

## MINES INSPECTION (AMENDMENT) ACT.

Act No. 4, 1945.

George VI.  
No. 4, 1945. **An Act to extend certain provisions of the Mines Inspection Act, 1901, to quarries and dredges; to amend the Mines Inspection Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 14th March, 1945.]**

**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 :—

Short title,  
construction,  
citation  
and com-  
mencement. **1.** (1) This Act may be cited as the "Mines Inspection (Amendment) Act, 1945."

(2) This Act shall be read and construed with the Mines Inspection Act, 1901, as amended by subsequent Acts and by the Governor in pursuance of the powers conferred by section fifty-six of the Mines Inspection Act, 1901, which Act, as so amended, is in this Act referred to as the Principal Act.

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(3) The Mines Inspection Act, 1901, as amended by subsequent Acts and by this Act and by the Governor as aforesaid, may be cited as the Mines Inspection Act, 1901-1945. No. 4, 1945.

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

### 2. The Principal Act is amended—

Amendment of  
Act No. 75,  
1901.

- (a) by inserting in subsection one of section four next after the definition of "Boy" the following new definition:— Sec. 4.  
(Definitions.)

"Check inspector" means a person appointed under paragraph (b) of general rule six of section fifty-five of this Act.

- (b) by inserting in the same subsection next after the definition of "Division" the following new definition:—

"Dredge" means dredge, barge, pontoon, or other structure used in carrying on mining operations by means of dredging, pumping, sluicing, or similar method.

- (c) by inserting in the same subsection in the definition of "Machinery" after the word "engines" the words "electric motors";

- (d) by omitting from the definition of "Manager" in the same subsection the word "mining";

- (e) by inserting in the same subsection next after the definition of "Manager" the following new definition:—

"Metal" and "mineral" includes gold, sandstone, basalt, andesite, trachyte, porphyry and any substance which is for the time being a mineral within the meaning of the Mining Act, 1906-1935, but does not include coal or shale.

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- (f) (i) by omitting from the definition of "Mine" in the same subsection the word "quarry";
- (ii) by inserting at the end of the same definition the words "and also includes any quarry".
- (g) by inserting in the same subsection next after the definition of "Plan" and "sections" the following new definition:—

"Quarry" includes any place, open cut, or excavation wherein or whereby any operation is carried on above ground for or in connection with the purpose of obtaining any metal or mineral other than coal or shale and any place adjoining thereto on which any product of the quarry is stacked, stored or crushed.

Further amendment of Act No. 75, 1901.

New sec. 4A.

Application of certain provisions to dredges.

**3.** The Principal Act is further amended by inserting next after section four the following new section:—

4A. (1) The Governor may by proclamation published in the Gazette declare that the provisions of—

Division 2 of Part II of this Act,

Division 3 of Part II of this Act, so far as such Division relates to engine-drivers,

Sections thirty-six, thirty-seven, thirty-nine, forty-three, forty-six and forty-eight of this Act, and

Part VI of this Act,

or such of them as may be specified in such proclamation, shall apply, mutatis mutandis, to and in respect of dredges.

(2) The proclamation shall set out the provisions, declared to apply as aforesaid, with such modifications and adaptations as the Governor may deem necessary for the purposes of the application of such provisions to dredges.

The provisions so set out shall—

- (a) be in the form of a Schedule to be inserted in this Act;

(b)

(b) be thereafter printed by the Government Printer as a Schedule to this Act in any reprint thereof; and

(c) have the same force and effect as if originally inserted in this Act.

(3) Any proclamation under this section may from time to time be amended, rescinded or substituted by a like proclamation.

4. (1) The Principal Act is further amended—

(a) by omitting subsection four of section five and by inserting in lieu thereof the following subsection:—

(4) Provided that where the total number of persons employed below ground in a mine does not exceed twenty, it shall be sufficient for the manager to hold a permit. The Minister is hereby authorised to grant such permit to any person who, in the opinion of the board of examiners of managers, has had sufficient experience to manage the mine in question. In the event of any person, who is the holder of such a permit to manage a mine, ceasing at any time to have charge of such mine he shall deliver up such permit to the Under Secretary within one month for cancellation.

(b) by inserting next after subsection five of the same section the following new subsection:—

(5A) Provided also that where a manager is absent from a mine for purposes of recreation or other cause for any period not exceeding two months in any one year the owner, subject to the approval of the Chief Inspector, may appoint a competent person to be manager during the period of such absence. The person so appointed shall have had not less than three years' practical experience in a mine.

(2) The amendment made by paragraph (a) of subsection one of this section shall not affect the validity of any permit granted by the Minister under subsection four of

Further amendment of Act No. 75, 1901.  
Sec. 5.  
(Appointment of manager of mine.)

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No. 4, 1945. of section five of the Principal Act before the commencement of this Act and having force or effect immediately before such commencement; and any such permit shall, notwithstanding the enactment of paragraph (a) of subsection one of this section, continue to have force and effect until the expiration of the period of twelve months for which it was granted.

Further amendment of Act No. 75, 1901.  
Subst. sec. 12.

Penalty on unqualified person taking charge of machinery.

5. The Principal Act is further amended—

(a) by omitting section twelve and by inserting in lieu thereof the following section:—

12. (1) Any person—

(a) who is not registered as the holder of a certificate of competency or of service as an engine-driver granted under this Act or of a certificate approved by the board of examiners of engine-drivers; or

(b) who (whether or not the holder of a certificate as aforesaid) by reason of deafness, total or partial, or defective sight or being subject to fits, giddiness or any other infirmity is unable to discharge his duties efficiently,

and who is in charge of machinery in use at any mine in which steam, water, electricity, gas, oil, or air, or any two or more of them are used as motive power (except water power used for pumping) and any other person who, knowing that such person is not registered as the holder of such certificate, or that he is subject to such defect or infirmity, employs any such person as aforesaid, shall be guilty of an offence against this Act.

(2) Any person who being registered as the holder of a certificate as aforesaid is in charge of any machinery in use at any mine and such machinery is not of the class or description of machinery of which he may be in charge or have the management under the authority of such certificate shall be guilty of an offence against this Act.

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(3) This section shall not extend to No. 4, 1945.  
persons in charge of—

(a) electric motors, other than those used for operating winding engines, in which the starting, stopping and acceleration are effected by contactor switches operated either automatically or by push buttons, and which are so used that in the opinion of an inspector there exists no risk to life or limb by such method of control, and provided the person who performs the duties of periodic inspection and servicing of such motors is registered as the holder of an electric motor driver's certificate of competency granted under this Act;

(b) boring machines, sinking pumps, electric motors not exceeding five horse power, air motors not exceeding ten horse power, and air winches not exceeding ten horse power when installed for hauling stope supplies.

(b) by inserting next after paragraph (f) of subsection two of section thirteen the following new paragraph:—

Sec. 13.  
(Board of examiners for engine-drivers.)

(g) prescribing the classes of certificates of competency or service as engine-drivers to be granted under this Act, and prescribing in respect of each class of certificate the class or description of machinery of which the holder shall be authorised to be in charge or have the management.

(e) (i) by omitting from section fourteen all words after the word "engine-drivers" and by inserting in lieu thereof the words "to have complied with the provisions of the rules made under paragraphs (d), (e) and (f) of subsection two of section thirteen of this Act and to have produced evidence satisfactory

Sec. 14.  
(Grant of certificates to applicants.)

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satisfactory to the said board of his physical fitness and that his sight, hearing and other faculties are unimpaired”;

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

(2) Every such certificate shall specify the class or description of machinery of which the holder is thereby authorised to be in charge or have the management. Every certificate, granted under this Division of this Part of this Act either before or after the commencement of the Mines Inspection (Amendment) Act, 1945, shall be valid and effectual only in respect of the class or description of machinery to which such certificate relates.

(3) Where the holder of a certificate granted under this Division of this Part of this Act authorising him to be in charge or have the management of a particular class of machinery makes application for a certificate of a higher grade in the same class the Minister may, before issuing the higher grade certificate, require the applicant to deliver up for cancellation the certificate held by him and upon the issue of the certificate of a higher grade, the Minister may cancel the certificate so delivered up.

(4) If any applicant fails or refuses to deliver up any certificate in accordance with the requirement of the Minister under subsection three of this section the Minister may withhold the issue of a certificate of a higher grade until such requirement has been complied with.

Sec. 16.  
(Certificate  
granted  
outside of  
New South  
Wales.)

- (d) by inserting at the end of subsection one of section sixteen the words “and of his physical fitness and that his sight, hearing and other faculties are unimpaired.”

6. The Principal Act is further amended—

- (a) by omitting from subsection four of section twenty-six the words “not now”;
- (b) by omitting section twenty-seven.

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Further amendment of Act No. 75, 1901.

Sec. 26.  
(Who shall not be employed in mines.)

Sec. 27.  
(Temporary saving for employment of minors.)

7. The Principal Act is further amended—

- (a) by inserting at the end of section thirty-five the words “Any person accompanying an inspector pursuant to section thirty-six of this Act who, without the consent of the owner of the mine, divulges or makes known to any person other than the Chief Inspector, Under Secretary, Minister, or inspector whom he so accompanies, except as a witness in a court of justice, any information obtained by him whilst so accompanying such inspector, shall be liable to a penalty not exceeding fifty pounds.”
- (b) (i) by inserting next after paragraph (b) of section thirty-six the following new paragraph:—
  - (bi) enter upon any private land in the performance of his duties;
- (ii) by inserting next after paragraph (c) of the same section the words—
 

“The Minister may authorise any surveyor, engineer, electrician, medical practitioner, or other competent person to accompany an inspector above or below ground for the purpose of assisting him in making investigations or in carrying out his duties or the exercise of his powers under this Act.”
- (iii) by inserting in the same section after the words “duty under this Act” the words “or any person so authorised to accompany him”;

Further amendment of Act No. 75, 1901.

Sec. 35.  
(Penalty on inspector divulging information.)

Sec. 36.  
(Powers of inspector.)

(iv)



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(iv) by inserting in the same section after the words "the inspector" the words "or person so authorised to accompany him";

**Sec. 41.**  
(Plans to be  
furnished.)

(c) (i) by inserting at the end of subsection one of section forty-one the words—

"The owner or manager of a mine, on being ordered to do so by the Minister by notice in writing, shall supply to an inspector a copy or tracing of the plan and sections deposited in the office at the mine in accordance with the foregoing provisions of this subsection and if such owner or manager fails within the time specified in such notice to supply such copy or tracing as aforesaid he shall be guilty of an offence against this Act. Such copy or tracing shall be filed by the inspector to whom it is supplied in the records of the Department of Mines."

(ii) by inserting in subsection four of the same section after the word "owner" where secondly occurring the words—

"The Minister may by notice in writing direct the owner or manager of any mine whether any men are employed below ground or not to supply to an inspector an accurate plan and sections of the mine workings."

(iii) by omitting from the same subsection the words "to make and deposit" and by inserting in lieu thereof the words "or direction of the Minister, as the case may be, to make and deposit or supply";

(iv) by inserting next after the same subsection the following new subsection:—

(5) The owner or manager of any mine shall, on the request of a check inspector, produce to the check inspector at the office of the mine during an inspection of the mine the plan and sections deposited therein pursuant to the requirements of this section.

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The check inspector shall be entitled to examine such plan and sections but shall not take away from the mine any copy thereof or divulge any information derived therefrom without the authority of the owner or manager.

Any owner, manager or check inspector who contravenes the provisions of this subsection shall be guilty of an offence against this Act.

8. The Principal Act is further amended by inserting next after section forty-two the following new sections:—

Further amendment of Act No. 75, 1901.  
New sect. 42A, 42a.  
Returns to be furnished.

42A. (1) The owner of every mine, quarry, or dredge shall, not later than the fifteenth day of February in each year, furnish to the Under Secretary a full return showing—

- (a) the quantity and value of the metal or mineral won from such mine or quarry, or from mining operations conducted by means of such dredge, during the year ending the thirty-first day of December next preceding;
- (b) the average number of men employed in or about such mine, quarry, or dredge during such year; and
- (c) such further particulars relating to the working and operations of the mine, quarry or dredge (other than those relating to working costs or costs of production) as the Under Secretary may from time to time require.

(2) Every such return shall be in the form prescribed by the Minister, and if the owner of any such mine, quarry, or dredge is a public company, such return shall be furnished by the manager or person acting in the management, or by the secretary of the company.

(3) Any such owner, manager, person, or secretary who fails to furnish a return within the prescribed time or in the prescribed form, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act.

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(4) The Minister may cause to be published the results of the returns made under this section with respect to the whole of New South Wales, or to any particular mining district, or mining division, or any large portion thereof.

(5) Every ore buyer shall keep a record of all metals, minerals, ore or concentrates purchased by him. Such record shall state the quantity and value of the metals, minerals, ore or concentrates, the name of the seller, the mine, quarry or dredge from which the metals, minerals, ore or concentrates were obtained and the title under which such mine, quarry or dredge is held. Such record shall be open to inspection by an inspector of mines or any person authorised in writing for that purpose by the Minister, and a copy thereof shall be furnished to the Under Secretary at such times as he may require. Such record shall be regarded as confidential and shall not be published in detail except with the consent of the ore buyer.

**Boreholes.**

42B. (1) The owner or manager of any mine, quarry or dredge who proposes to drill a borehole or to extend an existing borehole to a depth exceeding forty feet shall, before commencing the work, notify the Chief Inspector of his intention, and furnish to him particulars of the location of the borehole, and shall also either before or after commencing the work, furnish such additional particulars in relation to the borehole as the Chief Inspector may require.

(2) Where, in the course of drilling any such borehole, a core is obtained, such 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 or manager of the mine, quarry or dredge for at least one year after the completion of the borehole in such manner as the Chief Inspector may direct:

Provided that no samples need be kept where the borehole is sunk in surface gravel or alluvial ground:

Provided

Provided further that before disposing of any core or samples after the expiry of a year at least two weeks notice thereof shall be given by the owner or manager to the Chief Inspector. No. 4, 1945.

(3) Cores and samples preserved as aforesaid shall at all times be available for examination by the Government Geologist, Geological Surveyor or inspector of mines, or any other officer authorised in that behalf by the Minister, and specimens may be taken for purposes of assay or other treatment, but no information obtained as a result of such examination or treatment shall be published without the consent of the owner or manager unless the Minister sees fit to direct otherwise.

(4) The owner or manager of any mine, quarry or dredge who fails to act in compliance with this section or with any direction given thereunder shall be guilty of an offence against this Act.

9. The Principal Act is further amended—

(a) by inserting next after subsection two of section forty-three the following new subsection:—

(2A) After an explosion or accident in or about any mine, whether above or below ground, the manager shall permit a representative of the persons employed in or about the mine, who shall be one of the persons so employed, and a check inspector to make an inspection of the place where the explosion or accident occurred as soon as such inspection can safely be made. Such inspection shall be made in company with an inspector, if one is available. Such representative and check inspector shall, before leaving the mine, report in a book to be kept at the mine for the purpose the result of their inspection.

Further amendment of Act No. 75, 1901.  
Sec. 43.  
(Notice to be given of accidents in mines.)

(b) (i) by omitting from section forty-four the words "not less than twenty" and by inserting in lieu thereof the words "a total of not less than ten";

(ii) by inserting in paragraph (a) of the same section after the word "shaft" the words "or driving a tunnel"; (c)

Sec. 44.  
(Notice to be given of opening and abandonment of mine.)

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Sec. 45.

(Abandoned  
mine to be  
protected.)

- (c) (i) by omitting from subsection one of section forty-five the words "and every side entrance from the surface" and by inserting in lieu thereof the words "and any other opening considered to be a source of danger by an inspector";
- (ii) by omitting from subsection five of the same section the words "or side entrance" and by inserting in lieu thereof the words "or opening";

Sec. 46.

(Board of  
examiners  
may grant  
licenses to  
engineers to  
inspect  
boilers and  
give certifi-  
cates.)

- (d) (i) by inserting in subsections one and two of section forty-six after the word "boiler" wherever occurring the words "or air receiver";
- (ii) by omitting from subsection two of the same section the words "an inspector of mines or";
- (iii) by inserting at the end of the same section the following new subsections:—

(4) Whenever any person to whom a license has been granted under this section proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of such license, the Minister may cause a statement containing such particulars as the records of the Department of Mines may disclose with regard to the grant of such license to be made out and certified by the Chief Inspector and delivered to the applicant. Any such statement shall have the same effect as the original license, and for the purposes of this Act shall be deemed to be a license of the same nature as the original license.

(5) The Minister may make rules—

- (a) prescribing the qualifications of applicants for licenses under this section;
- (b) prescribing the places and times of holding examinations;

(c)

- (c) prescribing the fee to be paid by an applicant desiring to be examined; No. 4, 1945.
- (d) prescribing the fees to be charged for the examination and testing of boilers and/or air receivers under this section.

**10.** The Principal Act is further amended by inserting at the end of subsection one of section fifty-six the following new sub-paragraph:—

- (vii) the working of machinery on dredges and making provision for the safety of life and property in connection with dredges. Further amendment of Act No. 75, 1901.  
Sec. 56.  
(Power to make new general rules.)

**11.** The Coroners Act, 1912, as amended by subsequent Acts, is amended by inserting at the end of section seventeen the following new subsection:—

- (5) The provisions of this section shall apply, *mutatis mutandis*, to and in respect of coroner's inquests on the bodies of persons whose death may have been caused by explosions or accidents on dredges within the meaning of the Mines Inspection Act, 1901-1945. Amendment of Act No. 36, 1912.  
Sec. 17.  
(Accidents in coal and other mines.)

