

NEW SOUTH WALES MINERALS COUNCIL LTD

LEVEL 3, 12 O'CONNELL STREET, SYDNEY NSW 2000
PO BOX A244, SOUTH SYDNEY NSW 1235
* T: 61 2 9274 1400 * F: 61 2 9274 1455

21 May 2009

Performance Benchmarking Australian Business Regulation
Productivity Commission
PO Box 1428
Canberra City ACT 2601

ohs@pc.gov.au

Dear Sir/Madam

**Performance Benchmarking of Australian Business Regulation:
Occupational Health and Safety**

The NSW Minerals Council (NSWMC) represents the State's \$14 billion mining industry. Safety is the number one priority of the minerals industry in this state.

NSWMC welcomes the opportunity to comment on the Productivity Commission Issues Paper 'Performance Benchmarking of Australian Business Regulation: Occupational Health and Safety'. This issues paper seeks to identify key areas of OHS burden on industry.

NSWMC has been advocating for clearer and more uniform OHS regulation within NSW and nationally for many years. NSWMC believes there must be a reduction in overlap, duplication and red tape in the OHS legislative framework. The NSW mining industry is fully supportive of the Federal Government's OHS Harmonisation Program, in addition to the work of the National Mine Safety Framework. There must be a single OHS Act supported by a single national mining regulation.

As discussed at our recent meeting, at present, there are two main areas that impede/burden the NSW mining industry in the area of OHS:

- the overlapping and sometimes conflicting obligations imposed on the NSW mining industry by the.
 - *Occupational Health and Safety Act 2000* and its regulation
 - *Coal Mine Health and Safety Act 2002* and its regulation
 - *Mine Health and Safety Act 2004* and its regulation.
- the inconsistencies between the two governing regulators - NSW Department of Primary Industries and NSW Workcover, and the subsequent impediments to safe, innovative and efficient operations.

These issues have been detailed in two recent NSWMC submissions (attached):

- National Review into Model Occupational Health and Safety Laws – Submission (July 2008) and Supplementary Submission (August 2008)
- Review of the Coal Mine Health and Safety Act (February 2009).

For further information please contact Andrew McMahon, Manager Occupational Health and Safety on (02) 9274 1405.

Yours faithfully

Sue-Ern Tan
GENERAL MANAGER POLICY AND STRATEGY

