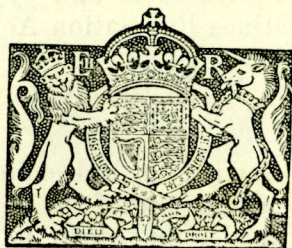


## New South Wales



ANNO SECUNDO

## ELIZABETHÆ II REGINÆ

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### Act No. 27, 1953.

An Act to make further provisions for the management and regulation of mines of coal and mines of shale; to enable provision to be made for the management and regulation of open cut workings; for these and other purposes to amend the Coal Mines Regulation Act, 1912-1947, and the Mining Act, 1906-1952; to validate certain matters; and for purposes connected therewith. [Assented to, 11th December, 1953.]

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*Coal Mines Regulation (Amendment).*

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**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:—

Short  
title and  
citation.

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1953".

(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, 1912-1953.

Amendment  
of Act  
No. 87,  
1912.

**2.** (1) The Coal Mines Regulation Act, 1912-1947, is amended—

Section 8.  
(Definitions.)

(a) (i) by inserting in subsection one of section three at the end of the definition of "Mine" the words "but does not include any open cut working";

(ii) by inserting in the same subsection immediately before the definition of "Owner" the following new definition:—

"Open cut working" includes any place or excavation wherein or whereby any operation is carried on above or on the ground for or in connection with the purpose of obtaining any coal or shale from any open cut working, and any place adjoining thereto on which any product of such place or excavation is stacked, stored, cleaned, treated or crushed, and all the works, tramways, railways and sidings in and adjacent to and belonging to the open cut working;

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

(1A) Where in the Mines Rescue Act, 1925, the Mine Subsidence Act, 1928-1951, the



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*Coal Mines Regulation (Amendment).*

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the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, or any other Act, or any by-law, regulation, rule, or any other instrument or document whatsoever, a reference to a mine would, but for the amendment of the definition of "mine" in subsection one of this section made by the Coal Mines Regulation (Amendment) Act, 1953, include an open cut working, such reference shall notwithstanding the said amendment be read and construed as including an open cut working.

(b) by inserting next after section 65A the following new Part:—

New Part  
IIA.

PART IIA.

OPEN CUT WORKINGS.

65B. (1) The Governor may make regulations providing that such of the provisions of this Act, the general rules set out in section fifty-four of this Act, the Schedules to this Act and the regulations under this Act—

Open cut  
workings—  
regulations  
relating  
thereto.

(a) as may be specified in such regulations, and

(b) as may be so specified and modified and adapted as the Governor deems necessary for the purpose,

shall apply, mutatis mutandis, to and in respect of open cut workings.

(2) (a) When any matter whatsoever involved in or connected with the regulation, management, control, working and operation of open cut workings has not been dealt with by any such provision the Governor may in respect of any such matter make such regulations as he may deem necessary.

(b) Without prejudice to the generality of the provisions of paragraph (a) of this subsection regulations may be made for and with respect to the replacement of surface soil

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*Coal Mines Regulation (Amendment).*

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soil and strata removed from, and the surface restoration of, open cut workings. Any such regulations may include such provisions of the like nature as those included in section thirty-eight of this Act as the Governor may deem necessary.

(3) The regulations made under this section—

- (a) may specify the provisions referred to in subsection one of this section by reference to sections, subsections, paragraphs, subparagraphs, general rules or regulations or in any manner whatsoever;
- (b) shall be in the form of a Schedule to be inserted in this Act;
- (c) be thereafter printed by the Government Printer as a Schedule to this Act in any reprint thereof under the Amendments Incorporation Act, 1906; and
- (d) have the same force and effect as if originally inserted in this Act.

(4) Regulations under this section may apply to all open cut workings generally, to specified classes of open cut workings or to all classes of open cut workings other than those specified.

(5) The provisions of subsection four of section 56B of this Act shall apply to and in respect of regulations made under this section.

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

**3.** The Coal Mines Regulation Act, 1912-1947, is further amended—

- (a) (i) by omitting from subsection two of section 5A the words "After the thirty-first day of December, one thousand nine hundred and twenty-six";

(ii)



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*Coal Mines Regulation (Amendment).*

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- (ii) by omitting paragraph (b) of the same subsection;
- (b) (i) by omitting from subsection one of section six the word "six" and by inserting in lieu thereof the words "the following";
- (ii) by inserting at the end of paragraph (f) of the same subsection the following word and new paragraph:—

Section-6.  
(Certificates  
of com-  
petency.)

"and

- (g) certificates of fitness to operate electric locomotives or locomotives of the compression ignition type";
- (iii) by inserting at the end of the same subsection the following proviso and new subsection:—

Provided that for a period of three years from the day upon which the assent of Her Majesty to the Coal Mines Regulation (Amendment) Act, 1953, is signified this subsection in its application to an applicant for a first, second or third-class certificate of competency who, during the war between His Late Majesty King George VI and Germany and her Allies which commenced on the third day of September, one thousand nine hundred and thirty-nine, had not less than twelve months service in the naval, military or air forces of His Late Majesty King George VI, shall be read as if all words commencing with the words "five years" down to and including the words "or certificate" were omitted therefrom and the words "three years" were inserted in lieu thereof.

(1A) (a) The Minister may grant certificates of competency to any person to operate an electric locomotive or a locomotive of the compression ignition type. Any such certificate shall not be granted unless the applicant therefor has satisfied examiners appointed

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*Coal Mines Regulation (Amendment).*

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appointed by the board constituted under this section by a suitable oral examination and practical test or such other examination as may be prescribed by the said board as to his qualifications, and has furnished a certificate from a duly qualified medical practitioner that he is not wholly or partially deaf, that his sight is not defective and that he is not subject to fits, giddiness or other infirmity likely to interfere with the efficient discharge of his duties.

(b) A Special Electric Motor Driver's Certificate of Competency (Coal or Shale Mines) issued or purporting to have been issued under the Mines Inspection Act, 1901-1945, before the commencement of the Coal Mines Regulation (Amendment) Act, 1953, shall be deemed to be a certificate of competency to operate an electric locomotive and shall have the same effect as a certificate of competency to operate an electric locomotive granted under paragraph (a) of this subsection.

A Special Diesel Locomotive Driver's Certificate of Competency (Coal or Shale Mines) issued or purporting to have been issued under the Mines Inspection Act, 1901-1945, before such commencement, shall be deemed to be a certificate of competency to operate a locomotive of the compression ignition type and shall have the same effect as a certificate of competency to operate a locomotive of the compression ignition type granted under paragraph (a) of this subsection.

The provisions of this Act applicable to certificates of competency granted under paragraph (a) of this subsection shall apply to and in respect of such special certificates.

(c)



*Coal Mines Regulation (Amendment).*

- (c) The provisions of paragraph (a) of this subsection shall have effect notwithstanding the provisions of subsection one of this section or paragraph eight of the Second Schedule to this Act.
- (c) by inserting in subsection two of section ten after the word "competency" where secondly occurring the words "as winding-engine drivers"; Section 10.  
(Certificates of competency as winding-engine driver. Examinations.)
- (d) by inserting next after subsection one of section thirteen the following new subsection:— Section 13.  
(Engine-drivers' certificates granted outside New South Wales).
- (1A) Any certificate of competency or service to operate an electric locomotive or locomotive of the compression ignition type granted by any duly constituted and recognised authority outside New South Wales may be approved by the board constituted under subsection two of section six of this Act if the holder produces the same and gives satisfactory evidence to such board of his sobriety, general good conduct and bona fides.
- (e) by omitting paragraph (i) of general rule 5A of section fifty-four and by inserting in lieu thereof the following paragraphs:— Section 54.  
General Rule 5A.  
(Internal combustion engines underground.)
- (i) unless he is the registered holder of a certificate of competency to operate a locomotive of the compression ignition type granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such certificate by virtue of paragraph (b) of the said subsection and is at least twenty-one years of age;
- (ia) unless he is the holder of a permit issued by the Minister, upon the recommendation of the chief inspector and application in writing by the owner, agent or manager of the mine, and is in the opinion of the Minister competent to operate a locomotive of the compression  
ignition

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*Coal Mines Regulation (Amendment).*


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ignition type, and operates such locomotive in accordance with any conditions the Minister may impose in such permit; or

Seventh  
Schedule.  
Regulation  
98 (11).

- (f) by omitting sub-paragraph (a) of paragraph (11) of regulation ninety-eight of the Seventh Schedule and by inserting in lieu thereof the following sub-paragraph:—

- (a) unless he is the registered holder of a certificate of competency to operate an electric locomotive granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such certificate by virtue of paragraph (b) of the same subsection and is at least twenty-one years of age.

Further  
amendment  
of Act No. 37,  
1912.  
Substituted  
section 34.

**4. (1)** The Coal Mines Regulation Act, 1912-1947, is further amended—

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

Returns  
by owner,  
agent or  
manager  
of mine.

34. (1) Where the owner, agent or manager of a mine, or any other person carrying on any operation in connection therewith is called upon so to do, he shall at such times and in such manner as the Minister may require, furnish such statistics, returns and other information relating to the operation of such mine 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 for Mines.

(3) Any officer of the Department of Mines, or other person holding a position in the Public Service and authorised in writing by the Minister, shall at all times have full and free access



*Coal Mines Regulation (Amendment).*

access to all mines, and to all buildings, books, documents and other records relating to the production and distribution of coal, shale or other material won or produced from any mine, and may make extracts from or copies of such books, documents or records, and may make such investigations as he may consider proper in connection with the production or distribution of such coal, shale or other material.

(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 any requirement made under this section or who makes any return or supplies any information which is false in any particular or who obstructs any officer or other person in the exercise of any power conferred by subsection three of this section shall be liable to a penalty not exceeding fifty pounds.

- (b) (i) by inserting at the end of subsection one of section thirty-five the following new paragraph:—

Section 35.  
(Plan of  
mine to be  
kept at  
office.)

Unless the Under Secretary for Mines otherwise determines, the plan required to be kept in the office at the mine under this subsection shall show a fixed datum on the surface near the mine entrance related to standard datum and reduced levels at points not more than five chains apart on the floor of each seam being worked in all accessible underground workings.

(ii)

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*Coal Mines Regulation (Amendment).*

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(ii) by omitting subsections five and six of the same section and by inserting in lieu thereof the following subsections:—

(5) Every tracing required to be forwarded to the Under Secretary for Mines under subsection (1A) of this section shall be deposited in the principal office of the Department of Mines and, except as evidence in a court or with the consent in writing of the owner of the mine, no copy thereof shall be furnished and no information in relation thereto shall be given:

Provided that, if the Minister considers that in the public interest the circumstances so warrant, he may, subject to such conditions or restrictions as he thinks fit, grant permission for a copy of such tracing or part thereof or for information in relation thereto to be supplied to any person.

(6) Every officer in the Public Service, and every person who is supplied with any copy or information under the authority of this section, shall preserve and aid in preserving secrecy with regard to such copy or information, and shall not allow any other person to inspect such copy, and shall not divulge any such information to any other person, otherwise than by the authority of this section or under the authority of a court of competent jurisdiction.

Any person who contravenes or fails to observe the provisions of this subsection shall be liable to a penalty not exceeding one hundred pounds.

**Section 35A.**  
(Plans to be  
furnished.)

(c) (i) by omitting from subsection one of section 35A the words "on a scale that will clearly define the area showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine" and by inserting in lieu thereof



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*Coal Mines Regulation (Amendment).*

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thereof the words "of the freehold and leasehold lands held by the owner of such mine and within the colliery holding of such mine on a scale which will clearly define such lands";

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsections:—

(2) (a) Within three months after any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of freehold or leasehold lands the owner, agent or manager shall furnish to the Under Secretary for Mines a plan of such lands and in the case of acquisition of any such lands a schedule of particulars of title of the lands so acquired.

(b) Where upon any variation in a colliery holding the lands acquired or disposed of comprise the whole of a Department of Lands or Department of Mines measured portion or a subdivision portion of a deposited plan registered at the office of the Registrar General a description of the area may be substituted for the plan.

(3) The Under Secretary for Mines shall cause to be kept a register of the freehold and leasehold lands within colliery holdings plans and particulars of title of which have been furnished to him under subsection one of this section either before or after the commencement of the Coal Mines Regulation (Amendment) Act, 1953.

Such register shall record any variations of freehold and leasehold lands within a colliery holding in respect of which plans have been furnished to the Under Secretary for Mines under subsection two of this section before such commencement.

The

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*Coal Mines Regulation (Amendment).*


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The Under Secretary for Mines shall—

- (a) upon any plans or descriptions being furnished to him in pursuance of subsection two of this section;
- (b) upon the termination of any lease granted under the Mining Act, 1906-1952, of any lands within a colliery holding;

amend the register in such manner as may be necessary to record such matters.

Section 39.  
(Plan of  
abandoned  
mine or  
seam  
to be sent to  
Minister.)

- (d) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection:—

(2) The plan and section shall be preserved under the care of the Minister and no person other than an officer of the Department of Mines shall be entitled to see such plan and section or be supplied with any copy thereof or of any part thereof or information in relation thereto without the permission of the Under Secretary for Mines.

Fourth  
Schedule.  
(Conse-  
quential.)

- (e) by omitting the Fourth Schedule.

(2) The amendments made by paragraphs (a) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act  
No. 46, 1906.  
Sec. 70E.  
(Protection  
of land in  
certain  
colliery  
holdings.)

5. The Mining Act, 1906-1952, is amended by omitting from subsection one of section 70E the words “upon any land included in or added to any colliery holding, a plan of which showing the freehold and leasehold lands held by the owner of the colliery and comprising the colliery holding has” and by inserting in lieu thereof the words “upon the freehold or leasehold lands held by the owner of such colliery and within such colliery holding a plan and particulars of title of which lands have”.

6.



*Coal Mines Regulation (Amendment).*

**6.** (1) The Coal Mines Regulation Act, 1912-1947, is further amended—

Further amendment of Act No. 37, 1912, Section 56B. (Power to Governor to make regulations.)

(a) (i) by inserting next after paragraph (a) of subsection one of section 56B the following new paragraph:—

(ai) make regulations inserting in section fifty-four of this Act or in the Fifth, Sixth or Seventh Schedule to this Act, general rules or regulations, as the case may be, relating to any or all of the matters with respect to which the Governor is empowered to make regulations under the subsequent provisions of this subsection;

(ii) by inserting in paragraph (d) of the same subsection before the word “prescribing” the words “make regulations”;

(b) by inserting next after section 79B the following new section:—

New section 79c.

79c. (1) Any person who proposes to drill a borehole or extend an existing borehole for the purpose of proving coal or oil shale shall before commencing the work, notify the chief inspector of his intention and furnish to him particulars of the location of the borehole, and shall also either before or after commencing the work furnish such additional particulars in relation to the borehole as the chief inspector may require.

Boreholes for proving coal or oil shale at depth.

(2) Where, in the course of drilling any such borehole, a core is obtained, such core (other than material therefrom required for purposes of analysis) or if no core is so obtained, samples of the material obtained, shall be labelled and preserved by such person for at least one year after the completion of the borehole in such manner as the chief inspector may direct:

Provided that no samples need be kept where the borehole is sunk in surface gravel or alluvial ground:

Provided

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*Coal Mines Regulation (Amendment).*

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Provided further that, before disposing of any core or samples after the expiry of a year, at least two weeks' notice thereof shall be given by such person to the chief inspector.

(3) Cores and samples preserved by any person as aforesaid shall at all times be available for examination by the Government Geologist, a Geologist of the Department of Mines, or an inspector, or any other officer authorised in that behalf by the Minister, and may be taken for purposes of analysis or other examination, but no information obtained as a result of such analysis or examination shall be published without the consent of such person unless the Minister sees fit to direct otherwise.

(4) This section shall not apply in respect of bores put down to determine the extent of the overburden and the thickness and quality of coal for the purpose of open cut workings where the occurrence of coal seams has previously been proved.

(5) Any person who fails to act in compliance with this section or with any direction given thereunder shall be guilty of an offence against this Act.

Section 81.  
(Applica-  
tion of  
Amend-  
ments  
Incorpora-  
tion Act,  
1906.)

- (c) (i) by inserting in subsection one of section eighty-one after the word "Where" the words "any general rule is, by regulation made pursuant to this Act, inserted in section fifty-four of this Act, or where";
- (ii) by inserting in the same subsection after the word "including" the words "the general rule as so inserted and".

(2) The amendments made by paragraphs (a) and (c) of subsection one of this section shall be deemed to have commenced upon the twenty-seventh day of August, one thousand nine hundred and forty-eight.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1953.









*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**H. ROBBINS,**  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 2 December, 1953.*

## **New South Wales**



ANNO SECUNDO

**ELIZABETHÆ II REGINÆ**

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### **Act No. 27, 1953.**

An Act to make further provisions for the management and regulation of mines of coal and mines of shale; to enable provision to be made for the management and regulation of open cut workings; for these and other purposes to amend the Coal Mines Regulation Act, 1912-1947, and the Mining Act, 1906-1952; to validate certain matters; and for purposes connected therewith. [Assented to, 11th December, 1953.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

**G. BOOTH,**  
*Chairman of Committees of the Legislative Assembly.*



*Coal Mines Regulation (Amendment).*

**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:—

Short  
title and  
citation.

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1953".

(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, 1912-1953.

Amendment  
of Act  
No. 37,  
1912.

**2.** (1) The Coal Mines Regulation Act, 1912-1947, is amended—

Section 3.  
(Definitions.)

(a) (i) by inserting in subsection one of section three at the end of the definition of "Mine" the words "but does not include any open cut working";

(ii) by inserting in the same subsection immediately before the definition of "Owner" the following new definition:—

"Open cut working" includes any place or excavation wherein or whereby any operation is carried on above or on the ground for or in connection with the purpose of obtaining any coal or shale from any open cut working, and any place adjoining thereto on which any product of such place or excavation is stacked, stored, cleaned, treated or crushed, and all the works, tramways, railways and sidings in and adjacent to and belonging to the open cut working;

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

(1A) Where in the Mines Rescue Act, 1925, the Mine Subsidence Act, 1928-1951, the



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*Coal Mines Regulation (Amendment).*

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the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, or any other Act, or any by-law, regulation, rule, or any other instrument or document whatsoever, a reference to a mine would, but for the amendment of the definition of "mine" in subsection one of this section made by the Coal Mines Regulation (Amendment) Act, 1953, include an open cut working, such reference shall notwithstanding the said amendment be read and construed as including an open cut working.

(b) by inserting next after section 65A the following New Part IIA.  
new Part:—

PART IIA.

OPEN CUT WORKINGS.

65B. (1) The Governor may make regulations Open cut workings—regulations relating thereto. providing that such of the provisions of this Act, the general rules set out in section fifty-four of this Act, the Schedules to this Act and the regulations under this Act—

(a) as may be specified in such regulations, and

(b) as may be so specified and modified and adapted as the Governor deems necessary for the purpose,

shall apply, *mutatis mutandis*, to and in respect of open cut workings.

(2) (a) When any matter whatsoever involved in or connected with the regulation, management, control, working and operation of open cut workings has not been dealt with by any such provision the Governor may in respect of any such matter make such regulations as he may deem necessary.

(b) Without prejudice to the generality of the provisions of paragraph (a) of this subsection regulations may be made for and with respect to the replacement of surface soil



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*Coal Mines Regulation (Amendment).*


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soil and strata removed from, and the surface restoration of, open cut workings. Any such regulations may include such provisions of the like nature as those included in section thirty-eight of this Act as the Governor may deem necessary.

(3) The regulations made under this section—

- (a) may specify the provisions referred to in subsection one of this section by reference to sections, subsections, paragraphs, subparagraphs, general rules or regulations or in any manner whatsoever;
- (b) shall be in the form of a Schedule to be inserted in this Act;
- (c) be thereafter printed by the Government Printer as a Schedule to this Act in any reprint thereof under the Amendments Incorporation Act, 1906; and
- (d) have the same force and effect as if originally inserted in this Act.

(4) Regulations under this section may apply to all open cut workings generally, to specified classes of open cut workings or to all classes of open cut workings other than those specified.

(5) The provisions of subsection four of section 56B of this Act shall apply to and in respect of regulations made under this section.

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

**3.** The Coal Mines Regulation Act, 1912-1947, is further amended—

Further  
amendment  
of Act  
No. 37, 1912.  
Section 5A.  
(Deputies  
and  
shotfirers.)

- (a) (i) by omitting from subsection two of section 5A the words "After the thirty-first day of December, one thousand nine hundred and twenty-six";

(ii)



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*Coal Mines Regulation (Amendment).*

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- (ii) by omitting paragraph (b) of the same subsection;
- (b) (i) by omitting from subsection one of section six the word "six" and by inserting in lieu thereof the words "the following"; Section 6.  
(Certificates of competency.)
- (ii) by inserting at the end of paragraph (f) of the same subsection the following word and new paragraph:—
  - "and
  - (g) certificates of fitness to operate electric locomotives or locomotives of the compression ignition type";
- (iii) by inserting at the end of the same subsection the following proviso and new subsection:—

Provided that for a period of three years from the day upon which the assent of Her Majesty to the Coal Mines Regulation (Amendment) Act, 1953, is signified this subsection in its application to an applicant for a first, second or third-class certificate of competency who, during the war between His Late Majesty King George VI and Germany and her Allies which commenced on the third day of September, one thousand nine hundred and thirty-nine, had not less than twelve months service in the naval, military or air forces of His Late Majesty King George VI, shall be read as if all words commencing with the words "five years" down to and including the words "or certificate" were omitted therefrom and the words "three years" were inserted in lieu thereof.

(1A) (a) The Minister may grant certificates of competency to any person to operate an electric locomotive or a locomotive of the compression ignition type. Any such certificate shall not be granted unless the applicant therefor has satisfied examiners appointed



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*Coal Mines Regulation (Amendment).*

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appointed by the board constituted under this section by a suitable oral examination and practical test or such other examination as may be prescribed by the said board as to his qualifications, and has furnished a certificate from a duly qualified medical practitioner that he is not wholly or partially deaf, that his sight is not defective and that he is not subject to fits, giddiness or other infirmity likely to interfere with the efficient discharge of his duties.

(b) A Special Electric Motor Driver's Certificate of Competency (Coal or Shale Mines) issued or purporting to have been issued under the Mines Inspection Act, 1901-1945, before the commencement of the Coal Mines Regulation (Amendment) Act, 1953, shall be deemed to be a certificate of competency to operate an electric locomotive and shall have the same effect as a certificate of competency to operate an electric locomotive granted under paragraph (a) of this subsection.

A Special Diesel Locomotive Driver's Certificate of Competency (Coal or Shale Mines) issued or purporting to have been issued under the Mines Inspection Act, 1901-1945, before such commencement, shall be deemed to be a certificate of competency to operate a locomotive of the compression ignition type and shall have the same effect as a certificate of competency to operate a locomotive of the compression ignition type granted under paragraph (a) of this subsection.

The provisions of this Act applicable to certificates of competency granted under paragraph (a) of this subsection shall apply to and in respect of such special certificates.

(c).



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*Coal Mines Regulation (Amendment).*

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- (c) The provisions of paragraph (a) of this subsection shall have effect notwithstanding the provisions of subsection one of this section or paragraph eight of the Second Schedule to this Act.
- (c) by inserting in subsection two of section ten after the word "competency" where secondly occurring the words "as winding-engine drivers"; Section 10.  
(Certificates of competency as winding-engine driver. Examinations.)
- (d) by inserting next after subsection one of section thirteen the following new subsection:— Section 13.  
(Engine-drivers' certificates granted outside New South Wales).
- (1A) Any certificate of competency or service to operate an electric locomotive or locomotive of the compression ignition type granted by any duly constituted and recognised authority outside New South Wales may be approved by the board constituted under subsection two of section six of this Act if the holder produces the same and gives satisfactory evidence to such board of his sobriety, general good conduct and bona fides.
- (e) by omitting paragraph (i) of general rule 5A of section fifty-four and by inserting in lieu thereof the following paragraphs:— Section 54.  
General Rule 5A.  
(Internal combustion engines underground.)
- (i) unless he is the registered holder of a certificate of competency to operate a locomotive of the compression ignition type granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such certificate by virtue of paragraph (b) of the said subsection and is at least twenty-one years of age;
- (ia) unless he is the holder of a permit issued by the Minister, upon the recommendation of the chief inspector and application in writing by the owner, agent or manager of the mine, and is in the opinion of the Minister competent to operate a locomotive of the compression ignition



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*Coal Mines Regulation (Amendment).*


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ignition type, and operates such locomotive in accordance with any conditions the Minister may impose in such permit; or

Seventh  
Schedule.  
Regulation  
98 (11).

- (f) by omitting sub-paragraph (a) of paragraph (11) of regulation ninety-eight of the Seventh Schedule and by inserting in lieu thereof the following sub-paragraph:—

- (a) unless he is the registered holder of a certificate of competency to operate an electric locomotive granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such certificate by virtue of paragraph (b) of the same subsection and is at least twenty-one years of age.

Further  
amendment  
of Act No. 37,  
1912.  
Substituted  
section 34.

4. (1) The Coal Mines Regulation Act, 1912-1947, is further amended—

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

Returns  
by owner,  
agent or  
manager  
of mine.

34. (1) Where the owner, agent or manager of a mine, or any other person carrying on any operation in connection therewith is called upon so to do, he shall at such times and in such manner as the Minister may require, furnish such statistics, returns and other information relating to the operation of such mine 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 for Mines.

(3) Any officer of the Department of Mines, or other person holding a position in the Public Service and authorised in writing by the Minister, shall at all times have full and free access



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*Coal Mines Regulation (Amendment).*

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access to all mines, and to all buildings, books, documents and other records relating to the production and distribution of coal, shale or other material won or produced from any mine, and may make extracts from or copies of such books, documents or records, and may make such investigations as he may consider proper in connection with the production or distribution of such coal, shale or other material.

(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 any requirement made under this section or who makes any return or supplies any information which is false in any particular or who obstructs any officer or other person in the exercise of any power conferred by subsection three of this section shall be liable to a penalty not exceeding fifty pounds.

- (b) (i) by inserting at the end of subsection one of section thirty-five the following new paragraph:—

Section 35.  
(Plan of mine to be kept at office.)

Unless the Under Secretary for Mines otherwise determines, the plan required to be kept in the office at the mine under this subsection shall show a fixed datum on the surface near the mine entrance related to standard datum and reduced levels at points not more than five chains apart on the floor of each seam being worked in all accessible underground workings.

(ii)



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*Coal Mines Regulation (Amendment).*

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- (ii) by omitting subsections five and six of the same section and by inserting in lieu thereof the following subsections:—

(5) Every tracing required to be forwarded to the Under Secretary for Mines under subsection (1A) of this section shall be deposited in the principal office of the Department of Mines and, except as evidence in a court or with the consent in writing of the owner of the mine, no copy thereof shall be furnished and no information in relation thereto shall be given:

Provided that, if the Minister considers that in the public interest the circumstances so warrant, he may, subject to such conditions or restrictions as he thinks fit, grant permission for a copy of such tracing or part thereof or for information in relation thereto to be supplied to any person.

(6) Every officer in the Public Service, and every person who is supplied with any copy or information under the authority of this section, shall preserve and aid in preserving secrecy with regard to such copy or information, and shall not allow any other person to inspect such copy, and shall not divulge any such information to any other person, otherwise than by the authority of this section or under the authority of a court of competent jurisdiction.

Any person who contravenes or fails to observe the provisions of this subsection shall be liable to a penalty not exceeding one hundred pounds.

Section 35A.  
(Plans to be  
furnished.)

- (c) (i) by omitting from subsection one of section 35A the words “on a scale that will clearly define the area showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine” and by inserting in lieu thereof



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*Coal Mines Regulation (Amendment).*

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thereof the words "of the freehold and leasehold lands held by the owner of such mine and within the colliery holding of such mine on a scale which will clearly define such lands";

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsections:—

(2) (a) Within three months after any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of freehold or leasehold lands the owner, agent or manager shall furnish to the Under Secretary for Mines a plan of such lands and in the case of acquisition of any such lands a schedule of particulars of title of the lands so acquired.

(b) Where upon any variation in a colliery holding the lands acquired or disposed of comprise the whole of a Department of Lands or Department of Mines measured portion or a subdivision portion of a deposited plan registered at the office of the Registrar General a description of the area may be substituted for the plan.

(3) The Under Secretary for Mines shall cause to be kept a register of the freehold and leasehold lands within colliery holdings plans and particulars of title of which have been furnished to him under subsection one of this section either before or after the commencement of the Coal Mines Regulation (Amendment) Act, 1953.

Such register shall record any variations of freehold and leasehold lands within a colliery holding in respect of which plans have been furnished to the Under Secretary for Mines under subsection two of this section before such commencement.

The



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*Coal Mines Regulation (Amendment).*


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The Under Secretary for Mines shall—

(a) upon any plans or descriptions being furnished to him in pursuance of subsection two of this section;

(b) upon the termination of any lease granted under the Mining Act, 1906-1952, of any lands within a colliery holding;

amend the register in such manner as may be necessary to record such matters.

Section 39.  
(Plan of  
abandoned  
mine or  
seam  
to be sent to  
Minister.)

(d) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection:—

(2) The plan and section shall be preserved under the care of the Minister and no person other than an officer of the Department of Mines shall be entitled to see such plan and section or be supplied with any copy thereof or of any part thereof or information in relation thereto without the permission of the Under Secretary for Mines.

Fourth  
Schedule.  
(Conse-  
quential.)

(e) by omitting the Fourth Schedule.

(2) The amendments made by paragraphs (a) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act  
No. 46, 1906.  
Sec. 70E.  
(Protection  
of land in  
certain  
colliery  
holdings.)

**5.** The Mining Act, 1906-1952, is amended by omitting from subsection one of section 70E the words “upon any land included in or added to any colliery holding, a plan of which showing the freehold and leasehold lands held by the owner of the colliery and comprising the colliery holding has” and by inserting in lieu thereof the words “upon the freehold or leasehold lands held by the owner of such colliery and within such colliery holding a plan and particulars of title of which lands have”.

**6.**



*Coal Mines Regulation (Amendment).*

**6.** (1) The Coal Mines Regulation Act, 1912-1947, is further amended—

Further amendment of Act No. 37, 1912. Section 56B. (Power to Governor to make regulations.)

(a) (i) by inserting next after paragraph (a) of subsection one of section 56B the following new paragraph:—

(ai) make regulations inserting in section fifty-four of this Act or in the Fifth, Sixth or Seventh Schedule to this Act, general rules or regulations, as the case may be, relating to any or all of the matters with respect to which the Governor is empowered to make regulations under the subsequent provisions of this subsection;

(ii) by inserting in paragraph (d) of the same subsection before the word “prescribing” the words “make regulations”;

(b) by inserting next after section 79B the following new section:—

New section 79c.

79c. (1) Any person who proposes to drill a borehole or extend an existing borehole for the purpose of proving coal or oil shale shall before commencing the work, notify the chief inspector of his intention and furnish to him particulars of the location of the borehole, and shall also either before or after commencing the work furnish such additional particulars in relation to the borehole as the chief inspector may require.

Boreholes for proving coal or oil shale at depth.

(2) Where, in the course of drilling any such borehole, a core is obtained, such core (other than material therefrom required for purposes of analysis) or if no core is so obtained, samples of the material obtained, shall be labelled and preserved by such person for at least one year after the completion of the borehole in such manner as the chief inspector may direct:

Provided that no samples need be kept where the borehole is sunk in surface gravel or alluvial ground:

Provided



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*Coal Mines Regulation (Amendment).*


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Provided further that, before disposing of any core or samples after the expiry of a year, at least two weeks' notice thereof shall be given by such person to the chief inspector.

(3) Cores and samples preserved by any person as aforesaid shall at all times be available for examination by the Government Geologist, a Geologist of the Department of Mines, or an inspector, or any other officer authorised in that behalf by the Minister, and may be taken for purposes of analysis or other examination, but no information obtained as a result of such analysis or examination shall be published without the consent of such person unless the Minister sees fit to direct otherwise.

(4) This section shall not apply in respect of bores put down to determine the extent of the overburden and the thickness and quality of coal for the purpose of open cut workings where the occurrence of coal seams has previously been proved.

(5) Any person who fails to act in compliance with this section or with any direction given thereunder shall be guilty of an offence against this Act.

Section 81.  
(Applica-  
tion of  
Amend-  
ments  
Incorpor-  
ation Act,  
1906.)

- (c) (i) by inserting in subsection one of section eighty-one after the word "Where" the words "any general rule is, by regulation made pursuant to this Act, inserted in section fifty-four of this Act, or where";
- (ii) by inserting in the same subsection after the word "including" the words "the general rule as so inserted and".

(2) The amendments made by paragraphs (a) and (c) of subsection one of this section shall be deemed to have commenced upon the twenty-seventh day of August, one thousand nine hundred and forty-eight.

*In the name and on behalf of Her Majesty I assent to this Act.*

J. NORTHCOTT,  
Governor.

*Government House,  
Sydney, 11th December, 1953.*









## COAL MINES REGULATION (AMENDMENT) BILL, 1953.

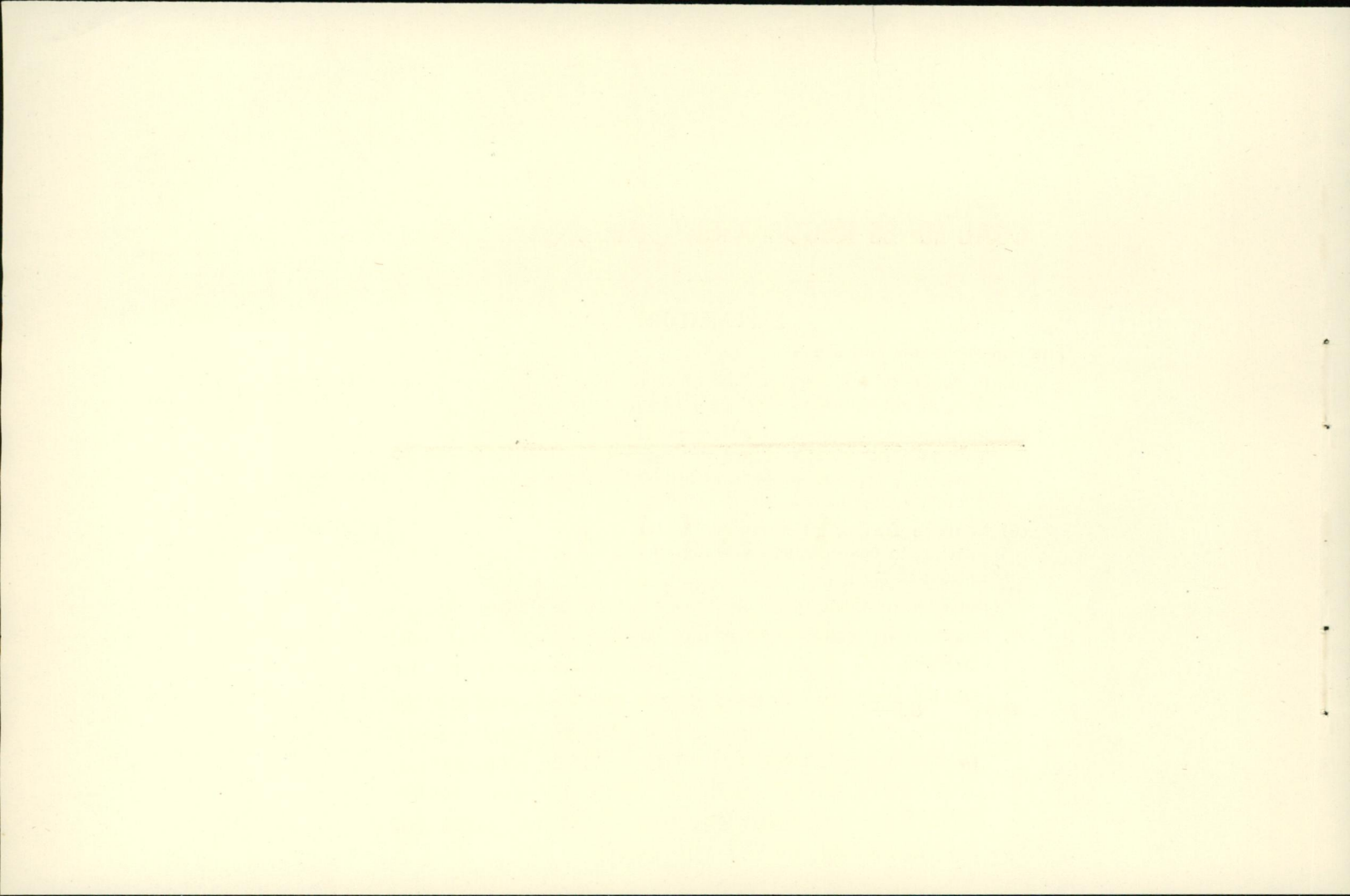
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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to enable suitable regulations to be made for the control and safe working of open cut mines;
- (b) to authorise the issue of additional classes of certificates of competency and to reduce the period of practical experience underground required for the issue of a first-class, second-class or third-class certificate of competency where the applicant has had at least one year's war service;
- (c) to make further provision as to the furnishing of returns and statistics relating to coal-mining operations;
- (d) to require geological information to be furnished in respect of boring operations to prove coal or oil shale;
- (e) to make other amendments to the Coal Mines Regulation Act of a machinery character.







PROOF

No. , 1953.

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## A BILL

To make further provisions for the management and regulation of mines of coal and mines of shale; to enable provision to be made for the management and regulation of open cut workings; for these and other purposes to amend the Coal Mines Regulation Act, 1912-1947, and the Mining Act, 1906-1952; to validate certain matters; and for purposes connected therewith.

[MR. HAWKINS;—10 November, 1953.]

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*Coal Mines Regulation (Amendment).*

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

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1953". Short title and citation.

(2) The Coal Mines Regulation Act, 1912, as amended by subsequent Acts and by this Act, may be  
10 cited as the Coal Mines Regulation Act, 1912-1953.

**2.** (1) The Coal Mines Regulation Act, 1912-1947, is amended— Amendment of Act No. 87, 1912.

(a) (i) by inserting in subsection one of section  
15 three at the end of the definition of "Mine,"  
the words "but does not include any open  
cut working"; Section 3. (Definitions.)

(ii) by inserting in the same subsection immedi-  
ately before the definition of "Owner" the  
following new definition:—

20 "Open cut working" includes any place  
or excavation wherein or whereby  
any operation is carried on above  
or on the ground for or in connec-  
tion with the purpose of obtaining  
25 any coal or shale from any open cut  
working, and any place adjoining  
thereto on which any product of  
such place or excavation is stacked,  
stored, cleaned, treated or crushed,  
30 and all the works, tramways, rail-  
ways and sidings in and adjacent  
to and belonging to the open cut  
working;

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

(1A) Where in the Mines Rescue Act,  
1925, the Mine Subsidence Act, 1928-1951,  
the



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*Coal Mines Regulation (Amendment).*

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5 the Coal and Oil Shale Mine Workers  
(Superannuation) Act, 1941-1952, or any  
other Act, or any by-law, regulation, rule, or  
any other instrument or document whatso-  
ever, a reference to a mine would, but for  
the amendment of the definition of "mine"  
in subsection one of this section made by  
the Coal Mines Regulation (Amendment)  
10 Act, 1953, include an open cut working, such  
reference shall notwithstanding the said  
amendment be read and construed as  
including an open cut working.

(b) by inserting next after section 65A the following New Part  
IIA,  
new Part:—

15

**PART IIA.****OPEN CUT WORKINGS.**

65B. (1) The Governor may make regulations Open cut  
workings—  
regulations  
relating  
thereto.  
providing that such of the provisions of this  
Act, the general rules set out in section fifty-four  
20 of this Act, the Schedules to this Act and the  
regulations under this Act—

(a) as may be specified in such regulations,  
and

25 (b) as may be so specified and modified  
and adapted as the Governor deems  
necessary for the purpose,  
shall apply, mutatis mutandis, to and in respect  
of open cut workings.

30 (2) (a) When any matter whatsoever  
involved in or connected with the regulation,  
management, control, working and operation of  
open cut workings has not been dealt with by any  
such provision the Governor may in respect of  
any such matter make such regulations as he  
35 may deem necessary.

(b) Without prejudice to the  
generality of the provisions of paragraph (a)  
of this subsection regulations may be made for  
and with respect to the replacement of surface  
soil



*Coal Mines Regulation (Amendment).*

soil and strata removed from, and the surface restoration of, open cut workings. Any such regulations may include such provisions of the like nature as those included in section thirty-eight of this Act as the Governor may deem necessary.

(3) The regulations made under this section—

- (a) may specify the provisions referred to in subsection one of this section by reference to sections, subsections, paragraphs, subparagraphs, general rules or regulations or in any manner whatsoever;
- (b) shall be in the form of a Schedule to be inserted in this Act;
- (c) be thereafter printed by the Government Printer as a Schedule to this Act in any reprint thereof under the Amendments Incorporation Act, 1906; and
- (d) have the same force and effect as if originally inserted in this Act.

(4) Regulations under this section may apply to all open cut workings generally, to specified classes of open cut workings or to all classes of open cut workings other than those specified.

(5) The provisions of subsection four of section 56B of this Act shall apply to and in respect of regulations made under this section.

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

**3.** The Coal Mines Regulation Act, 1912-1947, is further amended—

- (a) (i) by omitting from subsection two of section 5A the words "After the thirty-first day of December, one thousand nine hundred and twenty-six";

(ii)

Further  
amendment  
of Act  
No. 37, 1912.  
Section 5A.  
(Deputies  
and  
shotfirers.)



*Coal Mines Regulation (Amendment).*

- (ii) by omitting paragraph (b) of the same subsection;
- (b) (i) by omitting from subsection one of section six the word "six" and by inserting in lieu thereof the words "the following";
- (ii) by inserting at the end of paragraph (f) of the same subsection the following word and new paragraph:—
- "and
- (g) certificates of fitness to operate electric locomotives or locomotives of the compression ignition type";
- (iii) by inserting at the end of the same subsection the following proviso and new subsection:—
- Provided that for a period of three years from the day upon which the assent of Her Majesty to the Coal Mines Regulation (Amendment) Act, 1953, is signified this subsection in its application to an applicant for a first, second or third-class certificate of competency who, during the war between His Late Majesty King George VI and Germany and her Allies which commenced on the third day of September, one thousand nine hundred and thirty-nine, had not less than twelve months service in the naval, military or air forces of His Late Majesty King George VI, shall be read as if all words commencing with the words "five years" down to and including the words "or certificate" were omitted therefrom and the words "three years" were inserted in lieu thereof.
- (1A) (a) The Minister may grant certificates of competency to any person to operate an electric locomotive or a locomotive of the compression ignition type. Any such certificate shall not be granted unless the applicant therefor has satisfied examiners appointed

Section 6.  
(Certificates  
of com-  
petency.)



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*Coal Mines Regulation (Amendment).*

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5 appointed by the board constituted under  
this section by a suitable oral examination  
and practical test or such other examination  
as may be prescribed by the said board as  
to his qualifications, and has furnished a  
certificate from a duly qualified medical  
practitioner that he is not wholly or  
partially deaf, that his sight is not defective  
10 and that he is not subject to fits, giddiness  
or other infirmity likely to interfere with  
the efficient discharge of his duties.

15 (b) A Special Electric Motor  
Driver's Certificate of Competency (Coal  
or Shale Mines) issued or purporting to  
have been issued under the Mines Inspection  
Act, 1901-1945, before the commencement of  
of the Coal Mines Regulation (Amendment)  
Act, 1953, shall be deemed to be a certificate  
of competency to operate an electric loco-  
motive and shall have the same effect as a  
20 certificate of competency to operate an  
electric locomotive granted under paragraph  
(a) of this subsection.

25 A Special Diesel Locomotive Driver's  
Certificate of Competency (Coal or Shale  
Mines) issued or purporting to have been  
issued under the Mines Inspection Act,  
1901-1945, before such commencement, shall  
be deemed to be a certificate of competency  
30 to operate a locomotive of the compression  
ignition type and shall have the same effect  
as a certificate of competency to operate a  
locomotive of the compression ignition type  
granted under paragraph (a) of this sub-  
35 section.

The provisions of this Act applicable to  
certificates of competency granted under  
paragraph (a) of this subsection shall apply  
to and in respect of such special certificates.

(c)



*Coal Mines Regulation (Amendment).*

(c) The provisions of paragraph (a) of this subsection shall have effect notwithstanding the provisions of subsection one of this section or paragraph eight of the Second Schedule to this Act.

(c) by inserting in subsection two of section ten after the word "competency" where secondly occurring the words "as winding-engine drivers";

Section 10.  
(Certificates of competency as winding-engine driver. Examinations.)

(d) by inserting next after subsection one of section thirteen the following new subsection:—

Section 13.  
(Engine-drivers' certificates granted outside New South Wales).

(1A) Any certificate of competency or service to operate an electric locomotive or locomotive of the compression ignition type granted by any duly constituted and recognised authority outside New South Wales may be approved by the board constituted under subsection two of section six of this Act if the holder produces the same and gives satisfactory evidence to such board of his sobriety, general good conduct and bona fides.

(e) by omitting paragraph (i) of general rule 5A of section fifty-four and by inserting in lieu thereof the following paragraphs:—

Section 54.  
General Rule 5A.  
(Internal combustion engines under ground.)

(i) unless he is the registered holder of a certificate of competency to operate a locomotive of the compression ignition type granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such certificate by virtue of paragraph (b) of the said subsection and is at least twenty-one years of age;

(ia) unless he is the holder of a permit issued by the Minister, upon the recommendation of the chief inspector and application in writing by the owner, agent or manager of the mine, and is in the opinion of the Minister competent to operate a locomotive of the compression ignition



*Coal Mines Regulation (Amendment).*

ignition type, and operates such locomotive in accordance with any conditions the Minister may impose in such permit; or

- 5 (f) by omitting sub-paragraph (a) of paragraph (11) of regulation ninety-eight of the Seventh Schedule and by inserting in lieu thereof the following sub-paragraph:—

Seventh  
Schedule.  
Regulation  
98 (11).

- 10 (a) unless he is the registered holder of a certificate of competency to operate an electric locomotive granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such
- 15 certificate by virtue of paragraph (b) of the same subsection and is at least twenty-one years of age.

4. (1) The Coal Mines Regulation Act, 1912-1947, is further amended—

Further  
amendment  
of Act No. 37,  
1912.  
Substituted  
section 34.

- 20 (a) by omitting section thirty-four and by inserting in lieu thereof the following section:—

34. (1) Where the owner, agent or manager of a mine, or any other person carrying on any operation in connection therewith is called upon so to do, he shall at such times and in such manner as the Minister may require, furnish such statistics, returns and other information relating to the operation of such mine as may be required, and shall keep such records as may be necessary for the completion thereof.

Returns  
by owner,  
agent or  
manager  
of mine.

- 30 (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 for Mines.

- 35 (3) Any officer of the Department of Mines, or other person holding a position in the Public Service and authorised in writing by the Minister, shall at all times have full and free access



*Coal Mines Regulation (Amendment).*

access to all mines, and to all buildings, books, documents and other records relating to the production and distribution of coal, shale or other material won or produced from any mine, and may make extracts from or copies of such books, documents or records, and may make such investigations as he may consider proper in connection with the production or distribution of such coal, shale or other material.

(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 any requirement made under this section or who makes any return or supplies any information which is false in any particular or who obstructs any officer or other person in the exercise of any power conferred by subsection three of this section shall be liable to a penalty not exceeding fifty pounds.

(b) (i) by inserting at the end of subsection one of section thirty-five the following new paragraph:—

Section 35.  
(Plan of mine to be kept at office.)

Unless the Under Secretary for Mines otherwise determines, the plan required to be kept in the office at the mine under this subsection shall show a fixed datum on the surface near the mine entrance related to standard datum and reduced levels at points not more than five chains apart on the floor of each seam being worked in all accessible underground workings.

(ii)



*Coal Mines Regulation (Amendment).*

(ii) by omitting subsections five and six of the same section and by inserting in lieu thereof the following subsections:—

5

(5) Every tracing required to be forwarded to the Under Secretary for Mines under subsection (1A) of this section shall be deposited in the principal office of the Department of Mines and, except as evidence in a court or with the consent in writing of the owner of the mine, no copy thereof shall be furnished and no information in relation thereto shall be given:

10

15

Provided that, if the Minister considers that in the public interest the circumstances so warrant, he may, subject to such conditions or restrictions as he thinks fit, grant permission for a copy of such tracing or part thereof or for information in relation thereto to be supplied to any person.

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(6) Every officer in the Public Service, and every person who is supplied with any copy or information under the authority of this section, shall preserve and aid in preserving secrecy with regard to such copy or information, and shall not allow any other person to inspect such copy, and shall not divulge any such information to any other person, otherwise than by the authority of this section or under the authority of a court of competent jurisdiction.

30

Any person who contravenes or fails to observe the provisions of this subsection shall be liable to a penalty not exceeding one hundred pounds.

35

(c) (i) by omitting from subsection one of section 35A the words "on a scale that will clearly define the area showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine" and by inserting in lieu thereof

Section 35A.  
(Plans to be furnished.)



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*Coal Mines Regulation (Amendment).*

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thereof the words "of the freehold and leasehold lands held by the owner of such mine and within the colliery holding of such mine on a scale which will clearly define such lands";

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsections:—

(2) (a) Within three months after any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of freehold or leasehold lands the owner, agent or manager shall furnish to the Under Secretary for Mines a plan of such lands and in the case of acquisition of any such lands a schedule of particulars of title of the lands so acquired.

(b) Where upon any variation in a colliery holding the lands acquired or disposed of comprise the whole of a Department of Lands or Department of Mines measured portion or a subdivision portion of a deposited plan registered at the office of the Registrar General a description of the area may be substituted for the plan.

(3) The Under Secretary for Mines shall cause to be kept a register of the freehold and leasehold lands within colliery holdings plans and particulars of title of which have been furnished to him under subsection one of this section either before or after the commencement of the Coal Mines Regulation (Amendment) Act, 1953.

Such register shall record any variations of freehold and leasehold lands within a colliery holding in respect of which plans have been furnished to the Under Secretary for Mines under subsection two of this section before such commencement.

The



*Coal Mines Regulation (Amendment).*

The Under Secretary for Mines shall—

- 5 (a) upon any plans or descriptions being furnished to him in pursuance of subsection two of this section;
- (b) upon the termination of any lease granted under the Mining Act, 1906-1952, of any lands within a colliery holding;
- 10 amend the register in such manner as may be necessary to record such matters.
- (d) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection:—
- 15 (2) The plan and section shall be preserved under the care of the Minister and no person other than an officer of the Department of Mines shall be entitled to see such plan and section or be supplied with any copy thereof or of any part thereof or information in relation thereto without the permission of the Under Secretary for Mines.
- 20 (e) by omitting the Fourth Schedule.
- (2) The amendments made by paragraphs (a) and
- 25 (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
5. The Mining Act, 1906-1952, is amended by omitting from subsection one of section 70E the words “upon any
- 30 land included in or added to any colliery holding, a plan of which showing the freehold and leasehold lands held by the owner of the colliery and comprising the colliery holding has” and by inserting in lieu thereof the words “upon the freehold or leasehold lands held by the owner
- 35 of such colliery and within such colliery holding a plan and particulars of title of which lands have”.

Section 39.

(Plan of abandoned mine or seam to be sent to Minister.)

Fourth Schedule.  
(Consequential.)

Amendment of Act No. 46, 1906. Sec. 70E. (Protection of land in certain colliery holdings.)



*Coal Mines Regulation (Amendment).*

6. (1) The Coal Mines Regulation Act, 1912-1947, is further amended—

Further amendment of Act No. 37, 1912. Section 56B. (Power to Governor to make regulations.)

(a) (i) by inserting next after paragraph (a) of subsection one of section 56B the following new paragraph:—

5 (ai) make regulations inserting in section fifty-four of this Act or in the Fifth, Sixth or Seventh Schedule to this Act, general rules or regulations, as the case may be, relating to any or all of the matters with respect to which the Governor is empowered to make regulations under the subsequent provisions of this subsection;

10 (ii) by inserting in paragraph (d) of the same subsection before the word “prescribing” the words “make regulations”;

15 (b) by inserting next after section 79B the following new section:—

New section 79C.

20 79C. (1) Any person who proposes to drill a borehole or extend an existing borehole for the purpose of proving coal or oil shale shall before commencing the work, notify the chief inspector of his intention and furnish to him particulars of the location of the borehole, and shall also either before or after commencing the work furnish such additional particulars in relation to the borehole as the chief inspector may require.

Boreholes for proving coal or oil shale at depth.

25 (2) Where, in the course of drilling any such borehole, a core is obtained, such core (other than material therefrom required for purposes of analysis) or if no core is so obtained, samples of the material obtained, shall be labelled and preserved by such person for at least one year after the completion of the borehole in such manner as the chief inspector may direct:

30 Provided that no samples need be kept where the borehole is sunk in surface gravel or alluvial ground:

Provided



*Coal Mines Regulation (Amendment).*

Provided further that, before disposing of any core or samples after the expiry of a year, at least two weeks' notice thereof shall be given by such person to the chief inspector.

5 (3) Cores and samples preserved by any person as aforesaid shall at all times be available for examination by the Government Geologist, a Geologist of the Department of Mines, or an inspector, or any other officer authorised in that  
10 behalf by the Minister, and may be taken for purposes of analysis or other examination, but no information obtained as a result of such analysis or examination shall be published without the consent of such person unless the  
15 Minister sees fit to direct otherwise.

(4) This section shall not apply in respect of bores put down to determine the extent of the overburden and the thickness and quality of coal for the purpose of open cut workings where the  
20 occurrence of coal seams has previously been proved.

(5) Any person who fails to act in compliance with this section or with any direction given thereunder shall be guilty of an offence  
25 against this Act.

(c) (i) by inserting in subsection one of section  
30 eighty-one after the word "Where" the words "any general rule is, by regulation made pursuant to this Act, inserted in section fifty-four of this Act, or where";  
(ii) by inserting in the same subsection after the word "including" the words "the general rule as so inserted and".

Section 81.  
(Applica-  
tion of  
Amend-  
ments  
Incorporation Act,  
1906.)

(2) The amendments made by paragraphs (a) and  
35 (c) of subsection one of this section shall be deemed to have commenced upon the twenty-seventh day of August, one thousand nine hundred and forty-eight.







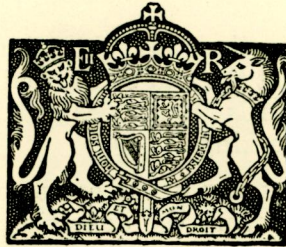




*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

**H. ROBBINS,**  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 26 November, 1953.*

## **New South Wales**



ANNO SECUNDO

# **ELIZABETHÆ II REGINÆ**

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**Act No. , 1953.**

An Act to make further provisions for the management and regulation of mines of coal and mines of shale; to enable provision to be made for the management and regulation of open cut workings; for these and other purposes to amend the Coal Mines Regulation Act, 1912-1947, and the Mining Act, 1906-1952; to validate certain matters; and for purposes connected therewith.



*Coal Mines Regulation (Amendment).*

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

**1.** (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1953". Short  
title and  
citation.

(2) The Coal Mines Regulation Act, 1912, as  
amended by subsequent Acts and by this Act, may be  
10 cited as the Coal Mines Regulation Act, 1912-1953.

**2.** (1) The Coal Mines Regulation Act, 1912-1947, is  
amended— Amendment  
of Act  
No. 37,  
1912.

(a) (i) by inserting in subsection one of section  
three at the end of the definition of "Mine",  
15 the words "but does not include any open  
cut working"; Section 3.  
(Definitions.)

(ii) by inserting in the same subsection immedi-  
ately before the definition of "Owner" the  
following new definition:—

20 "Open cut working" includes any place  
or excavation wherein or whereby  
any operation is carried on above  
or on the ground for or in connec-  
tion with the purpose of obtaining  
25 any coal or shale from any open cut  
working, and any place adjoining  
thereto on which any product of  
such place or excavation is stacked,  
stored, cleaned, treated or crushed,  
30 and all the works, tramways, rail-  
ways and sidings in and adjacent  
to and belonging to the open cut  
working;

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

(1A) Where in the Mines Rescue Act,  
1925, the Mine Subsidence Act, 1928-1951,  
the



*Coal Mines Regulation (Amendment).*

the Coal and Oil Shale Mine Workers (Superannuation) Act, 1941-1952, or any other Act, or any by-law, regulation, rule, or any other instrument or document whatsoever, a reference to a mine would, but for the amendment of the definition of "mine" in subsection one of this section made by the Coal Mines Regulation (Amendment) Act, 1953, include an open cut working, such reference shall notwithstanding the said amendment be read and construed as including an open cut working.

(b) by inserting next after section 65A the following new Part:—

New Part  
IIA.

PART IIA.

OPEN CUT WORKINGS.

65B. (1) The Governor may make regulations providing that such of the provisions of this Act, the general rules set out in section fifty-four of this Act, the Schedules to this Act and the regulations under this Act—

Open cut  
workings—  
regulations  
relating  
thereto.

(a) as may be specified in such regulations, and

(b) as may be so specified and modified and adapted as the Governor deems necessary for the purpose,

shall apply, mutatis mutandis, to and in respect of open cut workings.

(2) (a) When any matter whatsoever involved in or connected with the regulation, management, control, working and operation of open cut workings has not been dealt with by any such provision the Governor may in respect of any such matter make such regulations as he may deem necessary.

(b) Without prejudice to the generality of the provisions of paragraph (a) of this subsection regulations may be made for and with respect to the replacement of surface soil



*Coal Mines Regulation (Amendment).*

5 soil and strata removed from, and the surface restoration of, open cut workings. Any such regulations may include such provisions of the like nature as those included in section thirty-eight of this Act as the Governor may deem necessary.

(3) The regulations made under this section—

10 (a) may specify the provisions referred to in subsection one of this section by reference to sections, subsections, paragraphs, subparagraphs, general rules or regulations or in any manner whatsoever;

15 (b) shall be in the form of a Schedule to be inserted in this Act;

(c) be thereafter printed by the Government Printer as a Schedule to this Act in any reprint thereof under the Amendments Incorporation Act, 1906; and

20 (d) have the same force and effect as if originally inserted in this Act.

(4) Regulations under this section may apply to all open cut workings generally, to specified classes of open cut workings or to all classes of open cut workings other than those specified.

25 (5) The provisions of subsection four of section 56B of this Act shall apply to and in respect of regulations made under this section.

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

3. The Coal Mines Regulation Act, 1912-1947, is further amended—

(a) (i) by omitting from subsection two of section 5A the words "After the thirty-first day of December, one thousand nine hundred and twenty-six";

Further amendment of Act No. 37, 1912. Section 5A. (Deputies and shotfirers.)

(ii)



*Coal Mines Regulation (Amendment).*

(ii) by omitting paragraph (b) of the same subsection;

(b) (i) by omitting from subsection one of section six the word "six" and by inserting in lieu thereof the words "the following";

Section 6.  
(Certificates  
of com-  
petency.)

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

"and

(g) certificates of fitness to operate electric locomotives or locomotives of the compression ignition type";

(iii) by inserting at the end of the same subsection the following proviso and new subsection:—

Provided that for a period of three years from the day upon which the assent of Her Majesty to the Coal Mines Regulation (Amendment) Act, 1953, is signified this subsection in its application to an applicant for a first, second or third-class certificate of competency who, during the war between His Late Majesty King George VI and Germany and her Allies which commenced on the third day of September, one thousand nine hundred and thirty-nine, had not less than twelve months service in the naval, military or air forces of His Late Majesty King George VI, shall be read as if all words commencing with the words "five years" down to and including the words "or certificate" were omitted therefrom and the words "three years" were inserted in lieu thereof.

(1A) (a) The Minister may grant certificates of competency to any person to operate an electric locomotive or a locomotive of the compression ignition type. Any such certificate shall not be granted unless the applicant therefor has satisfied examiners appointed



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*Coal Mines Regulation (Amendment).*

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5 appointed by the board constituted under  
this section by a suitable oral examination  
and practical test or such other examination  
as may be prescribed by the said board as  
to his qualifications, and has furnished a  
certificate from a duly qualified medical  
practitioner that he is not wholly or  
partially deaf, that his sight is not defective  
10 or other infirmity likely to interfere with  
the efficient discharge of his duties.

15 (b) A Special Electric Motor  
Driver's Certificate of Competency (Coal  
or Shale Mines) issued or purporting to  
have been issued under the Mines Inspection  
Act, 1901-1945, before the commencement of  
of the Coal Mines Regulation (Amendment)  
Act, 1953, shall be deemed to be a certificate  
of competency to operate an electric loco-  
20 motive and shall have the same effect as a  
certificate of competency to operate an  
electric locomotive granted under paragraph  
(a) of this subsection.

25 A Special Diesel Locomotive Driver's  
Certificate of Competency (Coal or Shale  
Mines) issued or purporting to have been  
issued under the Mines Inspection Act,  
1901-1945, before such commencement, shall  
be deemed to be a certificate of competency  
30 to operate a locomotive of the compression  
ignition type and shall have the same effect  
as a certificate of competency to operate a  
locomotive of the compression ignition type  
granted under paragraph (a) of this sub-  
35 section.

The provisions of this Act applicable to  
certificates of competency granted under  
paragraph (a) of this subsection shall apply  
to and in respect of such special certificates.

(c).



*Coal Mines Regulation (Amendment).*

- (c) The provisions of paragraph (a) of this subsection shall have effect notwithstanding the provisions of subsection one of this section or paragraph eight of the Second Schedule to this Act.
- (c) by inserting in subsection two of section ten after the word "competency" where secondly occurring the words "as winding-engine drivers";
- (d) by inserting next after subsection one of section thirteen the following new subsection:—
- (1A) Any certificate of competency or service to operate an electric locomotive or locomotive of the compression ignition type granted by any duly constituted and recognised authority outside New South Wales may be approved by the board constituted under subsection two of section six of this Act if the holder produces the same and gives satisfactory evidence to such board of his sobriety, general good conduct and bona fides.
- (e) by omitting paragraph (i) of general rule 5A of section fifty-four and by inserting in lieu thereof the following paragraphs:—
- (i) unless he is the registered holder of a certificate of competency to operate a locomotive of the compression ignition type granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such certificate by virtue of paragraph (b) of the said subsection and is at least twenty-one years of age;
- (ia) unless he is the holder of a permit issued by the Minister, upon the recommendation of the chief inspector and application in writing by the owner, agent or manager of the mine, and is in the opinion of the Minister competent to operate a locomotive of the compression ignition

Section 10.  
(Certificates of competency as winding-engine driver. Examinations.)

Section 13.  
(Engine-drivers' certificates granted outside New South Wales).

Section 54.  
General Rule 5A.  
(Internal combustion engines underground.)



*Coal Mines Regulation (Amendment).*

ignition type, and operates such locomotive in accordance with any conditions the Minister may impose in such permit; or

- 5 (f) by omitting sub-paragraph (a) of paragraph (11) of regulation ninety-eight of the Seventh Schedule and by inserting in lieu thereof the following sub-paragraph:—

Seventh  
Schedule.  
Regulation  
98 (11).

- 10 (a) unless he is the registered holder of a certificate of competency to operate an electric locomotive granted under paragraph (a) of subsection (1A) of section six of this Act or a certificate having the same effect as any such
- 15 certificate by virtue of paragraph (b) of the same subsection and is at least twenty-one years of age.

4. (1) The Coal Mines Regulation Act, 1912-1947, is further amended—

Further  
amendment  
of Act No. 37,  
1912.  
Substituted  
section 34.

- 20 (a) by omitting section thirty-four and by inserting in lieu thereof the following section:—

- 25 34. (1) Where the owner, agent or manager of a mine, or any other person carrying on any operation in connection therewith is called upon so to do, he shall at such times and in such manner as the Minister may require, furnish such statistics, returns and other information relating to the operation of such mine as may be required, and shall keep such records as may be necessary
- 30 for the completion thereof.

Returns  
by owner,  
agent or  
manager  
of mine.

- (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 for Mines.
- 35

(3) Any officer of the Department of Mines, or other person holding a position in the Public Service and authorised in writing by the Minister, shall at all times have full and free access



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*Coal Mines Regulation (Amendment).*

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access to all mines, and to all buildings, books, documents and other records relating to the production and distribution of coal, shale or other material won or produced from any mine, and may make extracts from or copies of such books, documents or records, and may make such investigations as he may consider proper in connection with the production or distribution of such coal, shale or other material.

(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 any requirement made under this section or who makes any return or supplies any information which is false in any particular or who obstructs any officer or other person in the exercise of any power conferred by subsection three of this section shall be liable to a penalty not exceeding fifty pounds.

(b) (i) by inserting at the end of subsection one of section thirty-five the following new paragraph:—

Section 35.  
(Plan of mine to be kept at office.)

Unless the Under Secretary for Mines otherwise determines, the plan required to be kept in the office at the mine under this subsection shall show a fixed datum on the surface near the mine entrance related to standard datum and reduced levels at points not more than five chains apart on the floor of each seam being worked in all accessible underground workings.

(ii)



*Coal Mines Regulation (Amendment).*

(ii) by omitting subsections five and six of the same section and by inserting in lieu thereof the following subsections:—

5 (5) Every tracing required to be forwarded to the Under Secretary for Mines under subsection (1A) of this section shall be deposited in the principal office of the Department of Mines and, except as evidence  
10 in a court or with the consent in writing of the owner of the mine, no copy thereof shall be furnished and no information in relation thereto shall be given:

15 Provided that, if the Minister considers that in the public interest the circumstances so warrant, he may, subject to such conditions or restrictions as he thinks fit, grant permission for a copy of such tracing or part thereof or for information in relation thereto to be supplied to any person.

20 (6) Every officer in the Public Service, and every person who is supplied with any copy or information under the authority of this section, shall preserve and aid in preserving secrecy with regard to such copy  
25 or information, and shall not allow any other person to inspect such copy, and shall not divulge any such information to any other person, otherwise than by the authority of this section or under the authority of a court  
30 of competent jurisdiction.

Any person who contravenes or fails to observe the provisions of this subsection shall be liable to a penalty not exceeding one hundred pounds.

35 (c) (i) by omitting from subsection one of section 35A the words "on a scale that will clearly define the area showing the freehold and leasehold lands held by the owner of such mine, and comprising the colliery holding of such mine" and by inserting in lieu thereof

Section 35A.  
(Plans to be furnished.)



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*Coal Mines Regulation (Amendment).*

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thereof the words "of the freehold and leasehold lands held by the owner of such mine and within the colliery holding of such mine on a scale which will clearly define such lands";

5

- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsections:—

(2) (a) Within three months after any variation in such colliery holding by the acquisition or disposal in any manner whatsoever of freehold or leasehold lands the owner, agent or manager shall furnish to the Under Secretary for Mines a plan of such lands and in the case of acquisition of any such lands a schedule of particulars of title of the lands so acquired.

10

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(b) Where upon any variation in a colliery holding the lands acquired or disposed of comprise the whole of a Department of Lands or Department of Mines measured portion or a subdivision portion of a deposited plan registered at the office of the Registrar General a description of the area may be substituted for the plan.

20

25

(3) The Under Secretary for Mines shall cause to be kept a register of the freehold and leasehold lands within colliery holdings plans and particulars of title of which have been furnished to him under subsection one of this section either before or after the commencement of the Coal Mines Regulation (Amendment) Act, 1953.

30

Such register shall record any variations of freehold and leasehold lands within a colliery holding in respect of which plans have been furnished to the Under Secretary for Mines under subsection two of this section before such commencement.

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The



*Coal Mines Regulation (Amendment).*

The Under Secretary for Mines shall—

5 (a) upon any plans or descriptions being furnished to him in pursuance of subsection two of this section;

(b) upon the termination of any lease granted under the Mining Act, 1906-1952, of any lands within a colliery holding;

10 amend the register in such manner as may be necessary to record such matters.

(d) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection:—

Section 39.  
(Plan of abandoned mine or seam to be sent to Minister.)

15 (2) The plan and section shall be preserved under the care of the Minister and no person other than an officer of the Department of Mines shall be entitled to see such plan and section or be supplied with any copy thereof or of any part thereof or information in relation thereto without the permission of the Under Secretary for Mines.

(e) by omitting the Fourth Schedule.

Fourth Schedule.  
(Consequential.)

25 (2) The amendments made by paragraphs (a) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5. The Mining Act, 1906-1952, is amended by omitting from subsection one of section 70E the words “upon any land included in or added to any colliery holding, a plan of which showing the freehold and leasehold lands held by the owner of the colliery and comprising the colliery holding has” and by inserting in lieu thereof the words “upon the freehold or leasehold lands held by the owner of such colliery and within such colliery holding a plan and particulars of title of which lands have”.

Amendment of Act No. 46, 1906. Sec. 70E. (Protection of land in certain colliery holdings.)



*Coal Mines Regulation (Amendment).*

6. (1) The Coal Mines Regulation Act, 1912-1947, is further amended—

Further amendment of Act No. 37, 1912. Section 56B. (Power to Governor to make regulations.)

(a) (i) by inserting next after paragraph (a) of subsection one of section 56B the following new paragraph:—

(ai) make regulations inserting in section fifty-four of this Act or in the Fifth, Sixth or Seventh Schedule to this Act, general rules or regulations, as the case may be, relating to any or all of the matters with respect to which the Governor is empowered to make regulations under the subsequent provisions of this subsection;

(ii) by inserting in paragraph (d) of the same subsection before the word “prescribing” the words “make regulations”;

(b) by inserting next after section 79B the following new section:—

New section 79C.

79C. (1) Any person who proposes to drill a borehole or extend an existing borehole for the purpose of proving coal or oil shale shall before commencing the work, notify the chief inspector of his intention and furnish to him particulars of the location of the borehole, and shall also either before or after commencing the work furnish such additional particulars in relation to the borehole as the chief inspector may require.

Boreholes for proving coal or oil shale at depth.

(2) Where, in the course of drilling any such borehole, a core is obtained, such core (other than material therefrom required for purposes of analysis) or if no core is so obtained, samples of the material obtained, shall be labelled and preserved by such person for at least one year after the completion of the borehole in such manner as the chief inspector may direct:

Provided that no samples need be kept where the borehole is sunk in surface gravel or alluvial ground:

Provided



*Coal Mines Regulation (Amendment).*

Provided further that, before disposing of any core or samples after the expiry of a year, at least two weeks' notice thereof shall be given by such person to the chief inspector.

(3) Cores and samples preserved by any person as aforesaid shall at all times be available for examination by the Government Geologist, a Geologist of the Department of Mines, or an inspector, or any other officer authorised in that behalf by the Minister, and may be taken for purposes of analysis or other examination, but no information obtained as a result of such analysis or examination shall be published without the consent of such person unless the Minister sees fit to direct otherwise.

(4) This section shall not apply in respect of bores put down to determine the extent of the overburden and the thickness and quality of coal for the purpose of open cut workings where the occurrence of coal seams has previously been proved.

(5) Any person who fails to act in compliance with this section or with any direction given thereunder shall be guilty of an offence against this Act.

- (c) (i) by inserting in subsection one of section eighty-one after the word "Where" the words "any general rule is, by regulation made pursuant to this Act, inserted in section fifty-four of this Act, or where";
- (ii) by inserting in the same subsection after the word "including" the words "the general rule as so inserted and".

Section 81.  
(Applica-  
tion of  
Amend-  
ments  
Incorporation  
Act,  
1906.)

(2) The amendments made by paragraphs (a) and (c) of subsection one of this section shall be deemed to have commenced upon the twenty-seventh day of August, one thousand nine hundred and forty-eight.



