

FIRST PRINT

**MINES INSPECTION (WORKERS COMPENSATION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Workers Compensation Bill 1987.

The object of this Bill is to amend the Mines Inspection Act 1901 to—

- (a) double the monetary penalty for certain offences under that Act generally related to safety in the work place; and
- (b) increase to \$10,000 the maximum penalty which may be imposed by a Local Court under that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that, with minor exceptions, the proposed Act will commence on a day appointed by the Governor-in- Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1)–(5) contain amendments to the Principal Act which double the monetary penalty for the following offences:

section 37 (notice to be given of cause of danger—increased penalty of \$500 and a daily penalty of \$100)

section 42 (where mine abandoned, plans to be deposited with Minister—increased penalty of \$1,000)

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section 48 (penalty for breach of regulations—increased penalty of \$400 and a daily penalty of \$100)

section 48B (tourist and educational activities in certain mines to be authorised by permit—increased penalty of \$1,000)

section 67 (general penalty for offences against the Act—increased penalty of \$1,000 for a mine owner or manager; \$400 for any other person; \$200 daily penalty where an inspector has given notice of the offence; \$2,000 where the storage or use of explosives is involved)

Schedule 1 (6) increases from \$2,000 to \$10,000 the maximum penalty which may be imposed by a Local Court for an offence against the Act.

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TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 75, 1901

SCHEDULE 1—AMENDMENTS TO THE MINES INSPECTION ACT 1901

**MINES INSPECTION (WORKERS COMPENSATION)
AMENDMENT BILL 1987**

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No. , 1987

A BILL FOR

An Act to amend the Mines Inspection Act 1901 to increase penalties for offences under that Act and to increase the maximum penalty which may be imposed by a Local Court under that Act.

Mines Inspection (Workers Compensation) Amendment 1987

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:

5 Short title

1. This Act may be cited as the "Mines Inspection (Workers Compensation) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 75, 1901

15 3. The Mines Inspection Act 1901 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE MINES INSPECTION ACT 1901

20 (1) Section 37 (Notice to be given of cause of danger)—

Section 37 (1)—

Omit "\$250, and a further penalty of \$50", insert instead "\$500, and a further penalty of \$100".

25 (2) Section 42 (Where mine abandoned, plans to be deposited with Minister)—

Section 42 (2)—

Omit "\$500", insert instead "\$1,000".

*Mines Inspection (Workers Compensation) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE MINES INSPECTION ACT 1901—*continued*(3) Section 48 (**Governor may make regulations**)—

Section 48 (1)—

5 Omit “\$200 for each offence, and in the case of a continuing offence a further penalty not exceeding \$50”, insert instead “\$400 for each offence, and in the case of a continuing offence a further penalty not exceeding \$100”.

(4) Section 48B (**Tourist and educational activities in certain mines to be authorised by permit**)—

Section 48B—

10 Omit “\$500”, insert instead “\$1,000”.

(5) Section 67 (**Penalty for offences against Act**)—

(a) Section 67 (2)—

Omit “\$500”, insert instead “\$1,000”.

(b) Section 67 (2)—

15 Omit “\$200”, insert instead “\$400”.

(c) Section 67 (2)—

Omit “\$100”, insert instead “\$200”.

(d) Section 67 (3)—

Omit “\$1,000”, insert instead “\$2,000”.

20 (6) Section 69 (**Proceedings for offences**)—

Section 69 (2)—

Omit “\$2,000”, insert instead “\$10,000”.

**MINES INSPECTION (WORKERS COMPENSATION)
AMENDMENT ACT 1987 No. 78**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 75, 1901

SCHEDULE 1—AMENDMENTS TO THE MINES INSPECTION ACT 1901

INSTITUTIONAL RESEARCH

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**MINES INSPECTION (WORKERS COMPENSATION)
AMENDMENT ACT 1987 No. 78**

NEW SOUTH WALES



Act No. 78, 1987

An Act to amend the Mines Inspection Act 1901 to increase penalties for offences under that Act and to increase the maximum penalty which may be imposed by a Local Court under that Act. [Assented to 10 June 1987]

Mines Inspection (Workers Compensation) Amendment 1987

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 "Mines Inspection (Workers Compensation) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 75, 1901

3. The Mines Inspection Act 1901 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE MINES INSPECTION ACT 1901

(1) Section 37 (**Notice to be given of cause of danger**)—

Section 37 (1)—

Omit "\$250, and a further penalty of \$50", insert instead "\$500, and a further penalty of \$100".

Mines Inspection (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE MINES INSPECTION ACT 1901—*continued*

- (2) Section 42 (**Where mine abandoned, plans to be deposited with Minister**)—

Section 42 (2)—

Omit "\$500", insert instead "\$1,000".

- (3) Section 48 (**Governor may make regulations**)—

Section 48 (1)—

Omit "\$200 for each offence, and in the case of a continuing offence a further penalty not exceeding \$50", insert instead "\$400 for each offence, and in the case of a continuing offence a further penalty not exceeding \$100".

- (4) Section 48B (**Tourist and educational activities in certain mines to be authorised by permit**)—

Section 48B—

Omit "\$500", insert instead "\$1,000".

- (5) Section 67 (**Penalty for offences against Act**)—

- (a) Section 67 (2)—

Omit "\$500", insert instead "\$1,000".

- (b) Section 67 (2)—

Omit "\$200", insert instead "\$400".

- (c) Section 67 (2)—

Omit "\$100", insert instead "\$200".

- (d) Section 67 (3)—

Omit "\$1,000", insert instead "\$2,000".

Mines Inspection (Workers Compensation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE MINES INSPECTION ACT 1901—*continued*

(6) Section 69 (**Proceedings for offences**)—

Section 69 (2)—

Omit "\$2,000", insert instead "\$10,000".
