

# APPOINTMENT OF MINE OPERATOR

## Notification to Chief Inspector of Mines



The *Mines Work Health and Safety (Supplementary Requirements) Act 2012* (section 11) requires a mine holder to appoint a mine operator before any mining operations are carried out at the mine. The mine holder must then advise the Chief Inspector of Mines in writing of that persons details and the date on which the appointment takes effect (section 12) within 14 days after making that appointment. The mine holder must also advise the Chief Inspector of Mines of any subsequent change in the mine operator's details or the termination of the mine operator's appointment within 14 days of that change or termination.

<b>MINE LOCATION:</b>		<b>LEASE NUMBER:</b>	
Address of Mine:			
Postal Address:			
Contact Name:		Contact Phone:	

MINE HOLDER DETAILS			
Name:			
Address:			
Phone:		Mobile:	
Email:		Fax:	

I have appointed the undersigned as mine operator for lease number

with effect from        /        / 20

Signed: .....

MINE OPERATOR DETAILS			
Name:			
Address:			
Phone:		Mobile:	
Email:		Fax:	

I agree to the appointment as mine operator for lease number

Signed .....

Date: .....

**Please forward this form once completed to the Chief Inspector of Mines, WorkSafe Tasmania**

**BY POST:** P.O. Box 56, Rosny Park, TAS 7018

**BY EMAIL:** wstinfo@justice.tas.gov.au

**BY FAX:** (03) 6173 0206

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*The following extracts are from the Mines Work Health and Safety (Supplementary Requirements) Act 2012 and strict penalties apply for failure to comply. The legislation can be downloaded free from [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).*

### 11. Appointment of mine operators

- (1) The mine holder in respect of a mine must appoint a mine operator before any mining operations are carried out at the mine.
- (2) A mine holder may appoint as the mine operator –
  - (a) himself, herself or itself; or
  - (b) a person conducting a business or undertaking in respect of mining operations to be carried out at the mine for or on behalf of the mine holder.
- (3) If a mine holder appoints a person under subsection (2)(b), the mine holder must authorise that person to manage or control the mine and the mining operations to the extent necessary to discharge the mine operator's duties.
- (4) The appointment of a mine operator under subsection (2) is to be made in writing and is to include the date on which the appointment takes effect.
- (5) Subsection (4) does not apply in relation to the appointment of a mine holder to be the mine operator, if notice of the appointment is given under section 12(1).
- (6) If the proposed mine operator is not the mine holder, the appointment of a mine operator under subsection (2) is to contain a signed statement to the effect that the proposed mine operator agrees to the appointment.
- (7) In making an appointment under this section, the mine holder must exercise due diligence in selecting a mine operator who has the capacity and resources to ensure that work at the mine can be carried out safely.
- (8) If a mine holder does not appoint a mine operator under subsection (2) in accordance with this section, the mine holder is taken to be the mine operator.

### 12. Advice of appointment, &c., to be given to Chief Inspector of Mines

- (1) The mine holder must advise the Chief Inspector of Mines, in writing, of –
  - (a) the name and contact details of the mine operator; and
  - (b) the date on which the appointment takes effect.
- (2) The mine holder must advise the Chief Inspector of Mines under subsection (1) within 14 days after the making of the appointment under section 11(2).
- (3) The mine holder must advise the Chief Inspector of Mines of any subsequent change in the mine operator's details, or the termination of the mine operator's appointment, within 14 days after that change or termination.

### 13. Chief Inspector of Mines may approve multiple persons to have responsibility for certain mining operations

- (1) The Chief Inspector of Mines may approve, in writing and with or without conditions, an arrangement under which more than one entity or individual has responsibility for various mining operations at a mine.
- (2) The Chief Inspector of Mines may not approve an arrangement under subsection (1) in respect of a mine unless –
  - (a) the mine holder provides a clear statement of the respective responsibilities of each party at the mine; and
  - (b) the Chief Inspector is satisfied that the arrangement –
    - (i) will enable sufficient coordination and control of the work; and
    - (ii) will not diminish occupational health and safety at the mine.
- (3) If –
  - (a) the mine holder and the mine operator are different persons; and
  - (b) the mine holder has any control over (including the capacity to control) the resources available to the mine operator –the mine holder must, so far as is reasonably practicable, ensure that adequate resources are available to the mine operator to ensure that the mining operations can be carried out safely.
- (4) If the mine holder and the mine operator are different persons, the mine holder must, so far as is reasonably practicable, provide adequate information, including relevant plans, to the mine operator to ensure that the mining operations can be carried out safely.