

# **MINES SAFETY AND INSPECTION AMENDMENT ACT 2001**

## **General Outline**

This Amendment Act contains some important changes to the *Mines Safety and Inspection Act 1994* that are necessary to enhance the efficiency of mining safety administration in this State. Included in the changes are amended definitions of the term “Manager” of a mine and new duties of underground and quarry managers of mines as well as changes to the provisions relating to averments in complaints relating to offences under the Act.

## **Clause 1 – Short title**

The short title for the amending legislation is the *Mines Safety and Inspection Amendment Act 2001*.

## **Clause 2 – The Act amended**

This clause provides that the Act amended by the *Mines Safety and Inspection Amendment Act 2001* is the *Mines Safety and Inspection Act 1994*.

## **Clause 3 – Section 4 amended**

Section 4(1) contains the definitions of terms used in the *Mines Safety and Inspection Act 1994*.

Paragraph (a) makes it clear that only the registered manager of the mine is meant where the term “manager” is used alone and without qualification in the Act, thus removing any ambiguity regarding the person upon whom the duties of the manager are imposed.

Paragraph (b) also clarifies and restricts the use of the term “manager” by removing it from the definition of the terms “quarry manager” and “underground manager” which have distinct and separate meanings.

## **Clause 4 – Section 43A inserted**

A new section 43A is inserted to cast statutory duties analogous to those of the registered manager of a mine (for the whole mine) on the underground manager of a mine (limited to the underground operations) and the quarry manager of a mine (limited to the quarry operations).

**Subsection (1)** specifies the responsibilities of the underground manager of a mine and makes them subject to any instructions given to the holder of that position by the registered manager or by or on behalf of the principal employer at the mine.

In **Subsection (2)**, Paragraph (a) requires that the underground manager exercise control and supervision of the underground operations. Paragraph (b) requires the underground manager to ensure that persons appointed to carry out statutory duties in the part of the mine under his control understand the nature and scope of such duties. Paragraph (c) requires the underground manager to ensure that such duties are performed, other than by the registered manager or by the principal employer, both of whom are persons who have control of the underground manager.

**Subsection (3)** specifies the responsibilities of the quarry manager of a mine and makes them subject to any instructions given to the holder of that position by the registered manager or by or on behalf of the principal employer at the mine.

In **Subsection (4)**, Paragraph (a) requires that the quarry manager exercise control and supervision of the quarry operations. Paragraph (b) requires the quarry manager to ensure that persons appointed to carry out statutory duties in the part of the mine under his control understand the nature and scope of such duties. Paragraph (c) requires the quarry manager to ensure that such duties are performed, other than by the registered manager or by the principal employer, both of whom are persons who have control of the quarry manager.

#### **Clause 5 – Section 98 amended**

Section 98 deals with evidentiary provisions in proceedings under the Act.

Section 98(1)(c), dealing with deemed proof that a particular person was the holder of a particular statutory managerial position at a mine, is amended to bring it in line with the amended definition of the term “manager” in section 4(1) and a new provision to specifically include averments regarding persons who are underground managers or quarry managers is included.

Western Australia

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**MINES SAFETY AND INSPECTION  
AMENDMENT BILL 2001**

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