



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 66 of 1978

An Act to amend the Mines and Works Inspection Act, 1920-1974.

[Assented to 12th October, 1978]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Mines and Works Inspection Act Amendment Act, 1978". Short titles.

(2) The Mines and Works Inspection Act, 1920-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Mines and Works Inspection Act, 1920-1978".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "agent" the following definition:—

"default penalty" means a default penalty provided for by section 24a of this Act: ;

(b) by striking out the definition of "machinery" and inserting in lieu thereof the following definition:—

"machinery" means any machinery, plant, equipment, implement, or device used or designed or adapted for use in the course of any mining operation:;

Amendment of principal Act, s. 4—
Interpretation.

(c) by striking out the definition of "mining" or "to mine" and inserting in lieu thereof the following definitions:—

"mineral" means—

(a) any—

- (i) metal;
- (ii) metalliferous ore;
- (iii) coal;
- (iv) guano;
- (v) precious or other stone;
- (vi) salt;
- (vii) gypsum;
- (viii) gravel;
- (ix) shale;
- (x) shell;
- (xi) sand;
- (xii) clay;
- (xiii) soil;

or

(xiv) earthy substance,

occurring, whether naturally or otherwise, in, on or under the ground or in the sea or any other waters;

or

(b) any substance declared by proclamation under this section to be a mineral:

"mining" or "mining operation" means—

(a) any operation carried on in the course of searching for or recovering any mineral;

(b) any operation carried on at any works;

or

(c) any operation declared by proclamation under this section to be a mining operation,

but does not include any operation declared by proclamation under this section not to be a mining operation:;

(d) by striking out the definition of "works" and inserting in lieu thereof the following definition:—

"works" means—

(a) any—

- (i) battery;
- (ii) crushing plant;
- (iii) ore concentrating works;
- (iv) cyanide or chlorination works;
- (v) leaching plant;

- (vi) smelting or metal refining works;
- (vii) pellet plant;
- (viii) salt works;
- (ix) pre-mix concrete works;

or

- (x) road-base plant,

that is situated on or adjacent to the place at which a mining operation referred to in paragraph (a) of the definition of "mining operation" in this section is carried on;

or

- (b) any works declared by regulation to be works, but does not include any works declared by regulation not to be works.;

and

- (e) by inserting after the present contents, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

- (2) The Governor may by proclamation—

- (a) declare any substance to be a mineral;

or

- (b) declare any operation or class of operations to be or not to be a mining operation or operations;

and may by proclamation from time to time revoke, alter or amend such proclamation.

4. Section 5a of the principal Act is repealed.

Repeal of
s. 5a of
principal Act.

5. Section 7 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 7—
Inspection for
official
purposes.

- (1) Any officer authorized by the Minister may, with such assistants as the officer deems necessary, at any reasonable time, enter and inspect any mine for official purposes.

6. Section 8 of the principal Act is amended—

Amendment of
principal Act,
s. 8—
Disqualification
for office of
inspector.

- (a) by inserting in paragraph (c) of subsection (1) immediately before the word "holds" the word "knowingly";

and

- (b) by striking out from subsection (2) the passage "two hundred dollars" and inserting in lieu thereof the passage "one thousand dollars".

Amendment of
principal Act,
s. 9—
Inspector not to
report or
divulge
information
without
authority.

7. Section 9 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “as aforesaid” the passage “or pursuant to subsection (1a) of this section”;

(b) by inserting after subsection (1) the following subsection:—

(1a) The chief inspector of mines may—

(a) upon application by any person and payment of the fee fixed by the Minister;

and

(b) with the approval of the Minister,

release to that person any statements of fact contained in a report made by an inspector on an accident occurring in a mine or mining property or prospect or connected with any mining operation or undertaking.;

and

(c) by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “one thousand dollars”.

Amendment of
principal Act,
s. 10—
Powers of
inspector on
inspection.

8. Section 10 of the principal Act is amended—

(a) by striking out the word “and” immediately following subparagraph (c) of paragraph III of subsection (1) and inserting in lieu thereof the following subparagraph and word:—

(ca) any accident in or about any mine causing loss of life or personal injury;

and;

(b) by striking out from subsection (3) the passage “for a first offence, one hundred dollars, and for any subsequent offence two hundred dollars” and inserting in lieu thereof the passage “for a first offence, two thousand dollars, and for any subsequent offence, four thousand dollars and liable to a default penalty not exceeding two hundred dollars”;

and

(c) by inserting after subsection (3) the following subsections:—

(4) Where an order or direction is given by an inspector under this section to the owner of a mine to carry out any work and the owner is found guilty of an offence against subsection (3) of this section for failing to comply with the order or direction, the inspector, with the approval of the Minister, may, with such assistants as the inspector considers necessary, enter and cause that work to be carried out.

(5) The cost of carrying out the requirements of an order or direction of an inspector under subsection (4) of this section may be recovered from the owner of the mine in a summary manner as a debt due to the Crown.

(6) A document purporting to be signed by the chief inspector of mines stating the cost referred to in subsection (5)

of this section shall, in the absence of proof to the contrary, be accepted as proof of that cost in any proceedings for its recovery.

- 9.** Section 11 of the principal Act is repealed. Repeal of
s. 11 of
principal Act.
- 10.** Section 12 of the principal Act is amended— Amendment of
principal Act,
s. 12—
Miners'
inspectors.
- (a) by striking out from subsection (1) the passage “at their own cost”;
and
- (b) by striking out from subsection (2) the passage “at their own cost”.
- 11.** Section 13 of the principal Act is amended by striking out the passage “one hundred dollars” and inserting in lieu thereof the passage “one thousand dollars”. Amendment of
principal Act,
s. 13—
Obstructing or
refusing to
assist
inspector.
- 12.** Section 17 of the principal Act is repealed and the following section is enacted and inserted in its place:— Repeal of
s. 17 of
principal Act
and enactment
of section in
its place.
17. A person shall not, except with the written consent of the Minister, employ, or suffer or permit to be employed, underground in any mine, any person under the age of eighteen years. Employment
underground
of certain
persons
prohibited.
- Penalty: Five hundred dollars.
- 13.** Section 18 of the principal Act is amended— Amendment of
principal Act,
s. 18—
Regulations.
- (a) by striking out subsection (3) and inserting in lieu thereof the following subsection:—
- (3) The regulations may provide for the imposition of penalties not exceeding in each case one thousand dollars for a breach of any provision of a regulation and in addition the regulations may provide for the imposition of a default penalty for a breach of any provision of a regulation.;
- and
- (b) by striking out subsection (4).
- 14.** The following section is enacted and inserted in the principal Act after section 24 thereof:— Enactment of
s. 24a of
principal Act—
- 24a. (1) Where in or at the foot of any provision of this Act there appears the expression “default penalty”, the expression indicates— Default
penalties.
- (a) that a person convicted of an offence against that provision in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable to that offence, to a penalty for each day during which the act or omission continued of not more than the amount stipulated as the amount of the default penalty, or if no amount is stipulated, of not more than one hundred dollars;
- and

(b) that if the act or omission continues after he is convicted, he shall be guilty of a further offence against that provision and liable, in addition to the penalty otherwise applicable to that further offence, to a penalty for each day during which the act or omission continued after that conviction of not more than the amount stipulated as the amount of the default penalty, or if no amount is stipulated, of not more than one hundred dollars.

(2) Where an offence against a provision of this Act consists of an omission to do something that is required or directed to be done, the omission shall, for the purposes of subsection (1) of this section, be deemed to continue for so long as the thing required or directed to be done remains undone after the expiration of the period for compliance with the requirement or direction.

Amendment of
second
schedule of
principal Act—

15. The second schedule to the principal Act is amended by inserting after item 25 the following items:—

Certification.

26. The medical certification of employees and the certification of persons in charge of certain declared types of machinery.

Waste.

27. The disposal or overburden or other waste from mining operations.

Repeal of
third
schedule of
principal Act.

16. The third schedule to the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor