



Victoria Government Gazette

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SPECIAL

Subordinate Legislation Act 1994

VICTORIAN WORKCOVER AUTHORITY
AND DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENT

Occupational Health and Safety (Mines)
Regulations 2002

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Occupational Health and Safety (Mines) Regulations 2002. The RIS and the proposed Regulations are being released for public review and comment.

In September 2000, the Minister for WorkCover and the Minister for Energy and Resources agreed that the application of the **Occupational Health and Safety Act 1985** and its regulations should extend to mining workplaces that are currently regulated under the **Mineral Resources Development Act 1990**. Further it was agreed that any future health and safety regulations for mining would be made under the **Occupational Health and Safety Act 1985**. Accordingly, the Department of Natural Resources and Environment and the Victorian WorkCover Authority have been reviewing health and safety regulations currently made under the **Mineral Resources Development Act 1990** and propose to consolidate specific health and safety requirements for mines into a single set of regulations under the **Occupational Health and Safety Act 1985**. At the same time the proposed Regulations come into operation, hazards not specific to mines but found in mines will be covered by other regulations made under the **Occupational Health and Safety Act 1985** and by the Act itself.

The objective of the proposed Occupational Health and Safety (Mines) Regulations 2002 is to protect people in mines against risks to their health and safety. The proposed Regulations will replace the Mineral Resources (Health and Safety) Regulations 1991 which are due to expire on 28 October 2002. The proposed Regulations also replace the Mineral Resources (Health and Safety in Large Open-Cut Mines) Regulations 1995.

The proposed Regulations will require mine operators to identify mining hazards at the mine, assess the risk to health and safety associated with those hazards and implement risk control measures. Other duties applying to mine operators essentially relate to communication between shifts and with isolated workers, development and implementation of strategies to control risks arising from alcohol or drug use and employee fatigue, consultation, the provision of information, instruction and training to employees and the provision of information to visitors. Specific duties are also placed on employees at mines.

Additional requirements are placed on the operators of prescribed mines under the proposed Regulations. Operators of such mines (which include underground mines) will be required to implement a Safety Management System as a means of ensuring the safe operation of the mine and to conduct a safety assessment for major mining hazards. They will also be required to prepare an emergency plan; keep a detailed plan of the mine; and comply with prescriptive requirements in relation to shafts, windings, progress of workings, emergency exists, self rescue, working environment and ventilation systems.

The costs and benefits of the proposed Regulations are considered in the RIS. The net present value of the proposed Regulations overall is positive \$3.49 million over ten years at a discount rate of 8 per cent. This equates to a net benefit of \$0.51 per worker hour. The RIS notes the difficulty in assessing the extent of deaths and injuries that would be likely to occur in the absence of regulations. It concludes that the proposed Regulations would confer a net benefit on the community.

The RIS examines as an alternative to the proposed Regulations, the introduction of an approved code of practice to provide practical guidance to mine operators in complying with the general duties of the **Occupational Health and Safety Act 1985**. The code of practice option is not considered capable of significantly achieving the policy objective. Given the inherent potential for major incidents and the need for a comprehensive and integrated set of

controls to ensure that mining operations are operated safely, a regulatory approach is considered necessary.

Public comments are invited on the RIS and accompanying Regulations. Copies of the documents can be obtained from the Department of Natural Resources and Environment by contacting Mr Kim Ricketts on (03) 94125103 or the Department of Natural Resources and Environment website: www.nre.vic.gov.au

Written submissions on the RIS and proposed Regulations should be directed to the following address by no later than close of business on 30 September 2002: Ms Sue Brown, Minerals and Petroleum Regulation, Department of Natural Resources and Environment, PO Box 800, East Melbourne, Vic. 3002.

Submissions may also be forwarded in electronic form to the following e-mail address by the same date: sue.brown@nre.vic.gov.au

All submissions received will be treated as public documents.

Any enquiries about the draft Regulations or the RIS should be directed to the Department of Natural Resources and Environment by telephone on (03) 94125069.

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