Government of Western Australia
Department of Mines and Petroleum

AGENDA – Confined Spaces Working Group

Date:	Friday 20 June 2014	Time:	10:00am – 11:30am
Venue:	Level 8 South, Director General's Conference Room Mineral House – 100 Plain Street, East Perth		

Item No.	Item	Who
1.	Welcome and introductions	Chair
2.	Review terms of reference	Chair
3.	Overview of role of group and timeline	Chair
4.	Discussion on issues with the legislation	Work Group
5.	Other business	Work Group
6.	Next Meeting: Thursday 3 July 2014, 11:00am – 12:30pm	

Information Papers:

- Working group membership
- Terms of Reference
- Extracts from Mines Safety and Inspection Regulations (WA) and National Model Work Health and Safety Regulations
- Confined Spaces Code of Practice (SafeWork Australia, February 2014)
- Confined space entry (Resources Safety, April 2012)

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Government of **Western Australia**
Department of **Mines and Petroleum**

MINISTERIAL ADVISORY PANEL

Confined Spaces Working Group Members

Confined Spaces Working Group		
Name:	**Title / Employer:**	**Representing:**
Kevin Wolfe	Business Development Manager Monadelphous KT	Australian Pipeline Industry Association
Mick O'Neill	HSE Lead Monadelphous KT	Australian Pipeline Industry Association
Danny Spadaccini	Director of Safety Alcoa of Australia Ltd	Chamber of Minerals and Energy of WA
Lisa Moore	Senior Health & Safety Advisor - KHG Operations WA Wesfarmers Chemicals, Energy & Fertilisers	Plastics and Chemical Industries Association
Glenn McLaren	State Organiser Australian Manufacturing Workers Union	Unions WA
Karin Lee	Manager, Safety and Risk Services Chamber of Commerce and Industry WA	Chamber of Commerce and Industry WA
Graham James	Regional Inspector of Mines (West) Department of Mines and Petroleum	Department of Mines and Petroleum

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TERMS OF REFERENCE
Confined Spaces Work Group

Objective

- Develop an agreed set of provisions for confined spaces that will ensure safety capabilities of both industry and the regulator.

Background

- The Government announced its intention to introduce the nationally harmonised occupational health and safety legislation in the Western Australia's resources sector.
- The Minister for Mines and Petroleum announced the formation of a Ministerial Advisory Panel for the implementation of the legislation.
- The Advisory Panel has responsibility for providing advice to the Minister for Mines and Petroleum on the nationally harmonised regulations.
- The Advisory Panel formed this working group to review the provisions in the nationally harmonised model.

Membership

- The Work Group will be chaired by the Australian Pipeline Industry Association representative Kevin Wolfe, and will report to the Ministerial Advisory Panel on progress.
- The Work Group will have representatives from industry, unions and the regulator.

Role

The Work Group will:

- Review the nationally harmonised work health and safety regulations for confined spaces;
- Identify areas of prescription that could be added and/or removed and put into codes or guidance material;
- Review legislation from other jurisdictions, and the Australian Standard on confined spaces;
- Propose provisions, and level of prescription that should be included in the regulations;

- Report its finding to the Ministerial Advisory Panel for endorsement; and
- Complete its task within three months.

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Confined Spaces: extracts from legislation

Provisions from the Mines Safety and Inspection Regulations (Part 4, reg 4.2):

4.2. Confined spaces
The manager of, and each employer at, a mine must ensure that the requirements of AS 2865:2009 are complied with in relation to work carried out in a confined space at the mine.
Penalty: See regulation 17.1.

17.1. General penalty
The penalty for an offence committed by a person against a provision of these regulations that refers to this regulation is —

(a) if the offence was committed by the person as an employee —
- (i) for a first offence, a fine of $5 000; and
- (ii) for a subsequent offence, a fine of $6 250;

(b) if paragraph (a) does not apply —
- (i) in the case of an individual —
  - (I) for a first offence, a fine of $25 000;
  - and
  - (II) for a subsequent offence, a fine of $31 250;

  or
- (ii) in the case of a corporation —
  - (I) for a first offence, a fine of $50 000;
  - and
  - (II) for a subsequent offence, a fine of $62 500.

Provisions in the National Model Work Health and Safety Regulations (Part 4.3):

Part 4.3 Confined Spaces

Division 1 Preliminary

62 Confined spaces to which this Part applies

(1) This Part applies to confined spaces that:

(a) are entered by any person; or

(b) are intended or likely to be entered by any person; or

(c) could be entered inadvertently by any person.

(2) In this Part, a reference to a confined space in relation to a person conducting a business or undertaking is a reference to a confined space that is under the person's management or control.

63 Application to emergency service workers

Regulations 67 and 68 do not apply to the entry into a confined space by an emergency service worker if, at the direction of the emergency service organisation, the worker is:

(a) rescuing a person from the space; or

(b) providing first aid to a person in the space.

Division 2 Duties of designer, manufacturer, importer, supplier, installer and constructor of plant or structure

64 Duty to eliminate or minimise risk

(1) This regulation applies in relation to plant or a structure that includes a space that is, or is intended to be, a confined space.

(2) A designer, manufacturer, importer or supplier of the plant or structure, and a person who installs or constructs the plant or structure, must ensure that:

(a) the need for any person to enter the space and the risk of a person inadvertently entering the space are eliminated, so far as is reasonably practicable; or

(b) if it is not reasonably practicable to eliminate the need to enter the space or the risk of a person inadvertently entering the space:

(i) the need or risk is minimised so far as is reasonably practicable; and

(ii) the space is designed with a safe means of entry and exit; and

(iii) the risk to the health and safety of any person who enters the space is eliminated so far as is reasonably practicable or, if it is not reasonably practicable to eliminate the risk, the risk is minimised so far as is reasonably practicable.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

Division 3 Duties of person conducting business or undertaking

65 Entry into confined space must comply with this Division

A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that a worker does not enter a confined space before this Division has been complied with in relation to that space.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

66 Managing risks to health and safety

(1) A person conducting a business or undertaking must manage, in accordance with Part 3.1, risks to health and safety associated with a confined space at a workplace including risks associated with entering, working in, on or in the vicinity of the confined space (including a risk of a person inadvertently entering the confined space).

Note WHS Act—section 19 (see regulation 9).

(2) A person conducting a business or undertaking must ensure that a risk assessment is conducted by a competent person for the purposes of subregulation (1).

Maximum penalty:

In the case of an individual—$3 600.

In the case of a body corporate—$18 000.

(3) The person must ensure that a risk assessment conducted under subregulation (2) is recorded in writing.

Maximum penalty:

In the case of an individual—$1 250.

In the case of a body corporate—$6 000.

(4) For the purposes of subregulations (1) and (2), the person conducting a business or undertaking must have regard to all relevant matters, including the following:

(a) whether the work can be carried out without the need to enter the confined space;

(b) the nature of the confined space;

(c) if the hazard is associated with the concentration of oxygen or the concentration of airborne contaminants in the confined space—any change that may occur in that concentration;

(d) the work required to be carried out in the confined space, the range of methods by which the work can be carried out and the proposed method of working;

(e) the type of emergency procedures, including rescue procedures, required.

(5) The person conducting a business or undertaking must ensure that a risk assessment under this regulation is reviewed and as necessary revised by a competent person to reflect any review and revision of control measures under Part 3.1.

Maximum penalty:

In the case of an individual—$3 600.

In the case of a body corporate—$18 000.

67 Confined space entry permit

(1) A person conducting a business or undertaking at a workplace must not direct a worker to enter a confined space to carry out work unless the person has issued a confined space entry permit for the work.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(2) A confined space entry permit must:

(a) be completed by a competent person; and

(b) be in writing; and

(c) specify the following:

(i) the confined space to which the permit relates;

(ii) the names of persons permitted to enter the space;

(iii) the period of time during which the work in the space will be carried out;

(iv) measures to control risk associated with the proposed work in the space; and

(d) contain space for an acknowledgement that work in the confined space has been completed and that all persons have left the confined space.

(3) The control measures specified in a confined space permit must:

(a) be based on a risk assessment conducted under regulation 66; and

(b) include:

(i) control measures to be implemented for safe entry; and

(ii) details of the system of work provided under regulation 69.

(4) The person conducting a business or undertaking must ensure that, when the work for which the entry permit was issued is completed:

(a) all workers leave the confined space; and

(b) the acknowledgement referred to in subregulation (2)(d) is completed by the competent person.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

68 Signage

(1) A person conducting a business or undertaking must ensure that signs that comply with subregulation (2) are erected:

(a) immediately before work in a confined space commences and while the work is being carried out; and

(b) while work is being carried out in preparation for, and in the completion of, work in a confined space.

Maximum penalty:

In the case of an individual—$3 600.

In the case of a body corporate—$18 000.

(2) The signs must:

(a) identify the confined space; and

(b) inform workers that they must not enter the space unless they have a confined space entry permit; and

(c) be clear and prominently located next to each entry to the space.

69 Communication and safety monitoring

A person conducting a business or undertaking must ensure that a worker does not enter a confined space to carry out work unless the person provides a system of work that includes:

(a) continuous communication with the worker from outside the space; and

(b) monitoring of conditions within the space by a standby person who is in the vicinity of the space and, if practicable, observing the work being carried out.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

70 Specific control—connected plant and services

(1) A person conducting a business or undertaking must, so far as is reasonably practicable, eliminate any risk associated with work in a confined space in either of the following circumstances:

(a) the introduction of any substance or condition into the space from or by any plant or services connected to the space;

(b) the activation or energising in any way of any plant or services connected to the space.

Maximum penalty:

In the case of an individual—$3 600.

In the case of a body corporate—$18 000.

(2) If it is not reasonably practicable for the person to eliminate risk under subregulation (1), the person must minimise that risk so far as is reasonably practicable.

Maximum penalty:

In the case of an individual—$3 600.

In the case of a body corporate—$18 000.

71 Specific control—atmosphere

(1) A person conducting a business or undertaking must ensure, in relation to work in a confined space, that:

(a) purging or ventilation of any contaminant in the atmosphere of the space is carried out, so far as is reasonably practicable; and

(b) pure oxygen or gas mixtures with oxygen in a concentration exceeding 21% by volume are not used for purging or ventilation of any airborne contaminant in the space.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(2) The person must ensure that, while work is being carried out in a confined space:

(a) the atmosphere of the space has a safe oxygen level; or

(b) if it is not reasonably practicable to comply with paragraph (a) and the atmosphere in the space has an oxygen level less than 19.5% by volume—any worker carrying out work in the space is provided with air supplied respiratory equipment.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(3) In this regulation, purging means the method used to displace any contaminant from a confined space.

Notes

1 Regulation 44 applies to the use of personal protective equipment, including the equipment provided under subregulation (2).

2 Regulation 50 applies to airborne contaminants.

72 Specific control—flammable gases and vapours

(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that while work is being carried out in a confined space, the concentration of any flammable gas, vapour or mist in the atmosphere of the space is less than 5% of its LEL.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(2) If it is not reasonably practicable to limit the atmospheric concentration of a flammable gas, vapour or mist in a confined space to less than 5% of its LEL and the atmospheric concentration of the flammable gas, vapour or mist in the space is:

(a) equal to or greater than 5% but less than 10% of its LEL—the person must ensure that any worker is immediately removed from the space unless a suitably calibrated, continuous-monitoring flammable gas detector is used in the space; or

(b) equal to or greater than 10% of its LEL—the person must ensure that any worker is immediately removed from the space.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

73 Specific control—fire and explosion

A person conducting a business or undertaking must ensure that an ignition source is not introduced into a confined space (from outside or within the space) if there is a possibility of the ignition source causing a fire or explosion in the space.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

74 Emergency procedures

(1) A person conducting a business or undertaking must:

(a) establish first aid procedures and rescue procedures to be followed in the event of an emergency in a confined space; and

(b) ensure that the procedures are practised as necessary to ensure that they are efficient and effective.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(2) The person must ensure that first aid and rescue procedures are initiated from outside the confined space as soon as practicable in an emergency.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(3) The person must ensure, in relation to any confined space, that:

(a) the entry and exit openings of the confined space are large enough to allow emergency access; and

(b) the entry and exit openings of the space are not obstructed; and

(c) plant, equipment and personal protective equipment provided for first aid or emergency rescue are maintained in good working order.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

Note

See Part 3.2 for general provisions relating to first aid, personal protective equipment and emergency plans.

75 Personal protective equipment in emergencies

(1) This regulation applies in relation to a worker who is to enter a confined space in order to carry out first aid or rescue procedures in an emergency.

(2) The person conducting the business or undertaking for which the worker is carrying out work must ensure that air supplied respiratory equipment is available for use by, and is provided to, the worker in an emergency in which:

(a) the atmosphere in the confined space does not have a safe oxygen level; or

(b) the atmosphere in the space has a harmful concentration of an airborne contaminant; or

(c) there is a serious risk of the atmosphere in the space becoming affected in the way referred to in paragraph (a) or (b) while the worker is in the space.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(3) The person conducting the business or undertaking for which the worker is carrying out work must ensure that suitable personal protective equipment is available for use by, and is provided to, the worker in an emergency in which:

(a) an engulfment has occurred inside the confined space; or

(b) there is a serious risk of an engulfment occurring while the worker is in the space.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

Note

Regulation 44 applies to the use of personal protective equipment, including the equipment provided under this regulation.

76 Information, training and instruction for workers

(1) A person conducting a business or undertaking must ensure that relevant workers are provided with suitable and adequate information, training and instruction in relation to the following:

(a) the nature of all hazards relating to a confined space;

(b) the need for, and the appropriate use of, control measures to control risks to health and safety associated with those hazards;

(c) the selection, fit, use, wearing, testing, storage and maintenance of any personal protective equipment;

(d) the contents of any confined space entry permit that may be issued in relation to work carried out by the worker in a confined space;

(e) emergency procedures.

Maximum penalty:

In the case of an individual—$6 000.

In the case of a body corporate—$30 000.

(2) The person must ensure that a record of all training provided to a worker under this regulation is kept for 2 years.

Maximum penalty:

In the case of an individual—$1 250.

In the case of a body corporate—$6 000.

(3) In subregulation (1), relevant worker means:

(a) a worker who, in carrying out work for the business or undertaking, could:

(i) enter or work in a confined space; or

(ii) carry out any function in relation to work in a confined space or the emergency procedures established under regulation 74, but who is not required to enter the space; or

(b) any person supervising a worker referred to in paragraph (a).

77 Confined space entry permit and risk assessment must be kept

(1) This regulation applies if a person conducting a business or undertaking:

(a) prepares a risk assessment under regulation 66; or

(b) issues a confined space entry permit under regulation 67.

(2) Subject to subregulation (3), the person must keep:

(a) a copy of the risk assessment until at least 28 days after the work to which it relates is completed; and

(b) a copy of the confined space entry permit at least until the work to which it relates is completed.

Maximum penalty:

In the case of an individual—$1 250.

In the case of a body corporate—$6 000.

(3) If a notifiable incident occurs in connection with the work to which the assessment or permit relates, the person must keep the copy of the assessment or permit (as applicable) for at least 2 years after the incident occurs.

Maximum penalty:

In the case of an individual—$1 250.

In the case of a body corporate—$6 000.

(4) The person must ensure that, for the period for which the assessment or permit must be kept under this regulation, a copy is available for inspection under the Act.

Maximum penalty:

In the case of an individual—$1 250.

In the case of a body corporate—$6 000.

(5) The person must ensure that, for the period for which the assessment or permit must be kept under this regulation, a copy is available to any relevant worker on request.

Maximum penalty:

In the case of an individual—$3 600.

In the case of a body corporate—$18 000.

Government of Western Australia
Department of Mines and Petroleum
Resources Safety

Mines Safety Bulletin No. 111

Subject: When can a confined space be reclassified?

Date: 19 June 2014

Background

Recent safety inspections by the Department of Mines and Petroleum have revealed that a number of sites have reclassified, or declassified, their confined spaces to non-confined spaces. While the process of reclassification is possible under the definition of Australian Standard AS 2865 *Confined spaces*, the Department has identified several cases of unsafe and hence non-compliant practices. It is extremely important that reclassification of confined spaces is undertaken with full consideration of all inherent and introduced hazards, and the risks associated with these spaces.

Note: In this bulletin, the terms reclassify and declassify are used interchangeably.

A confined space is a description of physical characteristics of a workspace not intended or designed for human occupancy. Confined spaces may be hazardous as a result of insufficient oxygen, toxic or poisonous air, or an explosive atmosphere. These hazards may not be obvious as some gases are odourless and colourless.

Confined spaces may also have physical hazards that cause a worker to fall, be crushed or buried, or drown. It is critical that tasks completed inside or around the confined spaces are managed appropriately to prevent harm or injury.

Any entry to a confined space must meet all the mandatory requirements set out in AS 2865. If not managed appropriately, entry to confined spaces can be extremely hazardous. The risk is even greater if a confined space is improperly reclassified as there is a general perception that once a confined space is reclassified the risks are eliminated - this may not be the case. For instance, irrespective of whether a space has been reclassified or not, toxic gases may be released from sludge or residue; or hazardous atmospheres may slowly build up over time inside the space, such as toxic carbon dioxide gas being produced as a steel vessel rusts.

While atmospheric hazards or engulfment are the major cause of serious injury and fatalities in confined spaces, other hazardous conditions may be present during entry or exit, or introduced by tasks being conducted inside the space.

Hazardous services associated with a vessel or confined space are a further factor that must be eliminated when reclassifying confined spaces. They include hydraulic, pneumatic, electrical, chemical, mechanical, thermal and other types of energy.

This bulletin provides a set of requirements for the Western Australian mining industry to follow when reclassifying a confined space.

Summary of hazard

Some mine sites have incorrectly reclassified their confined spaces to non-confined spaces.

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Contributory factors

When reclassifying confined spaces:

- AS 2865 *Confined spaces* is not always followed
- a safe system of work is not always maintained.

Actions required

Mine operators are reminded of the importance of developing safe systems of work that identify hazards and risk controls for work in and around confined spaces.

- Ensure any processes used to reclassify a confined space comply with the requirements and principles detailed in this bulletin.
- Ensure a safe system of work is in place and maintained, and arrangements for the use, cleaning and maintenance of plant do not expose employees to hazards, as imposed by the general duty of care requirements of section 9 of the *Mines Safety and Inspection Act 1994*.

For a confined space to be reclassified as a non-confined space:

- Eliminate all inherent hazards, including asphyxiation, fire or explosion, and engulfment.

  Note: The control or temporary elimination of inherent hazards alone is not sufficient to reclassify a confined space.

- Remove all hazardous services.

  For example, physically isolate devices with stored energy or reduce them to a zero-energy condition and disconnect from their power sources.

- Identify and eliminate or mitigate all other reasonably foreseeable hazards associated with the confined space and the tasks being conducted.

  For example, complete a risk assessment for all tasks or activities to be conducted inside or around the confined space, and implement a safe system of work.

- Significantly change the physical characteristics of the space.

  For example, eliminate the enclosed or partially enclosed nature of the vessel, such that a safe atmospheric condition is maintained without the need for any risk control measures (e.g. forced ventilation).

  For example, modify any restricted entry and exit to improve access and reduce emergency response time.

  Note: Vessels such as classified plant and pressure vessels are unlikely to be reclassified because they cannot be structurally modified. These vessels will remain confined spaces.

Further information

Visit www.dmp.wa.gov.au/ResourcesSafety for information on occupational safety and health in the resources sector.

This Mines Safety Bulletin was approved for release by the State Mining Engineer on 19 June 2014

Government of **Western Australia**
Department of **Mines and Petroleum**

File No: A0864/201401

MEETING MINUTES – Confined Space Working Group

Date:	Friday 20 June 2014	Time:	10:00am to 11:00am
Venue:	Level 8 South, DG's Conference Room Mineral House – 100 Plain Street, East Perth		

Present

Mr Kevin Wolfe	(Independent Chairperson), Business Development Manager, Monadelphous KT (representing Australian Pipeline Industry Association)
Mr Mick O'Neill	HSE Lead, Monadelphous KT (representing Australian Pipeline Industry Association)
Mr Danny Spadaccini	Director of Safety, Alcoa of Australia Ltd (representing Chamber of Minerals and Energy WA)
Ms Lisa Moore	Senior Health and Safety Advisor – KHG Operations WA, Wesfarmers Chemicals, Energy & Fertilisers (representing Plastics and Chemical Industries Association)
Mr Glenn McLaren	Australian Manufacturing Workers Union (AMWU) (representing UnionsWA)
Ms Jennifer Low	Policy Advisor, Chamber of Commerce and Industry WA (CCI WA) *(Proxy for Karin Lee)*
Mr Graham James	Regional Inspector of Mines (West), Department of Mines and Petroleum (DMP)
Ms Jennifer Shelton	Principal Policy Officer, Department of Mines and Petroleum (DMP)
Mr David Eyre	Senior Policy Officer, Department of Mines and Petroleum (DMP)

Apologies

Ms Karin Lee	Manager Safety and Risk Services, Chamber of Commerce and Industry WA (CCI WA)

Agenda items

Item	Topic	Action
1.	**Introduction**	
	• The Chair welcomed members to the initial meeting of this working group. • Ms Jennifer Low attended as proxy for Ms Karin Lee, representing CCI WA.	
2.	**Review Terms of Reference**	
	• The Working Group had no objections to the Terms of Reference.	DMP to upload Terms of Reference to website
3.	**Overview of role of group and timeline**	
	• The working group was formed by the Ministerial Advisory Panel on Safety Legislation Reform (MAP) to make recommendations regarding the regulation of safety and health relating to working in confined spaces. • The group should conclude its work within two meetings (more if required), but the draft regulations will not be ready for consultation until 2016.	
4.	**Discussion on issues with legislation**	
	• Alcoa identified specific issues regarding the reclassification of confined spaces.	

Item	Topic	Action
	Current legislative framework • Worldwide, the legislative frameworks for confined spaces range from very loose regulation; to looking specifically at atmospheres; to looking at atmospheres and processes carried out in the confined space; to the approach used by Australia, the UK, and USA. In the UK, they can declassify and reclassify a confined space repeatedly during a period of work. In the USA, there are confined and non-confined spaces, but they grant exemptions. • Within Australia, the regulatory framework is structured differently in each jurisdiction. In WA, the Mines Safety and Inspection Regulations has a regulation (4.2) referring to the requirements of Australian Standard AS2865, but Queensland has a number of regulations and a Code of Practice. **Proposed legislative framework** • The proposed risk-based mine safety legislation will be less prescriptive and will not refer to Australian Standards. Codes of Practice and guidelines will contain more detailed requirements and may refer to Standards. To assist smaller operators, templates and other tools may be developed. **Issues with reclassification of a confined space to a non-confined space** • Reclassification requirements need to consider a wide variety of confined spaces, ranging from large tanks with easy access, to small tanks where only one person can work, to a series of tanks, which may not provide direct line of sight for monitoring, or may require the use of a breathing apparatus. • For some infrastructure, it may be difficult or impossible to reclassify, because there are inherent hazards that cannot be eliminated. • Standards may be rewritten every few years. AS2865 on confined spaces has changed significantly in its intent and wording since the Mines Safety and Inspection Act was developed. This is another reason for not referring to Australian Standards in legislation. AS2865 allows reclassification of confined spaces, but the requirements are open to interpretation. This creates difficulties for industry and the regulator in assessing compliance. • AS2865: 1.5.5 Risk Control Measures, clause 2.4.6 states: *"For a confined space to be reclassified as a non-confined space, it needs to have undergone sufficient changes in structure or usage to eliminate (without the need for risk control measures) all possible sources of inherent hazards that define a confined space. Any changes to a confined space would have to be such that a subsequent risk assessment would determine that it no longer meets the criteria for a confined space."* The words "sufficient"; "changes in structure"; and "risk control measures" are all open to interpretation. Another issue is that it mentions "the criteria for a confined space", but there may be other hazards not covered by these criteria. • The Code of Practice on confined spaces by Safe Work Australia is also unclear on reclassification of confined spaces. It uses different terminology ("declassifying" instead of "reclassifying") and states that the space needs to have undergone "sufficient changes in structure and use to eliminate all inherent hazards", without clearly defining what this means. • Skills, experience, training, equipment, and procedures vary across the industry. Of particular concern are small to medium operators. For example, at some smaller companies the emergency procedure consists of phoning 000. Also some treat a vessel as a restricted area rather than a confined space. • The risk is that an operator may not interpret the confined space requirements in a safe manner. Alcoa only reclassifies a confined space where inherent	

Item	Topic	Action
	hazards can be eliminated altogether. For example, to reclassify a tank, Alcoa may remove a spool, a valve and add a pressure blank to eliminate the hazard, and design this capability into their plant/equipment. Other companies may consider that closing a valve to a tank is sufficient to eliminate the inherent hazards, and then reclassify the tank as a non-confined space. • A risk is that once a confined space is reclassified as a non-confined space, operators may become complacent. They may then cease regular monitoring of gas levels, reconnect power sources, and not consider emergency response when work is being undertaken in the (non-confined) space. • Resources Safety has today (19 June 2014) issued *Mines Safety Bulletin Number 111: When can a confined space be reclassified?* This is intended to clarify the requirements for a confined space reclassification. A copy was tabled at the meeting. • The group agreed that the clarifications provided in Mines Safety Bulletin 111 help address shortcomings of AS2865 and the Code of Practice. When preparing its report to MAP, the group will consider recommending that the last four dot points from the Bulletin are included in the Code of Practice. • A confined space reclassification risk-assessment "tool" may also be useful. • Clarification is needed to ensure the safety of emergency service workers before entering a confined space. Regulation 63 of the National Work Health and Safety Regulations only states that regulations 67 (Confined space entry permit) and 68 (signage) do not apply to emergency service workers rescuing or providing first aid to a person in a confined space. Alcoa's process is that emergency response workers must assume that every possible safety issue within the confined space has occurred, and is present, and hence they must wear breathing apparatus and PPE. 'Emergency service worker' should be defined, as it may be interpreted as applying to a firefighter or ambulance driver, but not to a mine site emergency response worker. • Trenches and when they are classified as a confined space is another issue requiring clarification. • Confined space hazards differ from site to site, and it is important that workers moving between sites are appropriately trained on the differences. It would be useful to compare gap training between the various companies, to obtain a consistent approach. • There is a need to ensure that the recommendations from this group are captured at the national level in the Codes of Practice produced in conjunction with Safe Work Australia, to ensure a consistent message to industry. • Use of technology in confined spaces is something which should be considered by industry. It can assist in providing visibility for monitoring/inspections (e.g. using a 'GoPro' camera to inspect confined spaces or monitor a worker in a confined space), and for improving communication and worker training, and hence reduce the likelihood of injury to workers. Examples of the application of technology should be provided in the Code of Practice.	DMP to prepare a draft set of findings and recommendations for the next meeting
5.	**Other Business**	
	• NA	
6.	**Next Meeting**	
	• The next meeting is **Thursday 3 July 2014, 11:00am – 12:30pm.**	