

MINES SAFETY INSPECTION ACT 1994, SECTION 44

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The *Mines Safety and Inspection Act 1994* (the MSI Act) is the key piece of legislation in WA focusing on the protection and management of safety and health hazard associated with prospecting, exploration, mining and processing. The Act and regulations seek to promote and improve the safety and health of persons working in Mining and Exploration Sectors. Under Section 44 of the MSI Act, the Principal Employer or Registered Manager (RM) is

able to appoint a person/s to perform duties or assist the RM to perform their duties under the MSI Act. Often this person is referred to as an Appointed Person; it is different to other Statutory Roles that must be established at a mine site such as Construction Manager, Electrical Supervisor or Ventilation Officer to name a few.

So what are the Registered Manager's duties under the MSI Act

Under the MSI Act the Register Manager has an obligation to provide and maintain a working environment in which the employees are not exposed to hazards, in particular:

- providing and maintaining workplaces, plant, and systems of work of a kind that, so far as is practicable, employees are not exposed to hazards;
- providing such information, instructions and training to and supervision of employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;
- consulting and cooperating with safety and health representatives, if any, and other employees at the mine where the employees work, regarding occupational safety and health at the mine;
- where it is not practicable to avoid the presence of hazards at the mine, providing employees with, or otherwise providing for the employees to have, such adequate personal protective clothing and equipment as is practicable to protect them against those hazards, without any cost to the employees; and
- making arrangements for ensuring, so far as is practicable, that the use, cleaning, maintenance, transportation, and disposal of plant; and the use, handling, processing, storage, transportation, and disposal of substances, at the mine is carried out in such a manner that that employer's employees are not exposed to hazards.



Source: Lukecox.com.au



Key obligations for supervisors



If you're a supervisor you need to understand your obligations under the MSI Act including; your duty of care; responsibilities to complete workplace inspections, incident and accident reporting, training and supervision, emergency preparation and procedures, risk management, delegation, plant and substances, safety and health representatives obligations, mines inspection; and compliance requirements and how to achieve compliance.



Given that the RM is responsible on a daily basis for the control and supervision of the mine and mining operations at the mine in accordance with the MSI Act, the appointment of persons/assistance is essential for effective supervision of the mine and safety of activities undertaken at the mine site. Typically, the RM would employ supervisors to assist him/her in meeting obligations under the MSI Act as listed above. The primary role of supervisors is to assess the risk associated with tasks, issue clear safety instructions, protect employees from danger or injury and ensure the work is carried out safely (DMIRS, 2019).



Source: DMIRS

Determining the level of supervision

The level of supervision is dependent on the state of knowledge, qualifications, experience and training of employees, together with the nature of the task and associated hazards. For example, untrained employees may require close personal supervision of a competent person until they are trained and assessed as competent in the work being carried out, while trained and competent employees may carry out the work without close personal supervision. However, for

competent persons, the supervisor should oversee compliance with the procedures through task observation or other regular contact throughout the shift as required (DMIRS, 2019). In cases where the task is everchanging and has high-risk potential, the supervisor should be aware of the situation and be present on the job at the time the high-risk work is being undertaken (DMIRS, 2019).



Source: DMIRS

Key obligations for Appointed Persons

If you're a supervisor you need to understand your obligations under the MSI Act including; your duty of care; responsibilities to complete workplace inspections, incident and accident reporting, training and supervision, emergency preparation and procedures, risk management, delegation, plant and substances, safety and health representatives obligations, mines inspection; and compliance requirements and how to achieve compliance.

An Appointed Persons play an essential role, that helps the principal employer, manager or authorised person fulfil their compliance obligations under the *Western Australia Mines Safety and Inspection (MSI) Act 1994* and the *WA Mines Safety and Inspection Regulations 1995*.

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Integrate Sustainability is well placed to assist your team in understanding their obligations under the MST Act. Please contact us on 08 94680338 or enquiries@integratesustainability.com.au for more information.

References

DMIRS. (2019, 02 22). *Information Sheet -FAQ on management and supervision at mining operations*. Retrieved from Department of Mines, Industry Regulation and Safety: http://www.dmp.wa.gov.au/Documents/Safety/MSH_IS_FAQs_MgmtSupervisionMiningOps.pdf

Government of Western Australia. *Mines Safety Inspection Act 1994*.

