



New South Wales

# Mines Inspection Amendment General Rule 1999

under the

Mines Inspection Act 1901

His Excellency the Governor, with the advice of the Executive Council, has made the following General Rule under the *Mines Inspection Act 1901*.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

## Explanatory note

The objects of this General Rule are as follows:

- (a) to make appropriate changes to the *Mines Inspection General Rule 1994* to reflect changes to the *Mines Inspection Act 1901* requiring the appointment of a general manager and a production manager of a mine,
- (b) to exempt certain blasting operations from the provisions of the Act that require blasting operations to be undertaken by shotfirers,
- (c) to prescribe certain serious accidents and dangerous incidents at mines that must be reported to the Director-General of the Department of Mineral Resources,
- (d) to prescribe types of accidents for which records must be kept by the general manager of a mine,
- (e) to require a register to be kept of production manager's permits and shotfirer's permits and to provide for the replacement of lost, stolen or damaged permits.

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Explanatory note

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This General Rule is made under the *Mines Inspection Act 1901*, including sections 18E, 47B, 47E and 56 (the general rule-making power).

This General Rule is made as a consequence of amendments to the *Mines Inspection Act 1901* made by the *Mines Inspection Amendment Act 1998* and the *Mines Legislation Amendment (Mines Safety) Act 1998*.

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## Mines Inspection Amendment General Rule 1999

### 1 Name of General Rule

This General Rule is the *Mines Inspection Amendment General Rule 1999*.

### 2 Commencement

This General Rule commences on 30 July 1999.

### 3 Amendment of Mines Inspection General Rule 1994

The *Mines Inspection General Rule 1994* is amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this General Rule.

## Schedule 1 Amendments

(Clause 3)

**[1] Clause 3 Definitions**

Omit the definition of *manager*.

**[2] Clause 3, definition of “authorised person” and clauses 6, 8 (4), 9 (1), 12 (6), 15, 16, 17, 18, 19, 20, 32, 41 (2), 42 (1), 43, 44, 45, 46, 47, 48 (2), 50 (1) and 59**

Omit “manager” wherever occurring.

Insert instead “general manager”.

**[3] Clause 5 Application of the General Rule**

Omit paragraphs (3) and (4) of the note to the clause.

Insert instead:

- (3) Section 57 of the Act provides that:
  - (a) a person who contravenes or does not comply with a general rule is guilty of an offence against the Act, and
  - (b) in the event of any such contravention or non-compliance by any person, the owner and general manager of the mine and, if the offence relates to the production operations at the mine, the production manager are also each guilty of an offence against the Act (unless proved that all reasonable means had been taken, by publishing (in the case of the owner and general manager) and to the best of their power enforcing the rule as a regulation for the working of the mine, so as to prevent the contravention or non-compliance).
- (4) Section 67 (1) of the Act provides that every person employed in or about a mine (other than an owner, general manager or production manager) who is guilty of any act or omission which in the case of an owner, general manager or production manager would be an offence against the Act is taken to be guilty of an offence against the Act.

**[4] Clauses 7 (1), (2) and (3), 8 (2), 12 (3) and (5), 21, 22, 35, 57 and 58**

Omit “manager” wherever occurring.

Insert instead “general manager and the production manager”.

**[5] Clauses 9 (1) and 16 (1)**

Omit “manager’s” wherever occurring.  
Insert instead “general manager’s”.

**[6] Clauses 14, 23, 26, 28 (2), 29, 30 (2), 36, 37, 39 (2), 49, 51, 52, 53 and 54**

Omit “manager” wherever occurring.  
Insert instead “production manager”.

**[7] Clause 24 Explosives—general**

Omit “manager’s approval” from clause 24 (2).  
Insert instead “approval of the production manager of the mine”.

**[8] Clause 27**

Omit the clause. Insert instead:

**27 Shotfirers**

- (1) After consulting with the production manager of a mine, the general manager of the mine must appoint such number of trained and competent persons (*shotfirers*) as is necessary to undertake blasting operations at the mine.
- (2) For the purposes of section 18E (3) (b) of the Act, the following are prescribed as classes of blasting operations to which section 18E (1) and (2) of the Act do not apply:
  - (a) the storage, manufacture, handling, conveyance or use of explosives at or about a mine (other than the supervision of such an activity) by a person who is 18 years of age or more and is adequately trained,
  - (b) the charging and firing of charges in holes of less than 100 mm in diameter below ground at a mine by a person who is 18 years of age or more and is adequately trained.

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#### Schedule 1 Amendments

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**[9] Clause 56 Planning for emergencies (as amended by Schedule 2 [5] to the Mines Inspection Amendment Act 1998)**

Insert “and production manager” before “of a mine” wherever occurring in clause 56 (1) and (2).

**[10] Clause 56 (3) (as inserted by Schedule 2 [6] to the Mines Inspection Amendment Act 1998)**

Insert “and production manager of a mine” before “must ensure”.

**[11] Part 12A**

Insert after Part 12:

### **Part 12A Notification and investigation of serious accidents and dangerous incidents**

**58A Certain serious accidents and dangerous incidents to be reported to Director-General**

For the purposes of section 47B (5) of the Act, the following serious accidents and dangerous incidents are prescribed:

- (a) a serious accident where serious injury is caused to a person and it is likely that death will result from the injury,
- (b) a serious accident involving an explosion or ignition of gas or dust,
- (c) a dangerous incident involving an explosion or ignition of gas or dust and resulting in the ceasing of production for a period longer than the remainder of the shift in which the incident occurred,
- (d) a dangerous incident involving an inrush of water, or material that flows when wet, from any source.

**58B Records to be kept of certain accidents**

For the purposes of section 47E (1) of the Act, accidents resulting in bodily injury to a person (other than serious accidents required to be notified under section 47 of the Act) are prescribed.

**[12] Clauses 59A and 59B**

Insert after clause 59:

**59A Register of permits**

- (1) The Director-General is to cause to be kept a register of production manager's permits and shotfirer's permits.
- (2) The register is to contain the following information in relation to each production manager's permit and shotfirer's permit:
  - (a) the full name of the holder of the permit,
  - (b) the date and place of birth of the holder of the permit,
  - (c) any endorsements, conditions or restrictions on the permit,
  - (d) the mine in respect of which the permit was granted.

**59B Replacement of lost, stolen or damaged permits**

- (1) The holder of a production manager's permit or a shotfirer's permit that is lost, stolen or damaged may apply to the Director-General for a duplicate permit.
- (2) The application:
  - (a) must be in writing, and
  - (b) must be accompanied by a statutory declaration by the applicant explaining how, or the circumstances in which, the permit was lost, stolen or damaged, and
  - (c) must be accompanied by a fee of \$20.
- (3) The Director-General may cause a duplicate permit to issue if satisfied as to the identity of the applicant and that the applicant's permit has been lost, stolen or damaged.

BY AUTHORITY