

TASMANIA

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**MINES WORK HEALTH AND SAFETY  
(SUPPLEMENTARY REQUIREMENTS)  
REGULATIONS 2022**

**STATUTORY RULES 2022, No. 117**

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**MINES WORK HEALTH AND SAFETY  
(SUPPLEMENTARY REQUIREMENTS)  
REGULATIONS 2022**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Mines Work Health and Safety (Supplementary Requirements) Act 2012*.

Dated 13 December 2022.

B. BAKER  
Governor

By Her Excellency's Command,

ELISE ARCHER  
Minister for Workplace Safety and Consumer Affairs

**PART 1 – PRELIMINARY**

**1. Short title**

These regulations may be cited as the *Mines Work Health and Safety (Supplementary Requirements) Regulations 2022*.

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**Part 1 – Preliminary**

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**2. Commencement**

These regulations take effect on  
26 December 2022.

**3. Interpretation**

(1) In these regulations –

*Act* means the *Mines Work Health and Safety (Supplementary Requirements) Act 2012*;

*competent person*, in relation to an activity, means a person who has acquired, through training, qualification or experience, the knowledge and skills to carry out the activity;

*diesel unit* means an item of machinery, including but not limited to a vehicle, which is powered by an engine fuelled by diesel;

*electrical installation* includes any electrical wiring, or other equipment associated with an electrical installation, situated in or on a mine;

*emergency plan*, in relation to a mine, means the emergency plan required under the *Work Health and Safety Regulations 2022* to be prepared in relation to the mine, as a workplace to which those regulations apply;

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***equivalent qualification*** means a qualification certified by the Chief Inspector of Mines under regulation 40;

***gas*** includes mist or vapour;

***guarding***, in relation to plant, means a device that prevents or reduces access to a danger point or area of the plant;

***guidance material*** means guidance material declared under section 33 of the Act;

***hazard*** includes –

- (a) a principal hazard; and
- (b) a hazard to which a risk to health and safety that is referred to in regulation 8, 9, 10 or 11 relates;

***health and safety management system***, in relation to a mine, means the system developed in relation to the mine as required under section 20(1) of the Act;

***health monitoring***, in relation to a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances;

***ingredient*** includes any impurity mixed in with a substance;

***major hazard management plan*** has the same meaning as in regulation 6(1);

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***material*** includes a substance;

***mine winder*** means a machine used in an underground mine and designed to raise and lower people, equipment, or rock, in a permanently coupled conveyance that travels in guides, or on an inclined track, by means of a rope or ropes;

***minimise*** means to reduce to the lowest reasonably practicable level;

***powered mobile plant*** includes a vehicle;

***principal hazard***, in relation to a mine, means a hazard at the mine that is foreseeable and that has a reasonable potential, which is not negligible, to result in –

- (a) multiple human deaths in a single incident; or
- (b) one or more deaths in more than one incident –

but does not include a hazard to which a risk to health and safety referred to in regulation 8, 9, 10 or 11 relates;

***record*** includes anything in which information is stored on a permanent basis or from which information may be reproduced;

***risk assessment*** means the evaluation of the probability and consequences of a risk to

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health and safety arising from exposure to a hazard;

*use* includes –

- (a) in relation to plant, to work from, operate, maintain, inspect or clean the plant; and
  - (b) in relation to a substance, to produce, handle, store, transport or dispose of the substance.
- (2) Unless the contrary intention appears, words or expressions that are used in these regulations without definition but are defined in the *Work Health and Safety Act 2012* have the same meanings in these regulations as they have in that Act.

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Part 2 – Risk Assessment

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**PART 2 – RISK ASSESSMENT**

**4. Risk assessment**

- (1) A mine operator must ensure that a risk assessment, in respect of the mine, is undertaken at the following times:
  - (a) before mining operations at the mine commence;
  - (b) before the introduction, for the first time at the mine, of any plant or substance;
  - (c) before work of a type not previously performed at a mine commences;
  - (d) when there is a change at the mine in the type of work, work practices or plant;
  - (e) when new information becomes available concerning work, work practices, plant, or substances, at the mine, that may affect the health or safety of a worker or other person at the mine;
  - (f) whenever a new hazard or potential hazard is introduced or identified at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and

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- (b) an individual, a fine not exceeding \$6 500.
- (2) A mine operator must ensure that a risk assessment in respect of the mine is –
- (a) reviewed and, if necessary, revised as soon as practicable after there is evidence to indicate that the risk assessment is no longer adequate; and
  - (b) in any other case, reviewed and, if necessary, revised, at intervals of not more than 5 years.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (3) A risk assessment may be undertaken –
- (a) on individual items of plant or substances; or
  - (b) if multiple items of plant, or substances, of the same design or composition are installed and used under the same conditions – on a representative sample of the plant or substance, unless the risk to health and safety may vary according to who is operating the item or dealing with the substance.

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**5. Records of risk assessment to be made**

- (1) A mine operator, as soon as practicable after a risk assessment is undertaken in respect of the mine as required under regulation 4, must make a written record of –
- (a) the risk assessment; and
  - (b) the measures taken to manage the risk to health and safety to which the risk assessment relates.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) A mine operator, as soon as practicable after a risk assessment is reviewed as required under regulation 4, must make a written record of the review and, if the risk assessment is revised, the revision, including, if the measures taken to manage the risk to health and safety to which the assessment relates are revised, a record of those measures as so revised.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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- (3) A mine operator, at the request of a person who is or may be exposed to a risk to which a record that is made as required under subregulation (1) or (2) relates, must make the record available to the person.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

- (4) A mine operator must ensure that the written record required to be made under subregulation (1) or (2) in respect of a risk assessment is kept for not less than 7 years after the record is made.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

- (5) An inspector may require a mine operator to produce a record required to be kept under subregulation (4) and may –

- (a) examine and copy it and take extracts from it; or
- (b) require the mine operator to provide a copy to the inspector.

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- (6) A mine operator must comply with a requirement imposed on the mine operator under subregulation (5).

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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## **PART 3 – MAJOR HAZARD MANAGEMENT PLANS**

### **6. Content of major hazard management plans**

- (1) For the purposes of these regulations, a *major hazard management plan*, in respect of a mine, is a written plan, in relation to a risk to health and safety in respect of which the plan is required under this Part, that –
  - (a) specifies how the risk to health and safety at the mine will be managed; and
  - (b) makes provision for, takes into account, or includes, any matter that a provision of these regulations requires such a plan in relation to the risk to health and safety to make provision for, take into account, or include, respectively; and
  - (c) if a mine operator must comply with a provision of Part 5, 6, 7, 8 or 9 that relates to a hazard to which the risk to health and safety relates, specifies how the mine operator intends to ensure that the provision will be complied with.
- (2) A major hazard management plan may refer to or incorporate, with or without modification, standards or codes of practice or relevant guidance material, as in force at a particular time or from time to time.
- (3) A major hazard management plan may –

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- (a) include trigger points or action points at which actions or procedures are to be taken or implemented if certain criteria specified in the plan are met; and
- (b) specify the actions or procedures to be taken or implemented at each trigger point or action point.

**7. Plan required if principal hazard identified**

A mine operator must ensure that there is a major hazard management plan in respect of a risk to health and safety associated with a principal hazard at the mine, as soon as reasonably practicable after the principal hazard is identified by a risk assessment required by these regulations.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**8. Plan required if powered mobile plant used at mine**

- (1) A mine operator must, if powered mobile plant is used at the mine, ensure that there is a major hazard management plan in respect of the risks to health and safety that are associated with the use at the mine of the powered mobile plant.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) The major hazard management plan in respect of the risks to health and safety that are associated with the use at a mine of powered mobile plant is to make provision for the following matters:
- (a) the conditions under which the plant may be used, including reference to conformance to design parameters;
  - (b) avoidance of contact with overhead structures;
  - (c) identification of persons, or classes of persons, authorised to use the plant;
  - (d) the steps to be taken before operating the plant;
  - (e) conditions applying to ensure the safe carriage of persons and loads, including use of seatbelts and operator restraints, maximum carrying capacities and separation of people from loads;
  - (f) the safe parking, refuelling and recharging of the plant;
  - (g) the arrangements for ensuring that the management of the movement and speed

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of the plant minimises the risk to the health and safety of pedestrians and persons operating the plant;

- (h) the safety fittings, such as lights and alarms, to be required to be fitted to the plant;
- (i) steps to be taken on discovery of a defect in the plant.

**9. Plan required if electricity used or present at mine**

- (1) A mine operator must, if electricity is used or present at the mine, ensure that there is a major hazard management plan in respect of the risks to health and safety that are associated with the use or presence of electricity at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) The major hazard management plan in respect of the risks to health and safety that are associated with the use or presence of electricity at a mine is to make provision for the following matters:
    - (a) the safe connection, disconnection, removal and restoration of electrical power at the mine;

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- (b) ensuring that electrical installations at the mine are maintained so that –
    - (i) the safe and satisfactory operation of the installation is not impaired by interference, damage, ageing or wear; and
    - (ii) the live parts of the installation remain properly insulated, or protected, against inadvertent contact with any person; and
    - (iii) the earthing system for the installation operates effectively; and
    - (iv) the installation is not used in a manner that exceeds the operating limits imposed by its design or installation; and
    - (v) the installation does not become a significant potential cause of fire for the environment surrounding the installation;
  - (c) the use and maintenance of explosion-protected plant and installations if warranted (for example, by the presence of explosive or inflammable dusts, atmospheres or materials);
  - (d) safe working procedures when work is carried out –

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- (i) in the vicinity of overhead power lines; or
    - (ii) where there is a possibility of making contact with buried or otherwise hidden electrical structures;
  - (e) consideration of protection against lightning;
  - (f) consideration of the provision of earth leakage protection, especially on circuits used to supply electricity to a trailing cable or flexible lead, taking into account whether such protection would be contraindicated by any factors, such as –
    - (i) a requirement for continuity of supply to maintain safety; or
    - (ii) where the protection is impractical due to the nature of the equipment composition;
  - (g) consideration of the applicability, given the conditions and environment at the mine, of relevant Australian Standards that apply to the type of electrical installation at the mine.
- (3) The major hazard management plan in respect of risks to health and safety that are associated with the use or presence of electricity at the mine is to contain a level of detail commensurate with the level of the risks.

**10. Plan required if risk from airborne dust at mine**

- (1) A mine operator must, if there is a potential risk to health and safety from airborne dust at the mine, ensure that there is a major hazard management plan in respect of the risk.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) The major hazard management plan in respect of the potential risk to health and safety from airborne dust at the mine is to make provision for the following matters:
- (a) the measures, including both operational and personal protective measures, to be taken to minimise the exposure of people at the mine to any airborne dust;
  - (b) the measures to be taken to prevent the exposure of people at the mine to airborne dust concentrations in excess of the exposure standard or the concentration specified in regulation 21(3), whichever applies to the dust concerned;
  - (c) the use of water, or other suitable agents or engineering methods generally, to reduce airborne dust resulting from the

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mining, transport or handling of minerals  
or ore.

**11. Plan required if risk of in-rush or flooding**

- (1) A mine operator must, if there is a potential for in-rush or flooding at a mine, ensure that there is a major hazard management plan in respect of the risks to health and safety that are associated with such in-rush or flooding.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.
- (2) The major hazard management plan in respect of the risks to health and safety that are associated with in-rush or flooding at a mine is to take into account each of the following matters, if the matter is relevant to the circumstances applying to the mine:
- (a) the location of other workings and the accuracy of any plans of other workings;
- (b) the strength of any ground between workings;
- (c) the potential for hazards to arise associated with the accumulation of water, gas, rock or other substances;

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- (d) the location, design and construction of –
    - (i) dams, lagoons and tailings; and
    - (ii) any other bodies of water, or material, that could become uncontained and enter the mine;
  - (e) any other potential sources of in-rush material including, but not limited to, mine fill and torrential rain;
  - (f) the conditions that could lead to, or facilitate, sudden unplanned entry of in-rush material into the mine, including but not limited to weather conditions and topography;
  - (g) monitoring for critical factors that may occur that affect either the probability of any in-rush or the probable severity of the consequences of any in-rush.
- (3) Subregulation (2) does not limit the matters that may be taken into account in the major hazard management plan.
- (4) The major hazard management plan in respect of the risks to health and safety that are associated with in-rush or flooding is –
- (a) to set out the measures that are to be taken, as far as is reasonably practicable, to reduce the risks; and

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- (b) to set out those measures in respect of each potential source of in-rush or flooding.
- (5) In determining the measures to be included for the purposes of subregulation (4) in a major hazard management plan in respect of the risks to health and safety that are associated with in-rush or flooding at a mine, the mine operator must consider, for each potential source of in-rush, whether or not it is reasonably practicable to remove or render harmless each such source.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**12. Inspector may require plan if principal hazard identified**

- (1) If an inspector forms the opinion that a principal hazard may arise in relation to a mine, the inspector may direct the mine operator to prepare, within a period of time specified in the direction, a major hazard management plan in relation to the risks to health and safety that may be associated with the principal hazard.
- (2) A mine operator must comply with a direction under subregulation (1) within the period of time specified in the direction as the period in which a

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major hazard management plan is to be prepared in accordance with the direction.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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Part 4 – Health and Safety Management Systems

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**PART 4 – HEALTH AND SAFETY MANAGEMENT  
SYSTEMS**

**13. Contents of health and safety management systems**

- (1) For the purposes of section 20(5)(a) of the Act, it is a requirement for a health and safety management system that it include the following:
  - (a) documentation of the management structure, for the mine, established as required by section 31 of the Act;
  - (b) each major hazard management plan required under these regulations;
  - (c) processes and procedures for –
    - (i) identifying hazards; and
    - (ii) risk assessments; and
    - (iii) the elimination or, where elimination is not reasonably practicable, management, of the risks to health and safety to which the risk assessment relates; and
    - (iv) the reliable implementation of the management of the risks to health and safety to which the risk assessment relates; and

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- (v) ongoing monitoring and review of the risks to health and safety to which the risk assessment relates;
  - (d) an emergency plan in relation to the mine, including the emergency response plan referred to in regulation 15;
  - (e) provision for the review and improvement, as required under regulation 14, of the health and safety management system;
  - (f) a fitness-for-work program required under regulation 16;
  - (g) a health monitoring program required under regulation 17.
- (2) In complying with the requirements relating to the health and safety management system for a mine, the mine operator must consider the relevance of any guidance material applicable to the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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**14. Review of health and safety management system**

- (1) A mine operator must ensure that the health and safety management system for the mine includes provision for regular review and continual improvement.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

- (2) A mine operator must ensure that the health and safety management system for the mine is reviewed –

- (a) if there is a significant change to the mining operations of the mine; and
- (b) at least every 2 years after the system is developed –

so that risks to health and safety are eliminated or, where elimination is not reasonably practicable, minimised.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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**15. Emergencies**

- (1) A mine operator must ensure that the emergency plan includes an emergency response plan in relation to the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) For the purposes of this regulation, an emergency response plan is provisions that provide for the following and contain the matters referred to in subregulation (3):
- (a) the co-ordination of control of emergencies;
  - (b) the identification of personnel at the mine who have roles and responsibilities in emergencies;
  - (c) an organisational structure for emergency response;
  - (d) documented triggers for the activation of the emergency response plan;
  - (e) the use of communication systems at the mine;
  - (f) giving notice, information and warnings about emergencies;

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- (g) isolating the area of any incident that may constitute or give rise to an emergency;
  - (h) the immediate availability of trained rescue persons or emergency services;
  - (i) locating and accounting for persons;
  - (j) first aid and persons trained in giving first aid.
- (3) The matters that an emergency response plan in relation to a mine is required to contain are –
- (a) an up-to-date plan of the mine and any other plan that is necessary to deal with an emergency; and
  - (b) provisions that provide for liaising with, and using, local or state emergency services, where appropriate.
- (4) A mine operator must provide adequate resources at the mine to ensure the effectiveness and implementation of the emergency plan.
- Penalty: In the case of –
- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (5) The mine operator must ensure that the mine’s emergency response facilities and equipment are

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inspected regularly and maintained in a fully operational condition.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (6) The mine operator must ensure that the mine’s emergency plan is –
- (a) tested (including by carrying out practice evacuation drills) on a regular basis and at least once a year; and
  - (b) reviewed on a regular basis and at least once a year; and
  - (c) amended as necessary to ensure that it provides adequately for the response to incidents involving a significant possibility of serious injury or death.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (7) The mine operator must ensure that all persons at the mine are familiar with the emergency plan.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (8) In developing and revising the emergency plan, the mine operator must take into account any relevant guidance material.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (9) If the only mining operation undertaken in relation to a mine is mineral exploration, the mine operator is required to comply with this regulation only so far as is reasonably likely to provide an adequate response to an emergency likely to arise in the context of the work being undertaken as part of mineral exploration.

**16. Fitness-for-work programs**

- (1) A mine operator must, as part of the health and safety management system for the mine, develop and implement a documented fitness-for-work program in relation to the health, safety and welfare at work of all persons performing work at the mine.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) For the purposes of subregulation (1), a fitness-for-work program is a program that –
- (a) includes measures to eliminate or, where elimination is not reasonably practicable, minimise –
    - (i) the risks to health and safety arising from the consumption of alcohol or drugs at the mine; and
    - (ii) the risks to health and safety arising from fatigue; and
  - (b) takes account of any relevant guidance material; and
  - (c) is consistent with any relevant code of practice approved under the *Work Health and Safety Act 2012*.

**17. Health monitoring programs**

- (1) A mine operator must, as part of the health and safety management system for the mine, develop and implement a documented health monitoring program in relation to the health, safety and

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welfare of all persons performing work at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) For the purposes of subregulation (1), a health monitoring program is a program that –
- (a) is commensurate with the likely exposures and risks to health and safety at the mine; and
  - (b) satisfies the requirements of the *Work Health and Safety Regulations 2022* in relation to programs in respect of health monitoring; and
  - (c) takes into account any relevant guidance material.

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**PART 5 – GROUND CONTROL AND GEOTECHNICAL  
CONSIDERATIONS**

**18. General considerations**

- (1) A mine operator must ensure, so far as is reasonably practicable, that any of the relevant measures, to prevent or control failures in ground integrity, which are capable of applying to the design, operation or abandonment of the mine are taken into account in the design, operation or abandonment of the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) For the purposes of subregulation (1), the following are the relevant measures to prevent or control failures in ground integrity:
- (a) appropriate collection, analysis and interpretation of geotechnical data or information, including monitoring of such data, commensurate with the nature and level of risks to health and safety;
  - (b) informing affected persons at the mine regarding ground support principles, including recognition of, and planned responses to, indicators of change that

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- may affect excavation stability in the mine;
  - (c) the provision of access to the ground support plans, on request, to a person who, by the nature of the person's work at the mine, requires reference to the plans;
  - (d) the minimisation of rock damage from blasting at the excavation perimeter;
  - (e) the use of appropriate equipment and procedures for scaling;
  - (f) the proper design, installation and quality control of rock support;
  - (g) the timing of ground support to take account of rock conditions and behaviour;
  - (h) the determination and use of appropriate stope and pillar dimensions;
  - (i) the determination and use of an appropriate rationale for the sequencing of ore extraction and filling;
  - (j) the selection of appropriate materials and processes where mined areas are to be filled.
- (3) A mine operator must ensure, so far as is reasonably practicable, that any measures, in addition to the relevant measures specified in

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subregulation (2), that are appropriate to prevent or control failures in ground integrity and which are capable of applying to the design, operation or abandonment of the mine are taken into account in the design, operation or abandonment of the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (4) In deciding whether relevant measures for the purposes of subregulation (1) are capable of applying and the measures that are appropriate for the purposes of subregulation (3), the mine operator must have regard to the following:
- (a) geological and geotechnical conditions and their influence on ground stability;
  - (b) any seismic activity;
  - (c) the analysis and interpretation of relevant geotechnical data, including the monitoring of openings and excavations;
  - (d) any subsidence in or outside the mine;
  - (e) any potential for air-blasts;
  - (f) adequacy of installed ground support;

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- (g) the size and geometry of the mine and its openings;
- (h) the presence, nature and proximity of previously excavated or abandoned workings;
- (i) water inflow, drainage patterns, groundwater regimes, and mine de-watering procedures, and their influence on ground stability over time;
- (j) the impact of the work, including but not limited to –
  - (i) the impact of blasting; and
  - (ii) pillar characteristics including the number, location, dimensions and stability of the pillars; and
  - (iii) the extraction sequence.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (5) Subregulation (4) does not limit the matters to which a mine operator may have regard in deciding whether relevant measures for the purposes of subregulation (1) are capable of applying or the measures that are appropriate for the purposes of subregulation (3).

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**19. Seismicity**

- (1) This regulation applies if seismicity at a mine is likely to give rise to an event that is likely to cause injury or harm to a person at the mine.
- (2) The mine operator must ensure, so far as is reasonably practicable, that appropriate equipment and procedures are used to provide for the monitoring, recording, interpretation and analysis of data in relation to seismic activity and behaviour of the mine, commensurate with the level of risk, to health and safety, associated with seismicity at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (3) The mine operator must adopt an effective seismic monitoring plan that contains trigger points or action points to ensure that actions or procedures are undertaken on the occurrence of certain criteria specified in the plan.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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- (4) The mine operator must ensure, so far as is reasonably practicable, that the design of the mine mitigates the damage that is likely to arise from the sudden release of energy from the build-up of mining-induced stresses.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (5) The mine operator must ensure, so far as is reasonably practicable, that –
- (a) ground support systems that are geotechnically engineered are installed; and
  - (b) those systems take into account the matters referred to in subregulation (6).

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (6) The matters that a ground support system must take into account include, but are not limited to including, the following:

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- (a) how long the excavated area is to remain excavated;
  - (b) the mining-induced stress changes and potential cycles of loading and unloading;
  - (c) blast vibrations during development mining and from surrounding stopes;
  - (d) potential impact of voids and void management;
  - (e) tolerance for stability problems and rehabilitation;
  - (f) the potential for rockbursts.
- (7) The mine operator must ensure that the ground support system for the mine is designed to deal with events that –
- (a) have already been recorded; or
  - (b) are anticipated, by appropriate modelling, to take place –

allowing for an appropriate factor of safety.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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- (8) The mine operator must ensure that, if reasonably practicable, mining by remote methods is implemented where areas of high or unpredictable seismic risk are to be mined.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (9) The mine operator must ensure that mine design, mining methods and sequences, ground support design and assumptions and modelling are documented and reviewed as often as is appropriate and, if appropriate, revised.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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## **PART 6 – ATMOSPHERE AND VENTILATION**

### **20. Atmosphere**

- (1) The mine operator must ensure that the air throughout the mine contains a safe level of oxygen.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

- (2) The mine operator must ensure that adequate precautions are taken to monitor, and control the risk to health and safety from, the formation or emission of toxic, asphyxiant and explosive gases in the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

- (3) The mine operator must determine the circumstances under which it would be appropriate to –

- (a) withdraw persons from the mine because it does not contain a safe level of oxygen

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- or contains toxic, asphyxiant or explosive gases; or
- (b) allow entry for appropriately protected personnel to rescue persons, or remedy the situation, where the mine does not contain a safe level of oxygen or contains toxic, asphyxiant or explosive gases; or
  - (c) apply process engineering and other atmospheric control measures to reduce the level of toxic, asphyxiant and explosive gases and to ensure that there is a safe level of oxygen at the mine; or
  - (d) provide information to, and consult with, relevant workers regarding the potential risk to health and safety and the measures to be taken to prevent or reduce the risk to health and safety of exposure to toxic, asphyxiant or explosive gases or from the absence of a safe level of oxygen at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**21. Airborne dust**

- (1) In this regulation –

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***exposure standard*** means an exposure standard in the Workplace Exposure Standard for Airborne Contaminants published by Safe Work Australia, as the standard is in force from time to time;

***inhalable dust*** has the same meaning as in AS 3640 Workplace atmospheres – Method for sampling and gravimetric determination of inhalable dust;

***respirable dust*** has the same meaning as in AS 2985 Workplace atmospheres – Method for sampling and gravimetric determination of respirable dust;

***Safe Work Australia*** means Safe Work Australia as established by section 5 of the *Safe Work Australia Act 2008* of the Commonwealth;

***time-weighted average concentration*** means the average airborne concentration of a particular substance when calculated over a normal 8-hour working day for a 5-day working week.

- (2) A reference in subregulation (1) to AS followed by a number is a reference to an Australian Standard of that designation published by Standards Australia and in force from time to time, and includes a standard published jointly by Standards Australia and Standards New Zealand.

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- (3) A mine operator must ensure that in any workplace at the mine –
- (a) the time-weighted average concentration –
    - (i) of respirable dust does not exceed 3.0 milligrams per cubic metre of air; and
    - (ii) of inhalable dust does not exceed 10.0 milligrams per cubic metre of air; or
  - (b) if the exposure standard for an atmospheric contaminant is set at a more stringent level than that specified in paragraph (a) – the time-weighted average concentration of respirable dust or inhalable dust does not exceed that exposure standard.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**22. Air temperature**

- (1) A mine operator must ensure, so far as is reasonably practicable, that workers at the mine do not suffer harm to their health from the adverse effects of extreme heat or extreme cold.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) If conditions in any workplace are, or are likely to be, hot and humid, the mine operator must ensure that –
- (a) all workers are provided with training on measures to be taken to avoid any harmful effects from those conditions; and
  - (b) appropriate workplace environmental controls (including ventilation) and monitoring are implemented; and
  - (c) if appropriate, a program for monitoring the health of workers in the workplace is implemented in respect of potential hot or humid conditions.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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**23. Ventilation**

- (1) A mine operator must, so far as is reasonably practicable, ensure that the ventilation in a place where a person may be present at the mine is sufficient to achieve a healthy atmosphere.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) The mine operator of an underground mine must ensure that the mine’s ventilation system is designed, installed, maintained, and monitored, so that –
- (a) so far as is reasonably practicable, the ventilation circuits at the mine do not allow airflows to recirculate; and
  - (b) ventilating air does not pass through so many work areas that it becomes unfit to breathe; and
  - (c) contaminated air is not used for ventilation; and
  - (d) ventilating air provided for the mine is of sufficient volume, velocity, and quality, to remove atmospheric contaminants resulting from blasting and other mining operations; and

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- (e) structures that regulate airflows are maintained in operating condition; and
  - (f) all major ventilating fans, air doors, brattices or other ventilating devices or controls in use at the mine are recorded on the mine plans.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (3) The mine operator must ensure that –
- (a) persons are prevented from entering an enclosed or underground area at the mine until the mine operator is satisfied that there is adequate ventilation in the area; and
  - (b) procedures are established and followed at the mine to ensure that, following blasting activities in the mine, persons do not enter any area where –
    - (i) toxic, asphyxiant or explosive gases arising from the blasting have not been effectively dispersed; or
    - (ii) the mine may not contain a safe level of oxygen.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**24. Ventilation requirements for diesel unit operations**

- (1) This regulation applies in respect of an underground mine in which one or more diesel units are used.
- (2) The mine operator must ensure that there is maintained, in each workplace at the mine in which a diesel unit is operated, a flow of air that is sufficient –
  - (a) to dilute the engine exhaust gases to the lowest practicable levels; and
  - (b) to ensure that the air flow is not in any case less than the minimum ventilation rate of air flow specified for the purposes of this regulation.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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- (3) For the purposes of subregulation (2), the minimum ventilation rate of air flow for a workplace at a mine is –
- (a) the greater of –
    - (i) 3.5 cubic metres per second if the mine is an underground coal mine, or 2.5 cubic metres per second if the mine is any other underground mine; or
    - (ii) the rate, for the diesel units operated in the workplace, calculated in accordance with subregulations (4), (5) and (6); or
  - (b) in relation to a diesel unit, or to an underground mine, that is specified in a determination under subregulation (7), the rate specified in the determination.
- (4) The minimum ventilation rate of air flow, for a diesel unit operated in a workplace, is –
- (a) if the maximum exhaust gas emissions of the engine in the diesel unit contain less than 1 000 ppm of oxides of nitrogen and less than 1 500 ppm of carbon monoxide – 0.05 cubic metres per second per kilowatt of the maximum rated engine output capability, of the unit, that is specified, by the manufacturer of the unit, for the fuelling and timing configuration at which the engine of the unit has been set; or

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- (b) if the maximum exhaust gas emissions of the engine in the diesel unit contain not less than 1 000 ppm of oxides of nitrogen or not less than 1 500 ppm of carbon monoxide – 0.06 cubic metres per second per kilowatt of the maximum rated engine output capability, of the unit, that is specified, by the manufacturer of the unit, for the fuelling and timing configuration at which the engine has been set.
- (5) For the purposes of subregulation (3), if more than one diesel unit is operating in the same ventilation current, the calculation of the maximum rated engine output capability for the purposes of subregulation (4) is to consist of the maximum rated engine output capability of all the diesel units operating in the same ventilation current, added together.
- (6) For the purposes of subregulation (3), the calculation of the maximum rated engine output capability, for the purposes of subregulation (4), of light four-wheel-drive vehicles, and other diesel units of small engine capacity, that are operated intermittently is to be made on the basis of their expected usage within the area concerned.
- (7) If the Chief Inspector of Mines is satisfied that exhaust gases from any engine or engines will be diluted to an acceptable level at a ventilation rate of air flow less than that calculated in accordance with subregulation (3)(a), he or she

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may determine, with or without conditions, a lesser rate per kilowatt of engine output that is to apply to a diesel unit, or an underground mine, specified in the determination.

**25. Ventilation in disused underground parts of mines**

- (1) Despite the other provisions of this Part, disused underground parts of a mine may be left unventilated if –
  - (a) they are isolated from the ventilation system; and
  - (b) they are secured to prevent access; and
  - (c) they are indicated on the mine plan; and
  - (d) proper measures are taken to prevent dangerous accumulations of gas or dangerous contamination of the mine atmosphere.
- (2) The mine operator must ensure that, before work is resumed in any disused underground parts of a mine, the ventilation is restored so as to comply with this Part.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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Part 7 – Explosion and Fire

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**PART 7 – EXPLOSION AND FIRE**

**26. Explosion and fire**

(1) In this regulation –

*analysis* means any process used to identify the ingredients of a substance.

(2) The mine operator of a mine must ensure that appropriate measures are taken to prevent, detect and suppress fires and unintended explosions at the mine.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding \$13 000; and

(b) an individual, a fine not exceeding \$6 500.

(3) The mine operator must ensure that the measures referred to in subregulation (2) are commensurate with the level of risk to health and safety arising from a potential fire or explosion, taking into account all relevant factors, including where appropriate –

(a) the presence of combustible ore, coal dust, sulphide dust or flammable gas; and

(b) the potential sources of fire or explosion in the mine; and

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- (c) the type and placement of fire-fighting equipment in the mine; and
  - (d) the presence (or otherwise), type and placement of remote monitoring systems to enable early detection of fire in the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (4) If there is a potential for explosion, from dust, occurring at a mine, the mine operator must ensure that the measures referred to in subregulation (2) take into account –
- (a) the means by which potentially explosive dust may be prevented, suppressed and collected; and
  - (b) consideration of the installation and maintenance of explosion barriers and other measures for suppressing explosions.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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- (5) If there is a potential for explosion, from coal dust, occurring at a mine, the mine operator must ensure that the measures to be taken as required under subregulation (2) for the prevention of dust explosion, in addition to the other requirements of this regulation, provide for –
- (a) the analysis of each coal seam being worked, so as to determine the volatile matter in the coal seam; and
  - (b) the periodic application of incombustible dust to the roof, floor and sides of all work areas and travel ways to reduce the volatile matter to a level as low as reasonably practicable.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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## **PART 8 – ROADS, STOCKPILING AND PLANT**

### **27. Roads**

- (1) The mine operator at a mine must ensure, so far as is reasonably practicable, that the design and construction (including the width, gradient, camber, radius of curvature of bends and berms or bunding) of each road and other area on or in which vehicles are operated at the mine –
  - (a) are such as to enable the safe operation of all powered mobile equipment authorised to travel on the road or in the area; and
  - (b) take into account –
    - (i) the size, speed, loads and operating characteristics of the equipment to be used, including the line of sight from such equipment; and
    - (ii) the pit or mine conditions, including drainage and the effects of weather, on the road or in the area.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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- (2) The mine operator must ensure that each road and other area at the mine on or in which vehicles operate is maintained so as to enable the safe operation of all powered mobile equipment authorised to travel on the road or in the area.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

- (3) The mine operator must ensure that an adequate berm or bund of material is provided on the outer edge of roadways in the open pit and on the outer edge of any roadway on the surface adjacent to a bank or steep slope.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**28. Dumping and stockpiling**

- (1) A mine operator must implement safe practices for the dumping or stockpiling of material (whether waste material or extracted product) to ensure the stability of the dump or stockpile and the safety of personnel undertaking, or near to, the dumping or stockpiling.

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Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) In implementing safe practices for the purposes of subregulation (1), the mine operator must take into account the following:
- (a) the nature of the material dumped or stockpiled;
  - (b) the size and weight of the equipment used;
  - (c) the site conditions, including the stability of the area on which the dump or stockpile is built;
  - (d) the drainage conditions;
  - (e) the weather conditions.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (3) If rear dump trucks are required to dump up to, or over, an edge at a surface mine, the mine operator must ensure construction and

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maintenance of a berm or bund of suitable height to reduce the likelihood of the trucks toppling over the edge.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**29. Conveyors, plant maintenance and guarding**

(1) A mine operator must, so far as is reasonably practicable, in managing risks to health and safety associated with the use of plant at the mine –

(a) consider the following:

- (i) protective guarding where appropriate;
- (ii) safe operating procedures;
- (iii) any necessary instruction or training in the use of the plant;
- (iv) maintenance requirements; and

(b) take into account –

- (i) the conditions under which plant is used; and

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- (ii) the possible failure of systems that are critical to safety.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) If a conveyor is in use at a mine, the mine operator must, in managing risks to health and safety at the mine, specifically manage the risks to health and safety associated with the conveyor.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

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Part 9 – Miscellaneous Operational Requirements

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**PART 9 – MISCELLANEOUS OPERATIONAL  
REQUIREMENTS**

**30. Mine plans to be kept**

- (1) A mine operator must have prepared and keep at the mine plans of the mine that –
  - (a) are accurate and up-to-date; and
  - (b) are prepared on a scale that is fit for purpose and accords with good engineering practice.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) The mine operator must ensure that the plans referred to in subregulation (1) show –
  - (a) the extent of the surface and underground workings of the mine (including old workings) and the current position of any part of the mine workings; and
  - (b) the significant topographical features on the surface above the mine; and
  - (c) the extent of mining undertaken at or near the mine; and

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- (d) escape routes as set out in the emergency plan; and
  - (e) if more than one seam, level or deposit is worked at a mine, the location of the workings of each seam, level or deposit relative to each other seam, level or deposit.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (3) A mine operator must ensure that the mine plans are reviewed at regular intervals so as to keep them up-to-date and fit for purpose.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (4) The mine operator must provide a copy of the plans –
- (a) to an inspector who requests that a copy be provided to him or her; and
  - (b) to a person who, by the nature of the person's work at the mine, requires

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reference to the plans and who requests  
that a copy be provided to him or her.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (5) If the Chief Inspector of Mines has reason to believe that a plan provided to an inspector under this regulation is inaccurate or incomplete, he or she may direct the mine operator to have the plan verified by a competent person.
- (6) A mine operator to whom a direction is given under subregulation (5) must comply with the direction.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**31. Shafts and winding equipment**

- (1) A mine operator must ensure that appropriate measures are taken to ensure, so far as is reasonably practicable, the safe design, construction, operation, use and maintenance of

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shafts, shaft conveyances and any equipment and structures integral to winding operations.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

(2) A mine operator must ensure that –

- (a) control measures are in place at the mine to –
  - (i) prevent, so far as is reasonably practicable, persons, rock, material and other things from falling down a shaft, winze or raise used in winding operations at the mine; and
  - (ii) protect, so far as is reasonably practicable, persons in the shaft, winze or raise against falling rock, material and other things; and
- (b) a conveyance used in winding operations at the mine –
  - (i) is not unintentionally obstructed in its passage in the shaft during the operations; and

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- (ii) is prevented from colliding with other things in the shaft during the operations; and
  - (iii) has ways of preventing persons, rock, material and other things from unintentionally protruding from, or moving in, the conveyance; and
- (c) a winder used at the mine has ways of –
  - (i) preventing overwind, overspeed and uncontrolled movement of a conveyance; and
  - (ii) stopping the winder if slack rope or excessive rope slip occurs; and
- (d) the winder has a back-up system for preventing overwind and overspeed of a conveyance; and
- (e) winding equipment at the mine includes arrestors or other devices to mitigate the effects of an overwind or fall; and
- (f) each rope used for winding –
  - (i) has an appropriate safety factor, having regard to the operation for which the rope is used; and
  - (ii) is appropriately tested to ensure its safe performance; and

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- (g) the mine has a system of effective communication between persons operating, monitoring or using winding equipment and shaft conveyances at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and  
(b) an individual, a fine not exceeding \$6 500.

- (3) The mine operator must ensure that the mine has written procedures for the monitoring, inspection, testing and maintenance of shafts, shaft conveyances and equipment and structures integral to winding operations used at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and  
(b) an individual, a fine not exceeding \$6 500.

- (4) The mine operator must ensure that an emergency plan for the mine includes provision for emergency response in the event of a failure, or emergency, involving winding equipment or shaft conveyance.

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**32. Closing or abandoning mines**

- (1) When closing or abandoning a mine, the person who was the mine operator immediately before the closure or abandonment must ensure that the mine is safe and made secure.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (2) If a mine that is closed or abandoned after 28 February 2011 is not safe and made secure, the Chief Inspector of Mines may –
    - (a) make it safe and secure; and
    - (b) recover the cost of making it safe and secure from the person referred to in subregulation (1).
  - (3) The Chief Inspector of Mines may recover costs under subregulation (2) in relation to a mine whether or not a mine operator is convicted, with or without penalty, of an offence against this regulation in relation to the mine.

**33. Prohibition of materials or objects at mine**

- (1) A mine operator may, as part of managing risks to health and safety under the *Work Health and Safety Act 2012* or as part of a risk assessment, classify any materials or objects (which may include items of plant) as prohibited articles at the mine.
- (2) The mine operator must ensure that a list of prohibited articles –
  - (a) is made available to persons at the mine; and
  - (b) is included in the health and safety management system.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (3) The mine operator must ensure, so far as is reasonably practicable, that an article specified on a list of prohibited articles prepared for the mine under subregulation (1) is not present at the mine.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and

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(b) an individual, a fine not exceeding \$6 500.

- (4) A person must not have possession at a mine of an article that is an article specified on a list of prohibited articles prepared for the mine under subregulation (1).

Penalty: In the case of –

(a) a body corporate, a fine not exceeding \$13 000; and

(b) an individual, a fine not exceeding \$6 500.

**34. Restriction of access to mine**

- (1) A mine operator must ensure that appropriate measures are taken to prevent unauthorised or inadvertent access to the mine or potentially hazardous areas of the mine.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding \$13 000; and

(b) an individual, a fine not exceeding \$6 500.

- (2) For the purposes of subregulation (1), appropriate measures are measures that are commensurate with the level of risk to health and safety, taking into account the nature of the hazard or potential hazard.

**35. Duty to establish systematic process for identifying hazards and assessing, &c., risks**

A mine operator must establish and carry out a systematic process to enable –

- (a) the identification, as required under the *Work Health and Safety Regulations 2022*, of hazards in respect of mining operations; and
- (b) risk assessments to be undertaken as required by these regulations; and
- (c) the management, as required under the *Work Health and Safety Act 2012* and the *Work Health and Safety Regulations 2022*, of risks to health and safety; and
- (d) the monitoring, and review, as often as is appropriate, of risks to health and safety.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**36. Safety management processes**

- (1) In this regulation –

*safety management process* means any of the following processes:

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- (a) the identification, as required under the *Work Health and Safety Regulations 2022*, of hazards in respect of mining operations;
  - (b) risk assessments undertaken as required by these regulations;
  - (c) the management, as required under the *Work Health and Safety Act 2012* and the *Work Health and Safety Regulations 2022*, of risks to health and safety;
  - (d) the monitoring, and review, as often as is appropriate, of risks to health and safety.
- (2) A mine operator who carries out a safety management process must –
- (a) consider the various skills necessary to undertake the various steps in the process; and
  - (b) ensure that the necessary skills are applied in each step in the process; and
  - (c) if the skills are held by different persons, ensure that the process involves those persons –
    - (i) through the establishment of a team to undertake one or more steps of the process; or

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- (ii) if the establishment of a team is not reasonably practicable, through consulting with such persons when one or more steps of the process are undertaken; and
  - (d) ensure that each of the steps referred to in paragraph (c) is directed by a competent person.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
  - (b) an individual, a fine not exceeding \$6 500.
- (3) In carrying out a safety management process in respect of a mine, the mine operator must take into account the following:
- (a) hazards known to exist within mining generally, as well as those that may arise specifically in relation to the mine or mines of the same type as the mine;
  - (b) work environment and work organisation as they each relate to identified and potential hazards;
  - (c) information available on the causes of any reportable accidents or incidents at the mine;

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- (d) any relevant guidance material that is applicable to the mine;
- (e) any other relevant information and any other factors considered relevant by the mine operator or submitted to the mine operator as relevant by –
  - (i) any employer at the mine; or
  - (ii) any worker at the mine; or
  - (iii) any representative of a worker on health and safety issues.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**37. Reporting of accidents and number of workers at mine &c.**

Within 7 days after the end of each month, the mine operator in respect of a mine must send to the Chief Inspector of Mines the following reports:

- (a) a report describing all accidents, that occurred in or about the mine during a preceding month, as a result of which a person was absent from work for at least one day or shift;

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- (b) a report detailing the number of workers employed at the mine (whether or not the workers are employed or engaged by the mine operator or engaged or employed by contractors or subcontractors) and the number of hours they worked during that month.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$6 500; and
- (b) an individual, a fine not exceeding \$2 600.

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Part 10 – Site Senior Officers

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**PART 10 – SITE SENIOR OFFICERS**

**38. Assistance for site senior officer**

(1) Subject to subregulation (2), the mine operator at an underground mine may appoint a person who holds –

- (a) a university degree in mining engineering; or
- (b) an equivalent qualification –

to assist the site senior officer in the performance of his or her functions in relation to the underground mining operations at the mine.

(2) If a person is appointed under subregulation (1), the mine operator must ensure that the person has sufficient authority and control over the underground mining operations to close, or suspend operations at, the mine or parts of the mine at which workers may be exposed to an unreasonable risk to health or safety.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding \$13 000; and
- (b) an individual, a fine not exceeding \$6 500.

**39. Site senior officer qualifications**

- (1) For the purposes of section 14(4) of the Act, the requirements for a site senior officer, appointed at a mine where the total number of hours worked at the mine is greater than or equal to 10 000 hours per month, are –
  - (a) risk management training, or relevant experience, that satisfies the requirements specified by the Chief Inspector of Mines; and
  - (b) if a person has not been appointed under regulation 38(1) and the work involves underground mining, a university degree in mining engineering or an equivalent qualification.
- (2) Without limiting his or her capacity to determine the requirements for the purposes of subregulation (1)(a) on a case-by-case basis, the Chief Inspector of Mines may –
  - (a) publish a list of qualifications, the attainment of any of which is to be taken to be satisfaction of the requirements for the purposes of that subregulation; and
  - (b) amend or revoke, by publication, all or part of a list of qualifications published under paragraph (a).
- (3) A requirement specified under regulation 128AC(1)(a) of the *Workplace Health and Safety Regulations 1998* that had not been revoked

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under that regulation before the commencement of the *Work Health and Safety Act 2012* –

- (a) is taken to be a requirement published under subregulation (1)(a) of these regulations; and
  - (b) may be revoked under this regulation.
- (4) A list of qualifications published under regulation 128AC(2) of the *Workplace Health and Safety Regulations 1998* that had not been revoked under that regulation before the commencement of the *Work Health and Safety Act 2012* –
- (a) is taken to be a list published under subregulation (2) of these regulations; and
  - (b) may be revoked under this regulation.

**40. Equivalent qualifications**

For the purposes of these regulations, the Chief Inspector of Mines may certify in writing a qualification as being equivalent to a university degree in mining engineering.

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**PART 11 – MISCELLANEOUS**

**41. Prescription of dangerous incidents for purposes of  
*Work Health and Safety Act 2012***

- (1) For the purposes of paragraph (1) of the definition of *dangerous incident* in section 37(1) of the *Work Health and Safety Act 2012*, the following events are prescribed:
  - (a) an accident or incident involving a mine winder or shaft, including serious mine winder overwind;
  - (b) any of the following events, at a mine, that causes a person to lose consciousness:
    - (i) the application of a physical force to the person;
    - (ii) the exposure of the person to a hazardous chemical;
    - (iii) a lack of oxygen in relation to the person;
  - (c) in relation to a workplace that is a mine, any other event of which the mine operator has been given notice under subregulation (2).
- (2) The Chief Inspector of Mines may, by notice to a mine operator, specify an event to be an event that is a dangerous incident for the purposes of paragraph (1) of the definition of *dangerous*

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*incident in section 37(1) of the Work Health and Safety Act 2012.*

**42. Reviewable decisions**

For the purposes of item 13 of the table to subsection (1) of section 223 of the *Work Health and Safety Act 2012* –

- (a) regulations 12(1), 30(5) and 39(1)(a) are prescribed; and
- (b) a mine operator, in respect of whom a decision under regulation 12(1) or 30(5) relates, is prescribed to be eligible to apply for a review of the decision; and
- (c) the following persons are prescribed to be persons eligible to apply for a review of a decision made under regulation 39(1)(a):
  - (i) a worker whose interests are affected by the decision;
  - (ii) a person conducting a business or undertaking whose interests are affected by the decision.

**43. Infringement notices**

For the purposes of section 243 of the *Work Health and Safety Act 2012* –

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- (a) an offence specified in column 1 of the table to this regulation is a prescribed offence; and
- (b) a penalty, specified in column 2 of the table to this regulation, for a prescribed offence is prescribed as the penalty payable in respect of the offence by a natural person; and
- (c) a penalty, specified in column 3 of the table to this regulation, for a prescribed offence is prescribed as the penalty payable in respect of the offence by a body corporate.

|    | <b>Offence provision</b>    | <b>Penalty<br/>Natural<br/>person</b> | <b>Penalty<br/>Body<br/>corporate</b> |
|----|-----------------------------|---------------------------------------|---------------------------------------|
| 1. | Section 12(2) of the Act    | \$130                                 | \$650                                 |
| 2. | Section 12(3) of the Act    | \$130                                 | \$650                                 |
| 3. | Section 14(6)(a) of the Act | \$130                                 | \$650                                 |
| 4. | Section 14(6)(c) of the Act | \$130                                 | \$650                                 |
| 5. | Section 14(7)(b) of the Act | \$130                                 | -                                     |
| 6. | Section 18(2) of the Act    | \$130                                 | \$650                                 |

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|    | <b>Offence provision</b> | <b>Penalty<br/>Natural<br/>person</b> | <b>Penalty<br/>Body<br/>corporate</b> |
|----|--------------------------|---------------------------------------|---------------------------------------|
| 7. | Section 30(1) of the Act | \$75                                  | \$162                                 |
| 8. | Regulation 21(3)         | \$650                                 | \$1 625                               |
| 9. | Regulation 31(3)         | \$650                                 | \$1 625                               |

**44. Savings and transitional provisions**

(1) In this regulation –

*administrative decision* includes an approval, authorisation, direction, declaration, determination and requirement;

*commencement day* means the day on which these regulations take effect;

*former regulations* means the *Mines Work Health and Safety (Supplementary Requirements) Regulations 2012*;

*safety process* includes an assessment, plan, system, process and program.

(2) An administrative decision in force under the former regulations immediately before the commencement day is taken, on and after the commencement day, to be an administrative decision in force under these regulations on the same terms and conditions.

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- (3) A safety process undertaken, prepared or implemented under the former regulations, and in force immediately before the commencement day, is taken on and after the commencement day to be a safety process undertaken, prepared or implemented under these regulations on the same terms and conditions.

**45. Expiry of regulations**

These regulations are rescinded on 26 December 2024.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 December 2022.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations –

- (a) prescribe, for the purposes of the *Mines Work Health and Safety (Supplementary Requirements) Act 2012*, certain measures specifically required to be taken in respect of mines, including the preparation of certain plans and systems; and
- (b) prescribe, for the purposes of the *Work Health and Safety Act 2012* –
  - (i) certain events as dangerous incidents under that Act; and
  - (ii) certain decisions as reviewable decisions under that Act; and
  - (iii) certain offences, under the *Mines Work Health and Safety (Supplementary Requirements) Act 2012*, as infringement

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offences and the penalties payable in respect of those offences; and

- (c) are made consequent on the repeal of the *Mines Work Health and Safety (Supplementary Requirements) Regulations 2012* under section 11 of the *Subordinate Legislation Act 1992*.