

To: Department of Mines, Industry Regulation and Safety

Re: Work Health and Safety Regulations for Western Australia

26 NOVEMBER 2019

INTRODUCTION

Thank you for the opportunity to comment on the Work Health and Safety Regulations for Western Australia.

We are supportive of a single harmonised and amalgamated Work Health and Safety Act.

It is however imperative that the legislation and associated regulations / Codes of Practice are workable, practical and not overly prescriptive in the context of the mining and mineral exploration sector.

ABOUT AMEC

The Association of Mining and Exploration Companies (AMEC) is the peak national industry body representing over 275 mining and mineral exploration companies across Australia.

The mining and exploration industry makes a critical contribution to the Australian economy, employing over 255,000 people. In 2017/18, these companies collectively paid over \$31 billion in royalties and taxation, invested \$36.1 billion in new capital and generated more than \$250 billion in mineral exports.

In 2017/18 Australian mining and exploration companies invested \$1.97 billion to discover the mines of the future.

SPECIFIC COMMENTS

1. We note the proposed structure comprising:
 - WHS Regulations,
 - WHS (Mines) Regulations, and
 - WHS (Petroleum and Geothermal Energy Operations).

Members consider that there should be no confusion, duplication, contradiction or uncertainty in the application and interplay between the broader WHS Regulations and the WHS (Mines) Regulations.

2. It is imperative that the legislation does not result in unintended consequences, such as increased costs, reduced productivity or is disruptive to the workplace / mining operations.
3. AMEC member companies are particularly concerned with the workload demands and costs involved in transitioning their Mine Safety Management System to the new requirements.

This will involve a large body of work to review and align terminology, safety policies / procedures / systems, induction manuals and the full range of documentation with their training procedures, protocols and manuals to ensure compliance with the new requirements.

Our members further note that existing Codes of Practice are also likely to be reviewed and new Codes written in the short term. This will have a corresponding resources impact on member companies, and at significant cost.

4. Acknowledging these concerns DMIRS should take a flexible compliance approach to the proposed transitional arrangements and ensure that a 'one size fits all' strategy is not taken.
5. The specific details contained in the Codes of Practice underpinning the legislation and regulations will be critical in the operational and regulatory framework. We look forward to further consultation in that regard.
6. We welcome the removal of the Union Right of Entry provisions from the original draft proposal and retention within the Industrial Relations Framework.

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