

## Presentation: **Serious Mining Incidents – Legal & Investigation Considerations**

**Presenter:** Paul Hamson – Principal Consultant - Hexagon Incident Investigation Pty Ltd

**Qualifications:** Coal Mine Manager, Lawyer etc.

### Overview of Presentation:

- The NSW Mining industry transitioned from prescriptive legislation to less prescriptive general duty of care legislation in the late 1990's. This was accompanied by a significant reduction in the number of fatal incidents
- The primary standards of care found in the legislation are section 19 (PCBU) – Primary Duty of Care – Section 27 Duty of Officers (Due Diligence) and Section 28 Duties of Workers (Reasonable Care)
- Duty holders should also take strong action to avoid reckless conduct
- Duty holders have responsibilities in relation to reasonably foreseeable risk
- Human failure is causal in many serious incidents but does not occur in isolation and must be considered by workers and management when assessing & controlling risks.
- Incident prevention relies on the practical use of multiple controls

### About Hexagon Incident Investigation Pty Limited:

Hexagon Incident Investigation was established in 2011 and specialises in Work Health and Safety Training, Incident Investigation Training, conducting investigations and providing support services to the mining industry. Clients have included Glencore, Rio Tinto, Centennial Coal, BHP Billiton, Vale, Yancoal, LakeCoal, Idemitsu, Bengalla, South 32 etc.

### Current Training Packages Include:

- The Hexagon Incident Investigation® system – A practical investigation methodology that can be readily used by mine management and supervisors to investigate mine workplace health and safety incidents.
- Legal Duties of Workers, Supervisors and Managers
- Serious Mining Incidents – Human Failure, Hazards and Controls – *(Separate Packages available for Underground, Open Cut & CHPP Coal Operations)*

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