



New South Wales

Mines Inspection Regulation 1999

under the

Mines Inspection Act 1901

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

EDWARD OBEID, M.L.C.,

Minister for Mineral Resources

Explanatory note

The object of this Regulation is to provide for:

- (a) the circumstances in which inspectors and others are required to produce certificates of authority and the form of those certificates, and
- (b) the form of words to be used by inspectors and others when exercising certain powers under the *Mines Inspection Act 1901*, and
- (c) the terms of reference of a Board of Inquiry constituted under the Act by the Minister to conduct an inquiry into a serious accident, dangerous incident, practice or matter at a mine to be made publicly available, and
- (d) other matters of an ancillary nature.

This Regulation comprises or relates to matters of a machinery nature.

This Regulation is made under the *Mines Inspection Act 1901*, including section 79 (the general regulation-making power).

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

1999 No 390

Mines Inspection Regulation 1999

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Mines Inspection Regulation 1999

1 Name of Regulation

This Regulation is the *Mines Inspection Regulation 1999*.

2 Commencement

This Regulation commences on 30 July 1999.

3 Definitions

(1) In this Regulation:

investigator includes a person who is appointed as a consultant under section 47J of the Act and is exercising the functions of an investigator as referred to in that section.

the Act means the *Mines Inspection Act 1901*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

5 Certificates of authority

(1) The Director-General is to cause to be provided to each inspector, mine safety officer and investigator a certificate of authority in Form 1.

(2) An inspector, mine safety officer or investigator is required to produce the certificate of authority:

(a) if requested to do so by the general manager or production manager of a mine or the person occupying or having charge or control of any other land or workplace that the inspector, mine safety officer or investigator enters, or

(b) if requested to do so by a person whom the inspector, mine safety officer or investigator requires to produce anything or to answer any question.

6 Warnings

- (1) For the purpose of informing a person of the provisions of section 36A (2) of the Act, the form of words used by the inspector, mine safety officer or investigator concerned should be in or to the effect of the following:

I am going to ask you some questions and you must answer them.

You are entitled to have someone with you while I ask the questions.

If you do not answer the questions, or if you give false or misleading answers, you may be guilty of an offence under the *Mines Inspection Act*.

The answers you give cannot be used against you except if they are false or misleading.

- (2) However, it does not matter if the requirements of subclause (1) are not complied with.

7 Terms of reference of Boards of Inquiry

As soon as practicable after consulting a Board of Inquiry under section 47L of the Act, the Minister is to cause its terms of reference to be made publicly available.

Mines Inspection Regulation 1999

Forms

Schedule 1

Schedule 1 Forms

(Clause 3)

Form 1 Certificate of authority

(Clause 5)

(Mines Inspection Act 1901)

This certifies that
(insert name of inspector*/mine safety officer*/investigator*/consultant*)

whose photograph and signature appear below, is an inspector*/mine safety officer*/investigator*/consultant* appointed under the *Mines Inspection Act 1901*.

(affix
photograph
here)

.....
(signature of inspector*/mine safety officer*/ investigator*/consultant*)

.....
(Director-General of the Department of Mineral Resources)

The inspector/mine safety officer*/investigator*/consultant* named above is authorised to exercise or perform the powers, authorities, duties and functions of an inspector*/mine safety officer*/investigator* under the *Mines Inspection Act 1901*.

*The consultant named above has been appointed for the period to
(insert period of appointment)

*Delete whichever is inapplicable

BY AUTHORITY