

FACT SHEET

Mines Work Health and Safety (Supplementary Requirements) Amendment Bill 2019

The *Mines Work Health and Safety (Supplementary Requirements) Amendment Bill 2019* (the Bill) amends the *Mines Work Health and Safety (Supplementary Requirements) Act 2012* (the Act) to implement improvements recommended by a recent review.

The Act is intended to be incorporated into and read together with the *Work Health and Safety Act 2012* (the WHS Act). Importantly, the Bill makes a number of clarifications, corrections and improvements to better align with Tasmania's work health and safety laws.

Most significantly, the Bill ensures that the penalties under the mine safety laws are consistent with those under the WHS Act so that similar penalties apply to similar offences under both acts.

Other initiatives and improvements recommended by the recent review included in the Bill consist of:

- ensuring the person designated as the Chief Inspector of Mines has appropriate knowledge, skills and experience for the role;
- ensuring mines inspectors have the knowledge, skills and experience to enable the effective exercise of the functions and powers of a mines inspector;
- clarifying the definition of a mine, by specifying that it includes fixtures, fittings, plant or structures at the place that are used for, or in connection with mining operations;
- addressing a potential ambiguity by clarifying that mining operations include activities from the beginning of work on site (including preparatory work);
- restricting the existing administrative power of the regulator to declare an activity, either at a particular place or generally, to be a mining operation, to only those activities at a specified place;
- allowing an activity, generally, to be included in the definition of mining operations, only by way of regulations;
- provide an administrative power for the regulator to declare that an activity at a particular place is not a mining operation;
- allow an activity, generally, to be excluded from the meaning of mining operations, only through the making of regulations;
- clarifying that Part 6 of the WHS Act (which makes it unlawful to discriminate against a worker or prospective worker for an unlawful reason) provides protection against discrimination for site senior officers;

- improving the provisions for health and safety management systems, including the provisions that relate to the approval of exemptions from some or all of the requirements pertaining to health and safety management systems;
- improving consultation on codes of practice (by allowing local consultation rather than national consultation, given that mine safety laws are not nationally harmonised); and
- making other miscellaneous improvements, most of which are clarifications, corrections or amendments for the purpose of ensuring consistency throughout the Act.