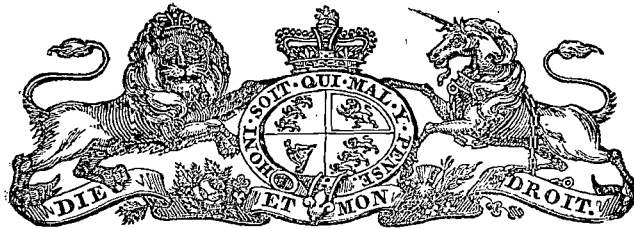


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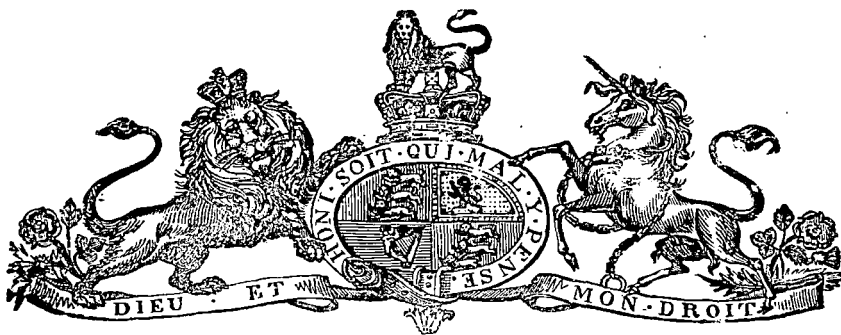
T A S M A N I A .

H O U S E O F A S S E M B L Y .

T H E M I N E S I N S P E C T I O N B I L L :

R E P O R T F R O M T H E S E L E C T C O M M I T T E E .

Brought up by the Minister of Lands, October 25, 1881, and ordered by the House
to be printed.



SELECT COMMITTEE appointed on the 30th September, 1881, to consider the Provisions of Bill No. 35 (Mines Inspection).

MEMBERS OF THE COMMITTEE :

MR. MINISTER OF LANDS.
MR. BROWN.
MR. DOOLEY.

MR. HART.
MR. RISBY.
M. DOUGLAS (*Mover*).

DAY OF MEETING.

Thursday, 20th October, 1881.

MEETING OF COMMITTEE.

THURSDAY, 20TH OCTOBER, 1881.

No. 1.

Present—Mr. Douglas, Mr. Dooley, the Minister of Lands.

1. On the motion of Mr. Douglas, the Hon. the Minister of Lands was voted to the Chair.
 2. After deliberation on the several Clauses of the Bill, Mr. Adye Douglas was deputed to confer with Mr. Stops, Chief Clerk to the Hon. the Attorney-General, with the view of having certain amendments made in conformity with the English Act, 35 & 36 Vict. Chap. 37, now before the Committee.
 3. Committee adjourn.
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R E P O R T.

Your Committee have the honor to report to your Honorable House that, having carefully considered the matter referred to them, they now recommend the adoption of the Bill as amended by them, copy of which is attached to this Report.

C. O'REILLY, *Chairman*.

Committee Room, 25th November, 1881.

As amended in Committee.

A

B I L L

TO

Provide for the Regulation and Inspection of Mines. A.D. 1881.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Regulation of Mines Act, 1881,” and shall come into operation on the First day of *January*, One thousand eight hundred and eighty-two.

Title and commencement of Act.

2 In the construction of this Act, unless the context otherwise determines—

Interpretation of terms.

“Minister” shall mean the Minister of Lands and Works for the time being :

10 “Commissioner” includes a Commissioner of Gold Fields and a Commissioner acting under “The Mineral Lands Act, 1877,” and every Act amending the same :

15 “Owner” shall include a Company incorporated under any Act as a Mining Company, but shall 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 licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine :

20 “Mining Manager” shall mean the person in charge of, or giving orders or directions relative to the carrying on of any mining operations in a mine :

“Mine” shall mean and include any claim, place, pit, shaft, drive, level, or other excavation, drift, gutter, lead, vein, lode or reef
[Bill 35.]

A.D. 1881.

wherein, or whereby, is or shall be, or has been carried on, any operations for or in connection with the purpose of obtaining any metal or mineral by any mode or method, or of stacking, or otherwise storing any substance as containing any metal or mineral, or wherein operations are carried on for the treatment of mine products :

“Machinery” shall mean and include steam and other 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 a mine or elsewhere for the treatment of mine products.

Employment of women and children in mines.

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

Notice of accident to be given to Minister.

4 The mining manager of every mine shall, within twenty-four hours after the occurrence of any accident attended with serious injury to any person, give notice thereof to any Inspector or to the Minister or to any person whom the Minister may appoint for the purpose of receiving such notices ; and any mining manager who shall wilfully omit to give such notice shall be deemed guilty of an offence against this Act. Any portion of a mine where an accident occurs shall not be interfered with until inspected by the Inspector or Coroner’s Jury unless with the view of saving life or preventing further injury.

Plans of underground operations to be furnished yearly.

5 During the month of *January*, One thousand eight hundred and eighty-two the owner of any mine wherein operations for the working of metalliferous lodes may be or may at any time have been carried on, or of any alluvial mine in which operations below the depth of two hundred feet from the surface of the mine may be or may at any time have been carried on, shall, when required by the Minister, furnish certified copies of plans and sections showing so far as possible all the underground workings which have been effected in the mine of which he is owner up to the thirty-first day of *December*, One thousand eight hundred and eighty-one, to the Minister or some person by him appointed to receive the same, and during the month of *January* in every year after the year One thousand eight hundred and eighty-two every such owner shall when so required furnish certified copies of plans and sections showing all the workings or extensions of workings made in any such mine as aforesaid of which he is owner during the year immediately preceding such month to the Minister or some person by him appointed to receive the same. All copies of plans and sections shall show a connection to some permanent mark on the surface of the mine ; and if any owner shall fail to comply with the provisions of this section he shall be deemed guilty of an offence against this Act.

Shafts with vertical or overhanging ladders to have platforms.

6 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.

7 It shall be lawful for the Governor in Council, from time to time, by notice in the *Gazette*, to appoint any competent person an Inspector under this Act; but no Inspector shall be allowed to hold any interest whatever in any mine in the district for which he is appointed.

A.D. 1881
Appointment of Inspectors of mines.

8 An Inspector under this Act shall have power to do all or any of the following things; namely,

Powers of Inspectors.

- 10 (1.) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with :
- (2.) To enter, inspect, and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine :
- 15 (3.) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules (if any) for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto :
- 20 (4.) To exercise such other powers as may be necessary for carrying this Act into effect :

Every person who wilfully obstructs any Inspector in the execution of his duty under this Act, and every owner and agent of a mine who refuses or neglects to furnish to the Inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act in relation to such mine, shall be guilty of an offence against this Act.

9 If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any Inspector find any mine or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such Inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied; and unless the same be forthwith remedied the Inspector shall also report the same to the Minister.

Notice to be given by Inspectors of causes of danger not provided for by the rules.

If the owner or agent of the mine objects to remedy the matter complained of in the notice, he may, within twenty days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Minister; and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of such objection shall be deemed to be the date of the reference.

45 If the owner or agent 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 Twenty 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.

Provided that the Court, if satisfied that the owner or agent has taken

A.D. 1881.

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. 5

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. 10

Arbitration.

Provisions as to arbitrations.

10 With respect to arbitrations under this Act, the following provisions shall have effect :

- (1.) The parties to the arbitration are in this section deemed to be the owner or agent of the mine on the one hand, and an Inspector of Mines on behalf of the Minister on the other : 15
- (2.) Each of the parties to the arbitration may, within Twenty-one 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 : 20
- (4.) The appointment of an arbitrator under this Section shall be in writing, and notice 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 to 25 the arbitration shall not affect the proceedings under this Section :
- (6.) If within the said Twenty-one 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 30 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 Fourteen days refuse or neglect to act, the party by whom such 35 arbitrator was appointed may appoint some other person to act in his place ; and if he fail to do so within Fourteen days after 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 40 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 may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbi- 45 trator, 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 50 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 A.D. 1881.
- 5 (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 persons or person who appointed such umpire shall forthwith appoint another umpire in his place :
- 10 (12.) If the arbitrators fail or refuse 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 the Chairman of the General or Quarter Sessions of the Peace within the jurisdiction of which the mine is situate :
- 15 (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 Twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place :
- 20 (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 :
- 25 (16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Minister, 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 Taxing Officer of the Supreme Court, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Minister shall be paid out of the Consolidated Revenue Fund. The amount, if any, payable by the owner or agent may in the event of nonpayment be recovered in the same manner as penalties under this Act :
- 30 (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.
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General Rules.

11 The following General Rules shall, so far as may be reasonably practicable, be observed in every mine :— General Rules.

- 45 (1.) An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, under-ground 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. Ventilation.

A.D. 1881.

Gunpowder and
blasting.

- (ii.) Gunpowder, or other explosive or inflammable substance shall only be used in a mine as hereunder provided (that is to say):—
- (a.) It shall not be stored in the mine in any quantity exceeding what would be required for use during Six 5 working days for the purposes of the mine : And if stored in the mine it shall be kept in a drive or chamber separated by a door fixed across such drive at least Thirty feet from any travelling road.
- (b.) It shall not be taken for use into the workings of the 10 mine except in a securely covered case or canister containing not more than eight pounds.
- (c.) A workman shall not have in use at one time in any one place more than one of such cases or canisters.
- (d.) No iron or steel pricker shall be used in blasting in any 15 mine, and no iron or steel tool shall be used in tamping or ramming.
- (e.) A charge which has missed fire may be drawn by a copper pricker, but shall not be visited until thirty minutes shall have elapsed from the time of lighting the 20 fuse of such charge ; but in no case shall an iron or steel drill be used for the purpose of drawing or drilling out such charge.

Man-holes in self-
acting or engine
planes.

- (iii.) Every underground plane on which persons travel which is self-acting or worked by an engine, windlass, or gin shall 25 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. 30

Spaces in horse
roads.

- (iv.) 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 35 places of refuge, each of which spaces shall be of sufficient length and of at least three feet in width between the waggons running on the tramroad and the side of the road.

Keeping spaces
clear.

- (v.) Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in 40 a man-hole or such space so as to prevent access thereto.

Fencing of
entrance to shafts.

- (vi.) The top and all entrances between the top and bottom of every working or pumping shaft shall be properly and securely fenced, but this provision shall not be taken to forbid the temporary removal of any fence for the purpose 45 of repairs or other operations if proper precautions are used ; and every abandoned or disused shaft shall be fenced or securely covered in by the lessee or owner thereof and its position indicated on the surface by a post with a notice thereon affixed. 50

Securing of shafts.

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

- (viii.) 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. A.D. 1881.
Drive and excavation to be protected.
- 5 (ix.) 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 (x.) Every working shaft in which a cage is used and every division of such 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 top and the bottom of the shaft to the top and thence to the engine-room and from the engine-room and top to the bottom of the shaft and to every entrance for the time being in work between the top and the bottom of the shaft. Signalling.
- 15 (xi.) A sufficient cage cover overhead shall be used when lowering or raising persons in every working shaft; such cage cover shall be at least six feet six inches above the floor of the cage, and be securely hung on hinges so as to be readily lifted upwards by persons within the cage, except where it is worked by a whim or whip or windlass or where a person is employed about the pump or some work or repair in the shaft. Cover overhead.
- 20 (xii.) 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.
- 25 (xiii.) 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.
- 30 (xiv.) 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.
- 35 (xv.) Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent it coming into contact with the poppet-heads. Cages to have suitable appliances.
- 40 (xvi.) In any shaft exceeding twenty feet in depth in which cages are not used no person shall descend or ascend by the aid of machinery unless in addition to the use of the loop, crossbar or other appliance he shall be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the arms. Protection to persons ascending or descending shaft.
- 45 (xvii.) 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 thirty feet. Inclination of ladders.
- 50

A.D. 1881.

Dressing-room.

(xviii.) 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. 5

Person in charge of machinery.

(xix.) No person under the age of eighteen years shall be placed in charge of or have the control of any steam engine or boiler used in connection with the working of any mine, and no person above that age shall be placed in charge of or have 10 the control of any steam engine or boiler as aforesaid, unless an Inspector shall be satisfied that such person is fit and competent to have such charge and control. No person in charge of steam machinery in connection with the working of any mine shall under any pretext whatever, unless relieved 15 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.

Fencing machinery.

(xx.) Every fly-wheel and all exposed or dangerous parts of the machinery and every tramway constructed on an elevated 20 platform used in or about the mine shall be and be kept securely fenced, except tramways worked by ropes.

Gauges to boilers and safety valve.

(xxi.) 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 25 be subjected by an Inspector to an hydraulic test, and the date and full description of every such test shall be entered in a book to be kept by the mining manager or other person in charge of the mine, and the entries in such book shall on demand be open to the perusal of any Inspector under this Act. 30

Wilful damage.

(xxii.) 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 35 in compliance with this Act; and no person shall after any shaft shall have become disused for mining purposes wilfully damage or render useless such shaft by the removal of any fencing, casing, lining, ladder, platform, or other appliance provided in such shaft without the consent of a Commissioner. 40

Protection of abandoned shafts.

Boring rods to be used.

(xxiii.) 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 45 accumulation of water.

Mining manager in charge of a mine to inspect.

(xxiv.) The mining manager of every 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 50 purpose his opinion as to their condition and safety and any repairs and alterations required to ensure 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.

(xxv.) When a fence shall have been temporarily removed from any entrance to a shaft to admit of the carrying on of ordinary mining operations, a strong horizontal bar shall be securely fixed across such entrance not less than four nor more than five feet from the floor of the brace chamber or drive as the case may be.

A.D. 1881.

Any mining manager or any person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine who contravenes or does not comply with any of the General Rules in this section shall be guilty of an offence against this Act unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance.

Contravention of this section an offence.

A printed copy of the Rules provided for in this section shall be posted in the office and on a building or board in some conspicuous place in connection with every mine.

Rules to be posted on conspicuous place.

Special Rules.

12 The owner of any mine may, if he think fit, transmit to the Inspector of the District, for approval by the Minister, rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same, so as to prevent dangerous accidents, and to provide for the safety and proper discipline of the persons employed in or about the mine, and such special rules, when established, shall be signed by the Inspector who is Inspector of the District at the time such rules are established, and shall be observed in and about every such mine in the same manner as if they were enacted in this Act.

Special rules.

If any person who is bound to observe the special rules established for any mine, acts in contravention of or fails to comply with any of such special rules, he shall be guilty of an offence against this Act, and also the owner and agent of such mine shall each be guilty of an offence against this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine to prevent such contravention or non-compliance.

13 Every person employed in about any mine shall satisfy himself of the safety of any tubs, chains, tackle, windlass, ropes, or other appliances he may use before commencing and whilst at work, and in case of any defect or insecurity he shall cease to use anything unsafe; and every such person who shall witness in or about any such mine any circumstance, matter, or thing which may be likely to produce therein danger of any kind, and every person who may be notified by any such person of any such circumstance, matter, or thing, shall notify the same to the person (if any) under whose immediate directions or control he may be, or otherwise he shall be guilty of an offence against this Act.

Employés to inform employers of breaches of Act.

14 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 solely due 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

Employer to compensate employé injured through non-observance of this Act.

[Bill 35.]

A.D. 1881.

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: Nothing in this section contained shall take away from any person any right to take proceedings in respect of a claim for compensation in any Court of competent jurisdiction. 5 10

Coroners' inquests on deaths from accidents in mines.

15 With respect to Coroners' Inquests on the bodies of any persons whose death may have been caused by accidents in mines the following provision shall have effect (that is to say):—

Any person having a personal interest in or employed in or in the management of the mine in which the accident occurred shall not be qualified to serve on the Jury empanelled on the Inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit on the Jury. 30

What is an offence against this Act.

16 Every person who contravenes or does not comply with any of the provisions of this Act, or who is guilty of negligence by which any person is injured or killed, either by himself his agent or servant, shall be deemed guilty of an offence against this Act.

Penalty.

17 Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding, if he is the owner, mining manager, or person in charge of or giving orders or directions relating to the carrying on of any mining operations in any mine, Fifty Pounds, and if he is any other person Ten Pounds for each offence. 25

Recovery of penalties.

18 All offences against this Act shall be heard and determined, and all penalties shall be recovered, by and before any Two Justices of the Peace, in the mode prescribed by *The Magistrates' Summary Procedure Act*. And every person who deems himself aggrieved by any penalty imposed upon him under this Act, may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*. 30 35

Appeal.

Appropriation of penalties.

19 All penalties recovered under this Act shall be paid into the Colonial Treasury, and form part of the Consolidated Revenue Fund.

Offences to be prosecuted within Three months.

20 No person shall be liable to be proceeded against for any offence against this Act unless an information is laid in respect thereof within Three months after the offence committed. 40

Burden of proof to lie on defendant.

21 For the purpose of any proceeding taken under the provisions of this Act against any mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, the burden shall lie on the defendant of proving he is not such manager or person. 45

Defendant may examine if he thinks fit.

22 The owner of any mine may, if he think fit, be sworn and examined as an ordinary witness in the case where he is charged in respect of any contravention or non-compliance by another person.

23 No prosecution shall be instituted against the owner of a mine for any offence punishable in a summary way except by an Inspector, or with the consent in writing of the Minister; and in the case of any offence of which the owner or mining manager of a mine is not guilty if he proves that he had taken all reasonable means to prevent the commission thereof, an Inspector shall not institute any prosecution against such owner if satisfied that he had taken all reasonable means as aforesaid.

A.D. 1881.

Prosecution for offences.

24 All notices under this Act shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served or sent by or to an Inspector or the Minister may be either delivered personally or served and sent by post, by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Notices may be served by post.