

# INFORMATION UPDATE ON MINE SAFETY LEGISLATION

## COMMENCEMENT OF AMENDMENTS TO THE MINES INSPECTION ACT 1901

As part of the Government's commitment to improved safety standards in the State's mines and quarries, a number of legislative initiatives will be formally commenced. The legislation is another step in the Government's program to ensure the highest standards of occupational health and safety in the mining industry.

Amendments to the Mines Inspection Act 1901 commenced on 30 July 1999. These amendments were contained in the Mines Legislation Amendment (Mines Safety) Act 1998 and the Mines Inspection Amendment Act 1998.

### ◆ IMPROVEMENTS CONTAINED IN THE MINES INSPECTION AMENDMENT ACT 1998

The amendments included in the Mines Inspection Amendment Act 1998 bring the Mines Inspection Act and General Rule into line with International Labour Organisation conventions. They cover all non-coal mines, quarries and processing plants associated with quarries, such as ready mix concrete and asphalt plants. Coal mines already conform to this ILO convention.

#### Main impacts

The most significant change is the creation of the statutory role for General Managers who have responsibility for safety in all parts of the mine. There is also a requirement for a qualified production manager to oversee production operations.

Mining companies are expected to protect workers by managing the risks; and in future, managers of all non-coal mines will be obliged to identify hazards and put appropriate risk management procedures in place. However, the provision is drafted so as to allow a reasonable introduction time for operators who do not currently have a risk management system in place.

The amendments also repeal several obsolete provisions in current legislation - including a provision prohibiting the payment of miners' wages on licensed premises; provisions relating to steam powered machinery and provisions regarding drainage in mines.

#### Other effects

Other areas which are addressed by the new legislation are:

- coverage of exploration sites where only one person is employed;
- information and statistics dealing with accidents, dangerous incidents and industrial diseases;
- strengthening the requirements to keep and maintain accurate plans of mine workings;
- ground rules for the formation of risk management programs,
- provision for effective communications systems throughout a mine;
- requiring a system to account for persons underground, including their probable location underground;
- safe handling, storage and disposal of wastes; and
- preparation of integrated emergency response plans.

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## ◆ CHANGES CONTAINED IN THE MINES LEGISLATION AMENDMENT (MINES SAFETY) ACT 1998

The Mines Legislation Amendment (Mines Safety) Act 1998 flowed from recommendations of both the Mine Safety Review and the Gretley Inquiry and was the necessary legislative response to effectively pursue recommendations and issues from those sources.

### Main impacts

That Act, which also contains amendments to the Coal Mines Regulation Act 1982 received Royal assent on 26 November 1998, has three main effects:

- the creation of Investigators who have a specialist role separate from inspectors and who will work in the recently formed Investigation Unit in the Department responsible to the Director-General. The Unit will investigate selected fatal and serious accidents to ensure the quality and impact of investigations and to prevent any real or perceived conflict which might arise from an Inspector investigating matters in which they have had a previous role;
- the establishing of the position of Mine Safety Officers. These officers have been appointed to a range of specialised mining advisory tasks. Skills may include expertise in spontaneous combustion, ventilation or auditing mine safety plans. They also have investigative powers;
- the creation of alternate inquiry provisions as the basis for investigation of more serious incidents or safety and health issues in mines. This includes provision for a Board of Inquiry as a mid-level response by the Minister to conduct special investigations. Currently the only investigative responses available are for the Minister to direct an Inspector to conduct a special investigation or to establish a full Judicial Inquiry.

### Other effects

Other important changes will:

- allow for a court conducting future inquiries to sit with technical assessors. A drafting oversight prevented the Gretley Inquiry from gaining independent technical advice;
- provide better protection for witnesses assisting an inquiry;
- provide consistent powers for investigators in both the coal and non-coal sectors;
- improve the public availability of Inspectors reports of their investigations by requiring Inspectors to make formal reports that the Director General is able to authorise the release of;
- remove an ambiguity which has led the industry to the view that people have 24 hours in which to answer questions put to them by Inspectors. People will be required to answer questions while events are still clear in their minds;
- extend the investigative powers of Inspectors beyond mine sites - such as to equipment manufacturing or maintenance facilities; and
- improve the safety of old mine shafts in accordance with the observations of the Gretley Inquiry.

Consultation will continue between the Department and industry and unions to continue to improve protocols and procedures with investigations, and actions arising from them.

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