



Lightning Ridge Miners' Association Ltd.

██████████
██████████
LIGHTNING RIDGE NSW 2834

Phone: ██████████

Email: ██████████

6 April 2020

Kym Bills
Independent Lead
NSW Resources Regulator
Planning Industry & Environment

Dear Kym,

Thank you very much for taking the time to discuss the Statutory Review of the Work Health and Safety legislation for mines and petroleum sites with the Lightning Ridge Miners' Association Ltd (LRMA) by phone on 18 March 2020.

The LRMA was incorporated in 1974 to represent the opal mining community. It represents opal miners in general and its members in particular, in dealings with government and non-government bodies in affairs affecting their economic and social welfare.

As discussed opal miners work either alone or in very small groups. Miners work on small 50m x 50m short term titles. There are approximately 3,200 registered mineral claims in the Lightning Ridge area.

Many miners have English as a second language and the mining population is aging. There are no employees as such as miners tend to work on a percentage of the opal won. Opal miners as a matter of course undertake risk assessments almost continually when working however some find it difficult to complete the relevant paperwork to prove they have undertaken the assessment. The LRMA believes the fines for failing to complete documentation is disproportionate to the offence. Particularly as an opal miner would be able to verbally demonstrate he (she) has undertaken the appropriate risk assessments.

The Resources Regulator has provided safety and risk assessment training for the opal industry over the past 20 years or so and this has been vital in ensuring the opal mining industry remains safe and it is essential this valuable service continues. It is important documentation remains simple and easy to complete and the Resources Regulator continues to provide the appropriate log books and draft templates for a Safety Management System.

As also discussed the appropriate safeguards were put in place for small mines when the legislation was first developed five years ago and as such section 184 of the Regulation is essential for the opal industry.

The LRMA looks forward to additional input should any legislative amendments be proposed as a result of this review.

Attached is the review form.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'MOB', with a long horizontal flourish extending to the right.

Maxine O'Brien
Secretary/Manager

Feedback Form

* Required field

Contact details

Name*	Maxine O'Brien		
Email address*	[REDACTED]		
Street address	[REDACTED]		
Suburb	[REDACTED]	State	[REDACTED] Postcode [REDACTED]
Postal address (if different from above)	[REDACTED]		
Suburb	[REDACTED]	State	[REDACTED] Postcode [REDACTED]

Organisation

Are you an individual representing at organisation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide the organisations' name:	Lightning Ridge Miners' Association Ltd

Privacy *(please tick one)*

<input checked="" type="checkbox"/> I consent to my submission being published, including my identity.
<input type="checkbox"/> I consent for my submission being published, excluding my identity <i>(please answer question below)</i> .
Please provide a valid reason/s for the request to exclude identity:

National context

DO YOU HAVE ANY COMMENTS REGARDING THE WHS (MPS) LAWS AND THEIR NATIONAL CONTEXT? SEE QUESTIONS BELOW

PLEASE CLARIFY YOUR RESPONSE AND GIVE REASONS FOR YOUR VIEW.

1. Do the WHS (MPS) laws remain consistent with the National Mine Safety Framework principles?	
2. Is the objective of seeking national consistency relating to WHS in relation to mines and petroleum sites still valid?	
3. Has the WHS (MPS) framework facilitated effective interstate regulatory cooperation?	
4. Are there any developments in mine and petroleum safety laws in the major mining states that could improve safety regulation and outcomes in NSW?	

WHS (MPS) Act

DO YOU HAVE ANY COMMENTS REGARDING THE WHS (MPS) ACT? SEE QUESTIONS BELOW

PLEASE CLARIFY YOUR RESPONSE AND GIVE REASONS FOR YOUR VIEW.

5. Are the objects of the WHS (MPS) Act still valid, appropriate and working as intended? (Part 1 of Act)	
6. Are there any areas arising from application of the WHS (MPS) laws that have had unintended outcomes? (Part 1 of Act)	

<p>7. Are the provisions under the WHS (MPS) laws for incident notification still valid, appropriate and working as intended? (Part 3 of the Act)</p>	<p>Many opal miners work alone and are both the mine owner and mine operator. A Mine Operator may have a serious incident and be hospitalised and/or in no condition to notify.</p> <p>In these circumstances the Resources Regulator will be aware of the incidence and the requirement to notify should be waived.</p>
<p>8. Are the provisions for functions of government officials still valid, appropriate and working as intended? (Part 4 of the Act)</p>	
<p>9. Are the provisions for worker representation in coal mines still valid, appropriate and working as intended? (Part 5 of the Act)</p>	
<p>10. Are the provisions for enforcement measures still valid, appropriate and working as intended? (Part 6 of the Act)</p>	
<p>11. Are the provisions for a Board of Inquiry still valid, appropriate and working as intended? (Part 7 of the Act)</p>	
<p>12. Are the provisions for statutory bodies still valid, appropriate and working as intended? (Part 8 of the Act)</p>	
<p>13. Do the provisions for statutory bodies ensure adequate representation in the provision of advice in relation to health and safety and competence? (Part 8 of the Act)</p>	

WHS (MPS) Regulation

**DO YOU HAVE ANY COMMENTS REGARDING THE WHS (MPS) REGULATION? SEE QUESTIONS BELOW
PLEASE CLARIFY YOUR RESPONSE AND GIVE REASONS FOR YOUR VIEW.**

<p>14. Are the provisions for nomination and appointment of operators still valid, appropriate and working as intended? (Part 1A of the Regulation)</p>	<p>It is important the standard form for nominating a mine operator for an opal mine remains simple and easy to complete. It is also important the safety training remains reasonable and practicable.</p>
<p>15. Are the provisions for managing risk in addition to the WHS Regulation still valid, appropriate and working as intended? (Part 2, Div 1, Subdivision 1 of the Regulation)</p>	<p>Opal miners often work on their own or with one or two other people. They as a matter of course undertake risk assessments. The difficulty for some opal miners is keeping records of those assessments.</p>
<p>16. Are the provisions for SMS, including PHMP & PCP, still valid, appropriate and working as intended? (Part 2, Div 1, Subdiv 2-4 and Div 2 and 3 of the Regulation)</p>	<p>A SMS would be extremely difficult if not impossible for an opal miner to develop without the templates provided by the Resources Regulator.</p> <p>Section 184 Exemptions for certain gemstone mines and tourist mines of the Regulation is an essential section for the opal mining industry and does work as intended.</p>
<p>17. Are the provisions for specific control measures still valid, appropriate and working as intended? (Part 2, Div 4-5 of the Regulation)</p>	
<p>18. Are the provisions for emergency management still valid, appropriate and working as intended? (Part 2, Div 6 of the Regulation)</p>	<p>Section 102. Opal miners cannot comply with the requirement to have a person on the surface as many work alone or if in a partnership both would be underground at the same time.</p>
<p>19. Are the provisions for information, instruction and training still valid, appropriate and working as intended? (Part 2, Div 7 of the Regulation)</p>	
<p>20. Are the provisions for health monitoring still valid, appropriate</p>	

and working as intended? (Part 3 of the Regulation)	
21. Are the provisions for consultation and worker safety role still valid, appropriate and working as intended? (Part 4 of the Regulation)	
22. Are the provisions for survey plans and mine plans still valid, appropriate and working as intended? (Part 5 of the Regulation)	
23. Are the provisions for notifications and information to be provided to the regulator and information to be kept by the operator still valid, appropriate and working as intended? (Part 6 and Part 7 of the Regulation)	
24. Are provisions for statutory functions still valid, appropriate and working as intended? (Part 8 of the Regulation)	
25. Are provisions for licensed activities and registration of plant still valid, appropriate and working as intended? (Part 9 and cl 177 of the Regulation)	

Submitting the form

Please return your form via:

Email: rr.feedback@planning.nsw.gov.au

Post: Statutory review of WHS (MPS) laws 2020
NSW Resources Regulator – Regulation Development
PO Box 344
Hunter Regional Mail Centre 2310 NSW

By the closing date: 17 April 2020

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