



COMMENCEMENT OF WORK HEALTH AND SAFETY LEGISLATION AND ITS EFFECT ON WORKER HOURS REPORTING

The *Work Health and Safety Act 2020* (WHS Act) and supporting regulations will commence on 31 March 2022 (Commencement Day) and the health and safety provisions from the *Mines Safety and Inspection Act 1994* (MSI Act) will be repealed.

The Mines Safety Levy will continue to be paid under the amended MSI Act and Mines Safety and Inspection Levy Regulations 2010 (MSI Levy Regulations).

Currently, the workers' hours both under the Mines Safety and Inspection Regulations 1995 (MSI Regulations) and MSI Levy Regulations are reported monthly.

Under the new Work Health and Safety (Mines) Regulations 2022 (WHS Mines Regulations) Schedule 25 the workers' hours are to be reported quarterly. To align with this requirement the MSI Levy Regulations have been amended (Levy Amendment Regulations) to report workers' hours quarterly.

As the Commencement Day is not at the start of the reporting quarter, transitional provisions were provided in the Levy Amendment Regulations to facilitate the mine operator to report workers' hours before and after the Commencement Day. Specifically regulation 3A(5) of the Levy Amendment Regulations determines that:

- March 2022 **monthly** reporting of the hours worked will end the day before Commencement Day, that is 30 March 2022;
- June 2022 **quarterly** reporting of the hours worked will start on Commencement Day, that is 31 March 2022 and end 30 June 2022; and
- Thereafter, reporting of workers' hours will be quarterly for both the WHS Mines Regulations and the MSI Levy Regulations.

Please note that the March monthly reporting will be until the 30 March 2022 and the new quarter will start on 31 March 2022. The Department of Mines, Industry Regulation and Safety is aware that some mines may have automated systems for reporting monthly worker hours and changing these systems for reporting until 30 March 2022 may be difficult.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Chaplyn', written in a cursive style.

Andrew Chaplyn
State Mining Engineer
Department of Mines, Industry Regulation and Safety

30 March 2022