



MINES INSPECTION AMENDMENT ACT 1986

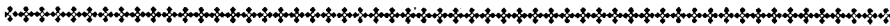
No. 87 of 1986

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41A—Employees' safety representatives.



AN ACT to amend the Mines Inspection Act 1968.

[Royal Assent 28 November 1986]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Mines Inspection Amendment Act* 1986. Short title.

2—This Act shall commence on such day as may be fixed by proclamation. Commencement.

Principal Act.

**3**—In this Act, the *Mines Inspection Act 1968\** is referred to as the Principal Act.

Amendment of section 3 of Principal Act (Interpretation).

**4**—Section 3 of the Principal Act is amended as follows:—

(a) by inserting the following definition after the definition of “ Director ”:—

“ employee ”, in relation to a mine or works, includes any person employed or engaged in that mine or works, whether or not the person is so employed or engaged under a contract of employment;

(b) by inserting the following definition after the definition of “ warden ”:—

“ workplace ”, for the purposes of section 41A, means any mine or works, or any major section of a mine or works that is determined by the Chief Inspector to be a workplace for the purposes of that section;

Insertion of new Division in Part II of Principal Act (*Employees’ safety representatives*).

**5**—The Principal Act is amended by inserting the following Division in Part II after Division VII:—

*Division VIII—Employees’ safety representatives*

41A—(1) Subject to subsection (2), where 10 or more employees are employed or engaged in any workplace, they may elect from time to time one of their number to be an employees’ safety representative for the purposes of this Act, and the owner, agent, or manager of the workplace shall permit them to do so.

(2) The Chief Inspector may, by his certificate, exempt any workplace from the requirements of subsection (1), if he is satisfied that there is established in relation to that workplace a properly functioning safety committee consisting wholly or partly of representatives of employees.

(3) The Chief Inspector may at any time revoke a certificate exempting a workplace from the requirements of subsection (1), and thereupon the certificate shall have no further force or effect.

\* No. 17 of 1968. Subsequently amended by No. 62 of 1971, No. 4 of 1973, No. 7 of 1981, and No. 29 of 1984.

(4) For the purposes of ensuring compliance with the safety provisions of this Act, the owner, agent, or manager of a mine or works shall confer with an employees' safety representative elected in that mine or works in accordance with this section, whenever reasonably requested to do so by that representative.

(5) Except as provided in subsection (4), or as may be prescribed, the terms of employment or engagement of a safety representative remain subject to the control of the person by whom he is employed or engaged.

