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Model Health & Safety Regulations and Codes of Practice for mining released

The draft model Work Health and Safety (**WHS**) Regulations and Codes of Practice for mining have been opened for public comment. The comment period closes on 9 September 2011 for the Regulations, and on 7 October 2011 for the Codes of Practice. An issues paper has also been released for comment (closing 9 September 2011). Several further Codes of Practice and a Consultation Regulation Impact Statement are due for release on 29 July 2011.

According to the issues paper, NSW, Queensland and WA are working collaboratively to prepare 'non-core' WHS laws on mining, which may be formalised by a 'non-core' Intergovernmental Agreement. The issues currently under consideration for inclusion in the 'non-core' provisions appear in detail in the issues paper. Some of those provisions include:

- requirements for the appointment of a site senior executive at every mine;

- requirements for additional full-time or part-time statutory mine safety positions depending on the type of mine and its associated hazards and risks;
- notification requirements regarding prescribed high-risk mining activities, including information requirements and waiting periods before prescribed work may commence;
- extensions of incident notification, investigation and protected information release provisions; and
- additional regulator enforcement powers similar to those that apply under current mine health and safety laws.

The definitions of 'mine', 'mining operations' and 'mineral' under regulations 9.1.1 – 9.1.3 largely determine the scope and application of the model Regulations. This indicates that the Regulations will apply to quarrying activities.



Employers in the mining industry should familiarise themselves with the model regulations, the issues paper and Codes of Practice, which can be found at [Safe Work Australia's website](#).

With several jurisdictions looking to introduce their own safety laws for mining, the question must be asked: what is the point of the harmonisation process?

Authored by: **Joanna Shields**, Cornwall Stodart

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For further information please contact:

Louise Houlihan, Partner
Phone (direct) **+61 3 9608 2273**
Mobile **+61 409 835 809**
Email l.houlihan@cornwalls.com.au

Tracey Davies, Partner
Phone (direct) **+61 3 9608 2177**
Mobile **+61 412 164 030**
Email t.davies@cornwalls.com.au