

# MINES AND WORKS REGULATION ORDINANCE 1935-1941.<sup>(1)</sup>

## An Ordinance to provide for the Regulation and Inspection of Mines and Works, and for other purposes.

**B**E it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1932*, as follows:—

### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Mines and Works Regulation Ordinance 1935-1941*.<sup>(1)</sup> Short title.  
Amended by  
No. 3 of 1934,  
s. 50.
2. This Ordinance shall be incorporated and read as one with the *Mining Ordinance 1928-1935*.<sup>(2)</sup> Incorporation.
3. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*.<sup>(1)</sup> Commencement.
4. This Ordinance is divided into Parts, as follows:— Parts.
  - Part I.—Preliminary.
  - Part II.—Administration.
  - Part III.—Inspection, Regulation, and Working of Mines and Works.

(1) The *Mines and Works Regulation Ordinance 1935-1941* comprises the *Mines and Works Regulation Ordinance 1935*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date of reservation by Administrator.	Date on which assent of Gov.-Gen. in Council published in <i>N.G. Gaz.</i>	Date on which came into operation.
<i>Mines and Works Regulation Ordinance 1935</i> (No. 21 of 1935)	—	4.5.1935	29.6.1935	6.4.1936 ( <i>N.G. Gaz.</i> of 31.1.1936)
<i>Mines and Works Regulation Ordinance 1936</i> (No. 27 of 1936)	—	26.2.1936	31.3.1936	6.4.1936 (Sec. 2, <i>Mines and Works Regulation Ordinance 1936</i> )
<i>Mines and Works Regulation Ordinance 1941</i> (No. 24 of 1941)	24.9.1941	—	—	24.9.1941 ( <i>Laws of T.N.G.</i> , Vol. XV, p. 174)

(2) Now the *Mining Ordinance 1928-1940*.

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- Division 1.—Inspection.
- Division 2.—Management and Supervision.
- Division 3.—Conditions of Employment.
- Division 4.—Plans of Mines.
- Division 5.—Construction and use of Dams.
- Division 6.—Safety.
- Division 7.—Accidents.
- Division 8.—Separate working of parts of Mines.
- Division 9.—Means of Ingress and Egress.

### Part IV.—Miscellaneous.

#### Definitions.

5. In this Ordinance, unless the contrary intention appears—
- “alluvial miner” means a person who is the holder of an alluvial miner’s permit granted under this Ordinance;
  - “boiler” means any apparatus adapted to the continuous conversion of any liquid into steam, vapour, or gas and includes any part of the apparatus as is capable of being so adapted by the closing of stop-valves or stop-cocks, and includes the fittings and appurtenances of the apparatus;
  - “colliery” means a mine worked for the produce of coal or shale;
  - “dam” includes reservoir and any natural as well as any artificial depository of water;
  - “dredge” means a boat, raft, or pontoon carrying excavating machinery and a screening or washing plant for mining alluvial gravel;
  - “electrical apparatus” includes all apparatus, machines, and fittings in which conductors of electric current are used, or of which they form a part;
  - “European” means any person of European origin and descent, but does not include any person who is wholly or partly descended from a native, or from the Asiatic, African, or Polynesian races;
  - “excavation” means any cavity in or about any mine or works, and includes any shaft, winze, drive, rise, and all passages and workings in a mine;
  - “explosives” means explosives within the meaning of the *Explosives Ordinance 1928-1934*<sup>(3)</sup>;
  - “inspector” means an inspector of mines, or any assistant inspector of mines appointed or deemed to have been appointed under this Ordinance;

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(3) Now the *Explosives Ordinance 1928-1938*.

- “machinery” means every kind of mechanical appliance, and includes stationary and portable boilers, steam apparatus, steam and other engines, locomotives, air receivers, furnaces, stampers, winding and pumping gear, whims, windlasses, chains, trucks, cages, tramways, tackle, blocks, ropes, tools, and all electrical and other appliances which can be used for developing, receiving, transmitting, or converting either mechanical, or natural power of whatsoever kind used in or about any mine or works;
- “manager” means the European for the time being having immediate control and direction of operations in or about any mine, or at or in any works, and includes a mine manager or manager of works, or deputy manager appointed under this Ordinance by an owner, agent, or manager;
- “motor” includes any stationary engine, any engine whose motive force is electricity, gas, oil, petrol, compressed air, or hydraulic power, and any internal combustion engine;
- “quarry” means a surface excavation or tunnel made in the earth with a view to win therefrom stone, gravel, rock, or other material for the purpose of constructing roads or buildings, or for ballast for ships;
- “reef” means a vein, lode, or deposit other than surface alluvial ground, containing minerals;
- “rise” means any vertical or inclined way or opening upwards from the underground workings in a mine;
- “safety pillar” means every portion of a reef, mineral deposit, or ground left *in situ* for the support and protection of the surface, or any structure, plant, or excavation on the surface, or any underground workings;
- “shaft” means any vertical or inclined way or opening downwards, whether from the surface or from any underground working, which is or might be used for winding, draining, travelling, or ventilating purposes in connection with the working of a mine, and includes a winze which is or might be so used;
- “stope” means a working in which a section or block of reef, which has been opened up by means of levels and their connections, is being removed;
- “the Warden” means the Warden to whom is assigned the Warden’s Court to which is assigned the gold-field, mineral field, or oilfield, or the part thereof, in which a mine or works is situate, and if a mine or works is not

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situate within a gold-field, mineral field, or oilfield, the Warden to whom is assigned the Warden's Court nearest to the mine or works;

Amended by  
No. 27 of 1936,  
s. 3.

“underground miner” means the holder of an underground miner's permit granted under this Ordinance;

“winding engine” means any machinery used for raising or lowering men or materials in a shaft in any mine, or other works, whether erected on the surface or underground;

“winze” means any vertical or inclined way or opening downwards from the underground workings in a mine;

“workings” include all those portions of a mine which have been excavated, whether abandoned or not, and those portions being excavated;

“works” means any battery, crushing mill, cyanide or chlorination works, smelting works, or metal refining, power generation, or other works wherein operations are carried on for, or incidental to, the winning or the treatment of mine products, whether such battery, mill, or works is or is not connected with any mine.

Application of  
Ordinance.

6. This Ordinance shall extend and apply to every mine under whatsoever tenure held, and to every works operating in connection with mining or in the winning, or the treatment, of minerals:

Provided that the Administrator may at any time by notice<sup>(4)</sup> in the *New Guinea Gazette* exempt any, or any class of, mine or works, or any gold-field, mineral field, or oilfield, from the operation of any Part or section of this Ordinance.

Administrator  
may apply  
Ordinance to  
quarries &c.

7.—(1.) Unless the Administrator otherwise orders, this Ordinance shall not apply to any quarry or to any dam made for the provision of water for agricultural, pastoral, transport, domestic, or other purposes not connected with mines or works.

(2.) Any order of the Administrator made under the provisions of the last preceding sub-section shall—

(a) declare what provisions of the Ordinance are applied; and

(b) specify the quarry or dam, or the classes of quarry or dam, to which the several provisions are applied.

## PART II.—ADMINISTRATION.

Appointment of  
inspectors of  
mines.

8.—(1.) Subject to the provisions of the *Public Service Ordinance* 1922-1934,<sup>(5)</sup> the Administrator may appoint inspectors of mines and assistant inspectors of mines.

(4) No notice has been published in *N.G. Gaz.*

(5) Now the *Public Service Ordinance* 1922-1940.

(2.) The appointment of every inspector shall be notified in the *New Guinea Gazette*.

9. Any person who, at the commencement of this Ordinance, holds the office of an inspector of mines, or assistant inspector of mines, under the *Mining Ordinance 1928-1935*<sup>(2)</sup> shall continue in office and be deemed to have been appointed under this Ordinance. Officers continued.

PART III.—INSPECTION, REGULATION, AND WORKING OF  
MINES AND WORKS.

*Division 1.—Inspection.*

10. Any inspector may—

Powers of  
inspector.

- (a) enter, inspect, and examine any mine or works at all times by day or night, but so as not unnecessarily to interfere with the working of the mine or works;
- (b) examine into and make inquiries respecting—
  - (i) the state and condition of any mine or works;
  - (ii) the state and condition of the machinery in or about any mine or works;
  - (iii) the ventilation of any mine or works;
  - (iv) the sufficiency of any special rules in force in any mine or works;
  - (v) all matters relating to the safety and health of the persons employed in or about any mine or works;
  - (vi) the care and treatment of horses or other animals employed in or about any mine or works; and
  - (vii) the compliance, generally, with the provisions of this Ordinance and the Regulations affecting any mine or works;
- (c) order, by notice in writing to the manager,—
  - (i) the cessation of operations in, and the withdrawal of all persons from, any, or any part of a, mine or works; or
  - (ii) the discontinuance of the use of any machinery,  
which he deems unsafe, unless and until such action as is necessary for safety and specified in the notice is taken and completed; and

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(2) Now the *Mining Ordinance 1928-1940*.

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- (d) exercise such powers as are necessary for carrying this Ordinance and the Regulations into effect.

Warden &c. to have powers of inspector.

11. Any Warden, mining engineer or geologist in the Public Service, may exercise the powers of and incidental to entry, examination, and inquiry which are under this Ordinance conferred upon inspectors.

Power of Warden to authorize certain officers to inspect.

12.—(1) Any surveyor or other officer in the Public Service, authorized by a Warden, may enter and inspect any mine or works and take samples from any mine.

(2.) A person shall not obstruct a surveyor, or other officer referred to in the last preceding sub-section, in the entry or inspection or the taking of samples.

Penalty: One hundred pounds.

Particulars of inspection to be entered in book.

13.—(1.) After every inspection of any mine, works, or machinery, the inspector shall enter in a book which shall be kept on the mine or works for that purpose—

- (a) his observations upon the condition of the mine, works, and machinery at the time of the examination; and  
(b) the particulars of any alterations or requirements he thinks necessary.

(2.) Nothing contained in or omitted from any entry made by the inspector shall limit the responsibility of the owner, agent, or manager under this Ordinance.

(3.) The book shall be open at all reasonable times to the examination of any—

- (a) Warden;  
(b) inspector;  
(c) person employed in or about the mine or works; and  
(d) person authorized in writing by the Secretary for Mines.

Power of inspector to give directions to remedy dangerous practice &c.

14.—(1.) Whenever an inspector finds that any mine, works, or part thereof, or any matter, thing, or practice in or connected with a mine or works, or in connection with the control, management, or direction of any mine or works, is dangerous or defective, the inspector shall—

- (a) by requisition in writing addressed to the owner or manager of the mine or works and delivered at the mine or works, specify the nature of the danger or defect and require that the matter complained of be remedied forthwith or within the time specified in the requisition; and  
(b) forward to the Warden a copy of the requisition.

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(2.) Any person aggrieved by a requisition made by an inspector under this section may appeal to a Warden's Court in such manner, and within such time, as is prescribed.

(3.) When an appeal has been made, the Warden's Court may, by order in writing, confirm, reverse, or vary the requisition.

(4.) Any owner or manager who refuses or fails to comply with any requisition made under sub-section (1.) of this section or with any such requisition as confirmed or varied under the last preceding sub-section shall be guilty of an offence.

Penalty: One hundred pounds.

15.—(1.) Where an inspector receives any complaint in writing purporting to be made by or on behalf of any person employed in or about any mine or works, or by any association of persons who are so employed, that any part of the mine or works, or any machinery used there, is unsafe he shall, without delay, investigate the complaint.

Inspector to investigate cause of complaint.

(2.) The inspector, or any other officer of the Public Service to whose knowledge the complaint comes, shall not disclose the authorship or source of the complaint.

16.—(1.) In any case in which a Warden has reason to believe that a state of imminent danger exists in or about any mine or works and there is no inspector available for the purpose, he may authorize in writing any two persons, competent to make the inspection, to inspect the mine or works specified in the authority and require them to report to him the result of their examination.

Warden may authorize examination of mine in certain cases.

(2.) The persons authorized under the last preceding sub-section, may, in relation to the safety of employees engaged in or about the mine or works specified in the authority, exercise the powers of and incidental to entry, examination, and inquiry which are under this Ordinance conferred upon inspectors.

17. Any person who—

(a) wilfully obstructs or uses insulting language to; or

(b) fails to obey any order lawfully made by,

Obstructing inspectors &c.

an inspector, or a person having the powers of an inspector, acting in the course of his duty, shall be guilty of an offence.

18. Any owner, agent, or manager of a mine or works who, when required by an inspector, or by a person having the powers of an inspector, to furnish him with the means or facilities necessary to enable him to enter, inspect, or examine, or to exercise his power of inquiry in connection with, any part of the mine or works, neglects or refuses to furnish the means or facilities shall be guilty of an offence.

Neglecting or refusing facilities for inspection.

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Warden &c.  
to treat  
information  
confidentially.

19. A Warden, inspector, or other officer of the Administration shall not, except in the course of his duty or as a witness in any court, make any verbal or written report, or divulge to any person any facts in respect of any mine or works.

Penalty: One hundred pounds or imprisonment for twelve months.

Inquiry as to  
observance of  
provisions  
relating  
to safety.

20.—(1.) Where an inspector believes that any provision of this Ordinance or the Regulations or any special rule made under this Ordinance affecting the safety and well-being of any person employed at or about any mine or works is not being observed he may hold an inquiry.

(2.) For the purposes of the inquiry the inspector may—

- (a) summon by writing under his hand any person whose evidence he considers likely to be material to the determining of any question the subject of the inquiry;
- (b) take evidence on oath; and
- (c) require the production of any relevant book or document in the possession or control of any person.

(3.) Any person who, after payment or tender of the prescribed expenses, without reasonable cause neglects or fails to attend in obedience to the summons, or to be sworn, or to answer any question or produce any relevant book or document shall be guilty of an offence.

Penalty: Twenty pounds.

(4.) Nothing in this section shall be construed as compelling a person to answer any question which would tend to incriminate him.

*Division 2.—Management and Supervision.*

Appointment  
and  
qualifications  
of manager.

21.—(1.) Every mine or works while being worked or operated shall be under a manager, who shall be responsible for the control, management, and direction of the mine or works.

(2.) Except as provided in the Regulations, any owner of a mine shall not appoint or allow any person who—

- (a) does not hold the prescribed manager's certificate; or
- (b) is a contractor,

to be the manager of the mine.

(3.) The name and address of the manager of any mine or works shall, within seven days of his appointment or of the commencement of this Ordinance, whichever last happens, be registered by the owner or his agent at the Warden's office.



(4.) Where the name and address of a person has been furnished for registration as the manager of more than one mine or works the Warden may, by notice in writing, require the owner or his agent to appoint, within the time specified in the notice, a different manager for each mine or works and may refuse to register the name for more than one mine or works.

(5.) The Warden shall keep a register of the name and address of every manager and of the mine or works of which he is manager and shall issue to the owner or his agent a certificate of the registration.

22.—(1.) If any mine or works is worked or operated for a period of more than seven days, except under the control, management, and direction of a manager whose name has been registered under the last preceding section, the owner and agent of the mine or works shall each be liable to a penalty not exceeding Ten pounds for every day of the period in excess of seven days:

Penalty for operating without a registered manager.

Sub-section (1) amended by No. 24 of 1941, s. 2.

Provided that if the manager of the mine or works—

- (a) is incapacitated by illness or accident; or
- (b) is about to be absent for more than seven days,

he or the owner or agent may appoint some competent person approved by the Warden, not necessarily the holder of a manager's certificate, to be deputy manager during the incapacity or absence; and the manager, owner, or agent shall forthwith notify the Warden of the appointment and the reason for the appointment.

(2.) A deputy manager appointed under the last preceding sub-section shall be subject to the same obligations and liabilities as a manager.

(3.) No appointment as deputy manager under sub-section (1.) of this section shall, except with the permission of the Warden, be for a longer period than two months.

Sub-section (3) added by No. 24 of 1941, s. 2.

23. A manager shall enforce the observance of the provisions of this Ordinance, and the Regulations, in or about the mine or works of which he is the manager and shall, at the first opportunity, report any breach of the provisions of this Ordinance or the Regulations to a Warden or inspector.

Manager to enforce Ordinance.

24.—(1.) It shall be a condition of every agreement made with a contractor or tributer for the working of the whole or any part of a mine of which there is a registered manager that, unless and until the contractor or tributer with the consent of the owner or agent of the mine appoints a manager to supervise the working, the registered manager shall have the control and supervision of, and be responsible for, the working of the whole or part.

Management where mine worked by contractor or tributer.

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(2.) Where the contractor or tributer appoints a manager for a part only of the mine, the owner and the contractor or tributer shall, in writing, specify the part of the mine and there the manager so appointed shall have responsibility for the observance of the provisions of this Ordinance and the Regulations, and beyond the specified part the registered manager referred to in the last preceding sub-section shall have full responsibility.

(3.) This section shall not apply where the whole of the land or mines comprised in a mining tenement is the subject of a tribute agreement and it is one of the conditions of the tribute agreement that the tributer or some person appointed by him shall be appointed manager.

Withdrawal of workmen in case of danger.

25.—(1.) Notwithstanding the absence of any order referred to in paragraph (c) of section ten of this Ordinance, the manager, when it appears that the mine or part of the mine of which he is the manager is, from any cause, dangerous, shall forthwith—

- (a) cease operations in, and withdraw all persons from, the mine or the part of the mine where the danger exists;
- (b) report in writing the facts to the nearest inspector; and
- (c) enter, in a book kept for the purpose, the fact and date of the report as well as a brief memorandum of the facts reported.

(2.) Where under this section any workman has been withdrawn from any mine or part of a mine he shall not, except so far as may be necessary for the purpose of exploring and reporting upon the existence of danger in the mine, be readmitted to the mine or the part of the mine until an inspector certifies that the mine or part of the mine is free from danger.

Proof of negligence.

26. The occurrence of any accident in or on any mine or works shall be *prima facie* evidence of negligence on the part of the owner and the manager.

*Division 3.—Conditions of Employment.*

Underground employees to have knowledge of English.

27. No person shall be employed in the underground workings of any mine unless—

- (a) he is able readily and intelligibly to speak, and readily to read in print or manuscript, the English language; or
- (b) being a native, he is able to understand, and make himself understood by, those under whom he is placed.

Provisoes omitted by No. 27 of 1936, s. 4.

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28. No person shall be employed in any capacity in or about any mine or works unless— Age of employees.

- (a) being a male, he is over the age of sixteen years; or
- (b) being a female, she is over the age of sixteen years and is—
  - (i) employed in clerical or technical duties; or
  - (ii) engaged in working any mining tenement of which she is the holder:

Provided that in no case shall a female be employed or work underground.

29. No person shall be employed in any mine as a lander, brace-man, or platman unless— Employment of lander, braceman, or platman.

- (a) he is eighteen years of age or over; or
- (b) being a native, he—
  - (i) is employed otherwise than in connection with the transport of any person.

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**Sub-paragraph (ii) omitted by No. 27 of 1936, s. 5.**

30. The owner, agent, or manager who fails to—

- (a) enforce; or
- (b) dismiss or transfer to some other employment, when ordered to do so by an inspector, any employee employed in contravention of,

Owner, &c. responsible for compliance with certain sections.

any of the provisions of sections twenty-seven, twenty-eight, and twenty-nine of this Ordinance shall be guilty of an offence.

31. An owner, agent, or manager shall not employ any person underground in any mine for more than— Limitation of employment underground.

- (a) eight hours in any period of twenty-four hours; or
- (b) forty-eight hours in any period of seven days:

Provided that a person shall not be liable for a breach of this section where the employment in excess of the number of hours mentioned in this section is certified by an inspector to be, or to have been, in some—

- (i) process which is necessarily continuous;
- (ii) operation necessary for the safety of the mine; or
- (iii) emergency or special circumstance which justifies the employment.

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Natives to be under control of owner, or other person appointed.

32. No native shall be employed, or permitted to work, in or about any mine or works, unless he is under the immediate control of the owner or manager, or of some European appointed by the owner or manager.

Underground employment of men not being underground miners.

33.—(1.) Every person who is not an underground miner shall, while employed on any underground face in any mine, be employed only under the supervision of an underground miner.

(2.) Every underground face in any mine at which any person who is not an underground miner is employed shall, at least once in every two hours during every working shift, be visited and inspected by the underground miner who is in charge of the underground face.

Alluvial mining.

34. The owner, agent, or manager of any mine where, in mining upon any alluvial ground, there is any employment of—

- (a) any person being neither a native nor an alluvial miner ;
- (b) more than ten natives ; or
- (c) explosives and native labour,

shall ensure that the employment is under the supervision of an alluvial miner.

Certificate or permit required to drive winding engine, &c.

Section 35 substituted by No. 27 of 1936, s. 6.

35.—(1.) The owner, agent, or manager shall not, in or about any mine or works, employ any person to drive, control, or operate—

- (a) any winding engine or machinery, other than a winding engine or machinery operated by manual power, when used for raising or lowering men in a shaft or for raising or lowering materials in a shaft when the shaft is being sunk ;
- (b) any steam engine or boiler ; or
- (c) any machinery or device to which the Administrator declares, by notice, that this section shall apply,

unless the person holds the prescribed certificate or permit.

(2.) No person shall drive, control, or operate—

- (a) any winding engine or machinery, other than a winding engine or machinery operated by manual power, when used for raising or lowering men in a shaft or for raising or lowering materials in a shaft when the shaft is being sunk ;
- (b) any steam engine or boiler ; or
- (c) any machinery or device to which the Administrator declares, by notice, that this section shall apply,

unless he holds the prescribed certificate or permit.

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**36.**—(1.) Every person in charge of a winding engine shall, within three months of the commencement of this Ordinance, and thereafter at intervals of not more than two years, forward to the Warden a certificate by a registered medical practitioner stating that the person is not suffering from deafness, defective vision, epilepsy, disease of the heart, or other physical infirmity to any such extent as would, or would be likely to render him unfit for his duties or liable to become suddenly incapable of controlling the engine.

Medical certificate for person in charge of winding engine.

(2.) A person in charge of a winding engine who does not comply with the provisions of the last preceding sub-section, and any manager who employs the person, shall be guilty of an offence.

**37.** The holder of a certificate or permit granted under this Ordinance or the Regulations, when acting as an overseer of natives employed in or about any mine or works, shall take reasonable precautions to ensure that the natives do nothing to contravene the provisions of this Ordinance or the Regulations.

Responsibility for natives employed.

**38.**—(1.) Where the holder of a certificate or permit under this Ordinance is guilty of such negligence or misconduct as to endanger the safety of any person employed in or about any mine, he shall be guilty of an offence.

Negligence or misconduct of persons holding a certificate or permit.

Penalty: One hundred pounds.

(2.) The court by which any person is convicted under this section may—

- (a) suspend his certificate or permit; or
- (b) cancel the certificate or permit and declare the person convicted to be disqualified from obtaining a certificate or permit,

for such time as the court thinks fit.

**39.**—(1.) Unless permitted by writing under the hand of an inspector, a person in charge of machinery shall not be employed in or about any mine or works for shifts or periods longer than those which are prescribed.

Limitation upon employment in charge of machinery.

(2.) Between and during the shifts or periods there shall be such intervals as are prescribed.

*Division 4.—Plans of Mines.*

**40.**—(1.) The owner, agent, or manager of every mine shall ensure that accurate plans and sections of all underground workings of the mine, and such surface workings as the Warden shall require, shall be made from surveys effected by a mining or other

Plans to be kept at mine.

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surveyor or by a manager as prescribed and be kept in an office at the mine.

(2.) The plans and sections shall from time to time, and at intervals of not more than three months, be amended so as to show thereon all the underground or other workings not previously included in the plans or sections.

(3.) The plans and sections shall have relation to some permanent surface mark, and show such features of the workings as are prescribed.

Copies of plans of abandoned mines to be furnished.

41. Where any mine having underground workings is abandoned or ceases operations for a period of more than seven days, the manager shall, where required by the Warden, cause a survey of the mine to be completed forthwith and shall forward to the Warden a copy of the plans and sections of the workings which shall be certified by the surveyor or other person making the survey.

Plans may be inspected.

42. Every owner, agent, or manager of a mine, or the person for the time being having the custody of the plans or sections referred to in section forty of this Ordinance, shall produce them or cause them to be produced to any inspector or to any other officer authorized for the purpose in writing by the Warden within a reasonable time after a demand has been made for their production and shall permit him to examine and make copies of any plan or section.

Exemptions as to plans.

43. Notwithstanding any provisions of this Ordinance, the Warden may by writing under his hand exempt any owner, agent, or manager from keeping plans or sections in relation to the whole or any part of the workings of a mine.

Copies of plans of workings to be furnished annually.

44. The owner, agent, or manager of every mine shall furnish to the Warden not later than the thirty-first day of March in every year copies of the plans and sections made and kept in accordance with the provisions of section forty of this Ordinance, certified by the manager as true copies and showing all the underground workings and, where the Warden requires, the surface workings of the mine existing on the thirty-first day of December last preceding.

Power to order check survey.

45.—(1.) Where the Warden believes that any copy of a plan or section of the workings of any mine furnished in accordance with the provisions of this Ordinance is incorrect or incomplete, he shall report the matter to the Administrator.

(2.) The Administrator may, if he thinks fit, order a survey of the workings to be made for the purpose of checking the copy of the plan or section.

(3.) If, as a result of the survey ordered by the Administrator, it appears to the Administrator that any copy of a plan or section

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is incorrect or incomplete, he may require that the costs of the survey shall be paid to the Administration; and the costs shall thereupon be a debt due from the owner of the mine to the Administration.

46.—(1.) No person shall, except upon the authority of the Administrator, the Secretary for Mines, or the Warden and for the purposes of the Administration, make a copy of, or tracing from, any copy of a plan or section furnished to the Warden, or taken by an inspector or other officer, in accordance with the provisions of this Ordinance, without the consent of the owner, agent, or manager of the mine to which the plan or section relates.

Copies of plans to be confidential.

(2.) No person having the custody of any copy referred to in the last preceding sub-section shall, except with the authority and for the purposes or with the consent, referred to in the last preceding sub-section, allow any person to inspect, or give to any person any description of, or information relating to, the copy.

(3.) Notwithstanding the provisions of the two immediately preceding sub-sections, where the right or title to any mine is abandoned, surrendered, or forfeited, any person, upon application to the Warden, may be permitted to examine the copies of the plans and sections of the mine held by the Warden.

*Division 5.—Construction and use of Dams.*

47.—(1.) No person shall commence to construct or enlarge or otherwise alter any dam of a capacity exceeding five hundred thousand gallons for purposes connected with any mine or mining operations without the approval of the Warden.

Conditions relating to construction or alteration of dams.

(2.) Before the approval is given the person requiring it shall—

- (a) lodge with the Warden plans and specifications showing such details as may be prescribed of the construction or enlargement or other alteration proposed to be carried out; and
- (b) satisfy the Warden that all proper measures have been and will be taken to ensure safety.

(3.) The Warden may make it a condition of his approval that the proposed construction or enlargement or other alteration shall be carried out only under the supervision of an inspector or some other person nominated by him.

(4.) No person shall, in carrying out any such work as is referred to in sub-section (1.) of this section, depart in any particular from the plans and specifications upon which the approval for the work was granted without the consent in writing of the Warden or the inspector or person under whose supervision the work is required to be carried out.

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(5.) No person shall use the dam, until an inspector has inspected it and certified that it is satisfactory.

(6.) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

Penalty: One hundred pounds.

Inspection  
of dams.

48.—(1.) All dams constructed or used for mining purposes may, at all reasonable times, be inspected by the Warden or an inspector.

(2.) Where it appears to the Warden or inspector that any dam is defective and dangerous to human life or property he may, by notice in writing to the owner, or the person in charge, of the dam, require him forthwith—

(a) to empty the dam and keep it empty; or

(b) to discontinue its use until it has been repaired or reconstructed to the satisfaction of the Warden or inspector.

(3.) In any case where—

(a) he deems it advisable; or

(b) any repairs or reconstruction required under the last preceding sub-section have not been promptly carried out,

the Warden or inspector may cause to be taken such measures for the repair of any defect in the dam as he may deem necessary for safety and the cost of the repair shall be a debt due from the owner of the dam to the Administration.

Dams about to  
be abandoned  
to be emptied &c.

49.—(1.) Where the owner of any dam used for mining purposes intends to abandon it, he shall, before abandoning it, cause it to be emptied or to be treated in the manner prescribed.

(2.) Within fourteen days after abandoning the dam the owner shall, in writing, notify the Warden of the abandonment.

*Division 6.—Safety.*

Any unsafe  
condition in  
mine or works  
to be reported.

50.—(1.) Every person employed in or about a mine or works who becomes aware of anything in or about the mine or works which is likely to cause injury to any person or to the mine or works shall promptly report the fact to some person in authority at the mine or works.

(2.) Every person on leaving the place in any mine or works at which he is employed shall report either to the person relieving him or to the person in charge at the place the condition of the workings at the place.



(3.) The manager, upon becoming aware of any danger existing in or about a mine or works, shall take such steps as are necessary to eliminate the danger.

51.—(1.) Every person employed in or about a mine or works shall, before commencing, and whilst at work, take all reasonable precautions to ascertain whether the tubs, trucks, chains, tackle, windlass, ropes, tools, or other appliances used by him and the place in which he works are safe. Employees to ascertain if appliances are safe.

(2.) A person shall not use any of the appliances referred to in the last preceding sub-section which appear unsafe, or remain in any unsafe working place.

52.—(1.) The manager of every mine shall cause to be erected and maintained such danger signals and in such positions in the mine or works as an inspector directs. Danger signals.

(2.) At each position two danger signals shall be erected and maintained, one being a printed notice in English, and the other comprising some sign or symbol comprehensible to the natives employed in the mine or works and both shall be approved by an inspector before they are erected.

53.—(1.) The owner, agent, or manager of every mine or works where cyanide is used shall ensure that a sufficient supply of an efficient antidote against cyanide poisoning is kept at a convenient place in a box labelled "Cyanide Antidote" to the lid of which shall be affixed explicit directions for its use. Cyanide poisoning.

(2.) All vessels used for treatment with acid or zinc slimes from the cyanide process shall be fitted with mechanical agitators and hood or other appliances of such a nature as shall ensure that the fumes generated in the vessels are carried direct to the external air.

(3.) Where tailings from milling operations are used for filling worked-out areas underground, the moisture contained in the tailings and the liquid draining off the tailings shall not have a higher cyanide content than nought point nought nought five (0.005) per centum expressed as cyanide of potassium.

54. An adequate supply of wholesome drinking water shall be provided and made readily accessible in a convenient position in every mine or works by the owner, agent, or manager. Supply of drinking water.

55. Where any ventilation of the underground workings of any mine is afforded by communication between it and an adjoining mine the owner, agent, or manager of either mine shall not, without the consent of an inspector, obstruct or permit any obstruction to the ventilation so afforded. Ventilation of adjoining mine not to be obstructed.

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Damaging or removing protection from abandoned workings.

56.—(1.) Every person who, after the disuse or abandonment of any excavation,—

- (a) wilfully damages the excavation or renders it dangerous by the removal of any timber, fencing, casing, lining, ladder, platform, or other thing; or
- (b) removes, without the consent of an inspector, any portion of any mound or dump placed at the mouth of a shaft for the purpose of preventing persons or animals from falling into the shaft,

shall be guilty of an offence.

Penalty: One hundred pounds.

(2.) The court before whom any person is convicted of an offence against this section may, in addition to imposing the prescribed penalty, order the person within the time limited by the order to replace the timber, fencing, casing, lining, ladder, platform, portion of the mound or dump, or other thing removed and to repair the damage done to any shaft, level, drive, or excavation by the removal referred to in the last preceding sub-section and in default of compliance with the order to pay to the Administration such sum as the court assesses for damages.

Protection of abandoned shafts.

57.—(1.) Every abandoned or disused shaft or dangerous surface excavation in or about any mine shall be safely and securely fenced or covered or filled in and its position shall be indicated by erecting on the surface a permanent and conspicuous mark in the form of a post or a cairn carrying a warning notice.

(2.) The owner, agent, and manager of the mine shall ensure compliance with the provisions of the last preceding sub-section and shall continue to be responsible until the compliance has been certified in writing by an inspector to be complete.

Removal of props and timber from adjoining mine.

58. Where one mine adjoins another the owner, agent, or manager of the one shall not, without notice to the owner, agent, or manager of the other and without the consent of an inspector, remove, or permit the removal of, any props, timber, or stone wall in or upon the mine where the removal may render unsafe or inaccessible any portion of either mine.

Notice of opening or re-opening a shaft &c.

59. Where in any mine—

- (a) any working is commenced for the purpose of opening a new shaft, vein, lode, or seam; or
- (b) the working is recommenced upon a shaft, vein, lode, or seam which has been abandoned or discontinued for a period exceeding two months,

the owner, agent, or manager shall, within seven days, give to the Warden notice in writing of the commencement or recommencement, as the case may be.

*Division 7.—Accidents.*

**60.** Where any accident occurs in or about any mine or works it shall be the duty of every person there employed, as soon as he becomes aware of the accident, to report it to the person in charge of the mine. Accident to be reported.

**61.** Every person who is guilty of negligence in or about any mine or works, by which any person is injured or killed, shall be guilty of an offence. Negligence causing injury.

**62.—(1.)** The owner, agent, or manager of any mine or works in or about which an accident occurs shall, as soon as he becomes aware of the accident, report it to the nearest inspector or to the Warden, if the accident— Notification of certain accidents.

(a) causes, to any person,—

(i) loss of life; or

(ii) fracture of the skull or of any limb, or other serious bodily injury; or

(b) causes, to any person employed there, such bodily injury as is likely to render him unfit to return to his ordinary work for a period of fourteen days; or

(c) whether causing any bodily injury or not to any person, arises from, or consists in—

(i) the explosion of coal dust, gas, or any explosive or any explosion due to electricity;

(ii) the fracture of—

(a) any essential part of any winding engine, crank shaft, couplings, bearings, gearing, clutch, drum, or drum shaft;

(b) any winding rope or attachment of any winding rope to a skip, cage, or drum; or

(c) any pithead sheave or any axle or bearing of any pithead sheave;

(iii) the failure of—

(a) any brake;

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- (b) any safety catch, or any overwinding prevention device, to act or to remain out of action when required respectively to act or to remain out of action; or
  - (c) any depth indicator;
  - (iv) the derailment of any skip or cage in motion, where it appears to the manager that the derailment might have been caused by the motion exerting an overstrain upon the winding rope;
  - (v) any serious jamming of a skip or cage in a shaft;
  - (vi) any engine running out of control;
  - (vii) any overwind;
  - (viii) any extensive caving or subsidence in any part of the ground or workings;
  - (ix) any flooding of any portion of the workings;
  - (x) any outbreak, or occurrence, of fire or any indication of spontaneous combustion in the workings; or
  - (xi) any such happening as the Administrator may, by notice<sup>(6)</sup> in the *New Guinea Gazette*, declare to be a notifiable accident.
- (2.) The report of the accident shall be—
- (a) in writing and shall contain a full account of its nature and extent and, so far as they are known, of the causes; and
  - (b) where loss of life or serious bodily injury results from the accident, and it is practicable, by telegraph advising the principal facts.

(3.) Where loss of life results from the accident the manager shall immediately notify a coroner.

(4.) Where loss of life or serious bodily injury has immediately resulted from an accident the site of the accident shall be allowed to remain undisturbed until an inspector or, where there is no inspector available, the Warden or a coroner has an opportunity to visit and view it, unless the manager has good reason to apprehend that further danger will result from so doing.

Inspector to  
make report  
after accident.

**63.** Immediately after the view referred to in the last preceding section, the inspector or coroner shall make a report of the facts and of any action taken by him to the Warden who shall take such

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(6) No notice has been published in *N.G. Gaz.*

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further action as appears to him to be necessary to secure immediately the safety of the mine or works.

64.—(1.) Where loss of life or serious bodily injury results from an accident in or about any mine or works, the Warden shall hold an inquiry into the causes of the accident and shall, when holding the inquiry, sit with two assessors appointed by him and have all the powers of a Warden's Court. Warden to hold inquiry.

(2.) The Warden shall appoint a time and place for the holding of the inquiry and shall give at least seven days' written notice of the time and place to the owner or agent or the manager, and the person to whom the notice is given shall upon receipt of the notice post a copy of it in some conspicuous position at the mine or works.

(3.) The manager shall be entitled, and the Warden may in his discretion allow any other person, to appear or to be represented at the inquiry.

(4.) The inquiry may be adjourned from time to time and from place to place, as the Warden thinks fit.

65. The Warden shall forward to the Secretary for Mines for transmission to the Administrator— Evidence at inquiry to be transmitted to Administrator.

- (a) a copy of the transcript of the evidence taken at the inquiry;
- (b) his findings as to the cause of the accident the subject of the inquiry; and
- (c) any recommendations which he thinks fit to make.

66.—(1.) If, in the course of an inquiry into any accident, it appears to the Warden that the accident was the result of the negligence or incompetency of any person holding a certificate or permit under this Ordinance he may call upon the person to appear before him and show cause why his certificate should not be suspended or cancelled. Suspension or cancellation of certificate of competency.

(2.) Where any person is called upon to show cause the Warden shall, if in his opinion it is necessary and can be conveniently done, notify an inspector who may appear before the Warden and make such representation in the matter as the case requires.

(3.) Where the person is found to be negligent or incompetent, the Warden may order the cancellation, or the suspension for the period named in the order, of his certificate or permit, and shall forward a copy of the order to the Secretary for Mines.

67.—(1.) Where at any inquest of death it appears in the course of the inquest that— Inquest upon death resulting from accident.

- (a) the death might be the result of some accident, whether

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by explosion or otherwise, occurring in or about any mine or works; and

(b) no Warden or inspector is present at the inquest, the coroner shall, if in his opinion it is necessary and can be conveniently done, summon a Warden or inspector to attend the inquest.

(2.) Where, in the absence of both the Warden and an inspector, evidence has been taken which points to the probability of the accident having been due to—

(a) any negligence on the part of any person having control of, or employed in or about, any mine or part of a mine or works; or

(b) any defect in or about the mine or works, the coroner shall notify the Warden.

Inspector may examine witness at inquest.

68. A Warden or an inspector present at any inquest concerning a death which is the result of any accident occurring in or about any mine or works may examine and cross-examine any witnesses giving evidence at the inquest and address the coroner upon the evidence.

Compensation for injuries.

69.—(1.) If any person employed in or about a mine or works suffers bodily injury or is killed as the result of the negligence of the owner, contractor, or tributer of the mine or works, or his agent or agents, or owing to the non-observance in the mine or works of any of the provisions of this Ordinance (such non-observance not being solely due to the negligence of the person so injured or killed), the person injured, or his personal representatives, or the personal representatives of the person so killed, may recover from the owner, contractor, or tributer of the mine or works, compensation by way of damages as for a tort committed by the owner, contractor, or tributer.

(2.) In estimating the damages regard shall be had to the extent (if any) to which the person injured or killed contributed by any negligence on his own part to the injury or death.

(3.) Nothing in this section shall take away from any person any right to take proceedings in respect of a claim for compensation for injury or death by accident which he may have under any law of the Territory; but the owner, contractor, or tributer shall not be liable to pay compensation independently of and also under this Ordinance.

(4.) The Supreme Court shall have jurisdiction to hear and determine all claims for compensation under this section; and a Warden's Court shall have jurisdiction to hear and determine claims for compensation under this section not exceeding the sum of One hundred pounds.

70.—(1.) No action for the recovery of compensation under the provisions of section sixty-nine of this Ordinance shall be maintained unless—

Limitation upon proceedings for compensation.

- (a) notice in writing of the injury is, in the manner prescribed, given to the owner, contractor, or tributer within one month of its occurrence; and
- (b) the action is commenced within twelve months from the occurrence of the injury:

Provided that the want of, or any defect or inaccuracy in, any notice shall not be a bar to the maintenance of the action in any case in which the court is satisfied that the owner, contractor, or tributer against whom the claim is made has not been prejudiced by the want, defect, or inaccuracy where the want, defect, or inaccuracy arose from mistake or absence from the Territory or from any other cause which the court thinks reasonable.

(2.) The notice referred to in the last preceding sub-section shall be in the form prescribed.

(3.) The notice shall be served upon the owner, contractor, or tributer, personally, or by sending it by post as a registered letter addressed to him at his last known place of abode.

*Division 8.—Separate working of parts of Mines.*

71. Where any two or more parts of a mine are worked separately, the owner, agent, or manager shall immediately give notice in writing of the fact to the Warden and the parts shall be treated for the purposes of this Ordinance as separate and distinct mines.

Parts of a mine worked separately to be notified.

72. In any case in which the Administrator is of the opinion that the separate working of any parts of a mine—

Separate working of parts may be prohibited.

(a) conduces to the evasion of the provisions of this Ordinance; or

(b) may hamper the administration of this Ordinance,

he may, by notice in writing served upon the owner, agent, or manager of the mine, require that the separate working shall be discontinued.

*Division 9.—Means of Ingress and Egress.*

73.—(1.) The owner, agent, or manager of a mine shall not employ any person in any mine which does not provide—

Means of ingress and egress.

(a) two shafts, tunnels, or outlets (whether appurtenant to the same mine or not) which—

Sub-section (1) amended by No. 27 of 1936, s. 7.

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- (i) afford communication with every vein, lode, or seam at any time being worked and a separate means of ingress and egress to the mine; and
  - (ii) are not at any point less than forty-six metres distant from each other;
- (b) a cage operating in guides established and maintained at every shaft or outlet, mentioned in the last preceding paragraph, where the shaft or outlet has a depth exceeding forty-six metres;
- (c) in the case of any such shaft or outlet having a depth not exceeding forty-six metres and not being provided with the cage mentioned in the last preceding paragraph, a ladder which shall be fixed in the shaft or outlet in the prescribed manner.

(2.) Where the Supreme Court upon the application of the Crown Law Officer is satisfied that a breach of this section has been, or is about to be, committed, the Supreme Court may, without prejudice to any other remedy available for a breach of the provisions of this Ordinance, grant an injunction addressed to the manager of the mine ordering him not to employ any person in the mine until the Supreme Court is satisfied that the provisions of the last preceding sub-section have been carried out:

Provided that the Crown Law Officer shall give notice in writing to the manager of his intention to apply at least fourteen days before the application for an injunction is made.

Restrictions as to employment not to apply in certain cases.

74. The provisions of the last preceding section shall not apply to—

- (a) any newly opened mine so far as relates to the employment of not more than twenty persons for the purpose of—
- (i) making a communication between two or more shafts, tunnels, or outlets in any new working; or
  - (ii) searching for or proving minerals in any working; or
- (b) any mine during—
- (i) the making of any shaft, tunnel, or outlet; or
  - (ii) the interruption of ingress or egress or of communication within the workings as the result of an accident.



75. The Administrator may by order, and upon such conditions as are specified in the order, exempt any proved mine from the provisions of section seventy-three of this Ordinance in any case where—

Administrator may grant exemption from provisions relating to shafts &c.

- (a) the quantity and value of the mineral proved is not sufficient to defray the cost of making more than one shaft, tunnel, or outlet or, where more than one shaft, tunnel, or outlet has been made, of re-establishing any communication which formerly existed with one or other of the shafts, tunnels, or outlets; or
- (b) the workings in any seam having reached the boundary of the mining tenement, it is expedient to remove the safety pillars already formed in the workings in the ordinary course:

Provided that no safety pillars shall be removed that will cause interruption of the communication between two or more outlets.

PART IV.—MISCELLANEOUS.

76.—(1.) A person shall not by any contract made, either before or after the commencement of this Ordinance, be precluded or excused from compliance with any of the provisions of this Ordinance or of the Regulations or of any order made under this Ordinance.

Contract in conflict with Ordinance.

(2.) A person shall not, by reason of any act or omission required under the provisions of this Ordinance or the Regulations to be done or omitted by him, be liable to any penalty, damages, or forfeiture for a breach of any contract.

77.—(1.) The owner, agent, or manager of a mine or works shall, if required in writing by the Warden, forward monthly to the Warden's office returns, in relation to the mine or works and to the immediately preceding month, showing—

Power to require certain monthly returns.

- (a) the production or output;
- (b) the number of persons employed;
- (c) the number and names of persons employed on Sundays; and
- (d) such other matters or things as are prescribed.

(2.) The returns shall be forwarded in time to reach the Warden's office not later than the fifteenth day of every month or so soon thereafter as postal facilities will permit.

78.—(1.) The owner or manager of a mine or works shall, if required in writing by the Warden, furnish to him either half-yearly or yearly returns, in relation to the mine or works, showing—

Power to require certain half-yearly returns.

- (a) stores and rations held and issued or otherwise disposed of;
- (b) number and classes of employees;
- (c) salaries and wages paid;
- (d) machinery installed or in operation;
- (e) mine drainage;
- (f) water conservation;
- (g) direct imports;
- (h) compensation for injury or death claimed or paid; and
- (i) such other matters or things as are prescribed.

(2.) The returns mentioned in the last preceding sub-section shall be furnished in the prescribed form not later than one month after the termination of the half-year or year in respect of which they are required.

Notice of change of name, ownership, or management of mine.

79. Where the name of a mine, or where its owner, agent, or manager is changed, the owner, agent, or manager shall, within seven days, give to the Warden notice in writing of the change.

Defence available in prosecution for offence.

80. Where any person who is charged before a court with a breach of any provision of this Ordinance satisfies the court that a compliance with the particular provision was not reasonably practicable, the court shall discharge the person.

General penalty.

81.—(1.) Any person who contravenes any provision of this Ordinance or the Regulations shall be guilty of an offence.

(2.) Any person who commits an offence against this Ordinance or the Regulations shall, where no other penalty is provided, be liable in respect of the offence to a penalty not exceeding Fifty pounds or imprisonment for three months or both, and, where the offence is a continuing offence, to a penalty not exceeding Five pounds for every day during which the offence continues.

Limitations upon proceedings for offences.

82. No prosecution shall be commenced against any person for any offence against this Ordinance or the Regulations unless it is commenced within six months after the commission of the offence complained of, or, in the case of a continuing offence, within six months after the offence has ceased.

Offences shall be heard in Warden's Court.

83. All proceedings in respect of any offence against this Ordinance or the Regulations shall, unless otherwise provided, be heard and determined by the Warden's Court.

Special rules.

84.—(1.) The Warden may by notice in writing require the owner, agent, or manager of any mine or works to draw up and submit to the Administrator such special rules for the conduct and guidance of persons who are in control of, or employed in or about

the mine or works, as under the conditions affecting the mine or works seem best calculated to prevent accidents and to provide for the safety, convenience, and proper discipline of the persons employed in or about the mine or works.

(2.) The Administrator may approve of the special rules<sup>(7)</sup> either as a whole or in part or with such amendments as to him seem proper, and, having so approved, may publish them in the *New Guinea Gazette* when, or at such later date as is specified at the time of publication, they shall come into operation as the special rules for the mine or works.

85. Where in any case the Warden regards the observance of the Regulations or any of them as impracticable in a particular mine he shall make such recommendations to the Administrator as he thinks necessary and the Administrator may, by notice<sup>(8)</sup> in the *New Guinea Gazette*, exempt the mine from the observance of the Regulations or any of them for such time and upon such conditions as are specified in the notice.

Special exemption from regulations.

86. The Administrator in Council may make regulations,<sup>(9)</sup> not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, prescribing matters providing for and in relation to—

Power to make regulations.

- (1) the qualifications required of inspectors and regulating the examinations and tests to which they shall be subject before and after appointment;
- (2) the powers and duties of inspectors;
- (3) the examinations, tests, or other conditions upon which certificates of competency or permits of employment may be granted to—
  - (a) alluvial miners;
  - (b) boiler inspectors;
  - (c) dredge masters;
  - (d) dredge winchmen;
  - (e) engine drivers, including drivers of steam, gas, oil, or hydraulic engines and of electric motors or electric converters;
  - (f) machinery attendants;
  - (g) managers generally, or particularly in relation to metalliferous mines, collieries, or oil wells;

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(7) No rules have been published in *N.G. Gaz.*

(8) No notice has been published in *N.G. Gaz.*

(9) See the *Mines and Works Regulations*, printed on p. 3545.

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- (h) mine electricians;
  - (i) mine surveyors;
  - (j) underground miners; and
  - (k) such other classes of persons employed in or about any mine or works who, in the opinion of the Administrator, should be the holders of certificates of competency or permits of employment;
- (4) the issue, registration, suspension, and cancellation of certificates of competency or of permits of employment and inquiries preliminary to their suspension or cancellation;
  - (5) the appointment and remuneration of persons who are engaged to examine and test the qualifications of any person for a certificate of competency or permit of employment;
  - (6) the registration of agents and managers including deputy managers;
  - (7) the procedure of inquiries into accidents;
  - (8) the prevention of accidents;
  - (9) the bailing of water from mines, so as to prevent injury from water being caused to any workings;
  - (10) the protection from injury, destruction, and unlawful removal of any machinery, and of races, channels, drains, or dams and the water contained in them, and from obstruction of any race, channel, drain, dam, creek, or river;
  - (11) the construction and maintenance of suitable bridges or other crossings over races, channels, or drains which intersect roads or thoroughfares, and the making of proper approaches to the bridges or other crossings, and the width of the bridges, or crossings and approaches;
  - (12) the maintenance of order and discipline;
  - (13) the manner in which surveys of underground or surface workings of mines shall be made and in which plans and sections of the workings shall be made and kept and copies furnished to the Warden;
  - (14) the details to be furnished in plans and specifications relating to the construction, alteration, or enlargement of dams;
  - (15) the minimum provision to be made in all, or any particular class of, mines for—

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- (a) the supply and maintenance of appliances for use in ambulance and rescue work; and
  - (b) the formation of rescue brigades and the training of employees in ambulance and rescue work;
- (16) the mode of construction and prescribing materials and strength of the embankments of dams;
- (17) the treatment to which dams shall be subjected before being abandoned or temporarily left;
- (18) the minimum provisions for ventilation of mines, including requisites as to—
- (a) standards of purity, temperature, and humidity of the air;
  - (b) quantity of air which should be made to circulate in the mine or airways;
  - (c) methods of testing the air in relation to the quantity, purity, temperature, humidity, and efficiency of circulation;
  - (d) recording the state of ventilation in every part of the mine and showing upon plans the positions of all air-doors and ventilating devices and appliances and the direction of the air currents;
  - (e) the conditions under which disused portions of the mine may or shall be shut off from the ventilation system, and when and in what manner they shall be ventilated;
  - (f) the conditions under which the use of mechanical appliances to assist ventilation shall be compulsory;
  - (g) the use of compressed air;
  - (h) the conditions under which tailings from cyanide or other chemical or metallurgical processes may be used for the filling of stopes; and
  - (i) the prevention of the escape of deleterious gases and fumes from any chemical or metallurgical process;
- (19) the connection to be made between workings for the purposes of ventilation including—
- (a) the making of other excavations concurrently with shaft sinking;
  - (b) the connection of adjoining mines;

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- (c) the connection of workings in the same mine;  
and
  - (d) any other matter relating to the ventilation of mines;
- (20) the provisions for winding or raising and lowering of persons and minerals and other materials in a mine, and the testing of the efficiency of ropes, chains, brakes, machines, and all winding appliances and gear used in any mine;
  - (21) the removal from any mine of machinery or other appliances used for raising or lowering men in the mine;
  - (22) the provisions to be made for facilitating ingress into, and egress from, any mine;
  - (23) the distance at which shafts and other mine workings shall be kept from public and private roads, ways, and passages and from private land, dwellings, and other buildings;
  - (24) the conditions to be observed in and about mines or works for the preservation of health and the maintenance of sanitation including provision to be made for—
    - (a) the prevention of the accumulation of, and the removal to some convenient place of, sludge, tailings, and other waste and refuse matter oozing or flowing from, or connected with, any mining tenement, and of waste water, and the making of channels necessary for the prevention or removal and for otherwise regulating the oozing and flowing, with or without any condition for payment of money or otherwise;
    - (b) the prevention and laying of dust, the prevention of the escape of poisonous or deleterious gases and fumes from any chemical or metallurgical process in use in mines or works, and the use of water sprays, atomisers, and other damping appliances;
    - (c) the use of apparatus for collecting, filtering, and preventing the inhalation of dust;
    - (d) the prevention of nuisances, the cleansing and keeping clean of the mine or works, the construction and position of all sanitary conveniences and the condition in which they shall be kept;

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- (e) change houses and their accommodation, baths, washing appliances, the destruction of old clothes and the drying of clothes, and the supply of pure water; and
  - (f) examination and exclusion of persons infected or suspected to be infected with infectious or transmissible diseases;
- (25) the protection of persons from injury arising from the handling of dangerous materials and especially in relation to hot furnace products;
- (26) regulating or prescribing in relation to explosives in or about any mine—
- (a) the construction of magazines;
  - (b) the method and conditions of storage and handling;
  - (c) the testing of explosives before use;
  - (d) the strength of detonators;
  - (e) the charging and firing of shots;
  - (f) the interval of time to be observed between the firing or misfiring of a shot and the return of employees to the place where the shot was charged;
  - (g) the use of fuse; and
  - (h) removal or destruction, by mechanical or other artificial means, of fumes caused by the firing of shots;
- (27) the employment and the periodical medical examination of persons placed in control of winding engines or machinery;
- (28) the continuity or intermittency of attendance upon electrical motors or other machinery of persons placed in control of them and the terms and conditions upon which the attendance will be exempted and upon which an exemption from attendance may be suspended or cancelled;
- (29) the measures to be taken and the precautions to be observed in relation to the use of electricity and the operation of electrical apparatus and machinery;
- (30) the fees to be paid in respect of—
- (a) applications for certificates of competency, and permits of employment;
  - (b) examinations and tests, educational or physical, to be made for certificates of competency and permits of employment;

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- (c) the filing of a document required to be filed;
  - (d) the issue and registration of certificates of competency and permits of employment;
  - (e) the issue of duplicates of certificates and permits which have been lost;
  - (f) the issue of any certificate of registration;
  - (g) the testing of ropes or other winding gear;
  - (h) the testing of boilers; and
  - (i) the registration of managers and agents;
- (31) the employment of native labour in mines or works;
- (32) the duration of the shifts to be worked in any mine and the intervals between and during the shifts;
- (33) the maximum hours of, and intervals in, the continuous employment of—
- (a) persons in charge of engines the motive power of which is water, steam, air, gas, oil, or electricity and which are used in or about any mine or works or for the treatment of the products of any mine; and
  - (b) any European employed in or about any mine in any case, subject to exemptions for any case of emergency or for any service which is necessarily continuous;
- (34) the safe working of dredges and other excavating devices and of the machinery installed on dredges and such other devices and regulating dredging operations generally;
- (35) the form of any application, notice, return, certificate, permit, or other document required to be made, given, granted, issued, lodged, or filed under the provisions of this Ordinance or the Regulations;
- (36) the matters or things which are to be shown in any return required to be made;
- (37) the imposition of penalties not exceeding Fifty pounds or imprisonment for six months for breaches of the Regulations; and
- (38) all other matters relating to the regulation or working of mines or works not expressly provided for by this Ordinance.

Regulations may be general or limited in scope.

87. Regulations made under this Ordinance may be of general application or may be limited to a particular area or restricted in their operation to any specified class of mine or works.