

FACT SHEET | WHS (MINES AND PETROLEUM SITES) LEGISLATION

Mine or petroleum site record

June 2016

Introduction

The operator of a mine or petroleum site must keep a record for the mine or petroleum site. The requirements for the mine or petroleum site record (the record) can be found in clauses 133 and 134 of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

These provisions set out what must be included in the record, how long it must be kept and requirements for providing access to it.

What the record must include

To be kept as part of the mine record or petroleum site record	Reference in legislation (where applicable)
A record of any improvement, prohibition or notice issued in relation to the mine or petroleum site	Part 10 of the <i>Work Health and Safety Act 2011 (WHS Act)</i>
A copy of any provisional improvement notice issued in relation to the mine or petroleum site by a health and safety representative. For a coal mine, any provisional improvement notice issued in relation to the mine by a safety and health representative.	Division 7 of Part 5 of the WHS Act Sections 29 and 31 of the <i>WHS (Mines and Petroleum Sites) Act 2013 (WHSMP Act)</i>
A record of every incident notified to the regulator with a summary of records kept in relation to a review of control measures following those notifications.	Section 15 WHSMP Act Clause 128 of the <i>WHS (Mines and Petroleum Sites) Regulation 2014 (WHSMP Regulation)</i>
Each report by a shift supervisor at the mine or petroleum site as communication between outgoing and incoming shifts.	Clause 27 of the WHSMP
A record of all first aid treatment provided at the mine or petroleum site.	
Any other record that the mine operator or petroleum site operator is required to keep in respect of the site under the WHS laws ¹ (e.g. the risk assessment records).	

Keeping the mine or petroleum site record

The operator of a mine or petroleum site must keep a record that forms part of the record for seven years from the date the record was made or for any longer period that may be required under the WHS laws in respect of a particular record.

¹ WHS laws means the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011*, *Work Health and Safety (Mines & Petroleum Sites) Act 2013* and the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*

Availability and access

The operator of a mine or petroleum site must keep the record available for inspection under the WHS laws. For example, it must be available for inspection by an inspector.

The record must also be available and readily accessible to workers at the mine or petroleum site on request. However, the operator of a mine or petroleum site is only required to make available a summary of incidents.

The operator of a mine or petroleum site is not allowed to permit access to personal or medical information in relation to a worker without the worker's written consent unless the information is in a form that:

- does not identify the worker, and
- could not reasonably be expected to lead to the identification of the worker.

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Disclaimer: This publication provides a general summary of some of the provisions under the Work Health and Safety Act 2011, the Work Health and Safety (Mines and Petroleum Sites) Act and Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 as interpreted by the NSW Department of Industry, Skills and Regional Development at the time of writing (June 2016). Compliance with the legislation is a legal requirement. This publication does not provide or purport to provide legal advice. Users are reminded of the need to ensure that the information upon which they rely is up to date by checking the currency of the information at the Department of Industry, Skills and Regional Development website or with the user's independent legal advisor.

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