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To whom it may concern,

**Draft Work Health and Safety (Mines) Regulation  
Discussion Paper Response**

Council would like to provide input into the Discussion Paper, *"Draft Work Health and Safety (Mines) Regulation 2014"* as we believe the proposed regulations changes should not be applied to Local Government Councils. There is a distinct difference between the operations carried out by Councils at gravel pits, compared to mines as defined in the paper's definition.

**Introduction**

Carrathool Shire Council is located on the Western Plains of New South Wales approximately 700 kilometres South-West of Sydney and 550 Kilometres north of Melbourne. It is traversed by the Murrumbidgee and Lachlan rivers as well as the Mid-Western Highway and the Kidman Way.

The Shire covers an area of approximately 19,000 square kilometres and consists of the town of Hillston, and the surrounding villages of Goolgowi, Merriwagga, Rankins Springs and Carrathool. About one third of the shire is classified Western Lands.

Carrathool Shire is well known for its rich agricultural industry. Traditionally a grazing and cropping area, the industry has now expanded into citrus, cotton, viticulture, walnuts, olives, potatoes, lettuce, almonds, cherries, corn and in recent years has seen the development and expansion of large scale poultry breeding operations.

Carrathool Shire currently has 38 'active' gravel pits across the shire which extract between 500m<sup>3</sup> and up to 10,000m<sup>3</sup> each year depending upon demand. These gravel pits are located across the shire to minimise the distances that are required to transport material to job sites and thus reduce costs associated with the development or maintenance of road networks.

**Discussion**

Council agrees with the Discussion Papers definition of mining in that:

*"The definitions of 'mine operator', 'mine', 'mining operations' and 'mineral' in the WHS (Mines) Act largely determine the scope and application of the regulation. A mine is a workplace where mining operations are carried out. Mining operations are mining activities carried out for the purpose of either extraction or exploration for a mineral and includes activities carried out in connection with those mining activities at a site, or a site adjoining or in the vicinity of a site where mining activities are carried out."*

Council would argue that the extraction of gravel for the purposes of civil projects such as road construction, road re-sheeting or other purposes would not classify as mining under the above definition and that the gravel that is extracted is not classified as a mineral.

Carrathool Shire Council has recently completed a review of all gravel pits (including retired pits) to determine the future procedures required in the rehabilitation of these pits should this become necessary. This has been done as part of Council's Gravel Pits Management Plan which identifies the current and future requirements of each of the pits under Carrathool Shire Council's jurisdiction. Most of Council's gravel pits are located on private land with Council signing agreements for operation of the gravel pits. Council contracts specialist mining operators to complete drilling, blasting and crushing operations usually a couple of times each year but this may vary depending upon demand and work load. No Council employee enters the pits while this is being conducted. Stockpiles are generally not located within the gravel pit itself and Council operations are limited to loading and hauling of material.

Councils generally have Safe Work Method Statements developed for all operations that are carried out including those associated with gravel pits and these are part of Local Governments focus on WHS as whole. Council believes that with 38 active gravel pits under the new regulation if gravel pits were to be treated as mines there would be a requirement for Council to have the same structure and procedures in place as are required in major mining operations which would place a greater burden on Council resources. Council's currently have Mines General Manager and Mine Production Manager (Carrathool Shire Council has 4 Production Managers) which we believe adequately covers our gravel pit operations.

The development of a WHS management Plan for each of our 38 gravel pits would be another level of 'Red Tape' that would again place a further burden on our resources, especially when these are required to be updated regularly as well as the associated reporting. Council would argue that this should only be applied to gravel pits that produce over 5,000m<sup>3</sup> and that Councils could not exceed this limit at a gravel pit without these plans in place and signed off. All gravel pits less than 5,000m<sup>3</sup> would come under one over-arching management plan and this would then reduce the number of Management Plans required by our Council from 38 to about 8.

Council believes that the requirements for additional training, appointments and reporting are onerous duplications of Councils and Local Governments strong risk management procedures that will incur more expense and more red tape in already struggling Councils. It is necessary that Councils maintain a high standard of WHS at gravel pits to ensure the safety of all staff involved in these operations, but to group Councils under the same legislation as large mining companies with unlimited resources (and budgets) will place additional stress on already stretched Council resources and Councils are currently producing strong WHS standards for all operations.

Council would encourage the regular inspections of gravel pits by Mine Safety Inspectors and Carrathool Shire Council would be more than willing to work with those inspectors to ensure compliance with identified WHS issues, the same as we regularly do with WorkCover inspectors.

## Recommendation

Carrathool Shire Council would like to propose the following recommendations:

- That Councils operating gravel pits producing less than 5,000m<sup>3</sup> be exempt from the new *Work Health and Safety (Mines) Regulation 2014*, where the material is used for Council road and other civil projects and is not used for commercial or industrial purposes; and/or
- That gravel pits producing less than 5,000m<sup>3</sup> can be grouped into one Management Plan under the new *Work Health and Safety (Mines) Regulation 2014*, where the material is used for Council road and other civil projects and is not used for commercial or industrial purposes.
- That any gravel pits likely to produce more than 5,000m<sup>3</sup> would need to comply with the new *Work Health and Safety (Mines) Regulation 2014*, where the material is used for Council road and other civil projects and is not used for commercial or industrial purposes, before they can exceed the 5,000m<sup>3</sup> limit.

Council believe that these simple changes will reduce the red tape burden from Councils and still ensure that gravel pits are compliant with the new WHS (Mines) Act 2014. It is in Council's interest to ensure that safety standards are maintained at gravel pits but these can be achieved with onerous regulation.