

Mines Safety and Inspection Act 1994

ISSUES THAT MAY BE REFERRED	WHO CAN REFER?
FURTHER REVIEW OF NOTICES	
<p>further review of the State Mining Engineer's decision following an appeal of <u>an inspector's improvement or prohibition notice or confirmation of a provisional improvement notice</u></p> <p>[s 31BA]</p>	<p>a person issued with a notice of a decision under section [s 31AZ(3)]</p> <p>application may be made within 7 days</p>
ENTITLEMENT TO BE PAID	
<p>whether employees (and/or contractors) ought be paid <u>and/or</u> receive an entitlement <u>where work has ceased</u> due to reasonable belief of imminent and serious risk of injury or harm to health</p> <p>[s 74(1)]</p>	<p>any party to the dispute</p> <p>[s 74(2)]</p>
CONSULTATION ON ISSUES IN SETTING UP HEALTH REPRESENTATIVES	
<p>prior to the election of health and safety representatives consultation occurs between employer and delegates at the mine on the number of health and safety representative(s) that will operate and a number of other matters. These may be referred to the State Mining Engineer and where the matters remain unresolved the issue must be referred to the Tribunal</p> <p>[s 55(6)]</p>	<p>the State Mining Engineer</p> <p>[s 55(6)]</p>
CONSULTATION ON ISSUES RELEVANT TO ELECTION SCHEME FOR HEALTH AND SAFETY REPRESENTATIVES	
<p>the State Mining Engineer's decision on any unresolved issue regarding the proposed '<u>election scheme</u>' for health and safety representatives that cannot be resolved</p> <p>[s 55A(4)]</p>	<p>the State Mining Engineer must refer the matter</p> <p>[s 55A(4)]</p>

CONDUCT OF ELECTION FOR HEALTH AND SAFETY REPRESENTATIVES

the State Mining Engineer's decision on any unresolved issue regarding the actual election process for health and safety representative(s) that cannot be resolved

[s 56(11)];

the State Mining Engineer must refer the matter
[s 56(11)]

DISCRIMINATION AGAINST HEALTH AND SAFETY REPRESENTATIVE(S)

whether a health and safety representative(s) (employee and/or contractor) has been discriminated against in employment for carrying out his/her duties

[s 68A]

the health and safety representative(s) (employee and/or contractor) claiming discrimination

[s 68C(1)]

DISQUALIFICATION OF HEALTH AND SAFETY REPRESENTATIVE(S)

whether a health and safety representative(s) ought be disqualified

[s 59]

the health and safety representative(s)' employer, a relevant employee or the State Mining Engineer

[s 59(2)]

VARY PAID LEAVE FOR HEALTH AND SAFETY REPRESENTATIVE(S) FOR PERFORMING FUNCTIONS

whether entitlements for health and safety representative's time for performing functions ought be varied (no less favourable to the health and safety representatives than prescribed in the regulations)

[s 62(1)(a)]

the health and safety representative's employer, the health and safety representative or the State Mining Engineer

[s 62(1)]

VARY PAID LEAVE FOR HEALTH AND SAFETY REPRESENTATIVE(S) FOR ATTENDING TRAINING

whether entitlements for health and safety representative(s)' time for attending courses of training accredited under s 14(1)(h) ought be varied (no less favourable to the health and safety representative(s) than prescribed in the regulations)

[s 62(1)(b)]

the health and safety representative(s)' employer, the health and safety representative(s) or the State Mining Engineer

[s 62(1)]

EMPLOYER SEEKS AUTHORISATION TO STOP HEALTH AND SAFETY COMMITTEE

where an employer considers a committee ought not be established at the mine(s) and has sought the approval of the State Mining Engineer. The decision of the State Mining Engineer may be referred.

[S 67(3)]

An employer from the mine, a health and safety representative(s) from that mine(s) or an employee(s) from that mine(s)

[s 67F(1)]

AUTHORISATION FOR HEALTH AND SAFETY COMMITTEE TO COVER MORE THAN ONE MINE

where matters remain unresolved following consideration by the State Mining Engineer then the issue can be referred

[s 67B]

an employer from the mine, a health and safety representative(s) from that mine(s) or an employee appointed under [s 64] from that mine(s) to represent a group of employees

[s 67F(2)]

ABOLITION OF HEALTH AND SAFETY COMMITTEE, VARIATION OF AGREEMENT OR TRANSITIONAL

where matters remain unresolved following consideration by the State Mining Engineer then the issue can be referred

[s 67E(5)]

the employer(s) at the mine and each member of the health and safety committee for the mine

[s 67F(3)]

MINE SURVEYOR'S CERTIFICATE

an appeal where a mine surveyor's certificate has been suspended or cancelled by the Mines Survey Board

[s 86]

the person whose mine surveyor's certificate has been suspended or cancelled

[s 86(1)]

application to be made within 30 days
[s 86(1)]

CERTIFICATES OF COMPETENCY

an appeal where a Board of Examiners, following an inquiry, suspends or cancels a certificate of competency

[s 52]

the person whose certificate of competency has been suspended

[s 52(1)]

application to be made within 30 days
[s 52(1)]