

Date : 23/08/2018 7:21:02 AM

From : "s73(2) - irrelevant (KESTREL)"

To : "DONALDSON Beryl"

Cc : "Kestrel Mine RecordBook", s73(2) - irrelevant (KESTREL)", s73(2) - irrelevant, "s73(2) - irrelevant@kestrelcoal.com", s73(2) - irrelevant s73(2) (KESTREL)", s73(2) - irrelevant (KESTREL)", s73(2) - irrelevant

Subject : Notification of Appointment of a Company as an Operator for a Mine

Attachment : Change Company As Operator (addressing)-MI-Kestrel-Aug18.pdf; image001.png;

Hi Beryl,

Please find attached the updated Notification of Appointment of a Company as an Operator for a Mine for Kestrel Coal Mine.

regards

s73(2) - irrelevant

Document and Knowledge Management

Kestrel Mine

Kestrel Coal Resources

Lilyvale Road

Emerald 4720 QLD Australia

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Email: s73(2) - irrelevant@kestrelcoal.com.au



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

The Holder(s) of the mine known as Kestrel Coal Mine
(Mine Name)

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

DETAILS OF THE OPERATOR	
DATE OF APPOINTMENT:	1 August 2018
NAME OF COMPANY:	Kestrel Coal Pty Ltd
ABN:	42 079 044 689
BUSINESS ADDRESS:	Level 22/10 Eagle Street Brisbane QLD 4000
POSTAL ADDRESS:	GPO Box 628 Brisbane QLD 4001
COMPANY CONTACT DETAILS:	Phone: (07) 3557 3000 Fax:
	Email: minesrecordbook@kestrelcoal.com
NAME OF THE OPERATOR'S REPRESENTATIVE* <i>(* the person to whom correspondence from the Mines Inspectorate will be addressed)</i>	Peter Smith
POSITION WITHIN THE COMPANY:	Chief Executive Officer
CONTACT DETAILS OF THE REPRESENTATIVE:	Phone: Mobile: sch4 - Mobile phone
	Email: s73(2) - irrelevant@kestrelcoal.com Fax:
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>	ML1978, ML70301, ML70302, ML70330, ML70481, MDL182
MINE IDENTIFICATION NUMBER:	
MINE ADDRESS:	Lilyvale Road, Emerald 4720
MINE POSTAL ADDRESS:	PO Box 1969 Emerald QLD 4720
CONTACT DETAILS:	Mobile: sch4 - Mobile phone Phone:
	Email: s73(2) - irrelevant@kestrelcoal.com Fax:

As a representative of the Holder(s), I Peter Smith
(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 MQSHA 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: sch4 - signature
(Representative of the Holder)

Date: 22/8/18
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 1475 Coorparoo Q 4151 P (07) 3330 4272 Fax (07) 3405 5345 sthmines@dnrm.qld.gov.au	Central Region PO Box 3679 Red Hill Q 4701 P (07) 4936 0184 Fax (07) 4936 4805 rockyminesinsp@dnrm.qld.gov.au	Central Region PO Box 1801 Mackay Q 4740 P (07) 4999 8512 Fax (07) 4999 8519 minesmackay@dnrm.qld.gov.au	North Region PO Box 1752 MC Townsville Q 4810 P (07) 4447 9248 Fax (07) 4447 9280 tsvmines@dnrm.qld.gov.au	North Region PO Box 334 Mount Isa Q 4825 P (07) 4747 2158 Fax (07) 4743 7165 isamines@dnrm.qld.gov.au
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Relevant Excerpts from MQSHA

MQSHA, s. 9 Meaning of mine

- (1) A **mine** is any of the following places—
 - (a) a place where operations are carried on, continuously or from time to time, within the boundaries of land the subject of a mining tenure;
 - (b) a place where operations 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 operations 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 mine while works are done to secure it after its abandonment;
 - (e) a place where tourism, education or research related to mining happens that is declared under a regulation to be a mine;
 - (f) a quarry.
- (2) A **mine** includes buildings for administration, accommodation and associated facilities at a place mentioned in subsection (1) or adjoining, adjacent to, or contiguous with, the place.

MQSHA, Schedule 2 – Definitions - Holder means the holder under the Mineral Resources Act 1989 of a prospecting permit, exploration permit, mineral development licence, mining lease or mining claim.

(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)

MQSHA, s. 37 Obligations of holders

- (1) This section applies if the holder and the operator are or are to be different persons.
- (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.

MQSHA, s. 46 Notices by holder

- (1) If a holder appoints an operator, the holder must, for each mine or part of a mine for which the operator is appointed, give an inspector for the region in which the mine is situated written notice of—
 - (a) the name and address of the operator; and
 - (b) the name of, and a description of the land (including its boundary) comprising, the mine or part of the mine.

Maximum penalty—40 penalty units.

- (2) Notice must be given within 14 days of the appointment.
- (3) The holder must not change the operator for a mine without first giving an inspector for the region in which the mine is situated written notice.

Maximum penalty for subsection (3)—40 penalty units.

MQSHA, s. 48 Appointment of operator

- (1) The holder for a mine may appoint a person as the operator for the mine or a separate part of a mine.
- (2) An appointment of a person as operator for a part of a mine that is not a separate part of a mine is ineffective.

MQSHA, s. 21 Meaning of operator

- (1) An **operator** for a mine is—
 - (a) for a mine where there is a holder—
 - (i) the holder; or
 - (ii) if another person has been appointed as the operator under section 48 and the appointment is notified to an inspector for the region under section 46, the other person; or
 - (b) for a mine mentioned in section 9(1)(d) or (f), where there is not a holder, the person in control of the mine; or
 - (c) for a mine mentioned in section 9(1)(e), the person in control of the mine.
- (2) If—
 - (a) another person mentioned in subsection (1)(a)(ii) is appointed as the operator for a separate part of a mine; and
 - (b) the appointment is notified to an inspector for the region under section 46; the person's responsibilities and safety and health obligations under this Act as operator for a mine are limited to the separate part of the mine.

- (3) If—
- (a) 1 or more persons are appointed as operators for separate parts of a mine; and
 - (b) the appointments are notified to an inspector for the region under section 46; the holder's responsibilities and safety and health obligations under this Act as an operator for the mine are limited to the part of the mine to which the appointments do not apply.
- (4) For this section, a part of a mine is taken to be a **separate part of a mine** only if—
- (a) the part is geographically separated from the rest of the mine; and
 - (b) there is no physical overlapping of operations between the part and the operations in another part of the mine; and
 - (c) the part is managed as a separate operation; and
 - (d) the part is substantially self-contained.
- (5) A person may be appointed operator for more than 1 mine or separate part of a mine.

MOSHA, s. 38 Obligations of operators

- (1) An operator for a mine has the following obligations—
- (a) to ensure the risk to workers while at the operator's mine is at an acceptable level, including, for example, by—
 - (i) providing a safe place of work and safe plant; and
 - (ii) maintaining 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 operations;
 - (c) to appoint a site senior executive for the mine;
 - (d) 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;
 - (e) to audit and review the effectiveness and implementation of the safety and health management system to ensure the risk to persons from operations is at an acceptable level;
 - (f) to provide adequate resources to ensure the effectiveness and implementation of the safety and health management system.
- (2) Without limiting subsection (1), an operator has an obligation not to operate a mine without a safety and health management system for the mine.

MOSHA, s. 47 Notices by operator

- (1) The operator for a mine must give an inspector for the region in which the mine is situated—
- (a) if there is not a holder for the mine, notice of—
 - (i) the operator's name and address; and
 - (ii) the name of, and a description of the land (including its boundary) comprising, the mine or part of the mine; and
 - (b) a facility description for the mine—
 - (i) if the mine is an existing mine—at least 2 months before a significant change to the operations of the mine unless, after the change, less than the number of persons prescribed under a regulation are to be employed at the mine; or
 - (ii) if the mine is not an existing mine but it is intended that operations are to start and more than the number of persons prescribed under a regulation are to be employed at the mine—at least 2 months before operations start.

Maximum penalty—40 penalty units.

(2) For subsection (1)(b), the facility description must include enough information to decide the risk management measures that will be necessary for an effective safety and health management system.

(3) Before operations start, the operator must give an inspector for the region in which the mine is situated notice of the day operations are to start.

Maximum penalty—40 penalty units.

(4) Also, the operator must, within 7 days after the appointment, give an inspector for the region in which the mine is situated notice of the following appointments including the name and address of the person appointed—

- (a) the appointment of a site senior executive;
- (b) an appointment under section 52.

Maximum penalty—40 penalty units.

(5) When land is added to or omitted from a mine, the operator must, within 1 month after the addition or omission, give to an inspector for the region in which the mine is situated written particulars of the land (including its boundary) added or omitted.

Maximum penalty—40 penalty units.