

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,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 August, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Coal Mines Regulation Act, 1912, in relation to the employment of certain persons in or about mines, the keeping of plans of mines and the rehabilitation of certain lands, and for certain other purposes.

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
5 follows:—

1. This Act may be cited as the "Coal Mines Regulation Short title.
(Amendment) Act, 1977".

2. (1) Except as provided in subsections (2) and (3), **Commence-**
this Act shall commence on the date of assent to this Act. **ment.**

10 (2) Section 4 shall, in its application to a provision
of a Schedule, commence on the day on which that provision
commences.

(3) Schedule 4 (1) and (2) shall commence on such
day as may be appointed by the Governor in respect thereof
15 and as may be notified by proclamation published in the
Gazette.

3. This Act contains the following Schedules :— **Schedules.**

SCHEDULE 1.—AMENDMENTS TO SECTIONS 1 AND 3
OF THE COAL MINES REGULATION ACT, 1912.

20 SCHEDULE 2.—AMENDMENTS TO PART I OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 3.—AMENDMENT TO PART II OF THE
COAL MINES REGULATION ACT, 1912.

25 SCHEDULE 4.—AMENDMENTS TO PART IIA OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 5.—AMENDMENTS TO PART III OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 6.—AMENDMENTS TO THE SCHEDULES TO
THE COAL MINES REGULATION ACT, 1912.

- 5 4. The Coal Mines Regulation Act, 1912, is amended in the manner set forth in Schedules 1–6. Amendment of Act No. 37, 1912.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES
REGULATION ACT, 1912.

10 (1) (a) Section 1 (3)—

Omit the matter relating to Part I, Division 6,
insert instead :—

DIVISION 6.—*Prohibition of employment of
certain persons—ss. 41–43.*

15 (b) Section 1 (3)—

After the matter relating to Part II, insert :—

PART IIA.—OPEN CUT WORKINGS—s. 65B.

(c) Section 1 (3)—

20 From the matter relating to Part III, Division 2,
omit “81”, insert instead “80”.

(2) Section 3 (1), definition of “Inspector”—

Omit “or appointed under this Act; and in section
27 includes an inspector appointed under section 26
or section 26A”, insert instead “section 24”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912.

- (1) Section 7—
5 Omit “, so that the fees do not exceed those specified
in the Third Schedule”.
- (2) Section 10 (4)—
Omit the subsection.
- (3) Section 13 (2)—
10 Omit “, not exceeding four dollars,”.
- (4) Section 18—
Omit “but not exceeding the fee specified in the Third
Schedule,”.
- (5) Section 22 (5)—
15 Omit “such electrician’s”, insert instead “that mine
electrical engineer’s”.
- (6) (a) Section 23 (1)—
Omit “subject to”, insert instead “under and
subject to”.
- 20 (b) Section 23 (1)—
Omit “subject as aforesaid”, insert instead “under
and subject to the provisions of the Public
Service Act, 1902”.
- (7) Section 24 (3)—
25 Omit the subsection, insert instead :—
(3) The Governor may, under and subject to the
provisions of the Public Service Act, 1902, appoint
duly qualified persons to be inspectors of collieries.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(8) Section 26 (1)—

- 5 Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(9) Section 26A (1)—

- 10 Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(10) Section 29—

- 15 Omit “Minister, which report, when”, insert instead “chief inspector and those reports, as summarised by the chief inspector and”.

(11) (a) Section 35 (1)—

- 20 After “every mine”, insert “to which this subsection applies”.

(b) Section 35 (1B)–(1H)—

After section 35 (1A), insert :—

(1B) Subsection (1) applies—

- 25 (a) before 30th June, 1978, to every mine;
and
(b) as from 30th June, 1978, to mines which the chief inspector has, under subsection (1H), exempted from the operation of subsection (1C).

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

5 (1C) As from 30th June, 1978, the owner,
agent or manager of a mine shall—

- (a) keep in the office at the mine a plan
of the workings of the mine showing
those workings up to a date not more
than 3 months previously; and
- 10 (b) at intervals of not more than 6 months,
forward to the Under Secretary for
Mines a tracing of that plan, showing
the mine workings up to a date not
more than 3 months previously and
- 15 titled the “Mine Record Tracing”.

(1D) The chief inspector may cause to be
published in the Gazette instructions, approved
by the Surveyor-General, relating to the carrying
out of surveys and the preparation of plans of
workings of mines and may from time to time,
20 by causing to be published in the Gazette further
instructions approved by the Surveyor-General,
amend or replace instructions or further
instructions published under this subsection.

25 (1E) A plan referred to in subsection (1C)
(a) and a tracing of a plan referred to in sub-
section (1C) (b) shall be prepared or brought
up to date in accordance with instructions
published pursuant to subsection (1D) and in
30 force at the time that plan or tracing is prepared
or brought up to date, as the case may be.

(1F) Any survey necessary to be carried out
for the purposes of complying with this section
shall be carried out in accordance with
instructions published pursuant to subsection
35 (1D) and in force at the time of that survey.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

5 (1G) The Surveying and Drafting Instructions
for Colliery Surveyors (Underground) published
in Gazette No. 114 of 10th September, 1976,
shall, as from the date of assent to the Coal
Mines Regulation (Amendment) Act, 1977, be
10 deemed to be instructions published pursuant to
subsection (1D).

(1H) The chief inspector may exempt any
mine from the operation of subsection (1C).

(c) Section 35 (2)—

15 Omit “such plan and section” where firstly
occurring, insert instead “the plan of the
workings of the mine required to be kept under
this section”

(d) Section 35 (2)—

20 Omit “such plan and section” where secondly
occurring, insert instead “that plan”.

(e) Section 35 (2)—

Omit “the plan and section”, insert instead “that
plan”.

(f) Section 35 (2)—

25 Omit “respectively”.

(g) Section 35 (2A)—

Omit “such plan and section”, insert instead “the
plan of the workings of the mine required to be
kept under this section”.

30 (h) Section 35 (2A)—

Omit “the plan and section”, insert instead “that
plan”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

- (i) Section 35 (3)—
5 Omit “and section aforesaid”, insert instead “of the workings of the mine required to be kept under this section”.
- (j) Section 35 (3)—
Omit “or section”.
- 10 (k) Section 35 (3)—
Omit “and section, showing the particulars hereinbefore required”, insert instead “of those workings, as is required to be kept under this section, or such a plan of part of those workings”.
- 15 (l) Section 35 (3)—
Omit “Every such plan must be on a scale of not less than 1:2000, or on the same scale as the plan for the time being in use at the mine.”.
- (m) Section 35 (4)—
20 Omit “such plan and section to be made as hereby required”, insert instead “a plan to be made as required by the inspector under subsection (3)”.
- (n) Section 35 (5)—
25 Omit “subsection (1A) of”.
- (o) Section 35 (7)—
After section 35 (6), insert :—
30 (7) In this section, or wherever occurring in this Act in reference to a tracing required to be forwarded to the Under Secretary for Mines under this section, “tracing” includes a copy or reproduction.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(12) Part I, Division 6, heading—

5 Omit the heading, insert instead :—

DIVISION 6.—*Prohibition of employment of certain persons.*

(13) Sections 41, 42—

Omit the sections, insert instead :—

10 41. (1) Subject to subsection (2), no person under the age of 16 years shall be employed in or about a mine. Prohibition of employment of certain persons.

15 (2) Male persons under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as probationers, trainee apprentices or indentured apprentices within the meaning of the Apprentices Act, 1969.

(3) No female person of any age shall be employed below ground in a mine unless—

20 (a) she is employed in a position of management that does not require her to perform manual work;

(b) she is employed in health or welfare services;

25 (c) she is engaged in studies which require her to spend a period of training below ground in a mine; or

30 (d) she is occasionally required to enter parts of a mine below ground on duties that do not require her to perform manual work.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*

5 42. (1) The owner, agent or manager of a mine shall keep records indicating, in respect of persons under the age of 18 years employed or working in the mine below ground—

Records of employment.

(a) the dates of birth of those persons, duly certified wherever possible; and

10 (b) the dates at which those persons were employed or worked in the mine below ground for the first time.

(2) The owner, agent or manager of a mine shall, on request—

15 (a) make available to inspectors the records referred to in subsection (1); and

20 (b) make available to representatives of persons who work at the mine lists showing the names of persons under the age of 18 years who are employed or work in the mine below ground and the dates recorded in respect of them pursuant to subsection (1).

(14) Section 43—

25 Omit “this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys”, insert instead “this Division”.

Coal Mines Regulation (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENT TO PART II OF THE COAL MINES
REGULATION ACT, 1912.

Section 56B (4)—

5 Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
section as if this Act had been passed after the
commencement of the Interpretation (Amendment)
10 Act, 1969.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 65B (2) (b)—

15 Omit the paragraph.

(2) Section 65B (2A), (2B), (2C), (2D), (2E), (2F)—

After section 65B (2), insert :—

(2A) In subsection (2B), “coal” means coal the
right to mine for which is not affected by the provisions
20 of the Coal Mining Act, 1973.

(2B) In subsections (2C) and (2D)—

(a) a reference to open cut workings is a
reference to open cut workings wherein or
whereby coal is being or is to be mined,
whichever the context requires; and
25

(b) “rehabilitation” includes filling in excava-
tions and reinstatement, levelling, regrass
ing, reforesting and contouring.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

5 (2C) Without prejudice to the generality of the provisions of subsection (2) (a), the Governor may make regulations for or with respect to the rehabilitation of land that is being or is to be used for open cut workings.

10 (2D) Regulations referred to in subsection (2c) may include provisions of the like nature as those included in section 38 and may make provisions for or with respect to—

- 15 (a) the lodgment, with the prescribed person, by the owner, agent or manager of a colliery holding of plans and proposals relating to the rehabilitation of the land that is being or is to be used for open cut workings within that holding;
- 20 (b) the approval by the prescribed person of plans and proposals referred to in paragraph (a) subject to such conditions, including conditions requiring the lodgment of bonds or other securities, as the prescribed person deems necessary and the
- 25 revocation or variation of approvals;
- 30 (c) the exemption, by the Minister, of any prescribed class or description of open cut workings, either absolutely or subject to conditions, from compliance with the regulations; and
- (d) the imposition of penalties, not exceeding \$2,000, or, in the case of continuing offences, not exceeding \$2,000 and \$100 for each day the offence continues, for

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

5 contravention of the regulations or failure
 to carry out proposals for rehabilitation as
 approved in accordance with the regula-
 tions.

10 (2E) Where, in respect of land that is being or is
 to be used for open cut workings on or in a colliery
 holding, the owner, agent or manager of that holding
 fails to comply with regulations made under sub-
15 section (2C), the Minister may, by notice in writing
 served on that owner, agent or manager either per-
 sonally or by post, prohibit the operation of those
 open cut workings during such period as is specified
 in the notice, or, where no period is specified, until
 the Minister, by a notice in writing served on that
 owner, agent or manager either personally or by
 post, withdraws that prohibition.

20 (2F) If open cut workings are operated while a
 prohibition referred to in subsection (2E) is in force,
 the owner, agent or manager of the colliery holding
 on or in which those workings are situated is guilty
25 of an offence against this Act and shall be liable, upon
 conviction, to a penalty not exceeding \$2,000 and, in
 the case of a continuing offence, a penalty not
 exceeding \$100 for each day the offence continues.

(3) Section 65B (3) (c)—

Omit the paragraph.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(4) Section 65B (5)—

5 Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
section as if this Act had been passed after the com-
mencement of the Interpretation (Amendment) Act,
10 1969.

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART III OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 66—

15 Omit "1912", insert instead "1960".

(2) Section 81—

Omit the section.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE SCHEDULES TO THE COAL MINES
REGULATION ACT, 1912.

- (1) Third Schedule—
5 Omit the Schedule.
- (2) (a) Eighth Schedule, Regulation 19 (a)—
After “every open cut working”, insert “to which
this subsection applies”.
- (b) Eighth Schedule, Regulation 19 (b)—
10 After “Subsections”, insert “(1B), (1C), (1D),
(1E), (1F), (1H),”.
- (c) Eighth Schedule, Regulation 19 (b)—
Omit “and (6)”, insert instead “, (6) and (7)”.
- (d) Eighth Schedule, Regulation 27—
15 Omit the Regulation.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[16c]

Section 101 (a) (1) (A) (i)

Sec. 4

Amounts payable to the Government under the Act

(1) Total amount payable to the Government under the Act

(b) Amount payable to the Government under the Act

(c) Amount payable to the Government under the Act

(d) Amount payable to the Government under the Act

Coal Mines Regulation (Amendment) Act, 1977

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. This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1977."

2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in relation to a provision of a schedule, commence on the day on which that provision commences.

(3) Schedule 4 (1) and (2) shall commence on such day as may be appointed by proclamation published in the Gazette and as may be notified by proclamation published in the Gazette.

A BILL FOR
An Act to amend the Coal Mines Regulation Act, 1912, in relation to the employment of certain persons in or about mines, the keeping of plans of mines and the rehabilitation of certain lands, and for certain other purposes.

[MR HILLS—31 May, 1977.]

SCHEDULE 2—AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 3—AMENDMENT TO PART II OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 4—AMENDMENTS TO PART III OF THE COAL MINES REGULATION ACT, 1912.

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. This Act may be cited as the "Coal Mines Regulation Short title. (Amendment) Act, 1977".

2. (1) Except as provided in subsections (2) and (3), Commence- this Act shall commence on the date of assent to this Act. ment.

10 (2) Section 4 shall, in its application to a provision of a Schedule, commence on the day on which that provision commences.

(3) Schedule 4 (1) and (2) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the 15 Gazette.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES REGULATION ACT, 1912.

20 SCHEDULE 2.—AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 3.—AMENDMENT TO PART II OF THE COAL MINES REGULATION ACT, 1912.

25 SCHEDULE 4.—AMENDMENTS TO PART IIA OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 5.—AMENDMENTS TO PART III OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 6.—AMENDMENTS TO THE SCHEDULES TO
THE COAL MINES REGULATION ACT, 1912.

- 5 4. The Coal Mines Regulation Act, 1912, is amended in the manner set forth in Schedules 1–6. Amendment of Act No. 37, 1912.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES
REGULATION ACT, 1912.

- 10 (1) (a) Section 1 (3)—

Omit the matter relating to Part I, Division 6,
insert instead :—

DIVISION 6.—*Prohibition of employment of
certain persons—ss. 41–43.*

- 15 (b) Section 1 (3)—

After the matter relating to Part II, insert :—

PART IIA.—OPEN CUT WORKINGS—s. 65B.

- (c) Section 1 (3)—

- 20 From the matter relating to Part III, Division 2,
omit “81”, insert instead “80”.

- (2) Section 3 (1), definition of “Inspector”—

Omit “or appointed under this Act; and in section
27 includes an inspector appointed under section 26
or section 26A”, insert instead “section 24”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912.

- (1) Section 7—
5 Omit “, so that the fees do not exceed those specified
in the Third Schedule”.
- (2) Section 10 (4)—
Omit the subsection.
- (3) Section 13 (2)—
10 Omit “, not exceeding four dollars,”.
- (4) Section 18—
Omit “but not exceeding the fee specified in the Third
Schedule,”.
- (5) Section 22 (5)—
15 Omit “such electrician’s”, insert instead “that mine
electrical engineer’s”.
- (6) (a) Section 23 (1)—
Omit “subject to”, insert instead “under and
subject to”.
- 20 (b) Section 23 (1)—
Omit “subject as aforesaid”, insert instead “under
and subject to the provisions of the Public
Service Act, 1902”.
- (7) Section 24 (3)—
25 Omit the subsection, insert instead :—
(3) The Governor may, under and subject to the
provisions of the Public Service Act, 1902, appoint
duly qualified persons to be inspectors of collieries.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

- (8) Section 26 (1)—
5 Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.
- (9) Section 26A (1)—
10 Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.
- (10) Section 29—
15 Omit “Minister, which report, when”, insert instead “chief inspector and those reports, as summarised by the chief inspector and”.
- (11) (a) Section 35 (1)—
20 After “every mine”, insert “to which this subsection applies”.
- (b) Section 35 (1B)–(1H)—
After section 35 (1A), insert :—
(1B) Subsection (1) applies—
25 (a) before 30th June, 1978, to every mine;
and
(b) as from 30th June, 1978, to mines which the chief inspector has, under subsection (1H), exempted from the operation of subsection (1C).

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*

5 (1C) As from 30th June, 1978, the owner, agent or manager of a mine shall—

(a) keep in the office at the mine a plan of the workings of the mine showing those workings up to a date not more than 3 months previously; and

10 (b) at intervals of not more than 6 months, forward to the Under Secretary for Mines a tracing of that plan, showing the mine workings up to a date not more than 3 months previously and
15 titled the "Mine Record Tracing".

(1D) The chief inspector may cause to be published in the Gazette instructions, approved by the Surveyor-General, relating to the carrying out of surveys and the preparation of plans of
20 workings of mines and may from time to time, by causing to be published in the Gazette further instructions approved by the Surveyor-General, amend or replace instructions or further instructions published under this subsection.

25 (1E) A plan referred to in subsection (1C) (a) and a tracing of a plan referred to in subsection (1C) (b) shall be prepared or brought up to date in accordance with instructions published pursuant to subsection (1D) and in
30 force at the time that plan or tracing is prepared or brought up to date, as the case may be.

(1F) Any survey necessary to be carried out for the purposes of complying with this section shall be carried out in accordance with
35 instructions published pursuant to subsection (1D) and in force at the time of that survey.

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

5 (1G) The Surveying and Drafting Instructions
for Colliery Surveyors (Underground) published
in Gazette No. 114 of 10th September, 1976,
shall, as from the date of assent to the Coal
Mines Regulation (Amendment) Act, 1977, be
10 deemed to be instructions published pursuant to
subsection (1D).

(1H) The chief inspector may exempt any
mine from the operation of subsection (1C).

(c) Section 35 (2)—

15 Omit “such plan and section” where firstly
occurring, insert instead “the plan of the
workings of the mine required to be kept under
this section”

(d) Section 35 (2)—

20 Omit “such plan and section” where secondly
occurring, insert instead “that plan”.

(e) Section 35 (2)—

Omit “the plan and section”, insert instead “that
plan”.

(f) Section 35 (2)—

25 Omit “respectively”.

(g) Section 35 (2A)—

Omit “such plan and section”, insert instead “the
plan of the workings of the mine required to be
kept under this section”.

30 (h) Section 35 (2A)—

Omit “the plan and section”, insert instead “that
plan”.

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

- (i) Section 35 (3)—
5 Omit “and section aforesaid”, insert instead “of
the workings of the mine required to be kept
under this section”.
- (j) Section 35 (3)—
Omit “or section”.
- 10 (k) Section 35 (3)—
Omit “and section, showing the particulars
hereinbefore required”, insert instead “of those
workings, as is required to be kept under this
section, or such a plan of part of those workings”.
- 15 (l) Section 35 (3)—
Omit “Every such plan must be on a scale of
not less than 1:2000, or on the same scale as
the plan for the time being in use at the mine.”.
- 20 (m) Section 35 (4)—
Omit “such plan and section to be made as
hereby required”, insert instead “a plan to be
made as required by the inspector under
subsection (3)”.
- 25 (n) Section 35 (5)—
Omit “subsection (1A) of”.
- (o) Section 35 (7)—
After section 35 (6), insert :—
30 (7) In this section, or wherever occurring in
this Act in reference to a tracing required to be
forwarded to the Under Secretary for Mines
under this section, “tracing” includes a copy or
reproduction.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*

(12) Part I, Division 6, heading—

5 Omit the heading, insert instead :—

DIVISION 6.—*Prohibition of employment of certain persons.*

(13) Sections 41, 42—

Omit the sections, insert instead :—

10 41. (1) Subject to subsection (2), no person under the age of 16 years shall be employed in or about a mine. Prohibition of employment of certain persons.

15 (2) Male persons under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as probationers, trainee apprentices or indentured apprentices within the meaning of the Apprentices Act, 1969.

(3) No female person of any age shall be employed below ground in a mine unless—

20 (a) she is employed in a position of management that does not require her to perform manual work;

(b) she is employed in health or welfare services;

25 (c) she is engaged in studies which require her to spend a period of training below ground in a mine; or

30 (d) she is occasionally required to enter parts of a mine below ground on duties that do not require her to perform manual work.

SCHEDULE

Coal Mines Regulation (Amendment)

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*

5 42. (1) The owner, agent or manager of a mine shall keep records indicating, in respect of persons under the age of 18 years employed or working in the mine below ground—

Records of employment.

- (a) the dates of birth of those persons, duly certified wherever possible; and
- 10 (b) the dates at which those persons were employed or worked in the mine below ground for the first time.

(2) The owner, agent or manager of a mine shall, on request—

- 15 (a) make available to inspectors the records referred to in subsection (1); and
- (b) make available to representatives of persons who work at the mine lists showing the names of persons under the age of 18 years who are employed or work in the mine below ground and the dates recorded in respect of them pursuant to subsection (1).
- 20

(14) Section 43—

25 Omit "this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys", insert instead "this Division".

SCHEDULE

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENT TO PART II OF THE COAL MINES
REGULATION ACT, 1912.

Section 56B (4)—

5 Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
section as if this Act had been passed after the
commencement of the Interpretation (Amendment)
10 Act, 1969.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 65B (2) (b)—

15 Omit the paragraph.

(2) Section 65B (2A), (2B), (2C), (2D), (2E), (2F)—

After section 65B (2), insert :—

20 (2A) In subsection (2B), "coal" means coal the
right to mine for which is not affected by the provisions
of the Coal Mining Act, 1973.

(2B) In subsections (2C) and (2D)—

(a) a reference to open cut workings is a
reference to open cut workings wherein or
whereby coal is being or is to be mined,
whichever the context requires; and
25

(b) "rehabilitation" includes filling in excava-
tions and reinstatement, levelling, regrass-
ing, reforestation and contouring.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

5 (2C) Without prejudice to the generality of the provisions of subsection (2) (a), the Governor may make regulations for or with respect to the rehabilitation of land that is being or is to be used for open cut workings.

10 (2D) Regulations referred to in subsection (2C) may include provisions of the like nature as those included in section 38 and may make provisions for or with respect to—

15 (a) the lodgment, with the prescribed person, by the owner, agent or manager of a colliery holding of plans and proposals relating to the rehabilitation of the land that is being or is to be used for open cut workings within that holding;

20 (b) the approval by the prescribed person of plans and proposals referred to in paragraph (a) subject to such conditions, including conditions requiring the lodgment of bonds or other securities, as the prescribed person deems necessary and the revocation or variation of approvals;

25 (c) the exemption, by the Minister, of any prescribed class or description of open cut workings, either absolutely or subject to conditions, from compliance with the regulations; and

30 (d) the imposition of penalties, not exceeding \$2,000, or, in the case of continuing offences, not exceeding \$2,000 and \$100 for each day the offence continues, for

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

5 contravention of the regulations or failure
to carry out proposals for rehabilitation as
approved in accordance with the regula-
tions.

10 (2E) Where, in respect of land that is being or is
to be used for open cut workings on or in a colliery
holding, the owner, agent or manager of that holding
fails to comply with regulations made under sub-
section (2C), the Minister may, by notice in writing
15 served on that owner, agent or manager either per-
sonally or by post, prohibit the operation of those
open cut workings during such period as is specified
in the notice, or, where no period is specified, until
the Minister, by a notice in writing served on that
owner, agent or manager either personally or by
post, withdraws that prohibition.

20 (2F) If open cut workings are operated while a
prohibition referred to in subsection (2E) is in force,
the owner, agent or manager of the colliery holding
on or in which those workings are situated is guilty
of an offence against this Act and shall be liable, upon
25 conviction, to a penalty not exceeding \$2,000 and, in
the case of a continuing offence, a penalty not
exceeding \$100 for each day the offence continues.

(3) Section 65B (3) (c)—

Omit the paragraph.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(4) Section 65B (5)—

5 Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
section as if this Act had been passed after the com-
10 mencement of the Interpretation (Amendment) Act,
1969.

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART III OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 66—

15 Omit "1912", insert instead "1960".

(2) Section 81—

Omit the section.

Coal Mines Regulation (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE SCHEDULES TO THE COAL MINES
REGULATION ACT, 1912.

(1) Third Schedule—

5 Omit the Schedule.

(2) (a) Eighth Schedule, Regulation 19 (a)—

After "every open cut working", insert "to which
this subsection applies".

(b) Eighth Schedule, Regulation 19 (b)—

10 After "Subsections", insert "(1B), (1C), (1D),
(1E), (1F), (1H)".

(c) Eighth Schedule, Regulation 19 (b)—

Omit "and (6)", insert instead ", (6) and (7)".

(d) Eighth Schedule, Regulation 27—

15 Omit the Regulation.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[16c]

[100]

ВЪ МЯСЛЪ СЪМБЪЛАНІИ БЪЛІАКЪ ИМА ГОДИНЪ МЯСЛЪ—1911
ВЪ ЧЛѢНОВИКА

12

Omit the Regulation

(g) Eighth schedule, Regulation 3A—

Omit „and (e)„ insert instead „ (e) and (A)„

(c) Eighth schedule, Regulation 1d (p)—

10

(1E), (1F), (1H)„

After „suppressions„ insert „(1B), (1C), (1D)„

(p) Eighth schedule, Regulation 1d (p)—

this suppression applies„

After „electly open and working„ insert „to which

(3) (a) Eighth schedule, Regulation 1d (a)—

2

Omit the schedule

(1) Third schedule—

REGULATION ACT, 1912.
AMENDMENTS TO THE SCHEDULES TO THE COAL MINES

SCHEDULE e.

Coal Mines Regulation (Amendment).

Act No. 1911.

COAL MINES REGULATION (AMENDMENT) BILL, 1977

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to remove the restriction on the quantum of the fees that may be fixed in respect of certain certificates (Schedules 2 (1)–(4) and 6 (1));
- (b) to provide that appointments of officers for the purposes of the Coal Mines Regulation Act, 1912, may be made under the Public Service Act, 1902 (Schedule 2 (6)–(9));
- (c) to enable reports of inspectors of collieries to be made to the Chief Inspector of Coal Mines, instead of to the Minister, and a summary of those reports to be embodied in the annual report of the Department of Mines (Schedule 2 (10));
- (d) to provide that, as from 30th June, 1978, plans of certain mine workings are to be prepared or brought up to date in accordance with instructions approved by the Surveyor-General and published in the Gazette and that any surveys necessary for that purpose are to be carried out in accordance with such instructions (Schedule 2 (11));
- (e) to vary provisions relating to the minimum ages for employment of persons in or about mines (Schedules 2 (12)–(14) and 6 (2) (d));
- (f) to provide that women engaged in certain occupations may be employed below ground in mines (Schedule 2 (13));
- (g) to enable regulations to be made for or with respect to the rehabilitation of land that is being or is to be used for mining coal by means of open cut workings, being workings that do not or will not come under the provisions of the Coal Mining Act, 1973, and to provide for the prohibition of such workings if the regulations are not complied with (Schedule 4 (1) and (2)); and
- (h) to make other provisions of a minor, consequential or ancillary nature.

1907

THE NATIONAL BUREAU OF STANDARDS

REPORT OF THE

COMMISSIONER OF THE NATIONAL BUREAU OF STANDARDS

FOR THE YEAR 1907

IN CONNECTION WITH THE

ANNIVERSARY OF THE

FOUNDATION OF THE

NATIONAL BUREAU OF STANDARDS

AND THE

PROGRESS OF THE

WORK OF THE

BUREAU

FOR THE YEAR

1907

AND THE

PROGRESS OF THE

WORK OF THE

BUREAU

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BUREAU

FOR THE YEAR

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AND THE

PROGRESS OF THE

WORK OF THE

BUREAU

FOR THE YEAR

1907

PROOF

No. , 1977.

A BILL FOR

An Act to amend the Coal Mines Regulation Act, 1912, in relation to the employment of certain persons in or about mines, the keeping of plans of mines and the rehabilitation of certain lands, and for certain other purposes.

[MR HILLS—31 May, 1977.]

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. This Act may be cited as the "Coal Mines Regulation Short title. (Amendment) Act, 1977".

2. (1) Except as provided in subsections (2) and (3), Commence-
this Act shall commence on the date of assent to this Act. ment.

10 (2) Section 4 shall, in its application to a provision of a Schedule, commence on the day on which that provision commences.

(3) Schedule 4 (1) and (2) shall commence on such day as may be appointed by the Governor in respect thereof
15 and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES REGULATION ACT, 1912.

20 SCHEDULE 2.—AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 3.—AMENDMENT TO PART II OF THE COAL MINES REGULATION ACT, 1912.

25 SCHEDULE 4.—AMENDMENTS TO PART IIA OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 5.—AMENDMENTS TO PART III OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 6.—AMENDMENTS TO THE SCHEDULES TO
THE COAL MINES REGULATION ACT, 1912.

- 5 4. The Coal Mines Regulation Act, 1912, is amended in the manner set forth in Schedules 1–6. Amendment of Act No. 37, 1912.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES
REGULATION ACT, 1912.

10 (1) (a) Section 1 (3)—

Omit the matter relating to Part I, Division 6,
insert instead :—

DIVISION 6.—*Prohibition of employment of
certain persons—ss. 41–43.*

15 (b) Section 1 (3)—

After the matter relating to Part II, insert :—

PART II.A.—OPEN CUT WORKINGS—s. 65B.

(c) Section 1 (3)—

20 From the matter relating to Part III, Division 2,
omit “81”, insert instead “80”.

(2) Section 3 (1), definition of “Inspector”—

Omit “or appointed under this Act; and in section
27 includes an inspector appointed under section 26
or section 26A”, insert instead “section 24”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912.

- (1) Section 7—
5 Omit “, so that the fees do not exceed those specified
in the Third Schedule”.
- (2) Section 10 (4)—
Omit the subsection.
- (3) Section 13 (2)—
10 Omit “, not exceeding four dollars,”.
- (4) Section 18—
Omit “but not exceeding the fee specified in the Third
Schedule,”.
- (5) Section 22 (5)—
15 Omit “such electrician’s”, insert instead “that mine
electrical engineer’s”.
- (6) (a) Section 23 (1)—
Omit “subject to”, insert instead “under and
subject to”.
- 20 (b) Section 23 (1)—
Omit “subject as aforesaid”, insert instead “under
and subject to the provisions of the Public
Service Act, 1902”.
- (7) Section 24 (3)—
25 Omit the subsection, insert instead :—
(3) The Governor may, under and subject to the
provisions of the Public Service Act, 1902, appoint
duly qualified persons to be inspectors of collieries.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(8) Section 26 (1)—

- 5 Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(9) Section 26A (1)—

- 10 Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(10) Section 29—

- 15 Omit “Minister, which report, when”, insert instead “chief inspector and those reports, as summarised by the chief inspector and”.

(11) (a) Section 35 (1)—

- 20 After “every mine”, insert “to which this subsection applies”.

(b) Section 35 (1B)–(1H)—

After section 35 (1A), insert :—

(1B) Subsection (1) applies—

- 25 (a) before 30th June, 1978, to every mine;
and
(b) as from 30th June, 1978, to mines which the chief inspector has, under subsection (1H), exempted from the operation of subsection (1C).

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

5 (1C) As from 30th June, 1978, the owner,
agent or manager of a mine shall—

(a) keep in the office at the mine a plan
of the workings of the mine showing
those workings up to a date not more
than 3 months previously; and

10 (b) at intervals of not more than 6 months,
forward to the Under Secretary for
Mines a tracing of that plan, showing
the mine workings up to a date not
more than 3 months previously and
15 titled the "Mine Record Tracing".

(1D) The chief inspector may cause to be
published in the Gazette instructions, approved
by the Surveyor-General, relating to the carrying
out of surveys and the preparation of plans of
20 workings of mines and may from time to time,
by causing to be published in the Gazette further
instructions approved by the Surveyor-General,
amend or replace instructions or further
instructions published under this subsection.

25 (1E) A plan referred to in subsection (1C)
(a) and a tracing of a plan referred to in sub-
section (1C) (b) shall be prepared or brought
up to date in accordance with instructions
published pursuant to subsection (1D) and in
30 force at the time that plan or tracing is prepared
or brought up to date, as the case may be.

(1F) Any survey necessary to be carried out
for the purposes of complying with this section
shall be carried out in accordance with
35 instructions published pursuant to subsection
(1D) and in force at the time of that survey.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

5 (1G) The Surveying and Drafting Instructions
for Colliery Surveyors (Underground) published
in Gazette No. 114 of 10th September, 1976,
shall, as from the date of assent to the Coal
Mines Regulation (Amendment) Act, 1977, be
10 deemed to be instructions published pursuant to
subsection (1D).

(1H) The chief inspector may exempt any
mine from the operation of subsection (1C).

(c) Section 35 (2)—
15 Omit “such plan and section” where firstly
occurring, insert instead “the plan of the
workings of the mine required to be kept under
this section”

(d) Section 35 (2)—
20 Omit “such plan and section” where secondly
occurring, insert instead “that plan”.

(e) Section 35 (2)—
Omit “the plan and section”, insert instead “that
plan”.

(f) Section 35 (2)—
25 Omit “respectively”.

(g) Section 35 (2A)—
Omit “such plan and section”, insert instead “the
plan of the workings of the mine required to be
kept under this section”.

30 (h) Section 35 (2A)—
Omit “the plan and section”, insert instead “that
plan”.

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

- 5 (i) Section 35 (3)—
Omit “and section aforesaid”, insert instead “of the workings of the mine required to be kept under this section”.
- (j) Section 35 (3)—
Omit “or section”.
- 10 (k) Section 35 (3)—
Omit “and section, showing the particulars hereinbefore required”, insert instead “of those workings, as is required to be kept under this section, or such a plan of part of those workings”.
- 15 (l) Section 35 (3)—
Omit “Every such plan must be on a scale of not less than 1:2000, or on the same scale as the plan for the time being in use at the mine.”.
- 20 (m) Section 35 (4)—
Omit “such plan and section to be made as hereby required”, insert instead “a plan to be made as required by the inspector under subsection (3)”.
- 25 (n) Section 35 (5)—
Omit “subsection (1A) of”.
- (o) Section 35 (7)—
After section 35 (6), insert :—
(7) In this section, or wherever occurring in this Act in reference to a tracing required to be forwarded to the Under Secretary for Mines under this section, “tracing” includes a copy or reproduction.
- 30

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(12) Part I, Division 6, heading—

5 Omit the heading, insert instead :—

DIVISION 6.—*Prohibition of employment of certain persons.*

(13) Sections 41, 42—

Omit the sections, insert instead :—

10 41. (1) Subject to subsection (2), no person under the age of 16 years shall be employed in or about a mine. Prohibition of employment of certain persons.

15 (2) Male persons under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as probationers, trainee apprentices or indentured apprentices within the meaning of the Apprentices Act, 1969.

(3) No female person of any age shall be employed below ground in a mine unless—

20 (a) she is employed in a position of management that does not require her to perform manual work;

(b) she is employed in health or welfare services;

25 (c) she is engaged in studies which require her to spend a period of training below ground in a mine; or

30 (d) she is occasionally required to enter parts of a mine below ground on duties that do not require her to perform manual work.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

5 42. (1) The owner, agent or manager of a mine shall keep records indicating, in respect of persons under the age of 18 years employed or working in the mine below ground—

Records of
employment.

- (a) the dates of birth of those persons, duly certified wherever possible; and
- 10 (b) the dates at which those persons were employed or worked in the mine below ground for the first time.

(2) The owner, agent or manager of a mine shall, on request—

- 15 (a) make available to inspectors the records referred to in subsection (1); and
- (b) make available to representatives of persons who work at the mine lists showing the names of persons under the age of 18 years who are employed or work in the mine
20 below ground and the dates recorded in respect of them pursuant to subsection (1).

(14) Section 43—

25 Omit “this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys”, insert instead “this Division”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENT TO PART II OF THE COAL MINES
REGULATION ACT, 1912.

Section 56B (4)—

5 Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
section as if this Act had been passed after the
commencement of the Interpretation (Amendment)
10 Act, 1969.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 65B (2) (b)—

15 Omit the paragraph.

(2) Section 65B (2A), (2B), (2C), (2D), (2E), (2F)—

After section 65B (2), insert :—

(2A) In subsection (2B), “coal” means coal the
right to mine for which is not affected by the provisions
of the Coal Mining Act, 1973.
20

(2B) In subsections (2C) and (2D)—

(a) a reference to open cut workings is a
reference to open cut workings wherein or
whereby coal is being or is to be mined,
whichever the context requires; and
25

(b) “rehabilitation” includes filling in excava-
tions and reinstatement, levelling, regrass-
ing, reforestation and contouring.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

5 (2C) Without prejudice to the generality of the provisions of subsection (2) (a), the Governor may make regulations for or with respect to the rehabilitation of land that is being or is to be used for open cut workings.

10 (2D) Regulations referred to in subsection (2C) may include provisions of the like nature as those included in section 38 and may make provisions for or with respect to—

15 (a) the lodgment, with the prescribed person, by the owner, agent or manager of a colliery holding of plans and proposals relating to the rehabilitation of the land that is being or is to be used for open cut workings within that holding;

20 (b) the approval by the prescribed person of plans and proposals referred to in paragraph (a) subject to such conditions, including conditions requiring the lodgment of bonds or other securities, as the prescribed person deems necessary and the
25 revocation or variation of approvals;

(c) the exemption, by the Minister, of any prescribed class or description of open cut workings, either absolutely or subject to conditions, from compliance with the regulations; and
30

(d) the imposition of penalties, not exceeding \$2,000, or, in the case of continuing offences, not exceeding \$2,000 and \$100 for each day the offence continues, for

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

5 contravention of the regulations or failure
to carry out proposals for rehabilitation as
approved in accordance with the regula-
tions.

10 (2E) Where, in respect of land that is being or is
to be used for open cut workings on or in a colliery
holding, the owner, agent or manager of that holding
fails to comply with regulations made under sub-
section (2C), the Minister may, by notice in writing
15 served on that owner, agent or manager either per-
sonally or by post, prohibit the operation of those
open cut workings during such period as is specified
in the notice, or, where no period is specified, until
the Minister, by a notice in writing served on that
owner, agent or manager either personally or by
post, withdraws that prohibition.

20 (2F) If open cut workings are operated while a
prohibition referred to in subsection (2E) is in force,
the owner, agent or manager of the colliery holding
on or in which those workings are situated is guilty
of an offence against this Act and shall be liable, upon
25 conviction, to a penalty not exceeding \$2,000 and, in
the case of a continuing offence, a penalty not
exceeding \$100 for each day the offence continues.

(3) Section 65B (3) (c)—

Omit the paragraph.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(4) Section 65B (5)—

5 Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897,
applies in respect of a regulation made under this
section as if this Act had been passed after the com-
10 mencement of the Interpretation (Amendment) Act,
1969.

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART III OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 66—

15 Omit "1912", insert instead "1960".

(2) Section 81—

Omit the section.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE SCHEDULES TO THE COAL MINES
REGULATION ACT, 1912.

(1) Third Schedule—

5 Omit the Schedule.

(2) (a) Eighth Schedule, Regulation 19 (a)—

After “every open cut working”, insert “to which
this subsection applies”.

(b) Eighth Schedule, Regulation 19 (b)—

10 After “Subsections”, insert “(1B), (1C), (1D),
(1E), (1F), (1H),”.

(c) Eighth Schedule, Regulation 19 (b)—

Omit “and (6)”, insert instead “, (6) and (7)”.

(d) Eighth Schedule, Regulation 27—

15 Omit the Regulation.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

and other (unintentional)

Section

SECTION C

Amendment to the contract and other
particulars of the contract

(1) The contract
of the contract

(2) (a) The contract
of the contract

(3) The contract
of the contract

(4) The contract
of the contract

(5) The contract
of the contract

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.

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

*Legislative Assembly Chamber,
Sydney, 24 August, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 69, 1977.

An Act to amend the Coal Mines Regulation Act, 1912, in relation to the employment of certain persons in or about mines, the keeping of plans of mines and the rehabilitation of certain lands, and for certain other purposes. [Assented to, 20th September, 1977.]

BE

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

T. J. CAHILL,
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. 1. This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1977".

Commencement. 2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of a Schedule, commence on the day on which that provision commences.

(3) Schedule 4 (1) and (2) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules. 3. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 2.—AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 3.—AMENDMENT TO PART II OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 4.—AMENDMENTS TO PART IIA OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 5.—AMENDMENTS TO PART III OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 6.—AMENDMENTS TO THE SCHEDULES TO
THE COAL MINES REGULATION ACT, 1912.

4. The Coal Mines Regulation Act, 1912, is amended in the manner set forth in Schedules 1–6. Amend-
ment of
Act No. 37,
1912.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES
REGULATION ACT, 1912.

(1) (a) Section 1 (3)—

Omit the matter relating to Part I, Division 6,
insert instead :—

DIVISION 6.—*Prohibition of employment of
certain persons*—ss. 41–43.

(b) Section 1 (3)—

After the matter relating to Part II, insert :—

PART IIA.—OPEN CUT WORKINGS—s. 65B.

(c) Section 1 (3)—

From the matter relating to Part III, Division 2,
omit “81”, insert instead “80”.

(2) Section 3 (1), definition of “Inspector”—

Omit “or appointed under this Act; and in section
27 includes an inspector appointed under section 26
or section 26A”, insert instead “section 24”.

SCHEDULE

Coal Mines Regulation (Amendment).

Sec. 4.**SCHEDULE 2.**

**AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912.**

(1) Section 7—

Omit “, so that the fees do not exceed those specified in the Third Schedule”.

(2) Section 10 (4)—

Omit the subsection.

(3) Section 13 (2)—

Omit “, not exceeding four dollars,”.

(4) Section 18—

Omit “but not exceeding the fee specified in the Third Schedule,”.

(5) Section 22 (5)—

Omit “such electrician’s”, insert instead “that mine electrical engineer’s”.

(6) (a) Section 23 (1)—

Omit “subject to”, insert instead “under and subject to”.

(b) Section 23 (1)—

Omit “subject as aforesaid”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(7) Section 24 (3)—

Omit the subsection, insert instead :—

(3) The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint duly qualified persons to be inspectors of collieries.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(8) Section 26 (1)—

Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(9) Section 26A (1)—

Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(10) Section 29—

Omit “Minister, which report, when”, insert instead “chief inspector and those reports, as summarised by the chief inspector and”.

(11) (a) Section 35 (1)—

After “every mine”, insert “to which this subsection applies”.

(b) Section 35 (1B)–(1H)—

After section 35 (1A), insert :—

(1B) Subsection (1) applies—

(a) before 30th June, 1978, to every mine;
and

(b) as from 30th June, 1978, to mines which the chief inspector has, under subsection (1H), exempted from the operation of subsection (1C).

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*

(1C) As from 30th June, 1978, the owner, agent or manager of a mine shall—

- (a) keep in the office at the mine a plan of the workings of the mine showing those workings up to a date not more than 3 months previously; and
- (b) at intervals of not more than 6 months, forward to the Under Secretary for Mines a tracing of that plan, showing the mine workings up to a date not more than 3 months previously and titled the "Mine Record Tracing".

(1D) The chief inspector may cause to be published in the Gazette instructions, approved by the Surveyor-General, relating to the carrying out of surveys and the preparation of plans of workings of mines and may from time to time, by causing to be published in the Gazette further instructions approved by the Surveyor-General, amend or replace instructions or further instructions published under this subsection.

(1E) A plan referred to in subsection (1C) (a) and a tracing of a plan referred to in subsection (1C) (b) shall be prepared or brought up to date in accordance with instructions published pursuant to subsection (1D) and in force at the time that plan or tracing is prepared or brought up to date, as the case may be.

(1F) Any survey necessary to be carried out for the purposes of complying with this section shall be carried out in accordance with instructions published pursuant to subsection (1D) and in force at the time of that survey.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(1G) The Surveying and Drafting Instructions for Colliery Surveyors (Underground) published in Gazette No. 114 of 10th September, 1976, shall, as from the date of assent to the Coal Mines Regulation (Amendment) Act, 1977, be deemed to be instructions published pursuant to subsection (1D).

(1H) The chief inspector may exempt any mine from the operation of subsection (1C).

(c) Section 35 (2)—

Omit “such plan and section” where firstly occurring, insert instead “the plan of the workings of the mine required to be kept under this section”.

(d) Section 35 (2)—

Omit “such plan and section” where secondly occurring, insert instead “that plan”.

(e) Section 35 (2)—

Omit “the plan and section”, insert instead “that plan”.

(f) Section 35 (2)—

Omit “respectively”.

(g) Section 35 (2A)—

Omit “such plan and section”, insert instead “the plan of the workings of the mine required to be kept under this section”.

(h) Section 35 (2A)—

Omit “the plan and section”, insert instead “that plan”.

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(i) Section 35 (3)—

Omit “and section aforesaid”, insert instead “of the workings of the mine required to be kept under this section”.

(j) Section 35 (3)—

Omit “or section”.

(k) Section 35 (3)—

Omit “and section, showing the particulars hereinbefore required”, insert instead “of those workings, as is required to be kept under this section, or such a plan of part of those workings”.

(l) Section 35 (3)—

Omit “Every such plan must be on a scale of not less than 1:2000, or on the same scale as the plan for the time being in use at the mine.”.

(m) Section 35 (4)—

Omit “such plan and section to be made as hereby required”, insert instead “a plan to be made as required by the inspector under subsection (3)”.

(n) Section 35 (5)—

Omit “subsection (1A) of”.

(o) Section 35 (7)—

After section 35 (6), insert :—

(7) In this section, or wherever occurring in this Act in reference to a tracing required to be forwarded to the Under Secretary for Mines under this section, “tracing” includes a copy or reproduction.

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(12) Part I, Division 6, heading—

Omit the heading, insert instead :—

DIVISION 6.—*Prohibition of employment of certain persons.*

(13) Sections 41, 42—

Omit the sections, insert instead :—

41. (1) Subject to subsection (2), no person under the age of 16 years shall be employed in or about a mine.

Prohibition
of employ-
ment of
certain
persons.

(2) Male persons under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as probationers, trainee apprentices or indentured apprentices within the meaning of the Apprentices Act, 1969.

(3) No female person of any age shall be employed below ground in a mine unless—

- (a) she is employed in a position of management that does not require her to perform manual work;
- (b) she is employed in health or welfare services;
- (c) she is engaged in studies which require her to spend a period of training below ground in a mine; or
- (d) she is occasionally required to enter parts of a mine below ground on duties that do not require her to perform manual work.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*Records of
employment.

42. (1) The owner, agent or manager of a mine shall keep records indicating, in respect of persons under the age of 18 years employed or working in the mine below ground—

- (a) the dates of birth of those persons, duly certified wherever possible; and
- (b) the dates at which those persons were employed or worked in the mine below ground for the first time.

(2) The owner, agent or manager of a mine shall, on request—

- (a) make available to inspectors the records referred to in subsection (1); and
- (b) make available to representatives of persons who work at the mine lists showing the names of persons under the age of 18 years who are employed or work in the mine below ground and the dates recorded in respect of them pursuant to subsection (1).

(14) Section 43—

Omit “this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys”, insert instead “this Division”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 3.

Sec. 4.

**AMENDMENT TO PART II OF THE COAL MINES
REGULATION ACT, 1912.**

Section 56B (4)—

Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

SCHEDULE 4.

Sec. 4.

**AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912.**

(1) Section 65B (2) (b)—

Omit the paragraph.

(2) Section 65B (2A), (2B), (2C), (2D), (2E), (2F)—

After section 65B (2), insert :—

(2A) In subsection (2B), "coal" means coal the right to mine for which is not affected by the provisions of the Coal Mining Act, 1973.

(2B) In subsections (2C) and (2D)—

- (a) a reference to open cut workings is a reference to open cut workings wherein or whereby coal is being or is to be mined, whichever the context requires; and
- (b) "rehabilitation" includes filling in excavations and reinstatement, levelling, regrassing, reforestation and contouring.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(2C) Without prejudice to the generality of the provisions of subsection (2) (a), the Governor may make regulations for or with respect to the rehabilitation of land that is being or is to be used for open cut workings.

(2D) Regulations referred to in subsection (2c) may include provisions of the like nature as those included in section 38 and may make provisions for or with respect to—

- (a) the lodgment, with the prescribed person, by the owner, agent or manager of a colliery holding of plans and proposals relating to the rehabilitation of the land that is being or is to be used for open cut workings within that holding;
- (b) the approval by the prescribed person of plans and proposals referred to in paragraph (a) subject to such conditions, including conditions requiring the lodgment of bonds or other securities, as the prescribed person deems necessary and the revocation or variation of approvals;
- (c) the exemption, by the Minister, of any prescribed class or description of open cut workings, either absolutely or subject to conditions, from compliance with the regulations; and
- (d) the imposition of penalties, not exceeding \$2,000, or, in the case of continuing offences, not exceeding \$2,000 and \$100 for each day the offence continues, for

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

contravention of the regulations or failure to carry out proposals for rehabilitation as approved in accordance with the regulations.

(2E) Where, in respect of land that is being or is to be used for open cut workings on or in a colliery holding, the owner, agent or manager of that holding fails to comply with regulations made under subsection (2C), the Minister may, by notice in writing served on that owner, agent or manager either personally or by post, prohibit the operation of those open cut workings during such period as is specified in the notice, or, where no period is specified, until the Minister, by a notice in writing served on that owner, agent or manager either personally or by post, withdraws that prohibition.

(2F) If open cut workings are operated while a prohibition referred to in subsection (2E) is in force, the owner, agent or manager of the colliery holding on or in which those workings are situated is guilty of an offence against this Act and shall be liable, upon conviction, to a penalty not exceeding \$2,000 and, in the case of a continuing offence, a penalty not exceeding \$100 for each day the offence continues.

(3) Section 65B (3) (c)—

Omit the paragraph.

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(4) Section 65B (5)—

Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Sec. 4.

SCHEDULE 5.AMENDMENTS TO PART III OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 66—

Omit "1912", insert instead "1960".

(2) Section 81—

Omit the section.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE SCHEDULES TO THE COAL MINES
REGULATION ACT, 1912.

(1) Third Schedule—

Omit the Schedule.

(2) (a) Eighth Schedule, Regulation 19 (a)—

After "every open cut working", insert "to which
this subsection applies".

(b) Eighth Schedule, Regulation 19 (b)—

After "Subsections", insert "(1B), (1C), (1D),
(1E), (1F), (1H)".

(c) Eighth Schedule, Regulation 19 (b)—

Omit "and (6)", insert instead ", (6) and (7)".

(d) Eighth Schedule, Regulation 27—

Omit the Regulation.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 20th September, 1977.*

Coal Mines Regulation (Amendment).

Sec. 4.

SCHEDULE A.

AMENDMENTS TO THE SCHEDULES TO THE COAL MINES
REGULATION ACT, 1917.

(1) Third Schedule—

Omit the Schedule.

(2) (a) Eighth Schedule, Regulation 19 (a) —

After "every open cut working", insert "to which
this subsection applies."

(b) Eighth Schedule, Regulation 19 (b) —

After "subsections", insert "(1a), (1c), (1d),
(1e), (1f), (1g), (1h), (1i), (1j), (1k), (1l), (1m), (1n), (1o), (1p), (1q), (1r), (1s), (1t), (1u), (1v), (1w), (1x), (1y), (1z), (1aa), (1ab), (1ac), (1ad), (1ae), (1af), (1ag), (1ah), (1ai), (1aj), (1ak), (1al), (1am), (1an), (1ao), (1ap), (1aq), (1ar), (1as), (1at), (1au), (1av), (1aw), (1ax), (1ay), (1az), (1ba), (1bb), (1bc), (1bd), (1be), (1bf), (1bg), (1bh), (1bi), (1bj), (1bk), (1bl), (1bm), (1bn), (1bo), (1bp), (1bq), (1br), (1bs), (1bt), (1bu), (1bv), (1bw), (1bx), (1by), (1bz), (1ca), (1cb), (1cc), (1cd), (1ce), (1cf), (1cg), (1ch), (1ci), (1cj), (1ck), (1cl), (1cm), (1cn), (1co), (1cp), (1cq), (1cr), (1cs), (1ct), (1cu), (1cv), (1cw), (1cx), (1cy), (1cz), (1da), (1db), (1dc), (1dd), (1de), (1df), (1dg), (1dh), (1di), (1dj), (1dk), (1dl), (1dm), (1dn), (1do), (1dp), (1dq), (1dr), (1ds), (1dt), (1du), (1dv), (1dw), (1dx), (1dy), (1dz), (1ea), (1eb), (1ec), (1ed), (1ee), (1ef), (1eg), (1eh), (1ei), (1ej), (1ek), (1el), (1em), (1en), (1eo), (1ep), (1eq), (1er), (1es), (1et), (1eu), (1ev), (1ew), (1ex), (1ey), (1ez), (1fa), (1fb), (1fc), (1fd), (1fe), (1ff), (1fg), (1fh), (1fi), (1fj), (1fk), (1fl), (1fm), (1fn), (1fo), (1fp), (1fq), (1fr), (1fs), (1ft), (1fu), (1fv), (1fw), (1fx), (1fy), (1fz), (1ga), (1gb), (1gc), (1gd), (1ge), (1gf), (1gg), (1gh), (1gi), (1gj), (1gk), (1gl), (1gm), (1gn), (1go), (1gp), (1gq), (1gr), (1gs), (1gt), (1gu), (1gv), (1gw), (1gx), (1gy), (1gz), (1ha), (1hb), (1hc), (1hd), (1he), (1hf), (1hg), (1hh), (1hi), (1hj), (1hk), (1hl), (1hm), (1hn), (1ho), (1hp), (1hq), (1hr), (1hs), (1ht), (1hu), (1hv), (1hw), (1hx), (1hy), (1hz), (1ia), (1ib), (1ic), (1id), (1ie), (1if), (1ig), (1ih), (1ii), (1ij), (1ik), (1il), (1im), (1in), (1io), (1ip), (1iq), (1ir), (1is), (1it), (1iu), (1iv), (1iw), (1ix), (1iy), (1iz), (1ja), (1jb), (1jc), (1jd), (1je), (1jf), (1jg), (1jh), (1ji), (1jj), (1jk), (1jl), (1jm), (1jn), (1jo), (1jp), (1jq), (1jr), (1js), (1jt), (1ju), (1jv), (1jw), (1jx), (1jy), (1jz), (1ka), (1kb), (1kc), (1kd), (1ke), (1kf), (1kg), (1kh), (1ki), (1kj), (1kk), (1kl), (1km), (1kn), (1ko), (1kp), (1kq), (1kr), (1ks), (1kt), (1ku), (1kv), (1kw), (1kx), (1ky), (1kz), (1la), (1lb), (1lc), (1ld), (1le), (1lf), (1lg), (1lh), (1li), (1lj), (1lk), (1ll), (1lm), (1ln), (1lo), (1lp), (1lq), (1lr), (1ls), (1lt), (1lu), (1lv), (1lw), (1lx), (1ly), (1lz), (1ma), (1mb), (1mc), (1md), (1me), (1mf), (1mg), (1mh), (1mi), (1mj), (1mk), (1ml), (1mm), (1mn), (1mo), (1mp), (1mq), (1mr), (1ms), (1mt), (1mu), (1mv), (1mw), (1mx), (1my), (1mz), (1na), (1nb), (1nc), (1nd), (1ne), (1nf), (1ng), (1nh), (1ni), (1nj), (1nk), (1nl), (1nm), (1nn), (1no), (1np), (1nq), (1nr), (1ns), (1nt), (1nu), (1nv), (1nw), (1nx), (1ny), (1nz), (1oa), (1ob), (1oc), (1od), (1oe), (1of), (1og), (1oh), (1oi), (1oj), (1ok), (1ol), (1om), (1on), (1oo), (1op), (1oq), (1or), (1os), (1ot), (1ou), (1ov), (1ow), (1ox), (1oy), (1oz), (1pa), (1pb), (1pc), (1pd), (1pe), (1pf), (1pg), (1ph), (1pi), (1pj), (1pk), (1pl), (1pm), (1pn), (1po), (1pp), (1pq), (1pr), (1ps), (1pt), (1pu), (1pv), (1pw), (1px), (1py), (1pz), (1qa), (1qb), (1qc), (1qd), (1qe), (1qf), (1qg), (1qh), (1qi), (1qj), (1qk), (1ql), (1qm), (1qn), (1qo), (1qp), (1qq), (1qr), (1qs), (1qt), (1qu), (1qv), (1qw), (1qx), (1qy), (1qz), (1ra), (1rb), (1rc), (1rd), (1re), (1rf), (1rg), (1rh), (1ri), (1rj), (1rk), (1rl), (1rm), (1rn), (1ro), (1rp), (1rq), (1rr), (1rs), (1rt), (1ru), (1rv), (1rw), (1rx), (1ry), (1rz), (1sa), (1sb), (1sc), (1sd), (1se), (1sf), (1sg), (1sh), (1si), (1sj), (1sk), (1sl), (1sm), (1sn), (1so), (1sp), (1sq), (1sr), (1ss), (1st), (1su), (1sv), (1sw), (1sx), (1sy), (1sz), (1ta), (1tb), (1tc), (1td), (1te), (1tf), (1tg), (1th), (1ti), (1tj), (1tk), (1tl), (1tm), (1tn), (1to), (1tp), (1tq), (1tr), (1ts), (1tt), (1tu), (1tv), (1tw), (1tx), (1ty), (1tz), (1ua), (1ub), (1uc), (1ud), (1ue), (1uf), (1ug), (1uh), (1ui), (1uj), (1uk), (1ul), (1um), (1un), (1uo), (1up), (1uq), (1ur), (1us), (1ut), (1uu), (1uv), (1uw), (1ux), (1uy), (1uz), (1va), (1vb), (1vc), (1vd), (1ve), (1vf), (1vg), (1vh), (1vi), (1vj), (1vk), (1vl), (1vm), (1vn), (1vo), (1vp), (1vq), (1vr), (1vs), (1vt), (1vu), (1vv), (1vw), (1vx), (1vy), (1vz), (1wa), (1wb), (1wc), (1wd), (1we), (1wf), (1wg), (1wh), (1wi), (1wj), (1wk), (1wl), (1wm), (1wn), (1wo), (1wp), (1wq), (1wr), (1ws), (1wt), (1wu), (1wv), (1ww), (1wx), (1wy), (1wz), (1xa), (1xb), (1xc), (1xd), (1xe), (1xf), (1xg), (1xh), (1xi), (1xj), (1xk), (1xl), (1xm), (1xn), (1xo), (1xp), (1xq), (1xr), (1xs), (1xt), (1xu), (1xv), (1xw), (1xx), (1xy), (1xz), (1ya), (1yb), (1yc), (1yd), (1ye), (1yf), (1yg), (1yh), (1yi), (1yj), (1yk), (1yl), (1ym), (1yn), (1yo), (1yp), (1yq), (1yr), (1ys), (1yt), (1yu), (1yv), (1yw), (1yx), (1yy), (1yz), (1za), (1zb), (1zc), (1zd), (1ze), (1zf), (1zg), (1zh), (1zi), (1zj), (1zk), (1zl), (1zm), (1zn), (1zo), (1zp), (1zq), (1zr), (1zs), (1zt), (1zu), (1zv), (1zw), (1zx), (1zy), (1zz).

(c) Eighth Schedule, Regulation 19 (b) —

Omit "and (d)", insert instead "(e) and (f)".

(1) Eighth Schedule, Regulation 27 —

Omit the Regulation.

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

Act.

A. R. CUTLER,

Governor.

Government House,
Singapore, 20th September, 1977.

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.

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

*Legislative Assembly Chamber,
Sydney, 24 August, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 69, 1977.

An Act to amend the Coal Mines Regulation Act, 1912, in relation to the employment of certain persons in or about mines, the keeping of plans of mines and the rehabilitation of certain lands, and for certain other purposes. [Assented to, 20th September, 1977.]

BE

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

T. J. CAHILL,
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. 1. This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1977".

Commencement. 2. (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of a Schedule, commence on the day on which that provision commences.

(3) Schedule 4 (1) and (2) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules. 3. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 2.—AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 3.—AMENDMENT TO PART II OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE 4.—AMENDMENTS TO PART IIA OF THE COAL MINES REGULATION ACT, 1912.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 5.—AMENDMENTS TO PART III OF THE
COAL MINES REGULATION ACT, 1912.

SCHEDULE 6.—AMENDMENTS TO THE SCHEDULES TO
THE COAL MINES REGULATION ACT, 1912.

4. The Coal Mines Regulation Act, 1912, is amended in the manner set forth in Schedules 1–6.

Amend-
ment of
Act No. 37,
1912.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO SECTIONS 1 AND 3 OF THE COAL MINES
REGULATION ACT, 1912.

(1) (a) Section 1 (3)—

Omit the matter relating to Part I, Division 6,
insert instead :—

DIVISION 6.—*Prohibition of employment of
certain persons*—ss. 41–43.

(b) Section 1 (3)—

After the matter relating to Part II, insert :—

PART IIA.—OPEN CUT WORKINGS—s. 65B.

(c) Section 1 (3)—

From the matter relating to Part III, Division 2,
omit “81”, insert instead “80”.

(2) Section 3 (1), definition of “Inspector”—

Omit “or appointed under this Act; and in section
27 includes an inspector appointed under section 26
or section 26A”, insert instead “section 24”.

SCHEDULE

Coal Mines Regulation (Amendment).

Sec. 4.**SCHEDULE 2.**

**AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912.**

(1) Section 7—

Omit “, so that the fees do not exceed those specified in the Third Schedule”.

(2) Section 10 (4)—

Omit the subsection.

(3) Section 13 (2)—

Omit “, not exceeding four dollars,”.

(4) Section 18—

Omit “but not exceeding the fee specified in the Third Schedule,”.

(5) Section 22 (5)—

Omit “such electrician’s”, insert instead “that mine electrical engineer’s”.

(6) (a) Section 23 (1)—

Omit “subject to”, insert instead “under and subject to”.

(b) Section 23 (1)—

Omit “subject as aforesaid”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(7) Section 24 (3)—

Omit the subsection, insert instead :—

(3) The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint duly qualified persons to be inspectors of collieries.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(8) Section 26 (1)—

Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(9) Section 26A (1)—

Omit “subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts”, insert instead “under and subject to the provisions of the Public Service Act, 1902”.

(10) Section 29—

Omit “Minister, which report, when”, insert instead “chief inspector and those reports, as summarised by the chief inspector and”.

(11) (a) Section 35 (1)—

After “every mine”, insert “to which this subsection applies”.

(b) Section 35 (1B)–(1H)—

After section 35 (1A), insert :—

(1B) Subsection (1) applies—

(a) before 30th June, 1978, to every mine;
and

(b) as from 30th June, 1978, to mines which the chief inspector has, under subsection (1H), exempted from the operation of subsection (1C).

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*

(1C) As from 30th June, 1978, the owner, agent or manager of a mine shall—

- (a) keep in the office at the mine a plan of the workings of the mine showing those workings up to a date not more than 3 months previously; and
- (b) at intervals of not more than 6 months, forward to the Under Secretary for Mines a tracing of that plan, showing the mine workings up to a date not more than 3 months previously and titled the "Mine Record Tracing".

(1D) The chief inspector may cause to be published in the Gazette instructions, approved by the Surveyor-General, relating to the carrying out of surveys and the preparation of plans of workings of mines and may from time to time, by causing to be published in the Gazette further instructions approved by the Surveyor-General, amend or replace instructions or further instructions published under this subsection.

(1E) A plan referred to in subsection (1C) (a) and a tracing of a plan referred to in subsection (1C) (b) shall be prepared or brought up to date in accordance with instructions published pursuant to subsection (1D) and in force at the time that plan or tracing is prepared or brought up to date, as the case may be.

(1F) Any survey necessary to be carried out for the purposes of complying with this section shall be carried out in accordance with instructions published pursuant to subsection (1D) and in force at the time of that survey.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(1G) The Surveying and Drafting Instructions for Colliery Surveyors (Underground) published in Gazette No. 114 of 10th September, 1976, shall, as from the date of assent to the Coal Mines Regulation (Amendment) Act, 1977, be deemed to be instructions published pursuant to subsection (1D).

(1H) The chief inspector may exempt any mine from the operation of subsection (1C).

(c) Section 35 (2)—

Omit “such plan and section” where firstly occurring, insert instead “the plan of the workings of the mine required to be kept under this section”.

(d) Section 35 (2)—

Omit “such plan and section” where secondly occurring, insert instead “that plan”.

(e) Section 35 (2)—

Omit “the plan and section”, insert instead “that plan”.

(f) Section 35 (2)—

Omit “respectively”.

(g) Section 35 (2A)—

Omit “such plan and section”, insert instead “the plan of the workings of the mine required to be kept under this section”.

(h) Section 35 (2A)—

Omit “the plan and section”, insert instead “that plan”.

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(i) Section 35 (3)—

Omit “and section aforesaid”, insert instead “of the workings of the mine required to be kept under this section”.

(j) Section 35 (3)—

Omit “or section”.

(k) Section 35 (3)—

Omit “and section, showing the particulars hereinbefore required”, insert instead “of those workings, as is required to be kept under this section, or such a plan of part of those workings”.

(l) Section 35 (3)—

Omit “Every such plan must be on a scale of not less than 1:2000, or on the same scale as the plan for the time being in use at the mine.”.

(m) Section 35 (4)—

Omit “such plan and section to be made as hereby required”, insert instead “a plan to be made as required by the inspector under subsection (3)”.

(n) Section 35 (5)—

Omit “subsection (1A) of”.

(o) Section 35 (7)—

After section 35 (6), insert :—

(7) In this section, or wherever occurring in this Act in reference to a tracing required to be forwarded to the Under Secretary for Mines under this section, “tracing” includes a copy or reproduction.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART I OF THE COAL MINES REGULATION
ACT, 1912—*continued.*

(12) Part I, Division 6, heading—

Omit the heading, insert instead :—

DIVISION 6.—*Prohibition of employment of certain persons.*

(13) Sections 41, 42—

Omit the sections, insert instead :—

41. (1) Subject to subsection (2), no person under the age of 16 years shall be employed in or about a mine.

Prohibition
of employ-
ment of
certain
persons.

(2) Male persons under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as probationers, trainee apprentices or indentured apprentices within the meaning of the Apprentices Act, 1969.

(3) No female person of any age shall be employed below ground in a mine unless—

- (a) she is employed in a position of management that does not require her to perform manual work;
- (b) she is employed in health or welfare services;
- (c) she is engaged in studies which require her to spend a period of training below ground in a mine; or
- (d) she is occasionally required to enter parts of a mine below ground on duties that do not require her to perform manual work.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART I OF THE COAL MINES REGULATION ACT, 1912—*continued.*Records of
employment.

42. (1) The owner, agent or manager of a mine shall keep records indicating, in respect of persons under the age of 18 years employed or working in the mine below ground—

- (a) the dates of birth of those persons, duly certified wherever possible; and
- (b) the dates at which those persons were employed or worked in the mine below ground for the first time.

(2) The owner, agent or manager of a mine shall, on request—

- (a) make available to inspectors the records referred to in subsection (1); and
- (b) make available to representatives of persons who work at the mine lists showing the names of persons under the age of 18 years who are employed or work in the mine below ground and the dates recorded in respect of them pursuant to subsection (1).

(14) Section 43—

Omit “this Act with respect to the employment of boys or females, or to the register of boys, or to reporting the intended employment of boys”, insert instead “this Division”.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 3.

Sec. 4.

**AMENDMENT TO PART II OF THE COAL MINES
REGULATION ACT, 1912.**

Section 56B (4)—

Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

SCHEDULE 4.

Sec. 4.

**AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912.**

(1) Section 65B (2) (b)—

Omit the paragraph.

(2) Section 65B (2A), (2B), (2C), (2D), (2E), (2F)—

After section 65B (2), insert :—

(2A) In subsection (2B), "coal" means coal the right to mine for which is not affected by the provisions of the Coal Mining Act, 1973.

(2B) In subsections (2C) and (2D)—

- (a) a reference to open cut workings is a reference to open cut workings wherein or whereby coal is being or is to be mined, whichever the context requires; and
- (b) "rehabilitation" includes filling in excavations and reinstatement, levelling, regrassing, reforestation and contouring.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(2C) Without prejudice to the generality of the provisions of subsection (2) (a), the Governor may make regulations for or with respect to the rehabilitation of land that is being or is to be used for open cut workings.

(2D) Regulations referred to in subsection (2c) may include provisions of the like nature as those included in section 38 and may make provisions for or with respect to—

- (a) the lodgment, with the prescribed person, by the owner, agent or manager of a colliery holding of plans and proposals relating to the rehabilitation of the land that is being or is to be used for open cut workings within that holding;
- (b) the approval by the prescribed person of plans and proposals referred to in paragraph (a) subject to such conditions, including conditions requiring the lodgment of bonds or other securities, as the prescribed person deems necessary and the revocation or variation of approvals;
- (c) the exemption, by the Minister, of any prescribed class or description of open cut workings, either absolutely or subject to conditions, from compliance with the regulations; and
- (d) the imposition of penalties, not exceeding \$2,000, or, in the case of continuing offences, not exceeding \$2,000 and \$100 for each day the offence continues, for

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

contravention of the regulations or failure to carry out proposals for rehabilitation as approved in accordance with the regulations.

(2E) Where, in respect of land that is being or is to be used for open cut workings on or in a colliery holding, the owner, agent or manager of that holding fails to comply with regulations made under subsection (2C), the Minister may, by notice in writing served on that owner, agent or manager either personally or by post, prohibit the operation of those open cut workings during such period as is specified in the notice, or, where no period is specified, until the Minister, by a notice in writing served on that owner, agent or manager either personally or by post, withdraws that prohibition.

(2F) If open cut workings are operated while a prohibition referred to in subsection (2E) is in force, the owner, agent or manager of the colliery holding on or in which those workings are situated is guilty of an offence against this Act and shall be liable, upon conviction, to a penalty not exceeding \$2,000 and, in the case of a continuing offence, a penalty not exceeding \$100 for each day the offence continues.

(3) Section 65B (3) (c)—

Omit the paragraph.

Coal Mines Regulation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IIA OF THE COAL MINES
REGULATION ACT, 1912—*continued.*

(4) Section 65B (5)—

Omit the subsection, insert instead :—

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Sec. 4.

SCHEDULE 5.AMENDMENTS TO PART III OF THE COAL MINES
REGULATION ACT, 1912.

(1) Section 66—

Omit "1912", insert instead "1960".

(2) Section 81—

Omit the section.

SCHEDULE

Coal Mines Regulation (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE SCHEDULES TO THE COAL MINES
REGULATION ACT, 1912.

(1) Third Schedule—

Omit the Schedule.

(2) (a) Eighth Schedule, Regulation 19 (a)—

After "every open cut working", insert "to which
this subsection applies".

(b) Eighth Schedule, Regulation 19 (b)—

After "Subsections", insert "(1B), (1C), (1D),
(1E), (1F), (1H)".

(c) Eighth Schedule, Regulation 19 (b)—

Omit "and (6)", insert instead ", (6) and (7)".

(d) Eighth Schedule, Regulation 27—

Omit the Regulation.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 20th September, 1977.*

Coal Mines Regulation (Amendment)

SCHEDULE A

Sec 4

AMENDMENTS TO THE SCHEDULES TO THE COAL MINES REGULATION ACT, 1912.

(1) Third Schedule—

Omit the Schedule.

(2) (a) Eighth Schedule, Regulation 19 (a)—

After "every open cut working", insert "to which this subsection applies."

(b) Eighth Schedule, Regulation 19 (b)—

After "specimens", insert "(1a), (1c), (1d), (1e), (1f), (1g), (1h), (1i), (1j)."

(c) Eighth Schedule, Regulation 19 (b)—

Omit "and (d)", insert instead "(e) and (f)".

(4) Eighth Schedule, Regulation 27—

Omit the Regulation.

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

A. R. CUTLER,
Governor.

Government House,
Singapore, 20th September, 1977.