



18 October 2011

Mr. R Hoy  
Chief Executive Officer  
Safe Work Australia  
GPO Box 641  
CANBERRA ACT 2601

Dear Mr. Hoy

### **MODEL HEALTH AND SAFETY LAWS: CODES OF PRACTICE**

Further to Cement Concrete & Aggregates Australia's submission on the *Model Work Health and Safety Laws: Chapter Nine – Mines* of 9 September 2011, CCAA would like to make comment on the following Codes of Practice:

1. Work Health and Safety Management Systems in Mining
2. Emergency Response
3. Ground Control in Open Pit Mines
4. Mine Record
5. Roads and Other Vehicle Operating Areas
6. Survey and Drafting Directions for Mine Surveyors

CCAA represents the heavy construction materials industry, which includes concrete production, cement manufacture and the extraction of aggregates, such as rock, gravel and sand. There is a diverse range of quarry operations within Australia. However, most are not complex operations and as such require health and safety management systems that are proportionate to risk within the operation.

For many of these operators the *Model Work Health and Safety Laws* and the Codes of Practice represent significant changes to current work practices. It will take a fair amount of work and time for these quarries to update and amend their management practices, work practices and training regimes so that they can comply with the new regulations.

CCAA recommends that there be a substantial transition period for the heavy construction materials industry and that it should be applied for at least one year.

To support the industry CCAA also recommends that an extensive education program be developed and implemented by the State regulators to help mine operators understand and comply with the new regulations.

Additionally CCAA considers the Small Mines Safety Management Kit, developed by New South Wales, to be a successful model for assisting industry in improving health and safety

outcomes. CCAA recommends that a similar program be developed and implemented across the nation.

## **1 Work Health and Safety Management Systems in Mining**

The *Code of Practice: Work Health and Safety Management Systems in Mining* indicates that there needs to be a single integrated system to manage work health and safety and to ensure that all systems and elements are conducted in a coordinated manner. However, Chapter 9 of the regulations and other codes of practice that cover elements that make up the Work Health and Safety Management Systems (WHSMS) do not make the integrated nature of the WHSMS clear.

Chapter 9 and this Code of Practice should state clearly that the WHSMS is a single documented plan that contains all elements of mine work health and safety, such as:

- A health and safety policy
- A risk management system that identifies, assesses and controls risks
- A description of the management structure
- A health monitoring system
- A safety role for workers
- Principal Mining Hazard Management Plans
- Arrangements for monitoring, auditing and reviewing the system
- Inter-shift communications
- An emergency plan
- A mine survey plan
- A mine record

Each Code of Practice that covers an individual element of the WHSMS needs to also clearly indicate that each element needs to be considered and implemented in proportion to the scale and complexity of the operation.

## **2 Emergency Response**

The *Code of Practice: Emergency Response* details how a mine operator is to develop an Emergency Response Plan, which according to Chapter 9 of the regulations should be key element of the Work Health and Safety Management System (WHSMS), which has its own Code of Practice. It is CCAA opinion that the relationship between the WHSMS and its component parts needs to be made clearer and detailed in each of the different codes that cover the component part of the WHSMS.

This Code of Practice still requires that a PCBU consult with Emergency Services regarding the Emergency Response Plan. CCAA has indicated in a number of submissions that this is not always possible, as in rural and remote Australia, Emergency Services do not have the capacity and/or the interest in consulting with quarry operations on their Emergency Response Plan. The regulations and the codes should therefore suggest that the PCBU attempt to consult with emergency services on their Emergency Response Plan.

Additionally, the Code requires that the PCBU develops a command structure for dealing with emergencies. This structure is to identify roles, functions and training for specific people within the mine. However, the command structure within the Code does not indicate how an emergency situation should be dealt with if the people identified in the command structure are not present at the time of an emergency.

An alternative system would be to encourage the use of a Modular Incident Command Response System. This system is characterised by the first person to respond to the emergency acting as the incident commander, which is handed onto other more experienced or senior officers as they arrive and as the span of control increases. This means that all people must know how to respond to an emergency and therefore know all roles within the system.

The Modular Incident Command Response System should already take into account the listed features for consideration in the command section of the Code, such as competencies, relinquishment of function, participation in the control team, etc. Further, Emergency Services operate similar command and control systems and it would be beneficial for workers at a quarry to be familiar with this system in the event of an emergency.

### **3 Ground Control in Open Pit Mines**

The level of complexity and detail covered in the *Code of Practice: Ground Control in Open Pit Mines* is for large open pit metalliferous operations. Most if not all quarries are not complex operations and do not require the level of complexity stipulated in this Code. The Code should therefore clearly state that the Code requirements should be developed and implemented in proportion to the scale and complexity of the operation.

CCAA has recommended in other submissions that a Small Mines Safety Management Kit, similar to the one developed by New South Wales, be adopted nationally. The subject matter in this Code of Practice should be included in the Small Mines Management Kit. A series of documents that detail the requirements of the Codes and provides examples for multi-bench, single bench, suction dredging and dry sand operation would be extremely helpful for quarry PCBUs.

### **4 Mine Record**

The *Code of Practice: Mine Record* is essentially a page and a half long and the information in the Code could easily be incorporated into the *Code of Practice: Work Health and Safety Management Systems in Mining*. Including the Mine Record into the WHSMS Code will also ensure clarity as to the single integrated nature of the WHSMS.

### **5 Roads and Other Vehicle Operating Areas**

On page 9 of the *Code of Practice: Roads and Other Vehicle Operating Areas* it stipulates that each lane of travel needs to be 1.5 times the width of the widest vehicle, and 3 times for a two lane road. CCAA believes that this is too prescriptive and that road widths should be based on a risk assessment that is proportionate to the scale and complexity of the operation.

### **6 Survey and Drafting Directions for Mine Surveyors**

The *Code of Practice: Survey and Drafting Directions for Mine Surveyors* is again at a level of complexity that is required for large metalliferous open pit mines and underground Mines. Most if not all quarries are not complex operations and do not require the level of complexity stipulated in this Code. The Code should therefore clearly state that the Code requirements should be developed and implemented in proportion to the scale and complexity of the operation.

The scale and complexity of most quarry operations is such that health and safety outcomes can be achieved using a map with a hand held GPS system to detail the location of working areas. While it possible to have AHD levels of accuracy it is not essential due to the nature of the operations.

## **7 Recommendations**

Work place health and safety is a fundamentally important issue for the heavy construction materials industry. CCAA is supportive of the implementation of national laws that will improve the health and safety of workers across the country.

If the Codes of Practice are to successfully assist PCBU's in achieving positive health and safety outcomes they need to be consistent with the regulations. In this regard the codes need to clearly detail the integrated nature of the WHSMS and stipulate that the WHSMS needs to be developed and implemented in proportion to the scale and complexity of the operation.

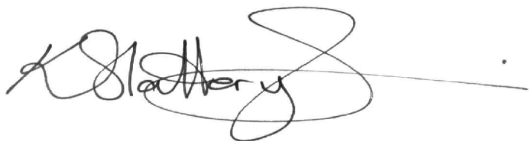
The harmonised Work Health and Safety Laws also need to be implemented with a substantial transition period to give industry time to comply. It is recommended that this be for at least one year.

CCAA also recommends that State regulators provide industry with an education program to assist with complying with the regulations and that a Small Mines Safety Management Kit, modelled on the system developed in New South Wales, needs to be implemented across the nation.

These recommendations will assist all mine operators and especially smaller operators in complying with new regulations and improve health and safety outcomes.

CCAA would like to thank Safe Work Australia for this opportunity to participate in this consultation and looks forward to further consultation on the matter.

Yours sincerely



**KEN SLATTERY**  
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**CEMENT CONCRETE & AGGREGATES AUSTRALIA**