

Bill No. 71 of 1948.

A BILL TO AMEND THE COAL MINES REGULATION
ACT

NOTE.

This Bill amends *The Coal Mines Regulation Act*.

The definition of "District Inspector" is amended to include an Assistant District Inspector of Mines.

The definition of "Electrical Inspector" is amended to make it clear that such person must be the holder of a certificate of competency as a mine electrician.

The definition of "Inspector" is amended to include an Assistant District Inspector and an Electrical Inspector.

The definition of "Mine" is amended to include a strip pit.

Subsection (3) of section 5 is amended to provide that an Inspector's report shall be mailed to the Chief Inspector and a copy of the report so mailed shall be posted in a conspicuous place near the mine.

Paragraph (d) of subsection (1) of section 6 is amended to give power to an Inspector to inspect electrical machinery and distribution and also the disposition of water from any mine, mine wash-house or other mine building.

Subsection (3) of section 8 is struck out and a new subsection substituted. The effect of the amendment is that there is a provision for the owner, agent or manager and the Chief Inspector to come to an agreement about the matter in dispute prior to submission of the dispute to arbitration.

A new section 8a is added immediately after section 8. This section provides that if water from any mine is likely to cause injury or damage to person or property or may be a source of danger, inconvenience or nuisance to the public or to any person, the Chief Inspector may by order in writing require the owner, agent or manager of the mine to dispose of the water in such manner as the Chief Inspector orders. If the owner, agent or manager disputes the Chief Inspector's order, he must communicate with the Chief Inspector within forty-eight hours and thereupon the dispute will be settled by arbitration. The owner, agent or manager who refuses or neglects to comply with an order of the Chief Inspector or with the decision of the Board of Arbitration is guilty of an offence.

Section 39*b* is amended so that a person who is applying for a third class certificate of competency must first be qualified by being the holder of a miner's certificate.

Section 47 provides that when repair work is being done in a mine by electricians, mechanics and others, they must be accompanied by holders of first class, second class or third class certificates of competency. This section is amended to enable an experienced miner holding a miner's certificate to accompany such persons.

Section 50 is struck out and a new section is substituted therefor. The new section provides that where electricity is used in a mine exceeding in the aggregate fifteen kilowatts, a competent person must be appointed as mine electrician. If the mine uses in the aggregate sixty-five kilowatts or more, a person is not qualified to act as mine electrician unless he is the holder of a certificate of competency as such. In certain cases the Chief Inspector may grant provisional certificates. In the case of a mine using between fifteen and sixty-five kilowatts, the mine electrician may be the holder of a provisional certificate. The Chief Inspector may by order require a mine to appoint as a mine electrician a person who is the holder of an electrician's certificate even if the mine uses less than sixty-five kilowatts. Violations of this section are made an offence against the Act. Exceptions are made in the case of illness or temporary absence.

Section 58 (1) is amended so that the manager of a mine is prohibited from assuming duties at any other mine.

Section 61 (3) is amended to make it clear that subsection (3) refers only to a "small" mine.

Subsection (2) of Section 66 is amended by adding immediately before the words "No fan" the words "Except as provided in subsection (3)".

A new subsection (3) is added to section 66 providing that no fan or auxiliary ventilating device used for ventilation of any advancing place shall be stopped without the consent of the examiner of that particular district.

Section 69 is struck out and a new section is substituted. In addition to the requirements of the present section it requires that blankets be kept with the other first aid equipment and that all blankets and other medical supplies shall be kept and maintained in a clean and sanitary condition.

Section 70 requires that two beds be maintained for the treatment of casualties at a mine unless there is a hospital within two miles of the mine. The section is amended by adding another exception, namely, if a suitable ambulance is properly maintained and available for service, the beds need not be kept.

Paragraph (c) of section 71 is amended by adding a reference to section 68 to make it clear that this provision applies only when a wash-house is required by section 68.

Section 79 (1) is amended for the purpose of uniformity by adding the words "owner, agent or" immediately before the word "manager".

Section 92 is amended so that surveys in the case of strip pits may be made by an Alberta Land Surveyor or a Dominion Land Surveyor.

Section 93 is similarly amended so that plans of strip pits may be prepared and certified by an Alberta Land Surveyor or a Dominion Land Surveyor in addition to an Alberta Mine Surveyor.

Sections 123 and 125 are amended by adding "or other approved gas testing device" to "locked flame safety lamps" for the purpose of inspections.

Section 136 is amended by adding a new paragraph (f) which prohibits any person from entraining or detraining from a mantrip while it is in motion.

A minor amendment is made to subsection (2) of section 140 for the purpose of clarification of the present meaning. An exception is provided to the prohibition if the consent in writing of the District Inspector is obtained subject to such terms and conditions as he may prescribe.

An addition is made to Rule 21 (b) of section 149 whereby no cars shall be coupled or uncoupled while in motion.

Paragraph (a) of section 151 is struck out and a new paragraph substituted. This provides that an overman shall have the same responsibility and be subject to the same liabilities as the manager for any orders issued by him without the consent of the manager.

Section 165 is struck out and a new section substituted. In the case of arbitration this section provides that one arbitrator shall be appointed by the Chief Inspector, one by the owner, agent or manager of the mine and the two so appointed shall appoint a third who shall be the chairman. If either party fails to appoint an arbitrator or if the two appointed fail to agree upon a third, application may be made to a District Court Judge who shall appoint an arbitrator. The Chief Inspector is required to refer the matter in dispute to the Board of Arbitration and the chairman of the Board fixes the time and place for the sitting. The chairman is required to give the parties five days' notice in writing of the time and place for the hearing of the dispute. The Board is given power to award costs. The decision of the Board is final. Board members are paid such remuneration as may be prescribed by the Lieutenant Governor in Council.

A new section 174a is added immediately after section 174. This section enables the Lieutenant Governor in Council to make regulations governing strip pit operations, prescribing safety precautions to be used in such operations, providing for the qualification and certification of employees in strip pit operations, prescribing forms to be used and returns to be made and governing any other matter or thing relating to strip pit operations.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 71 of 1948.

An Act to amend The Coal Mines Regulation Act.

(Assented to _____, 1948.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Coal Mines Regulation Act*, being chapter 8 of the Statutes of Alberta, 1945, is hereby amended as to section 3,—

(a) by striking out paragraph (l) thereof and by substituting therefor the following:

“(l) ‘District Inspector’ means a District Inspector of Mines appointed under this Act and includes an Assistant District Inspector of Mines;”;

(b) by striking out paragraph (m) thereof and by substituting therefor the following:

“(m) ‘Electrical Inspector’ means an Electrical Inspector of Mines appointed under this Act who is the holder of a certificate of competency as a mine electrician under this Act;”;

(c) by striking out paragraph (o) thereof and by substituting therefor the following:

“(o) ‘Inspector’ means and includes the Chief Inspector, Assistant Chief Inspector, District Inspector, Assistant District Inspector and Electrical Inspector;”;

(d) by striking out paragraph (q) thereof and by substituting therefor the following:

“(q) ‘Mine’ means any place or any part of any place in or on which there is any natural bed of coal or stratum of coal or aggregation of strata at which coal is being gotten, or at which land is being prepared for the getting of coal, whether it is upon the surface of the earth or subjacent thereto, and includes every shaft in the course of being sunk, every level or inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving any coal, or for the operation of the mine; or the shafts, levels, planes, workings, buildings and machinery, tramways, railways, sidings, both above and below ground in and adjacent to a mine and all shafts and levels

and inclined planes of and belonging to a mine, but does not include open cut prospecting for coal;”;

- (e) by adding immediately after the word “means”, where the same occurs in paragraph (*kk*) thereof, the words “for the purpose of sections 15 to 18 inclusive”.

2. The said Act is further amended as to section 5 by striking out subsection (3) thereof and by substituting therefor the following:

“(3) Immediately after completion of each inspection the District Inspector or the Electrical Inspector shall mail to the Chief Inspector a report and shall cause a copy or duplicate thereof to be posted in some conspicuous place at or near the mine.”.

3. The said Act is further amended as to section 6 by striking out paragraph (*d*) of subsection (1) thereof and by substituting therefor the following:

- “(d) examine into and make inquiry respecting,—
- “(i) the state and condition of any mine or any part thereof;
 - “(ii) the ventilation of any mine;
 - “(iii) the generation, transformation, distribution or use of electrical energy in or about any mine;
 - “(iv) the disposition of water from any mine or mine wash-house or other mine building;
 - “(v) all matters and things connected with or relating to the safety of the persons employed in or about any mine, or any mine contiguous thereto;”.

4. The said Act is further amended as to section 8 by striking out subsection (3) thereof and by substituting therefor the following:

“(3) If the owner, agent or manager of the mine objects to remedying the matter complained of in the inspector’s order or direction, he shall within forty-eight hours after the receipt of such notice from the inspector, forward his objections in writing stating the grounds thereof to the Chief Inspector, and in the event of the failure of the owner, agent or manager and the Chief Inspector to settle the matter in dispute, the same shall thereupon be decided by arbitration.”.

5. The said Act is further amended by adding immediately after section 8 thereof the following new section:

“**8a.**—(1) If at any time it is made to appear to the Chief Inspector by the written report of an inspector or otherwise, that water from any mine, mine wash-house or other mine building may cause injury or damage to person or property

or may be a source of danger, inconvenience or nuisance to the public or to any person, the Chief Inspector may by order in writing require the owner, agent or manager of the mine forthwith upon receipt of the said order to dispose of such water in such manner or to provide such works or facilities for its disposition as may be set out in the order of the Chief Inspector.

“(2) If the owner, agent or manager of the mine disputes the reasonableness or necessity of any order made by the Chief Inspector under this section, he shall within forty-eight hours of the receipt of the order forward notice in writing to the Chief Inspector stating his objection to the said order, and thereupon the dispute shall be decided by arbitration pursuant to this Act, and pending the decision by arbitration of the dispute, the order to which the notice of objection relates shall be suspended.

“(3) Any owner, agent or manager who refuses or neglects to forthwith comply with any order of the Chief Inspector made pursuant to this section or who in the event of arbitration refuses or neglects to forthwith comply with the decision of the Board of Arbitration shall be guilty of an offence against this Act.”.

6. The said Act is further amended as to section 39 by striking out paragraph (b) thereof and by substituting therefor the following:

“(b) he has had at least three years’ practical experience in a coal mine, and is the holder of a miner’s certificate; or”.

7. The said Act is further amended as to section 47 by adding immediately at the end thereof the words “or who is an experienced miner holding a miner’s certificate.”.

8. The said Act is further amended as to section 50 by striking out the same and by substituting therefor the following:

“50.—(1) Where electricity is used in or about any mine exceeding in the aggregate fifteen kilowatts, a competent person shall be appointed as mine electrician, who shall be subject to the authority of the manager, and in his absence, the overman, and who shall have charge of all electrical machinery and apparatus in or about the mine.

“(2) In the case of any mine using in the aggregate fifteen kilowatts or more, a person shall not be qualified to act as a mine electrician unless he is the holder of a certificate of competency as a mine electrician, or a provisional certificate as a mine electrician granted by the Chief Inspector.

“(3) The Chief Inspector may grant a provisional certificate to a person with electrical knowledge to act at a designated mine as mine electrician for such time and under such conditions as he may prescribe, and the Chief Inspector

may in his discretion at any time cancel such provisional certificate and require the owner, agent or manager of such mine to appoint a person as the mine electrician who is the holder of a certificate of competency as a mine electrician.

“(4) Any person who is not registered under this Act as the holder of a certificate of competency as a mine electrician or of a provisional certificate as a mine electrician and who acts as a mine electrician in or about a mine where electricity is used exceeding in the aggregate fifteen kilowatts, shall be guilty of an offence against this Act.

“(5) Any owner, agent or manager who employs any person as a mine electrician knowing that such person is not the holder of a certificate of competency as a mine electrician in or about a mine, where electricity exceeding in the aggregate fifteen kilowatts or a provisional certificate as a mine electrician shall be guilty of an offence against this Act.

“(6) It shall not be deemed to be an offence against subsection (4) or subsection (5) if by reason of illness or temporary absence, the mine electrician is absent from duty and the owner, agent or manager has appointed some person with electrical knowledge to carry on temporarily with the mine electrician’s work even if such person is not the holder of a certificate of competency as a mine electrician or a provisional certificate as a mine electrician.”.

9. The said Act is further amended as to section 58 by adding immediately at the end of subsection (1) thereof the words “and such manager shall not assume the duties of an agent at any other mine”.

10. The said Act is further amended as to section 61 by adding immediately after the words “The manager or overman of a”, where the same occur in subsection (3) thereof, the word “small”.

11. The said Act is further amended as to section 66,—

- (a) by adding immediately before the words “No fan”, where the same occur in subsection (2) thereof, the words “Except as provided in subsection (3)”;
- (b) by adding immediately after subsection (2) thereof the following new subsection:

“(3) No fan or auxiliary ventilating device used for ventilation of any advancing place shall be stopped without the consent of the examiner of that particular district.”.

12. The said Act is further amended as to section 69 by striking out the same and by substituting therefor the following:

“**69.**—(1) Properly constructed ambulances or stretchers with splints, bandages, blankets and sufficient medical and other supplies necessary for the purpose of rendering first aid shall be kept at every mine ready for immediate use in case of accident.

“(2) Such bandages, blankets, medical and other supplies shall be kept in a damp-proof container and the contents thereof shall be kept and maintained at all times in a clean and sanitary condition.”

13. The said Act is further amended as to section 70 by adding immediately after the word “mine”, where the same occurs in the second line thereof, the words “or a suitable ambulance properly maintained and available for service at all times”.

14. The said Act is further amended as to section 71 by adding immediately at the end of paragraph (c) thereof the words and figures “when required under section 68”.

15. The said Act is further amended as to section 79 by adding immediately before the word “manager”, where the same occurs in the first line of subsection (1) thereof, the words “owner, agent or”.

16. The said Act is further amended as to section 92,—

- (a) by striking out the words “duty is shall be”, where the same occur in subsection (1) thereof, and by substituting therefor the words “duty it shall be”;
- (b) by adding immediately after subsection (1) thereof the following new subsection:

“(1a) Notwithstanding the provisions of subsection (1) in the case of any strip pit operations, the mine surveyor may be a person who is the holder of an Alberta Mine Surveyor’s Certificate, or who is a certified Dominion Land Surveyor, or who is a certified Alberta Land Surveyor.”.

17. The said Act is further amended as to section 93 by striking out subsection (1) thereof and by substituting therefor the following:

“**93.**—(1) Every plan including extensions thereof prepared or kept pursuant to section 92 shall be certified by a person who is the holder of an Alberta Mine Surveyor’s Certificate, or in the case of a strip pit by a person who is the holder of an Alberta Mine Surveyor’s Certificate or who is a certified Dominion Land Surveyor or who is a certified Alberta Land Surveyor, and such certification shall be indorsed on or attached to the plan to which it relates and shall be in the following form:

“FORM OF CERTIFICATION.

“*The Coal Mines Regulation Act.*

“I, of
..... in the Province of
Alberta, do hereby certify:

“(1) That I am the holder of Alberta Mine Surveyor’s Certificate No.....

or

“That I am a certified Dominion Land Surveyor.

or

“That I am a certified Alberta Land Surveyor.

“(2) That the plan upon which this certificate is indorsed (or to which this certificate is attached), is correct, and shows thereon all the information required to be shown by *The Coal Mines Regulation Act* as at the day of AD., 19.....

“(3) That the said plan was prepared by me (or verified by me).

“Dated at in the Province of Alberta, this day of A.D., 19.....

.....
“Surveyor’s Signature.”

18. The said Act is further amended as to section 123 by adding immediately after the word “lamp”, where the same occurs in line four of subsection (1) thereof, the words “or other approved gas testing device”.

19. The said Act is further amended as to section 125,—

- (a) by adding immediately after the word “lamp”, where the same occurs in the fourth line of subsection (1) thereof, the words “or other approved gas testing device”;
- (b) by adding immediately after the word “lamp”, where the same occurs in the fourth line of subsection (2) thereof, the words “or other approved gas testing device”;
- (c) by adding immediately after subsection (2) thereof the following new subsection:

“(3) When making an inspection with a locked flame type safety lamp or other approved gas testing device, the examiner shall not use or carry any open flame lamp.”.

20. The said Act is further amended as to section 136 by adding immediately after paragraph (e) thereof the following new paragraph:

“(f) No person shall entrain on or detrain from any mantrip while the same is in motion.”.

21. The said Act is further amended as to section 140,—

- (a) by striking out the words “stand or” where the same occur in subsection (2) thereof;
- (b) by adding immediately after the word “roadway”, where the same occurs in subsection (2) thereof, the words “without the consent in writing of the District Inspector and subject to such terms and conditions as the said District Inspector shall prescribe”.

22. The said Act is further amended as to section 149 by adding immediately at the end of paragraph (b) of Rule 21 thereof the words "and no cars shall be coupled or uncoupled while the same are in motion".

23. The said Act is further amended as to section 151 by striking out paragraph (a) thereof and by substituting therefor the following:

"(a) be subject to the control of the manager and shall direct and supervise all work underground, and shall have the same responsibility and be subject to the same liabilities as the manager for any orders issued by him without the consent of the manager;"

24. The said Act is further amended as to section 165 by striking out the same and by substituting therefor the following:

"**165.**—(1) In any case where this Act requires any matter or dispute to be settled by arbitration, the Chief Inspector shall appoint one person as arbitrator, the owner, agent or manager who is a party to the matter or dispute shall appoint a second person as arbitrator, and the two persons so appointed shall appoint a third person as arbitrator who shall be chairman of the Board of Arbitration.

"(2) If either party to the dispute fails to appoint an arbitrator, or if the two arbitrators appointed fail to agree on a third arbitrator, either party to the matter or dispute may apply to a District Court Judge having jurisdiction in the judicial district in which the mine is situated who shall appoint an arbitrator.

"(3) The Chief Inspector shall refer the matter or dispute to the Board of Arbitration so appointed and the chairman of the Board shall fix a time and place for the sitting of the Board.

"(4) The chairman of the Board shall give five days' notice in writing to the parties interested therein of the time and place at which the Board of Arbitration will sit for the purpose of hearing and deciding the matter or dispute.

"(5) Every arbitration board may upon determining any matter order that the costs of the arbitration including the remuneration of the arbitrators shall be paid by the person requiring the arbitration, and may fix the amount thereof at such sum as to the Board seems proper, and every sum so ordered to be paid shall be recoverable by the Minister from the persons ordered to pay the same as a debt in any court of competent jurisdiction.

"(6) The decision of the Board of Arbitration shall be final and binding on the parties.

"(7) Any arbitrator appointed pursuant to this section shall be paid such remuneration as may be prescribed by the Lieutenant Governor in Council out of the General Revenue fund."

25. The said Act is further amended by adding immediately after section 174 thereof the following new section:

“**174a.** The Lieutenant Governor may make regulations from time to time,—

- “(a) governing strip pit mining and any or all operations relating or incidental to the extraction of coal by the removal of the overlying strata;
- “(b) prescribing safety precautions and rules to be observed in strip pit operations to insure as far as possible, the safety of persons working in such strip pits or in connection therewith;
- “(c) providing for the qualification and certification of any person who may be employed in or about any strip pit operations, and prohibiting the employment of any person not holding any qualification or certificate required;
- “(d) prescribing forms to be used and returns to be made;
- “(e) governing any other matter or thing relating to strip pit operations which he may deem necessary or expedient to carry out the provisions of this Act according to their true intent or to facilitate the efficient administration thereof.”.

26. This Act shall come into force on the day upon which it is assented to.

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act to amend The Coal Mines
Regulation Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.
