

## FAQs on the introduction of the *Work Health and Safety Act 2011*

### What happened on 1 January 2012?

The *Work Health and Safety Act 2011* replaced the *Occupational Health and Safety Act 2000*. The *Work Health and Safety Regulation 2011* replaced the *Occupational Health and Safety Regulation 2001*.

### Did the WHS Act replace the *Coal Mine Health and Safety Act 2002 (CMHS)* and the *Mine Health and Safety Act 2004 (MHS)*?

No.

### What health and safety legislation applies to mines?

There are three Acts (and their supporting regulations) which apply to mines:

1. *Work Health and Safety Act 2011 (WHS)* (principal Act applying to **all** workplaces)
2. *Coal Mine Health and Safety Act 2002* (applies to coal operations along with the WHS Act)
3. *Mine Health and Safety Act 2004* (applies to metalliferous and extractive mines - along with the WHS Act)

### Do I have new health and safety responsibilities?

Under the new WHS Act some functions have changed and some new definitions have been introduced (notably the PCBU – person conducting a business or undertaking) however, the new Act does not diminish people’s responsibilities where health and safety are concerned.

If you had duties for people’s health and safety under the former OHS Act then you will need to check if these duties have changed in any way under the new WHS Act. A useful summary of the main changes can be found in the two-page guide - [Understanding the Work Health and Safety Act – A Practical Guide](#) which is available on the NSW WorkCover website.

### Has plant registration changed?

You must continue to register *mine-specific* plant as before under the OHS Act. Continue to refer to the former OHS Act for the provisions.

### Have competency requirements changed?

The only change to competencies will be the intended formation of a single competence board to deal with both coal and metalliferous/extractives industry competencies.

### Is there any change to how I report incidents or injuries?

No.

**Is there any change to how I notify of high-risk work or other work?**

There is no change to how you notify of high-risk work. However, there are changes to a number of other types of notification which were previously made under the OHS Act. You will need to consult the WHS Act to determine the changes.

**Do I have to create new safety management plans?**

Existing plans continue to be relevant but more than likely will require modification to reflect the changes introduced by the new WHS Act. At the minimum, references to the former OHS Act will need to be changed.

**Do we still have Site Check Inspectors?**

Site Check Inspectors are still appointed under the CMHS and MHS Acts. Provision for Check Inspectors has been made under section 166a of the WHS Act. Check Inspectors are advised to consult with their respective organisation to determine how the new legislation may affect them.

**Will there be any new mining-specific legislation?**

The CMHS and the MHS Acts are scheduled to be replaced by new mining specific legislation in 2013. Comprehensive information will be provided prior to these changes taking effect.

If you have any questions regarding the new legislation please email your questions to [mine.safety@industry.nsw.gov.au](mailto:mine.safety@industry.nsw.gov.au)

Answers given to individuals will be added to this document which can be found at: [www.dpi.nsw.gov.au/minerals/safety/legislation/legislation-2012](http://www.dpi.nsw.gov.au/minerals/safety/legislation/legislation-2012)