



Mines Safety and Inspection Act 1994 (MSI Act)

MATTERS THAT MAY BE REFERRED	PARTIES WHO MAY REFER	POTENTIAL RESULT
Further review of notices (s 31BA MSI Act)	A person issued with a notice of a decision under section s 31AZ(3) of the MSI Act Referral to be made within seven days (s 31BA MSI Act)	The Tribunal may uphold, modify or revoke a decision of the State Mining Engineer (s 31BB(1) MSI Act)
Entitlement to be paid (s 74 MSI Act)	Any party to the dispute (s 74 MSI Act)	Matter may be determined by the Tribunal (s 74(2) MSI Act)
Consultation on issues in setting up health representatives (s 55 MSI Act)	The State Mining Engineer (s 55 MSI Act)	Matter may be determined by the Tribunal (s 55(6) MSI Act)
Consultation on issues relevant to election scheme for safety and health representatives (s 55A MSI Act)	The State Mining Engineer (s 55A MSI Act)	Matter may be determined by the Tribunal (s 55A (4) MSI Act)
Conduct of election for safety and health representatives (s 56 MSI Act)	The State Mining Engineer (s 56 MSI Act)	Matter may be determined by the Tribunal (s 56(11) MSI Act)
Discrimination against safety and health representative(s) (s 68A, s68B MSI Act)	The safety and health representative(s) (employee and/or contractor) claiming discrimination (s 68C MSI Act)	For a contravention of s 68A the Tribunal may order the reinstatement of the claimant or compensation for loss of employment or earnings or both (s 68D(1) MSI Act) For a contravention of s 68B the Tribunal may order a payment to the claimant of a sum of money that the Tribunal deems fit (s 68D(2) MSI Act)
Disqualification of safety and health representative(s) (s 59 MSI Act)	The safety and health representative(s)' employer, the manager of the mine, a relevant employee or the State Mining Engineer	The Tribunal may disqualify the health representative for a specified period or permanently (s 60(3) MSI Act)

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	(s 59 MSI Act)	
Vary paid leave for safety and health representative(s) for performing functions (s 62 MSI Act)	The safety and health representative(s)' employer, the safety and health representative or the State Mining Engineer (s 62 MSI Act)	Matter may be determined by the Tribunal (s 62(1) MSI Act)
Vary paid leave for safety and health representative(s) for attending training (s 62 MSI Act)	The safety and health representative(s)' employer, the safety and health representative(s) or the State Mining Engineer (s 62 MSI Act)	Matter may be determined by the Tribunal (s 62(1) MSI Act)
Employer seeks authorisation to stop health and safety committee (s 67 MSI Act)	An employer from the mine, a safety and health representative(s) from that mine(s) or an employee(s) from that mine(s) (s 67F MSI Act)	The Tribunal may uphold, modify or revoke a decision of the State Mining Engineer (s 67E(4) MSI Act)
Authorisation for health and safety committee to cover more than one mine (s 67D MSI Act)	An employer from the mine, a safety and health representative(s) from that mine(s) or an employee appointed under s 64 of the MSI Act from that mine(s) to represent a group of employees (s 67F MSI Act)	The Tribunal may uphold, modify or revoke a decision of the State Mining Engineer (s 67E (4) MSI Act)
Abolition of health and safety committee, variation of agreement or transitional provision (s 67E MSI Act)	The employer(s) at the mine and each member of the health and safety committee for the mine (s 67F MSI Act)	The Tribunal may uphold, modify or revoke a decision of the State Mining Engineer (s 67E(4) MSI Act)
Mine surveyor's certificate (s 86 MSI Act)	The person whose mine surveyor's certificate has been suspended or cancelled (s 86 MSI Act)	The Tribunal may dismiss the appeal or may make any decision in relation to the matter of the appeal that the Mines Survey Board might have made (s 86(3) MSI Act)
Referral to be made within 30 days (s 86 MSI Act)		
Certificates of competency (s 52 MSI Act)	The person whose certificate of competency has been suspended or cancelled (s 52 MSI Act)	The Tribunal may dismiss the appeal or may make any decision in relation to the matter of the appeal that the Board of Examiners might have made when inquiring into the complaint (s 52(3) MSI Act)
Referral to be made within 30 days (s 52 MSI Act)		

Need more information?

Commission staff cannot give legal advice or advice on how to best make your case. However, they can give information on:

- the processes of the Commission;
- how to fill out forms; and
- other organisations that may be able to assist you.

The Commission's Registry can be contacted on 08 9420 4444 or Registry@wairc.wa.gov.au

[The Commission's website \(www.wairc.wa.gov.au\)](http://www.wairc.wa.gov.au) has other information that may assist you.