Receiving an improvement or provisional improvement notice

An inspector or assistant inspector may issue an improvement notice, and a qualified safety and health representative may issue a provisional improvement notice (PIN), 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.

Is the notice a PIN?

Yes

No

Were you consulted about the matter in the PIN before it was issued?

No

Yes

The PIN is invalid at this stage, and you may choose to have it reviewed by an inspector

Are you the mine manager or principal employer?

Yes

No

As soon as practicable, the inspector or safety and health representative 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

In the case of an improvement notice you, the mine manager or the principal employer must refer the notice for review to the State Mining Engineer (SME) before the remedy date on the notice. 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.

In the case of a PIN, you must refer the notice for review to the relevant inspectorate before the remedy date on the notice.

The notice is suspended while the review takes place

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

Does the SME or inspector cancel the notice?

Yes

No

No further action is required

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.