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Position paper

When and how a quarry can be ‘tiered’ up and down following an operational profile change

The Regulator categories quarries into 3 tiers based on risk profile

The Resources Regulator uses its risk profiling tool to categorise quarries into tiers as part of its risk-based approach to regulating quarries. The Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 makes specific reference to tier 3 quarries for the purposes of exempting them from certain requirements owing to their small-scale, lower-risk profile at a given point in time.

For example, a tier-3 quarry is exempt from needing to account for several factors required to be included in a safety management system. They must instead set out the systems, procedures, plans and other control measures that will be used to control risks to health and safety set out in section 178(3) of the WHS (MPS) Regulation. Tier-3 quarries are also exempt from the statutory requirement to employ a quarry manager with the relevant practising certificate.¹

The Regulator’s quarry categorisation is based on the assessment of the hazards at a particular site using the Regulator’s risk profiling tool. Tier 1 and 2 quarries are typically medium and large-scale operations with principal mining hazards owing to their operational profile, while tier 3 quarries can be significantly smaller and intermittent in nature.

Tier-3 quarries profile

The WHS (MPS) Regulation defines a tier 3 quarry as a mine, other than an underground mine or a coal mine, where the mine:

- a) has 5 or fewer full-time equivalent workers, including the quarry manager and contractors, and
- b) does not carry out dredging or blasting activities, and
- c) does not extract more than 30,000m³ of extractive material for sale or reuse in a year.

To be classified as tier 3, a quarry must always satisfy all of the above criteria.

In contrast to a tier 2 or tier 1 quarry that may carry out blasting and dredging as part of its mining method, tier 3 quarry’s mining methods are typically on a smaller scale and less complex.

However, when operational, tier 3 quarries can have the same hazards that are present in larger scale mining operations. These hazards, when not controlled adequately, have caused serious

¹ Section 132; Schedule 10 (31) (1)-(2).

incidents and fatalities in the past at tier 3 quarries. This is why tier 3 quarries still require key elements of a safety management system to control those hazards.

In special circumstances the Regulator may reprofile a tier 3 quarry

A quarry's operational profile changing to the extent that it does not meet one or more of the above criteria would render it no longer a tier 3 quarry. Such an operational change would extract the quarrying operations from the intent of the exemptions in the WHS (MPS) Regulation. Even if a tier 3 quarry employed a competent person to oversee any blasting or dredging operations for the period of those operations,² that quarry would cease to be a tier 3 quarry. To remove any doubt, the Regulator does not consider a quarry that blasts for bulk extraction, regardless of frequency and timeframes, a tier 3 quarry.

However, the Regulator acknowledges that some circumstances warrant temporary moves between tiers. For example:

- staffing levels may temporarily increase,
- approval conditions may no longer allow blasting,
- a quarry may permanently cease dredging operations.

Quarries seeking to be re-profiled between tiers must apply to the Regulator for approval. The application must contain particulars such as details of the mining activities taking place at the mine, and the nominated quarry manager's skills, knowledge and experience. These particulars must be supported by substantive evidence.

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² Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 s180.