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 15 public company, such return shall be furnished by the manager or person acting in the management, or by the secretary of the company.

(3) Any such owner, manager, person, or secretary who fails to furnish a return within the 20 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 this Act.

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

(4) The Minister may publish the aggregate 25 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 portion thereof, but the portion of any individual return relating to the quantity and value of the 30 metal or mineral won shall not be published without the consent of the person making the return, or of 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 35 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 amended by omitting paragraph (c), and by omitting the word "recommencement" in that section.

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

New s. 44A of Principal Act.

5 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.

Notice given to recommence working any mine.

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

Amendment of s. 46 of the Principal Act.

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

Amendment of s. 56 of Principal Act.

30 (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.

Rules as to dredges and smelting works.

35 23. Section seventeen of the Coroners' Act, 1912, is amended by inserting at the end of the definition of "mine," in subsection two, the words "and includes a dredge and a smelting works as defined in the Mines Inspection Act, 1901, as amended by the Mines Inspection (Amendment) Act, 1922."

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