

## COAL MINES REGULATION (AMENDMENT) ACT.

### Act No. 23, 1960.

An Act to make further provision for the regulation and management of mines of coal and mines of shale; to amend the Coal Mines Regulation Act, 1912-1953; and for purposes connected therewith. [Assented to, 19th April, 1960.] Elizabeth II,  
No. 23, 1960.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1960". Short title and citation.

(2) The Coal Mines Regulation Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Coal Mines Regulation Act, 1912-1960.

**2.** The Coal Mines Regulation Act, 1912-1953, is amended— Amendment of Act No. 37, 1912.

(a) (i) by omitting from subsection one of section three the definition of "Dry and dusty place" (Interpretation of and by inserting in lieu thereof the following terms.) definition:—

"Dry and dusty place" includes any part in a mine, outside a radius of five yards from a working face, in which—

(a) all coal dust on the floor, roof and sides of that part is not so saturated naturally with water as to render such coal dust incapable of

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of being forced into suspension in the air by the concussion of a gas explosion or otherwise; and

(b) the coal dust on the floor, roof and sides of that part is ascertained in accordance with Regulation one hundred and fifty-seven of the Sixth Schedule to this Act to contain more than ten ounces of combustible volatile matter per thousand cubic feet of airway in or about that part and such coal dust is not diluted to the extent prescribed in paragraph eleven of General Rule 12B of section fifty-four of this Act.

(ii) by omitting from paragraph (c) of the definition of "Gassy place" in the same subsection the words "any mine or part of a mine which, on the thirtieth day of June, one thousand nine hundred and thirty-nine, was a safety-lamp mine within the meaning of that term as defined in the Coal Mines Regulation Act, 1912-1931" and by inserting in lieu thereof the words "any mine or part of a mine within the county of Camden or Cumberland";

(iii) by omitting from paragraph (f) of the same definition the words "which, on the thirtieth day of June, one thousand nine hundred and thirty-nine, was operating under naked light conditions";

**Sec. 5.**  
 (Daily  
 supervision  
 of mine by  
 manager or  
 under-  
 manager.)

(b) (i) by omitting from subsection one of section five the words "an under-manager" and by inserting in lieu thereof the words "one or more under-managers";

(ii) by inserting at the end of the same subsection the following new paragraph:—

Not more than one under-manager shall be nominated for any mine except with the approval of the Minister given on the recommendation of the chief inspector.

(iii)

(iii) by inserting next after subsection two of the **No. 23, 1960.** same section the following new subsection :—

(2A) Where, pursuant to subsection one of this section, two or more under-managers are nominated for any mine—

- (a) the owner or agent by whom the nomination was made shall, in the written notice sent to the inspector of the district pursuant to that subsection, specify—
  - (i) the part of the mine in respect of which each under-manager is appointed to be the under-manager; and
  - (ii) the name of the under-manager who, in the absence of the manager, is to have the same responsibilities and be subject to the same liabilities as the manager under this Act;
- (b) every under-manager shall have and may exercise and perform in respect of the part of the mine in respect of which he is appointed to be the under-manager all the powers, authorities, duties and functions conferred or imposed upon under-managers by or under this Act;
- (c) the under-manager referred to in subparagraph (ii) of paragraph (a) of this subsection shall, in the absence of the manager, have the same responsibilities and be subject to the same liabilities as the manager under this Act;
- (d) the owner or agent of the mine shall cause the boundaries between the parts of the mine for which different under-managers are appointed to be clearly marked in a manner approved by the inspector of the district.

(c)

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Sec. 54.  
(General  
rules.)Stretchers  
and first-  
aid  
equipment.Appoint-  
ment of  
first-aid  
attendants.Appoint-  
ment of  
first-aid  
officers.

(c) by omitting general rules thirty-five and 35A of section fifty-four and by inserting in lieu thereof the following general rules :—

*Rule 35.* Where persons are employed underground, ambulances or stretchers of a type for the time being approved by the chief inspector, together with such other first-aid equipment as the Minister, on the recommendation of the chief inspector, may specify by order published in the Gazette, shall be kept at and in a first-aid station in the principal districts of the mine, ready for immediate use in case of accident.

*Rule 35A.* The manager shall take all practicable steps to ensure that of the persons employed underground a sufficient number shall be the holders of current awards of proficiency in first-aid from a society or body approved by the Minister. The manager may designate any holder of any such current award as a first-aid attendant.

As far as practicable at least one of such first-aid attendants shall be included among the employees in each ventilating district of the mine.

In any other part of the mine one of such first-aid attendants shall be included in each group of thirty persons employed in such part.

Each first-aid attendant shall each day take into the ventilating district or other part of the mine in which he is employed in a suitable portable container such first-aid equipment as the Minister, on the recommendation of the chief inspector, may specify by order published in the Gazette.

A list of persons designated under this general rule as first-aid attendants shall be kept posted up in the first-aid room provided at the mine in accordance with general rule 35C of this section.

*Rule 35B.* At every mine at which more than thirty persons are employed, the manager shall designate one or more of the employees usually employed at the surface as a first-aid officer.

Such

Such first-aid officer shall hold a current award of No. 23, 1960, proficiency in first-aid from a society or body approved by the Minister.

The first-aid officer shall record on a form approved by the chief inspector in a book to be kept in the first-aid room provided at the mine in accordance with general rule 35C of this section details concerning each treatment rendered by him.

*Rule 35C.* The owner, agent or manager of a mine shall provide in the first-aid room at the surface of the mine, such furnishings, fittings, equipment and first-aid equipment as the Minister, on the recommendation of the chief inspector, may specify by order published in the Gazette.

(d) by inserting next after subsection three of section Sec. 56A. 56A the following new subsection :—

(Provisions  
as to  
travelling  
on haulage  
roads, etc.)

(3A) Locomotives shall not be used for the haulage of rolling stock in the face workings of any mine, including those places in those workings where shunting operations are carried out, unless there is provided on that side of the track work normally used by the shunter or other workmen, a clear space of not less than two feet between that side and the locomotives and rolling stock.

The chief inspector may for such reasons as appear to him sufficient and upon the written application of the owner, agent or manager of any mine exempt such mine or part thereof from the provisions of this subsection (subject to such conditions, if any, as the chief inspector deems fit), and any question as to whether such exemption has been unreasonably withheld shall be determined by the court on appeal being made thereto in the manner and within the time prescribed.

(e) (i) by omitting from subsection one of section Sec. 68. sixty-eight the words "twenty pounds" and by inserting in lieu thereof the words "one hundred pounds";

(ii) (General penalty.)

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- (ii) by omitting from the same subsection the words "two pounds" and by inserting in lieu thereof the words "twenty-five pounds";
- (iii) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds";

**Sixth Schedule.**

- (f) (i) by omitting regulation twenty-four of the Sixth Schedule;
- (ii) by inserting next after regulation two hundred and sixty of the same Schedule the following new regulation :—

261. The Minister, on the recommendation of the chief inspector, may grant exemption from compliance with any of the provisions of regulations two hundred and thirty-three to two hundred and sixty, both regulations inclusive, of this Schedule on the grounds of emergency or special circumstances for such time and to such extent and subject to such conditions as he may determine.

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**COUNTRY**