

WESTERN AUSTRALIA

COAL MINES REGULATION AMENDMENT ACT

No. 2 of 1990

AN ACT to amend the *Coal Mines Regulation Act 1946*.

[Assented to 2 July 1990.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Coal Mines Regulation Amendment Act 1990*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Coal Mines Regulation Act 1946** is referred to as the principal Act.

*[*Reprinted as authorized 2 September 1980 and amended by Acts Nos. 6 and 98 of 1985.]*

Section 19 amended

4. Section 19 of the principal Act is amended in subsection (6) (b) by inserting after “competency” the following—

“ or an open cut mine under manager’s certificate of competency ”.

Section 20A amended

5. Section 20A of the principal Act is amended in subsection (2) (b) (ii) by inserting after “open cut mine manager’s certificate of competency” the following—

“ , an open cut mine under manager’s certificate of competency ”.

Section 24 amended

6. Section 24 of the principal Act is amended in subsection (5) by deleting “, or of so much of the next following section as relates to the time for which persons shall not be employed underground, ”.

Section 27 repealed

7. Section 27 of the principal Act is repealed.

Section 41 amended

8. Section 41 of the principal Act is amended in subsection (1)—

(a) by deleting “and” after paragraph (d); and

(b) by inserting after paragraph (d) the following

“ (da) open cut mine under manager’s certificate of competency; and ”.

Section 41D amended

9. Section 41D of the principal Act is amended—

(a) by inserting after the section designation “41D.” the subsection designation “(1)”;

(b) by inserting after “unless” the following—

“ he has had not less than 3 years’ varied practical experience of a nature acceptable to the Board in open cut coal mining or other open cut mining or quarrying, including at least 12 months in open cut coal mining operations and at least 3 months’ practical experience in the use of explosives and ”;

(c) in paragraphs (a) and (b) by deleting subparagraph (i) and “and” after that subparagraph in each case; and

(d) by inserting the following subsection—

“ (2) In subsection (1) “quarrying” has the meaning given in section 4(1) of the *Mines Regulation Act 1946*. ”.

Section 41DA inserted

10. After section 41D of the principal Act the following section is inserted—

Open cut mine under manager's
certificate of competency

“ 41DA. A person is not entitled to an open cut mine under manager's certificate of competency unless—

(a) he—

(i) has had not less than 3 years' varied practical experience of a nature acceptable to the Board in or about an open cut, of which not less than 6 months has been practical experience in the use of explosives; and

(ii) has passed the examinations prescribed by the regulations in relation to that certificate; or

(b) he—

(i) has had not less than 2 years' varied practical experience of a nature acceptable to the Board in or about an open cut, of which not less than 6 months has been practical experience in the use of explosives; and

(ii) has fulfilled all the requirements for taking—

(A) a degree in engineering at a university in a State or Territory of the Commonwealth;

(B) a diploma in mining or engineering at a technical institute approved by the Board;

(C) a diploma in surface mining granted by the Technical Education Division of the department of the Public Service principally assisting the Minister of the Crown to whom the administration of the *Education Act 1928* is for the time being committed; or

(D) such other qualification as in the opinion of the Board is substantially equivalent to a degree or diploma specified in item (A), (B) or (C); and

(iii) has passed an examination prescribed in relation to that certificate requiring a knowledge of the mining laws of Western Australia as set forth in this Act and the regulations. ”.

Section 41F amended

11. Section 41F of the principal Act is amended in subsection (2)—

(a) in paragraph (a) by deleting “section forty-one A, forty-one B, forty-one C or forty-one E of this Act” and substituting the following—

“ section 41A, 41B, 41C, 41DA or 41E ”;

(b) by deleting “and” after paragraph (a);

(c) by deleting the full stop at the end of paragraph (b) and substituting the following—

“ ; and ”; and

(d) by inserting after paragraph (b) the following paragraph—

“ (c) in any case, the person has passed an examination prescribed in relation to that certificate requiring a knowledge of the mining laws of Western Australia as set forth in this Act and the regulations. ”.

Section 64 amended

12. Section 64 of the principal Act is amended in subsection (2b) by inserting after “deputy’s certificate of competency” the following—

“ , an open cut mine under manager’s certificate of competency ”.

