

South Australia

Work Health and Safety (Mine Manager) Variation Regulations 2020

under the *Work Health and Safety Act 2012*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Work Health and Safety (Mine Manager) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on 1 January 2021.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Work Health and Safety Regulations 2012*

4—Insertion of regulation 615A

After regulation 615 insert:

615A—Duty to appoint mine manager

- (1) If—
 - (a) mining operations are carried out at a mine; and
 - (b) a person competent to be a mine manager in relation to the mine has not been appointed as mine manager for the mine,

the mine operator is guilty of an offence.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

Expiation fee:

- (a) in the case of an individual—\$432;
- (b) in the case of a body corporate—\$2 160.

- (2) Subregulation (1) does not apply in respect of mining operations carried out at a tourist mine, an exploration site or a precious stones field under the *Opal Mining Act 1995*.
- (3) For the purposes of subregulation (1), a mine operator who is competent to be a mine manager in relation to the mine may be appointed as mine manager for the mine.
- (4) A mine operator must not, unless permitted to do so in accordance with a determination by the regulator under subregulation (5)(b), appoint a mine manager in relation to a mine if the mine manager is also a mine manager in relation to another mine.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

Expiation fee:

- (a) in the case of an individual—\$432;
- (b) in the case of a body corporate—\$2 160.

- (5) The regulator may, by notice in the Gazette—
 - (a) determine requirements that must be satisfied by a person before they will be considered competent to be a mine manager in relation to a mine; and
 - (b) determine that a mine operator is exempt from the prohibition in subregulation (4) in respect of a mine or mines specified in the notice.
- (6) A determination under subregulation (5) may be varied or revoked by subsequent notice in the Gazette.
- (7) A determination under subregulation (5)(a) may vary in its application to different mines, having regard to the number of workers and the type of operations carried out at a mine.
- (8) A mine operator must ensure that a record of—
 - (a) the appointment of each mine manager in relation to a mine; and

- (b) any information provided to the mine operator by a mine manager in satisfaction of the requirements set out in subregulation (9),

is kept for the duration of the person's appointment as mine manager and for at least 2 years after the person ceases to be a mine manager in relation to the mine.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

Expiation fee:

- (a) in the case of an individual—\$144;
- (b) in the case of a body corporate—\$720.

- (9) A person is competent to be a mine manager in relation to a mine for the purposes of this regulation if the person has satisfied the mine operator—

- (a) that the person—
 - (i) has the relevant training, qualifications, experience, knowledge and skills to manage and supervise the mining operations carried out at the mine; and
 - (ii) has knowledge of the requirements of the Act and these regulations (particularly this Chapter); and
 - (iii) is capable of managing hazards at the mine; and
- (b) in relation to an underground mine with 20 or more workers—that the person—
 - (i) holds a degree or diploma in mining engineering from a university or tertiary institution in Australia, or an equivalent institution as determined by the regulator; and
 - (ii) satisfies the requirements of subregulation (10); and
- (c) that the person has met the requirements specified by the regulator in any applicable determination made under subregulation (5)(a).

- (10) A person satisfies the requirements of this subregulation if—

- (a) the person has at least 5 years' experience working at a mine; and
- (b) at least 3 of those years were spent working at an underground mine during which the person had—
 - (i) 2 years' underground mining operational experience; and
 - (ii) experience supervising underground mining operations.

Work Health and Safety (Mine Manager) Variation Regulations 2020

Part 2—Variation of *Work Health and Safety Regulations 2012*

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 November 2020

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