

NORTHERN TERRITORY OF AUSTRALIA

MINE MANAGEMENT ACT

As in force at 1 December 2000

Table of provisions

Part I	Preliminary	
1	Short title	1
2	Commencement	1
3	Definitions	1
4	Act to bind Crown	3
5	Application	3
Part II	Administration	
6	Appointment of officers	4
7	Disclosure of information	5
Part III	Mining Board of the Northern Territory	
8	Mining Board of the Northern Territory	5
9	Meetings of Board	6
10	Functions of Board	6
Part IV	Management of mines	
Division 1	Mine manager's certificate of competency	
11	Mine manager's certificate of competency	6
Division 2	Mine managers	
12	Appointment of managers and deputy managers	7
13	Deputy manager to act as manager	8
14	Mine to be under control of manager	8
15	Duties of manager	8
17	Mine record book	9
18	Construction of mine and commencement, &c., of mining operations	10
Part V	Accidents and injuries	
19	Notification of accidents and critical incidents	10
20	Inspection by inspector following accident	11
21	Offences in relation to accidents	11
22	Lost time injury reports	12

Part VI	Employment	
23	Employment of persons under 18 years of age	12
24	Duties of employees	12
Part VII	Exploration activities	
25	Exploration activities	13
26	Notification of accidents and critical incidents in exploration activities	14
Part VIIA	Environmental management	
Division 1	General environmental offences	
27	Application	15
28	Interpretation	15
29	General environmental offences	18
30	Defences to general environmental offences	19
30A	Alternative verdicts available	20
30B	Continuing offences	20
Division 2	Liabilities of employers, employees, &c.	
30C	Actions, &c., of employee or agent of body corporate are those of body corporate	20
30D	Director may be liable for offence of body corporate	21
30E	Liability for managers, employees and agents	22
30F	Costs of taking action to be debt due and payable	23
30G	Debts due to Territory, &c.	23
Part VIII	Plans of mines	
31	Plans of mines to be prepared	24
Part IX	Inspection of mines	
Division 1	Powers of inspectors	
32	General powers	24
33	Inspector may order cessation of work	25
34	Direction to remedy dangerous situation, &c.	26
35	Official inspection of mines	26
36	Duties of inspector in respect of mine record book	26
37	Inquiry by inspector into complaint	27
38	Compliance with directions	27
39	Obstructing an inspector	27

Division 2	Inspection by persons employed at mine	
40	Inspection by persons employed at mine	27

Part X	Codes of practice and special provisions	
---------------	---	--

41	Codes of practice.....	28
42	Special provisions.....	29

Part XI	Miscellaneous	
----------------	----------------------	--

43	Entries in mine record book.....	30
44	Service of documents	30
45	Review of decisions.....	30
47	Offence to falsely claim to be inspector	31
48	Penalties.....	31
49	Regulatory offences.....	32
50	Proceedings for offences.....	32
50A	Protection of inspectors, &c.....	32
51	Liability of persons.....	32
52	Regulations.....	33
53	Repeal	34
54	Savings and transitional	34

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 December 2000

MINE MANAGEMENT ACT

An Act relating to the inspection and management of mines and the management of exploration activities, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Mine Management Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

agent means a person having, as the representative of the owner of a mine, control of the mine and the manager of the mine.

approved means approved by the Chief Government Mining Engineer.

Board means the Mining Board of the Northern Territory constituted under Part III.

Chief Government Mining Engineer means the person appointed under section 6(1)(b) as the Chief Government Mining Engineer.

code of practice means a code of practice approved under section 41.

critical incident means an incident which has the potential, if repeated, to cause serious injury or loss of life.

Director of Mines means the person appointed under section 6(1)(a) as the Director of Mines.

employee means a natural person who, under a contract or agreement of any kind (whether expressed or implied, oral or in writing or under a law of the Territory or not), performs work or a service of any kind at a mine.

exploration activities means all modes of searching for or evaluating deposits of minerals or extractive minerals.

explosives means any blasting material or mixture of blasting materials which, when ignited, undergoes a rapid chemical change with the development of heat and high pressure.

extractive mineral means:

- (a) soil; or
- (b) sand, gravel, clay or stone for use in the manufacture of ceramics or in construction, building or road works.

inspector means a person appointed under section 6(1)(b) or (d).

machinery means any engine, motor or other source of motive power (other than hand, treadle, wind or animal power) and any machine, shaft, belt, gearing, pulley, flywheel, lift, crane, contrivance or appliance operated by such engine, motor or other source of motive power for any purpose.

manager means a person appointed under section 12 as the manager of a mine and includes a deputy manager appointed under that section when acting as manager.

mine means a place or area where the mining or treatment of a mineral or an extractive mineral takes place and includes:

- (a) a place or area where any plant, structure or building is being constructed for the purpose of the mining or treatment of a mineral or extractive mineral at that place or area; and
- (b) a place in relation to which a declaration under section 5(3) is in force.

mine manager's certificate of competency means a mine manager's certificate of competency granted under section 11.

mineral means:

- (a) any naturally occurring elements, compounds or substances of inorganic origin;
- (b) any naturally occurring carbonate material;

- (c) any naturally occurring coal, lignite, oil shale or other similar substance;
- (d) any other substance declared by the Minister, by notice in the *Gazette*, to be a mineral,

but does not include:

- (e) water; or
- (f) petroleum within the meaning of the *Petroleum Act*.

mine record book means the mine record book kept under section 17.

mining, to mine and **mining operations** mean the disturbance, removal or treatment, by any means, of a mineral or extractive mineral, on or under the earth's surface and include the removal, transport and storage of waste material from a mine.

owner, in relation to a mine, means a person who is the proprietor, lessee or occupier of the mine.

special provisions means special provisions approved under section 42.

workings means the portions of a mine which are being excavated or which have been excavated.

4 Act to bind Crown

This Act binds the Crown in right of the Territory and, in so far as is legislatively possible, the Crown in all its other capacities.

5 Application

- (1) Subject to subsection (2), this Act applies to all mines in the Territory.
- (2) The Minister or a person authorised by the Minister may, by notice in writing, exempt:
 - (a) a mine; or
 - (b) a part of a mine,

from this Act or the Regulations, or specified provisions of this Act or the Regulations, for such period and on such conditions as the Minister thinks fit and specifies in the notice.

- (3) The Minister may, by notice in the *Gazette*, declare that:
- (a) this Act or the Regulations; or
 - (b) a specified provision of this Act or the Regulations,
- applies, for such period as is specified in the notice, to a place where an operation, which is not a mining operation, is or is to be carried on.
- (4) The Chief Government Mining Engineer may, by notice in writing, exempt:
- (a) a mine; or
 - (b) a part of a mine,
- from the Regulations, or specified provisions of the Regulations, for such period and on such conditions as the Chief Government Mining Engineer thinks fit and specifies in the notice.

Part II Administration

6 Appointment of officers

- (1) Subject to this section, the Minister may appoint an employee, as defined in the *Public Sector Employment and Management Act*, to be:
- (a) the Director of Mines;
 - (b) the Chief Government Mining Engineer; or
 - (d) a mines inspector.
- (2) A person shall not be appointed as the Chief Government Mining Engineer unless that person:
- (a) has a degree or diploma in mining engineering and not less than 5 years experience in mining; and
 - (b) is the holder of a mine manager's certificate of competency.
- (4) An appointment under subsection (1)(d) may be subject to such conditions or restrictions as the Minister thinks fit.

7 Disclosure of information

- (1) The Minister or a person authorised in writing by the Minister for that purpose may, at his or her discretion, release information obtained by an inspector in the performance of the inspector's duties under this Act.
- (2) An inspector shall not, except:
 - (a) in the performance of the inspector's duties under this Act; or
 - (b) otherwise in accordance with this Act or any other law in force in the Territory,disclose any information obtained in the performance of the inspector's duties under this Act.
- (3) An employee, as defined in the *Public Sector Employment and Management Act*, who obtains information obtained by an inspector in the performance of the inspector's duties under this Act shall not, except:
 - (a) in the performance of the employee's duties under this Act; or
 - (b) otherwise in accordance with this Act or any other law in force in the Territory,disclose that information.

Part III Mining Board of the Northern Territory**8 Mining Board of the Northern Territory**

- (1) There is established by this Act the Mining Board of the Northern Territory.
- (2) The Board shall consist of:
 - (a) the Director of Mines;
 - (b) the Chief Government Mining Engineer; and
 - (c) not less than 4 persons appointed by the Minister on the grounds of their qualifications, knowledge and skill in the mining industry.
- (3) A person appointed under subsection (2)(c) holds office for such period not longer than 3 years as the Minister determines but is eligible to be re-appointed.

- (4) Of the persons appointed under subsection (2)(c) not less than 2 shall be persons who:
- (a) are employed in the mining industry and not employees, within the meaning of the *Public Sector Employment and Management Act*; and
 - (b) hold:
 - (i) a mine manager's certificate of competency; or
 - (ii) a certificate, however referred to, issued in a State or another Territory of the Commonwealth which is the equivalent in that State or Territory of a mine manager's certificate of competency.

9 Meetings of Board

- (1) The Director of Mines is the Chairman of the Board.
- (2) A quorum for a meeting of the Board is the Chairman and 3 members.
- (3) The Board shall meet not less than twice in each calendar year and, subject to this Act, it shall determine the procedure for calling its meetings and for the conduct of its proceedings.

10 Functions of Board

The Board, in addition to the functions specifically imposed on it by sections 11 and 45, shall advise the Minister:

- (a) on the operation of this Act after making such inquiries as the Minister may direct; or
- (b) when directed by the Minister, on such matters arising out of, or in connection with, this Act.

Part IV Management of mines

Division 1 Mine manager's certificate of competency

11 Mine manager's certificate of competency

- (1) A person may apply to the Board for the grant of a mine manager's certificate of competency.

- (2) An application under subsection (1) shall contain such information relating to the person's qualifications and experience as the Board determines.
- (3) The Board shall, where a person applying under subsection (1) has:
 - (a) qualifications and experience; or
 - (b) obtained a pass in an examination,approved by the Board, grant the application and direct the Chairman of the Board to issue to that person a mine manager's certificate of competency.
- (4) A mine manager's certificate of competency shall remain in force for the period, and is subject to such conditions and limitations, if any, as the Board thinks fit and specifies in the certificate.

Division 2 Mine managers

12 Appointment of managers and deputy managers

- (1) Subject to this section, the owner or agent of a mine shall appoint a manager and may appoint a deputy manager of the mine.
- (1A) Where one or more persons are ordinarily employed at a mine, the person appointed under subsection (1) shall be the holder of a mine manager's certificate of competency.
- (2) A person appointed as a manager or deputy manager of a mine under subsection (1) shall have a thorough knowledge of:
 - (a) this Act and the Regulations; and
 - (b) good industry practice in respect of the operation of, and safety, at the mine.
- (3) The owner or agent of a mine shall, not later than 14 days after making an appointment under subsection (1), notify the Chief Government Mining Engineer in writing of the appointment.
- (4) A notice under subsection (3) shall contain:
 - (a) the name and address of the person appointed;
 - (b) the name and location of the mine in respect of which the person is appointed;
 - (c) details of the person's qualifications and experience; and

(d) written acceptance by the person of the appointment.

13 Deputy manager to act as manager

- (1) Subject to subsection (2), a deputy manager of a mine shall act as the manager of the mine during such time as the manager is:
- (a) unable to perform the duties of manager; or
 - (b) absent from the mine.
- (2) The period that a deputy manager may act as the manager of a mine under subsection (1) may not be longer than 60 days at any one time.

14 Mine to be under control of manager

- (1) A mine, while being worked, shall be under the control and supervision of the manager or, as permitted by this Act, the deputy manager.
- (3) The owner or agent of a mine, or any other person having authority over the manager of a mine, shall not wilfully obstruct the manager performing the duties imposed on the manager under this Act.
- (4) Where a person, in pursuance of an agreement with the owner or agent of a mine, is working the whole or a part of the mine, the manager of the mine shall, by force of this section, have the same powers in respect of that person as if that person were an employee of the owner of the mine, and that person shall not contravene or fail to comply with any direction of the manager given to that person in accordance with this Act.

15 Duties of manager

- (1) The manager of a mine shall:
- (a) ensure that all activities carried on at the mine are carried out in accordance with this Act, the Regulations and any codes of practice and special provisions applicable to the mine;
 - (b) provide and maintain a working environment at the mine that is, so far as is practicable, safe and without risk to the health of any person at the mine; and
 - (c) ensure that work at the mine is carried out in a manner which minimizes damage to the environment in or about the mine.

- (2) The manager of a mine shall carry out an inspection of the mine not less than once each week and, for that purpose, may appoint such persons as the manager thinks fit to assist in carrying out those inspections.
- (3) The manager of a mine shall ensure that the names of all persons appointed under subsection (2) are recorded in the mine record book.

17 Mine record book

- (1) The owner, agent or manager of a mine shall keep at the mine a mine record book.
- (2) The owner, agent or manager of a mine shall make the mine record book available at all reasonable times for examination by:
 - (a) an inspector;
 - (b) an employee at the mine; or
 - (c) a person authorised in writing for that purpose by the Minister.
- (3) Where an inspection of a mine or a part of a mine is carried out under this Act, the person carrying out the inspection shall, as soon as practicable after the inspection is carried out, enter in the mine record book:
 - (a) a statement that the inspection has been carried out;
 - (b) any findings following the inspection; and
 - (c) particulars of any precautions, repairs or alterations which, in the opinion of the person carrying out the inspection, are required to ensure the safety of persons working at the mine or to protect persons who may be affected by the work being carried out at the mine.
- (4) Subject to subsection (5), a mine record book shall be kept at the mine to which it relates for 7 years after the date on which the last entry in the book is made.
- (5) Where a mine ceases to be worked during the 7 years referred to in subsection (4), the owner, agent or manager of the mine shall deliver the mine record book or cause it to be delivered to the Chief Government Mining Engineer.

18 Construction of mine and commencement, &c., of mining operations

- (1) Work relating to the establishment of a mine, or the commencement of mining operations at a mine, shall not commence without the approval of the Chief Government Mining Engineer.
- (2) The manager of a mine shall give written notice to the Chief Government Mining Engineer of:
 - (a) the commencement or recommencement of mining operations at the mine, not less than 14 days before the commencement or recommencement; or
 - (b) the discontinuance or abandonment of mining operations at the mine, not later than 14 days after the discontinuance or abandonment.

Part V Accidents and injuries**19 Notification of accidents and critical incidents**

- (1) The manager of a mine shall, as soon as practicable after an accident at the mine causing the death of an employee, by the quickest practical means available, notify:
 - (a) an inspector; and
 - (b) a member of the Police Force,of the accident.
- (2) Except in a continuous process plant, where an accident referred to in subsection (1) occurs at a mine, the manager of the mine shall ensure that:
 - (a) work ceases at the workplace where the accident occurred and is not resumed until permitted by an inspector; and
 - (b) the workplace is not interfered with except to:
 - (i) render assistance to or treat an injured employee;
 - (ii) prevent injury to any other employee or damage to property; or
 - (iii) ameliorate or remedy a dangerous situation.

- (3) The manager of a mine shall, not later than 24 hours after an accident at the mine which results in a person:
 - (a) being admitted to hospital;
 - (b) sustaining an electrical shock or electrical burn; or
 - (c) inhaling a hazardous chemical or a substantial part of a person's body coming into contact with a hazardous chemical,notify an inspector of the accident.
- (4) The manager of a mine shall, not later than 24 hours after a critical incident at the mine, notify an inspector of the incident and enter details of the incident in the mine record book.
- (5) The manager of a mine shall, not later than 7 days after giving notice under this section, forward a report, in writing, of the accident or critical incident to the Chief Government Mining Engineer.

20 Inspection by inspector following accident

- (1) Subject to subsection (2), an inspector, on being notified of an accident in accordance with section 19 shall, as soon as practicable after being notified, examine the workplace where the accident occurred to determine the cause of the accident.
- (2) Notwithstanding subsection (1), an inspector may dispense with an examination of a workplace under subsection (1) and where an inspector does so the inspector shall notify the manager of the mine of that fact and that work may be resumed at the workplace.
- (3) An inspector may obtain such assistance from such persons as the inspector considers necessary for the purpose of carrying out an examination under subsection (1).
- (4) After carrying out an examination under subsection (1) an inspector shall enter in the mine record book for the mine a notification as to whether or not work may be resumed at the workplace where the accident occurred, and, where work may be resumed, shall notify the manager of the mine.

21 Offences in relation to accidents

An employee shall not knowingly:

- (a) conceal a particular; or
- (b) give or tender false or misleading particulars,

relating to, or the nature of an injury caused by, an accident or critical incident at a mine.

22 Lost time injury reports

- (1) For the purposes of subsection (2)(b), **lost time injury** means an injury which occurs at a mine which results in an employee employed at the mine being unable to work for a full day or shift at any time after the person sustains the injury.
- (2) The manager of a mine shall, not later than 14 days after the last day of each month, provide to the Chief Government Mining Engineer a report, in the approved form using the reporting codes specified in Australian Standard 1885, giving details of:
 - (a) the total number of employees (including contractors) employed at the mine during that month and the total number of hours worked by those employees; and
 - (b) all lost time injuries which occurred at the mine during that month.

Part VI Employment

23 Employment of persons under 18 years of age

- (1) A person who has not attained the age of 16 years shall not be employed at a mine.
- (2) An employee who has not attained the age of 18 years shall not:
 - (a) except with the approval in writing of the Chief Government Mining Engineer, be employed to work underground at a mine;
 - (b) charge anything with, or fire, explosives at a mine; or
 - (c) work in a mine in a hazardous place or with hazardous materials or substances, or in the capacity of lander, platman or bracedman.

24 Duties of employees

- (1) An employee at a mine shall take due care of his or her health and safety and of the health and safety of all employees who may be affected by his or her actions at the mine.
- (2) An employee at a mine shall follow all reasonable directions given by the manager of the mine, the deputy manager (where appointed) and a person in authority in relation to his or her own or other

employees' health and safety and shall comply, at all times, with the safe working procedures applying at the mine.

- (3) Where an employee at a mine identifies any machinery, equipment or place at the mine that is unsafe or likely to cause danger to any other employee, the employee:
 - (a) shall endeavour to rectify, isolate, identify or prevent access to the machinery, equipment or place;
 - (b) shall report the matter to a person in authority at the mine; and
 - (c) shall not use the machinery or equipment or work in the place.
- (4) An employee at a mine shall not wilfully do anything which causes or is likely to cause damage to machinery, equipment or a place at the mine.
- (5) An employee at a mine shall not, without the approval of the manager, remove from the mine any equipment or material likely to cause harm to the public.
- (6) An employee at a mine shall not, without the approval of the manager, remove, alter or deface any document posted at that mine in accordance with this Act.

Part VII Exploration activities

25 Exploration activities

Where persons are engaged in exploration activities, the person in charge shall:

- (a) ensure that those persons are able to perform their duties competently;
- (b) provide and maintain a working environment that is, so far as is practicable, safe and without risk to the health and safety of those persons;
- (c) ensure the implementation of safe working systems and practices in carrying out those activities;
- (d) ensure the implementation of occupational safety, health and hygiene standards in carrying out those activities; and
- (e) ensure that those activities are carried out in a manner that minimises damage to the environment.

26 Notification of accidents and critical incidents in exploration activities

- (1) Where an accident causes the death of a person engaged in exploration activities, the person who was in charge of the person at the time of the accident shall, as soon as practicable after the accident occurs, by the quickest practical means available, notify:
 - (a) an inspector; and
 - (b) a member of the Police Force,
of the accident.
- (2) Where an accident referred to in subsection (1) occurs, the person in charge shall ensure that:
 - (a) work ceases at the workplace where the accident occurred and is not resumed until permitted by an inspector; and
 - (b) the workplace is not interfered with except to:
 - (i) render assistance to or treat an injured person;
 - (ii) prevent injury to any other person or damage to property; or
 - (iii) ameliorate or remedy a dangerous situation.
- (3) Where exploration activities are being carried out and an accident occurs that results in a person:
 - (a) being admitted to hospital;
 - (b) sustaining an electrical shock or electrical burn; or
 - (c) inhaling a hazardous chemical or a substantial part of a person's body coming into contact with a hazardous chemical,the person in charge of the person at the time of the accident shall, not later than 24 hours after the accident, notify an inspector of the accident.
- (4) Where exploration activities are being carried out and a critical incident occurs, the person in charge of the persons carrying out those activities shall, not later than 24 hours after the incident, notify an inspector of the incident.
- (5) A person who gives notice under this section shall, not later than 7 days after giving the notice, forward a report, in the approved form using the reporting codes specified in Australian

Standard 1885, of the accident or critical incident to the Chief Government Mining Engineer.

Part VIIA Environmental management

Division 1 General environmental offences

27 Application

This Part does not apply in relation to a substance that is prescribed under the *Waste Management and Pollution Control Act* to be an ozone-depleting substance.

28 Interpretation

(1) In this Part, unless the contrary intention appears:

Chief Executive Officer means the Chief Executive Officer of the Agency for the time being allocated administration of this Act under an Administrative Arrangements Order.

contaminant means a solid, liquid or gas or any combination of such substances and includes:

- (a) noise, odour and heat;
- (b) a prescribed substance or prescribed class of substances; and
- (c) a substance having a prescribed property or prescribed class of properties.

environment means land, air, water, organisms and ecosystems and includes:

- (a) the well-being of humans;
- (b) structures made or modified by humans;
- (c) the amenity values of an area; and
- (d) economic, cultural and social conditions.

environmental harm means:

- (a) any harm to or adverse effect on the environment; or
- (b) any potential harm (including the risk of harm and future harm) to or potential adverse effect on the environment,

of any degree or duration and includes environmental nuisance.

environmental nuisance, in relation to land, means:

- (a) an adverse effect on the amenity of the land caused by noise, smoke, dust, fumes or odour; or
- (b) an unsightly or offensive condition on the land.

exploration means all modes of searching for and evaluating deposits of minerals or extractive minerals, but does not include fossicking within the meaning of the *Mining Act*.

extractive mineral has the meaning it has in the *Mining Act*.

land includes water and air on, above or under land.

material environmental harm means environmental harm that:

- (a) is not trivial or negligible in nature;
- (b) consists of an environmental nuisance of a high impact or on a wide scale;
- (c) results, or is likely to result, in not more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or
- (d) results in actual or potential loss or damage to the value of not more than \$50,000 or the prescribed amount (whichever is greater).

mineral has the meaning it has in the *Mining Act* and includes a prescribed substance within the meaning of the *Atomic Energy Act 1953* of the Commonwealth.

mining means all modes of extracting minerals or extractive minerals by underground, surface or open-cut workings.

mining activity, in relation to land, means any of the following activities authorised under a relevant Act to be carried out on the land:

- (a) exploration;
- (b) mining;
- (c) processing;
- (d) extraction of minerals or extractive minerals from waste material;

(e) transport and storage of waste material,

and includes an activity carried out on the land for the purposes of or in connection with an activity referred to in paragraph (a) to (e) (inclusive).

processing means processing of minerals or extractive minerals.

relevant Act means:

- (a) an Act of the Territory;
- (b) an Act of the State of South Australia under which a title is continued in force by virtue of section 191 of the *Mining Act*; or
- (c) an Act of the Commonwealth.

serious environmental harm means environmental harm that is more serious than material environmental harm and includes environmental harm that:

- (a) is irreversible or otherwise of a high impact or on a wide scale;
- (b) damages an aspect of the environment that is of a high conservation value, high cultural value or high community value or is of special significance;
- (c) results or is likely to result in more than \$50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the environmental harm or rehabilitate the environment; or
- (d) results in actual or potential loss or damage to the value of more than \$50,000 or the prescribed amount (whichever is greater).

waste material means:

- (a) a solid, liquid or gas; or
- (b) a mixture of such substances,

that is left over, surplus or is an unwanted by-product from a mining activity and includes a prescribed substance or class of substances.

- (2) For the purposes of this Part, loss, in relation to an act or failure to act, includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures:
 - (a) to prevent or mitigate environmental harm caused by or resulting from the act or failure to act; and

- (b) to make good environmental harm resulting from the act or failure to act.
- (3) For the purposes of this Part, environmental harm may be caused by an act or failure to act whether the harm:
 - (a) is caused directly or indirectly or is a direct or indirect result of the act or failure to act; or
 - (b) results from, or is caused by, the act or failure to act alone or from the combined effects of the act or failure to act and other factors.
- (4) Where, in this Part, the penalty is specified at the foot of a provision to be an environmental offence level 1, 2, 3 or 4, an offence against the provision is designated to be an environmental offence level 1, 2, 3 or 4, respectively, within the meaning of the *Environmental Offences and Penalties Act*.

29 General environmental offences

- (1) A person must not, in the course of carrying out a mining activity on land, intentionally do an act, or intentionally fail to do an act, where:
 - (a) the act or failure to act causes serious environmental harm to land some or all of which is land on which the activity is being carried out; and
 - (b) he or she knows, or ought reasonably be expected to know, that serious environmental harm or material environmental harm will or might result from the act or failure to act.

Penalty: environmental offence level 1.

- (2) A person must not, in the course of carrying out a mining activity on land, do an act, or fail to do an act, where:
 - (a) the act or failure to act causes serious environmental harm to land some or all of which is land on which the activity is being carried out; and
 - (b) he or she knows, or ought reasonably be expected to know, that serious environmental harm or material environmental harm will or might result from the act or failure to act.

Penalty: environmental offence level 2.

- (3) A person must not, in the course of carrying out a mining activity on land, intentionally do an act, or intentionally fail to do an act, where:
- (a) the act or failure to act causes material environmental harm to land some or all of which is land on which the activity is being carried out; and
 - (b) he or she knows, or ought reasonably be expected to know, that serious environmental harm or material environmental harm will or might result from the act or failure to act.

Penalty: environmental offence level 2.

- (4) A person must not, in the course of carrying out a mining activity on land, do an act, or fail to do an act, where:
- (a) the act or failure to act causes material environmental harm to land some or all of which is land on which the activity is being carried out; and
 - (b) he or she knows, or ought reasonably be expected to know, that serious environmental harm or material environmental harm will or might result from the act or failure to act.

Penalty: environmental offence level 3.

- (5) A person must not, in the course of carrying out a mining activity on land, do an act, or fail to do an act, causing environmental nuisance to land some or all of which is land on which the activity is being carried out.

Penalty: environmental offence level 4.

30 Defences to general environmental offences

- (1) It is a defence to a prosecution for an offence against section 29 if it is proved that the act or failure to act was authorised under a relevant Act.
- (2) It is a defence to a prosecution for an offence against section 29 if it is proved that the alleged offence did not result from a failure on the defendant's part to exercise reasonable diligence.
- (3) It is a defence to a prosecution for an offence against section 29 in relation to a particular contaminant or waste material if it is proved the defendant complied with:
 - (a) a provision of an environment protection objective within the meaning of the *Waste Management and Pollution Control Act*;
or

- (b) a condition of an approval, permit, lease, licence or authorisation under a relevant Act,

that fixed maximum allowable levels for the particular contaminant or waste material.

30A Alternative verdicts available

In a proceeding for an offence against:

- (a) section 29(1), the person charged with the offence may be found guilty alternatively of an offence against section 29(2), (3), (4) or (5);
- (b) section 29(2), the person charged with the offence may be found guilty alternatively of an offence against section 29(3), (4) or (5);
- (c) section 29(3), the person charged with the offence may be found guilty alternatively of an offence against section 29(4) or (5); or
- (d) section 29(4), the person charged with the offence may be found guilty alternatively of an offence against section 29(5).

30B Continuing offences

Where a court is satisfied on finding a person guilty of an offence against a provision of this Part that the person continued to contravene, or to fail to comply with, the provision after the date when he or she was notified of the alleged offence, the court may, in addition to the penalty, if any, specified for the offence, impose a further penalty in respect of each day during which the offence continued to be committed after the first day on which it was committed not exceeding 10% of the penalty specified for the offence.

Division 2 Liabilities of employers, employees, &c.

30C Actions, &c., of employee or agent of body corporate are those of body corporate

- (1) Where in proceedings for an offence against this Part it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
 - (a) that the conduct was engaged in by a director, manager, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and

- (b) that the director, manager, employee or agent had the relevant state of mind.
- (2) For the purposes of a prosecution for an offence against this Part, conduct engaged in on behalf of a body corporate by a director, manager, employee or agent of the body corporate within the scope of his or her actual or apparent authority is taken to have been engaged in also by the body corporate.
- (3) For the purposes of this section, a reference to engaging in conduct is to be read as including a reference to failing or refusing to engage in conduct.

30D Director may be liable for offence of body corporate

- (1) Where a body corporate commits an offence against this Part, every person who is a director of or who is concerned in the management of the body corporate is to be taken to have committed the same offence.
- (2) It is a defence to a prosecution for an offence committed by virtue of subsection (1) if the defendant establishes that:
 - (a) the body corporate had, under this Part, a defence to the offence that the defendant is, apart from this section, to be taken to have committed;
 - (b) the act or omission that constituted the offence took place without the defendant's authority, permission or consent;
 - (c) the defendant did not know, and ought not reasonably be expected to have known, that the offence was to be or was being committed and took all reasonable steps to prevent or stop the commission of the offence; or
 - (d) the defendant could not by the exercise of reasonable diligence have prevented the commission of the offence by the body corporate.
- (3) A person may be proceeded against and found guilty under a provision in pursuance of subsection (1) whether or not the body corporate has been proceeded against or found guilty under the provision.
- (4) Notwithstanding anything in this Part or the *Environmental Offences and Penalties Act*, a person is not liable to be punished by imprisonment for an offence if the person would not have been found guilty of the offence except for subsection (1).

30E Liability for managers, employees and agents

- (1) For the purposes of a prosecution for an offence against this Part, conduct engaged in on behalf of a person other than a body corporate (in this section called the **employer**) by a manager, employee or agent of the person within the scope of his or her actual or apparent authority is taken to have been engaged in also by the employer.
- (2) An employer may be proceeded against and found guilty under a provision in pursuance of subsection (1), whether or not the manager, employee or agent has been proceeded against or found guilty of an offence against that provision.
- (3) It is a defence to a prosecution for an offence committed by virtue of subsection (1) if the defendant establishes that:
 - (a) the person who committed the offence that the defendant is to be taken to have committed under subsection (1) had, under this Act, a defence to the offence that the defendant is, apart from this subsection, to be taken to have committed;
 - (b) the act or omission that constituted the offence took place without the defendant's authority, permission or consent;
 - (c) the defendant did not know, and ought not reasonably be expected to have known, the offence was to be or was being committed and took all reasonable steps to prevent or stop the commission of the offence or a similar offence; or
 - (d) the defendant could not by the exercise of reasonable diligence have prevented the commission of the offence by the person who committed the offence.
- (4) Notwithstanding anything in this Act or the *Environmental Offences and Penalties Act*, a person is not liable to be punished by imprisonment for an offence if the person would not have been found guilty of the offence except for subsection (1).
- (5) For the purposes of this section, a reference to engaging in conduct is to be read as including a reference to failing or refusing to engage in conduct.

30F Costs of taking action to be debt due and payable

- (1) Where a person does an act that is prohibited, or fails to do an act the person is required to do, by or under this Part, the Chief Executive Officer may cause to be carried out works or acts that are, in the opinion of the Chief Executive Officer, necessary to:
 - (a) prevent environmental harm that is caused by the person's action or failure to act; or
 - (b) clean up or rectify environmental harm likely to have been caused by the person's act or failure to act.
- (2) A person authorised in writing by the Chief Executive Officer to carry out works or acts for the purposes of subsection (1) in premises or on land on behalf of the Chief Executive Officer may enter the premises (unless they are residential premises) or land and carry out the works or acts.
- (3) The amount of the expense incurred by the Territory in carrying out works or acts under subsection (1) is a debt due and payable to the Territory by the person whose act or failure caused or was likely to have caused the environmental harm.

30G Debts due to Territory, &c.

- (1) Where a debt is payable to the Territory under this Part, the debt:
 - (a) is to bear interest at the rate determined by the Chief Executive Officer by notice in the *Gazette*;
 - (b) may be recovered, together with that interest, as a debt due to the Territory; and
 - (c) where the debt was incurred by the debtor in relation to acts performed or not performed on land owned by the debtor: the debt is a statutory charge, within the meaning of the *Land Title Act*, on the land.
- (2) Where, under this Part, 2 or more persons are liable for a debt to the Territory, they are jointly and severally liable for the whole debt.
- (3) A person who under this Part is liable for a debt may recover contribution from another person who is likewise liable, either by joining that other person as a party in an action brought by the Territory to recover the debt or by bringing a separate action in a court of competent jurisdiction.

- (4) A court hearing a claim for contribution under subsection (3) must consider the relative benefit to each party of the works or action under section 30F(1) that gave rise to the debt and may make an order as to contribution and as to costs as it thinks fit.

Part VIII Plans of mines

31 Plans of mines to be prepared

- (1) The manager of a mine shall, not later than 6 months after mining at the mine is commenced, prepare or cause to be prepared a plan of the mine.
- (2) The manager of a mine shall, not later than 6 months after complying with subsection (1) and thereafter at intervals not longer than 6 months, amend the plan of the mine or cause it to be amended to include any extensions or modifications to the mine made during that period.
- (4) The manager of a mine shall:
- (a) keep the plan of the mine containing all amendments prepared under this section in a secure place at the mine; and
 - (b) deliver a copy of the plan of the mine containing all amendments prepared under this section to the Chief Government Mining Engineer:
 - (i) when requested by the Chief Government Mining Engineer; or
 - (ii) not later than 28 days after the mine is closed.

Part IX Inspection of mines

Division 1 Powers of inspectors

32 General powers

Subject to this Act, an inspector may:

- (a) enter and inspect a mine at any time and with such assistants as the inspector considers necessary, but not so as to unnecessarily impede or obstruct the workings of the mine;
- (b) conduct an inquiry for the purpose of determining whether this Act, the Regulations or any conditions applying to a mining tenure granted under the *Mining Act* are being complied with;

- (c) conduct an inquiry into:
 - (i) the state and condition of a mine;
 - (ii) the ventilation of a mine;
 - (iii) the sufficiency of the Regulations and any codes of practice or special provisions applying to a mine;
 - (iv) a matter relating to the safety or well-being of persons employed at a mine; or
 - (v) any accidents or critical incidents which have occurred at a mine;
- (d) conduct an inquiry or examination for the purpose of ascertaining whether safety, occupational health and environment protection standards at a mine comply with this Act, the Regulations or any codes of practice or special provisions applicable to the mine;
- (e) require, for the purpose of an inquiry or examination affecting a mine, the attendance of the owner, agent, manager or any officer or employee, of the mine;
- (g) give directions relating to this Act or the Regulations to persons to whom this Act applies;
- (h) give directions requiring a person to leave a mine or a part of a mine or requiring a person not to enter a mine or part of a mine; and
- (j) do such other things as may be reasonably necessary for the purpose of ensuring:
 - (i) the safety of persons at a mine; or
 - (ii) compliance with this Act, the Regulations or any codes of practice or special provisions applicable to the mine.

33 Inspector may order cessation of work

Where an inspector considers a mine or a part of a mine is unsafe the inspector may give such directions to such persons as the inspector thinks fit for the purpose of ensuring the cessation of work at the mine.

34 Direction to remedy dangerous situation, &c.

Where, in the opinion of an inspector:

- (a) a thing in, or a practice connected with, a mine is dangerous or defective, or the absence of a thing or practice threatens, or may threaten, the health or safety of a person; or
- (b) a matter is not sufficiently provided for by this Act, the Regulations or any codes of practice or special provisions applicable to a mine,

the inspector may, by notice in writing served on the owner, agent or manager of the mine, direct that the matter be remedied in the manner and within the time specified in the notice.

35 Official inspection of mines

- (1) The Chief Government Mining Engineer may, by notice in writing, authorise a person to enter, inspect or survey a mine for a purpose relating to this Act or the Regulations.
- (2) A person authorised under subsection (1) shall have such powers to enter, inspect or survey a mine as the Chief Government Mining Engineer thinks fit and specifies in the notice.

36 Duties of inspector in respect of mine record book

- (1) In addition to the matters required to be entered in the mine record book under section 17(3), an inspector shall, as soon as practicable after carrying out the inspection of a mine, enter in the mine record book particulars of:
 - (a) the parts of the mine inspected;
 - (b) the nature and date of the inspection;
 - (c) the extent (if any) to which the conditions at the mine are not in accordance with this Act, the Regulations or any codes of practice or special provisions applicable to the mine, or with anything ordered or required to be done under this Act or the Regulations; and
 - (d) any modifications of, or additions to, the mine that the inspector considers necessary to ensure that conditions at the mine are in accordance with this Act, the Regulations or any codes of practice or special provisions applicable to the mine.

- (2) The manager of the mine shall cause a copy of an entry made under subsection (1) to be displayed in a conspicuous place at the mine for 14 days or such longer period as the inspector who made the entry may direct.
- (3) Where an entry is made in a mine record book under subsection (1), the owner, agent and manager of a mine shall be deemed to know what is contained in the entry.

37 Inquiry by inspector into complaint

- (1) An employee at a mine may make a complaint to an inspector concerning anything at or relating to the mine.
- (2) An inspector to whom a complaint is made under subsection (1) may inquire into the complaint.
- (3) An inspector to whom a complaint is made under subsection (1) shall not disclose the name of the employee who made the complaint.

38 Compliance with directions

Subject to section 45, a person shall comply with a direction or requirement of an inspector given to the person under this Part.

39 Obstructing an inspector

- (1) A person shall not wilfully obstruct an inspector in the exercise of the inspector's powers or the performance of the inspector's duties under this Act.
- (2) The owner, agent and manager of a mine, shall afford an inspector the means necessary to enter or inspect a mine or to carry out an examination or inquiry under this Act.

Division 2 Inspection by persons employed at mine

40 Inspection by persons employed at mine

- (1) The employees at a mine may, at a meeting and by a vote of a majority of the employees present at the meeting, authorise 2 employees at the mine, with not less than 2 years experience in the work carried out at the mine, to inspect the mine or a part of the mine.
- (1A) An employee shall not:
 - (a) be authorised under subsection (1) to carry out an inspection;
or

- (b) if authorised under that subsection, carry out the inspection, if, as a consequence of the employee not performing his or her duties at the mine during the time the inspection is carried out, normal production operations at the mine may be, or are likely to be, disrupted or required to cease during that time.
- (2) Before carrying out an inspection under this section the employees authorised under subsection (1) shall give notice of their intention to the manager of the mine.
- (3) The manager of a mine or an employee nominated by the manager may accompany the employees carrying out an inspection under this section.
- (4) The owner, agent and manager of a mine shall afford every facility to the employees carrying out an inspection under this section.
- (5) The employees authorised under subsection (1) shall, not later than 24 hours after carrying out the inspection under this section, make and sign a report of the inspection in the mine record book of the mine inspected.
- (6) Where a report under subsection (5) indicates the existence, or apparent existence, of danger at the mine, the employees who made the report shall serve a copy of the report on the manager of the mine and the Chief Government Mining Engineer.
- (7) Where a employee who carries out an inspection of a mine under this section is injured while carrying out the inspection, the injury shall be deemed, for the purposes of Part V of the *Work Health Act*, to arise out of or in the course of the person's employment at the mine.
- (8) An employee who carries out an inspection of a mine under this section shall be deemed, while carrying out the inspection, to be carrying out duties in accordance with his or her employment at the mine.

Part X Codes of practice and special provisions

41 Codes of practice

- (1) The Minister may, by notice in the *Gazette*, approve a code of practice, not inconsistent with this Act or the Regulations, to apply at a mine or at mines generally or for exploration activities.

- (2) A code of practice approved under subsection (1) may consist of a code, standard, rule, specification or provision relating to a mine or exploration activities.

42 Special provisions

- (1) The Chief Government Mining Engineer may, by notice in writing served on the manager of a mine, require the manager to prepare special provisions, not inconsistent with this Act or the Regulations, to apply to the mine.
- (2) Special provisions under this section shall take into account local conditions affecting the mine and may provide for:
- (a) order and discipline;
 - (b) the protection of health; and
 - (c) the prevention of accidents,
- at the mine.
- (3) A notice under subsection (1) shall specify a time within which the special provisions are to be submitted to the Chief Government Mining Engineer.
- (4) Where special provisions are submitted to the Chief Government Mining Engineer under this section, the Chief Government Mining Engineer shall:
- (a) approve the special provisions; or
 - (b) if the Chief Government Mining Engineer does not consider the special provisions are adequate, give notice to the manager of the mine that the provisions should be altered as specified in the notice and re-submitted to the Chief Government Mining Engineer.
- (5) Special provisions, when approved by the Chief Government Mining Engineer, shall apply to the mine for which they were prepared.

Part XI Miscellaneous**43 Entries in mine record book**

- (1) An entry in a mine record book shall be:
 - (a) of a permanent nature and not able to be easily obscured or obliterated; and
 - (b) signed and dated by the person making the entry.
- (2) An entry in a mine record book shall not be altered or erased.

44 Service of documents

A document required by or under this Act to be served on a person may be served:

- (a) on that person personally;
- (b) by certified mail; or
- (c) by leaving it at the person's last-known or most usual place of residence or business with some other person, apparently resident or employed there and who has apparently attained the age of 16 years.

45 Review of decisions

- (1) The owner, agent or manager of a mine aggrieved by a decision of an inspector (not being the Chief Government Mining Engineer) may, not later than 7 days after being notified of the decision, request the Chief Government Mining Engineer to review that decision, and the Chief Government Mining Engineer may confirm, vary or rescind the inspector's decision.
- (2) The owner, agent or manager of a mine who is aggrieved by a decision of the Chief Government Mining Engineer, including a decision under subsection (1), may, not later than 7 days after being notified of the decision, request the Board to review that decision.
- (3) In reviewing a decision under subsection (2), the Board may confirm, vary or rescind the decision, and the Board's decision is final.

- (4) A request under subsection (1) or (2) shall be in writing and state:
 - (a) the objection of the owner, agent or manager of the mine to complying with the decision; and
 - (b) the grounds of that objection.
- (5) Notwithstanding that a request for a review has been made under this section, the owner, agent or manager of a mine shall comply with the decision in relation to which the review is sought.
- (6) Where a decision of an inspector is varied under this section so as to require further compliance by the owner, agent or manager, then the owner, agent or manager shall comply with the decision as so varied.
- (7) A member of the Board shall not sit at a meeting of the Board during such time as a decision of or relating to the member is being reviewed under this section.
- (8) In this section, **decision** includes an instruction, direction or order given by, or a requirement of, an inspector in the exercise, or purported exercise, of the inspector's powers or the carrying out, or purported carrying out, of the inspector's duties under this Act.

47 Offence to falsely claim to be inspector

A person who falsely claims to be an inspector is guilty of an offence.

48 Penalties

- (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence.

Penalty: In the case of an individual: \$10,000.

 In the case of a body corporate: \$50,000.

- (2) Where a court, on finding a person guilty of an offence against a provision of this Act, is satisfied that the person has continued in breach of, or has not complied with, as the case may be, that provision after the date on which the offence was committed, the court may impose, in addition to the penalty specified in subsection (1), a further penalty, not exceeding \$1,000 for each day, after the first day, during which the offence continues.

49 Regulatory offences

An offence against sections 7, 14(1) or (2), 17(1), (2), (4) or (5), 18, 19, 22, 24, 31, 36(2), 39(1) or (2), 40(2), (4), (5) or (6), 42(1), 43 or 45(5) or (6) is a regulatory offence.

50 Proceedings for offences

- (1) A prosecution for an offence against this Act or the Regulations shall be commenced by, and prosecuted in, the name of the Chief Government Mining Engineer or an inspector authorised by the Chief Government Mining Engineer.
- (2) The production of a document purporting to be signed by the Chief Government Mining Engineer purporting to authorise an inspector to institute a prosecution is evidence of the authority of that inspector to institute that prosecution.

50A Protection of inspectors, &c.

No action or proceedings, civil or criminal, shall lie or be continued against an inspector or a person assisting an inspector under section 32(a) or authorised under section 35(1) for or in respect of an act or thing done in good faith under this Act.

51 Liability of persons

- (1) Where an offence against this Act committed by an employee at a mine, other than by the owner, agent or manager of the mine, is proved to have been committed with the consent or connivance of, or to have been attributable to wilful neglect on the part of, the owner, agent or manager of the mine, that owner, agent or manager is also guilty of an offence and liable to the penalty for that offence.
- (2) Where an offence against this Act committed by a body corporate is proved to have been committed, with the consent or connivance of, or to have been attributable to wilful neglect on the part of, an officer of the body corporate or person purporting to act as such an officer, that officer or person is also guilty of that offence and liable to the penalty for that offence.
- (3) When, in proceedings under this Act, it is necessary to establish the intention of a body corporate, it is sufficient to show that an employee, officer or agent of the body corporate had that intention.
- (3A) This section does not apply in relation to an offence against Part VIIA.

- (4) In subsection (2), **officer**, in relation to a body corporate, means:
- (a) a director, secretary or executive officer of the body corporate;
 - (b) any person in accordance with whose direction or instruction the directors of the body corporate are accustomed to act; or
 - (c) a person concerned in the management of the body corporate.

52 Regulations

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may provide for, or be in relation to, the following:
- (a) the powers and duties of inspectors;
 - (b) the safety or health of employees and other persons at mines;
 - (c) the protection of the environment at mines;
 - (d) the construction of buildings, plant and other structures (including dams and storage ponds) at mines, and the qualification, safety and welfare of persons engaged in such construction;
 - (e) the ventilation of mines and the prevention, suppression and control of dust and noise at mines;
 - (f) the elimination or reduction of health hazards arising from radioactive or other substances at mines;
 - (g) the conditions under which tailings from cyanide or other chemical process may be stored or used for the filling of stopes;
 - (h) the prevention of the escape of poisonous or deleterious gases and fumes from any process at mines;
 - (j) the control of the disposal of waste products (whether solid, liquid or gas) at mines;
 - (k) ladders and ways of travel at mines;

- (m) the specifications for, and the construction, use and control of machinery at mines;
- (n) specifications for the control and use of explosives at mines;
- (p) the principles and practices of sanitation and hygiene to be observed at mines;
- (q) dredges at mines and the persons who may be in charge of dredges;
- (r) the generation, use and control of electricity at mines;
- (s) the mode of application for the grant of certificates, licences and authorisations;
- (t) the grant, suspension, revocation or cancellation of, or restrictions on, certificates, licences and authorisations;
- (w) the prescribing of fees;
- (y) the preservation and protection of disused or abandoned mines;
- (z) the procedures to apply to a review of a decision under section 45;
- (za) the furnishing of returns, statistics and plans, and other particulars relating to the safety and health of employees and other persons at mines; and
- (zb) penalties for offences against the Regulations not exceeding \$10,000 for an individual and \$50,000 for a body corporate.

53 Repeal

The Acts specified in the Schedule are repealed.

54 Savings and transitional

- (1) The person who, immediately before the commencement of this Act, held the office of Director of Mines, within the meaning of the *Mines Safety Control Act*, shall, on that commencement, be the Director of Mines for the purposes of this Act as if the person was appointed under section 6(1)(a) on that commencement.
- (2) The person who, immediately before the commencement of this Act, held the office of Chief Government Mining Engineer, within the meaning of the *Mines Safety Control Act*, shall, on that commencement, be the Chief Government Mining Engineer for the

purposes of this Act as if the person was appointed under section 6(1)(b) on that commencement.

- (3) A person who, immediately before the commencement of this Act, held the office of government mining engineer, within the meaning of the *Mines Safety Control Act*, shall, on that commencement, be a government mining engineer for the purposes of this Act as if the person was appointed under section 6(1)(c) on that commencement.
- (4) A person who, immediately before the commencement of this Act, held the office of District Inspector or Special Inspector, within the meaning of the *Mines Safety Control Act*, shall, on that commencement, be a mines inspector for the purposes of this Act as if the person was appointed under section 6(1)(d) on that commencement.
- (5) A person who, immediately before the commencement of this Act, was a member of the Board appointed under section 9(2)(c) or (d) of the *Mines Safety Control Act* shall, on that commencement, be a member of the Board for the purposes of this Act as if the person was appointed under section 8(2)(c) on that commencement for the remainder of the period for which the person was appointed as a member under the *Mines Safety Control Act*.
- (6) A person who, immediately before the commencement of this Act, was a manager appointed under section 22, or a deputy manager appointed under section 24, of the *Mines Safety Control Act* shall, on that commencement, be a manager or deputy manager, as the case may be, for the purposes of this Act as if the person was appointed under section 12 on that commencement.
- (7) A person who, immediately before the commencement of this Act, held a winding licence granted under section 45 of the *Mines Safety Control Act* shall, on that commencement, hold a winding licence for the purposes of this Act as if the person were granted a winding licence under section 26 on that commencement on the same conditions to which the licence was subject under the *Mines Safety Control Act*.
- (8) Where, immediately before the commencement of this Act, special rules, within the meaning of the *Mines Safety Control Act*, applied to a mine, those special rules shall, on that commencement, be deemed to be special provisions applicable to that mine as if they were prepared and approved under section 42 on that commencement.
- (9) Where, immediately before the commencement of this Act, there was in force in respect of a mine or part of a mine an exemption

from the *Mines Safety Control Act* or specified provisions of that Act made under section 5(3) of that Act, that exemption shall, on that commencement, be an exemption from this Act or equivalent provisions, if any, of this Act, as the case may be, as if made under section 5(2) of this Act on that commencement.

- (10) Where, immediately before the commencement of this Act, a person held a mine manager's certificate of competency, within the meaning of the *Mines Safety Control Act*, that person shall, on that commencement, hold a mine manager's certificate of competency for the purposes of this Act as if the person was granted a certificate under section 11 on that commencement for the same period for which it was granted, and on the same conditions to which it was subject, under the *Mines Safety Control Act*.
- (11) The *Mines Safety Control (Radiation Protection) Regulations* and the *Mines Safety Control (Radioactive Wastes Management) Regulations*, as in force immediately before the commencement of this Act, shall continue in force under this Act as if made on that commencement and those Regulations may be amended or repealed under this Act.
- (12) A person who, immediately before the commencement of this Act, held:
- (a) a blaster's permit issued under regulation 296;
 - (b) a blaster's certificate of competency issued under regulation 298;
 - (c) a driver's permit issued under regulation 400(2)(a); or
 - (d) a driver's certificate of competency issued under regulation 401,

of the *Mines Safety Control Regulations* shall, on that commencement, hold an equivalent permit or certificate of competency, if any, granted under the Regulations as if the person was granted such permit or certificate on that commencement, and such permit or certificate may be cancelled or suspended in accordance with the Regulations.

Schedule

section 53

Number and year	Short title
No. 3, 1976	<i>Mines Safety Ordinance 1976</i>
No. 59, 1981	<i>Mines Safety Control Amendment Act 1981</i>

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Mine Management Act 1990 (Act No. 37, 1990)***

Assent date	22 June 1990
Commenced	24 December 1992 (<i>Gaz S66</i> , 24 December 1992)

Mine Management Amendment Act 1990 (Act No. 54, 1990)

Assent date	15 October 1990
Commenced	24 December 1992 (s 2, s 2 <i>Mine Management Act 1990</i> (Act No. 37, 1990) and <i>Gaz S66</i> , 24 December 1992)

Statute Law Revision Act 1991 (Act No. 31, 1991)

Assent date	25 June 1991
Commenced	25 June 1991

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date	1 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and <i>Gaz S53</i> , 29 June 1993)

Statute Law Revision Act (No. 2) 1993 (Act No. 70, 1993)

Assent date	9 November 1993
Commenced	9 November 1993

Mine Management Amendment Act 1995 (Act No. 9, 1995)

Assent date	10 April 1995
Commenced	10 May 1995 (<i>Gaz G19</i> , 10 May 1995, p 3)

Statute Law Revision Act 1995 (Act No. 14, 1995)

Assent date	26 June 1995
Commenced	26 June 1995

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
 Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

Mine Management Amendment Act 1996 (Act No. 38, 1996)

Assent date 10 April 1995
 Commenced 10 May 1995 (*Gaz G19*, 10 May 1995, p 3)

Mine Management Amendment Act 1998 (Act No. 46, 1998)

Assent date 27 May 1998
 Commenced 26 August 1998 (*Gaz G33*, 26 August 1998, p 2)

Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)

Assent date 12 September 2000
 Commenced 1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and *Gaz G38*, 27 September 2000, p 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 21 *Mines Management Amendment Act 1995* (Act No. 9, 1995)

4 LIST OF AMENDMENTS

lt amd No. 9, 1995, s 4
 s 3 amd No. 9, 1995, s 5
 s 5 amd No. 9, 1995, s 6; No. 31, 1991, s 14; No. 9, 1995, s 6
 s 6 amd No. 28, 1993, s 3; No. 9, 1995, s 7
 s 7 sub No. 9, 1995, s 8
 s 8 amd No. 54, 1990, s 3; No. 9, 1995, s 22; No. 38, 1996, s 2
 s 12 amd No. 9, 1995, s 9
 s 13 amd No. 9, 1995, s 10
 s 14 amd No. 9, 1995, s 22
 s 15 amd No. 54, 1990, s 4
 sub No. 9, 1995, s 11
 s 16 rep No. 9, 1995, s 11
 s 17 amd No. 9, 1995, s 22
 s 18 sub No. 9, 1995, s 12
 s 19 sub No. 9, 1995, s 13
 ss 21 – 23 amd No. 9, 1995, s 22
 s 24 sub No. 9, 1995, s 14
 pt VII hdg sub No. 9, 1995, s 15
 ss 25 – 26 sub No. 9, 1995, s 15
 pt VIIA hdg ins No. 46, 1998, s 4
 pt VIIA
 div 1 hdg ins No. 46, 1998, s 4
 ss 27 – 30 rep No. 9, 1995, s 15
 ins No. 46, 1998, s 4
 ss 30A –
 30B ins No. 46, 1998, s 4
 pt VIIA
 div 2 hdg ins No. 46, 1998, s 4
 ss 30C –
 30F ins No. 46, 1998, s 4

ENDNOTES

s 30G	ins No. 46, 1998, s 4 amd No. 45, 2000, s 11
ss 31 – 32	amd No. 9, 1995, s 22
s 37	amd No. 9, 1995, s 22
s 40	amd No. 54, 1990, s 4; No. 9, 1995, s 22; No. 14, 1995, s 12
s 41	amd No. 9, 1995, s 16
s 46	rep No. 9, 1995, s 17
s 48	amd No. 9, 1995, s 18; No. 17, 1996, s 6
s 49	amd No. 9, 1995, s 22
s 50A	ins No. 9, 1995, s 19
s 51	amd No. 9, 1995, s 22; No. 46, 1998, s 4
s 52	amd No. 9, 1995, s 20
s 54	amd No. 70, 1993, s 8