

1964/212



THE COAL MINES REGULATIONS 1939, AMENDMENT NO. 12

BERNARD FERGUSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of December 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Coal Mines Act 1925, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Coal Mines Regulations 1939, Amendment No. 12, and shall be read together with and deemed part of the Coal Mines Regulations 1939* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Subclause (3) of regulation 5 of the principal regulations (as substituted by regulation 2 of the Coal Mines Regulations 1939, Amendment No. 10) is hereby amended as follows:

(a) By revoking paragraph (a):

(b) By omitting from paragraph (b) the words "the said Act", and substituting the words "these regulations".

3. Regulation 6 of the principal regulations (as substituted by regulation 2 of the Coal Mines Regulations 1939, Amendment No. 10) is hereby amended as follows:

(a) By omitting from subclause (1) the words "*Subject IV: Mathematics and Law*", and substituting the words "*Subject IV: Mathematics*":

(b) By revoking paragraph (b) of that part of subclause (1) relating to Subject IV:

*S.R. 1939/94

Amendment No. 1:	S.R. 1939/116
Amendment No. 2:	S.R. 1942/67
Amendment No. 3:	S.R. 1947/86
Amendment No. 4:	S.R. 1949/162
Amendment No. 5:	S.R. 1951/208
Amendment No. 6:	S.R. 1952/60
Amendment No. 7:	S.R. 1953/14
Amendment No. 8:	S.R. 1955/9
Amendment No. 9:	S.R. 1956/48
Amendment No. 10:	S.R. 1960/65
Amendment No. 11:	S.R. 1962/95

- (c) By adding to subclause (1) the words "*Subject VII: Law (Oral Examination)*"—

"A knowledge of the Coal Mines Act 1925 and regulations thereunder; a general knowledge of industrial conciliation and arbitration and workers' compensation; a knowledge of the industrial agreements governing the industry which operate in the district in which the candidate is employed; a knowledge of the Machinery Act 1950; safety, health, and welfare organisations."

- (d) By omitting from subclause (4) the words "in IV (b)", and substituting the words "in Subject VII".

4. The principal regulations are hereby further amended by inserting, after regulation 6 (as inserted by regulation 2 of the Coal Mines Regulations 1939, Amendment No. 10), the following regulation:

"6A. (1) Every applicant for examination in Subject I or in Subject III referred to in regulation 6 of these regulations shall be the holder of a certificate or certificates from his previous employer or employers showing that he has been actually engaged in underground workings in a coal mine for a period of not less than three years in the case of a person already holding a mine manager's certificate granted after examination under the Mining Act 1926, of not less than three and a half years in the case of a person who is an associate of the Otago School of Mines or the holder of an approved diploma or degree, and of not less than five years in any other case. In each case the period required to have been spent underground shall include at least 12 months' experience in working at the face, and the certificate or certificates shall be to that effect.

"(2) Every applicant for examination in Subject V referred to in regulation 6 of these regulations shall be the holder of a certificate or certificates from his previous employer or employers showing that he has been actually engaged in underground workings in a coal mine for a period of not less than three years.

"(3) Any applicant for examination in any subject for examination not referred to in subclause (1) or subclause (2) of this regulation need not be the holder of any certificate as to his experience in underground workings in a coal mine."

5. (1) Subclause (1) of regulation 7 of the principal regulations (as inserted by regulation 2 of the Coal Mines Regulations 1939, Amendment No. 10) is hereby amended by omitting the words "I to VI", and substituting the words "I to VII".

(2) Subclause (2) of regulation 7 of the principal regulations is hereby amended by omitting the words "I to IV", and substituting the words "I to IV and in Subject VII".

(3) Regulation 7 of the principal regulations is hereby amended by revoking subclause (4), and substituting the following subclause:

"(4) The following are conditions relating to examinations and minimum standards to be attained by successful candidates for certificates of competency as mine managers:

- "(a) A candidate may sit for and pass in the Subjects II, IV, VI, and VII before he has completed the practical experience and qualification prescribed in subclause (1) or subclause (2) of regulation 6A hereof:

- “(b) A candidate may sit for and pass the oral examinations in Subjects II, IV, V, VI, and VII at the same examination as he sits the written paper (if any):
- “(c) A candidate must sit for and pass or be credited with the written examinations of at least two of the Subjects I to VI at the commencement, but thereafter may pass and be credited with one subject, including subject VII:
 Provided that a candidate shall not be entitled to sit any of the Subjects I, III, or V (whether at the commencement or otherwise) until he has completed the practical experience required for those subjects:
- “(d) A candidate shall not be eligible to present himself for oral examination unless he has passed the written examination in the subjects where written examinations are prescribed:
- “(e) A candidate who fails the oral examination may again be orally examined at the next or any succeeding examination:
- “(f) A candidate having passed in two subjects and in a written examination in any other subject shall not be required to pass that written examination again, notwithstanding that he may have failed in the oral examination of that subject:
- “(g) A candidate who is the holder of a Bachelor of Engineering (Mineral Engineering) degree or any equivalent degree shall be credited with having passed the written examination in Subject V and in Subject VI but shall still require to pass the oral examination in those subjects:
- “(h) Pass marks in each subject of the written examination and in each subject of the oral examination shall be 60 per cent, except in Subject II—Theoretical Mechanics and Mining Machinery—where the pass marks shall be an average of 60 per cent over the two papers with a minimum mark of 40 per cent in either paper.”

6. (1) The Schedule to the principal regulations is hereby amended by revoking Form 7 (as substituted by subclause (2) of regulation 2 of the Coal Mines Regulations 1944, Amendment No. 10), and substituting the form set out in the Schedule to these regulations.

(2) Subclause (2) of regulation 2 of the Coal Mines Regulations 1944, Amendment No. 10, is hereby revoked.

SCHEDULE

Form 7

Regs. 5 and 13

The Coal Mines Act 1925

APPLICATION TO BE EXAMINED FOR CERTIFICATE

To the Secretary of the Board of Examiners, Wellington. I, [Full name, occupation, and residence], hereby apply to be examined in all subjects for a certificate as [Specify certificate] ⁽¹⁾..... or in the following subjects of the examination for the:

Mine Manager, First Class; or

Mine Manager, Second Class

Certificate [Insert name(s) of subject(s)].

SCHEDULE—*continued*

I enclose the prescribed fee of ⁽²⁾..... together with:

- (a) A birth certificate:
- (b) A certificate at date from my employer as to my general conduct and sobriety:
- (c) A recent medical certificate on my senses of sight and hearing:
- (d) A first aid certificate dated
- (e) A gas-testing certificate, No., granted/endorsed on 19.....:
- (f) Evidence in writing of my actual employment at mines from my employer and/or my previous employer(s) as specified in the Schedule.

And I hereby declare my practical experience consists of actual employment as specified in the Schedule hereto.

Dated at this day of 19.....

SCHEDULE

Particulars of Proof of Employment

Names and Localities of Mines (Specify Every Mine) ⁽³⁾	Names of Employers	Period of Employment		Nature of Employment	Nature of Evidence in Writing
		From	To		

(1) Kinds of certificate are:

- Mine Manager, First Class.
- Mine Manager, Second Class.
- Underviewer.
- Fireman-deputy.

(2) First-class mine manager, £3 3s.; second-class mine manager, £2 5s.; underviewer, £1 10s.; fireman-deputy, £1 2s. 6d.

(3) Applicants should give particulars of every mine in which they have been employed, but documentary evidence of more than five years' underground employment, or whatever experience is required by the Act or Regulations, is not required, though desirable.

Applicants who are candidates for the underviewers or fireman-deputy examination(s) are required also to supply a certificate(s) on forms obtainable from the Secretary of the Board of Examiners, by his employer(s) specifying the classes of shiftwork performed by him and the periods spent on each class of shiftwork.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

The purpose of these regulations is to revise the provisions relating to examinations under the Coal Mines Act 1925.

The conditions relating to examinations and standards are generally made less restrictive.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 December 1964.

These regulations are administered in the Mines Department.