



INFORMATION SHEET

Work Health and Safety (Mines) Regulations 2022 comparison table

This comparison table summarises the similarities and differences between provisions in the Mines Safety and Inspection Act and Regulations and the Work Health and Safety (Mines) Regulations 2022.

Disclaimer: The information contained in this publication is guidance material only. To ensure you understand and comply with your legal obligations the information should be read in conjunction with the appropriate Act and Regulations.

Topic	MSIA and MSIR	WHS Mines Regulations
<p>Applicable legislation</p>	<p>The <i>Mines Safety and Inspection Act 1994</i> (MSIA) and the <i>Mines Safety and Inspection Regulations 1995</i> (MSIR) were applicable to mines. The Act and the Regulations were specifically developed for the WA mining industry. The <i>Occupational Safety and Health Act 1984</i> (OSH Act) and Regulations did not apply where MSIA applied.</p>	<p>The <i>Work Health and Safety Act 2020</i> (WHS Act) is applicable to general industry, mines and petroleum and geothermal energy operations. The WHS Act is supported by <i>Work Health and Safety (General) Regulations 2022</i>, <i>Work Health and Safety (Mines) Regulations 2022</i> and <i>Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022</i>.</p> <p>For mining operations the WHS Mines Regulations are applicable. Most provisions from the WHS General Regulations have been replicated. Chapter 1 contains some mines related definitions and also establishes the jurisdiction of the regulations. Chapter 10 details mines specific regulations.</p>
<p>Application of legislation to 'mining operations'</p>	<p>The jurisdiction of the MSIA was based on the definition of mining operations in s. 4.</p>	<p>Meaning of mining operations. The jurisdiction of the WHS Mines Regulations is based on the definition of 'mining operations' r. 5B.</p> <p>The definition of 'mining operations' in the MSIA has been retained both for levy and mines regulations except that operations that are carried out by a port authority are no longer considered as mining operations.</p>

Topic	MSIA and MSIR	WHS Mines Regulations
Chief Inspector of Mines and the regulator	MSIA s. 16 made provision for appointment of the State Mining Engineer (SME). The SME was the main administrator of the legislation.	<p>The WorkSafe Commissioner is the regulator under the WHS Act. The Commissioner is responsible to the Minister for Industrial Relations for the administration of the WHS Act, and any other laws relating to work health and safety administered by the Minister.</p> <p>The WHS Act also makes provision for the appointment of the Chief Inspector of Mines (replacing State Mining Engineer) who has prescribed functions.</p> <p>Schedule 1 Division 2 – Chief Inspector of Mines</p>
Person conducting a business or undertaking (PCBU)	Not defined.	<p>The phrase ‘business or undertaking’ is intended to be read broadly and covers businesses or undertakings conducted by persons including employers, principal, contractors, head contractors, franchisers and the Crown.</p> <p>A mine operator is a PCBU with specified duties under the WHS Mines Regulations. A reference to a PCBU in the WHS Mines Regulations is deemed to be a reference to a mine operator where it is relevant.</p> <p><i>Interpretive guideline: The meaning of ‘person conducting a business or undertaking’ (PCBU)</i></p>
Mine operator	MSIA ss.4, and 32 defined and provided for notification and duties of the principal employer (PE).	<p>The term ‘principal employer’ is replaced by ‘mine operator’ [r. 5C] with a similar definition as in the MSIA ss. 4 and 32.</p> <p>Part 10.7A Positions in relation to mines Division 2– Mine operator</p> <p>This applies for both mining and exploration operations.</p> <p>The person who is the prospective mine operator of a mine must provide notice to the regulator that they are to be the mine operator.</p> <p>If there is a change to the person who is the mine operator for the mine the new mine operator must give the regulator notice of the change no later than 7 days after the change.</p> <p>If there is a change in documentation or information of the mine operator, other than a change in mine operator, notice must be given to the regulator no later than 7 days after the change.</p> <p>r. 675ZD Information about mine operator</p>

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Air quality and monitoring	<p>Part 9 [rr. 9.1-9.37] covered air quality and ventilation for both surface and underground operations.</p> <p>General air quality control provisions were in rr. 9.8-9.9, 9.11-9.13, 9.15, 9.17-9.19, 9.30.</p> <p>r. 9.15 provided for managing temperature and humidity in underground mines.</p> <p>r. 9.11 specified exposure standards.</p> <p>r. 10.52 specified the ventilating air requirements for diesel units operations in underground mine.</p>	<p>No person is to be exposed to dust and airborne contaminants that exceed exposure standards and mines must ensure worker exposure is as low as reasonably practicable. The workplace exposure standards for airborne contaminants are prescribed in the regulations.</p> <p>Ensuring exposure standards for substances and mixtures not exceeded r. 49. If there is no exposure standard for a particular substance or mixture, the mine operator must ensure that no person at the mine is exposed to 8-hour time-weighted average atmospheric concentrations of airborne dust comprising that substance or mixture that exceed:</p> <p>(a) for respirable dust – 3.0 mg per cubic metre of air</p> <p>(b) for inhalable dust – 10.0 mg per cubic metre of air.</p> <p>Monitoring airborne contaminant levels r. 50.</p> <p>Part 10.2 Division 3 Subdivision 2 – Air quality and monitoring gives further requirements for air quality and monitoring.</p> <p>This part requires contaminants to be as low as is reasonably practicable r. 635A.</p> <p>rr. 637, 637A and 638 give further requirements on air monitoring and steps to be taken if the exposure standard is exceeded.</p> <p>Additional provisions are for risk based monitoring, record keeping and monitoring devices.</p> <p>Monitoring is to be carried out by or under the supervision of the 'mine air quality officer' – Schedule 26 – Statutory positions.</p>
Communication on change of shift by statutory supervisor	No specific regulation.	<p>For prescribed areas that require the appointment of a statutory supervisor and where work is carried out in shifts, it is a requirement that the outgoing supervisor prepares a written report and communicates it to the incoming supervisor. The report must be kept for 2 years.</p> <p>Communication on change of supervisors r. 630.</p>

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Construction work	<p>Part 4 Division 2 dealt with construction work at mines. The term construction work was defined in r. 4.18 and did not include servicing and maintenance.</p> <p>Due to the more exhaustive provisions in the OSH Regulations covering construction work many larger construction works were transferred to the OSH Act with an instrument of declaration.</p>	<p>Part 6 of the regulations applies to construction work.</p> <p>'Construction work' is defined in r. 289 as any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, and refurbishment, demolition, decommissioning or dismantling of a structures.</p> <p>It does not include the following r. 289(3)</p> <ul style="list-style-type: none"> • testing, maintenance or repair work of a minor nature carried out in connection with a structure • the construction of geotechnical structures at a mine. <p>A construction project is a project that involves construction work where five or more persons are, or are likely to be, working at the same time. Each construction project must have a principal contractor. There can only be one principal contractor for a construction project at any one time r. 293.</p> <p>There are additional requirements that will be new for mines including SWMS, duties of principal contractor and construction industry induction for workers.</p> <p>A transitional period of 1 year has been provided for these new requirements.</p> <p>As all work areas in WA are under the WHSA, there is no requirement to transfer any construction work using an instrument of declaration.</p> <p><u>Code of practice: Construction work</u></p>
Electricity	<p>rr. 5.1-5.32 provided precautions to be taken for use of electricity in mines. These provisions were in addition to the Electricity (Licensing) Regulations 1991 that apply to electricity in WA.</p>	<p>Part 4.7 – General electrical safety in workplaces and energised electrical work.</p> <p>In addition to Part 4.7 the following mining specific regulations apply:</p> <ul style="list-style-type: none"> • managing risks due to electricity r. 641A • records to be kept r. 641B • electrical log books r. 641C • earthing systems r. 641D • trailing cables and reeling cables r. 641E • earth continuity protection and monitoring r. 641F • electrical work to be carried out by licensed persons r. 641G • working in close proximity to uninsulated HV conductors or components r. 641H. <p>r. 641A requires management of hazards associated with electricity in accordance with WHS Regulations, Part 3.1 lists the critical matters that must be considered in risk management.</p>

Topic	MSIA and MSIR	WHS Mines Regulations
Emergency plan – all mines	rr. 4.23-4.32 prescribed requirements for emergency management	<p>Part 3.2, Division 4 lists requirements for emergency plans. In r. 43 the duty is placed on a mine operator to prepare, maintain and implement the emergency plan.</p> <p>The following regulations, in Part 10.2 Division 5 Emergency management Subdivision 1 Emergency plan – all mines, prescribe additional requirements for emergency management at mines:</p> <ul style="list-style-type: none"> • duty to prepare emergency plan rr. 43 and 664 • consultation in preparation of emergency plan r. 665 • copies of emergency plan to be kept and provided r. 667 • resources for emergency plan r. 668 • testing of emergency plan r. 669 • review of emergency plan r. 670 • training of workers r. 670A. <p>Emergency plan forms part of the mine safety management system.</p>
Emergency plan – underground mines	rr. 4.33-4.37 dealt with emergency management in underground mines. In addition, rr.10.10 and 10.11 applied.	<p>The following regulations, in the Part 10.2 Division 5 Subdivision 2 Underground mines prescribe additional requirements for emergency management at underground mines:</p> <ul style="list-style-type: none"> • emergency exits r. 671 • communication, safe escape and refuge r. 672 • signage for refuges r. 673 • self-rescuers r. 674 • first aid and rescue equipment r. 674A • personal protective equipment for emergencies r. 675A • competent persons at surface 675AA. <p>Certain provisions do not apply to emergency workers. For this purpose 'mine emergency workers' is defined in r. 670B.</p>
Exemptions	rr.1.4 and 1.5 made provisions for an exemption to be granted by the State Mining Engineer from any regulation.	<p>Part 11.2 Division 4 – Exemption process provides details for granting of an exemption from the regulations by the regulator. r. 685 gives details of matters that are to be considered when granting an exemption.</p> <p>Exemption request</p>

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Explosives	rr. 8.1- 8.60 provided precautions to be taken for storage, handling, use and disposal of explosives. In addition, dangerous goods safety legislation was and continues to be applicable to explosives.	<p>The mine operator must manage risks to health and safety associated with the manufacture, storage, transport, supply, use and disposal of explosives at the mine.</p> <p>Managing risks to health and safety in relation to explosives r. 631D.</p> <p>Dangerous goods safety explosives legislation also applies to mines.</p> <p>Dangerous goods safety legislation requires a blast plan and explosives management plan (EMP).</p>
Externally controlled plant	The MSIR did not have any specific provision regarding externally controlled plant (autonomous, semiautonomous etc.).	<p>Externally-controlled plant r. 631E.</p> <p>The mine operator must ensure, so far as is reasonably practicable, that the use of externally-controlled plant at the mine is without risks to the health and safety of persons at the mine.</p> <p>Remote operations centres r. 631E(2) are considered not to be mining operations. The mine operator and any PCBU controlling plant at a mine, from a remote operation centre that is not located at a mine, has a duty to ensure safe operation of these externally controlled plant.</p>
Fitness for work	r. 4.7 dealt with intoxicating liquor and drugs.	<p>The mine operator must manage risks to health and safety associated with worker fatigue and the consumption of alcohol or use of drugs.</p> <p>Part 10.2 Division 3 Subdivision 3 Fitness to work</p> <ul style="list-style-type: none"> • fatigue r. 640 • alcohol and drugs r. 641.
Health management and health monitoring	<p>Health monitoring was risk based for employees who were engaged in specified occupational exposure work and there was reasonable likelihood of disease or adverse effect.</p> <p>rr. 3.23-3.40 dealt with health surveillance.</p>	<p>Part 10.3 Division 1 prescribes requirements for a health management plan.</p> <p>Duty of mine operator to:</p> <ul style="list-style-type: none"> • prepare and implement a health management plan (replaces health and hygiene management plan) r. 675EA • provide information on health management plan r. 675EB • health management plan is part of the MSMS. <p>Part 10.3 Division 2 prescribes requirements for health monitoring. This requirement is in addition to the health monitoring requirements for hazardous chemicals, lead, asbestos and any monitoring directed by the regulator.</p> <p>The health monitoring under this subdivision is required if:</p> <ul style="list-style-type: none"> • there is a risk of an adverse effect on the worker's health because of the worker's exposure to a hazard associated with mining • valid techniques are available to detect that effect on the worker's health r. 675F.

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Health management and health monitoring (continued)	<p>Health monitoring was risk based for employees who were engaged in specified occupational exposure work and there was reasonable likelihood of disease or adverse effect.</p> <p>rr. 3.23-3.40 dealt with health surveillance.</p>	<p>The details for health monitoring, similar to requirements of other health monitoring are:</p> <ul style="list-style-type: none"> • duty to inform of health monitoring r. 675G • duty to ensure health monitoring is carried out or supervised by registered medical practitioner with experience r. 675H • duty to pay costs of health monitoring r. 675I • duty to provide registered medical practitioner with information r. 675J • health monitoring report r. 675K • person conducting business or undertaking to obtain health monitoring report r. 675L • person conducting business or undertaking to give health monitoring report to mine operator r. 675M • duty to give health monitoring report to worker r. 675N • duty to give biological health monitoring report to regulator (by the registered medical practitioner) r. 675O • health monitoring reports kept as records r. 675P. <p>Health monitoring guides and forms</p>
Information, training, and induction	<p>rr. 3.6, 4.13, 4.28 and 7.7 dealt with information, training and instruction.</p>	<p>The following regulations in Part 10.2 Division 6 – Information, training and instruction are in addition to r. 39 that places duty on a PCBU to provide information, training and instruction.</p> <p>The following additional provisions generally place duty on the mine operator (with some exceptions):</p> <ul style="list-style-type: none"> • duty to inform workers about mine safety management system r. 675A • duty to provide information, training and instruction r. 675B • site induction for new workers r. 675BA • duty of PCBUs to ensure competency of workers r. 675BB • information for visitors r. 675C • review of information, training and instruction r. 675D • records of training 675E.

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<p>Inspection of workplaces</p>	<p>MSIR Part 3, Division 3 [rr. 3.17-3.22] specified inspection requirements of workplaces.</p>	<p>The mine operator is required to make provisions for inspections based on risk assessment r. 634A</p> <p>The inspection must cover all workplaces where persons work, travel or are likely to go and other locations that may have an effect on health and safety of workers.</p> <p>The inspection must cover the matters necessary for ensuring the health and safety of persons at the workplace including the physical site, work environment, activities, plant and any other potential hazards.</p> <p>Unless specified in these regulations that the inspection is to be carried out by a statutory position holder, the inspection must be carried out by a competent person appointed for the purpose.</p>
<p>Managing risk</p>	<p>MSIA s. 9 covered risk management in general as part of 'duty of care'.</p> <p>There were no general risk management regulations but there were some hazard-specific risks management regulations (e.g. rr. 6.18, 7.27).</p>	<p>The WHS Act establishes the requirement of managing health and safety risks s. 17.</p> <p>A PCBU must eliminate risks in the workplace, or if that is not reasonably practicable, minimise the risks so far as is reasonably practicable s. 19.</p> <p><u><i>Interpretive guideline: How to determine what is reasonably practicable to meet a health and safety duty.</i></u></p> <p>Part 3.1 – Managing risks to health and safety covers general risk management principles.</p> <p>Part 10.2 Managing risks Division 1 General requirements</p> <p>Subdivision 1 – Control of risk</p> <p>PCBUs at a mine must manage risks to health and safety associated with mining operations r. 617.</p> <p>In addition specific provisions require management of hazards and associated risks.</p> <p>In Chapter 10:</p> <ul style="list-style-type: none"> • additional requirements are prescribed for risk management on PCBUs and mine operators for listed hazards; and • Mine safety management system (MSMS) r. 621 developed on the risk management principles, replaces many of the prescriptive regulations from the MSIR. <p><u><i>Code of practice: How to manage work health and safety risks</i></u></p>

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Mine record	MSIA s. 89 required maintenance of a Record Book where prescribed details were required to be recorded. There were other provisions in the MSIR to maintain certain records.	<p>Part 10.7 Mine record. Its contents r. 675Y include:</p> <ul style="list-style-type: none"> • a record of inspection by an inspector and any related correspondence • a record of any notice issued and related correspondence • a copy of any provisional improvement notice issued and related correspondence • a record of every incident notified to the regulator • a summary of all records kept under r. 619 and r. 620 (reviews of control measures taken as a result of investigation into notifiable and reportable incidents by mine operator and PCBUs); and • details of statutory appointments made under these regulations. <p>The mine record can be in hard copy or digital form but must be freely accessible and available at all times.</p>
Mine safety management system (MSMS)	Although there was a requirement to prepare a project management plan (PMP) for the approval by the SME, there was no legislative requirement to prepare, maintain and implement a safety management plan (SMP) or a similar document.	<p>The mine operator is required to establish and implement a MSMS before commencing mining operations. This is a new requirement and replaces many of the prescriptive regulations from the MSIR.</p> <p>The details covered in an MSMS depend on the nature, complexity and location of a mining operation. An MSMS should be developed by conducting a thorough risk assessment of the operations rr. 621, 621A and 622.</p> <p>The contents of an MSMS are prescribed and these include:</p> <ul style="list-style-type: none"> • current mining operations • mine operator's health and safety policy • managing risks by adopting appropriate controls • systems, plans and procedures • principal mining hazard management plans • other management plans • management and supervisory structure • control involving monitoring • consultation, representation and participation • contractor management, • training and communication • notifiable and reportable incidents, response and investigation • documents and record management • managing change • MSMS performance management • resources for mine safety management system.

Topic	MSIA and MSIR	WHS Mines Regulations
Mine safety management system (MSMS) (continued)	Although there was a requirement to prepare a project management plan (PMP) for the approval by the SME, there was no legislative requirement to prepare, maintain and implement a safety management plan (SMP) or a similar document.	The MSMS is a framework that may contain or has references to many documents. There are additional requirements to keep the MSMS updated as operations change, review and ensure it achieves its objectives and goals rr. 623-625. Code of practice: Mine safety management system
MSMS and contractors	There was no specific requirement in the regulations outlining for a principal employer on how work should be carried out by contractors.	Contractor to be covered by health and safety plan or MSMS r. 625D. Any work performed at a mining operation by a contractor must either be as per the MSMS of the mine operator or the health and safety management system of the contractor accepted by the mine operator. The term contractor is defined r. 608A and does not include short duration delivery contractor or a person or class of persons declared by the regulator by written notice to not be a contractor r. 608B(1). There is additional duty both on a mine operator and a contractor to provide necessary information to each other so that risks can be managed: <ul style="list-style-type: none"> duty of mine operator to provide information to contractor r. 625B duty of contractor to provide information to mine operator r. 625C.
Mine survey plans	Part 3, Division 6 [rr. 3.43-3.54] dealt with surveyors and plans.	Part 10.5 prescribes requirements for mine survey plans The following provisions cover surveyors and mine plans: <ul style="list-style-type: none"> meaning of mine survey plan – mine survey plan is defined to widen its scope r. 675RA duty to prepare and maintain mine survey plans r. 675S minimum requirements for mine survey plans where underground or quarry operations are carried out r. 675TA mine survey plan to be available r. 675U fatal accident site survey plan r. 675UA duty to provide mine survey plan when mine is closed or suspended r. 675UB. Mine survey plans for underground and quarry operations must be prepared by or under the guidance of an authorised mine surveyor – which is a certificated statutory position .

Topic	MSIA and MSIR	WHS Mines Regulations
Minimum age	Persons under 18 years of age were prohibited to work underground r. 10.4 with prescribed exceptions. There was no age limit prescribed for surface mine operations.	<p>Minimum age to work at a mine r. 634:</p> <ul style="list-style-type: none"> • underground mines – 18 years • surface mining operations – 16 years • controlled area as per radiation management plan – 18 years. <p>The minimum age for persons handling and using explosives is prescribed in the Dangerous Goods Safety Regulations.</p>
Notice of commencement of mining operations and additional mining operations	MSIA s.42, r.3.12 and r.3.13 required notification of commencement. Also, before commencing a mining operation, the PE was required to obtain the SME's approval.	<p>The mine operator of any mine is required to provide notice to the regulator no later than 45 days before the day on which mining operations commence at the mine.</p> <p>Information about commencement of non-exploration mining operations r. 675UC</p> <p>Information about commencement of additional mining operations r. 675UD</p> <p>Request for further information about commencement of mining operations r. 675UE</p> <p>See MON 2 – Notice of information about non-exploration mining operations</p> <p>The notice will be acknowledged by the regulator following submission via SRS.</p> <p>Commencement of exploration activities.</p> <p>The prospective mine operator must give the regulator notice of the commencement of exploration activities before exploration activities are commenced. This notice is also applicable if mining operations are already being conducted in the area.</p> <p>Information about commencement of exploration operations r. 675UJ</p> <p>An approval to commence a mining operation is not required in alignment with other jurisdictions. The submission of a project management plan is also not required but the notice of commencement must be given in the approved form available in SRS.</p>
Notice of care and maintenance	In the MSIA/R there was no requirement to give a notice of a mine on 'care and maintenance'. This was often confused with suspension or partial suspension.	<p>The mine operator of any mine is required to provide notice to the regulator prior to any area or plant at a mine being put on care and maintenance (production activities stopped).</p> <p>Information about care and maintenance r. 675UH</p> <p>This notification does not apply to exploration operations.</p>

Topic	MSIA and MSIR	WHS Mines Regulations
Notice of closure	s. 42, and r. 3.16 required the notice of abandonment of mining operations with measures taken to secure and make safe the abandoned site to the satisfaction of the district inspector (DI).	<p>The relevant person in relation to the mine is required to take measures to ensure as far as reasonably practicable the mine or part thereof is made safe and secure on a permanent basis. Once these measure have been taken the relevant person is required to give notice to the regulator in writing.</p> <p>Information about closure of mine r. 675UI</p> <p>With the notice of mine closure the mine operator must provide a mine survey plan.</p> <p>Duty to provide mine survey plan when mine closed or suspended r. 675UB.</p> <p>The regulator may ask the mine operator for additional measures to be taken before the site can be declared as 'closed'. Once the regulator is satisfied to the long term safety and security of the site the regulator must confirm closure.</p> <p>These requirements do not apply to exploration operations.</p>
Notice of exploration	MSIA/R s.47, and rr. 3.3-3.4 required the notice of exploration.	<p>The prospective mine operator must give the regulator notice of the commencement of exploration activities before exploration activities are commenced.</p> <p>Information about commencement of exploration operations r. 675UJ</p>
Notification of high risk activities	<p>As per MSIR:</p> <ul style="list-style-type: none"> • Shaft sinking – Part 12 required an approval • Installing winders – Part 11 required an approval • Commissioning winders – Part 12 required an approval • Rising using entry method – r.12.21 required an approval • Construction of an underground explosives magazine – an approval under dangerous goods safety legislation required • Construction of an underground dam – r.10.19 required a notice • Construction of a fuel storage or refueling facility – r.10.58 and r. 10.60 specified precautions to be taken 	<p>Schedule 23 provides the list of these activities, the required notice period and details to be provided in the notice. These activities are:</p> <ul style="list-style-type: none"> • shaft sinking using entry method • installing winders or making major changes • commissioning a new shaft or winding system • rising using entry method • single entry development beyond 200 m from through ventilation • construction of an underground explosives magazine • construction of an underground dam or plug to store water/slurry • construction of a fuel storage or refueling facility • approaching a known or suspected water body including probe drilling • use of a dredge to mine • construction or making substantial change to a tailing storage facility.

Topic	MSIA and MSIR	WHS Mines Regulations
<p>Notification of high risk activities (continued)</p>	<ul style="list-style-type: none"> • Approaching dangerous water body (no notice was required, precautions listed in r. 10.18) • Use of a dredge to mine – r. 14.3 required an approval of a dredge • r. 14.4 required approval of use of a dredge • Use of explosives: <ul style="list-style-type: none"> – in reactive ground – r. 8.55 required a notice – in hot (> 57 degree Celsius) ground – r. 8.54 required a notice • Use of autonomous or semi-autonomous earth moving and surface drilling machinery – generally subjected to an approval under s. 42 after a satisfactory PMP was submitted • Installation of high voltage equipment – r. 5.18 specified precautions to be taken. 	<ul style="list-style-type: none"> • use of explosives: <ul style="list-style-type: none"> (i) in reactive ground (ii) in hot (> 57 degree Celsius) ground • introducing or making substantial change to an externally controlled plant that is a mobile plant or production drilling plant • installation of high voltage equipment <p>Mining, exploration and high risk mining notifications</p> <p>If the notice is inadequate the regulator may ask for resubmission of the notice or additional information that must be provided before commencing the activity.</p>
<p>Notice of suspension</p>	<p>MSIA/R s. 42, rr. 3.14 and 3.15 required notification of the suspension of mining operations.</p>	<p>Before a suspension occurs at a mine, or a part of a mine, the mine operator must give the regulator notice of the suspension. Information about suspension or lifting of suspension at a mine or part of a mine be notified to the regulator r. 675UF.</p> <p>The lifting of suspension of a mine or part of a mine must be notified no later than 10 days before the day on which the suspension is lifted.</p> <p>Before operations are suspended, the relevant person in relation to the mine must ensure that an accurate mine survey plan of where the operations are carried out at the time of the event is:</p> <ul style="list-style-type: none"> (a) prepared in accordance with any requirements imposed by the regulator (b) provided to the regulator r. 675UB.

Topic	MSIA and MSIR	WHS Mines Regulations
<p>Principal mining hazard management plan (PMHMP)</p>	<p>There was no specific clause in the MSIA or MSIR to manage principal mining hazards but there were hazard specific prescriptive regulations.</p>	<p>Meaning of principal mining hazard r. 612</p> <p>A principal mining hazard (PMH) is any activity, process, procedure, plant, structure, substance, situation or other circumstance relating to the carrying out of mining operations that has a reasonable potential to result in multiple fatalities. These may be in a single incident or a series of recurring incidents.</p> <p>A PMHMP is a document that sets out how the mine operator will manage risks to workers' health and safety associated with the PMH.</p> <p>The matters that must be considered in developing a PMHMP are given in Schedule 19. This schedule will assist the industry, particularly small operators, in developing consistent PMHMPs.</p>
<p>Prohibited uses</p>	<p>r. 10.48 allowed only diesel engines to be used underground</p> <p>r. 8.13 prohibited use of naked light within 8m of explosives</p> <p>rr. 10.8 and 10.9 prohibited use of naked flame and possession of matches and lighters in underground coal mines.</p>	<p>The mine operator must take all reasonable steps to ensure an item or substance specified in Schedule 20 is not used in a place or for a purpose that is prohibited or restricted. This includes:</p> <ul style="list-style-type: none"> • Prohibited uses r. 632 • Schedule 20 Prohibited uses in mines.
<p>Provision of other information to regulator</p>	<p>ss.76-79 required notification of accidents and occurrences. In addition</p> <ul style="list-style-type: none"> • r. 3.39 Notice of occupational diseases • r. 3.41 Requirements if notice in writing • r. 3.42 Monthly status report required additional information to be provided. 	<p>Incident reporting</p> <p>If a death, serious injury or illness occurs at a workplace the regulator must be notified immediately. PCBU's should notify the regulator by calling 1800 678 198 (24 hours) and then notifying online.</p> <p>Details of the incident should be submitted to the regulator via the Safety Regulation System (SRS). Report a death or serious incident at a workplace</p> <p>Mines and mines sites have additional reporting requirements to notify 'reportable incidents' as per r. 675V.</p> <p>The mine operator of a mine must give the regulator a work health and safety report each quarter in accordance with r. 675W. Monthly returns have been replaced by 'quarterly returns' including 'levy hours'.</p> <p>Schedule 25 details the Information to be included in quarterly reports. Mining and exploration operations supply the quarterly data using the Department's online Safety Regulation System (SRS)</p> <p>Changes to status reporting requirements under WHS</p>

Topic	MSIA and MSIR	WHS Mines Regulations
Radiation	Part 16 [rr.16.1-16.38] covered radiation safety provisions applicable to uranium and thorium mines or where exposure exceeded the prescribed limit.	<p>Chapter 10 Subdivision 3B Radiation in mines.</p> <p>Where radiation exposure crosses the threshold prescribed in r. 641L, the following additional provisions apply:</p> <ul style="list-style-type: none"> • relationship with the Radiation Safety (General) Regulations 1983 r. 641J • application r. 641L • pre-operational monitoring program r. 641M • radiation management plan r. 641N • radioactive waste management plan r. 641O • dose limits r. 641P • assessment of doses r. 641Q • controlled areas and supervised areas r. 641R • designated worker r. 641S • pregnant designated workers r. 641T • notifying results of dose assessment of designated workers r. 641U • approval to remove or dispose of radioactive material r. 641V • approval for use or treat imported radioactive minerals r. 641W • discharge r. 641X • notifications, reports and records r. 641Y. <p>Radiation and radioactive waste management plans need approval from the regulator.</p> <p>Provisions in the MSIR about the use and storage of radiation sources and irradiating apparatus are not included in the WHS Mines Regulations.</p>
<p>Specific regulation on each of the hazards associated with:</p> <ul style="list-style-type: none"> • mobile plant • inrush • geotechnical instability • quarry operations 	<p>As per MSIR, precautions were prescribed under multiple regulations:</p> <ul style="list-style-type: none"> • mobile plant rr. 6.4, 13.2, 13.3 and 13.7 • inrush and inundation rr. 4.11 and 10.18 • geotechnical instability rr. 10.13, 10.28 and 13.8, • quarry operations rr. 13.1-13.15 	<p>The prescription in the MSIR has been replaced by regulations highlighting the hazards/factors that must be considered by the mine operator in dealing with these specific areas/hazards. These hazards must be dealt with by applying general risk management principles given in the WHS regulations Part 3.1 Managing risks to health and safety:</p> <ul style="list-style-type: none"> • movement of mobile plant r.631 • inrush hazards r. 632A • geotechnical structures r.631B • quarry operations r. 631C <p>It is to be noted that for some mines some of these activities may be identified as principal mining hazards and therefore must be dealt with by developing and implementing a PMHMP.</p>

Topic	MSIA and MSIR	WHS Mines Regulations
Statutory positions	<p>MSIA and MSIR required persons who met the prescribed requirements to be appointed to statutory positions. There were both certificated and non-certificated positions.</p> <p>MSIA Part 4, Division 2, and MSIR Part 2, Division 3 establishes the Board of Examiners for issuing certificates.</p>	<p>Parts 10.7A, 10.7B and 10.7C and Schedules 26 and 27 provide details for statutory positions, their functions and other requirements for appointments.</p> <p>The following key statutory positions are prescribed:</p> <ul style="list-style-type: none"> • Site senior executive • Exploration manager • Quarry manager • Underground manager <p>Frequently asked questions about statutory positions and certificates</p> <p>Statutory positions are classified in several categories, which impose different obligations on the appointed person and require different levels of knowledge, experience and formal qualifications.</p> <p>Information for prospective statutory position candidates under the new WHS legislation</p> <p>For details refer to Schedules 26 and 27.</p> <p>Competence Advisory Committees (Mining and Surveyors) replaces the Board of Examiners – refer to Part 11.2A.</p> <p>An online examination system is being developed to streamline and simplify the examination process. It is expected to be operational in mid-2022.</p>
Appointments for statutory positions	<p>Many Statutory positions (registered manager, quarry manager, underground manager their alternates and deputies) were required to be notified to the district inspector and were acknowledged.</p>	<p>Notification of appointment is required only for the Site senior executive and Exploration manager.</p> <p>The approved form for the notification is accessed through the Safety Regulation System (SRS).</p> <p>There is no requirement to notify WorkSafe about appointments to other roles. However, mine operators are required to record the appointments, and they may choose to use SRS for this purpose.</p> <p>Frequently asked questions about statutory positions and certificates</p>

Topic	MSIA and MSIR	WHS Mines Regulations
<p>Compliance with statutory/management/supervisory functions</p>	<p>The registered manager (RM), underground manager (UGM), and quarry manager (QM) were required to provide direct supervision and control on a daily basis.</p> <p>For commute schedules, provision for Alternate positions existed.</p> <p>s. 44 allowed competent persons to be appointed to assist the registered manager.</p> <p>For underground mines certificated underground supervisor was required.</p> <p>Other areas could be supervised by any competent person.</p>	<p>The details of management and supervisory structure are to be determined, based on risks involved, by the mine operator and it forms part of the MSMS. The mine operator must make provisions for absence etc. r. 622(1)(e)</p> <p>For statutory functions the mine operator to ensure the following:</p> <ul style="list-style-type: none"> • appointment of the site senior executive is notified to the regulator r. 675ZK • other statutory functions are performed only by persons who meet the prescribed criteria and are appointed r. 675ZS • appointments • must be recorded in 'mine records' r. 675ZW • there is provision that this information is made available to the regulator in the manner decided by the regulator via SRS • mining operations do not take place if there has not been an individual appointed to exercise that statutory function for more than 7 days r. 675ZB(3) • the person is readily available, and • is capable of exercising the statutory function. <p>The appointed person is to ensure allocated statutory functions are complied with r. 675ZY.</p>
<p>Transitional arrangements</p>		<p>Transitional provisions for new regulation requirements are given in Part 11.4 Transitional and savings provisions.</p> <p><u>Information sheet: Work Health and Safety (Mines) Regulations 2022 – transitional and savings provisions</u></p>

Topic	MSIA and MSIR	WHS Mines Regulations
<p>Underground mines – general</p>	<p>Part 10 [rr. 10.1-10.46] dealt with hazards associated with underground mining.</p>	<p>Part 10.2 Division 4 Subdivision 1 prescribes details of operational controls in underground mines.</p> <p>r. 642A deals with management of underground hazards:</p> <ul style="list-style-type: none"> • working alone • accounting for workers at the end of their shift • communication systems • lack of illumination and poor visibility • providing, installing, maintaining and using ladders and ladder ways and footways • design and use of travel ways • overhead protection for mining plant • working near vertical or steep openings, and • means of escape <p>in accordance with WHS Regulations, Part 3.1.</p> <p>Additional regulations cover:</p> <ul style="list-style-type: none"> • connecting workings r. 643 • underground fires r. 643A • gas and dust explosion r. 646. <p>Fire or uncontrolled explosion is also a principal mining hazard r. 612.</p>

Topic	MSIA and MSIR	WHS Mines Regulations
<p>Underground mines – air quality and ventilation</p>	<p>Ventilation in underground mines rr. 9.5, 9.14, 9.16, 9.20-9.28, and 9.34-9.37.</p>	<p>Part 10.2 Division 4 Subdivision 2 – All underground mines – air quality and ventilation gives the requirements for air quality and monitoring in underground mines and additional details for underground ventilation systems.</p> <p>Provision regarding extremes of heat and cold r. 41A is added to general provisions. In addition, for underground mines precautions must be taken if wet bulb temperature exceeds 27 degree Celsius.</p> <p>These additional air quality and ventilation system provisions apply to underground mines in addition to provisions that are for all workplaces and mines:</p> <ul style="list-style-type: none"> • air quality – minimum standards for ventilated air r. 648 • air quality monitoring (by a competent person) r. 649 • requirements if air quality requirements and air safety exposure standards not complied with r. 650 • ventilation system – further requirements (recirculation, maintenance of equipment to supply and regulate air) r. 652 • monitoring and testing of ventilation system r. 653 • duty to prepare ventilation control plan r. 654 • ventilation plan r. 656. <p>Part 10.2 Division 4 Subdivision 3 - Underground coal mines</p> <p>Additional provisions for underground coal mines are:</p> <ul style="list-style-type: none"> • coal dust explosion r. 657 • spontaneous combustion r. 658 • additional requirements relating to methane r. 663. <p>Underground ventilation officer is a statutory position with prescribed requirements.</p> <p>Information for prospective statutory position candidates under the new WHS legislation</p>