

From: rr.feedback@planning.nsw.gov.au
To: [RRD SE Resources Regulator Feedback Mailbox](#)
Subject: Statutory review of Work Health and Safety (Mines and Petroleum Sites) laws 2020
Date: Thursday, 9 April 2020 7:26:36 AM

Submission received:

Form Information

Site Name Resources regulator
Site Id 829309
Page Statutory review of Work Health and Safety (Mines and Petroleum Sites)
Standard laws
Name
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Page WHS (MPS) laws review public consultation feedback form
Custom
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Form Id
Url <https://www.resourcesregulator.nsw.gov.au/about-us/have-your-say/work-health-safety-mines-and-petroleum-sites-act-and-regulation-review/public-consultation-feedback-form>
Submission Id 1209860
Submission Time 09 Apr 2020 7:24 am
Submission IP Address [REDACTED]

Name: Jason Hughes
Email address: [REDACTED]
Street address: [REDACTED]
Postal address (if different from above):
Are you an individual representing an organisation?: Yes
If yes, please provide the name of the organisation: Tomingley Gold Operations

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laws and their
national
context (see
questions
above)?

Please clarify
your
responses and
give reasons
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view::

Do you have
any
comments
regarding the
WHS (MPS)
Act (see
questions
above)?
Please clarify
your
responses and

Clause 15: Industry is very aware of the need and importance of giving prompt notice to the Regulator, however the word “immediate” is inappropriate. In an emergency there may be other higher priorities (such as safeguarding life) than calling the Regulator. In many dangerous incidents there is no immediate danger to workers and insufficient information to make a meaningful notification. In both these cases the requirement for “immediate” notification is counter-productive. Industry understands that prompt notification is necessary for a wide range of reasons and has no objection to this. The word “immediate” is not however suitable. Notification should be ‘as soon as practicable given the nature of the event and hierarchy of needs’ or words to that effect. Clause 100 (3)(b): The requirement to provide training to use a self-rescuer in a “simulated work environment” has been a laudable improvement to the regulations and is generally well supported by industry. Notwithstanding this the requirement (b) mandating a 6 monthly retraining was subject to concern by industry both in the original consultation process and on an ongoing basis through the MISAC and subsequent MISHEF meetings. I suggest that industry would be very accepting of 6 monthly refresher training in the form of information and demonstration of use, however the current requirement for simulated work environment is time consuming, costly and

give reasons
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view::

takes valuable resources away from other important safety initiatives without a demonstrated benefit. A more recent concern in the face of COVID-19 is the necessary sharing of self rescuer demonstrators; albeit they are sterilised after each use, this still adds an area of risk. Clause 128(5)(e) There appears no justification for making burial of un-manned equipment a notifiable event. Un-manned 'remote' loaders are specifically mandated to ensure that workers are not exposed to falls of material associated with sub-level open stoping. Equipment is knowingly sent into areas where the rilling or fall of material is expected. This is an operational risk, not a safety risk and notification does not add value and again only uses up valuable resources.

Do you have
any
comments
regarding the
WHS (MPS)
Regulation?
Please clarify
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responses and
give reasons
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view::