

Overtime for  
underground work.  
1903, No. 80, sec. 2

37. (1.) Subject to the provisions of any award in force under "The Industrial Conciliation and Arbitration Act, 1900," on the twenty-third day of November, one thousand nine hundred and three, being the date of the coming into operation of "The Coal-mines Act Amendment Act, 1903," a miner shall be entitled to be paid overtime when he is employed underground in a mine for more than eight hours in any day, counting from the time he enters the underground workings of the mine to the time he leaves the same.

(2.) For the purposes of this section "miner" means any workman employed underground in a mine.

Employment of  
manual labour on  
Sunday prohibited.  
1897, No. 7, sec. 2

38. (1.) Except in cases where the previous authority in writing of an Inspector of Mines has been obtained, it shall not be lawful for any person or company to directly or indirectly employ any workman on Sunday for hire or reward to do any skilled or unskilled manual labour in or about any mine.

Cases in which  
Inspector may  
grant permission.  
Ibid, sec. 3

(2.) No Inspector of Mines shall give any such authority as aforesaid except in cases where he is satisfied that the labour cannot be suspended on Sunday without risk of injury to the mine or its operations; and when giving such authority he shall in each case state in writing his reasons for granting such authority, and shall specify the number of workmen that may be employed, and the nature of their employment, and the period during which such authority shall extend.

Right of appeal.  
Ibid, sec. 4

(3.) There shall be the right of appeal to the Warden of the mining district from the decision of any Inspector of Mines in respect of the granting or refusing of an authority under this section.

Penalty.  
Ibid, sec. 5

(4.) If any workman is employed in breach of this section, the person or company employing him, and also, where the employer is a company, the mine-manager and every director thereof, are severally liable to a penalty not exceeding five pounds:

Provided that it shall be a sufficient defence to a prosecution under this Act if the Court is satisfied that the employment was rendered necessary by reason of breakage or other special emergency involving danger to life or damage to property.

Not to affect "The  
Police Offences  
Act, 1884."  
Ibid, sec. 6

(5.) Nothing herein contained shall be construed to affect the operation of section sixteen of "The Police Offences Act, 1884":

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

General rules.  
1891, No. 46, sec. 33  
1903, No. 80, sec. 11  
Ventilation.

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

(1.) (a.) An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables, and working-places of such mine, and the travelling-roads to and from such working-places, shall be in a fit state for working and passing therein.

(b.) An adequate amount of ventilation shall mean not less than one hundred cubic feet of pure air per minute for each workman, and horse, pony, donkey, or mule, and the air shall sweep undiminished along the airway through each working-place, and on to each working-face when workmen are employed thereat.