

Coal Mines (Investigation) Regulation 1999

Note:

The Regulation is to be repealed on the commencement of sec 222 (c) of the *Coal Mine Health and Safety Act 2002 No 129*.

1 Name of Regulation

This Regulation is the *Coal Mines (Investigation) Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Application

This Regulation applies to and in respect of open cut mines, underground mines and declared plants.

4 Definitions

(1) In this Regulation: "**declared plant**" means a coal preparation plant declared by an order in force under section 145B of the Act to be suitable for management separately from a mine. "**inspector**" includes an engineering inspector. "**investigator**" includes a person who is appointed as a consultant under section 93E of the Act and is exercising the functions of an investigator as referred to in that section. "**the Act**" means the *Coal Mines Regulation Act 1982*.

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

5 Notes

The explanatory note and table of contents do not form part of this Regulation.

6 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 manager of a mine or the person occupying or having charge or control of any other land, place or premises or any vehicle 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.

7 Certain accidents and occurrences to be reported to Director-General

For the purposes of section 91 (3) of the Act, the following accidents and occurrences are prescribed:

(a) an accident at an underground or open cut mine in which serious bodily injury is caused to a person and it is likely that death will result from the injury,

(b) an accident at an underground mine involving an occurrence referred to in clause 34 (a) or (d) of the *Coal Mines (Underground) Regulation 1999*,

(c) an occurrence referred to in clause 34 (a) or (d) of the *Coal Mines (Underground) Regulation 1999* at an underground coal mine that results in production ceasing for more than 8 hours.

8 Participation in investigations by district check inspector and mining company representative

(1) When an inspector is exercising functions under the Act or the *Occupational Health and Safety Act 2000* in respect of an accident or dangerous occurrence at a mine, the inspector:

- (a) must invite the district check inspector for the mine and a mining company representative to accompany the inspector on any inspection of the place where the accident or occurrence occurred, and
- (b) must consider any issues raised by the district check inspector or mining company representative in relation to the accident or occurrence, and may raise those issues with any person interviewed under section 60 (1) of the Act in relation to the accident or occurrence, and
- (c) if the inspector considers it appropriate, must permit the district check inspector and mining company representative to be present at any interview (or part of an interview) conducted by the inspector under section 60 (1) of the Act in relation to the accident or occurrence, and
- (d) before completing any examination, inspection or investigation in relation to the accident or occurrence, must consult with the district check inspector and mining company representative as to the inspector's proposed findings in relation to the accident or occurrence, and
- (e) when preparing any report of the inspector's findings in relation to the accident or occurrence, must consider any comments made by the district check inspector or mining company representative as a result of the consultation under paragraph (d).

(2) An inspector is not required to permit the district check inspector and mining company representative to be present as referred to in subclause 1 (c), or to consult with the district check inspector and mining company representative under subclause (1) (d), unless the district check inspector or mining company representative undertakes in writing:

- (a) to treat as strictly confidential any information given to the district check inspector or mining company representative in relation to the accident or occurrence, and
- (b) not to divulge any such information to anyone else unless authorised by the inspector.

(3) In this clause: "**inspector**" includes the following:

- (a) a mine safety officer,
- (b) an investigator,
- (c) an inspector appointed under section 47A of the *Occupational Health and Safety Act 2000*,
- (d) an engineering inspector.

"**mining company representative**", in relation to a mine, means a representative of the management of the mine.

9 Terms of reference of Boards of Inquiry

As soon as practicable after constituting a Board of Inquiry under section 94A of the Act, the Minister is to cause its terms of reference to be made publicly available.

10 Prospective appointees to Boards of Inquiry

(1) The Minister is not to constitute a person as a Board of Inquiry under section 94A of the Act, or appoint a person as an assessor for the purposes of a special inquiry conducted by any such Board of Inquiry, unless the Minister is satisfied that the person concerned:

- (a) has appropriate qualifications and experience, and
- (b) does not have an interest that may raise a conflict with the proper performance of the person's proposed duties.

(2) For the purposes of subsection (1), the Minister may require the person concerned to furnish:

- (a) evidence of the person's qualifications and experience, and

(b) a statement disclosing:

- (i) the person's financial, professional or personal interests (whether past, present or future) in relation to the subject of the special inquiry, and
- (ii) any other interest that may raise a conflict with the proper performance of the person's proposed duties.

Schedule 1 Forms

(Clause 4)

Form 1 – Certificate of authority

(Clause 6)

Certificate of authority

(*Coal Mines Regulation Act 1982*)

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 *Coal Mines Regulation Act 1982*.

(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 the functions of an inspector*/mine safety officer*/investigator* under the *Coal Mines Regulation Act 1982*.

*The consultant named above has been appointed for the period

to

(insert period of appointment)

* Delete whichever is inapplicable

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
ClI	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government	Rep	repealed	Subst	substituted

	Gazette				
Ins	inserted	Sch	Schedule		

Table of amending instruments *Coal Mines (Investigation) Regulation 1999* published in Gazette No 101 of 1.9.1999, p 7954 and amended as follows:*Coal Mines Amendment Regulation 2003* (GG No 109 of 4.7.2003, p 6866)

Table of amendments

Cll 3, 4	Am 4.7.2003.
Cl 8	Am 4.7.2003.