

Queensland



**NATURAL RESOURCES AND  
MINES LEGISLATION  
AMENDMENT ACT 2002**

**Act No. 25 of 2002**



# Queensland



## NATURAL RESOURCES AND MINES LEGISLATION AMENDMENT ACT 2002

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**Natural Resources and Mines Legislation  
Amendment Act 2002**

**Act No. 25 of 2002**

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**An Act to amend Acts administered by the Minister for Natural  
Resources and Minister for Mines**

*[Assented to 20 June 2002]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **1 Short title**

This Act may be cited as the *Natural Resources and Mines Legislation Amendment Act 2002*.

## **PART 2—AMENDMENT OF COAL MINING SAFETY AND HEALTH ACT 1999**

### **2 Act amended in pt 2**

This part amends the *Coal Mining Safety and Health Act 1999*.

### **3 Amendment of s 9 (Meaning of “coal mine”)**

Section 9(1)(a), (b) and (c), after ‘carried on’—

*insert—*

‘, continuously or from time to time.’.

### **4 Amendment of s 10 (Meaning of “on-site activities”)**

(1) Section 10(2)—

*insert—*

‘(ba)constructing and installing surface railways;’.

(2) Section 10(2)(ba) to (e)—

*renumber* as section 10(2)(c) to (f).

## **5 Replacement of s 26 (Meaning of “supervisor”)**

Section 26—

*omit, insert—*

### **‘26 Meaning of “supervisor”**

‘A **“supervisor”** at a coal mine is a coal mine worker who is authorised by the site senior executive to give directions to other coal mine workers in accordance with the safety and health management system.’

## **6 Amendment of s 49 (Notices by holder)**

(1) Section 49(1) and (3), ‘chief inspector’—

*omit, insert—*

‘inspector located in the region in which the mine is situated’.

(2) Section 49(1)(b), after ‘land’—

*insert—*

‘(including its boundary)’.

## **7 Amendment of s 50 (Notices by coal mine operator)**

Section 50(3), from ‘chief inspector’ to ‘land’—

*omit, insert—*

‘inspector located in the region in which the mine is situated written particulars of the land (including its boundary)’.

## **8 Amendment of s 54 (Appointment of site senior executive)**

(1) Section 54(3)(b), from ‘permit’—

*omit, insert—*

‘permit, mineral development licence or mining lease; or’.

(2) Section 54(3)—

*insert—*

‘(c) the mines are adjacent and on-site activities for winning coal are carried on at only 1 of the mines; or

- (d) the mines comprise mines forming part of a mining project and adjacent mines, and the adjacent mines consist only of exploration activities under an exploration permit, mineral development licence or mining lease.’.

**9 Amendment of s 55 (Management structure for safe operations at coal mines)**

(1) Section 55(2)—

*insert—*

‘(d) the competencies required, and the responsibilities, for each other supervisory position at the mine.’.

(2) Section 55—

*insert—*

‘(4) For each supervisory position mentioned in subsection (2)(d), the site senior executive must also keep a record of the names and competencies of each person authorised to carry out the responsibilities of the position.’.

**10 Amendment of s 61 (Appointment of ventilation officer)**

(1) Section 61(8)—

*omit.*

(2) Section 61(9), ‘subsection (9)’—

*omit, insert—*

‘subsection (8)’.

(3) Section 61(9)—

*renumber* as section 61(8).

**11 Amendment of s 67 (Plans of coal mine workings)**

Section 67(6), from ‘by’—

*omit, insert—*

‘by—

- (a) for a surface mine—a person having the competencies for surface mining surveying recognised by the council, or registered as a surveyor or surveying associate under the *Surveyors Act 1977*; or
- (b) for an underground mine—a person having the competencies for underground mining surveying recognised by the council.’.

## **12 Amendment of s 137 (Special warrants)**

Section 137(4), after ‘a copy’—

*insert—*

‘(“**facsimile warrant**”)’.

## **13 Amendment of s 174 (Directives)**

(1) Section 174(5)—

*insert—*

‘(aa) for a directive by the chief inspector—it is withdrawn in writing by the chief inspector; or’.

(2) Section 174(5)(b), after ‘an inspector’—

*insert—*

‘other than the chief inspector’.

(3) Section 174(5)(aa) to (c)—

*renumber* as section 174(5)(b) to (d).

## **14 Amendment of s 198 (Notice of accidents, incidents or diseases)**

(1) Section 198(1)—

*omit, insert—*

‘(1) Subject to subsections (2) and (3), as soon as practicable after becoming aware of a serious accident or high potential incident at a coal mine, the site senior executive for the coal mine must notify an inspector and an industry safety and health representative about the accident or incident either orally or by notice.

Maximum penalty—40 penalty units.’.

(2) Section 198—

*insert—*

‘(1A) Subsection (3) applies if—

- (a) the accident causes—
  - (i) the death of a person; or
  - (ii) a person to be admitted to a hospital as an in-patient for treatment for a bodily injury endangering, or likely to endanger, the person’s life; or
  - (iii) a person to suffer an injury causing, or likely to cause, a permanent injury to the person’s health; or
- (b) the incident is a high potential incident of a type prescribed under a regulation.

‘(1B) The site senior executive must, on becoming aware of the accident or incident, immediately notify an inspector and an industry safety and health representative about the accident or incident either orally or by notice.

Maximum penalty—40 penalty units.’.

(3) Section 198(2), after ‘subsection (1)’—

*insert—*

‘or (3)’.

(4) Section 198(1A) to (4)—

*renumber* as section 198(2) to (6).

## **15 Replacement of s 275 (Representation by coal mine worker)**

Section 275—

*omit, insert—*

### **‘275 Representations about safety and health matters**

‘(1) This section applies to a person who is—

- (a) a coal mine worker; or
- (b) another person with obligations under this Act; or

(c) an employee of a person mentioned in paragraph (b).

‘(2) The person may make, either personally or by a representative, a representation to an inspector or inspection officer about—

(a) an alleged contravention of this Act; or

(b) a thing or practice at the coal mine that is, or is likely to be, dangerous.

‘(3) The inspector or inspection officer must investigate the matter.

‘(4) A public service employee must not disclose the name of the person making the representation—

(a) except for a prosecution under subsection (5); or

(b) unless the person consents to the disclosure.

‘(5) The person must not make a false or frivolous representation.

Maximum penalty for subsection (5)—40 penalty units.’.

## 16 Amendment of sch 3 (Dictionary)

Schedule 3—

*insert—*

‘**“chief executive”** means the chief executive of the department in which this Act is administered.

*Note—*

This is also the law under the *Acts Interpretation Act 1954*, section 36 but, because of the particular nature of this Act, is included here to avoid confusion with the chief executive of, for example, a mining company.

**“region”** means an administrative region established by the chief executive for the administration of this Act.’.

## PART 3—AMENDMENT OF EXPLOSIVES ACT 1999

### 17 Act amended in pt 3

This part amends the *Explosives Act 1999*.

## **18 Amendment of s 140 (Existing regulations)**

Section 140(5), ‘2002’—

*omit, insert—*

‘2003’.

## **PART 4—AMENDMENT OF MINERAL RESOURCES ACT 1989**

### **19 Act amended in pt 4**

This part amends the *Mineral Resources Act 1989*.

### **20 Amendment of s 416 (Rights independent of this Act preserved)**

Section 416, ‘282 and 317’—

*omit, insert—*

‘282, 317 and 418B’.

### **21 Insertion of new ss 418A and 418B**

Part 11—

*insert—*

#### **‘418A Validation of granting of mining lease 1978**

‘(1) This section applies to mining lease 1978.

‘(2) The mining lease is taken to be, and always to have been, validly granted under section 234.

‘(3) The land comprised in the mining lease is taken to exclude, and always to have excluded, the parts of Crinum Creek, within the boundaries of the mining lease, as shown on RP 805034 and RP 615398.

‘(4) The surface area comprised in the mining lease is taken to include, and always to have included, the surface area of the land (other than the

land described as lot 6 on RP 806552) that, under subsection (3), is comprised in the mining lease.

‘(5) To remove any doubt, it is declared that nothing in this section affects an agreement, or determination by the tribunal, made under this Act before the commencement of this section about compensation payable by the holder of the mining lease for the surface area of any land being included in the mining lease.

**‘418B Provisions about compensation for owners of lots 65 and 66 on RP 909055**

‘(1) This section applies to—

- (a) lot 65 on RP 909055 (“**lot 65**”), part of the surface area of which, under section 418A, is taken to be, and always to have been, included in mining lease 1978; and
- (b) lot 66 on RP 909055 (“**lot 66**”) part of which is comprised in mining lease 1978.

‘(2) The holder of the mining lease must pay compensation to the owner of lot 65.

‘(3) The compensation amount and the terms on which it is payable must be—

- (a) the subject of an agreement between the holder and the owner; or
- (b) decided by the tribunal under section 281 as if it were compensation referred to in section 279.

‘(4) This Act<sup>1</sup> applies as if the agreement mentioned in subsection (3)(a) were an agreement mentioned in section 279(1)(a).

‘(5) No compensation is payable by the holder of the mining lease to the owner of lot 66.

‘(6) Subsection (5) applies despite section 416<sup>2</sup> and the *Property Law Act 1974*.’.

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1 See, for example, sections 279(3) and (4) and 281.

2 Section 416 (Rights independent of this Act preserved)

## PART 5—AMENDMENT OF MINING AND QUARRYING SAFETY AND HEALTH ACT 1999

### 22 Act amended in pt 5

This part amends the *Mining and Quarrying Safety and Health Act 1999*.

### 23 Amendment of s 9 (Meaning of “mine”)

Section 9(1)(a), (b) and (c), after ‘carried on’—

*insert—*

‘, continuously or from time to time.’

### 24 Amendment of s 11 (Meaning of “quarry”)

(1) Section 11(1), after ‘excavated’—

*insert—*

‘, continuously or from time to time.’

(2) Section 11(2), after ‘happens’—

*insert—*

‘, continuously or from time to time.’

### 25 Replacement of s 23 (Meaning of “supervisor”)

Section 23—

*omit, insert—*

### ‘23 Meaning of “supervisor”

‘A “**supervisor**” at a mine is a worker who is authorised by the site senior executive to give directions to other workers.’

### 26 Amendment of s 37 (Obligations of holders)

Section 37(2) and (3)—

*omit, insert—*

**(2)** The holder must—

- (a) for a mine that is required, under this division, to have a safety and health management system—
  - (i) inform a person proposing to enter into a contract with the holder to act as operator, by notice, of all relevant information available to the holder that may help the proposed operator to ensure the site senior executive for the mine develops and implements a safety and health management system for the mine; and
  - (ii) include in the contract with the operator an obligation on the operator to establish a safety and health management system for the mine; or
- (b) for a mine that is not required, under this division, to have a safety and health management system—inform a person proposing to enter into a contract with the holder to act as operator, by notice, of all relevant information available to the holder about known, or potential, hazards at the mine.

Maximum penalty—100 penalty units.

**(3)** A contract under subsection (2)(a)(ii) must be in writing.’.

## **27 Amendment of s 46 (Notices by holder)**

Section 46(1)(b), after ‘land’—

*insert—*

‘(including its boundary)’.

## **28 Amendment of s 47 (Notices by operator)**

**(1)** Section 47(1)(a)(ii), after ‘land’—

*insert—*

‘(including its boundary)’.

**(2)** Section 47(5), after ‘the land’—

*insert—*

‘(including its boundary)’.

## **29 Amendment of s 49 (Appointment of site senior executive)**

(1) Section 49(3)(b), from ‘permit’—

*omit, insert—*

‘permit, mineral development licence or mining lease; or’.

(2) Section 49(3)—

*insert—*

- (c) the mines are adjacent and operations for winning, or winning and treating, minerals or hard rock are carried on at only 1 of the mines; or
- (d) the mines comprise mines forming part of a mining project and adjacent mines, and the adjacent mines consist only of exploration activities under an exploration permit, mineral development licence or mining lease; or
- (e) not more than 10 workers are employed at each mine.’.

## **30 Amendment of s 50 (Management structure for safe operations at mines)**

Section 50(1)(a), after ‘safety’—

*insert—*

‘and health’.

## **31 Amendment of s 58 (Plans of mine workings)**

Section 58(5), from ‘by’—

*omit, insert—*

‘by—

- (a) for a mine other than an underground mine—a person having the competencies for surface mining surveying recognised by the council, or registered as a surveyor or surveying associate under the *Surveyors Act 1977*; or
- (b) for an underground mine—a person having the competencies for underground mining surveying recognised by the council.’.

**32 Amendment of s 105 (Site senior executive to tell site safety and health representatives about certain things)**

(1) Section 105(1), words before paragraph (b)—

*omit, insert—*

‘(1) A site senior executive for a mine must ensure a site safety and health representative at the mine is informed of the following things—

- (a) an injury or illness caused to a person from operations at the site safety and health representative’s area of responsibility that causes an absence from work of the person for more than 1 shift;’.

(2) Section 105(2), ‘tell each representative’—

*omit, insert—*

‘ensure each representative is informed’.

**33 Amendment of s 123 (Qualifications for appointment as inspector)**

Section 123(b), ‘operations’—

*omit, insert—*

‘any type of mining’.

**34 Amendment of s 134 (Special warrants)**

Section 134(4), after ‘a copy’—

*insert—*

‘(“**facsimile warrant**”)’.

**35 Amendment of s 167 (Directive to isolate site)**

Section 167, after ‘inspector’—

*insert—*

‘or inspection officer’.

### **36 Amendment of s 171 (Directives)**

**(1)** Section 171(5)—

*insert—*

‘(aa) for a directive by the chief inspector—it is withdrawn in writing by the chief inspector; or’.

**(2)** Section 171(5)(b), after ‘an inspector’—

*insert—*

‘other than the chief inspector’.

**(3)** Section 171(5)(aa) to (e)—

*renumber* as section 171(5)(b) to (f).

### **37 Amendment of s 195 (Notice of accidents, incidents or diseases)**

**(1)** Section 195(1)—

*omit, insert—*

‘**(1)** Subject to subsections (2) and (3), as soon as practicable after becoming aware of a serious accident or high potential incident at a mine, the site senior executive for the mine must notify an inspector and a district workers’ representative about the accident or incident either orally or by notice.

Maximum penalty—40 penalty units.’

**(2)** Section 195—

*insert—*

‘**(1A)** Subsection (3) applies if—

(a) the accident causes—

(i) the death of a person; or

(ii) a person to be admitted to a hospital as an in-patient for treatment for a bodily injury endangering, or likely to endanger, the person’s life; or

(iii) a person to suffer an injury causing, or likely to cause, a permanent injury to the person’s health; or

(b) the incident is a high potential incident of a type prescribed under a regulation.

‘(1B) The site senior executive must, on becoming aware of the accident or incident, immediately notify an inspector and a district workers’ representative about the accident or incident either orally or by notice.

Maximum penalty—40 penalty units.’.

(3) Section 195(2), after ‘subsection (1)’—

*insert*—

‘or (2)’.

(4) Section 195(1A) to (4)—

*renumber* as section 195(2) to (6).

### **38 Amendment of pt 13, div 2 (Appeals against chief inspectors directives and review decisions)**

Part 13, division 2, heading, ‘*inspectors*’—

*omit, insert*—

‘*inspector’s*’.

### **39 Replacement of s 254 (Representation by worker)**

Section 254—

*omit, insert*—

#### **‘254 Representations about safety and health matters**

‘(1) This section applies to a person who is—

- (a) a worker; or
- (b) another person with obligations under this Act; or
- (c) an employee of a person mentioned in paragraph (b).

‘(2) The person may make, either personally or by a representative, a representation to an inspector or inspection officer about—

- (a) an alleged contravention of this Act; or

(b) a thing or practice at the mine that is, or is likely to be, dangerous.

‘(3) The inspector or inspection officer must investigate the matter and make a written report of the investigation to the worker or the worker’s representative.

‘(4) A public service officer must not disclose the name of the person making the representation—

(a) except for a prosecution under subsection (5); or

(b) unless the person consents to the disclosure.

‘(5) The person must not make a false or frivolous representation.

Maximum penalty for subsection (5)—40 penalty units.’.

#### **40 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

‘**“chief executive”** means the chief executive of the department in which this Act is administered.

*Note—*

This is also the law under the *Acts Interpretation Act 1954*, section 36 but, because of the particular nature of this Act, is included here to avoid confusion with the chief executive of, for example, a mining company.

**“region”** means an administrative region established by the chief executive for the administration of this Act.’.

## **PART 6—AMENDMENT OF VEGETATION MANAGEMENT ACT 1999**

### **41 Act amended in pt 6**

This part amends the *Vegetation Management Act 1999*.

**42 Amendment of s 20 (IDAS codes for the clearing of vegetation)**

Section 20(3)(a), '18(1)'—

*omit, insert—*

'17(1)'.