**June 2021**

## Overview

The essential principle of health and safety law in NSW is that those who create risks are best placed to control them, and they should do so in a considered, proportionate and practicable way. The approach is primarily duty and risk-based, not prescriptive. It sets out the objectives to be achieved, giving duty holders considerable flexibility when deciding what measures are needed to meet these objectives.

The high hazard environment of mining requires a more legislatively prescriptive approach, to ensure an appropriate level of risk control is achieved. However, the duty and risk-based model can also aid the development of new areas of industry. It forms part of the objects of the *Work Health and Safety Act 2011* and the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

The NSW Resources Regulator’s focused priorities of industry engagement and partnerships, as articulated in the [Strategic Approach 2017-2020](https://www.resourcesandgeoscience.nsw.gov.au/__data/assets/pdf_file/0004/721390/strategic-approach-2017-2020.pdf), reflect our recognition of the need to adopt a modern and forward thinking approach to regulation. We believe that a regulatory framework, which neither un-necessarily constrains industry’s ability to embrace and apply new technologies and strategies to enhance health and safety or impedes dynamic business ideas through red-tape, is crucial for good and proper governance. The Innovation Policy demonstrates our ongoing commitment to this goal.

Applications for consideration of innovations under the Innovation Policy are to be made using this form.

An officer of the NSW Resources Regulator will be appointed as a case officer and will act as your single point of contact and to assist with the application process. The case officer will identify relevant NSW Resources Regulator personnel to be involved in evaluating the application and will keep you informed of progress.

We may apply a fee in connection with an application under this policy.

If you have any questions about how to apply, contact the Mining Authorisations Team on 1300 814 609.

1. Applicant details

If the application is for a group, attach documentation to the application stating the number of applicants and the details of each of the applicants.

* 1. Body corporate, government agency, partnership or unincorporated association (if applicable)

|  |  |
| --- | --- |
| Registered name |  |
| Registered business (trading) name |  |
| ABN |  |
| ACN |  |

* 1. Contact person for body corporate, government agency, partnership or unincorporated association

|  |  |
| --- | --- |
| First name |  |
| Other given name (if applicable) |  |
| Last name |  |
| Email address\* |  |
| Daytime contact number |  |
| Mobile number |  |

\* The primary means of correspondence will be via email. Contact person for body corporate, government agency, partnership or unincorporated association must provide a generic email address so that through organisational changes in your area, the regulator can maintain contact.

* 1. Street address (must NOT be a PO Box)

Body corporate, government agency, partnership or unincorporated association are to provide its registered business address. Individuals are to provide their residential address.

| Unit/street/property number |  |
| --- | --- |
| Street name |  |
| Suburb |  |
| State |  |
| Postcode |  |
| Country (if other than Australia) |  |

* 1. Postal address

Same as the street address above

| PO Box/Locked Bag |  |
| --- | --- |
| Street name |  |
| Suburb |  |
| State |  |
| Postcode |  |
| Country (if other than Australia) |  |

1. Scope
   1. Provide details of the innovation

|  |
| --- |
|  |

* 1. What is the preferred date for trial or use of the innovation?

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1. Description of work, process or item for which consideration of the innovation is being sought

Provide details of the work, process or item which consideration of the innovation is being sought.

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1. Regulatory barrier constraining use of this innovation

Provide details of the specific regulatory barrier (e.g. legislation or standard) which prohibits, constrains or otherwise bounds the use of this innovation.

| *Work Health and Safety Act 2011*  Work Health and Safety Regulation 2017 | Section(s)       Clause(s) |
| --- | --- |
| *Work Health and Safety (Mines and Petroleum Sites) Act 2013*  Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 | Section(s)  Clause(s) |
| Australian or International Standard | Standard  Section (or part) |

1. Further information

a) Attach documents showing that if the permission to use the innovation is granted, the innovation will result in a standard of health and safety that is at least equivalent to the standard that would be achieved by compliance with the relevant regulatory requirements.

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b) Provide details of consultation that the applicant has, or will, carry out in relation to the proposed innovation in accordance with Divisions 1 and 2 of Part 5 of the *Work Health and Safety Act 2011.*

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1. Declaration

I declare that:

* the information supplied in this application is true and correct to the best of my knowledge
* I consent to the NSW Resources Regulator making enquiries and exchanging information with SafeWork NSW and other work health and safety regulators in other states regarding any matter relevant to this application.

|  |  |  |  |
| --- | --- | --- | --- |
| Name |  | | |
| Signature |  | Date |  |

**Note:** Giving false or misleading information is a serious offence under section 268 of the *Work Health and Safety Act 2011*, and Part 5A of the *Crimes Act 1900*.

# Checklist

To avoid delays and to confirm that your form is ready for submission, use this checklist.

|  |  |
| --- | --- |
| **Applicant details** |  |
| Have you completed all the relevant fields in the applicant details? |  |
| Have you attached the certificate or other written evidence of the registration of the business name? (if applicable) |  |
| **Scope** | |
| Have you provided details of the innovation? |  |
| Have you indicated a preferred date for use of the innovation? |  |
| **Description of work or item for which the innovation is being sought** | |
| Have you provided details of the process, substance, activity or item for which you are seeking innovation consideration? |  |
| **Details of legislation or standard which this innovation seeks to address** |  |
| Have you provided details of the regulatory barrier that relates to the use of this innovation? |  |
| **Further information** | |
| Have you provided information evidencing how this innovation will result in a standard of health and safety at the relevant mine or petroleum site, that is at least equivalent to the standard that would be achieved by compliance with the relevant provision or provisions (as applicable)? |  |
| Have you provided details of consultation that has, or will, be carried out? |  |
| **Declaration** |  |
| Has the applicant signed and dated the applicant declaration of the form? |  |

## Submitting the form

Email this form to [mca@planning.nsw.gov.au](mailto:mca@planning.nsw.gov.au)

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