

COAL MINES REGULATION (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Coal Mines Regulation Act 1982:

- (a) to provide for the appointment, in addition to the Deputy Chief Inspector of Coal Mines, of a Deputy Chief Inspector (Engineering); and
- (b) to provide for the issue of a certificate of competency for a mine mechanical engineer of an open cut mine; and
- (c) to confer functions relating to health and safety on electrical and mechanical engineers and certain other persons; and
- (d) to provide for the working of a mine during the absence of the manager; and
- (e) to confer on engineering inspectors certain functions presently exercisable by inspectors of coal mines; and
- (f) to provide for the separate management of certain coal preparation plants at present managed as part of a mine; and
- (g) to make other provisions of a minor, consequential or ancillary nature.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 gives effect to Schedules 1 - 3.

Clause 4 is a transitional provision relating to the period of absence of a mine manager after which the mine may not be worked until a new manager is appointed.

Coal Mines Regulation (Amendment) 1989

SCHEDULE 1 - AMENDMENTS RELATING TO ADMINISTRATION

Schedule 1 (1) omits section 3 (which sets out the arrangement of the Act in Parts and Divisions) as it has been superseded by the inclusion with the Act of a more informative table of provisions.

Schedule 1 (2) inserts definitions of "Deputy Chief Inspector of Coal Mines", "Deputy Chief Inspector (Engineering)" and "engineering inspector", and makes amendments to existing definitions.

Schedule 1 (3) provides for the appointment of a deputy chief inspector (engineering) and enables the Chief Inspector, in addition to appointing the district inspector for a mine, to appoint engineering inspectors for the mine.

Schedule 1 (4) replaces the title "Under Secretary" with the title "Director-General".

Schedule 1 (5) authorises the Deputy Chief Inspector of Coal Mines to act in the absence of the Chief Inspector and confers certain functions relating to electrical and mechanical engineering on the Deputy Chief Inspector (Engineering) and other engineering inspectors.

Schedule 1 (6) makes a consequential amendment.

Schedule 1 (7) makes a consequential amendment and removes the upper age limit for a member of the Coal Mining Qualifications Board.

Schedule 1 (8) adds a mine mechanical engineer of an open cut mine to the persons required to hold a certificate of competency.

Schedule 1 (9) relates to the appointment of persons able to give instructions for the preservation of safety and health in a mine.

Schedule 1 (10) prohibits the working of a mine for more than 1 month (or a longer period approved by the district inspector) while there is a vacancy in the office of surveyor, mine electrical engineer or mine mechanical engineer.

Schedule 1 (11) makes provision for the maximum number of persons who may be employed in and around a mine in the absence of the manager or a deputy manager.

Schedule 1 (12) adds to the circumstances in which a shift in an underground mine, or a part of an underground mine, may be worked when it is not in charge of an under-manager.

Schedule 1 (13) and (14) protect a person from prosecution as a result of statements such as admissions made about safety in a mine but not from prosecution for making false statements.

Schedule 1 (15) inserts proposed section 63A which enables certain functions to be exercised by inspectors of electrical engineering, or mechanical engineering, if there is a dangerous situation in a mine.

Coal Mines Regulation (Amendment) 1989

Schedule 1 (16)-(19) make consequential amendments.

Schedule 1 (20) has the effect of enabling a member of the Coal Mining Qualifications Board to remain in office after attaining the age of 65 years.

SCHEDULE 2 - AMENDMENTS RELATING TO MINE MANAGEMENT

Schedule 2 (1) confers control of a mine on the deputy manager if the manager is not present at the mine.

Schedule 2 (2) confers control of an underground mine on an under-manager in charge if there is no manager or deputy manager present at the mine.

Schedule 2 (3) confers control of an underground mine on an under-manager if there is no manager, deputy manager or under-manager in charge present at the mine.

Schedule 2 (4) provides for the appointment of a mining official to be known as a senior examiner of an open cut mine and describes the functions of such an official.

Schedule 2 (5) confers control of an open cut mine on an examiner of an open cut mine if there is no manager, deputy manager or senior examiner of an open cut mine present at the mine.

Schedule 2 (6) provides for the interpretation of references to a mine being worked.

Schedule 2 (7) inserts proposed sections 48 and 48A.

Proposed section 48:

- (a) requires the owner of a mine to ensure that the manager or other appropriate mining official is present at the mine on any day on which it is worked; and
- (b) requires the owner of a mine to notify the district inspector of a proposed absence of the mine manager for 7 days or more and of related matters; and
- (c) requires the owner of a mine to appoint a new manager if the manager of the mine has not attended at the mine for a period of 2 months.

Proposed section 48A specifies the procedure to be followed if the district inspector considers that irregular attendance has interfered with the effective exercise of functions by a mine manager.

Schedule 2 (8) makes a consequential amendment.

SCHEDULE 3 - AMENDMENTS RELATING TO COAL PREPARATION PLANTS

Schedule 3 (1) and (2) make amendments to sections 5 and 125 of the Principal Act (Definitions) consequential on the proposed Part 5A.

Schedule 3 (3) inserts proposed Part 5A comprising proposed sections 145A-145N.

Coal Mines Regulation (Amendment) 1989

Proposed section 145A:

- (a) contains definitions for the purposes of the proposed new Part, including a definition of "declared plant" as a coal preparation plant declared under proposed section 145B to be suitable for management separately from a mine; and
- (b) applies to a declared plant, in the same way as they apply to a mine, certain provisions dealing with the interpretation of the Act.

Proposed section 145B enables the Minister to declare a coal preparation plant to be suitable for management separately from a mine and provides for the appointment of the inspector, the inspector of electrical engineering and the inspector of mechanical engineering for a declared plant or plants.

Proposed section 145C requires appropriate technical qualifications for a person whose functions include the issuing of instructions relating to safety and health.

Proposed section 145D requires the owner of a declared plant to take reasonable steps to ensure that it is laid out and worked in compliance with the Act.

Proposed section 145E provides for the appointment of the manager of a declared plant by the owner of the plant. It also enables a Court of Coal Mines Regulation to determine the suitability of the plant manager in the event of a difference of opinion between the owner and the Chief Inspector.

Proposed section 145F confers and imposes functions on a plant manager and enables regulations to be made in connection with those functions.

Proposed section 145G requires the owner of a declared plant to ensure that the plant is not worked on any day unless the plant manager or an appropriate acting manager attends the plant on that day.

Proposed section 145H specifies the procedure to be followed if the inspector for a declared plant considers that irregular attendance has interfered with the effective exercise of functions by a plant manager.

Proposed section 145I requires the manager of a declared plant to employ engineers and others to assist in the exercise of managerial functions including the suspension of work if a dangerous situation arises.

Proposed section 145J enables the manager of a declared plant to suspend from duty an employee in breach of the Act.

Proposed section 145K deals with the obligation of the owner of a declared plant to give notices relating to commencement, discontinuance and abandonment of operations at the plant.

Proposed section 145L requires declared plants that are disused or abandoned to be secured against access.

Proposed section 145M applies certain provisions of Part 4 to a declared plant in the same way as they apply to a mine. These provisions are:

- (a) Division 1 (inspectors' powers of entry, inspection etc.); and
- (b) Division 2 (powers of inspectors if a mine is dangerous); and
- (c) Division 3 (departmental officers' powers of entry); and

Coal Mines Regulation (Amendment) 1989

- (d) Division 4 (inspections on behalf of workmen); and
- (e) Division 5 (notification of accidents and dangerous occurrences); and
- (f) Division 6 (investigation of accidents and dangerous occurrences); and
- (g) Division 10 (control of emplacement areas).

The proposed section similarly applies certain other provisions of the Act relating to offences.

Proposed section 145N enables rules and schemes to be prepared in relation to a declared plant in the same way as they may be prepared under Division 7 of Part 4 in relation to a mine.

Schedule 3 (4) makes a consequential amendment.

Schedule 3 (5) provides for the making of regulations with respect to declared plants.
