

**MINES REGULATION
AMENDMENT ACT 1993**

No. 30 of 1993

AN ACT to amend the *Mines Regulation Act 1946*, to make consequential amendments to the *Parliamentary Commissioner Act 1971* and the *Workers' Compensation and Rehabilitation Act 1981*, and for related purposes.

[Assented to 16 December 1993]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Mines Regulation Amendment Act 1993*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Mines Regulation Act 1946** is referred to as the principal Act.

[* *Reprinted as at 14 March 1991.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, pp. 137-8.]

Section 4 amended

4. Section 4 (1) of the principal Act is amended by deleting the definition of "Mines Medical Officer".

Section 22 amended

5. Section 22 of the principal Act is amended by deleting "Subject to sections 23E and 23M, in" and substituting the following —

" In ".

Divisions 2A, 5 and 6 repealed

6. Divisions 2A, 5 and 6 of the principal Act are repealed.

Section 53A inserted

7. After section 53 of the principal Act the following section is inserted —

“

Delegation by Minister

53A. The Minister may, by a signed instrument of delegation, delegate to a person, either generally or as otherwise provided in the instrument, any power or duty under this Act, other than this power of delegation.

”

Section 61 amended

8. (1) Section 61 (1) of the principal Act is amended —

- (a) by renumbering the existing paragraph (zb) as paragraph (ze); and
- (b) by inserting after paragraph (za) the following paragraphs —

“

(zb) Dealing with the number of hours that a person may operate a winding engine in or about a mine and dealing with the hours of work for an air leg miner working underground.

(zc) Dealing with literacy and language requirements for persons working in or about mines, and in particular prescribing requirements of that kind for —

(i) persons employed to work in positions of responsibility in or about mines; and

(ii) persons employed to work underground in mines.

(zd) Dealing with radiation safety in mines, including regulations —

(i) with respect to the safety of persons working in or about mines or any area in which minerals are produced or treated;

(ii) subject to subsection (2b), prescribing maximum levels of radiation to which employees and the public may be exposed;

(iii) providing for the licensing of mines and mining operations where radiation is present;

(iv) requiring the compilation of information and the maintenance of records by persons who operate mines in which radiation or radioactive contaminants are present;

- (v) prescribing the methods to be adopted for the purposes of monitoring, assessing and predicting exposure of persons to radiation;
- (vi) prohibiting, regulating or controlling the discharge of radioactive effluent and radioactive atmospheric contaminants from a mine;
- (vii) providing for the disposal of waste products containing radioactive substances;
- (viii) providing for the decommissioning of a mine, mill and other associated facilities;
- (ix) providing for the rehabilitation and management of a mine area following the cessation of production;
- (x) prescribing the instruments and methods to be applied to determine the levels of radiation and radioactive contaminants in or about a mine;
- (xi) prescribing the qualifications of radiation safety officers;
- (xii) prescribing the records to be kept of radioactive emissions and exposure to radiation and making provision for the examination of those records by inspectors.

(2) Section 61 (2) of the principal Act is amended in paragraph (a) —

- (a) by deleting “and” after subparagraph (ii);
- (b) by inserting “and” after subparagraph (iii); and
- (c) by inserting after subparagraph (iii) the following subparagraph —
“ (iv) subject to specified exceptions; ”.

(3) After section 61 (2a) of the principal Act the following subsection is inserted —

“

(2b) Regulations under subsection (1) (zd) (ii) shall only be made on the recommendation of the Radiological Council established under the *Radiation Safety Act 1975*.

”.

Section 62 repealed

9. Section 62 of the principal Act is repealed.

Schedule 2 repealed

10. Schedule 2 to the principal Act is repealed.

Saving of appeals

11. The repeal of sections 23C, 23D, 23E and 23F of the principal Act (effected by section 6 of this Act) does not affect an appeal commenced under sections 23E and 23F before the commencement of this Act, which appeal may be continued and disposed of as if this Act had not commenced.

Consequential amendment to *Parliamentary Commissioner Act 1971*

12. The Schedule to the *Parliamentary Commissioner Act 1971** is amended by deleting the item “Mines Radiation Safety Board constituted under the *Mines Regulation Act 1946*.”

[* *Reprinted as at 21 October 1992.*]

Consequential amendments to *Workers' Compensation and Rehabilitation Act 1981*

13. The *Workers' Compensation and Rehabilitation Act 1981** is amended —

- (a) in section 36 (1) by deleting the whole of the subsection after “2 or 3” and substituting the following —

“

physicians of whom at least —

- (a) one is to be a physician who specializes in diseases of the chest; and
- (b) one is to be a physician who specializes in occupational diseases,

and all of whom are to be nominated by the chief executive officer of the department of the Public Service principally assisting the Minister to whom the *Occupational Health, Safety and Welfare Act 1984* is for the time being committed in the administration of that Act.

”;

- (b) in section 37 by deleting “Mines Medical Officer” and substituting the following —

“ medical panel ”; and

- (c) in section 47 (d) —

- (i) by deleting “a Mines Medical Officer as defined in the *Mines Regulation Act 1946*” and substituting the following —

“
a physician who specializes in
diseases of the chest
”;
and

- (ii) by deleting “such medical officer” and substituting the following —

“ such physician ”.

[* *Reprinted as at 9 October 1991.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, p. 234.]