

NATIONAL MINE SAFETY FRAMEWORK

IMPLEMENTATION PLAN

INTRODUCTION

Safety in mining operations and the health of mine workers is of the utmost priority for industry and for governments.

Nationwide consistency in approach to safety and health in mining offers many benefits, not least enhanced confidence within the industry in addressing statutory requirements and cost-effectiveness in implementing them.

It is Governments' role to encourage this consistency across the full spectrum of issues impacting on safety and health, from the legislative framework, competency support, compliance and enforcement issues through to data collection and research. This was the basis for the Ministerial Council on Mineral and Petroleum Resources' agreement in March 2002 to a National Mine Safety Framework — *Realising a Safe and Healthy Mining Industry : the Contribution of Government*.

It is the basis, also, of the Ministerial Council's endorsement of this Implementation Plan to give the Framework full effect. The Plan is based on extensive analysis by Chief Inspectors of Mines, drawing also on the information provided by parties interested in mining safety and health in consultations during the Plan's development.

UNDERLYING PRINCIPLES

The primary responsibility for mine safety and health rests with the industry parties.

Sound workplace structures and operational arrangements for mine safety are essential, so that employers and employees at all levels within the industry are empowered and encouraged to identify mine safety and health issues and options for dealing with them.

Governments have a responsibility to set the standards of safety management they expect to be observed, and a responsibility on behalf of both mine site workers and the broader community to require performance to these standards.

Governments also have a crucial role in complementing and supporting industry initiatives to ensure the delivery of best practice in safety and health.

The National Mine Safety Framework identified seven priority goals, and proposed broad strategies to address them. The Implementation Plan specifies the steps to be taken to give practical effect to the Framework, and the timeframes for achieving them.

The primary goal of the Implementation Plan is to establish nationwide consistency of approach. At the same time, it is designed to allow for flexibility within individual jurisdictions in dealing with specific mine safety and health issues and solutions.

The Implementation Plan is intended to provide not only the opportunity but also encouragement for individual enterprises to go beyond basic measures to find better, more innovative and effective mine safety practices.

Mine safety and health, while critical in its own right, needs to be considered in the context of broader national efforts to improve occupational health and safety. Initiatives undertaken as part of this Plan will be implemented in close collaboration with these broader efforts under the aegis of the National OHS Strategy 2002-2012.

KEY TASKS AND RESPONSIBILITIES

This Implementation Plan identifies the key tasks to be undertaken in pursuit of each of the seven strategies, and the timeframes within which they are to be performed.

Reflecting the legal context within which mine safety and health is managed, it will be the ultimate responsibility of the Governments in individual States and Territories to finally implement the agreed outcomes. The Ministerial Council on Mineral and Petroleum Resources will consider and agree on the matters of principle to which individual Governments will give effect. The Council will also maintain an overview of achievements in implementation of the framework and, as required, address issues of common concern that may arise in the course of its implementation.

Overall responsibility for giving effect to this Implementation Plan rests with the Standing Committee of Officials (SCO), which reports to the Council. Individual SCO members from the jurisdictions identified in each strategy will support co-ordination of nationwide action on that strategy. The Chief Inspectors of Mines will take day-to-day responsibility for activities under this Implementation Plan.

REPORTING REQUIREMENTS

SCO shall report to the Council twice yearly on progress towards implementing each of the strategies in this Implementation Plan. The report shall include, as a minimum:

- a summary of actions taken in pursuit of each strategy;
- consultations undertaken with stakeholders by the Chief Inspectors of Mines in undertaking their tasks;
- major issues encountered that may influence the extent of or timetable for implementation, and that may require senior officials' or Ministerial consideration; and
- a forward work program, and the resource requirements to undertake the work program.

Each second report to the SCO, being an end-of-year report, will provide an expenditure statement, which reconciles against the budget or resources agreed/allocated to implement the Framework.

Matters that require special consideration by the Council will be brought forward separately from the six-monthly reports and in accordance with established Council practice.



STRATEGY 1 : A NATIONALLY CONSISTENT LEGISLATIVE FRAMEWORK

GOAL

- To provide, within five years, a nationally consistent legislative framework that protects the safety and health of mine employees and persons who may be affected by mining operations. The legislative framework shall incorporate the principles adopted in the International Labour Organisation's *Convention 176 : Safety and Health in Mines*. (ILO C176).

KEY TASKS AND TIMEFRAMES

A consistent legislative framework is essential for an efficient, effective and equitable regulatory system nationwide. Legislation in individual jurisdictions need not be identical, but should embody the key principles and outcomes agreed by the Ministerial Council on Mineral and Petroleum Resources (the Council). As a first step in implementing this strategy, all legislation will be reviewed against the provisions of ILO C176 to ensure that the key principles and intent of the Convention are addressed.

The Chief Inspectors of Mines will:

• develop, in consultation with key industry stakeholders, a template of core mine safety performance requirements, with objectives-based outcomes consistent with the principles of ILO C176.	By end June 2005
• initiate in each jurisdiction a review of existing legislation to determine extent to which existing provisions fit the template and identify additional provisions currently incorporated in legislation.	Review to be completed by June 2006
• develop for consideration by the Council an agreed legislative structure requiring appropriate standards of performance and safety and health outcomes, but which may also provide specific actions that comply with performance outcome requirements;	For consideration by Council at 2006 meeting
• adopt the legislation protocol, once endorsed by the Council, as the basis for drafting Mining Occupational Safety and Health legislation in individual jurisdictions.	To be completed within five years of Council agreement.

MANAGEMENT

Implementation of this strategy will be managed on behalf of the Ministerial Council by the Standing Committee of Officials representative from Queensland.

All measures undertaken in support of this initiative shall, if required, be subjected to Regulatory Impact Assessments or associated requirements in accordance with the *Principles and Guidelines for National Standard Setting and Regulatory Action* endorsed by the Council of Australian Governments in November 1997.



STRATEGY 2 : COMPETENCY SUPPORT

GOAL

- To encourage and promote continuous skills development and competency nationwide, in support of the progressive move to industry-based assessments of competency.

KEY TASKS AND TIMEFRAMES

The transition from current practice to a competency-based system will be a complex process. It will require close consultation with industry, educators, registered training organisations and training advisory bodies, within individual jurisdictions and nationally. The maintenance of nationwide consistency, especially in the light of mutual recognition principles, and quality control over the development and administration of competency training modules, particularly in the transition phase, will be particularly important, and will require a detailed strategic approach in which all key interested parties are involved.

The Chief Inspectors of Mines will:

• extend existing consultation arrangements to establish a working party of representatives of jurisdictions, key industry stakeholders and relevant education bodies, as required	By end 2004
• through the working party, address issues arising from the move to industry-based assessments of competency, and develop a national approach to resolution;	By end 2005
• ensure ongoing consultation on these issues and the strategic directions to be adopted in resolving them;	Ongoing
• develop a structured national approach (audit/verification tool) for use when requiring enterprises to demonstrate they have systems in place to ensure the ongoing competence of employees.	By end 2006

MANAGEMENT

Implementation of this strategy will be managed on behalf of the Ministerial Council by the Standing Committee of Officials representative from New South Wales. A working party (Queensland/New South Wales) has been established to address transition issues and, augmented by other jurisdictions as appropriate, will take overall responsibility for carrying out these tasks.

STRATEGY 3 : COMPLIANCE SUPPORT

GOAL

- To develop a national approach to providing advisory information for duty holders to assist them in achieving compliance, recognising the varying needs of individual operations.

KEY TASKS AND TIMEFRAMES

The principle of duty of care underpins the mining industry's operation and the legislation that deals with it. Information is needed to support the industry in ensuring compliance. There is a substantial array of guidance material at various levels currently available. Efficient and effective mining industry safety and health systems demand that this information be apposite, properly codified, national in character but well suited to local needs, up-to-date and well maintained, properly distributed and easily accessed.

The Chief Inspectors of Mines will:

• establish and maintain the national Minerals Industry Safety Handbook;	Ongoing, building on current handbook
• establish a working party to coordinate the development of a standardised range of guidance information, and means of enhancing timely and cost-effective distribution of and access to information;	Working party to be in operation by June 2005
• examine, and advise the Council on, the development or adoption of a range of additional tools, ranging from site self-assessment and self-auditing/evaluation tools to computer-based expert systems.	Ongoing responsibility

MANAGEMENT

Implementation of this strategy will be managed on behalf of the Ministerial Council by the Standing Committee of Officials representative from New South Wales. It will require extensive input from key stakeholders able to advise on industry needs and priorities and accessibility of materials.

Where appropriate, measures undertaken in support of this initiative shall be subjected to Regulatory Impact Assessments or associated requirements in accordance with the *Principles and Guidelines for National Standard Setting and Regulatory Action* endorsed by the Council of Australian Governments in November 1997.

STRATEGY 4 : A NATIONALLY CO-ORDINATED PROTOCOL ON ENFORCEMENT

GOAL

- To develop a nationally consistent and transparent approach to enforcement that provides clear and consistent standards for duty holders, and supports equitable outcomes from governments' contribution to safety and health in the mining industry.

KEY TASKS AND TIMEFRAMES

There is already broad consistency of approach among all jurisdictions on a graduated approach to enforcement of mining safety and associated legislation, commonly referred to as the *Enforcement Pyramid*. There is considerable scope, however, for improving transparency, consistency in definition and codifying points of gradation. A draft protocol to achieve these goals has been prepared. Detailed analysis of and consultation on specific elements of the protocol will ensure that the Council is in a position to adopt a nationally recognised and understood approach to enforcement.

The Chief Inspectors of Mines will:

• consult with key stakeholders in each jurisdiction on detailed elements of the draft protocol, including on the merits of additional/alternative steps in the enforcement process;	By end March 2005
• in light of those consultation outcomes, present a final draft protocol to the Council for formal adoption of the protocol in all jurisdictions; and	For consideration by Council at its 2005 meeting.
• develop a basis for monitoring enforcement activity.	

MANAGEMENT

Implementation of this strategy will be managed on behalf of the Ministerial Council by the Standing Committee of Officials representative from Western Australia.

These measures will require Regulatory Impact Statements to be prepared in accordance with the *Principles and Guidelines for National Standard Setting and Regulatory Action* endorsed by the Council of Australian Governments in November 1997.

Data and analysis issues will be addressed within the broader mine safety and health data strategy.

STRATEGY 5 : CONSISTENT AND RELIABLE DATA AND ANALYSIS

GOAL

- To develop a national mining industry data set, in consultation with the National Occupational Health and Safety Commission (NOHSC), which allows analysis across jurisdictions.

KEY TASKS AND TIMEFRAMES

Substantial data collections already exist both within the mining sector itself and as part of the broader NOHSC National Data Set. However, they are not complete, nor are they necessarily consistent across all jurisdictions, which limits their utility as an analytical tool in monitoring performance and trends, and targeting improvements in mine safety and health. Considerable effort is required to ensure completeness and enhance consistency nationwide and, in the process, improve the efficiency and cost-effectiveness of data collection processes. These improvements will be developed in consultation with the industry and in collaboration with NOHSC, the Australian Bureau of Statistics and other relevant bodies.

The Chief Inspectors of Mines will:

• establish a working party to develop a national mining industry data set;	By end 2004
• working party to develop an agreed national mining industry data set, in consultation with all interested parties	By end 2005
• develop a consistent system for data collection, storage, transmission, retrieval and access that can be implemented across jurisdictions;	September 2006
• conduct periodic reviews of data needs, priorities and the efficiency/effectiveness of collection and analysis systems; and	Three-yearly cycle of reviews, from start of new system
• seek to ensure the incorporation of such information as will allow the development of lead indicators to help prioritise and target industry and government activities.	Ongoing

MANAGEMENT

Implementation of this strategy will be managed on behalf of the Ministerial Council by the Standing Committee of Officials representative from Victoria.

To the extent required, these measures will be subjected to Regulatory Impact Assessments in accordance with the *Principles and Guidelines for National Standard Setting and Regulatory Action* endorsed by the Council of Australian Governments in

November 1997. Other review processes, such as the Australian Bureau of Statistics' Data Clearinghouse are also to be consulted.



STRATEGY 6 : EFFECTIVE CONSULTATION MECHANISMS

GOAL

- To establish an effective national approach to consultation with stakeholders and between jurisdictions on safety and health in the mining industry.

KEY TASKS AND TIMEFRAMES

Effective consultation at the workplace and at industry/employee/government levels are primary indicators of good practice in occupational safety and health. Jurisdictions have in place consultative frameworks for consultation; in some cases, they are embodied in legislation. The quality and utility of consultation will be enhanced by encouraging the development of consistent practice nationwide and the specific measures in this strategy are designed to that end.

Consideration also needs to be given to the merits of establishing a consultative framework to deal specifically with issues on a national level.

The Chief Inspectors of Mines will:

• develop a model and guidelines to provide a consistent nationwide basis for consultation on occupational safety and health in the mining industry at both the workplace and state levels;	Draft guidelines developed by end 2004
• seek the views of interested parties on the model before presentation to the Council for endorsement and adoption in jurisdictions; and	By end 2005, for consideration by Council.
• canvass the views of stakeholders on the need for and functions of a national consultative body, and report to the Council on options for action.	For consideration by Council at 2006 meeting.

MANAGEMENT

Implementation of this strategy will be managed on behalf of the Ministerial Council by the Standing Committee of Officials representative from South Australia.

STRATEGY 7 : A COLLABORATIVE APPROACH TO RESEARCH

GOAL

- To establish appropriate mechanisms for governments to foster effective research into occupational safety and health in the mining industry.

KEY TASKS AND TIMEFRAMES

Governments have an important part to play in ensuring that mine safety and health benefit from research. This role does not necessarily encompass direct sponsorship of specific research and development projects. It is a matter for companies and organisations to determine how best to avail themselves of broader Government support mechanisms.

Governments' role is to encourage basic or strategic research into occupational safety and health, and assist in identifying ongoing research priorities. The effective dissemination of research outcomes — including, if appropriate, its uptake in compliance support and associated advisory material — is also an important role of government.

The Chief Inspectors of Mines will:

• convene forum of interested/expert parties within and outside of the mining industry to consider models/options for more strategic approach to mining OSH research.	By end June 2005
• identify, in consultation with stakeholders, including the research community, a national model for OSH research in mining, including processes for identification of priorities;	For report to Council by end 2005
• with input from jurisdictions identify potential research needs; and	Ongoing
• work with research organisations and the industry to ensure the effective dissemination of research outcomes.	Ongoing

MANAGEMENT

Implementation of this strategy will be managed on behalf of the Ministerial Council by the Standing Committee of Officials representative from Queensland.