

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.

R. E. WARD,
for Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 March, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act to make further provision for the regulation and management of mines of coal and mines of shale; for this and other purposes to amend the Coal Mines Regulation Act, 1912; and for purposes connected therewith.

BE

Coal Mines Regulation (Amendment).

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 "Coal Mines Regulation (Amendment) Act, 1972". Short title and commencement.

(2) This section shall commence on the day on which this Act receives the Royal assent.

10 (3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

15 (4) The Governor may appoint, and notify by proclamation published in the Gazette, the day upon which a provision of this Act shall commence and may, at different times, appoint different days for different provisions, and the provision to which such a proclamation relates shall commence as specified therein.

2. The Coal Mines Regulation Act, 1912, is amended— Amendment of Act No. 37, 1912.

20 (a) (i) by omitting from the matter relating to Division 1 of Part I in subsection three of section one the word "*under-managers*," and by inserting in lieu thereof the words "*deputy managers, under-managers, assistant under-managers*,"; Sec. 1. (Short title, and application of Act.)

25 (ii) by omitting the matter relating to Division 2 of the same Part and by inserting in lieu thereof the following matter :—

Division 2.—*Mine electrical engineers, and mine mechanical engineers—ss. 21–22A.*;"

(b)

Coal Mines Regulation (Amendment).

- (b) (i) by inserting in subsection one of section three next after the definition of "Agent" the following new definition :—

Sec. 3.
(Interpre-
tation of
terms.)

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"Approved" means approved by the chief inspector.

- (ii) by omitting from the same subsection the definition of "Coke-works";

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- (iii) by inserting in the same subsection next after the definition of "Deputy chief inspector" the following new definition :—

"District check-inspector" means a person elected as such in accordance with the General Rules of section fifty-four of this Act.

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- (iv) by inserting in the same subsection next after the definition of "Dry and dusty place" the following new definition :—

"Electrical check-inspector" means a person appointed as such under the General Rules of section fifty-four of this Act.

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- (v) by omitting from the same subsection the definition of "Gassy place";

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- (vi) by inserting in the same subsection next after the definition of "Inspector" the following new definition :—

"Inspector of a district" means, in relation to any matter or thing concerning a mine, the inspector who is for the time being assigned to the district in which the mine is situated.

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- (vii) by omitting from the definition of "Safety-lamp" in the same subsection the words "of a type or pattern approved by the chief inspector" and by inserting in lieu thereof the words "of an approved type or pattern";

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(viii)

Coal Mines Regulation (Amendment).

(viii) by omitting subsection two of the same section.

3. Part I of the Coal Mines Regulation Act, 1912, is amended— Further amendment of Act No. 37, 1912.

5 (a) by omitting from the heading to Division 1 the word “*under-managers,*” and by inserting in lieu thereof the words “*deputy managers, under-managers, assistant under-managers, deputies,*”;
Division 1. (Heading.)

10 (b) (i) by inserting in subsection one of section four after the word “notice” the words “within fourteen days next after making the nomination”;
Sec. 4. (Appointment of manager of mine.)
(ii) by omitting from subsection two of the same section the words “or a certificate of service as manager”;

15 (iii) by omitting from subsection four of the same section the words “This subsection shall not apply to any person who on the thirty-first day of December, one thousand nine hundred and twenty-six, and not being the holder of at least
20 a third-class certificate as aforesaid, was acting as manager of a small mine by virtue of a permit granted by an inspector.”;

(c) by inserting next after section 4A the following new section :— New sec. 4B.

25 4B. (1) The owner or agent of a mine may appoint a deputy manager of the mine. Appointment of deputy manager of mine.

(2) Subject to the control of the manager, a deputy manager shall have, exercise and perform the powers, authorities, duties and functions conferred or imposed on deputy managers by this Act.
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(3)

Coal Mines Regulation (Amendment).

(3) A person shall not be qualified to be appointed, or to act, as a deputy manager unless he is for the time being registered as the holder of a first-class certificate of competency under this Act.

5 (4) A deputy manager appointed under this section shall, in the absence of the manager, have the same responsibility and be subject to the same liabilities as the manager under this Act, but the appointment of a deputy manager shall not
10 affect the personal responsibility of the manager under this Act.

(5) Where a person has been appointed a deputy manager under this section—

15 (a) his name and address shall be posted up in legible characters at some conspicuous place at or near the mine in respect of which he has been so appointed; and

20 (b) the owner or agent of the mine shall within fourteen days next after the appointment send written notice to the inspector of a district of the appointment and of the deputy manager's name and address.

(d) (i) by omitting from subsection two of section five the words "or of service";
25 (ii) by inserting in the same subsection after the words "of the manager" wherever occurring the words "and the deputy manager";
30 (iii) by inserting in the same subsection after the words "as the manager" the words "and the deputy manager";
35 (iv) by inserting in subparagraph (ii) of paragraph (a) of subsection (2A) of the same section after the words "the manager" wherever occurring the words "and the deputy manager";

Sec. 5.
(Daily supervision of mine by manager or under-manager.)

(v)

Coal Mines Regulation (Amendment).

(v) by inserting in paragraph (c) of the same subsection after the words "the manager" wherever occurring the words "and the deputy manager";

5 (e) by inserting next after section five the following New sec. 5AA.
new section :—

10 5AA. (1) Where an under-manager is nominated, or under-managers are nominated, for a mine the manager of the mine may, in writing, appoint one or more assistant under-managers. Appointment of assistant under-managers.

(2) The status of an assistant under-manager shall be superior to that of a deputy but inferior to that of an under-manager.

15 (3) An assistant under-manager shall, in respect of the mine, or in respect of the part thereof to which he is assigned, ensure that the requirements of this Act are complied with by the persons employed in, at or about the mine, or in, at or about the part of the mine to which he is assigned, as the case may be, but the appointment of an assistant under-manager shall not affect the personal responsibility of the manager, deputy manager or under-manager, under this Act.

20 (4) No person shall be appointed or act as an assistant under-manager unless he—

25 (a) is for the time being registered under this Act as the holder of—

(i) a first-class or second-class certificate of competency; or

30 (ii) a certificate of service as an assistant under-manager;

(b) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make

accurate

Coal Mines Regulation (Amendment).

accurate tests for inflammable gas, and that his hearing is such as to enable him to carry out his duties efficiently; and

- 5 (c) shall, during the term of his appointment, obtain at intervals of not more than three years, a similar certificate to that prescribed in paragraph (b) of this subsection, the expense of obtaining which shall be borne by the owner of the mine.
- 10

- (5) The certificate as to eyesight and hearing of an assistant under-manager employed in a mine shall, while he is so employed, be kept at the office of the mine and whenever a requisition in that behalf is made by an inspector or a check-inspector be produced for his inspection.
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- (6) The Minister may grant a certificate of service as an assistant under-manager to a person who applies therefor and who satisfies the Minister that he was continuously employed in a mine during the two years immediately prior to the commencement of paragraph (e) of section three of the Coal Mines Regulation (Amendment) Act, 1972, performing, under the control of a certificated manager, any of the duties which an assistant under-manager is required to perform under this Act.
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- (f) (i) by omitting subsection one of section 5A and by inserting in lieu thereof the following subsections :—
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Sec. 5A.
(Deputies and shot-firers.)

- (1) The manager of a mine shall appoint in writing such number of deputies as is sufficient in his opinion to ensure the efficient discharge in the mine of the duties of a deputy referred to in subsection (1A) of this section.
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- (1A) A deputy shall make inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency

Coal Mines Regulation (Amendment).

- 5 sufficiency of ventilation, the state of roof and sides (which duties shall be designated his statutory duties), supervising the general duties of shot-firers, and all other matters related to the safety of that part of the mine to which he is for the time being assigned.
- (ii) by omitting from paragraph (a) of subsection two of the same section the word "twenty-three" and by inserting in lieu thereof the word "twenty-one";
- 10 (iii) by omitting from paragraph (c) of the same subsection the words "service or";
- (g) (i) by omitting from paragraph (d) of subsection one of section six the word "electrician" and by inserting in lieu thereof the words "electrical engineer";
- 15 (ii) by inserting next after the same paragraph the following new paragraph :—
- (di) certificates of fitness to be a mine mechanical engineer; or;
- 20 (iii) by inserting next after subsection (1A) of the same section the following new subsection :—
- (1B) A certificate of fitness to be a mine electrician granted under this Act before the commencement of subparagraph (i) of paragraph (g) of section three of the Coal Mines Regulation (Amendment) Act, 1972, shall on and after that commencement be deemed to be a certificate of fitness to be a mine electrical engineer granted under this Act.
- 25 (iv) by omitting from paragraph (d) of subsection two of the same section the words "one inspector" and by inserting in lieu thereof the words "two inspectors";
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(h)

Coal Mines Regulation (Amendment).

(h) by omitting from section 8A the words "or of service"; Sec. 8A.
(Certificates of competency.)

(i) by inserting at the end of section eleven the following new subsection :— Sec. 11.
(Penalty on unqualified person taking charge of machinery.)

5 (2) The provisions of paragraph (a) of subsection one of this section shall not apply in the case of a winding or hauling engine which is remotely controlled or is wholly or partly automatic and in respect of which the owner, agent or manager of the mine holds an exemption granted under the General Rules of section fifty-four of this Act.

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(j) by inserting next after section 11A the following new section :— New sec. 11B.

11B. (1) In this section— Medical examination of holder of certificate.

15 "engine-driver's certificate" means a certificate of competency as a winding or hauling-engine driver granted under this Act, a certificate of competency granted under subsection (1A) of section six of this Act,

20 a certificate having the same effect as a certificate granted under subsection (1A) of section six of this Act, and any certificate approved under section thirteen of this Act;

25 "last known address", in relation to a person, means the address of that person last known to the chief inspector;

30 "medical certificate" means a certificate given by a medical practitioner following an examination by him, on a day specified

in

Coal Mines Regulation (Amendment).

in the certificate, of a person referred to in the certificate and specifying, in relation to that person—

- (a) his physical condition ;
- 5 (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 ;

10 “prescribed certificate” means an engine-driver’s certificate to which subsection three of this section applies ;

15 “prescribed machinery” means machinery to which subsection three of this section applies.

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

- 20 (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,

25 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.

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

(a)

Coal Mines Regulation (Amendment).

5 (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 manager of that mine.

10 (4) A person who is the holder of a prescribed certificate shall, if so directed by the chief inspector by notice in writing sent to him at his last known address, send to the manager of the mine specified in the notice, 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.

20 (5) Where, by reason of the matters contained in a medical certificate, a manager is of opinion that the holder of a prescribed certificate is unable to perform his duties safely he shall send the medical certificate to the chief inspector who, if he is of the same opinion as the manager, shall recommend to the Minister that the holder's certificate be cancelled or suspended.

25 (6) The Minister shall forthwith cancel or suspend, as the case may be, a prescribed certificate when recommended to do so by the chief inspector under subsection five of this section.

30 (7) Where a person who is the holder of a prescribed 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.

35 (8) A person who was the holder of a prescribed certificate that has been cancelled or suspended under this section shall, if so directed by the

Coal Mines Regulation (Amendment).

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.

5 (9) Where—

- (a) the prescribed certificate of a person has been cancelled or suspended under subsection six of this section;
- 10 (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
- 15 (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 prescribed 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.

25 (10) Where a person who holds or held a prescribed 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.

30 (11) When a person employed at a mine as an engine-driver obtains a medical certificate for the purpose of complying with the provisions of this section the cost of obtaining the certificate shall be borne by the owner of the mine.

(k)

Coal Mines Regulation (Amendment).

- (k) by inserting next after subsection two of section seventeen the following new subsection :—
- (3) Subsection two of this section shall not apply in the case of a certificate which has been cancelled or suspended in pursuance of section 11B of this Act.
- (l) by omitting from paragraph three of section twenty the words "under-manager, deputy shot-firer, mine surveyor, mine electrician," and by inserting in lieu thereof the words "deputy manager, under-manager, assistant under-manager, deputy, mine surveyor, mine electrical engineer, mine mechanical engineer,";
- (m) by omitting from the heading to Division 2 the words "*Mine electricians*" and by inserting in lieu thereof the words "*Mine electrical engineers and mine mechanical engineers*";
- (n) by omitting section twenty-one and by inserting in lieu thereof the following section :—
21. (1) The Coal Mining Qualifications Board shall appoint examiners to examine applicants for certificates of competency as mine electrical engineers and mine mechanical engineers, in such subjects as may be prescribed by rules made by the Minister.
- (2) No person shall be granted a certificate of competency under this section unless he has the prescribed practical experience.
- (3) For all other purposes relating to the examination of an applicant for a certificate of competency under this section, to the granting, cancellation, and suspension of such a certificate, and to the registration of the holder of such a certificate, the provisions of this Act relating to managers' certificates of competency shall, mutatis mutandis, apply and have effect.

Sec. 17.
(Record of
cancellation
of certifi-
cate;
restoration
in certain
cases.)

Sec. 20.
(Penalty for
forgery of,
or false
declaration
as to certifi-
cate.)

Division 2.
(Heading.)

Subst.
sec. 21.

Certificate
of compet-
ency as mine
electrical
engineer,
etc.

Coal Mines Regulation (Amendment).

(4) For the purposes of this section—
“prescribed practical experience” means—

- 5 (a) in relation to an applicant for a certificate of competency as mine electrical engineer, not less than two years' experience, or in the case of a person with a prescribed qualification, not less than one year's experience, in the use of electrical machinery and apparatus in or about a mine; or
- 10 (b) in relation to an applicant for a certificate of competency as mine mechanical engineer, not less than two years' experience, or in the case of a person with a prescribed qualification, not less than
- 15 one year's experience, in the maintenance of machinery and apparatus as an engineer or fitter in or about a mine or of a nature approved by the Minister;

“prescribed qualification” means—

- 20 (a) in relation to an applicant for a certificate of competency as mine electrical engineer, a diploma, degree or certificate in electrical engineering from the University of Sydney or other university or educational body approved by the Minister, or
- 25 membership of any institute or body approved by the Minister; or
- 30 (b) in relation to an applicant for a certificate of competency as mine mechanical engineer, a diploma, degree or certificate in mechanical engineering from the University of Sydney or other university or educational body approved by the Minister, or membership of any institute or
- 35 body approved by the Minister.

(c)

Coal Mines Regulation (Amendment).

- (o) (i) by omitting from subsection one of section twenty-two the word "thirty" and by inserting in lieu thereof the words "one hundred";
- (ii) by omitting from the same section the words "mine electrician" wherever occurring and by inserting in lieu thereof the words "mine electrical engineer";
- (iii) by omitting from subsection one of the same section the words ", and in his absence" and by inserting in lieu thereof the words "and the deputy manager, and in their absence";
- (iv) by omitting from paragraph (a) of subsection three of the same section the word "thirty" where firstly occurring and by inserting in lieu thereof the words "one hundred";
- (v) by omitting from the same paragraph the words "or so acts in any place in a mine where naked lights are prohibited notwithstanding that the electricity used is less than thirty kilowatts";
- (vi) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—
- (4) The chief inspector may in writing under his hand grant an exemption in respect of all or any of the provisions of this section either unconditionally or subject to such conditions as he may impose.
- (p) by inserting next after section twenty-two the following new section :—
- 22A. (1) The owner of a mine where the equivalent horsepower exceeds two hundred horsepower shall appoint a mine mechanical engineer who shall be subject to the authority of the manager and the deputy manager, and in their absence the under-manager, and who shall have charge of all

Sec. 22.
(Employment of mine electrical engineers.)

New sec. 22A.

Employment of mine mechanical engineers.

machinery

Coal Mines Regulation (Amendment).

machinery in or about the mine (machinery to which subsection one of section twenty-two of this Act relates excepted), ropes, chains, shafts and fittings therein and fixed structures.

5 (2) A person shall not be appointed as mine mechanical engineer in respect of any mine if he holds an appointment as mine mechanical engineer in respect of any other mine.

10 (3) A person shall not be qualified to act as mine mechanical engineer unless he is for the time being registered as the holder of a certificate of competency as a mine mechanical engineer or a certificate of service as a mine mechanical engineer.

15 (4) The Minister may grant a certificate of service as a mine mechanical engineer to a person who applies therefor and who satisfies the Minister that he has had at least two years' experience as a mechanical engineer in or about a coal mine where
20 the equivalent horsepower was not less than five hundred horsepower.

 (5) A person who—
25 (a) not being registered under this Act as the holder of a certificate of competency to be a mine mechanical engineer or of a certificate of service as a mine mechanical engineer acts as a mine mechanical engineer in or about a mine; or

30 (b) knowing that any person is not so registered, employs him as a mine mechanical engineer in or about a mine,

shall be guilty of an offence against this Act.

(6)

Coal Mines Regulation (Amendment).

5 (6) The chief inspector may by writing under his hand grant an exemption in respect of all or any of the provisions of this section either unconditionally or subject to such conditions as he may impose.

10 (7) Where a mine mechanical engineer is required by reason of the provisions of subsection one of this section to be appointed at any mine the owner or agent of the mine shall give written notice to the inspector of a district of the name and address of the person appointed within fourteen days after the appointment.

15 (8) In this section "equivalent horsepower" means, in relation to any mine, the aggregate of the continuous rated outputs, expressed in units of horsepower, of all machinery (machinery to which subsection one of section twenty-two of this Act relates excepted), in or about that mine.

20 (q) (i) by omitting from subsection four of section twenty-four the words ", and the inspector of a district means, in relation to any matter or thing concerning a mine, the inspector who is for the time being assigned to the district or portion of New South Wales in which the mine is situated";

Sec. 24.
(Appointment of inspectors.)

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

30 (r) by omitting from subsection two of section twenty-six the words "a mine electrician" and by inserting in lieu thereof the words "a mine electrical engineer";

Sec. 26.
(Appointment of electrical inspector.)

(s) by omitting from section twenty-nine the words "of a district";

Sec. 29.
(Annual reports of inspectors.)

Coal Mines Regulation (Amendment).

- (t) by omitting paragraph (a) of subsection two of section 35A and by inserting in lieu thereof the following paragraph :— Sec. 35A.
(Plans to be furnished.)

5 (a) Within three months, or such longer period as the Under Secretary for Mines may allow, after any variation in such colliery holding by the acquisition, addition, disposal or deletion in any manner whatsoever of freehold or leasehold lands, or the acquisition or cessation of the right to mine
10 for coal or shale or to carry out mining purposes in connection with mining for coal or shale in any lands within the colliery holding, the owner, agent or manager shall furnish to the Under Secretary for Mines a plan of such lands, and in the case of
15 acquisition or addition of any such freehold or leasehold lands a schedule of particulars of title of the lands so acquired or added, and in the case of the acquisition of any such right, particulars of the nature of the right.

- 20 (u) (i) by omitting subsection one of section thirty-six and by inserting in lieu thereof the following subsection :— Sec. 36.
(Notice to be given of accidents in mines.)

25 (1) Where there occurs in or about a mine an accident which causes loss of life or serious bodily injury to any person employed at the mine, the owner, agent or manager of the mine shall—

- 30 (a) forthwith by telephone give notice of the accident to the inspector of a district and to a check-inspector; and
- 35 (b) within twenty-four hours next after the occurrence of the accident, forward to the inspector of a district (on behalf of the Minister) and to a check-inspector, written notice giving the nature of the accident and the number of persons killed or injured.

(ii)

Coal Mines Regulation (Amendment).

- 5 (ii) by omitting from subsection two of the same section the words “, whether above or below ground, loss of life or serious personal injury” and by inserting in lieu thereof the words “loss of life or serious bodily injury”;
- (iii) by omitting from the same subsection the words “explosion or” wherever occurring;
- 10 (iv) by omitting from subsection three of the same section the words “personal injury” and by inserting in lieu thereof the words “serious bodily injury”;
- (v) by inserting next after subsection four of the same section the following new subsection :—

15 (5) In subsections one, two and three of this section “serious bodily injury” means such injury as may be prescribed.

- (v) by omitting section 36A and by inserting in lieu thereof the following section :— Subst. sec. 36A.

36A. (1) Where, in or about any mine—

- 20 (a) any gas, other than gas in a safety-lamp, or dust is ignited below ground;
- (b) any fire breaks out below ground;
- 25 (c) any fire breaks out on the surface and endangers the operation of any winding or hauling apparatus at a shaft or any mechanically operated apparatus for producing ventilation below ground;
- 30 (d) there is an abnormal outburst of gas with coal or other solid matter into the mine workings except where such outburst is caused intentionally;
- (e) there is any discovery below ground of self-heating of coal or any other material whatsoever;

Certain occurrences to be reported.

(f)

Coal Mines Regulation (Amendment).

- (f) inflammable gas is discovered for the first time in a mine or ventilating district of a mine;
- 5 (g) any cage is overwound;
- (h) any rope, chain, coupling or any gear whatsoever used in or in connection with the raising or lowering of men in any shaft or inclined plane, breaks or fails;
- 10 (i) any rope, chain, coupling or other gear essential to the safe operation of the equipment used for the transport of persons below ground, breaks or fails;
- (j) there is an insurge of noxious or inflammable gas from old workings;
- 15 (k) there is any abnormal inrush of water or material which flows when wet, from any source;
- (l) any person receives first aid or medical treatment in respect of an electric shock or burns received from any circuit in which the voltage for the time being exceeds twenty-five volts; or
- 20 (m) any person receives first aid or medical treatment in respect of bodily injury occasioned by an explosion or discharge of blasting material,
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30 the owner, agent or manager of the mine shall, immediately after becoming aware that any such occurrence has taken place, report it to an inspector and to a check-inspector, and shall, within twenty-four hours next after the occurrence, send written notice to the inspector of a district, and shall furnish him with such particulars as he may require.

35 (2) Every owner, agent or manager who fails to act in compliance with the provisions of subsection one of this section shall be guilty of an offence against this Act.

(w)

Coal Mines Regulation (Amendment).

- 5 (w) (i) by omitting from paragraph (d) of section thirty-seven the words "under-manager, or mine electrician" and by inserting in lieu thereof the words "deputy manager, under-manager, assistant under-manager, mine electrical engineer, or mine mechanical engineer";
- 10 (ii) by omitting from the same section the words "owner, agent, or manager" wherever occurring and by inserting in lieu thereof the words "owner or agent";
- 15 (x) (i) by omitting from subsection one of section thirty-eight the words ", at whatever time the abandonment or discontinuance occurred, the owner thereof and every other person interested in the minerals of the mine shall" and by inserting in lieu thereof the words "the owner thereof, or the person who was the owner thereof at the time the abandonment or discontinuance occurred, and every other person interested in the minerals of the mine shall, within thirty days next after such abandonment or discontinuance,";
- 20 (ii) by omitting from the same subsection the word "fenced" and by inserting in lieu thereof the words "sealed to the satisfaction of the chief inspector";
- 25 (iii) by inserting next after paragraph (b) of the proviso to the same subsection the following new paragraph :—
- 30 (c) the chief inspector may, in circumstances he considers appropriate, require any shaft or side entrance to be fenced in lieu of being sealed.

(iv)

Coal Mines Regulation (Amendment).

- 5 (iv) by omitting from subsection five of the same section the words "fenced as required by this section," and by inserting in lieu thereof the words "sealed as required by this section or if the chief inspector required it to be fenced, is not fenced as so required,";
- (y) (i) by omitting paragraph (a) of subsection one of section 38A and by inserting in lieu thereof the following paragraph :— Sec. 38A.
(Barriers to be provided.)
- 10 (a) The owner, agent or manager of a mine shall not work or cause to be worked any seam of coal in a mine without leaving—
- 15 (i) a barrier of the prescribed width against the external boundaries of the colliery holding in which the mine is situated and where the coal seam crops out within the colliery holding boundaries, a barrier of the prescribed width against the outcrop
- 20 of the seam, and, in the case of an open cut working, a barrier of the prescribed width between the open cut working and any underground workings in the colliery holding;
- 25 and
- 30 (ii) if the Minister, by order, given in writing to the owner, agent or manager, so directs, a barrier of such width or a protective pillar of such size as is specified in the order, against the mean high water mark of tidal waters, or against surface improvements or any feature, whether natural or artificial, including abandoned workings within the
- 35 colliery holding.
- (ii)

Coal Mines Regulation (Amendment).

- (ii) by omitting subparagraph (ii) of paragraph (d) of the same subsection and by inserting in lieu thereof the following subparagraph :—
- 5 (ii) shall so fix a width in respect of that seam that a barrier of not less than two chains shall be maintained between workings of adjacent colliery holdings.
- 10 (iii) by inserting in subsection two of the same section after the word “barrier” wherever occurring the words “or protective pillar”;
- (iv) by inserting in subsection three of the same section after the word “barrier” the words “or protective pillar”;
- 15 (v) by inserting in subsection five of the same section after the word “barrier” the words “or protective pillar”;
- (vi) by inserting in subsection seven of the same section after the word “section” where firstly occurring the words “or any order made thereunder”;
- 20 (z) by omitting paragraph (f) of subsection two of section 53BA and by inserting in lieu thereof the following paragraph :—
- 25 (f) Pillars shall not be removed except with the approval in writing of the Minister and subject to such conditions as he may impose.

Sec. 53BA.
(Bord-and-pillar system of working to be used.)

4. Part II of the Coal Mines Regulation Act, 1912, is
30 amended by omitting section 54A.

Further amendment of Act No. 37, 1912.
Sec. 54A.
(Bath and change-house accommodation at coke-works.)

5.

Coal Mines Regulation (Amendment).

5. Part III of the Coal Mines Regulation Act, 1912, is amended—
- Further amendment of Act No. 37, 1912.
- 5 (a) by omitting from subsection one of section sixty-eight the words “or manager, or under-manager,” and by inserting in lieu thereof the words “manager, deputy manager or under-manager,”;
- (b) by omitting from section sixty-nine the words “or under-manager” and by inserting in lieu thereof the words “deputy manager or under-manager”;
- 10 (c) by omitting from paragraph (d) of section seventy the word “three” and by inserting in lieu thereof the word “six”;
- 20 (d) by omitting from section seventy-two the words “or under-manager” wherever occurring and by inserting in lieu thereof the words “deputy manager, or under-manager”.
- Sec. 68. (General penalty.)
- Sec. 69. (Imprisonment for wilful neglect endangering life or limb.)
- Sec. 70. (General provisions as to summary proceedings.)
- Sec. 72. (Prosecution of owners, agents, managers, &c.)

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

[20c]

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, 15 March, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 16, 1972.

An Act to make further provision for the regulation and management of mines of coal and mines of shale; for this and other purposes to amend the Coal Mines Regulation Act, 1912; and for purposes connected therewith. [Assented to, 29th March, 1972.]

BE

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.

Coal Mines Regulation (Amendment).

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
and com-
mencement.

1. (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1972".

(2) This section shall commence on the day on which this Act receives the Royal assent.

(3) Subject to subsection two of this section, this Act shall commence in accordance with subsection four of this section.

(4) The Governor may appoint, and notify by proclamation published in the Gazette, the day upon which a provision of this Act shall commence and may, at different times, appoint different days for different provisions, and the provision to which such a proclamation relates shall commence as specified therein.

Amend-
ment of
Act No. 37,
1912.

2. The Coal Mines Regulation Act, 1912, is amended—

Sec. 1.
(Short
title, and
application
of Act.)

(a) (i) by omitting from the matter relating to Division 1 of Part I in subsection three of section one the word "*under-managers*," and by inserting in lieu thereof the words "*deputy managers, under-managers, assistant under-managers*,";

(ii) by omitting the matter relating to Division 2 of the same Part and by inserting in lieu thereof the following matter :—

Division 2.—*Mine electrical engineers, and mine mechanical engineers—ss. 21–22A.*;

(b)

Coal Mines Regulation (Amendment).

- (b) (i) by inserting in subsection one of section three next after the definition of "Agent" the following new definition :—

Sec. 3.
(Interpre-
tation of
terms.)

"Approved" means approved by the chief inspector.

- (ii) by omitting from the same subsection the definition of "Coke-works";

- (iii) by inserting in the same subsection next after the definition of "Deputy chief inspector" the following new definition :—

"District check-inspector" means a person elected as such in accordance with the General Rules of section fifty-four of this Act.

- (iv) by inserting in the same subsection next after the definition of "Dry and dusty place" the following new definition :—

"Electrical check-inspector" means a person appointed as such under the General Rules of section fifty-four of this Act.

- (v) by omitting from the same subsection the definition of "Gassy place";

- (vi) by inserting in the same subsection next after the definition of "Inspector" the following new definition :—

"Inspector of a district" means, in relation to any matter or thing concerning a mine, the inspector who is for the time being assigned to the district in which the mine is situated.

- (vii) by omitting from the definition of "Safety-lamp" in the same subsection the words "of a type or pattern approved by the chief inspector" and by inserting in lieu thereof the words "of an approved type or pattern";

(viii)

Coal Mines Regulation (Amendment).

(viii) by omitting subsection two of the same section.

Further amendment of Act No. 37, 1912.

3. Part I of the Coal Mines Regulation Act, 1912, is amended—

Division 1.
(Heading.)

(a) by omitting from the heading to Division 1 the word "*under-managers*," and by inserting in lieu thereof the words "*deputy managers, under-managers, assistant under-managers, deputies*,";

Sec. 4.
(Appointment of manager of mine.)

(b) (i) by inserting in subsection one of section four after the word "notice" the words "within fourteen days next after making the nomination";

(ii) by omitting from subsection two of the same section the words "or a certificate of service as manager";

(iii) by omitting from subsection four of the same section the words "This subsection shall not apply to any person who on the thirty-first day of December, one thousand nine hundred and twenty-six, and not being the holder of at least a third-class certificate as aforesaid, was acting as manager of a small mine by virtue of a permit granted by an inspector.";

New sec. 4B.

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

Appointment of deputy manager of mine.

4B. (1) The owner or agent of a mine may appoint a deputy manager of the mine.

(2) Subject to the control of the manager, a deputy manager shall have, exercise and perform the powers, authorities, duties and functions conferred or imposed on deputy managers by this Act.

(3)

Coal Mines Regulation (Amendment).

(3) A person shall not be qualified to be appointed, or to act, as a deputy manager unless he is for the time being registered as the holder of a first-class certificate of competency under this Act.

(4) A deputy manager appointed under this section shall, in the absence of the manager, have the same responsibility and be subject to the same liabilities as the manager under this Act, but the appointment of a deputy manager shall not affect the personal responsibility of the manager under this Act.

(5) Where a person has been appointed a deputy manager under this section—

- (a) his name and address shall be posted up in legible characters at some conspicuous place at or near the mine in respect of which he has been so appointed; and
 - (b) the owner or agent of the mine shall within fourteen days next after the appointment send written notice to the inspector of a district of the appointment and of the deputy manager's name and address.
- (d) (i) by omitting from subsection two of section five the words "or of service";
- (ii) by inserting in the same subsection after the words "of the manager" wherever occurring the words "and the deputy manager";
- (iii) by inserting in the same subsection after the words "as the manager" the words "and the deputy manager";
- (iv) by inserting in subparagraph (ii) of paragraph (a) of subsection (2A) of the same section after the words "the manager" wherever occurring the words "and the deputy manager";
- (v)

Sec. 5.
(Daily supervision of mine by manager or under-manager.)

Coal Mines Regulation (Amendment).

(v) by inserting in paragraph (c) of the same subsection after the words "the manager" wherever occurring the words "and the deputy manager";

New sec.
5AA.

(e) by inserting next after section five the following new section :—

Appoint-
ment of
assistant
under-
managers.

5AA. (1) Where an under-manager is nominated, or under-managers are nominated, for a mine the manager of the mine may, in writing, appoint one or more assistant under-managers.

(2) The status of an assistant under-manager shall be superior to that of a deputy but inferior to that of an under-manager.

(3) An assistant under-manager shall, in respect of the mine, or in respect of the part thereof to which he is assigned, ensure that the requirements of this Act are complied with by the persons employed in, at or about the mine, or in, at or about the part of the mine to which he is assigned, as the case may be, but the appointment of an assistant under-manager shall not affect the personal responsibility of the manager, deputy manager or under-manager, under this Act.

(4) No person shall be appointed or act as an assistant under-manager unless he—

(a) is for the time being registered under this Act as the holder of—

(i) a first-class or second-class certificate of competency; or

(ii) a certificate of service as an assistant under-manager;

(b) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate

Coal Mines Regulation (Amendment).

accurate tests for inflammable gas, and that his hearing is such as to enable him to carry out his duties efficiently; and

- (c) shall, during the term of his appointment, obtain at intervals of not more than three years, a similar certificate to that prescribed in paragraph (b) of this subsection, the expense of obtaining which shall be borne by the owner of the mine.

(5) The certificate as to eyesight and hearing of an assistant under-manager employed in a mine shall, while he is so employed, be kept at the office of the mine and whenever a requisition in that behalf is made by an inspector or a check-inspector be produced for his inspection.

(6) The Minister may grant a certificate of service as an assistant under-manager to a person who applies therefor and who satisfies the Minister that he was continuously employed in a mine during the two years immediately prior to the commencement of paragraph (e) of section three of the Coal Mines Regulation (Amendment) Act, 1972, performing, under the control of a certificated manager, any of the duties which an assistant under-manager is required to perform under this Act.

- (f) (i) by omitting subsection one of section 5A and by inserting in lieu thereof the following subsections :—

Sec. 5A.
(Deputies and shot-firers.)

(1) The manager of a mine shall appoint in writing such number of deputies as is sufficient in his opinion to ensure the efficient discharge in the mine of the duties of a deputy referred to in subsection (1A) of this section.

(1A) A deputy shall make inspections and carry out the duties necessary for examining for the presence of gas, ascertaining the sufficiency

Coal Mines Regulation (Amendment).

sufficiency of ventilation, the state of roof and sides (which duties shall be designated his statutory duties), supervising the general duties of shot-firers, and all other matters related to the safety of that part of the mine to which he is for the time being assigned.

- (ii) by omitting from paragraph (a) of subsection two of the same section the word "twenty-three" and by inserting in lieu thereof the word "twenty-one";
- (iii) by omitting from paragraph (c) of the same subsection the words "service or";

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

- (g) (i) by omitting from paragraph (d) of subsection one of section six the word "electrician" and by inserting in lieu thereof the words "electrical engineer";
- (ii) by inserting next after the same paragraph the following new paragraph :—

(di) certificates of fitness to be a mine mechanical engineer; or;

- (iii) by inserting next after subsection (1A) of the same section the following new subsection :—

(1B) A certificate of fitness to be a mine electrician granted under this Act before the commencement of subparagraph (i) of paragraph (g) of section three of the Coal Mines Regulation (Amendment) Act, 1972, shall on and after that commencement be deemed to be a certificate of fitness to be a mine electrical engineer granted under this Act.

- (iv) by omitting from paragraph (d) of subsection two of the same section the words "one inspector" and by inserting in lieu thereof the words "two inspectors";

(h)

Coal Mines Regulation (Amendment).

(h) by omitting from section 8A the words "or of service";

Sec. 8A.
(Certificates of competency.)

(i) by inserting at the end of section eleven the following new subsection :—

Sec. 11.
(Penalty on unqualified person taking charge of machinery.)

(2) The provisions of paragraph (a) of subsection one of this section shall not apply in the case of a winding or hauling engine which is remotely controlled or is wholly or partly automatic and in respect of which the owner, agent or manager of the mine holds an exemption granted under the General Rules of section fifty-four of this Act.

(j) by inserting next after section 11A the following new section :—

New sec. 11B.

11B. (1) In this section—

"engine-driver's certificate" means a certificate of competency as a winding or hauling-engine driver granted under this Act, a certificate of competency granted under subsection (1A) of section six of this Act, a certificate having the same effect as a certificate granted under subsection (1A) of section six of this Act, and any certificate approved under section thirteen of this Act;

Medical examination of holder of certificate.

"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

Coal Mines Regulation (Amendment).

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) 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 in a mine unless he has first—

(a)

Coal Mines Regulation (Amendment).

- (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 manager of that mine.

(4) A person who is the holder of a prescribed certificate shall, if so directed by the chief inspector by notice in writing sent to him at his last known address, send to the manager of the mine specified in the notice, 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, by reason of the matters contained in a medical certificate, a manager is of opinion that the holder of a prescribed certificate is unable to perform his duties safely he shall send the medical certificate to the chief inspector who, if he is of the same opinion as the manager, shall recommend to the Minister that the holder's certificate be cancelled or suspended.

(6) The Minister shall forthwith cancel or suspend, as the case may be, a prescribed certificate when recommended to do so by the chief inspector under subsection five of this section.

(7) Where a person who is the holder of a prescribed 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.

(8) A person who was the holder of a prescribed certificate that has been cancelled or suspended under this section shall, if so directed by
the

Coal Mines Regulation (Amendment).

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.

(9) Where—

- (a) the prescribed 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 prescribed 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.

(10) Where a person who holds or held a prescribed 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.

(11) When a person employed at a mine as an engine-driver obtains a medical certificate for the purpose of complying with the provisions of this section the cost of obtaining the certificate shall be borne by the owner of the mine.

(k)

Coal Mines Regulation (Amendment).

- (k) by inserting next after subsection two of section seventeen the following new subsection :— Sec. 17.
(Record of cancellation of certificate; restoration in certain cases.)
- (3) Subsection two of this section shall not apply in the case of a certificate which has been cancelled or suspended in pursuance of section 11B of this Act.
- (l) by omitting from paragraph three of section twenty the words "under-manager, deputy shot-firer, mine surveyor, mine electrician," and by inserting in lieu thereof the words "deputy manager, under-manager, assistant under-manager, deputy, mine surveyor, mine electrical engineer, mine mechanical engineer,"; Sec. 20.
(Penalty for forgery of, or false declaration as to certificate.)
- (m) by omitting from the heading to Division 2 the words "*Mine electricians*" and by inserting in lieu thereof the words "*Mine electrical engineers and mine mechanical engineers*"; Division 2.
(Heading.)
- (n) by omitting section twenty-one and by inserting in lieu thereof the following section :— Subst.
sec. 21.
21. (1) The Coal Mining Qualifications Board shall appoint examiners to examine applicants for certificates of competency as mine electrical engineers and mine mechanical engineers, in such subjects as may be prescribed by rules made by the Minister. Certificate of competency as mine electrical engineer, etc.
- (2) No person shall be granted a certificate of competency under this section unless he has the prescribed practical experience.
- (3) For all other purposes relating to the examination of an applicant for a certificate of competency under this section, to the granting, cancellation, and suspension of such a certificate, and to the registration of the holder of such a certificate, the provisions of this Act relating to managers' certificates of competency shall, mutatis mutandis, apply and have effect.

Coal Mines Regulation (Amendment).

(4) For the purposes of this section—
“prescribed practical experience” means—

- (a) in relation to an applicant for a certificate of competency as mine electrical engineer, not less than two years' experience, or in the case of a person with a prescribed qualification, not less than one year's experience, in the use of electrical machinery and apparatus in or about a mine; or
- (b) in relation to an applicant for a certificate of competency as mine mechanical engineer, not less than two years' experience, or in the case of a person with a prescribed qualification, not less than one year's experience, in the maintenance of machinery and apparatus as an engineer or fitter in or about a mine or of a nature approved by the Minister;

“prescribed qualification” means—

- (a) in relation to an applicant for a certificate of competency as mine electrical engineer, a diploma, degree or certificate in electrical engineering from the University of Sydney or other university or educational body approved by the Minister, or membership of any institute or body approved by the Minister; or
- (b) in relation to an applicant for a certificate of competency as mine mechanical engineer, a diploma, degree or certificate in mechanical engineering from the University of Sydney or other university or educational body approved by the Minister, or membership of any institute or body approved by the Minister.

(o)

Coal Mines Regulation (Amendment).

- (o) (i) by omitting from subsection one of section twenty-two the word "thirty" and by inserting in lieu thereof the words "one hundred";
- (ii) by omitting from the same section the words "mine electrician" wherever occurring and by inserting in lieu thereof the words "mine electrical engineer";
- (iii) by omitting from subsection one of the same section the words ", and in his absence" and by inserting in lieu thereof the words "and the deputy manager, and in their absence";
- (iv) by omitting from paragraph (a) of subsection three of the same section the word "thirty" where firstly occurring and by inserting in lieu thereof the words "one hundred";
- (v) by omitting from the same paragraph the words "or so acts in any place in a mine where naked lights are prohibited notwithstanding that the electricity used is less than thirty kilowatts";
- (vi) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) The chief inspector may in writing under his hand grant an exemption in respect of all or any of the provisions of this section either unconditionally or subject to such conditions as he may impose.

- (p) by inserting next after section twenty-two the following new section :—

22A. (1) The owner of a mine where the equivalent horsepower exceeds two hundred horsepower shall appoint a mine mechanical engineer who shall be subject to the authority of the manager and the deputy manager, and in their absence the under-manager, and who shall have charge of all

machinery

Coal Mines Regulation (Amendment).

machinery in or about the mine (machinery to which subsection one of section twenty-two of this Act relates excepted), ropes, chains, shafts and fittings therein and fixed structures.

(2) A person shall not be appointed as mine mechanical engineer in respect of any mine if he holds an appointment as mine mechanical engineer in respect of any other mine.

(3) A person shall not be qualified to act as mine mechanical engineer unless he is for the time being registered as the holder of a certificate of competency as a mine mechanical engineer or a certificate of service as a mine mechanical engineer.

(4) The Minister may grant a certificate of service as a mine mechanical engineer to a person who applies therefor and who satisfies the Minister that he has had at least two years' experience as a mechanical engineer in or about a coal mine where the equivalent horsepower was not less than five hundred horsepower.

(5) A person who—

- (a) not being registered under this Act as the holder of a certificate of competency to be a mine mechanical engineer or of a certificate of service as a mine mechanical engineer acts as a mine mechanical engineer in or about a mine; or
- (b) knowing that any person is not so registered, employs him as a mine mechanical engineer in or about a mine,

shall be guilty of an offence against this Act.

(6)

Coal Mines Regulation (Amendment).

(6) The chief inspector may by writing under his hand grant an exemption in respect of all or any of the provisions of this section either unconditionally or subject to such conditions as he may impose.

(7) Where a mine mechanical engineer is required by reason of the provisions of subsection one of this section to be appointed at any mine the owner or agent of the mine shall give written notice to the inspector of a district of the name and address of the person appointed within fourteen days after the appointment.

(8) In this section "equivalent horsepower" means, in relation to any mine, the aggregate of the continuous rated outputs, expressed in units of horsepower, of all machinery (machinery to which subsection one of section twenty-two of this Act relates excepted), in or about that mine.

- (q) (i) by omitting from subsection four of section twenty-four the words ", and the inspector of a district means, in relation to any matter or thing concerning a mine, the inspector who is for the time being assigned to the district or portion of New South Wales in which the mine is situated"; Sec. 24. (Appointment of inspectors.)
- (ii) by omitting from subsection five of the same section the words "or service";
- (r) by omitting from subsection two of section twenty-six the words "a mine electrician" and by inserting in lieu thereof the words "a mine electrical engineer"; Sec. 26. (Appointment of electrical inspector.)
- (s) by omitting from section twenty-nine the words "of a district"; Sec. 29. (Annual reports of inspectors.)
- (t)

Coal Mines Regulation (Amendment).

Sec. 35A.
(Plans to be
furnished.)

(t) by omitting paragraph (a) of subsection two of section 35A and by inserting in lieu thereof the following paragraph :—

(a) Within three months, or such longer period as the Under Secretary for Mines may allow, after any variation in such colliery holding by the acquisition, addition, disposal or deletion in any manner whatsoever of freehold or leasehold lands, or the acquisition or cessation of the right to mine for coal or shale or to carry out mining purposes in connection with mining for coal or shale in any lands within the colliery holding, the owner, agent or manager shall furnish to the Under Secretary for Mines a plan of such lands, and in the case of acquisition or addition of any such freehold or leasehold lands a schedule of particulars of title of the lands so acquired or added, and in the case of the acquisition of any such right, particulars of the nature of the right.

Sec. 36.
(Notice to
be given
of accidents
in mines.)

(u) (i) by omitting subsection one of section thirty-six and by inserting in lieu thereof the following subsection :—

(1) Where there occurs in or about a mine an accident which causes loss of life or serious bodily injury to any person employed at the mine, the owner, agent or manager of the mine shall—

- (a) forthwith by telephone give notice of the accident to the inspector of a district and to a check-inspector; and
- (b) within twenty-four hours next after the occurrence of the accident, forward to the inspector of a district (on behalf of the Minister) and to a check-inspector, written notice giving the nature of the accident and the number of persons killed or injured.

(ii)

Coal Mines Regulation (Amendment).

- (ii) by omitting from subsection two of the same section the words “, whether above or below ground, loss of life or serious personal injury” and by inserting in lieu thereof the words “loss of life or serious bodily injury”;
- (iii) by omitting from the same subsection the words “explosion or” wherever occurring;
- (iv) by omitting from subsection three of the same section the words “personal injury” and by inserting in lieu thereof the words “serious bodily injury”;
- (v) by inserting next after subsection four of the same section the following new subsection :—

(5) In subsections one, two and three of this section “serious bodily injury” means such injury as may be prescribed.

- (v) by omitting section 36A and by inserting in lieu thereof the following section :—

Subst. sec.
36A.

36A. (1) Where, in or about any mine—

- (a) any gas, other than gas in a safety-lamp, or dust is ignited below ground;
- (b) any fire breaks out below ground;
- (c) any fire breaks out on the surface and endangers the operation of any winding or hauling apparatus at a shaft or any mechanically operated apparatus for producing ventilation below ground;
- (d) there is an abnormal outburst of gas with coal or other solid matter into the mine workings except where such outburst is caused intentionally;
- (e) there is any discovery below ground of self-heating of coal or any other material whatsoever;

Certain
occurrences
to be
reported.

(w)

(f)

Coal Mines Regulation (Amendment).

- (f) inflammable gas is discovered for the first time in a mine or ventilating district of a mine;
- (g) any cage is overwound;
- (h) any rope, chain, coupling or any gear whatsoever used in or in connection with the raising or lowering of men in any shaft or inclined plane, breaks or fails;
- (i) any rope, chain, coupling or other gear essential to the safe operation of the equipment used for the transport of persons below ground, breaks or fails;
- (j) there is an insurge of noxious or inflammable gas from old workings;
- (k) there is any abnormal inrush of water or material which flows when wet, from any source;
- (l) any person receives first aid or medical treatment in respect of an electric shock or burns received from any circuit in which the voltage for the time being exceeds twenty-five volts; or
- (m) any person receives first aid or medical treatment in respect of bodily injury occasioned by an explosion or discharge of blasting material,

the owner, agent or manager of the mine shall, immediately after becoming aware that any such occurrence has taken place, report it to an inspector and to a check-inspector, and shall, within twenty-four hours next after the occurrence, send written notice to the inspector of a district, and shall furnish him with such particulars as he may require.

(2) Every owner, agent or manager who fails to act in compliance with the provisions of subsection one of this section shall be guilty of an offence against this Act.

(w)

Coal Mines Regulation (Amendment).

- (w) (i) by omitting from paragraph (d) of section thirty-seven the words "under-manager, or mine electrician" and by inserting in lieu thereof the words "deputy manager, under-manager, assistant under-manager, mine electrical engineer, or mine mechanical engineer"; Sec. 37.
(Notice to be given of opening and abandonment of mine.)
- (ii) by omitting from the same section the words "owner, agent, or manager" wherever occurring and by inserting in lieu thereof the words "owner or agent";
- (x) (i) by omitting from subsection one of section thirty-eight the words ", at whatever time the abandonment or discontinuance occurred, the owner thereof and every other person interested in the minerals of the mine shall" and by inserting in lieu thereof the words "the owner thereof, or the person who was the owner thereof at the time the abandonment or discontinuance occurred, and every other person interested in the minerals of the mine shall, within thirty days next after such abandonment or discontinuance,"; Sec. 38.
(Sealing in case of abandoned mine.)
- (ii) by omitting from the same subsection the word "fenced" and by inserting in lieu thereof the words "sealed to the satisfaction of the chief inspector";
- (iii) by inserting next after paragraph (b) of the proviso to the same subsection the following new paragraph :—
- (c) the chief inspector may, in circumstances he considers appropriate, require any shaft or side entrance to be fenced in lieu of being sealed.

(iv)

Coal Mines Regulation (Amendment).

(iv) by omitting from subsection five of the same section the words "fenced as required by this section," and by inserting in lieu thereof the words "sealed as required by this section or if the chief inspector required it to be fenced, is not fenced as so required,";

Sec. 38A. (Barriers to be provided.) (y) (i) by omitting paragraph (a) of subsection one of section 38A and by inserting in lieu thereof the following paragraph :—

(a) The owner, agent or manager of a mine shall not work or cause to be worked any seam of coal in a mine without leaving—

(i) a barrier of the prescribed width against the external boundaries of the colliery holding in which the mine is situated and where the coal seam crops out within the colliery holding boundaries, a barrier of the prescribed width against the outcrop of the seam, and, in the case of an open cut working, a barrier of the prescribed width between the open cut working and any underground workings in the colliery holding; and

(ii) if the Minister, by order, given in writing to the owner, agent or manager, so directs, a barrier of such width or a protective pillar of such size as is specified in the order, against the mean high water mark of tidal waters, or against surface improvements or any feature, whether natural or artificial, including abandoned workings within the colliery holding.

(vi)

(ii)

Coal Mines Regulation (Amendment).

- (ii) by omitting subparagraph (ii) of paragraph (d) of the same subsection and by inserting in lieu thereof the following subparagraph :—
- (ii) shall so fix a width in respect of that seam that a barrier of not less than two chains shall be maintained between workings of adjacent colliery holdings.
- (iii) by inserting in subsection two of the same section after the word “barrier” wherever occurring the words “or protective pillar”;
- (iv) by inserting in subsection three of the same section after the word “barrier” the words “or protective pillar”;
- (v) by inserting in subsection five of the same section after the word “barrier” the words “or protective pillar”;
- (vi) by inserting in subsection seven of the same section after the word “section” where firstly occurring the words “or any order made thereunder”;
- (z) by omitting paragraph (f) of subsection two of section 53BA and by inserting in lieu thereof the following paragraph :—
- (f) Pillars shall not be removed except with the approval in writing of the Minister and subject to such conditions as he may impose.
4. Part II of the Coal Mines Regulation Act, 1912, is amended by omitting section 54A.
5. Further amendment of Act No. 37, 1912. Sec. 54A. (Bath and change-house accommodation at coke-works.)

Coal Mines Regulation (Amendment).

Further amendment of Act No. 37, 1912.

5. Part III of the Coal Mines Regulation Act, 1912, is amended—

Sec. 68.
(General penalty.)

(a) by omitting from subsection one of section sixty-eight the words “or manager, or under-manager,” and by inserting in lieu thereof the words “manager, deputy manager or under-manager.”;

Sec. 69.
(Imprisonment for wilful neglect endangering life or limb.)

(b) by omitting from section sixty-nine the words “or under-manager” and by inserting in lieu thereof the words “deputy manager or under-manager”;

Sec. 70.
(General provisions as to summary proceedings.)

(c) by omitting from paragraph (d) of section seventy the word “three” and by inserting in lieu thereof the word “six”;

Sec. 72.
(Prosecution of owners, agents, managers, &c.)

(d) by omitting from section seventy-two the words “or under-manager” wherever occurring and by inserting in lieu thereof the words “deputy manager, or under-manager”.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 29th March, 1972.*