

INFORMATION UPDATE ON COAL MINE SAFETY LEGISLATION

COMMENCEMENT OF AMENDMENTS TO THE COAL MINES REGULATION ACT 1982

As part of the Government's commitment to improved safety standards in the State's coal mines, a number of legislative initiatives have 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 Coal Mines Regulation Act 1982 commenced on 30 July 1999. These amendments were contained in the Mines Legislation Amendment (Mines Safety) Act 1998 and flowed from recommendations of both the Mine Safety Review and the Gretley Inquiry. The changes were the necessary legislative response to effectively pursue recommendations and issues from those sources.

Main impacts

The Mines Legislation Amendment (Mines Safety) Act 1998, which also contains amendments to the Mines Inspection Act 1901, received Royal assent on 26 November 1998 and 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;

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Other effects (cont.)

- require Inspectors to make formal reports of their investigations and to make consequential amendments to the Defamation Act to improve the public availability of the reports;
- 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;
- 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.