

MINES INSPECTION (AMENDMENT) ACT.

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 80, 1967.

An Act to make further provisions for the regulation and inspection of mines other than coal and shale mines; for this and other purposes to amend the Mines Inspection Act, 1901, as subsequently amended; and for purposes connected therewith. [Assented to, 14th December, 1967.]

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, 1967".
- (2) Short title, citation and commencement.

Mines Inspection (Amendment).

No. 80, 1967 (2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901–1967.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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

Sec. 2. (a) by omitting from the matter relating to Division 2 of Part II in section two the figures “18” and by inserting in lieu thereof the figures and letter “18A”;

Sec. 4. (b) (i) by omitting from subsection one of section four the definition of “High explosive”;

(ii) by inserting in the definition of “Inspector” in the same subsection after the words “Chief Inspector of Mines” the words “, Deputy Chief Inspector of Mines”;

(iii) by omitting from paragraph (b) of the definition of “Mine” in the same subsection the word “, boring”;

(iv) by omitting from the same subsection the definition of “The Minister”;

Sec. 5. (c) (i) by omitting from subsection two of section five the words “an inspector” and by inserting in lieu thereof the words “the Chief Inspector”;

(ii) by omitting from subsection three of the same section the words “or of service”;

(iii) by omitting from subsection five of the same section the words “an inspector” and by inserting in lieu thereof the words “the Chief Inspector”;

Sec. 8. (d) by omitting section eight;

(Grant of certificates of service as managers.)

(e)

Mines Inspection (Amendment).

- (e) by omitting from subsection two of section nine the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as manager"; **No. 80, 1967**
Sec. 9.
(Certificates granted outside New South Wales.)
- (f) by omitting from section ten the words "and service"; **Sec. 10.**
(Form of certificates.)
- (g) by omitting from section eleven the words "or service"; **Sec. 11.**
(Register of certificates.)
- (h) (i) by omitting from paragraph (a) of subsection one of section twelve the words "or of service"; **Sec. 12.**
(Penalty on unqualified person taking charge of machinery.)
- (ii) by inserting in the same subsection after the word "machinery" the words ", of a class or description prescribed for the purposes of paragraph (g) of subsection two of section thirteen of this Act,";
- (iii) by inserting in subsection two of the same section after the words "of any" the word "such";
- (iv) by omitting from paragraph (b) of subsection three of the same section the word "boring" and by inserting in lieu thereof the word "drilling";
- (i) (i) by omitting from paragraph (e) of subsection two of section thirteen the word "and"; **Sec. 13.**
(Board of examiners for engine-drivers.)
- (ii) by inserting at the end of paragraph (f) of the same subsection the word "and";
- (iii) by omitting from paragraph (g) of the same subsection the words "or service";
- (j) by omitting subsections three and four of section fourteen; **Sec. 14.**
(Grant of certificates to applicants on passing examination.)
- (k) by omitting section fifteen; **Sec. 15.**
(Certificates of service for engine-drivers.)
- (1)

Mines Inspection (Amendment).

- No. 80, 1967**
Sec. 16.
(Certificates granted outside of New South Wales.)
- (1) (i) by inserting in subsection one of section sixteen after the word "authority" the words "inside or";
- (ii) by omitting from subsection two of the same section the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as engine-driver";
- Sec. 17.**
(Certificates to contain particulars.)
- (m) by omitting from section seventeen the words "or service";
- Sec. 18.**
(Register of certificates.)
- (n) by omitting from section eighteen the words "or service";
- New sec. 18A.**
Medical examination of holders of certificates.
- (o) by inserting next after section eighteen the following new section :—
- 18A. (1) The holder of a certificate of competency as engine-driver granted under this Act or of a certificate approved by the board of examiners of engine-drivers (each of which certificates is referred to in this section as an "engine-driver's certificate") shall—
- (a) where the class or description of machinery specified in the engine-driver's certificate includes machinery by means of which men or materials are raised, lowered or hauled at any mine—
- (i) in the case of a person whose certificate was so granted or approved before the commencement of the Mines Inspection (Amendment) Act, 1967—within six months after that commencement and once in every two years after that period of six months; or
- (ii) in the case of a person whose certificate was so granted or approved after that commencement—once in every two years after the certificate was so granted or approved,

Mines Inspection (Amendment).

approved, and at such additional **No. 80, 1967**
 times (if any) as the Chief Inspector
 may direct by written notice sent to
 him at his last known address; or

(b) where the class or description of machinery
 specified in the certificate does not include
 machinery by means of which men or
 materials are raised, lowered or hauled at
 any mine—at such times (if any) as the
 Chief Inspector may direct by written notice
 sent to him at his last known address,

undergo a medical examination to be carried out
 by a medical practitioner and after the examination
 send to the Chief Inspector the medical practi-
 tioner's certificate (as at the date of the
 examination) as to the holder's physical fitness and
 sight, hearing and other faculties and specifying any
 disease, disability or defect from which the holder
 is suffering.

(2) Where—

- (a) the medical practitioner's certificate discloses
 that the holder of the engine-driver's certi-
 ficate is physically unfit in any way or that
 his sight, hearing or any other faculty is
 impaired; and
- (b) the Chief Inspector certifies to the Minister
 that he is of opinion that the holder of the
 engine-driver's certificate is not, by reason
 of the matters contained in the medical
 practitioner's certificate, able to perform
 his duties safely,

the Minister shall forthwith cancel the engine-
 driver's certificate.

(3)

Mines Inspection (Amendment).

No. 80, 1967

(3) Where the holder of an engine-driver's certificate neglects or fails to comply with any of the provisions of subsection one of this section, the Minister may suspend the certificate.

(4) The holder of an engine-driver's certificate that has been cancelled or suspended under this section shall, upon being notified by the Chief Inspector by written notice sent to him at his last known address, forthwith deliver up the certificate to the Chief Inspector.

(5) Where the engine-driver's certificate of a person has been suspended under subsection three of this section, a medical practitioner's certificate referred to in subsection one of this section and relating to that person is subsequently received by the Chief Inspector and—

- (a) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been suspended is able to perform his duties safely—the Minister shall remove the suspension of the engine-driver's certificate and the Chief Inspector shall, if it was delivered up to him, return it to the person, to whom it was granted, at his last known address; or
- (b) the Chief Inspector certifies to the Minister that he is of opinion that that person is not, by reason of the matters contained in the medical practitioner's certificate able to perform his duties safely—the Minister shall forthwith cancel the engine-driver's certificate.

(6)

Mines Inspection (Amendment).

(6) A person who holds or held an engine-driver's certificate and who neglects or fails to comply with any of the provisions of this section shall, whether or not the certificate has been suspended or cancelled under this section, be guilty of an offence against this Act. No. 80, 1967

- (p) by inserting in section nineteen after the word "Act" where firstly occurring the words "(not being an offence under section 18A of this Act)"; Sec. 19.
(Inquiry into conduct of manager and engine-driver, and cancellation of certificate in case of unfitness.)
- (q) (i) by inserting in subsection two of section twenty-one after the word "time," the words "in the case of a certificate cancelled in pursuance of section 18A of this Act, on the recommendation of the Chief Inspector, or, in the case of a certificate cancelled or suspended in pursuance of any other provision of this Act,"; Sec. 21.
(Record of cancellation of certificate; restoration in certain cases.)
- (ii) by omitting from the same subsection the words "any certificate which has been cancelled or suspended in pursuance of this Act" and by inserting in lieu thereof the words "the certificate";
- (r) by omitting from subsection one of section twenty-three the words "and service"; Sec. 23.
(Expenses in relation to certificates and application of fees.)
- (s) by omitting from paragraph (a) of section twenty-four the words "or service"; Sec. 24.
(Penalty for forgery of, or false declaration as to certificate.)
- (t)

Mines Inspection (Amendment).

No. 80, 1967

Sec. 32.

(Appoint-
ment of
inspectors.)

- (t) (i) by inserting in subsection one of section thirty-two after the word "Mines" where firstly occurring the words ", a Deputy Chief Inspector of Mines";
- (ii) by omitting from subsection three of the same section the words "The Senior" and by inserting in lieu thereof the words "The Deputy Chief Inspector of Mines and the Senior";
- (iii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the words "them respectively";
- (iv) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—

(a) An inspector, not being an electrical inspector or an inspector of mechanical engineering, shall be—

- (i) the holder of a certificate of competency as manager granted under this Act or approved by the board of examiners of managers; and
- (ii) the holder of a degree or diploma in mining engineering from the University of Sydney, the University of New South Wales or other educational body approved by the Department of Mines or a qualification recognised by the Department of Mines as equivalent to any such degree or diploma.

Sec. 38.

(Notices
and direc-
tions of
inspector to
be entered
in book.)

- (u) (i) by omitting from section thirty-eight the words "in which" and by inserting in lieu thereof the words "at which";
- (ii) by omitting from the same section the words "below ground" where firstly occurring;

(v)

Mines Inspection (Amendment).

- (v) (i) by omitting from subsection one of section No. 80, 1967
 forty-one the words "below ground within
 three months after the commencement of this
 Act" and by inserting in lieu thereof the words
 "within three months after the commencement
 of the Mines Inspection (Amendment) Act,
 1967,"; Sec. 41.
 (Plans to be
 furnished.)
- (ii) by omitting from the same subsection the
 word "so" where firstly occurring;
- (iii) by omitting from the same subsection the words
 "of not less than two chains" and by inserting
 in lieu thereof the words "showing a distance
 of not more than one hundred feet";
- (iv) by omitting from subsection four of the same
 section the words "whether any men are
 employed below ground or not";
- (v) by inserting next after subsection five of the
 same section the following new subsection :—

(6) Nothing in subsection one of this
 section requires the owner or manager of a
 mine to deposit any plan and sections, as
 mentioned in that subsection, if any plan and
 sections in respect of that mine, deposited
 before the commencement of the Mines
 Inspection (Amendment) Act, 1967, would,
 had the amendments made to that subsection
 by that Act been in force when the plan and
 sections were deposited, have complied with
 the provisions of that subsection.

- (w) by omitting from subsection three of section 42A
 the words "officer of the Department of Mines or
 other"; Sec. 42A.
 (Furnishing
 of statistics,
 returns,
 etc.)
- (x) by omitting from section 42B the word "borehole"
 wherever occurring and by inserting in lieu thereof
 the word "drillhole"; Sec. 42B.
 (Bore-
 holes.)

(y)

*Mines Inspection (Amendment).***No. 80, 1967**

Sec. 43.
 (Notice to
 be given of
 accidents
 in mines.)

(y) (i) by omitting from subsection one of section forty-three the words "shall, within twenty-four hours next" and by inserting in lieu thereof the words "shall—

(a) in the case of a personal injury, referred to in the foregoing provisions of this subsection, that, in the opinion of the owner or manager formed at the time of or within twenty-four hours next after the explosion or accident, is not of a serious nature and should not necessitate the absence from work of the person injured for more than fourteen consecutive days— within twenty-one days; or

(b) in any other case—within twenty-four hours,

next";

(ii) by inserting in subsection two of the same section after the word "injury" the words ", of which notice has been sent in pursuance of paragraph (b) of subsection one of this section,";

(iii) by inserting next after subsection (2A) of the same section the following new subsection :—

(2B) The owner or manager of a mine shall, within seven days of its coming to his knowledge that any person employed in or about the mine is suffering from silicosis, pneumoconiosis or any other pathological condition of the pulmonary organs, send notice in writing to the Chief Inspector that the person is so suffering.

(iv) by inserting in subsection three of the same section after the word "injured" the words ", or where a pathological condition results in
 the

Mines Inspection (Amendment).

the death of the person suffering from it and notice that the person is suffering from the condition is required to be sent under this section”;

(v) by omitting from the same subsection the words “an inspector” and by inserting in lieu thereof the words “the Chief Inspector”;

(z) (i) by omitting from subsection one of section fifty-eight the words “An inspector may by notice in writing require such rules (referred to in this Act as special rules) to be established” and by inserting in lieu thereof the words “The Governor may make such rules (referred to in this Act as special rules)”;

Sec. 58.
(Special
rules for
certain
mines.)

(ii) by inserting next after the same subsection the following new subsection :—

(1A) Subject to subsection four of this section, all special rules shall—

(a) be published in the Gazette;

(b) take effect from the date of publication, or from a later date to be specified therein; and

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the special rules have been laid before such House disallowing any special rule or part thereof, the special rule or part shall thereupon cease to have effect.

(iii)

Mines Inspection (Amendment).

No. 80, 1967

- (iii) by omitting from subsection two of the same section the words "Such special rules, when established, shall be signed by the Chief Inspector, and" and by inserting in lieu thereof the words "All special rules";
- (iv) by omitting from subsection three of the same section the word "established";
- (v) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) Any special rules in force immediately before the commencement of the Mines Inspection (Amendment) Act, 1967—

- (a) shall continue in force notwithstanding any amendments made by that Act;
- (b) shall be deemed to have been made by the Governor under this section as amended by that Act; and
- (c) may be amended, substituted or repealed by the Governor under this section, as so amended.

Sec. 59.
(Establishment of special rules.)

(aa) by omitting section fifty-nine;

Sec. 60.
(The Chief Inspector may object to special rules.)

(bb) by omitting section sixty;

Sec. 61.
(Amendment of special rule.)

(cc) by omitting section sixty-one;

(dd)

Mines Inspection (Amendment).

(dd) by omitting section sixty-two;

No. 80, 1967

Sec. 62.
(False statements, and neglect to transmit special rules.)

(ee) by omitting section sixty-three;

Sec. 63.
(Certified copy of special rules to be evidence.)

(ff) by omitting section sixty-four.

Sec. 64.
(Special rules made by the Governor.)

(2) Paragraph (a) of subsection five of section thirty-two of the Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, applies in respect only of an inspector appointed after the commencement of this Act.