

**COAL MINES REGULATION (AMENDMENT)
ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 69, 1977.

An Act to amend the Coal Mines Regulation Act, 1912, in relation to the employment of certain persons in or about mines, the keeping of plans of mines and the rehabilitation of certain lands, and for certain other purposes. [Assented to, 20th September, 1977.]

BE

Coal Mines Regulation (Amendment).

BE 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:—

Short title. 1. This Act may be cited as the “Coal Mines Regulation (Amendment) Act, 1977”.

**Commence-
ment.** 2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of a Schedule, commence on the day on which that provision commences.

(3) Schedule 4 (1) and (2) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules. 3. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO SECTIONS 1 AND 3
OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 2.—AMENDMENTS TO PART I OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 3.—AMENDMENT TO PART II OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 4.—AMENDMENTS TO PART IIA OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 5.—AMENDMENTS TO PART III OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 6.—AMENDMENTS TO THE SCHEDULES TO
THE COAL MINES REGULATION ACT, 1912.

4. The Coal Mines Regulation Act, 1912, is amended in the manner set forth in Schedules 1–6.

Amend-
ment of
Act No. 37,
1912.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES
REGULATION ACT, 1912.

(1) (a) Section 1 (3)—

Omit the matter relating to Part I, Division 6,
insert instead :—

DIVISION 6.—*Prohibition of employment of
certain persons—ss. 41–43.*

(b) Section 1 (3)—

After the matter relating to Part II, insert :—

PART IIA.—OPEN CUT WORKINGS—s. 65B.

(c) Section 1 (3)—

From the matter relating to Part III, Division 2,
omit “81”, insert instead “80”.

(2) Section 3 (1), definition of “Inspector”—

Omit “or appointed under this Act; and in section
27 includes an inspector appointed under section 26
or section 26A”, insert instead “section 24”.

SCHEDULE

Coal Mines Regulation (Amendment).

Sec. 4.**SCHEDULE 2.****AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912.****(1) Section 7—**

Omit “, so that the fees do not exceed those specified in the Third Schedule”.

(2) Section 10 (4)—

Omit the subsection.

(3) Section 13 (2)—

Omit “, not exceeding four dollars,”.

(4) Section 18—

Omit “but not exceeding the fee specified in the Third Schedule,”.

(5) Section 22 (5)—

Omit “such electrician’s”, insert instead “that mine electrical engineer’s”.

(6) (a) Section 23 (1)—

Omit “subject to”, insert instead “under and subject to”.

(b) Section 23 (1)—

Omit “subject as aforesaid”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(7) Section 24 (3)—

Omit the subsection, insert instead :—

(3) The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint duly qualified persons to be inspectors of collieries.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(8) Section 26 (1)—

Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(9) Section 26A (1)—

Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(10) Section 29—

Omit “Minister, which report, when”, insert instead “chief inspector and those reports, as summarised by the chief inspector and”.

(11) (a) Section 35 (1)—

After “every mine”, insert “to which this subsection applies”.

(b) Section 35 (1B)–(1H)—

After section 35 (1A), insert :—

(1B) Subsection (1) applies—

(a) before 30th June, 1978, to every mine;
and

(b) as from 30th June, 1978, to mines
which the chief inspector has, under
subsection (1H), exempted from the
operation of subsection (1C).

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(1c) As from 30th June, 1978, the owner, agent or manager of a mine shall—

- (a) keep in the office at the mine a plan of the workings of the mine showing those workings up to a date not more than 3 months previously; and
- (b) at intervals of not more than 6 months, forward to the Under Secretary for Mines a tracing of that plan, showing the mine workings up to a date not more than 3 months previously and titled the “Mine Record Tracing”.

(1D) The chief inspector may cause to be published in the Gazette instructions, approved by the Surveyor-General, relating to the carrying out of surveys and the preparation of plans of workings of mines and may from time to time, by causing to be published in the Gazette further instructions approved by the Surveyor-General, amend or replace instructions or further instructions published under this subsection.

(1E) A plan referred to in subsection (1c) (a) and a tracing of a plan referred to in subsection (1c) (b) shall be prepared or brought up to date in accordance with instructions published pursuant to subsection (1D) and in force at the time that plan or tracing is prepared or brought up to date, as the case may be.

(1F) Any survey necessary to be carried out for the purposes of complying with this section shall be carried out in accordance with instructions published pursuant to subsection (1D) and in force at the time of that survey.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(1G) The Surveying and Drafting Instructions for Colliery Surveyors (Underground) published in Gazette No. 114 of 10th September, 1976, shall, as from the date of assent to the Coal Mines Regulation (Amendment) Act, 1977, be deemed to be instructions published pursuant to subsection (1D).

(1H) The chief inspector may exempt any mine from the operation of subsection (1C).

(c) Section 35 (2)—

Omit “such plan and section” where firstly occurring, insert instead “the plan of the workings of the mine required to be kept under this section”.

(d) Section 35 (2)—

Omit “such plan and section” where secondly occurring, insert instead “that plan”.

(e) Section 35 (2)—

Omit “the plan and section”, insert instead “that plan”.

(f) Section 35 (2)—

Omit “respectively”.

(g) Section 35 (2A)—

Omit “such plan and section”, insert instead “the plan of the workings of the mine required to be kept under this section”.

(h) Section 35 (2A)—

Omit “the plan and section”, insert instead “that plan”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(i) Section 35 (3)—

Omit “and section aforesaid”, insert instead “of the workings of the mine required to be kept under this section”.

(j) Section 35 (3)—

Omit “or section”.

(k) Section 35 (3)—

Omit “and section, showing the particulars hereinbefore required”, insert instead “of those workings, as is required to be kept under this section, or such a plan of part of those workings”.

(l) Section 35 (3)—

Omit “Every such plan must be on a scale of not less than 1:2000, or on the same scale as the plan for the time being in use at the mine.”.

(m) Section 35 (4)—

Omit “such plan and section to be made as hereby required”, insert instead “a plan to be made as required by the inspector under subsection (3)”.

(n) Section 35 (5)—

Omit “subsection (1A) of”.

(o) Section 35 (7)—

After section 35 (6), insert :—

(7) In this section, or wherever occurring in this Act in reference to a tracing required to be forwarded to the Under Secretary for Mines under this section, “tracing” includes a copy or reproduction.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(12) Part I, Division 6, heading—

Omit the heading, insert instead :—

DIVISION 6.—*Prohibition of employment of certain persons.*

(13) Sections 41, 42—

Omit the sections, insert instead :—

41. (1) Subject to subsection (2), no person under the age of 16 years shall be employed in or about a mine. Prohibition
of employ-
ment of
certain
persons.

(2) Male persons under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as probationers, trainee apprentices or indentured apprentices within the meaning of the Apprentices Act, 1969.

(3) No female person of any age shall be employed below ground in a mine unless—

- (a) she is employed in a position of management that does not require her to perform manual work;
- (b) she is employed in health or welfare services;
- (c) she is engaged in studies which require her to spend a period of training below ground in a mine; or
- (d) she is occasionally required to enter parts of a mine below ground on duties that do not require her to perform manual work.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.***Records of
employment.**

42. (1) The owner, agent or manager of a mine shall keep records indicating, in respect of persons under the age of 18 years employed or working in the mine below ground—

- (a) the dates of birth of those persons, duly certified wherever possible; and
- (b) the dates at which those persons were employed or worked in the mine below ground for the first time.

(2) The owner, agent or manager of a mine shall, on request—

- (a) make available to inspectors the records referred to in subsection (1); and
- (b) make available to representatives of persons who work at the mine lists showing the names of persons under the age of 18 years who are employed or work in the mine below ground and the dates recorded in respect of them pursuant to subsection (1).

(14) Section 43—

Omit “this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys”, insert instead “this Division”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENT TO PART II OF THE COAL MINES
REGULATION ACT, 1912.

Section 56B (4)—

Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 65B (2) (b)—

Omit the paragraph.

(2) Section 65B (2A), (2B), (2C), (2D), (2E), (2F)—

After section 65B (2), insert :—

(2A) In subsection (2B), “coal” means coal the right to mine for which is not affected by the provisions of the Coal Mining Act, 1973.

(2B) In subsections (2C) and (2D)—

(a) a reference to open cut workings is a reference to open cut workings wherein or whereby coal is being or is to be mined, whichever the context requires; and

(b) “rehabilitation” includes filling in excavations and reinstatement, levelling, regrassing, reforesting and contouring.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—continued.**AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—continued.**

(2C) Without prejudice to the generality of the provisions of subsection (2) (a), the Governor may make regulations for or with respect to the rehabilitation of land that is being or is to be used for open cut workings.

(2D) Regulations referred to in subsection (2C) may include provisions of the like nature as those included in section 38 and may make provisions for or with respect to—

- (a) the lodgment, with the prescribed person, by the owner, agent or manager of a colliery holding of plans and proposals relating to the rehabilitation of the land that is being or is to be used for open cut workings within that holding;
- (b) the approval by the prescribed person of plans and proposals referred to in paragraph (a) subject to such conditions, including conditions requiring the lodgment of bonds or other securities, as the prescribed person deems necessary and the revocation or variation of approvals;
- (c) the exemption, by the Minister, of any prescribed class or description of open cut workings, either absolutely or subject to conditions, from compliance with the regulations; and
- (d) the imposition of penalties, not exceeding \$2,000, or, in the case of continuing offences, not exceeding \$2,000 and \$100 for each day the offence continues, for

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

contravention of the regulations or failure to carry out proposals for rehabilitation as approved in accordance with the regulations.

(2E) Where, in respect of land that is being or is to be used for open cut workings on or in a colliery holding, the owner, agent or manager of that holding fails to comply with regulations made under subsection (2C), the Minister may, by notice in writing served on that owner, agent or manager either personally or by post, prohibit the operation of those open cut workings during such period as is specified in the notice, or, where no period is specified, until the Minister, by a notice in writing served on that owner, agent or manager either personally or by post, withdraws that prohibition.

(2F) If open cut workings are operated while a prohibition referred to in subsection (2E) is in force, the owner, agent or manager of the colliery holding on or in which those workings are situated is guilty of an offence against this Act and shall be liable, upon conviction, to a penalty not exceeding \$2,000 and, in the case of a continuing offence, a penalty not exceeding \$100 for each day the offence continues.

(3) Section 65B (3) (c)—

Omit the paragraph.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(4) Section 65B (5)—

Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Sec. 4.

SCHEDULE 5.

AMENDMENTS TO PART III OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 66—

Omit “1912”, insert instead “1960”.

(2) Section 81—

Omit the section.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 6.

Sec. 4.

**AMENDMENTS TO THE SCHEDULES TO THE COAL MINES
REGULATION ACT, 1912.**

(1) Third Schedule—

Omit the Schedule.

(2) (a) Eighth Schedule, Regulation 19 (a)—

After “every open cut working”, insert “to which
this subsection applies”.

(b) Eighth Schedule, Regulation 19 (b)—

After “Subsections”, insert “(1B), (1C), (1D),
(1E), (1F), (1H),”.

(c) Eighth Schedule, Regulation 19 (b)—

Omit “and (6)”, insert instead “, (6) and (7)”.

(d) Eighth Schedule, Regulation 27—

Omit the Regulation.