

12 February 2026

Tegan Toffolon  
WorkSafe

Via email: [ohsregulations@worksafe.vic.gov.au](mailto:ohsregulations@worksafe.vic.gov.au)

Dear Tegan

## **OHS REGULATIONS DISCUSSION PAPER**

Thank you for the opportunity to comment on the Occupational Health and Safety (OHS) Regulations Discussion Paper. The CMPA is a member of WorkSafe's Mines, Quarries and Petroleum Stakeholder Reference Group (SRG) that has been established to gather, understand and consider feedback during the policy development of regulations and codes. The first SRG meeting was held in November 2025.

### **Submission**

The CMPA **does not** support the incorporation of lower risk quarrying into Part 5.3 as suggested in the OHS Regulations Discussion Paper due to having a lower and different risk profile to mining and onshore petroleum sites.

### **Conclusion**

There are also fundamental issues with the OHS Regulations 2017 that need to be addressed in the new OHS Regulations such as:

- The employer has no certainty in ever being fully compliant.
- No business will be fully compliant for 365 days in a year.
- Unsustainable level of documentation requirements.
- Sets up an adversarial relationship between the employer and employee.
- Managers spending more time processing paperwork than oversight of operations.
- Routine WorkSafe site visits are perceived as being adversarial with fear of persecution or retribution (Psychological health regulations).

The Regulations should:

- Promote a positive relationship between the employer and employee of working together to achieve a safe workplace.
- Create a culture where safety is embedded in the workplace.
- WorkSafe working together with industry for a safer workplace.
- WorkSafe active encouragement of employee training.
- Provide certainty in compliance.

## Specific comments

| Dot point | WorkSafe proposal                                                                                                                                                                                            | CMPA Comments                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8         | <i>"...sites include exploration, extraction and processing of minerals, stone and petroleum."</i>                                                                                                           | An unformed reader would assume that method of processing is the same for all resources. This is clearly not the case with, for example, toxic chemicals being used to extract minerals whilst this is not the case with stone.                                                                                                                                                                                                |
| 12 b.     | <i>"This is encouraging growth in the resources industry, leading to the issuing of new work authorities and expansion of current operations."</i>                                                           | The number of work authorities and active work authorities is decreasing. (from 2017 a 7% decrease in work authorities and 18% decrease in active work authorities see <a href="https://resources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting/annual-statistical-reports">https://resources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting/annual-statistical-reports</a> ) |
| 13        | <i>"These changes may give rise to new or changed hazards. This may mean that the controls historically implemented to manage risks may not be the most appropriate in the modern resources environment"</i> | This is not the case, for example, with recent changes to the time weighted average workplace exposure standard for Respirable Crystalline Silica.                                                                                                                                                                                                                                                                             |
| 22        | <i>"There are approximately 900 quarries in Victoria but only about 500 of these quarries operate at any given time."</i>                                                                                    | Quarries 814<br>Active quarries 466                                                                                                                                                                                                                                                                                                                                                                                            |
| 23        | <i>"Larger quarries generally undertake similar activities to those undertaken at a mine, resulting in a similar risk to OHS."</i>                                                                           | No, they do not undertake similar activities, nor do they have a similar risk as mines to OHS. <ul style="list-style-type: none"> <li>• Quarrying is not undertaken underground in tunnels and mineshafts.</li> <li>• Stone does not catch fire.</li> <li>• Toxic chemicals are not used in processing stone nor is the stone treated unlike ore.</li> </ul>                                                                   |
| 24        | <i>"Data from SafeWork Australia indicates that claims per million hours worked are 45% higher in the quarrying"</i>                                                                                         | How does the data compare to, say the construction industry?                                                                                                                                                                                                                                                                                                                                                                   |

| Dot point | WorkSafe proposal                                                                                                                                                                                                                                                                                            | CMPA Comments                                                                                                                                                                                                                                                               |
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|           | <i>sector than in the resources industry overall."</i>                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                             |
| 39        | <i>"There are no industry-specific regulations that apply to quarries...". "The OHS Act and Regulations apply to quarries and petroleum site as any other workplace."</i>                                                                                                                                    | Due to the much lower and different risk profile of quarries (in comparison to mines), there is no need to apply Part 5.3 to quarries. However, for petroleum sites this may differ.                                                                                        |
| 40        | <i>"There is an opportunity to confirm the appropriateness of the scope of Part 5.3 and determine whether the risks present at quarries and onshore petroleum sites warrant specific regulation under Part 5.3"</i>                                                                                          | It is inappropriate to include quarries in the scope of Part 5.3 as explained above.                                                                                                                                                                                        |
| 42        | <i>"However, this means that Part 5.3 of the OHS regulations applies to workplaces based on the resources being extracted rather than the associated OHS risk."</i>                                                                                                                                          | The discussion paper does not critically or thoroughly analyse the OHS risk, for example, the annual Victorian Mine Rescue Competition is only applicable to mines due to being underground: tunnels and mine shafts. The data and interpretation have not been identified. |
| 43        | <i>"This means that risks associated with high-risk work (such as the use of explosives, heavy machinery and plant, and isolated work) at quarries and onshore petroleum sites may not be adequately managed."</i>                                                                                           | The use of explosives and heavy machinery and plant and isolated work also occur in the construction industry and the construction and demolition waste recycling industry and are adequately managed but not suggested for Part 5.3.                                       |
| 44        | <i>"In the absence of industry specific regulations and instead relying on the general duties set out in the OHS Act, there is a risk that the industry adopts a standard that does not recognise the potential consequences of hazards and possible incidents at quarries and onshore petroleum sites."</i> | The statement could apply to any industry and is not justification for singling out quarries for Part 5.3                                                                                                                                                                   |

| Dot point | WorkSafe proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CMPA Comments                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 45        | <p><i>"WorkSafe is considering expanding the scope of Part 5.3 to include quarries..."</i></p> <p><i>"WorkSafe is considering defining quarries ... for the purpose of Part 5.3"</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Expanding the scope of Part 5.3 to include quarries is not supported as per previous comments.                                                                                                                                                                                                                                                                                                                                             |
| 46        | <i>"Defining mines, quarries and onshore petroleum sites separately allows WorkSafe to implement a tiered, risk-based approach to regulation."</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | A tiered risk-based approach to regulation would exclude quarries from Part 5.3.                                                                                                                                                                                                                                                                                                                                                           |
| 48        | <p>WorkSafe considers that quarries represent a varying risk to OHS. WorkSafe is considering setting out separate definitions for higher and lower risk quarries.</p> <p>WorkSafe is considering introducing the requirement for all quarry operators to identify, assess and control the risks associated with mining hazards, as set out under regulations 404-406.</p> <p>WorkSafe is considering introducing duties on operators of 'higher risk quarries,' in line with the current duties placed on the operator of a mine. WorkSafe is currently considering the factors that determine if a quarry is a 'higher risk quarry'.</p> | As previously stated, quarries have a lower and different risk profile to mines and to onshore petroleum sites. The use of explosives and heavy machinery and plant and isolated work also occur in the construction industry and the construction and demolition waste recycling industry and are adequately managed. However, there may be a case for a declared quarry as per the Mineral Resources (Sustainable Development) Act 1990. |
| 49        | The expansion of Part 5.3 to include quarries and onshore petroleum sites will impose additional duties on operators and result in additional regulatory burden                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Firstly, quarries are already under excessive regulatory burden and red tape.</p> <p>Secondly, quarries have a lower risk profile than onshore petroleum sites and mines as previously stated.</p>                                                                                                                                                                                                                                      |

| Dot point | WorkSafe proposal                                                                                                                                                                                                                                                                     | CMPA Comments                                                                                                                               |
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| 50        | "Inclusion of quarrying and onshore petroleum OHS-specific regulations better align regulation in Victoria with other jurisdictions."                                                                                                                                                 | The inclusion of quarrying with higher risk activities such as mining and onshore petroleum sites is not necessitated as discussed earlier. |
| 51        | Regulating quarries and onshore petroleum sites under Part 5.3 may improve the enforceability of the OHS legislative framework. Industry specific regulations would set out clear requirements for operators and reduce the reliance on the general duties set out under the OHS Act. | It is inappropriate to align quarrying with mining and onshore petroleum sites.                                                             |
| 52        | Non-regulatory options include development of a compliance code and non-statutory guidance specific to quarries                                                                                                                                                                       | This may be a more appropriate option.                                                                                                      |

I would be pleased to discuss these matters with you. Please contact me on 0434 692 618 or via email at [elizabeth.gibson@cmpavic.asn.au](mailto:elizabeth.gibson@cmpavic.asn.au) in respect of any matter.

Yours sincerely



Dr Elizabeth Gibson  
General Manager

### About CMPA

CMPA is the premier representative body for the Victorian extractive resources industry. It represents a broad spectrum of those involved in construction material processing including construction and demolition waste recycling businesses and has a membership base consisting of over 220 quarries across the industry. Together, these members employ approximately 2000 Victorians which underpins the construction industry of almost 240,000 employees (<https://liveinmelbourne.vic.gov.au/connect/victorian-industries/transport-defence-and-construction>).

CMPA members are typically small to medium sized family, and private businesses, local government, utility providers and national companies. Many are regionally based employers and service local construction, infrastructure, and road maintenance needs. The

extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2024/25, the sector supplied approximately 58 million tonnes of construction materials and 7 million tonnes of recycled construction and demolition waste (25% of total freight movement in Victoria) to the market, at a value of approximately \$1.4 billion directly supporting Victoria's \$80 billion Big Build (<https://bigbuild.vic.gov.au/about>) and the estimated 1.6 million new homes required by 2050 (<https://earthresources.vic.gov.au/geology-exploration/industry-investment/joint-ministerial-statement-on-extractive-resources>). Small to medium quarries account for approximately half of this production and is submitted to be a vital industry supporting the ongoing economic prosperity of Victorians.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria and Australia.