

124	Restoration of certificates of competence
168	Determination of fees and charges by the Minister

This instrument is effective from the 1st September 2008 being the commencement of the Mine Health and Safety Act 2004.

Dated this 25th day of August 2008.

IAN MACDONALD, M.L.C.,  
Minister for Mineral Resources

#### MINE HEALTH AND SAFETY ACT 2004

#### MINE HEALTH AND SAFETY REGULATION 2007

##### Exemption – Appointment of a Production Manager Order No. 2

I, ROBERT REGAN, Chief Inspector under the Mines Health and Safety Act 2004, pursuant to Clause 166 (1) and (2) of the Mine Health and Safety Regulation 2007 (the Regulation), make the following Exemption Order as specified in the Schedule below.

Words and expressions used in this Order have the same meanings as in relevant provisions of the Mine Health and Safety Act 2004 (the Act) and the Regulation.

#### SCHEDULE

##### 1.0 Exemption

Subject to the conditions and for the period (if any, as applicable to the matter) specified in 2.0, this Order exempts an operator of a mine from complying with clause 16(1), to the extent that that provision requires a production manager to be appointed for the mine to supervise any extraction.

##### 2.0 Application, conditions and duration of exemptions

2.1 This exemption applies to the appointment of a production manager at a mine only if a person who holds the specified evidence of competence required to perform the functions of a production manager (as specified in clause 109 of the Regulation), is not available to supervise the extraction at the mine.

##### 2.2 The operator of a mine must:

- (a) ensure that a competent person is nominated in the management structure (as required under section 35 of the Act), for the purposes of supervising the extraction at that mine, and
- (b) be satisfied that the nominated person is competent to supervise the extraction at the mine and is eligible for a permit pursuant to clause 21(a) and clause 21(b), and
- (c) notify the Chief Inspector in writing in the specified form.

2.3 Supervision of extraction at a mine by a person other than a person who holds the specified evidence of competence to perform the functions of a production manager, must not be for a period exceeding two months (whether consecutive or non-consecutive) in any one year.

2.4 The exemption in clause 1.0 does not apply if a notice served on the operator pursuant to clause 17 of the Regulation, is in force in respect of the mine.

2.5 The exemption made by this Order remains in force for five years from the date of its commencement.

This Order commences on 1 September 2008.

Dated this 19th day of August 2008.

ROBERT REGAN,  
Chief Inspector,  
Department of Primary Industries

#### MINE HEALTH AND SAFETY ACT 2004

#### MINE HEALTH AND SAFETY REGULATION 2007

##### Exemption – Return of Production Managers Permits to the Chief Inspector Order No. 1

I, ROBERT REGAN, Chief Inspector under the Mine Health and Safety Act 2004 (“the Act”), pursuant to clause 166 (1) and (2) of the Mine Health and Safety Regulation 2007 (“the Regulation”), make the following Exemption Order as specified in the Schedule below.

Words and expressions used in this Order have the same meanings as in relevant provisions of the Act and the Regulation.

#### SCHEDULE

##### 1.0 Exemption

Subject to the conditions and for the period (if any, as applicable to the matter) specified in 2.0, this Order exempts a person who is the holder of a production manager permit, from complying with clause 26(a), to the extent that that provision requires the holder to return the permit to the Chief Inspector within four weeks after ceasing to perform the functions of a production manager at the mine in relation to which the permit was issued.

This exemption allows more than one person to hold a production manager permit in respect of a mine at any one time.

##### 2.0 Application, conditions and duration of exemptions

2.1 This exemption only applies in relation to a permit that has not, at a date subsequent to when the holder ceased to perform the functions of a production manager at the relevant mine:

- (a) had any condition amended, or a further condition imposed, pursuant to clause 24 of the Regulation, or
- (b) been cancelled pursuant to clause 25 of the Regulation.

2.2 The exemption made by this Order remains in force for five years from the date of its commencement.

This Order commences on 1 September 2008.

Dated this 19th day of August 2008.

ROBERT REGAN,  
Chief Inspector,  
Department of Primary Industries