

the practice or matter. The Minister may publish that report. No appeal lies from any decision or determination of the Board on a special inquiry.

6. The owner of a mine must cause every shaft or outlet at a mine that is ceasing to be used to be fully sealed or filled in an approved manner or provided with an approved enclosure, barrier, plug or seal within 30 days of the mine ceasing to be used and must cause that seal, fill, enclosure, barrier or plug to be properly maintained. The Minister may cause to be served on the owner of land on which is situated any shaft or outlet of an abandoned mine that is not fully sealed or filled in an approved manner or provided with an approved enclosure, barrier, plug or seal a direction requiring that owner to fully seal or fill the shaft or outlet in an approved manner or to provide the shaft or outlet with an approved enclosure, barrier, plug or seal within the period specified in the direction.
7. An employer who dismisses an employee from his or her employment or prejudices any employee in his or her employment for or on account of the employee assisting an inspector, an investigator, a mine safety officer, a Board of Inquiry or a Court in respect of its activities under the Act is guilty of an offence. The maximum penalty for a corporation is 100 penalty units. The maximum penalty for an individual is 40 penalty units. A penalty unit is currently \$110. In any proceedings for that offence, it lies on the employer to prove that any employee shown to have been dismissed or prejudiced in his or her employment was so dismissed or prejudiced for some reason other than the above reasons.
8. Most of the above amendments do not apply to accidents or dangerous occurrences occurring prior to the commencement of the amendments.

Similar amendments have been made to the *Mines Inspection Act* 1901.

The *Defamation Act* has been amended to provide for a defence of absolute privilege for the publication of reports prepared by an inspector, a mine safety officer, an investigator or a Board of Inquiry under the above legislation.

3. NSW DEPARTMENT OF MINERAL RESOURCES: NEW POLICIES

The NSW Department of Mineral Resources has recently announced two new policies - one relating to single securities for holders of multiple exploration licences and the other to coal mining under flood prone lands where approval for second workings has been given. The policies are set out in *Minfo New South Wales Mining and Exploration Quarterly* No. 62 January 1999 published by the Department (pages 77 and 78).

Single securities for multiple exploration licences

Explorers holding a minimum of ten exploration licences granted under the *Mining Act* 1992 may apply to the Minister for Mineral Resources for a single security deposit to cover all licences. Single securities are applicable to all exploration licences except exploration licences for coal.

The table below sets out the amounts payable under a single security.

Number of exploration licences held	Security to be lodged
10-25	\$100,000
26-50	\$200,000
51-75	\$300,000
Greater than 75	\$400,000

The Minister reserves the right not to include a particular exploration licence within a single security and the holder may apply for exclusion of an exploration licence from a single security. The Department will review the exploration licences of all single security holders every 3 months.

The Minister may review a holder's continued participation in the single security scheme where there is unacceptable environmental performance or other failure to fulfil obligations on one or more of the licence areas. The Minister may or may not then choose to use part of the single security to fulfil the licence holder's unfulfilled obligations. The maximum sum payable toward the cost of fulfilling obligations under any one licence where a failure has occurred is \$20,000.

Coal mining under flood prone land

Approval for second workings in underground coal mines is required under ss138 and 139 of the *Coal Mines Regulation Act 1982*.

The new policy is that approval for those second workings will include a condition requiring the project proponent to arrange valid compensation agreements (under s265 of the *Mining Act*) with all owners and occupiers of flood prone land and potentially flood prone land within the area of subsidence predicted to result from those workings. A compensation agreement must be in place before land subject to that agreement is affected by second workings.

Also, the conditions of approval will not allow second workings to begin if they are predicted to result in subsidence which would render flood prone the land occupied by any dwellings unless the owners and occupiers of that land agree.

Second workings are defined as use of coal mining methods other than bord and pillar such as pillar extraction and longwall mining. Flood prone land is defined as land which experiences a "one in a hundred year" flood. Potentially flood prone land is land which is currently not flood prone but which may be rendered flood prone by mine subsidence.