

Queensland



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

Queensland



NATURAL RESOURCES AND MINES LEGISLATION AMENDMENT BILL 2002

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
PART 2—AMENDMENT OF COAL MINING SAFETY AND HEALTH ACT 1999		
2	Act amended in pt 2.	4
3	Amendment of s 9 (Meaning of “coal mine”)	4
4	Amendment of s 10 (Meaning of “on-site activities”)	4
5	Replacement of s 26 (Meaning of “supervisor”).	5
	26 Meaning of “supervisor”	5
6	Amendment of s 49 (Notices by holder)	5
7	Amendment of s 50 (Notices by coal mine operator)	5
8	Amendment of s 54 (Appointment of site senior executive).	5
9	Amendment of s 55 (Management structure for safe operations at coal mines)	6
10	Amendment of s 61 (Appointment of ventilation officer).	6
11	Amendment of s 67 (Plans of coal mine workings)	6
12	Amendment of s 137 (Special warrants)	7
13	Amendment of s 174 (Directives)	7
14	Amendment of s 198 (Notice of accidents, incidents or diseases)	7
15	Replacement of s 275 (Representation by coal mine worker).	8
	275 Representations about safety and health matters	8
16	Amendment of sch 3 (Dictionary).	9
PART 3—AMENDMENT OF EXPLOSIVES ACT 1999		
17	Act amended in pt 3.	9

18	Amendment of s 140 (Existing regulations)	10
PART 4—AMENDMENT OF MINING AND QUARRYING SAFETY AND HEALTH ACT 1999		
19	Act amended in pt 4.	10
20	Amendment of s 9 (Meaning of “mine”).	10
21	Amendment of s 11 (Meaning of “quarry”)	10
22	Replacement of s 23 (Meaning of “supervisor”).	10
23	23 Meaning of “supervisor”	11
23	Amendment of s 37 (Obligations of holders)	11
24	Amendment of s 46 (Notices by holder)	11
25	Amendment of s 47 (Notices by operator)	12
26	Amendment of s 49 (Appointment of site senior executive).	12
27	Amendment of s 50 (Management structure for safe operations at mines).	12
28	Amendment of s 58 (Plans of mine workings)	13
29	Amendment of s 105 (Site senior executive to tell site safety and health representatives about certain things)	13
30	Amendment of s 123 (Qualifications for appointment as inspector).	13
31	Amendment of s 134 (Special warrants)	14
32	Amendment of s 167 (Directive to isolate site).	14
33	Amendment of s 171 (Directives)	14
34	Amendment of s 195 (Notice of accidents, incidents or diseases)	14
35	Amendment of pt 13, div 2 (Appeals against chief inspectors directives and review decisions)	15
36	Replacement of s 254 (Representation by worker)	15
	254 Representations about safety and health matters	16
37	Amendment of sch 2 (Dictionary).	16
PART 5—AMENDMENT OF VEGETATION MANAGEMENT ACT 1999		
38	Act amended in pt 5.	17
39	Amendment of s 20 (IDAS codes for the clearing of vegetation).	17

2002

A BILL

FOR

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

*Natural Resources and Mines Legislation Amendment
Bill 2002*

The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *Natural Resources and Mines Legislation
Amendment Act 2002*. 4
5

**PART 2—AMENDMENT OF COAL MINING SAFETY
AND HEALTH ACT 1999** 6
7

Clause 2 Act amended in pt 2 8

This part amends the *Coal Mining Safety and Health Act 1999*. 9

Clause 3 Amendment of s 9 (Meaning of “coal mine”) 10

Section 9(1)(a), (b) and (c), after ‘carried on’— 11

insert— 12

‘, continuously or from time to time,’. 13

Clause 4 Amendment of s 10 (Meaning of “on-site activities”) 14

(1) Section 10(2)— 15

insert— 16

‘(ba)constructing and installing surface railways;’. 17

(2) Section 10(2)(ba) to (e)— 18

renumber as section 10(2)(c) to (f). 19

*Natural Resources and Mines Legislation Amendment
Bill 2002*

Clause 5	Replacement of s 26 (Meaning of “supervisor”)	1
	Section 26—	2
	<i>omit, insert—</i>	3
	‘26 Meaning of “supervisor”	4
	‘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.’	5 6 7
Clause 6	Amendment of s 49 (Notices by holder)	8
	(1) Section 49(1) and (3), ‘chief inspector’—	9
	<i>omit, insert—</i>	10
	‘inspector located in the region in which the mine is situated’.	11
	(2) Section 49(1)(b), after ‘land’—	12
	<i>insert—</i>	13
	‘(including its boundary)’.	14
Clause 7	Amendment of s 50 (Notices by coal mine operator)	15
	Section 50(3), from ‘chief inspector’ to ‘land’—	16
	<i>omit, insert—</i>	17
	‘inspector located in the region in which the mine is situated written particulars of the land (including its boundary)’.	18 19
Clause 8	Amendment of s 54 (Appointment of site senior executive)	20
	(1) Section 54(3)(b), from ‘permit’—	21
	<i>omit, insert—</i>	22
	‘permit, mineral development licence or mining lease; or’.	23
	(2) Section 54(3)—	24
	<i>insert—</i>	25
	(c) the mines are adjacent and on-site activities for winning coal are carried on at only 1 of the mines; or	26 27

*Natural Resources and Mines Legislation Amendment
Bill 2002*

(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.’. 1
2
3
4

Clause 9 Amendment of s 55 (Management structure for safe operations at coal mines) 5
6

(1) Section 55(2)— 7
insert— 8

‘(d) the competencies required, and the responsibilities, for each other supervisory position at the mine.’. 9
10

(2) Section 55— 11
insert— 12

‘(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.’. 13
14
15
16

Clause 10 Amendment of s 61 (Appointment of ventilation officer) 17

(1) Section 61(8)— 18
omit. 19

(2) Section 61(9), ‘subsection (9)’— 20
omit, insert— 21
‘subsection (8)’ 22

(3) Section 61(9)— 23
renumber as section 61(8). 24

Clause 11 Amendment of s 67 (Plans of coal mine workings) 25

Section 67(6), from ‘by’— 26
omit, insert— 27
‘by— 28

*Natural Resources and Mines Legislation Amendment
Bill 2002*

- (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.’.

Clause 12 Amendment of s 137 (Special warrants) 7
 Section 137(4), after ‘a copy’— 8
insert— 9
 ‘(“**facsimile warrant**”)’ . 10

Clause 13 Amendment of s 174 (Directives) 11
 (1) Section 174(5)— 12
insert— 13
 ‘(aa) for a directive by the chief inspector—it is withdrawn in writing by the chief inspector; or’ . 14
 (2) Section 174(5)(b), after ‘an inspector’— 16
insert— 17
 ‘other than the chief inspector’ . 18
 (3) Section 174(5)(aa) to (c)— 19
renumber as section 174(5)(b) to (d). 20

Clause 14 Amendment of s 198 (Notice of accidents, incidents or diseases) 21
 (1) Section 198(1)— 22
omit, insert— 23
 ‘(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. 24
 25
 26
 27
 28

*Natural Resources and Mines Legislation Amendment
Bill 2002*

Maximum penalty—40 penalty units.’.	1
(2) Section 198—	2
<i>insert—</i>	3
‘ (1A) Subsection (3) applies if—	4
(a) the accident causes—	5
(i) the death of a person; or	6
(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	7 8 9
(iii) a person to suffer an injury causing, or likely to cause, a permanent injury to the person’s health; or	10 11
(b) the incident is a high potential incident of a type prescribed under a regulation.	12 13
‘ (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.	14 15 16 17
Maximum penalty—40 penalty units.’.	18
(3) Section 198(2), after ‘subsection (1)’—	19
<i>insert—</i>	20
‘or (3)’.	21
(4) Section 198(1A) to (4)—	22
<i>renumber</i> as section 198(2) to (6).	23
 Clause 15 Replacement of s 275 (Representation by coal mine worker)	 24
Section 275—	25
<i>omit, insert—</i>	26
‘ 275 Representations about safety and health matters	27
‘ (1) This section applies to a person who is—	28
(a) a coal mine worker; or	29
(b) another person with obligations under this Act; or	30

*Natural Resources and Mines Legislation Amendment
Bill 2002*

- (c) an employee of a person mentioned in paragraph (b). 1
- ‘(2) The person may make, either personally or by a representative, a representation to an inspector or inspection officer about— 2
3
- (a) an alleged contravention of this Act; or 4
- (b) a thing or practice at the coal mine that is, or is likely to be, dangerous. 5
6
- ‘(3) The inspector or inspection officer must investigate the matter. 7
- ‘(4) A public service employee must not disclose the name of the person making the representation— 8
9
- (a) except for a prosecution under subsection (5); or 10
- (b) unless the person consents to the disclosure. 11
- ‘(5) The person must not make a false or frivolous representation. 12
Maximum penalty for subsection (5)—40 penalty units.’. 13

Clause 16 Amendment of sch 3 (Dictionary) 14

Schedule 3— 15

insert— 16

‘**“chief executive”** means the chief executive of the department in which this Act is administered. 17
18

Note— 19

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. 20
21
22

“region” means an administrative region established by the chief executive for the administration of this Act.’. 23
24

PART 3—AMENDMENT OF EXPLOSIVES ACT 1999 25

Clause 17 Act amended in pt 3 26

This part amends the *Explosives Act 1999*. 27

*Natural Resources and Mines Legislation Amendment
Bill 2002*

Clause 18	Amendment of s 140 (Existing regulations)	1
	Section 140(5), ‘2002’—	2
	<i>omit, insert—</i>	3
	‘2003’.	4
PART 4—AMENDMENT OF MINING AND QUARRYING SAFETY AND HEALTH ACT 1999		5 6
Clause 19	Act amended in pt 4	7
	This part amends the <i>Mining and Quarrying Safety and Health Act 1999</i> .	8
Clause 20	Amendment of s 9 (Meaning of “mine”)	9
	Section 9(1)(a), (b) and (c), after ‘carried on’—	10
	<i>insert—</i>	11
	‘, continuously or from time to time,’.	12
Clause 21	Amendment of s 11 (Meaning of “quarry”)	13
	(1) Section 11(1), after ‘excavated’—	14
	<i>insert—</i>	15
	‘, continuously or from time to time,’.	16
	(2) Section 11(2), after ‘happens’—	17
	<i>insert—</i>	18
	‘, continuously or from time to time,’.	19
Clause 22	Replacement of s 23 (Meaning of “supervisor”)	20
	Section 23—	21
	<i>omit, insert—</i>	22

*Natural Resources and Mines Legislation Amendment
Bill 2002*

‘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.’.

Clause 23 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.’.

Clause 24 Amendment of s 46 (Notices by holder)

Section 46(1)(b), after ‘land’—

insert—

‘(including its boundary)’.

*Natural Resources and Mines Legislation Amendment
Bill 2002*

Clause 25	Amendment of s 47 (Notices by operator)	1
	(1) Section 47(1)(a)(ii), after ‘land’—	2
	<i>insert—</i>	3
	‘(including its boundary)’.	4
	(2) Section 47(5), after ‘the land’—	5
	<i>insert—</i>	6
	‘(including its boundary)’.	7
 Clause 26	 Amendment of s 49 (Appointment of site senior executive)	 8
	(1) Section 49(3)(b), from ‘permit’—	9
	<i>omit, insert—</i>	10
	‘permit, mineral development licence or mining lease; or’.	11
	(2) Section 49(3)—	12
	<i>insert—</i>	13
	(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	14 15 16
	(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	17 18 19 20
	(e) not more than 10 workers are employed at each mine.’.	21
 Clause 27	 Amendment of s 50 (Management structure for safe operations at mines)	 22 23
	Section 50(1)(a), after ‘safety’—	24
	<i>insert—</i>	25
	‘and health’.	26

*Natural Resources and Mines Legislation Amendment
Bill 2002*

Clause 28	Amendment of s 58 (Plans of mine workings)	1
	Section 58(5), from ‘by’—	2
	<i>omit, insert—</i>	3
	‘by—	4
	(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 <i>Surveyors Act 1977</i> ; or	5 6 7 8
	(b) for an underground mine—a person having the competencies for underground mining surveying recognised by the council.’	9 10
 Clause 29	 Amendment of s 105 (Site senior executive to tell site safety and health representatives about certain things)	 11 12
	(1) Section 105(1), words before paragraph (b)—	13
	<i>omit, insert—</i>	14
	‘(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—	15 16
	(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;’.	17 18 19 20
	(2) Section 105(2), ‘tell each representative’—	21
	<i>omit, insert—</i>	22
	‘ensure each representative is informed’.	23
 Clause 30	 Amendment of s 123 (Qualifications for appointment as inspector)	 24
	Section 123(b), ‘operations’—	25
	<i>omit, insert—</i>	26
	‘any type of mining’.	27

*Natural Resources and Mines Legislation Amendment
Bill 2002*

Clause 31	Amendment of s 134 (Special warrants)	1
	Section 134(4), after ‘a copy’—	2
	<i>insert—</i>	3
	‘(“ facsimile warrant ”)’.	4
Clause 32	Amendment of s 167 (Directive to isolate site)	5
	Section 167, after ‘inspector’—	6
	<i>insert—</i>	7
	‘or inspection officer’.	8
Clause 33	Amendment of s 171 (Directives)	9
	(1) Section 171(5)—	10
	<i>insert—</i>	11
	‘(aa) for a directive by the chief inspector—it is withdrawn in writing by the chief inspector; or’.	12 13
	(2) Section 171(5)(b), after ‘an inspector’—	14
	<i>insert—</i>	15
	‘other than the chief inspector’.	16
	(3) Section 171(5)(aa) to (e)—	17
	<i>renumber</i> as section 171(5)(b) to (f).	18
Clause 34	Amendment of s 195 (Notice of accidents, incidents or diseases)	19
	(1) Section 195(1)—	20
	<i>omit, insert—</i>	21
	‘(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.	22 23 24 25 26
	Maximum penalty—40 penalty units.’.	27

*Natural Resources and Mines Legislation Amendment
Bill 2002*

(2) Section 195—	1
<i>insert</i> —	2
‘(1A) Subsection (3) applies if—	3
(a) the accident causes—	4
(i) the death of a person; or	5
(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	6 7 8
(iii) a person to suffer an injury causing, or likely to cause, a permanent injury to the person’s health; or	9 10
(b) the incident is a high potential incident of a type prescribed under a regulation.	11 12
‘(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.	13 14 15
Maximum penalty—40 penalty units.’.	16
(3) Section 195(2), after ‘subsection (1)’—	17
<i>insert</i> —	18
‘or (2)’.	19
(4) Section 195(1A) to (4)—	20
<i>renumber</i> as section 195(2) to (6).	21
 Clause 35 Amendment of pt 13, div 2 (Appeals against chief inspectors directives and review decisions)	 22 23
Part 13, division 2, heading, ‘ <i>inspectors</i> ’—	24
<i>omit, insert</i> —	25
‘ <i>inspector</i> ’s’.	26
 Clause 36 Replacement of s 254 (Representation by worker)	 27
Section 254—	28
<i>omit, insert</i> —	29

*Natural Resources and Mines Legislation Amendment
Bill 2002*

**PART 5—AMENDMENT OF VEGETATION
MANAGEMENT ACT 1999** 1
2

Clause 38 Act amended in pt 5 3

This part amends the *Vegetation Management Act 1999*. 4

Clause 39 Amendment of s 20 (IDAS codes for the clearing of vegetation) 5

Section 20(3)(a), ‘18(1)’— 6

omit, insert— 7

‘17(1)’. 8