



Queensland  
Government

Department of Natural Resources, Mines and Energy

COAL MINING SAFETY & HEALTH ACT 1999 (CMSHA)

## NOTIFICATION OF APPOINTMENT OF A COMPANY AS AN OPERATOR FOR A COAL MINE

The Holder(s) of the mine known as Oaky Creek Mine .....  
(Mine Name)

gives notice of the appointment of an Operator for the above named mine:

DETAILS OF THE OPERATOR		
DATE OF APPOINTMENT:		
NAME OF COMPANY:	Oaky Creek Holdings Pty Limited	
ABN:	ACN: 128 109 062	
BUSINESS ADDRESS:	Level 10, 160 Ann St, Brisbane, QLD, 4000	
POSTAL ADDRESS:	Oaky Creek Coal Mine, PO Box 1, Tieri, QLD, 4709	
COMPANY CONTACT DETAILS:	Phone: +61 (0)2 8247 6300	Mobile:
	Email: company.secretary@glencore.com.au	
NAME OF THE OPERATOR'S REPRESENTATIVE* (* the person to whom correspondence from the Mines Inspectorate will be addressed)	Darren Nicholls	
POSITION WITHIN THE COMPANY:	Director of Underground Operations	
CONTACT DETAILS OF THE REPRESENTATIVE:	Phone: 4 - personal information	Mobile:
	Email: Darren.Nicholls@glencore.com.au	
DETAILS OF THE MINE		
DESCRIPTION: <i>Provide a description of the land comprising the mine eg the mining tenements (or parts thereof); and the mine's boundary, preferably by attaching a plan or aerial photo showing the boundary (including relevant co-ordinates)</i>	Mining Leases: 1832, 2004, 70241, 70327, 70424 Mineral Development Licence: 163 Exploration Permit for Coal: 2040	
MINE IDENTIFICATION NUMBER:	01760, 01162 and 01404	
MINE ADDRESS:	Oaky Creek Coal Mine, PO Box 1, Tieri, QLD, 4709	
MINE POSTAL ADDRESS:	As Above	
CONTACT DETAILS:	Mobile:	Phone:
	Email:	

As a representative of the Holder(s), I Darren Nicholls .....  
(Name of person making this notification)

confirm that the above named Company has been made aware:

- that the Company has been appointed as Operator for the nominated mine, and
- that unless the Mines Inspectorate is otherwise notified by the Operator the Mines Inspectorate may:
  - provide to the Operator any information required or permitted to be given under the CMSHA in an electronic format by email to the email address given in this form or otherwise notified to the Inspectorate in writing.
  - use an electronic signature on the Mine Record Entry.

Signed: sch 4 - personal information ..... Date: 18/05/18 .....  
(Representative of the Holder) dd/mm/yyyy

Note: Retain original in the Mine Record, give a copy to the Operator and forward a copy to the Regional or District Inspector of Mines at the address closest to the location of the mine.

South Region PO Box 3679 Red Hill Q 4701 P (07) 4936 0184 <a href="mailto:rockyminesinsp@dnrme.qld.gov.au">rockyminesinsp@dnrme.qld.gov.au</a>	North Region PO Box 1801 Mackay Q 4740 P (07) 4999 8512 <a href="mailto:minesmackay@dnrme.qld.gov.au">minesmackay@dnrme.qld.gov.au</a>	Board of Examiners PO Box 15216 City East Q 4003 P (07) 3199 8037 <a href="mailto:dunmboesecretary@dnrme.qld.gov.au">dunmboesecretary@dnrme.qld.gov.au</a>
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## Relevant Excerpts from CMSHA 1999

### *CMSHA, s. 9 Meaning of coal mine*

*((1) A coal mine is any of the following places—*

- (a) a place where on-site activities are carried on, continuously or from time to time, within the boundaries of land the subject of a mining tenure;*
- (b) a place where on-site activities are carried on, continuously or from time to time, on land adjoining, adjacent to, or contiguous with, the boundaries of land the subject of a mining tenure and within which is a place mentioned in paragraph (a);*
- (c) a place where on site activities are carried on, continuously or from time to time, unlawfully because land at the place is not the subject of a mining tenure;*
- (d) a place that was a coal mine while works are done to secure it after its abandonment;*
- (e) a place where tourism, education or research related to coal mining happens that is declared under a regulation to be a coal mine.*

*(2) A coal mine includes buildings for administration, accommodation and associated facilities within the boundaries of land the subject of the mining tenure for the mine or on land adjoining, adjacent to, or contiguous with the boundaries of the land the subject of the mining tenure.*

*(3) Despite subsection (1)(d), a place that was a coal mine is not a coal mine after its abandonment merely because work is being done at the place by or for the State—*

- (a) to ensure public safety; or*
- (b) to rehabilitate it; or*
- (c) to secure it..*

*CMSHA, Schedule 3 – Definitions - Holder means for a coal mine, means the holder under the Mineral Resources Act 1989 of an exploration permit, mineral development licence or mining lease for the coal mine.*

*(Mineral Resources Act 1989 (MRA), Schedule 2 – Definitions - Holder, for a prospecting permit, exploration permit, mining claim, mineral development licence or mining lease, means the person in whose name the permit, claim, licence or lease is recorded)*

### *CMSHA, s. 40 Obligations of holders*

*(1) This section applies if the holder and the coal mine operator for a coal mine are or are to be different persons.*

*(2) The holder must—*

- (a) inform a person proposing to enter into a contract with the holder to act as coal mine operator, by notice, of all relevant information available to the holder that may help the proposed coal mine operator—*
  - (i) to ensure the site senior executive for the coal mine develops and implements a safety and health management system for the mine; and*
  - (ii) to prepare and implement principal hazard management plans for the mine; and*
- (b) include in the contract appointing the coal mine operator an obligation on the operator—*
  - (i) to establish a safety and health management system for the mine; and*
  - (ii) other than for exploration activities under an exploration permit or mineral development licence—to be a party to a mines rescue agreement.*

### *CMSHA, s. 46 Notices by holder*

*(1) Before coal mining operations start at a coal mine or a separate part of a surface mine, the holder for the mine must give the inspector located in the region in which the mine is situated notice of—*

- (a) the name and address of the coal mine operator for the mine or part; and*
- (b) the name of, and a description of the land (including its boundary) comprising, the mine or part; and*
- (c) the date on which operations are to start at the mine or part.*

*(2) Subsection (1)(b) and (c) do not apply to exploration activities under an exploration permit or mineral development licence.*

*(3) The holder must not change the following for a coal mine without first giving the inspector located in the region in which the mine is situated notice—*

- (a) the coal mine operator;*
- (b) the name of the mine.*

### *CMSHA, s. 53 Appointment of coal mine operator*

*(1) The holder for a coal mine may, by written contract, appoint a person as the coal mine operator for the mine or, if mine is or includes a separate part of a surface mine, the separate part.*

*(2) An appointment of a person as coal mine operator for a part of a coal mine that is not a separate part of a surface mine is ineffective.*



**CMSHA, s. 21 Meaning of coal mine operator**

- (1) A coal mine operator for a coal mine is—
- (a) the holder; or
  - (b) if another person has been appointed as the coal mine operator under section 53 and the appointment is notified to the chief inspector under section 49, the other person.
- (2) If—
- (a) another person mentioned in subsection (1)(b) is appointed as the coal mine operator for a separate part of a surface mine; and
  - (b) the appointment is notified to the chief inspector under section 49; the person's responsibilities and safety and health obligations under this Act as a coal mine operator for a coal mine are limited to the separate part of the surface mine.
- (3) If—
- (a) 1 or more persons are appointed as coal mine operators for separate parts of a surface mine; and
  - (b) the appointments are notified to the chief inspector under section 49; the holder's responsibilities and safety and health obligations under this Act as a coal mine operator for the coal mine are limited to the part of the mine to which the appointments do not apply.
- (4) For this section, a part of a surface mine is taken to be a separate part of a surface mine only if—
- (a) the part is geographically separated from the rest of the mine; and
  - (b) there is no physical overlapping of coal mining operations between the part and the operations in another part of the mine; and
  - (c) the coal mine operator for the part is in control of—
    - (i) the coal mining operations carried out in the part of the mine; and
    - (ii) the resources associated with the operations.
- (5) A person may be appointed coal mine operator for more than 1 mine or separate part of a surface mine.

**CMSHA, s.41 Obligations of coal mine operators**

- (1) A coal mine operator for a coal mine has the following obligations—
- (a) to ensure the risk to coal mine workers while at the operator's mine is at an acceptable level, including, for example, by providing and maintaining a place of work and plant in a safe state;
  - (b) to ensure the operator's own safety and health and the safety and health of others is not affected by the way the operator conducts coal mining operations;
  - (c) not to carry out an activity at the coal mine that creates a risk to a person on an adjacent or overlapping petroleum authority if the risk is higher than an acceptable level of risk under the Petroleum and Gas (Production and Safety) Act 2004;
  - (d) to appoint a site senior executive for the mine;
  - (e) to ensure the site senior executive for the mine—
    - (i) develops and implements a safety and health management system for the mine; and
    - (ii) develops, implements and maintains a management structure for the mine that helps ensure the safety and health of persons at the mine;
  - (f) to audit and review the effectiveness and implementation of the safety and health management system to ensure the risk to persons from coal mining operations is at an acceptable level;
  - (g) to provide adequate resources to ensure the effectiveness and implementation of the safety and health management system.
- (2) Without limiting subsection (1), the coal mine operator has an obligation not to operate the coal mine without a safety and health management system for the mine.
- (3) In this section—
- adjacent or overlapping petroleum authority* means any of the following under an Act as follows if, under that Act, its area is adjacent to, or overlaps with, the land the subject of the mining tenure under which the coal mine is operated—
- (a) a 1973 Act petroleum tenure under the Petroleum Act 1923;
  - (b) a petroleum tenure under the Petroleum and Gas (Production and Safety) Act 2004.

**CMSHA, s. 50 Notices by coal mine operator**

- (1) Before coal mining operations start at a coal mine, the coal mine operator must give the inspector for the region in which the coal mine is situated notice of the name and address of the site senior executive for the mine.
- (2) Also, the coal mine operator must, within 7 days after the appointment, give the inspector for the region notice of the following appointments including the name and address of the person appointed—
- (a) the appointment of a new site senior executive;
  - (b) an appointment under section 57.
- (3) When land is added to or omitted from a coal mine, the coal mine operator must, within 1 month after the addition or omission, give to the inspector located in the region in which the mine is situated written particulars of the land (including its boundary) added or omitted.