CEMENT CONCRETE & AGGREGATES AUSTRALIA

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WorkSafe Victoria Occupational Health and Safety Regulations Review – Mines, Quarries and Petroleum

Dear Cam,

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to participate in the Mines, Quarries and Petroleum Stakeholder Reference Group and provide a written submission to the WorkSafe Victoria Occupational Health and Safety Regulations Review.

Cement Concrete & Aggregates Australia is the voice of the heavy construction materials industry in Australia. CCAA members produce the majority of Australia's cement, concrete, and aggregates, which are crucial to Australia's building and construction sectors. These materials support the development of our nation's transport, energy, water, housing, defence, and social infrastructure.

CCAA recognises the need to review and update the Occupational Health and Safety Regulations 2017 (OHS Regulations) and is committed to supporting safe and healthy workplaces for all, maintaining effective collaboration with WorkSafe Victoria.

The proposed change to expand the scope of *Part 5.3 - Mines* to include quarries is central to the current review discussions and is the focus of this submission.

CCAA does not support the inclusion of quarries in the scope of *Part 5.3 – Mines* and submits that the current OHS Regulations recognition as a “workplace” provides appropriate safety and health management systems under the general duties requirements.

The industry commitment to safety is demonstratable through ongoing improvements and active near miss reporting. Our industry shares learnings to improve overall safety and does not want safety incidents occurring onsite, with worker health and safety being the priority of every business.

While we support improvements that are warranted and key to the critical risks for quarries, CCAA is still unable to determine the safety issues that this reform is attempting to resolve and the data provided to justify the inclusion of quarrying in the definition of mining remains an issue.

The inclusion of quarries in *Part 5.3 – Mines* will have unintended consequences including *inter alia* over-documentation for quarry managers; reducing time on site; increasing operational costs; onerous regulations being a barrier to entry for small operators; the economic impact of increased reliance on consultants who have technical skills; and regional disadvantage for remote quarry operators.

We also note the short timeframe for implementation given that the current Regulations are set to expire next year (2027).

The rationale to not support the proposed inclusion of quarries in the scope of *Part 5.3 – Mine*s is detailed below.

A. Existing definitions do not support the inclusion of quarries

1. Occupational Health and Safety Act 2004

1.1 The definition of a “Mine” in the Occupational Health and Safety Act 2004 (OHS Act) is adopted by the OHS Regulations to establish the workplace in Part 5.3.

1.2 “Mine” means —

a) a workplace at which work is being performed under a licence within the meaning of the Mineral Resources (Sustainable Development) Act 1990—

(i) including work that is exploration (within the meaning of that Act), in the form of underground work of any kind or drilling from the surface for coal-bed methane; and

(ii) excluding work that is exploration carried out above ground, other than drilling from the surface for coal-bed methane; or

b) all parts of a tourist mine that are underground and all infrastructure and plant associated with the underground workings.

1.3 Quarries are considered a “Workplace” under the OHS Act.

1.4 “Workplace” means —

a) a place, whether or not in a building or structure, where employees or self-employed persons work.

2. Mineral Resources (Sustainable Development) Act 1990

2.1 The definitions of “Mining” and “Quarry” are established in the Mineral Resources (Sustainable Development) Act 1990.

2.2 "Mining" means extracting minerals from land for the purpose of producing them commercially and includes processing and treating ore.

2.3 "Mineral" means any substance which occurs naturally as part of the earth's crust—

a) including—

(i) oil shale and coal; and

(ii) hydrocarbons and mineral oils contained in oil shale or coal or extracted from oil shale or coal by chemical or industrial processes; and

(iii) any substance specified in Schedule 4;

b) excluding water, stone, peat or petroleum.

2.4 "Quarry" means—

a) a pit or excavation made in land below the natural surface for the purpose of extracting or removing stone if a primary purpose of the extraction or removal is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works; or

b) any place or operation involving the removal of stone from land, declared by the Minister by notice published in the Government Gazette to be a quarry—

and includes access ways on private land and the works, machinery, plant, equipment, buildings and structures above or below ground used for or in connection with—

c) making, enlarging or deepening the pit or excavation; or

d) carrying on the operation; or

e) the extraction or removal of stone from the pit or excavation; or

f) the treatment on or adjacent to the land in which the pit or excavation is made of stone extracted or removed from the land or the manufacture on or adjacent to that land of bricks, tiles, pottery or cement products substantially from stone so extracted or removed

3 The definitions make a clear distinction between “Mining” and “Quarry”.

4. OHS Regulations

4.1 The current OHS Regulations preclude Quarries from Part 5.3 Regulation.

4.2 The OHS Regulations include only three specifically regulated industries – Mining, Construction and Major Hazard Facilities.

4.3 The OHS Regulations are used to manage safety for all workplaces outside of the three specifically regulated industries, establishing the effectiveness of the regulations.

4.4 The OHS Regulations establish the “General Duties” for all workplaces with the “Proper installation, use and maintenance of risk control measures” definition —

“A person who is required by these Regulations to use any particular measure to control risk must ensure that the measure is properly installed (if applicable), used and maintained.”

5. *Part 5.3 - Mines* is excluded from the operation of the “Proper installation, use and maintenance of risk control measures” regulation because they contain more specific requirements in relation to the installation, use and maintenance of risk control measures.

B. Proposed Expansion of *Part 5.3 - Mines*

6. The WorkSafe Victoria proposal to expand the scope of *Part 5.3 – Mines* to include quarries and apply specific duties on operators by inclusion of “Mines” in the definition is not supported by CCAA.

7. Of particular concern is the potential for quarries to be included in the regulations applied to a prescribed mine (Regulations 417 to 438).

8. The premise for the inclusion of quarries is that these sites are “undertaking the same high-risk work that is undertaken at a mine.” Although both mines and quarries involve excavation, the risk profiles differ significantly. Mines involve underground hazards, ventilation, ground control, emergency management, confined spaces, and volatile environments. Quarries are typically surface operations with mobile plant being the highest contributor to WorkSafe reported incidents (as per 2018-2026 incident data provided by WorkSafe Victoria).

9. *Part 5.3 – Mine*s was designed to address mine-specific hazards, not general extractive operations. This position is consistent with earlier reviews (2007, 2014) where quarry operators emphasised the need for separate treatment.

10. The proposed expansion of *Part 5.3 - Mines* of the OHS Regulations to include quarries would be a significant regulatory shift, with *Part 5.3 - Mines* imposing mine-specific, high-rigour safety duties that do not apply to quarries at present.

11. Based on WorkSafe Victoria incident reporting at quarry sites, there have been 302 incidents reported over an 8-year period from 2018 to 2026, with an average of 37.75 incident reports per year. By way of equivalence. the same reporting data for Mines shows reported incidents per year from 2011to 2025, the average is 200.36 incidents per year. This in itself demonstrates a significantly different risk profile.

12. Incident potential data provided by WorkSafe Victoria comparing open cut non coal mines (OCNC) to quarries was used to support the position that “quarries present a significant OHS risk.” The OCNC data comprised 26 gypsum mines and 2 kaolin mines and was compared to 466 operational quarry sites rather than the broader 900 active quarries referenced, which may operate seasonally or have operated during the reporting period. In addition to this there are a number of significant data issues that challenge the robustness of the comparison to support a major regulatory shift.

13. In particular, the absence of exposure normalisation, the imbalance in sample sizes, and the lack of clarity around classification methodology, workforce size and production volumes at the sites all significantly limit confidence in the conclusions being drawn.

14. WorkSafe also acknowledged that not all activities undertaken at OCNC are undertaken at quarries and that not all quarries have a similar risk profile to OCNC. This further challenges the robustness and appropriateness of the comparison in drawing meaningful conclusions.

C. Impact of Proposed OHS Regulation Change

15. The current OHS Regulations recognition of quarries as a "workplace" already requires the identification of hazards, assessment of risk, implementation of controls, and ongoing review, with a focus on continuous improvement. The need to include quarries in *Part 5.3 - Mines* implies that the existing OHS Regulations for all workplaces are insufficient.

16. The increased requirements significantly raise the administrative and technical burden for quarry operations, with no clear demonstration of how the changes will improve safety outcomes or culture.

17. The proposed changes will require quarry managers to spend more time on documentation than on site supervision. It is likely that industry will need to develop and support resources that utilise technology and deliver time efficient and effective reporting for monitoring and review.

18. CCAA reiterates the previously described unintended consequences that the proposed amendments will produce:

    - over-documentation for quarry managers reducing time on site;
    - increased operational costs;
    - onerous regulations are a barrier to entry for small operators reducing market share and consumer choice;
    - detrimental economic impact caused by increased reliance on consultants who have technical skills lacking in current employees, and
    - further regional disadvantage for remote quarry operators.

CCAA considers the proposed inclusion of quarries in *Part 5.3 – Mines* to be a significant regulatory reform. Implementation of the Regulations will be extremely challenging and costly, especially within the timeframes, and based on the WorkSafe Victoria incident data it is unclear how this reform will improve overall safety and wellbeing at quarries.

For all of the reasons outlined above, CCAA recommends that quarries not be included in Part 5.3- Mines and continue to operate under the workplace definition to provide optimum health and safety for all, together with quality materials for Victorians and beyond.

CCAA thanks WorkSafe Victoria for their engagement on the proposed changes and look forward to working collaboratively to achieve a successful outcome.

Should you wish to discuss this matter, please contact CCAA's State Director - Victoria, Ms. Tara McCormack by email tara.mccormack@ccaa.com.au and/or by phone .

Yours sincerely

MICHAEL KILGARIFF
Chief Executive Officer