



Exemption 1 of 2026

GRANTING OF EXEMPTION FROM REQUIREMENT(S) OF THE WORK HEALTH AND SAFETY (MINES) REGULATIONS 2022 – REGULATIONS 675ZB(1)(a), 675ZI(1), 675ZI(3), 675ZI(4) and 675ZR(1)(b) – SITE SENIOR EXECUTIVE REQUIREMENTS FOR CERTAIN SMALL MINES

Pursuant to regulation 684 of the Work Health and Safety (Mines) Regulations 2022 (WHS Regulations), I have determined on my own initiative to grant an exemption, in specific circumstances, from compliance with the following regulations which requires persons to comply with the eligibility criteria set out in regulation 675ZI(1) when appointing and replacing a site senior executive (SSE):

- regulation 675ZB(1)(a) (Duties of mine operators in relation to statutory positions at mines);
- regulations 675ZI(1), 675ZI(3) and 675ZI(4) (Appointment of a site senior executive); and
- regulation 675ZR(1)(b) (Appointment of alternates for key statutory positions).

The exemption is applicable to the following classes of persons:

Mine operators of certain small mines, being those that meet all of the following requirements:

- a) engage only in surface-only operations;
- b) employ five (5) or fewer workers;
- c) are not subject to levy requirements under the Mines Safety and Inspection Levy Regulations 2010 (that is, 5,000 or fewer hours worked per quarter);
- d) do not use hazardous processing chemicals, such as cyanide;
- e) do not use explosives; and
- f) do not engage in any dredging activities.

Reason for exemption

The reason for this exemption is due to the different risk profile for mines meeting these criteria, compared to mines that are larger or have a wider range of hazards. The exemption recognises that requiring small mines to appoint an SSE who complies with the eligibility criteria set out in regulation 675ZI(1) may be disproportionately onerous, noting the more limited risk profile of the site.

The exemption relieves operators of small mines from the requirement to comply with the eligibility criteria set out in regulation 675ZI(1) on the condition that the person to be appointed as the SSE successfully completes a Small Mine Statutory Position Assessment (SMSPA) through the WorkSafe WA online training platform. Successful completion of the SMSPA will provide operators of small mines training and assessment in WHS legislation and risk management. Coupled with the requirement under regulation 621A for mine operators to maintain a mine safety management system proportionate to the mine's scale and risk profile, the exemption provides an equivalent standard of safety for small mines to that achieved by larger mines that comply with the eligibility criteria set out in regulation 675ZI(1) when appointing their SSE.

In making this decision, I have considered the risks associated with permitting the appointment of SSEs that have not met the eligibility criteria set out in regulation 675ZI(1) for mining operators that qualify as small mines. I have determined that the reduced risk profile of small mines meeting the criteria provided in (a) – (f) above, compared to larger mines, together with the conditions of this exemption will ensure there is no increase in risk as result of this exemption.

Conditions to be met in order for exemption to apply

In accordance with the provisions of regulation 684(1) of the WHS Regulations, an exemption has been granted from regulations 675ZB(1)(a), 675ZI(1), 675ZI(3), 675ZI(4) and 675ZR(1)(b) provided that each of the following Conditions are met:

1. The mine meets the criteria provided in (a) – (f) above.
The exemption ceases to apply if these criteria are no longer met.
2. The mine operator must maintain and be able to produce, on request by a WorkSafe Inspector, evidence of successful completion of the SMSPA via the WorkSafe WA online training platform by any person appointed as an SSE under regulation 675ZH, or any person(s) appointed as the alternate for the SSE under regulation 675ZR.
3. The mine operator must establish, implement and maintain a mine safety management system proportionate to the mine's scale and risk profile as per regulation 621A of the WHS Regulations.

The exemption is valid from 24 March 2026 until 1 April 2031.

Should you have any queries on this matter please contact the department on 1300 307 877.

Sally North

WorkSafe Commissioner

24 March 2026