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**To:** [Feedback RTI and Privacy](#)  
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I wish to make a submission about the importance of maintaining non disclosure about information relating to mine safety.

The functions of Mines Inspectors are set out in s 128 of the Coal Mining Safety and Health Act,1999. Identical provisions are set out in the Mining and Quarrying Safety and Health Act.

Some of these functions will be adversely affected if information obtained is not kept private, in particular:

- 128** (b) to monitor safety and health performance at coal mines;
- (c) to inspect and audit coal mines to assess whether risk to persons is at an acceptable level;
- (d) to help persons to achieve the purposes of this Act by providing advice and information on how the purposes are to be achieved;
- (e) to check that safety and health management systems and procedures are in place to control risk to persons affected by coal mining operations;
- (f) to provide the advice and help that may be required from time to time during emergencies at coal mines that may affect the safety or health of persons;
- (g) if unsafe practices or conditions at coal mines are detected, to ensure timely corrective or remedial action is being taken and, if not, require it to be taken;
- (h) to investigate serious accidents and high potential incidents at coal mines;
- (i) to investigate matters at coal mines that affect the successful management of risk to persons;
- (j) to investigate complaints about matters relating to safety or health resulting from coal mining operations.

#### **129 Further functions of inspectors**

- (a) to advise the chief inspector on safety and health at coal mines;
- (b) to make recommendations to the commissioner about prosecutions under this Act.

Information found while performing these functions is already provided to those whose safety or health could be affected by coal mining operations. Significant parts are included in the mine record.

There is a fear that if inspectors are expected to provide information to other parties the time spent working on safety and health objectives will be reduced and the willingness of participants to provide information freely will be reduced.

There are concerns about confidentiality of information that is made in a complaint by a mine worker. there is a severe possibility of retribution from fellow workers or employers. While the act prohibits retribution this can be difficult to prove and the prospect can be prevented by maintaining confidentiality.

Inspectors have the power to require information to be provided. For example s 141 of the Coal Mining Safety and Health Act, 1999 requires people to provide answers to questions, s 143 allows seizure of evidence, s 154 requires documents to be produced. There are similar provisions in the Mining and Quarrying Health and Safety Act. If this information could become public, people might

"have a reasonable excuse" to refuse to provide it. At the moment this information can be released under section 275A of the Act. This provision should be removed, as it appears to allow information that was given with an expectation of privacy and confidentiality to be made public.

Often this information, evidence and documents is provided without compulsion and is often provided on the initiative of the mining company in the interests of preventing a recurrence either at their mines or at other places in the industry. The prospect of the information becoming public may limit voluntary disclosure or provision. This will harm the cooperative culture that has developed between companies and the inspectorate. This may lead to failure to provide the information or to make an inspector aware that the information exists.

I am concerned that people who have provided information in the course of an investigation may be adversely affected if it becomes known to their employer, supervisors or colleagues that they provided the information. Often the source of information gathered during investigations can be identified by the nature of the information.

There is also an increasing tendency for legal practitioners to make all encompassing requests for information. The effect is that inspectors are being treated as investigators for legal cases instead of filling their functions around mine safety and health.

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