



South Australian Legislation



Division 7—Managing risks from airborne contaminants

49—Ensuring exposure standards for substances and mixtures not exceeded

A person conducting a business or undertaking at a workplace must ensure that no person at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.

50—Monitoring airborne contaminant levels

1) A person conducting a business or undertaking at a workplace must ensure that air monitoring is carried out to determine the airborne concentration of a substance or mixture at the workplace to which an exposure standard applies if—

- a) the person is not certain on reasonable grounds whether or not the airborne concentration of the substance or mixture at the workplace exceeds the relevant exposure standard; or
- b) monitoring is necessary to determine whether there is a risk to health.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.

Expiation fee:

- a) In the case of an individual—\$720.
- b) In the case of a body corporate—\$3 600.

2) A person conducting a business or undertaking at a workplace must ensure that the results of air monitoring carried out under subregulation (1) are recorded, and kept for 30 years after the date the record is made.

Maximum penalty:

- a) In the case of an individual—\$1 250.
- b) In the case of a body corporate—\$6 000.

Expiation fee:

- a) In the case of an individual—\$144.
- b) In the case of a body corporate—\$720.



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- 3) A person conducting a business or undertaking at a workplace must ensure that the results of air monitoring carried out under subregulation (1) are readily accessible to persons at the workplace who may be exposed to the substance or mixture.

Maximum penalty:

- c) In the case of an individual—\$6 000.
- d) In the case of a body corporate—\$30 000.

Expiation fee:

- c) In the case of an individual—\$720.
- d) In the case of a body corporate—\$3 600.

Work Health and Safety Regulations 2012—1.1.2014

Chapter 10—Mines

Part 2—Managing Risks

Division 3—Specific control measures—all mines

Subdivision 2—Air quality and monitoring

Note—

General requirements for managing risks from airborne contaminants and hazardous atmospheres are set out in Divisions 7 and 8 of Chapter 3 Part 2 (all workplaces, including mines), and Division 4 of this Part sets out additional requirements relating to all underground mines (Subdivision 2).

635—Temperature and moisture content of air

In complying with regulation 617, the mine operator of a mine must—

- a) manage risks to health and safety associated with extremes of either or both the temperature and moisture content of air; and
- b) if risks associated with extreme heat exist in an underground mine—implement control measures (including monitoring) to manage heat stress in places in the mine where—
 - i. persons work or travel; and
 - ii. the wet bulb temperature exceeds 27°C.

636—Ensuring exposure standards for dust not exceeded

- 1) The mine operator of a mine must ensure that no person at the mine is exposed to 8-hour time-weighted average atmospheric concentrations of airborne dust that exceed—
 - a) for respirable dust—3.0 mg per cubic metre of air;
 - b) for inhalable dust—10.0 mg per cubic metre of air.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

- 2) The *Workplace Exposure Standards for Airborne Contaminants* apply in relation to a concentration referred to in subregulation (1)(a) or (b) as if that concentration were an exposure standard referred to in those Standards.

- 3) In subregulation (1)—

inhalable has the same meaning as in the *Workplace Exposure Standards for Airborne Contaminants*;

respirable has the same meaning as in the *Workplace Exposure Standards for Airborne Contaminants*;

8-hour time-weighted average has the same meaning as in the *Workplace Exposure Standards for Airborne Contaminants*.



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637—Monitoring exposure to airborne dust

Regulation 50 applies to the mine operator of a mine in relation to airborne dust as if the concentration of airborne dust referred to in regulation 636(1)(a) or (b) were an exposure standard to which regulation 50 applies.

638—Air monitoring—use of devices

The mine operator of a mine who uses air monitoring devices to comply with air monitoring requirements under regulation 50 and this Chapter must ensure that—

- a) the devices used are suitable and effective having regard to—
 - i. the nature of the monitoring being carried out; and
 - ii. the substance being monitored; and
- b) the devices are positioned to ensure that they work to best effect.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

639—Air monitoring—signage

The mine operator of a mine, in complying with air monitoring requirements under regulation 50 and this Chapter, must ensure that signs are erected at the mine that explain—

- a) the meaning of any warning produced by an air monitoring device; and
- b) what persons must do in response to the warning.

Maximum penalty:

- a) in the case of an individual—\$3 600;
- b) in the case of a body corporate—\$18 000.

Subdivision 2—All underground mines—air quality and ventilation

Note—

General requirements for managing risks from airborne contaminants and hazardous atmospheres are set out in Division 3 Subdivision 2 of this Part (all mines, including underground mines) and in Divisions 7 and 8 of Chapter 3 Part 2 (all workplaces, including mines).

647—Air quality—airborne contaminants

- 1) The mine operator of an underground mine must ensure that the concentration of any airborne contaminant (including any asphyxiant or explosive gas) is as low as is reasonably practicable.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

- 2) The mine operator must comply with subregulation (1)—
 - (a) so far as is reasonably practicable, by suppression or the installation of a ventilation or exhaust extraction system; or
 - (b) if this is not reasonably practicable, by some other suitable means.

- 3) This regulation does not limit regulations 49 and 636.

648—Air quality—minimum standards for ventilated air

- 1) The mine operator of an underground mine must ensure that the ventilation system for the mine provides air that is of sufficient volume, velocity and quality to ensure that the general body of air in the areas in which persons work or travel—
 - a) has a concentration of oxygen that is at least 19.5% under normal atmospheric pressure; and
 - b) has dust levels that—
 - i. are as low as is reasonably practicable; and
 - ii. do not exceed the relevant levels specified in regulation 636; and
 - c) if diesel engines are used underground—has a concentration of diesel particulates that is as low as is reasonably practicable.



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Maximum penalty:

- a) in the case of an individual—\$6 000;
 - b) in the case of a body corporate—\$30 000.
- 2) In addition to subregulation (1), the mine operator of an underground mine must ensure that the ventilation system for the mine provides air that is of sufficient quality to ensure that the general body of air in the areas in which persons work or travel has a level of contaminants that—
- a) is as low as is reasonably practicable; and
 - b) does not exceed the exposure level for that contaminant specified in the relevant exposure standard referred to in regulation 49.

Maximum penalty:

- a) in the case of an individual—\$6 000;
 - b) in the case of a body corporate—\$30 000.
- 3) This regulation does not apply in relation to an area of the mine—
- a) that is required to be entered in an emergency or for a mines rescue purpose; and
 - b) in which all persons are wearing self-contained breathing apparatus.

649—Air monitoring—air quality

The mine operator of an underground mine must ensure that air monitoring is carried out at the mine if the mine operator is not certain on reasonable grounds whether or not regulation 648 is being complied with.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

650—Requirements if air quality requirements and exposure standards not complied with

- 1) This regulation applies if monitoring reveals that in an underground mine—
 - a) the oxygen level specified in regulation 648(1)(a) is not met; or
 - b) a dust level referred to in regulation 648(1)(b)(ii) is exceeded; or
 - c) an exposure level referred to in regulation 648(2)(b) is exceeded.
- 2) The mine operator of an underground mine must immediately notify any affected workers or other persons at the mine of the relevant circumstance referred to in subregulation (1).

Maximum penalty:

- a) in the case of an individual—\$6 000;
 - b) in the case of a body corporate—\$30 000.
- 3) The mine operator of an underground mine must ensure that the air quality at the mine is retested by a competent person as soon as practicable.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

651—Records of air monitoring

- 1) The mine operator of a mine must keep a record of air monitoring carried out at the mine under regulation 649.

Maximum penalty:

- a) in the case of an individual—\$1 250;
 - b) in the case of a body corporate—\$6 000.
- 2) A record of air monitoring must include—
- a) the results of the monitoring; and
 - b) details of the dates, location and frequency of the monitoring; and
 - c) the sampling method and equipment used.



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- 3) A record of air monitoring carried out under regulation 649 must be kept for 7 years after the record is made.
- 4) The mine operator must keep a record of air monitoring available for inspection under the Act.

Maximum penalty:

- a) in the case of an individual—\$1 250;
 - b) in the case of a body corporate—\$6 000.
- 5) The mine operator must keep a record of air monitoring readily accessible to workers and other persons at the mine.

Maximum penalty:

- a) in the case of an individual—\$3 600;
- b) in the case of a body corporate—\$18 000.

Part 3—Health Monitoring

675F—Health monitoring of worker

- 1) The mine operator of a mine must ensure that health monitoring is provided in accordance with subregulation (2) to a worker at a mine engaged to carry out work at a mine if—
 - a) there is a significant risk of an adverse effect on the worker's health because of the worker's exposure to a hazard associated with mining; and
 - b) valid techniques are available to detect that effect on the worker's health.

Maximum penalty:

- a) in the case of an individual—\$6 000;
 - b) in the case of a body corporate—\$30 000.
- 2) The health monitoring must be carried out—
 - a) in accordance with this Part; and
 - b) at intervals determined by a registered medical practitioner with experience in health monitoring.

675G—Duty to inform of health monitoring

The mine operator of a mine, who is required to ensure that health monitoring is provided to a worker, must give information about the health monitoring requirements to—

- a) a person who is likely to be engaged to carry out work that triggers the requirement for health monitoring; and
- b) a worker at the mine, before the worker commences work that triggers the requirement for health monitoring.

Maximum penalty:

- a) in the case of an individual—\$3 600;
- b) in the case of a body corporate—\$18 000.

675H—Duty to ensure health monitoring is carried out or supervised by registered medical practitioner with experience

- 1) The mine operator of a mine must ensure, so far as is reasonably practicable, that the health monitoring of a worker under this Part is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Maximum penalty:

- a) in the case of an individual—\$6 000;
 - b) in the case of a body corporate—\$30 000.
- 2) The mine operator must ensure that the worker is consulted in relation to the selection of the registered medical practitioner.

Maximum penalty:

- a) in the case of an individual—\$3 600;
- b) in the case of a body corporate—\$18 000.



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675I—Duty to pay costs of health monitoring

- 1) The mine operator of a mine who engages a worker at the mine must pay all expenses relating to health monitoring referred to in this Part.

Maximum penalty:

- a) in the case of an individual—\$3 600;
 - b) in the case of a body corporate—\$18 000.
- 2) If the mine operator of a mine has not engaged a worker at the mine, the mine operator must ensure that the person conducting the business or undertaking that engaged the worker pays all expenses relating to health monitoring.

Maximum penalty:

- a) in the case of an individual—\$3 600;
- b) in the case of a body corporate—\$18 000.

675J—Duty to provide registered medical practitioner with information

The person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring:

- a) the name and address of the mine operator;
- b) the name and date of birth of the worker;
- c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;
- d) if the worker has started the work—how long the worker has been carrying out the work.

Maximum penalty:

- a) in the case of an individual—\$3 600;
- b) in the case of a body corporate—\$18 000.

675K—Health monitoring report

- 1) Health monitoring must be documented in a health monitoring report in the form approved by the regulator.
- 2) The health monitoring report must include the following:
 - a) the name and date of birth of the worker;
 - b) the name and registration number of the registered medical practitioner;
 - c) the name and address of—
 - i. the mine operator; and
 - ii. the person conducting a business or undertaking who commissioned the health monitoring;
 - d) the date of the health monitoring;
 - e) an explanation of the results;
 - f) any advice indicating any adverse health effect resulting from exposure to a risk associated with mining operations;
 - g) any recommendation that the mine operator take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;
 - h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

675L—Person conducting business or undertaking to obtain health monitoring report

The person conducting a business or undertaking who has commissioned health monitoring must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.



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675M—Person conducting business or undertaking to give health monitoring report to mine operator of mine

A person conducting a business or undertaking must, on request, give a copy of the health monitoring report required to be kept under regulation 675P(1) to the mine operator of any mine at which the worker carries out work.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

675N—Duty to give health monitoring report to worker

The mine operator of a mine must take all reasonable steps to ensure that a worker at the mine who is provided with health monitoring is given a copy of the health monitoring report as soon as practicable after the monitoring is carried out.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

675O—Duty to give health monitoring report to regulator

The mine operator of a mine must take all reasonable steps to ensure that a copy of a health monitoring report relating to a worker at the mine is given to the regulator as soon as practicable if the report contains—

- a) any advice indicating any adverse health effect resulting from exposure to a risk associated with mining operations; or
- b) a recommendation that the mine operator should move the worker from a hazard or assign the worker to different work.

Maximum penalty:

- a) in the case of an individual—\$6 000;
- b) in the case of a body corporate—\$30 000.

675P—Health monitoring reports kept as records

- 1) The person conducting a business or undertaking that engaged a worker at the mine must ensure that a health monitoring report in relation to the worker is kept as a confidential record.

Maximum penalty:

- a) in the case of an individual—\$1 250;
- b) in the case of a body corporate—\$6 000.

- 1.a. The person must ensure that a health monitoring report in relation to a worker is kept for at least—

- a) for hazards known to have a cumulative or delayed health effect—30 years after the record is made; or
- b) for other hazards—7 years after the record is made.

Maximum penalty:

- a) in the case of an individual—\$1 250;
- b) in the case of a body corporate—\$6 000.

- 2) A person conducting a business or undertaking who obtains a health monitoring report in relation to a worker under this Part must not disclose the report to another person without the worker's written consent.

Maximum penalty:

- a) in the case of an individual—\$1 250;
- b) in the case of a body corporate—\$6 000.



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- 3) Subregulation (2) does not apply if the report is disclosed to—
 - a) a mine operator to whom a copy report is given under regulation 675M; or
 - b) the regulator under regulation 675O; or
 - c) a new mine operator to whom all records are given under regulation 615(3); or
 - d) a person who must keep the report confidential under a duty of professional confidentiality; or
 - e) a health and safety representative in accordance with section 71(2) of the Act.
- 4) The person conducting a business or undertaking that engaged a worker at the mine must ensure, so far as is reasonably practicable, that any health monitoring report kept in relation to a worker under subregulation (1) is given to the worker if the business or undertaking at the mine is to be wound up or otherwise cease to exist.

Maximum penalty:

- a) in the case of an individual—\$1 250;
- b) in the case of a body corporate—\$6 000.