

### Harmonisation challenges – Queensland mining industry

*The national model Work Health and Safety Act was designed to sweep in a single compliance regime for workplaces right around Australia, making safety obligations clear and slashing red tape. Not so for the Queensland mining industry, says Norton Rose law firm partner Aaron Anderson.*

*The workplace safety lawyer will explain the new WHS Act at the Queensland Safety Show, which runs from June 21 to June 23. We asked for his analysis of the implications for Queensland's mining industry once the new national model Work Health and Safety Act is adopted by Australian states at the end of this year.*

It remains unclear how national OHS harmonisation is going to affect occupational health and safety obligations placed on the Queensland mining industry despite the Queensland Government passing the Work Health and Safety Act 2011 (**WHS Act**) on 26 May 2011.

At this point, the advice from Government is that Queensland will continue to have a mining-specific occupational health and safety Act, however, that Act will be amended (at least to some extent) to try and achieve a level of consistency with the model OHS legislation.

The recent release of the WHS Act lends credence to this advice, given that the WHS Act maintains the exclusive application of mining-specific legislation.

Given the nature of the obligations in the WHS Act, i.e. obligations which are qualified by the concept of reasonable practicability, it is unlikely that there will be any significant change to the nature of the duties under the mining legislation which already includes an obligation to ensure an acceptable level of risk.

Similarly, there seems to be reluctance to remove the current structure setting out how mines should properly be managed, including statutory positions such as Site Senior Executives and concepts such as a health and safety management system. While there may be some changes around the terminology and application of some of these principles, we expect that they will operate in a similar fashion under a new system.

Similarly, in areas like ventilation of underground mines, given recent tragedies, including that in New Zealand, we suspect that the tried and tested methods of managing gas and coal dust will remain largely the same.

Areas where we expect to see change are in relation to matters such as officer duties, consultation between duty holders, issue resolution and discrimination. These are easy pickups and would allow greater consistency. Much will depend on the process being undertaken between the mining states in relation to the National Mine Safety Framework, and whether broad agreement can be reached between those regulators. If that is the case, at least to the extent that mining operations exist in Queensland, New South and Western Australia, we could expect to see some commonality.

Aaron Anderson's free seminars addressing the model WHS Act forms part of a line-up of very practical free manufacturing and workplace safety seminars at the Queensland Safety Show. Experts from Safe Work Australia, the Chamber of Commerce and Industry Queensland, Queensland Fire and Rescue Service and Enterprise Connect are among those who will explain how to attract funding, what to expect from new WHS laws, how to meet obligations manageably and within budget.

Sponsored by myosh, the Queensland Safety Show, Materials Handling Show and co-located Queensland Manufacturing Show run from June 21 to 23, 2011 at the Brisbane Convention & Exhibition Centre. For more information, visit [qldsafetyshow.com.au](http://qldsafetyshow.com.au), email [safetyvisitor@aec.net.au](mailto:safetyvisitor@aec.net.au) or phone Australian Exhibitions & Conferences Pty Ltd on 03 9654 7773.

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