



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

Improvement and prohibition notices

What happens if there is a breach of the Mines Safety and Inspection Act or regulations?

When mines inspectors become aware of non-compliance with the *Mines Safety and Inspection Act 1994* or regulations, they may issue verbal directions, written directions or commence prosecution action.

Written directions are known as improvement notices or prohibition notices. Only inspectors can issue these notices.

What are improvement notices?

An improvement notice requires a person to comply with the Act or regulations.

An improvement notice is issued when the inspector believes the Act or regulations is being contravened, or has been contravened in circumstances that make it likely to continue or be repeated.

The notice states the inspector's opinion regarding contravention of the Act or regulations and the reasonable grounds for that opinion.

It may include directions on what needs to be done to remedy the situation. It also sets the date by which the specified breach is to be remedied.

If the improvement notice is not issued directly to the manager of the mine, then the inspector must give a copy to the manager. The manager must then give a

copy of the notice to the principal employer.

The mine manager must display the improvement notice at the mine site and fix a copy in the mine record book.

Notice of the action taken and the completion of the remedial action should be posted at the site and in the record book.

Can an improvement notice be reviewed?

A form requesting a review of an improvement notice is available from Resources Safety's website and must be lodged with the State Mining Engineer before the compliance deadline specified in the notice.

Improvement notices are suspended while they are being reviewed, with details of the suspension being posted at the site and in the record book.

After considering a request for review of an improvement notice, the State Mining Engineer can affirm, modify or cancel the improvement notice.

The Occupational Safety and Health Tribunal can review decisions of the State Mining Engineer. The Tribunal issues its own request forms at www.wairc.wa.gov.au

How are prohibition notices different?

Prohibition notices are similar in their requirements to improvement notices, except they are issued when a mine, plant, mining practice or hazardous substance at a mine is dangerous

or likely to become dangerous, and urgent action is required.

A prohibition notice is essentially an order to stop an activity or remove a hazard considered to be dangerous or likely to become dangerous.

There may also be a requirement to remove people from all or part of the mine. The notice may also include directions on what must be done to remedy the situation and indicate reporting requirements.

The mine manager must display the prohibition notice at the mine site and fix a copy in the mine record book.

Notice of the action taken and the completion of the remedial action should be posted at the site and in the record book.

Can a prohibition notice be reviewed?

Prohibition notices can be reviewed by the State Mining Engineer (not later than seven days from date of issue).

Any request for review must be displayed next to the original notice, and a copy fixed in the mine record book.

Decisions of the State Mining Engineer can be referred to the Occupational Safety and Health Tribunal. The request form is available at www.wairc.wa.gov.au

Note that the prohibited activity continues to be suspended unless the State Mining Engineer gives written permission to the contrary.

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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