

Feedback Form

* Required field

Contact details

Name*	John Owens		
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Postal address (if different from above)			
Suburb		State	Postcode

Organisation

Are you an individual representing at organisation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the organisations' name:	Wagga City Council_ consultant to

Privacy *(please tick one)*

<input checked="" type="checkbox"/> I consent to my submission being published, including my identity.
<input type="checkbox"/> I consent for my submission being published, excluding my identity <i>(please answer question below)</i> .
Please provide a valid reason/s for the request to exclude identity:

National context

DO YOU HAVE ANY COMMENTS REGARDING THE WHS (MPS) LAWS AND THEIR NATIONAL CONTEXT? SEE QUESTIONS BELOW

PLEASE CLARIFY YOUR RESPONSE AND GIVE REASONS FOR YOUR VIEW.

1. Do the WHS (MPS) laws remain consistent with the National Mine Safety Framework principles?	Mostly - not all states on board yet
2. Is the objective of seeking national consistency relating to WHS in relation to mines and petroleum sites still valid?	yes
3. Has the WHS (MPS) framework facilitated effective interstate regulatory cooperation?	
4. Are there any developments in mine and petroleum safety laws in the major mining states that could improve safety regulation and outcomes in NSW?	

WHS (MPS) Act

DO YOU HAVE ANY COMMENTS REGARDING THE WHS (MPS) ACT? SEE QUESTIONS BELOW

PLEASE CLARIFY YOUR RESPONSE AND GIVE REASONS FOR YOUR VIEW.

5. Are the objects of the WHS (MPS) Act still valid, appropriate and working as intended? (Part 1 of Act)	yes, however care required that due diligence demonstration matches the risk presented by task and doesn't lead to process trivialisation/ complacency.
6. Are there any areas arising from application of the WHS (MPS) laws that have had unintended outcomes? (Part 1 of Act)	In locations with no mining activity - mine spec equipment is unavailable (but WHS compliant). Will get work done on road side / in paddock rather than risk issues with "non compliant" equipment at a quarry eg tyre repairs, minor welding jobs

7. Are the provisions under the WHS (MPS) laws for incident notification still valid, appropriate and working as intended? (Part 3 of the Act)	Multiple lines of and notification processes now required depending on work site- council internal / contractor/ safe work / mining regulator reporting. Clear lines of reporting and who is responsible for the formal report to the appropriate regulator to be established
8. Are the provisions for functions of government officials still valid, appropriate and working as intended? (Part 4 of the Act)	
9. Are the provisions for worker representation in coal mines still valid, appropriate and working as intended? (Part 5 of the Act)	N/A
10. Are the provisions for enforcement measures still valid, appropriate and working as intended? (Part 6 of the Act)	Yes, provided not used as a KPI for inspectors or for a "self funding" process
11. Are the provisions for a Board of Inquiry still valid, appropriate and working as intended? (Part 7 of the Act)	
12. Are the provisions for statutory bodies still valid, appropriate and working as intended? (Part 8 of the Act)	
13. Do the provisions for statutory bodies ensure adequate representation in the provision of advice in relation to health and safety and competence? (Part 8 of the Act)	

WHS (MPS) Regulation

**DO YOU HAVE ANY COMMENTS REGARDING THE WHS (MPS) REGULATION? SEE QUESTIONS BELOW
PLEASE CLARIFY YOUR RESPONSE AND GIVE REASONS FOR YOUR VIEW.**

<p>14. Are the provisions for nomination and appointment of operators still valid, appropriate and working as intended? (Part 1A of the Regulation)</p>	<p>yes</p>
<p>15. Are the provisions for managing risk in addition to the WHS Regulation still valid, appropriate and working as intended? (Part 2, Div 1, Subdivision 1 of the Regulation)</p>	<p>yes provided the process is not trivialised by ongoing repetition</p>
<p>16. Are the provisions for SMS, including PHMP & PCP, still valid, appropriate and working as intended? (Part 2, Div 1, Subdiv 2-4 and Div 2 and 3 of the Regulation)</p>	<p>vaild yes, not necessarily appropriate. plan was to "harmonise". Duplicate systems now in operation- WWCC has a SMS for council activities - extra SMS developed for quarry - Pits are a small but significant resource to road maintenance operations. Pits <2 FTE / annum including staff and contract hrs for haul and prep. A dispropportianate amount of effort required for what is essentially another intermitently operational remote work site</p>
<p>17. Are the provisions for specific control measures still valid, appropriate and working as intended? (Part 2, Div 4-5 of the Regulation)</p>	<p>Yes valid and appropriate. Several of the hazards relevant even though operations are small eg contractor management , moving plant / road in particular. Air quality/ dust management has potential implications for the maintenance of the unsealed rd network locally and nationally.</p>
<p>18. Are the provisions for emergency management still valid, appropriate and working as intended? (Part 2, Div 6 of the Regulation)</p>	<p>Yes, but of limited value. When contacted, Emergency Services (ambulance) had little interest in details of small intermittent operation with . 000 service adequate for envisaged circumstances</p>
<p>19. Are the provisions for information, instruction and training still valid, appropriate and working as intended? (Part 2, Div 7 of the Regulation)</p>	<p>Yes, but primarily more releavnt to operations on a much larger scale than Council</p>

20. Are the provisions for health monitoring still valid, appropriate and working as intended? (Part 3 of the Regulation)	Yes but has potential for overflow into other sections of council eg vegetation management
21. Are the provisions for consultation and worker safety role still valid, appropriate and working as intended? (Part 4 of the Regulation)	yes- with respect to pit ops.
22. Are the provisions for survey plans and mine plans still valid, appropriate and working as intended? (Part 5 of the Regulation)	Limited relevance. Small open cut ops, no risk from encountering former operations
23. Are the provisions for notifications and information to be provided to the regulator and information to be kept by the operator still valid, appropriate and working as intended? (Part 6 and Part 7 of the Regulation)	yes
24. Are provisions for statutory functions still valid, appropriate and working as intended? (Part 8 of the Regulation)	Current arrangement poor fit with Council management structure and delegation. The former mine manager/ production manager was a better fit with staff duties/ delegation than current Quarry manager
25. Are provisions for licensed activities and registration of plant still valid, appropriate and working as intended? (Part 9 and cl 177 of the Regulation)	

Submitting the form

Please return your form via:

Email: rr.feedback@planning.nsw.gov.au

Post: Statutory review of WHS (MPS) laws 2020
NSW Resources Regulator – Regulation Development
PO Box 344
Hunter Regional Mail Centre 2310 NSW

By the closing date: 17 April 2020

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