

Tier 3 mines

Relieving regulatory burden on tier 3 mines

Small Mines Roadshow

February / March / April 2025



What is a Tier 3 mine (quarry)?

- Has 5 or less workers full time equivalent, including quarry manager and contractors
- Does not carry out any dredging activities
- Does not carry out any blasting activities
- Does not extract more than 30,000 cubic metres of extractive material for sale or reuse per year

Safety Management System (SMS)

Work Health and Safety (Mines and Petroleum Sites) Regulation 2022, subdivision 2 - Safety Management Systems (SMS)

Subdivision 2 Safety management systems
18 Duty to establish and implement safety management system
19 Content of safety management system
20 Performance standards and audit
21 Maintenance of safety management system
22 Review of safety management system

Every mine **MUST** have a Safety Management System, and determine performance standards and audit the system, maintain and review the system.

Remember – your system and plans need to be appropriate for the nature, complexity, location and risks of your mine. Keep it simple.

Safety Management System – contents (section 19)

Section 19 (2)(a) – must have a health and safety policy

(2)(b) – how you manage risks (i.e. carry out risk assessments, SWMS)

(2)(c) – principal hazard management plans (exempt – next slide)
– principal control plans (exempt – next slide)

(2)(d) etc

(2)(e) etc

(2)(f) etc



(2)(u)

Safety Management System – exemption for tier 3 mines

BUT section 178 exempts a tier 3 mine from section 19(2)(c), the requirement to have **Principal Hazard Management Plans** and **Principal Control Plans**.

Exempt from Part 3, Division 2

Division 2 Principal hazard management plans and principal control plans...

- 27 Identification of principal hazards and conduct of risk assessments
- 28 Preparation of principal hazard management plan
- 29 Review of principal hazard management plan
- 30 Principal control plans.....

s178 exemptions for tier 3 quarries

Instead of PHMPs and PCPs you must, (if you have that hazard on site) set out the systems, procedures, plans and other control measures to control risks to health and safety associated with:

- ground or strata failure
- inundation or inrush of a substance
- roads or other vehicle operating areas
- air quality or dust or other airborne contaminants
- the mechanical aspects of plant or structures
- electricity
- a hazard identified that could result in 2 or more deaths, or a series of deaths

Remember – your system and plans need to be appropriate for the nature, complexity, location and risks of your mine. Keep it simple.

s178 exemptions for tier 3 quarries

Also exempt from
Sections 31, 58, 62(3), 63, 65–67, 103, 126

- s31 Communications between shifts (unlikely for a tier-3 mine) ✗
- s58 Minimum air quantity for underground mines ✗
- s62(3) Minimum 1m³ underground locations ✗
- s63 Monitoring and testing of ventilation system ✗
- s65–67 Ventilation Plan ✗
- s103 Self rescuers ✗
- s126 Work health and safety reports ✓

s126 work, health and safety reports

Work health and safety reports

Tier 3 mines are exempt from providing a report to the regulator.

Example

- A mine that has 5 or less workers
- Workdays = 48 weeks x 5 days per week = 240 days
- Less public holidays $240 - 11 = 229$ days
- Total ordinary hours = 229 days x 5 workers x 7.6 hrs/day (38 hr week) = 8,702 hours
- <10,000 therefore exempt

It is possible that some very small tier 2 mines with minimal worker numbers will also be exempt.

Check your hours

Risk profiling up and down –

When and how a quarry can be ‘tiered’ up and down following an operational profile change

The Regulator does not consider a quarry that blasts for bulk extraction, regardless of frequency and timeframes to be a tier 3 quarry.

To be tier 3, a quarry must **always satisfy all** the tier 3 criteria.

However, the Regulator acknowledges that some circumstances warrant temporary moves between tiers. For example:

- staffing levels may temporarily increase
- approval conditions may no longer allow blasting
- a quarry may permanently cease dredging operations.

Risk profiling up and down –

When and how a quarry can be ‘tiered’ up and down following an operational profile change


Quarries seeking to be re-profiled between tiers **must apply to the Regulator for approval.**

The application must contain:

- details of the mining activities taking place at the mine and **how they have changed**
- the nominated quarry manager’s skills, knowledge and experience.

These details must be supported by substantive evidence.

Resources Regulator



November 2024

Fact sheet

Tiered classification of quarries

When and how a quarry can be ‘tiered’ up and down following an operational profile change

The Regulator categorises quarries into three tiers based on risk profile

The Resources Regulator uses its risk profiling tool to categorise quarries into ‘tiers’ as part of its risk-based approach to regulating quarries. The Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 (WHS (MPS) Regulation) makes specific reference to ‘tier 3’ quarries for the purposes of exempting them from certain requirements owing to their small-scale, lower-risk profile at a given point in time. For example, a tier-3 quarry is exempt from needing to account for several factors required to be included in a safety management system. They must instead set out the systems, procedures, plans and other control measures that will be used to control risks to health and safety set out in section 178(3) of the WHS (MPS) Regulation. Tier-3 quarries are also exempt from the statutory requirement to employ a quarry manager with the relevant practising certificate.¹

The Regulator’s quarry categorisation is based on the assessment of the hazards at a particular site using the Regulator’s [risk profiling tool](#). Tier-1 and 2 quarries are typically medium and large-scale operations with principal mining hazards owing to their operational profile, whilst tier-3 quarries can be significantly smaller and intermittent in nature.

Tier-3 quarries profile

The WHS (MPS) Regulation defines a tier-3 quarry as a mine, other than an underground mine or a coal mine, where the mine:

- has five or fewer full-time equivalent workers, including the quarry manager and contractors, and
- does not carry out dredging or blasting activities, and
- does not extract more than 30,000m³ of extractive material for sale or reuse in a year.

To be classified as [tier-3](#), a quarry must [always](#) satisfy [all](#) of the above criteria.

In contrast to a tier-2 or tier-1 quarry that may carry out blasting and dredging as part of its mining method, tier-3 quarry’s mining methods are typically on a smaller scale and less complex. However, when operational, tier-3 quarries can have the same hazards that are present in larger scale mining operations. These hazards, when not controlled adequately, have caused serious incidents and

¹ Section 132; Schedule 10 (31) (1)-(2).

Questions?

Thank you