



NOMINATION OF THE OPERATOR

Part 5, Division 1, *Mine Health and Safety Act 2004*.

EXPLANATORY NOTES

The nominator should consult Guidance Note GNM-001 issued by the NSW Department of Primary Industries. Copies of the Guidance Note are available from:

www.dpi.nsw.gov.au/minerals/safety/legislation/mines

This nomination form is provided for mine holders in NSW, governed by the *Mine Health and Safety Act 2004*, who must nominate the operator of a mine. This form relates directly to mine holders duties under Part 5, Division 1 of the *Mine Health and Safety Act 2004*.

The mine holder is required to complete the following form to a standard which satisfies the Chief Inspector. Consideration should be given to the following matters when completing the nomination of an operator form:

- A mine holder must not undertake mining at an operation unless an operator has been nominated and not rejected.
- The Chief Inspector may reject a nomination within 28 days of receiving the nomination. If the nomination is rejected the mine holder must renominate an operator who satisfies the prescribed guidelines taking into consideration the advice from the Department on the reasons for rejection of the first or subsequent nomination.
- If there is more than one separate and distinct mine at a place the nomination of the operator of each mine by the mine holder must include, as a minimum, a detailed explanation of the basis on which each mine is considered a separate and distinct mine, the information required by the regulation and relevant signatures.

LODGEMENT INSTRUCTION

1. Signed nomination form must be addressed to the Chief Inspector, marked for the attention of the Inspector for the mine, and submitted to the regional office of the NSW Department of Primary Industries, Mineral Resources Division (refer page 8 for office locations). Keep a copy for your records.
2. Information in support of the nomination or any additional information which does not fit within the form is to be attached and forwarded with the original nomination form.

Privacy Statement

This information is collected by the New South Wales Department of Primary Industries (DPI) for the purposes of assessing an application for the Nomination of Operator as required by the *Mine Health and Safety Act 2004*.

This information may also be used by DPI to confirm applicant details in the event that subsequent nominations are made, and may also be used to establish and maintain a database and to assist DPI and its inspectorate with its work generally.

Except for purposes required by law, the information will not be accessed by any third parties in a way that would identify the person without the consent of that person.

You may apply to DPI to access and correct any information DPI holds if that information is inaccurate, incomplete, not relevant or out of date. Applications should be made in writing to: Chief Inspector (marked for the attention of the Inspector for the mine) NSW Department of Primary Industries, Mineral Resources Division (refer to pg 8 for office locations)



1. NOMINATION OF THE OPERATOR OF A MINE MUST BE IN WRITING AND INCLUDE THE FOLLOWING INFORMATION FOR CONSIDERATION BY NSW DPI:

DETAILS OF MINE HOLDER AND MINE (USE CAPITAL LETTERS)

(Please attach information separately where necessary)

(a) Name of the mine: (include any alternate names of the mine as some mines are known by a name other than their official name).

(b) Location and postal address of the mine (plan may be included) _____

(c) Name of the mine holder who has the right to mine. (To assist in deciding who the mine holder is refer to par no 3.3 of GNM-001) _____

(d) Postal address of the mine holder who has the right to mine. _____



(e) Basis on which the mine holder claims to be the mine holder (include copies of any documents establishing mine holder's right to mine. For example a copy of the mining lease, development approval or written statement from the land owner. Refer to par 5 of GNM-001) _____

(f) Whether there is, to the knowledge of the mine holder, any other mine holder for the mine, if so, the name and contact details of that mine holder and the basis of the other mine holder's right to mine (refer to par 5.3 no GNM-001) _____



Table 1

Nomination Form for Multiple Mines with One Operator				
Name of the Mine	Location and Postal Address	Name of the mine holder who has the right to mine	Basis on which the mine holder claims to be the mine holder (include copies of any documents establishing mine holder's right to mine)	Is there any other mine holder for the mine, if so, the contact details of the other mine holders



DETAILS OF OPERATOR (USE CAPITAL LETTERS)

(g) Name of the operator (in most instances this will be a corporation who is the employer and has the day to day control of the mine, occasionally it will be a natural person who is the employer and has the day to day control of the mine and it may be the mine holder; refer par 3.2 GNM-01):

(h) Operator's Australian Business Number (ABN): _____

Operator's ACN (if a corporation): _____

(i) Postal address of the operator:

(j) Details of the relationship between the nominated operator of the mine and the mine holder (refer par 5.6 GNM-01):

(k) Identity and contact details of the primary contact (a natural person) at the mine. The minimum requirements are as follows :

Title/position at mine: _____

Family Name: _____ Given Name/s: _____

Operation Postal Address: _____

_____ State: _____ Postcode: _____

Operation Street Address: _____

_____ State: _____ Postcode: _____

Contact No (office): _____ Alternate No (mobile or personal): _____

Fax No: _____ E-mail: _____



**(l) Identity and contact details of the alternative contact (a natural person) at the mine.
The minimum requirements are as follows:**

Title/position at mine: _____

Family Name: _____ Given Name/s: _____

Contact No (office): _____ Alternate No (mobile or personal): _____

Fax No: _____ E-mail: _____

(m) Detailed explanation (accompanied by copies of relevant supporting documents) of the basis that the nominated operator is considered the employer with the day to day control of the mine including, but not limited to the following (refer to par 5.7 GNM-001):

NOTE: attach separate responses to the following.

1. The number of employees of the nominated operator who work at the mine (May include copies of payslip of employee to assist in establishing that operator is employer).
2. A statement that the nominated operator is the employer by virtue of the fact that the name of the nominated operator and the ABN appears on the workers payment summary required of employers by the Australian Taxation Office.
3. The names of all other employers with some day to day control of part of the mine:
 1. a statement describing the relationship of such employers to the nominated operator; and
 2. how such employers are controlled by the nominated operator; or
 3. the basis on which people are considered employees rather than contractors, including a statement describing the activities or areas such employers control and the level of control exercised by such employers compared to the nominated operator. (include any relevant contracts)

NB: An employee means an individual who works under a contract of employment or apprenticeship.



(n) The name and signature of the mine holder, or the person authorised to sign on behalf of the mine holder, is required as follows:

If the mine holder is a natural person

I (print your name in BLOCK LETTERS) _____ ,
 , hereby declare that to the best of my knowledge, I am the mine holder and that the information supplied in support of this nomination is true and correct.

I make this declaration knowing, under the Crimes Act 1900 (Section 307B), that **knowingly giving false or misleading information is a serious offence.**

Signature: _____ Date: _____ ,

Or,

If the mine holder is a corporation

I (print your name in BLOCK LETTERS) _____ ,

Hereby declare that I am authorised to sign this declaration of behalf of

Company name _____ ABN _____

I further declare that to the best of my knowledge this company is the mine holder and that all the information supplied in support of this nomination is true and correct.

I make this declaration knowing, under the Crimes Act 1900 (Section 307B), that **knowingly giving false or misleading information is a serious offence.**

Signature: _____ Date: _____

Position: _____

(o) Acceptance of nomination as an operator:

I (print your name in CAPITAL LETTERS) _____ ,

the operator / person authorised to sign on behalf of the operator (strikeout not applicable) agree that the information supplied is correct to the best of my knowledge and accept the nomination as operator of (name of operation) _____ .

Signature: _____ Date: _____

Position: _____



NOMINATION CHECKLIST

Please tick the appropriate box to ensure that your nomination is complete and supply to the NSW DPI.

Tick (Applicant Use)

- Application form completed , signed and dated
- Supporting documents to be mine holder (see q 1e)
- If there is more than one separate and distinct mine - additional information included
- Primary contact details
- Alternative contact details

**NSW DPI Mineral Resources offices located in mining regions****North East Area****Armidale**

NSW Department of Primary Industries
Earth Sciences Building (C2)
Ring Road North
University of New England
PO Box U86
Armidale NSW 2351
Phone: (02) 6738 8500
Fax: (02) 6772 8664

Maitland

Mine Safety Operations
516 High Street
Maitland NSW 2320
PO Box 344
Hunter Regional Mail Centre NSW 2310
Phone: (02) 4931 6666
Fax: (02) 4931 6790

Singleton

Level 1, 1 Civic Avenue
Singleton NSW 2330
PO Box 51
Singleton NSW 2330
Phone: 02 6572 1899
Fax: 02 6572 1201

South East Area**Lightning Ridge**

Lot 60 Morilla Street
Lightning Ridge NSW 2834
PO Box 314
Lightning Ridge NSW 2834
Phone: (02) 6829 0678
Fax: (02) 6829 0825

Lithgow

Suite 1, 1st Floor, 184 Mort Street
Lithgow NSW 2790
Phone: (02) 6350 7888
Fax: (02) 6352 3876

Wollongong

Level 3, Block F, 84 Crown Street
Wollongong NSW 2500
PO Box 674
Wollongong NSW 2520
Phone: (02) 4222 8333
Fax: (02) 4226 3851

Central West Area**Broken Hill**

Level 2, 32 Sulphide Street
Broken Hill NSW 2880
PO Box 696
Broken Hill NSW 2880
Phone: (08) 8088 9300
Fax: (08) 8087 8005

Orange

161 Kite Street
Orange NSW 2800
Locked Bag 21
Orange NSW 2800
Phone: (02) 6360 5333
Fax: (02) 6360 5363

Cobar

Government Offices
62-64 Marshall Street
Cobar NSW 2835
PO Box 157
Cobar NSW 2835
Phone: (02) 6836 6000
Fax: (02) 6836 4395



FEEDBACK SHEET

Your comments will be very helpful in reviewing and improving this guidance note.

Please copy and complete the Feedback Sheet and return it to:

Manager Information and Communication
Mine Safety Performance
NSW Department of Primary Industries
PO Box 344
Hunter Regional Mail Centre NSW 2310

Fax: (02) 4931 6790
Phone: (02) 4931 6666

What do you find most useful about this guidance note?

What do you find least useful?

Do you have any suggested changes to the guidance note (and/or nomination form)?

(Optional) Name: _____ **Phone:** _____

Thank you for completing and returning this Feedback Sheet.