

1974 Bill 45

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 45

The Coal Mines Safety Act

THE MINISTER OF MINES AND MINERALS

First Reading

Second Reading

Third Reading

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BILL 45

1974

THE COAL MINES SAFETY ACT

(Assented to _____, 1974)

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

1. In this Act,

1. "agent" means a person appointed by the owner of a mine site, mine or coal processing plant to act as a representative of the owner;
2. "assistant manager" means the person who has control and daily supervision of a mine or part thereof under the direction of the manager;
3. "blaster" means a person who has charge of explosives and their use in a surface mine;
4. "Board" means the Energy Resources Conservation Board under *The Energy Resources Conservation Act*;
5. "certificate" means a certificate granted under this Act or *The Coal Mines Regulation Act* entitling the holder to perform the duties of the occupation or office in respect of which the certificate is granted, but does not include a miner's certificate or miner's permit;
6. "combined operation" means surface and underground mining activity at the same mine site, whether or not the coal is being extracted from one or more connected or unconnected seams;
7. "detonator" means a device for electrically detonating explosives;
8. "discard" means presently unuseable solid or liquid materials removed or rejected during mining or processing operations;
9. "foreman" means a person who,
 - (i) in an underground mine, aside from such other duties he might have,

Explanatory Notes

1. Definitions.

- (A) inspects all roadways, working places and other accessible parts of a mine, and
 - (B) determines that roadways, approaches and working places are safe before a shift is allowed to enter,
- or
- (ii) in a surface mine, is next in authority to the manager or assistant manager;
- 10. "level" means any substantially horizontal excavation in the ground or in strata of an underground mine used or useable for
 - (i) drainage or ventilation, or
 - (ii) the ingress or egress of men or materials to or from a mine or part thereof;
- 11. "manager" means the chief officer having control and daily supervision of a mine or mine site;
- 12. "material" means
 - (i) all rock, coal or other minerals taken from or into a mine, and
 - (ii) supplies and equipment moved into or out of a mine;
- 13. "mine" means any working, other than a drill hole made while exploring for coal, from which coal is or could be extracted, whether commercially or otherwise;
- 14. "mine entrance" means a surface entrance to an underground mine;
- 15. "mine official" means
 - (i) a manager, or
 - (ii) an assistant manager, or
 - (iii) a senior foreman, or
 - (iv) a foreman, or
 - (v) in the case of a processing plant operated in connection with the mine site, a plant supervisor;
- 16. "mine site" means a location at which a facility for extracting coal by underground, strip or open pit operations exists or is to be developed, and includes
 - (i) any coal processing plant, storage facility or discard disposal facility which exists or is to be developed in connection with the mine, and
 - (ii) all connected access roads;
- 17. "mine surveyor" means a person responsible for
 - (i) surveying the workings of a mine, and

- (ii) preparing the plans required under this Act or *The Coal Conservation Act*;
- 18. “miner” means a person employed in an underground mine to cut, shear, break or loosen coal or rock;
- 19. “miner’s helper” means a person employed in an underground mine to work under the supervision of a miner;
- 20. “open pit mine” means a mine worked by removal of overlying strata and subsequent excavation of exposed coal in terrain that is not flat or substantially flat;
- 21. “outlet” means any shaft, slope, incline, decline, adit, tunnel, level or other means of ingress or egress to or from an underground mine;
- 22. “owner”, when used in relation to a mine site,
 - (i) means the immediate proprietor, lessee or occupier of the mine site or part thereof, and
 - (ii) includes, but not so as to exempt the owner from liability, a contractor engaged by the owner or his agent to operate the mine or any part thereof,
but does not include a person who
 - (iii) merely receives a royalty or rent from the mine site pursuant to a lease, grant or licence for the working thereof, or
 - (iv) is merely the owner of the soil and does not hold an interest in the mine or in the coal;
- 23. “Panel” means the Panel of Examiners appointed by the Board under this Act to examine candidates for certificates;
- 24. “plan” means
 - (i) any map, including any profile or section, of a mine or part of a mine, certified by the mine surveyor to be correct, or
 - (ii) a reproduction of such a map;
- 25. “plant superintendent” means the person appointed by or on behalf of the owner to be in charge of a processing plant;
- 26. “processing plant” means any installation for improving the quality of the coal or producing a marketable solid fuel from it and includes any coal storage or handling facility directly connected with the installation;
- 27. “senior foreman” means a person who, in an underground mine, has daily charge of mine workings

- and is next in authority to the manager or assistant manager;
28. "shaft" means any excavation at an angle of 45 degrees or greater with the plane of the horizon and used or useable for
- (i) ventilation or drainage, or
 - (ii) the ingress or egress of men or materials to or from the mine or a part thereof;
29. "shot-firer" means a person who has charge of explosives and their use in an underground mine;
30. "slope" means any excavation at an angle of less than 45 degrees with the plane of the horizon and used or useable for
- (i) ventilation or drainage, or
 - (ii) the ingress or egress of men or materials to or from the mine or a part thereof, and includes inclines and declines;
31. "small mine" means
- (i) a mine which by normal continuous operation produces coal at a rate of less than 100 tons per day, or
 - (ii) any mine designated as a small mine by the Board;
32. "strip mine" means a mine worked by the removal of overlying strata and subsequent excavation of exposed coal in flat or substantially flat terrain;
33. "surface mine" means a mine worked by a strip mining, open pit mining or other surface method, including auger mining;
34. "underground mine" means a mine other than a surface mine;
35. "wall" means the exposed face of an excavation in a surface mine from ground level to the working level;
36. "working face" means any location in a mine at which coal or rock is being cut or otherwise loosened;
37. "working place" means any part of a mine worked or actively maintained in connection with a mining program, and includes all working faces.

PART 1

PURPOSES AND APPLICATION OF THE ACT

2. This Act applies to every mine site, mine and processing plant in Alberta, to the persons employed thereat, and to all coal produced in Alberta.

3. The purposes of this Act are

- (a) to secure the observance of safe practices in the exploration for, mining, storage, processing and transporting of coal,
- (b) to provide for and ensure the safety and preservation of health of all persons employed at or otherwise authorized to enter a mine site and its various connected facilities,
- (c) to establish the technical qualifications for certain persons employed in and about mine sites, and
- (d) to secure the provision and use of safe and proper equipment and installations in and about mine sites.

2. Application of the Act.

3. Purposes of the Act.

PART 2

OVERRRIDING PROVISIONS

4. (1) A provision of

- (a) this Act, or**
- (b) a regulation made pursuant to this Act, or**
- (c) a declaration, order or direction of the Board pursuant to this Act or in any matter over which the Board has jurisdiction, or**
- (d) an order of the Lieutenant Governor in Council under this Act,**

overrides the terms and conditions of any contract or other arrangement which conflicts with the provisions of this Act or the regulations or of the declaration, order or direction.

(2) No term or condition of a contract or other arrangement that conflicts with a provision referred to in subsection (1) is enforceable or gives rise to any cause of action by any party against any other party to the contract or arrangement.

4. Paramountcy over contract provisions.

PART 3

POWERS AND DUTIES OF THE BOARD

Orders, Directions and Regulations

5. (1) Except where otherwise provided, the Board has exclusive jurisdiction to examine, inquire into, hear and determine all matters or questions arising under this Act.

(2) The Board, with the approval of the Lieutenant Governor in Council, may make such just and reasonable orders or directions as may be necessary to effect the purposes of this Act but which are not otherwise specifically authorized by this Act.

6. The Board shall, when required by the Lieutenant Governor in Council, or may upon its own motion, inquire into, examine and investigate any matter referred to in section 3 and publish reports, maps, statistical material and other documents relating to those matters.

7. (1) The Lieutenant Governor in Council may make regulations

1. prescribing the qualifications and duties of persons appointed to the Panel;
2. prescribing the qualifications for, and procedures to be followed on applications for, certificates, miner's certificates and miner's permits;
3. prescribing the qualifications and duties of mine officials;
4. prescribing the qualifications and duties of persons employed in certain mining operations;
5. as to safe standards of design, operation and maintenance of hoisting machinery, conveyors, locomotives and vehicles used for transport of persons and material;
6. as to design, excavation, operation and maintenance of shafts, outlets and transport and travelling roads in or about a mine;
7. as to support of underground working places, roadways, shafts, surface mine walls and transport and travelling roads;
8. as to the storage, transport and use of explosives or equivalents, detonators and shot-firing or blasting devices;

5. Jurisdiction of the Board.

6. Board inquiries and reports.

7. Regulations.

9. as to mine ventilation, maximum concentration and control of dust and noxious gases, prevention of gas and dust ignitions, noise levels, use of measuring, recording or monitoring devices, lighting, and other matters related to the work environment;
 10. prescribing miscellaneous safety provisions with respect to coal barriers, accumulations of water and gas, use of gas detectors and safety lamps, combined operations, machinery and installations, actions of and communications between persons, prevention of fires and accidents, use of protective clothing, standards and erection of buildings, signs and barricades;
 11. requiring the establishment of mine rescue stations, rescue training and rescue practices, fire precautions, and provision of first aid or hospital facilities;
 12. governing the appointment, qualifications and duties of mine rescue teams;
 13. governing the appointment, qualifications, duties and removal of persons appointed to safety committees;
 14. governing working conditions in mines;
 15. as to discard disposal facilities;
 16. as to the use of electricity in mines;
 17. as to the use of novel equipment, materials and methods;
 18. as to small mines;
 19. as to processing plants;
 20. prescribing the manner in which an application under this Act or the regulations is to be made;
 21. prescribing the information that is to be included in or is to accompany any application under this Act or the regulations;
 22. as to the forms to be used, reports to be made and records to be kept;
 23. establishing a schedule of fees
 - (i) pertaining to applications or proceedings under this Act or the regulations, and
 - (ii) for any other service by the Board;
 24. generally prescribing measures for safe operation of mines.
- (2) Notwithstanding any regulations under subsection (1), clause 21, the Board may act upon an application that

does not contain all such information, or may require additional information.

(3) Where no form has been prescribed pursuant to subsection (1), clause 22 for use under this Act or the regulations, the Board may accept such form or format of submission as it considers adequate.

Inspections

8. (1) A member of the Board or a person authorized by the Board

- (a) shall have unrestricted access to mine sites, mines, processing plants and all roads and other works connected with them,
- (b) may enter upon any lands that must be crossed to reach a mine site, mine, processing plant or connected works,
- (c) may make inspections, investigations or tests at any mine site, mine, processing plant or connected works and take samples there, and
- (d) may examine and make copies of all books, records and documents pertaining to a mine site, mine, processing plant or connected works,

when acting in the execution of his duties under this Act.

(2) Where a Board member or a person authorized by the Board considers the circumstances to warrant it, he may, upon issuing a receipt therefor, take possession of any book, record or document referred to in subsection (1), clause (d) for a reasonable time.

(3) Every owner, agent and mine official, and every person at a mine site shall afford a Board member or a person authorized by the Board all such reasonable assistance as he may require for the proper exercise of powers conferred by subsection (1).

9. (1) Where it appears to the Board or a person authorized by the Board that at a mine or processing plant there has occurred or is occurring a contravention of, or failure to comply with, any provision of this Act, the regulations or an order of the Board and that as a result thereof there is or may be a danger to persons or property, or that a method or practice employed or any equipment or installation at the mine or processing plant is improper, hazardous, inadequate or defective, the Board or the person authorized by the Board may

- (a) order the withdrawal of persons from the mine or any part thereof or from the processing plant or any part thereof, or
- (b) order the closure of the mine or any part thereof or of the processing plant or any part thereof, or

8. Inspections and investigations.

9. Stop orders.

- (c) require that approved methods be adopted or that remedial measures be taken before any operation proceeds, or
- (d) take such other action as it considers necessary.

(2) Where a person authorized by the Board exercises any of the powers granted to him by subsection (1) he shall, as soon as practicable, advise the Board and notify the manager or assistant manager in writing setting out the reasons for his action.

(3) Where the Board or a person authorized by the Board has exercised any of the powers granted by subsection (1), the Board on its own initiative may, or at the request of any person directly affected thereby shall, hold an inquiry within 15 days of the action having been taken under subsection (1) or of the request, as the case may be, to investigate the circumstances leading to the action under subsection (1).

(4) After an inquiry under subsection (3), the Board may

- (a) vacate the action taken under subsection (1), or
- (b) continue the action taken under subsection (1), or
- (c) take any action or make any order not inconsistent with this Act as it considers is warranted by the circumstances.

Examinations for Certification of Mine Officials

10. (1) The Board shall appoint a Panel of Examiners of not more than seven members, one of whom it shall designate as Chairman.

(2) The Chairman and any three members shall constitute a quorum of the Panel.

(3) The appointment of a person to the Panel shall be for such term as the Board may determine in each case.

(4) The fees and expenses payable to persons serving on the Panel shall be in such amounts as the Board may from time to time determine.

11. Subject to the regulations, the Panel shall

- (a) conduct annual examinations of candidates seeking certification under this Act, and
- (b) recommend to the Board the persons to whom certificates in the various categories may be issued.

12. (1) Subject to subsection (2), upon receiving the recommendations of the Panel the Board may issue certificates in accordance with the recommendations.

10. Membership of Panel.

11. Duties of Panel.

12. Decisions of and appeals to the Board.

(2) Notwithstanding any recommendation of the Panel, the Board may refuse to issue a certificate to a person who, in its opinion, is not fit to hold the office or perform the duties which the certificate would entitle him to hold or perform, but shall in such a case afford the person whom it has refused certification a hearing at which he can appeal the Board's refusal.

(3) A decision of the Board after a hearing under subsection (2) is final.

(4) The Board shall keep a complete and up to date register of the persons to whom certificates have been granted.

Certification of Miners

13. No person shall work

- (a) as a miner unless he holds a subsisting miner's certificate or provisional miner's certificate, or
- (b) as a miner's helper unless he holds a subsisting miner's permit.

14. (1) In conformity with the regulations miners' certificates shall be issued by a regional committee composed of

- (a) the district Board representative, who shall be the chairman of the committee, and
- (b) two members appointed by the Board.

(2) In conformity with the regulations, miners' permits shall be issued by the district Board representative.

(3) A decision by the regional committee respecting the granting of a miner's certificate, or by the district Board representative respecting the granting of a miner's permit, may be appealed to the Board whose disposition of the matter is final.

13. Prohibition against unauthorized persons.

14. Regional committee.

PART 4

GENERAL DUTIES OF MINE OWNERS

15. (1) An owner, agent or manager of a mine site or mine shall be responsible for conducting all operations in or about the mine site or mine in accordance with this Act, the regulations and any orders or directions made under this Act or the regulations.

(2) The appointment of an agent, mine official or any contractor does not relieve the owner of any responsibility under subsection (1).

16. (1) Every owner of a mine site or major part thereof shall make such financial and other provisions and take such steps as may be necessary to ensure that the mine site and its various component parts are managed and operated in accordance with the provisions of this Act and the regulations and planned, developed, operated and reclaimed to enable the mine site to be so managed and operated.

(2) Immediately upon appointing a person to be a mine official under this Act, the owner, his agent or manager shall advise the Board in writing of the name, qualifications and address of the person appointed and send a copy of the notification to the Board district office for the area in which the mine site is situated.

(3) No owner or agent shall take part in the technical management of a mine site unless he holds the appropriate certificate.

17. An owner of a mine site shall cause to be kept at an office located at or near the site a complete, up to date register containing the names, qualifications, dates of birth and residence addresses of the mine officials, mine electricians, mine mechanics, mine surveyors, shot-firers and blasters appointed by him or on his behalf, and notify the Board in writing of any change in that register within two weeks of the change.

15. Responsibility of owners.

16. Nature of responsibility.

17. Maintenance of register.

PART 5

MINE OFFICIALS AND CERTAIN OTHER MINE EMPLOYEES

18. (1) The owner or agent shall appoint himself or another person as manager of the mine site and shall not permit a mine to be worked except under the direction of a manager.

(2) No person shall be appointed or act as manager

(a) for an underground mine, unless he holds a subsisting manager's certificate in underground mining, or

(b) for a surface mine, unless he holds a subsisting manager's certificate in surface mining.

(3) Notwithstanding subsection (2), a small mine may, with the Board's approval in writing, be managed by the holder of a lesser certificate.

(4) The manager is responsible for the control, management, direction and operation of all works connected with the mine site.

19. (1) Where one or more seams are being worked from separate outlets, whether or not there is a common system of ventilation, or where more than one separate underground mine is being worked at a mine site, the owner, agent or manager may, or at the Board's direction shall, appoint one or more assistant managers to be in charge of the different workings.

(2) Except where the Board approves the appointment of a holder of a foreman's certificate, no person shall be appointed an assistant manager under subsection (1) unless he holds a subsisting manager's certificate or assistant manager's certificate in underground mining.

(3) An assistant manager shall be under the direction of the manager but, with respect to the workings and operations under his control, has the same responsibilities as the manager.

20. (1) Where more than one surface mine is being worked at a mine site, the owner, agent or manager may, or at the Board's direction shall, appoint one or more assistant managers to be in charge of the different workings.

(2) Except where the Board approves the appointment of the holder of a foreman's certificate, no person shall be appointed under subsection (1) or act as an assistant manager unless he holds a subsisting manager's certificate or assistant manager's certificate in surface mining.

18. Appointment of mine manager.

19. Appointment of assistant manager for underground mine.

20. Appointment of assistant manager for surface mining.

(3) An assistant manager shall be under the direction of the manager but, with respect to the workings and operations under his control, has the same responsibilities as the manager.

21. (1) In a combined operation where the manager

- (a) holds a subsisting manager's certificate in underground and surface mining he may, or at the Board's direction shall, appoint one or more assistant managers to be in charge of the different workings, or
- (b) holds a subsisting manager's certificate in underground mining he shall appoint an assistant manager for the surface workings, or
- (c) holds a subsisting manager's certificate in surface mining he shall appoint an assistant manager for the underground workings.

(2) The Board's decision that an operation is a combined operation is final.

22. Where, with respect to an underground operation, the regulations require that the manager appoint one or more senior foremen for supervision of a shift being worked, no person shall be appointed a senior foreman unless he holds a subsisting manager's, assistant manager's or foreman's certificate in underground mining.

23. Where with respect to an underground operation the regulations require that the manager appoint one or more foremen to

- (a) inspect, immediately before each shift commences, all working places and other parts of the mine about to be used or worked with regard to general safety, ventilation, and the conditions of roofs, floors and sides, and
- (b) maintain surveillance over safety in the various parts of the mine while they are being worked or used,

no person shall be appointed a foreman unless he holds a subsisting manager's, assistant manager's or foreman's certificate in underground mining.

24. Where, with respect to a surface mining operation, the regulations require that the manager appoint one or more foremen for supervision of a shift being worked, no person shall be appointed a foreman unless he holds a subsisting manager's, assistant manager's or foreman's certificate in surface mining.

21. Management of combined mining operations.

22. Appointment of senior foremen.

23. Appointment of foremen for underground mines.

24. Appointment of foremen.

25. (1) Where a processing plant is operated at a mine, the owner, agent or manager may, or at the Board's direction shall, appoint a suitably qualified plant superintendent to be in charge of all operations directly connected with the plant.

(2) A plant superintendent may be under the direction of

(a) the manager, or

(b) the owner or agent,

but in the latter case the owner or agent shall immediately upon making the appointment advise the Board of the plant superintendent's full name, qualifications and address and send a copy of that notification to the Board's district office.

26. (1) Where explosives are used, the manager shall appoint

(a) in an underground mine, a sufficient number of shot-firers, and

(b) in a surface mine, a sufficient number of blasters, to be in personal charge of detonators and explosives and their use.

(2) No person shall be appointed under subsection (1) until he satisfies the Board that he is qualified in accordance with the regulations.

27. (1) The manager shall appoint a mine surveyor to be responsible for making all surveys and plans required under this Act or the regulations.

(2) No person shall be appointed under subsection (1) unless he holds a subsisting mine surveyor's certificate.

28. (1) The manager of a mine which has an electrical demand in excess of 500 kilovolt amperes and a general distribution voltage in excess of 230 volts 3 phase 60 hertz shall appoint an electrical superintendent who shall have charge of all electrical machinery in or about the mine.

(2) Except where the Board approves the appointment of a holder of a foreman electrician's certificate or a mine electrician's certificate, no person shall be appointed under subsection (1) unless he holds a subsisting electrical superintendent's certificate.

29. (1) The manager may, or at the direction of the Board shall, appoint a mechanical superintendent who shall have charge of all mechanical machinery in or about the mine.

25. Appointment of plant superintendent.

26. Appointment of shot-firers or blasters.

27. Appointment of mine surveyor.

28. Appointment of electrical superintendent.

29. Appointment of mechanical superintendent.

(2) Except where the Board approves the appointment of a holder of a foreman mechanic's certificate or a mine mechanic's certificate, no person shall be appointed under subsection (1) unless he holds a subsisting mechanical superintendent's certificate.

30. The manager shall, unless exempted therefrom by the Board in writing, establish a rescue organization which shall be submitted to the Board for approval and that shall include

- (a) a mine rescue station,
- (b) a qualified mine rescue training officer,
- (c) one or more rescue teams, and
- (d) all prescribed equipment for emergency operations.

30. Appointment of mine rescue organization.

PART 6

PERSONS APPOINTED BY EMPLOYEES

31. (1) Persons employed at a mine site other than mine officials and the members of a mine rescue organization referred to in section 30 may appoint an inspection committee of three persons whose duty it shall be to inspect the mine with regard to safety.

(2) Any two members of an inspection committee shall constitute a quorum to conduct an inspection under subsection (1).

(3) Compensation of the members of an inspection committee shall be in such amounts and on such terms as may be agreed upon between the owner and the employees entitled to appoint them.

(4) No person shall be appointed to an inspection committee serving an underground mine unless he

- (a) has had at least five years' experience in underground mining, and
- (b) holds a subsisting miner's certificate.

(5) No person shall be appointed to an inspection committee serving a surface mine unless he has had

- (a) at least two years' experience in surface mining, and
- (b) if the mine is classed as an open pit mine, at least one year's experience in open pit mining.

32. Where, at a mine other than a small mine, the employees entitled to appoint an inspection committee fail to do so, the Board may, if it considers it appropriate, appoint the committee from a list of eligible persons and make an order respecting the amount and manner of compensation to be paid to them.

33. (1) The inspection committee, accompanied by a mine official, shall

- (a) inspect all working places at least once in every month, and
- (b) when a serious accident or an emergency condition has occurred, enter the mine as soon as a mine official becomes available to accompany it, examine the place of the accident and, without disturbing what it may find there, seek to establish the cause of the accident.

31. Appointment of inspection committee.

32. Board appointment of inspection committee.

33. Investigations by inspection committee.

- (2) The official who accompanies the inspection committee in accordance with subsection (1) shall hold a subsisting manager's, assistant manager's or foreman's certificate.
- (3) After completing an inspection, the committee shall
 - (a) make and sign a full and accurate report thereof in a book kept for the purpose at the mine, and
 - (b) send copies of the report to the manager and the Board's district office.
- (4) The owner, agent or manager shall afford the committee all reasonable assistance for the inspection.

PART 7

REGISTERS AND RECORDS

34. (1) The owner, agent or manager shall

- (a) provide books prescribed or approved by the Board for the entry of records and reports required by this Act and the regulations,
- (b) ensure that all such records and reports are properly entered therein, and
- (c) make provision for keeping each of the books or a current copy thereof at the mine office or another place at the mine site in which it can be properly kept.

(2) Every record or report which is required by this Act or the regulations to be kept at the mine site shall be countersigned by the manager within three days following the date upon which it is made.

(3) A Board member or a person authorized by the Board may at all reasonable times inspect and take extracts or copies from such books.

35. (1) The manager shall keep at the mine office

- (a) a complete, up to date register showing the full name, date of birth, residence address, next of kin and date of first employment of each person employed at or about the mine site, together with details of any certificate, miner's certificate or permit held by him, and
- (b) with respect to an underground operation, a daily record of
 - (i) the times at which each person checked in and out, and
 - (ii) the name of each person remaining in the mine beyond the end of the regular shift or anticipated time of return, together with an estimate by the person under whose direction those persons remaining work, of the time at which each of those persons is expected to return to the mine office.

(2) Whenever any person, including a mine official, fails to check out within half an hour of

- (a) the end of his regular shift, or
- (b) the time estimated under subsection (1), clause (b), subclause (ii),

the delay and reason therefor shall be reported to the manager, assistant manager or foreman and entered in the daily record.

34. Maintenance of records.

35. Employee register.

36. (1) No person under 17 years of age shall be employed at a mine site except in the mine office on the surface.

(2) No owner, agent or manager shall be liable to a penalty for employing a person under 17 years of age if

- (a) the underaged person was employed upon presentation of a statutory declaration that he was of the full age of 17 years, and
- (b) the owner, agent or manager believed in good faith that the underaged person was of the age represented.

36. Employment of persons under 17 years of age forbidden.

PART 8

MINE SITE BUILDINGS

37. (1) The owner of a mine site shall provide and suitably equip a sufficient number of buildings at the site to afford, in accordance with this Act and the regulations,

- (a) a mine office,
- (b) places for the safe storage and distribution of explosives and detonators,
- (c) in connection with underground mining operations, a lamp house,
- (d) facilities for emergency first aid and treatment, and
- (e) one or more wash houses.

(2) The manager shall appoint a sufficient number of persons to have charge of the buildings required under subsection (1) and to carry out and enforce the relevant provisions of this Act and the regulations.

(3) The Board may vary the requirements of subsections (1) and (2) in the case of small mines.

38. (1) Every processing plant or facility at a mine site shall be kept as free as practicable of dust and cleaned sufficiently often to prevent it from becoming a health or safety hazard.

(2) The manager may, or at the Board's direction shall, by posted notice ban all smoking in or about buildings at a mine site and impose such other health and safety rules as he considers necessary if, in his opinion,

- (a) air-borne coal dust at a processing plant, storage facility or other building is or appears to him to be of such quantity and quality as to be hazardous, or
- (b) flammable gas in the atmosphere in silos or other confined areas used for handling or storage of coal is or may be present in dangerous concentration.

39. No open coal stockpile shall be constructed

- (a) in a manner or in a location likely to cause sliding or to generate excessive dust, or
- (b) in a manner likely to promote autogenous heating and eventual ignition of the pile.

37. Buildings required at mine site.

38. Safety of mine site buildings.

39. Safety at open coal stockpiles.

PART 9

GENERAL

40. Where

- (a) an owner, agent or manager, or
- (b) an inspection committee appointed under section 31 or 32,

disputes a decision, order or direction of the district Board representative, the Board representative shall immediately refer the matter to the Board which shall decide the matter in dispute as soon as practicable but in any event within 30 days.

41. Pending a decision by the Board under section 40, and unless otherwise directed by the Board, the decision, order or direction of the district Board representative in the matter or dispute remains in force.

Records, Returns and Notices

42. (1) Each record, book or copy required by this Act or the regulations to be kept shall be retained at the place and by the person specified in the Act or regulations for a period of one year from the time the record, book or copy is made.

(2) Where the use of a report book has been discontinued it shall not be used again for entries under this Act or the regulations.

43. An owner, agent or manager shall, when required by the Board, provide such information about the operation of the mine site and its various connected works as may be required.

44. (1) Any notice or document which this Act or the regulations require to be served on or sent to the Board or to a district Board office may be

- (a) delivered personally, or
- (b) sent by prepaid registered letter addressed
 - (i) if to the Board, to its office in Calgary, or
 - (ii) if to a district Board office, to its address.

(2) Any notice or document which this Act or the regulations require to be sent by the Board or a district Board office may be

- (a) served personally upon the person to whom it is to be sent, or

40. Appeal from Board representatives.

41. Appeal does not stay order.

42. Maintenance of records.

43. Provision of other information.

44. Service of notices and documents.

- (b) sent by prepaid registered letter to such person at his last known address.

Information for Persons

45. (1) The manager shall post and maintain in a conspicuous and convenient place at the mine site

- (a) a notice showing the names of the owner, agent and manager, and
- (b) the name, address and telephone number of the district Board representative for the district in which the mine site lies.

(2) The manager shall provide a place in the mine buildings convenient to persons employed at the mine at which he shall make available to such persons

- (a) a copy of this Act and of the regulations, and
- (b) copies of all orders and rules affecting the mine site made pursuant to this Act or the regulations.

(3) A notice or copy referred to in subsection (1) or (2) which is defaced, obliterated or destroyed shall be immediately replaced.

46. Each book, return, notice, report, form or copy thereof which this Act or the regulations require to be kept, posted or forwarded shall be in a form satisfactory to or approved by the Board.

Evidence

47. (1) A statement by the Board as to whether or not the person named therein is the holder of a certificate, miner's certificate or permit in accordance with this Act, whether at the date of the statement or at a time specified therein, is admissible in evidence as prima facie proof of the facts stated therein.

(2) A statement purporting to be signed by a Board member or an agent of the Board shall be admitted in evidence without any proof of the appointment of the person so signing or the authenticity of his signature.

Accident Reports

48. (1) Whenever a serious personal injury or fatal accident occurs in or about a mine site, the manager shall

- (a) immediately notify the Board or the district Board office and the inspection committee by the quickest available means, and
- (b) within 24 hours, send a notice to the Board and the district Board office in the prescribed form.

45. Posting of documents.

46. Form of documents.

47. Board statements as evidence.

48. Reporting of accidents.

(2) When in or about a mine site a personal injury occurs that is caused by

(a) the breaking of a hoisting rope, or

(b) an explosion or an explosive,

the manager shall, within 24 hours, send to the Board and the district Board office a notice in the prescribed form.

(3) When an injury of which notice is required under subsection (1) or (2) results in the death of the injured person, the owner, agent or manager, upon learning of the death, shall immediately notify the Board and the district Board office.

(4) When, at a mine site,

(a) an explosion of gas or coal dust occurs, or

(b) an explosive explodes prematurely, or

(c) a fire occurs, or

(d) any gas ignites, or

(e) an accident occurs that could have injured a person, although no injury in fact resulted,

the manager shall immediately notify the Board or the district Board office.

49. Where a fatal injury occurs at a mine site, the place of the accident shall be left in the condition in which it was found at the time of the accident, unless leaving it so would tend to increase or continue a danger, or prevent action to save life or relieve human suffering.

50. (1) If a person who has suffered personal injury in or about a mine site is able to do so he shall, before leaving the mine site, report the accident to the manager, assistant manager, foreman or other appropriate mine official.

(2) Each accident occurring in or about a mine site shall be fully recorded, in a special book kept at the mine office for that purpose, by the mine official who first learned the details of the accident and shall be countersigned by the manager.

Special Powers

51. In the event of an emergency, the Lieutenant Governor in Council may suspend particular provisions of this Act in respect of either all mines or any class of mines, and for such period as he may order.

52. (1) The Board, with the approval of the Lieutenant Governor in Council and subject to ensuring the safety of persons in or about a mine site, may :

49. Preservation of accident sites.

50. Recording accidents.

51. Suspension of provisions of the Act.

52. Regulations.

- (a) if suspension is thought necessary for the conduct of experimental operations likely to lead to safer, more effective or more economical operations in mines, suspend any provision of this Act or of the regulations for such periods and subject to such conditions as it may prescribe;
 - (b) make regulations to provide for any method of coal mining not contemplated in this Act or vary the provisions of this Act so far as may be necessary for such a method;
 - (c) make regulations not inconsistent with this Act in order to ensure that operations in and about mines are conducive to the greatest possible safety of the mine site and all persons working thereat.
- (2) The Lieutenant Governor in Council may authorize payment from the General Revenue Fund of any costs, expenses and remuneration of and incidental to the implementation of the provisions of this Act and the regulations.

53. Any person who knowingly makes a false statement in a report or entry required by this Act or the regulations is guilty of an offence.

54. (1) Any person who contravenes a provision of this Act, the regulations or an order or direction made under this Act or the regulations is guilty of an offence and, unless another penalty is expressly provided by this Act, is liable on summary conviction

- (a) if a corporation, to a fine of not less than \$250 nor more than \$5,000 for the first day upon which the offence occurs, and of not less than \$500 for each subsequent day during which the offence continues, or
 - (b) if the person is an owner other than a corporation, or is an agent or manager, to a fine of not less than \$50 and not more than \$500 for the first day upon which the offence occurs, and of not less than \$25 nor more than \$250 for each subsequent day during which the offence continues, or
 - (c) if the person is neither a corporation nor an owner, agent or manager,
 - (i) for a first offence, to a fine not exceeding \$50, or
 - (ii) for a second and subsequent offence, to a fine of not less than \$10 nor more than \$100.
- (2) Any person other than a corporation who defaults in payment of a fine imposed for an offence is liable to a term of imprisonment not exceeding six months.

53. False reports.

54. General offence.

55. Where an owner, agent, manager or any other person in or about a mine site or mine is guilty of an offence that, in the opinion of the court hearing and determining the complaint, is one that

(a) could reasonably be considered as likely

(i) to endanger the safety of persons employed in or about the mine site or mine, or

(ii) to cause personal injury to any such person, or

(iii) to cause a dangerous accident,
and

(b) was committed wilfully by the personal act, default or negligence of the guilty person,

that person is liable, if the court considers a pecuniary penalty to be inappropriate, to imprisonment for a period not exceeding six months.

56. No proceedings taken under any other Act in respect of any matter which constitutes a contravention of any provision of this Act or the regulations, or of orders or directions made under this Act or the regulations, are a bar to a prosecution under this Act for such contravention.

57. A person instituting a prosecution for a contravention of this Act or the regulations or of an order or direction made under this Act or the regulations shall report the result of the prosecution to the Board within 15 days after the decision of the court is given.

58. A prosecution for an offence under this Act or the regulations or an order or direction made under this Act or the regulations may be commenced within 18 months from the time when the matter of such a prosecution arose, but not thereafter.

59. (1) *The words "The Coal Mines Regulation Act" are struck out wherever they appear in the following provisions and the words "The Coal Mines Safety Act" are substituted therefor:*

The Clay and Marl Crown Leases Act, section 5, subsection (2);

The Coal Conservation Act, section 1, subsection (1), clause 10;

The Electrical Protection Act, section 12;

The Land Surface Conservation and Reclamation Act, section 1, clause (j);

55. Imprisonment.

56. Other proceedings not a bar to prosecutions.

57. Report of result of prosecution.

58. Time limit for prosecutions.

59. Consequential amendments.

The Land Surveyors Act, section 53, subsection (2), clause (b);

The Mines and Minerals Act, section 4, subsection (2) and section 25;

The Quarries Regulation Act, section 2, clause (b), subclause (i);

The Surface Reclamation Act, section 2, subsection (1), clause (e);

The Tradesmen's Qualification Act, section 5.

(2) *The Coal Conservation Act is amended as to section 1, subsection (1), clause 10 by adding after the words "The Coal Mines Regulation Act" the words "or The Coal Mines Safety Act".*

(3) *The Alberta Labour Act, 1973 is amended by striking out section 29 and by substituting therefor the following section:*

29. Where there is any conflict between the provisions of this Division or of orders of the Board under this Division and any provisions of *The Coal Mines Safety Act* or the regulations thereunder, the provisions of *The Coal Mines Safety Act* or the regulations prevail.

60. *The Coal Mines Regulation Act* is repealed.

61. This Act comes into force on a date to be fixed by Proclamation.

60. Chapter 52 of the Revised Statutes of Alberta 1970 is repealed.