

MINES REGULATION.

No. 68 of 1968.

AN ACT to amend the Mines Regulation Act, 1946-1965.

[Assented to 18th November, 1968.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Mines Regulation Act Amendment Act, 1968.*

Vol. 20 of the
Reprinted
Acts.
Approved for
reprint 29th
July, 1966.

(2) In this Act the Mines Regulation Act, 1946-1965, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Mines Regulation Act, 1946-1968.

2. Section four of the principal Act is amended— Amendment
to s. 4.
- (a) by adding after the interpretation “agent”, interpretations as follow—
- “blasting agent” has the same meaning as it has in and for the purposes of the Explosives and Dangerous Goods Act, 1961;
- “emergency” means any serious breakdown of plant, machinery or mine workings or any other circumstances that could not have been reasonably foreseen and causes a hazard or danger to the health or safety of the personnel employed in or about a mine or would in the opinion of a district inspector for the district in which the mine is situated, seriously affect the production of the mine; ;
- (b) by substituting for the interpretation “explosives” an interpretation as follows—
- “explosives” has the same meaning as it has in and for the purposes of the Explosives and Dangerous Goods Act, 1961; ;
- (c) by adding after the interpretation “explosives” and interpretation as follows—
- “foreman” in relation to underground means a person directly responsible to the underground manager or superintendent and having, under the direction of that manager or superintendent, immediate charge of supervisors, staff bosses, and mining operations; ;
- (d) by substituting for the interpretation “machinery” an interpretation as follows—
- “machinery” means every steam engine, motor or other source of motive power, and every machine, shafting, belt, gearing, pulley, flywheel, lift,

crane, contrivance, or appliance driven by such engine or power and includes boilers and air receivers but not guided rock drills or small hand held power tools; ;

- (e) by substituting for the interpretation "mine" an interpretation as follows—

"mine" means a place where any operation for the purpose of obtaining any rock, metal, mineral or mineral substance has been, is being, or is to be carried on, or where the products of such a place are transported, treated or otherwise dealt with and includes pellet plants, sinter plants, smelter and blast furnaces, privately owned railways built to transport the mine ore or material and the ore storage at the rail terminal but does not include steel making plants or rolling mills; ;

- (f) by adding after the interpretation "mine" an interpretation as follows—

"mineral" does not include natural gas and mineral oil in the free state; ;

- (g) by substituting for the interpretation "mining" or "to mine" an interpretation as follows—

"mining" or "to mine" means to drill, blast, disturb, remove, cut, carry, wash, sift, melt, refine, crush, or otherwise deal with any rock, stone, quartz, clay, sand, soil, or mineral by any mode for the purpose of prospecting or developing mines or obtaining gold, other mineral, or mineral substance from it or for subsequent use in industry or for commercial purposes; ;

- (h) by adding after the interpretation "prescribed" an interpretation as follows—

"quarry" means a site which is mined as a clay pit, sand pit, gravel pit, borrow pit, or open cut mine not being worked in conjunction with underground mining, or where ore or rock is being mined or broken by jets of water or like material, or in like manner, and also means an excavation where any operation is carried on for the purpose of obtaining mineral or rock for commercial purposes or subsequent use in industry and which is declared in writing by the Senior Inspector of Mines for the State to be a quarry and it includes works, machinery, and plant used in connection with such operations on the site, the excavation or elsewhere, and also includes any place on which any product of those operations is stacked, stored or otherwise treated and which adjoins the site or excavation, and the word "quarrying" has a corresponding meaning; ;

- (i) by adding after the interpretation "rise" interpretations as follow—

"rock" means any portion of the earth's crust whether consolidated or not;

"section" means a section of this Act; ;
and

- (j) by adding after the interpretation "shaft" interpretations as follow—

"shift boss" in relation to underground or to a quarry means a person, not being the foreman, having immediate supervision of men and direction of mining operations but being under the direction of the underground manager, underground superintendent, underground foreman, or quarry manager, as the case may be;

“supervisor” has the same meaning as “shift boss”;

“underground” means any mine workings beneath the natural surface of the earth which are covered overhead by natural rock or earth, or by any earth, rock, fill, timber or other material placed in the course of mining operations, and it includes tunnels, adits, drifts, shafts, and winzes over six feet deep sunk that are used in mine workings;

“underground manager” means the manager having under the general direction and control of the registered manager, the immediate direction and control of underground operations of a mine;

“underground superintendent” means an underground manager or assistant underground manager of a mine or section of it, to whom the underground foreman, underground shift boss or underground supervisor is responsible; .

**Amendment
to s. 12.**

3. Section twelve of the principal Act is amended by deleting the words “or animals”, in lines five and six of paragraph (c) of subsection (1) and in lines five and six of paragraph (c) of subsection (2).

**Amendment
to s. 22.**

4. Section twenty-two of the principal Act is amended—

(a) by deleting the words “or animal”, in line six; and

(b) by deleting the words “and animals”, in line nine of paragraph (2).

**Amendment
to s. 23.**

5. Section twenty-three of the principal Act is amended as to paragraph (3), by substituting for the words “resident or police”, in line five, the word “stipendiary”.

6. Section twenty-four of the principal Act is amended— Amendment to s. 24.

(a) as to subsection (2)—

- (i) by adding after the word “every”, in line one, the word “registered”; and
- (ii) by deleting the passage beginning with the word “or”, where it first occurs in line three, and ending with the word “registrar”, in line four;

(b) by repealing subsection (3); and

(c) as to subsection (4)—

- (i) by adding after the word “any”, in line one and after the word “deputy”, in line five, the word “registered” in both cases; and
- (ii) by deleting the passage “, warden, mining registrar or Under Secretary for Mines”, in lines six, seven and eight.

7. Section twenty-five of the principal Act is amended— Amendment to s. 25.

(a) by repealing subsections (3) and (4); and

(b) by adding at the end of the section, subsections as follow—

(5) Subject to subsection (7) of this section, if more than twenty-five men are employed in or about a quarry, the quarry shall be under the control and daily supervision of a quarry manager, who may be the registered manager and who shall be a holder of a First Class Mine Manager's Certificate of Competency under this Act, a Quarry Manager's Certificate of Competency or of Service under this Act, or a Certificate that is deemed equivalent thereto by the Board of Examiners established under this Act.

(6) Subject to subsection (7) of this section, if twenty-five men or less are employed in or about a quarry, where required by a district inspector in the district wherein the quarry is situated, the quarry shall be under the control and daily supervision of a quarry manager, who may be the registered manager and who shall be the holder of a First Class Mine Manager's Certificate of Competency under this Act, a Quarry Manager's Certificate of Competency or of Service under this Act, a Quarry Supervisor's Certificate of Competency or of Service under this Act, or a Certificate that is deemed equivalent thereto by the Board of Examiners established under this Act.

(7) For the purposes of subsections (5) and (6) of this section, if for any reasonable cause there is not for the time being the required certificated manager available, or if he is incapacitated from performing his duties or is absent from the mine, the registered manager or the owner may, subject to subsection (8) of this section, appoint some competent person, whether the holder of a Certificate under this Act or not, to be deputy underground manager or quarry manager, as the case requires, during the period that the required certificated manager is not available, or is so incapacitated or so absent, and the owner, agent, or manager, shall forthwith notify a district inspector acting in the district wherein the quarry is situated of the appointment and the reason for it.

(8) Except with the approval of the Minister, an appointment pursuant to subsection (7) of this section shall not be made for a period exceeding four weeks.

8. Section twenty-seven of the principal Act is repealed and re-enacted as follows—

Repeal and
re-enact-
ment of s. 27.

27. Every manager shall, within a period of seven days after he has assumed control and management of a mine, report the fact in writing to a district inspector acting in the district wherein the mine is situated and, if he ceases to have such control and management, shall, within a period of seven days thereafter, report the fact in writing to such inspector. .

9. Section twenty-eight of the principal Act is amended—

Amendment
to s. 28.

- (a) by adding after the word “a”, in line two, the word “registered”; and
- (b) by adding after the word “underground”, in line five, the words “or quarry”.

10. Subsection (2) of section thirty of the principal Act is amended by deleting the passage “warden, mining registrar or Under Secretary for Mines,” in lines four and five.

Amendment
to s. 30.

11. Section thirty-one of the principal Act is amended—

Amendment
to s. 31.

- (a) as to subsection (1), by substituting for the passage beginning with the word “warden”, in line five, and ending with the word “Mines”, in line six, the passage “Senior Inspector of Mines for the State or the State Mining Engineer”;
- (b) as to subsection (3) by adding a paragraph as follows—
 - (c) Any accident, including fuming, arising out of the use of explosives or blasting agents shall be treated as serious. ; and

(c) by adding at the end of the section a subsection as follows—

(5) The manager shall, forthwith after the occurrence of—

- (a) any extensive subsidence, settlement or fall of ground or any major collapse of any part of the workings of a mine, or any earth movement caused by seismic event;
- (b) any outbreak of fire above or below ground in any mine;
- (c) any breakage of a rope, cable, chain or other gear by which men are raised or lowered;
- (d) any inrush of water from old underground workings or other source;
- (e) any accidental ignition of dust below ground or the discovery of the presence of gas or an outburst of gas in any part of a mine; or
- (f) any accidental ignition or detonation of explosives, or any delayed or fast ignition of explosives,

whether or not any bodily injury to any person or damage to property has resulted from such occurrence, give notice of it to a district inspector for the district wherein the mine is situated and give to him such particulars in respect of the occurrence as he may require and the manager shall record particulars of the occurrence in the Record Book.

13. Section thirty-three of the principal Act is repealed. Repeal of s. 33.

14. Section thirty-four of the principal Act is amended— Amendment to s. 34.

- (a) as to subsection (1), by deleting the passage beginning with the word “or”, in line five and ending with the word “thirty-two”, in line seven; and
- (b) by repealing subsection (2).

15. Section thirty-six of the principal Act is repealed and re-enacted as follows— Repeal and re-enactment of s. 36.

36. (1) Subject to section thirty-seven, a person shall not be employed in charge of winding machinery used in a mine for more than eight consecutive hours on the surface and seven and one-half hours underground and between two periods of being so employed shall have an interval of at least eight hours.

(2) For the purposes of subsection (1) of this section, hours of work are inclusive of meal times but exclusive of any time occupied in starting or closing down the machinery.

16. Section thirty-seven of the principal Act is repealed and re-enacted as follows— Repeal and re-enactment of s. 37.

37. A person employed in charge of winding machinery may work reasonable over-time to meet an emergency which necessitates his employment in excess of the hours mentioned in subsection (1) of section thirty-six but shall not— Excess hours in special circumstances.

- (a) be required to work such over-time without his consent;
- (b) be employed for more than twelve consecutive hours; or
- (c) be employed for more than sixty hours in one week.

Repeal and
re-enact-
ment of
s. 38.

17. Section thirty-eight of the principal Act is repealed and re-enacted as follows—

38. (1) Except as permitted by sections thirty-six and thirty-seven, a workman shall not, subject to subsections (2) and (3) of this section, be employed in or about a mine—

- (a) for more than the hours and days provided in the relevant Industrial Award;
- (b) on a Sunday without his consent; or
- (c) for more than thirteen consecutive days in any fortnight.

(2) The provisions of subsection (1) of this section do not apply to foremen, shift bosses, supervisors, caretakers or watchmen.

(3) The provisions of paragraph (b) of subsection (1) of this section do not apply to persons employed in connection with—

- (a) smelting or roasting furnaces, ore reduction plants, or other plants where mining products are treated or dealt with in a continuous process;
- (b) the crushing and screening of mining products;
- (c) the loading and transportation of mining products;
- (d) the operation of power plants, water supply plants, or pumping plants; or
- (e) the maintenance and repairs of machinery and plant.

(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.

Repeal and
re-enact-
ment of
s. 39.

18. Section thirty-nine of the principal Act is repealed and re-enacted as follows—

39. (1) A person shall not be employed to work underground—

- (a) for more than the hours in any day provided in the relevant Industrial

Award unless he is a skipman or platman carrying out his duties as such on a normal working day;

- (b) for more than six shifts in any week;
or
- (c) for a sixth shift without his express consent.

(2) For the purposes of subsection (1) of this section, a person is deemed to be employed underground from the time he commences to descend a mine for his work until he is relieved of his work and commences to return to the surface.

19. Subsection (1) of section forty of the principal Act is repealed and re-enacted as follows—

Amendment
to s. 40.

(1) A person shall not be employed in a mine as a registered manager, assistant manager, underground manager, quarry manager, superintendent, foreman, shift boss, supervisor, platman, skipman, braceman, or engine driver unless he is able to speak the English language readily and intelligibly and to read it whether printed or written. .

20. Section forty-one of the principal Act is repealed and re-enacted as follows—

Repeal and
re-enact-
ment of
s. 41.

41. (1) A female shall not be employed underground. .

(2) Except for a cadet or apprentice gaining the required experience as training for a profession or trade, a boy under the age of sixteen years shall not be employed underground. .

21. The heading before section forty-two of the principal Act is amended by substituting for the words "IN MINES" the word "UNDERGROUND".

Amendment
of heading.

Amendment
to s. 42.

22. Section forty-two of the principal Act is amended by substituting for the words "in or about any mine", in line four, the word "underground".

Repeal and
re-enact-
ment of
s. 44.

23. Section forty-four of the principal Act is repealed and re-enacted as follows—

44. Section forty-two does not apply to the employment of persons engaged—

- (a) in repairing any shaft, plat, bin, engine or machinery so that it may be in working order at the close of Sunday;
- (b) in pumping or otherwise clearing water from a mine so that work may be resumed at the close of Sunday;
- (c) in sinking any shaft in wet ground if in the opinion of an inspector the inflow of water is so serious as to necessitate continuous work;
- (d) in doing any work necessitated by a dangerous emergency;
- (e) in cleansing spillage from a shaft; or
- (f) in doing work authorised by an inspector pursuant to section forty-five.

Amendment
to s. 45.

24. Section forty-five of the principal Act is amended—

- (a) as to subsection (1), by adding, after the word "labour", in line two, the word "underground"; and
- (b) by repealing subsections (3) and (4).

Amendment
to s. 46

25. Subsection (1) of section forty-six of the principal Act is amended as to paragraph (a) by deleting the words "in any shaft", in lines six and seven and again in line eight.

26. Section fifty-two of the principal Act is amended by deleting the passage “or check inspector,” in line two. Amendment
to s. 52.

27. Subsection (1) of section sixty-one of the principal Act is amended— Amendment
to s. 61.

- (a) as to paragraph (c), by deleting the word “underground”, in line two;
 - (b) as to paragraph (d), by deleting the word “underground”, in lines two and three and again in line six;
 - (c) as to paragraph (e), by adding after the word “explosives”, wherever appearing in the paragraph, the words “and blasting agents”;
 - (d) as to paragraph (m), by substituting for the word “underground”, in line two, the words “in or on a mine”;
 - (e) as to paragraph (n), by adding after the word “in”, in line two, the words “or on”;
 - (f) as to paragraph (q), by substituting for the words “in use on mines”, in line four of subparagraph (vii), the words “or machinery or engines in use or on mines”; and
 - (g) as to paragraph (u), by deleting the passage “, refuse from underground stables”, in lines two and three of subparagraph (iii).
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