

Receiving a prohibition notice

An inspector or assistant inspector may issue a prohibition notice, when he or she is of the opinion that:

- someone is contravening, or has contravened, the *Mines Safety and Inspection Act 1994* or regulations in circumstances that make it likely that the contravention will continue or be repeated, and the contravention creates a hazard or is likely to create a hazard to any person

or

- the mine, plant, mining practice or hazardous substance at, or related to the mine, is dangerous or likely to become dangerous to any person.

A prohibition notice requires the recipient to remedy the matter or activity or remove the hazard or likely hazard. The notice must contain:

- the name of the person (which includes in every case the principal employer or manager) being issued with the notice
- a description of the activity that is contravening the *Mines Safety and Inspection Act 1994* or *Mines Safety and Inspection Regulations 1995*
- the section of the Act or regulations contravened, or the dangerous mine, plant, mining practice or hazardous substance
- the grounds for the inspector or assistant inspector's opinion
- a summary of the right of review

A prohibition notice may require the person who has control of the circumstances (which may be the principal employer or manager) to:

- stop work at the mine or a specified part of the mine
- refrain from doing any specified thing at or in relation to the mine
- remove all persons from the mine or a specified part of the mine

except to the extent that the prohibition notice provides, either with or without conditions, until the inspector or assistant inspector is satisfied that the matter has been remedied

Are you the mine manager or principal employer?

Yes

No

As soon as practicable, the inspector must provide a copy of the notice to the mine manager

The mine manager must provide a copy of the notice to the principal employer

The employer must take all reasonable steps to ensure that you comply with the notice

The mine manager must ensure a copy of the notice is displayed on notice boards so employees can see it

The mine manager must ensure a copy of the notice is attached to the mine record book

Do you wish to have the notice reviewed?

Yes

No

You, the mine manager or the principal employer must refer the notice for review to the State Mining Engineer (SME) within 7 days of the date of the notice, using the prescribed form. This power of review is delegated by the SME under the *Mines Safety and Inspection Act 1994* to the Senior Inspector of Mines for the inspectorate where the mine is situated

The prohibition notice remains in effect unless the SME gives written permission to the contrary

A copy of the request for review must be attached to the mine record book

Does the SME cancel the notice?

Yes

No

No further action is required

The SME affirms or modifies the notice

The decision of the SME may be appealed to the Occupational Safety and Health Tribunal
If there is no appeal, you must comply with the notice. Failure to comply is an offence under the *Mines Safety and Inspection Act 1994*