

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 November, 1967.*

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1967.

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

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

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1967".

Short title,
citation and
commence-
ment.

19109 159—

(2)

Mines Inspection (Amendment).

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901-1967.

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

2. (1) The Mines Inspection Act, 1901, as subsequently amended, is amended—

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

15 (b) (i) by omitting from subsection one of section four the definition of "High explosive";
 (ii) by inserting in the definition of "Inspector" in the same subsection after the words "Chief Inspector of Mines" the words ", Deputy Chief Inspector of Mines";

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

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

25 (c) (i) by omitting from subsection two of section five the words "an inspector" and by inserting in lieu thereof the words "the Chief Inspector";
 (ii) by omitting from subsection three of the same section the words "or of service";

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

(d) by omitting section eight;

(e) Sec. 8.
 (Grant of certificates of service as managers.)

Amendment of Act No. 75, 1901.

Sec. 2.
 (Division of Act.)

Sec. 4.
 (Interpretation of terms.)

Sec. 5.
 (Appointment of manager of mine.)

Mines Inspection (Amendment).

- (e) by omitting from subsection two of section nine the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as manager"; Sec. 9. (Certificates granted outside New South Wales.)
- 5 (f) by omitting from section ten the words "and service"; Sec. 10. (Form of certificates.)
- (g) by omitting from section eleven the words "or service"; Sec. 11. (Register of certificates.)
- 10 (h) (i) by omitting from paragraph (a) of subsection one of section twelve the words "or of service"; Sec. 12. (Penalty on unqualified person taking charge of machinery.)
- (ii) by inserting in the same subsection after the word "machinery" the words ", of a class or description prescribed for the purposes of paragraph (g) of subsection two of section thirteen of this Act,";
- 15 (iii) by inserting in subsection two of the same section after the words "of any" the word "such";
- 20 (iv) by omitting from paragraph (b) of subsection three of the same section the word "boring" and by inserting in lieu thereof the word "drilling";
- 25 (i) (i) by omitting from paragraph (e) of subsection two of section thirteen the word "and"; Sec. 13. (Board of examiners for engine-drivers.)
- (ii) by inserting at the end of paragraph (f) of the same subsection the word "and";
- (iii) by omitting from paragraph (g) of the same subsection the words "or service";
- 30 (j) by omitting subsections three and four of section fourteen; Sec. 14. (Grant of certificates to applicants on passing examination.)
- (k) by omitting section fifteen; Sec. 15. (Certificates of service for engine-drivers.)
- (1)

Mines Inspection (Amendment).

- (1) (i) by inserting in subsection one of section sixteen after the word "authority" the words "inside or";
- 5 (ii) by omitting from subsection two of the same section the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as engine-driver";
- (m) by omitting from section seventeen the words "or service";
- 10 (n) by omitting from section eighteen the words "or service";
- (o) by inserting next after section eighteen the following new section :—
- 15 18A. (1) The holder of a certificate of competency as engine-driver granted under this Act or of a certificate approved by the board of examiners of engine-drivers (each of which certificates is referred to in this section as an "engine-driver's certificate") shall—
- 20 (a) where the class or description of machinery specified in the engine-driver's certificate includes machinery by means of which men or materials are raised, lowered or hauled at any mine—
- 25 (i) in the case of a person whose certificate was so granted or approved before the commencement of the Mines Inspection (Amendment) Act, 1967—within six
- 30 months after that commencement and once in every two years after that period of six months; or
- 35 (ii) in the case of a person whose certificate was so granted or approved after that commencement—once in every two years after the certificate was so granted or approved,

Sec. 16.
(Certificates granted outside of New South Wales.)

Sec. 17.
(Certificates to contain particulars.)

Sec. 18.
(Register of certificates.)

New sec. 18A.

Medical examination of holders of certificates.

Mines Inspection (Amendment).

approved, and at such additional times (if any) as the Chief Inspector may direct by written notice sent to him at his last known address; or

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

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

20 (2) Where—

(a) the medical practitioner's certificate discloses that the holder of the engine-driver's certificate is physically unfit in any way or that
25 his sight, hearing or any other faculty is impaired; and

(b) the Chief Inspector certifies to the Minister that he is of opinion that the holder of the engine-driver's certificate is not, by reason
30 of the matters contained in the medical practitioner's certificate, able to perform his duties safely,

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

(3)

Mines Inspection (Amendment).

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

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

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

(a) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been
20 suspended is able to perform his duties safely—the Minister shall remove the suspension of the engine-driver's certificate and the Chief Inspector shall, if it was
25 delivered up to him, return it to the person, to whom it was granted, at his last known address; or

(b) the Chief Inspector certifies to the Minister that he is of opinion that that person is not, by reason of the matters contained in the
30 medical practitioner's certificate able to perform his duties safely—the Minister shall forthwith cancel the engine-driver's certificate.

(6)

Mines Inspection (Amendment).

5 (6) A person who holds or held an engine-driver's certificate and who neglects or fails to comply with any of the provisions of this section shall, whether or not the certificate has been suspended or cancelled under this section, be guilty of an offence against this Act.

(p) by inserting in section nineteen after the word "Act" where firstly occurring the words "(not being an offence under section 18A of this Act)";

Sec. 19.
(Inquiry into conduct of manager and engine-driver, and cancellation of certificate in case of unfitness.)

10 (q) (i) by inserting in subsection two of section twenty-one after the word "time," the words "in the case of a certificate cancelled in pursuance of section 18A of this Act, on the recommendation of the Chief Inspector, or, in the case of a certificate cancelled or suspended in pursuance of any other provision of this Act,";

Sec. 21.
(Record of cancellation of certificate; restoration in certain cases.)

15 (ii) by omitting from the same subsection the words "any certificate which has been cancelled or suspended in pursuance of this Act" and by inserting in lieu thereof the words "the certificate";

20 (r) by omitting from subsection one of section twenty-three the words "and service";

Sec. 23.
(Expenses in relation to certificates and application of fees.)

25 (s) by omitting from paragraph (a) of section twenty-four the words "or service";

Sec. 24.
(Penalty for forgery of, or false declaration as to certificate.)

(t)

Mines Inspection (Amendment).

- (t) (i) by inserting in subsection one of section thirty-two after the word "Mines" where firstly occurring the words "a Deputy Chief Inspector of Mines"; Sec. 32. (Appointment of inspectors.)
- 5 (ii) by omitting from subsection three of the same section the words "The Senior" and by inserting in lieu thereof the words "The Deputy Chief Inspector of Mines and the Senior";
- 10 (iii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the words "them respectively";
- (iv) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—
- 15 (a) An inspector, not being an electrical inspector or an inspector of mechanical engineering, shall be—
- (i) the holder of a certificate of competency as manager granted under this Act or approved by the board of examiners of managers; and
- 20 (ii) the holder of a degree or diploma in mining engineering from the University of Sydney, the University of New South Wales or other educational body approved by the Department of Mines or a qualification recognised by the Department of Mines as equivalent to any such degree or diploma.
- 25
- 30 (u) (i) by omitting from section thirty-eight the words "in which" and by inserting in lieu thereof the words "at which"; Sec. 38. (Notices and directions of inspector to be entered in book.)
- (ii) by omitting from the same section the words "below ground" where firstly occurring;
- (v)

Mines Inspection (Amendment).

- (v) (i) by omitting from subsection one of section forty-one the words "below ground within three months after the commencement of this Act" and by inserting in lieu thereof the words "within three months after the commencement of the Mines Inspection (Amendment) Act, 1967,";
- (ii) by omitting from the same subsection the word "so" where firstly occurring;
- (iii) by omitting from the same subsection the words "of not less than two chains" and by inserting in lieu thereof the words "showing a distance of not more than one hundred feet";
- (iv) by omitting from subsection four of the same section the words "whether any men are employed below ground or not";
- (v) by inserting next after subsection five of the same section the following new subsection : —
- (6) Nothing in subsection one of this section requires the owner or manager of a mine to deposit any plan and sections, as mentioned in that subsection, if any plan and sections in respect of that mine, deposited before the commencement of the Mines Inspection (Amendment) Act, 1967, would, had the amendments made to that subsection by that Act been in force when the plan and sections were deposited, have complied with the provisions of that subsection.
- (w) by omitting from subsection three of section 42A the words "officer of the Department of Mines or other";
- (x) by omitting from section 42B the word "borehole" wherever occurring and by inserting in lieu thereof the word "drillhole";

Sec. 41.
(Plans to be
furnished.)

Sec. 42A.
(Furnishing
of statistics,
returns,
etc.)

Sec. 42B.
(Bore-
holes.)

(y)

Mines Inspection (Amendment).

(y) (i) by omitting from subsection one of section Sec. 43.
forty-three the words "shall, within twenty-four (Notice to
hours next" and by inserting in lieu thereof be given of
the words "shall— accidents
in mines.)

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

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

next";

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

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

30 (2B) The owner or manager of a mine
shall, within seven days of its coming to his
knowledge that any person employed in or
about the mine is suffering from silicosis,
pneumoconiosis or any other pathological
condition of the pulmonary organs, send notice
in writing to the Chief Inspector that the
person is so suffering.

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

Mines Inspection (Amendment).

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

- 5 (v) by omitting from the same subsection the words “an inspector” and by inserting in lieu thereof the words “the Chief Inspector”;
- 10 (z) (i) by omitting from subsection one of section fifty-eight the words “An inspector may by notice in writing require such rules (referred to in this Act as special rules) to be established” and by inserting in lieu thereof the words “The Governor may make such rules (referred to in this Act as special rules)”;
- 15 (ii) by inserting next after the same subsection the following new subsection :—
- (1A) Subject to subsection four of this section, all special rules shall—
- (a) be published in the Gazette;
- 20 (b) take effect from the date of publication, or from a later date to be specified therein; and
- 25 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.
- If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the special rules have been laid before such House disallowing any special rule or part thereof, the special rule or part shall thereupon cease to have effect.

(iii)

Mines Inspection (Amendment).

5 (iii) by omitting from subsection two of the same section the words "Such special rules, when established, shall be signed by the Chief Inspector, and" and by inserting in lieu thereof the words "All special rules";

(iv) by omitting from subsection three of the same section the word "established";

10 (v) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

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

15 (a) shall continue in force notwithstanding any amendments made by that Act;

(b) shall be deemed to have been made by the Governor under this section as amended by that Act; and

20 (c) may be amended, substituted or repealed by the Governor under this section, as so amended.

(aa) by omitting section fifty-nine;

Sec. 59.
(Establishment of special rules.)

(bb) by omitting section sixty;

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

(cc) by omitting section sixty-one;

Sec. 61.
(Amendment of special rule.)

(dd)

Mines Inspection (Amendment).

(dd) by omitting section sixty-two;

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

(ee) by omitting section sixty-three;

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

(ff) by omitting section sixty-four.

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

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

[15c]

1. The first part of the report is devoted to a general survey of the situation in the country.

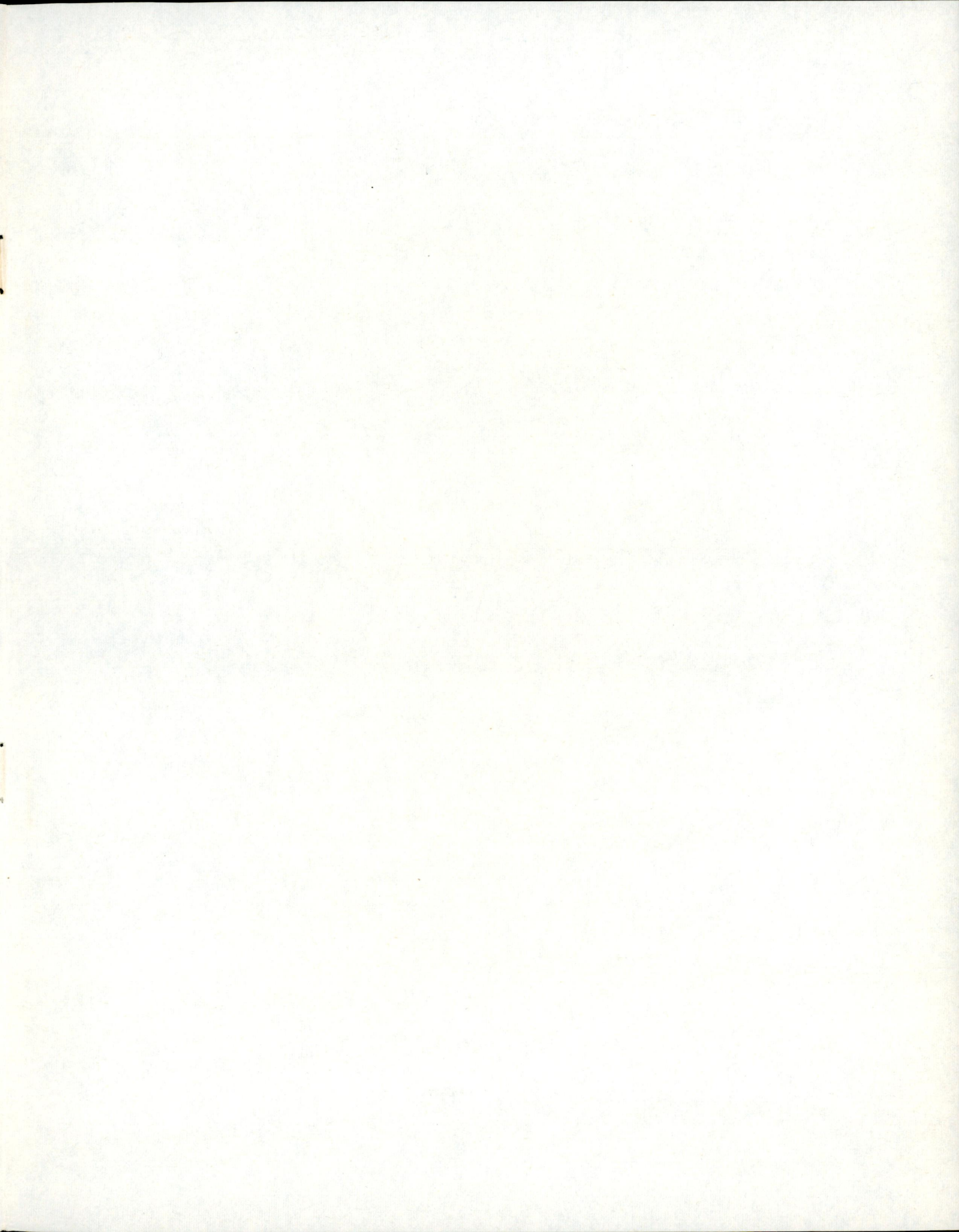
2. The second part of the report deals with the economic situation and the measures taken to improve it.

3. The third part of the report is devoted to the social situation and the measures taken to improve it.

4. The fourth part of the report deals with the cultural situation and the measures taken to improve it.

5. The fifth part of the report is devoted to the foreign relations of the country.

6. The sixth part of the report deals with the military situation and the measures taken to improve it.





No. , 1967.

A BILL

To make further provisions for the regulation and inspection of mines other than coal and shale mines; for this and other purposes to amend the Mines Inspection Act, 1901, as subsequently amended; and for purposes connected therewith.

[MR FIFE—22 November, 1967.]

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

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1967".

19109 (c) 159—

(2)

Short title, citation and commencement.

Mines Inspection (Amendment).

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901-1967.

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

2. (1) The Mines Inspection Act, 1901, as subsequently amended, is amended—

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

Amendment of Act No. 75, 1901.

Sec. 2. (Division of Act.)

(b) (i) by omitting from subsection one of section four the definition of "High explosive";

Sec. 4. (Interpretation of terms.)

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

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

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

25 (c) (i) by omitting from subsection two of section five the words "an inspector" and by inserting in lieu thereof the words "the Chief Inspector";

Sec. 5. (Appointment of manager of mine.)

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

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

(d) by omitting section eight;

Sec. 8. (Grant of certificates of service as managers.)
(e)

Mines Inspection (Amendment).

- (e) by omitting from subsection two of section nine the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as manager"; Sec. 9. (Certificates granted outside New South Wales.)
- 5 (f) by omitting from section ten the words "and service"; Sec. 10. (Form of certificates.)
- (g) by omitting from section eleven the words "or service"; Sec. 11. (Register of certificates.)
- 10 (h) (i) by omitting from paragraph (a) of subsection one of section twelve the words "or of service"; Sec. 12. (Penalty on unqualified person taking charge of machinery.)
- (ii) by inserting in the same subsection after the word "machinery" the words ", of a class or description prescribed for the purposes of paragraph (g) of subsection two of section thirteen of this Act,";
- 15 (iii) by inserting in subsection two of the same section after the words "of any" the word "such";
- 20 (iv) by omitting from paragraph (b) of subsection three of the same section the word "boring" and by inserting in lieu thereof the word "drilling";
- 25 (i) (i) by omitting from paragraph (e) of subsection two of section thirteen the word "and"; Sec. 13. (Board of examiners for engine-drivers.)
- (ii) by inserting at the end of paragraph (f) of the same subsection the word "and";
- (iii) by omitting from paragraph (g) of the same subsection the words "or service";
- 30 (j) by omitting subsections three and four of section fourteen; Sec. 14. (Grant of certificates to applicants on passing examination.)
- (k) by omitting section fifteen; Sec. 15. (Certificates of service for engine-drivers.)
- (l)

Mines Inspection (Amendment).

- (1) (i) by inserting in subsection one of section sixteen after the word "authority" the words "inside or";
- (ii) by omitting from subsection two of the same section the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as engine-driver";
- (m) by omitting from section seventeen the words "or service";
- (n) by omitting from section eighteen the words "or service";
- (o) by inserting next after section eighteen the following new section :—
- 18A. (1) The holder of a certificate of competency as engine-driver granted under this Act or of a certificate approved by the board of examiners of engine-drivers (each of which certificates is referred to in this section as an "engine-driver's certificate") shall—
- (a) where the class or description of machinery specified in the engine-driver's certificate includes machinery by means of which men or materials are raised, lowered or hauled at any mine—
- (i) in the case of a person whose certificate was so granted or approved before the commencement of the Mines Inspection (Amendment) Act, 1967—within six months after that commencement and once in every two years after that period of six months; or
- (ii) in the case of a person whose certificate was so granted or approved after that commencement—once in every two years after the certificate was so granted or approved,

Sec. 16.
(Certificates granted outside of New South Wales.)

Sec. 17.
(Certificates to contain particulars.)

Sec. 18.
(Register of certificates.)

New sec. 18A.

Medical examination of holders of certificates.

Mines Inspection (Amendment).

approved, and at such additional times (if any) as the Chief Inspector may direct by written notice sent to him at his last known address; or

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

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

15 (2) Where—

20 (a) the medical practitioner's certificate discloses that the holder of the engine-driver's certificate is physically unfit in any way or that his sight, hearing or any other faculty is impaired; and

25 (b) the Chief Inspector certifies to the Minister that he is of opinion that the holder of the engine-driver's certificate is not, by reason of the matters contained in the medical practitioner's certificate, able to perform his duties safely,

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

(3)

Mines Inspection (Amendment).

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

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

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

15

(a) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been suspended is able to perform his duties safely—the Minister shall remove the suspension of the engine-driver's certificate and the Chief Inspector shall, if it was delivered up to him, return it to the person, to whom it was granted, at his last known address; or

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25

(b) the Chief Inspector certifies to the Minister that he is of opinion that that person is not, by reason of the matters contained in the medical practitioner's certificate able to perform his duties safely—the Minister shall forthwith cancel the engine-driver's certificate.

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(6)

Mines Inspection (Amendment).

5 (6) A person who holds or held an engine-driver's certificate and who neglects or fails to comply with any of the provisions of this section shall, whether or not the certificate has been suspended or cancelled under this section, be guilty of an offence against this Act.

(p) by inserting in section nineteen after the word "Act" where firstly occurring the words "(not being an offence under section 18A of this Act)";

Sec. 19.
(Inquiry into conduct of manager and engine-driver, and cancellation of certificate in case of unfitness.)

10 (q) (i) by inserting in subsection two of section twenty-one after the word "time," the words "in the case of a certificate cancelled in pursuance of section 18A of this Act, on the recommendation of the Chief Inspector, or, in the case of a certificate cancelled or suspended in pursuance of any other provision of this Act,";

15

Sec. 21.
(Record of cancellation of certificate; restoration in certain cases.)

20 (ii) by omitting from the same subsection the words "any certificate which has been cancelled or suspended in pursuance of this Act" and by inserting in lieu thereof the words "the certificate";

(r) by omitting from subsection one of section twenty-three the words "and service";

Sec. 23.
(Expenses in relation to certificates and application of fees.)

25 (s) by omitting from paragraph (a) of section twenty-four the words "or service";

Sec. 24.
(Penalty for forgery of, or false declaration as to certificate.)

(t)

Mines Inspection (Amendment).

- (t) (i) by inserting in subsection one of section thirty-two after the word "Mines" where firstly occurring the words ", a Deputy Chief Inspector of Mines"; Sec. 32. (Appointment of inspectors.)
- 5 (ii) by omitting from subsection three of the same section the words "The Senior" and by inserting in lieu thereof the words "The Deputy Chief Inspector of Mines and the Senior";
- 10 (iii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the words "them respectively";
- (iv) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—
- 15 (a) An inspector, not being an electrical inspector or an inspector of mechanical engineering, shall be—
- (i) the holder of a certificate of competency as manager granted under this Act or approved by the board of examiners of managers; and
- 20 (ii) the holder of a degree or diploma in mining engineering from the University of Sydney, the University of New South Wales or other educational body approved by the Department of Mines or a qualification recognised by the Department of Mines as equivalent to any such degree or diploma.
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- 30 (u) (i) by omitting from section thirty-eight the words "in which" and by inserting in lieu thereof the words "at which"; Sec. 38. (Notices and directions of inspector to be entered in book.)
- (ii) by omitting from the same section the words "below ground" where firstly occurring;
- (v)

Mines Inspection (Amendment).

- (v) (i) by omitting from subsection one of section forty-one the words "below ground within three months after the commencement of this Act" and by inserting in lieu thereof the words "within three months after the commencement of the Mines Inspection (Amendment) Act, 1967,";
- (ii) by omitting from the same subsection the word "so" where firstly occurring;
- (iii) by omitting from the same subsection the words "of not less than two chains" and by inserting in lieu thereof the words "showing a distance of not more than one hundred feet";
- (iv) by omitting from subsection four of the same section the words "whether any men are employed below ground or not";
- (v) by inserting next after subsection five of the same section the following new subsection :—
- (6) Nothing in subsection one of this section requires the owner or manager of a mine to deposit any plan and sections, as mentioned in that subsection, if any plan and sections in respect of that mine, deposited before the commencement of the Mines Inspection (Amendment) Act, 1967, would, had the amendments made to that subsection by that Act been in force when the plan and sections were deposited, have complied with the provisions of that subsection.
- (w) by omitting from subsection three of section 42A the words "officer of the Department of Mines or other";
- (x) by omitting from section 42B the word "borehole" wherever occurring and by inserting in lieu thereof the word "drillhole";

Sec. 41.
(Plans to be
furnished.)

Sec. 42A.
(Furnishing
of statistics,
returns,
etc.)

Sec. 42B.
(Bore-
holes.)

(y)

Mines Inspection (Amendment).

- (y) (i) by omitting from subsection one of section forty-three the words "shall, within twenty-four hours next" and by inserting in lieu thereof the words "shall—
- Sec. 43.
(Notice to
be given of
accidents
in mines.)
- 5 (a) in the case of a personal injury, referred to in the foregoing provisions of this subsection, that, in the opinion of the owner or manager formed at the time of or within twenty-four hours next after the explosion or accident, is not of a serious nature and should not necessitate the absence from work of the person injured for more than fourteen consecutive days— within
- 10 twenty-one days; or
- 15 (b) in any other case—within twenty-four hours,
- next";
- 20 (ii) by inserting in subsection two of the same section after the word "injury" the words ", of which notice has been sent in pursuance of paragraph (b) of subsection one of this section,";
- 25 (iii) by inserting next after subsection (2A) of the same section the following new subsection :—
- (2B) The owner or manager of a mine shall, within seven days of its coming to his knowledge that any person employed in or about the mine is suffering from silicosis, pneumoconiosis or any other pathological condition of the pulmonary organs, send notice in writing to the Chief Inspector that the person is so suffering.
- 30
- 35 (iv) by inserting in subsection three of the same section after the word "injured" the words ", or where a pathological condition results in
- the

Mines Inspection (Amendment).

- the death of the person suffering from it and notice that the person is suffering from the condition is required to be sent under this section”;
- 5 (v) by omitting from the same subsection the words “an inspector” and by inserting in lieu thereof the words “the Chief Inspector”;
- 10 (z) (i) by omitting from subsection one of section fifty-eight the words “An inspector may by notice in writing require such rules (referred to in this Act as special rules) to be established” and by inserting in lieu thereof the words “The Governor may make such rules (referred to in this Act as special rules)”;
- 15 (ii) by inserting next after the same subsection the following new subsection :—
- (1A) Subject to subsection four of this section, all special rules shall—
- (a) be published in the Gazette;
- 20 style="padding-left: 80px;">(b) take effect from the date of publication, or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within
- 25 style="padding-left: 80px;">fourteen sitting days after the commencement of the next session.
- If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the special rules have been laid before such House disallowing any special rule or part thereof, the special rule or part shall thereupon cease to have effect.
- 30
- 35 (iii)

Mines Inspection (Amendment).

5 (iii) by omitting from subsection two of the same section the words "Such special rules, when established, shall be signed by the Chief Inspector, and" and by inserting in lieu thereof the words "All special rules";

(iv) by omitting from subsection three of the same section the word "established";

10 (v) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

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

15 (a) shall continue in force notwithstanding any amendments made by that Act;

(b) shall be deemed to have been made by the Governor under this section as amended by that Act; and

20 (c) may be amended, substituted or repealed by the Governor under this section, as so amended.

(aa) by omitting section fifty-nine;

Sec. 59.
(Establishment of special rules.)

(bb) by omitting section sixty;

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

(cc) by omitting section sixty-one;

Sec. 61.
(Amendment of special rule.)

(iii)

(dd)

Mines Inspection (Amendment).

(dd) by omitting section sixty-two;

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

(ee) by omitting section sixty-three;

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

(ff) by omitting section sixty-four.

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

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

[15c]

Mines Inspection (Amendment)

Section 42
Section 43
Section 44
Section 45
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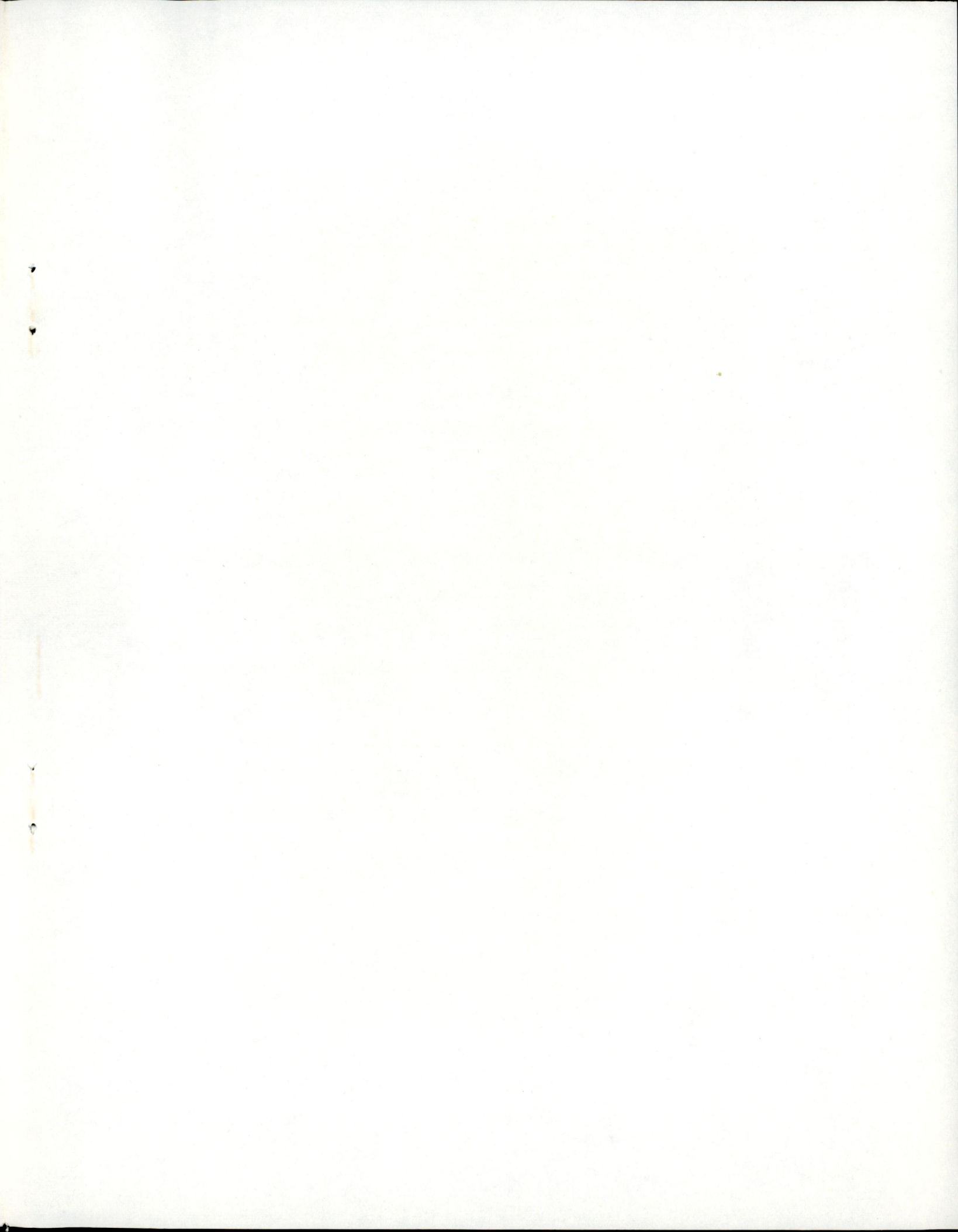
(dd) by omitting section six-two;

(ec) by omitting section six-three;

(ff) by omitting section six-four;

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

Section 42
Section 43
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Section 99
Section 100



MINES INSPECTION (AMENDMENT) BILL, 1967

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to permit the board of examiners of engine-drivers under the Mines Inspection Act, 1901, as subsequently amended, to approve a certificate of competency as engine-driver granted to a person by a recognised authority inside New South Wales ;
- (b) to permit the cancellation of the certificate of competency of an engine-driver who is found after a compulsory medical examination to be unfit to perform his duties safely ;
- (c) to provide for the appointment of a Deputy Chief Inspector of Mines ;
- (d) to require that future inspectors of mines (not being electrical inspectors or inspectors of mechanical engineering) shall hold a degree or diploma in mining engineering ;
- (e) to extend to certain other mines the requirement that a plan and sections of the mine workings be deposited and made available in the mine offices ;
- (f) to permit certain minor injuries suffered at a mine to be reported to an inspector of mines within twenty-one days instead of twenty-four hours ;
- (g) to require the owner or manager of a mine to report to the Chief Inspector of Mines when an employee is suffering or dies from silicosis or any other pulmonary condition ;
- (h) to provide that all future special rules relating to particular mines shall be made by the Governor, published in the Government Gazette and laid before both Houses of Parliament ; and
- (i) to make other amendments to the Mines Inspection Act, 1901, as subsequently amended, of a minor or ancillary character.

THE UNIVERSITY OF CHICAGO

THE FACULTY

The Faculty of the University of Chicago is composed of the following members:

1. The President of the University

2. The Vice-Chancellor

3. The Deans of the Divisions

4. The Members of the Board of Trustees

5. The Members of the Senate

6. The Members of the Faculty

7. The Members of the Board of Academic Officers

8. The Members of the Board of Financial Officers

9. The Members of the Board of Administrative Officers

10. The Members of the Board of External Officers

11. The Members of the Board of Internal Officers

12. The Members of the Board of External Officers

13. The Members of the Board of Internal Officers

14. The Members of the Board of External Officers

15. The Members of the Board of Internal Officers

16. The Members of the Board of External Officers

17. The Members of the Board of Internal Officers

18. The Members of the Board of External Officers

19. The Members of the Board of Internal Officers

20. The Members of the Board of External Officers

21. The Members of the Board of Internal Officers

22. The Members of the Board of External Officers

23. The Members of the Board of Internal Officers

24. The Members of the Board of External Officers

No. , 1967.

A BILL

To make further provisions for the regulation and inspection of mines other than coal and shale mines; for this and other purposes to amend the Mines Inspection Act, 1901, as subsequently amended; and for purposes connected therewith.

[MR FIFE—22 November, 1967.]

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

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1967".

Short title, citation and commencement.

19109 159—

(2)

Mines Inspection (Amendment).

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901-1967.

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

2. (1) The Mines Inspection Act, 1901, as subsequently amended, is amended—

- 10 (a) by omitting from the matter relating to Division 2 of Part II in section two the figures "18" and by inserting in lieu thereof the figures and letter "18A";
- 15 (b) (i) by omitting from subsection one of section four the definition of "High explosive";
- (ii) by inserting in the definition of "Inspector" in the same subsection after the words "Chief Inspector of Mines" the words ", Deputy Chief Inspector of Mines";
- 20 (iii) by omitting from paragraph (b) of the definition of "Mine" in the same subsection the word ", boring";
- (iv) by omitting from the same subsection the definition of "The Minister";
- 25 (c) (i) by omitting from subsection two of section five the words "an inspector" and by inserting in lieu thereof the words "the Chief Inspector";
- (ii) by omitting from subsection three of the same section the words "or of service";
- 30 (iii) by omitting from subsection five of the same section the words "an inspector" and by inserting in lieu thereof the words "the Chief Inspector";
- (d) by omitting section eight;
- (e) Sec. 8. (Grant of certificates of service as managers.)

Amendment of Act No. 75, 1901.

Sec. 2. (Division of Act.)

Sec. 4. (Interpretation of terms.)

Sec. 5. (Appointment of manager of mine.)

Mines Inspection (Amendment).

- (e) by omitting from subsection two of section nine the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as manager"; Sec. 9.
(Certificates granted outside New South Wales.)
- 5 (f) by omitting from section ten the words "and service"; Sec. 10.
(Form of certificates.)
- (g) by omitting from section eleven the words "or service"; Sec. 11.
(Register of certificates.)
- 10 (h) (i) by omitting from paragraph (a) of subsection one of section twelve the words "or of service"; Sec. 12.
(Penalty on unqualified person taking charge of machinery.)
- (ii) by inserting in the same subsection after the word "machinery" the words ", of a class or description prescribed for the purposes of paragraph (g) of subsection two of section thirteen of this Act,";
- 15 (iii) by inserting in subsection two of the same section after the words "of any" the word "such";
- 20 (iv) by omitting from paragraph (b) of subsection three of the same section the word "boring" and by inserting in lieu thereof the word "drilling";
- (i) (i) by omitting from paragraph (e) of subsection two of section thirteen the word "and"; Sec. 13.
(Board of examiners for engine-drivers.)
- 25 (ii) by inserting at the end of paragraph (f) of the same subsection the word "and";
- (iii) by omitting from paragraph (g) of the same subsection the words "or service";
- 30 (j) by omitting subsections three and four of section fourteen; Sec. 14.
(Grant of certificates to applicants on passing examination.)
- (k) by omitting section fifteen; Sec. 15.
(Certificates of service for engine-drivers.)
- (1)

Mines Inspection (Amendment).

- (l) (i) by inserting in subsection one of section sixteen after the word "authority" the words "inside or"; Sec. 16. (Certificates granted outside of New South Wales.)
- 5 (ii) by omitting from subsection two of the same section the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as engine-driver";
- (m) by omitting from section seventeen the words "or service"; Sec. 17. (Certificates to contain particulars.)
- 10 (n) by omitting from section eighteen the words "or service"; Sec. 18. (Register of certificates.)
- (o) by inserting next after section eighteen the following new section :— New sec. 18A.
- 15 18A. (1) The holder of a certificate of competency as engine-driver granted under this Act or of a certificate approved by the board of examiners of engine-drivers (each of which certificates is referred to in this section as an "engine-driver's certificate") shall— Medical examination of holders of certificates.
- 20 (a) where the class or description of machinery specified in the engine-driver's certificate includes machinery by means of which men or materials are raised, lowered or hauled at any mine—
- 25 (i) in the case of a person whose certificate was so granted or approved before the commencement of the Mines Inspection (Amendment) Act, 1967—within six months after that commencement and once in every two years after that period of six months; or
- 30 (ii) in the case of a person whose certificate was so granted or approved after that commencement—once in every two years after the certificate was so granted or
- 35 approved,

Mines Inspection (Amendment).

approved, and at such additional times (if any) as the Chief Inspector may direct by written notice sent to him at his last known address; or

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

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

20 (2) Where—

(a) the medical practitioner's certificate discloses that the holder of the engine-driver's certificate is physically unfit in any way or that his sight, hearing or any other faculty is
25 impaired; and

(b) the Chief Inspector certifies to the Minister that he is of opinion that the holder of the engine-driver's certificate is not, by reason of the matters contained in the medical
30 practitioner's certificate, able to perform his duties safely,

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

(3)

Mines Inspection (Amendment).

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

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

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

(a) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been suspended is able to perform his duties safely—the Minister shall remove the suspension of the engine-driver's certificate and the Chief Inspector shall, if it was
20 delivered up to him, return it to the person, to whom it was granted, at his last known address; or

(b) the Chief Inspector certifies to the Minister that he is of opinion that that person is not, by reason of the matters contained in the medical practitioner's certificate able to perform his duties safely—the Minister shall forthwith cancel the engine-driver's certificate.
30

(6)

Mines Inspection (Amendment).

5 (6) A person who holds or held an engine-driver's certificate and who neglects or fails to comply with any of the provisions of this section shall, whether or not the certificate has been suspended or cancelled under this section, be guilty of an offence against this Act.

(p) by inserting in section nineteen after the word "Act" where firstly occurring the words "(not being an offence under section 18A of this Act)";

Sec. 19.
(Inquiry into conduct of manager and engine-driver, and cancellation of certificate in case of unfitness.)

10 (q) (i) by inserting in subsection two of section twenty-one after the word "time," the words "in the case of a certificate cancelled in pursuance of section 18A of this Act, on the recommendation of the Chief Inspector, or, in the case of a certificate cancelled or suspended in pursuance of any other provision of this Act,";

15

Sec. 21.
(Record of cancellation of certificate; restoration in certain cases.)

20 (ii) by omitting from the same subsection the words "any certificate which has been cancelled or suspended in pursuance of this Act" and by inserting in lieu thereof the words "the certificate";

(r) by omitting from subsection one of section twenty-three the words "and service";

Sec. 23.
(Expenses in relation to certificates and application of fees.)

25 (s) by omitting from paragraph (a) of section twenty-four the words "or service";

Sec. 24.
(Penalty for forgery of, or false declaration as to certificate.)

(t)

Mines Inspection (Amendment).

- (t) (i) by inserting in subsection one of section thirty-two after the word "Mines" where firstly occurring the words ", a Deputy Chief Inspector of Mines"; Sec. 32. (Appointment of inspectors.)
- 5 (ii) by omitting from subsection three of the same section the words "The Senior" and by inserting in lieu thereof the words "The Deputy Chief Inspector of Mines and the Senior";
- 10 (iii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the words "them respectively";
- (iv) by omitting paragraph (a) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—
- 15 (a) An inspector, not being an electrical inspector or an inspector of mechanical engineering, shall be—
- (i) the holder of a certificate of competency as manager granted under this Act or approved by the board of examiners of managers; and
- 20 (ii) the holder of a degree or diploma in mining engineering from the University of Sydney, the University of New South Wales or other educational body approved by the Department of Mines or a qualification recognised by the Department of Mines as equivalent to any such degree or diploma.
- 25
- 30 (u) (i) by omitting from section thirty-eight the words "in which" and by inserting in lieu thereof the words "at which"; Sec. 38. (Notices and directions of inspector to be entered in book.)
- (ii) by omitting from the same section the words "below ground" where firstly occurring;
- (v)

Mines Inspection (Amendment).

- (v) (i) by omitting from subsection one of section forty-one the words "below ground within three months after the commencement of this Act" and by inserting in lieu thereof the words "within three months after the commencement of the Mines Inspection (Amendment) Act, 1967,";
- (ii) by omitting from the same subsection the word "so" where firstly occurring;
- (iii) by omitting from the same subsection the words "of not less than two chains" and by inserting in lieu thereof the words "showing a distance of not more than one hundred feet";
- (iv) by omitting from subsection four of the same section the words "whether any men are employed below ground or not";
- (v) by inserting next after subsection five of the same section the following new subsection :—
- (6) Nothing in subsection one of this section requires the owner or manager of a mine to deposit any plan and sections, as mentioned in that subsection, if any plan and sections in respect of that mine, deposited before the commencement of the Mines Inspection (Amendment) Act, 1967, would, had the amendments made to that subsection by that Act been in force when the plan and sections were deposited, have complied with the provisions of that subsection.
- (w) by omitting from subsection three of section 42A the words "officer of the Department of Mines or other";
- (x) by omitting from section 42B the word "borehole" wherever occurring and by inserting in lieu thereof the word "drillhole";
- (y)

Sec. 41.
(Plans to be
furnished.)

Sec. 42A.
(Furnishing
of statistics,
returns,
etc.)

Sec. 42B.
(Bore-
holes.)

Mines Inspection (Amendment).

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

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

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

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

next";

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

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

30 (2B) The owner or manager of a mine
shall, within seven days of its coming to his
knowledge that any person employed in or
about the mine is suffering from silicosis,
pneumoconiosis or any other pathological
condition of the pulmonary organs, send notice
in writing to the Chief Inspector that the
person is so suffering.

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

Mines Inspection (Amendment).

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

- 5 (v) by omitting from the same subsection the words “an inspector” and by inserting in lieu thereof the words “the Chief Inspector”;
- 10 (z) (i) by omitting from subsection one of section fifty-eight the words “An inspector may by notice in writing require such rules (referred to in this Act as special rules) to be established” and by inserting in lieu thereof the words “The Governor may make such rules (referred to in this Act as special rules)”;
- 15 (ii) by inserting next after the same subsection the following new subsection :—
- (1A) Subject to subsection four of this section, all special rules shall—
- (a) be published in the Gazette;
- 20 (b) take effect from the date of publication, or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within
- 25 fourteen sitting days after the commencement of the next session.
- If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the special rules have been laid before such House disallowing any special rule or part thereof, the special rule or part shall thereupon cease to have effect.
- 30
- 35 (iii)

Mines Inspection (Amendment).

- 5 (iii) by omitting from subsection two of the same section the words "Such special rules, when established, shall be signed by the Chief Inspector, and" and by inserting in lieu thereof the words "All special rules";
- (iv) by omitting from subsection three of the same section the word "established";
- 10 (v) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—
- (4) Any special rules in force immediately before the commencement of the Mines Inspection (Amendment) Act, 1967—
- 15 (a) shall continue in force notwithstanding any amendments made by that Act;
- (b) shall be deemed to have been made by the Governor under this section as amended by that Act; and
- 20 (c) may be amended, substituted or repealed by the Governor under this section, as so amended.
- (aa) by omitting section fifty-nine; Sec. 59.
(Establishment of special rules.)
- (bb) by omitting section sixty; Sec. 60.
(The Chief Inspector may object to special rules.)
- (cc) by omitting section sixty-one; Sec. 61.
(Amendment of special rule.)
- (iii) (dd)

Mines Inspection (Amendment).

(dd) by omitting section sixty-two;

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

(ee) by omitting section sixty-three;

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

(ff) by omitting section sixty-four.

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

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

Minor Amendment (Continued)

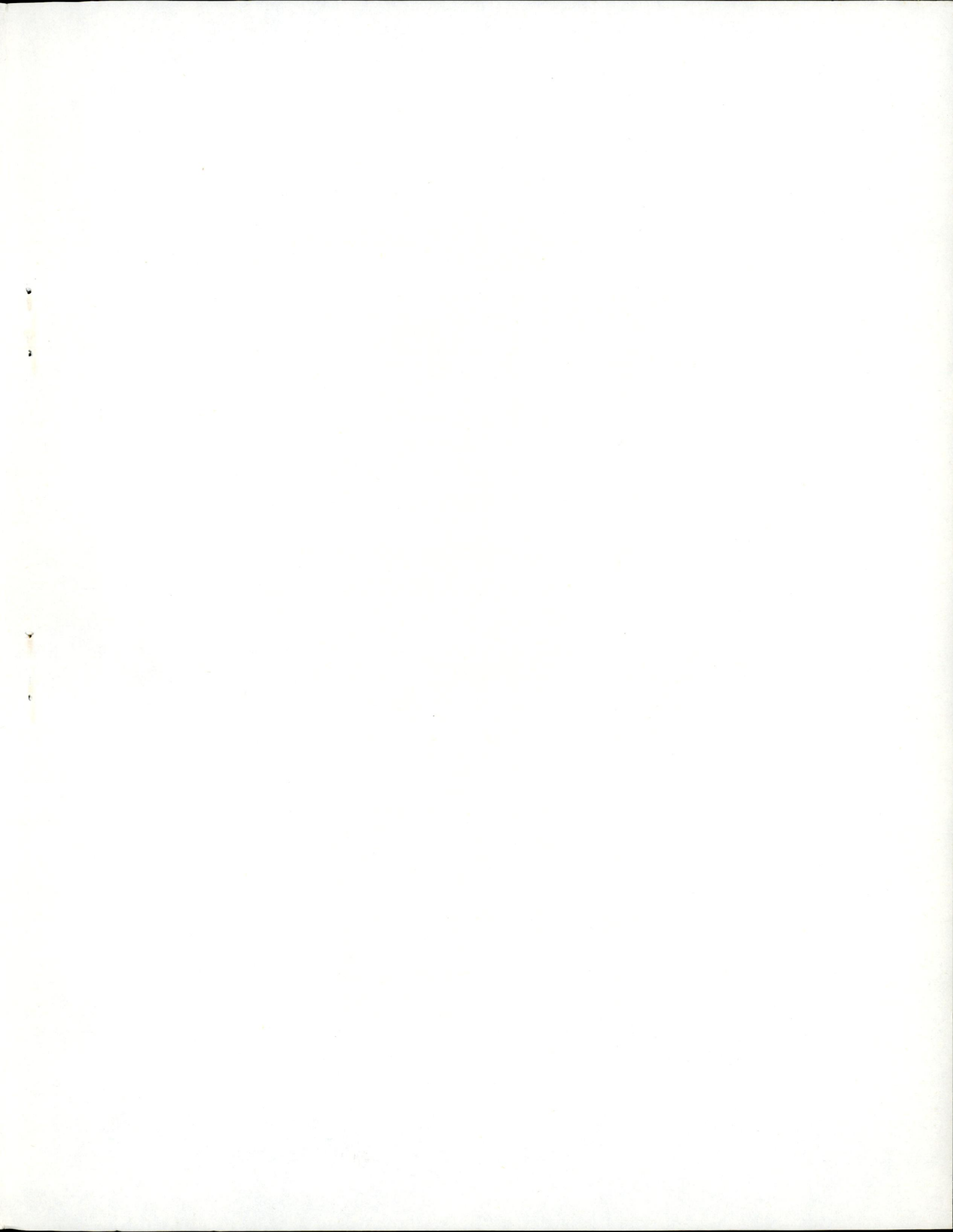
(bb) by striking section 417.01.

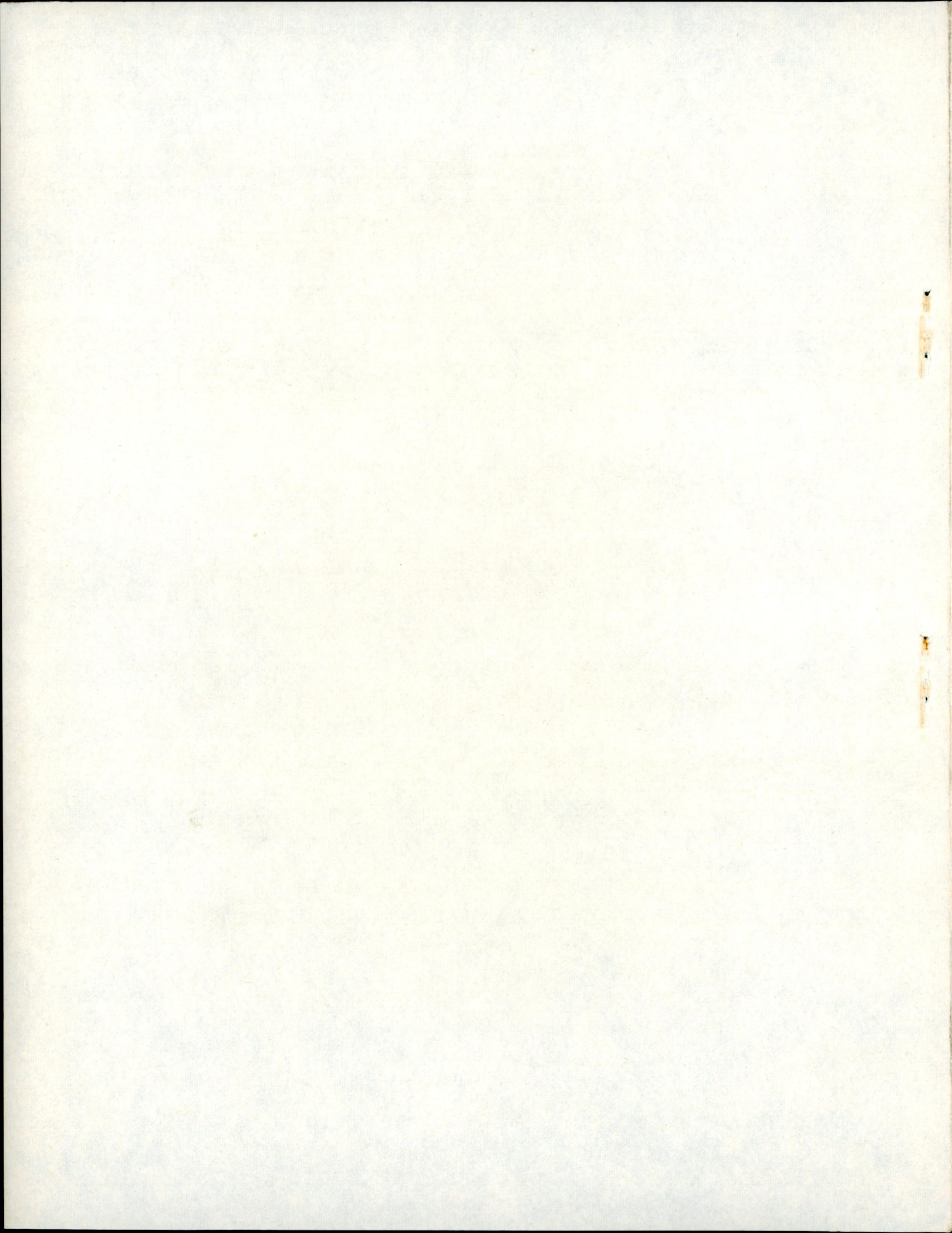
(cc) by striking section 417.02.

(dd) by striking section 417.03.

(e) Paragraph (a) of section 417.04 of chapter 417, part two of the Minnesota Statutes, 1981, as amended, amended and as amended by 1982 Act 100, chapter 100, of an impermissible amendment of the Minnesota Statutes, 1981, chapter 100, section 100.01.

1982 Act 100, chapter 100, section 100.01.





New South Wales



'ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 80, 1967.

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

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

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1967".

Short title,
citation and
commence-
ment.
(2)

Mines Inspection (Amendment).

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901–1967.

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

Amendment
of Act No.
75, 1901.

2. (1) The Mines Inspection Act, 1901, as subsequently amended, is amended—

Sec. 2.
(Division
of Act.)

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

Sec. 4.
(Interpre-
tation of
terms.)

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

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

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

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

Sec. 5.
(Appoint-
ment of
manager
of mine.)

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

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

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

Sec. 8.
(Grant of
certificates
of service as
managers.)

(d) by omitting section eight;

(e)

Mines Inspection (Amendment).

- (e) by omitting from subsection two of section nine the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as manager"; Sec. 9.
(Certificates granted outside New South Wales.)
- (f) by omitting from section ten the words "and service"; Sec. 10.
(Form of certificates.)
- (g) by omitting from section eleven the words "or service"; Sec. 11.
(Register of certificates.)
- (h) (i) by omitting from paragraph (a) of subsection one of section twelve the words "or of service"; Sec. 12.
(Penalty on unqualified person taking charge of machinery.)
- (ii) by inserting in the same subsection after the word "machinery" the words ", of a class or description prescribed for the purposes of paragraph (g) of subsection two of section thirteen of this Act,";
- (iii) by inserting in subsection two of the same section after the words "of any" the word "such";
- (iv) by omitting from paragraph (b) of subsection three of the same section the word "boring" and by inserting in lieu thereof the word "drilling";
- (i) (i) by omitting from paragraph (e) of subsection two of section thirteen the word "and"; Sec. 13.
(Board of examiners for engine-drivers.)
- (ii) by inserting at the end of paragraph (f) of the same subsection the word "and";
- (iii) by omitting from paragraph (g) of the same subsection the words "or service";
- (j) by omitting subsections three and four of section fourteen; Sec. 14.
(Grant of certificates to applicants on passing examination.)
- (k) by omitting section fifteen; Sec. 15.
(Certificates of service for engine-drivers.)

Mines Inspection (Amendment).

Sec. 16.
(Certificates
granted
outside of
New South
Wales.)

- (1) (i) by inserting in subsection one of section sixteen after the word "authority" the words "inside or";
- (ii) by omitting from subsection two of the same section the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as engine-driver";

Sec. 17.
(Certificates
to contain
particulars.)

- (m) by omitting from section seventeen the words "or service";

Sec. 18.
(Register of
certificates.)

- (n) by omitting from section eighteen the words "or service";

New sec.
18A.

- (o) by inserting next after section eighteen the following new section :—

Medical
examination
of holders of
certificates.

18A. (1) The holder of a certificate of competency as engine-driver granted under this Act or of a certificate approved by the board of examiners of engine-drivers (each of which certificates is referred to in this section as an "engine-driver's certificate") shall—

- (a) where the class or description of machinery specified in the engine-driver's certificate includes machinery by means of which men or materials are raised, lowered or hauled at any mine—

- (i) in the case of a person whose certificate was so granted or approved before the commencement of the Mines Inspection (Amendment) Act, 1967—within six months after that commencement and once in every two years after that period of six months; or
- (ii) in the case of a person whose certificate was so granted or approved after that commencement—once in every two years after the certificate was so granted or approved,

Mines Inspection (Amendment).

approved, and at such additional times (if any) as the Chief Inspector may direct by written notice sent to him at his last known address; or

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

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

(2) Where—

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

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

(3)

Act No. 80, 1967.

Mines Inspection (Amendment).

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

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

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

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

(6)

Mines Inspection (Amendment).

(6) A person who holds or held an engine-driver's certificate and who neglects or fails to comply with any of the provisions of this section shall, whether or not the certificate has been suspended or cancelled under this section, be guilty of an offence against this Act.

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

Mines Inspection (Amendment).

Sec. 32.
(Appointment of inspectors.)

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

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

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

Sec. 38.
(Notices and directions of inspector to be entered in book.)

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

(v)

Mines Inspection (Amendment).

- (v) (i) by omitting from subsection one of section forty-one the words "below ground within three months after the commencement of this Act" and by inserting in lieu thereof the words "within three months after the commencement of the Mines Inspection (Amendment) Act, 1967,"; Sec. 41. (Plans to be furnished.)
- (ii) by omitting from the same subsection the word "so" where firstly occurring;
- (iii) by omitting from the same subsection the words "of not less than two chains" and by inserting in lieu thereof the words "showing a distance of not more than one hundred feet";
- (iv) by omitting from subsection four of the same section the words "whether any men are employed below ground or not";
- (v) by inserting next after subsection five of the same section the following new subsection :—

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

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

(y)

Mines Inspection (Amendment).

Sec. 43.

(Notice to be given of accidents in mines.)

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

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

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

next";

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

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

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

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

the

Mines Inspection (Amendment).

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

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

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

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

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

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

- (a) be published in the Gazette;
- (b) take effect from the date of publication, or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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

(iii)

Mines Inspection (Amendment).

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

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

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

Sec. 59.
(Establishment of special rules.)

(aa) by omitting section fifty-nine;

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

(bb) by omitting section sixty;

Sec. 61.
(Amendment of special rule.)

(cc) by omitting section sixty-one;

(dd)

Mines Inspection (Amendment).

(dd) by omitting section sixty-two;

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

(ee) by omitting section sixty-three;

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

(ff) by omitting section sixty-four.

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

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

Final inspection (subsection 4).

4.1. By writing section 4(1) to

4.2. By writing section 4(1) to

4.3. By writing section 4(1) to

2) Paragraph (a) of subsection 4(1) of section 4(1) of the Motor Inspection Act, 1961, as subsequently amended and as amended by this Act, applies in respect only of an inspector appointed after the commencement of this Act.

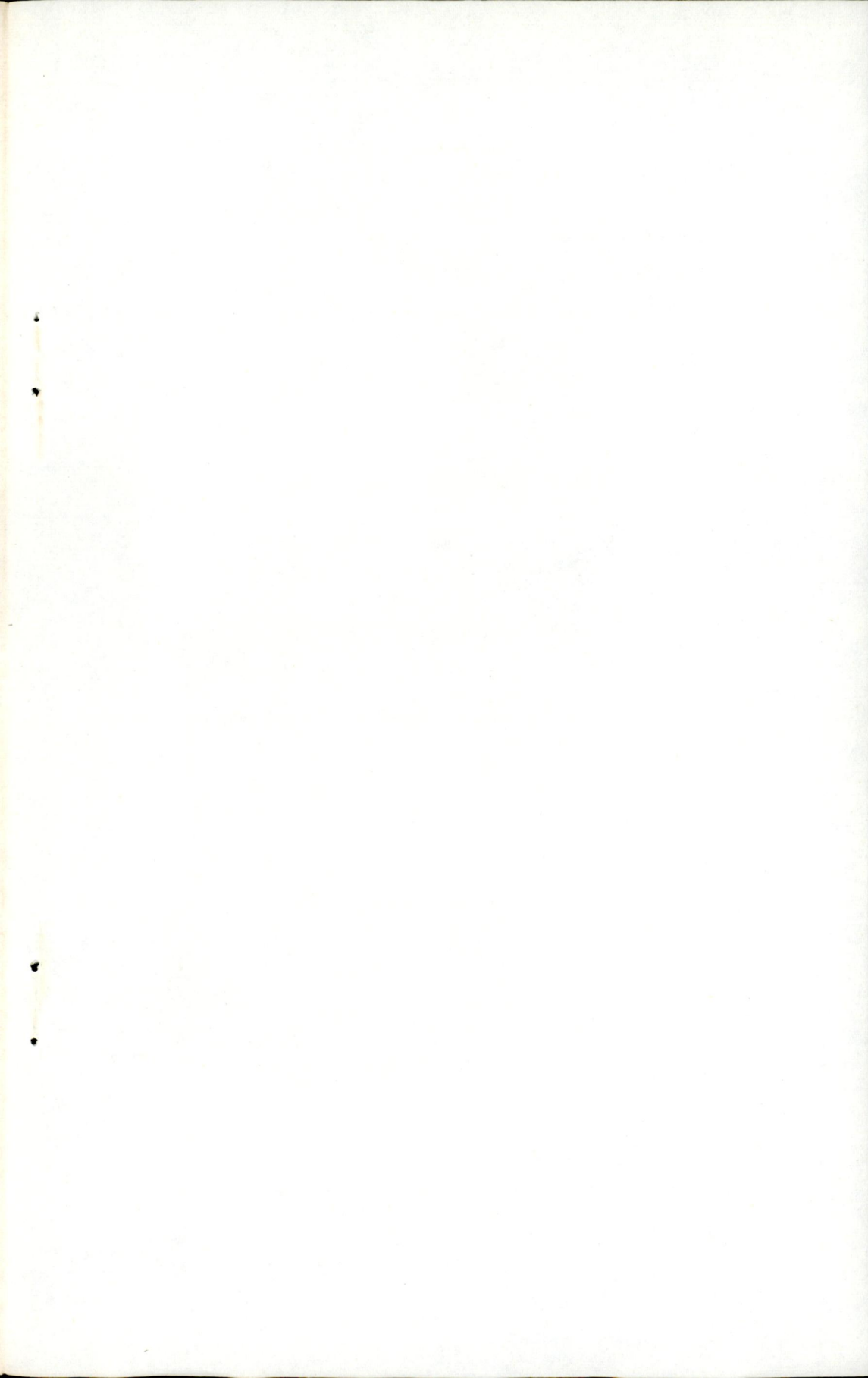
BY AUTHORITY:

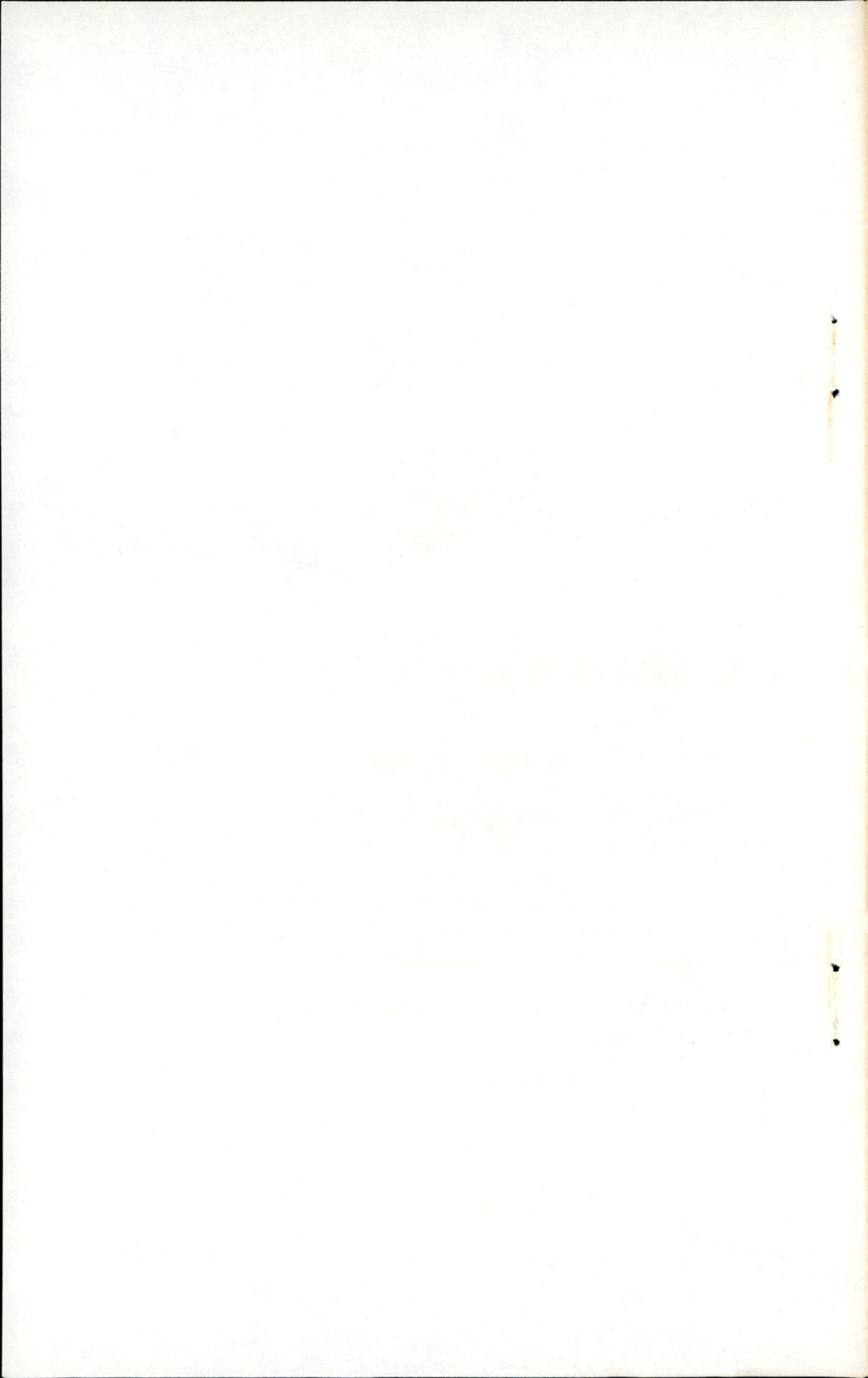
SECRETARY, FEDERAL BUREAU OF INVESTIGATION

Sec. 4.1
Final
Inspection
By writing
section 4(1)
to

Sec. 4.2
Final
Inspection
By writing
section 4(1)
to

Sec. 4.3
Final
Inspection
By writing
section 4(1)
to





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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 December, 1967.*

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 80, 1967.

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

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

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1967".
- (2) Short title, citation and commencement.

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

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

Mines Inspection (Amendment).

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901-1967.

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

- Amendment of Act No. 75, 1901.
2. (1) The Mines Inspection Act, 1901, as subsequently amended, is amended—
- Sec. 2.
(Division of Act.)
- (a) by omitting from the matter relating to Division 2 of Part II in section two the figures "18" and by inserting in lieu thereof the figures and letter "18A";
- Sec. 4.
(Interpretation of terms.)
- (b) (i) by omitting from subsection one of section four the definition of "High explosive";
- (ii) by inserting in the definition of "Inspector" in the same subsection after the words "Chief Inspector of Mines" the words ", Deputy Chief Inspector of Mines";
- (iii) by omitting from paragraph (b) of the definition of "Mine" in the same subsection the word ", boring";
- (iv) by omitting from the same subsection the definition of "The Minister";
- Sec. 5.
(Appointment of manager of mine.)
- (c) (i) by omitting from subsection two of section five the words "an inspector" and by inserting in lieu thereof the words "the Chief Inspector";
- (ii) by omitting from subsection three of the same section the words "or of service";
- (iii) by omitting from subsection five of the same section the words "an inspector" and by inserting in lieu thereof the words "the Chief Inspector";
- Sec. 8.
(Grant of certificates of service as managers.)
- (2) (d) by omitting section eight;
- (e)

Mines Inspection (Amendment).

- (e) by omitting from subsection two of section nine the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as manager"; Sec. 9.
(Certificates granted outside New South Wales.)
- (f) by omitting from section ten the words "and service"; Sec. 10.
(Form of certificates.)
- (g) by omitting from section eleven the words "or service"; Sec. 11.
(Register of certificates.)
- (h) (i) by omitting from paragraph (a) of subsection one of section twelve the words "or of service"; Sec. 12.
(Penalty on unqualified person taking charge of machinery.)
- (ii) by inserting in the same subsection after the word "machinery" the words ", of a class or description prescribed for the purposes of paragraph (g) of subsection two of section thirteen of this Act,";
- (iii) by inserting in subsection two of the same section after the words "of any" the word "such";
- (iv) by omitting from paragraph (b) of subsection three of the same section the word "boring" and by inserting in lieu thereof the word "drilling";
- (i) (i) by omitting from paragraph (e) of subsection two of section thirteen the word "and"; Sec. 13.
(Board of examiners for engine-drivers.)
- (ii) by inserting at the end of paragraph (f) of the same subsection the word "and";
- (iii) by omitting from paragraph (g) of the same subsection the words "or service";
- (j) by omitting subsections three and four of section fourteen; Sec. 14.
(Grant of certificates to applicants on passing examination.)
- (k) by omitting section fifteen; Sec. 15.
(Certificates of service for engine-drivers.)
- (1)

Mines Inspection (Amendment).

Sec. 16.
(Certificates
granted
outside of
New South
Wales.)

- (1) (i) by inserting in subsection one of section sixteen after the word "authority" the words "inside or";
- (ii) by omitting from subsection two of the same section the words "similar certificate" and by inserting in lieu thereof the words "certificate of competency as engine-driver";

Sec. 17.
(Certificates
to contain
particulars.)

- (m) by omitting from section seventeen the words "or service";

Sec. 18.
(Register of
certificates.)

- (n) by omitting from section eighteen the words "or service";

New sec.
18A.

- (o) by inserting next after section eighteen the following new section :—

Medical
examination
of holders of
certificates.

18A. (1) The holder of a certificate of competency as engine-driver granted under this Act or of a certificate approved by the board of examiners of engine-drivers (each of which certificates is referred to in this section as an "engine-driver's certificate") shall—

- (a) where the class or description of machinery specified in the engine-driver's certificate includes machinery by means of which men or materials are raised, lowered or hauled at any mine—

- (i) in the case of a person whose certificate was so granted or approved before the commencement of the Mines Inspection (Amendment) Act, 1967—within six months after that commencement and once in every two years after that period of six months; or
- (ii) in the case of a person whose certificate was so granted or approved after that commencement—once in every two years after the certificate was so granted or approved,

Mines Inspection (Amendment).

approved, and at such additional times (if any) as the Chief Inspector may direct by written notice sent to him at his last known address; or

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

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

(2) Where—

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

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

(3)

Mines Inspection (Amendment).

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

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

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

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

(6)

Mines Inspection (Amendment).

(6) A person who holds or held an engine-driver's certificate and who neglects or fails to comply with any of the provisions of this section shall, whether or not the certificate has been suspended or cancelled under this section, be guilty of an offence against this Act.

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

Mines Inspection (Amendment).

Sec. 32.
(Appointment of inspectors.)

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

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

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

Sec. 38.
(Notices and directions of inspector to be entered in book.)

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

(v)

Mines Inspection (Amendment).

- (v) (i) by omitting from subsection one of section forty-one the words "below ground within three months after the commencement of this Act" and by inserting in lieu thereof the words "within three months after the commencement of the Mines Inspection (Amendment) Act, 1967,"; Sec. 41.
(Plans to be furnished.)
- (ii) by omitting from the same subsection the word "so" where firstly occurring;
- (iii) by omitting from the same subsection the words "of not less than two chains" and by inserting in lieu thereof the words "showing a distance of not more than one hundred feet";
- (iv) by omitting from subsection four of the same section the words "whether any men are employed below ground or not";
- (v) by inserting next after subsection five of the same section the following new subsection :—
- (6) Nothing in subsection one of this section requires the owner or manager of a mine to deposit any plan and sections, as mentioned in that subsection, if any plan and sections in respect of that mine, deposited before the commencement of the Mines Inspection (Amendment) Act, 1967, would, had the amendments made to that subsection by that Act been in force when the plan and sections were deposited, have complied with the provisions of that subsection.
- (w) by omitting from subsection three of section 42A the words "officer of the Department of Mines or other"; Sec. 42A.
(Furnishing of statistics, returns, etc.)
- (x) by omitting from section 42B the word "borehole" wherever occurring and by inserting in lieu thereof the word "drillhole"; Sec. 42B.
(Boreholes.)
- (y)

Mines Inspection (Amendment).

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

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

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

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

next";

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

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

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

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

the

Mines Inspection (Amendment).

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

- (v) by omitting from the same subsection the words “an inspector” and by inserting in lieu thereof the words “the Chief Inspector”;
- (z) (i) by omitting from subsection one of section fifty-eight the words “An inspector may by notice in writing require such rules (referred to in this Act as special rules) to be established” and by inserting in lieu thereof the words “The Governor may make such rules (referred to in this Act as special rules)”;
- (ii) by inserting next after the same subsection the following new subsection :—
 - (1A) Subject to subsection four of this section, all special rules shall—
 - (a) be published in the Gazette;
 - (b) take effect from the date of publication, or from a later date to be specified therein; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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

(iii)

Mines Inspection (Amendment).

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

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

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

Sec. 59.
(Establishment of special rules.)

(aa) by omitting section fifty-nine;

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

(bb) by omitting section sixty;

Sec. 61.
(Amendment of special rule.)

(cc) by omitting section sixty-one;

(dd)

Mines Inspection (Amendment).

(dd) by omitting section sixty-two;

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

(ee) by omitting section sixty-three;

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

(ff) by omitting section sixty-four.

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

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

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1967.*

Mines Inspection (Amendment)

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

(dd) by omitting section sixty-two;

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

(ee) by omitting section sixty-three;

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

(ff) by omitting section sixty-four.

(2) Paragraph (a) of subsection five of section thirty-two of the Mines Inspection Act 1961, as subsequently amended and as amended by this Act, applies in respect only of an inspector appointed after the commencement of this Act.

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

A. R. CUTLER,
Governor

Government House,
25th January, 1967.

