

With regard to the occasional discoveries of gas in different places in the mine, it appears to us that the Inspector does not seem to have realized to its full extent the gravity of the situation, as disclosed by the presence from time to time of this gas. In our opinion, after the explosion by which Kelly was injured, the use of safety-lamps should have been insistently urged upon the manager. The Inspector quite honestly considered that the gas occurring in the mine could be kept harmless by careful inspection and proper ventilation, and that no risk was run of any ignition or explosion by continuing the use of naked lights. That in this he was guilty of an error of judgment is too abundantly proved by the terrible accident which resulted from the continued use of naked lights.

Doubt has been expressed as to whether an order given by the Inspector for the use of safety-lamps could be enforced by him under the present Act or Special Rules. In the opinion of the Inspector, and apparently of the officers of the Mines Department, the Inspector has no power to do so. There is no direct authority given by the Act or rules to the Inspector to order the use of safety-lamps; but we are of opinion that section 58 of the Act, though not apparently framed for such purpose, may be employed on an emergency to effect the purpose by an indirect method.

The Inspector duly reported to the Under-Secretary of Mines the results of his inspections and his observations on the condition and working of the mine, and after the accident to Kelly instructions were received by him from the head of the Department to prosecute the manager for a breach of Special Rule 14 for not providing safety-lamps, subject, however, to a favourable legal opinion of the case being obtained. In consequence of an adverse opinion being received by the Inspector from the firm of solicitors to whom he referred the matter, no proceedings were taken against the manager. Before there was time for the Department to reconsider the position, and to decide what further steps should be taken to secure the safety of the mine, the disaster apprehended by the Inspecting Engineer of the Mines Department (as shown by his several memoranda to the Under-Secretary) unfortunately occurred.

Mr. Reed is entitled to credit for bringing so forcibly under the notice of the Mines Department his fear of impending danger in the Taupiri Company's mine by reason of the gas known to exist there. We agree with him in his view that, not being the Inspector of Mines for the district, he had no right to interpose in any directions or orders given to the manager, although his right as an Inspector of Mines to inspect the mine is beyond question. We cannot refrain, however, from saying that we regret that Mr. Reed did not, in the interests of human life, personally visit and examine the mine and acquaint the manager of his very strong convictions as to the imminent danger threatening the mine. We also regard it as unfortunate that specific instructions were not given him by the Mines Department to do so.

Mr. Reed had no occasion to visit the mine for a considerable time before learning of the presence of gas there, but he had, while at the Thames on other official business, arranged with the District Inspector to visit the mine in his company only a short time before the explosion, and he had with him two electrical lamps for trial there, but, being called away to the West Coast on official business, the visit of inspection to the mine was unfortunately deferred.

(6.) THE EFFICIENCY OF THE INSPECTION OF THE MINE BY

(b.) *The Workmen's Inspectors.*

No evidence was given by the workmen's inspectors before the Commission, but from the evidence of other witnesses we learned that only two inspections were made by the workmen's inspectors during the past twelve months—that is, practically, since the new union was formed after the first strike during 1912.

Inspector Bennie in his evidence complained that he had received no help from the union or their check inspectors. The reference to them in his letter to the Under-Secretary as the creation of the mining companies was not supported by any witnesses produced before the Commissioners, who declined to hear evidence attempting to show victimization.