



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**



RESPONSE TO PUBLIC COMMENT

Emergency preparedness for Western Australian mines – draft code of practice

January 2018

Introduction

The *Emergency preparedness for Western Australian mines – draft code of practice* (the draft Code) was released for public comment from 25 November 2016 to 3 February 2017. It outlined the requirements for an emergency plan in accordance with the Mines Safety and Inspection Regulations 1995 (the Regulations) regulation 4.30.

The code of practice was developed by the Department of Mines, Industry Regulation and Safety (DMIRS) in consultation and collaboration with mine operators, industry stakeholders, other regulators and agencies, original equipment manufacturers (OEMs) and suppliers.

The draft code aimed to provide guidance on:

- emergency management systems used in surface and underground mines and quarries
- developing and evaluating safe work procedures for such systems in line with the expectations of the Department.

It focused on:

- identification of the unique risk profiles in relation to operating mines
- emergency management at mine sites.

In January 2018, following endorsement by the Mining Industry Advisory Committee (MIAC), the Minister for Mines and Petroleum approved release of the code of practice, which was revised to accommodate public comment.

Feedback

Twenty stakeholders (thirteen external) commented on the draft code of practice.

Overall, respondents were supportive of the draft code. DMIRS thanks them for their considered feedback.

The key themes of the feedback are tabulated below.

No.	Section	Comment	Response or action
1	Title	Review title	Following careful consideration, the title was changed to <i>Emergency management for Western Australian mines</i> . The code addresses a combination of emergency preparedness and response activities.
2	General	The code of practice being an unnecessary layer of regulation.	A code of practice is a practical guide to achieving the standards of occupational safety and health required under legislation. It applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following a code of practice would achieve compliance with the duties in the legislation in relation to the subject matter of the code. However, like regulations, codes of practice deal with particular issues and do not cover all hazards or risks that may arise. Duty holders need to consider all risks associated with work, not only those for which regulations and codes of practice exist.
3	General	Use of recommendations as opposed to mandatory requirements.	<p>The code of practice includes references to both mandatory and non-mandatory actions. The words “must” or “requires” indicate that legal requirements exist, which must be complied with. The word “should” indicates a recommended course of action.</p> <p>Throughout the document “must” has only been used where specific legislative provisions exist. It should be noted that where a list of options has been provided that are both mandatory and optional, “should” has been used. Key legislative provisions are provided in Appendix 1.</p>
4	General	Terminology used	A concerted effort was made to align to commonly used terminology in WA. A glossary has been included in Appendix 4.
5	General	Concern that very little in the code of practice (COP) can be usefully applied to smaller, non-corporate mine sites due to scale of operation. The use of the ALARP method clearly demonstrates that this COP cannot be “practically” applied to a mining operation that has no employees and may be operated by only one or two persons.	The legislation requires all mining operations to have an emergency plan. The complexity of the plan will depend on the size and nature of the operation based on the hazards identified and the assessment of risk associated with those hazards. For small operations, this may be a simple plan that includes communication, access to first aid and emergency equipment, transport, and mutual aid for rescue. The key point here is the size and nature of the operation. A specific note has been included in the introduction.

No.	Section	Comment	Response or action
6	2	The risk management process was inconsistent with AS/NZS ISO 31000	Substantial rework of the section on risk management was undertaken with the assistance of a risk management expert.
			It was recognised that international changes to the risk management standards removed hazard identification, inconsistent with DMIRS guidance. These standards are based on general risk management dealing with any risk but dominated by financial risk where a hazard is not present. Therefore, Section 2 contains hazard identification as part of the risk management process.
7	4.2	Concern regarding the reliance on volunteers.	The operator needs to have the capacity to respond to emergencies affecting its mine, including sufficient personnel to respond, which may comprise full time employees, volunteers and external agencies.
8	6.2	Training requirements and qualification levels achieved need to be strengthened for emergency responders.	Modified in Section 6.2 to: "Based on the site emergency plan, persons responding to an emergency must be trained and competent." Refer MSIR rr. 4.13 and 4.30.
			Inclusion in Section 6.3 of the following paragraph: "Medical assistance should be commensurate with the likely medical emergencies. First aid personnel must be trained and competent to use the equipment and resources available."
9	6.3	Lack of inclusion of clinical governance.	Inclusion in Section 6.3 of the following paragraph: "Medical assistance should be commensurate with the likely medical emergencies. First aid personnel must be trained and competent to use the equipment and resources available."
10	7	Alignment with State emergency management plans (local, district, State)	Reference has been made to the Office of Emergency Management website www.oem.wa.gov.au with an outline of its use.



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