



Frequently asked questions on appointments on Western Australian mines



1. What key appointments need to be made by the Principal Employer for activities at a Western Australian mine?

Under the *Mines Safety and Inspection Act 1994*, before operations begin at a mine, the Principal Employer must appoint a Registered Manager for the mine.

Where open pit or underground operations take place, the Principal Employer must also appoint a Quarry Manager and an Underground Manager, respectively. Permission may be obtained from the District Inspector or State Mining Engineer to operate a quarry without a Quarry Manager.

The Principal Employer is required to appoint Alternate Managers and Deputy Managers to ensure adequate management coverage during roster breaks and for periods of sickness or expected absence. An exception to this applies to the appointment of a Deputy Registered Manager, which may be made by the Registered Manager or Alternate Registered Manager.

The Principal Employer may authorise the Registered Manager to make such statutory appointments on their behalf. The Registered Manager must refer to the authorisation when making appointments on behalf of the Principal Employer.

2. May the same Registered Manager be appointed for two or more mines?

Yes, with stipulations. A Registered Manager appointed by a Principal Employer may not be appointed as the Registered Manager or the Deputy Registered Manager of another mine unless approved in writing by the State Mining Engineer.

3. What about exploration activities at the mine?

If exploration activities are taking place at the mine, the Registered Manager may notify the Senior Inspector of Mines that they have taken control of the exploration operations. Otherwise the Principal Employer appoints an Exploration Manager accordingly.

4. What other appointments may need to be made by the Registered Manager?

The Mines Safety and Inspection Regulations 1995 mention appointing personnel with specific expertise and qualifications (e.g. electrical supervisor, ventilation officer, radiation safety officer).

Specific appointments include:

- authorised mine surveyor
- person responsible for the general control of construction work
- construction work supervisor

- electrical supervisor
- high voltage operators
- ventilation officer
- competent persons to be platmen, bracedmen, or skipmen for underground shaft mining
- radiation safety officer.

5. Are there any appointments implied in the Act or regulations?

Yes. There are many implied appointments that may be made, where applicable, to conduct mining operations safely.

For example, under the duty of care legislation contained in section 9 of the Act, supervision must be provided for all employees carrying out work at the mine, which means that supervisors will be required.

The Registered Manager may appoint people to ensure compliance with a Part (e.g. Part 6 *Safety in using certain types of plant*), division (e.g. Division 2 *Construction work*; Division 3 *Emergency preparation*) of the regulations or a specific regulation. Such management appointments include:

- certified winding engine drivers
- mine rescue trained persons
- qualified first aid person
- licensed electrical person
- high risk licence operators
- certified person to remove asbestos.

Depending on the mine size, number of employees, workload or technical aspects, the Registered Manager may also make additional appointments to assist in maintaining compliance with the Act and regulations.

6. How many management appointments should be made by a Registered Manager?

This will vary depending on the size, nature and technical complexity of the mine. An assessment should be undertaken to determine the number of competent persons needed to assist the Registered Manager in carrying out the required duties under the legislation.

In a small mine with few employees, for example, the Registered Manager might take on other roles, such as Quarry Manager and supervisor.

People with multiple appointments must have the technical expertise and be competent for all the roles.

7. May the State Mining Engineer require additional appointments?

Yes. The State Mining Engineer may require a large mine to make multiple appointments to manage the size and span of control. In this case, more than one certified manager will need to be appointed and clearly defined – the appointment needs to define the individual positions unambiguously. For example:

- Quarry Manager (Pit 1), Quarry Manager (Pit 2)
- Alternate Quarry Manager (South pit), Alternate Quarry Manager (North pit)
- Underground Manager (Decline 1), Underground Manager (Decline 2)
- Alternate Underground Manager (Northern decline), Alternate Underground Manager (Southern decline).

8. May someone else make management appointments?

Yes, with stipulations. The Act permits the Principal Employer or Registered Manager to authorise a person to make management appointments on behalf of the company or Registered Manager, respectively. However, this may only be done where it is specified and allowed in a particular section or regulation. Section 33A of the Act and regulation 6.34(2) contain examples of where personnel may be authorised to perform a regulatory function on behalf of the Principal Employer or Registered Manager.

9. When should management appointments be made?

A management appointment needs to be made before the person commences work in the position. This is to ensure that the person appointed is made aware of their role, duties and responsibilities within an organisation before carrying out the work.

10. How should management appointments be made?

A management appointment must be in writing, with a written summary of responsibilities and duties.

Templates are available from the Forms section of the Resources Safety website.

11. What information should be contained in an appointment?

The appointment should clearly identify:

- who the appointment is made by, who they represent and who they are authorised by
- the job role required to be undertaken
- the date and time when the appointment takes effect
- the section(s) of the Act or the regulation(s) under which the appointment is made

- where applicable, the job title specified in legislation (e.g. Registered Manager, Alternate Registered Manager, Deputy Quarry Manager, Underground Manager, supervisor, electrical supervisor, ventilation officer, radiation safety officer).

The appointment should also include a written summary of the responsibilities and duties, which might cover the following aspects as well as site-specific requirements as appropriate:

- personnel, visitors and contractors under their control
- area of responsibility
- equipment and facilities under their control
- general compliance obligations under the Act and regulations
- specific regulatory requirements
- regulatory reporting requirements
- investigation requirements
- site reporting structure
- supervisory requirements
- employee consultation requirements
- company rules and procedures requirements
- additional job or site specific requirements.

The appointment must be made and signed by the relevant person in authority and must be signed by the person accepting the position.

A person who refuses to sign and accept the responsibilities and duties of a position cannot be appointed or held accountable for that position.

12. How should the appointment information be recorded at a mine?

The Registered Manager must record the facts and nature of each appointment in the mine record book. The person appointed must sign the record of appointment entry and, if one exists, any instrument of appointment.

Large mines with many appointments may maintain an appointments folder, subject to compliance with the record book entry requirements.

If an appointment instrument is created, it needs to be cross referenced with the record book entry to confirm compliance with the regulatory requirements.

13. What other requirements need to be carried out once a person has been appointed at a mine?

The Registered Manager, Quarry Manager and Underground Manager must ensure that every person employed on the mine performs all duties imposed on that person under the Act within their area of responsibility.

This legal requirement implies that there needs to be some form of regular checking to confirm that each appointed person is correctly carrying out their appointed legal responsibilities and duties on an ongoing basis.

14. How long should the appointment records be maintained?

The records should be maintained as long as the mining operations continue and for a period of six years after the operation is suspended or abandoned.

15. What appointments must be communicated in writing to the regulator?

All appointments made by the Principal Employer and the appointment of a ventilation officer must be communicated in writing via the Safety Regulation System (SRS).

16. Will the company receive confirmation of appointments notified to the regulator?

Yes. The District Inspector or Senior Inspector will acknowledge all notifiable appointments via email to the appropriate appointee and SRS will send the company an alert.

17. What if a notified appointment is cancelled?

There are no legislative requirements to notify the regulator.

Where there is only one appointee for a specified position (e.g. Registered Manager), new appointments will supersede previous appointments.

Where multiple appointments have been made, it is good practice to formally cancel appointments (e.g. update the mine record book and notify the regulator) via the SRS appointment maintenance function.

For information about mining safety and health, contact:

Resources Safety

Department of Mines, Industry Regulation and Safety

100 Plain Street EAST PERTH 6004

Telephone: 08 9358 8079

Email: MinesSafety@dmirs.wa.gov.au

Comprehensive work safety and health information provided by the Department of Mines, Industry Regulation and Safety can be found at:

www.dmirs.wa.gov.au/ResourcesSafety