



Government of Western Australia
Department of Mines and Petroleum
Resources Safety

MINES SAFETY AND INSPECTION ACT – WHAT EMPLOYEES AND EMPLOYERS NEED TO KNOW

The role of mines inspectors



Who administers the Mines Safety and Inspection Act?

The State Mining Engineer and mines inspectors employed by Resources Safety are responsible for administering the *Mines Safety and Inspection Act 1994*. The Act provides for district, special, employee's and assistant inspectors.

What qualifications are needed to be a district or special inspector?

District inspectors must hold a first class mine manager's certificate of competency.

Special inspectors are appointed because of their technical or scientific training or knowledge.

What are employee's inspector and assistant inspectors?

Employee's inspectors are elected by a majority of persons employed at mines in a designated mining district and are appointed to the position by the State Mining Engineer.

Employee's inspectors provide an additional avenue for mine workers to consult in relation to safety and health.

An employee's inspector must hold a certificate of competency as an underground supervisor and have been engaged in general practical underground mining for at least five years.

Employee's inspectors are appointed for not more than four years but are eligible for

reappointment following re-election.

Employee's inspectors have similar powers to district inspectors. They cannot interview people or take statements unless authorised to by the district inspector. They cannot initiate prosecutions without authorisation of the State Mining Engineer.

An employee's inspector involved with safety and health matters at a mine must liaise with the safety and health representative and/or committee. If there is more than one representative, then the liaison is with the person who has functions relevant to the inquiry.

The employee's inspector may also report to a trade union on safety at a mine if a member of that union is employed there, and the matter relates to the person or their work.

Under the Act, there is also provision for the appointment of assistant inspectors, who have the same powers as employee's inspectors.

What powers do inspectors have?

In order to fulfil their duties, mines inspectors may access any mining operation at any time.

They can enter, inspect and examine anything, although they must do so in a way that does not unnecessarily impede or obstruct the working of the mine. They should, where possible, advise the mine manager or other responsible person before or upon arrival.

Where practicable, the mine manager or responsible person must then immediately notify the relevant safety and health representative or representatives.

Inspectors can remove any substance or item relevant to an investigation from a mine for examination or testing, or for use as evidence. They can also take photographs and measurements, make sketches and recordings, and take copies of documents.

In addition, inspectors can require that any part of a mine be left undisturbed. This is usually the case when an incident has occurred, and further investigation is necessary.

District and authorised special inspectors are empowered to interview any person who they believe was an employee at the mine at any time during the preceding three years, or any other person who they believe might have information relating to their inquiries.

Employee's inspectors and assistant inspectors may be delegated this power by a district inspector.

At interview, inspectors can require a person to answer any question and complete a statutory declaration if appropriate.

An interview can be conducted in private. However, the inspector can have another person present to assist if required.

Authorised inspectors can obtain written statements from potential witnesses, and appear at inquiries into mining accidents. They can also call, examine and cross-

examine witnesses at inquests relating to fatalities in the mining industry.

Want to know more?

For information on safety and health in the mining industry, look at the Resources Safety website at www.dmp.wa.gov.au/ResourcesSafety

The *Mines Safety and Inspection Act 1994* and Mines Safety and Inspection Regulations 1995 are available from the State Law Publisher's website at www.slp.wa.gov.au

The information in this brochure is intended as a general guide only. The relevant Acts and regulations should be consulted for detailed information, or contact your regional inspectorate.

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