New South Wales

ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 54, 1968.

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, 10th December, 1968.]

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, 1968". Short title, citation and commencement.

(2)

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901–1968.

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

Sec. 1. (Commencement, short title, and application of Act.)

(a) by inserting in the proviso to subsection two of section one after the word "mines" the words "or any part of a mine";

Sec. 4. (Interpretation of terms.)

(b) (i) by omitting from the definition of "Mine" in subsection one of section four the words "stored, crushed, or otherwise treated" and by inserting in lieu thereof the words "stored or treated";

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

(iii) by inserting next after the definition of "The Under Secretary" in the same subsection the following new definition :—

"Treatment", in relation to any product of a mine or a quarry, means the crushing, grinding, classifying, reducing, smelting, concentrating, precipitating or separating of that product or any other process, or part of a process, for obtaining any metal or mineral therefrom, and includes the mixing of any such product with any substance so as to produce ready mix concrete or

bitumen

bitumen hot mix; and "treat" and derivatives therefrom have a corresponding meaning.

(c) by omitting section 18A and by inserting in lieu thereof the following section :— Subst. sec. 18A.

Medical examination of holders of certificates.

18A. (1) In this section—

"engine-driver's certificate" means a certificate of competency as engine-driver granted under this Act or a certificate approved by the board of examiners of engine-drivers;

"last known address", in relation to a person, means the address of that person last known to the Chief Inspector;

"medical certificate" means a certificate given by a medical practitioner following an examination by him, on a day specified in the certificate, of a person referred to in the certificate and specifying, in relation to that person—

(a) his physical condition;

(b) the condition of his sight, hearing and other faculties; and

(c) any disease, disability or defect from which he was suffering,

at the time of the examination;

"prescribed certificate" means an engine-driver's certificate to which subsection three of this section applies;

"prescribed machinery" means machinery to which subsection three of this section applies.

(2)

(2) The Minister may, by order published in the Gazette, declare that—

(a) an engine-driver's certificate of a specified class or description is a certificate to which subsection three of this section applies; and

(b) machinery of a specified class or description is machinery to which that subsection applies,

and that subsection shall, on the expiration of six months after publication of the order, or at such later time as may be specified in the order, apply accordingly.

(3) A person who is the holder of a prescribed certificate shall not take charge of or operate prescribed machinery unless he has first—

(a) obtained a medical certificate relating to a medical examination undergone by him not earlier than two years before the date on which he takes charge of or operates the machinery; and

(b) sent that medical certificate to the Chief Inspector.

(4) A person who is the holder of an engine-driver's certificate shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, send to the Chief Inspector, within a time specified in the notice, a medical certificate relating to an examination undergone by that person not earlier than a date so specified.

(5) Where—

(a) a medical certificate discloses that the person referred to in the certificate is physically unfit in any way or that his sight, hearing or any other faculty is impaired or that he is suffering from any disease, disability or defect ; and

(b)

(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 certificate, able to perform his duties safely,

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

(6) Where a person who is the holder of an engine-driver's certificate contravenes or neglects or fails to comply with any of the provisions of subsection three or four of this section, the Minister may cancel or suspend the certificate.

(7) A person who was the holder of an engine-driver's certificate that has been cancelled or suspended under this section shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, deliver up the certificate to the Chief Inspector within a time specified in the notice.

(8) Where—

(a) the engine-driver's certificate of a person has been cancelled or suspended under subsection six of this section;

(b) a medical certificate referred to in subsection three or four of this section and relating to that person is subsequently received by the Chief Inspector; and

(c) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been cancelled or suspended is able to perform his duties safely,

the Minister shall restore the cancelled engine-driver's certificate or remove the suspension of the certificate (as the case may be) and the Chief Inspector shall, if it was delivered up to him, send it to the person, to whom it was granted, at his last known address.

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

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

(d) by omitting from subsection two of section twenty-one the word "cancelled" where firstly occurring and by inserting in lieu thereof the words "cancelled or suspended";

Sec. 30. (Regulation of employment of persons in charge of machinery, &c.)

(e) by inserting in subsection one of section thirty after the word "treatment" the words "in or about a mine";

Sec. 55. (General rules.)

(f) by inserting in the proviso to section fifty-five after the words "class of mines" the words "or any part of a mine";

Sec. 56. (Power to amend and repeal general rules, and to make new general rules.)

(g) (i) by omitting from subparagraph (vi) of paragraph (b) of subsection one of section fifty-six the words "works in which mineral is reduced, smelted, refined, or otherwise treated, whether such works are immediately connected or not with any mine" and by inserting in lieu thereof the words "works which are in or about a mine and in which any metal or mineral is treated";

(ii) by inserting in the proviso to subsection three of the same section after the words "class of mines" the words "or any part of a mine".

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

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, 3 *December,* 1968.

New South Wales

ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 54, 1968.

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, 10th December, 1968.]

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

Short title, citation and commencement.

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1968".

(2)

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901–1968.

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

Sec. 1. (Commencement, short title, and application of Act.)

(a) by inserting in the proviso to subsection two of section one after the word "mines" the words "or any part of a mine";

Sec. 4. (Interpretation of terms.)

(b) (i) by omitting from the definition of "Mine" in subsection one of section four the words "stored, crushed, or otherwise treated" and by inserting in lieu thereof the words "stored or treated";

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

(iii) by inserting next after the definition of "The Under Secretary" in the same subsection the following new definition :—

"Treatment", in relation to any product of a mine or a quarry, means the crushing, grinding, classifying, reducing, smelting, concentrating, precipitating or separating of that product or any other process, or part of a process, for obtaining any metal or mineral therefrom, and includes the mixing of any such product with any substance so as to produce ready mix concrete or

bitumen

bitumen hot mix; and "treat" and derivatives therefrom have a corresponding meaning.

(c) by omitting section 18A and by inserting in lieu thereof the following section :— Subst. sec. 18A.

Medical examination of holders of certificates.

18A. (1) In this section—

"engine-driver's certificate" means a certificate of competency as engine-driver granted under this Act or a certificate approved by the board of examiners of engine-drivers;

"last known address", in relation to a person, means the address of that person last known to the Chief Inspector;

"medical certificate" means a certificate given by a medical practitioner following an examination by him, on a day specified in the certificate, of a person referred to in the certificate and specifying, in relation to that person—

(a) his physical condition;

(b) the condition of his sight, hearing and other faculties; and

(c) any disease, disability or defect from which he was suffering,

at the time of the examination;

"prescribed certificate" means an engine-driver's certificate to which subsection three of this section applies;

"prescribed machinery" means machinery to which subsection three of this section applies.

(2)

(2) The Minister may, by order published in the Gazette, declare that—

(a) an engine-driver's certificate of a specified class or description is a certificate to which subsection three of this section applies; and

(b) machinery of a specified class or description is machinery to which that subsection applies,

and that subsection shall, on the expiration of six months after publication of the order, or at such later time as may be specified in the order, apply accordingly.

(3) A person who is the holder of a prescribed certificate shall not take charge of or operate prescribed machinery unless he has first—

(a) obtained a medical certificate relating to a medical examination undergone by him not earlier than two years before the date on which he takes charge of or operates the machinery; and

(b) sent that medical certificate to the Chief Inspector.

(4) A person who is the holder of an engine-driver's certificate shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, send to the Chief Inspector, within a time specified in the notice, a medical certificate relating to an examination undergone by that person not earlier than a date so specified.

(5) Where—

(a) a medical certificate discloses that the person referred to in the certificate is physically unfit in any way or that his sight, hearing or any other faculty is impaired or that he is suffering from any disease, disability or defect ; and

(b)

(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 certificate, able to perform his duties safely,

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

(6) Where a person who is the holder of an engine-driver's certificate contravenes or neglects or fails to comply with any of the provisions of subsection three or four of this section, the Minister may cancel or suspend the certificate.

(7) A person who was the holder of an engine-driver's certificate that has been cancelled or suspended under this section shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, deliver up the certificate to the Chief Inspector within a time specified in the notice.

(8) Where—

(a) the engine-driver's certificate of a person has been cancelled or suspended under subsection six of this section;

(b) a medical certificate referred to in subsection three or four of this section and relating to that person is subsequently received by the Chief Inspector; and

(c) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been cancelled or suspended is able to perform his duties safely,

the Minister shall restore the cancelled engine-driver's certificate or remove the suspension of the certificate (as the case may be) and the Chief Inspector shall, if it was delivered up to him, send it to the person, to whom it was granted, at his last known address.

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

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

(d) by omitting from subsection two of section twenty-one the word "cancelled" where firstly occurring and by inserting in lieu thereof the words "cancelled or suspended";

Sec. 30. (Regulation of employment of persons in charge of machinery, &c.)

(e) by inserting in subsection one of section thirty after the word "treatment" the words "in or about a mine";

Sec. 55. (General rules.)

(f) by inserting in the proviso to section fifty-five after the words "class of mines" the words "or any part of a mine";

Sec. 56. (Power to amend and repeal general rules, and to make new general rules.)

(g) (i) by omitting from subparagraph (vi) of paragraph (b) of subsection one of section fifty-six the words "works in which mineral is reduced, smelted, refined, or otherwise treated, whether such works are immediately connected or not with any mine" and by inserting in lieu thereof the words "works which are in or about a mine and in which any metal or mineral is treated";

(ii) by inserting in the proviso to subsection three of the same section after the words "class of mines" the words "or any part of a mine".

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 10*th December,* 1968.

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, 26 *November,* 1968.

New South Wales

ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1968.

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, 1968". **Short title, citation and commencement.**

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901–1968.

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

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

Amendment of Act No. 75, 1901.

(a) by inserting in the proviso to subsection two of section one after the word "mines" the words "or any part of a mine";

Sec. 1. (Commencement, short title, and application of Act.)

(b) (i) by omitting from the definition of "Mine" in subsection one of section four the words "stored, crushed, or otherwise treated" and by inserting in lieu thereof the words "stored or treated";

Sec. 4. (Interpretation of terms.)

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

(iii) by inserting next after the definition of "The Under Secretary" in the same subsection the following new definition :—

"Treatment", in relation to any product of a mine or a quarry, means the crushing, grinding, classifying, reducing, smelting, concentrating, precipitating or separating of that product or any other process, or part of a process, for obtaining any metal or mineral therefrom, and includes the mixing of any such product with any substance so as to produce ready mix concrete or

bitumen

bitumen hot mix; and "treat" and derivatives therefrom have a corresponding meaning.

(c) by omitting section 18A and by inserting in lieu thereof the following section :— **Subst. sec. 18A.**

Medical examination of holders of certificates.

18A. (1) In this section—

"engine-driver's certificate" means a certificate of competency as engine-driver granted under this Act or a certificate approved by the board of examiners of engine-drivers;

"last known address", in relation to a person, means the address of that person last known to the Chief Inspector;

"medical certificate" means a certificate given by a medical practitioner following an examination by him, on a day specified in the certificate, of a person referred to in the certificate and specifying, in relation to that person—

(a) his physical condition;

(b) the condition of his sight, hearing and other faculties; and

(c) any disease, disability or defect from which he was suffering,

at the time of the examination;

"prescribed certificate" means an engine-driver's certificate to which subsection three of this section applies;

"prescribed machinery" means machinery to which subsection three of this section applies.

(2)

(2) The Minister may, by order published in the Gazette, declare that—

(a) an engine-driver's certificate of a specified class or description is a certificate to which subsection three of this section applies; and

(b) machinery of a specified class or description is machinery to which that subsection applies,

and that subsection shall, on the expiration of six months after publication of the order, or at such later time as may be specified in the order, apply accordingly.

(3) A person who is the holder of a prescribed certificate shall not take charge of or operate prescribed machinery unless he has first—

(a) obtained a medical certificate relating to a medical examination undergone by him not earlier than two years before the date on which he takes charge of or operates the machinery; and

(b) sent that medical certificate to the Chief Inspector.

(4) A person who is the holder of an engine-driver's certificate shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, send to the Chief Inspector, within a time specified in the notice, a medical certificate relating to an examination undergone by that person not earlier than a date so specified.

(5) Where—

(a) a medical certificate discloses that the person referred to in the certificate is physically unfit in any way or that his sight, hearing or any other faculty is impaired or that he is suffering from any disease, disability or defect ; and

(b)

(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 certificate, able to perform his duties safely,

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

(6) Where a person who is the holder of an engine-driver's certificate contravenes or neglects or fails to comply with any of the provisions of subsection three or four of this section, the Minister may cancel or suspend the certificate.

(7) A person who was the holder of an engine-driver's certificate that has been cancelled or suspended under this section shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, deliver up the certificate to the Chief Inspector within a time specified in the notice.

(8) Where—

(a) the engine-driver's certificate of a person has been cancelled or suspended under subsection six of this section;

(b) a medical certificate referred to in subsection three or four of this section and relating to that person is subsequently received by the Chief Inspector; and

(c) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been cancelled or suspended is able to perform his duties safely,

the Minister shall restore the cancelled engine-driver's certificate or remove the suspension of the certificate (as the case may be) and the Chief Inspector shall, if it was delivered up to him, send it to the person, to whom it was granted, at his last known address.

(9)

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

(d) by omitting from subsection two of section twenty-one the word "cancelled" where firstly occurring and by inserting in lieu thereof the words "cancelled or suspended";

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

(e) by inserting in subsection one of section thirty after the word "treatment" the words "in or about a mine";

Sec. 30. (Regulation of employment of persons in charge of machinery, &c.)

(f) by inserting in the proviso to section fifty-five after the words "class of mines" the words "or any part of a mine";

Sec. 55. (General rules.)

(g) (i) by omitting from subparagraph (vi) of paragraph (b) of subsection one of section fifty-six the words "works in which mineral is reduced, smelted, refined, or otherwise treated, whether such works are immediately connected or not with any mine" and by inserting in lieu thereof the words "works which are in or about a mine and in which any metal or mineral is treated";

Sec. 56. (Power to amend and repeal general rules, and to make new general rules.)

(ii) by inserting in the proviso to subsection three of the same section after the words "class of mines" the words "or any part of a mine".

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968
[5c]

No. , 1968.

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—6 *November*, 1968.]

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

Short title, citation and commencement.

1. (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1968".

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901–1968.

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

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

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(a) by inserting in the proviso to subsection two of section one after the word "mines" the words "or any part of a mine";

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(b) (i) by omitting from the definition of "Mine" in subsection one of section four the words "stored, crushed, or otherwise treated" and by inserting in lieu thereof the words "stored or treated";

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

(iii) by inserting next after the definition of "The Under Secretary" in the same subsection the following new definition :—

"Treatment", in relation to any product of a mine or a quarry, means the crushing, grinding, classifying, reducing, smelting, concentrating, precipitating or separating of that product or any other process, or part of a process, for obtaining any metal or mineral therefrom, and includes the mixing of any such product with any substance so as to produce ready mix concrete or

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(c) by omitting section 18A and by inserting in lieu thereof the following section :— Subst. sec. 18A.

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18A. (1) In this section—

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"last known address", in relation to a person, means the address of that person last known to the Chief Inspector;

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(a) his physical condition;

(b) the condition of his sight, hearing and other faculties; and

(c) any disease, disability or defect from which he was suffering,

at the time of the examination;

"prescribed certificate" means an engine-driver's certificate to which subsection three of this section applies;

"prescribed machinery" means machinery to which subsection three of this section applies.

(2)

(2) The Minister may, by order published in the Gazette, declare that—

(a) an engine-driver's certificate of a specified class or description is a certificate to which subsection three of this section applies; and

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and that subsection shall, on the expiration of six months after publication of the order, or at such later time as may be specified in the order, apply accordingly.

(3) A person who is the holder of a prescribed certificate shall not take charge of or operate prescribed machinery unless he has first—

(a) obtained a medical certificate relating to a medical examination undergone by him not earlier than two years before the date on which he takes charge of or operates the machinery; and

(b) sent that medical certificate to the Chief Inspector.

(4) A person who is the holder of an engine-driver's certificate shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, send to the Chief Inspector, within a time specified in the notice, a medical certificate relating to an examination undergone by that person not earlier than a date so specified.

(5) Where—

(a) a medical certificate discloses that the person referred to in the certificate is physically unfit in any way or that his sight, hearing or any other faculty is impaired or that he is suffering from any disease, disability or defect ; and

(b)

(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 certificate, able to perform his duties safely,

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

(6) Where a person who is the holder of an engine-driver's certificate contravenes or neglects or fails to comply with any of the provisions of subsection three or four of this section, the Minister may cancel or suspend the certificate.

(7) A person who was the holder of an engine-driver's certificate that has been cancelled or suspended under this section shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, deliver up the certificate to the Chief Inspector within a time specified in the notice.

(8) Where—

(a) the engine-driver's certificate of a person has been cancelled or suspended under subsection six of this section;

(b) a medical certificate referred to in subsection three or four of this section and relating to that person is subsequently received by the Chief Inspector; and

(c) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been cancelled or suspended is able to perform his duties safely,

the Minister shall restore the cancelled engine-driver's certificate or remove the suspension of the certificate (as the case may be) and the Chief Inspector shall, if it was delivered up to him, send it to the person, to whom it was granted, at his last known address.

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

(d) by omitting from subsection two of section twenty-one the word "cancelled" where firstly occurring and by inserting in lieu thereof the words "cancelled or suspended";

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(f) by inserting in the proviso to section fifty-five after the words "class of mines" the words "or any part of a mine";

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Sec. 56. (Power to amend and repeal general rules, and to make new general rules.)

(ii) by inserting in the proviso to subsection three of the same section after the words "class of mines" the words "or any part of a mine".

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968
[5c]

MINES INSPECTION (AMENDMENT) BILL, 1968

EXPLANATORY NOTE

THE objects of this Bill are—

(a) to permit the Governor by proclamation to exempt any part of a mine from the provisions of the Mines Inspection Act, 1901, as subsequently amended (hereinafter referred to as the "Principal Act");

(b) to define for the purposes of the Principal Act the expression "treatment" in relation to the products of a mine or quarry and to clarify the scope of the Principal Act as to the treatment of any such products;

(c) to require the holder of an engine-driver's certificate to undergo a medical examination at such times as the Chief Inspector directs;

(d) to prohibit the holders of certain engine-drivers' certificates from operating certain machinery unless they have undergone a medical examination within two years preceding the time they operate the machinery; and

(e) to make other amendments to the Principal Act of a minor or ancillary character.

51425 91—

PROOF

No. , 1968.

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—6 *November*, 1968.]

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, 1968". **Short title, citation and commencement.**

(2) The Mines Inspection Act, 1901, as subsequently amended and as amended by this Act, may be cited as the Mines Inspection Act, 1901–1968.

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

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

(a) by inserting in the proviso to subsection two of section one after the word "mines" the words "or any part of a mine"; Sec. 1. (Commencement, short title, and application of Act.)

(b) (i) by omitting from the definition of "Mine" in subsection one of section four the words "stored, crushed, or otherwise treated" and by inserting in lieu thereof the words "stored or treated"; Sec. 4. (Interpretation of terms.)

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

(iii) by inserting next after the definition of "The Under Secretary" in the same subsection the following new definition :—

"Treatment", in relation to any product of a mine or a quarry, means the crushing, grinding, classifying, reducing, smelting, concentrating, precipitating or separating of that product or any other process, or part of a process, for obtaining any metal or mineral therefrom, and includes the mixing of any such product with any substance so as to produce ready mix concrete or

bitumen

bitumen hot mix; and "treat" and derivatives therefrom have a corresponding meaning.

(c) by omitting section 18A and by inserting in lieu thereof the following section :— Subst. sec. 18A.

Medical examination of holders of certificates.

18A. (1) In this section—

"engine-driver's certificate" means a certificate of competency as engine-driver granted under this Act or a certificate approved by the board of examiners of engine-drivers;

"last known address", in relation to a person, means the address of that person last known to the Chief Inspector;

"medical certificate" means a certificate given by a medical practitioner following an examination by him, on a day specified in the certificate, of a person referred to in the certificate and specifying, in relation to that person—

(a) his physical condition;

(b) the condition of his sight, hearing and other faculties; and

(c) any disease, disability or defect from which he was suffering,

at the time of the examination;

"prescribed certificate" means an engine-driver's certificate to which subsection three of this section applies;

"prescribed machinery" means machinery to which subsection three of this section applies.

(2)

(2) The Minister may, by order published in the Gazette, declare that—

(a) an engine-driver's certificate of a specified class or description is a certificate to which subsection three of this section applies; and

(b) machinery of a specified class or description is machinery to which that subsection applies,

and that subsection shall, on the expiration of six months after publication of the order, or at such later time as may be specified in the order, apply accordingly.

(3) A person who is the holder of a prescribed certificate shall not take charge of or operate prescribed machinery unless he has first—

(a) obtained a medical certificate relating to a medical examination undergone by him not earlier than two years before the date on which he takes charge of or operates the machinery; and

(b) sent that medical certificate to the Chief Inspector.

(4) A person who is the holder of an engine-driver's certificate shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, send to the Chief Inspector, within a time specified in the notice, a medical certificate relating to an examination undergone by that person not earlier than a date so specified.

(5) Where—

(a) a medical certificate discloses that the person referred to in the certificate is physically unfit in any way or that his sight, hearing or any other faculty is impaired or that he is suffering from any disease, disability or defect ; and

(b)

(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 certificate, able to perform his duties safely,

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

(6) Where a person who is the holder of an engine-driver's certificate contravenes or neglects or fails to comply with any of the provisions of subsection three or four of this section, the Minister may cancel or suspend the certificate.

(7) A person who was the holder of an engine-driver's certificate that has been cancelled or suspended under this section shall, if so directed by the Chief Inspector by notice in writing sent to him at his last known address, deliver up the certificate to the Chief Inspector within a time specified in the notice.

(8) Where—

(a) the engine-driver's certificate of a person has been cancelled or suspended under subsection six of this section;

(b) a medical certificate referred to in subsection three or four of this section and relating to that person is subsequently received by the Chief Inspector; and

(c) the Chief Inspector certifies to the Minister that he is of opinion that the person whose engine-driver's certificate has been cancelled or suspended is able to perform his duties safely,

the Minister shall restore the cancelled engine-driver's certificate or remove the suspension of the certificate (as the case may be) and the Chief Inspector shall, if it was delivered up to him, send it to the person, to whom it was granted, at his last known address.

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

(d) by omitting from subsection two of section twenty-one the word "cancelled" where firstly occurring and by inserting in lieu thereof the words "cancelled or suspended";

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

(e) by inserting in subsection one of section thirty after the word "treatment" the words "in or about a mine";

Sec. 30. (Regulation of employment of persons in charge of machinery, &c.)

(f) by inserting in the proviso to section fifty-five after the words "class of mines" the words "or any part of a mine";

Sec. 55. (General rules.)

(g) (i) by omitting from subparagraph (vi) of paragraph (b) of subsection one of section fifty-six the words "works in which mineral is reduced, smelted, refined, or otherwise treated, whether such works are immediately connected or not with any mine" and by inserting in lieu thereof the words "works which are in or about a mine and in which any metal or mineral is treated";

Sec. 56. (Power to amend and repeal general rules, and to make new general rules.)

(ii) by inserting in the proviso to subsection three of the same section after the words "class of mines" the words "or any part of a mine".

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