

Passed by both Houses



New South Wales

# Coal Mine Health and Safety Amendment (Validation) Bill 2013

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2013*



New South Wales

## **Coal Mine Health and Safety Amendment (Validation) Bill 2013**

Act No     , 2013

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*An Act to amend the *Coal Mine Health and Safety Act 2002* and the *Work Health and Safety (Mines) Act 2013* to validate certain matters relating to the appointment of officers.*

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Coal Mine Health and Safety Amendment (Validation) Act 2013*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of Acts

### 1.1 Coal Mine Health and Safety Act 2002 No 129

#### Schedule 3 Savings, transitional and other provisions

Insert after clause 24:

#### 24A Validation

- (1) The appointment of a person as the Chief Inspector, an inspector, a mine safety officer or an investigator by the 2006 instrument is taken to be valid (and to have always been valid).
- (2) The appointment is taken to have had effect on and from the commencement of section 145.
- (3) The revocation of appointments of officers (other than officers appointed under the 2006 instrument) by the 2012 instrument has no effect and is taken never to have had effect.
- (4) The following things are taken to be valid (and to have always been valid) if they would have been valid had this clause been in force when they were done or omitted:
  - (a) anything purported to have been done or omitted to have been done by a validated officer in the capacity of an officer,
  - (b) anything done or omitted to be done by any other person or a court or other body in reliance on, or as a consequence of, any such act or omission by a validated officer.
- (5) To remove doubt, this clause extends to the commencement or institution of criminal proceedings (including the purported commencement or institution of criminal proceedings) and any act or omission in connection with criminal proceedings.
- (6) This clause does not affect any decision made by a court before the commencement of this clause, except as provided by subclause (7).
- (7) A decision of a court made before the commencement of this clause that would have been validly made had this clause been in force when the decision was made (and that would otherwise not have been valid) is validated.
- (8) Nothing in this clause operates to continue or otherwise restore the appointment of a person who ceased to be an officer other than in connection with the 2006 instrument or the 2012 instrument.
- (9) In this clause:

**2006 instrument** means the instrument of appointment under the *Coal Mine Health and Safety Act 2002*, dated 22 December 2006, published in Gazette No 5 of 12 January 2007 at page 102.

**2012 instrument** means the instrument of appointment under the *Coal Mine Health and Safety Act 2002*, dated 18 September 2012, published in Gazette No 105 of 5 October 2012 at page 4295.

**officer** means the Chief Inspector, an inspector, a mine safety officer or an investigator.

*validated officer* means:

- (a) a person whose appointment as an officer is validated under subclause (1), or
- (b) a person whose appointment as an officer is saved under subclause (3).

## **1.2 Work Health and Safety (Mines) Act 2013 No 54**

### **Schedule 1 Savings, transitional and other provisions**

Insert after clause 14:

#### **15 Validation not affected by repeal**

To avoid doubt, the repeal of the CMHS Act does not affect the operation of any validation, saving or other thing done by clause 24A of Schedule 3 to that Act.