

EXPLANATORY MEMORANDUM

Mines Safety and Inspection Amendment Bill 2013

Introduction and Overview

1. Introduction

The purpose of the Bill is to make amendments to the *Mines Safety and Inspection Act 1994* (MSIA) and the *Coal Industry Superannuation Act 1989* (CISA) to improve the services provided by the Department of Mines and Petroleum and to modernise the qualification requirements for inspectors under the MSIA.

The proposed amendments fall within three discrete areas:

- (1) firstly, removing the requirement for persons to hold a first class mine manager's certificate of competency in order to be eligible for appointment to the position of District Inspector of Mines;
- (2) secondly, removing the category of inspectors known as 'Employee's Inspectors' and 'Assistant Inspectors' from MSIA and 'Employee's Inspectors' from CISA; and
- (3) thirdly, removing the savings and transitional provisions of the Schedule 1 to the MSIA, as they are no longer operational.

Industry has been consulted about the proposed amendments through discussions at meetings of the Mining Industry Advisory Committee (MIAC) and received the majority support of the members present.

2. Overview of the Bill

Part 1 (Preliminary)

Part 1 of the Bill sets out the short title of the new Act and provides for the majority of its provisions to commence on a day or days to be set by proclamation.

Part 2 (*Mines Safety and Inspection Act 1994* amended)

Part 2 contains provisions for the removal of the requirement for persons to hold a first class mine manager's certificate of competency in order to be eligible for appointment to the position of District Inspector of Mines. It also contains provisions for the removal of the category of inspectors known as 'Employee's Inspectors' and 'Assistant Inspectors'.

Part 3 (*Coal Industry Superannuation Act 1989* amended)

Part 3 contains provisions for the removal of references to the category of inspectors known as 'Employee's Inspectors'.

Clause Notes

3. Clause Notes

Part 1 – Preliminary

Clause 1 sets out the short title of the Bill.

Clause 2 provides for the bulk of the Bill to commence on a day or days to be appointed by proclamation.

Part 2 – *Mines Safety and Inspection Act 1994* amended

Clause 3 gives effect to the amendments to the *Mines Safety and Inspection Act 1994* (MSIA) contained in the Bill.

Clause 4 removes the definitions of ‘assistant inspector’ and ‘employee’s inspector’ from the definition provision of the MSIA.

Clause 5 removes references to ‘employee’s inspectors’ from the categories of inspectors recognised under the MSIA.

Clause 6 removes the requirement for persons to hold a first class mine manager’s certificate of competency in order to be eligible for appointment to the position of District Inspector of Mines.

Clause 7 removes the provisions in the MSIA under which ‘assistant inspectors’ and ‘employee’s inspectors’ were appointed.

Clause 8 removes the provisions in the MSIA which granted powers to ‘assistant inspectors’ and ‘employee’s inspectors’. It also removes all other references in section 21 of the MSIA to ‘assistant inspectors’ and ‘employee’s inspectors’.

Clause 9 removes the provisions in the MSIA which granted powers and duties to ‘employee’s inspectors’.

Clauses 10-14 remove references in the MSIA to ‘assistant inspectors’ and ‘employee’s inspectors’.

Clause 15 is consequential on the amendment proposed to be made by clause 16.

Clause 16 removes Schedule 1 which was a savings and transitional schedule designed to provide for the transition of inspectors appointed under legislation that was repealed by the MSIA when it first came into effect. The provisions are now obsolete given that the inspector’s qualifications have been brought into line with the requirements under the MSIA since that time.

Clause 17 removes all references in the MSIA to the phrase ‘or assistant inspector’.

Clause 18 removes all references in the MSIA to the phrase ‘or an assistant inspector’.

Part 3 – *Coal Industry Superannuation Act 1989* amended

Clause 19 gives effect to the amendments to the *Coal Industry Superannuation Act 1989* (CISA) contained in the Bill.

Clause 20 removes references to ‘employee’s inspector’ from the definition provision of the CISA.