South Australia

Mines and Works Inspection Act 1920

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

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

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

4—Interpretation

(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;

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 in respect of operations to which this Act applies—

(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;

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.

5—Application of Act

This Act applies in respect of operations undertaken—

(a) under the Indenture under the *Roxby Downs (Indenture Ratification) Act 1982*; and

(b) under the Indenture under the *Whyalla Steel Works Act 1958*; and

(c) by a person to whom a sale or lease of any seam of coal vested in the Crown at or near Leigh Creek has been made or granted by or on behalf of the Crown (including any successors at law of such a person) as authorised under section 48(1) of the *Electricity Corporations Act 1994*; and

(d) by a person authorised under section 48(2) or (3) of the *Electricity Corporations Act 1994* to mine any seam of coal vested in the Crown or SAGC, at or near Leigh Creek.

6—Appointment of inspectors

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.

7—Inspection for official purposes

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

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

8—Disqualification for office of inspector

(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, viewer, agent, or valuer of mines, or as an arbitrator in any difference or dispute arising between owners or agents; 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.

9—Confidentiality

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.

10—Powers of inspector on inspection

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

(a) 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

(b) he may make examination or inquiry to ascertain whether in respect of any mine the provisions of this Act are being complied with; and

(c) he may examine into and make inquiry respecting—

(i) the state and condition of any mine, or any part thereof; and

(ii) the state and condition of the machinery in or about any mine; and

(iii) the ventilation and the air of the mine; and

(iv) any accident in or about any mine causing loss of life or personal injury; and

(v) 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

(vi) any mining operations which are creating or are likely to create a nuisance, or are damaging or likely to damage property; and

(vii) 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

(d) he may order to be discontinued in or about any mine—

(i) the use of any machinery which he considers unsafe or defective until such machinery is made safe or the defect remedied; and

(ii) 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

(iii) any mining operations or practices which are likely to create a nuisance or damage property; and

(e) 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

(f) 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

(g) he may inspect the storage and use of explosives in or about any mine; and

(h) 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

(i) 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 or agent 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 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 or agent 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.

(3a) 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 reviewable under section 11 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.

11—Reviews—amenity issues

(1) A person who is required to comply with an order or direction under section 10(1)(e) may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the order or direction.

(2) An application must be made within 1 month of the making of the order or decision.

(3) For the purposes of proceedings before the Tribunal under this section, the following panels of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*:

(a) a panel consisting of persons who have experience in the conduct of mining operations;

(b) a panel consisting of persons who have experience in assessing the aesthetic effect of mining operations and practices on the environment in which they are carried out.

(4) In any proceedings under this section, the Tribunal may, if the President of the Tribunal so determines, sit with assessors selected by the President.

(5) In this section—

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

12—Miners' inspectors

(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 owner, 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 owner, be allowed to inspect such workings.

(3) The owner or agent must take steps to facilitate an inspection, and the owner or agent may, if the owner or agent thinks fit, accompany the persons making the 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 owner 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.

13—Obstructing or refusing to assist inspector

(1) A person must not wilfully obstruct, hinder, or interfere with, or use insulting language to, an inspector, or any person having the powers and authorities of an inspector, in the execution of his or her duty.

Maximum penalty: $1 000.

(2) An owner or agent must not refuse or neglect 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 the mine.

Maximum penalty: $1 000.

14—Agreement not to preclude or exempt

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.

15—Special inquiry may be directed

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.

16—Notice

A notice or document required to be given to or served on a person under this Act may be given or served—

(a) by giving it to the person personally; or

(b) by posting it by registered post to the person's last known residential, business or (in the case of a corporation) registered address; or

(c) by leaving it for the person at the person's last known residential, business or (in the case of a corporation) registered address with someone apparently over the age of 16 years; or

(d) by transmitting it by fax or email to a fax number or email address provided by the person (in which case the notice will be taken to have been given or served at the time of transmission).

17—Employment underground of certain persons prohibited

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.

Maximum penalty: $500.

18—Regulations

(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 the Schedule.

(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 approved by the relevant Minister under Part 14 Division 2 of the *Work Health and Safety Act 2012*;

(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.

19—Proceedings in respect of offences

(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.

20—Imprisonment for wilful neglect

Where any owner or agent, 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.

21—Application of fines

(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.

22—General provisions as to proceedings for offences

In any proceedings in respect of any offence against this Act—

(a) the onus shall be on the defendant to prove—

(i) 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

(ii) that any person alleged in the information to be an owner or agent is not an owner or agent in relation to the mine in question; or

(iii) that any person alleged in the information to be employed in any mine, is not employed in the mine in question;

(b) 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.

23—Saving of proceedings under other Acts or at common law

(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.

24A—Default penalties

(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.

27—Protection of officers

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.

Schedule—Subject matter of regulations

1—Inspectors

The powers and duties of inspectors.

2—Inspections

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

3—Agents

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

5—Responsibilities and duties of owners and persons employed

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

6—Plans

Plans and sections of underground and surface workings of mines, including—

(a) the keeping of such plans and sections by the owner or agent;

(b) 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;

(c) 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.

7—Discipline, prevention of accidents etc

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

8—Accidents

Accidents in or about mines, including—

(a) the notification of accidents;

(b) 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;

(c) the procedure at inquiries into accidents, and the evidence receivable at such inquiries as to any particular matter.

9—Returns

Returns from mines for statistical purposes.

10—Forms

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

11—Ventilation

The ventilation of mines, including—

(a) 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;

(b) 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;

(c) 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;

(d) the conditions under which the use of mechanical appliances to assist ventilation shall be compulsory;

(e) the use of compressed air;

(f) the conditions under which tailings from cyanide or other chemical or metallurgical processes may be used for the filling of stopes;

(g) the prevention of the escape of deleterious gases and fumes from any chemical or metallurgical process.

12—Connections for ventilation purposes

The connection of workings for ventilation purposes, including—

(a) the making of other excavations concurrently with shaft sinking;

(b) the connection of adjoining mines;

(c) the connection of workings in the same mine;

(d) any other matter relating to the ventilation of mines.

13—Health and sanitation

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

(a) 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;

(b) the use of apparatus for collecting, filtering, and preventing the inhalation of dust;

(c) 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;

(d) 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;

(e) examination and exclusion of persons likely to be infected with infectious or transmissible diseases.

14—Safety

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

15—Safe handling of material

The safe handling of materials.

16—Explosives

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

(a) the construction of magazines;

(b) storage and handling;

(c) lights and smoking;

(d) the removal and destruction of fumes by mechanical or artificial means;

(e) the persons who may charge or fire charges, and the methods and implements that may or may not be employed in doing so;

(f) 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;

(g) the time that must elapse before men return to a hole where a charge has been fired, or has missed fire;

(h) the notification of charges that have missed fire;

(i) the use of fuse.

17—Winding and testing of ropes and other appliances

The winding of persons and materials, including—

(a) 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;

(b) the maintenance of ropes, chains, brakes, and cages, and all winding appliances, gear, and machinery;

(c) the persons who may have charge of winding machinery and their periodical medical examination.

18—Shafts

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

19—Ladders and travelling ways

Ladders and travelling ways.

20—Signals

Signals.

21—Use of electricity

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

22—Machinery

Machinery, including—

(a) the persons who may work or have charge of machinery;

(b) the maintenance and safeguarding of machinery;

(c) the fitting, cleaning, working, and testing of machinery, whether in accordance with any Act or otherwise.

23—Fees

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.

24—Abandonment

Abandonment of mines, including the protection of abandoned mines.

25—Preservation of the amenity

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.

26—Certification

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

27—Waste

The disposal or overburden or other waste from mining operations.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- 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.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation repealed by principal Act

The *Mines and Works Inspection Act 1920* repealed the following:

The Mining Act Amendment Act 1904

Mining Act Further Amendment Act 1919

Legislation amended by principal Act

The *Mines and Works Inspection Act 1920* amended the following:

The Mining Act 1893

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1920	1444	*Mines and Works Inspection Act 1920*	9.12.1920	20.1.1921 (*Gazette 20.1.1921 p106*)
1935	2246	*Statute Law Revision Act 1935*	19.12.1935	Sch 2—19.12.1935
1955	25	*Mines and Works Inspection Act Amendment Act 1955*	1.12.1955	1.12.1955
1962	21	*Mines and Works Inspection Act Amendment Act 1962*	25.10.1962	25.10.1962
1964	31	*Mines and Works Inspection Act Amendment Act 1964* as amended by 39/1965	22.10.1964	22.10.1964
1965	39	*Statute Law Revision Act 1965*	9.12.1965	9.12.1965
1966	55	*Mines and Works Inspection Act Amendment Act 1966*	10.11.1966	10.11.1966
1970	69	*Mines and Works Inspection Act Amendment Act 1970*	17.12.1970	17.12.1970
1974	42	*Statute Law Revision Act 1974*	11.4.1974	11.4.1974
1978	66	*Mines and Works Inspection Act Amendment Act 1978*	12.10.1978	18.1.1979 (*Gazette 18.1.1979 p95*)

1986	125	*Occupational Health, Safety and Welfare Act 1986*	24.12.1986	Sch 3 (Pt 2)—30.11.1987 (*Gazette 8.10.1987 p1068*)
2003	39	*Statutes Amendment (Mining) Act 2003*	9.10.2003	Pt 2 (s 4)—30.10.2003 (*Gazette 23.10.2003 p3879*)
2003	44	*Statute Law Revision Act 2003*	23.10.2003	Sch 1—24.11.2003 (*Gazette 13.11.2003 p4048*)
2006	17	*Statutes Amendment (New Rules of Civil Procedure) Act 2006*	6.7.2006	Pt 51 (s 166)—4.9.2006 (*Gazette 17.8.2006 p2831*)
2009	84	*Statutes Amendment (Public Sector Consequential Amendments) Act 2009*	10.12.2009	Pt 91 (ss 211 & 212)—1.2.2010 (*Gazette 28.1.2010 p320*)
2012	40	*Work Health and Safety Act 2012*	15.11.2012	Sch 6 (cl 6)—1.1.2013: s 2
2017	51	*Statutes Amendment (SACAT No 2) Act 2017*	28.11.2017	Pt 30 (ss 180 to 182)—4.10.2018 (*Gazette 28.6.2018 p2618*)
2019	14	*Statutes Amendment (SACAT) Act 2019*	11.7.2019	Pt 17 (ss 113 & 114)—1.10.2019 (*Gazette 29.8.2019 p3138*)
2019	**29**	***Statutes Amendment (Mineral Resources) Act 2019***	**24.10.2019**	**Pt 3 (ss 127 to 136)—1.1.2021 (*Gazette 19.11.2020 p5079*)**
2026	3	*Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Act 2026*	25.6.2026	Pt 4 (s 15)—uncommenced

Provisions amended since 3 February 1976

- 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.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
ss 2 and 3	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
s 4		
s 4(1)	s 4 redesignated as s 4(1) by 66/1978 s 3(e)	18.1.1979
default penalty	inserted by 66/1978 s 3(a)	18.1.1979
machinery	substituted by 66/1978 s 3(b)	18.1.1979
manager	***deleted by 29/2019 s 127(1)***	***1.1.2021***
mineral	inserted by 66/1978 s 3(c)	18.1.1979
mining or to mine	*deleted by 66/1978 s 3(c)*	*18.1.1979*
mining or mining operation	inserted by 66/1978 s 3(c)	18.1.1979
	amended by 29/2019 s 127(2)	**1.1.2021**
the appeal board	*deleted by 51/2017 s 180*	*4.10.2018*
works	substituted by 66/1978 s 3(d)	18.1.1979
s 4(2)	inserted by 66/1978 s 3(e)	18.1.1979
s 5	**substituted by 29/2019 s 128**	**1.1.2021**
s 5A	*deleted by 66/1978 s 4*	*18.1.1979*

s 7		
s 7(1)	substituted by 66/1978 s 5	18.1.1979
	amended by 84/2009 s 211	1.2.2010
s 7(2)	*deleted by 66/1978 s 5*	*18.1.1979*
s 8		
s 8(1)	amended by 66/1978 s 6(a)	18.1.1979
	amended by 29/2019 s 129(1), (2)	**1.1.2021**
s 8(2)	amended by 66/1978 s 6(b)	18.1.1979
s 9	amended by 66/1978 s 7	18.1.1979
	amended by 125/1986 s 71(2) (Sch 3 Pt 2)	30.11.1987
	substituted by 39/2003 s 4	30.10.2003
s 10		
s 10(1)	amended by 66/1978 s 8(a)	18.1.1979
	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 10(2)	**amended by 29/2019 s 130(1)**	**1.1.2021**
s 10(3)	amended by 66/1978 s 8(b)	18.1.1979
	amended by 29/2019 s 130(2), (3)	**1.1.2021**
s 10(3a)	s 10(3) second sentence designated as s 10(3a) by 44/2003 s 3(1) (Sch 1)	24.11.2003
	amended by 14/2019 s 113	1.10.2019
s 10(4)—(6)	inserted by 66/1978 s 8(c)	18.1.1979
ss 10A—10C	*deleted by 51/2017 s 181*	*4.10.2018*
s 10B before deletion by 51/2017		
s 10B(4)	*substituted by 84/2009 s 212(1)*	*1.2.2010*
s 10B(7)	*substituted by 84/2009 s 212(2)*	*1.2.2010*
s 10B(8)	*deleted by 84/2009 s 212(2)*	*1.2.2010*
s 11 before inserted by 51/2017	*deleted by 66/1978 s 9*	*18.1.1979*
s 11	inserted by 51/2017 s 181	4.10.2018
s 11(5)	inserted by 14/2019 s 114	1.10.2019
s 12		
s 12(1)	amended by 66/1978 s 10(a)	18.1.1979
	amended by 29/2019 s 131(1)	**1.1.2021**
s 12(2)	amended by 66/1978 s 10(b)	18.1.1979
	amended by 29/2019 s 131(2)	**1.1.2021**
s 12(3)	**substituted by 29/2019 s 131(3)**	**1.1.2021**
s 12(4)	**amended by 29/2019 s 131(4)**	**1.1.2021**
s 13	amended by 66/1978 s 11	18.1.1979
	substituted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 13(2)	**amended by 29/2019 s 132(1), (2)**	**1.1.2021**
s 16	**substituted by 29/2019 s 133**	**1.1.2021**
s 17	substituted by 66/1978 s 12	18.1.1979
s 18		

s 18(1)	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 18(2a)	inserted by 125/1986 s 71(2) (Sch 3 Pt 2)	30.11.1987
	amended by 40/2012 Sch 6 cl 6	1.1.2013
s 18(3)	substituted by 66/1978 s 13(a)	18.1.1979
s 18(4)	*deleted by 66/1978 s 13(b)*	*18.1.1979*
s 20	**amended by 29/2019 s 134**	**1.1.2021**
s 22	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
	amended by 29/2019 s 135	**1.1.2021**
s 24	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
s 24A	inserted by 66/1978 s 14	18.1.1979
ss 25 and 26	*deleted by 17/2006 s 166*	*4.9.2006*
Sch 1	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
Sch	Sch 2 redesignated as Sch by 44/2003 s 3(1) (Sch 1)	24.11.2003
cl 4	***deleted by 29/2019 s 136(1)***	***1.1.2021***
cl 5	**amended by 29/2019 s 136(2)**	**1.1.2021**
cl 6	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
	amended by 29/2019 s 136(3)	**1.1.2021**
cll 8, 11—13, 16, 17 and 22	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
cll 26 and 27	inserted by 66/1978 s 15	18.1.1979
Sch 3	*deleted by 66/1978 s 16*	*18.1.1979*

Transitional etc provisions associated with Act or amendments

Statutes Amendment (SACAT No 2) Act 2017, Pt 30

182—Transitional provisions

(1) A right of appeal under section 10A of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose subject to the following provisions:

(a) if proceedings are yet to be commenced under section 10A(1) of the principal Act (as in existence immediately before the relevant day)—the relevant proceedings may be commenced before the Tribunal rather than by making application to the appeal board under that section;

(b) if proceedings are yet to be commenced under section 10A(4) of the principal Act (as in existence immediately before the relevant day)—the relevant proceedings may be commenced before the Tribunal as a review of a decision of the appeal board rather than by making application to the Minister under that section.

(2) Nothing in subsection (1) affects any proceedings commenced before the relevant day.

(3) A member of the Mines and Works Appeal Board holding office immediately before the day on which this subsection comes into operation will cease to hold office on that day and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.

(4) In this section—

principal Act means the *Mines and Works Inspection Act 1920*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

Historical versions

Reprint No 1—1.10.1991

Reprint No 2—30.10.2003

Reprint No 3—24.11.2003

4.9.2006

1.2.2010

1.1.2013

4.10.2018

1.10.2019