

South Australia

**MINES AND WORKS INSPECTION ACT 1920**

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An Act to make better provision for the regulation and inspection of mines and works, and for other purposes.

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*This Act is published under the Legislation Revision and Publication Act 2002 and incorporates all amendments in force as at **30 October 2003**.*

*Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.*

**MINES AND WORKS INSPECTION ACT 1920**

being

Mines and Works Inspection Act 1920 No. 1444 of 1920  
[Assented to 9 December 1920]<sup>1</sup>

as amended by

Statute Law Revision Act 1935 No. 2246 of 1935 [Assented to 19 December 1935]  
Mines and Works Inspection Act Amendment Act 1955 No. 25 of 1955 [Assented to 1 December 1955]  
Mines and Works Inspection Act Amendment Act 1962 No. 21 of 1962 [Assented to 25 October 1962]  
Mines and Works Inspection Act Amendment Act 1964 No. 31 of 1964 [Assented to 22 October 1964] (as amended by Statute Law Revision Act 1965 No. 39 of 1965 [Assented to 9 December 1965])  
Mines and Works Inspection Act Amendment Act 1966 No. 55 of 1966 [Assented to 10 November 1966]  
Mines and Works Inspection Act Amendment Act 1970 No. 69 of 1970 [Assented to 17 December 1970]  
Statute Law Revision Act 1974 No. 42 of 1974 [Assented to 11 April 1974]  
Mines and Works Inspection Act Amendment Act 1978 No. 66 of 1978 [Assented to 12 October 1978]<sup>2</sup>  
Occupational Health, Safety and Welfare Act 1986 No. 125 of 1986 [Assented to 24 December 1986]<sup>3</sup>  
**Statutes Amendment (Mining) Act 2003 No. 39 of 2003 [Assented to 9 October 2003]<sup>4</sup>**

<sup>1</sup> Came into operation 20 January 1921: *Gaz.* 20 January 1921, p. 106.

<sup>2</sup> Came into operation 18 January 1979: *Gaz.* 18 January 1979, p. 95.

<sup>3</sup> Schedule 3 (Pt. 2) came into operation 30 November 1987: *Gaz.* 8 October 1987, p. 1068.

<sup>4</sup> **Part 2 (s. 4) came into operation 30 October 2003: *Gaz.* 23 October 2003, p. 3879.**

N.B. The amendments effected to this Act by the *Statute Law Revision Act 2003* had not been brought into operation at the date of, and have not been included in, this reprint.

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

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**APPENDIX  
LEGISLATIVE HISTORY**

**The Parliament of South Australia enacts as follows:**

**Short title**

1. This Act may be cited as the *Mines and Works Inspection Act 1920*.

**Commencement of Act**

2. This Act shall come into force on a day to be fixed by proclamation.

**Acts repealed**

3. The Acts mentioned in Schedule 1 are hereby repealed to the extent therein mentioned.

**Interpretation**

4. (1) In this Act—

"**agent**" means the agent or representative of the owner of the mine;

"**default penalty**" means a default penalty provided for by section 24A of this Act;

"**inspector**" means an inspector of mines appointed under this Act, and includes the chief inspector of mines;

"**machinery**" means any machinery, plant, equipment, implement, or device used or designed or adapted for use in the course of any mining operation;

"**manager**" means the person for the time being having the immediate charge or direction of the mining operations on any mine;

"**mine**" means any place in, on, or under which any mining operation has been or is being carried on, and includes works;

"**mineral**" means—

- (a) any—
  - (i) metal; or
  - (ii) metalliferous ore; or
  - (iii) coal; or
  - (iv) guano; or
  - (v) precious or other stone; or
  - (vi) salt; or
  - (vii) gypsum; or
  - (viii) gravel; or
  - (ix) shale; or
  - (x) shell; or

- (xi) sand; or
- (xii) clay; or
- (xiii) soil; or
- (xiv) earthy substance,

occurring, whether naturally or otherwise, in, on or under the ground or in the sea or any other waters; or

- (b) any substance declared by proclamation under this section to be a mineral;

**"mining"** or **"mining operation"** means—

- (a) any operation carried on in the course of searching for or recovering any mineral; or
- (b) any operation carried on at any works; or
- (c) any operation declared by proclamation under this section to be a mining operation,

but does not include any operation declared by proclamation under this section not to be a mining operation;

**"owner"** means any person who is the immediate proprietor or lessee or occupier of a mine, or any part thereof, and includes a contractor or tributor working therein, but does not include a person who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine which is subject to any lease, grant, or licence for the working thereof, or is merely the owner of the soil and not interested in the products of the mine;

**"the appeal board"** means the Mines and Works Appeal Board established under section 10B of this Act;

**"works"** means—

- (a) any—
  - (i) battery; or
  - (ii) crushing plant; or
  - (iii) ore concentrating works; or
  - (iv) cyanide or chlorination works; or
  - (v) leaching plant; or
  - (vi) smelting or metal refining works; or
  - (vii) pellet plant; or
  - (viii) salt works; or

- (ix) pre-mix concrete works; or
- (x) road-base plant,

that is situated on or adjacent to the place at which a mining operation referred to in paragraph (a) of the definition of "**mining operation**" in this section is carried on; or

- (b) any works declared by regulation to be works,

but does not include any works declared by regulation not to be works.

(2) The Governor may by proclamation—

- (a) declare any substance to be a mineral; or
- (b) declare any operation or class of operations to be or not to be a mining operation or operations;

and may by proclamation from time to time revoke, alter or amend such proclamation.

**Application of Act**

5. This Act shall apply to every mine under whatsoever tenure held and wheresoever situated within the State.

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**Appointment of inspectors**

6. The Governor may appoint a chief inspector of mines and such other inspectors of mines as he deems necessary for the purposes of carrying out the provisions of this Act.

**Inspection for official purposes**

7. (1) Any officer authorised by the Minister may, with such assistants as the officer deems necessary, at any reasonable time, enter and inspect any mine for official purposes.

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(3) For the purposes of every such inspection every such person shall have all the powers and authorities conferred on inspectors by this Act.

**Disqualification for office of inspector**

8. (1) Any person shall be disqualified from being appointed or acting as an inspector who, without the authority of the Minister—

- (a) practises or acts, either alone or in partnership with any person, as a land agent, mining engineer, manager, viewer, agent, or valuer of mines, or as an arbitrator in any difference or dispute arising between owners, agents, or managers of mines; or
- (b) is otherwise employed in or about any mine within the State; or
- (c) knowingly holds, directly or indirectly, any interest in any mine within the State.

(2) Any person who acts as an inspector whilst disqualified as aforesaid shall be liable to a penalty not exceeding one thousand dollars.

**Confidentiality**

9. A person must not divulge any information relating to trade processes or financial information obtained (whether by that person or some other person) in the administration of this Act except—

- (a) as authorised by this Act or a regulation under this Act; or
- (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
- (c) to the Minister, or an officer or employee of the Crown in connection with the administration or enforcement of this Act or a prescribed Act; or
- (d) for the purpose of any legal proceedings arising out of the administration or enforcement of this Act or a prescribed Act.

Maximum penalty: \$10 000.

**Powers of inspector on inspection**

10. (1) An inspector shall have power to do any or all of the following things, namely:

- I. He may, without previous notice, enter, inspect and examine any mine, and every part thereof, at all times by day or night, but so as not unnecessarily to impede or obstruct the working of the mine; and
- II. He may make examination or inquiry to ascertain whether in respect of any mine the provisions of this Act are being complied with; and
- III. He may examine into and make inquiry respecting—
  - (a) the state and condition of any mine, or any part thereof; and
  - (b) the state and condition of the machinery in or about any mine; and
  - (c) the ventilation and the air of the mine; and
  - (ca) any accident in or about any mine causing loss of life or personal injury; and
  - (d) all matters and things connected with or relating to the safety, health, or well-being of the persons employed in or about the mine or any mine contiguous thereto, or of the general public; and
  - (e) any mining operations which are creating or are likely to create a nuisance, or are damaging or likely to damage property; and
  - (f) the effect of any mine, mining operation or practice, or operation or practice incidental or ancillary thereto, upon the amenity of any area or place; and
- IV. He may order to be discontinued in or about any mine—
  - (a) the use of any machinery which he considers unsafe or defective until such machinery is made safe or the defect remedied; and
  - (b) any practice which he considers liable to affect the safety or health of the persons employed in or about any mine, or of the general public; and

- (c) any mining operations or practices which are likely to create a nuisance or damage property; and
- IVa. He may order the cessation of any mining operation or practice, or any operation or practice incidental or ancillary thereto, that in his opinion, has impaired unduly or is likely to impair unduly the amenity of any area or place and he may give such other directions as he considers necessary or desirable to prevent or reduce undue impairment of the amenity of any area or place; and
- V. He may order the immediate cessation of work in and the departure of all persons from any mine, or any part thereof, which he considers unsafe, or he may allow persons to continue to work in such mine or part, only on such precautions being taken or such things being done as he considers necessary; and
- VI. He may inspect the storage and use of explosives in or about any mine; and
- VII. He may give such directions as to any practice, or as to the doing of any matter or thing, not provided for by regulations made under this Act, as he considers necessary in the interests of the health and safety of any person or for the purpose of preventing nuisances or damage to property; and
- VIII. He may exercise such other powers as are necessary for carrying this Act into effect.

(2) An order or direction by an inspector under this section shall be sufficiently given—

- (a) to any owner, agent, or manager of a mine, if given orally or by notice in writing; or
- (b) to any other person, if given orally or by notice in writing, or if a written notice thereof is posted up in some conspicuous position on the mine, or part thereof, to which the order or direction relates.

(3) If—

- (a) any owner, agent, or manager, or any other person, fails to comply with or acts in contravention of any order or direction given by an inspector under this Act; or
- (b) any owner, agent, or manager of a mine permits or suffers any person employed in such mine to act in contravention of any order or direction given by an inspector under this Act,

he shall be liable to a penalty not exceeding, for a first offence, two thousand dollars, and for any subsequent offence, four thousand dollars and liable to a default penalty not exceeding two hundred dollars.

It shall be a defence to any proceeding for an offence under this section (except an offence arising from contravention of, or failure to comply with, an order or direction that is appealable under section 10A of this Act) if it is proved to the satisfaction of the court that such order or direction was not justified by the purpose for which such order or direction was given.

(4) Where an order or direction is given by an inspector under this section to the owner of a mine to carry out any work and the owner is found guilty of an offence against subsection (3) of this section for failing to comply with the order or direction, the inspector, with the approval of the Minister, may, with such assistants as the inspector considers necessary, enter and cause that work to be carried out.



(5) The cost of carrying out the requirements of an order or direction of an inspector under subsection (4) of this section may be recovered from the owner of the mine in a summary manner as a debt due to the Crown.

(6) A document purporting to be signed by the chief inspector of mines stating the cost referred to in subsection (5) of this section shall, in the absence of proof to the contrary, be accepted as proof of that cost in any proceedings for its recovery.

### **Appeals**

**10A.** (1) A person who is required to comply with an order or direction under paragraph IVa of subsection (1) of section 10 of this Act, may, by notice in writing addressed to the secretary to the appeal board, appeal against the order or direction.

(2) The appeal board shall consider any appeal under subsection (1) of this section and may affirm, vary or revoke the order or direction subject to appeal.

(3) The appeal board may inform itself in such manner as it thinks fit concerning the subject matter of the appeal.

(4) An appellant to the appeal board who is aggrieved by a decision of the board may, by notice in writing, appeal to the Minister.

(5) The Minister may, upon consideration of an appeal, affirm, vary or revoke the order or direction subject to appeal.

### **Establishment of appeal board**

**10B.** (1) There shall be a board entitled the "Mines and Works Appeal Board".

(2) The appeal board shall consist of three members appointed by the Governor of whom—

(a) one shall be a person who is in the opinion of the Governor qualified and experienced in mining engineering; and

(b) one shall be a person who has had, in the opinion of the Governor, extensive experience in the conduct of mining operations; and

(c) one shall be a person who is, in the opinion of the Governor, qualified to assess the aesthetic effect of mining operations and practices upon the environment in which they are carried out.

(3) The Governor may appoint one of the members of the appeal board to be chairman of the appeal board.

(4) A person who holds office in the Department of Mines, or who has any direct or indirect financial interest in the conduct of mining operations in this State shall not be a member of the appeal board.

(5) The members of the appeal board shall hold office for such term, and upon such terms and conditions, as may be determined by the Governor.

(6) The Governor may make such appointments as are necessary to fill any vacancy occurring in the membership of the appeal board, and may appoint a person to be a deputy of a member if the member is unable to perform his duties as a member because of illness or any other cause, or if it is otherwise expedient so to do, and a person so appointed to be a deputy of the chairman shall be deemed to be the chairman while so appointed.

(7) The *Public Service Act 1967*, as amended, shall not apply to or in relation to the appointment of a member of the appeal board and a member shall not, as such, be subject to that Act.

(8) The office of a member of the appeal board may be held in conjunction with any office in the public service of the State.

(9) A suitable person shall be appointed by the Governor to be secretary to the appeal board.

**Quorum etc**

**10C.** (1) Two members of the appeal board shall constitute a quorum of the appeal board and no business shall be transacted unless a quorum is present.

(2) A decision concurred in by two members of the appeal board shall be a decision of the board.

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**Miners' inspectors**

**12.** (1) The miners employed in any mine may appoint two of their number, or any two persons who are practical miners, to inspect the mine, and the persons so appointed shall, on giving notice to the manager, be allowed to inspect every part of the mine and all its machinery.

(2) If at any time the workings, or any part of the workings, of any mine are considered unsafe by any of the miners working therein, the miners working therein may, in like manner, appoint two of their number, or any two persons who are practical miners, to inspect, such workings, and the persons so appointed shall, on giving notice to the manager, be allowed to inspect such workings.

(3) Every facility shall be afforded by the owner, agent, or manager for any such inspection, and the manager or one or more officers of the mine may, if the owner, agent, or manager thinks fit, accompany the persons making any such inspection.

(4) The persons so inspecting shall record and sign a true report of the result of every such inspection in the record book, and, if the report states the existence or apprehended existence of any danger, they shall forthwith cause a true copy of the report to be sent to the chief inspector, and shall notify the manager of such danger.

(5) The persons so appointed shall be designated miners' inspectors, and shall, while making any inspection for the purposes of this section, be deemed to be workmen employed by the owner of the mine within the meaning of the *Workmen's Compensation Act 1971*.

(6) The Minister may, at any time, terminate any appointment made under this section if it appear to him for any reason necessary or desirable so to do.

**Obstructing or refusing to assist inspector**

**13.** (a) Every person who wilfully obstructs, hinders, or interferes with, or uses insulting language to, an inspector, or any person having the powers and authorities of an inspector, in the execution of his duty; and

(b) every owner, agent, or manager of a mine who refuses or neglects to furnish an inspector, or any person having the powers and authorities of an inspector, with the means necessary for making any entry, inspection, examination, or inquiry under this Act in relation to such mine,

shall be liable to a penalty not exceeding one thousand dollars.

**Agreement not to preclude or exempt**

14. No person shall be precluded or exempted by any contract or agreement from doing such acts as may be necessary to comply with the provisions of this Act, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.

**Special inquiry may be directed**

15. The Minister may direct an inspector to make a special inquiry and report with respect to any accident in or about a mine causing loss of life or personal injury, and may cause such report to be made public at such time and in such manner as he thinks expedient.

**Notices, how given**

16. All notices and documents required by this Act to be given to or served upon the owner, agent, or manager of any mine, or to or upon any person employed in any mine, may be given or served upon him personally, or may be given or served by post by a registered letter, addressed to his usual or last known address, or to the mine of which he is the owner, agent, or manager or in which he is employed, and the giving or service of such notice by post shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

**Employment underground of certain persons prohibited**

17. A person shall not, except with the written consent of the Minister, employ, or suffer or permit to be employed, underground in any mine, any person under the age of eighteen years.

Penalty: Five hundred dollars.

**Regulations**

18. (1) The Governor may make regulations for the purpose of ensuring the safety and health of all persons who are employed in or about any mine and of the general public who may be affected by mining operations, and for the carrying on of all mining with due regard to the health and safety of the general public and for the prevention of nuisances and damage to property caused by mining operations and for preserving the amenity of any area or place from impairment by mining operations and practices, and operations and practices incidental or ancillary thereto, including, though without in any way limiting the general power of making regulations hereby conferred, regulations with respect to all or any of the matters mentioned in Schedule 2 hereto.

(2) It may be provided by any such regulation that all or any of the regulations made under this Act shall apply to the whole State or only to any specified part thereof, or to all mines or only to any specified mine or specified class or classes of mines.

(2a) Regulations made under this Act may incorporate, adopt, apply or make prescriptions by reference to, with or without modification—

- (a) any code of practice issued by the South Australian Occupational Health and Safety Commission;
- (b) any other document prepared or published by any body or authority as in force at the time that the regulations are made or as in force from time to time.

(3) The regulations may provide for the imposition of penalties not exceeding in each case one thousand dollars for a breach of any provision of a regulation and in addition the regulations may provide for the imposition of a default penalty for a breach of any provision of a regulation.

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**Proceedings in respect of offences**

**19.** (1) No proceedings in respect of any offence against this Act shall be taken except by an inspector or by some person authorised by the Minister.

(2) All proceedings in respect of offences against this Act shall be commenced within six months from the time when the matter of the information or complaint came to the knowledge of the inspector or person taking proceedings but in no case later than twelve months after the commission of the offence.

(3) All costs incurred by or awarded against any inspector in connection with any such proceedings shall be payable out of moneys from time to time appropriated by Parliament, and the inspector shall not be personally responsible for the same.

**Imprisonment for wilful neglect endangering life or limb**

**20.** Where any owner, agent, or manager of any mine, or any person employed in or about any mine, is guilty of any offence against this Act which, in the opinion of the court which tries the case, is one which was—

- (a) reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident; and
- (b) committed wilfully by the personal act, personal default, or personal negligence of the person accused,

the court, if of the opinion that a fine will not meet the circumstances of the case, may, in lieu of imposing a monetary penalty, impose a sentence of imprisonment for any period not exceeding six months.

**Application of fines**

**21.** (1) Where a fine is imposed under this Act for any offence against this Act which has occasioned loss of life or personal injury, the Minister may direct such fine to be paid to, or distributed in such manner as he thinks fit among, the persons injured and the relatives of any person whose death may have been occasioned by the offence, or among such of them as the Minister thinks fit: Provided that the Minister shall not make any such direction unless he is of opinion that such persons did not occasion, or contribute to occasion, the offence, or did not commit and were not parties to committing the offence.

(2) The fact of any such payment or distribution as aforesaid shall not in any way affect, or be receivable as evidence in, any legal proceeding relative to, or consequential on, the accident or offence.

(3) Save as aforesaid, all fines recovered under this Act shall be paid to the Treasurer for the public uses of the State.

**General provisions as to proceedings for offences**

**22.** In any proceedings in respect of any offence against this Act—

- I. the onus shall be on the defendant to prove—
  - (a) that any person alleged in the information to be an inspector, or a person authorised to take proceedings in respect of an offence against this Act, is not an inspector or such person; or

- (b) that any person alleged in the information to be an owner, agent, or manager of any mine, is not an owner, agent, or manager of the mine in question; or
  - (c) that any person alleged in the information to be employed in any mine, is not employed in the mine in question:
- II. the authorisation by the Minister of any person to take proceedings, may be proved by the production of any document to that effect purporting to be signed by the Minister.

#### **Saving of proceedings under other Acts or at common law**

**23.** (1) Nothing in this Act shall prevent any person from being indicted for any act or omission constituting an offence against this Act, or from being liable for any such act or omission under any other Act, or otherwise, to any other or higher penalty or punishment than that provided by this Act: Provided that no person shall be punished twice for the same offence.

(2) If the court before which a person is charged with an offence under this Act is of opinion that proceedings ought to be taken against such person for such offence under some other Act, or otherwise, such court may adjourn the hearing of the case to enable such proceedings to be taken, and such proceedings may thereupon be taken.

#### **Summary proceedings for offences**

**24.** All proceedings in respect of offences against this Act shall be disposed of summarily.

#### **Default penalties**

**24A.** (1) Where in or at the foot of any provision of this Act there appears the expression "default penalty", the expression indicates—

- (a) that a person convicted of an offence against that provision in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable to that offence, to a penalty for each day during which the act or omission continued of not more than the amount stipulated as the amount of the default penalty, or if no amount is stipulated, of not more than one hundred dollars; and
- (b) that if the act or omission continues after he is convicted, he shall be guilty of a further offence against that provision and liable, in addition to the penalty otherwise applicable to that further offence, to a penalty for each day during which the act or omission continued after that conviction of not more than the amount stipulated as the amount of the default penalty, or if no amount is stipulated, of not more than one hundred dollars.

(2) Where an offence against a provision of this Act consists of an omission to do something that is required or directed to be done, the omission shall, for the purposes of subsection (1) of this section, be deemed to continue for so long as the thing required or directed to be done remains undone after the expiration of the period for compliance with the requirement or direction.

#### **Appeal**

**25.** There shall be an appeal in respect of proceedings in respect of offences against this Act.

#### **Special case**

**26.** In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

**Protection of officers**

**27.** No action shall be brought against any inspector or other person for or on account of any matter or thing done or committed by him in the execution, or intended execution, of his duty or office under this Act, unless such action is commenced within six months after the cause of action arises.

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**Schedule 1**

Reference to Act	Extent of Repeal
<i>The Mining Act 1893</i> (No. 587 of 1893)	Part 4, paragraphs III, XVIII and XX of Section 92, and section 120.
<i>The Mining Act Amendment Act 1904</i> (No. 858 of 1904)	The whole
<i>Mining Act Further Amendment Act 1919</i> (No. 1410 of 1919)	The whole

## **Schedule 2—Subject matter for regulations**

### **Inspectors**

1. The powers and duties of inspectors.

### **Inspections**

2. The inspection of mines and of machinery in or about mines.

### **Agents**

3. The appointment by mine owners of agents, and the registration of such appointments with the Minister.

### **Mine managers**

4. The appointment by mine owners and agents of mine managers and temporary mine managers, and the registration of such appointments with the Minister.

### **Responsibilities and duties of owners and persons employed**

5. The responsibilities and duties of owners and agents, and of mine managers and other persons employed in or about or in connection with mines.

### **Plans**

6. Plans and sections of underground and surface workings of mines, including—
  - I. the keeping of such plans and sections by the owner, agent, or manager of the mine:
  - II. the furnishing from time to time of copies of such plans and sections to the Minister, and the terms on which such copies will be accepted as satisfactory:
  - III. the manner in which surveys of the underground or surface workings for the purposes of such plans and sections shall be effected, and the scale to which such plans and sections shall be drawn.

### **Discipline, prevention of accidents etc**

7. The maintenance of order and discipline, and the prevention of accidents.

### **Accidents**

8. Accidents in or about mines, including—
  - I. the notification of accidents:
  - II. the steps to be taken on the occurrence of an accident; the supply and maintenance of appliances for use in rescue work, and the formation and training of rescue brigades; the supply and maintenance of ambulance appliances and the training of men in ambulance work:
  - III. the procedure at inquiries into accidents, and the evidence receivable at such inquiries as to any particular matter.

### **Returns**

9. Returns from mines for statistical purposes.

### **Forms**

10. The form of records, returns, notices, and other writings and documents to be used for the purposes of this Act.

### **Ventilation**

11. The ventilation of mines, including—
  - I. standards of purity, temperature, and humidity of the air; the quantity of air which shall be made to circulate in the mine or the airways; methods by which the air shall be tested as to its adequacy in quantity, purity, temperature, humidity, and efficiency of circulation:



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- II. recording the state of ventilation in all parts of the mine; showing upon the plans the position of all airdoors and ventilating devices and appliances, and the direction of the air currents:
- III. the conditions under which disused portions of the mine may or shall be shut off from the ventilation system, and when and in what manner they shall be ventilated:
- IV. the conditions under which the use of mechanical appliances to assist ventilation shall be compulsory:
- V. the use of compressed air:
- VI. the conditions under which tailings from cyanide or other chemical or metallurgical processes may be used for the filling of stopes:
- VII. the prevention of the escape of deleterious gases and fumes from any chemical or metallurgical process.

**Connections for ventilation purposes**

**12.** The connection of workings for ventilation purposes, including—

- I. the making of other excavations concurrently with shaft sinking:
- II. the connection of adjoining mines:
- III. the connection of workings in the same mine:
- IV. any other matter relating to the ventilation of mines.

**Health and sanitation**

**13.** The protection of health in mines and the sanitary conditions in mines, including—

- I. the prevention and laying of dust; the prevention of the escape of poisonous or deleterious gases and fumes from any chemical or metallurgical process in use on mines; the use of water sprays, atomisers, and other damping appliances:
- II. the use of apparatus for collecting, filtering, and preventing the inhalation of dust:
- III. the prevention of nuisances, and the cleansing and keeping clean of the mine; the construction and position of all sanitary conveniences, and the condition in which they shall be kept:
- IV. the provision and construction of change houses and their accommodation, baths, washing appliances, the destruction of old clothes, and drying of clothes; pure water supply:
- V. examination and exclusion of persons likely to be infected with infectious or transmissible diseases.

**Safety**

**14.** The safety of all persons working in or about mines, including the provision of refuges and manholes.

**Safe handling of material**

**15.** The safe handling of materials.

**Explosives**

**16.** The storage and use of explosives and highly inflammable substances, including—

- I. the construction of magazines:
- II. storage and handling:
- III. lights and smoking:
- IV. the removal and destruction of fumes by mechanical or artificial means:

- V. the persons who may charge or fire charges, and the methods and implements that may or may not be employed in doing so:
- VI. charges that have missed fire, and holes which have been charged, or in which a charge has been previously fired or attempted to be fired:
- VII. the time that must elapse before men return to a hole where a charge has been fired, or has missed fire:
- VIII. the notification of charges that have missed fire:
- IX. the use of fuse.

**Winding and testing of ropes and other appliances**

**17.** The winding of persons and materials, including—

- I. the strength and efficiency of ropes, chains, brakes, and cages, and all winding appliances, gear, and machinery, and the tests, from time to time or otherwise, of such strength and efficiency:
- II. the maintenance of ropes, chains, brakes, and cages, and all winding appliances, gear, and machinery:
- III. the persons who may have charge of winding machinery and their periodical medical examination.

**Shafts**

**18.** The fencing, lining, dividing, and otherwise securing of shafts and other openings.

**Ladders and travelling ways**

**19.** Ladders and travelling ways.

**Signals**

**20.** Signals.

**Use of electricity**

**21.** The use of electricity and electrical machinery, and the rules and precautions to be observed.

**Machinery**

**22.** Machinery, including—

- I. the persons who may work or have charge of machinery:
- II. the maintenance and safeguarding of machinery:
- III. the fitting, cleaning, working, and testing of machinery, whether in accordance with any Act or otherwise.

**Fees**

**23.** The fees payable in respect of—

- (a) witnesses' expenses and the remuneration of persons holding inquiries:
- (b) the testing of ropes, chains, brakes, cages, and other winding appliances, gear, and machinery:
- (c) any other service rendered by any person under this Act.

**Abandonment**

**24.** Abandonment of mines, including the protection of abandoned mines.

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**Preservation of the amenity**

**25.** The preservation of the amenity of any area or place from impairment by mining operations or practices, or any operations or practices incidental or ancillary thereto, and without limiting the generality of the foregoing, the regulations made under this paragraph may—

- (a) regulate, restrict or prohibit any such operations that interfere with the surface of any land; and
- (b) regulate the position in which any excavations or other mining operations may be made or conducted; and
- (c) regulate the treatment and disposal of overburden and waste products; and
- (d) regulate, restrict or prohibit the treatment or disposal of overburden or waste products in prescribed areas or places, or in areas or places of a prescribed kind; and
- (e) require that any plant or mining operations be screened from view in a prescribed manner; and
- (f) require the restoration of the surface of the land in a prescribed manner; and
- (g) regulate the positioning, installation and removal of mining equipment and buildings used in connection with mining operations.

**Certification**

**26.** The medical certification of employees and the certification of persons in charge of certain declared types of machinery.

**Waste**

**27.** The disposal of overburden or other waste from mining operations.

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## APPENDIX

### LEGISLATIVE HISTORY

· Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 312.

· Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 4:	redesignated as s. 4(1) by 66, 1978, s. 3(e) definition of "default penalty" inserted by 66, 1978, s. 3(a) definition of "machinery" substituted by 66, 1978, s. 3(b) definition of "mineral" inserted by 66, 1978, s. 3(c) definition of "mining" or "to mine" repealed and definition of "mining" or "mining operation" inserted in its place by 66, 1978, s. 3(c) definition of "works" substituted by 66, 1978, s. 3(d)
Section 4(2):	inserted by 66, 1978, s. 3(e)
Section 5A:	repealed by 66, 1978, s. 4
Section 7(1):	substituted by 66, 1978, s. 5
Section 7(2):	repealed by 66, 1978, s. 5
Section 8(1):	amended by 66, 1978, s. 6(a)
Section 8(2):	amended by 66, 1978, s. 6(b)
<b>Section 9:</b>	amended by 66, 1978, s. 7; 125, 1986, s. 71(2) (Sched. 3 Pt. 2); <b>substituted by 39, 2003, s. 4</b>
Section 10(1):	amended by 66, 1978, s. 8(a)
Section 10(3):	amended by 66, 1978, s. 8(b)
Section 10(4) - (6):	inserted by 66, 1978, s. 8(c)
Section 11:	repealed by 66, 1978, s. 9
Section 12(1):	amended by 66, 1978, s. 10(a)
Section 12(2):	amended by 66, 1978, s. 10(b)
Section 13:	amended by 66, 1978, s. 11
Section 17:	substituted by 66, 1978, s. 12
Section 18(2a):	inserted by 125, 1986, s. 71(2) (Sched. 3 Pt. 2)
Section 18(3):	substituted by 66, 1978, s. 13(a)
Section 18(4):	repealed by 66, 1978, s. 13(b)
Section 24A:	inserted by 66, 1978, s. 14
Schedule 2	
Clauses 26 and 27:	inserted by 66, 1978, s. 15
Schedule 3:	repealed by 66, 1978, s. 16