

NORTHERN TERRITORY OF AUSTRALIA
MINE MANAGEMENT AMENDMENT ACT 1995

No. 9 of 1995

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NORTHERN TERRITORY OF AUSTRALIA

No. 9 of 1995

AN ACT

to amend the *Mine Management Act*

[Assented to 10 April 1995]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Mine Management Amendment Act 1995*.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

The *Mine Management Act* is in this Act referred to as the Principal Act.

4. LONG TITLE

The long title to the Principal Act is amended by omitting "of mines" and substituting "of mines and the management of exploration activities".

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5. DEFINITIONS

Section 3 of the Principal Act is amended -

- (a) by inserting after the definition of "code of practice" the following:

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

- (b) by inserting after the definition of "Director of Mines" the following:

"'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;"

- (c) by omitting the definition of "government mining engineer";

- (d) by omitting from the definition of "inspector" the words "section 6(1)(b), (c) or (d)" and substituting "section 6(1)(b) or (d)";

- (e) by omitting from the definition of "mine" all words after "where" and substituting "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;" and

- (f) by omitting the definitions of "winding engine" and "winding licence".

6. APPLICATION

Section 5 of the Principal Act is amended -

- (a) by omitting from subsection (2) "The Minister may" and substituting "The Minister or a person authorised by the Minister may"; and

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(b) by adding at the end the following:

"(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."

7. APPOINTMENT OF OFFICERS

Section 6 of the Principal Act is amended -

(a) by omitting from subsection (1)(b) "Mining Engineer;" and substituting "Mining Engineer; or";

(b) by omitting subsection (1)(c);

(c) by omitting subsection (2)(a) and substituting the following:

"(a) has a degree or diploma in mining engineering and not less than 5 years experience in mining; and"; and

(d) by omitting subsection (3).

8. REPEAL AND SUBSTITUTION

Section 7 of the Principal Act is repealed and the following substituted:

"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.

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"(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."

9. APPOINTMENT OF MANAGERS AND DEPUTY MANAGERS

Section 12 of the Principal Act is amended -

- (a) by omitting from subsection (1) "appoint a manager and" and substituting "appoint a manager and may appoint";
- (b) by inserting after subsection (1) the following:

"(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."; and

- (c) by omitting subsection (5).

10. DEPUTY MANAGER TO ACT AS MANAGER

Section 13 of the Principal Act is amended -

- (a) by omitting "Subject to section 12" and substituting "(1) Subject to subsection (2)"; and
- (b) by adding at the end the following:

"(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."

11. REPEAL AND SUBSTITUTION

Sections 15 and 16 of the Principal Act are repealed and the following substituted:

"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;

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- (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."

12. REPEAL AND SUBSTITUTION

Section 18 of the Principal Act is repealed and the following substituted:

"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."

13. REPEAL AND SUBSTITUTION

Section 19 of the Principal Act is repealed and the following substituted:

"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

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(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."

14. REPEAL AND SUBSTITUTION

Section 24 of the Principal Act is repealed and the following substituted:

"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.

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"(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."

15. REPEAL AND SUBSTITUTION

Part VII of the Principal Act is repealed and the following substituted:

"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;

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- (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.

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"(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."

16. CODES OF PRACTICE

Section 41 of the Principal Act is amended -

- (a) by adding at the end of subsection (1) "or for exploration activities";
- (b) by omitting from subsection (2) all words after "relating to" and substituting "a mine or exploration activities."; and
- (c) by omitting subsections (3) and (4).

17. REPEAL

Section 46 of the Principal Act is repealed.

18. PENALTIES

Section 48(1) of the Principal Act is amended by omitting "Penalty: \$10,000." and substituting the following:

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

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

19. NEW SECTION

The Principal Act is amended by inserting after section 50 the following:

"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."

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20. REGULATIONS

Section 52(2) of the Principal Act is amended -

- (a) by omitting from paragraph (s) ", permits and authorisation" and substituting "and authorisations";
- (b) by omitting paragraph (t) and substituting the following:
"(t) the grant, suspension, revocation or cancellation of, or restrictions on, certificates, licences and authorisations;"
- (c) by omitting paragraph (u); and
- (d) by adding at the end of paragraph (zb) "for an individual and \$50,000 for a body corporate".

21. SAVINGS AND TRANSITIONAL

Where, immediately before the commencement of this Act -

- (a) a winding licence was in force under section 26;
or
- (b) an approval had been obtained under section 30,

of the Principal Act, as then in force, the licence or approval shall be deemed, where provision is made under the Regulations for such licences or approvals, to be a licence or approval granted or obtained under the Regulations.

22. FURTHER AMENDMENTS

The Principal Act is further amended as specified in the Schedule.

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Section 22

Provision	Amendment	
	omit	substitute
Section 8(4)(a)	"Public Service Act"	"Public Sector Employment and Management Act"
Section 14(2)	the whole subsection	
Section 17(1), (2) and (5)	"manager"	"owner, agent or manager"
Section 17(2)(b)	"a person employed"	"an employee"
Sections 21, 23(2) and 40(1A) and (8)	"A person"	"An employee"
Section 21	"accident"	"accident or critical incident"
Sections 22(1), 40(3) and 51(1)	"a person"	"an employee"
Section 22(2)	"in the approved form"	"in the approved form using the reporting codes specified in Australian Standard 1885"
Section 22(2)(a)	"persons" (twice occurring)	"employees"
Section 23(2)(c)	"be employed in a mine to work"	"work in a mine"
Section 31(3)	the whole subsection	
Section 31(4)	"Director of Mines" (twice occurring)	"Chief Government Mining Engineer"
Section 32(b)	"an exploration licence, exploration retention licence or mining tenement"	"a mining tenure"

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Provision	Amendment	
	omit	substitute
Section 32(c) (v)	"accidents or incidents"	"accidents or critical incidents"
Section 32(f)	the whole paragraph	
Section 37(1)	"A person employed"	"An employee"
Section 37(3) and 40(1A)	"the person"	"the employee"
Section 40(1)	"persons employed" (twice occurring)	"employees"
Section 40(2), (3), (4), (5) and (6)	"persons"	"employees"
Section 40(8)	"the person's"	"his or her"
Section 49	"14(1) or (2)"	"14(1) or (2), 17(1), (2), (4) or (5)"
	"22, 25, 29"	"22, 24"
	"39(2)"	"39(1) or (2)"