

MINES INSPECTION (AMENDMENT) ACT.

Act No. 46, 1958.

An Act to make further provision for the regulation and inspection of mines other than coal and shale mines; for this purpose to amend the Mines Inspection Act, 1901-1945; and for purposes connected therewith. [Assented to, 31st December, 1958.] Elizabeth II,
No. 46, 1958.

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:—

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1958". Short title
and
citation.

(2) The Mines Inspection Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Mines Inspection Act, 1901-1958.

2. (1) The Mines Inspection Act, 1901-1945, is amended— Amendment
of Act No.
75, 1901.

(a) (i) by omitting from subsection one of section four the definition of "Inspector" and by inserting in lieu thereof the following definition:— Sec. 4.
(Interpreta-
tion of
terms.)

"Inspector" means inspector of mines, including electrical inspector of mines, appointed under this Act, and includes the Chief Inspector of Mines and Senior Inspector of Mines.

(ii)

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(ii) by inserting in the definition of "Mine" in the same subsection after the word "treated" the words ", and any place whether adjoining thereto or not on which treatment and separation plants for the recovery and treatment of zircon, rutile, ilmenite, monazite and associated minerals are installed,";

(iii) by omitting from the definition of "Quarry" in the same subsection the words "or crushed" and by inserting in lieu thereof the words ", crushed or otherwise treated";

(iv) by inserting next after the definition of "Shaft" in the same subsection the following new definition :—

"Shale" means oil shale.

Sec. 4A.

(Application of certain provisions to dredges.)

New sec. 4B.

(b) by omitting subsection three of section 4A;

(c) by inserting next after section 4A the following new section :—

Proclamations.

4B. Any proclamation made under this Act may be amended, rescinded or substituted by a subsequent proclamation made in like manner as the proclamation being amended, rescinded or substituted.

Sec. 12.

(Penalty on unqualified person taking charge of machinery.)

(d) by omitting paragraph (b) of subsection three of section twelve and by inserting in lieu thereof the following paragraph :—

(b) boring machines, sinking pumps, electric motors not exceeding five horse power, air motors not exceeding twenty horse power, and air winches and air hoists not exceeding ten horse power when installed for raising or lowering supplies to underground working places (not being places where men are engaged in winze sinking or shaft sinking) and moving trucks at filling and emptying stations.

(e)

- (e) by omitting section twenty-nine and by inserting in lieu thereof the following section : —

Substituted
sec. 29.

29. Except in cases of emergency, no person other than an owner or a person acting in the management of the mine shall be employed below ground in any mine for more than eight consecutive hours at any time nor for more than forty-eight hours in any period of seven consecutive days, and every person employed below ground in any mine shall have at least one full day of twenty-four consecutive hours off work in any period of seven consecutive days.

Persons not
to be
employed
below
ground
more than
prescribed
periods.

- (f) by omitting section thirty-two and by inserting in lieu thereof the following section : —

Substituted
sec. 32.

32. (1) The Governor may appoint a Chief Inspector of Mines, a Senior Inspector of Mines, and such other qualified persons as inspectors of mines including electrical inspectors of mines as he may deem necessary.

Appointment
of inspectors.

(2) The person who immediately before the commencement of the Mines Inspection (Amendment) Act, 1958, was the Chief Inspector of Mines and all persons who immediately before such commencement were inspectors of mines shall be deemed to have been appointed under subsection one of this section.

(3) The Senior Inspector of Mines shall have and may exercise and discharge such of the powers, authorities, duties and functions as the Chief Inspector may from time to time, by writing under his hand, assign to him.

(4) The powers, authorities, duties and functions conferred or imposed by this Act upon inspectors may be exercised by electrical inspectors only in relation to the installation and use of electricity in a mine.

(5) (a) An inspector, not being an electrical inspector, shall be the holder of a certificate of competency or of service as manager granted under this Act or approved by the board of examiners of managers.

(b)

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(b) An electrical inspector shall be the holder of a degree, diploma or certificate in electrical engineering from the University of Sydney, the University of New South Wales, or other educational body approved by the Department of Mines or the holder of a certificate of competency as a mine electrician under the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, or a certificate recognized by the Department of Mines as equivalent thereto.

Sec. 33.
(Appointment
of districts.)

(g) by omitting from section thirty-three the words “, and may amend or rescind any such proclamation”;

Substituted
sec. 42A.

(h) by omitting section 42A and by inserting in lieu thereof the following section :—

Furnishing
of statistics,
returns, etc.

42A. (1) The owner of every mine, quarry, or dredge, and every other person carrying on mining, prospecting or other operations in connection therewith or purchasing metals, minerals or other products derived therefrom who may be called upon so to do, shall, at such times and in such manner as the Minister may require, furnish such statistics, returns, and other information as may be required and shall keep such records as may be necessary for the completion thereof.

(2) Any information required under this section in respect of any particulars supplied in or omitted from a return shall be furnished within such period as may be specified by the Under Secretary of the Department of Mines.

(3) Any officer of the Department of Mines or other person authorised in writing by the Minister shall at all times have full and free access to all mines, quarries or dredges and to all buildings, books, documents and other records relating to the production, treatment, disposal and purchase of metals, minerals or other products derived from any mine, quarry or dredge and may make extracts from or copies of such books, documents or records, and may

may make such investigations as he may consider proper in connection with the production, treatment, disposal and purchase of such metals, minerals or other products. No. 46, 1958.

(4) Statistics, returns and information obtained pursuant to this section shall be treated as confidential provided that the Minister may cause to be published or otherwise made available the results of such statistics, returns and information with respect to the whole of New South Wales or any portion thereof and such details furnished on an individual return (other than details relating to working expenses) as he may think fit.

(5) Any person who fails to comply with this section or who makes any return or supplies any information which is incomplete or false in any particular shall be guilty of an offence against this Act.

- (i) by inserting in subsection one of section 42B after the word "who" the words "for exploratory purposes"; Sec. 42B.
(Boreholes.)
- (j) (i) by omitting from subsection two of section sixty-seven the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds"; Sec. 67.
(Penalty for offences against Act.)
- (ii) by omitting from the same subsection the words "five pounds" where firstly occurring and by inserting in lieu thereof the words "twenty-five pounds";
- (iii) by omitting from the same subsection the words "five pounds" where secondly occurring and by inserting in lieu thereof the words "twenty pounds";
- (k) by omitting subsection three of section sixty-nine. Sec. 69.
(Summary proceedings for offences, fines, etc.)

STAMP