

Feedback Form

* Required field

Contact details

Name*		Paul Wilkinson			
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Organisation

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

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?	
2. Is the objective of seeking national consistency relating to WHS in relation to mines and petroleum sites still valid?	
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)	
6. Are there any areas arising from application of the WHS (MPS) laws that have had unintended outcomes? (Part 1 of Act)	

7. Are the provisions under the WHS (MPS) laws for incident notification still valid, appropriate and working as intended? (Part 3 of the Act)	
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)	
10. Are the provisions for enforcement measures still valid, appropriate and working as intended? (Part 6 of the Act)	
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>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>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>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>18. Are the provisions for emergency management still valid, appropriate and working as intended? (Part 2, Div 6 of the Regulation)</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>20. Are the provisions for health monitoring still valid, appropriate and working as intended? (Part 3 of the Regulation)</p>	

<p>21. Are the provisions for consultation and worker safety role still valid, appropriate and working as intended? (Part 4 of the Regulation)</p>	
<p>22. Are the provisions for survey plans and mine plans still valid, appropriate and working as intended? (Part 5 of the Regulation)</p>	<p>I feel as long as this 'Risk Assessment' option is available to extractive pits/quarries, the majority of operators will likely downplay the risk of needing to to prepare a Survey plan. If you look at the actual number of operations that have now assessed themselves as needing such a plan, I can't imagine there would be many that do (if any)!</p> <p>Given that there's only a small number of mines with EPL approvals to produce up to 2M Tns, and an even smaller number >2M Tns, there might be a case to link these limits to a 'requirement to supply a plan'.</p> <p>As a mine surveyor who has worked in both coal & quarry operations (as well as Titles/Mine Mapping within the Dept), I can attest to the need to continuously capture and display safety critical themes, such as in-pit traffic and bench formation in these larger pits. As such, accurate spatial info is essential if there is to be any monitoring or adherence to bench width/heights and haul road widths/grades. There are also other spatial aspects of a survey plan that would be significant for these larger operations to record/display, such as current workings in relation to cadastral/consent boundaries and also a current digital 'pit model', which would give assurance that end-of-life rehabilitation obligations are accurately quantified.</p> <p>Also, as a comment on Clause 123: Plan of mines (other than mine survey plans), I feel that this plan be given an actual name/label, such as "Plan of Mine Workings" (as a suggestion) and that, rather than "being prepared by a competent person", it should be amended to "prepared by a qualified geospatial professional".</p> <p>The above comments are not in any way an effort to get jobs for Mine Surveyors in these operations. I just feel that</p>

	<p>there has been a historical gap in the recording & monitoring of these mid-large mining operations in NSW, which reflects poorly when compared with the rest of the Resource Regulators' achievements and compliance initiatives.</p> <p>Thanks for the opportunity to comment, I hope this helps.</p>
<p>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)</p>	
<p>24. Are provisions for statutory functions still valid, appropriate and working as intended? (Part 8 of the Regulation)</p>	
<p>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)</p>	

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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