

COAL MINES REGULATION ACT 1982—RULES

NEW SOUTH WALES



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Preliminary

1. (1) These rules are made by the District Court Rule Committee on 30 July 1991, and have effect on and from 2 August 1991.

(2) These rules may be cited as the Courts of Coal Mines Regulation Rules 1991.

Interpretation

2. In these rules,

“court” means a Court of Coal Mines Regulation constituted under section 150 of the Act;

“the Act” means the Coal Mines Regulation Act 1982;

“the court”, when used with relation to any proceedings, means the court in which the proceedings are pending or are sought to be commenced.

Practice and procedure

3. (1) Divisions 3 and 4 of Part 5, and Divisions I and 2 of Part 6, of the District Court Rules 1973 (which apply to proceedings in the District Court commenced by notice of application or appeal) apply to the practice and procedure (including any Forms and particulars) in respect of my application or appeal to a court as though the court were the District Court.

(2) Subrule (1) applies subject to the Act and these rules.

(3) For the purposes of exercising its functions under sections 94 (a)–(d) and 153 (2) of the Act, a court may issue subpoenas, and enforce compliance with its subpoenas, as though the court were the District Court.

(4) Where a person desires to commence proceedings, or take any step in any proceedings, in a court, and the manner or form of procedure is not

prescribed by the Act or these rules or by or under any other Act, or that person is in doubt as to the manner or form of procedure, the court may, on application by that person or of its own motion, give directions.

(5) Proceedings commenced in accordance with the directions of the court shall be well commenced.

(6) A step taken in accordance with the directions of the court shall be regular and sufficient.

Proceedings relating to certificates of competency

4. A statement filed under section 26 (3) of the Act shall be in or to the effect of the following Form and contain such particulars as are required by that Form—

Statement under s. 26 (3) of the Coal Mines Regulation Act 1982

IN THE COURT OF COAL MINES REGULATION

HELD AT

In the matter of A. B. (*person holding certificate of competency*)

I, C. D., chief inspector of coal mines, state for the purposes of section 26 (3) of the Coal Mines Regulation Act 1982 as follows—

- (a) I am of the opinion that the abovenamed person, who holds a certificate of competency under that Act to be a _____, is unfit to hold that certificate;
- (b) the reasons why I am of that opinion are _____;
- (c) I did on _____ 19 _____ serve on the abovenamed person a notice calling on the person to show cause why the certificate should not be suspended (or cancelled);
- (d) *Set out what has occurred in terms of s. 26 (3) (a), (b) or (e) of the Act to enable this statement to be filed, and when it occurred.*

Dated:

Chief Inspector.

Proceedings relating to appointment of plant managers

5. A statement filed under section 145E (4) of the Act shall be in or to the effect of the following Form and contain such particulars as are required by that Form—

Statement under s. 145E (4) of the Coal Mines Regulation Act 1982

IN THE COURT OF COAL MINES REGULATION

HELD AT

In the matter of A. B. (*person appointed as plant manager*)

I, C. D., chief inspector of coal mines, state for the purposes of section 145E (4) of the Coal Mines Regulation Act 1982 as follows—

- (a) I object to the appointment of the abovenamed person as plant manager of the declared plant at _____ ;
- (b) On _____ 19____, I served on the abovenamed person a notice under section 145E (3) of the Act, a copy of which notice is filed with this statement;
- (c) the reasons for my objection are [*or are as set out in the notice*].

Dated:

Chief Inspector.

Assessors

6. (1) Assessors shall be appointed by a court.

(2) The number of assessors to be appointed in respect of any proceedings shall be the number determined by the court.

(3) A nomination by a person interested in proceedings before a court of a person to be appointed as an assessor in those proceedings shall be made in writing to the court, and shall include information as to the qualifications and experience of the person sought to be appointed.

(4) The fees to be paid to persons appointed as assessors shall be determined by the Minister administering the Act.

EXPLANATORY NOTE

These Rules are made under section 155 of the Coal Mines Regulation Act 1982, the effect of which is modified by clause 2 of Schedule 9 to the District Court (Procedure) Amendment Act 1984. The purpose of the rules is to provide machinery for the holding of Courts of Coal Mines Regulation and the practice and procedure in those Courts.

E. J. O' Grady
Secretary to the District Court Rule Committee.
