

## PUBLIC ACCOUNT.

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No. 16 of 1968.

AN ACT to amend the *Public Account Act 1957*.  
[5 July 1968.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,  
citation, and  
commence-  
ment.

**1**—(1) This Act may be cited as the *Public Account Act 1968*.

(2) The *Public Account Act 1957*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the first day of July 1968.

Loan Fund  
Supply.

**2** Section seven D of the Principal Act is repealed.

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## MINES INSPECTION.

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No. 17 of 1968.

AN ACT to repeal the *Mines and Works Regulation Act 1915* and to make fresh provision with respect to the inspection and regulation of mines and certain other works. [5 July 1968.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

### PART I.

#### PRELIMINARY.

Short title  
and com-  
mencement.

**1**—(1) This Act may be cited as the *Mines Inspection Act 1968*

(2) This Act shall commence on a date to be fixed by proclamation.

**2** The *Mines and Works Regulation Act 1915* is repealed. Repeal.

**3** In this Act, unless the contrary intention appears— Interpretation.

“acting manager” means an acting manager of a mine appointed under section twelve;

“agent” means a person having, as the attorney or representative of the owner of any mine or part of a mine, the control of that mine or that part thereof, and of the manager thereof;

“certificate of competency” means a certificate of competency granted under subsection (3) of section fifty-seven;

“Chief Inspector” means the Chief Inspector of Mines;

“coal mine” means a mine worked for the production of coal or shale;

“Director” means the Director of Mines;

“excavation” means any cavity in the ground and includes a shaft, winze, drive, passage, or other working in or at a mine;

“Inspection Book” means the Inspection Book required to be kept under section thirty;

“inspector” means the Chief Inspector or an inspector of mines;

“machinery” includes any engine or appliance worked by any form of power, but does not include a pressure vessel within the meaning of the *Inspection of Machinery Act 1960*;

“manager” means—

- (a) a manager appointed under Division I of Part II;
- (b) any person having immediate charge and direction of the operations of a mine; and
- (c) any person under whose immediate direction or control contractors or tributers work in a mine;

“mine” means—

- (a) any mining tenement;
- (b) any works;
- (c) any other place in or at which mining operations are carried on; and
- (d) any excavation resulting from the carrying out of mining operations in pursuance of a lease, licence, or other instrument issued under an Act regulating mining;

“mining operations” means any operations carried out or undertaken with the view or for the purpose of—

- (a) searching for any mining product;

(b) winning or obtaining any mining product;  
or

(c) disturbing, removing, carrying, washing, sifting, crushing, refining, or otherwise handling, dealing with, or treating, any mining product,

and any other operations or proceedings incidental to any such operations;

“mining product” means any ore, mineral, coal, oil, gas, rock, gravel, sand, or clay, and any other matter that may be won from the earth or obtained from the waters thereof;

“mining tenement” means land that is held or occupied under a lease, licence, or other instrument issued under an Act regulating mining;

“officer of the Public Service” includes any person employed temporarily in an office in the Public Service;

“open-cut” means an excavation that is not an underground excavation;

“Record Book” means the Record Book required to be kept under section thirty;

“shaft” means a vertical or inclined excavation at a mine that is, has been, or could be, used for winding, draining, ventilating, or travelling purposes in mining operations;

“tributer” means a person who works a mine or part of a mine under an agreement with any person having an estate or interest therein to pay to that person a portion of any mining product, or of the value of any mining product, taken from the mine;

“underground excavation” means an excavation having an overhanging cover of rock and includes a shaft;

“warden” has the same meaning as it has for the purposes of the *Mining Act 1929*;

“works” means any battery, crushing mill, concentrating works, smelter, refinery, chemical plant, or other works at which operations are carried out for the treatment of a mining product, whether those works are or are not connected with a mine at which other operations are carried on.

Interpretation of references to owners of mines.

**4—**(1) For the purposes of this Act a person is an owner of a mine if—

(a) he is the occupier of that mine or is entitled to work the mine; or

(b) he is a contractor or tributer for the working of the mine, or for the doing of any specific work therein.

(2) For the purposes of paragraph (a) of subsection (1) of this section a person shall be regarded as being the occupier of a mine if he would be entitled to occupy the mine but for the right of any contractor or tributer to work the mine or any part thereof or to do any specific work therein.

(3) Notwithstanding anything in the foregoing provisions of this section, where the whole of a mining tenement is let on one entire tribute and it is one of the conditions of the tribute agreement that the tributer or some person appointed or nominated by him shall be the manager of the mines contained within that mining tenement, the person from whom the agreement is taken shall not, for the purposes of this Act, be regarded as an owner of any of those mines.

(4) References in this Act to the owner of a mine shall be construed as including also references to—

- (a) where the owner is a body corporate, the manager or agent of that body corporate; and
- (b) in any other case, the person having the management of the mining operations carried on in the mine.

(5) References in this section to a mine shall be construed as references to part of a mine, and, for the purposes of this Act, where a person is not the owner of any part of a mine he shall not be regarded as the owner of the whole of that mine.

**5**—(1) On the recommendation of the Chief Inspector, the Governor may, by order, apply this Act, or any of the provisions thereof, with such modifications and alterations as may be specified in the order, to any shaft, tunnel, or reservoir, or to any other work or undertaking in, on, or under which there is, or will be, carried on any operation for or in connection with any industry or purpose.

Application to tunnels, reservoirs, and other works.

(2) An order under this section may apply to any particular shaft, tunnel, reservoir, or work or any particular class or description of shaft, tunnel, reservoir, or work.

(3) The Governor may make regulations for giving effect to any matter that he considers needs to be prescribed for carrying into effect any order made under this section and generally for carrying into effect the provisions of this Act as applied by such an order.

**6**—(1) Subject to this section the Governor may appoint a suitable officer of the Public Service to be the Chief Inspector of Mines and may appoint other suitable officers of the Public Service to be inspectors of mines.

Appointment of inspectors.

(2) No person shall be appointed the Chief Inspector of Mines or an inspector of mines unless he holds a certificate of competency certifying that he is competent to be the manager of a mine or of a mine of a specified class or description.

## PART II.

## GENERAL REGULATION OF MINES.

*Division I—Management of mines.*

General  
duties, &c.,  
of managers  
of mines,  
&c.

**7**—(1) The manager of a mine is personally responsible for the control and direction of the mine and the work and operations carried out therein, and shall, so far as is reasonably practicable, ensure the observance of the provisions of this Act in or about that mine.

(2) As soon as practicable after the occurrence of any breach of this Act with respect to a mine comes to the knowledge of the manager thereof, he shall report the matter in writing to an inspector, whether that breach has been committed by a person employed in or about the mine, or by a contractor or tributer working therein or any employee of such a contractor or tributer, or by any other person.

(3) For so long as a mine is worked without a manager, or in the absence of the manager, the duties, obligations, and responsibilities of the manager of the mine devolve on—

- (a) the person appointed in accordance with section thirteen to assist the manager in the daily supervision of the mine; or
- (b) if there is no such person, the owner and agent of the mine,

and each person on whom those duties, obligations, and responsibilities devolve under this section is answerable for all matters arising in connection with the mine as if he were the manager thereof.

(4) A person having authority or control over the manager of a mine, or over a person for the time being having the duties of a manager of a mine, shall not exercise that authority or control in any way to obstruct the manager or that other person in the exercise of his functions under this Act.

(5) It shall be deemed to be a term of any agreement pursuant to which a contractor or tributer is working a mine that the manager thereof shall have supervision and control of all the work carried out therein by the contractor or tributer.

Prohibition  
on working  
mine without  
manager.

**8**—(1) No mine shall be worked unless there is a manager thereof duly appointed under this Division.

(2) No mine shall be worked for more than seven consecutive days in the absence of the manager thereof duly appointed under this Division.

(3) References in this section to the manager of a mine shall be construed as including references to an acting manager who, under subsection (4) of section twelve, is to be regarded as the manager of the mine.

(4) The penalty for an offence under this section is one hundred dollars with a further daily penalty of fifty dollars.

**9**—(1) A person may be appointed as manager of a mine or of a part only of a mine. Appointment of managers of mines.

(2) Where a person is appointed manager of the whole of a mine he shall be so appointed by the owner or agent of that mine and where he is appointed manager of part only of a mine he shall be so appointed by the owner or agent of the mine, or, subject to subsection (3) of this section, by the owner or agent of that part of that mine.

(3) No person shall be appointed manager of part only of a mine by a person who is not the owner or agent of the whole of the mine unless—

- (a) the owner of the whole of the mine consents in writing to the manager of that part of the mine being so appointed; and
- (b) the owner of the whole of the mine and the owner of that part define in writing the extent of that part.

(4) A person who is entitled to appoint the manager of a mine or a part of a mine may appoint himself to be the manager of that mine or that part thereof.

(5) The Chief Inspector may, by notice in writing served on the owner or agent of a mine, direct that, after such date as may be specified in the notice, there shall be separate managers for different parts of a mine.

(6) At least one week before a notice is served under subsection (5) of this section the Chief Inspector shall notify the owner or agent of the mine in writing of his intention to serve such a notice and the reasons for which it is intended to be served, and, before serving the notice, shall consider any representations made in relation thereto by the owner or agent of the mine.

(7) Where—

- (a) a person is appointed in accordance with this Division as manager of part only of a mine; or
- (b) pursuant to a direction given under subsection (5) of this section any part of a mine is required to have a separate manager,

that part of the mine shall, for the purposes of the provisions of this Division (other than those contained in the foregoing provisions of this section), be deemed to be a mine separate from the remainder of the mine.

(8) For the purposes of this Division any works shall be regarded as a mine separate from any other mine.

(9) Except with the consent of the Chief Inspector, the same person shall not be, or be appointed, the manager of two or more mines.

**10**—(1) Except where a person appoints himself the manager of a mine or part of a mine, no person shall be appointed the manager of a mine or part of a mine unless, by a statement in writing signed by him, he accepts the appointment. Procedure, &c., on appointment, &c., of managers.

(2) Where a person is appointed the manager of a mine or of a part of a mine notice in writing shall be served on the

Chief Inspector stating the name and address of the person appointed together with the written statement of his acceptance of the appointment referred to in subsection (1) of this section.

(3) Where a person ceases to be the manager of a mine the Chief Inspector shall forthwith be notified in writing of the fact.

(4) The Chief Inspector shall maintain a record of the names and addresses of all managers whose appointments as such are notified to him under this section, and of all notifications received by him under subsection (3) of this section.

Age and qualifications of managers of mines.

**11**—(1) No person who has not attained the age of twenty-five years shall be, or shall be appointed, manager of a mine.

(2) Subsection (1) of this section does not prevent a person, with the approval of the Chief Inspector, being, or being appointed, the manager of an open-cut mine in which not more than forty persons are employed and no persons are employed underground.

(3) No person shall be, or shall be appointed, the manager of a mine of any prescribed class or description if—

(a) more than twelve persons are employed underground in the mine; or

(b) there is an open-cut at the mine in which more than forty persons are employed,

unless he holds a certificate of competency of the kind prescribed in relation to a mine of that class or description.

(4) The Chief Inspector may require the manager of a mine (not being a mine to which subsection (3) of this section for the time being applies) to have such qualifications as may be specified in the requirement and, so long as that requirement is in force, no person shall be, or shall be appointed, manager of that mine, unless he has those qualifications or holds a certificate of competency of the kind prescribed in relation to mines of the class or description within which that mine falls.

(5) A requirement made under subsection (4) shall be made by a notice in writing served on the owner or agent of the mine.

Acting managers.

**12**—(1) Where the manager of a mine—

(a) has died or is incapacitated from performing his duties; or

(b) is about to be absent for more than seven days, an acting manager may be appointed for that mine.

(2) The provisions of this Part relating to the appointment of a manager of a mine apply to the appointment of an acting manager of that mine as if he were appointed manager thereof, except that—

(a) an acting manager of a mine may be appointed by the manager thereof;

(b) the notice and statement referred to in subsection (2) of section ten may be served on any inspector;

- (c) the notification referred to in subsection (3) of that section may be given to any inspector;
- (d) subsection (4) of that section does not apply; and
- (e) an acting manager is not required to hold a certificate of competency or the other qualifications referred to in subsection (4) of section eleven unless the period of his appointment exceeds twenty-eight days.

(3) Where the period of appointment of any person as the acting manager of a mine exceeds seven days and that person could not, by reason of the provisions of subsection (3) or subsection (4) of section eleven, be appointed manager of that mine, the Chief Inspector may, by notice in writing served on the owner or agent of the mine, cancel the appointment of that person as acting manager of that mine if he is of opinion—

- (a) that his qualifications are inadequate;
- (b) that he is incompetent to act as manager of the mine; or
- (c) that, for any other reason, the appointment should not be made,

and, on the service of the notice, the appointment of that person as acting manager of the mine ceases to be of effect.

(4) During the period of appointment of a person as acting manager of a mine he has all the powers, duties, obligations, and responsibilities of the manager of that mine and shall, for the purposes of this Act, be regarded as the manager of that mine.

**13**—(1) Subject to this section, no mine shall be worked unless daily supervision thereover is exercised by the manager or by some competent person appointed by the owner, agent, or manager of the mine to assist the manager in the daily supervision of the mine. Daily supervision of working of mine.

(2) Where an appointment is made for the purposes of subsection (1) of this section, the fact of the appointment, together with the name and particulars of the qualifications of the person appointed, shall forthwith be notified to an inspector.

(3) If the Chief Inspector is of opinion that, because of the extent of the workings of a mine or for any other reason, the daily supervision required by this section cannot be adequately exercised by the manager alone he may, by notice in writing served on the owner or agent of the mine, direct that there shall be such number of competent persons as may be specified in the notice, appointed by the owner, agent, or manager of the mine, to assist the manager in the daily supervision of the mine.

(4) Any directions given under subsection (3) of this section may be revoked or varied by the Chief Inspector by a notice in writing served on the owner or agent of the mine.

(5) Any directions for the time being in force under subsection (3) or subsection (4) of this section in respect of a mine shall be complied with.



(6) The Chief Inspector may, by notice in writing served on the owner, agent, or manager of a mine, specify the qualifications required to be held by persons appointed to assist the manager of the mine in the daily supervision thereof, and, subject to subsection (9) of this section, no person shall be so appointed unless he has those qualifications.

(7) The Chief Inspector may, by notice in writing served on the owner, agent, or manager of a mine, cancel the appointment of any person to assist the manager of the mine in the daily supervision thereof if he is of opinion that the qualifications of that person are inadequate or that he is incompetent, and that person shall not, except with the approval of the Chief Inspector, be thereafter appointed to assist the manager of the mine in the daily supervision thereof.

(8) At least seven days before the service of a notice under subsection (7) of this section in respect of any person the Chief Inspector shall notify the owner, agent, or manager of the mine of his intention to serve that notice, and, before serving the notice shall take into consideration any representations made to him by the owner, agent, or manager of the mine with respect thereto.

(9) In the case of a mine to which subsection (3) of section eleven for the time being applies, or in respect of which a requirement imposed under subsection (4) of that section is in force, nothing in subsection (6) or subsection (7) of this section prohibits the appointment of a person to assist the manager of a mine in the daily supervision thereof, or authorizes the cancellation of the appointment of such a person, if that person holds a certificate of competency or such other qualifications as would allow him to be appointed manager of the mine.

Weekly  
inspection  
of mines.

**14—**(1) Each part of a mine, and all the machinery used in or about a mine, shall be inspected once in each week by the manager of the mine or by some person appointed under section thirteen to assist the manager in the daily supervision thereof.

(2) A person making an inspection for the purposes of subsection (1) of this section shall certify in the Inspection Book that the inspection has been made, and in that entry shall specify his findings, including the precautions, repairs, or alterations that in his opinion are required to ensure greater safety in the working of the mine.

(3) Where such an entry as is referred to in subsection (2) of this section is made by a person other than the manager of a mine, the manager shall, within seven days of the making of the entry, peruse and counter-sign it.

*Division II—General provisions as to safety and notification of accidents.*

General  
duties of  
employees.

**15—**(1) A person employed in or about a mine shall take reasonable steps to ascertain whether the machinery or appliances used by him in his work, and the place in which he works, are safe.

(2) Where a person (other than the manager) employed in or about a mine becomes aware of anything that appears to him likely to produce danger he shall, as soon as possible, report the fact to a person in authority over him or to the manager.

(3) Where an accident occurring in or about a mine comes to the knowledge of any person (other than the manager) employed in or about that mine that person shall, as soon as possible, report the accident to a person in authority over him or to the manager.

(4) A person (other than a manager) who receives any report made under subsection (2) or subsection (3) of this section, or under this subsection, shall, as soon as possible, report the fact to a person in authority over him or to the manager.

(5) A person doing work in any part of the workings of a mine shall, on leaving that work, report to the person by whom he is relieved or the person in immediate authority over him, the state of that part of those workings.

**16**—(1) If, at any time, the person in charge of a mine is of opinion that the mine is dangerous he shall—

Withdrawal  
of employees  
in case of  
danger.

(a) forthwith secure the withdrawal of all persons from the mine; and

(b) make a report in writing stating the reasons for his opinion.

(2) Where a report is made under paragraph (b) of subsection (1) of this section in respect of a mine no person shall be admitted or re-admitted to that mine, except for the purpose of investigating or removing any danger, unless a report is made under subsection (4) of this section stating that the mine is not dangerous.

(3) Where a report is made under subsection (1) of this section in respect of a mine the mine shall be inspected by a competent person appointed for the purpose by the owner, agent, or manager and, if the danger arises from inflammable gas, shall be so inspected with a locked safety lamp.

(4) A person inspecting a mine in pursuance of subsection (3) of this section shall make a true report on the condition of the mine.

(5) Every report made under this section shall be recorded in the Record Book.

(6) Except where a report made under subsection (4) of this section states that the mine is not dangerous, the person making such a report shall forthwith send a copy thereof to an inspector.

(7) In this section references to a mine shall be construed as including references to a part of a mine.

Powers of  
inspector in  
relation to  
dangerous  
conditions.

**17**—(1) Where an inspector considers that a mine or any part thereof is unsafe or dangerous to any persons, or to any property in the vicinity of the mine, he may give such directions as he considers necessary in the circumstances for the purpose of securing—

- (a) the cessation of work in the mine or in any part thereof;
- (b) the removal of persons from the mine or any part thereof and the prevention of the entry of persons into the mine or any part thereof; or
- (c) the taking of such precautions as he thinks necessary while persons are working in the mine or in any part thereof.

(2) Where an inspector considers that any machinery in or at a mine is unsafe or defective he may give such directions as he considers necessary to prevent the use of that machinery.

(3) A person shall comply with any directions given to him under this section.

Requisitions  
by inspectors  
with regard  
to dangerous  
matters.

**18**—(1) Where an inspector is of opinion that, in or at a mine, any thing or practice connected therewith is wholly or partly dangerous or defective, or that the absence of any thing or practice threatens, or tends to, the bodily injury of any person, and that the case is not otherwise sufficiently provided for under this Act, he may, by a notice in writing served on the owner, agent, or manager of the mine, require the matter to be remedied forthwith, and that notice may specify the manner in which it is to be remedied.

(2) The owner, agent, or manager of the mine may, within seven days of the service of a notice under subsection (1) of this section, object to compliance with the requirements specified therein by serving a notice of objection on the Chief Inspector stating his objections and the grounds thereof.

(3) Where a notice of objection is served on the Chief Inspector under subsection (2) of this section the Chief Inspector may, as he thinks fit, confirm or rescind the notice to which it relates, or vary the requirements specified therein.

(4) Where a notice has been served under subsection (1) of this section the requirements specified therein shall be complied with, notwithstanding that a notice of objection may be, or has been, served under subsection (2) of this section, but, if the notice is rescinded under subsection (3) of this section it is not required further to be complied with and, if under that subsection, the requirements specified in the notice are varied, those requirements, as so varied, shall thereafter be complied with.

**19**—(1) No timber, stone, or other supports in a mine shall be removed so as to render any part of the workings of an adjoining mine unsafe or inaccessible unless—

Removal of supports. &c.

- (a) notice of the intention so to do has been given to the owner, agent, or manager of that adjoining mine; and
- (b) an inspector has consented to the removal of those supports.

(2) Where the underground workings of two or more mines communicate with each other so as to afford means of ventilation, that ventilation shall not be obstructed without the consent of an inspector.

**20** When a person who is operating or in charge of a winding engine at or about a mine exhibits negligence or misconduct whereby the life or safety of any person was, or might have been, endangered, the manager of the mine shall forthwith report the particulars to an inspector.

Reports of negligence in use of winding engines.

**21**—(1) Where an accident occurs in or about a mine that causes the death of, or serious bodily injury to, any person, written notice of the accident, and of any death or bodily injury caused thereby, shall be sent to an inspector.

Notice of accidents, &c.

(2) Where there occurs in or about a mine—

- (a) any accident caused by the explosion of any gas, dust, or explosive material, or by electricity;
- (b) any outbreak of fire;
- (c) any interference with or obstruction of the use of any travelling way;
- (d) any overwinding to a serious extent;
- (e) any serious accident to machinery or plant; or
- (f) any other serious occurrence,

written notice of that occurrence (whether or not it caused the death of, or bodily injury to, any person) shall forthwith be given in writing to an inspector.

(3) In addition to the requirements of the foregoing provisions of this section, where—

- (a) an accident in or about a mine causes the death of, or serious bodily injury to, any person; or
- (b) any person dies as a result of injury sustained by him in an accident in or about a mine,

an inspector shall be notified of the death or injury by the quickest practicable means, whether by telephone or telegraph or otherwise.

(4) As soon as possible after the first day of each month there shall be sent to an inspector a return describing all the accidents that occurred in or about a mine during the last preceding month that caused the death of any person employed in or about the mine or caused bodily injury to any such person that resulted in his being absent from work for at least twenty-four hours.

(5) Subject to subsection (6) of this section, where the death of, or serious bodily injury to, any person has immediately resulted from an accident in or about a mine, no person shall disturb or alter the condition of, or remove or disturb anything in or at, the place where the accident occurred until it has been examined by an inspector or an inspector notifies the owner, agent, or manager of the mine that the examination is dispensed with.

(6) Nothing in subsection (5) of this section prevents the taking of any action necessary—

- (a) to remove the dead body of a person, or to remove, or to render assistance or treatment to, an injured person; or
- (b) to remedy or ameliorate a dangerous situation.

*Division III—Employment in mines.*

Limitation on employment in mines by reason of age or sex.

**22**—(1) No person under the age of fifteen years shall be employed in or about a mine.

(2) Except with the approval of the Chief Inspector, no female shall be employed underground in a mine.

(3) No person under the age of eighteen years shall be employed as lander, bracman, or platman on any shaft.

Medical certificates for persons in charge of winding engines.

**23**—(1) No person shall have charge of a winding engine unless he holds a certificate from a legally-qualified medical practitioner granted within the previous two years stating that he is free from deafness, defective vision, epilepsy, disease of the heart, and any other infirmity likely to interfere with the efficient discharge of his duties or which might cause him to lose control of that engine.

(2) The renewal or endorsement by a legally-qualified medical practitioner of such a certificate as is referred to in subsection (1) of this section has the like effect as the grant of a new certificate.

(3) An inspector may, at any time, require the renewal of such a certificate as is referred to in subsection (1) of this section, and, if within fourteen days of the requirement being made, the certificate is not renewed or endorsed by a legally-qualified medical practitioner, it ceases to be of effect.

Period in charge of winding engine.

**24**—(1) Except with the written consent of an inspector, previously obtained, no person shall operate or be in charge of a winding engine for a longer period than eight consecutive hours or for more than eight hours in any period of twenty-four hours.

(2) In determining, for the purposes of this section, the length of the period during which a person has operated or been in charge of a winding engine there shall be disregarded—

- (a) the time taken for meals;

- (b) any period during which the engine is not being operated as a result of the breakdown thereof or any equipment used in connection therewith; and
- (c) any period during which the engine is operated in cases of breakage or other emergency or urgency.

**25** Nothing in the *Sunday Observance Act 1908* shall be regarded as prohibiting or rendering unlawful the carrying out on a Sunday of— Sunday work.

- (a) any work necessary to maintain continuous mining operations at a mine;
- (b) any necessary work of stable hands, watchmen, and caretakers in or at a mine or for the purpose of mining operations;
- (c) work in the production or supply of power required for a mine or for mining operations;
- (d) work in repairing any shaft, tramway, haulage, power line, furnace, engine, boiler, machinery, or plant in or at a mine;
- (e) work in pumping or ventilating or otherwise clearing or keeping clear a mine from water or gas;
- (f) work in sinking or driving in wet ground in or at a mine where the inflow of water is so serious as to necessitate continuous work;
- (g) work in repairing any air, water, sewerage, drainage, or electrical service in or at a mine or required for mining operations;
- (h) any work necessitated by a dangerous emergency in or at a mine;
- (i) work which cannot be safely carried on in or at a mine when the full number of men usually employed are at work;
- (j) mining operations the carrying out of which is dependent on favourable weather conditions;
- (k) work in connection with the transport of mining products;
- (l) any work rendered necessary in consequence of the cessation of mining operations at the beginning of a Sunday, or in order that mining operations may be resumed at the close of a Sunday;
- (m) any operation incidental to the foregoing matters; and
- (n) any work in or at a mine that the Governor by order declares to be work to which this section applies.

*Division IV—Mine machinery.*

Exclusion of  
Inspection of  
Machinery  
Act 1960 in  
relation to  
mine  
machinery.

**26** The *Inspection of Machinery Act 1960* does not apply to any machinery in or about a mine.

Winding  
engines and  
haulage  
winches.

**27**—(1) Except as otherwise authorized under this section, no person shall drive a winding engine or haulage winch in or at a mine unless he holds a certificate of competency authorizing him to drive that engine or winch or that engine or winch is exempted from the operation of this subsection.

(2) Where an inspector considers it reasonable so to do he may grant a permit authorizing the person named therein to drive, under such terms and conditions as may be specified in the permit, a particular engine or winch so specified (being an engine or winch not exceeding thirty brake horsepower).

(3) Where an inspector is satisfied that in or at a mine a haulage winch (not exceeding ten brake horsepower) may safely be driven by a competent employee he may grant a certificate exempting that winch from the operation of subsection (1) of this section.

(4) For the purpose of enabling a person to be trained, or gain experience, in the driving of a winding engine or haulage winch, an inspector may issue a permit authorizing him to drive such an engine or winch under the personal supervision of a person who holds a certificate of competency authorizing him to drive that engine or winch and under such other terms and conditions as may be specified in the permit.

(5) Where the Chief Inspector is satisfied that a winding or haulage conveyance in or at a mine may be safely operated by a competent employee and adequate arrangements have been made for the proper supervision and efficient working of the electrical and other machinery and apparatus used in the operation and control of the conveyance he may issue a certificate exempting the engine or winch associated with that conveyance from the operation of subsection (1) of this section.

(6) A permit or certificate issued under subsection (2), subsection (3), or subsection (4) of this section may, at any time, be revoked by the Chief Inspector or by any other inspector, and a certificate issued under subsection (5) of this section may be revoked by the Chief Inspector.

Fixed cranes.

**28**—(1) No person shall drive a fixed crane in or at a mine unless he holds a certificate of competency authorizing him to drive that crane.

(2) This section does not apply to a crane driven by an electric motor operated by push-button controls.

**29**—(1) No person shall, in or about a mine, drive a self-propelled vehicle, mechanical shovel, mechanical loader, or a mobile crane unless he is a competent person appointed for the purpose by the manager of the mine.

Vehicles, shovels, loaders, and mobile cranes.

(2) Where by notice in writing served on the manager of a mine an inspector requires the driver of any self-propelled vehicle, mechanical shovel, mechanical loader, or a mobile crane described in the notice to hold a certificate of competency authorizing him to drive that vehicle or machine, no person shall, in or about that mine, drive a vehicle or machine so described unless he holds such a certificate of competency.

*Division V—Records, plans, returns, &c.*

**30**—(1) There shall be kept at each mine a Record Book and an Inspection Book of a type approved by an inspector.

Record Book and Inspection Book.

(2) The Record Book and the Inspection Book required to be kept at a mine shall, at all reasonable times, be kept open to the examination of—

- (a) any inspector;
- (b) any person employed in or about the mine; and
- (c) any person authorized in writing by the Minister to examine those books.

(3) No person shall, without lawful authority, remove a Record Book or an Inspection Book from the place at which the manager of the mine requires it to be kept.

**31**—(1) There shall be kept at the office of a mine accurate plans and sections of the workings of the mine prepared in accordance with the regulations from surveys carried out in accordance with the regulations by an authorized surveyor, a person holding a certificate of competency of a prescribed kind, or some other person approved by the Chief Inspector to carry out that survey.

Plans and sections of mines.

(2) The plans and sections referred to in subsection (1) of this section shall show—

- (a) a connection to some permanent mark on the surface of the ground; and
- (b) in the case of a coal mine, the general direction and rate of dip of the strata, together with the section of the strata sunk through, or, if, in the opinion of the Chief Inspector, that is not reasonably practicable, a statement of the depth of the shaft with a section of the seam.

(3) Where any additional workings or extensions are carried out at a mine it is sufficient compliance with subsection (1) of this section in relation to those workings or extensions if those workings and extensions are surveyed in accordance with that subsection and are delineated, in accordance with the regulations, on the plans and sections referred to therein within—

- (a) in the case of a coal mine, a period of three months; and



(b) in any other case, a period of six months, from their being carried out.

(4) No underground workings shall be filled up or allowed to fall into disrepair before they have been surveyed in the manner specified in subsection (1) of this section.

(5) The penalty for an offence under subsection (4) of this section is one thousand dollars.

(6) Before any mine having underground workings is abandoned, or suspends or ceases operations for a period longer than seven days, such a survey of the mine as referred to in subsection (1) of this section shall be completed, and, within one month of the date of the abandonment, suspension, or cesser, certified copies of plans and sections of the mine prepared in accordance with that subsection shall be sent to the Chief Inspector.

(7) Subject to subsection (8) of this section, during the three months ending on the thirty-first day of March in each year there shall be furnished to the Chief Inspector certified copies of the plans and sections prepared in accordance with subsection (1) of this section showing, as far as possible, all the workings of a mine carried out before the first day of January in that year.

(8) Where any plans and sections in respect of a mine have been furnished to the Chief Inspector in accordance with subsection (7) of this section, or the corresponding provisions of any Act repealed by this Act, it is sufficient compliance with that subsection, except in so far as the Chief Inspector, by a notice in writing served on the owner, agent, or manager of the mine, otherwise directs, if the plans and sections furnished thereunder relate only to the workings and extensions that have not previously been shown or delineated on any plans or sections so furnished.

(9) If plans or sections are not furnished in accordance with subsection (6) or subsection (7) of this section in respect of a mine or the Chief Inspector has reason to believe that any plans or sections so furnished in respect of a mine are inaccurate or incomplete he may cause a survey to be made of all or any of the workings of the mine.

(10) There may be recovered from the owner, agent, or manager of a mine the expenses incurred in, or in connection with, the carrying out of a survey of the workings of the mine under subsection (9) of this section if—

(a) the survey was made as a consequence of no plans or sections being furnished in accordance with subsection (6) or subsection (7) of this section; or

(b) the survey, in the opinion of the Chief Inspector, shows any plans or sections so furnished to be incorrect or incomplete.

(11) On a direction given by an inspector to the owner, agent, or manager of a mine for the production of the plans and sections required to be kept at the mine under this section and for their marking to indicate the progress of the workings up to the date on which the direction is given—

- (a) those plans and sections shall forthwith be produced to the inspector and, within a reasonable time of the direction being given, shall be marked in such a manner as to indicate clearly the progress of the workings up to the date the direction is given; and
- (b) on being so marked, certified copies of the plans and sections as so marked, or such part thereof as the inspector may indicate, shall be supplied to the inspector.

(12) Any plans and sections required to be kept under this section at a mine may be inspected by—

- (a) any inspector;
- (b) any officer of the Public Service authorized in that behalf by the Director; and
- (c) any warden,

and, so far as they relate to workings in land of which any person is the lessee, by that lessee.

(13) On a request made to the owner, agent, or manager by any person entitled to inspect any plans or sections required under this section to be kept at a mine, those plans and sections shall be produced for inspection by that person.

(14) No person shall produce to any person entitled to inspect any plan or section under this section any plan or section that is imperfect or inaccurate unless the extent of that imperfection or inaccuracy is made known at that time to the person to whom it is produced.

(15) It is a defence in any proceedings for an offence under subsection (14) of this section for the person charged to show that, except for any imperfection or inaccuracy made known in accordance with that section, he believed on reasonable grounds that the plans were not imperfect or incomplete.

(16) By permission in writing given to the owner, agent, or manager of a mine the Chief Inspector may excuse the carrying out of any survey that otherwise is required to be carried out at that mine under this section.

**32** Within seven days after—

- (a) any working is commenced for the purpose of opening a new shaft or a new seam in a mine; or
- (b) the working of a shaft or seam of a mine is recommenced after any abandonment or discontinuance extending over a period exceeding two months,

Notice  
of new  
workings.

notice of that fact shall be given, in writing, to an inspector.

Notice of  
change of  
ownership,  
&c.

**33** Within seven days after any person becoming, or ceasing to be, an owner or agent of a mine, or a principal officer of any body corporate that is the owner of any mine, notice of the fact shall be given in writing to an inspector.

Quarterly  
returns of  
production,  
&c.

**34**—(1) Within fourteen days after the end of each quarter there shall, in respect of each mine, be sent to an inspector a correct return in the prescribed form specifying—

- (a) the nature, quantity, and value of the mining products obtained from that mine during that quarter;
- (b) the average number of persons employed at that mine during that quarter; and
- (c) such other statistical information as may be prescribed.

(2) Regulations under this Act may require a person who purchases any specified mining product to send to an inspector returns specifying particulars with regard to the nature, quantity, or value of those mining products purchased by him during any quarter.

(3) In any proceedings for an offence under this section any averment that no return has been sent to an inspector, or a return sent to an inspector does not comply with this section, is sufficient evidence of the facts averred in the absence of evidence to the contrary.

(4) In this section “quarter” means a period of three months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December in any year.

Boreholes.

**35**—(1) Where it is proposed, for exploratory purposes, to drill a borehole at a mine to a depth greater than forty feet—

- (a) the Chief Inspector shall, before the work is commenced, be notified of the intention to drill the borehole, and furnished with particulars of its location;
- (b) the Chief Inspector shall be furnished with such particulars in relation to the borehole as he may require, whether before or after the commencement of the work; and
- (c) on completion of the work, there shall be forwarded to the Chief Inspector a detailed account of the material drilled or obtained.

(2) Paragraph (a) of subsection (1) of this section does not apply in any case where the Chief Inspector has notified the owner, agent, or manager of the mine that the notification referred to in that paragraph is not required.

(3) Where, in the course of drilling a borehole for exploratory purposes at a mine to a depth greater than forty feet, a core is obtained, the core (other than material therefrom

required for purposes of assay), or, if no core is so obtained, samples of the material obtained, shall be labelled and preserved by the owner, agent, or manager of the mine, for a period of at least two years after the completion of the borehole in such manner as the Chief Inspector may direct.

(4) Subsection (3) of this section does not apply if the borehole is sunk in surface gravel or alluvial ground.

(5) At least one month's notice shall be given to the Chief Inspector before any core or samples that have been required to be preserved under subsection (3) of this section are disposed of.

(6) Cores and samples required to be preserved as provided by this section shall, at all times, be available for examination by an inspector or an officer of the Department of Mines authorized in writing by the Director and that inspector or officer may take specimens thereof for the purposes of assay or other treatment, but no information obtained as a result of that assay or treatment shall be published without the consent of the owner, agent, or manager of the mine unless the Minister sees fit to direct otherwise.

(7) References in this section to the drilling of a borehole to a greater depth than forty feet shall be construed as including references to the extending of an existing borehole to a greater depth than forty feet.

*Division VI—Dams and reservoirs.*

**36**—(1) No person shall build, construct, alter, or enlarge, for the purpose of carrying out mining operations, any artificial dam or reservoir except in accordance with plans and specifications approved by the Chief Inspector.

Regulation  
of construc-  
tion of  
dams and  
reservoirs.

(2) Any plans and specifications submitted for approval under this section shall contain and be accompanied by such details and information as may be prescribed, and shall contain such provision for ensuring the safety of the dam as the Chief Inspector in any case may require.

(3) On giving his approval under this section to any plans or specifications the Chief Inspector may require any work to which those plans and specifications relate to be carried out under the supervision of an inspector or some other person authorized by the Chief Inspector in that behalf, and no person shall carry out that work otherwise than in accordance with those requirements.

(4) Where any artificial dam or reservoir has been built, constructed, altered, or enlarged for the purpose of, or in connection with, the carrying out of mining operations no person shall use that dam or reservoir unless, since its last alteration or enlargement, or if it has not been altered or enlarged, since its building or construction, the Chief Inspector has certified that it is fit for use.

(5) This section does not apply to any dam or reservoir unless its storage capacity exceeds, or will, after it has been built, constructed, or altered or enlarged in accordance with plans and specifications approved under this section, exceed a prescribed amount.

(6) The penalty for an offence under this section is one thousand dollars.

Maintenance  
of dams and  
reservoirs.

**37**—(1) If, upon the report of an inspector, or otherwise, the Chief Inspector is of opinion that a dam or reservoir constructed or used for the purpose of carrying out mining operations is out of repair, or that it is advisable that measures should be taken to ensure the safety thereof, the Chief Inspector may, by notice in writing served on the owner or other person having the control of the dam or reservoir, require him to take, within such time as may be specified in the notice, such measures as may be specified in the notice for ensuring the safety of the dam or reservoir.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the measures that may be required to be taken thereunder may be measures requiring the emptying of the dam or reservoir, the discontinuance or abandonment of its use, or its reconstruction or repair, and any notice served under that section may specify alternative measures that may be taken for ensuring the safety of the dam or reservoir.

(3) A person on whom a notice is served under this section shall comply with the requirements thereof.

(4) Where the requirements of a notice under this section are not complied with, the Chief Inspector may cause to be taken such measures as he considers necessary to give effect to the requirements of the notice.

(5) In a case of pressing emergency the Chief Inspector may cause to be taken in relation to an artificial dam or reservoir used or constructed for mining purposes such measures as he considers should immediately be taken to ensure the safety thereof.

(6) The expenses reasonably incurred in taking measures under subsection (4) or subsection (5) of this section may be recovered from the owner of the dam or reservoir as a debt due to the Crown.

(7) The penalty for an offence under this section is one thousand dollars.

Abandonment  
of  
dams and  
reservoirs.

**38**—(1) When an artificial dam or reservoir constructed or used for the purpose of mining operations is abandoned or permanently ceases to be used for those purposes the owner thereof shall cause it to be opened in a manner approved by the Chief Inspector or to be emptied.

(2) Within fourteen days after the abandonment of an artificial dam or reservoir constructed or used for the purpose of carrying out mining operations or the permanent cessation of its use for those purposes, the owner thereof shall notify the Chief Inspector in writing of the fact.

**39**—(1) An inspector, or such other person as the Chief Inspector may authorize in writing in that behalf, may examine and inspect any artificial dam or reservoir that is, or has been, constructed or used for the purposes of, or in connection with, the carrying out of any mining operations. Inspection of dams and reservoirs.

(2) A person empowered to inspect a dam or reservoir under this section may, for that purpose, enter upon any land with such assistants as he may require.

*Division VII—Abandoned shafts, &c.*

**40**—(1) Where an excavation is no longer used for mining operations no person shall, without the consent of the Chief Inspector— Damage, &c., to abandoned shafts, &c.

(a) damage or render it useless or dangerous by the removal of any timber, fencing, casing, lining, ladder, platform, or other appliance provided in or about the same; or

(b) remove any part of any mound or dump so as to lessen or destroy its usefulness in protecting persons and animals from falling into the excavation.

(2) The court by which a person is convicted of an offence under this section may order him to make good any damage done, or replace any material or other thing removed in the commission of the offence and, in default of so doing, to pay to the Minister such damages as the court may determine.

(3) The property in all timber, fencing, casing, lining, ladders, platforms, and other appliances in or connected with any excavation in or at an abandoned mine vests in the Crown until the Chief Inspector consents to its removal.

**41**—(1) Where any excavation in or about a mine ceases to be used for mining operations— Protection of abandoned shafts, &c.

(a) that excavation shall be kept safely and securely fenced, covered over, or filled in; and

(b) there shall be provided and maintained on the surface of the ground such indication of its existence (whether by a post with a notice affixed thereto, a cairn of stones, or otherwise) as an inspector may consider sufficient.

(2) Subsection (1) of this section does not apply to any excavation (other than a shaft) unless the excavation is likely to be dangerous unless it is safely and securely fenced, covered over, or filled in.

(3) Where there is no owner (other than the Crown) of the mine in or about which there is an excavation to which this section applies the person who was the last owner of that mine shall for the purposes of this section be deemed to continue to be the owner of that mine until an inspector grants a certificate stating that the works required by this section have properly been carried out.

### PART III.

#### POWERS OF INSPECTION AND INQUIRY.

General powers of inspectors.

**42**—(1) An inspector may examine into and make inquiry respecting—

- (a) the state or condition of any mine or any part thereof, or of any machinery in or about the mine;
- (b) the ventilation of a mine;
- (c) any matter or thing connected with or relating to the safety or well-being of persons in or about a mine; and
- (d) the care or treatment of horses and other animals used in or about a mine,

and may make such inspections, examinations, and inquiries as he considers necessary to ascertain whether the provisions of this Act are being complied with.

(2) For the purpose of the exercise of his functions under this Act, an inspector may enter any mine or any part thereof.

(3) Where in response to an inquiry made by an inspector, the owner, agent, or manager of a mine or any person employed in or about a mine, without just cause, refuses to give him any information or gives him any information that is false or misleading, that person is guilty of an offence.

(4) An inspector shall not exercise his powers under this section so as unnecessarily to impede or obstruct the working of a mine.

(5) For the purposes of an inquiry under this Act into an accident in or at a mine an inspector may make inquiries of such persons as he considers necessary and may obtain written statements from those persons.

Record of inspections of mines.

**43** Where an inspector carries out the inspection of a mine or any part thereof he shall record that fact in the Record Book together with the following particulars, that is to say:—

- (a) The particulars of any matter in which, it appears to him, the state or condition of the mine or any part thereof or any machinery in or at the mine, or any practice carried out at the mine, is not in accordance with this Act; and
- (b) The particulars of any alterations or requirements which he considers should be made or carried out to bring any such state, condition, or practice in conformity with this Act.

**44**—(1) Where a complaint in respect of any matter in connection with a mine is made in writing to an inspector by a person employed in or about the mine, or by a representative of the miners' association for the district in which the mine is situated on his behalf, the inspector shall, as soon as practicable, make inquiries into the matter and take such other steps as he considers necessary to investigate the matter.

Inquiries on complaints by employees, &c.

(2) Except in so far as he may be required to do by due process of law no person shall divulge the name of any person by or on whose behalf such a complaint is made as is referred to in subsection (1) of this section.

**45** Upon any inquiry which, by this Act, an inspector is authorized to make he has, for the purpose of procuring and enforcing the attendance of witnesses, and for hearing and determining the matter before him, all the powers conferred on a justice by the *Justices Act 1959*, and may administer an oath to any person appearing before him to give evidence at any inquiry that it may be necessary or expedient to hold.

Powers of inspector in relation to inquiries.

**46** A warden or an officer of the Department of Mines (being an officer authorized in that behalf by the Director) may, with such assistants as he considers necessary, at all reasonable times enter, inspect, survey, or sample a mine for official purposes.

Inspection of mines by certain officers.

**47** Except when giving evidence in any legal proceedings, no inspector and no person authorized to enter a mine under section forty-six shall divulge to any person, other than his superior officer or the Minister, any information obtained by him in the exercise of his powers and duties under this Act.

Duty of secrecy.

#### PART IV.

##### MISCELLANEOUS AND SUPPLEMENTAL.

**48**—(1) A person who, by the negligence of himself, his agent, or servant, causes any person to be injured or killed in or about a mine, or endangers the safety of any person in or about a mine, is guilty of an offence.

Certain offences in mines.

(2) Where any property is destroyed or damaged by the negligence of any person in or about a mine, that person is guilty of an offence.

(3) A person employed in or about a mine or in charge of any machinery or appliances used in or at the mine who, while so employed or so in charge—

- (a) is guilty of neglect of duty;
- (b) is guilty of unseemly or riotous conduct or behaviour; or
- (c) is in a state of intoxication,

is guilty of an offence.

(4) A person who, in or about a mine—

- (a) uses any threatening, obscene, abusive, or insulting words within the hearing of any person; or



(b) is guilty of unseemly or riotous conduct or behaviour,  
is guilty of an offence.

(5) A person who—

(a) takes into a works or into the workings of a mine any intoxicating liquor; or

(b) has in his possession in a works or in the workings of a mine any such liquor,

is guilty of an offence.

(6) A person who pulls down, injures, or defaces any notice or other document posted up or affixed as required by this Act is guilty of an offence.

Obstruction  
of inspectors,  
&c.

**49**—(1) No person shall—

(a) assault, resist, or wilfully obstruct an inspector or any other person in the execution of any power or duty conferred on him by this Act, or lawfully performing any such power or duty;

(b) threaten, intimidate, or use improper or abusive language to an inspector or other person so acting; or

(c) instigate or incite a person to do any of the things mentioned in the foregoing provisions of this subsection.

(2) No person, being the owner, agent, or manager of a mine, shall refuse or neglect to furnish to an inspector or to any person exercising the powers conferred on him by section forty-six, the means reasonably required by him for making an entry, inspection, examination, survey, or inquiry under this Act in relation to that mine.

Copies of  
regulations.

**50** There shall be kept in some conspicuous place at or near a mine where it may be conveniently read by the persons employed thereat a correct and clearly legible copy of the regulations made under this Act to which has been appended in legible characters—

(a) the name of the mine;

(b) the name of the owner or agent of the mine, and of the manager of the mine; and

(c) the name and address of an inspector to whom resort may conveniently be had by persons employed at the mine.

Liability for  
contraven-  
tion of Act.

**51**—(1) Subject to this section, in the event of a contravention, in relation to a mine, of any provision of this Act, the owner, agent, and manager of that mine are each guilty of an offence.

(2) Without prejudice to the provisions of subsection (1) of this section, any person who contravenes a provision of this Act that is applicable to him is guilty of an offence.

(3) In any proceedings taken under this Act that, by virtue of subsection (1) of this section, are taken against a person for a contravention by a person other than himself of a

provision of this Act, being a provision which expressly provides that that other person is guilty of an offence or imposes on him or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibits him or persons of such a class or all persons from doing a specified act, it shall be a defence for the person charged to prove that he used all due diligence to secure compliance with that provision and reported the contravention to an inspector as soon as he became aware of it.

(4) No such proceedings as are referred to in subsection (3) of this section shall be instituted except by the Chief Inspector.

(5) In any proceedings for a contravention of any provision of the regulations under this Act it is a defence to show that, in the circumstances of the case, compliance with that provision was not reasonably practicable.

**52** A person who is guilty of an offence under this Act for which no specific penalty is otherwise provided is liable—

Penalties for offences.

- (a) if the offence is committed in or about or in relation to a mine and he is the owner, agent, or manager of that mine, or a person in charge or giving orders or directions relating to the carrying on of mining operations in or about that mine, to a penalty of five hundred dollars; and
- (b) in any other case, to a penalty of one hundred dollars.

**53**—(1) In any proceedings for an offence under this Act an averment that any person is the Chief Inspector, an inspector, or a person authorized to perform a duty under this Act is, unless the contrary is proved, sufficient evidence of that fact.

Proof of certain matters.

(2) In any proceedings against a person for an offence under this Act any averment that that person is the manager of a mine, or the person in charge of the carrying on of any operations in a mine, is, until the contrary be shown, sufficient evidence of the fact.

**54** Proceedings for offences against this Act shall be heard and determined by a police magistrate sitting alone.

Proceedings to be before police magistrate.

**55** Save as otherwise expressly provided in this Act, an inspector may institute and carry on proceedings for an offence under this Act.

Prosecutions by inspectors.

**56** No person is precluded by any agreement from doing such acts as are necessary for complying with any of the provisions of this Act, or is liable under any agreement to any penalty, damages, or forfeiture for doing such acts as are necessary for complying with this Act.

No liability to be incurred by complying with Act.

## Regulations.

**57**—(1) The Governor may make regulations for the purposes of this Act.

(2) Regulations under this Act may contain such provisions as the Governor may consider necessary to regulate any mine or the working thereof and, in particular may make, in relation to any mine, provision with respect to any of the following matters, namely:—

- (a) The powers, duties, and practices of owners, agents, managers, and other persons;
- (b) Ventilation and the control of dust, gases, and toxic or deleterious substances;
- (c) Travelling ways;
- (d) Sanitation, hygiene, rescue, and first aid;
- (e) The construction of works, dredges, vessels, vehicles, machinery, and appliances, and the operation thereof;
- (f) The use of electricity, compressed air, and explosives;
- (g) The making, maintenance, and support of excavations;
- (h) The disposal of waste products and the filling of stopes;
- (i) The connection of workings together and to the surface and the connection of adjacent or adjoining mines;
- (j) The carrying out of drilling, geophysical surveys, and prospecting;
- (k) The making of surveys and plans and sections;
- (l) The maintenance of order and discipline;
- (m) The preservation and protection of disused or abandoned excavations;
- (n) The examination of employees for the prevention, detection, or treatment of injury or disease; and
- (o) The exclusion of persons suffering from specified diseases.

(3) Regulations under this Act may provide for the granting of certificates of competency certifying that the person holding such a certificate is competent to be the manager of a mine, or of a mine of a class or description specified in the certificate, or to hold such other office, or undertake such operations or duties, or engage in such employment as may be specified in the certificate and may—

- (a) prescribe the qualifications of the persons who may be granted any such certificate;
- (b) regulate the examination of persons applying for the grant of any such certificate and provide for the remuneration of the examiner; and
- (c) prescribe the circumstances and manner in which any such certificate may be suspended or cancelled,

and references in this Act to a certificate of competency authorizing a person to undertake any operations or duties, or engage in any employment, shall be construed as references to a certificate of competency certifying that he is competent to undertake those operations or duties, or engage in that employment.

(4) Regulations under this Act may provide for and regulate the holding of inquiries into accidents in or at mines.

(5) Regulations under this Act may—

(a) prescribe the form of any certificate, notice, permit, exemption, or authority required or authorized to be granted, issued, given, or served under this Act;

(b) prescribe the manner in which any notice or other document required or authorized to be served or given under this Act is to be, or may be, so served or given, and the manner in which any notification or direction required or authorized to be made or given under this Act is to be, or may be, so made or given; and

(c) provide for the payment of fees in respect of the making of an application, or the grant or issue of any certificate, permit, exemption, or authority under this Act.

(6) The regulations under this Act may provide for the imposition of penalties, not exceeding, in any case, one hundred dollars, in respect of contraventions of any of the provisions thereof.

(7) The regulations under this Act may incorporate or adopt, either specifically or by reference, and either wholly or in part, any of the standard codes, rules, or specifications of the Standards Association of Australia, the British Standards Institution, or any other similar body.

**58**—(1) The person who immediately before the commencement of this Act was the Chief Inspector of Mines for the purposes of the repealed Act shall be deemed to have been appointed Chief Inspector of Mines under this Act. Transitory provisions.

(2) Any person who immediately before the commencement of this Act was an inspector of mines for the purposes of the repealed Act shall be deemed to have been appointed an inspector of mines under this Act.

(3) A certificate of competency, or a certificate of service equivalent thereto, granted under the repealed Act that is in force immediately before the commencement of this Act continues to have effect as a certificate of competency granted under this Act.

(4) A certificate of competency granted, or having effect as if granted, under the *Inspection of Machinery Act 1960*, that is in force immediately before the commencement of this Act has effect as a certificate of competency granted under this Act.

(5) Except as otherwise expressly provided therein, nothing in this section prejudices or affects the operation, in relation to this Act, of the *Acts Interpretation Act 1931*, and for the purposes of that Act this Act shall be deemed to be an Act repealing and consolidating the enactments repealed by this Act.

(6) In this section "the repealed Act" means the *Mines and Works Regulation Act 1915*.

Consequential amendments.

**59**—(1) Section four of the *Inspection of Machinery Act 1960* is amended by adding at the end thereof the following subsection:—

"(6) This Act has effect subject to section twenty-six of the *Mines Inspection Act 1968*."

(2) Subsection (2) of section two of the *Mining Act 1929* is repealed.

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## AMBULANCE.

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No. 18 of 1968.

AN ACT to amend the *Ambulance Act 1959*.

[5 July 1968.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

**1**—(1) This Act may be cited as the *Ambulance Act 1968*.

(2) The *Ambulance Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** After section forty-two A of the Principal Act the following section is inserted:—

Compensation for injuries, &c., to ambulance officers.

"42B—(1) If an ambulance officer suffers personal injury or death by accident arising out of and in the course of the performance of his ambulance duties and neither he nor his dependants are entitled to compensation under the *Workers'*