



Government of **Western Australia** **Ministerial Advisory Panel**

“Advising on Best Practice Safety Regulation”

RADARS Update

Legislation

- The Best Practice Safety Strategies Working Group provided comment on the draft National Mine Safety Provisions to Simon Ridge. These were tabled at the National Mine Safety Framework and the Strategic Issues Group (OHS) meetings in Brisbane on 9-12 August.
- The Legislative Review Working Group meets on 6 September, reviewing the Mines Safety and Inspection Levy Regulations 2010 to rectify issues identified post-implementation.

Recruitment

- General Manager, Investigations position selection process is being finalised.
- Downing Teal have been engaged to source and assist with the selection process for the Regional Inspector positions (Perth and Kalgoorlie).
- From 29 August, DMP commenced advertising new inspector positions which for the first time include including the Attraction and Retention Incentives salary package:
 - Phase 1: 14 positions (5 Perth, 8 Kalgoorlie, 1 Collie) started on 28 August 2010;
 - Phase 2: 22 positions (17 Perth, 2 Kalgoorlie, 1 Karratha, 2 Collie) starting from end of Sep 2010;
 - Phase 3: 27 positions (25 Perth, 2 Collie) from end of Oct 2010.
- Information on the vacant positions will be available in the London Skills Expo via assistance with the CME.
- Approval has been obtained for campaign advertising up to June 2011, including a range of options such as overseas advertising.
- An employment contract has been developed to include requirement for compliance with employment conditions including performance indicators.
- Existing employees will have access to milestone payments via a merit-based selection process.

Attraction and Retention Initiatives

- The ARI proposal for Mines Safety has been approved in principle subject to some conditions, including annual salary review.
- After consultation with some employees, a recruitment information package has been developed.
- The ARI will require annual review Labour Relations proposals in relation to a number of criteria including turnover, industry rise and fall, public interest and comparative salaries.

Training

- *Pilot group of inspectors for Recognition of Prior Learning (RPL)*: Deadline is October 1, and the first two inspectors will be assessed shortly.
- Scoping meeting held with Central Institute of Technology to begin to process inspectors through the RPL assessment for the Diploma in Government (Workplace Inspection).

- IFAP has begun the process of evaluating existing qualifications and experience for RPL for the Diploma in OHS.
- Scoping meeting has been held with Public Sector Training solutions to begin training inspectors in Investigative Skills.
- Development of policies and procedures to support the new initiatives continues
- Development of a new database to monitor training undertaken is underway.

IT Systems

- **Safety Invoicing System** – This interfaces between the Resources Safety databases and financial systems to manage the invoicing process for cost recovery. Enhancements required since the Mines Safety and Inspection Levy implementation have been identified, and the first of these have been implemented.
- **Safety Regulation System** – “AXTAT Plus” system streamlines incident and employment data reporting to the Department. It went live for internal use from 5 July, and is due to be released for external access by industry in November 2010.

Communications / Stakeholder Liaison

- DMP has started participating in CME’s forums, to update CME members on progress being made in the safety reform area. This includes metro and regional forums.
- A letter regarding proposed changes to the Dangerous Goods Safety fees and charges was sent to 1800 industry stakeholders during the week commencing 30 August.
- Briefings to key industry bodies on the Petroleum Safety Levy will commence during September, to disseminate information regarding the proposed model.
- DMP’s Petroleum Open Day is scheduled for 9 September at the Esplanade Hotel, Fremantle. The event will also be used to provide information about RADARS reforms.
- The annual Resources Safety Roadshow to the Pilbara, Bunbury, Kalgoorlie and Perth will be conducted October 12 – 28. The Roadshow will assist in disseminating information about RADARS to the broader community. CME and UnionsWA will supply appropriate speakers to present at the Perth Roadshow.
- **Baseline Stakeholder Survey:** The qualitative component of the research (focus groups and in-depth interviews) has been completed and Research Solutions is currently finalising development of the draft questionnaire. It is anticipated this questionnaire will receive final approval at the 14 October MAP meeting, following which it will go out to industry.



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Working Groups Update

Best Practice Safety Strategies

- Terms of Reference were expanded to include development of safety KPIs
- Five meetings held by 1 September.
- The group reviewed extracts from the Model WHS Bill and Draft Model Mine Safety Provisions (version 8). Comments were provided on the areas of:
 - Health and Safety Management Systems
 - Principal Hazards & Principal Hazard Management Plans
 - Consultation with workers directly affected by the activity
 - Lodgement of Project Management Plans
- The Group’s comments were tabled by State Mining Engineer Simon Ridge at meetings of the National Mine Safety Framework and the Strategic Issues Group (OHS) in Brisbane on 9-12 August.
- The Group advised MAP of their concerns regarding input into the national process and obtained clarification from the Minister on whether WA will accept the national model legislation if it is not delivering best practice or not meeting the needs of the WA resources industry.
- The group started looking at the development of safety performance indicators, whilst awaiting the outcome of the Brisbane meetings.

Financial Reporting and Transparency

- Terms of Reference agreed.
- Two meetings held 28 July and 13 August.
- The group is focusing on what information needs to be reported, and how frequently. They are also considering the ongoing governance of the financial reporting. This is being benchmarked against other agencies.

Legislation Review

- Terms of Reference agreed.
- First meeting set for 6 Sept
- The group will review the Mine Safety and Inspection Levy Regulations in response to issues identified post implementation.

Summary of NMSF and SIG (OHS) Meetings Brisbane 9-12 August 2010

The following meetings were held in Brisbane in August 2010:

- 9 August 2010 NMSF Non-Core Legislative Working Group
- 10 August 2010 NMSF Steering Group
- 11 August 2010 NMSF Industry Competency Workshop
- 12 August 2010 SIG (OHS) Mining Meeting

The following outcomes resulted:

9 August 2010 NMSF Non-Core Legislative Working Group

- It was agreed that a potential IGA be considered between Qld NSW and WA in regards to the adoption of the Non-Core WG legislative outputs
- Qld and NSW to drive the coal mining component of the Non-Core legislation
- WA to drive the metalliferous mining component of the Non-Core legislation
- Qld to complete an initial 'gap analysis' of the Qld, NSW and WA Act and regulations against the Safe Work Australia and NMSF inputs to the model legislation (See the attached spreadsheet)
- The MAP WG paper outlining their comments on the model legislation was tabled

10 August 2010 NMSF Steering Group

- Time lines and progress on input to the model regulations were discussed
- Allocation of work to individual states on the Codes of Practice was agreed
- Agreed to undertake a literature review as a first input to Strategy 6 Research
- Agreed to look at a 'travelling road show' to provide training to all inspectorates on new compliance and enforcement standards etc
- Reviewed NMSF budget

11 August 2010 NMSF Industry Competency Workshop

- Presentations were made by:
 - Skills DMC
 - Institute of Quarrying Australia
 - Minerals Tertiary Education Council (MCA)
 - Tertiary Education Quality and Standards Agency
 - WA Board of Examiners
 - Qld Board of Examiners

- Agreed by Qld, NSW and WA to work towards a National Certification Scheme for mining professionals

12 August 2010 SIG (OHS) Mining Meeting

- Outcomes of discussion on specific WHS Mining Regulations were:
 - Mineral to be defined as per NMSF draft
 - Fitness for work to be defined as per context of risk arising from influence of substances
 - No drug testing default regime to be mandated
 - Mining to have risk management framework and identification of 'principal mining hazards'
 - Naturally occurring radioactive materials to be identified as a 'principal mining hazard'
 - SMS performance standards to be established with a formal audit requirement
 - Principal mining hazard management plans are a part of the SMS
 - Principal mining hazard management plans accepted risk controls are to be specified
 - Air quality specifications to be provided in guidance material
 - Consultation, instruction, information and training to be provided for in WHS Mining Regs
 - No 'prohibited items' to be declared
 - Provision for exemptions to be ensured
 - Minor drafting issues related to consistency were agreed

Additional Comments:

The Darwin meeting of the 'Non-Core NMSF WG' established the 'Core+' concept. Qld and NSW intend to add detail to the Core Regulations where they see a deficiency. See the attached Draft Minutes. This has great potential for 'de-harmonisation'.

The intent is for NSW and Qld to come up with an agreed set of Core+ regulations. WA needs to take a position on this. Obviously we could agree to fall in behind them and the resulting regulations in the three major mining states will be consistent.

There will however be issues with the level of prescription that is likely to flow from the set positions of the eastern states.

Simon Ridge
State mining engineer
19 August 2010

Mining and Quarrying Safety and Health Act 1999

Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHA
Part 1	Preliminary									
1	Short title	General	A1	0	1	1	1	2	0	1
2	Commencement	General	A2	0	1	1	1	2	0	1
3	Act binds all persons	General	A3	0	1	1	0	1	0	1
4	What does this Act apply to	General	A4	1	1	1	1	2	0	1
5	Who does this Act apply to	General	A5	1	1	0	0	0	0	1
6	Objects of Act	General	A6	1	1	1	1	2	0	1
7	How objects are to be achieved	General	A7	0	1	0	0	0	0	1
8	Definitions—the dictionary	General	A8	0	0	1	1	2	0	1
9	Meaning of mine	General	A9	3	2	2	0	2	0	1
10	Meaning of operations	General	A10	4	2	3	0	3	0	1
11	Meaning of quarry	General	A11	2	2	0	0	0	0	1
12	Meaning of safety and health	General	A12	0	0	0	0	0	0	1
13	Meaning of competence	General	A13	0	0	0	0	0	0	1
14	Meaning of consultation	General	A14	0	1	0	1	1	0	1
15	Meaning of standard work instruction	General	A15	0	2	0	1	1	0	1
16	Meaning of accident	General	A16	0	0	0	0	0	0	1
17	Meaning of serious accident	General	A17	0	0	0	0	0	0	1
18	Meaning of high potential incident	General	A18	0	0	0	0	0	0	1
19	Meaning of risk	General	A19	0	0	0	0	0	0	1
20	Meaning of hazard	General	A20	0	0	1	0	1	0	1
21	Meaning of operator	General	A21	3	0	0	0	0	0	1
22	Meaning of site senior executive	General	A22	0	0	0	0	0	0	1
23	Meaning of supervisor	General	A23	0	0	0	0	0	0	1
24	Meaning of district workers' representative	General	A24	0	0	0	0	0	0	1
25	Meaning of site safety and health representative	General	A25	0	0	0	0	0	0	1
Part 2	Basic Concepts									
26	What is an acceptable level of risk	General	A26	0	1	0	0	0	0	1
27	Risk management	General	A27	1	1	0	0	0	0	1
28	What happens if the level of risk is unacceptable	General	A28	0	1	0	0	0	0	1
29	Cooperation to achieve objects of Act	General	A29	0	1	0	0	0	0	1
30	Obligations for safety and health	General	A30	0	2	0	0	0	0	1
Part 3	Safety and health obligations									
31	Discharge of obligations	General	A31	0	4	0	2	2	0	1
32	Person may owe obligations in more than 1 capacity	General	A32	0	1	1	0	1	0	1
33	Person not relieved of obligations	General	A33	0	2	1	0	1	0	1
34	How obligation can be discharged if regulation	General	A34	0	0	0	0	0	0	1
35	How obligations can be discharged if no regulation	General	A35	0	0	0	0	0	0	1
36	Obligations of persons generally	General	A36	0	3	3	4	7	0	1
37	Obligations of holders	General	A37	3	0	3	1	4	0	1
38	Obligations of operators	General	A38	6	2	3	2	5	0	1
39	Obligations of site senior executive for mine	General	A39	0	2	4	1	5	0	1
40	Obligations of contractors	General	A40	1	0	3	0	3	0	1
41	Obligations of designers, manufacturers, importers and suppliers	General	A41	0	4	0	1	1	11	1
42	Obligations of erectors and installers of plant	General	A42	0	1	0	1	1	2	1
43	Obligations of manufacturers, importers and suppliers	General	A43	0	0	0	1	1	0	1
44	Obligation of provider of services at mines	General	A44	0	0	0	0	0	0	1
45	Defences for div 2 or 3	General	A45	0	0	1	1	2	0	1
Part 4	Provisions about the operation of mines									
46	Notices by holder	General	A46	0	0	3	0	3	1	1
47	Notices by operator	General	A47	7	0	2	0	2	2	1
47A	Notice about underground gasification activities	UG	A47A	0	0	0	0	0	0	1
48	Appointment of operator	General	A48	1	0	1	0	1	0	1
49	Appointment of site senior executive	General	A49	0	0	0	0	0	0	1
50	Management structure for safe operations at mine	General	A50	2	0	2	0	2	0	1
51	Competencies of supervisors	General	A51	0	0	1	0	1	0	1
52	Appointment of another site senior executive if necessary	General	A52	0	0	0	0	0	0	1
53	Additional requirements for management of underground mines	UG	A53	0	0	3	0	3	0	1
54	Appointment of another underground mine manager	UG	A54	0	0	0	0	0	0	1
55	Safety and health management system	General	A55	5	0	2	0	2	0	1
56	Review of safety and health management system	General	A56	1	2	1	2	3	0	1
57	Management structure to be recorded in the mine record	General	A57	0	0	1	0	1	0	1
58	Plans of mine workings	UG	A58	7	0	13	0	13	4	1
59	Mine record	General	A59	6	1	4	0	4	0	1
60	Display of reports and directives	General	A60	0	1	0	1	1	1	1
61	Responsibility for protecting abandoned mines	General	A61	1	0	1	0	1	0	1
Part 5	Guidelines									
62	Purpose of guidelines	General	A62	0	0	1	0	1	0	1
63	Guidelines	General	A63	0	1	3	5	8	0	1
64	Use of guidelines in proceedings	General	A64	0	1	1	1	2	0	1
Part 6	Industry consultative arrangements									
65	Purposes of pt 6	General	A65	1	0	1	0	1	0	1
66	Mining safety and health advisory committee	General	A66	1	0	2	0	2	0	1
67	Functions of committee	General	A67	1	4	8	1	9	0	1
68	Annual report	General	A68	1	0	2	0	2	0	1
69	Membership of committee	General	A69	1	0	2	0	2	0	1
70	Organisations to submit names to Minister	General	A70	1	0	2	0	2	0	1
71	Appointment of members	General	A71	1	0	2	0	2	0	1
72	Duration of appointment	General	A72	1	0	1	0	1	0	1
73	Conditions of appointment	General	A73	1	0	1	0	1	0	1
74	Member ceasing as member	General	A74	1	0	1	0	1	0	1
74A	Substitute members	General	A74A	0	0	0	0	0	0	1
75	Times and places of meetings of the committee	General	A75	1	0	1	0	1	0	1
76	Presiding at meetings of the committee	General	A76	1	0	1	0	1	0	1
77	Quorum and voting at meetings of the committee	General	A77	1	0	1	0	1	0	1
78	Recommendation to Minister if vote not unanimous	General	A78	1	0	1	0	1	0	1
79	Taking part in meetings by telephone etc	General	A79	1	0	1	0	1	0	1
80	Resolutions without meetings	General	A80	1	0	1	0	1	0	1
81	Minutes by the committee	General	A81	1	0	1	0	1	0	1
82	Subcommittees	General	A82	1	0	1	0	1	0	1
Part 7	Site safety and health representatives and committees									
83	Purpose of pt 7	General	A83	0	0	0	0	0	0	1
84	Selection or election of site safety and health representatives	General	A84	0	9	3	1	4	0	1
85	How site safety and health representatives are selected	General	A85	0	2	1	0	1	0	0

Mining and Quarrying Safety and Health Act 1999

Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHA
86	Site safety and health representative must obtain	General	A86	0	1	1	0	1	2	1
87	Site safety and health representative must perform	General	A87	0	0	0	0	0	0	1
88	Ceasing to be a site safety and health representative	General	A88	0	1	1	0	1	0	1
89	Removal from office by Minister	General	A89	0	2	0	0	0	0	1
90	Selection or election after removal from office	General	A90	0	2	0	0	0	0	1
91	Functions and powers for area of representative	General	A91	0	1	0	0	0	0	0
92	Functions of site safety and health representative	General	A92	1	3	3	3	6	0	1
93	Powers of site safety and health representative	General	A93	0	1	1	0	1	0	1
94	Stopping operations by site safety and health representative	General	A94	0	2	0	0	0	0	1
95	When operations may be restarted	General	A95	0	0	0	0	0	0	1
96	Site safety and health representative not to unauthorised	General	A96	0	0	0	0	0	0	1
97	Protection of site safety and health representative	General	A97	0	1	2	0	2	0	1
98	Site safety and health committees	General	A98	0	1	0	1	1	0	0
99	Membership of site safety and health committees	General	A99	0	1	0	0	0	0	0
100	Functions of site safety and health committees	General	A100	0	3	0	2	2	0	0
101	Times of meetings	General	A101	0	1	0	0	0	0	0
102	Proceedings at meetings	General	A102	0	0	0	0	0	0	0
103	Minutes to be made available	General	A103	0	0	0	0	0	0	0
104	Provision for help to representatives and committees	General	A104	0	1	1	0	1	1	0
105	Site senior executive to tell site safety and health representative	General	A105	0	1	1	0	1	0	1
106	Site senior executive to display identity of site safety and health representative	General	A106	0	1	0	0	0	0	1
Part 8	District workers' representatives									
107	Purposes of pt 8	General	A107	0	0	0	0	0	0	1
108	Nomination and appointment of district workers' representatives	General	A108	1	0	0	0	0	0	1
109	Funding of district workers' representative	General	A109	0	0	0	0	0	0	1
110	Termination of appointment	General	A110	1	0	0	0	0	0	1
111	Appointment after termination	General	A111	0	0	0	0	0	0	1
112	Filling of temporary vacancy	General	A112	1	0	0	0	0	0	1
113	Persons not to pretend to be district workers' representatives	General	A113	1	0	0	1	1	0	1
114	District workers' representative restricted to safety and health matters	General	A114	0	0	0	0	0	0	1
115	Functions of district workers' representatives	General	A115	0	0	0	0	0	0	1
116	Powers of district workers' representatives	General	A116	1	0	0	4	4	0	1
117	District workers' representative not to unauthorised	General	A117	0	0	0	0	0	0	1
118	Inadequate or ineffective safety and health matters	General	A118	0	0	0	1	1	0	1
119	Identity cards	General	A119	0	0	0	0	0	0	1
120	Failure to return identity card	General	A120	0	0	0	0	0	0	1
121	Production or display of identity card	General	A121	0	0	0	1	1	0	1
Part 9	Inspectors and other officers and directives									
122	Appointments	General	A122	0	1	2	1	3	0	1
123	Qualifications for appointment as inspector	General	A123	0	1	1	0	1	0	1
124	Qualifications for appointment as inspection officer	General	A124	0	1	0	0	0	0	1
124A	Appointment conditions and limit on powers and functions	General	A124A	0	1	0	0	0	0	1
125	Functions of inspectors and inspection officers	General	A125	0	3	1	0	1	0	1
126	Further functions of inspectors	General	A126	0	0	1	0	1	0	1
126A	Appointments	General	A126A	0	1	1	0	1	0	1
126B	Qualifications for appointment as authorised officer	General	A126B	0	1	0	0	0	0	1
126C	Appointment conditions and limit on functions and powers	General	A126C	0	1	0	0	0	0	1
126D	Functions of authorised officers	General	A126D	0	2	0	0	0	0	1
126E	Information about functions and powers	General	A126E	0	0	0	0	0	0	1
127	Identity cards	General	A127	0	1	0	1	1	0	1
128	Failure to return identity card	General	A128	0	1	0	0	0	0	1
129	Production or display of identity card	General	A129	0	1	0	1	1	0	1
129A	Definition for div 4	General	A129A	0	0	0	0	0	0	1
130	Entry to places	General	A130	0	1	2	3	5	0	1
131	Consent to entry	General	A131	0	1	0	0	0	0	1
132	Application for warrant	General	A132	0	1	0	1	1	0	1
133	Issue of warrant	General	A133	0	1	0	0	0	0	1
134	Special warrants	General	A134	0	0	0	0	0	0	1
135	Warrants—procedure before entry	General	A135	0	2	0	0	0	0	1
136	General powers after entering mine or other place	General	A136	0	4	0	4	4	0	1
137	Failure to help officer	General	A137	0	1	0	0	0	0	1
138	Failure to answer questions	General	A138	0	2	0	0	0	0	1
139	Site senior executive must help officer	General	A139	0	0	0	0	0	0	1
140	Seizing evidence at mine or other place	General	A140	0	1	0	1	1	0	1
141	Securing things after seizure	General	A141	0	1	0	2	2	0	1
142	Tampering with things subject to seizure	General	A142	0	0	0	0	0	0	1
143	Powers to support seizure	General	A143	0	1	0	0	0	0	1
144	Receipts to be given on seizure	General	A144	0	1	0	1	1	1	1
145	Forfeiture	General	A145	0	1	0	1	1	0	1
146	Return of things that have been seized	General	A146	0	1	0	1	1	0	1
147	Access to things that have been seized	General	A147	0	1	0	1	1	0	1
148	Officer may stop and secure plant and equipment	General	A148	1	1	0	0	0	0	1
149	Power to require name and address	General	A149	0	1	0	1	1	0	1
150	Failure to give name or address	General	A150	0	1	0	1	1	0	1
151	Power to require production of documents	General	A151	0	2	1	1	2	0	1
152	Failure to produce document	General	A152	0	1	0	1	1	0	1
153	Failure to certify copy of document	General	A153	0	0	0	0	0	0	1
154	Power to require attendance of persons before officer	General	A154	0	1	0	1	1	0	1
155	Failure to comply with requirement about attendance	General	A155	0	0	0	0	0	0	1
156	Person must answer question about serious accident	General	A156	0	1	0	1	1	0	1
157	Additional powers of chief inspector	General	A157	0	0	0	0	0	0	1
158	Directive may be given	General	A158	1	1	1	0	1	0	1
159	How directive is given	General	A159	1	1	0	1	1	0	1
160	How directive is given for ss 163, 164 and 167	General	A160	1	1	0	1	1	0	1
161	Directive to ensure worker competent	General	A161	1	1	0	1	1	0	1
162	Directive to carry out test	General	A162	1	1	0	1	1	0	1
163	Directive to reduce risk	General	A163	1	1	1	1	2	0	1
164	Directive to suspend operations for unacceptable risk	General	A164	1	1	1	1	2	0	1
165	Directive to review safety and health management system	General	A165	1	1	1	1	2	0	1
166	Directive to suspend operations for ineffective safety and health management system	General	A166	1	1	1	1	2	0	1
167	Directive to isolate site	General	A167	1	1	1	1	2	0	1
168	Directive about separate part of the mine	General	A168	1	1	1	1	2	0	1
169	Directive to provide independent engineering services	General	A169	1	1	1	1	2	0	1
170	Records must be kept	General	A170	0	1	0	0	1	0	1
171	Directives	General	A171	0	1	2	4	6	0	1
172	Application for review	General	A172	0	2	1	1	2	0	1

Mining and Quarrying Safety and Health Act 1999

Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHA
173	Procedure for review	General	A173	0	2	1	1	2	0	1
174	Review of directive	General	A174	0	3	1	1	2	0	1
175	Stay of operation of directive	General	A175	0	2	1	0	1	0	1
176	False or misleading statements	General	A176	0	1	1	0	1	0	1
177	False or misleading documents	General	A177	0	1	0	0	0	0	1
178	Obstructing inspectors, officers or district work	General	A178	0	1	0	1	1	0	1
Part 10	Board of examiners									
179	Purpose of pt 10	General	A179	1	0	2	0	2	0	1
180	Functions of the board of examiners	General	A180	0	0	5	0	5	0	1
181	Examiners to be qualified	General	A181	1	0	3	0	3	0	1
182	Obtaining certificates of competency by fraud	General	A182	0	0	2	0	2	1	1
183	Return of certificate of competency	General	A183	0	0	4	0	4	0	1
Part 11	Accidents and incidents									
195	Notice of accidents, incidents, deaths or diseases	General	A195	1	2	4	1	5	0	1
195A	Requirement to give primary information	General	A195A	0	0	1	0	1	0	1
196	Place of accident must be inspected	General	A196	0	0	0	0	0	0	1
197	Site not to be interfered with without permission	General	A197	0	1	1	1	2	0	1
198	Action to be taken in relation to site of accident	General	A198	3	0	1	0	1	0	1
Part 12	Board of inquiry									
199	Minister may establish boards of inquiry	General	A199	1	0	2	1	3	0	1
200	Role of board of inquiry	General	A200	1	0	2	0	2	0	1
201	Conditions of appointment	General	A201	1	0	0	0	0	0	1
202	Chief executive to arrange for services of staff	General	A202	1	0	0	0	0	0	1
203	Procedure	General	A203	1	0	1	0	1	0	1
204	Notice of inquiry	General	A204	1	0	0	0	0	0	1
205	Inquiry to be held in public except in special circumstances	General	A205	1	0	0	0	0	0	1
206	Protection of members, legal representatives and witnesses	General	A206	1	0	0	0	0	0	1
207	Record of proceedings to be kept	General	A207	1	0	0	0	0	0	1
208	Representation	General	A208	1	0	0	0	0	0	1
209	Board's powers on inquiry	General	A209	1	0	1	0	1	0	1
210	Notice to witness	General	A210	1	0	1	0	1	0	1
211	Inspection of documents or things	General	A211	1	0	0	0	0	0	1
212	Inquiry may continue despite court proceedings	General	A212	1	0	0	0	0	0	1
213	Offences by witnesses	General	A213	1	0	1	0	1	0	1
214	Contempt of board	General	A214	1	0	0	0	0	0	1
215	Change of membership of board	General	A215	1	0	0	0	0	0	1
Part 13	Appeals									
216	Appeals against Minister's decisions	General	A216	0	0	2	1	3	0	1
217	Appeals against board of examiner's decision	General	A217	0	0	0	1	1	0	1
218	How to start appeal	General	A218	0	1	0	0	0	0	1
219	Stay of operation of decision	General	A219	0	1	0	1	1	0	1
220	Hearing procedures	General	A220	0	0	0	0	0	0	1
221	Powers of court on appeal	General	A221	0	0	0	0	0	0	1
222	Appeal to District Court on questions of law only	General	A222	0	0	0	0	0	0	1
223	Who may appeal	General	A223	0	0	0	1	1	0	1
224	How to start appeal	General	A224	0	0	0	0	0	0	1
225	Stay of operation of directive or review decision	General	A225	0	0	0	0	0	0	1
226	Hearing procedures	General	A226	0	0	0	0	0	0	1
227	Assessors	General	A227	0	0	0	0	0	0	1
228	Powers of court on appeal	General	A228	0	0	0	0	0	0	1
Part 14	Legal proceedings									
228A	Application of div 1	General	A228A	0	0	0	0	0	0	1
229	Proof of appointments and authority unnecessary	General	A229	0	0	0	0	0	0	1
230	Proof of signatures unnecessary	General	A230	0	0	0	0	0	0	1
231	Evidentiary aids	General	A231	0	0	0	0	0	0	1
232	Expert reports	General	A232	1	0	0	0	0	0	1
233	Analyst's certificate or report	General	A233	0	0	0	0	0	0	1
234	Proceedings for offences	General	A234	0	2	0	0	0	0	1
235	Recommendation to prosecute	General	A235	0	0	0	0	0	0	1
236	Limitation on time for starting proceedings	General	A236	0	0	0	0	0	0	1
237	Court may order suspension or cancellation of proceedings	General	A237	0	0	0	0	0	0	1
238	Forfeiture on conviction	General	A238	0	0	0	0	0	0	1
239	Dealing with forfeited things	General	A239	0	0	0	0	0	0	1
240	Responsibility for acts or omissions of representatives	General	A240	0	0	0	0	0	0	1
241	Executive officers must ensure corporation covered by workers compensation	General	A241	0	0	1	1	2	0	1
242	Representation	General	A242	0	0	0	0	0	0	1
243	Costs of investigation	General	A243	0	0	0	0	0	0	1
244	Recovery of fees	General	A244	0	0	0	0	0	0	1
245	Service of documents	General	A245	0	0	0	0	0	0	1
246	How document to be given to operator	General	A246	0	0	0	0	0	0	1
Part 15	Offences									
247	Person not to encourage refusal to answer questions	General	A247	0	0	2	0	2	0	1
248	Impersonating inspectors, officers or representatives	General	A248	0	1	1	1	2	0	1
249	Protection for officers	General	A249	0	0	0	0	0	0	1
Part 16	General									
250	Person must not employ underage persons unless authorised	UG	A250	0	0	1	0	1	1	1
251	Workers may request information	General	A251	0	0	0	0	0	0	0
252	Action where risk is unacceptable	General	A252	0	1	1	0	1	0	1
253	Where worker exposed to immediate personal danger	General	A253	0	2	2	1	3	0	1
254	Representations about safety and health matters	General	A254	0	4	1	0	1	0	1
254A	Protection from reprisal	General	A254A	0	1	1	1	2	0	1
254B	Damages entitlement for reprisal	General	A254B	0	1	1	0	1	0	1
255	Disclosure of information	General	A255	0	1	1	1	2	0	1
256	Protection from liability	General	A256	0	2	1	0	1	0	1
Part 17	Administration									
257	Delegations	General	A257	0	1	2	1	3	0	1
258	Delegation of chief inspector's powers	General	A258	0	0	1	1	2	0	1
259	Notices about industry statistics or information	General	A259	2	1	3	1	4	0	1
260	Chief executive to keep records	General	A260	0	0	1	0	1	0	1
261	Approved forms	General	A261	0	0	1	0	1	0	1
Part 18	Regulations									
262	Regulation-making power	General	A262	2	1	9	4	13	0	1
Part 19	Transitional and repeal provisions for Act No. 40 of 1999									
Part 20	Transitional provisions for Mines and Energy Legislation Amendment Act 2010									
Schedule 2	Dictionary	UG	AS2	0	2	0	0	0	0	0

30% 45% 42% 30% 56% 4% 95%

Mining and Quarrying Safety and Health Act 1999										
Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHA

Mining and Quarrying Safety and Health Regulations 2001

Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHR
Part 1	Preliminary									
1	Short title	General	R1	0	0	1	0	1	1	1
2	Commencement	General	R2	0	0	1	0	1	1	1
3	Definitions	General	R3	0	0	1	0	1	1	1
4	Ways of achieving an acceptable level of risk	General	R4	0	0	0	0	0	0	1
Part 2	Safety and health risk management									
5	Risk management practices and procedures	General	R5	2	1	0	1	1	0	0
6	Hazard identification	General	R6	1	0	0	0	0	2	2
7	Risk analysis	General	R7	1	1	0	0	0	1	1
8	Risk reduction	General	R8	9	1	1	0	1	8	1
9	Risk monitoring	General	R9	1	0	0	0	0	0	2
10	Risk management record	General	R10	2	0	3	0	3	0	1
11	Risk monitoring record	General	R11	1	0	0	0	0	0	0
Part 2A	Safety and health fee									
11A	Definitions for pt 2A	General	R11A	0	0	0	0	0	0	1
11B	Meaning of responsible person	General	R11B	0	0	0	0	0	0	1
11C	Payment of safety and health fee	General	R11C	0	0	0	0	0	0	1
11D	Safety and health census to be given at the end of ex	General	R11D	0	0	0	0	0	0	1
11E	Notice may be given if safety and health census not	General	R11E	0	0	0	0	0	0	1
11F	Fee for late safety and health census	General	R11F	0	0	0	0	0	0	1
11G	Interest payable on unpaid fees	General	R11G	0	0	0	0	0	0	1
11H	Refund of overpayment of safety and health fee	General	R11H	0	0	0	0	0	0	1
Part 3	Accidents, incidents and injuries									
12	First aid and medical treatment	General	R12	1	0	0	0	0	0	0
12A	Prescribed types of high potential incidents—Act, s 1	General	R12A	0	0	0	0	0	0	1
13	Prescribed types of serious accidents and high potential incidents	General	R13	0	0	0	0	0	0	1
14	Reporting accidents and high potential incidents	General	R14	0	0	0	0	0	0	1
15	Site senior executive's investigation of incidents	General	R15	0	0	0	0	0	0	1
16	Giving inspector details of accidents and high potent	General	R16	0	0	0	0	0	0	0
Part 4	Electrical									
17	Appointment of persons to control electrical work	General	R17	0	0	2	0	2	3	1
18	Acknowledgement of appointment	General	R18	0	0	1	0	1	0	0
19	Duty to give notice of proposed introduction or discov	General	R19	0	0	2	0	2	1	0
20	Electrical plans and data	General	R20	0	0	1	0	1	1	0
21	Working on electrical equipment that has explosion-p	General	R21	0	0	1	0	1	2	0
22	General	General	R22	0	0	3	0	3	1	0
23	Interrupting electricity supply to particular plant	UG	R23	0	0	1	0	1	1	0
24	Automatic control	General	R24	0	0	1	0	1	0	0
25	Earthing	General	R25	0	0	2	0	2	1	0
26	Earth leakage protection	UG	R26	0	0	2	0	2	1	1
26A	Basic safety principle	General	R26A	0	0	0	0	0	0	0
27	Isolation facilities	General	R27	0	0	1	0	1	0	1
28	Protection for transportable and mobile equipment	General	R28	0	0	3	0	3	2	1
29	Protection from live parts of electrical equipment	General	R29	0	0	2	0	2	0	0
30	Prospective touch voltage	General	R30	0	0	2	0	2	0	0
31	Voltage rise	General	R31	0	0	1	0	1	1	0
Part 5	Emergencies									
32	Risk management for emergencies	General	R32	13	0	1	0	1	1	1
33	Emergency preparedness—general	General	R33	2	0	1	0	1	2	0
35	Emergency response plan	General	R35	5	0	3	0	3	1	0
36	Evacuation	UG	R36	4	0	2	0	2	3	0
36A	Escapeways from underground	UG	R36A	1	0	1	0	1	2	0
37	Refuges	General	R37	1	0	0	0	0	1	0
38	Rescue	General	R38	3	0	1	0	1	2	0
39	Resources for first aid and medical treatment	General	R39	3	0	1	0	1	2	1
40	Maintaining and improving emergency response cap	General	R40	1	0	1	0	1	0	1
41	Mine rescue plan	UG	R41	5	0	2	0	2	1	1
Part 6	Facilities and processes									
42	Dredging	General	R42	0	0	0	0	0	1	0
43	Excavations	General	R43	0	0	1	0	1	2	0
44	Ground control	UG	R44	11	0	2	0	2	2	1
45	Mine layout, design and construction	UG	R45	3	0	1	0	1	5	0
46	Mine roads	General	R46	1	0	1	0	1	0	1
47	Rail haulage	General	R47	0	0	0	0	0	1	0
48	Ventilation	UG	R48	4	0	1	0	1	4	0
49	Working at heights	General	R49	0	0	0	0	0	1	1
Part 7	Hazardous substances and dangerous goods									
50	Meaning of hazardous substance	General	R50	0	0	0	0	0	0	1
51	Meaning of dangerous goods	General	R51	0	0	0	0	0	0	0
52	MSDS and NICNAS summary report	General	R52	0	0	0	0	0	1	0
53	Marking, labelling and giving information about hazar	General	R53	0	0	0	0	0	3	0
54	Selecting hazardous substances and dangerous goods	General	R54	0	0	0	0	0	0	1
55	Standard work instructions for storing, handling and	General	R55	0	0	0	0	0	0	1
56	Storing and handling hazardous substances and dangerous goods	General	R56	0	0	0	0	0	1	1
57	Monitoring, and taking action about, hazardous subs	General	R57	0	0	0	0	0	1	0
58	Dealing with leaks and spills	General	R58	0	0	0	0	0	0	0
59	Disposal	General	R59	1	0	0	0	0	2	1
60	Meaning of major hazard facility	General	R60	0	0	0	0	0	0	0
60A	Meaning of possible major hazard facility	General	R60A	0	0	0	0	0	0	0
60B	Notifying chief inspector if mine is a major hazard fac	General	R60B	0	0	0	0	0	0	0
60C	Notifying chief inspector of certain upgrades of mines	General	R60C	0	0	0	0	0	0	0
60D	Notifying chief inspector of certain downgrades of mi	General	R60D	0	0	0	0	0	0	0
60E	Safety and health management system for mine that	General	R60E	0	0	0	0	0	0	0
60F	Safety report to chief inspector	General	R60F	1	0	0	0	0	0	0
61	Register of hazardous substances and dangerous goods	General	R61	0	0	0	0	0	1	1
62	Resources for complying with MSDS	General	R62	0	0	0	0	0	0	0
63	Records	General	R63	0	0	0	0	0	2	0
64	Persons who may handle explosives	UG	R64	0	0	4	0	4	0	0
65	Selecting explosives	General	R65	0	0	1	0	1	0	0
66	Warning about explosives	General	R66	0	0	1	0	1	1	0
67	Storing, transporting, using and disposing of explosiv	General	R67	0	0	1	0	1	1	0
68	Mine vehicles and equipment used for manufacturing	General	R68	0	0	2	0	2	0	0
69	Identifying interaction hazards before explosives are	General	R69	3	0	1	0	1	2	0
70	Blasting procedures	General	R70	1	0	1	0	1	5	0

Mining and Quarrying Safety and Health Regulations 2001										
Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHR
71	Blasting in hot material	General	R71	0	0	1	0	1	1	0
72	Misfires	General	R72	0	0	1	0	1	2	0
73	Disposing of explosives	UG	R73	0	0	1	0	1	1	0
74	Underground storage	UG	R74	0	0	1	0	1	1	0
75	Underground storage location	UG	R75	0	0	1	0	1	1	0
76	Underground magazine design	UG	R76	0	0	1	0	1	1	0
77	Underground temporary storage	UG	R77	0	0	1	0	1	0	0
78	Record of underground storages	UG	R78	0	0	1	0	1	0	0
79	Theft or other loss of explosives	General	R79	0	0	1	0	1	0	0
79A	Accountability for explosives	General	R79A	0	0	1	0	1	0	0
Part 8	Mine plans									
80	Survey grid system	General	R80	0	0	0	0	0	1	1
81	Protecting survey data against loss, damage or unavailability	General	R81	0	0	0	0	0	0	0
82	Plans of mine workings	General	R82	0	0	2	0	2	0	2
83	Plans of operations undertaken at abandoned mine	General	R83	0	0	0	0	0	0	0
Part 9	Person on site									
84	Alcohol and drugs	General	R84	1	0	1	0	1	1	2
85	Fitness of workers	General	R85	1	0	1	0	1	0	0
86	Worker's self-assessment of fitness level	General	R86	1	0	1	0	1	0	0
87	Assessing workers to decide fitness level	General	R87	1	0	1	0	1	0	2
88	Fitness of visitors	General	R88	0	0	0	0	0	0	0
89	Work hours and rest breaks	General	R89	1	0	1	0	1	0	0
90	Amenities for workers' fitness and health	General	R90	0	0	0	0	0	4	1
91	Induction training and assessment	General	R91	1	0	0	0	0	1	1
92	Persons who have not completed induction training	General	R92	0	0	0	0	0	0	1
93	Training	General	R93	1	0	0	0	0	3	3
94	Record of training	General	R94	0	0	0	0	0	0	0
95	Time and resources for carrying out tasks	General	R95	1	0	0	0	0	0	0
96	Supervising workers	General	R96	0	0	0	0	0	0	0
97	Communicating with workers working alone underground	UG	R97	0	0	0	0	0	1	0
98	Checking work quality	General	R98	0	0	0	0	0	0	0
99	Entering a workplace	General	R99	0	0	0	0	0	0	0
Part 10	Plant generally									
100	Selection and design	General	R100	1	0	1	0	1	5	5
101	Instrumentation and warning devices	General	R101	1	0	0	0	0	3	2
102	Plant controls and control systems	General	R102	2	0	0	0	0	2	0
103	Isolation facility	General	R103	1	0	0	0	0	3	0
104	Manufacture, construction, storage, transport and installation	General	R104	0	0	1	0	1	2	0
105	Commissioning	General	R105	0	0	0	0	0	2	0
106	Operating plant	General	R106	0	0	0	0	0	2	0
107	Isolating, locking-out and tagging plant	General	R107	0	0	0	0	0	2	1
108	Monitoring	General	R108	0	0	0	0	0	1	2
109	Service and maintenance	General	R109	0	0	1	0	1	3	0
110	Repair and modification	General	R110	0	0	0	0	0	1	1
111	Dismantling and demolition	General	R111	0	0	1	0	1	1	0
112	Specifications, instructions and other information about plant	General	R112	0	0	2	0	2	1	0
113	Records	General	R113	0	0	0	0	0	3	0
Part 11	Procedures and standard work instructions									
114	Procedures and standard work instructions for particular operations	General	R114	0	0	0	0	0	0	0
115	Accessing current procedures and standard work instructions	General	R115	1	0	0	0	0	0	1
116	Written procedures	General	R116	0	0	0	0	0	0	0
117	Standard work instructions	General	R117	0	0	0	0	0	0	0
Part 12	Records generally									
118	Way records must be kept	General	R118	0	0	0	0	0	0	0
119	Period for which particular records must be kept	General	R119	2	0	3	0	3	0	2
120	Confidentiality of worker's medical record	General	R120	1	1	0	0	0	2	1
Part 13	Winding operations									
121	Application of pt 13	UG	R121	0	0	0	0	0	1	0
122	Appointment of persons to control winding operations	UG	R122	0	0	0	0	0	1	0
123	Acknowledgement of appointment	UG	R123	0	0	0	0	0	0	0
124	Control measures to protect against persons and things	UG	R124	1	0	1	0	1	1	0
125	Conveyances	UG	R125	1	0	1	0	1	0	0
126	Winders	UG	R126	2	0	0	0	0	4	0
127	Other safety provisions for winding equipment	UG	R127	2	0	0	0	0	1	0
128	Monitoring and maintaining winding equipment	UG	R128	0	0	0	0	0	0	0
129	Testing winding equipment after particular events	UG	R129	1	0	0	0	0	0	0
130	Signalling and communication	UG	R130	2	0	0	0	0	3	0
Part 14	Work environment									
131	Health assessment of workers	General	R131	1	0	0	0	0	2	2
132	Health assessment of visitors	General	R132	0	0	0	0	0	0	1
133	Exposure limits for workers	General	R133	0	0	0	0	0	2	0
134	Adjusting exposure limits for hazards for workers	General	R134	0	0	0	0	0	1	2
135	Limiting workers' exposure	General	R135	4	0	1	0	1	4	2
136	Monitoring workers' exposure	General	R136	5	0	0	0	0	3	3
137	Tampering with monitoring samples and results	General	R137	0	0	0	0	0	0	0
138	Health surveillance	General	R138	3	0	4	0	4	6	0
139	Removing affected worker from work environment	General	R139	0	0	0	0	0	1	0
140	Using personal protective equipment	General	R140	1	0	0	0	0	3	1
141	Asbestos material installed in buildings and plant	General	R141	0	0	0	0	0	2	1
142	Asbestos, other than asbestos material installed in buildings	General	R142	2	0	0	0	0	1	1
143	Heat	UG	R143	1	0	0	0	0	1	1
144	Oxygen	UG	R144	1	0	0	0	0	2	0
145	Radiation	General	R145	2	0	0	0	0	0	0
Part 15	Miscellaneous									
146	Access to Act and regulation	General	R146	0	0	0	0	0	0	0
147	Workers' access to guidelines	General	R147	0	0	0	0	0	0	1
148	Prohibited substances	General	R148	0	0	0	0	0	0	1
149	Declarations about mines—Act, s 9	General	R149	0	0	0	0	0	0	0
150	Prescribed number of persons for giving facility description	General	R150	0	0	0	0	0	0	0
151	Fees	General	R151	0	0	0	0	0	0	0
152	Provision about safety and health fee payable on or in relation to	General	R152	0	0	0	0	0	0	0
Schedule 1	Schedule 1 Types of high potential incidents for section 13	General	RS1	1	1	1	0	1	0	0
Schedule 2	Schedule 2 Types of serious accidents and high potential incidents	UG	RS2	1	1	1	0	1	0	0
Schedule 3	Schedule 3 Prohibited substances	UG	RS3	2	0	0	0	0	2	0
Schedule 4	Schedule 4 Declarations about mines	General	RS4	0	0	0	0	0	0	0
Schedule 5	Schedule 5 General exposure limits for hazards	General	RS5	0	0	0	0	0	2	0

Mining and Quarrying Safety and Health Regulations 2001										
Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHR
Schedule 6	Schedule 6 Board of examiners' fees	General	RS6	0	0	1	0	1	1	0
Schedule 7	Schedule 7 Dictionary	General	RS7	0	0	0	0	0	7	0
				33%	3%	40%	1%	40%	52%	37%

Mining and Quarrying Safety and Health Regulations 2001										
Section	Heading	General or UG specific	Ref	NMSF	FedOHS	NSW MHS	NSW OHS	NSW Total	WA	CMSHR

NSW and Queensland Legislative Working Group

Draft Minutes

Wednesday 21 July 2010
0900 to 1400

Chair:

Stewart Bell - DEEDI

Secretary:

Graham Robinson - DEEDI

Attendees:

Rob Regan – Industry & Investment (NSW)
Jenny Nash - Industry & Investment (NSW)
Bronwen O’Dwyer - Industry & Investment (NSW)
Gavin Taylor – DEEDI (Qld)
Rob O’Sullivan – DEEDI (Qld)
Maura Thompson – DEEDI (Qld)
John Kabel – DEEDI (Qld)
Mick O’Donoghue – DEEDI (Qld)

Lisa McGerty-Huynh – DEEDI (Qld)
David Stone – QRC (Xstrata Coal)

Annika Van Aswegen – QRC (Qld)
Steve Rae – QRC (BMA)
Grant Cook – QRC (Qld)
Andrew McMahon – MCA (NSW)
Greg Dalliston – CFMEU (Qld)
Tim Whyte – CFMEU (Qld)
Chris Gilbert – CFMEU (Qld ISHR)
Gary Horne - - CFMEU (District Check
Inspector, NSW)
Michael Alder - DRET (Cth)
Melissa Round - DRET (Cth)

Apologies:

Sue-Ern Tan – MCA (NSW)
Tracey Jackson – DEEDI (Qld)

1. Opening of meeting

The Chair welcomed attendees to the meeting and accepted apologies.

2. Reporting arrangements

The meeting noted that final decisions relating to the recommendations made by this group are to be made by a sub-committee of the MCMPR comprised of NSW, Qld, WA Ministers and the Commonwealth Minister, with the final outcomes provided to the full MCMPR for information only.

3. Decision making policy

The meeting noted that Qld, NSW and WA are to endeavour to reach consensus on all matters, but where this is not possible, but where the three jurisdictions have agreed, that the agreed position would be put forward to Ministers as the group’s recommendation and the social partners views would also be noted.

4. General discussion on function of this group

The meeting agreed that this group should be distinguished from other groups by naming it a legislative technical group to avoid any confusion.

The function of the technical group is to address the three major mining States' (Qld, NSW, WA) concerns that the existing core and non-core topics do not meet the current safety and health standards. The legislative technical group will identify the additional legislative components required for the three major mining States to develop drafting instructions for the additional core/non-core topics.

The meeting discussed the role of the regulators and social partners in the process. It was agreed that Qld and NSW would form technical working groups to allow mines inspectors to review and compare both States legislation. Qld and NSW regulators will strive for harmonisation of content and then present the final document for comment to the full non-core group.

It was noted that this exercise is not to change the intent of the existing legislation in any fundamental way, but to achieve mining legislation that is as consistent as possible across the three mining States. There will be no legislative changes that will reduce the current standard of mine safety.

After the regulators have completed their mapping processes and met to discuss achieving consistency across the legislation, the social partners will be brought back into the process to discuss and provide comment on the outcome. The social partners may also be able to assist when the States have points of differences.

Each State is to work with their own Parliamentary Counsel on the drafting instructions. This is where the States have to be careful that they do not diverge.

The meeting discussed the need for transition arrangements when the legislation commences on 1 January 2012.

The CFMEU raised its concerns about the inadequacy of the core drafting instructions in relation to mine safety and the importance of tripartite involvement in ensuring strong legislative standards are maintained.

Michael Alder noted that:

Core topics relate to all the States.

Non-Core topics are the things specific to each State (i.e. Board of Examiners).

Tasmania may go down the three States' route. There have been some indications that they may attend some non-core meetings as an observer.

Need to achieve results before 31 December 2010 to ensure that there is enough time to get changes through parliament.

Process for legislative technical group:

- Identify topics.
- Identify technical working groups – Qld and NSW to produce framework document.
- Working groups will then meet with social partners after the initial draft has been completed.
- Identify timetables.
- At the completion of the review process the drafting instructions are to be developed and circulated to make sure everything has been picked up in the drafting process.
- Drafting instructions will be sent to the non-core group and the steering committee.

5. Review of intergovernmental agreement

An Intergovernmental agreement (IGA) between the three major mining states (NSW, QLD, WA) will build on the existing IGA for national OHS law. The legislation cannot change without agreement between all states with the aim of keeping consistency now and in the future. For example, if an incident occurs in one State that requires a change in the legislation, then it must be agreed across all states. There must be unanimous agreement to make changes.

The IGA is to be discussed at the Non-Core Legislation Working Group meeting on 9 August 2010.

The Commonwealth indicated that they did not think they would be included in the IGA because they have no mine safety legislation.

6. Mapping of existing legislative provisions to identify additional material required in the core topics

The meeting agreed that there are to be four mines inspectorate working groups:

- Administrative
- Mining
- Electrical
- Mechanical.

The administrative group will review high level issues and will consist of the two chief inspectors, Rob Regan and Gavin Taylor, as well as legal and policy representatives. Any technical items under the administrative group's purview will be forwarded to the appropriate working group (electrical/mechanical/mining).

NSW identified the following items missing from Part 3 of the Core Drafting Instructions:

- Mechanical Safety Management Plan
- Inspection plan
- Supervision arrangements
- Training and consultation
- Contractor management
- Prohibited items
- Chemicals
- Management structure that will address hazards
- Electrical safety management plan

7. Working group assignments

PART 1 – PRELIMINARY PROVISIONS

1. Application – **Administration Group**

PART 2 – ADDITIONAL DUTIES RELATING TO MINING OPERATIONS

2. Duty to appoint a mine operator – **Administration Group**
3. Provision of information – **Administration Group**

PART 3 – DUTIES RELATED TO HEALTH AND SAFETY MANAGEMENT SYSTEMS

4. Mine health and safety management system – **Administration Group – then to technical group**
5. Risk management system – **Administration Group – then to technical group**
6. Principal hazard management plans system – **Administration Group – then to technical group**
7. Emergency response plan system – **Administration Group – then to technical group**
8. Health surveillance systems system – **Administration Group – then to technical group**
9. Fitness for work system – **Administration Group – then to technical group**
10. Collection of statistics for National Mine Safety Database system – **Administration Group – then to technical group**

PART 4 – PRESCRIBED PRINCIPAL HAZARDS

11. Ground/strata control – **Mining Group**
12. Inundation and inrush – **Mining Group**
13. Mine shafts and winding operations – **Mechanical Group first then consult with Electrical Group**
14. Roads and other vehicle operating areas – **Mining Group**
15. Air quality, airborne dust and other airborne contaminants – **Mining Group**
16. Split into:
 - a. Fire, explosion – **Mining Group**
 - b. Gas outbursts and drainage – **Mining Group**
 - c. Spontaneous Combustion – **Mining Group**

Others to be considered:

- Explosives – **Mining Group**
- Chemicals – **Mining Group**
- Electrical – **Electrical Group**

PART 5 – FURTHER REQUIREMENTS RELATING TO WORK HEALTH AND SAFETY AT MINES

17. Electricity – **Electrical Group** (detailed section that needs expansion by working group)
18. Radiation – **Administration Group** (ionising and solar) [outside scope? National legislation]
19. Extreme temperatures – **Mining Group**
20. Plans of mines – **Administration Group**
21. Mine record – **Administration Group and then to Mining Group**
22. Mine rescue – **Administration Group**
23. First aid at the mine – **Administration Group**
24. Abandoning mines – **Administration Group**
25. Prohibited items – **Mining Group**

- 26. Naturally occurring asbestos – [**removed from coal, needs to be considered by the metalliferous group**]
- 27. Incident investigation – **Mining Group** [NSW waiting on legal advice regarding powers of regulators and powers of inspectors i.e. entry to site. Proactive enforcement of dangerous situations by Inspector. WPHS legislation may provide these powers.]
- 28. Powers of inspectors/ISHR to be reviewed by **Administration Group**.

PART 6 – MISCELLANEOUS PROVISIONS

- 29. Exemptions – **Administration Group**
- 30. Definitions – **Administration Group** [end of process – working groups to submit definitions]

Additional Topics – NSW

- 31. Plant/equipment – **Mechanical Group**
- 32. Emplacement areas (processing plants, wet/dry waste areas) – **Administration Group in consultation with legal.**
- 33. Inspection programs by operator – **Administration Group**
- 34. Monitoring (e.g. gas/electrical/atmosphere, calibration, spon com) – **Administration Group** – will come under different areas.
- 35. Ventilation Officers – **Mining Group**
- 36. Gas monitoring and sealing arrangements – **Mining Group**
- 37. Communication and training – core SHMS very limited (shift to shift, Moura recommendation. Covered by inspections in Qld) – **Mining Group**
- 38. Conveyors – **Mechanical Group in consultation with Electrical Group**
- 39. Minimum age – **Administration Group**
- 40. Licensable activities (competency vs. licensing, licensing an organisation to perform a particular activity) – **Administration Group**
- 41. Mechanical and electrical engineering plans (i.e. hot work) – **Mechanical Group then Electrical Group**

Additional Topics submitted by the CFMEU

SOP
 SHMS
 Mine Fans
 Second workings
 High wall mining (high risk activity)
 Training
 High risk activities (definition?)
 Pillar extraction
 Long wall extraction
 Shotfiring
 Sealing

Non-Core Drafting Instructions (Qld/NSW/WA)

1. Responsible officer / Site senior executive appointment – **Administration Group**
2. Statutory mine safety positions – **Administration Group**
3. Notification of the commencement and cessation of mining operations – **Administration Group**
4. Notification of high risk activities – **Mining Group**
 - a. Pillar extraction
 - b. Long wall extraction
 - c. Shotfiring
 - d. Sealing
 - e. Hot work
 - f. Secondary extraction
 - g. Change of mining procedures
 - h. Additional items to be sent from NSW
5. Additional enforcement powers in relation to mines – **Administration Group**
 - a. Requesting engineering study
 - b. Proactive investigation and directives
6. Prescribed industry Inspectors – **Administration Group**
7. Competency assurance and transferability – **Administration Group** (11/8 mtg on competencies – wait for outcome)
 - a. Training
 - b. Registered Training Organisations (RTO)
8. Mine rescue accreditation – **Administration Group**
9. Fire, explosion and gas outbursts – additional requirements – **Mining Group** (refer to core separation items)
10. Tripartite Advisory Committees – **Administration Group** (bring together the tripartite groups for discussion)
11. Official Inquiries – **Administration Group**

8. Timetable

- Working groups will meet before 9 August 2010 meeting.
- Working group reports to be circulated before 21-22 September meeting (date to be confirmed)
- Final working groups reports ready for 21-22 September meeting (date to be confirmed)
- Drafting instructions by working groups by mid November 2010
- Drafting instructions to be finalised by 31/12/2010
- To MCMPR by January 2011.



Your ref:

Our ref: A1186/201001

Enquiries: Client Services - Ph 9358 8001 Fax

Email: dgsb@dmp.wa.gov.au

«Given_Name» «Licence_Holder»
«Mailing_Address»
«City» «State» «Postcode»

To the dangerous goods safety licence holder,

DANGEROUS GOODS SAFETY REGULATION IMPLEMENTATION OF GOVERNMENT DECISION ON COST RECOVERY

The State Government's decision to overhaul the regulation of health and safety in the Western Australian resources industry was announced by the Minister for Mines and Petroleum in September 2009.

The Government decided the reforms would be funded by moving towards cost recovery for regulatory services, supplemented by an ongoing contribution from government. These changes, which will result in increased fees and charges for the regulation of dangerous goods, will be phased in over a four-year period commencing in 2011.

In line with these changes, the Government is committed to streamlining the regulatory processes for dangerous goods and ensuring charges reflect the time and resources it takes the Department to provide its regulatory services.

Proposals to adopt a more equitable charging regime include:

- Merging licences so that a single site will only need to hold one licence and pay one fee;
- Separating the fees for Major Hazard Facilities (MHF) and abolishing the MHF Safety Report assessment fees;
- The same fees will apply across the State, regardless of site location;
- Site licence fees being charged annually instead of three yearly;
- Implementing a refund system for licences surrendered part way through a year;
- Abolishing pipeline registration fees;
- Charging all dangerous goods storage site licence holders the same fee;

- Abolishing fees for replacing lost licence cards, etc.; and
- Licensing of dangerous goods vehicles to only apply to dedicated road vehicles with integral tanks.

Attached is an information sheet to provide more detail on the proposed changes. While the Department is obliged to recover costs for regulatory services in line with the State Government's decision, feedback from users of our services will assist in implementing equitable and efficient changes to various fees and charges.

Further advice will be provided within the next few months, including the proposed rates for specific licences. In the meantime, if you have any questions or comments regarding the underlying principles outlined in the attachment, please contact Resources Safety Client Services:

Email: dgsb@dmp.wa.gov.au

Mail: Dangerous Goods Fee Review
Department of Mines and Petroleum
100 Plain Street
EAST PERTH WA 6004

Phone: 9358 8001 or 9358 8002

Yours sincerely

Malcolm Russell
Executive Director

X August 2010



Proposed basis for future dangerous goods safety licence fees

The key principles guiding the proposed fee structure are:

- the cost of safety regulatory services includes corporate overheads;
- the fee system should achieve equity between different types of licence holders, and reflect the regulatory and administrative effort involved; and
- annual fee changes will be set to prevent net deficit or surplus over time.

Proposal	Background and rationale	
GENERAL LICENSING ARRANGEMENTS		
1	An operator of a single site should only need to hold one licence and pay one fee. Where possible, this should also apply to non-site licences such as explosive supply or import/export licences.	Currently a site may require separate dangerous goods, explosive and security risk substance (SRS) licences. This is administratively complex for both operator and regulator.
2	The fees collected from dangerous goods, explosives and major hazard facility (MHF) licences should largely match the cost of providing services to those sectors.	For equity reasons, the cost of regulating operations that demand significantly higher levels of regulator attention (i.e. MHFs) should not be subsidised by other businesses. MHF classification only applies to facilities that pose a significant risk and are required to adopt a safety case approach. Such sites demand additional regulatory input. Consequently, MHF fees need to be higher than for other dangerous goods sites.
3	There should be no differentiation of fees for equivalent licence types based on location.	About a half of all licensed sites are located outside the Perth metropolitan area. Regional sites should not pay more than those in the Perth metropolitan area.
4	All fees should be expressed as a multiple of a single fee unit.	Currently, all fees are expressed as specific dollar amounts. This makes annual adjustments cumbersome and inefficient.
5	Fees should be waived where the licence is voluntarily cancelled or transferred or where fees have been overpaid or charged in error.	Currently, there is no ability to waive fees.
6	Fees for replacement cards (e.g. security cards) should be abolished.	The administrative cost should be covered by the original fee.
SITES		
7	Site licence fees should be charged annually, with licences granted for extended periods (e.g. five years), subject to payment of the annual fee. The duration of personal licences (e.g. shotfirers) should increase to five years (as with interstate jurisdictions), with licence holders having the option to pay annually. A late fee should be charged where fees are not paid by the anniversary date. Fee refunds should be paid on a simple pro-rata basis when a licence is surrendered part way through a year.	Problems have been experienced with the current three-year licence system and the lack of refund options. Annual payment of licence fees should be an option available to industry. The current three-monthly fee payment system for MHFs is administratively onerous. Licence renewal will be streamlined so it only focuses on changes.

Proposal		Background and rationale
SITES continued		
8	The fee for the Department to assess a new site licence application should be increased.	Most licence applications are granted automatically when submitted via an accredited consultant. When assessment is carried out by the Department the fee should be comparable with that of an accredited consultant.
9	All dangerous goods (only) site licence holders should be charged the same fee, regardless of quantum of product.	The regulatory effort for most sites is un-related to the quantity of storage and so differentiation of fees based on amount stored should cease.
PIPELINES		
10	Pipeline registration fees should be abolished.	Dangerous goods pipelines are always associated with a licensed site.
MAJOR HAZARD FACILITIES		
11	MHF Safety Report assessment fees should be abolished.	MHFs require close regulatory scrutiny over their entire life-cycle and the cost of this can be recovered through the annual fee.
EXPLOSIVES AND FIREWORKS		
12	Explosive authorisation fees should be minimal when authorisation has been undertaken in another Australian jurisdiction. A higher fee should be charged when a full WA assessment is required.	The Australian Forum of Explosives Regulators national authorisation process has achieved a high level of national uniformity. Assessment in another Australian jurisdiction should be accepted automatically in WA.
13	Licence fees for explosives storage will be split into two categories: <ul style="list-style-type: none"> less than 1 tonne; and more than 1 tonne. 	Small storages are generally used intermittently storage and do not require the same level of regulatory effort. Larger storages are generally permanent facilities that require more regulatory effort.
14	Fireworks permit fees should be related to complexity of the event, such as: <ol style="list-style-type: none"> Small displays (for schools and charities) and ground displays Displays with up to 2,000 aerial shells Large displays with more than 2,000 aerial shells. 	Fees should reflect the amount of regulatory effort involved for different types of fireworks displays. There should be additional fees for late notifications.
TRANSPORT		
15	Licensing of dangerous goods vehicles should only apply to vehicles that are dedicated road tank vehicles where the tank is an integral part of the vehicle.	There is no justification for the licensing of vehicles that carry dangerous goods in receptacles that are not part of the vehicle and that are already approved separately.
PORTS		
16	The fee for special berth approvals should be increased.	Special berth approvals and ongoing monitoring require considerable effort by the Department. Fees should reflect the amount of regulatory effort involved.
17	Site licence fees should be introduced for storage and handling, with a single site licence per stevedoring company per port. This licence should also cover adjacent berth storage.	Storage and handling at ports should be regulated in an equivalent manner to all other dangerous goods sites. <i>Note: this matter is being discussed directly with port operators and stevedores.</i>