

Queensland



COAL MINING ACT 1925

**Reprinted as in force on 2 January 1998
(includes amendments up to Act No. 62 of 1997)**

Reprint No. 2

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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COAL MINING ACT 1925

[as amended by all amendments that commenced on or before 2 January 1998]

An Act to consolidate and amend the laws with respect to prospecting and mining for coal and the regulation of coal mines

PART 1—PRELIMINARY

Short title

1.(1) This Act may be cited as the *Coal Mining Act 1925*.

(3) This Act shall be read as one with the *Mineral Resources Act 1989*.

Act does not apply to petroleum, natural gas, or mineral oil

3.(1) This Act does not apply to petroleum occurring in a free state and which may be so obtained by borings or wells, or to natural gas or to mineral oil which may be extracted from coal, shale, or other rock by some industrial process.

(1A) Notwithstanding anything hereinbefore contained in this section, part 4 and any rule made pursuant to section 96 or 97 shall extend and apply to and with respect to every mine or other place where coal, shale, or any other rock is or is being mined or obtained in any other manner for the purpose of extracting mineral oil therefrom by some industrial process.

(2) Every coal mine shall be classified as either an underground coal mine or as an open cut coal mine.

(3) The Governor in Council may, by order in council, declare any coal mine to be an underground coal mine or to be an open cut coal mine irrespective of the method of working that coal mine and, thereupon, for so

long as the order in council remains in force the coal mine in question shall be deemed to be the class of coal mine as so declared.

Application of Act

3A.(1) The Governor in Council may, by order in council, exempt any mine or part of a mine in respect of which a project within the meaning of the *Workplace Health and Safety Act 1989* is undertaken from all or any of the provisions of this Act (other than this section) either absolutely or upon and subject to such conditions as are specified in the order in council.

(2) Any mine or part of a mine exempted under subsection (1) shall remain exempt from the provisions of this Act (other than this section) to the extent prescribed by the order in council exempting that mine or that part of a mine during—

- (a) the continuance in force of the order in council; and
- (b) the compliance in all respects by the owner, agent or manager of that mine and by all persons under the manager's control with the conditions, if any, specified in the order in council.

(3) For so long as a mine or part of a mine remains exempt from the provisions of this Act pursuant to subsection (2), the mine or part, for the purposes of the *Workplace Health and Safety Act 1989*, section 4, is a mine to which this Act does not apply.

Definitions

4. In this Act—

“accredited corporation”, for part 4A, means a corporation accredited under section 103I(2).

“agent” means the person or body corporate having as the attorney or representative of the owner the care direction or control of the coal mine or of any works connected therewith and of the manager.

“approved” means approved by the chief inspector.

“below ground” has the same meaning as is assigned by this Act to the term “underground”.

“board of examiners” means the board of examiners constituted under the *Mines Regulation Act 1964*.

“chief inspector” means chief inspector of coal mines appointed under this Act, and includes the person for the time being performing the duties of that position.

“coal” includes fireclay.

“coal mine” or **“mine”** means any mine or opening in the earth used or intended to be used for mining purposes, including every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways, and sidings, both below ground and above ground in and adjacent to and belonging to the mine or used or intended to be used in or in connection with producing, treating, or dealing with coal therefrom. Where 2 or more parts of a mine are worked separately each such part shall, for all the purposes of this Act, and notwithstanding that it has not a separate system of ventilation, be deemed to be a separate mine.

“drainage area” means a coal mines drainage area constituted under this Act.

“drainage board” means a coal mines drainage board constituted under this Act.

“drive” means any passage in a coal mine in any direction or at any angle whatsoever, other than a shaft.

“earth” means any rock, stone, clay, sand, soil, or mineral.

“excavation” means any cavity in a coal mine, and includes shafts, drives, and all passages and workings.

“explosives” means explosives within the meaning of the *Explosives Act 1952* or any Act amending or in substitution for that Act.

“insolvency” means as well insolvency as liquidation by arrangement.

“inspector” means an inspector of coal mines, an electrical inspector of coal mines or a mechanical inspector of coal mines appointed for the purposes of this Act or an inspector of mines appointed for the purposes of the *Mines Regulation Act*, and includes the chief inspector of coal mines, the assistant chief inspector of coal mines and any

senior or principal inspector of any description appointed for the purposes of this Act.

“Land Act” means the *Land Act 1994* with all subsequent amendments thereof in force for the time being.

“machinery” means every kind of mechanical appliance and every part thereof.

“manager” means the person having immediate charge and direction of the mining operations of any coal mine, and includes a mine manager appointed pursuant to this Act and any deputy appointed by an owner, agent, or manager.

“mine”, for part 4A, see section 103B.

“Mines Regulation Act” means the *Mines Regulation Act 1964* and any Act and order in council amending the said Acts.

“mines rescue agreement”, for part 4A, see section 103D(1).

“mines rescue capability”, for part 4A, see section 103C.

“mines rescue services”, for part 4A, see section 103N(a).

“mining” or **“to mine”** means to disturb, remove, cart, carry, wash, sift, or otherwise deal with any coal or with any earth for the purpose of obtaining coal.

“Mining Act” means the *Mineral Resources Act 1989*.

“open cut” means any excavation in the ground other than an underground excavation and includes any excavation declared by the Governor in Council, by order in council, to be an open cut.

“open cut coal mine” means any coal mine worked by means of an excavation in the ground other than an underground excavation and includes any coal mine declared by the Governor in Council to be an open cut coal mine.

“open cut excavation” includes any area beyond the main working face in which shot holes, or any such, are being charged or which, by an operation subsequent to such charging, is being prepared for or worked in the getting of coal.

“owner” means—

(a) generally—any person or body corporate, being the immediate proprietor or lessee or occupier of any coal mine or any part thereof, but does not include a person or body corporate merely receiving a royalty, rent, or fine from a coal mine, or being merely the proprietor of a coal mine subject to any lease, grant, or licence for the working thereof, or, being merely the owner of the soil and not interested in the coal of the mine; and

(b) for part 4A—see also section 103B.

“party”, to a mines rescue agreement, see section 103D(2).

“payable”, as applied to coal or to a seam of coal, means coal of such quality and thickness that it can, under ordinary circumstances, be worked with profit.

“performancecriteria”, for part 4A, means the performance criteria fixed under section 103O(1).

“plan” means a map and section, and a correct copy or tracing of any original plan as so defined.

“shaft” means any vertical or inclined way or opening downwards, whether from the surface or from any underground working, which is or might be used for winding, draining, travelling, or ventilating purposes in connection with the working of a coal mine.

“trainee winding driver” means a person operating or driving a winding engine under the personal supervision of the holder of a winding licence.

“underground” means having an overlying cover of earth, and includes any vertical shaft being sunk from the surface for the purpose of prospecting for coal or in connection with any underground excavation used or intended to be used for the purpose of mining for coal.

“underground coal mine” means any coal mine worked by means of any excavation in the ground other than an open cut excavation and includes any shaft in such a mine.

“warden” means a warden appointed under the Mining Act.

“warden’s court” means a warden’s court established under and pursuant to the Mining Act.

“winding engine” means any mechanical appliance powered by steam, air, electricity, internal combustion, or water power or operated by the force of gravity by which persons or materials are raised or lowered by means of a cable attached to a skip, cage, bucket, or other type of conveyance to or from any place in a mine, but does not include any dragline, loader, scraper, or shovel or any mechanical appliance declared by the Governor in Council to be excluded therefrom.

“winding machinery” has the same meaning as is assigned by this Act to the term “winding engine”.

Appointment of officers

6.(1) The chief inspector of coal mines and inspectors, electrical inspectors, mechanical inspectors and other officers necessary for this Act, are to be employed under the *Public Service Act 1996*.

(1A) Every such appointment shall be made and the appointee shall hold the appointee’s office under, subject to and in accordance with the *Public Service Management and Employment Act 1988*.

(2) After the commencement of this Act—

- (a) no person shall be appointed chief inspector of coal mines or an inspector (other than an electrical inspector or mechanical inspector) unless the person is the holder of a first-class mine manager’s certificate of competency;
- (b) no person shall be appointed an electrical inspector or mechanical inspector unless the person is the holder of—
 - (i) a degree in electrical engineering or mechanical engineering, as the case may be, conferred by the University of Queensland; or
 - (ii) a degree, diploma or other qualification in electrical engineering or mechanical engineering, as the case may be, conferred by an educational body or institution which the Minister deems adequate.

PART 2—COAL MINING LICENCES AND LEASES OF UNALLOCATED STATE LAND

Notification of drilling

31B.(1) When for mining purposes it is proposed to drill a borehole to a depth exceeding 12 m, the owner, agent and manager of the mine shall give notification of the commencement of such drilling to the chief inspector within 1 week after the commencement of such work or within such longer period as may be approved and, with such notification, shall furnish to the chief inspector full particulars of the location, direction and proposed depth of the borehole and shall further furnish, at the same or some later time as the chief inspector may direct, such further information concerning the borehole as the chief inspector may require.

(1A) The extension of an existing borehole shall be taken to be a drilling of a borehole.

(2) The owner, agent and manager of the mine shall mark any core obtained in the course of drilling the borehole (other than material therefrom reasonably required for the purpose of assay or other testing) or, if there be no such core, samples of all material obtained in the course of drilling the borehole (other than material obtained in surface ground or alluvial ground or reasonably required as aforesaid) in a manner directed by the chief inspector or, in the absence of such a direction, in such manner as to clearly identify such core or, as the case may be, samples.

(2A) The core or samples so marked shall be kept in a place and manner directed by the chief inspector or, in the absence of such a direction, in a place and manner so as to preserve them for at least 1 year after the completion of the borehole and no part thereof shall be disposed of by any person unless notification of such proposed disposal is given to the chief inspector in writing at least 3 months prior to the disposal of the same.

(2B) The core or samples kept pursuant to this section shall, at all times subsequent to the period of 3 months after the completion of the borehole and until the disposal thereof, be available to a government geologist, an inspector, or other officer of the department authorised in that behalf in writing by the Minister for the purpose of the geologist's, inspector's or other officer's examination or inspection and the taking of samples therefrom for the purpose of assay or other testing.

(3) In the discharge of his or her duties under this section a government geologist and other officer authorised in writing by the Minister shall have all the powers of entry upon or into a mine conferred on an inspector by this Act.

(4) Except for the purpose of the proper discharge of the person's duties or with the prior approval in writing of the Minister a person shall not disclose any information or knowledge which the person has acquired directly or indirectly in the discharge of his or her duties and the exercise of his or her powers under this section with respect to a core or sample kept pursuant to this section.

(5) The chief inspector may, in writing, declare any mine specified therein to be exempt from the provisions (other than the provisions of subsections (1) and (1A)) of this section and, for so long as such exemption continues in force, the owner, agent and manager of the mine and all other persons who otherwise would be subject to liability thereunder shall not be required to comply with the provisions from which the mine in question is exempted.

PART 3—DRAINAGE OF COAL MINES

Constitution of drainage areas

34.(1) If it is made to appear to the Governor in Council—

- (a) that any coal mines within a specified area are so situated as to be liable to any influx of water, whether by flood water or the discharge or flow of water accumulated in any coal mine or other place, or by the percolation of water from any source, or in any direction, or in any other manner whatever, and whether from above or below ground; and
- (b) that, in order to prevent injury to or hindrance to the operations or increase to the costs of any coal mine or mines within such area from such influx, it is desirable that common action should be taken by and at the joint expense of the owners of the coal mines within such area;

the Governor in Council may, by proclamation, constitute such area coal mines drainage area.

(2) The Governor in Council may, by like proclamation, abolish any coal mines drainage area or amend the boundaries thereof.

Coal mines drainage board

35.(1) For every coal mines drainage area there shall be a coal mines drainage board.

(2) Such board shall be elected by the owners of the coal mines within the drainage area, and shall consist of so many members as may be directed by the Governor in Council, from time to time, by proclamation.

(3) At each election of a member or members of the board each owner of a mine shall have 1 vote.

(4) When a joint stock company or several persons are the owners of a coal mine, the directors of the company or such persons shall from time to time appoint some person to vote on behalf of such owners respectively at elections of members of the drainage board.

(5) When a person, joint stock company, or several persons is or are the owner or owners of several coal mines, such person shall have a vote for each of his or her mines, and the person appointed by such company or several persons shall have a vote for each mine owned by such company or persons.

(6) However, all ground which is worked together as 1 mining property shall for the purposes of this section be deemed to be 1 coal mine.

Failure to elect board

36. If within 3 months after a drainage area is constituted the owners or a majority of the owners of the coal mines therein fail to elect members of the drainage board for such area, the Governor in Council may appoint a drainage board therefor, and the members so appointed shall be deemed to have been duly elected under this Act.

Corporation

37.(1) Every drainage board shall be a body corporate by the corporate name assigned to it by the Governor in Council, and shall have perpetual succession and a common seal, and shall be capable in law of suing and being sued, and shall have the power to purchase machinery and materials for raising or draining water, or constructing dams, barriers, pumping-engines, and other drainage works for preventing the influx of water into coal mines within the drainage area, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(2) For all the purposes of this Act a drainage board may, on its own initiative or after default of any owner of a coal mine, construct, provide, or arrange for in any manner, and maintain and carry on any necessary works and appliances in or in connection with any coal mine, or on or in any place within the drainage area.

Drainage boards are statutory bodies

37A.(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, a drainage board is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the powers under this Act of a drainage board are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Board may require drainage works

38.(1) For preventing the influx of water into coal mines within the drainage area, a drainage board may require any owner of a coal mine within the drainage area—

- (a)** to raise or drain water from such mine continuously or otherwise with any machinery already erected or that may thereafter be erected upon the owner's mine, and to use such machinery for raising or draining such water in such manner as the drainage board considers necessary; or
- (b)** to construct, maintain, or repair upon the owner's mine any dam, barrier, pumping-engine, or other works, plant, or appliances which the drainage board considers necessary.

(2) If such owner does not forthwith comply with the requirement of the drainage board or at any time makes default in such compliance, or if such owner cannot be found, the drainage board may, by its officers, agents, employees, and workers, enter upon the mine and proceed to raise or drain water therefrom, and from time to time construct, maintain, and repair such works, plant, or appliances, and do such things as appear to it necessary.

Contribution of cost of works

39.(1) The cost of raising or draining water as aforesaid and of the construction, maintenance, or repair of any works, plant, or appliances pursuant to section 38, and any other expenses necessarily incurred by the drainage board in carrying out this Act, shall be borne by the owners of the coal mines within the drainage area; and the total amount of such cost and other expenses shall be contributed by them respectively in proportion to the benefit derived from the raising or draining of the water, or from the construction, maintenance, or repair of the works, plant, or appliances.

(2) The amount of such cost and other expenses shall be determined, and the contribution payable by each owner under this section shall be assessed and apportioned, by the drainage board.

(3) Each owner liable to contribute shall receive credit for the value of any work which the owner has performed in assisting to raise or drain water; but if the whole or any portion of the water raised or drained by such owner is used or sold by the owner, the value of such water so used or sold shall be determined by the drainage board and deducted from such credit.

Appeal against assessment

40.(1) Any person who thinks himself or herself aggrieved by the drainage board's assessment may, within 1 month after notice of the amount of contribution payable by the person and of the amount of credit (if any) allowed him or her for assisting to raise or drain water, appeal to the warden.

(2) The warden shall hear the matter after notice to all other parties liable or alleged to be liable to contribute.

(3) The warden may alter the drainage board's assessment and determine the amount of the contribution payable by such person.

(4) The decision of the warden with respect to such contribution shall be final and conclusive in all respects, and shall not be set aside, reversed, altered, or varied by or questioned in any court upon any ground whatsoever.

Contribution due is a debt

41.(1) The contribution payable by each owner shall be a debt due to the drainage board by the owner, and if not paid shall be recoverable by such board by proceedings in the warden's court or in any other court of competent jurisdiction.

Contribution from successors in interest

(2) When the contribution is payable by any owner, it shall, in case of default by such owner, be payable by any other person or body of persons to whom or to which such owner's interest in the mine comes by operation of law.

Contribution a charge on the mine

(3) Subject to prior encumbrances, the amount of every such contribution shall, after notification thereof by the drainage board to the warden, be a charge upon the coal mine and upon all plant, machinery, and effects the property of such owner or of any such person or body and used in connection with the mine; and such charge may be enforced by order of the warden for the sale of the mine, plant, machinery, and effects.

(4) However, no liability in respect of any such contribution shall attach to the Crown.

Rules as to contribution

42.(1) A drainage board may make rules prescribing the manner of assessing the contribution payable by each owner.

(2) Such rules shall be published by such board in such manner as it thinks fit, and be available to all persons liable to contribute, and shall not be altered except by a majority of all the members of such board.

Contribution by owners of mines towards expense of raising water by machinery

43.(1) Where the operations of efficient machinery or appliances which are employed in raising or draining water from a coal mine are beneficial to another coal mine or other coal mines, or are rendered more onerous by reason of the influx of water from another coal mine or other coal mines, the owner of the machinery or appliances shall be entitled to receive contribution towards the working expenses of raising or draining water from the firstmentioned coal mine from the owner or owners of such other coal mine or coal mines.

(2) The amount of such contribution shall be in proportion to the benefit conferred upon the lastmentioned mine or mines, or the amount of burden imposed by it or them, as the case may be, and may be recovered by action in the warden's court or in any other court of competent jurisdiction.

Notice of discontinuance by owner of machine

(3) If the owner of such machinery or appliances who has claimed and received such contribution desires to discontinue such operations, the owner shall give at least 3 months' notice to all contributors, and also, if a drainage board has been constituted, to such board; and, if such owner discontinues such operations without giving such notice, or, if a drainage board has been constituted, without the express permission of such board, the owner shall be liable to damages for any injury which any contributor sustains in consequence of the discontinuance.

(4) However, such owner shall not be liable for any damages on account of the discontinuance of operations, if such discontinuance was caused by accidental injury to machinery or any other cause over which the owner had no control, and if due diligence was exercised in repairing such injury to machinery (if any).

(5) For the purposes of this section, the expression "**owner of the machinery or appliances**" includes a mortgagee and any person in possession of or using such machinery or appliances, whether engaged in mining or in mining in conjunction with drainage or in drainage works only.

Compulsory bailing

44.(1) The owner of a coal mine in which water has accumulated to the injury or probable injury of any adjoining coal mine shall, upon a service of a notice calling upon the owner so to do by the party injured or likely to be injured or the party's agent, bail the owner's mine or in some other manner effectually remedy the injury.

(2) Or the party injured or likely to be injured may lodge a plaint in the warden's court, and the court may order the owner of such mine to bail the same and keep it continuously free from any injurious accumulation of water.

(3) The court may also determine the amount of injury suffered from such accumulation of water by any person complaining, and order the owner of such mine causing the injury to pay the amount thereof.

Application of ss 43 and 44

45. The provisions of sections 43 and 44 apply to all coal mines whatsoever, whether situated within a drainage area or not, and whether situated upon unallocated State land or upon private land or elsewhere, and upon whatsoever tenure any such mine is held.

Plans to be provided

46.(1) Every drainage board shall provide and maintain plans of the drainage area, showing the positions of all dams, flood gates, and other works constructed by the board.

(2) All known natural features likely to influence or permit of the flow or percolation of water, and all connections between coal mines, shall be clearly shown thereon.

(3) All depths and levels marked on such plans shall refer to a common datum.

(4) In the event of an appeal from the drainage board's assessment to the warden's court, the plans shall be produced for its information if it so requires.

(5) A copy of such plans shall be lodged with the warden, and shall be available for public inspection.

Enforcement of payment by forfeiture

47. When the holder of coal mining lease fails to pay the amount of any contribution which the holder is lawfully ordered to pay under this Act, the Governor in Council may declare the lease to be forfeited, and the same shall be forfeited accordingly.

Forfeiture etc. not to affect debt to board

48. No forfeiture, surrender, or abandonment of a coal mine, whether situated upon unallocated State land or upon private land or elsewhere and under whatsoever tenure held or formerly held, shall operate as a release or discharge of any debt due to the drainage board which had been incurred under this Act or otherwise at the time of such forfeiture, surrender, or abandonment.

PART 4—REGULATION OF COAL MINES

Application of this part

49. This part extends and applies to every coal mine situated within Queensland, provided that, where fireclay is mined in a mine, whether in association with coal or not, the Governor in Council may, by order in council, direct that such mine shall be subject to the *Mines Regulation Act 1964* instead of this Act and thereupon such mine shall be subject to that Act or such part or parts thereof as may, from time to time, be made to apply thereto, and shall be exempt from this Act for so long as the order in council remains in force.

Mine to be registered

49A.(1) The owner or agent of every coal mine at which mining operations are being carried on at the passing of the *Coal Mining Acts Amendment Act 1938* shall within 1 month from the passing thereof make application in writing to the warden to have the name of the mine registered.

(1A) The owner or agent of every coal mine at which mining operations

are commenced or recommenced after the passing of the *Coal Mining Acts Amendment Act 1938* shall within 1 month of the commencement or recommencement, as the case may be, of mining operations make application in writing to the warden to have the name of the mine registered.

(1B) The registered name of any coal mine shall not be altered or added to or in any wise changed without approval in writing of the warden first had and obtained.

(1C) On receipt of every notice under this section the warden shall cause particulars thereof to be forwarded to the inspector.

(1D) The warden may in the warden's discretion and on the recommendation of the inspector approve of the registration of, or the alteration of, or addition to, or change of the name of any coal mine.

(2) Every application made under subsection (1) or (1A) at any time after the date (the "**said date**") of the passing of the *Coal Mining Acts Amendment Act 1948* shall specify, the lands comprising the coal mine the subject of the application as at the date when the application is made.

(3) The owner or agent of every coal mine at which coal mining operations are being carried on at the said date shall, within 1 month after the said date, furnish to the warden in writing particulars, of the lands comprising that coal mine.

(3A) However, where particulars, of the lands comprised in any coal mine as at the said date were furnished to the warden in the application in respect of that coal mine made under subsection (1) or (1A) before the said date, those particulars shall, for the purposes of this Act, be deemed to have been furnished in compliance with the provisions of subsection (3).

(4) When and so often as any additional lands are added to a coal mine, the owner or agent of that coal mine shall, within 1 month after such addition, furnish to the warden in writing particulars, of the lands so added.

(5) Judicial notice shall be taken of the lands for the time being comprised in a coal mine according to the particulars thereof as furnished to the warden under and in compliance with the provision of this section.

Appointment of manager

50.(1) Every coal mine while being worked shall be under a manager,

who shall be responsible for the control, management, and direction of the mine.

(1A) The owner or agent of every coal mine shall, subject to this Act, appoint himself or herself or some other person to be manager of such mine, and shall within 14 days after such appointment send written notice to the warden and to the inspector of the manager's name and address.

(1B) The owner or agent shall also give notice of any change of manager within 3 days after such change.

(1C) In every case where and so long as a coal mine is worked without a manager, the owner or agent of the mine shall be answerable for all the obligations of the manager under this Act.

(1D) Except as is hereinafter provided, a contractor for getting coal in any mine or any portion of a mine shall not be appointed to the post of manager of that mine or any portion thereof.

(2) The warden shall record in a register to be kept at the warden's office the names and addresses of all managers of coal mines in the warden's district.

(3) The owner or agent of a coal mine may, at any time, appoint a separate manager or any number of separate managers to be manager, or managers, of machinery, plant or works used for the treatment of earth or coal, generation of power or other purpose connected with the mine or any part thereof and, if notified by the Minister that in the Minister's opinion a separate manager, or a number of separate managers, should be so appointed such owner or agent shall appoint such separate manager or separate managers.

(3AA) The provisions of this section applicable to the appointment of a manager and any change in that appointment apply to every appointment referred to in subsection (3) and to every change in any such appointment.

(3A) The owner or agent of a coal mine may appoint a superintendent who shall exercise authority over the manager in all matters relating to the operation of the mine.

(3AB) A person is not qualified for appointment as a superintendent unless the person holds a certificate as a mine manager granted under this Act.

(3B) The manager of a coal mine to whom any superintendent, owner or

agent gives a direction that in the opinion of the manager will prejudice the health or safety of any person may require that the direction be given in writing.

(4) The owner or agent (not being the registered manager) or any general manager superintendent engineer or other person appointed by such owner or agent to a position of control or authority over the manager shall not exercise such control or authority in any way whatever to prevent hamper or hinder the manager from observing or enforcing the observance of the provisions of this Act; and any such owner or agent general manager superintendent engineer or other person may be proceeded against for any noncompliance with any of the provisions of this Act by the manager or any person, and shall each be guilty of an offence unless such owner or agent general manager superintendent or other person proves that he or she has not exercised control or authority so as to prevent hamper or hinder the manager as aforesaid.

Certificated managers

51.(1) Subject to the provisions hereinafter mentioned, no person shall be qualified to be a manager unless the person holds a certificate as a mine manager granted under this Act.

(2) If after the commencement of this Act any coal mine is worked for more than 14 days without such a certificated manager, the owner and agent of such mine shall each be liable to a penalty not exceeding \$100, and to a further penalty not exceeding \$20 for each day during which such mine is so worked.

(3) However, if for any reasonable cause there is for the time being no certificated manager available, the owner or agent shall, or, if the manager of the mine is incapacitated from performing the manager's duties or is about to be absent for more than 3 days, the manager or the owner or agent shall appoint some competent person, not necessarily the holder of a mine manager's certificate, to be acting manager until a certificated manager is obtainable or during such incapacity or absence.

(3A) The owner, agent or manager shall forthwith notify the warden and the inspector of the following particulars—

- (a) the appointment so made;

- (b) the name and address of the person appointed;
- (c) the period of appointment;
- (d) the reason for the appointment;
- (e) the number of persons ordinarily employed underground in the mine concerned or in the open cut excavation, as the case may be;
- (f) the qualifications and mining experience of the appointee.

(3B) The person so appointed shall be subject to the same obligations and liabilities as the manager.

(3C) But no such appointment shall, except with the permission of the inspector, be for a longer period than 2 weeks, nor, except with the approval of the Minister, for a longer period than 1 month; and no uncertificated person shall be appointed acting manager under subsection (3) if the holder of a first-class or second-class mine manager's certificate is available to be so appointed.

(3D) When the period of appointment as acting manager exceeds 1 week the inspector shall forward a copy of the aforesaid notification to the chief inspector who, if the chief inspector is of opinion that in view of the particulars shown in such notification or for any other reason the appointment that has been made should not have been made, may recommend to the Minister that such appointment be cancelled.

(3E) The Minister may—

- (a) by notice addressed to the owner, agent or manager of the mine concerned, cancel the appointment so made, whereupon the person appointed as acting manager shall cease to act in that capacity; and
- (b) require that another appointment be made in lieu thereof; and
- (c) stipulate the minimum qualification that the person to be appointed shall possess.

(3F) If the Minister so stipulates the person appointed to be acting manager shall possess at the least the qualification so stipulated.

(4) At every underground coal mine in which more than 20 persons are ordinarily employed below ground during any shift there shall be appointed

a manager who shall be the holder of a first-class mine manager's certificate.

(4AA) At every underground coal mine in which more than 8 persons and not more than 20 persons are ordinarily employed below ground during any shift there shall be appointed a manager who shall be the holder of a second-class mine manager's certificate or a higher certificate issued under this Act.

(4AB) At every underground coal mine in which not more than 8 persons are ordinarily employed below ground during any shift there shall be appointed a manager who shall be the holder of a deputy's certificate or a higher certificate issued under this Act.

(4AC) At every open cut coal mine at which more than 25 persons are ordinarily employed in the open cut excavation on any shift there shall be appointed a manager who shall be the holder of a first-class mine manager's certificate of competency or a limited mine manager's certificate of competency granted by the board of examiners.

(4AD) At every open cut coal mine at which the number of persons ordinarily employed in the open cut excavation on any shift exceeds 10 but does not exceed 25 there shall be appointed a manager who shall be at the least the holder of a second-class mine managers certificate of competency or a limited mine manager's certificate of competency granted by the board of examiners.

(4AE) At every open cut coal mine at which the number of persons ordinarily employed in the open cut excavation on any shift does not exceed 10 there shall be appointed a manager who shall be at the least the holder of an open cut examiner's certificate granted by the board of examiners.

(4B) Notwithstanding the provisions of subsections (4) to (4AE) the Minister may, if the Minister considers the circumstances require it, direct in writing that the manager of a particular coal mine or class of coal mine shall be at the least the holder of a certificate specified in such direction and in that event the person appointed as manager of that mine or of any mine in that class of mine shall be at the least the holder of the certificate so specified.

(5) For the purposes of this section—

“coal mine” means a place where any operation for the purpose of

obtaining coal has been or is being carried on, but not a place where the products of any such place have been or are being treated or dealt with.

Working more than 1 mine under 1 manager

52. No person shall be appointed manager of more than 1 coal mine unless by the special written permission of the Minister.

Notice of commencement, discontinuance and abandonment

53. Within 14 days after mining operations in a coal mine are commenced, discontinued, recommenced, or abandoned, notice of the fact shall be given by the owner, agent, or manager to the warden or inspector.

Manager to enforce Act

54.(1) The manager shall enforce the observance of all the provisions of this Act in the coal mine under the manager's charge, and of all the rules applicable thereto.

(2) As soon as practicable after the occurrence of any breach of this Act that has come to the manager's knowledge, the manager shall report the same in writing to the inspector, warden, mining registrar, or Minister, whether the same has been committed by any person employed in or about the mine, or by a contractor or tributer working therein or the manager's employees, or by any other person.

Deputies

55.(1) For every coal mine there shall be appointed by the manager in writing 1 or more competent persons ("**deputies**") to make such inspections and carry out such other duties, as to the presence of gas, ventilation, state of roof and sides, and general safety (including the checking and recording of the number of persons under his or her charge) as are required by this Act and the rules of the mine.

(1A) A deputy so appointed shall not be a contractor or other person engaged in getting minerals in the mine concerned, unless the approval in

writing of the chief inspector has first been obtained to such an appointment.

(2) A deputy shall be required to devote the deputy's whole time to such duties as are set out in subsection (1) ("**the deputy's statutory duties**"), but this provision shall not apply in the case of a deputy in any mine where the number of persons under the deputy's charge does not exceed 10, and nothing in this subsection shall prevent any deputy in any mine from being employed in the firing of shots and in the erection of brattices in his or her district and such other duties as may, from time to time, be approved in writing by the chief inspector.

(2A) However, any duties assigned to or undertaken by any deputy in addition to the deputy's statutory duties shall not be such as to prevent him or her from carrying out the deputy's statutory duties in a thorough manner.

(2B) If in the opinion of an inspector the assignment to or undertaking by any deputy of additional duties is preventing such deputy from carrying out the deputy's statutory duties in a thorough manner, such inspector shall, by entry in the record book, order that the deputy shall be confined to the deputy's statutory duties or that the extent of the additional duties shall be limited as the inspector specifies in such order.

(2C) Such deputy shall obey an order so made by an inspector and the manager shall enforce the observance of the same.

(3) The district of a mine assigned to a deputy shall not be of such a size as would prevent the deputy from carrying out in a thorough manner all the deputy's statutory duties.

(4) A person shall not be qualified to be appointed or to hold a position as a deputy in any mine unless the person holds a deputy's certificate granted under this Act, nor unless the person has within the last preceding 5 years obtained from a legally qualified medical practitioner a certificate to the effect that the person's eyesight is such as to enable him or her to make accurate tests for flammable gas and that his or her hearing is normal.

(4A) The certificate as to the eyesight and hearing of a deputy employed in a mine shall, whilst the deputy is so employed, be kept at the office of the mine, and shall, whenever a request in that behalf is made by an inspector, be produced for the inspector's inspection.

(5) A deputy shall not be dismissed for reporting in the record book any dangerous condition in a mine or the presence of flammable or noxious gas.

(6) Any owner, agent, or manager so doing shall be guilty of an offence against this Act.

Open cut examiners

55A.(1) In every open cut coal mine there shall be appointed by the manager in writing 1 or more competent persons ("**open cut examiners**") to make such inspections and carry out such other duties as to the state of the sides and the general safety of the open cut excavation (including the supervision of the general duties of shot-firers and the checking and recording of the number of persons under the charge of such an examiner) as are required by this Act and the rules of the mine concerned.

(1A) An open cut examiner so appointed shall not be a contractor or other person engaged in getting minerals in the mine concerned, unless the written approval of the chief inspector has first been obtained to such an appointment.

(2) Subject to the provisions of subsections (2A) to (2C) an open cut examiner in a mine where the number of persons under the examiner's charge exceeds 10 shall devote his or her whole working time at the mine to such duties as are set out in subsection (1) ("**the examiner's statutory duties**").

(2A) Nothing in subsections (2) to (2C) shall prevent any open cut examiner in any mine from being employed in the firing of shots and in such other duties as may, from time to time, be approved in writing by the inspector.

(2B) However, any duties assigned to or undertaken by any open cut examiner shall not be such as to prevent the examiner from carrying out the examiner's statutory duties in a thorough manner.

(2C) If in the opinion of an inspector the assignment to or undertaking of additional duties is preventing an open cut examiner from carrying out the examiner's statutory duties in a thorough manner such inspector shall, by entry in the record book, order that the open cut examiner shall be confined to the examiner's statutory duties or that the extent of the additional duties shall be limited as the inspector specifies in such order.

(2D) Every open cut examiner employed in a mine in relation to which an inspector has made such an order shall obey that order and the manager of that mine shall enforce the observance of that order.

(3) No person shall be qualified to be appointed to act as an open cut examiner unless the person—

- (a) holds an open cut examiner's certificate at the least; and
- (b) has obtained from a legally qualified medical practitioner certificate to the effect that the person's eyesight and hearing are such as to enable the person to carry out his or her duties efficiently.

(3A) Such certificate shall be kept at the office of the mine and shall on request in that behalf by an inspector be produced for the inspector's inspection.

(3B) No open cut examiner shall be employed as such unless the examiner's medical certificate has been renewed during each 5 years of his or her employment as open cut examiner.

(4) An open cut examiner shall not be dismissed for reporting in the record book any dangerous condition in a mine.

(5) Any owner, agent or manager so doing shall be guilty of an offence against this Act.

Appointment of certificated mine electricians

56.(1) At every coal mine where electricity (other than an extra low voltage supply or a low voltage supply as may for the time being be defined by rules made pursuant to section 96) is used, or for any 2 or more of such coal mines included in a group of coal mines in the same locality or district owned or leased by the same owner or lessee, a certificated mine electrician shall be appointed in writing by the manager (or in the case of a group or part of a group, by the respective managers) to take charge of the whole of the electrical machinery, apparatus, and conductors in and about the mine or, as the case may be, mines.

(1A) However, with respect to any mine or mines the chief inspector of coal mines may from time to time in writing grant (subject to the carrying out by a person, being a certificated mine electrician or the holder of a

certificate under the *Electrical Workers Act 1927*, authorising the person to carry on the calling or occupation of an electrical mechanic or electrical fitter, of a periodical supervision, at such times as the chief inspector may specify or more often, with respect to the electrical machinery, apparatus, and conductors in and about the mine or mines in question) exemption from the provisions of subsection (1) for such period as the chief inspector determines and specifies therein.

(2) Written notice of every appointment, for the purposes of subsection (1), of a certificated mine electrician and containing the appointee's name and address shall forthwith upon the making of the appointment be delivered by the manager or managers concerned to the inspector of the district wherein the mine or mines in question are situated.

(2A) Moreover where any exemption referred to in subsection (1A) is granted thereunder, written notice of every appointment or arrangement made with respect to the carrying out by a person of the periodical supervision subject to which the exemption is granted and containing the name and address of that person shall forthwith upon the making of the appointment or arrangement be delivered by the manager or managers concerned to the inspector of the district wherein the mine or mines in question are situated.

(3) Subject to any exemption granted under subsection (1A), the certificated mine electrician shall be in daily attendance at the mine or mines to which the certified mine electrician is appointed.

(3A) The certificated mine electrician or, where any exemption is granted under subsection (1A) the person carrying out the periodical supervision subject to which the exemption is granted, shall, under the manager, be responsible for the observance of the special rules relating to the use of electricity and electrical machinery at and in coal mines.

Appointment of assistant

(4) If necessary for the proper observance of such rules, the manager shall also appoint in writing an assistant or assistants to the certificated mine electrician or the person carrying out a periodical supervision under any exemption granted under subsection (1A).

(4A) The inspector shall forthwith be notified of any appointment made under subsection (4).

Appointment of substitute

(5) In the absence of the certificated mine electrician for more than 1 day, the manager shall appoint in writing a competent substitute who shall be responsible during the certificated mine electrician's temporary absence; the manager shall notify the inspector of such appointment.

Saving

(6) Nothing in the foregoing provisions shall apply and extend to any coal mine where power is used solely on the surface and the consumption of power does not exceed 50 kW and does not exceed the limit of medium pressure.

(7) In this section—

“certificated mine electrician” used in relation to any mine means a person holding under this Act a certificate of competency as a mine electrician or a certificate of service entitling the person to have charge of the electrical machinery, apparatus, and conductors in and about that coal mine.

Classes of certificates

57.(1) The board of examiners shall examine candidates for all or any of the following certificates and licences and, consequent upon such examination, may grant all or any of the same—

- (a) first-class mine manager's certificate of competency;
- (b) second-class mine manager's certificate of competency;
- (c) limited mine manager's certificate of competency;
- (d) deputy certificate;
- (e) open cut examiner's certificate;
- (f) mine electrician certificate;
- (g) mine surveyor certificate;
- (h) winding licence;
- (i) such other certificate, licence or authorisation as the Minister may, from time to time approve.

(1A) Subject to section 112, the Governor in Council may, from time to time, make rules relating to the granting, suspension and cancellation of and the imposition of conditions upon the aforesaid certificates, licences and authorisations relating to coal mines and fees payable in respect thereof.

(1B) Rules made pursuant to section 96 relating to the granting, suspension or cancellation of or the imposition of conditions upon certificates, licences and authorisations relating to coal mines apply to certificates, licences and authorisations granted under this section.

Status of certificates

(2) A first-class mine manager's certificate of competency shall entitle the holder thereof to be manager of or to assist the manager in any coal mine; and the holder of such certificate of competency shall be designated therein as a mine manager.

(3) A second-class mine manager's certificate of competency shall entitle the holder thereof to assist the manager in any coal mine; the holder thereof shall be designated therein in the case of an open cut coal mine, as assistant manager or supervisor or, in the case of an underground coal mine, as underground foreperson.

(4) A limited mine manager's certificate of competency shall entitle the holder thereof to be manager of the type of coal mine specified therein.

(5) A deputy certificate shall entitle the holder to act as deputy in any coal mine.

(6) An open cut examiner's certificate shall entitle the holder thereof to act as an open cut examiner in any open cut coal mine.

(7) A winding licence shall entitle the holder thereof to operate or drive the winding machinery by means whereof persons or materials are drawn up, down, or along any shaft, pit, or inclined plane or level in any coal mine.

(7A) Winding licences shall apply to such class or classes of winding machinery as are respectively specified in such licences.

(7B) Winding licences may be suspended or cancelled on the grounds and in the manner prescribed.

(7C) No winding licence in respect of any machinery to which the *Inspection of Machinery Act 1915* applies shall be granted to any person who does not hold a certificate under that Act entitling the person to take

and have charge of such machinery; but every extra first-class engine-driver's certificate and winding-engine driver's certificate granted under that Act, and subsisting at the commencement of this Act, shall have the force and effect of a winding licence granted under this Act and shall be subject in all respects to this Act.

(8) For the purposes of this section—

“coal mine” means a place where any operation for the purpose of obtaining coal has been or is being carried on, but not a place where the products of any such place have been or are being treated, or otherwise dealt with.

Mine electrician certificate

57A. A mine electrician certificate shall entitle the holder thereof to have charge of the whole of the electrical machinery, apparatus, and conductors used in, on or about the class of coal mine specified in such certificate or, if no class of coal mine is so specified then in, on or about any coal mine.

Grant of certificate

57B. A certificate of competency as a mine electrician shall be granted by the board of examiners to every person who is allowed to sit for examination who satisfies the board's requirements at the examination and otherwise complies with the provisions of this Act and rules made thereunder.

Grant of certificate of service

57C.(1) A certificate of service shall be granted by the board of examiners to all persons who satisfy the board that they have been employed as mine electricians for 12 months during the 2 years preceding the passing of the *Coal Mining Act Amendment Act 1928*.

(1A) However, no certificate of service shall be granted by the board after a period of 12 months has elapsed from the date of the passing of the *Coal Mining Act Amendment Act 1928*.

Nature of such certificates

(2) Certificates of service shall be of 3 descriptions—

- (a) a general service certificate, which shall entitle the holder to have charge of the whole of the electrical machinery, apparatus, and conductors in and about a coal mine where either direct or alternating current is used;
- (b) a special service certificate which shall entitle the holder to have charge of the electrical machinery, apparatus, and conductors in and about a coal mine where only direct current is used;
- (c) a special service certificate, which shall entitle the holder to have charge of the electrical machinery, apparatus, and conductors in and about a coal mine where only alternating current is used.

Mine surveyor certificate

57D. A mine surveyor certificate shall entitle the holder thereof to make surveys and plans thereof in, on or about the class of coal mine specified therein or, if no class of coal mine is so specified then in, on or about any coal mine.

Grant of mine surveyor certificate

57E. A mine surveyor certificate shall be granted by the board of examiners to every person who is allowed to sit for examination who satisfies the board's requirements at the examination and otherwise complies with the provisions of this Act and rules made thereunder or to an authorised surveyor who satisfies the board's requirements and otherwise complies with the provisions of this Act.

Grant of certificate of service

57F.(1) A certificate of service may be granted by the board of examiners to any person who has been employed as mine surveyor, and who has had the necessary training and has made mine surveys and plans during a period of at least 2 years prior to the passing of the *Coal Mining Acts Amendment Act 1938* and has otherwise satisfied the requirements of the board.

(2) However, no certificate of service shall be granted by the board after a period of 12 months has elapsed from the date of the passing of the *Coal Mining Acts Amendment Act 1938*.

Obtaining certificate improperly

58.(1) Any person who obtains or attempts to obtain a certificate under this Act by fraud shall be liable to a penalty not exceeding \$40.

(2) Every such certificate improperly obtained, whether obtained before or after the commencement of this Act, may be cancelled by the board of examiners; and the holder thereof shall, when called upon by the board, return such certificate.

(3) Every person who uses any such certificate after notice by the board that the same has been cancelled shall be liable to a penalty not exceeding \$40.

Daily supervision

59.(1) In every coal mine daily personal supervision of all working parts of the mine shall be exercised either by the manager or by a competent person appointed by the owner, agent, or manager.

(1A) If the Minister is of opinion, owing to the extent of the underground workings or open cut workings or for other reasons, that the duties required by this section cannot be exercised adequately for the purposes of this Act by 1 manager alone, the Minister may direct that a competent person shall be appointed to assist the manager in the supervision and control of the underground works or open cut workings.

(1B) However, nothing in subsections (1) and (1A) contained shall be construed to prevent the appointment of an assistant manager at any time by the owner, agent or manager of any coal mine.

(2) The person appointed to assist the manager in the supervision and control of the underground works, who may be designated underground foreperson, under manager, or overperson, shall, if more than 20 persons are ordinarily employed below ground, be the holder of a first-class or second-class certificate under this Act.

(3) The person appointed to assist the manager in the supervision and

control of an open cut coal mine who may be designated assistant manager or supervisor, shall, if more than 25 persons are ordinarily employed in the open cut excavation on any shift, be the holder of a first-class mine manager's certificate of competency, a second-class mine manager's certificate of competency or a limited mine manager's certificate of competency.

(4) Written notice of such appointment shall, within 14 days after such appointment, be sent by the owner, agent, or manager to the warden, who shall record such appointment in the register to be kept at the warden's office in accordance with this Act, and cause particulars of such appointment to be forwarded to the inspector.

(5) The person appointed as aforesaid shall, in the absence of the manager at any time, and unless and until some other person is appointed to be deputy manager during such absence as hereinbefore provided, be subject to the same obligations and liabilities as the manager.

(6) But the appointment of such a person to assist the manager shall not affect the personal responsibilities of the manager under this Act.

Manager to inspect

60. The manager shall every week make an inspection of the coal mine, and at least once every month as far as is practicable make an inspection of all waste and abandoned workings, and shall record in the record book the result of each such inspection and the manager's opinion as to any precautions, repairs, or alterations required to ensure greater safety to the persons working in or on the mine.

Withdrawal of workers in case of danger

61.(1) If at any time it is found by the person for the time being in charge of a coal mine or any part thereof, or by the inspector, that by reason of any cause whatever the mine or that part is dangerous, every worker shall forthwith be withdrawn from the mine or part so found dangerous; and a deputy or an open cut examiner or a competent person or persons appointed for the purpose by the owner, agent, or manager, shall inspect the mine or part so found dangerous, and, if the danger arises from gas, shall inspect the mine or part with an approved gas detector, and in every case shall make a

true report of the condition of the mine or part; and, except so far as is necessary for inquiring into the cause of danger or for the removal thereof or for exploration, no worker shall be readmitted into the mine or part so found dangerous until the same is stated by such deputy, open cut examiner or appointed person or persons not to be dangerous.

(2) Every such report shall be recorded in the record book, and shall be signed by the person or persons making the inspection, and a copy of such report and signatures shall be posted at the entrance to the mine.

(3) For the purposes of this section a place, if situated in any mine or part of a mine, shall be deemed to be dangerous if the percentage of flammable gas in the general body of the air in that place is found to be $2\frac{1}{2}$ or upwards.

(4) The manager shall immediately notify the inspector of any action taken under this section.

Manager's responsibility for working of contractors and tributers

62.(1) In every coal mine it shall be a condition of the agreement with every contractor and tributer working in the mine that the manager shall have supervision and control of all the work carried out by the contractor or tributer, and in respect of such work shall be deemed to be the manager appointed by the contractor or tributer in so far as such contractor or tributer is owner of such mine or part thereof, unless the contractor or tributer, with the consent in writing of the owner, agent, or manager from whom the contract or tribute is taken, himself or herself appoints a manager to have charge of the work.

(2) The owner and the contractor or tributer shall, in writing, prescribe the part or parts of the mine in which such contractor's or tributer's manager shall have responsibility for the due performance of this Act, and beyond such prescribed part or parts the firstmentioned manager shall have full responsibility.

(3) This section shall not apply where the whole of the land or coal mines comprised in a mining tenement has or have been let on tribute, and it is one of the conditions of the tribute agreement that the tributer, or some person nominated by the tributer, shall be appointed manager.

Powers of inspector

63. An inspector may from time to time and as often as in the inspector's opinion is necessary—

- (a) enter, inspect, and examine any coal mine and any part thereof at all times by day or night, but so as not unnecessarily to impede or obstruct the working of the mine;
- (b) make examination and inquiry to ascertain whether the provisions of this Act affecting any coal mine are complied with;
- (c) examine into and make inquiry respecting—
 - (i) the state and condition of any coal mine or any part thereof;
 - (ii) the state and condition of the machinery in or about the mine;
 - (iii) the ventilation of the mine;
 - (iv) the sufficiency of the rules and any special rules for the time being in force therein;
 - (v) all matters and things connected with or relating to the safety or well-being of the persons employed in or about the mine or any adjacent coal mine;
 - (vi) the care and treatment of the horses and other animals used in the mine;
- (d) initiate and conduct prosecutions against persons offending against this Act;
- (e) obtain written statements from witnesses and appear at inquiries held respecting mining accidents, and, if the inspector thinks fit, call and examine and cross-examine witnesses;
- (f) exercise such other powers as are necessary for carrying this Act into effect.

Inspection for official purposes

64.(1) Any warden, government geologist, or assistant government geologist, with such assistants as he or she deems necessary, may at all reasonable times enter and inspect any coal mine for official purposes.

(2) The Minister may at any time authorise any officer of the department or a surveyor to enter and inspect any coal mine.

(3) For the purpose of every such inspection, every such officer shall have all the powers and authorities conferred on inspectors by this Act.

Record book

65.(1) Every manager shall cause to be kept at the mine of which he or she is manager, in such place as is approved, and to be maintained in good condition a book (of such type and in such form as is approved) to be called the record book.

(1A) Such place shall be so situated that all persons employed in, on or about the mine may have ready access thereto for the purpose of examining entries made in the record book.

(2) Every inspector shall, as soon as practicable after his or her inspection of a mine, enter in the record book at that mine the following particulars—

- (a) the part or parts of the mine inspected by the inspector;
- (b) the nature of his or her inspection;
- (c) every particular which the inspector observed wherein the state and condition of the mine or part or its machinery is not in accordance with this Act;
- (d) the alterations and requirements which the inspector considers necessary to bring the mine or part and its machinery into a state and condition whereby it will accord with this Act.

(3) Every entry made in a record book under this Act shall be made by such means that it is of a permanent nature and will not readily become obscure or obliterated and shall be signed by the person making it.

(4) An entry made in a record book or the absence of an entry from a record book shall not in any way be deemed to limit or affect the duties or obligations of any person under this Act.

(5) A person other than an inspector or other person authorised by this Act to make an entry in a record book shall not—

- (a) make or attempt to make an entry in a record book; or

- (b) alter or erase an entry made in a record book under this Act or attempt so to do;

unless with the written authority of an inspector first had and obtained.

(6) A person who has the custody or control of a record book kept in respect of a mine shall at all reasonable times make it available for examination by an inspector or other person authorised by this Act to make an entry therein or by any person employed in a mining operation in, on or about the mine or by a district union inspector, a miners' officer or by a person authorised in writing in that behalf by the Minister.

Any dangerous practice or omission shall be remedied

66.(1) Whenever an inspector finds at or on a coal mine or part thereof that any thing or practice connected therewith is wholly or partly dangerous or defective, or that the absence of any thing or practice threatens or tends to the bodily injury of any person, and the case is not elsewhere sufficiently provided for by this Act or by any special rule of the mine, the following provisions shall apply.

(2) The inspector may forthwith order such precautions to be taken or changes to be made as in the inspector's opinion will ensure safety temporarily.

(2A) The manager of the mine shall obey such orders, and for any failure so to do shall be liable to have the manager's certificate cancelled by the board of examiners on the ground of misconduct; but an appeal shall lie to the Minister from any order of such board cancelling a certificate under this provision, and the Minister shall thereupon give such decision in the matter of such appeal as the Minister thinks just; and the Minister's decision shall be final.

(2B) The inspector shall report the facts to the Minister, and shall, if directed by the Minister, by requisition in writing addressed in general terms to the owner, agent, or manager and delivered at the mine, specify the nature of such danger or defect and the inspector's reason for holding that the same exists, and require that the matter complained of be forthwith remedied; the inspector shall also forward a copy of such report and requisition to the warden.

(3) If the owner, agent, or manager objects to comply with such

requisition, the owner, agent or manager shall within 10 days after the delivery thereof as aforesaid send his or her objections in writing, stating the grounds of his or her objections, to the warden, and shall also send a copy of the same to the inspector, who shall report on the same to the warden.

(3A) The warden shall fix a time for the hearing of the requisition and the objections, and shall cause notice to be given to the objector and to the inspector of the time so fixed.

(3B) On the hearing, the warden's court may, by order, confirm, reverse, or modify the requisition as it thinks fit, and, subject to any appeal, such order shall be final and binding on all parties.

(4) If the owner, agent, or manager fails to comply with the requisition or order, and such failure continues for 14 days after the expiration of the time for objection or after the date of the order or after the date of the final decision on an appeal which confirms such order in whole or in part, as the case may be, the owner, agent or manager shall be liable to a penalty not exceeding \$40, and to a further penalty not exceeding \$2 for every day during which such noncompliance continues.

(5) In any proceedings for a penalty in respect of such offence the court, if satisfied that the owner, agent, or manager has taken active measures for complying with the requisition or order, but has not with reasonable diligence been able to complete the works, may adjourn such proceedings, and if the works are completed within a time which the court thinks reasonable no penalty shall be inflicted; nevertheless the defendant shall be liable to pay such costs of the proceedings as the court may fix.

Warden may order inspection

67.(1) When an inspector is not habitually resident, and the warden has reason to believe that any shaft or underground working is unsafe from insufficient timbering or any other cause, the warden shall immediately cause an examination of such shaft or working to be made by 2 competent persons, and upon the report of such persons may order the owner of the mine to remove the cause of danger within specified time, and, further, to pay the cost of inspection; and the warden may prohibit any further work being done in such shaft or working until such order has been complied with or until the mine has been inspected by the inspector, who shall be immediately notified by the warden of any action taken under this section.

(2) For the purposes of any such inspection such persons shall have all the powers and authorities conferred on inspectors by this Act.

Obstructing inspector

68. Any—

- (a) person who wilfully obstructs or uses insulting language to an inspector or any person having the powers and authorities of an inspector in the execution of his or her duty; and
- (b) owner, agent, or manager of a mine who refuses or neglects to furnish to the inspector, or any person having the powers and authorities of an inspector, the means necessary for making an entry, inspection, examination, or inquiry under this Act in relation to a coal mine;

shall be guilty of an offence against this Act.

Complaint by miner

69.(1) Any person working in a coal mine may make, either personally or by a representative, complaint to an inspector of any breach of this Act, or that any thing or practice connected with the mine is dangerous, and the inspector shall investigate and remedy the matter.

(2) The name of the informant shall not be divulged.

Miners' inspection

70.(1) The workers employed in any mine may appoint 2 of their number or any 2 persons, who are or who have been practical working miners and have had not less than 5 years' experience of underground work, to inspect the mine, and the persons so appointed shall be allowed, at any time on giving notice to the manager, to go to every part of the mine and to inspect the shafts, roads, levels, workings, airways, ventilating apparatus, old workings, and machinery and appliances.

(1A) The persons so appointed shall be designated “**miners' officers**”.

(1B) The Minister may at any time terminate any such appointment of a miners' officer if in the Minister's opinion such miners' officer is not

carrying out the miners' officer's duties in a satisfactory manner.

(1C) Any miners' officer, whether so removed or not, shall be eligible for reappointment.

(2) If at any time the workings, or any part of the workings, of any mine are considered unsafe by any of the miners working therein, the miners working therein may appoint 2 of their number or any 2 persons who are practical miners to inspect such workings, and the persons so appointed shall, on giving notice to the manager, be allowed to inspect such workings.

(3) A miners' officer, while making an inspection under this section, is taken to be employed by the owner of the mine.

(3A) The owner of the mine must enter into a contract of insurance with WorkCover or another insurer for insurance for miners' officers.

(4) Every facility shall be afforded for such inspections, and the manager or 1 or more officers of the mine may, if the owner, agent, or manager thinks fit, accompany the miners' officers making such inspections.

(5) Miners' officers shall record and sign a true report of the result of every such inspection in the record book, and shall also cause a copy of the report to be written and posted at the entrance to the mine, and, if the report states the existence or apprehended existence of any danger, they shall forthwith cause a true copy of the report to be sent to the inspector, and shall notify the manager.

(6) Miners' officers shall have power to suspend all operations in any dangerous place until such place has been certified by an inspector to be safe.

(7) The remuneration of and expenses incurred, by miners' officers, to such an extent and on such conditions as the Minister from time to time approves, may be defrayed out of the consolidated fund, which is hereby appropriated for the purpose.

District union inspectors

70A.(1) At any time after the passing of the *Coal Mining Acts Amendment Act 1938* it shall be competent for the United Mine Workers Federation of Australia by ballot of the members from time to time to appoint 3 district union inspectors, each of whom shall be the holder of a

deputy certificate or a higher grade certificate under this Act.

(2) All the provisions of this Act relating to the powers, privileges, duties, and remuneration of miners' officers shall be applicable to such district union inspectors, provided that such powers, privileges, and duties of such district union inspectors shall not be limited to any particular mine but shall extend to all mines or any mine in Queensland and may be exercised by any 1 of the persons duly appointed as aforesaid as a district union inspector.

(3) If at any time the position of a district union inspector becomes vacant from any cause, a new appointment shall be made by ballot as aforesaid.

(4) However, the Minister may at any time terminate any such appointment of any district union inspector if in the Minister's opinion such inspector is not carrying out the inspector's duties in a satisfactory manner.

Notice of accident to inspector

71.(1) Forthwith after the occurrence of any accident in, on, or about a coal mine causing death or serious bodily injury, the manager shall give notice thereof to the inspector, or, if the inspector is not immediately available, to the warden.

(2) The place in which any such accident has occurred shall not be interfered with, except for the purpose of saving life or preventing further injury, until it has been examined by the inspector, or, in the inspector's absence, by 2 competent persons appointed by the warden, or, in the warden's absence, by a justice of the peace; and such examination shall be made as soon as practicable.

(2A) The miners' officers may, if they so desire, also examine such place.

(3) Within 1 week after the occurrence of any accident in, on, or about a mine, attended with serious bodily injury to any person, the manager shall send a written report to the inspector containing a correct statement of the cause and circumstances surrounding the occurrence.

(4) Within 1 month after the occurrence of any accident in, on, or about a coal mine attended with bodily injury to any person, the manager shall give

notice in writing to the inspector whether or not such accident resulted in more than 14 days' disablement of the injured person.

(5) Within 24 hours after the occurrence of—

- (a) any breakage of any essential part of the winding machinery at any coal mine, or any overwind, or any accident of any kind in connection with the winding arrangements;
- (b) any extensive subsidence, settlement, or fall of ground, whether as a result of blasting or otherwise, or any collapse of any part of the workings of a coal mine, whether at the time of such collapse supported by timber or not;
- (c) any outbreak of fire above or below ground at any coal mine;
- (d) any breakage of a rope, chain, or other gear by which persons are lowered or raised;
- (e) any inrush of water from old workings or other source;
- (f) any accidental ignition of gas or dust below ground, or the discovery of the presence of gas or an outburst of gas in any part of a coal mine;
- (g) any substantial fault or breakdown in or disruption to electrical circuits, switchgear or equipment in, on or about a mine;

whether any bodily injury to any person or damage to property has resulted or not, the manager shall give notice thereof to the inspector, or, if the inspector is not immediately available, to the warden, and shall furnish the inspector or warden, as the case may be, with such particulars in respect thereof as the inspector or warden may ask for, and shall record particulars of such occurrence in the record book.

(6) Any manager who omits to give any such notice as is prescribed by this section shall be guilty of an offence against this Act.

(7) Any manager, agent, or other person who conceals any essential detail, or who gives or tenders false or misleading information, regarding such accident or the nature of the injury caused thereby shall be guilty of an offence against this Act.

Miners to report accidents

72.(1) It shall be the duty of persons employed in, on, or about a coal mine to report to the manager any accident in, on, or about the mine which comes to their knowledge as soon as possible after the occurrence thereof.

(2) Any person who neglects so to do shall be guilty of a offence against this Act.

Inquiries into accidents

74.(1) Unless otherwise determined by the Minister, in every case of accident causing death or serious bodily injury, an inquiry into the nature and cause of such accident shall be held before the warden and 4 persons (“**panellists**”) having practical knowledge and skill in the mining industry selected by the warden and having no connection with the coal mine where the accident occurred.

(1A) Where there is an association representative of the coal miners, the secretary or other person authorised by such association may from time to time furnish to the warden a list or revised list of the members thereof for the use of the warden in the selection of persons having practical knowledge and skill in the mining industry for any inquiry held under this section, and the warden may select 1 or more of such members who are not otherwise disqualified by the provisions of this section.

(1B) Before an inquiry starts, the warden must choose a reserve for each panellist.

(1C) A panellist’s position becomes vacant if, for good reason, the panellist can not continue with the inquiry.

(1D) If a vacancy happens and the panellist’s reserve is able to fill the vacancy, the warden must appoint the reserve to fill the vacancy.

(1E) If the reserve can not fill the vacancy for good reason, the inquiry may continue if there are 2 or more remaining panellists.

(1F) The opinion of the remaining panellists and any appointee under subsection (1D) has the same effect as if all the original panellists had continued with the inquiry.

(2) In every case of accident causing death, the warden shall, at least 4 days before such inquiry is held, send notice of the time and place of

holding the inquiry to the owner, agent, or manager of the coal mine in or on or about which the accident has occurred, and to the principal officer of police in the district, and to either of the miners' officers, and also to the widow or nearest of kindred of the deceased, if such widow or nearest of kindred can be found on the coalfield where the accident occurred.

(2A) In every case of accident causing serious bodily injury, like notice shall be given to such owner, agent, or manager, and to either of the miners' officers, and to such person resident on the coalfield as the injured person may name.

(2B) Any person to whom such notice is sent shall be entitled to be present at the inquiry and to call, examine, and cross-examine any witness either in person or by the person's counsel, solicitor, or agent.

(3) The warden shall forward to the Attorney-General the notes of evidence taken at such inquiry and the opinion of the persons having practical knowledge and skill in the mining industry (who shall record their finding as to the nature and cause of the accident, and make such recommendations as appear to them necessary for the prevention of similar accidents), and the warden's report as to the nature and cause of such accident, and shall forward a copy of the same to the Minister.

(3A) The warden shall also announce the finding at the conclusion of the inquiry.

(4) The warden shall on the application of the inspector or the miners' officers, or whenever the warden thinks necessary, in like manner hold an inquiry into any accident in, on, or about a coal mine, whether such accident was attended with injury to any person or not.

(5) The warden may issue the warden's summons for the attendance of witnesses at inquiries into accidents held under this section, but no witness shall be compelled to attend to whom payment or tender of the witness' expenses on the prescribed scale has not been made.

(6) The evidence taken at any inquiry held under this section may, if the Minister thinks fit, be submitted to the board of examiners; and if it appears to such board from such evidence that the accident was caused directly or indirectly by the non-observance by the holder of any certificate, licence, or permit under this Act of any of the provisions of this Act, or by reason of the holder's negligence, such board may require the holder to show cause

why his or her certificate, licence, or permit should not be suspended, cancelled, or otherwise dealt with.

(6A) Every person so required to show cause shall, when called upon, appear before the warden, who shall hold a further inquiry into the conduct of such person.

(6B) Before the commencement of such further inquiry, such board shall, through the warden, furnish the person into whose conduct inquiry is made with a statement of the case on which the inquiry is instituted, and with a notification of the time and place at which the person is to appear.

(6C) If such person fails to appear, or such board finds after such further inquiry that the person has been guilty of any offence against this Act or of any negligence or misconduct, such board may disqualify the person by cancelling or suspending the person's certificate, licence, or permit, or, if such certificate or licence was granted by an authority outside the State, by cancelling or suspending the approval thereof for such period as such board thinks fit; and during the period of such disqualification the person so disqualified shall be deemed not to hold a certificate, licence, or permit.

(7) For all purposes of an inquiry under this Act, the warden shall have the power of a warden's court.

Accident evidence of neglect

75.(1) The occurrence of any accident in or on a coal mine shall be prima facie evidence of negligence on the part of the owner and the manager.

(2) This section does not apply in respect of any action or other proceedings for the recovery of damages in respect of death or injury caused to a person by an accident which occurred in, on or about a coal mine.

Liability of employer in case of negligence

77.(1) If any person employed in or about a coal mine suffers injury in person, or is killed, owing to the negligence of the owner, contractor, or tributer of such mine, or his or her agent or employee, or owing to the non-observance in such mine of any of the provisions of this Act (such non-observance, not being solely due to the negligence of the person so

injured or killed), the person injured or the person's personal representative, or the personal representative of the person so killed, may recover from the owner, contractor, or tributer of such mine compensation by way of damages as for an actionable wrong committed by such owner, contractor, or tributer.

(2) However, in estimating the damages due regard shall be had to the extent (if any) to which the person injured or killed contributed by any negligence on the person's own part to the injury or death.

Duty of employees to satisfy themselves of safety of appliances

78.(1) Every person employed in or about a coal mine shall, before commencing and whilst at work, use ordinary and reasonable precautions to ascertain that the tubs, buckets, cages, chains, tackle, windlass, ropes, tools, or other appliances the person uses, and the place in which the person works, are not unsafe, and the person shall cease to use anything unsafe.

Duty to report danger

(2) Every such person who witnesses in or about the mine anything likely to produce danger of any kind shall forthwith report the same to the manager.

(2A) On leaving work, the person shall report to the person relieving him or her the state of that part of the works where he or she has been employed, and the manager shall further investigate the matter and take steps to prevent any accident likely to result from such danger.

(3) Any such person who knowingly contravenes this section shall be guilty of an offence against this Act.

Who shall not be employed

79.(1) No person under the age of 21 years shall act as mine manager.

(2) No person under the age of 18 years shall be employed at the brace of a sinking shaft in the working of a windlass or in the handling of materials to and from the winding rope, or be employed as platperson or lander, or be allowed to handle, charge, or fire explosives in, on, or about any coal mine.

(3) No person under the age of 16 years shall be employed below ground in any coal mine.

(4) The manager of every coal mine shall keep in the office of the mine a register, and shall cause to be entered in that register the name, age, residence, date of first employment, and nature of employment of all persons under the age of 18 years employed in the mine below ground, and also any change in the nature of such employment.

(4A) No person under the age of 18 years shall be employed in any dangerous place in the mine.

(5) In dangerous ground, no worker shall be employed alone unless there is some person within easy hearing.

(6) When a stopping is being erected to block off gas or fire the manager shall see that due warning of the likelihood of danger is given to all workers employed on such work, and at no time shall less than 2 workers be employed on such work.

(7) No person who has had less than 2 years' practice at the coal face as a coal getter shall be employed as a coal getter unless in the company and under the supervision of a skilled worker who has had the required 2 years' experience.

(7A) However, the inspector may authorise a person who furnishes evidence that the person has had not less than 2 years' experience underground in a metalliferous mine as a miner and who in the opinion of the inspector has had sufficient underground experience in a coal mine to be employed as a coal getter at the coal face in a coal mine notwithstanding that such person has not had 2 years' practice as a coal getter at the coal face in a coal mine in the company of and under the supervision of a skilled worker.

(8) The manager shall, by way of such tests or examinations as the manager considers appropriate, assure himself or herself that every person employed underground has the physical capacity to perform the work likely to be required of that person.

Winding engine to be in the charge of a licensed person

80.(1) Subject to the provisions of this section every winding engine, while it is being operated shall be in the charge of and under the personal supervision of a licensed person.

(2) Any inspector may issue a winding permit subject to such conditions as the inspector may deem fit, to a person who, in the opinion of the

inspector, is a competent person and who holds a medical certificate referred to in section 81 and any inspector (whether the same or another inspector) may, from time to time, vary the conditions upon which the same has previously been issued or renewed.

(2A) A winding permit shall be of force and effect only in relation to the mine specified therein.

(2B) Any inspector may cancel a winding permit at any time by notification in writing to that effect given to the person to whom the permit was issued or renewed and may call upon such person to surrender the permit to the inspector.

(2C) A person so called upon shall forthwith surrender such permit to the inspector.

(2D) When an inspector has cancelled a winding permit the person to whom the same was issued or renewed shall forthwith cease to be the holder of such a permit whether or not the person has surrendered the permit to the inspector.

(2E) The holder of a winding permit may operate or be in charge of a winding engine of a size not exceeding 22.38 kW and of a type, and in accordance with the conditions, specified in the permit.

(3) A competent person not being the holder of a winding licence granted or a winding permit issued under this Act may operate or be in charge of a winding engine which is operated underground and which—

- (a) is powered by air or electricity or is operated by the force of gravity; and
- (b) is of a size not exceeding 7.46 kW; and
- (c) has been installed in such manner as an inspector has approved; and
- (d) is operated under such conditions as an inspector has approved; and
- (e) is not being used to raise or lower a person.

(4) A trainee winding driver whose name, age and address have been previously notified in writing to the inspector, may operate, or be in charge of, a winding engine under the personal supervision of a licensed person.

(5) A manager who permits any person to operate or to be in charge of a winding engine, and any person who operates or is in charge of winding engine, commits an offence against this Act unless such person is either—

- (a) a licensed person; or
- (b) a competent person who is operating or is in charge of the winding engine in accordance in all respects with the provisions of subsection (3); or
- (c) a trainee winding driver operating or in charge of the winding engine in accordance in all respects with the provisions of subsection (4).

(6) The owner, authorised representative or manager of any mine may make application to the inspector for exemption from the provisions of this section in respect of the operation of any cage, skip or other conveyance in, on or about the mine which is, or is to be, operated by electrical power.

(6A) Every such application shall be in writing and shall adequately describe the type of conveyance the subject of the application and shall set out the number and position of the control stations from which the operation of such conveyance is, or is to be, controlled and shall set out the arrangements that have been made for the proper supervision and efficient functioning of the electrical and other machinery and apparatus used in the operation and control of such conveyance.

(6B) Upon receipt of such application the inspector shall, after inquiry and inspection, make the inspector's report and recommendation and forward the same for the Minister's consideration.

(6C) If the Minister is satisfied that the cage, skip or other conveyance, the subject of the application, can be safely operated and controlled by a person other than a licensed person and that adequate arrangements have been made for the proper supervision and efficient functioning of the electrical and other machinery and apparatus used in the operations and control of such cage, skip or other conveyance, the Minister may exempt such cage, skip or other conveyance in respect whereof the application is made from being operated in compliance with this section.

(6D) The Minister may, at any time, revoke an exemption granted by the Minister under subsection (6C).

(7) In this section—

- (a) the term **“mine”** means a place where an operation for the purpose of obtaining coal has been or is being carried on, but does not include a place on the surface where such coal is being or has been treated or dealt with and, for the purposes of this section, the term **“mine”** in the definition “winding engine” in section 4 shall be deemed to have the same meaning;
- (b) the term **“licensed person”** means a person who is the holder of a winding licence granted by the board of examiners or a winding permit issued under this Act and, where such a licence or permit is subject to any conditions or limitations, imposed by this Act or otherwise, means a person who, being such a holder, is operating or in charge of a winding engine in accordance in all respects with such conditions or limitations.

Medical certificate for licensed person in charge of winding engine

81.(1) Every licensed person who operates or is in charge of a winding engine in, on or about a mine shall hold a medical certificate which shall be renewed or endorsed at intervals not exceeding 2 years or at such lesser intervals as the owner, authorised representative or manager or inspector may require certifying that the holder is free from deafness, defective vision, epilepsy, disease of the heart and any other infirmity which might cause the person to lose control of the engine.

(2) A person who, in the opinion of 2 medical practitioners, legally qualified to practise in Queensland, is not in a fit state of health to operate or to have charge of a winding engine in, on or about a mine shall not operate or be in charge of such an engine.

(3) A person, being subject to the provisions of this section, who operates or is in charge of a winding engine in, on or about a mine and who—

- (a) has not complied with this section; or
- (b) by so operating or being in charge, contravenes any provision of this section;

and any person who employs such a person to operate or to be in charge of such winding engine commits an offence against this Act.

(4) In this section—

“licensed person” means a person who is the holder of a winding licence granted by the board of examiners or a winding permit issued under this Act.

Negligence of person in charge of winding machinery

82. When any person who is in charge of winding machinery on a coal mine has been guilty of negligence or misconduct, whereby the life or safety of any person was or might have been endangered, the inspector shall forthwith report the facts to the chief inspector.

Working hours

83.(1) No person (other than a watchperson or caretaker) in charge of winding machinery used in connection with any coal mine shall be so employed for more than 8 consecutive hours at any time, or for more than 8 hours in any 24 hours.

(1A) Such period of 8 hours shall be exclusive of—

- (a) any time occupied in raising or exhausting steam, or in drawing fires in connection with the winding machinery in the person’s charge; and
- (b) meal time; and
- (c) any time in which such person is employed in case of breakage or other emergency.

(2) In this section, and in section 82, the term **“mine”** has the same meaning as assigned to that term in section 80.

Plans to be furnished

86.(1) The owner, agent and manager of a mine shall cause to be kept at the office at the mine—

- (a) accurate plans of the workings of the mine compiled from a survey thereof made by or under the immediate personal

supervision of the holder of a mine surveyor certificate granted by the board of examiners;

- (b) accurate plans of the surface of the land under which the workings of the mine are situated compiled from a survey thereof.

(1A) Subject to subsections (1) and (1B) to (1D), the owner, agent and manager of a mine shall cause to be made at intervals no greater than 3 months, in the case of an underground mine, or 6 months, in the case of an open cut mine or, in the case of either type of mine, no greater than such extended period as is allowed in respect of the mine under subsection (1B)—

- (a) in respect of the workings of the mine, a survey by or under the immediate personal supervision of the holder of a certificate referred to in subsection (1)(a) and the delineation upon the plans kept pursuant to that subsection of all workings and extensions effected since the last preceding survey of the workings was made by or under the immediate personal supervision of such a holder;
- (b) in respect of land under which the workings of the mine are situated, the delineation upon the plans kept pursuant to subsection (1)(b) of the surface of all land under which the workings of the mine have been extended since the last preceding delineation upon such plans of the surface of the land under which the workings of the mine are situated.

(1B) Upon the application in writing of the owner, agent or manager of a mine the Minister may from time to time extend for a period not exceeding 3 months the interval within which workings and extensions effected since the last preceding survey of the workings of the mine are to be surveyed and delineated upon the plans kept pursuant to subsection (1)(a) if the Minister is satisfied that there are no active workings of the mine within 80 m from—

- (a) any part of the boundary of the mining tenement; or
- (b) any road or reserve; or
- (c) any disused workings of the same or any other mine;

but in no case shall the Minister so exercise the power conferred on the

Minister by this subsection that the interval between 1 survey of the workings of the mine and the next such survey exceeds 6 months, in the case of an underground mine, or 12 months in the case of an open cut mine.

(1C) Notwithstanding any extension granted by the Minister pursuant to subsection (1B) an inspector may at any time during such extension order the owner, agent and manager of the mine concerned or any one or more of them to cause to be made within the period (if any) specified in the order a survey in accordance with subsection (1A)(a) of the workings of the mine and the delineation upon the plans (kept pursuant to subsection(1)(a)) of the workings and extensions effected since the last preceding such survey was made and all persons to whom the order is directed shall comply with the order according to its tenor.

(1D) Surveys of the workings of a mine and plans referred to in subsection (1)(a) or (b) shall be made or, as the case may be, compiled in accordance with any rules made under this Act in respect thereof.

(2) In the month of March of every year the owner, agent, or manager shall transmit to the Minister, through the inspector, certified copies of such plans, showing the workings up to the time of the last survey, and for the purposes of this section the inspector shall return to the manager such copy not later than 31 January in each year.

(3) Every such copy shall be deposited with such person at such place as the Minister may appoint.

(4) If the Minister has reason to believe that any plan received by the Minister is incorrect or incomplete, the Minister may cause a check survey to be made of the workings by a mining surveyor or a surveyor approved by the chief inspector, and if such plan is proved to be incorrect or incomplete in any material respect the owner, agent, or manager shall pay the cost of such survey and all expenses incurred in connection therewith; and such cost and expenses shall be recoverable as a debt due to Her Majesty.

(5) The owner, agent, or manager of every coal mine shall keep at the office of the mine an up-to-date print of the mine plan showing clearly thereon the positions of all ventilating fans, ventilating doors, regulators, air stoppings, air crossings, the direction of the air circuit, and all stoppings erected to seal off fire, water, or gas.

(6) The plans shall be produced to the inspector or any other officer duly

authorised by the Minister, and the owner shall, if requested, mark or cause to be marked on such plans, within a reasonable time after the request for such production, and also on the copy of such plans transmitted to the Minister as hereinbefore provided, the progress of the workings of the coal mine up to the time of the request for such production, and shall allow the inspector or such other officer to examine and take a copy thereof.

(6A) The plans shall be available for the inspection of the miners' officers.

(7) If the owner, agent, or manager of any coal mine—

- (a) fails to keep and transmit such plans as prescribed by this section; or
- (b) wilfully refuses to produce such plans and mark them as prescribed, or to allow them to be examined or copied; or
- (c) conceals any part of the workings of his or her mine; or
- (d) knowingly produces an imperfect or inaccurate plan;

the owner, agent or manager shall be guilty of an offence against this Act.

Discontinuance of operations

86A.(1) When in any coal mine or part thereof, or in the workings in any seam of coal or part thereof, mining operations are discontinued temporarily or permanently, the owner, agent, or manager shall, within 1 month of such temporary or permanent discontinuation, send to the inspector of mines an accurate plan of the workings of the mine or seam or part or parts showing—

- (a) the boundaries of the mineral tract, leasehold or freehold, to be worked by the mine; the boundaries of the workings of the mine or seam, including not only the working faces but also all headings in advance thereof up to the time of the temporary or permanent discontinuation of mining operations;
- (b) the pillars of coal or other mineral unworked;
- (c) the position, direction, and extent of every known fault of every seam in the mine or of the seam, as the case may be, with its vertical throw and of every known washout and intrusive dyke;

- (d) the position of the workings with regard to the surface;
- (e) the general direction and rate of dip of the strata;
- (f) the depth of every shaft or bore, and the depth and thickness of every seam passed through in each shaft or bore, and a section of the strata sunk through or, if that is not reasonably practicable a section of every seam in the mine or of the seam, as the case may be.

Taking out of pillars

(2) Whenever it is intended to take out pillars in any part or parts of a coal mine, notice of such intention shall be sent to the inspector of mines, accompanied by the plan and information aforesaid, within 4 weeks immediately before commencing to take them out.

Copies of plans not to be furnished

87.(1) Except by permission of the Minister, or as authorised by this Act, no plan or copy or tracing of any plan of the workings in or on any current mining tenement transmitted to the Minister or taken by any officer under this Act shall be furnished to, or be open to inspection by, nor shall information in relation thereto be given to, any person, other than the owner, agent or manager of a mine included in such tenement, while such tenement remains a current tenement.

(2) If any officer without such permission or authority furnishes to any person or allows any person to inspect any such plan or copy or tracing of any plan, or gives any information in relation thereto, the officer shall be guilty of an offence against this Act.

Returns

88.(1) The owner, agent, or manager of every coal mine shall provide the Minister, in the month of December in each year, or at the Minister's request more frequently, with returns of labour employed, work done, output of coal raised for all purposes, machinery or other appliances existing at the mine, and such other returns as may be required by the Minister.

(2) Any officer appointed for that purpose by the Minister shall at any time have access to the books of such mine, and may examine the same for

the purpose of ascertaining if such returns are correct.

(3) Any owner, agent, or manager who neglects or refuses to furnish any return required by this section, or who knowingly makes a false return, and any person who impedes or obstructs any inspector or officer appointed by the Minister to perform any duty under this section, shall be liable to a penalty not exceeding \$100.

(4) In the case of a company, the manager and every director of the company who causes or is privy to any such neglect, refusal, or falsity shall also be liable to the same penalty.

Entry and inspection

89.(1) Upon the application of any person claiming to be interested in any coal mine or land adjoining or near to another coal mine, or of any local government having control of any road in the vicinity of a coal mine, supported by such evidence as the warden thinks proper, the warden may, by order, authorise such person or the person's surveyor to enter on such lastmentioned coal mine to ascertain—

- (a) whether any encroachment exists and, if so, the extent thereof; or
- (b) whether there is any influx of water therefrom or any accumulation of water thereon; or
- (c) whether any surface rights are interfered with or endangered; or
- (d) any other matter for which in the warden's opinion such inspection is necessary.

(1A) Before making any such order, the warden may in the warden's discretion direct that the owner or agent of such mine shall be served with notice of such application and have an opportunity of adducing evidence and being heard in opposition thereto, and for such purpose may adjourn the application.

(1B) Before making any such order, the warden may require the applicant to deposit such sum of money as the warden thinks sufficient to cover the cost of inspection and compensation for loss or expense.

(1C) Every person so authorised may thereupon enter upon the mine described in the order, descend any mine or shaft, and make such inspection (and, if a surveyor, make such survey, sections, and plans as the surveyor

deems necessary), and avail himself or herself of the engines, machinery, and appliances used in the ordinary operations of the mine; and the manager shall render all necessary assistance to the person so authorised.

(1D) The warden may, out of any sum deposited as aforesaid, defray the cost of such examination, and, if the manager renders the assistance necessary for the purposes aforesaid, and if there is no encroachment or other matter justifying the inspection, may out of such sum award to the owner compensation for any loss or expense to which the owner is put by reason of such examination.

(1E) And the balance (if any) of such money shall be returned to the person making the deposit.

(2) Upon any such application as aforesaid, the warden, if in the warden's opinion an inspection of the plans of the mine may be sufficient, may, in lieu of or as a preliminary to any order for inspection of the mine under this section, order that the applicant or some other person on the applicant's behalf shall be at liberty to inspect the plans of the mine or of such portions of the mine as may be necessary; and the manager shall thereupon produce such plans to the applicant or person authorised by the warden.

(2A) In such case no order for inspection of the mine shall be made unless the warden is satisfied that inspection of the plans as aforesaid has proved to be insufficient.

(3) If any such person, except as a witness in a court of justice, without the consent in writing of the owner or agent of the mine entered upon, divulges to any person whomsoever any information obtained upon or by such inspection of the plans or such entry or inspection of a mine, otherwise than for the purposes thereof, or if any manager refuses the assistance necessary to enable the person so authorised to make such inspection or entry and inspection, he or she shall be liable to a penalty not exceeding \$200.

At least a second opening to the surface shall be provided before mine is operated for normal production

90.(1) After breaking away from the shaft bottom in any underground coal mine, the owner, agent, or manager shall concentrate on the completion of at least a second opening to the surface from such mine, the openings to

be not less than 15 m apart and to intercommunicate with each other, by means of which all persons employed in the mine may at all times pass in or out.

(2) No operations in any coal mine having for their sole object the working of coal shall be commenced until 2 such openings have been completed.

(4) Where 2 separate openings to the surface are required by this Act, proper apparatus for raising and lowering persons shall be installed and kept ready for immediate use at each such opening.

(4A) Subsection (4) does not apply to any opening by which persons can walk into or out of the mine or in the case of a vertical shaft where properly constructed ladderways are provided in accordance with rules made pursuant to section 96 relating to underground coal mines.

(5) Where apparatus is provided at any coal mine in compliance with this section, it shall not be deemed to be proper apparatus within the meaning of this Act unless in the opinion of the inspector it would suffice as a means of ingress or egress for all persons in the mine on any working day and as an adequate means of egress in case of emergency, and until the inspector has certified to that effect in the record book.

(6) Where there are a downcast shaft and upcast shaft to the same seam both such shafts shall be provided with apparatus for raising and lowering persons, and every person employed in the mine shall on giving reasonable notice have the option of using the downcast shaft.

Walls to be left

91.(1) On the inside of the boundary lines of every coal mine suitable walls shall be left standing, which shall be not less than 14 m in width, measured at right angles from the boundary line.

(2) However, the Minister may give written permission for such walls to be partially removed or cut through or wholly removed on such conditions as the Minister thinks fit.

(3) For the purposes of this section the boundary lines of any coal mine shall be constituted by the external boundary, as delineated by survey, of all parcels of land which for the time being are recorded in the office of the warden under section 49A as being comprised in that coal mine.

Mining under roads and watercourses

92.(1) Before working any coal under or near any road, permanent water, or natural watercourse, the owner, agent, or manager of the coal mine shall give due notice to the inspector of his or her intention to work such coal, and the inspector, if the inspector considers that such working is likely to result in damage or danger to such road or to the workings of the same or any other coal mine from subsidence, whether vertical or lateral, influx of water, or other cause, may, by notice in writing addressed to such owner, agent, or manager, prohibit the working of such coal or limit the working thereof to such extent as the inspector considers necessary.

(2) If such owner, agent, or manager objects to comply with such notice, he or she may within 14 days after the receipt thereof make an objection in writing to the Minister; and the Minister, after considering the objection, may confirm the notice, or cancel the same, or modify the same to such extent as the Minister thinks proper.

(3) The decision of the Minister on the matter shall be final and conclusive.

Power to make general rules

96.(1) The Governor in Council may in accordance with this Act make general rules with respect to all or any of the matters specified in schedule 1, part 1, and prescribing codes of signals and codes of symbols to be used in and about coal mines and the purposes of their use.

(2) If the Minister is satisfied that the observance of a general rule is not practicable in a particular coal mine the Minister may recommend to the Governor in Council that action be taken under this subsection and upon such recommendation the Governor in Council may, in relation to that mine vary that rule in such manner as the Governor in Council deems necessary or, by notification published in the gazette, suspend the operation of that rule and, by a like notification, may terminate the suspension.

(3) A general rule as varied pursuant to subsection (2) shall be taken to be a general rule applicable to the coal mine in relation to which the rule has been varied in place of the general rule previously applicable and so varied.

Power to make special rules

97.(1) The Governor in Council may in accordance with this Act make special rules with respect to the mode of conduct of operations in and about coal mines, the categories of persons to be employed at coal mines and the duties and responsibilities of such persons and the duties and responsibilities of the owners, agents or managers of coal mines.

(2) The owner, agent or manager of a coal mine or the representative of the workers employed at a coal mine, being the representative appointed in that behalf by the majority of those workers, may at any time apply to the Minister to have the special rules applicable to that coal mine, or any of them, rescinded, amended, added to or otherwise modified on the ground that the observance of the rules to which the application relates is not reasonably practicable at that coal mine.

(3) If, upon such an application, the Minister is satisfied of the truth of the ground alleged in the application the Minister may recommend to the Governor in Council that effect be given to the application, wholly or partly, but if the Minister is not so satisfied the Minister shall refuse the application and thereby dispose of it.

Copy of rules to be posted at every mine

98. A printed or type written copy of all the said general rules and all other rules under this Act shall be posted in the office (if any) and on a building or board in some conspicuous place in connection with every coal mine.

Agreement to obstruct this part or rules null and void

100. A term of an agreement that—

- (a) purports to obstruct any person in complying with this part or with any rule made under this Act or that has that effect; or
- (b) purports to penalise any person on account of the person's complying or intending to comply with this part or any rule made under this Act or that has that effect; or

- (c) purports to require any person to commit a breach of any provision of this part or of any rule made under this Act;

is null and void.

Protection of abandoned shafts

101. Any person, whether owner or not, who, without the consent in writing of the warden or inspector, after any shaft, level, drive, or excavation has become disused for coal mining purposes, wilfully damages it or renders it useless by the removal of any covering, fencing, casing, lining, ladder, platform, timber, or other appliance provided in or about the same, or who removes any part of the mound or dump required to protect the opening of any shaft or excavation at the surface, shall be guilty of an offence against this Act.

Responsibility for protecting abandoned shafts

102.(1) Where operations have been discontinued in a coal mine, the owner, agent, and manager shall continue to be responsible for carrying out the provisions of this Act relating to the protection of any shaft or excavation on the surface of such mine and for seeing that the same are always safe, and for the furnishing of plans of such mine until such provisions have been complied with.

(2) Upon the inspector being satisfied that such provisions have been complied with, the inspector shall issue a certificate to that effect, and the owner shall thereupon be relieved from all responsibility.

Props and timber not to be removed or openings obstructed

103. The owner of any underground coal mine shall not, without giving due notice to the owner of any adjoining coal mine and without the consent of the inspector, remove any props, timber, or stone wall in or on the owner's mine, the removal of which may make any portion of the workings of such adjoining mine unsafe or inaccessible; and where the underground workings of a coal mine or 2 or more underground coal mines communicate with each other so as to afford means of ventilation, such ventilation shall not be obstructed without the consent of an inspector.

PART 4A—MINES RESCUE

Division 1—Preliminary

Objects of pt 4A

103A. The main objects of this part are to—

- (a) ensure each underground mine owner provides a mines rescue capability for the mine; and
- (b) provide for accreditation of corporations to help underground mine owners provide a mines rescue capability; and
- (c) provide for the Minister to fix performance criteria for accredited corporations; and
- (d) ensure accredited corporations—
 - (i) provide mines rescue services; and
 - (ii) meet the performance criteria; and
 - (iii) have sufficient funding to meet the performance criteria.

Definitions for pt 4A

103B. In this part—

“accredited corporation” means a corporation accredited under section 103I(2).

“mine” does not include a mine—

- (a) that has been abandoned; or
- (b) in which no person is employed.

“mines rescue services” see section 103N(a).

“owner” does not include the owner of a mine—

- (a) that has been abandoned; or
- (b) in which no person is employed.

“party”, to a mines rescue agreement, see section 103D(2).

“performance criteria” means the performance criteria fixed under section 103O(1).

Meaning of “mines rescue capability”

103C. “Mines rescue capability” means the ability to provide a suitable number of trained persons and maintained equipment to allow continuous rescue operations to take place and help the escape or safe recovery of anyone from a mine if it has, or may have, an irrespirable atmosphere.

Meaning of “mines rescue agreement”

103D.(1) In this part, a **“mines rescue agreement”**, for an owner, means—

- (a) a written agreement that—
 - (i) has been entered into between the owner and an accredited corporation; and
 - (ii) if the owner is an underground mine owner—provides for the corporation to help the owner provide a mines rescue capability for the mine; and
 - (iii) remains in force; or
- (b) if the owner is a member of an accredited corporation that is a company limited by guarantee, not having a capital divided into shares—the corporation’s articles of association.

(2) A person is a **“party”** to a mines rescue agreement if the person is—

- (a) a party to an agreement mentioned in subsection (1)(a); or
- (b) a member of an accredited corporation mentioned in subsection (1)(b).

Division 2—Obligations of mine owners and users***Subdivision 1—All owners*****Owner must be a party to a mines rescue agreement**

103E. An owner must be a party to a mines rescue agreement for the owner's mine.

Maximum penalty—1000 penalty units.¹

Owner must contribute

103F.(1) An accredited corporation may—

- (a) require contributions from each owner who is a party to a mines rescue agreement with the corporation to allow the corporation to provide mines rescue services; and
- (b) fix different contributions from different owners—
 - (i) who own the same class of mine; or
 - (ii) who own different classes of mine.

Examples of different classes of mine—

1. Underground mines.
2. Open cut mines.
3. Bord and pillar underground mines.
4. Longwall underground mines.
5. High-wall mines.

(2) Subsection (1) does not limit any other obligation an owner has to pay an amount to the corporation.

¹ Under the *Penalties and Sentences Act 1992*, section 181B (Corporation fines under penalty provision), if a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to 5 times the maximum fine for an individual.

(3) An owner must pay all contributions the owner is required to pay under subsection (1) at the times fixed by the corporation.

Maximum penalty—200 penalty units.

Subdivision 2—Further obligation of underground mine owners

Provision of a mines rescue capability

103G.(1) An underground mine owner must provide a mines rescue capability for the mine.

Maximum penalty—1000 penalty units.

(2) The obligation is in addition to any other obligation the owner has under any law.

(3) The owner discharges the obligation under subsection (1) by—

- (a) complying with any requirement about mines rescue capability imposed on the owner under a regulation or rule; and
- (b) ensuring the manager of the mine complies with any requirement about mines rescue capability imposed on the manager under a regulation or rule.

(4) The owner commits an offence against subsection (1) on each occasion that the owner fails to comply with the requirements of subsection (3).

Subdivision 3—Mine users

Mine not to be used if div 2 contravened

103H. A person must not use a mine for mining while the owner of the mine fails to comply with sections 103E to 103G in relation to the mine.

Maximum penalty—50 penalty units.

Division 3—Accredited corporations***Subdivision 1—Accreditation*****Accreditation**

103I.(1) A corporation may apply to the Minister for a grant of accreditation to provide mines rescue services.

(2) The Minister may grant or refuse the accreditation.

(3) However, before granting an accreditation, the Minister must be satisfied—

- (a)** the corporation is able to—
 - (i)** provide mines rescue services for every underground mine; and
 - (ii)** comply with the performance criteria; and
- (b)** the Minister is able to audit or monitor the mines rescue services provided by the corporation and its compliance with the performance criteria; and
- (c)** if the corporation fails to provide mines rescue services or comply with the performance criteria—it has made suitable provision for the Minister to remedy the failure by—
 - (i)** managing the corporation’s mines rescue services; and
 - (ii)** requiring contributions for the corporation under section 103F(1)² to allow the Minister to manage its mines rescue services.

Accreditation conditions

103J.(1) The Minister may accredit a corporation on conditions.

(2) A condition may provide for the following—

- (a)** security for the provision of mines rescue services for every

² Section 103F (Owner must contribute)

underground mine and compliance with the performance criteria;

- (b) enforcement of the security, even if there is a penalty or liability under this part;
- (c) payment of any reasonable costs of remedying a failure by the corporation to provide mines rescue services or comply with the performance criteria.

(3) Subsection (2) does not limit the conditions the Minister may impose.

(4) In subsection (2)—

“**security**” includes mortgage, bond, insurance and surety.

Refusal to accredit

103K. If the Minister refuses to accredit a corporation, the Minister must give the applicant a written notice within 14 days stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the applicant may appeal against the decision to a wardens court within 28 days;
- (d) how the applicant may start an appeal.³

Amending, suspending or cancelling accreditations—grounds

103L. Each of the following is a ground for amending, suspending or cancelling a corporation’s accreditation—

- (a) the accreditation was obtained because of incorrect or misleading information;
- (b) the corporation has not provided a mines rescue service;
- (c) the corporation can not provide mines rescue services for every underground mine;
- (d) the corporation has contravened the performance criteria or a

³ For how to start an appeal, see section 103S (How to start appeal).

- condition of the accreditation;
- (e) the corporation has not reported to the Minister on its compliance with the performance criteria;
- (f) the corporation has committed an offence against this Act.

Amending, suspending or cancelling accreditations—procedure

103M.(1) If the Minister considers a ground exists to amend, suspend or cancel an accreditation (the “**proposed action**”), the Minister must give the accredited corporation written notice stating the following—

- (a) the proposed action;
- (b) the ground for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the ground;
- (d) if the proposed action is to amend the accreditation (including a condition of the accreditation)—the proposed amendment;
- (e) if the proposed action is to suspend the accreditation—the proposed suspension period;
- (f) that the corporation may show (within a stated time of at least 28 days) why the proposed action should not be taken.

(2) If, after considering all written representations made within the stated time, the Minister still considers a ground exists to take the proposed action, the Minister may—

- (a) if the proposed action was to amend the accreditation—amend the accreditation; or
- (b) if the proposed action was to suspend the accreditation—suspend the accreditation for no longer than the period stated in the notice; or
- (c) if the proposed action was to cancel the accreditation—amend the accreditation, suspend the accreditation for a period or cancel it.

(3) The Minister must inform the corporation of the decision by written notice.

(4) If the Minister decides to amend, suspend or cancel the accreditation, the notice must state the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the corporation may apply within 28 days for the decision to be reviewed;
- (d) how the corporation may apply for the review;
- (e) that the corporation may apply for a stay of the decision if the corporation applies for a review.

(5) The decision takes effect on the later of the following—

- (a) the day the notice is given to the corporation;
- (b) the day stated in the notice.

(6) Subsections (1) to (5) do not apply—

- (a) if the Minister proposes to amend the accreditation only—
 - (i) for a formal or clerical reason; or
 - (ii) in another way that does not adversely affect the corporation's interests; or
- (b) if the corporation asks the Minister to amend the accreditation and the Minister proposes to give effect to the request.

(7) The Minister may amend an accreditation under subsection (6) by written notice given to the corporation.

Subdivision 2—Functions and performance

Functions

103N. An accredited corporation has the following functions—

- (a) providing the following services (“**mines rescue services**”)—
 - (i) helping each underground mine owner who is a party to a mines rescue agreement with the corporation to provide a mines rescue capability;

- (ii) providing mines rescue training programs;
- (iii) providing staff and equipment to comply with subparagraphs (i) and (ii) and the performance criteria;
- (b) complying with the performance criteria;
- (c) reporting to the Minister under section 103P⁴ on its compliance with the performance criteria.

Performance criteria

103O.(1) The Minister must fix mines rescue performance criteria for the provision of mines rescue services for underground mines by an accredited corporation.

(2) The criteria must include that an accredited corporation—

- (a) provides appropriate mines rescue training programs; and
- (b) provides equipment and resources to perform its obligations under mines rescue agreements; and
- (c) ensures mines rescue equipment is maintained, tested and certified to any specification by its manufacturer; and
- (d) effectively performs audits or other exercises to show the corporation's ability to respond to an emergency; and
- (e) provides an effective procedure for owners to help each other in an emergency.

(3) Subsection (2) does not limit the criteria.

(4) The Minister must notify the criteria by gazette notice.

(5) In subsection (2)—

“mines rescue equipment” means equipment for use in an emergency by the corporation or an underground mine owner who is party to a mines rescue agreement with the corporation.

⁴ Section 103P (Reporting to Minister)

Reporting to Minister

103P.(1) Within 1 month after the end of each financial year, each accredited corporation must give the Minister a written report about whether it complied with the performance criteria in the year.

Maximum penalty—100 penalty units.

(2) Also, the Minister may, by written notice, ask an accredited corporation to give the Minister, within a stated time of at least 7 days, stated documents or information about—

- (a) the corporation; or
- (b) the mines rescue services provided by the corporation.

(3) The corporation must comply with the request, unless it has a reasonable excuse for not complying.

Maximum penalty—100 penalty units.

(4) An accredited corporation must not give the Minister a report, required documents or information it knows is false or misleading in a material particular.

Maximum penalty—500 penalty units.

(5) A complaint against a corporation for an offence against subsection (4) is sufficient if it states the report, required documents or information was ‘false or misleading’ in a material particular.

Subdivision 3—Miscellaneous**Accredited corporation must keep records**

103Q.(1) An accredited corporation must keep a record of the owners who are party to a mines rescue agreement with the corporation.

(2) If an owner who is a party to a mines rescue agreement with the corporation asks, the corporation must give the owner a certificate stating—

- (a) that the owner is a party to a mines rescue agreement with the corporation; and

- (b) whether the owner has paid all contributions required by the corporation under section 103F(1).⁵

(3) A certificate under subsection (2) signed by an officer of the corporation is evidence of the matters stated in it.

PART 4B—APPEALS

Appeals against Minister’s decisions

103R. The following persons (an “**appellant**”) may appeal against a decision of the Minister under the following provisions to a wardens court under this part—

- (a) the applicant for accreditation—sections 103I and 103J;⁶
- (b) the accredited corporation—section 103M.⁷

How to start appeal

103S.(1) An appeal is started by the appellant—

- (a) filing a written notice of appeal with the wardens court at Brisbane; and
- (b) serving a copy of the notice on the Minister.

(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

(3) The court may at any time extend the period for filing the notice of appeal.

(4) The notice of appeal must state the grounds of the appeal.

⁵ Section 103F (Owner must contribute)

⁶ Section 103I (Accreditation)
Section 103J (Accreditation conditions)

⁷ Section 103M (Amending, suspending or cancelling accreditations—procedure)

Stay of operation of decisions

103T.(1) A wardens court may stay a decision appealed against to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be given on conditions the court considers appropriate; and
- (b) has effect for the period stated by the court; and
- (c) may be revoked or amended by the court.

(3) The period of a stay given by the court must not extend past the time when the court decides the appeal.

(4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

Hearing procedures

103U.(1) Unless this part otherwise provides, the practice and procedure for an appeal to a wardens court under this part must follow the procedure under section 367⁸ of the Mining Act.

(2) An appeal must be by way of rehearing, unaffected by the Minister's decision.

(3) In deciding an appeal, a wardens court—

- (a) is not bound by the rules of evidence; and
- (b) must observe natural justice; and
- (c) may hear the appeal in court or chambers.

Powers of court on appeal

103V.(1) In deciding an appeal, a wardens court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or

⁸ Mining Act, section 367 (Practice and procedure of Wardens Court). Under section 4 (Definitions) "Mining Act" means the *Mineral Resources Act 1989*.

- (c) set aside the decision and return the matter to the Minister with directions that the court considers appropriate.

(2) In substituting another decision, the court has the same powers as the Minister.

Example—

In an appeal against the Minister's decision to cancel an accreditation, the court may decide to cancel the accreditation or to amend the accreditation by imposing conditions.

(3) If the court substitutes another decision, the substituted decision is taken to be the decision of the Minister.

(4) The court may make an order for costs it considers appropriate.

Appeal to District Court on questions of law only

103W.(1) An appellant may appeal against the decision of a wardens court to a District Court, but only on a question of law.

(2) On hearing the appeal, the court may make any order for costs it considers appropriate.

PART 5—MISCELLANEOUS

Offences against this Act

104.(1) Any person who—

- (a) contravenes or does not comply with any of the provisions of this Act or any of the general or special rules in force for the time being relating to any coal mine; or
- (b) by negligence, causes any person to be injured or killed or endangers the safety of any person in or about a coal mine; or
- (c) pulls down, injures, or defaces any notice or document hung up or affixed as required by this Act;

shall be guilty of an offence against this Act.

(1A) In subsection (1) the term “**negligence**” means that degree of negligence which would render the person who thereby has caused another to be injured or killed liable for damages in an action brought against the person by or on behalf of that other or his or her estate, as the case may require.

(2) In the case of every breach of this Act the superintendent, manager, owner, and agent shall each be guilty of an offence against this Act of failing to enforce the provisions of this Act, unless such superintendent, manager, owner, or agent reports such breach and proves that he or she had taken all reasonable means of enforcing this Act and of preventing such breach.

(3) Whenever any contravention of or noncompliance with any of the general or special rules by any person other than the manager is proved, the manager shall also be deemed guilty of an offence of failing to enforce the general or special rules, as the case may be, unless the manager proves that the manager adopted all reasonable means by publishing, and to the best of the manager’s power enforcing, the rules to prevent such contravention or noncompliance.

(4) In any prosecution for a breach of any of the general rules in force for the time being relating to any coal mine, the defendant shall not be convicted if the defendant proves facts which satisfy the court that the observance of or compliance with the provision of such rules for the breach of which the defendant is prosecuted was not, under the circumstances, reasonably practicable.

(5) Nothing in this section shall exempt any person from prosecution for an offence under the common law or any statute, nor prevent the infliction on the person, if convicted of such offence, of a more severe penalty or punishment than is imposed for an offence against this Act.

(6) When by this Act 2 or more persons are expressed to be subject to a liability or duty or to commit an offence against this Act, either alternatively or conjunctively, then, such expression means that each of such persons is severally liable for the performance of that liability or duty or to be guilty of that offence and each may be charged with a failure to perform that liability or duty in accordance with this Act, or with that offence, and may be convicted in respect thereof except when the liability or duty has been performed by at least one of such persons.

(7) When a body corporate has committed an offence against this Act the manager of that body corporate and every member of the governing body of that body corporate shall be deemed to have also committed that offence and may be convicted thereof.

(8) It is a defence for the manager or member of the governing body, as the case may be, of such body corporate that he or she did not know and had no reasonable means of knowing that the offence was being committed.

General penalty

105. Any person who is guilty of an offence against this Act for which no specific penalty is herein provided shall be liable—

- (a) if the person is the owner, agent, manager, or person in charge of or giving orders or directions relating to the carrying on of any mining operations on or in a coal mine, to a penalty not exceeding \$200; and
- (b) in all other cases, to a penalty not exceeding \$100.

Burden of proof on defendant

106. In any proceeding under this Act against a manager or person in charge of any mining operations or machinery in or on a coal mine, the burden shall lie on the defendant of proving he or she is not such manager or person.

Recovery of penalties

107.(1) Whenever by this Act a penalty is imposed for any offence against this Act, the proceedings for the recovery of such penalty may be taken in a summary way either in the warden's court according to the *Justices Act 1886*, as amended by subsequent Acts, which provisions shall apply in like manner as if the warden was sitting as a magistrate in a Magistrates Court under those Acts, or subject to the *Justices Act Amendment Act 1909*, before any Magistrates Court, upon the complaint of an inspector or any officer authorised by the Minister.

(2) However, for any offence against the special rules made with respect to any coal mine under this Act, the owner, agent, or manager of such mine

shall be deemed to be a person authorised to make a complaint.

(3) The whole or any part of such penalty may be awarded to any person injured, or to the personal representative of any person killed, in consequence of such offence; and such award shall not prejudice any other right or remedy which such person or personal representative may have under this Act or otherwise.

(4) The right of appeal from any decision of a warden's court or justices in any such proceedings, and the procedure thereon, shall be governed by the *Justices Act 1886* and the rules of the Supreme Court relating to appeals from justices.

Application of penalties etc.

108. All penalties, fees, and other moneys recovered or received by any warden, inspector, or other State officer or by the board of examiners under this Act shall be paid into the consolidated fund.

Service of notices

109. Any notice required under this Act to be delivered to or served upon the owner, agent, or manager of any coal mine may be delivered to or served on him or her personally, or shall be deemed to be duly delivered or served if sent by registered post letter addressed to his or her usual or last known address.

Delegation by Minister or chief executive

109A.(1) The Minister or the chief executive may delegate their powers under this Act to an appropriately qualified public service employee.

(2) The Minister may delegate a power under a provision required under section 103I(3)(c)⁹ to any appropriately qualified person for mines rescue services.

⁹ Section 103I (Accreditation)

(3) In this section—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

A person’s classification level in the public service.

Notices about coal industry statistics or information

110.(1) The chief executive may, by written notice, require a person to keep and give the chief executive statistics or other information in the person’s custody, possession or power about the coal industry.

Examples of matters the notice may require—

- (a) the keeping and giving of records of production, disposal, sales and employment numbers; and
- (b) the compilation and giving of statistics, returns and other information, including about attendance and absenteeism for work at coal mines; and
- (c) that the records, statistics, returns or other information must be in an approved form.

(2) The chief executive may, by written notice, amend a notice.

(3) The person must comply with the notice unless the person has a reasonable excuse for not complying.

Maximum penalty—10 penalty units.

Ambit and nature of rules

111. Rules, whether general or special, made under this Act—

- (a) shall not be inconsistent with any provision of this Act; and
- (b) may be made—
 - (i) to apply generally throughout the State or within any part or parts of the State; or
 - (ii) to apply to all coal mines or to any class, number or description of coal mines; or

- (iii) so that different rules apply to coal mines of different classes or descriptions; and
- (c) may adopt, wholly or partly, either by way of reference or express specification therein any of the standard rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standard Institution or like body identified in the rules; and
- (d) may provide—
 - (i) that the chief inspector's approval is to be the standard applicable in respect of a particular matter;
 - (ii) that an inspector may direct or allow a rule or part thereof to be varied or modified in respect of the working of a particular coal mine; and
- (e) may impose for any breach thereof a penalty not exceeding \$200.

Publication of intention to make rules

112.(1) If it appears to the Governor in Council to be necessary or expedient to make any rule under this Act, the Minister shall cause to be published a notice of the intention of the Governor in Council to make such rule and the context of such rule.

(2) Every such notice shall be published—

- (a) in the gazette; and
- (b) otherwise as the Minister shall direct;

and shall be published as often as the Minister shall direct.

(3) A copy of the gazette containing such notice shall be posted at every warden's office in Queensland.

(4) The date on which such notice last appears in the gazette shall be the date of publication of such notice.

(5) If within 1 month after the date of publication of such notice sufficient cause is not shown to the Governor in Council why the rule should not be made the Governor in Council may make such rule.

(6) No rule shall be deemed invalid, or to be of no force and effect, by

reason only of the fact that a copy of the gazette containing a notice under this section was not posted at every warden's office in Queensland.

Effect of publication of rules

113.(1) Rules made under this Act shall, after publication in the gazette, have the same effect as if they were enacted in this Act and shall not be questioned in any proceedings whatsoever.

(2) Every such rule shall be judicially noticed.

Rule is subordinate legislation

115. A rule is subordinate legislation.

Regulation-making power

116.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may—

- (a)** be made about the health of persons employed or to be employed at a coal mine, including about—
 - (i)** the appointment, qualifications and removal of doctors for coal mines; or
 - (ii)** pre-employment and periodic health assessments to decide a person's fitness for work at a coal mine; or
 - (iii)** the ownership, storage, confidentiality and release of health assessments; or
 - (iv)** reciprocity between coal mining operations; or
- (b)** create offences and fix penalties of not more than 20 penalty units for each offence.

PART 6—TRANSITIONAL PROVISIONS FOR COAL LEGISLATION AMENDMENT ACT 1997

Division 1—Transitional provisions for repeal of Coal Industry (Control) Act 1948

Definitions for div 1

117. In this division—

“commencement” means the commencement of the section in which it appears.

“former Act” means the *Coal Industry (Control) Act 1948*.

“former entity” means The Queensland Coal Board established under the former Act.

“trust fund” means a trust fund established by the Treasurer under the *Financial Administration and Audit Act 1977*, section 11.¹⁰

Dissolution of former entity

118. On the commencement, the former entity is abolished and its members go out of office.

Transfer of assets and liabilities to the State

119. Subject to sections 120 to 122, on the commencement, the former entity’s assets and liabilities vest in the State.

Transfer of Coal Industry Welfare Fund

120.(1) The Coal Industry Welfare Fund is closed.

(2) The amount standing at credit in the fund immediately before the

¹⁰ The *Financial Administration and Audit Act 1977*, section 11 (Powers of Treasurer re trust and special funds)

commencement must be transferred by the Treasurer to a trust fund for the welfare of mine workers, their dependants and mining communities.

Transfer of Coal Industry Fund

121.(1) The Coal Industry Fund is closed.

(2) The amount standing at credit in the fund immediately before the commencement must be transferred by the Treasurer to a trust fund for the benefit of the mining industry.

Coal Industry Employees' Severance Pay Fund

122.(1) Amounts standing to the credit of the Coal Industry Employees' Severance Pay Fund on 1 January 1998 must be paid under this section as soon as practicable after 1 January 1998.

(2) Each eligible corporation must be paid the amount worked out under subsections (3) to (5).

(3) The amount is the amount that would be payable to each eligible corporation if—

- (a) every employee provided for in the corporation's severance agreement was retrenched on 31 December 1997; and
- (b) the retrenchment was because of technological change, market forces or diminution of reserves.

(4) Also, despite an agreement limiting payments to full years of eligible service, an additional payment must be made for completed months of any incomplete year of eligible service.

(5) However, subsection (4) does not apply if the incomplete year of eligible service is the employee's first year of service.

(6) On the making of all payments under subsection (2)—

- (a) the Coal Industry Employees' Severance Pay Fund is closed; and
- (b) any surplus remaining in the fund must be paid to the trust fund mentioned in section 121(2); and
- (c) each severance agreement is ended; and

(d) all rights and obligations under a severance agreement end.

(7) In this section—

“eligible corporation” means a corporation that on 31 December 1997—

- (a) has a current severance agreement; and
- (b) employed a person provided for in the agreement.

“severance agreement” means an agreement with the former entity under section 18(2B)¹¹ of the former Act.

Transfer of staff to the department

123.(1) This section applies to a person who, immediately before the commencement, was an employee of the former entity.

(2) If, immediately before the commencement, the person was employed on conditions that most closely relate to a tenured employee, on the commencement, the person becomes a tenured employee in the department.

(3) If, immediately before the commencement, the person was employed on conditions that most closely relate to a temporary employee, on the commencement, the person becomes a temporary employee in the department.

Employees’ rights and entitlements

124.(1) This section applies to a person who—

- (a) immediately before the commencement, was an employee of the former entity; and
- (b) on the commencement becomes an employee of the department.

(2) On the commencement, the person’s employment is on the same conditions on which the person was employed by the former entity.

¹¹ The *Coal Industry (Control) Act 1948*, section 18 (General powers and functions of board)

(3) In addition, the person—

- (a) keeps all rights accrued or accruing to the person as an employee of the former entity; and
- (b) has the right to receive long service, recreation and sick leave and similar entitlements accrued or accruing to the person as an employee of the former entity.

(4) The person's period of employment with the former entity is taken to be an equivalent period of employment with the department for any law about the rights or entitlements.

(5) In addition, the person—

- (a) keeps all entitlements accrued or accruing to the person as a contributor to a fund or as a member of a superannuation scheme under a superannuation Act; and
- (b) is taken to continue to be a contributor or member under the superannuation Act.

(6) In this section—

“rights” includes rights accrued or accruing immediately before the commencement against the former entity under section 15 of the former Act.¹²

“superannuation Act” means the *Public Service Superannuation Act 1958*, *State Service Superannuation Act 1972*, *Superannuation (Government and Other Employees) Act 1988* or the *Superannuation (State Public Sector) Act 1990*.

Coal Industry Employees' Health Scheme

125.(1) The *Coal Industry Employees' Health Scheme Order 1993* made by the former entity under the former Act, as in force immediately before the commencement, continues in force.

(2) The order is taken to be a regulation made under this Act.

(3) A reference in the order to the former entity is taken to be a reference to the chief executive.

¹² The *Coal Industry (Control) Act 1948*, section 15 (Secretary and officers)

Coal industry statistics

126.(1) The order (commonly called ‘Statspack’) of the former entity under the former Act published in the gazette on 25 May 1991 continues in force.

(2) A reference in the order to the former entity is taken to be a reference to the chief executive.

(3) The order—

- (a) is taken to be a written notice by the chief executive under section 110;¹³ and
- (b) may be amended by the chief executive.

Expiry of div 1

127. This division expires on 31 December 1999.

Division 2—Transitional provisions for part 4A**Definitions for div 2**

128. In this division—

“**changeover day**” means the day this division commences.

“**former entities**” means the committees of management and rescue brigades under section 76.

“**section 76**” means section 76¹⁴ of this Act as in force immediately before the *Coal Legislation Amendment Act 1997*, section 6¹⁵ commenced.

¹³ Section 110 (Notices about coal industry statistics or information)

¹⁴ Section 76 (Rescue brigade)

¹⁵ The *Coal Legislation Amendment Act 1997*, section 6 (Omission of s 76 (Rescue brigade))

Former entities

129. On the changeover day, each of the former entities is abolished and its members go out of office.

Vesting of assets in first accredited corporation

130. On the changeover day, the following vests in the first accredited corporation—

- (a) the property immediately before the changeover day that was—
 - (i) owned by or taken to be vested in the former entities; or
 - (ii) taken to vest in the members of each committee of management under section 76; and
- (b) the land in schedule 2.

Duty to register vested assets

131.(1) This section applies to the registrar of titles or other person with registration functions for property vested under section 130 in the first accredited corporation.

(2) If the corporation asks, the registrar or other person must register or give effect to the vesting.

(3) Fees and charges are not payable for a request under subsection (2).

Liabilities of former entities

132.(1) On the changeover day, the liabilities of the former entities vest in the State.

(2) The State must discharge a liability vested in it for an entitlement of an employee of the former entities by paying the amount of the entitlement to the first accredited corporation.

(3) In subsection (2)—

“entitlement” does not include an entitlement to long service leave and superannuation.

Proceedings

133.(1) A proceeding by or against a former entity that has not ended before the changeover day may be continued by or against the State.

(2) If a proceeding could have been taken by or against a former entity, if the entity had continued to exist, the proceeding may be taken by or against the State.

Employees

134.(1) A person employed by a former entity immediately before the changeover day becomes an employee of the first accredited corporation.

(2) The person has the right against the corporation to all existing and accruing rights of employment that the person had immediately before the changeover day against the former entity.

(3) However, after the changeover day the rights are subject to any employment law.

(4) For any employment law, the person's period of employment with the former entity is taken to be an equivalent period of employment with the corporation.

(5) In this section—

“employment law” means the *Workplace Relations Act 1997* or any other law that applies to the rights or entitlements of a person as an employee of the corporation.

Expiry of div 2 and sch 2

135. This division and schedule 2 expire 1 year after the changeover day.

SCHEDULE 1

Forms

1. Prescribing form of writings and documents to be used for the purposes of this Act; the form of returns and the information to be shown thereon for statistical purposes.

Mines rescue

1A. Mines rescue capability or the provision of mines rescue services under part 4A.

Accident inquiries

2. Regulating the procedure at inquiries into accidents.

First aid

3. Prescribing the appliances and remedies to be kept at coal mines for the relief of persons injured.

Ventilation

4. Dealing with ventilation of coal mines, including—

- (a) standards of purity, temperature, and humidity of the air; the quantity of air which shall be made to circulate in the mine or the airways; methods by which the air shall be tested as to its adequacy in quantity, purity, temperature, humidity, and efficiency of circulation standards of effective temperatures and air movement or of effective temperatures or air movement to be maintained in any working place in a mine where any person is engaged or passing, the method of determining such standards, and the conditions under which work may be performed at such standards by persons engaged in any such working place; and provision that in the event of the prescribed standards not being complied with work may be performed in any such working place subject to such special conditions as may be imposed;

SCHEDULE 1 (continued)

- (b) recording the state of ventilation in all parts of the mine; showing upon the plans the position of all air doors and ventilating devices and appliances, and the direction of the air currents;
- (c) the conditions under which disused portions of the mine may or shall be shut off from the ventilation system, and when and in what manner they shall be ventilated;
- (d) the conditions under which the use of mechanical appliances to assist ventilation shall be compulsory;
- (e) the use of compressed air;
- (f) the conditions under which tailings or debris may be used for the filling of stopes;
- (g) the prevention of the escape of deleterious gases and fumes.

Connections for ventilation purposes

5. Dealing with the connection of workings for ventilation purposes, including—

- (a) the making of other excavations concurrently with shaft sinking;
- (b) the connection of adjoining mines;
- (c) the connection of workings in the same mine;
- (d) any other matter relating to the ventilation of mines;
- (e) the materials out of which stoppings shall be made.

Winding and testing ropes and other appliances

6. Regulating the winding of persons and materials; requiring and prescribing tests of the efficiency of ropes, chains, brakes, machines, and all winding appliances and gear.

SCHEDULE 1 (continued)**Health and sanitation**

7. Providing for the protection of health, and regulating the sanitary conditions in coal mines, including—

- (a) the prevention and laying of dust; the prevention of the escape of poisonous or deleterious gases and fumes; the use of water sprays, atomisers, and other damping appliances;
- (b) the use of apparatus for collecting, filtering, and preventing the inhalation of dust;
- (c) the prevention of nuisances; cleansing and keeping clean the mine and mine premises; the construction and position of sanitary conveniences on the surface and underground, and the condition in which they shall be kept;
- (d) the provision and construction of change houses and their accommodation, baths, washing appliances, the destruction of old clothes, and drying of clothes; pure water supply; the provision of clean drinking water in coal mines;
- (e) examination and exclusion of persons likely to be infected with infectious or transmissible diseases.

Handling material

8. Providing for the safe handling of materials.

Explosives

9. Regulating the use of explosives, including—

- (a) the construction of magazines;
- (b) storage and handling;
- (c) removal or destruction of fumes by mechanical or artificial means;
- (d) testing of explosives before use;
- (e) strength of detonators;

SCHEDULE 1 (continued)

- (f) the persons who shall be allowed to charge and fire charges, and the methods to be employed in doing so;
- (g) the time that must elapse before persons return to a place where shots have been fired or have missed fire;
- (h) the use of fuse.

Fencing

10. The fencing and protection of openings and excavations, elevated platforms, machinery, and appliances used in mining operations.

Lighting, safety lamps

11. The lighting of coal mines, and the lights to be used; requiring and regulating the use of safety lamps.

Coal dust

12. Precautions against coal dust.

Ladders etc.

13. Requiring and regulating the use of ladders and travelling ways.

Types of rails

13A. Regulating the types of rails to be used.

Use of machinery

14. The safe use of machinery.

SCHEDULE 1 (continued)**Use of electricity**

15. The use of electricity and electrical machinery; prescribing the rules and precautions to be observed.

Fees

16. Prescribing fees payable for—

- (a) witnesses' expenses; the remuneration of persons holding inquiries and of assessors;
- (b) the testing of ropes.

Accidents etc.

17. Providing for the maintenance of order and discipline and the prevention of accidents.

Fires

18. The provision of means for extinguishing fires in coal mines.

Baths

19. The provision of bath rooms and of hot and cold shower baths at coal mines; the cleanliness thereof; the size and construction of bath rooms.

Plans

19A. Providing for the furnishing of plans.

Exemption

19B. Providing for the granting of exemption or conditional exemption from compliance with the rules or any of them; the entitlements of persons so exempted; revocation of any exemption or conditional exemption so granted.

SCHEDULE 1 (continued)

General

20. Dealing with and effectuating any matter, thing, or practice required by the general rules under this Act, and generally all other matters and things that may be necessary to give effect to this Act.

SCHEDULE 2**LAND VESTED IN FIRST ACCREDITED
CORPORATION**

section 130

1. Lot 2 on SP102351 being part of Reserve R2677 (Departmental and Official Purpose), Parish of Goodna, County of Stanley containing an area of approximately 3 046 m²
Title reference: 49011894
Trustee: Director-General, Department of Mines and Energy
2. Lot 33 on Crown Plan B337151, Parish of Blackwater, County of Humboldt containing an area of approximately 700 m²
Title reference: 50103894 (Estate in Fee Simple)
Holder: The State of Queensland (represented by the Department of Mines and Energy)
3. Lot 1 on Crown Plan D111222, Parish of Dunsmore, County of Cairns containing an area of approximately 1 286 m²
Title reference: 50174109 (Estate in Fee Simple)
Holder: The State of Queensland (represented by the Department of Mines and Energy)
4. Lot 12 on Crown Plan B337153 being Reserve R120 (Building Purpose), Parish of Blackwater, County of Humboldt containing an area of approximately 4 047 m²
Title reference: 49010607
Trustee: Central Queensland Mines Rescue Brigade
5. Lot 402 on Crown Plan SL4877 being Reserve R1198 (Mines Rescue Station Purpose), Parish of Ipswich, County of Stanley containing an area of approximately 4 975 m²
Title reference: 49001309
Trustee: Director-General, Department of Mines and Energy as listed in the Government Land Register

SCHEDULE 2 (continued)

6. Lot 675 on RC748450, Parish of Springlands, County of Drake containing an area of approximately 4 303 m²
Title reference: 50184939 (Estate in Fee Simple)
Holder: The State of Queensland (represented by the Department of Mines and Energy)
7. Lot 5 on Crown Plan D1112111 being Reserve R99 (Mines Rescue Purpose), Parish of Dunsmore, County of Cairns containing an area of approximately 7 131 m²
Title reference: 49015234
Trustee: Director-General, Department of Mines and Energy
8. Lot 42 on Crown Plan M86338 being Reserve R128 (Departmental and Official Purpose), Parish of Moura, County of Ferguson containing an area of approximately 9 701 m²
Title reference: 49011258
Trustee: Director-General, Department of Mines and Energy as listed in the Government Land Register
9. Lot 43 on Crown Plan M86338 being Reserve R134 (Building Purpose), Parish of Moura, County of Ferguson containing an area of approximately 1 619 m²
Title reference: 49011912
Trustee: Central Queensland Mines Rescue Brigade
10. Lot 78 on Crown Plan 901715, Parish of Moranbah, County of Grosvenor, containing an area of approximately 7 578 m²
Title reference: 50167118 (Estate in Fee Simple)
Holder: The State of Queensland (represented by the Department of Mines and Energy)

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 January 1998. Future amendments of the Coal Mining Act 1925 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| | | | | | |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA | = | Acts Interpretation Act 1954 | (prev) | = | previously |
| amd | = | amended | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R[X] | = | Reprint No.[X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| om | = | omitted | sch | = | schedule |
| o in c | = | order in council | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |
| prev | = | previous | | | |

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an roman letter, the reprint was released in unauthorised, electronic form only.]

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| 1 | to Act No. 97 of 1991 | 1 March 1996 |
| 1A | to Act No. 75 of 1996 | 11 April 1997 |
| 1B | to Act No. 75 of 1996 | 27 June 1997 |

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date of assent 13 November 1925

commenced 1 January 1926 (see s 1(1))

as amended by—

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date of assent 14 November 1928

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Mining Acts Amendment Act 1930 21 Geo 5 No. 32 pt 3

date of assent 18 December 1930

commenced 1 January 1931 (proc pubd gaz 27 December 1930 p 3104)

Coal Mining Acts Amendment Act 1938 2 Geo 6 No. 9

date of assent 10 October 1938

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date of assent 16 October 1940

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Coal Mining Acts Amendment Act 1947 11 Geo 6 No. 38

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ss 6, 7 (so far as it inserts new pt 4A, div 2), 8 (so far as it inserts new s 110),
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7 List of annotations

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- s 1D** ins rule pubd gaz 21 January 1978 pp 137–56
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- s 1E** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 1F** ins rule pubd gaz 21 January 1978 pp 137–56
amd rule pubd gaz 14 October 1978 p 498
om 1981 No. 100 s 12
- s 1G** ins rule pubd gaz 21 January 1978 pp 137–56
amd rule pubd gaz 14 October 1978 p 498; 26 January 1980 pp 199–200
om 1981 No. 100 s 12
- s 1H** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12

Prevention of Leakages of Air in Underground Coal Mines

- s 2** amd 1947 11 Geo 6 No. 38 s 14
sub rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 2A** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 2B** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 2C** ins rule pubd gaz 21 January 1978 pp 137–56
amd rule pubd gaz 14 October 1978 pp 498
om 1981 No. 100 s 12
- s 2D** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12

Distribution of Air in Underground Coal Mines

- s 3** amd 1947 11 Geo 6 No. 38 s 15
 sub rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3A** ins rule pubd gaz 21 January 1978 pp 137–56
 amd rule pubd gaz 14 October 1978 p 498
 om 1981 No. 100 s 12
- s 3B** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3C** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3D** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3E** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3F** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3G** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3H** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3J** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 3K** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12

Ventilating Machinery for Underground Coal Mines

- s 4** sub rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12

Ventilating fans belowground

- s 4A** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12

Provisions relating to flammable gas content, gas detectors monitors and self-rescuers

- s 5** amd 1947 11 Geo 6 No. 38 s 16; rule pubd gaz 26 December 1970 p 1695
 sub rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12

Determinations of flammable gas content

- s 5A** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12
- s 5B** ins rule pubd gaz 21 January 1978 pp 137–56
 om 1981 No. 100 s 12

- s 5C** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5D** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5E** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5F** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5G** ins rule pubd gaz 21 January 1978 pp 137–56
amd rule pubd gaz 14 October 1978 p 498
om 1981 No. 100 s 12
- s 5H** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5J** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5K** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5L** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5M** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5N** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12
- s 5P** ins rule pubd gaz 21 January 1978 pp 137–56
om 1981 No. 100 s 12

Stations and inspections by deputies

- s 6** amd 1947 11 Geo 6 No. 38 s 17
om 1981 No. 100 s 12

Coal dust

- s 7** sub 1947 11 Geo 6 No. 38 s 18
om rule pubd gaz 15 October 1977 pp 545–53

General Provisions

- s 7A** ins 1947 11 Geo 6 No. 38 s 18
sub rule pubd gaz 15 October 1977 pp 545–53
om 1981 No. 100 s 12

Maintenance of all belowground openings to avoid an explosion propagating condition

- s 7B** ins rule pubd gaz 15 October 1977 pp 545–53
om 1981 No. 100 s 12

Examinations, Sampling and Analysis of Roadway Dust

- s 7C** ins rule pubd gaz 15 October 1977 pp 545–53
om 1981 No. 100 s 12

Water and Stone Dust Barriers

- s 7D** ins rule pubd gaz 15 October 1977 pp 545–53
om 1981 No. 100 s 12

Lights

- s 8** amd 1947 11 Geo 6 No. 38 s 19; 1949 12 Geo 6 No. 52 s 3
om 1981 No. 100 s 12

- s 8A** ins rule pubd gaz 14 October 1978 p 497
om 1981 No. 100 s 12

Safety lamps

- s 9** amd 1951 15 Geo 6 No. 37 s 11; rule pubd gaz 9 March 1968 p 998;
9 December 1978 pp 1710–11; 27 January 1979 p 290
om 1981 No. 100 s 12

Fencing, &c., on surface

- s 10** amd 1947 11 Geo 6 No. 38 s 20
om 1981 No. 100 s 12

Temporary removal of fence

- s 14** amd rule pubd gaz 9 December 1978 pp 1710–11
om 1981 No. 100 s 12

Water or gas

- s 17** sub 1947 11 Geo 6 No. 38 s 21
amd rule pubd gaz 9 December 1978 pp 1710–11
om 1981 No. 100 s 12

Timbering

- s 19** amd 1947 11 Geo 6 No. 38 s 22
om 1981 No. 100 s 12

Ladders to have platforms

- s 23** amd rule pubd gaz 9 December 1978 pp 1710–11
om 1981 No. 100 s 12

Signalling stations and manholes for planes

- s 25** amd 1947 11 Geo 6 No. 38 s 23; rule pubd gaz 9 December 1978
pp 1710–11
om 1981 No. 100 s 12

Spaces in horse roads

- s 26** amd rule pubd gaz 9 December 1978 pp 1710–11
om 1981 No. 100 s 12
- s 27A** amd 1947 11 Geo 6 No. 38 s 24; 9 December 1978 pp 1710–11
om 1981 No. 100 s 12

Types of rails

- s 27B** ins 1947 11 Geo 6 No. 38 s 25
om rule pubd gaz 20 October 1979 pp 677–93

Second means of egress

- s 27C** ins 1947 11 Geo 6 No. 38 s 25
om 1981 No. 100 s 12

MACHINERY USED AT UNDERGROUND COAL MINES

- hdg prec s 28** ins rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Application

- s 28** amd 1928 19 Geo 5 No. 18 s 2(ix)(a)
sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Machinery generally

- s 29** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Guarding of machinery

- s 30** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Compressors and Pressure Vessels

- s 31** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Cranes and Lifting Appliances

- s 32** amd rule pubd gaz 9 December 1978 pp 1710–11
sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Prohibited Items

- s 33** amd rule pubd gaz 9 December 1978 pp 1710
sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Prohibited Practices

- s 34** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Winding

- hdg prec s 35** ins rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Winding

- s 35** amd rule pubd gaz 9 December 1978 pp 1710–11
sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Winding Ropes

- s 36** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Suspension Gear

- s 37** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Maintenance and Testing

- s 38** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Keps

- s 39** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Cages and Skips

- s 40** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Signalling

- s 41** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Additional Provisions Relating to Shaft Sinking

- s 42** amd rule pubd gaz 9 December 1978 pp 1710–11
sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Additional Provisions Relating to Friction Winding

- s 43** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Fire Precautions

- s 44** amd rule pubd gaz 9 December 1978 pp 1710–11
sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Winding and Balance Ropes

- s 45** amd rule pubd gaz 9 December 1978 pp 1710–11
sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Rope Haulage

- s 46** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Haulage Ropes

- s 47** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Maintenance of Haulages

- s 48** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Haulage Operation

- s 49** sub rule pubd gaz 20 October 1979 pp 677–93
om 1981 No. 100 s 12

Internal Combustion Engines

- s 50** amd rule pubd gaz 9 December 1978 pp 1710–11
 sub rule pubd gaz 20 October 1979 pp 677–93
 om 1981 No. 100 s 12

Locomotives

- s 51** sub rule pubd gaz 20 October 1979 pp 677–93
 om 1981 No. 100 s 12

Locomotive Maintenance and Operation

- s 52** sub rule pubd gaz 20 October 1979 pp 677–93
 om 1981 No. 100 s 12

Self Propelled Vehicles other than Locomotives

- s 53** sub rule pubd gaz 20 October 1979 pp 677–93
 om 1981 No. 100 s 12

Interpretation

- s 54** sub rule pubd gaz 20 October 1979 pp 677–93
 om 1981 No. 100 s 12

Installation of “Friction Winder”

- s 61A** ins rule pubd gaz 19 March 1977 pp 1141–52
 om 1981 No. 100 s 12

Conditions Regulating the Use of Friction Winders

- s 61B** ins rule pubd gaz 19 March 1977 pp 1141–52
 om 1981 No. 100 s 12

Lifts

- s 61C** ins rule pubd gaz 19 March 1977 pp 1141–52
 om 1981 No. 100 s 12

Storage of explosives

- s 65** amd rule pubd gaz 9 December 1978 pp 1710–11
 om 1981 No. 100 s 12

Charging

- s 68** amd rule pubd gaz 9 December 1978 pp 1710–11
 om 1981 No. 100 s 12

Action in case of miss-fires

- s 74** amd rule pubd gaz 9 December 1978 pp 1710–11
 om 1981 No. 100 s 12

Firing where permitted explosives are required to be used

- s 76** amd 1947 11 Geo 6 No. 38 s 26; 9 December 1978 pp 1710–11
 om 1981 No. 100 s 12

Use of permitted devices

- s 76A** ins rule pubd gaz 19 March 1977 pp 1141–52
 om 1981 No. 100 s 12

Change house and bathing accommodation

- s 78** amd 1947 11 Geo 6 No. 38 s 27; 9 December 1978 pp 1710–11;
 26 January 1980 pp 199–200
 om 1981 No. 100 s 12

Appliances for dressing wounds

- s 79** amd 1947 11 Geo 6 No. 38 s 28
 om 1981 No. 100 s 12

Mine plans

- s 83A** ins 1947 11 Geo 6 No. 38 s 29
 amd rule pubd gaz 9 December 1978 pp 1710–11; 26 January 1980
 pp 199–200
 om 1981 No. 100 s 12

Application for license

- s 97** amd 19 Geo 5 No. 18 s 2(ix)(b)
 om 1981 No. 100 s 12

Application for certificate of competency as mine electrician

- s 107A** ins 19 Geo 5 No. 18 s 2(ix)(c)
 om 1981 No. 100 s 12

- table prec s 110** amd rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Owner or manager to send notice of electrical installation to inspectors

- s 110** amd rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55
- s 111** om rule pubd gaz 18 December 1971 pp 1717–55
- s 112** om rule pubd gaz 18 December 1971 pp 1717–55
- s 113** om rule pubd gaz 18 December 1971 pp 1717–55
- s 114** om rule pubd gaz 18 December 1971 pp 1717–55
- s 115** om rule pubd gaz 18 December 1971 pp 1717–55
- s 116** om rule pubd gaz 18 December 1971 pp 1717–55
- s 117** om rule pubd gaz 18 December 1971 pp 1717–55
- s 118** om rule pubd gaz 18 December 1971 pp 1717–55
- s 119** om rule pubd gaz 18 December 1971 pp 1717–55
- s 120** om rule pubd gaz 18 December 1971 pp 1717–55

Switchgear and fusegear

- s 121** sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55
- s 122** om rule pubd gaz 18 December 1971 pp 1717–55
- s 123** om rule pubd gaz 18 December 1971 pp 1717–55
- s 124** om rule pubd gaz 18 December 1971 pp 1717–55

- s 125 om rule pubd gaz 18 December 1971 pp 1717–55
- s 126 om rule pubd gaz 18 December 1971 pp 1717–55
- s 127 om rule pubd gaz 18 December 1971 pp 1717–55
- s 128 om rule pubd gaz 18 December 1971 pp 1717–55
- s 129 om rule pubd gaz 18 December 1971 pp 1717–55
- s 130 om rule pubd gaz 18 December 1971 pp 1717–55
- s 131 om rule pubd gaz 18 December 1971 pp 1717–55
- s 132 om rule pubd gaz 18 December 1971 pp 1717–55
- s 133 om rule pubd gaz 18 December 1971 pp 1717–55
- s 134 om rule pubd gaz 18 December 1971 pp 1717–55
- s 135 om rule pubd gaz 18 December 1971 pp 1717–55

Size and construction of conductors and apparatus

- s 135 amd rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55
- s 136 om rule pubd gaz 18 December 1971 pp 1717–55
- s 137 om rule pubd gaz 18 December 1971 pp 1717–55
- s 138 om rule pubd gaz 18 December 1971 pp 1717–55
- s 139 om rule pubd gaz 18 December 1971 pp 1717–55
- s 140 om rule pubd gaz 18 December 1971 pp 1717–55

Fixing small wires for lighting-circuits

- s 141 amd rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55
- s 142 om rule pubd gaz 18 December 1971 pp 1717–55
- s 143 om rule pubd gaz 18 December 1971 pp 1717–55
- s 144 om rule pubd gaz 18 December 1971 pp 1717–55
- s 145 om rule pubd gaz 18 December 1971 pp 1717–55

Testing of insulation

- s 146 amd rule pubd gaz 9 March 1968 p 998
 om rule pubd gaz 18 December 1971 pp 1717–55

SECTION VII—CABLES AND CONDUCTORS

- prov hdg sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Size of cables and conductors

- s 147 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Temperature limits

- s 148 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Cables to comply with standards

- s 149 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Fault protection

- s 150 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Distinguishing colours of the conductors of cables

- s 151 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Maximum size of a single conductor

- s 152 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

- s 153 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Grouping of conductors in steel conduits

- s 154 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Ferrous sheaths not permitted on single conductors

- s 155 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Protection of cables

- s 156 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

- s 156A ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

- s 156B ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

- s 156C ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Buried cables

- s 156D ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Cable entries to apparatus

- s 157 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Protection of cables in shafts

- s 157A ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Joints in the conductors of cables

- s 157B ins rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Temperature of cable couplers and plugs

- s 158 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Cables to be approved

- s 159 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Trailing cables to be screened

- s 160 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Repairs to trailing cables

- s 161 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Tests to be made

- s 162 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Identification of trailing cables

- s 163 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Insulation resistance of trailing cables

- s 164 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Testing and repair facilities to be provided

- s 165 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Coupling of trailing cables

- s 166 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Defective trailing cable to be removed

- s 167 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Changing of trailing cables

- s 168 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Requirements for high and extra-high voltage

- s 169 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Trailing cable control panel

- s 169A ins rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

- s 170 amd rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55
- s 171 om rule pubd gaz 18 December 1971 pp 1717–55
- s 172 amd rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Limitation of earth fault current

- s 172A ins rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Earth fault protection and testing

- s 172B ins rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55
- s 173 om rule pubd gaz 18 December 1971 pp 1717–55
- s 174 om rule pubd gaz 18 December 1971 pp 1717–55
- s 175 om rule pubd gaz 18 December 1971 pp 1717–55
- s 176 om rule pubd gaz 18 December 1971 pp 1717–55
- s 177 om rule pubd gaz 18 December 1971 pp 1717–55
- s 178 om rule pubd gaz 18 December 1971 pp 1717–55
- s 179 om rule pubd gaz 18 December 1971 pp 1717–55
- s 180 om rule pubd gaz 18 December 1971 pp 1717–55
- s 181 om rule pubd gaz 18 December 1971 pp 1717–55
- s 182 om rule pubd gaz 18 December 1971 pp 1717–55
- s 183 om rule pubd gaz 18 December 1971 pp 1717–55
- s 184 om rule pubd gaz 18 December 1971 pp 1717–55
- s 185 om rule pubd gaz 18 December 1971 pp 1717–55
- s 186 om rule pubd gaz 18 December 1971 pp 1717–55
- s 187 om rule pubd gaz 18 December 1971 pp 1717–55
- s 188 om rule pubd gaz 18 December 1971 pp 1717–55
- s 189 om rule pubd gaz 18 December 1971 pp 1717–55
- s 190 om rule pubd gaz 18 December 1971 pp 1717–55
- s 191 om rule pubd gaz 18 December 1971 pp 1717–55
- s 192 om rule pubd gaz 18 December 1971 pp 1717–55

Remote controlled motors or other equipment

- s 193 sub rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55

Remote control and electrical interlock circuits

- s 194** sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Haulage or conveyor system

- s 195** sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55
- s 196** om rule pubd gaz 18 December 1971 pp 1717–55
- s 197** om rule pubd gaz 18 December 1971 pp 1717–55
- s 198** om rule pubd gaz 18 December 1971 pp 1717–55
- s 199** om rule pubd gaz 18 December 1971 pp 1717–55
- s 200** om rule pubd gaz 18 December 1971 pp 1717–55
- s 201** om rule pubd gaz 18 December 1971 pp 1717–55
- s 202** om rule pubd gaz 18 December 1971 pp 1717–55
- s 203** om rule pubd gaz 18 December 1971 pp 1717–55
- s 204** om rule pubd gaz 18 December 1971 pp 1717–55
- s 205** om rule pubd gaz 18 December 1971 pp 1717–55
- s 206** om rule pubd gaz 18 December 1971 pp 1717–55
- s 207** om rule pubd gaz 18 December 1971 pp 1717–55
- s 208** om rule pubd gaz 18 December 1971 pp 1717–55
- s 209** om rule pubd gaz 18 December 1971 pp 1717–55
- s 210** om rule pubd gaz 18 December 1971 pp 1717–55
- s 211** om rule pubd gaz 18 December 1971 pp 1717–55

SECTION XI—EARTHING

- prov hdg** sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Prohibited current in earthing conductor

- s 212** sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Equipment and portions of installations which must be earthed

- s 213** sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Location of earthing electrodes

- s 214** sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Installation of earthing electrodes

- s 215** sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Ohmic resistance of earthing electrodes

- s 216 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Testing of earthing electrodes

- s 217 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Continuous metallic earthing conductor required

- s 218 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Resistance of continuous metallic earthing conductors

- s 219 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Earthing conductors to be protected

- s 220 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Conductivity of earthing conductors

- s 221 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Size of stranded copper earthing conductor

- s 222 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Additional earthing requirements to be observed

- s 223 sub rule pubd gaz 28 November 1970 pp 1167–82
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Lightening protection

- s 224 sub rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55
- s 225 om rule pubd gaz 18 December 1971 pp 1717–55
- s 226 om rule pubd gaz 18 December 1971 pp 1717–55
- s 227 om rule pubd gaz 18 December 1971 pp 1717–55
- s 228 om rule pubd gaz 18 December 1971 pp 1717–55
- s 229 om rule pubd gaz 18 December 1971 pp 1717–55
- s 230 om rule pubd gaz 18 December 1971 pp 1717–55
- s 231 om rule pubd gaz 18 December 1971 pp 1717–55
- s 232 om rule pubd gaz 18 December 1971 pp 1717–55
- s 233 om rule pubd gaz 18 December 1971 pp 1717–55
- s 234 om rule pubd gaz 18 December 1971 pp 1717–55
- s 235 om rule pubd gaz 18 December 1971 pp 1717–55
- s 236 om rule pubd gaz 18 December 1971 pp 1717–55

- s 237 om rule pubd gaz 18 December 1971 pp 1717–55
- s 238 amd rule pubd gaz 28 November 1970 pp 1167–82
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- s 239 amd rule pubd gaz 28 November 1970 pp 1167–82
 om rule pubd gaz 18 December 1971 pp 1717–55
- s 240 om rule pubd gaz 18 December 1971 pp 1717–55
- s 241 om rule pubd gaz 18 December 1971 pp 1717–55
- s 242 om rule pubd gaz 18 December 1971 pp 1717–55
- s 243 om rule pubd gaz 18 December 1971 pp 1717–55
- s 244 om rule pubd gaz 18 December 1971 pp 1717–55
- s 245 om rule pubd gaz 18 December 1971 pp 1717–55
- s 246 om rule pubd gaz 18 December 1971 pp 1717–55
- s 247 om rule pubd gaz 18 December 1971 pp 1717–55
- s 248 om rule pubd gaz 18 December 1971 pp 1717–55
- s 249 om rule pubd gaz 18 December 1971 pp 1717–55
- s 250 om rule pubd gaz 18 December 1971 pp 1717–55
- s 251 om rule pubd gaz 18 December 1971 pp 1717–55
- s 252 om rule pubd gaz 18 December 1971 pp 1717–55
- s 253 om rule pubd gaz 18 December 1971 pp 1717–55
- s 254 om rule pubd gaz 18 December 1971 pp 1717–55
- s 255 om rule pubd gaz 18 December 1971 pp 1717–55
- s 256 om rule pubd gaz 18 December 1971 pp 1717–55
- s 257 om rule pubd gaz 18 December 1971 pp 1717–55
- s 258 om rule pubd gaz 18 December 1971 pp 1717–55
- s 259 om rule pubd gaz 18 December 1971 pp 1717–55
- s 260 om rule pubd gaz 18 December 1971 pp 1717–55
- s 261 om rule pubd gaz 18 December 1971 pp 1717–55
- s 262 om rule pubd gaz 18 December 1971 pp 1717–55
- s 263 om rule pubd gaz 18 December 1971 pp 1717–55
- s 264 om rule pubd gaz 18 December 1971 pp 1717–55
- s 265 om rule pubd gaz 18 December 1971 pp 1717–55
- s 266 om rule pubd gaz 18 December 1971 pp 1717–55
- s 267 om rule pubd gaz 18 December 1971 pp 1717–55

s 268 om rule pubd gaz 18 December 1971 pp 1717–55

s 269 om rule pubd gaz 18 December 1971 pp 1717–55

s 270 om rule pubd gaz 18 December 1971 pp 1717–55

SECTION XVIII—THE USE OF HIGH VOLTAGE MACHINERY AT THE COAL FACE

prov hdg ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

s 270A ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Voltage and conditions

s 270B ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Gate end box or distribution and control box

s 270C ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Protection of operators and other requirements

s 270D ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Methane monitoring

s 270E ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

Fault—Current to be limited

s 270F ins rule pubd gaz 28 November 1970 pp 1167–82
om rule pubd gaz 18 December 1971 pp 1717–55

SCHEDULE 3

ins 1947 11 Geo 6 No. 38 s 30

om 1981 No. 100 s 12

s 43 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 45 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 49 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 58 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 70 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 80 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 127 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 129 amd 1972 No. 31 s 6 sch 1

om 1981 No. 100 s 12

s 148 amd 1972 No. 31 s 6 sch 1
 om 1981 No. 100 s 12

SCHEDULE 4

 ins 1947 11 Geo 6 No. 38 s 31
 om 1981 No. 100 s 12