

[AS REPORTED FROM THE COMMERCE AND ENERGY COMMITTEE]

House of Representatives, 3 November 1983

Words struck out are shown in italics within bold round brackets; words inserted are shown in roman underlined with a single rule.

Hon. Mr Birch

COAL MINES AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Coal Mines Act 1979

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Coal Mines Amendment Act 1983, and shall be read together with and deemed part of the Coal Mines Act 1979* (hereinafter referred to as the principal Act).

10 **2. Provision of amenities**—The principal Act is hereby amended by inserting, after section 110, the following section:
“110A. The Minister of Energy may, from time to time, provide public amenities or money to be used for the provision of public amenities in connection with any projected State coal
15 mine development at a cost not exceeding 0.5 percent of the estimated capital costs of those works, or in connection with existing State coal mines within limits determined from time to time in conjunction with the Minister of Finance:

*1979, No. 21

Amendments: 1980, No. 104; 1982, No. 63

“Provided that the foregoing provisions shall not apply in respect of developments on which a development levy is payable under Part XX of the Local Government Act 1974.”

3. Qualifications of mine manager—(1) Section 125 of the principal Act is hereby amended by repealing subsections (1) to (5), and substituting the following subsections: 5

“(1) The following qualifications shall be held by managers of coal mines:

“(a) In every underground coal mine in or about which more than 20 men (including the manager) are employed, the manager shall be the holder of a first-class underground mine manager’s certificate of competency granted under this Act: 10

“(b) In every underground coal mine in or about which more than 10 but not more than 20 men (including the manager) are employed, the manager shall be the holder of a second-class underground mine manager’s certificate of competency granted under this Act, or of a certificate referred to in **paragraph (a)** of this subsection: 15 20

“(c) In every underground coal mine in or about which more than 8 but not more than 10 men (including the manager) are employed, the manager shall be the holder of an underviewer’s certificate of competency granted under this Act, or a certificate referred to in **paragraph (a) or paragraph (b)** of this subsection: 25

“(d) In every underground coal mine in or about which not more than 8 men (including the manager) are employed, the manager shall be the holder of a fireman deputy’s certificate of competency granted under this Act, or a certificate referred to in **paragraph (a) or paragraph (b) or paragraph (c)** of this subsection: 30

“(e) In every opencast coal mine (not being a coal mine to which **paragraph (g)** of this subsection applies) in or about which **(5 or more) more than 5** men (including the manager) are employed, the manager shall be the holder of an A-grade opencast mine manager’s certificate of competency granted under this Act: 35

“Provided that— 40

“(i) A quarry manager’s certificate, Grade A, granted under the Quarries Act 1944; and

“(ii) An A-grade quarry manager’s surface certificate granted before the 1st day of January 1985 under the Quarries and Tunnels Act 1982,— shall each be deemed to be an A-grade opencast mine manager’s certificate of competency:

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“(f) In every opencast coal mine (not being a coal mine to which **paragraph (g)** of this subsection applies) in or about which not more than 5 men (including the manager) are employed, the manager shall be the holder of—

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“(i) A B-grade opencast mine manager’s certificate of competency granted under this Act:

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“Provided that a quarry manager’s certificate, Grade B, granted under the Quarries Act 1944 and a B-grade quarry manager’s surface certificate granted before the 1st day of January 1985 under the Quarries and Tunnels Act 1982 shall each be deemed to be a B-grade opencast mine manager’s certificate of competency granted under this Act; or

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“(ii) A certificate referred to in **paragraph (e)** of this subsection:

“(g) In every opencast coal mine where the only coal worked is peat, the manager shall be the holder of—

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“(i) A permit in writing from the Inspector; or

“(ii) A certificate referred to in **paragraph (e) or paragraph (f)** of this subsection.

“(2) Any permit under **subsection (1) (g) (i)** of this section may be granted upon and subject to such terms and conditions, and with such waivers from compliance with the provisions of this Act, to be specified in the permit, as the Inspector thinks fit, and may be limited to expire at such date or at the end of such period as may be specified therein. Any such terms, conditions, or waiver may from time to time during the currency of the permit be varied, added to, or revoked by an Inspector.

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“(3) Any permit granted under **subsection (1) (g) (i)** of this section may at any time be cancelled by an Inspector if, in his opinion, the holder thereof is, by reason of incompetency, or gross negligence, or misconduct in the performance of his duties under this Act, unfit to continue to hold a permit.”

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(2) Section 217 of the principal Act is hereby consequentially amended by repealing paragraph (a), and substituting the following paragraphs:

“(a) Certificates of competency as underground mine managers consisting of—

“(i) First-class certificates; and

“(ii) Second-class certificates:

“(aa) Certificates of competency as opencast mine managers consisting of—

“(i) A-grade certificates; and

“(ii) B-grade certificates:”.

(3) Section 221 of the principal Act is hereby consequentially amended by revoking paragraph (a), and substituting the following paragraphs:

“(a) An underground mine manager; or

“(aa) An opencast mine manager:”.

(4) Section 221 of the principal Act is hereby further amended by inserting, before the words “experience in underground working”, the word “such”.

4. Restricting employment of women and young persons—Section 141 of the principal Act is hereby amended by adding the following subsections:

“(5) Subjection to **subsection (6)** of this section, the Governor-General may by Order in Council, on the recommendation of the Minister, repeal subsection (3) of this section.

“(6) The Minister shall not recommend to the Governor-General the repeal of subsection (3) of this section unless the Minister is satisfied that New Zealand is no longer bound by International Labour Organisation Convention 45 covering the employment of women underground.”

5. Medical examination of persons employed in or about a coal mine—(1) Section 143 (1) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Subsequently at intervals of not more than 4 years for the first 12 years of employment and subsequently at intervals of not more than 3 years:

“Provided that in any particular case the examining medical practitioner may require the employee to be medically examined at shorter intervals.”

(2) Section 143 of the principal Act is hereby further amended by repealing subsections (2), (3), and (4), and substituting the following subsections:

“(2) Every such medical examination shall be carried out by a registered medical practitioner. An X-ray photograph of the

lungs shall be taken as part of the first examination, after 12 years employment, and subsequently at intervals of not more than 5 years:

5 “Provided that an X-ray photograph of the lungs may be requested by the examining medical practitioner or a reviewing medical practitioner whenever it is regarded as necessary.

“**(3)** It shall be the duty of every medical practitioner who examines a person for the purposes of this section—

10 “**(a)** To forward to that person and to the coal mine owner a certificate stating whether or not, in the medical practitioner’s opinion, the person examined is—

“**(i)** Fit for employment in or about a coal mine, including below ground; or

15 “**(ii)** Fit for employment in or about a coal mine, other than below ground; and

“**(b)** To forward the X-ray photograph and any report thereon to the coal mine owner, who shall—

“**(i)** Retain them for a period of not less than 20 years in a place approved by the Inspector:

20 “**(ii)** Produce them on demand to any Medical Officer of Health.

“**(3A)** Where an employee who has been medically examined under this regulation leaves his employment and subsequently commences work with any other coal mine owner, he shall 25 supply the name and address of his former employer to his new employer; and the new employer shall forthwith notify the former employer in writing of the employee’s new employment.

30 “**(3B)** When an employer is notified in writing under **subsection (3A)** of this section of a change of employment, he shall forthwith forward to the new employer all X-ray photographs and reports thereon held by him under this section in respect of the employee.

35 “**(4)** Every certificate given under **subsection (3)** of this section shall be revoked on the giving of any further certificate in respect of the same person.”

40 (4) Section 143 of the principal Act is hereby further amended by repealing subsection (6) (as amended by section 2 of the Coal Mines Amendment Act 1980), and substituting the following subsection:

45 “**(6)** The owner of a coal mine shall not employ any person in or about the coal mine unless a certificate stating that the person is fit for employment in or about a coal mine, including below ground, or, as the case may require, in or about a coal mine, other than below ground is for the time being in force.”

(5) Section 143 of the principal Act is hereby further amended by repealing subsection (10).

(6) The Coal Mines Amendment Act 1980 is hereby consequentially amended by repealing section 2.

6. Plan of intended development of opencast coal mine to be sent to Inspector—The principal Act is hereby further amended by inserting, after section 150, the following section:

“150A. (1) Before any mining is commenced in any proposed opencast coal mine, the owner or manager of the proposed mine shall send to the Inspector a plan showing the intended development of the mine, and no mining shall commence until the plan has been approved in writing by the Inspector. 10

“(2) If any owner or manager of any proposed opencast coal mine fails to forward a copy of the plan required by subsection (1) of this section to the Inspector, or commences mining before the plan has been approved, he shall be deemed to have committed an offence against this Act.” 15

7. Geological records, etc., to be kept—Section 204 (1) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraphs: 20

“(b) As soon as practicable after completing an analysis of any sample obtained in the course of the survey, forward 3 copies of a report on the results of the analysis, accompanied by a description of the sample and the place from which it was taken, to the Inspector, who shall retain one copy for his records and forward one copy to the Secretary and one copy to the Director of the New Zealand Geological Survey; and 25

“(c) As soon as practicable after completing the survey, forward 3 copies of every report obtained or made as a result of the survey to the Inspector, who shall retain one copy for his records and forward one copy to the Secretary, and one copy to the Director of the New Zealand Geological Survey.” 30 35