

**To: Safety Division, Department of Mining, Industry Relations and Safety**

**Re: Priority Codes of Practice**

14 May 2021

## Introduction

AMEC appreciates the opportunity to provide a submission to the Department of Mining, Industry Relations and Safety (DMIRS) Safety Division on the development of new Codes of Practice (COPs) to align with the implementation of the new *WHS Act 2020* and Regulations. We have outlined the key COPs we recommend to be prioritised, to maintain the safety of our workforce and workplaces, as we approach the January 2022 expected commencement of the new mines safety legislation.

## About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry body representing over 375 member companies across Australia, with the majority having project interests in Western Australia. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.

The mining and exploration industry make a critical contribution to the Australian economy, employing over 255,000 people, and in 2018/19 collectively paid over \$39 billion in royalties and taxation. In 2019/20 resources companies invested \$35 billion in new capital and generated more than \$176 billion in mineral exports. \$2.8 billion was spent on minerals exploration in 2019/20, representing an 18% increase from the previous year.

## Code of Practice Reform Priorities

### General feedback

AMEC appreciates the consultation DMIRS has offered to Industry as the new legislative framework that will underpin our safety practices into the future is developed and implemented. We continue to welcome opportunities to work with regulatory bodies as these reforms progress, to ensure the new suite of legislative requirements and guidance documents are in a workable format to achieve best practice of their intended purpose, and don't result in unintended consequences for Industry.

Safety of our workers and workplaces is our number one priority. Western Australia is known for having a heavily regulated mineral exploration and mining sector, with stringent safety protocols in place. As highlighted at our meeting with the Department and the then Minister's Policy Adviser on 17 December 2020, the development of COPs is critical to commencement and operations of the new Act. These COPs need to be risk-based, with the due consideration given to the actual level of risk posed.

Through this process, we seek to build on the State's existing excellence in safety, to try and reduce the likelihood of incidents, as workplaces incorporate more digital and autonomous operations. It is

important that our workforce is enabled to meet safety criteria, and our ability to do so, is dependent on clear, practical, best-practice regulations and guidance materials, statutory and non-statutory, from the Department.

Through AMEC's WA Safety Committee, which is comprised of AMEC members from exploration, production and associate companies with a direct interest in safety issues, we have identified a list of COPs we consider should be prioritised for reform. Given the extent of reform in this area, and competing priorities across the broader Government agenda, we understand that not all COPs will be updated by January 2022. However, it is important that the below listed COPs are consulted on and ready for implementation as soon as the WHS Act comes into effect.

### **Mine Safety Management Systems (MSMS)**

The top reform priority should be MSMS. These are required by all mine sites and operators, as a systematic tool to assist to demonstrate, achieve and maintain the effective management of health and safety standards. This is particularly important given the variations any dynamic nature of risks and management measures across different operations. As this system includes the policies and procedures required to effectively mitigate risks associated with mining operations, it is important that documents are accessible and can be easily understood, which will be aided by the provision of quality guidance material.

As presented in December 2020, many contractors do the same work across all mine sites for the company they are contracted by, so it is important that MSMS are written at an enterprise-level (company or Prescribe Corporate Body Undertaking-wide), rather than individual site-level. Where there is need for exceptions to the enterprise-level, these can be made on an ad-hoc basis.

Additionally, as per the last draft of the Regulations we have seen, mines are required to provide their MSMS to contractors under M32B. Given the expected time and resourcing required for a contractor to review the likely thousands of pages of MSMS for the whole mine site, sufficient transition periods also at an enterprise level too, must be clearly defined.

### **Principal Mining Hazard Management Plans (PMHMP)**

The identification of all principal mining hazards at a mine is an important part of the MSMS of a mine. Each principal mining hazard requires a comprehensive risk assessment involving a systematic investigation and analysis of all aspects of risk to health and safety associated with the principal mining hazard, leading to the development of specific PMHMPs.

It is important the COP relating to PMHMP is consulted on, updated and agreed prior to January 2022, as the continuation of operations is contingent on having appropriate PMHMPs in place. There are aspects of the current PMHMP requirements that explicitly reference the current WHS regulations, and these will need to be updated to reflect the new Act and Regulations.

### **Tailings Storage Facilities (TSF)**

TSF hazard management varies depending on the commodity mined, size, and location of the mine. The COP is a performance-based standard stating outcomes to be achieved, while allowing flexibility for each project to meet these outcomes. As the new WHS are implemented, updating the TSF COP

should be a priority, to ensure a proactive approach to tailings management and risk management can be adopted.

The current TSF COP covers TSF including pits, dams, ponds, integrated waste landforms, erosion protection bunds, level banks, diversion channels, spillways and seepage collection trenches. It does not apply to waste dumps, heap or val leaching facilities, flood protection bunding, surface water diversions, or underground mine fill using tailings. Industry recommends that the TSF COP aligns with other Departments including DWER, other relevant DMIRS protocols, and the Global International Standard to ensure there are no future conflicts, and requests consultation as the COP is developed.

### **Health Management Plans**

As listed in the table of guidance materials available that was provided to MIAC, there is guidance material published by NSW considers air quality, airborne dust and other airborne contaminants for:

- Airborne Contaminants Metalliferous Mines
- Airborne Contaminants PHMP
- Roadway dust analysis in underground coal mines

There have been a number of recent publications from SafeWork Australia on airborne contaminants and the effects these can have on workers. Will WA implement the SafeWork Australia models, or the NSW system? AMEC considers this COP to be important supporting material readily available when the new WA Act and Regulations commence.

Additionally, we welcome the WA COP on Working hours (with reference to FIFO code) is consulted on at a similar time, as it will have direct links to exposure timeframes.

### **Final comment**

AMEC continues to welcome opportunities to engage with the Department as regulatory reforms are undertaken.

The prioritisation of the above legislative reforms should ensure that Industry and Regulators are able to efficiently transition to the new WHS Act and Regulations in January 2022, as planned.

The need for effective, well-consulted, non-ambiguous guidance material in the form of COPs is acknowledged across industry, as we seek to improve the health and safety of our workplaces, for our workforce.

As the next phase of reforms continues, we request ongoing consultation with DMIRS and other relevant agencies to ensure industry has a sound voice in the development of this new regulatory framework.

### **For further information contact:**

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