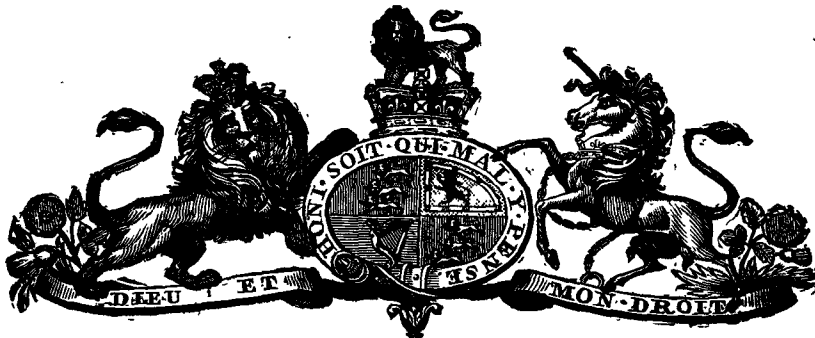


NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. LX.

ANALYSIS.

Title.

1. Short Title.

2. Interpretation of terms:—"Mining district" and "district." "Mine." "Plan." "Owner." "Agent" and "manager." "Inspector." "Machinery." "Woman." "Child." "Young person." "A week." "Superintendent."

PART I.

PROCLAMATION OF DISTRICTS, APPOINTMENT OF OFFICERS, ETC.

3. Act to be adopted in each province.
4. Governor may proclaim districts and appoint officers.
5. Land agent shall not act as Inspector of Mines.

PART II.

GENERAL RULES APPLICABLE TO EVERY MINE.

6. General rules. Ventilation. Gunpowder and blasting. Man-holes in self-acting or engine planes. Spaces in horse roads. Keeping spaces clear. Fencing of entrances to shafts. Securing of shafts. Drive and excavation to be protected. Division of shaft. Signalling. Cover overhead. Proper ladder or footway. Chains. Slipping of rope on drum. Break and indicator. Inclination of ladders. Dressing-room. Person in charge of machinery. Fencing machinery. Gauges to boilers and safety-valves. Wilful damage. Boring rods to be used. Manager or person in charge of mine to inspect.

PART III.

PROVISIONS SPECIALLY AFFECTING COAL MINES.

7. As to payment of persons employed in mines by weight.
8. Appointment and removal of check-weigher on part of men. Check-weigher not to impede working. Removal of check-weigher. Where persons employed to be paid by measure.
9. Application of Weights and Measures Act to weights used in mines, &c.

10. Openings to be provided. Penalty. Not to apply if not more than ten persons employed.

PART IV.

EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN.

11. Employment of boys in mines. Of male young persons.
12. Employment of women and children.
13. Register to be kept.
14. As to employment under eighteen about engines.
15. Penalty for employment of persons in contravention of provisions of this Act.

PART V.

POWERS AND DUTIES OF INSPECTORS.

16. Duties of Inspectors.
17. Owners to produce plans.
18. Powers of Inspectors.
19. Inspectors to give notice of matters not provided for by rules.
20. Failure to comply with notice &c. an offence against Act.
21. Provisions for arbitration.

PART VI.

PENALTIES FOR OFFENCES.

22. Penalties for offences against general or special rules.
23. Penalty for obstructing Inspectors.
24. Defacing notices.
25. What shall be offences against Act.
26. Penalty for offences against Act.
27. Penalty for offences not expressly provided for.
28. Penalties, how recoverable and to be applied.

PART VII.

MISCELLANEOUS.

29. Special rules.
30. Promulgation of rules.
31. Mode of determining new special rules.

Regulation of Mines.

32. Amendment of special rules.	37. Notice of accidents.
33. Accident evidence of neglect.	38. Adjournment of inquests on deaths.
34. Wages not to be paid at public-houses, &c.	39. Certified copies of special rules to be evidence.
35. Shafts with vertical or overhanging ladders to have platforms.	40. Reports of Inspectors.
36. Employer to compensate employé injured through non-observance of this Act.	41. Expenses of working Act.
	42. Governor may delegate certain powers to Superintendent of a province.

Title.

AN ACT to provide for the Regulation and Inspection of Mines. [22nd August, 1874.]

Short Title.

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

Interpretation of terms.

1. The Short Title of this Act shall be "The Regulation of Mines Act, 1874;" and it shall come into operation in such manner and in such parts of the Colony as hereinafter is provided.

2. For the purposes of this Act, the following terms in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:—

"Mining district" and "district."

(1.) "Mining district" and "district," any district proclaimed to be a district under this Act.

"Mine."

(2.) "Mine" and "coal mine," any claim pit place shaft drive level or other excavation drift gutter lead vein lode reef wherein or whereby is or shall be carried on any operation for or in connection with the purpose of obtaining any metal or mineral by any mode or method of stacking or otherwise storing any substance as containing any metal or mineral, and every mine, whether in actual work or discontinued or exhausted or abandoned, and every shaft level and inclined plane in the course of being made or driven for, commencing or opening any such mine, and all works belonging thereto respectively.

"Plan."

(3.) "Plan" includes a map and section, and a correct copy or tracing of any original plan as so defined.

"Owner."

(4.) "Owner," when used in relation to any mine, means any person or body corporate who is the immediate proprietor or lessee or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty rent or fine from a mine, or is merely the proprietor of a mine subject to any lease grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine, and in the case of a company incorporated under any Act for the regulation of mining or relating to Joint Stock Companies shall include the manager of such company, and in any other case the person having the management of mining operations carried on in a mine; but any contractor for the working of any mine, or any part thereof, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability.

"Agent" and "manager."

(5.) "Agent" and "manager," any person having for the time being, on behalf of the owner, the care and direction of the mine.

"Inspector."

(6.) "Inspector," Inspector of Mines for the district, or if more than one, the senior Inspector of the district.

"Machinery."

(7.) "Machinery" shall mean and include steam and other

Regulation of Mines.

- engines boilers furnaces stampers winding and pumping gear chains trucks tramways tackle blocks ropes tools and all appliances of whatsoever kind used in or about the mine.
- (8.) "Woman," a female of the age of sixteen years and upwards. "Woman."
- (9.) "Child," a child under the age of thirteen years. "Child."
- (10.) "Young person," a person of the age of thirteen years and under the age of nineteen years. "Young person."
- (11.) "A week" shall be deemed to begin at midnight on Saturday night, and to end at midnight on the succeeding Saturday night. "A week."
- (12.) "Superintendent," the Superintendent of any province. "Superintendent." And whenever by any Act or Ordinance it is provided that the Superintendent shall act with the advice of his Executive Council, the term "Superintendent" shall include such Executive Council.

PART I.

PROCLAMATION OF DISTRICTS, APPOINTMENT OF OFFICERS, ETC.

3. The Governor in Council may, on the recommendation of the Superintendent of any province, by Proclamation published in the *New Zealand Gazette*, declare that, on and after a day named in such Proclamation, this Act shall be in force in such province; and on the day so named this Act shall come into and be in force in such province, and not before: Provided that the clauses in Part IV. regulating the employment of women, young persons and children shall come into operation on the passing of this Act.

Act to be adopted in each province.

4. The Governor may for the purposes of this Act from time to time proclaim and define one or more Mining Districts within any province in which this Act shall be in force, with such boundaries as he may think convenient, and the Governor may from time to time alter the boundaries of any district, and he may also assign to such district a name by which it may be known for the purposes of this Act.

Governor may proclaim districts and appoint officers.

The Governor may also from time to time appoint one or more fit persons to be Inspectors of Mines for any such district or one only for the province, and such other officers as may be deemed necessary, and from time to time may remove any such person or persons from his office; and in case of the death resignation or removal from office of any such Inspector or other officer aforesaid, another or others to appoint as occasion shall require. The proclamation of every such district and the notification of every such appointment shall be published in the *New Zealand Gazette* and in the *Gazette* of the province.

5. No person who shall act or practise as a land agent, or as a manager viewer or agent or mining engineer, or a valuer of lands, or arbitrator in any matters of dispute arising between owners of mines, or be otherwise employed in any way in any mine, shall be appointed or act as an Inspector of Mines under this Act.

Land agent shall not act as Inspector of Mines.

PART II.

GENERAL RULES APPLICABLE TO EVERY MINE.

6. The following general rules shall, so far as may be reasonably practicable, be observed in every mine:—

General rules.

- (1.) An adequate amount of ventilation shall be constantly

Ventilation.

Regulation of Mines.

produced in every mine to such an extent that the shafts winzes sumps levels underground stables and working places of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

Gunpowder and blasting.

- (2.) Gunpowder or other explosive or inflammable substance shall only be used underground in the mine as follows:—

(a.) It shall not be stored in the mine in any quantity exceeding what would be required for use during three working days for the purposes of the mine.

(b.) It shall not be taken into the mine except in a case or canister containing not more than four pounds.

(c.) If such explosive or inflammable substance be not contained in any case or canister, it shall not be taken into the mine in any quantity that when ignited would have an explosive force of more than four pounds of gunpowder.

(d.) A workman shall not have in use at one time in any one place more than one of such cases canisters or packages.

(e.) In charging holes for blasting, an iron or steel pricker shall not be used, and a person shall not have in his possession in the mine under ground any iron or steel pricker; and an iron or steel tamping rod or steamer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder.

(f.) A charge of powder which has missed fire shall not be unrammed.

Man-holes in self-acting or engine planes.

- (3.) Every underground plane on which persons travel, which is self-acting or worked by an engine windlass or gin, shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case, at intervals of not more than twenty yards, with sufficient man-holes for places of refuge.

Spaces in horse roads.

- (4.) Every road on which persons travel underground, where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length and of at least three feet in width between the wagons running on the tramroad and the side of the road.

Keeping spaces clear.

- (5.) Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

Fencing of entrances to shafts.

- (6.) The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used; and every abandoned or disused shaft shall be fenced or covered in.

Securing of shafts.

- (7.) Where the natural strata are not safe, every working or pumping shaft shall be securely cased lined or otherwise made secure.

Drive and excavation to be protected.

- (8.) Every drive, and every excavation of any kind, in connection with the working of a mine, shall be securely protected and made safe for persons employed therein.

Regulation of Mines.

- (9.) Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine and another portion of the same shaft is used for raising material, the first-mentioned portion shall be cased or otherwise securely fenced off from the last-mentioned portion. Division of shaft.
- (10.) Every working shaft in which persons are raised shall, if exceeding fifty yards in depth, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in work between the surface and the bottom of the shaft, to the surface, and from the surface to the bottom of the shaft, and to every entrance for the time being in work between the surface and the bottom of the shaft. Signalling.
- (11.) A sufficient cover overhead shall be used when lowering or raising persons in every working shaft, except where it is worked by a windlass, or where the person is employed about the pump or some work or repair in the shaft. Cover overhead.
- (12.) A proper ladder or footway shall be provided in every working pit or shaft where no machinery is used for lowering or raising persons employed therein. Proper ladder or footway.
- (13.) A single linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to the cage or load. Chains.
- (14.) There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances, as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.
- (15.) There shall be attached to every machine worked by steam water or mechanical power, and used for lowering or raising persons, an adequate break, and also a proper indicator (in addition to any mark on the rope), which shows to the person who works the machine the position of the cage or load in the shaft. Break and indicator.
- (16.) A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position unless in shafts used exclusively for pumping, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows; and every such ladder shall have substantial platforms at intervals of not more than forty feet. Inclination of ladders.
- (17.) If more than twelve persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses. Dressing-room.
- (18.) No person under the age of eighteen years shall be placed in charge of or have the control of any steam engine or boiler, or any other mechanical power used in connection with the working of any mine. No person in charge of machinery in connection with the working of any mine shall under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision of such machinery during the time it is used in working the mine. No person in charge of steam machinery shall be employed more than eight hours in any one day as an ordinary day's work. Person in charge of machinery.

Regulation of Mines.

- Fencing machinery. (19.) Every fly-wheel, and all exposed and dangerous parts of the machinery used in or about the mine, shall be and be kept securely fenced.
- Gauges to boilers and safety-valves. (20.) Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve; and once in every six months every boiler shall be subjected to a hydraulic test.
- Wilful damage. (21.) No person shall wilfully damage, or without proper authority remove or render useless, any fencing casing lining guide means of signalling signal cover chain flange horn break indicator ladder platform steam gauge water gauge safety valve or other appliance or thing provided in any mine in compliance with this Act.
- Boring-rods to be used. (22.) In every working in a mine approaching a place likely to contain a dangerous accumulation of water, boring-rods shall be kept and used for the purpose of perforating the ground in advance of such working; and no drive gallery or other excavation shall be made within a dangerous distance of such accumulation of water.
- Manager or person in charge of mine to inspect. (23.) The manager of every mining company, or the person having the management of the mining operations carried on in a mine, shall once in each week carefully examine the buildings and machinery used in the working of such mine and the condition of the mine itself, and shall record in writing, in a book to be kept for that purpose, his opinion as to their condition and safety, and any repairs and alterations required to insure greater safety to the persons employed in the working of such mine, and the repairs, if any, which have been effected during the past week.

PART III.

PROVISIONS SPECIALLY AFFECTING COAL MINES.

As to payment of persons employed in mines by weight.

7. The following provisions shall be observed in every coal mine :—Where the amount of wages paid to any of the persons employed in a coal mine to which this Act applies depends on the amount of mineral gotten by them, such persons shall be paid according to the weight of the mineral gotten by them, and such mineral shall be truly weighed accordingly :

Provided always that nothing herein contained shall preclude the owner agent or manager of the coal mine from agreeing with the persons employed in such mine that deductions shall be made in respect of stones or materials other than mineral contracted to be gotten, which shall be sent out of the coal mine with the mineral contracted to be gotten, or in respect of any tubs baskets or hutches being improperly filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such deductions being determined by the banksman or weigher and check-weigher (if there be one), or in case of difference by a third party to be mutually agreed on by the owner agent or manager of the coal mine on the one hand, and the person employed in the coal mine on the other.

Appointment and removal of check-weigher on part of men.

8. The persons who are employed in a coal mine to which this Act applies, and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person (in this Act referred to

Regulation of Mines.

as a "check-weigher") at the place appointed for the weighing of such mineral, in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed. The check-weigher shall have every facility afforded to him to take a correct account of the weighing for the persons by whom he is so stationed; and if in any coal mine proper facilities are not afforded to the check-weigher as required by this section, the owner agent and manager of such mine shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by enforcing to the best of his power the provisions of this section, to prevent such contravention or non-compliance.

The check-weigher shall not be authorized in any way to impede or interrupt the working of the coal mine or to interfere with the weighing, but shall be authorized only to take such account as aforesaid; and the absence of the check-weigher shall not be a reason for interrupting or delaying such weighing.

Check-weigher not to impede working.

If the owner agent or manager of the coal mine desires the removal of a check-weigher on the ground that such check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing, or has otherwise misconducted himself, he may complain to any Resident Magistrate or to any Court of Petty Sessions having jurisdiction within the district, (hereinafter called "the Court,") who, if of opinion that the owner agent or manager shows sufficient *prima facie* ground for the removal of such check-weigher shall call upon the check-weigher to show cause against his removal. On the hearing of the case the Court shall hear the parties, and, if they think that at the hearing sufficient ground is shown by the owner agent or manager to justify the removal of the check-weigher, shall make a summary order for his removal, and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

Removal of check-weigher.

The Court may in every case make such order as to the costs of the proceedings as they think just.

If the persons employed in a coal mine to which this Act applies are paid by the measure or gauge of the material gotten by them, the provisions of this section shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

Where persons employed to be paid by measure.

9. "The Weights and Measures Act, 1868," or any Act for the time being in force relating to weights and measures, shall apply to the weights used in any coal mine to which this Act applies for determining the wages payable to any person employed in such mine according to the weight of the mineral gotten by such person in like manner as it applies to weights used for the sale of any article; and the Inspector of Weights and Measures for the district appointed under the said Act shall accordingly from time to time, but without unnecessarily impeding or interrupting the working of the coal mine, inspect and examine, in manner directed by the said Act, the weighing machines and weights used for mines to which this Act applies, or the measures or gauges used for such mines: Provided that nothing in this section shall prevent the use of the measures and gauges ordinarily used in such mine.

Application of Weights and Measures Act to weights used in mines, &c.

10. Within two years after commencing the working of any boards stalls or longwall workings, there shall be made and completed at least two separate and distinct openings to the day or surface from such mine, intercommunicating with each other, by means of either of which openings all persons employed in the mine may at all times whatsoever pass in or out: Provided that if in any mine such boards

Openings to be provided.

Regulation of Mines.

stalls or longwall workings shall have been commenced before the passing of this Act, and without a second opening as aforesaid, the same shall be completed at or before the termination of two years from the passing of this Act.

Penalty.

And the owner of any mine wherein such two openings shall not be completed as aforesaid shall be liable to a penalty not exceeding ten pounds for every month during which the same shall remain incomplete :

Not to apply if not more than ten persons employed.

Provided that this rule shall not apply so long as not more than ten persons are employed below ground at any one time in the whole of the different seams in connection with each outlet in such mine or working.

PART IV.

EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN.

Employment of boys in mines.

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

Of male young persons.

A male young person under the age of sixteen years shall not be employed in, or allowed to be for the purpose of employment in, any mine below ground for more than forty-four hours in any one week or more than eight hours in any one day, or otherwise than in accordance with the provisions hereinafter contained.

Employment of women and children.

12. With respect to women young persons and children employed above ground, the following provisions shall have effect :—

- (1.) No child under the age of ten years shall be so employed.
- (2.) No woman young person or child shall be so employed between the hours of seven at night and six on the following morning, or on Sunday, or after two o'clock on Saturday afternoon.
- (3.) Every child employed in any colliery shall attend school for at least twenty hours in every two weeks during which such child is so employed.
- (4.) The immediate employer of a child, who has employed such child for any time amounting in the whole to not less than fourteen days, shall on Monday in every week, during the employment of such child, obtain from the principal teacher of some school a certificate that the child so employed has, in manner required by this Act, attended school during the preceding week, if attendance at school was so required during that week.
- (5.) The certificate may be in such form as the Governor may from time to time prescribe.
- (6.) Every person who forges or counterfeits any certificate required by this section, or gives or signs any such certificate falsely, or wilfully makes use of any forged counterfeit or false certificate, shall be liable, on conviction, to imprisonment for a period not exceeding three months, with or without hard labour.
- (7.) The parent guardian or person having the custody of or control over any such child, shall cause such child to attend school in accordance with the provisions of this Act.

Every such parent guardian or person who wilfully fails to act in conformity with this section, shall be liable to a penalty of not more than five pounds for each offence :

Regulation of Mines.

Provided that the non-attendance of any child at school shall be excused—

- (1.) For any time during which such child is certified by the principal teacher of the school to have been prevented from attendance by sickness, or other unavoidable cause.
- (2.) For any time during which the school is closed for the customary holidays, or some other temporary cause; and
- (3.) For any time during which there is no school which the child can attend within two miles (measured according to the nearest practicable road) from the residence of such child, or the mine in which he works.

13. The owner agent or manager of every mine to which this Act applies shall keep a register, and shall cause to be entered in such register the name age residence and date of first employment of all boys under the age of sixteen years who are employed in the mine below ground, and of all women young persons and children employed above ground in connection with the mine, and a memorandum of the certificate of the school attendance of such children, obtained in pursuance of this Act, and shall produce such register to any Inspector under this Act at the mine at all reasonable times, and allow him to inspect and copy the same.

Register to be kept.

14. When there is a shaft or an inclined plane or level in any mine to which this Act applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up and down or along such shaft plane or level by means of any engine windlass or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine windlass or gin or of any part of the machinery ropes chains or tackle connected therewith, unless he is a male of at least eighteen years of age.

As to employment under eighteen about engines.

Where the engine windlass or gin is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine windlass or gin, but such driver shall not be under twelve years of age.

15. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Act with respect to the employment of women young persons or children, or to the attendance of children at school, or to the register of women young persons or children, or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Act; and in case of any such contravention or non-compliance by any person whomsoever, the owner agent and manager shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by publishing and to the best of his power enforcing the provisions of this Act, to prevent such contravention or non-compliance.

Penalty for employment of persons in contravention of provisions of this Act.

If it appear that a child or young person, or a person employed about an engine windlass or gin, was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner agent or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian shall for such misrepresentation be deemed guilty of an offence against this Act.

Regulation of Mines.

PART V.

POWERS AND DUTIES OF INSPECTORS.

Duties of Inspectors.

16. It shall be the duty of the Inspectors of the respective districts, with the aid of such other officers as aforesaid, to ascertain the state and condition of all mines and collieries, and to obtain plans of all workings thereof, and reports of all accidents therein, and other matters of importance connected therewith, and especially of every breach of any of the provisions of this Act in relation thereto, and also touching every discovery relating to the discovery of metals coal or other minerals on any Crown lands, and from time to time as they may deem needful or be required by the Governor to report to him all such matters.

Owners to produce plans.

17. On the occasion of any examination or inspection of a mine, the owner agent or manager shall produce to the Inspector, or to any other person duly authorized by the Inspector, an accurate plan of the workings thereof; and in default of such production, or if the Inspector or such other authorized person finds that any part of any plan is withheld, or any part of the workings of the mine is concealed from his inspection, or that any plan produced is imperfect or inaccurate, he may require an accurate plan of the actual workings of such mine to be made within a reasonable time, by and at the expense of the owner, on a scale of not less than two chains to the inch, or on such other scale as the plan then in use in the mine is constructed on. And every such plan as aforesaid shall show the workings of the mine up to within six months of the time of the inspection, and the owner agent or manager shall, if required by such Inspector or other authorized person, cause to be marked on such plan the progress of the workings of the mine up to the time of such inspection, and shall also permit the Inspector to take a copy or tracing thereof:

Provided that no Inspector shall furnish a copy of any such plan, or permit the same to be open to public inspection.

Powers of Inspectors.

18. It shall be lawful for the Inspector of the district to enter inspect and examine any mine to which this Act applies at all reasonable times by day or night, but so as not to impede or obstruct the working of such mine, and to make inquiry into the state and condition thereof, or the works and machinery, and the ventilation or drainage thereof, and the mode of lighting or using lights therein, and into all matters connected with or relating to the safety of the persons employed in or about the same, and especially to make inquiry whether the provisions of this Act are complied with in relation to such mine. And the owner agent or manager of such mine is hereby required to furnish all means necessary for such entry inspection examination and inquiry.

Inspectors to give notice of matters not provided for by rules.

19. If any Inspector find, on any such inspection examination or inquiry, any mine or the works or machinery thereof, or any matter or practice in or connected therewith, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, he shall give notice in writing to the owner agent or manager of the particular grounds on which such Inspector is of opinion that such mine or any part thereof, or any portion of the particulars aforesaid, is dangerous or defective, and shall also report the same to the Governor: And if the owner agent or manager object to remove or remedy the danger or defect which is the subject of such notice within fourteen days, such owner agent or manager may after the receipt of such notice send his objection in writing to the

Regulation of Mines.

Inspector of the district on behalf of the Governor, and thereupon the matter shall be determined by arbitration in manner hereinafter provided, and the date of the receipt of such objection hereinbefore mentioned shall be deemed to be the date of the reference.

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

Failure to comply with notice &c. an offence against Act.

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

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

21. Such arbitration shall be conducted in the following manner, that is to say,—

Provisions for arbitration.

- (1.) The parties to the arbitration are in this section deemed to be the owner agent or manager of the mine on the one hand, and the Inspector of Mines for the district within which such mine shall be situate (on behalf of the Governor), on the other.
- (2.) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.
- (3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of, or is interested in, the mine to which the arbitration relates.
- (4.) The appointment of an arbitrator under this section shall be in writing, and notice in writing of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party.
- (5.) The death removal or other change in any of the parties shall not affect the proceedings under this section.
- (6.) If within the said fourteen days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final.
- (7.) If before an award has been made, any arbitrator appointed by either party die or become incapable to act, or for seven days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so after seven days' notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final.
- (8.) In either of the foregoing cases, where an arbitrator is empowered to act singly upon one of the parties failing to appoint, the party so failing, before the single arbitrator

Regulation of Mines.

- has actually proceeded in the arbitration, may appoint an arbitrator, who shall then act as if no failure had been made.
- (9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.
 - (10.) The arbitrators, before they enter upon the matters referred to them, shall appoint, by writing under their hands, an umpire to decide on points on which they may differ.
 - (11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the person or persons who appointed such umpire shall forthwith appoint another umpire in his place.
 - (12.) If the arbitrators refuse or fail or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by any Resident Magistrate acting within the district where such mine is situate.
 - (13.) The decision of every umpire on the matters referred to him shall be final.
 - (14.) If a single arbitrator fail to make his award within fourteen days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.
 - (15.) The arbitrators and their umpire, or any of them, may examine the parties and their witnesses on oath; they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.
 - (16.) The payment (if any) to be made to any arbitrator or umpire for his services shall be fixed by the Governor, and, together with the costs of the arbitration and award, shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by the Registrar of the Supreme Court in the judicial district where the mine is situate, who, on the written application of the parties, shall ascertain and certify the proper amount of such costs. The amount (if any) payable by the Governor shall be paid as part of the expenses of carrying this Act into execution as hereinafter provided. The amount (if any) payable by the owner manager or agent may, in the event of non-payment, be recovered in the same manner as penalties under this Act.
 - (17.) Every person who is appointed an arbitrator or umpire under this section shall be a practical mining engineer or a person accustomed to the working of mines; but when an award has been made under this section, the arbitrator or umpire who made the same shall be deemed to have been duly qualified as provided by this section.

Regulation of Mines.

PART VI.

PENALTIES FOR OFFENCES.

22. If any mine be worked, and through the default of the owner or agent thereof special rules have not been established for the same according to the provisions of this Act, or the general or special rules have not been hung up or affixed, or have not after obliteration or destruction been renewed or restored, or if any of such general or special rules which ought to have been observed by the owner or agent of such mine be neglected or wilfully violated by any such owner or agent, such person shall be liable to a penalty not exceeding twenty pounds; and also in case the default or neglect be not remedied with all reasonable despatch after notice in writing thereof given by the Inspector to the owner or agent of such mine, to a further penalty of one pound for every day during which the offence continues after such notice, or in default of payment of any such penalty, to be imprisoned for any period not exceeding one month; and every person other than as aforesaid, employed in or about any mine, who neglects or wilfully violates any of the special rules established for such mine, shall for every such offence be liable to a penalty not exceeding five pounds, or in default of payment to be imprisoned for any period not exceeding one month.

Penalties for offences against general or special rules.

23. Every person who wilfully obstructs any Inspector in the execution of this Act, and every owner agent or manager of any mine who refuses or neglects to make or produce as hereinbefore required a plan of the workings of the mine, or to furnish the means necessary for making any entry inspection examination or inquiry under this Act, shall for every such offence be liable to a penalty not exceeding fifty pounds.

Penalty for obstructing Inspectors.

24. Every person who pulls down injures or defaces any notice hung up or affixed as required by this Act, shall be guilty of an offence against this Act.

Defacing notices.

25. Every person employed in or about a mine, other than an owner agent or manager, who is guilty of any act or omission which in the case of an owner agent or manager would be an offence against this Act, shall be deemed to be guilty of an offence against this Act.

What shall be offences against Act.

26. Every person who is guilty of an offence against this Act shall, when no other penalty is fixed by this Act, be liable to a penalty not exceeding, if he is an owner agent or manager, one hundred pounds, and if he is any other person ten pounds, for each offence; and if the Inspector has given written notice of any such offence, to a further penalty not exceeding five pounds for every day after such notice that such offence continues to be committed.

Penalty for offences against Act.

27. Every person who wilfully violates or neglects any provision of this Act for the violation or neglect of which no penalty is hereby expressly imposed, or any general or special rule established hereby or hereunder, shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty for offences not expressly provided for.

28. All penalties imposed by this Act may be recovered in a summary manner in accordance with the provisions of "The Justices of the Peace Act, 1866:"

Penalties, how recoverable and to be applied.

Provided also that it shall be lawful for the Governor to direct that any penalty imposed for neglecting to send or cause to be sent notice of any accident as required by this Act, or for any offence against this Act which may have occasioned loss of life or personal

Regulation of Mines.

injury, shall be paid to any relative or among any relatives of the deceased person, or to the injured person, not being a person who occasioned or contributed to the accident or committed the offence.

PART VII.

MISCELLANEOUS.

Special rules.

29. There shall also be established and observed in every mine to which this Act applies such special rules for the conduct and guidance of the persons acting in the management thereof, and of all persons employed in or about the same, as under the particular state and circumstances of such mine may appear best calculated to insure the health and safety of the persons employed therein.

Promulgation of rules.

30. For the purpose of making known the general and special rules to all persons employed in or about each mine, the owner agent or manager thereof shall cause the general rules aforesaid, and also all special rules applicable to each mine, to be painted on a board, or printed upon paper and pasted on a board, to be hung up or affixed on some conspicuous part of the principal office or place of business at such mine, and at the place where the workmen thereof are paid; and all rules so painted or printed and hung up shall be renewed and restored with all reasonable despatch as often as the same or any part thereof may be defaced obliterated or destroyed, and a printed copy of such general and special rules shall be supplied to every person before he shall be employed in or about the mine.

Mode of determining new special rules.

31. With a view to determining the proper special rules to be established, the owner of every mine to which this Act applies shall frame and transmit to the Governor special rules for such mine: Provided always that such special rules shall be hung up in the manner directed by the next preceding section for fourteen days before the same are so transmitted; and such special rules shall be so transmitted for every mine in work at the commencement of this Act within three months after such commencement, and for every such mine not then in work within three months after the working thereof shall be commenced or renewed; and such rules, when approved by the Governor, shall be published in the *New Zealand Gazette* and in the *Gazette* of the province: Provided that if such rules be not so approved, the Governor shall, within forty days after the receipt thereof, propose and transmit to the owner any alterations in or additions to the same, or the substitution of any other rules therefor or for any of them. And if such owner object to any such alteration or addition or substituted rules, he may, within fourteen days after his receipt of the same, give notice in writing of his objection thereto to the Governor, and thereupon the matter shall be referred to arbitration; and the date of the receipt of such objection by the Governor shall be deemed to be the date of the reference, and the rules shall be established as settled by an award or arbitration.

The provisions of section twenty-one shall, as far as circumstances will permit, apply to every such arbitration: Provided that no costs shall be awarded to be paid by or on behalf of the Governor.

Amendment of special rules.

32. After special rules are established under this Act in any mine, the owner agent or manager of such mine may from time to time propose in writing any amendment of such rules for the approval of the Governor; and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner as near as may be as they apply to the original rules.

Regulation of Mines.

33. Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner, or some defect in the management ventilation or machinery of the mine. Accident evidence of neglect.

34. No wages shall be paid to any person employed in or about any mine to which this Act applies at or within any public-house beer-shop or place for the sale of any spirits beer wine cider or other spirituous or fermented liquor, or other house of entertainment, or any office garden or place belonging or contiguous thereto or occupied therewith. Wages not to be paid at public-houses, &c.

Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section, shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever, the owner agent and manager shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by publishing and to the best of his power enforcing the provisions of this section, to prevent such contravention or non-compliance.

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

36. If any person employed in or about any mine suffer any injury in person or be killed, owing to the non-observance in such mine of any of the provisions of this Act, such non-observance not being due solely to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine his agents or servants, the person so injured, or his personal representatives or the personal representatives of the person so killed, may recover from the owner compensation by way of damages as for a tort committed by such owner, and the amount of such compensation, with the costs of recovering the same when determined, shall constitute a charge on the mine and mining plant, in or about which such person was so employed, and all charges arising under the provisions of this section shall as between themselves be paid rateably. Employer to compensate employé injured through non-observance of this Act.

37. Whenever loss of life or serious personal injury to any person employed in or about any mine occurs by reason of any explosion or other accident whatever within such mine or any pit or shaft thereof, or any works or machinery connected therewith, the owner agent or manager shall, within twenty-four hours next after such accident, give notice in writing thereof, and of the loss of life or serious personal injury occasioned thereby to the Inspector of the district within which such accident shall have occurred, and shall specify in such notice the probable cause thereof, and such notice may be delivered or transmitted through the post; and every owner agent or manager who neglects to send or cause to be sent such notice within the time aforesaid, shall for every such offence be liable to a penalty not exceeding twenty pounds. Notice of accidents.

38. Every Coroner holding an inquest on the body of any person whose death may have been caused by any such explosion or accident shall, unless the Inspector of the district, or some person on behalf of the Governor, be present to watch the proceedings of such in- Adjournment of inquests on deaths.

Regulation of Mines.

quest, adjourn the same, and by letter delivered or sent through the post four days at the least before holding the adjourned inquest, give notice of the time and place of holding the same: Provided that such Coroner may, before such adjournment, take evidence to identify the body, and order the interment thereof: Provided also, that if the accident has not occasioned the death of more than one person, and notice of the inquest has been given by the Coroner not less than forty-eight hours before the time of holding the same, it shall not be imperative on the Coroner to adjourn such inquest if the majority of the jury think it unnecessary. And the Inspector or other person authorized in that behalf shall be at liberty to examine or cross-examine any witness at any such inquest, subject nevertheless to the order of the Coroner.

Certified copies of special rules to be evidence.

39. A copy of the special rules for the time being established in any mine, certified under the hand of the Inspector of the district to be a copy of the special rules established in such mine, shall, without further proof, be evidence of such special rules, and of their being duly established under this Act.

Reports of Inspectors.

40. Every Inspector shall, on or before the thirty-first day of January in every year, make a report in writing of his proceedings during the year ending on the next preceding thirty-first day of December, and transmit the same to the Governor.

Expenses of working Act.

41. All salaries of Inspectors of Mines, and all other expenses of carrying the provisions of this Act into effect, shall be borne by the provinces in which it may be brought into operation respectively.

Governor may delegate certain powers to Superintendent of a province.

42. The Governor in Council may from time to time delegate to the Superintendent of any province in which this Act may be in force all the powers vested in him by this Act, except the powers vested in him by the third section hereof.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.