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Voice and resistance: Coalminers' struggles to represent their health and safety interests in Australia and New Zealand 1871–1925

David Walters
Cardiff University, UK

Michael Quinlan
The University of New South Wales Sydney, Australia

Abstract

The activism of coalmining unions in Australia, the UK, the USA and elsewhere securing improvements in safety including better legislation in the 19th and 20th centuries, has been widely researched and acknowledged. However, a relatively neglected aspect of this history was a campaign to secure worker inspectors (check-inspectors). These began in coalmining a century before similar measures were introduced for workers more generally as part of overhauling occupational health and safety laws in the 1970s/1980s. We document this struggle for mine safety in Australia and New Zealand, and the activities of check-inspectors in the period to 1925. Notwithstanding strong opposition from coal-owners and conservative governments, check-inspectors played an important role in safeguarding coalminers and improving the regulatory oversight of coalmines. Check-inspectors not only gave coalminers a 'voice' in OHS, but they also provided an exemplar of the value and legitimacy of worker's 'knowledge activism'. This system remains. Furthermore, the struggle is relevant to understanding contemporary debates about collective worker involvement in occupational health and safety.

JEL Codes: J28, J51, J81

Keywords

Coalmining, ILO155, safety inspection, union voice

Corresponding author:
Michael Quinlan, School of Management, UNSW Business School, The University of New South Wales Sydney, Sydney, NSW 2052, Australia.
Email: m.quinlan@unsw.edu.au

Introduction

The introduction of procedures for worker participation, as part of the reform of occupational health and safety (OHS) legislation from the early 1970s in the European Union, UK, Canada and Australia, and more globally through International Labour Organisation (ILO) Convention 155, is widely regarded as a significant innovation in OHS regulation. Indeed, it has been described, along with employer responsibilities and enforcement, as one of the three vertices of the triangle of preventive measures established under modern process-based regulation. In particular, legislative provision, establishing employee/worker health and safety representatives (HSRs) to protect workers' interests by inspecting workplaces and investigating incidents and workers' complaints, has been seen as especially influential. However, this form of representative participation in OHS did not originate in the late 20th century regulatory innovation, as is often assumed, but had a much longer history. A particular form of this approach developed in response to OHS concerns of miners and their unions in different parts of the world a century earlier.

In mining, the development of regulatory provisions that empowered selected workers to take on inspectoral functions developed along two separate lines. In the UK, and the Antipodes, coalminers and their unions were given the power to appoint experienced miners as their own 'workmen's inspectors' (or 'check-inspectors' as they became known colloquially in Australia and New Zealand), who could carry out inspections and also 'check' on the inspections carried out by government mines inspectors. The appellation seems to be linked that of 'checkweighmen', who were appointed in mines to ensure miners were fairly paid in relation to the quantities of coal they dug. Resources to support the activities of check-inspectors were normally found by the miners themselves through their union lodges or from the union at district or national levels. But in a parallel development in some European countries, such as France and Belgium, a somewhat different approach towards workmen's inspectors resulted where laws enabled mine workers to be appointed as inspectors, paid for by the state.

Several complexities in this development need to be acknowledged. Most obviously, these regulatory provisions and their practical operation did not spring into existence fully formed. New South Wales (NSW) introduced a law in 1876 followed by New Zealand (1886), Western Australia (1895) and other Australian colonies/states over the first decades of the 20th century. Importantly, the content of these laws underwent change over an extended period, often as a result of campaigns by unions, many following mine disasters, and arising from frustration with what were perceived as operational inadequacies of the provisions. There were other nuances too. For example, in the Antipodes, the check-inspector system was introduced into metalliferous mining but with some tweaks. In Queensland from 1916, these metalliferous-mine inspectors were paid for by government, not by the union, while Western Australia, after experimenting with check-inspectors resourced by unions, ultimately it also opted for this approach that appears to have been more aligned with French and Belgian models of workmen's inspectors.

While there is a substantial literature on the history of OHS in mining, little attention has been paid the 'check-inspector' provisions. Yet, they are important for several reasons. In exploring miners' struggles for a legitimate role in protecting their safety and health at work Australia and New Zealand, we indicate the ways miners sought to represent their collective interests. We point to the conflict and lack of trust that characterised

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labour relations in the industry, which led to demands for 'voice'. We also indicate the limited trust miners placed in the effectiveness of government regulatory inspection. These matters of workers' control over factors that affect safety health and well-being at work remain as relevant at the present time as we show them to have been in the past.

Drawing on an array of historical evidence (legislation, parliamentary debates, government reports/inquiries, union records and newspaper reports), the article has several aims. First, it traces the contested introduction and evolution of provisions for workmen-inspectors in Australia and New Zealand. A second aim is to better understand the drivers behind the original and developing measures, and in particular, the role played by the miners' collective desire to have a say in OHS. Historical evidence affords insights into the activities of workmen's inspectors and barriers they encountered. The article examines subsequent reforms, including those that led to the emergence of full-time district check-inspectors in most jurisdictions; their connections to unions and the problem of resourcing. In several jurisdictions, resourcing problems caused to shift from the 'Anglo-Australian model' of union ownership of check-inspectors to the continental European practice of miners electing workmen to become regulatory inspectors paid by the state, and in some cases, part of state arrangements for regulatory inspection of mines. The study therefore provides insights into the role/functioning of workmen-inspectors, including the focus of their activities, and how coal-owners/managers and government inspectors, responded to this. Finally, it concludes by discussing the implications of the findings, especially for an understanding of miners' motivations for pursuing 'voice' on OHS matters. It argues that this development is best understood in terms of a 'resistance-model' of mobilisation, which secured and defended important regulatory entitlements. It discusses this understanding in terms of its wider historical and contemporary significance.

The origins of provisions for workmen's inspectors in NSW

Prior to Federation, safety laws were developed by each Australian colony. After 1901, ex-colonies (now states) were still the primary regulators of OHS, including in mines. At the time of the first UK legislation to include check-inspectors (1872), NSW Hunter Valley coalminers campaigned for similar provisions via meetings, deputations and locking in political candidates (*Empire*, 7 July 1873: 3; *Newcastle Chronicle*, 20 February 1872: 2). After protracted negotiations and parliamentary debate (including a lapsed bill in 1873), the *Coal Mines Regulation Act 1876* included (s30) provisions enabling miners in a mine to appoint two of their number to conduct at their own costs at least monthly inspections and make reports, also requiring managers to facilitate this. Essentially, the provision was modelled on that in the British *Mines Regulation Act 1872*. From the outset union spokespersons argued for the right to appoint check-inspectors and accepted the necessity of resourcing their activities to ensure the position would truly represent miners' interests and not be co-opted by mine-owners (*Australian Town and Country Journal*, 12 July 1873: 3; *Newcastle Herald*, 16 December 1873: 3). In NSW, there was no reference to workmen-inspectors giving managers 24-hour notice before an inspection, something that would bedevil similar measures in other jurisdictions. This was a victory for union aspirations for freedom of action by check-inspectors.

Check-inspectors were operating immediately after the legislation was passed, with their detailed reports covering ground conditions, ventilation and other safety-critical issues at Hunter Valley collieries like Lambton, Greta, Wallsend, Borehole and Hamilton (*Newcastle Herald*, 10 July 1876: 3; 12 August 1876: 2; 23 September 1876: 8; 2 October 1876: 2; 2 November 1876: 2; 11 December 1876: 2; 17 March 1877: 5; 25 October 1877: 5). They also operated on the Southern and Western Coalfields, with the South Coast union purchasing anemometers to facilitate their activities (*Illawarra Mercury*, 8 July 1879: 2; 7 October 1879: 2; 23 December 1879: 2). Where companies resisted their recommendations unions pursued the matter, including taking matters directly before the Minister of Mines, as occurred with regard to poor ventilation and means of egress at the Wallsend Colliery (*Sydney Morning Herald*, 28 November 1883: 9). In March 1886, the Minister of Mines issued a minute instructing the examiner of coalfields or an inspector to inspect a mine within 24 hours if the mine manager did not rectify a ventilation problem raised by check-inspectors within a reasonable time (*Sydney Morning Herald*, 19 March 1886: 7).

However, ventilation remained an issue. Between February and April 1886, seven miners and manager John Doig died as a result of fires at the Ferndale Colliery near Lithgow. A subsequent Royal Commission (1886: 12) found check-inspectors' reports prior to the incidents did not refer to 'special danger'. In fact, check-inspectors reports for 1885 *had* raised problems with air flows, after which inspections became less frequent (one conducted weeks prior to the second incident was not included in Commission's report). Why the frequency of check inspections fell after October 1885 (if they did) was not clarified. However, it was evident that in some mines, managers obstructed check-inspectors undertaking their tasks, commonly claiming that they were not properly appointed under the 1876 Act, problems which the union pursued with the Minister for Mines (*Newcastle Herald*, 12 November 1886: 4).

Another limitation experienced by check-inspectors resulted from managers having the right to accompany them, which could have an intimidating effect on miners raising concerns. In his study of the Bulli Colliery disaster on 23 March 1887, which killed 81 men and boys creating 50 widows and 150 orphans, Dingsdag (1993) argued 'the possibility of being dismissed under No. 6 of the Special Rules and the added inconvenience of miners having to contribute to the wage of the check-inspectors from their own income, forestalled the implementation of the check-inspector scheme' (p. 12). Miners' Union Secretary (Nicholson) reported prior discussions with one of those killed (Westwood) who complained of dangerous gas levels, unlocked safety lamps being used in the area of the blast, company favouritism in allocating work-spaces and perfunctory inspections by government inspectors. The union alleged miners had been terrorised by management, only returning to work to avoid pauperism, and that 'if they had their own check inspector, as the law entitles them to, this disaster would never have happened; but because whoever moved for it would be a marked man they have not ventured to do so' (*Sydney Morning Herald*, 26 March 1887: 12). During and after the Bulli Royal Commission, the Examiner of Coalfields (McKenzie) complained of inadequate resourcing of the government inspectorate mixed with a deep hostility to miners and their unions. McKenzie lamented Northern District check-inspectors were 'ever on the watch in the endeavour to find Government officials tripping' (Dingsdag 1993: 84). Union criticisms

regarding the appointment of check-inspectors were not fully investigated and the Royal Commission attributed the disaster to poor management, lax working practices by miners and inspectoral failings (*Illawarra Mercury*, 17 May 1887: 2).

In the Hunter Valley, check-inspectors were present in most mines but access issues continued to arise. In June 1889, they were refused access to the shaft after 18 miners were trapped by a collapse at the AA Company's Borehole Colliery. Again, miners had expressed fears of a collapse prior to the incident and the refusal to admit check-inspectors as part of rescue efforts caused considerable anger – seven miners escaped but 11 others perished (Beauchamp, 2014: 193–104; *Newcastle Morning Herald*, 24 June 1889). A subsequent coronial inquest established that check-inspectors had conducted regular and detailed inspections, whereas a government inspector had last visited the mine over 6 weeks prior to the incident (*South Australian Register*, 31 July 1889: 4). In August 1889, a new Coal Mines Regulation Bill was introduced in response to the Borehole and Bulli disasters, establishing a Chief Mines' Inspector (replacing the Examiner of Coalfields in supervising inspectors) and stronger requirements on ventilation and pillar width. While modelled on UK legislation, there were local variations, notably in relation to pillar width. The Bill mandated additional rights for check-inspectors, including accessing daily ventilation and other safety records kept in the mine manager's office (*Sydney Morning Herald*, 28 October 1889: 8). Recalling fears of victimisation at the Bulli colliery, and comparable with the position of British miners' leaders, south-coast miners argued that as they paid for check-inspectors they should have the right to appoint experienced miners from outside a particular mine (*Illawarra Mercury*, 29 October 1889: 2).

Ex-coalminer union parliamentarians (Legislative Assembly) played a pivotal role pushing reform, including James Fletcher (born in Scotland in 1834), co-founder of the union and the *Newcastle Herald and Miners Advocate* and now a coal-owner but still sympathetic to the cause (Gollan, 1972). Equally important was James Curley. Born into a Durham coalmining family in 1846, Curley was secretary of the Hunter Valley Coalminers Protective Association (1880–1907) and was MLA for Newcastle (1889–1891, Gollan, 1969). During a union/masters' conference on the Bill, Curley used South Coast check-inspector reports on mine temperatures to advocate more stringent standards on ventilation/mining methods, demonstrating how check-inspectors' routine activities could be used to inform regulatory debates. Secretary for Mines Sydney Smith also referred to check-inspectors in parliamentary debates, arguing miners should be informed of any dangers identified in their daily inspections (*Evening News*, 12 September 1889: 3).

The 1889 Bill was still stalled in the upper chamber (Legislative Council) in 1891 and eventually lapsed. Nonetheless, like their UK counterparts, coalminer parliamentarians continued the reform push and check-inspectors' activities were repeatedly used in parliamentary debates by the emergent Labor Party. During a debate over legislating an 8-hour working day, ex-miner now Labor MLA, Alfred Edden referred to check-inspectors' report on a large and extremely profitable colliery supplying only half the air underground per man required (*Tasmanian Democrat*, 31 October 1891: 4). In 1896, campaigning secured the *Coal Mines Regulation Act* (60 Victoria No. 12). A *Newcastle Herald* (5 September 1896: 4) editorial stated the need for check-inspectors and check-weighmen was self-evident and required no supporting argument. The Act

partly addressed concerns raised in the Bulli Royal Commission. Rule 39 slightly reworded the criteria for appointment to either two of their number (as previously) or 'any two persons not being mining engineers who are practical working miners'. This expanded the recruitment pool but still precluded ex-miners or those employed by the union. Rule 41 of the Act prohibited any interference in the appointment of check-inspectors:

> If the owner, agent, or manager of any mine or any persons employed by or acting under the instructions of any such owner, agent, or manager interferes with the appointment of a check-inspector or check-weigher, or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check-inspector or a check-weigher or any of them not to reappoint any particular person, or to vote for or against any particular person, in the appointment of a check-inspector or check-weigher, such owner, agent, or manager shall be guilty of an offence against this Act.

Despite this, some mines continued to operate without check-inspectors even in the Hunter Valley, including the Dudley colliery where a violent methane/coal dust explosion in 1898 killed 15 miners – fortuitously the only ones of the mine's 250 men and boys then underground (*Sydney Morning Herald*, 31 March 1898: 6). Some companies also continued to obstruct check-inspectors' activities. In July 1899, miner Benjamin Dobb told a Ministerial Inquiry into the Newcastle Coal Mining Company's Glebe A pit that he connived with management to understate hazardous conditions for years including forcing air into areas where check-inspectors were during their inspections to mislead them on the mine's ventilation (*Newcastle Herald*, 5 July 1899: 3).

Recalling the Bulli disaster, and conflicting reports from government and check-inspectors, in 1897 a coalminers' deputation pressed the Minister for Mines to appoint district inspectors who would be both knowledgeable of local conditions and more accountable to the mining community (*Newcastle Herald*, 23 July 1897: 5). By 1900, the Illawarra and Hunter Valley unions began appointing their own salaried district check-inspectors covering mines in a particular region to complement those operating at mine level. A *Bulletin* (27 September 1902) correspondent extolled the changes this had wrought. However, legislative requirements for check-inspectors to be a practical *working* miner made their re-election difficult. This and other issues concerning check-inspectors came to the fore following an explosion at the Mount Kembla colliery in the Illawarra coalfields on 31 July 1902 which killed 96 men and boys – the worst mine disaster in Australian history. At the subsequent Royal Commission, there were submissions calling for the removal of the term 'working' and the prohibition of mining engineers serving as check-inspectors. Largely ignored by historians (see Piggin and Lee, 1992), Royal Commission proceedings contained extensive references to and testimony from southern and northern coalfields check-inspectors as well as copies of reports prepared at Mount Kembla and other mines prior to the incident. While check-inspectors had been present at Mount Kembla, some witnesses stated that they had been inactive for several years. As at Bulli, fears of victimisation affected the willingness of miners to take on the role. Asked if he could refer matters to both the check-inspectors and government

inspectors, miner and Mount Kembla Lodge delegate James Silcock tartly responded 'you can do a lot of things if you want to get the sack' (for this and similar evidence, see Royal Commission: Mount Kembla, 1903: 164, 171–172, 192.203, 289, 295, 525).

District check-inspectors had visited the mine but John Wynn told the Commission he was refused admission to Mount Kembla shortly after his appointment because, despite 20 years of mining experience, he was not currently a working miner. Wynn urged the appointment of permanent check-inspectors for each of the major coalfields (at an annual cost of £170 each or 1s 3d per man) and that check-inspectors be empowered to view government inspectors' reports and institute prosecutions of managers who did not rectify legislative breaches without delay. Wynn reiterated his view that check-inspectors 'were of great importance because the Government inspections do not appear very satisfactory'. Hunter Valley district check-inspector William Bowers gave similar evidence, also describing his interventions regarding the presence of gas (Royal Commission: Mount Kembla, 1903: 291, 295, 298, 539–576). There was debate over the qualifications of mine-site check-inspectors especially their capacity to take air measurements, though even here, fear of victimisation was seen to inhibit those with expertise/experience from taking the role (Royal Commission: Mount Kembla, 1903: 236). A range of witnesses gave positive evidence on check-inspectors at other mines (like the Corrimal Colliery), including instances where their concerns were endorsed by government inspectors (Royal Commission: Mount Kembla, 1903: 469). Nonetheless, the problems alluded to at Mount Kembla were by no means atypical. The Royal Commission (1903: lxii–lxiii) made several recommendations affecting check-inspectors including giving them access to mine plans.

Prior to these recommendations, the *Coal Mines Regulation Act 1902* already included major revisions to earlier legislation, followed by further amendments in 1904, 1905, 1908, 1910, 1912, 1913, 1917 and 1922. In 1904, General Rule 39 of section 47 of the *Coal Mines Regulation Act* was amended to remove the term 'working' proceeding 'miner', which meant check-inspectors no longer needed to be currently employed miners. This alteration enabled the appointment of district check-inspectors as officials paid by the union. Included in the 1913, amendment was a provision (s13 revising s36 of the 1912 Act) enabling a miners' representative to inspect a site where an accident or explosion had occurred. Following an earlier attempt in 1916, in 1918, the union pressed that check-inspectors be gazetted as departmental officers, that mine 'inspectors and check-inspectors' reports be posted at the surface, and that check-inspectors be furnished with all reports of accidents' (*Labor Call*, 5 December 1918: 1; *Sydney Morning Herald*, 5 December 1916: 8).

By this time, check-inspectors were integral to coalmining operations as well as incident investigations, commissions of inquiry and policy/legislative debates. In 1907, check-inspectors gave evidence to an inquiry into hazards associated with the electrification of coalmines and 4 years later contributed substantial evidence to an inquiry into the working of thick seams on the Maitland coalfield (*Maitland Mercury*, 4 August 1911: 2; 25 August 1911: 4; 11 September 1911: 8; *Newcastle Herald*, 12 October 1907: 5). The now-federated Miners' union had pushed for the latter inquiry but even when this was not the case check-inspectors provided evidence framed from a workers' perspective that was respected and exerted an increasing influence on proceedings/findings. District

check-inspectors, with wide-ranging experience of hazards, represented the union, as J Barnett did in the inquiry into an explosion at the Killingworth colliery on 7 December 1910, as well as assisting in resolving safety-related disputes (*Maitland Mercury*, 24 January 1912: 5; *Newcastle Herald*, 17 January 1912: 4).

Check-inspectors' routine activities, amounting to hundreds of mine-site visits each year, provided an important oversight of health and safety resulting in regular recommendations for improvements. Largely overlooked in most histories of mine safety, union records and newspaper reports contain copious evidence of this activity. For example, in March 1893, a roof fall at the Stockton Colliery led to a detailed exchange between government inspectors, the union, check-inspectors and management regarding a joint inspection to evaluate the mine's safety ultimately resulting in the construction of an additional egress (*Newcastle Herald*, 7 March 1893: 7). In the same month, current and ex-check-inspectors gave evidence to an arbitrated case at the Metropolitan mine at Helensburgh, arguing against the practice of paying a higher rate and using safety lamps to work in gassy areas of the mine (*Illawarra Mercury*, 25 March 1893: 4). In 1906, check-inspectors provided a detailed report on the state of the Sea Pit colliery following a subsidence (*Newcastle Herald*, 9 June 1906: 3–4). In 1909, two check-inspectors reported ventilation deficiencies at the Rosedale and Nundah collieries near Singleton resulting in a government inspector being called in (*Newcastle Herald*, 30 October 1909: 3). In 1917, Bulli miners asked the manager to cease work in an area following a report on the presence of flammable gas by the district check-inspector (*Advertiser*, 16 February 1917). Check-inspectors at Mount Kembla had not forgotten the 1902 disaster, withdrawing the men after identifying gas near coal-cutting machines in 1920 (*Age*, 9 July 1920: 8). Five years later, a joint government/check-inspector inspection of the Mount Kembla (extended) mine was organised after issues were raised by the district check-inspector Emery (*Illawarra Mercury*, 20 November 1925: 2). Similarly, the Chief Mines' Inspector visited to the South Maitland coalfields after district check-inspector J. Barnett prepared a detailed report identifying a serious danger of spontaneous combustion in three mines (*Workers Weekly*, 15 February 1924: 3). Check-inspector's reports were used to pursue safety issues at particular mines or more generally during Question Time in Parliament as well as debate over particular bills (see, for example, *South Coast Times*, 3 October 1924: 8; *Sydney Morning Herald*, 3 September 1924: 14). Check-inspectors also played a leading role in a safety conference at the Newcastle Trades Hall in February 1925, which communicated with British and US unions and requested copies of UK Royal Commission Reports. A district check-inspector was subsequently appointed the employee representative on a Royal Commission into safety in NSW coalmines (*Newcastle Herald*, 9 February 1925: 5; 24 June 1925: 8).

On 1 September 1923, 21 miners perished in an explosion at the Bellbird Colliery – the worst disaster in the Hunter Valley. As with most mine disasters, there were clear warning signals prior to the incident (Quinlan, 2014). Several victims expressed concerns to family members, Maurice Hyams telling his father he had detected gas and the mine could explode at 'any moment' given thickness coal dust. As before, there also were concerns about safety lamps with check-inspector testing at another mine (Scarborough) identifying eight defective lamps. Miners' representations in parliament ensured this evidence reached the public domain and reinforced the union's push for a

Royal Commission and more stringent legislation, including requiring rescue stations (*The Australian Worker*, 12 September 1923: 18). The union's Queensland representative (A Phillips) entered the fray, stating that he was astounded no respirators were available to rescuers (*Sydney Morning Herald*, 14 September 1923: 8). District check-inspectors from Newcastle (J Leeton and J Barnett) and the South Coast (G Emery) were prominent in advocating specific regulatory reforms, including establishing rescue stations (Beauchamp, 2011: 13). The *Mines Rescue Act (No. 3) 1925* mandated mine rescue stations for each district (funded by mine-owners) maintained by a Mine Rescue Committee consisting of the check-inspector and three to five mine-owner nominees (Charteris, 1927: 88).

Developments elsewhere in Australia

In most other Australian colonies/states in which coalmining occurred, legislation requiring workmen's inspectors followed along similar lines to NSW and for similar reasons. In Western Australia, the Collie Miners Association campaigned for check-inspectors from the late 1800s. In a provision similar to other jurisdictions, section 37 (collieries part) of the *Mines Regulation Act 1895* provided:

> The persons employed in a mine may, at their own cost, appoint two of their number to inspect the mine, and the persons so appointed shall be allowed once at least in every month to go to every part thereof, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings, and machinery; and the manager (who may if he thinks fit accompany them) and all persons in the mine shall afford every facility for such inspection, and the persons so appointed shall record the result of such inspection in a book kept at the mine for the purpose, and the report shall be signed by the persons inspecting.

Section 12 (General Part) of the same Act gave miner's a right to inspect, if they considered conditions unsafe and gave the manager 24-hour notice. In 1902, following extended debate, the *Coal Mines Regulation Act (1&2 Edward VII No. 25)* replaced the 1895 Act (*Kalgoorlie Miner*, 25 March 1902: 14; *Western Mail*, 15 February 1902: 14). Under its accompanying regulations, Rule 50 enabled persons at a mine to appoint, at their own expense, two of their number or any persons who were practical miners (but not mining engineers) to conduct inspections at least once a month. Written reports of inspections were to be kept in a book and if identifying any apprehended danger sent to the local government mines inspector forthwith. Similar to the *NSW Coal Mines Regulation Act 1896*, Rule 52 prohibited management interference in the appointment of check-inspectors and check-weighmen. Rule 7 gave miners a right of withdrawal if apprehending danger due to the presence of flammable gases. Found in other colonial laws like NSW, the right to withdraw from apprehended danger became a key principle of mine safety although exercising this right could prove difficult in practice as the Pike River mine disaster demonstrated (Quinlan, 2014). The *Coal Mines Regulation Amendment Act 1915* provided that check-inspectors were covered by the Mine Accident Relief Fund to which mine-owners had to contribute. This recognised that check-inspectors being funded by miners might not be employees of the mine but were still exposed to the same risks, if not more so given their need to visiting potentially dangerous areas.

We found no reports of check-inspector activity under the 1895 Act but this changed with the 1902 Act. In July 1902, miners at the Proprietary No. 2 mine struck over a ventilation problem, having not employed check-inspectors. As permitted under Rule 50, two check-inspectors from the No. 1 Proprietary Mine inspected the mine, reporting the deficiency had been rectified, and the men returned. The union criticised the miner's failure to appoint check-inspectors which had the support of the mine manage but who had been indisposed by an accident (*Southern Times*, 26 July 1902: 7). Two years later, Collie check-inspectors gave evidence on the use of explosives and the inadequacy of current ventilation standards to the Royal Commission into Ventilation and Sanitation in Mines (*Collie Miner*, 30 July 1904: 3; 6 August 1904: 3).

In Queensland, mine safety legislation initially covered both metalliferous and coalmines. As in the UK, NSW and Western Australia unions drove regulatory reforms from the 1880s, especially through parliamentarians like Thomas Glassey and David Gledson (Beauchamp, 2008: 1–21). After several failed attempts, Ipswich coalmines west of Brisbane established a permanent union in 1886 with Thomas Glassey (blacklisted Scottish union activist) as its founding secretary. In 1898 Glassey, now an MLA, called for check-inspector provisions like those in NSW in a Mining Bill then before parliament (*Queensland Times*, 1 December 1898). As a member of the Torbanlea mine-disaster, Royal Commission (Parliament of Queensland, 1900) Glassey pursued the issue. The Ipswich union also continued to agitate, sending a deputation to the Minister for Mines in June 1906 (*Gympie Times*, 19 June 1906: 3). Finally, the *Mines Regulation Act 1910 (1 Geo V 24)* empowered miners to elect persons to carry out inspections on their behalf; to view the mine's record book (section 9(4)); to inspect the scene of accidents (section 28(2)); to be notified by the mining warden of any inquiry into fatal accidents at the mine (section 31(2)); as well as to be notified of any special rules and lodge objections to them (sub-sections 51(2), (3) and (5)). Amendments in 1916 improved check-inspectors' access to materials (Mines Regulation Act Amendment Act, 1916). Further changes in 1920 empowered them to take temperature readings on a weekly basis (*Cairns Post*, 12 February 1920: 3). A 1921 amending Act specified check-inspectors had to be elected and could be removed from office by a two-thirds majority in a ballot.

Coalminer's son, union activist and possessing a mine-manager's certificate, David Gledson became secretary of what became the Queensland Colliery Employees Union in 1908 and was appointed district check-inspector in 1911. His successor ex-Lanarkshire coalminer and long-term union president Charles Kilpatrick visited not only West Moreton mines field but also those in central and north Queensland. Both undertook their district check-inspector activities without legislative provision as had occurred in NSW prior to 1904 (*Bowen Independent*, 3 July 1920: 6; Whitmore, 1991: 49–53).

Queensland check-inspectors undertook the same functions as their NSW counterparts. Kilpatrick represented the union at an inquiry into a fire that injured three miners at the Redbank Colliery in November 1919. Kilpatrick testified that he had visited the mine a day prior to the incident and noting an ignition with no evidence of gas had issued a warning because the circumstances were similar to those where another miner had been burned (*Daily Standard*, 20 January 1920: 6). In 1922, Kilpatrick and two managers jointly inspected the City Colliery following a complaint over ventilation by miners. As result a new fan was installed. Check-inspectors also prepared detailed reports for

biannual meetings of the Queensland union, identifying OHS trends and issues requiring attention. For example, the April 1919 report reviewed a spike in fatalities; summarised issues identified in 43 inspections, and foreshadowed regulatory improvements. Other reports provided evidence to support regulatory changes (*Daily Standard*, 21 April 1919: 3; 20 April 1920: 3; 18 April 1921: 3; *Queensland Times*, 17 April 1923: 7).

On 19 July 1921, an explosion at the Mount Mulligan coalmine North Queensland killed 75 – the third worst coalmine disaster in Australia after Mount Kembla (1902) and Bulli (1887). Kilpatrick now a Legislative Council member as well as check-inspector was one of three appointed to the Royal Commission. The Royal Commission: Mount Mulligan (1922) found neither government nor check-inspections had identified excessive coal dust, and mishandling/storage of explosives was the most likely source of ignition. The latter problem had been raised by miner's representatives during a prior inspection at the mine. The union had also previously called for more stringent regulation (Royal Commission: Mount Mulligan, 1922: 150–151). The Royal Commission examined remedies including the Ipswich District Rescue Brigade jointly operated by the union and coal-owners. A key outcome of the Royal Commission was recognition that coalmining involved distinctive hazards leading to the separate *Coal Mines Act 1925*. Section 70 of the Act gave miners' inspectors the power to suspend operations (Commonwealth of Australia, 1927). But appointment was still restricted to practical working miners at the mine and it was not until 1938 that a new section (70A) provided for district check-inspectors.

In Victoria, the *Coal Mines Regulation Act 1909* borrowed from NSW legislation and earlier colonial laws regulating metalliferous mines. Rule 56 required,

> The persons employed in a mine may from time to time appoint two of their number to inspect the mine at their workmen's own cost and notice of the inspection shall be sent to the mining manager within twenty-four hours of such inspection, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner or manager of the mine thinks fit, by himself or one or more officers of the mine, to go to every part of the mine, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings. Every facility shall be afforded by the owner and manager and all persons in the mine for the purpose of the inspection, and the persons appointed shall forthwith make a true report of the result of the inspection, and that report shall be recorded in a book to be kept at the mine by the mining manager for the purpose, and shall be signed by the persons who made the inspection, and if the report states the existence or apprehended existence of any danger the owner or manager shall forthwith cause a true copy of the report to be sent to the inspector of the district.

Despite union agitation, the 24-hour notice requirement was retained in the *Coal Mines Regulation Act 1915*. In 1920, a union deputation told the Minister for Mines miners' inspections were a farce because managers used the 24-hour notice to temporarily remedy ventilation issues during the inspection (*Queensland Times*, 23 February 1920: 6). The Victorian union also campaigned for regulatory recognition of district check-inspectors like those in NSW (*Age*, 18 December 1913: 15).

As elsewhere, a focus for activism was ventilation both from the perspective of health and explosions. In 1918, the union referred check-inspectors reports on ventilation at the Wonthaggi State Mine to the manager and Inspector of Mines. It also asked Labor

parliamentary representatives to pursue reforms to workers' compensation laws relating to dust-disease (*Age*, 5 March 1918: 8). In 1920, the union (now part of Coal and Shale Employees Federation) renewed pressure, criticising ventilation at Wonthaggi and pressing the Mines Minister for check-inspections without notice. The Minister promised to recommend a legislative remedy (*Argus*, 12 February 1920: 8). It did not happen. Check-inspectors withdrew miners after two men were injured in a gas explosion in July 1923 (*Age*, 10 July 1923: 11). Fires, fatalities and 'near-miss' incidents continued. In June 1925, another stop-work occurred when management refused to allow check-inspectors to accompany a mine inspector and in December the union took its case to an industrial tribunal (*Age*, 8 December 1925: 11; *Weekly Times*, 13 June 1925: 9). While concerns over ventilation continued the 1928, *Coal Mines Regulation Act* repeated the earlier provision (including 24-hour notice). Four miners died at Wonthaggi in 1931 but it was only in the wake of the 1937 explosion/fire (where 13 died) that legislation was amended in 1941 to establish a district check-inspector position and remove the 24-hour notice requirement.

As in Queensland, mine safety laws in Tasmania covered both coal and metalliferous mining though with separate coalmining provisions as in the *Mining Act 1905*. Section 23 of the *Mining Act Amendment Act 1911* empowered miners at a mine to elect two of their number (practical miners with 5 years of experience) to undertake inspections monthly (or sooner if conditions were considered unsafe) after giving 'reasonable notice', compile a report included in the mines records and forwarded to the inspector in cases of apprehended danger. Interference with the appointment/activities of workmen-inspectors was prohibited. Importantly, the *Mines and Work Regulation Act 1915* enabled miners to elect persons outside the mine. As in other states, debate and union campaigns were not only confined to safety but also diseases. In 1920, Tasmania expanded workers' coverage for miners' diseases, including pneumoconiosis or black lung (*Workers Compensation Amendment Act, 1920*). Western Australia followed suit with laws in 1922, 1924 and 1925.

Developments in New Zealand

In New Zealand, miners were given powers to appoint workmen-inspectors by the *Coal Mines Act 1886* in the wake of the 1879 Kaitangata disaster, when 34 miners died in a methane explosion. The provisions were similar to earlier British and NSW legislation. Importantly, the *1901 Coal Mines Amendment Act* (s3) empowered duly registered unions to appoint two check-inspectors to conduct monthly inspections who did not need to be employees of the mine. This effectively established district check-inspectors. Another amendment (*Coal Mines Act Amendment*, 1907, s13) required managers to notify both government and workmen-inspectors of any serious accident. As in Australia, check-inspectors were seen as a mechanism enabling miners to raise OHS issues without fear of victimisation. However, like HSRs more recently (Quinlan and Johnstone, 2009), they themselves could become targets. Between October and December 1913, 500 Huntly coalminers struck/were locked-out following the gaoling of goldminers (part of schism with the arbitration system). A number of union officials were dismissed including check-inspector J Patterson. The *Age* (30 October 1913) observed,

> The check inspector's duties were of the most responsible nature. If he carried out his duties as they should be carried out, he must necessarily clash with the management. Apparently, a clash took place, and he was told to go. In addition to the sacking of this official, who by the way, was also a union trustee, two other members of the union executive, Messrs. Ward and Smith, had been dismissed. (p. 10)

In January, a minority of miners – seemingly led by two men (Stewart and Dixon) acting as company agents formed a breakaway pro-arbitration union (one of several 'break-strike' unions) which appointed its own check-inspectors. On 12 September 1914, 43 miners died in a methane explosion/coal dust fire at Ralph's mine Huntly. The subsequent Royal Commission heard damning evidence from the government mine inspector R Bennie about management safety failings and the inactivity of breakaway union's check-inspectors appointed under management direction. Responding to a departmental query on 6 August 1914, one month prior to the disaster, Bennie wrote,

> I am of the opinion that to prosecute Mr. Fletcher, the mine-manager, for a breach of Special Rule 14 in the case of William Kelly, burnt by an ignition of gas in the company's mine on the 9th July last. I may fail to get a conviction, but the moral effect of such a prosecution will be to produce more effective supervision, the value of which we cannot foresee. In view of the alleged previous burnings by gas in the mines, apart from that of the 4th instant, which may be necessary to prosecute, I, as Inspector of Mines, received no help from the Miners' Union or their check-inspectors, who are, as at present constituted, the creation of the mining company's directors. I have had no complaints from the union officials or any one of its members, either written or verbal, for over twelve months past. I may say that there is very little carburetted-hydrogen gas found in the mine, but for some time past small quantities have been found and reported by the examining officers of the company. In view of that I have repeatedly requested that the roads in the mine where dry coaldust has accumulated should be adequately watered, and all shots fired in the mine to be fired by the fireman and deputy as required by Special Rule 25 {d). The manager has not complied as fully as I would like. (Royal Commission: Huntly, 1914: 90)

Bennie, who made a practice of always reading check-inspectors' reports as well as those of deputies, reiterated the failings of company-oriented check-inspectors in testimony to the Royal Commission (Huntley, 1914: 10, 30–35). Bennie identified other difficulties including having to prosecute the manager for not admitting a check-inspector (Fulton) because he was not an employee of the colliery. While mine-manager James Fletcher claimed he always dealt with problems raised by check-inspectors Bennie argued that he found these of a 'trivial nature' and since the change of union, check-inspectors no longer accompanied him during mine inspections (Royal Commission: Huntly, 1914: 38, 51–53). Mines Department Inspecting Engineer Frank Reed was also supportive of the check-inspector principle if not practice by 'break-strike' unions. Asked his views on permitting fortnightly rather than monthly inspections Reed stated,

> I would let them make it as often as they liked. I think they do good rather than harm. They relieve the Mines Department and the management of responsibility. (Royal Commission: Huntly, 1914: 13)

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Ex-check-inspector James Fulton (30 years of mining experience but now left a farm labourer) testified to a series of incidents involving gas in the mine as well as dusty and inadequately watered roadways (Royal Commission: Huntly, 1914: 144).

The Royal Commission considered ways to minimise management interference including one whereby miners would be appointed by the union but paid by the government similar to the European workmen-inspector model which received support from some miners like Fred Knapper (Royal Commission: Huntly, 1914: 151). However, it dismissed Bennie's evidence, ignored that of Fulton and made no comment on check-inspector practices, focusing its findings on excessive coal dust levels in the mine and recommending the immediate introduction of safety lamps.

The *Coal Mines Amendment Act 1915* revised the clause on miners' right to withdraw in situations of apprehended danger. Clause 48 empowered a union to appoint workmen-inspectors from its members (not necessarily those at a mine) at its own cost, able inspect mine workings once a fortnight or after receiving notice of danger from two or more men at the mine and notifying the manager in writing. Apprehending danger, they could request the manager to cease dangerous operations/practices. If refused, they could refer this to a government inspector who, if finding the request justified, prosecute the manager. These provisions were used. In February 1918, 300 Huntly miners withdrew until check-inspectors were satisfied their concerns over the presence of gas and fire were rectified (*Age*, 11 February 1918: 8).

In sum, New Zealand adopted a check-inspector model essentially identical to Australian coalmining, including the union paying them. The coalmining industry was smaller and more vulnerable to coal-owner attacks as the Huntly incidents demonstrated. Nonetheless, efforts by coal-owners to inhibit check-inspector activities followed a similar pattern, with genuine (i.e. not 'break-strike' union) check-inspectors using their powers and union backing to safeguard their members. These provisions survived until 1992 when, despite union opposition, they were removed in an overhaul of the country's OHS laws but the regime was reinstated after the 2010 Pike River mine disaster (Quinlan, 2014).

Key milestones in the acquisition of voice on safety and health in Antipodean coalmines

This account of the late 19th and early 20th century development and operation of statutory measures, allowing miners rights to inspect OHS in Australian and New Zealand coalmines, illustrates a number of features in common with other countries, especially the UK. A recent account shows a similar trajectory of development in the UK to that described in this article, with similar patterns of trade union agitation, first to initiate statutory provisions of workmen's inspectors and then for further reforms to strengthen their effectiveness (Walters and Quinlan, 2019). Taken together, with the present article, these accounts also show that such development in the Antipodes was not simply a case of transposition of practices from the UK. Rather, miners and their union representatives constructively engaged in shaping a system in which, through their representatives, their collective voice could be raised in resistance to their employers' exploitation of their health and safety. It further demonstrates that their efforts were stimulated by reactions to repeated incidents of multiple fatality mining disasters, which captured the attention

not only of the miners themselves but also of the communities in which they lived and which further indicated there was little faith in the efforts of the state regulatory inspectorate to adequately protect their safety and health.

While miners' campaigns for this form of representation of their OHS interests was by no means the only feature of regulatory reform to improve OHS in coalmines, historical evidence indicates that it was a significant element of these reforms. It is therefore curious that it appears to have been largely ignored in historical accounts.

The evidence shows that the original regulatory provisions, essentially similar to those in Britain suffered from the same limitations and that miners' efforts to improve them targeted these issues. Thus, in most Australian states and in New Zealand, as in the UK, the original measures required check-inspectors to be working miners – employed in the mines they were to inspect and that the miners resourced their activities themselves. They were also expressly forbidden to select individuals who held qualifications in mining engineering for this role. As this account makes clear, these restrictions were major challenges for check-inspectors' operations. First, it often meant that there were no resources available to implement their appointment. Second, even if appointed their freedom to undertake actions regarded unfavourably by mine-owners were inhibited by fears of repercussions/victimisation that would threaten their future livelihood. The same restrictions also effectively prevented unions from playing a significant role in the appointment and operation of the inspection system. As in the UK, these restrictions were contested by reformers and gradually overcome by changes to the original requirements allowing unions more freedom in the selection of check-inspectors and eventually facilitating the appointment of district inspectors as well as those in individual mines. It created a system that remains in place in Australian coalmines at the present time, and which research has demonstrated to be among the most effective forms of union representation on OHS in any country or sector (Walters et al., 2018).

A further demonstration of the engagement of the mining unions with resistance to employers around OHS is seen in their determination to secure the appointment of check-inspectors as union officers rather than support their appointment as functionaries of the state. This, and their capacity to resource these appointments especially that of district level inspection, was testimony to the increasing power and confidence of the coalmining unions in representing the interests of labour in dealing with capital in a sector that was, and remains, marked by an absence of trust and hostile labour relations (Walters et al., 2016a). Other labour relations procedures and institutions were also significant. In Australia and New Zealand, arbitration tribunals introduced from the 1890s provided an additional pivot point for campaigns by miners, especially in Australia because these bodies were not only confined to hearing evidence/making rulings on wages and hours, but also entered the terrain of working conditions, including health and safety, especially in the first decades of the 20th century. Miners used special inquiries established under the auspices of these bodies to leverage their campaigns on hours and other safety-related concerns, using check-inspector evidence, to fill gaps in state mine safety laws and reinforce the reform pressures arising out of royal commissions and parliamentary debates. Here again, the wider significance of these connections has largely gone unrecognised, as has the role of check-inspectors in them, helping to counter management influence and inspectorate/government expertise often unsympathetic to miners.

As the Australasian experience demonstrates, while resourcing was initially a barrier to check-inspectors' operation in coalmines once they were strong enough to provide the resources necessary and the regulatory reforms allowed, the coalmining trade unions soon turned this limitation to into a virtue and vigorously defended their 'ownership' of check-inspectors. Such an approach contrasts with that employed by the less well-resourced and organised unions in metalliferous mines in some Australian states like Queensland and Western Australia. These opted to support a model of workmen's inspectors apparently based on that used in France and Belgium, where, especially in the latter case, inspectors were elected by the miners but appointed and paid by the State as a subsidiary form of regulatory inspector.

The significance of this history to understandings of what makes for effective worker representation in OHS and its wider labour relations significance should not be overlooked. Research evidence concerning the effectiveness of current approaches to these matters is clear. Autonomous approaches displaying features supporting the 'knowledge activism' of worker representatives are strongly associated with effective OHS representation and consultation, both in mining and other sectors and countries (Hall et al., 2006, 2016; Walters et al., 2016b). Such 'knowledge activists', are typically embedded in the wider representational structures and practices of organised labour and blend a mix of technical, legal and representational skills and knowledge (supported by trade union training), in the effective representation of constituents' interests. Conventional wisdom has previously suggested effective worker involvement is more likely to happen with the active cooperation of employers/managers. However, research also shows such cooperation has become less forthcoming as the balance of power between labour and capital shifts and more unitary modes of managing worker engagement in OHS proliferate (see, e.g. Walters and Wadsworth, 2019). Under such circumstances, the presence and effectiveness of pluralist forms of collective representation on OHS seems fated to reduce. In contrast, recent studies in Australian coalmining (Walters et al., 2016a, 2016b) show that, notwithstanding deeply embedded labour relations hostility and strong corporate preference for behaviour-based approaches to OHS, trade union representation on OHS remains demonstrably effective. This research identifies several reasons for this effectiveness, including a strong legislative steer in which statutory provisions create two levels of worker representation on OHS in coalmines – mine-site and industry level union OHS representatives. Both are well-trained and highly competent and have extensive statutory rights – which as the current article has shown are of long-standing and deeply embedded in the culture of labour relations of coalmining in Australia. Furthermore, they are able to address serious risks because they do not operate as isolated individuals but with the strong and continuing support of their trade union both within and outside the workplace.

Examining history explains how and why this system came about and also indicates what is required for defending and extending such regimes to other sectors in the future. They require unions strongly engaged with OHS building representative and regulatory mechanisms so workers can represent their own interests as 'knowledge activists'.

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Author biographies

David Walters is Emeritus Professor in the School of Social Sciences at Cardiff University. His research interests are in employee representation and consultation on healthy and safety, the politics of health and safety at work, regulating health and safety management, chemical risk management at work and health and safety in small firms.

Michael Quinlan is Emeritus Professor of industrial relations in the School of Management at UNSW, Sydney and visiting professor in the Business School at Middlesex University, London. His major research interests are occupational health and safety and industrial relations history, especially how and why free and unfree labour are mobilised.