

FIRST PRINT

MINES INSPECTION (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Mines Inspection Act 1901 currently prohibits the employment of miners below ground, and of persons using certain machinery, for periods longer than those specified in the Act.

The object of this Bill is to repeal the relevant provisions of the Act and to provide instead that mine management has an obligation to consult with the workforce before fixing or altering hours of work and associated working arrangements (e.g. rostering, "hot seat" changeovers) for work below ground. The Bill also provides that, in fixing or altering hours of work and associated working arrangements, the management is to comply with the Occupational Health and Safety Act 1983. The Chief Inspector of Mines is empowered to direct that hours or associated conditions be varied if of the opinion that they will adversely affect the health or safety of employees.

The Bill also requires work roster regimes to be prominently displayed and records of hours worked to be kept. It also makes a consequential amendment.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Mines Inspection Act 1901.

Schedule 1 (1) repeals the existing sections 29 and 30 and inserts proposed new sections 29–30B. Proposed section 29 is concerned with fixing and altering hours of work and associated working arrangements below ground in a mine, while proposed section 30 empowers the Chief Inspector of Mines to direct, on health or safety grounds, that the hours or arrangements be altered. Proposed section 30A requires the display of work roster regimes and proposed section 30B obliges mine managers to keep records of hours worked below ground.

Schedule 1 (2) makes a consequential amendment.

FIRST PRINT

MINES INSPECTION (AMENDMENT) BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS

MINES INSPECTION (AMENDMENT) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Mines Inspection Act 1901 to make further provision with respect to hours of work and associated working arrangements in a mine; and for other purposes.

Mines Inspection (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Mines Inspection (Amendment) Act 1993.

5 Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Mines Inspection Act 1901 No. 75

3. The Mines Inspection Act 1901 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

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(Sec. 3)

(1) Sections 29–30B:

Omit sections 29 and 30, insert instead:

Hours of work and associated working arrangements below ground

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29. (1) The manager of a mine at which persons are employed below ground is under an obligation to consult with the workforce at the mine before fixing or altering the hours of work and associated working arrangements below ground. The general rules may make provision for or with respect to the manner in which the workforce is to be consulted.

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(2) In fixing or altering hours of work and associated working arrangements below ground, the manager is, nevertheless, to comply with the Occupational Health and Safety Act 1983.

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(3) Except in cases of emergency or with the approval of the Chief Inspector of Mines, a person other than an owner or person acting in the management of a mine must not be employed at the mine for more than 8 consecutive hours at any time:

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(a) in a shaft, except in a cage; or

(b) in any situation in which there is a danger of falling down a shaft, such as at work in close proximity to an unguarded shaft.

Mines Inspection (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

(4) In this section, “shaft” does not include a pit except in circumstances in which the general rules provide that it is to include a pit.

(5) Despite the provisions of the Mining Act 1992, a condition of a mining lease that is inconsistent with this section is, to the extent of the inconsistency, of no effect.

(6) This section extends to the alteration of hours of work and associated working arrangements below ground in force at the commencement of the Mines Inspection (Amendment) Act 1993.

Chief Inspector may require alteration of hours of work etc.

30. (1) The Chief Inspector of Mines may direct the owner or manager of a mine to limit working hours or to alter associated working arrangements at the mine if of the opinion that existing hours of work or associated working arrangements are likely to affect adversely the health or safety of employees.

(2) A direction under this section may be given in respect of a particular class of employees or in respect of a particular class of work, or may be given generally.

(3) The owner or manager of a mine must comply with a direction under this section.

(4) This section does not affect any other powers of the Chief Inspector under this Act.

Display of shift roster regimes

30A. The manager of a mine at which persons are employed below ground must keep prominently displayed in a place that is easily accessible to the employees of the mine details of shift roster regimes at the mine.

Recording of hours worked

30B. (1) The manager of a mine must keep records of the hours worked below ground by each employee at the mine and must make the records available to an inspector on request.

(2) The general rules may make provision for or with respect to the keeping of records under this section.

Mines Inspection (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 31 (Penalty for contravention of this Division):

From section 31 (3), omit “so much of section 29 or 30 as relates”, insert instead “a requirement relating”.

SECOND PRINT

MINES INSPECTION (AMENDMENT) BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS

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.

Legislative Assembly

Clerk of the Legislative Assembly.

NEW SOUTH WALES



Act No. , 1993

An Act to amend the Mines Inspection Act 1901 to make further provision with respect to hours of work and associated working arrangements in a mine; and for other purposes.

Mines Inspection (Amendment) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Mines Inspection (Amendment) Act 1993.

5 Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Mines Inspection Act 1901 No. 75

3. The Mines Inspection Act 1901 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

10

(Sec. 3)

(1) Sections 29–30B:

Omit sections 29 and 30, insert instead:

**Hours of work and associated working arrangements
below ground**

15

29. (1) Except in cases of emergency, a person other than an owner or a person acting in the management of the mine is not to be employed below ground in a mine for more than 8 consecutive hours at any time or for more than 48 hours in a period of 7 consecutive days, and each person employed below ground in a mine is to have at least one full day of 24 consecutive hours off work in each period of 7 consecutive days.

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(2) Despite subsection (1), the manager of a mine at which persons are employed below ground may alter the hours of work so as to require a person to work below ground in the mine for more than 8 consecutive hours or for more than 48 hours in a period of 7 consecutive days and may alter the associated working arrangements, but only if the manager has consulted with the workforce at the mine and with the representatives of any trade unions representing that workforce and has obtained the agreement of the workforce to the alteration. The general rules may make provision for or with respect to the manner in which the workforce and the representatives of trade unions are to be consulted.

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Mines Inspection (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (3) In fixing or altering hours of work and associated working arrangements below ground, the manager is, nevertheless, to comply with the Occupational Health and Safety Act 1983. 5
- (4) Except in cases of emergency or with the approval of the Chief Inspector of Mines, a person other than an owner or person acting in the management of a mine must not be employed at the mine for more than 8 consecutive hours at any time: 10
- (a) in a shaft, except in a cage; or
- (b) in any situation in which there is a danger of falling down a shaft, such as at work in close proximity to an unguarded shaft.
- (5) In this section, “shaft” does not include a pit except in circumstances in which the general rules provide that it is to include a pit. 15
- (6) Despite the provisions of the Mining Act 1992, a condition of a mining lease that is inconsistent with this section is, to the extent of the inconsistency, of no effect. 20
- (7) This section extends to the alteration of hours of work and associated working arrangements below ground in force at the commencement of the Mines Inspection (Amendment) Act 1993.
- Chief Inspector may require alteration of hours of work etc.** 25
30. (1) The Chief Inspector of Mines may direct the owner or manager of a mine to limit working hours or to alter associated working arrangements at the mine if of the opinion that existing hours of work or associated working arrangements are likely to affect adversely the health or safety of employees. 30
- (2) A direction under this section may be given in respect of a particular class of employees or in respect of a particular class of work, or may be given generally. 35
- (3) The owner or manager of a mine must comply with a direction under this section.
- (4) This section does not affect any other powers of the Chief Inspector under this Act.

Mines Inspection (Amendment) 1993

SCHEDULE 1—AMENDMENTS—*continued*

Display of shift roster regimes

- 5 30A. The manager of a mine at which persons are employed below ground must keep prominently displayed in a place that is easily accessible to the employees of the mine details of shift roster regimes at the mine.

Recording of hours worked

- 10 30B. (1) The manager of a mine must keep records of the hours worked below ground by each employee at the mine and must make the records available to an inspector on request.

(2) The general rules may make provision for or with respect to the keeping of records under this section.

- 15 (2) Section 31 (**Penalty for contravention of this Division**):
From section 31 (3), omit "so much of section 29 or 30 as relates", insert instead "a requirement relating".
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MINES INSPECTION (AMENDMENT) ACT 1993 No. 35

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS

MINES INSPECTION (AMENDMENT) ACT 1993 No. 35

NEW SOUTH WALES



Act No. 35, 1993

An Act to amend the Mines Inspection Act 1901 to make further provision with respect to hours of work and associated working arrangements in a mine; and for other purposes. [Assented to 8 June 1993]

Mines Inspection (Amendment) Act 1993 No. 35

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Mines Inspection (Amendment) Act 1993.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Mines Inspection Act 1901 No. 75

3. The Mines Inspection Act 1901 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Sections 29–30B:

Omit sections 29 and 30, insert instead:

Hours of work and associated working arrangements below ground

29. (1) Except in cases of emergency, a person other than an owner or a person acting in the management of the mine is not to be employed below ground in a mine for more than 8 consecutive hours at any time or for more than 48 hours in a period of 7 consecutive days, and each person employed below ground in a mine is to have at least one full day of 24 consecutive hours off work in each period of 7 consecutive days.

(2) Despite subsection (1), the manager of a mine at which persons are employed, or are to be employed, below ground may determine the hours of work so as to require persons to work below ground in the mine for more than 8 consecutive hours or for more than 48 hours in a period of 7 consecutive days and may determine the associated working arrangements. If this requires any alteration to the hours of work or associated working arrangements of persons employed underground at the mine then no such alteration may be made until the manager has consulted with those

Mines Inspection (Amendment) Act 1993 No. 35

SCHEDULE 1—AMENDMENTS—*continued*

persons and with representatives of any trade unions representing them and has obtained agreement to the alterations of not less than 65% of the persons employed underground. The general rules may make provision for or with respect to the manner in which the persons employed underground and the representatives of trade unions are to be consulted.

(3) In determining hours of work and associated working arrangements below ground, the manager is, nevertheless, to comply with the Occupational Health and Safety Act 1983.

(4) Except in cases of emergency or with the approval of the Chief Inspector of Mines, a person other than an owner or person acting in the management of a mine must not be employed at the mine for more than 8 consecutive hours at any time:

- (a) in a shaft, except in a cage; or
- (b) in any situation in which there is a danger of falling down a shaft, such as at work in close proximity to an unguarded shaft.

(5) In this section, “**shaft**” does not include a pit except in circumstances in which the general rules provide that it is to include a pit.

(6) Despite the provisions of the Mining Act 1992, a condition of a mining lease that is inconsistent with this section is, to the extent of the inconsistency, of no effect.

(7) This section extends to the alteration of hours of work and associated working arrangements below ground in force at the commencement of the Mines Inspection (Amendment) Act 1993.

Chief Inspector may require alteration of hours of work etc.

30. (1) The Chief Inspector of Mines may direct the owner or manager of a mine to limit working hours or to alter associated working arrangements at the mine if of the opinion that existing hours of work or associated working arrangements are likely to affect adversely the health or safety of employees.

Mines Inspection (Amendment) Act 1993 No. 35

SCHEDULE 1—AMENDMENTS—*continued*

(2) A direction under this section may be given in respect of a particular class of employees or in respect of a particular class of work, or may be given generally.

(3) The owner or manager of a mine must comply with a direction under this section.

(4) This section does not affect any other powers of the Chief Inspector under this Act.

Display of shift roster regimes

30A. The manager of a mine at which persons are employed below ground must keep prominently displayed in a place that is easily accessible to the employees of the mine details of shift roster regimes at the mine.

Recording of hours worked

30B. (1) The manager of a mine must keep records of the hours worked below ground by each employee at the mine and must make the records available to an inspector on request.

(2) The general rules may make provision for or with respect to the keeping of records under this section.

(2) Section 31 (**Penalty for contravention of this Division**):

From section 31 (3), omit “so much of section 29 or 30 as relates”, insert instead “a requirement relating”.

[Minister's second reading speech made in—
Legislative Assembly on 11 March 1993
Legislative Council on 27 April 1993]