

MINES REGULATION.

No. 100 of 1969.

AN ACT to amend the Mines Regulation Act, 1946-1968.

[Assented to 25th November, 1969.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Mines Regulation Act Amendment Act, 1969.*

Short title
and citation.

(2) In this Act the Mines Regulation Act, 1946-1968 is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Mines Regulation Act, 1946-1969.

Approved for
reprint 29th
July, 1966
and further
amended by
Act No. 68
of 1968.

Amendment
to s. 4.

2. Section 4 of the principal Act is amended—

- (a) as to the interpretation “foreman”, by substituting for the word “staff”, in line seven, the word “shift” ;
- (b) as to the interpretation “inspector”, by adding after the word “Act”, in the second line, the passage “and includes the person for the time being holding the office of State Mining Engineer, Assistant State Mining Engineer, or Senior Inspector of Mines for the State” ;
- (c) as to the interpretation “machinery”, by adding after the word “not”, in line eight, the word “hand” ;
- (d) as to the interpretation “mining”, by substituting for the word “cut”, in the second line, the word “cart” ;
- (e) as to the interpretation “quarry”,
 - (i) by deleting the words “and which is declared in writing by the Senior Inspector of Mines for the State to be a quarry”, in lines thirteen, fourteen, and fifteen; and
 - (ii) by adding after the word “excavation”, in line twenty-three, the passage “but does not include a plant used for making bricks, tiles, or similar products” ; and
- (f) as to the interpretation “underground”, by adding after the word “sunk”, in line nine, the words, “from the surface”.

Amendment
to s. 25.

3. Section 25 of the principal Act is amended—

- (a) as to subsection (1), by substituting for the word “The”, in line one, the passage “Subject to subsection (7) of this section, the” ;

- (b) by repealing subsection (2) and re-enacting it as follows—

(2) Subject to subsection (7) of this section, the underground workings of every mine employing less than twenty-five men underground shall, where required by a district inspector acting in the district where the mine is situated or in the mine, be under the control and daily supervision of an underground manager, who may be the registered manager, and who shall be the holder of an Underground Supervisor's Certificate of Competency under this Act or a certificate that is deemed equivalent thereto by the Board of Examiners established under this Act. ;

- (c) as to subsection (5)—

(i) by substituting for the words "more than twenty-five men are employed in or about a quarry", in lines two and three, the words "twenty-five men or more are employed in or about a quarry by the owner of the quarry"; and

(ii) by adding after the word "Act", being the last word in the subsection the passage "but, where explosives are not used in the quarry, it shall be sufficient if the quarry manager is the holder only of a Quarry Supervisor's Certificate of Competency or Service under this Act or a Certificate that is deemed equivalent thereto by the Board of Examiners established under this Act";

- (d) as to subsection (6), by substituting for the words "twenty-five men or less are employed in or about a quarry", in lines two and three, the words "less than twenty-five men are employed in or about a quarry by the owner of the quarry"; and

(e) as to subsection (7)—

- (i) by substituting for the passage beginning with the word “For”, in line one, and ending with the word “being”, in line four, the words “If for any reasonable cause there is not for the time being in underground workings or a quarry”; and
- (ii) by adding after the word “the”, in line nineteen, the words “underground workings or”.

Amendment
to s. 31.

4. Section 31 of the principal Act is amended by repealing subsection (1) and re-enacting it as follows—

(1) Where a person suffers injury in an accident in a mine and is thereby disabled from following his ordinary occupation and earning his usual rate of remuneration the manager shall, within the period of one week after the accident, or, if it appears to be a serious injury, shall, forthwith, give notice of the accident—

(a) to the inspector; and

(b) if the injured person is a member of a union, within the meaning of that term under the Industrial Arbitration Act, 1912, to the Secretary or local representative of the union. .

Amendment
to s. 39.

5. Section 39 of the principal Act is amended—

- (a) as to subsection (1), by substituting for the words “the hours in any day provided in the relevant Industrial Award”, in lines one, two, and three of paragraph (a), the words “seven and one-half hours in any day”;

(b) as to subsection (2), by deleting the words "is relieved of his work and", in lines four and five; and

(c) by adding subsections as follow—

(3) Subsection (1) of this section does not apply where a serious breakdown of plant, machinery or mine workings, or any other event occurs that causes a hazard or danger to the health or safety of the personnel employed in or about a mine.

(4) Where a workman accepts employment contrary to subsection (1) of this section, he and his employer are each guilty of an offence against this Act. .

6. Section 61 of the principal Act is amended— Amendment to s. 61.

(a) by repealing subsection (2) and re-enacting it as follows—

(2) Regulations may be made under this section—

(a) so as to apply

- (i) generally or in a particular class of case or in particular classes of cases;
- (ii) at all times or at a specified time or at specified times; and
- (iii) throughout the State or in a specified part or specified parts of the State;

- (b) so as to require a matter affected by them to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;
 - (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority;
 - (d) so as to provide that, in specified cases or a specified class of case or specified classes of cases, whether on specified conditions or unconditionally, persons or things of a class or classes of persons or things may be exempted from the provisions of the regulations, either wholly or to such extent as is specified; and
 - (e) so as to impose a penalty not exceeding forty dollars for any breach of the regulations. ; and
- (b) by adding after subsection (2) a subsection as follows—
- (2a) In subsection (2) of this section “specified” means specified in the regulations.
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