



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Submission templates - Work Health and Safety Regulations for Western Australia

Contents

[WHS Regulations submission coversheet](#)..... 3

[Section 1: Submission details](#) 3

[Section 1: Permission details](#) 4

[WHS Regulations submission comments](#)..... 5

[Section 2: Feedback](#)..... 5

WHS Regulations submission coversheet

Section 1: Submission details

Full name	Christian Price		
Organisation and position (if applicable)	WA School of Mines Alumni – President		
Email	[REDACTED]		
Telephone	[REDACTED]		
Employment status (if applicable)	Worker	Principal contractor	
	Employer	Contractor	
	Self-employed	OSH professional	
	Other (enter details) Western Australian School of Mines Alumni – Represents over 9880 Resource Industry professionals		
Size of workplace	Small (0-9)	Medium (20-199)	Large (200+)
Please indicate in what capacity you are making this submission (select one of the following categories)	Individual	Industry representative	
	Business	Academic	
	Community organisation	Government representative	
	Employer organisation	Professional	
	Other (enter details) Alumni Association		
Which industry sector do you operate in?	Education/Resources		
Your type of job or business (if applicable)	Member Representative Organisation		

Section 1: Permission details

Internet publication

Public submissions may be published in full on the website, including any personal information of authors and/or other third parties **contained in the submission**.

Please tick this box if you wish for your input to remain confidential (that is, you **do not consent** to having your input published on the internet)

Anonymity

Please tick this box if you wish for your input to be treated as anonymous (that is, you **do not consent** to having your name, or the name of your organisation, published on the internet with your input)

Third party personal information

Please tick this box **if your input contains personal information of third party individuals**, and strike out the statement that is not applicable in the following sentence:

The third party **consents / does not consent** to the publication of their information.

WHS Regulations submission comments

Enter your comments on specific regulations in the table below. You may add new rows at the end of the table if you wish to include comments on other aspects of the national model WHS regulations.

When making your submission, please consider providing specific responses to the following issue:

1. What is the benefit to workplace participants of a proposal?
2. What is the likely cost for you, your business and the Regulator to implement a specific proposal?
3. Is a specific recommendation likely to be effective in achieving healthier and safer workplaces?
4. Are there any unintended consequences of adopting individual regulations in the model WHS regulations?
5. If a new requirement is proposed by the model WHS regulations, what are the costs and benefits?

This template can be used for providing your views concerning:

- National Model Work Health and Safety Regulations
- Demolition licensing under the OSH regulations
- Commercial driver fatigue under the OSH regulations
- Protection from tobacco smoke under the OSH regulations
- Proposed deletions in Western Australia to remove overlap with the *Dangerous Goods Safety Act 2004*

Section 2: Feedback

Track-changed document submission

Which consultation document(s) are you providing feedback on?	Differences between the national model WHS regulations and the OSH regulations 1996 Consultation document WHS (Mines) Regulations for WA Consultation document WHS (Petroleum and Geothermal Energy Operations) Regulations for WA <i>Proposed deletions in WA to remove overlap with the Dangerous Goods Safety Act 2004</i> Commercial vehicle drivers: Hours of work – Work Health and Safety Regulations for WA Protection from tobacco smoke – Work Health and Safety Regulations for WA Demolition work: Licence – Work Health and Safety Regulations for WA
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Number of pages in your submission 7 pages

Does this submission contain a **track-changed version** of the draft proposal?

Yes

No

If yes, submit as a Microsoft Word compatible document (.docx)*

General comments

The WA School of Mines Alumni (WASMA) is an independent volunteer member based organisation that represents over 9,800 industry professionals worldwide. WASMA represents WA School of Mines Curtin University graduates in the following disciplines: Petroleum Engineering, Chemical Engineering, Applied and Mine Geology, Exploration Geophysics, Mining Engineering, Geotechnical Engineering, Metallurgical Engineering, Mineral Economics and Mine Surveying.

A key aim of WASMA is to provide an industry link between the WA School of Mines (WASM) and its alumni to help ensure that WASM produces high quality industry ready graduates to supply the future needs of the resources sector. As a membership organisation WASMA also provides feedback and advocates in areas that impact our WASM Alumni.

While the WA School of Mines Alumni has close ties with Curtin University Alumni, views of WASMA as an independent organisation do not represent those of Curtin University. WASMA strongly values its independent voice in the resources sector.

On the 21st and 25th of November 2019, meetings were held with members of the Western Australian School of Mines Alumni, to discuss these changes and the key areas which may impact our current and future graduates. The meetings also discussed the wider Occupational Health & Safety impacts to the resources sector.

Meeting 21st November 2019

[Redacted text]

Meeting 25th of November 2019

[Redacted text]

Detailed comments

If commenting on specific content, you may wish to use the table below.

Reference to specific model WHS / OSH reg no.	Comment
Chapter 9 - Statutory functions	<p>Recommended that Mines Safety and Inspection Regulations 1995 (MSIR-1995) - Part 2 — Administration - Division 3 — Board of Examiners (BoE) is retained in the Regulation and the Act. This recommendation is in line with the Queensland Mines Regulations and recommendations from recent royal commissions into mining disasters in Australia and New Zealand.</p> <p><u>Background</u></p> <p>Queensland reinstated the BoE after previously repealing it. The reinstated BoE can be viewed here: https://www.business.qld.gov.au/industries/mining-energy-water/resources/safety-health/mining/legislation-standards/board-examiners https://www.business.qld.gov.au/industries/mining-energy-water/resources/safety-health/mining/legislation-standards/board-examiners</p> <p>The Queensland DNRME also changed the CoC framework to the Mining Safety & Health Advisory Committee (MSHAC) competencies for SSE's, supervisors, underground mine managers, etc around 2003. See link: https://www.dnrme.qld.gov.au/data/assets/pdf_file/0020/240635/recognise-d-mining-competencies.pdf</p> <p>NZ reinstated it's BoE and CoC after previously repealing them. This was based on the findings of the Pike River Royal Commission. The reinstated CoC framework can be viewed here: https://worksafe.govt.nz/topic-and-industry/extractives/cocs-and-cpd/extractives-certificates-of-competence/</p> <p>Please also refer to the Australasian Institute of Mining and Metallurgy's submission to the Senate Standing Committee on Education and Employment – the Framework Surrounding the Prevention, Investigation and Prosecution of Industrial Deaths in Australia, dated June 2018 – Submission 18 https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/IndustrialdeathsinAus/Submissions</p>
Chapter 9 Statutory functions & M135	<p>Recommended that the Independent assessment for Statutory positions listed below remain with a Board of Examiners (BoE); as references</p> <ul style="list-style-type: none"> (c) Underground manager – non-coal mines (d) Underground manager – coal mines (e) Quarry manager (f) Underground supervisor – non coal (g) Underground supervisor – coal
M138 Obligations on mine operator (2)	<p>Recommended that the MSIR- 1995 - Part 2 — Administration - Division 3 — Board of Examiners (BoE) retains its role in the issuing of the relevant CoC for the following roles.</p> <ul style="list-style-type: none"> (c) Underground manager – non-coal mines

	<p>(d) Underground manager – coal mines</p> <p>(e) Quarry manager</p> <p>(f) Underground supervisor – non coal</p> <p>(g) Underground supervisor – coal</p> <p>This function is already provided by the Board of Examiners.</p>
M135 Terms defined - Mines and Petroleum Advisory Committee (MAPAC).	Request to provide clarity on the scope, composition and selection criteria for Mines and Petroleum Advisory Committee (MAPAC).
Schedule 8 - Part 4 – Underground manager – non-coal (3)(a)	Request to provide clarity on which degrees meet the requirements for “a <i>certified equivalent degree by an agency that has been approved by authorized government agency/MAPAC for the purpose</i> ”
Schedule 8 - Part 4 – Underground manager – non-coal (3)(d)	Request definition surrounding what ‘in or about a mine’ actually means
Schedule 8 - Part 4 – Underground manager – coal (3) (a)	Request to provide clarity on which degrees meet the requirements for “a <i>certified equivalent degree by an agency that has been approved by authorized government agency/MAPAC for the purpose</i> ”
Schedule 8 - Part 5 – Quarry operations- Quarry manager (4) (a) (iii)	Request to provide clarity on which degrees meet the requirements for “a <i>certified equivalent degree or diploma by an agency that has been approved by MAPAC for the purpose</i> ”
Consideration	Request to provide clarity and direct reference in the Proposal for Work Health and Safety (Mines) Regulations for Western Australia to each of the sections of the current MSIR 1995 that are being repealed, removed or replaced.
Consideration	Request to provide clarity on the strategy to achieve National Mutual Recognition of previously certified First Class Mine Manager CoC with other Australian States and New Zealand under the following mutual recognition Acts - Trans-Tasman Mutual Recognition Act 1997 - Mutual Recognition Act 1992
Consideration	Request to provide information regarding any mapped time, cost and organisational implications to the Department and to the Industry by placing responsibility for appointments of these critical roles with Site Senior Executives (SSE) and Mine Operators rather than the Board of Examiners (BoE).
Commentary	As referenced in the AusIMM 2018 submission on regulatory oversight, risk-based legislation promotes a level of ‘self-regulation’ by industry where duty holders (i.e. statutory position holders) are responsible for the identification of safety threats and the implementation of measures to remove such risks. An essential element of any ‘self regulation’ model must be supported and overseen by an effective, independent and comprehensive regulator with a substantial monitoring and implementation regime. In the view of WASMA, the regulator role in a ‘self regulation’ model should continue to include the certification of the statutory position holders, as currently undertaken by the Board of Examiners (BoE).

	<p>The concern by WASMA is that the removal of the BoE and therefore regulatory oversight by the Department in statutory role certification also removes the requisite unbiased judgement, expertise and experience in the process. Under the changes proposed by the DMIRS, this is expected to drive high variability in the quality and consistency of the appointments between operations in the state.</p> <p>Removing the current certification process by the BoE could therefore result in increased operational risk to the mining operator and that of the Western Australian mining industry.</p>
<p>Commentary</p>	<p>It is understood that the Board of Examiners (BoE) currently in place operates under a low cost model for the DMIRS, based on resourcing by volunteer industry members. In addition, it is understood that the DMIRS operate with a modest administration cost, inclusive of the intermittent time commitment from the State Mining Engineer.</p> <p>Removing the BoE is expected to transfer their functions to Mine Operators and SSE's and will push additional cost and administrative time on to the Mine Operator. This has the potential impact of increasing the overall regulatory expenses and administration cost to the DMIRS in regulating the appointments of the SSE, a function that is currently carried out by the BoE.</p> <p>The current proposed legislation changes have not adequately considered the holistic impact of the potential outcomes, when considering both the safety and cost implications.</p>
<p>Additional Notes</p>	<p>Request the extension of the review period for the proposed changes. This request is to ensure adequate consultation occurs with the DMIRS for the proposed composition and operation of the Board of Examiners (BoE). As a group WASMA is looking forward to collaborating with DMIRS and other industry representative organisations to assist continuing to develop BoE and CoC framework, with the aim to continually improve the safety performance in the Western Australian resource sector.</p>