



New South Wales

Coal Mine Health and Safety Amendment (Validation) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to validate previous appointments of the Chief Inspector, inspectors, mine safety officers and investigators under the *Coal Mine Health and Safety Act 2002* and to save appointments of officers under that Act that were inadvertently revoked,
- (b) to validate things done or omitted by those officers and things done in reliance on or as a consequence of such things.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent to the proposed Act.

Schedule 1 Amendment of Acts

Schedule 1.1 amends the *Coal Mine Health and Safety Act 2002* to validate the appointment under section 145 of that Act of the Chief Inspector, inspectors, mine safety officers and investigators who were purported to be appointed under that Act by an instrument dated 22 December 2006.

The amendment also saves the appointments of certain officers by reversing the inadvertent revocation of their appointments by an instrument of appointment published in the *Government Gazette* on 5 October 2012, and provides that the revocation is taken never to have had effect.

Subsequently, the appointments of those officers were revoked, and they were further reappointed, by an instrument dated 6 August 2013.

The amendment validates things that would have been valid if the amendment validating and saving the appointments had been in force when the things were done or omitted. Things done or omitted by officers whose appointments are validated or saved are validated, as are things done or omitted to be done in reliance on, or as a consequence of, those things. This includes the commencement or institution of criminal proceedings.

The amendment will not affect decisions in court proceedings made before the amendment commences unless they would be valid if the validation had been in force.

Schedule 1.2 makes it clear that the operation of the amendment made by Schedule 1.1 is not affected by its repeal by the *Work Health and Safety (Mines) Act 2013*.