



## FREQUENTLY ASKED QUESTIONS

# Statutory Supervisors in WA Mining

### What is a Schedule 26 appointment?

Schedule 26 appointments refer to specific statutory roles under the Work Health and Safety (Mines) Regulations 2022 (WHS Mines Regulations). These appointments are made based on qualifications and experience to ensure safe mining operations in accordance with the legislation.

### What is a Statutory Supervisor?

A Statutory Supervisor is a formally appointed individual responsible for overseeing workers, their tasks, and associated hazards at a mine to ensure compliance with WHS requirements.

In Western Australia, this role is formally defined under the WHS Mines Regulations, with the position prescribed in Schedule 26, clause 3. Statutory Supervisor functions are described in Clause 3(3).

Statutory Supervisors are required to be appointed to higher-risk operating areas of the mine, and they must meet prescribed experience and competency requirements.

### Who is a Statutory Supervisor?

A Statutory Supervisor is a front-line supervisor appointed in the mine's safety management system to allocate and oversee work in designated areas, such as a quarry, workshop, processing plant, laboratory, and other areas identified through risk assessment as requiring statutory supervision.

The role includes production, construction, and maintenance activities within the appointed place(s) but excludes individuals who directly supervise or manage the Statutory Supervisor.

Their primary function is ensuring worker safety on mines through effective risk management aligned with the mine safety management system (MSMS) and WHS legislative requirements.

### Why are additional requirements for Statutory Supervisors important?

Investigations into injuries and incidents often reveal supervision issues or a lack of supervisor competence as major contributing factors. These strengthened requirements aim to help mine operators achieve higher safety standards in hazardous operations.

## What is the role of a Statutory Supervisor?

A Statutory Supervisor is an individual appointed by a mine operator to oversee workers and is responsible for the following:

- assigning tasks to workers.
- supervising and controlling workers.
- if required, inspecting the workplace for risks and taking steps to ensure workers are not exposed to hazards.
- providing written reports to an incoming supervisor at shift handover.

Statutory Supervisors are responsible for ensuring safe and compliant operations in accordance with the *Work Health and Safety Act 2020* and WHS Mines Regulations.

## Which areas at a mine specifically require a Statutory Supervisor?

Statutory Supervisors are required for laboratories, processing plants, quarries, workshops, as set out in Schedule 26 of the WHS Mines Regulations.

In addition to these prescribed areas, mine operators must identify any other areas where a Statutory Supervisor is required to manage health and safety risks. This determination should be based on a risk assessment considering the nature of the work, hazard levels, and the need for supervision to ensure controls are implemented and maintained.

## Does an exploration site and activities require a Statutory Supervisor?

A Statutory Supervisor is required if the exploration site includes a laboratory or workshop, and when the mine operator or exploration manager determines that supervision is necessary to ensure health and safety risks associated with mining operations are effectively managed. This decision must be based on a documented risk assessment.

## What is the 'appointed place'?

The appointed place denotes the area where a Statutory Supervisor is responsible for workers. This may include the whole mine site or smaller defined areas.

For example, a production supervisor may be appointed for the mining areas to supervise their workers but may not be appointed to all areas where their workers spend time, such as a warehouse, camp, or emergency training ground.

## Who is responsible for appointing Statutory Supervisors?

The mine operator or the Site Senior Executive (SSE) on behalf of the mine operator is responsible for appointing Statutory Supervisors.

## Who is responsible for determining which areas require Statutory Supervisors?

The mine operator is responsible for identifying the areas of a mine that require the appointment of Statutory Supervisors. This determination must be based on a risk assessment and documented within the MSMS.

## **Who is responsible for determining how many Statutory Supervisors are required?**

The mine operator is responsible for deciding how many Statutory Supervisors are required to supervise workers. This decision must be risk-based and formally documented within the MSMS.

The mine operator must ensure that accountabilities for workgroups and/or for the physical area are well understood and described in the MSMS, especially with respect to inspecting workplaces under regulation 634A of the WHS Mines Regulations.

## **Who is responsible for inspecting the workplace?**

This would typically be the Statutory Supervisor. If there are multiple Statutory Supervisors in the same area, the mine operator must clearly specify the inspection responsibilities in the MSMS. For further information refer to regulation 634A of the WHS Mines Regulations.

## **Can more than one Statutory Supervisor be appointed to an appointed place at one time?**

Yes. A mine operator may appoint more than one Statutory Supervisor to the same appointed place to ensure adequate supervision, such as for different shifts or operational needs, or to supervise different work groups working at the same place.

## **Can there be more than one Statutory Supervisor for a workgroup?**

Yes. A workgroup may have more than one Statutory Supervisor, depending on operational requirements.

## **Who performs Statutory Supervisor duties at small mines?**

At smaller mines where a levy is not payable, the Statutory Supervisor responsibilities may be assigned to the SSE.

## **Eligibility and certification**

### **What are the eligibility requirements to become a Statutory Supervisor?**

To be eligible, individuals must have at least two years of relevant experience, successfully complete the approved WHS risk management units (i.e. BSBWHS411 and BSBWHS414), and pass an applicable legislation examination administered by WorkSafe.

### **What does the legislation examination involve?**

The online examination assesses understanding of the WHS Act and WHS Mines Regulations, covering general duties under the Act, mandatory role-specific questions on duties, the regulator's functions and navigating legislation.

### **Are there any ongoing training or re-certification requirements?**

Although there are no fixed re-certification periods, supervisors should stay up to date on WHS matters through regular training as part of the mine's MSMS.

## Appointments and transitional arrangements

### Does the mine operator need to notify WorkSafe when someone is appointed as a Statutory Supervisor?

Notification to WorkSafe is not required for Statutory Supervisor appointments (Schedule 26 roles), but mine operators must keep internal records.

### What are the transitional arrangements for existing supervisors?

A “competent person” may be appointed under transitional arrangements until 30 March 2026. After this date, all statutory position appointees must meet the full eligibility criteria, including the required experience, training and examination.

## Workplace interactions

### What kind of reporting is required during a shift handover?

When being replaced by another supervisor, a Statutory Supervisor is required under regulation 630 of the WHS Mines Regulations to provide a written report to the incoming supervisor. This ensures a clear transfer of responsibility and information regarding the status of the workplace, ongoing tasks, and any identified hazards or incidents.

## Compliance and regulation details

### When is the deadline for all supervisors to meet the new eligibility criteria?

The transitional period for the WHS Mines Regulations allows a “competent person” to be appointed to a Statutory Supervisor position until 30 March 2026. After this date, all individuals in this role must meet the full eligibility criteria, including the required experience, approved risk management units, and successful completion of the legislation examination.

### Does a mine on “care and maintenance” still need a Statutory Supervisor?

A mine on care and maintenance still requires an SSE to be appointed. The need for Statutory Supervisors will be determined by the mine operator and the MSMS, based on the level of risk associated with any work being performed and the presence of workers on site.

### What is the difference between a “key statutory position” and a “Statutory Supervisor”?

Key statutory positions (SSE, Exploration Manager, Underground Manager, Quarry Manager) are high-level roles with overarching responsibility for the entire mine or specific large-scale operations. Statutory Supervisors (Schedule 26 positions) oversee workers in specific, smaller high-risk areas like a workshop, pit or processing plant.

### Which Schedule 26 statutory positions require notification of appointment?

There is no requirement to notify the department about appointments to Schedule 26 statutory positions. Inspectors may verify these appointments during inspections to ensure compliance with eligibility criteria.

### What does ‘in writing’ mean when accepting an appointment to a statutory position?

‘In writing’ can include an email, a signed document like a job description document, or an acknowledgment letter. Verbal acknowledgments are not accepted.