

## New Zealand.



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1914, No. 61.

AN ACT to amend the Coal-mines Act, 1908.

[5th November, 1914.]

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. (1.) This Act may be cited as the Coal-mines Amendment Act, 1914, and shall form part of and be read together with the Coal-mines Act, 1908 (hereinafter referred to as the principal Act).

Commencement.

(2.) This Act shall come into operation on the first day of January, nineteen hundred and fifteen.

*Coal-mining Leases.*

Applications for leases under principal Act to be determined within six months.

2. Section eight of the principal Act is hereby amended by adding to paragraph (i) thereof the following proviso:—

“ Provided that the application shall be finally disposed of within six months from the date of the filing thereof, or within such extended time as, in special circumstances and with the consent in writing of the Minister, the Warden or Commissioner appoints.”

*Examinations.*

Medical examination of engine-drivers.

3. (1.) Notwithstanding the provisions of section three of the Coal-mines Amendment Act, 1909, an engine-driver shall not be employed or continue to be employed in charge of any winding-engine or winding machinery in a mine by means whereof persons are brought up or passed down or along any shaft, pit, or inclined plane or level unless he produces or has produced to the mine-manager a written certificate by a registered medical practitioner showing that he has within a year last past been medically examined by such medical practitioner for heart-weakness, liability to fits, and defective hearing and vision, and that he was found on such examination to be sufficiently free from all such defects to be with safety in charge of any such winding-engine or winding machinery :

Provided that if the medical practitioner making such examination includes in his certificate a statement that in his opinion the person examined will not require re-examination for the purposes of this section for a period to be mentioned in the certificate (not exceeding three years from the date of the examination), then such certificate shall be a sufficient certificate under this section for that period.

(2.) Every engine-driver employed at a mine shall at any time, on request by the Inspector, produce his said certificate to him.

(3.) The owner shall pay the cost of every such examination made while the engine-driver is employed at the mine of such owner ; the fee for such examination shall be one guinea.

*Inspecting Engineer and Chief Inspector of Coal-mines.*

Inspecting Engineer and Chief Inspector of Coal-mines.

4. The Public Service Commissioner may appoint a competent person to be Inspecting Engineer of Coal-mines, who by virtue of his office shall be also the Chief Inspector of Coal-mines, and shall have in all parts of New Zealand all the powers given by the principal Act, or any other Act, to an Inspector of Mines, and shall perform such duties and have such powers as the Minister may from time to time direct by writing under his hand.

Certificates from beyond New Zealand.

5. Section twenty-eight of the principal Act is hereby repealed, and the following section substituted therefor :—

“28. The Board of Examiners may, on payment of a fee of ten shillings, deliver a certificate of competency as mine-manager, under-viewer, or fireman-deputy without examination to an applicant who is the holder of a certificate of corresponding class granted in any British possession or foreign country, if the Board is of opinion that the standard of training and examination required for the grant of such a certificate is equivalent to that required for the grant of a corresponding certificate under this Act.”

*Miner in Charge.*

6. A miner shall not be put in charge of any place in a mine unless he is of the age of twenty-one years or upwards and has had at least three years' experience in underground coal-mining, of which at least one year shall have been at the face with an experienced coal-miner.

Age and experience  
of miners put in  
charge of places.

*Official Inquiries.*

7. (1.) Where, in the opinion of the Inspector, an accident in a mine resulting in the death or injury of any person has been caused, directly or indirectly, by the non-observance by the holder of any certificate under the principal Act of any of the provisions of the principal Act or of this Act or of any regulation thereunder respectively, or of any special rule or of any additional rule of the mine, or by reason of his negligence, the Inspector shall apply to the Warden to hold an inquiry into the matter.

Official inquiries in  
case of accidents.

(2.) The Warden shall fix a time and place for the holding of such inquiry, and shall cause not less than seven days' notice thereof to be given to the person whose alleged non-observance or negligence is to be inquired into.

(3.) Such notice shall require the person aforesaid to appear at the time and place so fixed, and then and there to produce his certificate to the Court.

(4.) The inquiry shall be held before a Court consisting of the Warden sitting with two Assessors (appointed by the Warden), one of whom shall be the holder of a first-class certificate as mine-manager, and the other shall be an experienced miner working in some mine other than that in which the accident occurred. The Warden and at least one Assessor shall concur in the decision of the Court. In default of such concurrence, the Warden shall appoint two new Assessors as hereinbefore described (neither of whom shall have sat in the first instance), and a fresh inquiry shall thereupon be held, and subsections two and three of this section shall apply thereto. Such fresh inquiry shall be held before the Court thus reconstituted, and at least two members thereof shall concur in the decision.

(5.) The Court shall have all the powers of a Warden's Court constituted under the Mining Act, 1908.

(6.) If the Court finds that the accident was caused, directly or indirectly, by the non-observance by the holder of any certificate under the principal Act of any of the provisions of the principal Act or of this Act or of any regulation thereunder respectively, or of any special rule or of any additional rule of the mine, or by reason of his negligence, it may disqualify him by cancelling his certificate

or by suspending it for such period as the Court thinks fit; and during the period of such disqualification the person so disqualified shall, for all the purposes of the principal Act and of this Act, be deemed not to be the holder of a certificate.

(7.) There shall be the like right of appeal against any order of the Court under this section as if it were an order of the Warden made under Part IX of the Mining Act, 1908.

(8.) Notice of the cancellation or suspension of a certificate under this section shall be forwarded by the Warden to the Minister, and shall be published in the *Gazette*.

(9.) In this section the term "Warden" means the Warden for the mining district within which the mine is situated; and if the mine is not within a mining district, then the Magistrate usually exercising jurisdiction under the Magistrates' Courts Act, 1908, at the Court-house nearest to the mine, or, if there are more such Magistrates than one, then any of them, shall exercise the functions and perform the duties of the Warden under this section.

Repeal.

(10.) Section thirty of the principal Act is hereby repealed.

*Further General Rules to be observed in Mines.*

Further general rules.

8. (1.) Section forty of the principal Act is hereby amended as follows:—

(a.) By repealing paragraph (1) thereof, and substituting the following paragraphs therefor:—

Ventilation.

"(1.) An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless inflammable and noxious gases to such an extent that all shafts, roads, levels, stables, and workings of the mine shall be in a fit state for working and passing therein, and, in particular, that the intake airways, up to within one hundred yards of the first working-place at the working-face which the air enters, shall be normally kept free from inflammable gas:

"Provided that an abandoned road or a level not used in connection with the working of the mine shall, if properly fenced off, not be deemed to be a road or level within the meaning of this section.

"(1A.) For the purpose of the last preceding paragraph a place shall not be deemed to be in a fit state for working or passing therein if the air contains either less than nineteen per centum of oxygen or more than one per centum of carbon dioxide:

"Provided that the Minister may, by warrant under his hand, and subject to any conditions specified in the said warrant, exempt any mine from the provisions of this paragraph on the ground that the coal therein is particularly liable to spontaneous combustion. Where any such conditions are so specified, the mine shall be deemed to be exempted as aforesaid only while such conditions are duly complied with:

"Provided also that the Minister may at any time revoke any such warrant.

“(1b.) In every mine the quantity of air in the main current and in every split, and at such other points as may be determined by regulations, shall be measured at least once in every month, and a record thereof, and also of the number of persons and horses ordinarily in each split at one time, shall be entered in a book to be kept for that purpose at the mine.

“(1c.) The amount of air passing into the mine shall be such amount as may be prescribed by regulations for the classification of mines:

“Provided that in no case shall less than one hundred and fifty cubic feet of air per minute be provided for every person, and six hundred cubic feet of air per minute be provided for every horse or other animal, while employed underground.

“(1d.) All air-measurements taken pursuant to the preceding paragraphs shall be taken at the entrance to each ventilating district and (if the Inspector so requires) at each working-face, and shall at such places be not less in volume than the minimum allowance aforesaid for every man and horse or other animal. The total number of men ordinarily employed in any ventilating district shall not, without the consent in writing of the Inspector, exceed fifty at any one time, and in no case shall the number exceed seventy.

“The obligation imposed by this paragraph shall be in addition to, and not in substitution for, the obligation to provide an adequate amount of ventilation imposed by paragraph (1) hereof.

“In this paragraph the expression ‘ventilating district’ means any part of a seam having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway.

“(1e.) The Inspector may require that all mechanical ventilation appliances at any mine be run constantly, or for such time as he thinks necessary; and in all cases such ventilation appliances shall be started and continuously run to their usual running-capacity for not less than two hours before men start work in the mine.”

Mechanical  
ventilation  
appliances.

- (b.) By omitting from subparagraph (j) of paragraph (2) the word “three,” and substituting the words “one and a half”; and by inserting the following new subparagraphs:—

“(jj.) In the case of electric firing no workman shall be permitted to return to a misfire within half an hour thereafter.

Misfires.

“(jjj.) The Inspector may prohibit the use of electricity in any mine or part of a mine where in his opinion its use would be dangerous owing to a risk of explosion of coal dust or gas, and electricity shall not be used in any place in a mine if and while the percentage of inflam-

Power to prohibit  
use of electricity.

mable gas in the general body of the air in that place exceeds one and a quarter: Provided that the Inspector may permit the use of electricity in connection with any telephones, or any signalling wires or instruments or electric hand-lamps."

- (c.) By repealing paragraph (24), and substituting the following paragraph therefor:—

Spring catches

"(24.) Spring catches, or automatic or self-acting doors, or tumblers of a suitable kind shall be affixed to the pit-head frame below the pulleys of every shaft in which a cage is used, to prevent the fall of the cage down the shaft when detached from the rope or chain by overwinding or otherwise."

- (d.) By repealing paragraph (28), and substituting the following paragraph therefor:—

Change-houses to be provided.

"(28.) In all mines where workmen are employed sufficient accommodation, to the satisfaction of the Inspector, shall be provided and maintained near the principal entrance of the mine, and not in the engine-shed or boiler-house, for enabling the persons employed in the mine to conveniently change and dry their clothes, and in no case shall men be allowed to change their clothes upon a boiler."

- (e.) By inserting after paragraph (28) the following new paragraph:—

Latrine accommodation.

"(28A.) In each mine latrine accommodation, to the satisfaction of the Inspector, shall be provided and maintained, both underground and on the surface; the accommodation on the surface to be at or near the entrance of the mine, but not in the line of the intake airway."

- (f.) By inserting after paragraph (31) the following paragraph:—

Person near machinery not to wear loose clothing.

"(31A.) No person engaged on or in close proximity to machinery shall be permitted to wear loose or flowing outer clothing."

- (g.) By omitting from paragraph (33) the words "and once in every twelve months every such boiler shall be subjected to an hydraulic test; and the date and full description of every such test and cleansing," and by substituting the words "and the date of every such cleansing."

Hydraulic test of boilers dispensed with.

- (h.) By repealing paragraph (45), and substituting the following paragraph therefor:—

Withdrawal of workmen in case of danger.

"(45.) (a.) If at any time the person for the time being in charge of the mine or of any part thereof has reason to believe that, by reason of the prevalence of inflammable or noxious gases or of any cause whatever, the mine or any place in the mine is dangerous, he shall withdraw every workman from the mine or from such place, as the case may be, and a fireman or deputy, or other competent person authorized by the manager or under-manager for the purpose, shall inspect the mine or place, and, if the danger arises from inflammable gas, shall

inspect the mine or place with a locked safety-lamp, and in every case shall make a full and accurate report of the condition of the mine or place; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine or place until the same is reported by the person who made the inspection not to be dangerous.

“(b.) For the purposes of this paragraph a place shall be deemed to be dangerous if the percentage of inflammable gas in the general body of the air in that place is found to be two and a half or upwards, or in any place situate in a part of the mine worked with naked lights if the percentage of inflammable gas as aforesaid is one and one-quarter or upwards.

“(c.) Every report pursuant to subparagraph (a) of this paragraph shall be recorded in a separate book, which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection; and a copy of such report shall be forthwith forwarded by the manager to the Inspector.

“(d.) If a workman discovers the presence of inflammable gas in his working-place he shall immediately withdraw therefrom and inform the fireman or deputy.”

(i.) By repealing paragraph (46), and substituting the following paragraphs therefor:—

“(46.) (a.) No lamp or light other than a locked safety-lamp shall be allowed or used—

Use of safety-lamps  
in certain places.

“(i.) In any seam in any mine where the air-current in the return airway from any ventilating district in the seam is found normally to contain more than one-half per centum of inflammable gas:

“(ii.) In any seam in any mine (except in the main intake airways within two hundred yards from the shaft) in which an explosion of inflammable gas causing any personal injury whatever has occurred within the previous twelve months, unless an exemption is given by the Minister on the ground that on account of the special character of the mine the use of safety-lamps is not required:

“(iii.) In a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous:

“(iv.) In any working near a place in which there is likely to be an accumulation of inflammable gas:

“(v.) In any place where the use of safety-lamps is required by the special rules or by regulations.

“(b.) Where in pursuance of this Act, or of the special rules, or of regulations, safety-lamps have been

used in any part of a ventilating district, it shall not be lawful to use naked lights in any other part of the same mine, unless the use of safety-lamps in that part of the district was merely a temporary precaution.

“(c.) Where in pursuance of this Act, or of the special rules, or of regulations, safety-lamps have been used otherwise than as a temporary precaution against apprehended danger in any part of a mine, no lamp or light other than a safety-lamp shall subsequently be allowed or used in that mine without the sanction of the Inspector.

“(d.) The average percentage of inflammable gas found in six samples of air taken by an Inspector at intervals of not less than a fortnight in the air-current in the return airway in the ventilating district shall, for the purposes of this paragraph, be deemed to be the percentage normally contained in the air.

“(e.) In this paragraph the expression ‘ventilating district’ has the meaning given thereto in paragraph (1d) hereof.

Construction of  
safety-lamps.

“(46A.) Wherever safety-lamps are required by this Act, or the special rules, or by regulations to be used, no safety-lamp shall be used by any person employed in the mine unless it is provided by the owner, and is of a type for the time being approved by the Minister.

Examination of  
safety-lamps.

“(46B.) Where safety-lamps are required to be used as aforesaid the following special rules shall apply:—

“(i.) A safety-lamp shall not be used unless it has since last in use been thoroughly examined at the surface by a competent person appointed by the manager for the purpose, and found by him to be in safe working-order and securely locked; and a record shall be kept of the men to whom the several lamps are given out:

“(ii.) The person appointed as aforesaid to examine safety-lamps shall examine every lamp on its return, after having been given out as aforesaid, and if on such examination any lamp is found to be damaged he shall record the nature of the damage in a book to be kept at the mine for the purpose, and the person to whom the lamp was given out shall be deemed to have wilfully damaged the lamp unless he proves that the damage was due to no fault or negligence of his own, and that he immediately gave notice of the damage to the fireman, examiner, or deputy:

“(iii.) A safety-lamp shall not be unlocked except at an appointed lamp-station (not being in a return airway) by a competent person appointed by the manager for the purpose; nor, save in the case of electric hand-lamps,

shall it be relighted except by such a person at an appointed lamp-station after examination by him; and no person other than such person as aforesaid shall have in his possession any contrivance for opening the lock of or for relighting any safety-lamp:

“(iv.) No part of a safety-lamp shall be removed by any person whilst the lamp is in ordinary use.”

(j.) By repealing paragraph (48), and substituting the following paragraphs therefor:—

“(48.) (a.) The workmen employed in a mine, or where any of the workmen so employed are members of a society formed in connection with the coal-mining industry such society, may at their or its own cost appoint any two persons (whether employed in the said mine or not) to inspect the mine; the persons so appointed must have had at least three years' practical experience in a mine as coal-hewers; but no discharged employee of the mine shall be so appointed except with the consent of the manager of the mine. In the event of such consent being withheld the matter shall be referred to the Warden, whose decision shall be final.

Workmen may  
require mine  
to be inspected.

“(b.) The persons so appointed (hereinafter referred to as workmen's inspectors) shall, after having informed the manager of their proposed inspection, have full liberty to make an inspection of every part of the mine, and of its machinery and workings, once in every fortnight.

“(c.) Such workmen's inspectors shall also have full liberty to make an inspection as aforesaid at all reasonable times on receiving notice from two or more workmen employed in the mine or any part thereof that the mine is in their belief in a condition dangerous to life, and stating the grounds of such belief:

“Provided that before the workmen's inspectors shall exercise the additional right of inspection hereby given they shall first notify the mine-manager in writing under their hands of their intended inspection, and of the time thereof, and of the reason for making the same.

“(d.) The mine-manager, or some person appointed by him for the purpose, may accompany the persons so appointed on any such inspection, and shall give them full and free facilities for the inspection.

“(e.) The persons so appointed shall forthwith make a full and accurate report in writing under their hands of the result of their inspection, and shall immediately thereafter furnish a copy of such report to the mine-manager, who shall cause the same to be recorded in a book to be kept for the purpose at the office of the mine; and if the report is to the effect that the mine or any part thereof is in a condition dangerous to life, or that any dangerous practice exists in the working of the

mine, the mine-manager shall forthwith forward a copy of the report to the Inspector; if such inspection occupies more than one day, a separate report as aforesaid shall be made for each day of such inspection.

“(f.) On any such inspection the workmen’s inspectors may, if they report as aforesaid that the mine or any part thereof is in a condition dangerous to life or that any dangerous practice exists in the working thereof, by notice in writing under their hands, request the mine-manager to cease work in the mine or in any dangerous part thereof, or to withdraw the men therefrom and remedy any dangerous condition, or to discontinue any dangerous practice referred to in the report.

“(g.) If the mine-manager fails to comply with such notice within a reasonable time, the workmen’s inspectors may forward to the Inspector a copy of their report, and request him to withdraw the men from the mine or dangerous part, or to have the dangerous practice discontinued.

“(h.) If the Inspector is of opinion that the said notice is reasonable, he shall comply with the request of the workmen’s inspectors, and may take proceedings for the recovery from the mine-manager of a fine as for an offence against this Act.

“(i.) If on the information of the Inspector it is proved that the mine or part thereof was dangerous at the time of the inspection by the workmen’s inspectors, or that a dangerous practice then existed in respect of the working thereof, and that the mine-manager failed, without reasonable excuse, to comply with the request of the workmen’s inspectors, the mine-manager shall be deemed guilty of an offence against this Act, and shall be liable accordingly.

“(j.) The persons so appointed shall, while making any inspection for the purposes of this section, be deemed to be workers employed by the owner of the mine within the meaning of the Workers’ Compensation Act, 1908.”

Repeal.

(2.) Section six of the Coal-mines Amendment Act, 1909, is hereby repealed.

Bathhouses to be provided.

9. (1.) Subject as hereinafter provided, bathhouses supplied with hot and cold water and of a design prescribed by regulations shall be erected and maintained by the owner at every mine for the use of workmen and other persons employed therein :

Provided that this section shall not apply to mines in which not more than ten men are employed.

(2.) The owner shall not be compelled to erect bathhouses until a vote of the workmen working underground in the mine has been taken, nor unless at least seventy-five per centum of the men where the number is twenty or under, at least fifty per centum where the number is over twenty but not over fifty, and at least thirty per centum where the number is over fifty, vote in favour of the erection of bathhouses.

(3.) If in the opinion of the mine-manager sufficient use is not made of the baths, he may give notice to the workmen's inspectors that he proposes to take a tally of the men using the baths within a period of one month, and if it is found that the total number using the baths is on the average less than twenty per centum of the men employed underground, it shall be optional with the mine-manager whether he keeps the baths open or not.

(4.) If the baths are closed under the powers of the last preceding subsection, no vote shall be taken to reopen the same for at least three months.

(5.) If a tally is taken under subsection three hereof by the mine-manager, full facilities shall be given to the workmen's inspectors to take a similar tally over the same period.

10. Section sixty-two of the principal Act is hereby amended by inserting, after the word "forthwith" in subsection one, the words "after any ignition of inflammable gas by which any person was injured or."

Section 62 of  
principal Act  
amended.

*Special Rules in Schedule to the Principal Act.*

11. (1.) The Second Schedule to the principal Act is hereby amended as follows:—

Second Schedule  
principal Act  
amended.

(a.) By adding to Rule 4 the words "in pillars and old workings no timber shall be withdrawn except by lever and chain, or by blasting";

(b.) By repealing Rule 75; and

(c.) By inserting, after the words "at the top of each incline" in Rule 89, the words "and on all working jigs, and that the same are always used."

(2.) The special rules set out in the Schedule hereto shall be deemed to be inserted in their appropriate places respectively in the Second Schedule to the principal Act.

*Additional Rules of Mines.*

12. (1.) In respect of any mine for which additional rules have been made under section forty-two of the principal Act and are in force on the coming into operation of this Act, and in respect also of any mine for which the Minister, by notice in the *Gazette*, requires that a committee as hereinafter described shall be set up, there shall be a committee, consisting of the Warden for the district, or if the mine is not within a mining district, then the Magistrate usually exercising jurisdiction under the Magistrates' Courts Act, 1908, at the Courthouse nearest to the mine; the mine-manager; another mine-manager to be appointed by the mine-manager; and two representatives of the workmen appointed by a majority of the workmen in the mine in the manner in which a workmen's inspector is appointed.

Additional Rules  
Committee.

(2.) All meetings of the committee shall be convened by the Warden or Magistrate, as the case may be, either on his own motion or at the request in writing of any member of the committee. Notice in writing convening the meeting shall be given to each member, and such notice shall specify the object for which the meeting is convened and the time and place for holding the meeting.

Meeting .

Power to make additional rules.

(3.) All members of the committee must be present at each meeting of the committee, and no business shall be transacted in the absence of any member, but acts may be done and questions decided by a majority of the members. The Warden or Magistrate, as the case may be, shall preside at all meetings of the committee.

(4.) The committee may from time to time make, alter, and revoke such additional rules, not inconsistent with the principal Act or this Act, or the special rules or any regulations, as, having regard to the particular state and circumstances of the mine, appear to be desirable for ensuring the health and safety of persons employed in the mine, and, in particular, may make additional rules with regard to the following matters:—

(a.) The timbering of the mine;

(b.) The height of first workings, and of lifts in pillar-workings;

(c.) The splitting of pillars;

(d.) The question whether the panel system of working should be followed;

(e.) The use of mechanical appliances for lifting timber underground;

(f.) The latrine accommodation to be provided in and about the mine; and

(g.) Such other matters as may be permitted by regulations.

Notification of proposed rules.

(5.) The committee shall post typewritten or printed copies of any proposed rule at some conspicuous place at the mine-mouth and in the dressing-rooms, and shall append to every such copy a notice calling upon all persons employed in the mine to lodge in writing with the Inspector on or before a date to be fixed in such notice, not being earlier than fourteen clear days after the posting-up of the proposed rule, any objections they may have thereto, and the grounds of such objections. No objection shall be lodged later than the date so fixed. Any member of the committee may also lodge objections within the time aforesaid.

Objections to rules

(6.) If within seven days after the last fixed day for lodging objections the committee does not amend the proposed rule to the satisfaction of the objector, the Inspector shall forward the objection, together with a copy of the proposed rule, to the Minister, who shall have power to cancel or amend the rule objected to, and his decision thereon shall be final.

Authentication of rules.

(7.) The rules as originally framed or as amended as aforesaid, as the case may be, shall be signed by the committee and published in the *Gazette*, and from and after the date of such publication shall be additional rules of the mine, and shall have the force of law.

Evidence of rules.

(8.) The production of a copy of the *Gazette* containing any additional rules purporting to be made under this section shall, until the contrary is shown, be evidence that such rules have been duly made.

Repeal.

(9.) This section is in substitution for section forty-two of the principal Act, and that section is hereby repealed accordingly.

Repeal.

13. (1.) Section forty-five of the principal Act is hereby repealed.

(2.) Section forty-six of the principal Act is hereby amended by omitting therefrom all the words after the words "offences against this Act."

14. All additional rules that at the coming into operation of this Act are in force in any mine under or by virtue of the principal Act, and are not inconsistent with the principal Act, or this Act, or with the special rules, shall be deemed to be additional rules of such mine made under this Act, and shall continue in force until revoked or altered by additional rules hereafter made.

Saving of existing additional rules.

15. The additional rules of any mine made or deemed to be made under this Act shall be deemed to be additional rules of that mine for all the purposes of the principal Act, including the penal provisions thereof.

Principal Act to apply to additional rules.

#### *Plans of Workings.*

16. (1.) Section fifty-two of the principal Act is hereby amended by omitting from subsection one the words "made by a certificated manager, a mining engineer being a licensed surveyor, or by a surveyor authorized as such by the Surveyor-General," and substituting the words "by a mine-manager holding a first-class certificate of competency, by the holder of a diploma in land and mining surveying issued by the Otago University or the University of New Zealand, or by a licensed surveyor under the Surveyors' Institute and Board of Examiners Act, 1908."

Section 52 of principal Act amended.

(2.) The said section fifty-two is hereby further amended by adding to subsection two the following words: "and shall be signed and dated by the person who made the same; if more than one survey is shown on the said plan, each survey shall be distinctively indicated, and shall be separately signed and dated as aforesaid."

#### *Case of Immediate Danger to Life.*

17. (1.) Where in the opinion of the Inspector a mine or any part thereof, or any practice adopted in connection therewith, is immediately dangerous to life he may, by notice in writing addressed in general terms to the person for the time being in charge of the mine and delivered at the mine, require such person to withdraw the workmen from such mine or part thereof (except such workmen as may be required for the purpose of putting the mine or such part thereof in safe condition), or to discontinue the said practice; and, save in pursuance of an award made on arbitration under this section, mining operations shall not be resumed in the mine or the said part thereof, as the case may be, until the Inspector has certified in writing under his hand that the mine, or such part thereof as aforesaid, has been made safe to his satisfaction, or that such practice has been discontinued.

Power for Inspector to summarily stop mining operations in case of immediate danger.

(2.) The said person in charge shall immediately upon the said notice coming to his knowledge take active steps to comply with the same, in default whereof he shall be liable to a fine not exceeding one hundred pounds.

(3.) Any owner, agent, mine-manager, or person in charge of a mine who directs or wilfully allows mining operations or any practice to be resumed or continued in breach of this section shall be liable to a fine not exceeding one hundred pounds for every day or part of a day on or during which such operations or practice shall be resumed or continued.

(4.) The Inspector shall forthwith, after he has given such notice as aforesaid, send a copy thereof to the Minister and report to him in writing his reasons for giving the notice.

(5.) If any owner, agent, or mine-manager, or the person in charge of a mine as aforesaid, objects to remedy any matter complained of in any such notice as aforesaid, he may, within seven days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Minister, and shall also send a copy of the same to the Inspector.

(6.) The Inspector shall forthwith report on the said objection to the Minister, and thereupon the matter shall be determined by arbitration in manner provided by the principal Act in relation to the special rules, and the date of the receipt of the objection by the Minister shall be deemed to be the date of the reference.

(7.) 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.

(8.) Until an award is made on arbitration as aforesaid the said notice shall have full effect, and mining operations shall be suspended in the mine or such part thereof as aforesaid, unless the Inspector previously gives a certificate under subsection one hereof.

(9.) Without prejudice to the liability of the aforesaid penalties, jurisdiction is hereby given to the Warden to restrain any breach or threatened breach of this section by injunction at the instance of the Inspector, and to make such order in the matter as to costs and otherwise as the Warden thinks fit.

Repeal.

(10.) This section is in substitution for section fifty-eight of the principal Act, and that section is hereby repealed accordingly.

#### *Sick and Accident and Coal-miners' Relief Funds.*

Section 80 of principal Act amended.

18. Section eighty of the principal Act is hereby amended by omitting from subsection four thereof the words "the aforesaid Minister and Public Trustee jointly for the purposes of the said relief," and substituting the words "the Public Trustee in accordance with regulations to be from time to time made by the Governor in that behalf."

"Coal-miner" defined.

19. For the purposes of sections eighty and eighty-one of the principal Act "coal-miner" includes any person employed in or about a mine as defined in section four of the Coal-mines Amendment Act, 1909, and the expression "whilst working in coal-mines" includes working in or about a mine.

#### *Duties of Inspectors.*

Duty of Inspector with respect to observance of rules in mines.

20. It shall be the duty of the Inspector to see that the provisions as to the management and working of mines contained in the principal Act and this Act, and all regulations thereunder respectively, and the provisions of all general rules, special rules, and additional rules, are duly complied with.

Duty of Inspector to institute proceedings.

21. It shall be the duty of the Inspector to prosecute every person whom he believes to have committed within the locality in which such Inspector exercises his functions any serious breach of

any provision of the principal Act, or of this Act, or of any regulation made thereunder respectively, or of any special rule, or of any additional rule of a mine, unless he is satisfied that the appropriate proceedings in respect of such breach have been instituted and are being duly carried on by some other person empowered in that behalf:

Provided that no person shall be punished twice for one and the same offence.

*Regulations.*

22. In addition to other regulations authorized to be made under the principal Act or this Act, the Governor may, by Order in Council gazetted, make regulations—

- (a.) Providing for the safety of life and property in connection with mining operations, and the prevention of accidents, and for the conduct of mining operations, and the health of persons employed in or at mines;
- (b.) Providing for the classification of mines by reference to the amount of inflammable and noxious gases in the main return airway thereof;
- (c.) Compelling and regulating the use of mechanical ventilating appliances in mines;
- (d.) Prescribing the explosives that may be used in mines and regulating their use;
- (e.) Prescribing the manner and extent to which electricity and electrical appliances may be used underground in mines;
- (f.) Requiring the use of water for the laying of dust in mines, and of stone-dust as a diluent of inflammable coaldust;
- (g.) Regulating the construction and design of change-houses;
- (h.) Providing for the supply and maintenance of fire-extinguishing appliances, and of appliances for use in rescue-work, and for the formation and training of rescue brigades, and providing also for the supply and maintenance of ambulance appliances at mines and the training of men in ambulance-work;
- (i.) Defining the powers of committees set up under section twelve hereof, and regulating the proceedings of such committees; and
- (j.) Generally prescribing whatever he deems necessary for the purpose of giving full effect to the principal Act or this Act, including fines for breach of any regulation made under this Act not exceeding for a first offence five pounds, and for a second or subsequent offence ten pounds.

*State Coal-mines.*

23. Section one hundred and twelve of the principal Act is hereby amended by inserting after paragraph (c) the following paragraph:—

“(cc.) Purchase and sell lignite, coke, and firewood; and.”

24. The provisions of this Act (relating to mines under Part I of the principal Act) shall so far as applicable extend and apply to the management and working of every coal-mine worked under Part II of the said Act.

Regulations.

Section 112 of principal Act amended.

Application of this Act to State coal-mines.

*General.*Prevention of  
coaldust.

25. In every mine, unless the floor, roof, and sides of the roads are naturally wet throughout,—

- (a.) Arrangements shall be made to prevent, as far as practicable, coaldust from the screens entering the downcast shaft; and no plant for the screening or sorting of coal shall be situated within a distance of eighty yards from any downcast shaft unless a written exemption is given by the Inspector:
- (b.) The tubs shall be so constructed and maintained as to prevent, as far as practicable, coaldust escaping through the sides, ends, or floors of the tubs, but any tub in use at the date of the passing of this Act may, notwithstanding that it is not so constructed, continue to be used for a period of three years from the said date:
- (c.) The floor, roof, and sides of the roads shall be systematically cleared so as to prevent, as far as practicable, coaldust accumulating:
- (d.) Such systematic steps, either by way of watering or otherwise, as may be laid down by regulations shall be taken to prevent explosions of coaldust occurring or being carried along the roads:
- (e.) The roads shall be examined daily and a report (to be recorded in a book kept at the mine for the purpose) made on their condition as to coaldust and on the steps taken to mitigate danger arising therefrom.

Schedule.

## SCHEDULE.

## SPECIAL RULES APPLICABLE TO ALL COAL-MINES.

- 3A. No fire or furnace shall hereafter be placed underground in any mine.
- 3B. Where a fire is used for ventilation in any mine the return air shall be carried off clear of the fire by means of a dumb drift or airway, unless the mine is one in which there is not, nor at any time has been, any inflammable gas.
- 21A. All deputies shall during their rounds examine the roof and sides of the mine, irrespectively of the examination by workmen and workmen's inspectors.
- 24A. The fuse known as instantaneous fuse shall not be used at or in any mine.
- 57A. (1.) Only wire ropes shall be used for haulage purposes on jigs, except on the face-section, where chains may be used. Anchor-chains shall be used on all face-jigs.
- (2.) All haulage-inclines, self-acting inclines, and all jigs, except face-jigs, shall be fitted with bells or other adequate signalling appliances.
- (3.) A back-stay or trailer shall be attached to each ascending tub or set of tubs on every inclined haulage-road where mechanical haulage, other than endless rope or chain, is used.
- 87A. In all mines where cages are used by the men for travelling in or out of the mine the engine-driver shall always be within or about the engine-house and within hearing of the shaft signals when men are underground.