

Mine Safety Investigation Unit

About the unit

The NSW Trade & Investment Investigation Unit was established by the NSW Government to improve mine safety in the state. It investigates the nature, cause and circumstances of major accidents and incidents in the NSW mining and extractives industry.

The unit uses the outcomes of investigations to help the regulator and industry learn about incident causes so that mines can take steps to prevent similar occurrences.

How does the unit improve safety?

The unit's team of investigators:

- Conduct major investigations into significant mine events
- Participate in inquests and legal proceedings
- Liaise with incident victims, families and a range of stakeholders
- Provide information and feedback to industry
- Propose new standards for safety protocols and procedures
- Provide specialist training to department staff

Why was the unit established?

The unit was established following recommendations from a number of reviews of Mine Safety Regulation beginning in the mid 90s.

As a discrete and specialised accident and incident investigation unit in the department it is intended to improve mine safety and assist the department to promote changes in the safety culture of the mining and extractives industry.

Its role is to carry out a deep analysis of incidents to ensure that lessons can be applied for the safety of workers at other mines, and to give effect to the department's Enforcement Policy.

This work has led to an improved understanding and better management of hazards in mines.



An independent Investigation Unit was formed in response to the unacceptable number of deaths in the NSW mining industry.

What is to be investigated?

Investigators examine fatal accidents, very serious injuries, serious high risk incidents and other matters including gas and dust explosions and inrushes of water.

Investigators can review an accident or incident in any part of the mining industry in NSW. Investigators have the authority to examine the nature, cause and circumstances surrounding an accident or incident.

The unit can investigate matters at a mine site and, when appropriate, away from the site including equipment suppliers, manufacturers or people relevant to the incident.

Who calls in the investigators?

Fatal accidents and certain classes of incidents are referred to the Investigation Unit as a matter of course.

Other accidents undergo a process of triage and are referred to the unit if they are considered to warrant a detailed investigation.

In addition, the unit monitors all incident notifications and can raise matters of concern.

The Minister for Resources and Energy can also direct the unit to provide a special report on particular safety matters.

How is the unit independent?

The unit is autonomous within NSW Trade & Investment and reports directly to the Director General on all matters in relation to an investigation.

It is located separately from the department's Mine Safety Operations inspectorate and is not involved in the activities of the inspectors, or the day-to-day inspection of mines.

What is the role of a mine operator?

Under legislation, a mine operator must inform the Chief Inspector of certain prescribed incidents using a special form. The checklist and forms can be obtained from any department office or downloaded from the website at www.resources.nsw.gov.au/safety/forms

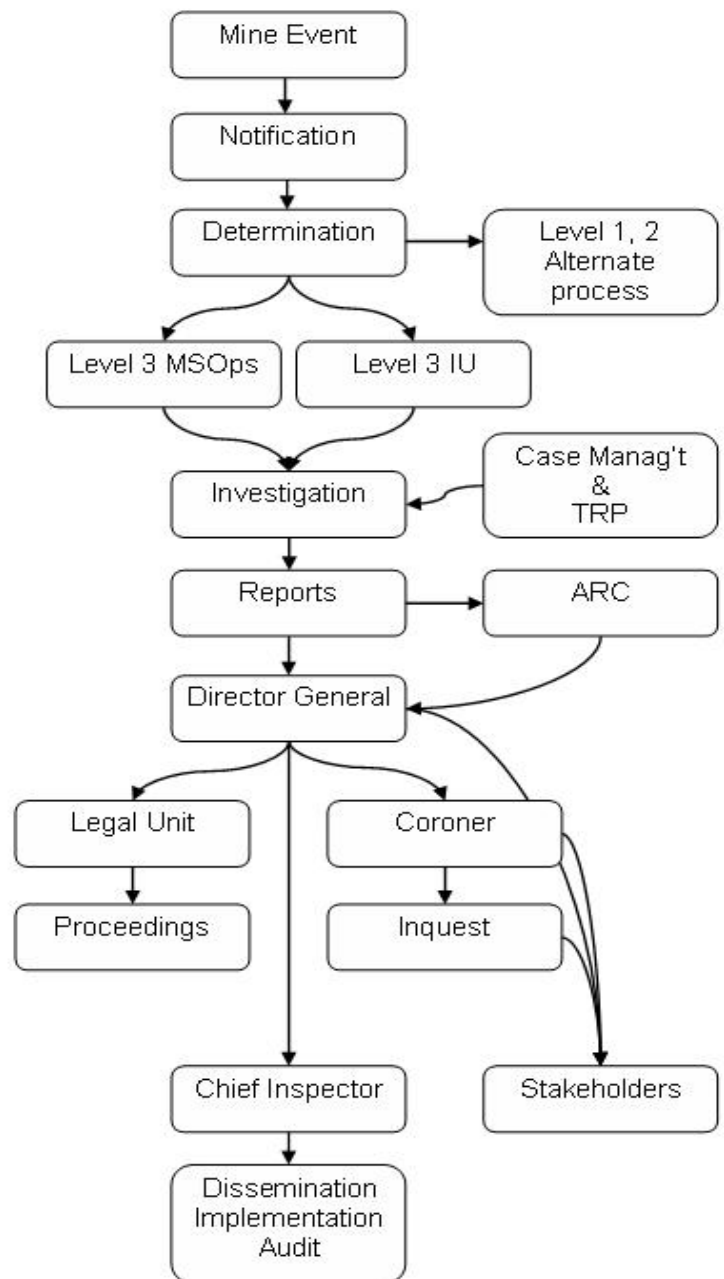
Who decides on legal action?

The unit prepares investigation reports that are submitted to the department's Assessment Review Committee. The committee considers legal advice and the public interest, and advises the Director General as to whether legal proceedings ought to follow, or whether other alternative enforcement measures would be preferred.

What if legal action is a possibility?

In the event of an alleged contravention of safety legislation, NSW Trade & Investment may, as an alternative to prosecuting, accept a Work Health and Safety (WHS) Undertaking given by the person who is alleged to have committed the contravention.

Information about WHS Undertakings is available in separate publications available on the department's website.



Contacts

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