

# COAL MINES REGULATION.

15° and 16° Geo. VI., No. XXVI.

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No. 26 of 1951.

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

[Assented to 12th December, 1951.]

**B**E it enacted by the King'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. This Act may be cited as the *Coal Mines Regulation Act Amendment Act, 1951*, and shall be read as one with the Coal Mines Regulation Act, 1946 (Act No. 63 of 1946), referred to in this Act as the principal Act.

Short title.

2. The principal Act, as amended by this Act, may be cited as the Coal Mines Regulation Act, 1946-1951.

Citation of principal Act as amended by this Act.

S. 5  
amended.

3. Section five of the principal Act is amended by—

(a) adding after the word, “requires” in line one the following interpretation—

“agent” means a person superior to the manager who is the holder of a first-class certificate of competency under this Act, having control of a group of mines and who directs the policy and acts as the representative of the owner in respect of any mine or group of mines;

(b) adding after the word, “State” in line one of the interpretation, “inspector” the word, “Coal”;

(c) adding after the word, “agent” in line five of the interpretation, “owner” the words, “or superintendent,”;

(d) adding after the interpretation, “shaft” the following interpretations—

“superintendent” has the same meaning as “agent”;

“union” means The Coal Miners’ Industrial Union of Collie and any other industrial union which has members employed in the coal industry;.

S. 5A added.

4. The principal Act is amended by adding the following section—

State Coal  
Mining  
Engineer.

5A. (1) The Governor may appoint a person to the office of State Coal Mining Engineer.

(2) The office shall be subject to the provisions of the *Public Service Act, 1904-1950*.

(3) The duties of the office of State Coal Mining Engineer shall be as prescribed by this Act and the regulations and general rules.

S. 7  
amended.

5. Section seven of the principal Act is amended by substituting for all words in lines two, three and four the words, “of the State Coal Mining Engineer”.

6. Paragraph (a) of section eight of the principal Act is amended by adding after the word, "work" in line six the words, "and is the holder of a first class certificate of competency under this Act". S. 8  
amended.

7. Section twelve of the principal Act is amended by— S. 12  
amended.

- (a) adding after the word, "all" in line two of paragraph (b) of subsection (1) the word, "reasonable";
- (b) adding after the word, "night" in line three of paragraph (b) of subsection (1) the words, "when there is any person in the mine";
- (c) substituting for the word, "any" in line nine of paragraph (c) of subsection (1) the word, "a";
- (d) adding after the word, "employee" in line nine of paragraph (c) of subsection (1) the words, "for which purpose the manager shall appoint an official who may be himself or appoint an employee";
- (e) adding after the word, "all" in line two of paragraph (b) of subsection (2) the word, "reasonable";
- (f) adding after the word, "night" in line three of paragraph (b) of subsection (2) the words, "when there is any person in the mine";
- (g) adding after the word, "assistants" in line three of paragraph (b) of subsection (2) the words, "approved by a departmental inspector";
- (h) substituting for the word, "any" in line nine of paragraph (c) of subsection (2) the word, "a";
- (i) adding after the word, "employee" in line nine of paragraph (c) of subsection (2) the words, "for which purpose the manager shall appoint an official who may be himself or appoint an employee";

- (j) substituting for the words, "a departmental inspector" in line one of paragraph (d) of subsection (2) the words, "the State Coal Mining Engineer";
- (k) adding after the subsection number, "(3)" the letter "a" in brackets, thus, "(a)";
- (l) deleting the words, "or workmen's" in line one of subsection (3);
- (m) adding the following paragraph to subsection (3)—
  - (b) Where a workmen's inspector inspects a mine he shall make a full and true report in his own handwriting of the result of the inspection in triplicate in a book which the manager shall cause to be kept at the office of the mine for that purpose and called the record book. The manager shall retain the original copy of the report in the record book and shall immediately on receiving the report cause to be posted one copy in a conspicuous position near the entrance to the mine workings and send one copy to the senior inspector of mines;
- (n) adding the following subsection—
  - (4) The departmental inspector shall keep the working of the coal seams under observation and should he observe that the coal seams are being worked in such a manner that the wastage of coal is not being minimised, he shall submit a written report of the circumstances to the State Coal Mining Engineer.

s. 14  
amended.

8. Section fourteen of the principal Act is amended by adding before the word, "an" in line three the words, "to the extent required by the provisions of section twelve of this Act or".

s. 15  
amended.

9. Section fifteen of the principal Act is amended by adding after the word, "means" in line four of subsection (2) the word, "reasonably".

10. Subsection (1) of section seventeen of the principal Act is amended by substituting for the words, "owner or manager of the mine" in lines twelve and thirteen the words, "owner, superintendent and manager of the mine and union concerned". S. 17  
amended.

11. Subsection (1) of section eighteen of the principal Act is amended by adding after the word, "and" in line three the words, "if that officer or other person is qualified to do so to". S. 18  
amended.

12. Section nineteen of the principal Act is amended by— S. 19  
amended.

(a) adding the following subsection—

(4a) In cases where, on account of the absence of the manager or under manager on leave or from sickness, such daily supervision as is required by this section cannot be exercised, arrangements shall be made for the duties of the manager, or under manager, as the case may be, to be performed—

(a) in the absence of the manager, by the under manager, if any, or by a person holding a first-class certificate of competency under this Act;

(b) in the absence of the under manager, by a person holding a first-class or second-class certificate of competency under this Act;

and any person performing the duties of a manager or under manager shall have the same responsibility and shall be subject to the same liability as the person whose duties he is performing.;

(b) adding after the word, "second-class" in line two of subsection (5) the words, "or third-class";

(c) adding after the word, "manager" secondly appearing in line four of subsection (5) the words, "or deputy".

S. 20  
amended.

13. Section twenty of the principal Act is amended by—

(a) repealing and re-enacting subsection (1) as follows—

(1) (a) In every mine daily personal supervision shall be exercised either by the manager or by an under manager, nominated in writing by the owner or agent of the mine.

(b) The owner or agent shall send written notice to the inspector of the district of the under manager's name and address within fourteen days after the nomination of the under manager.

(c) Every under manager so nominated must be for the time being registered as the holder of either a first-class or second-class certificate of competency under this Act;

(b) adding after the word, "Act" at the end of subsection (3) the following words—"and is the holder of a first aid certificate qualifying him to render first aid to the injured or sick person but where at the coming into operation of the Coal Mines Regulation Act Amendment Act, 1951, a person is employed as a deputy he shall not be required to be the holder of such a certificate before the first day of January, one thousand nine hundred and fifty-three and persons who at that time have attained the age of fifty-five years are exempted from the requirement of holding such a certificate."

S. 21  
amended.

14. Section twenty-one of the principal Act is amended by repealing and re-enacting subsection (4) as follows—

(4) Every superintendent and manager who fails to act in compliance with this section shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent the offence by publishing and, to the best of his powers, enforcing the observance of those provisions.

15. Section twenty-two of the principal Act is amended by— S. 22  
amended.

- (a) adding after the word, “discontinued” in line two of paragraph (b) the words, “or where a part of the seam is sealed”;
- (b) adding after the word, “seam” in line one of paragraph (c) the words, “or a sealed area”.

16. Paragraph (c) of subsection (3) of section twenty-three of the principal Act is amended by— S. 23  
amended.

- (a) adding after the word, “occasioning” in line one the word, “serious”;
- (b) substituting for the words, “three miners” in line five the words, “two mine workers”;
- (c) adding after the word, “him” in line seven the words, “unless such non-interference unduly impedes the working of the mine”.

17. Section twenty-four of the principal Act is amended by adding the following subsection— S. 24  
amended.

(4a) No person unable readily and intelligibly to speak the English language shall be employed underground in a mine, but in cases of hardship the departmental inspector may grant an exemption from the provisions of this subsection.

18. The principal Act is amended by adding the following section— S. 25A  
added.

25A. No boy shall be employed in or about a mine between the hours of 10 p.m. and 8 a.m. Employment  
of boys  
prohibited.

19. Subsection (1) of section twenty-six of the principal Act is amended by adding after the word, “person” in line one the word, “knowingly”. S. 26  
amended.

20. Section thirty-four of the principal Act is amended by— S. 34  
amended.

- (a) substituting for the words, “a dangerous emergency” in lines one and two of paragraph (e) of subsection (3) the words, “an emergency which could not have been reasonably foreseen by the manager”;

- (b) adding after the word, "mouth" in line seventeen of subsection (4) the words, "and the departmental inspector shall give written notice to the union concerned of permits so granted".

S. 36  
amended.

21. Section thirty-six of the principal Act is amended by—

- (a) substituting for all words in lines one to five, both inclusive, of subsection (1) the words, "The owner, agent or superintendent, and manager shall keep, in the office at the mine, an accurate working plan of the mine workings showing the workings up to a date not more than one month previously, also a main plan made up to a date not more than three months previously, showing the workings of the mine, together with a";
- (b) substituting for the word, "mark" in line four of subsection (2) the words, "cause to be marked";
- (c) adding the following subsection—

(2a) The Manager shall cause a skeleton plan of the mine on a scale of not less than six chains to an inch to be placed in a conspicuous position at the entrance of the mine showing the position of all existing workings, intake and return airways, main haulage roads and travelling roads. The intake airways shall be coloured blue and the return airways red. A similar plan shall also be placed in the deputies' cabin on a scale of not less than four chains to the inch showing the workings in their section.

S. 41  
amended.

22. Section forty-one of the principal Act is amended by substituting for all words in the last five lines of subsection (1) the following words—  
"But no person shall be entitled to a certificate of competency unless—

- (i) he has had practical experience in a mine for at least five years; or



- (ii) he has had practical experience in a mine for at least three years and has either obtained a degree in engineering at the University of Western Australia or the Technical College or School of Mines or at some other University approved by the Board of Examiners, or has passed through a regular course of mining study of at least two years' duration in a school of mining, and has received after due examination from some university, school of mines or other body approved by the Minister, a diploma, degree, license or certificate.

23. Section forty-nine of the principal Act is amended by— S. 49 amended.

- (a) adding after the word, "equipment" in paragraph (zq) of subsection (2) the words, "and electrical machines and locomotives";
- (b) repealing subsection (3); Cf. No. 30 of 1918, s. 6.
- (c) adding the following subsection—

(3a) To the extent of any inconsistency between the provisions of regulations made pursuant to the provisions of paragraph (zq) of subsection (2) of this section and the provisions of any other Act, or any other regulations made pursuant to the provisions of any other Act, the provisions of the regulations made pursuant to the provisions of paragraph (zq) of subsection (2) of this section shall prevail.

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