

MN301

MINES REGULATION ACT 1946

MINES REGULATION AMENDMENT REGULATIONS (NO. 3) 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Mines Regulation Amendment Regulations (No. 3) 1993*.

Principal regulations

2. In these regulations the *Mines Regulation Act Regulations 1976** are referred to as the principal regulations.

[* Reprinted as at 4 April 1991.

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 4, p. 180, and Gazettes of 27 August and 29 October 1993.]

Regulation 4.1A inserted

3. After regulation 4.1 of the principal regulations the following regulation is inserted —

“

Persons working in positions of responsibility must be able to read and speak the English language

4.1A (1) The principal employer at, and the manager of, a mine shall ensure that a person is not employed to work in or about the mine in a position of responsibility unless the person is able to speak the English language readily and intelligibly and is able to read and write the English language competently.

(2) For the purposes of subregulation (1), a person is employed to work in or about a mine in a position of responsibility if the person is employed to work —

- (a) as a mine surveyor;
- (b) as a member of the emergency services personnel;
- (c) as a winding engine driver;
- (d) in any position where the person operates, or controls the movement of, any conveyance in a shaft; or
- (e) in any other position where the person's acts or omissions might reasonably be expected to affect the safety of other persons in or about the mine.

”

Regulation 8.2 repealed

4. Regulation 8.2 of the principal regulations is repealed.

Regulation 8.4 amended

5. Regulation 8.4 of the principal regulations is amended —

- (a) in subregulation (1) (a) and (c) by deleting “Ventilation Board” in each place where it occurs and substituting in each place the following —

“ State Mining Engineer ”; and

- (b) in subregulation (2) by deleting "Ventilation Board" and substituting the following —
" State Mining Engineer ".

Regulation 8.10 amended

6. Regulation 8.10 of the principal regulations is amended —

- (a) in subregulation (1) in the definitions of "free silica", "respirable dust" and "total dust" by deleting "Ventilation Board" in each place where it occurs and substituting in each place the following —
" State Mining Engineer ";
- (b) in subregulation (5a) (b) by deleting "Ventilation Board" and substituting the following —
" State Mining Engineer "; and
- (c) in subregulation (6) by deleting "Ventilation Board" in each place where it occurs and substituting in each place the following —
" State Mining Engineer ".

Regulation 8.11 amended

7. Regulation 8.11 (4) of the principal regulations is amended by deleting "Ventilation Board" and substituting the following —

" State Mining Engineer ".

Regulation 8.36 amended

8. Regulation 8.36 (1) of the principal regulations is amended by deleting "Ventilation Board" and substituting the following —

" State Mining Engineer ".

Heading to Part 9 amended

9. The heading to Part 9 of the principal regulations is amended by deleting "DISEASES" and substituting the following —

" HEALTH ".

Regulation 9.1 amended

10. Regulation 9.1 of the principal regulations is amended —

- (a) by deleting the definitions of "Class A mine", "Class B mine", "Class C mine", "mine worker" and "Mines Medical Officer"; and
- (b) by repealing subregulation (2).

Regulations 9.2 to 9.15 repealed

11. Regulations 9.2 to 9.15 (inclusive) of the principal regulations are repealed.

Regulations 12.1A and 12.1B inserted

12. After regulation 12.1 of the principal regulations the following regulations are inserted —

“

Workers must read and speak the English language

12.1A The principal employer at, and the manager of, a mine shall ensure that no person is employed to work underground in the mine unless the person is able —

- (a) to speak the English language readily and intelligibly;
- (b) to read and comprehend safety signs and directions in the English language (whether written or printed); and
- (c) to understand verbal instructions in the English language.

Persons under 18 years of age not to be employed underground

12.1B (1) Except as provided in subregulation (2), the principal employer at, and the manager of, a mine shall ensure that no person under the age of 18 years is employed to work underground in the mine.

(2) Subregulation (1) does not apply to or in relation to a cadet or apprentice who is working underground in order to gain required experience in the course of training for a profession or trade.

”

Regulation 15.12A inserted

13. After regulation 15.12 of the principal regulations the following regulation is inserted —

“

Winding engine drivers not to work for more than 8 hours

15.12A (1) Except as provided in subregulation (2), the principal employer at, and the manager of, a mine shall ensure that a person in charge of a manually operated winding engine in or about the mine is not employed to work for more than 8 hours in any 24 hour period.

(2) Notwithstanding subregulation (1), in the event of an emergency a person in charge of a manually operated winding engine may be employed to work for more than 8 hours but not more than 12 hours in any 24 hour period.

(3) In subregulation (2), “**emergency**” means any serious breakdown of plant, machinery or mine workings, or any other circumstance that could not have been reasonably foreseen and that causes a hazard or danger to the health or safety of the personnel employed in or about a mine or which would, in the opinion of the district inspector for the district in which the mine is situated, seriously affect the production of the mine.

(4) For the purposes of subregulations (1) and (2), the hours specified include meal times but do not include time occupied in starting or closing down the machinery.

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Schedule 2 amended

14. Schedule 2 to the principal regulations is amended —

- (a) by deleting the list of forms before Form 1; and
- (b) by deleting Forms 7 to 14 (inclusive).

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.
