

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1936.

A BILL

To make further provision for the management and regulation of mines; to amend the Coal Mines Regulation Act, 1912-1931; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Coal Mines Regulation (Amendment) Act, 1936." Short title, citation, and commencement.

(2) The Coal Mines Regulation Act, 1912-1931, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1912-1936.

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

2. The Principal Act is amended—

Amendment of Act No. 37, 1912.

(a) (i) by inserting in section three after the definition "Prescribed" the following definition:— (Interpretation.)

"Registered" means registered under this Act.

(ii) by omitting from the same section the definition of "Small mine";

(b) (i) by omitting subsection four of section four; Sec. 4.

(ii) by omitting from subsection five of the same section the words "required to be under the control of a manager"; (Appointment of manager of mine.)

(c) (i) by omitting from subsection one of section five the words "required by this Act to be under the control of a certificated manager"; Sec. 5. (Daily supervision of mine.)

(ii) by omitting from subsection two of the same section the word "hold" and by inserting in lieu thereof the words "be for the time being registered as the holder of";

(iii) by omitting from subsection four of the same section the words "required by this Act to be under the control of a manager holding a first-class certificate of competency";

(d) (i) by omitting from paragraph (c) of subsection two of section 5A the words "is a holder" and by inserting in lieu thereof the words "is for the time being registered as the holder"; Sec. 5A. (Deputies and shot-firers.)

(ii) by inserting at the end of the same section the following new subsection:—

(5) Nothing in this section shall prevent—

(a) any person holding a position at any mine superior to that of deputy and

and being for the time being registered as the holder of at least a third-class certificate of competency or of service under this Act from observing and fulfilling the duties of a deputy or shot-firer at such mine; or

- (b) a deputy in any mine being employed in measuring work done by persons in the district assigned to him or in firing shots in such district:

Provided that any duties assigned to or undertaken by a deputy (or other qualified person holding a position at the mine superior to that of deputy) in addition to his statutory duties shall not be such as to prevent him carrying out his statutory duties in a thorough manner.

- (e) (i) by omitting from subsection one of section fifteen the words "or deputy" and by inserting in lieu thereof the words "deputy or shot-firer"; Sec. 15.
(Inquiries into competency.)
- (ii) by inserting in the same subsection after the word "deputy" wherever subsequently occurring the word "shot-firer";
- (iii) by omitting from the same section the word "gross" wherever occurring;
- (f) by inserting in paragraph three of section twenty after the word "deputy" the word "shot-firer"; Sec. 20.
(Forgery of, or false declaration as to certificate.)
- (g) by omitting subsection six of section twenty-two; Sec. 22 (6).
(Employment of mine electricians.)
- (h) (i) by omitting from subsection one of section twenty-eight all words after the word "remedied" where firstly occurring; Sec. 28.
(Notice by inspector of causes of danger.)
- (ii) by inserting at the end of the same section the following new subsection:—
 - (9) Where a notice under this section has been given to the owner, agent or manager,
of

of any mine the Minister may, on the recommendation of the chief inspector, by instrument in writing direct the owner, agent or manager to withdraw the workmen from such mine or such part thereof as may be specified in such instrument.

When any such direction has been given a workman shall not, except in so far as may be necessary for inquiring into the cause of the danger or for the removal thereof, or for exploration, be readmitted into the mine or part thereof until the matter referred to in the said notice has been remedied and the Minister has informed the owner, agent or manager that the workmen may be readmitted into the mine or part thereof or until the matter has been determined by the court.

If any workmen are employed in the mine in contravention of this subsection the owner, agent or manager of the mine shall be liable to a fine not exceeding *fifty* pounds and to a further fine not exceeding *twenty* pounds for every day during which workmen are so employed.

- (i) (i) by inserting next after subsection one of section thirty-three the following new subsection:—

Sec. 33.
(Court of
Coal Mines
Regulation.)

(1A) In any proclamation under subsection one of this section the Governor may declare that the court therein referred to shall have jurisdiction to hear and determine any inquiry, appeal or reference or any specified class of inquiries, appeals or references or all inquiries, appeals or references other than those of a specified class, without regard to any territorial limits within which the jurisdiction conferred upon that court by or under any other Act is exercisable, and such court shall have jurisdiction accordingly.

(ii)

(ii) by inserting at the end of subsection three of the same section the following new paragraph:—

The powers, authorities, duties and functions of such officers may, in any case in which a declaration under subsection (1A) of this section has been made, be exercised and performed without regard to any territorial limits with respect to which the exercise or performance of those powers, authorities, duties or functions would otherwise be subject.

(iii) by omitting from subsection nine of the same section the words "the Principal Act" and by inserting in lieu thereof the words "this Act and in any case in which a declaration under subsection (1A) of this section has been made";

(j) by omitting from subsection one of section thirty-four the words "Provided that in the case of any mine which is not required by this Act to be under the control of a certificated manager, a return shall not be required of the particulars contained in Part B of the said form, unless or until the Minister otherwise prescribes";

Sec. 34. (Returns by owners, agent, or manager of mine.)

(k) by inserting in section 36A after the word "otherwise" the words "any indication of the development of self heating of the coal underground";

Sec. 36A. (Certain occurrences to be reported.)

(l) by omitting section thirty-seven and by inserting in lieu thereof the following new section:—

Substituted sec. 37.

37. (1) After the commencement of the Coal Mines Regulation (Amendment) Act, 1936, no person shall commence any working for the purpose of opening a shaft for or the seam of any new mine of coal or of shale or shall recommence the working of any shaft or seam in a mine of coal or of shale which has been abandoned or the working of which has been discontinued for a period exceeding two months whether

Restriction as to opening of new mine and as to recommencement of working of abandoned mine.

whether or not such coal or shale is reserved to the Crown, except with the consent in writing of the Minister first had and obtained.

If any person fails to comply with this subsection he shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding *fifty* pounds and to a further penalty not exceeding *five* pounds for every day during which the mine is worked.

(2) In any of the following cases, Notice of opening, abandonment, etc., to be given to inspector.
namely,—

- (a) where any working is commenced for the purpose of opening a new shaft for or a seam of any mine;
- (b) where a shaft or seam of any mine is abandoned, or the working thereof discontinued;
- (c) where the working of a shaft or a seam of any mine is recommenced after any abandonment or discontinuance for a period exceeding two months; or
- (d) where any change occurs in the name of any mine, or in the name of the owner, agent, manager, under-manager, or mine electrician of any mine to which this Act applies, or in the principal officers of an incorporated company which is the owner of a mine,

the owner, agent or manager of the mine shall give notice thereof to the inspector of the district within fourteen days after the commencement, abandonment, discontinuance, recommencement, or change; and if such notice is not given, the owner, agent, or manager shall be guilty of an offence against this Act.

- (m) (i) by omitting from subsection one of section 39A the words "expiration of twelve months from the commencement of this Act" and by inserting in lieu thereof the words "first day of January, one thousand nine hundred and thirty-three"; Sec. 39A. (Accuracy of plans to be certified.)

(ii)

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- (ii) by inserting in the same subsection after the word "competency" the words "or a surveyor's certificate of service";
- (iii) by inserting in subsection three of the same section after the words "experience in" where lastly occurring the word "surveying";
- (iv) by omitting subsection five of the same section and by inserting in lieu thereof the following new subsections:—

(5) A surveyor's certificate of service may be granted by the Minister to every person who—

- (a) satisfies him that during the period extending from the first day of January, one thousand nine hundred and twenty-one, to the first day of January, one thousand nine hundred and thirty-one, he had for at least five years in the aggregate satisfactorily performed the duties of a mine surveyor at a mine which was, during the whole of the period within which he performed such duties, under the control of a certificated manager; and
- (b) produces satisfactory evidence of his sobriety and good conduct; and
- (c) makes application to be granted a certificate under this subsection within two years after the commencement of the Coal Mines Regulation (Amendment) Act, 1936.

(6) Every such certificate of service shall contain particulars of the name, and of the place and date of birth, and the length and nature of the previous service of the person to whom the same is granted.

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A certificate of service may be refused to any person who fails to give a full and satisfactory account of the particulars aforesaid, or to pay such registration fee as may be prescribed.

(7) For all other purposes relating to the cancellation and suspension of surveyors' certificates of service and the registration of the holders of such certificates, the provisions of this Act relating to managers' certificates of competency shall, mutatis mutandis, apply and have effect.

- (n) by omitting subsection four of section forty-five; Sec. 45.
(Payment of persons employed in mines by weight.)
- (o) (i) by omitting from subsection one of section forty-nine the figures "1898" and by inserting in lieu thereof the figures "1915"; Sec. 49.
(Correction.)
- (ii) by omitting subsection four of the same section.

3. The Principal Act is further amended—

- (a) by inserting next after section 53A the following new Division:— Further amendment of Act No. 37, 1912.
New Division 11.

DIVISION 11.—Special provisions as to methods or systems of working mines and as to mines working seams of coal liable to self heating.

53B. (1) Notwithstanding anything contained elsewhere in this Act, where the Minister is satisfied on the report of the chief inspector that the method or system of working employed in the development of or in any subsequent operations in any mine is such as to tend to the bodily injury of System of working may be prohibited.

of any person or result in undue loss of coal he may give notice in writing to the owner, agent or manager of the mine—

- (a) stating the particulars in which it is considered the method or system of working is dangerous or defective, or tends to undue loss of coal; and
- (b) requiring that such method or system of working be immediately abandoned or so modified as to remedy the dangers, defects, or undue loss of coal,

and the owner, agent, or manager shall forthwith comply with such requisition.

(2) Where evidence of self heating of coal has been detected underground in any mine and the circumstances have, in pursuance of the provisions of section 36A of this Act, been reported to the inspector of the district in which the mine is situated, such inspector may, after examination of the mine or part of the mine affected, require the manager to remove or otherwise effectively deal with the heated material, or by notice in writing served on the manager, require him to seal off in a manner approved by the inspector such part of the mine as may be specified in the notice.

The manager shall forthwith give effect to any requirement of an inspector made under this subsection.

An appeal shall lie to the court from any such requirement, but the fact that an appeal has been lodged or is pending shall not exonerate the manager from the obligation to comply with any such requirement.

Any such appeal shall be made in the manner and within the time prescribed.

(3) Where any part of a mine has been sealed off on account of heating or fire such part shall not be re-entered or any seal removed or broken

broken unless notice of intention to do so has been given to the inspector of the district at least forty-eight hours before any such re-entry, removal or breaking is effected.

(4) In any mine where the coal is liable to self heating adequate measures shall be taken to prevent access of air to the underground workings or goaf areas through surface falls.

(5) Any owner, agent or manager who neglects or fails to comply with any requirement made under this section or with any of the provisions of this section shall be guilty of an offence against this Act.

- (b) by inserting in subsection three of section one at the end of the matter relating to Part I the following words:—

Sec. 1 (3).
(Division into Parts.)

DIVISION 11.—*Special provisions as to methods or systems of working mines and as to mines working seams of coal liable to self heating—s. 53B.*

4. The Principal Act is further amended—

Further amendment of Act No. 37, 1912, s. 54.
(General rules.)

- (a) by omitting from paragraph (d) of general rule one in section fifty-four the words "In the case of mines required by this Act to be under the control of a certificated manager";
- (b) by omitting from general rule two in the same section the words "except in the case of a small mine, in which the upcast shaft contains no inflammable material";
- (c) by omitting from general rule three in the same section the words "last-mentioned date" and by inserting in lieu thereof the words "first day of October, one thousand eight hundred and ninety-six";
- (d) by omitting from general rule 5A in the same section the words "passing of this Act" and by inserting in lieu thereof the words "commencement of the Coal Mines Regulation (Amendment) Act, 1926";

Rule 1.

Rule 2.

Rule 3.

Rule 5A.

(e)

(e) by omitting from general rule eight in the same section the words "the Principal" and by inserting in lieu thereof the word "this"; Rule 8.

(f) by omitting from general rule twelve in the same section all words after the words "Schedule Five to this Act" and by inserting in lieu thereof the words— Rule 12.

"The said Schedule may be amended by regulations made under section 56B of this Act."

(g) by omitting from general rule 12B in the same section the words "passing of this Act" and by inserting in lieu thereof the words "commencement of the Coal Mines Regulation (Amendment) Act, 1926"; Rule 12B.

(h) by omitting from general rule 14A in the same section the words "This rule shall not apply in the case of small mines" and by inserting in lieu thereof the words "The Chief Inspector may for such reasons as appear to him to be sufficient exempt any mine from the provisions of this rule"; Rule 14A.

(i) by omitting from subclause four of general rule twenty-three in the same section the word "or" where secondly occurring and by inserting in lieu thereof the word "of"; Rule 23.

(j) by omitting paragraph three of general rule forty-four in the same section and by inserting in lieu thereof the following new paragraph:— Rule 44.

(3) The Minister may for such reasons as appear to him sufficient grant exemption from all or any of the provisions of this rule. (Bath and change house accommodation at mines.)

(k) by omitting from paragraph five of the same general rule the words "this Act" and by inserting in lieu thereof the words "the Coal Mines Regulation (Amendment) Act, 1931."

5. The Principal Act is further amended— Sec. 54A.

(a) (i) by omitting subsection three of section 54A and by inserting in lieu thereof the following new subsection:— (Bath and change house accommodation at coke works.)

(3) The Minister may for such reasons as appear to him sufficient, grant exemption from

from all or any of the provisions of this section.

(ii) by omitting from subsection seven of the same section the words "this Act" and by inserting in lieu thereof the words "the Coal Mines Regulation (Amendment) Act, 1931".

(b) by omitting paragraph (iii) of the proviso to subsection one of section 56A;

Sec. 56A.
(Travelling on haulage roads.)

(c) (i) by inserting at the end of paragraph (c) of subsection one of section 56B the following new subparagraphs:—

Sec. 56B.
(Power of Governor to make regulations.)

(ix) the installation and use of electricity;

(x) anything which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed to carry this Act into effect.

(ii) by inserting at the end of the same section the following new subsection:—

(5) Publication in the Gazette of any regulation shall be conclusive evidence that all the requirements of section 56c of this Act have been complied with in relation to that regulation.

(d) (i) by inserting at the end of subparagraph (iA) of paragraph (j) of Regulation seven in the Fifth Schedule the word "or";

Fifth Schedule.

(ii) by omitting from regulation fourteen in the same Schedule the words and figures "Regulations 9 and 10" and by inserting in lieu thereof the word and figure "Regulation 9".

6. (1) The Principal Act is further amended by omitting subsection one of section seventeen and by inserting in lieu thereof the following subsection:—

Further amendment of Act No. 37, 1912.

(1) Where a certificate of any person is cancelled or suspended in pursuance of this Act, the Minister shall

Sec. 17.
(Revision.)

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shall cause the cancellation or suspension to be recorded in the register of holders of certificates.

(2) Subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and twenty-seven.

7. The enactments mentioned in the Schedule to this Act are to the extent therein indicated hereby repealed. Repeals.
(Revision.)

SCHEDULE.

Sec. 7.

Number of Act.	Short title.	Extent of repeal.
Act No. 11, 1922	Coal Mines Regulation (Amendment) Act, 1922.	The whole.
Act No. 19, 1926	Coal Mines Regulation (Amendment) Act, 1926.	Subsection (1) of section 2, subparagraph (ii) of paragraph (a) of subsection (2) of section 2, paragraph (c) of subsection (1) of section 5, and paragraph (c) of section 8.