

**NEW LEGISLATIVE
FRAMEWORK AND THE
ROLE OF GEOTECHNICAL
AND GAS DRAINAGE
PROFESSIONALS**

BY IAN ANDERSON

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SYNOPSIS: In recent times legislators have moved away from prescriptive legislation to duty of care models. Such a move places employers and consultants under a need to demonstrate due diligence in the exercise of their functions. The principle legislation under which the coal industry operates is the New South Wales Occupational Health and Safety Act. This Act has substantial punitive measures including fines and imprisonment.

The Department of Mineral Resources has developed and implemented an Enforcement policy which includes a prosecution element.

These changes necessarily impact upon key industry personnel including:

- i) Mine Managers
- ii) Internal Consultants - Company Engineers
- iii) External Consultants

This presentation considers the impacts that are likely to affect the above group and discusses behavioural and procedural measures that will be needed to address their obligations under duty of care legislation.

Consultants, both internal and external, will need to advise their clients of the potential negative aspects of any advice offered and ensure that their clients comprehend this level of risk and its associated consequences. Effort will need to be made to ensure that all limitations of numerical and/or empirical models used in analyses are articulated.

Mine managers will need to be more discriminating in whom they commission for advice. Mine managers will need to be more challenging of the basis and limitations of advice offered to them.

Australian and overseas case studies are the basis for the presentation.