

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 the day on which they are made.

### **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*

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**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

No            of 2020