

To: **REGIONAL NSW, RESOURCES REGULATOR**

Re: **AMENDMENTS TO THE WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) ACT 2013 AND REGULATION**

17 May 2021

Introduction

The Association of Mining and Exploration Companies (AMEC) welcomes the opportunity to provide a submission to the NSW Resources Regulator on the *Discussion Paper on the Amendments to the Work Health and Safety (Mines and Petroleum Sites) Act 2013 (Act) and Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (Discussion Paper) provided for industry review.

About AMEC

AMEC is a leading national industry association representing over 375 mining and mineral exploration companies across Australia. Our members are explorers, emerging miners, producers, and a wide range of businesses working in and for the minerals industry. AMEC represents a number of companies exploring, mining and investing in NSW. AMEC does not represent the petroleum sector.

Work, health and safety reform is important to the minerals industry

Work, health and safety (WHS) is, and should always be, the top priority for the minerals industry.

NSW has a wide scope of minerals operations from a one-person exploration site to the complex deep underground coal and metalliferous mines that are all covered by the current Work Health and Safety (WHS) Act and Regulation. AMEC continues to support this review of the current legislative framework and the extended consultation with industry.

Comments on key issues for the minerals industry

AMEC will leave detailed comment on the key matters in the Discussion Paper (many of which are focused on large coal mines) to other industry stakeholders, but provides the following overarching comments on the Discussion Paper:

1. **Support national harmonised legislation** - AMEC supports harmonised WHS legislation and regulation across all Australian jurisdictions, but also recognises that each jurisdiction will require some divergence to address specific differences. This is important to many of our members who have sites, staff and projects that transverse different jurisdictions. We encourage NSW to continue to review the legislative framework in other jurisdictions and align wherever possible.
2. **Ensure the legislation and regulation is fit for purpose** – Legislation and requirements must align with the risks and be fit for purpose for the different minerals industry operations around NSW. A legislative

framework for a large underground coal mine does not always align with the risks or requirements for an open cut metalliferous mine or one-person temporary exploration site. Onerous and unnecessary requirements add time and money to any operation. This is especially important for small exploration companies with limited staff and income only from capital raising - every dollar and hour counts. The legislative framework must be fit for purpose, risk based and practical.

3. **Minimise prescription and allow for practical solutions** – Codes and Australian Standards are useful guidelines but are not always drafted so that they are applicable for the specific circumstances related to the minerals industry. References to these documents in the Act and Regulation should be for guidance only and not mandatory.
4. **Simplify and clarify references wherever possible** – References to continually evolving Codes and Australian Standards should preferably not be fixed in legislative provisions unless essential. AMEC strongly recommends that the Regulator supports compliance in the industry, especially for small operators (who may be administratively under resourced), to provide a table listing all current and related Standards and Codes on their website. This table could be similar to Attachment A in the Discussion Paper that lists all relevant Standards, most recent editions and which clause applies and to which sort of operation.
5. **Broaden representation and input from the exploration and small metalliferous sector** – The NSW Mines Safety Council provides a critical function with strategic advice to the Minister to improve WHS in the minerals industry but does not include representation from smaller metalliferous operators and the exploration sector, with the only industry representatives from the NSW Minerals Council. Similarly, the Mining and Petroleum Competence Board determines competence standards for safety-critical roles and provides advice. We understand that our previous recommendation to expand these important advisory bodies was not accepted, however AMEC strongly recommends that representation and input from these growing sectors of the minerals industry is considered more broadly by the Regulator.

The minerals industry looks forward to the outcome of this next stage in the review and improvements to the NSW WHS framework. AMEC would welcome further consultation on this important matter and if you have any queries regarding this submission, please do not hesitate to contact:

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Director – New South Wales, Victoria & Tasmania
AMEC