

# WHS Legislative Airborne Contaminants and Health Monitoring Gap Analysis Tool

Version Nov 2018

## PURPOSE

The MAQOHSC WHS Legislative Airborne Contaminants and Health Monitoring Gap Analysis Tool is designed as a practical and proactive means for an organisation to:

- 1.) Complete an initial (benchmark) self-assessment of internal compliance with the South Australian WHS legislative requirements regarding airborne contaminants and health monitoring. It is recommended that a MAQOHSC WHS Specialists assists in the initial review as part of the initial evaluation.
- 2.) Measure and monitor WHS Regulatory compliance on a regular basis. The Gap Analysis Tool is dated and keeps a running score, hence it is easy to monitor and measure improvements that take place over a period of time by re-using the tool periodically as required.
- 3.) Develop and implement an associated Improvement Action Plan, which is automatically generated when recommendations are entered in the Assessment sheet. This can then be used as a tool for planning, prioritising, resourcing, implementing or reviewing WHS systems by the organisations, WHS committees or teams etc.
- 4.) Plan and encourage progression to a higher level of conformance/compliance via continuous improvement and in the process, systematically eliminate or reduce the risk and cost of workplace incidents, injuries and disease/illness occurring.

## ANSWERING AND SCORING QUESTIONS

The questions are grouped together in the assessment section under the relevant sections of the South Australian WHS Regulations 2012.

**Each question is required to be rated either;**

**ZERO (0) = No evidence of conformance or action taken,**

**ONE (1) = Evidence of some action taken, i.e. partial conformance or,**

**TWO (2) = Fully conforms with requirement.**

The Tool has been designed for businesses of all types and sizes to measure and verify their level of conformance with the South Australian WHS legislative requirements regarding airborne contaminants and health monitoring, by scoring each question in the assessment. Once you have entered the name of your organisation, location, person(s) carrying out the assessment and date, it is simply a matter of going through each question and entering a score of 0, 1 or 2, based on the level of conformance with the question being asked. A drop down box containing these options is indicated by an arrow located at the bottom right hand corner of each scoring tab. A score of 0 (red) indicates that there is no evidence of conformance or action taken; a score of 1 (orange) indicates that some action has been taken, or there is some evidence of conformance; and a score of 2 (green) indicates that this requirement has been fully complied with. If you answer the assessment question as a 1 or 2 you should be able to complete the "Verification/Evidence & Comments" sections to:

- prove it (e.g. refer to documented evidence to support your response; policy, procedure, records etc.)
- demonstrate that there has been appropriate consultation in development and implementation
- demonstrate that there has been appropriate training, if required
- demonstrate that the action is being implemented
- demonstrate that you understand the requirements of the question.

## **IMPROVEMENT PLAN**

An entry in the "Recommended Actions " section of the Assessment will automatically transfer into the attached Action Plan. This is then required to be completed by the PCBU in terms of :

- 1) What action is to be taken to meet the requirement;
- 2) Who will be responsible to ensure this action occurs;
- 3) How long will be required to complete it, and;
- 4) What the measure for success will be.

Once all of these details have been entered and the headings completed (including entering the business name, location and date), the Action Plan is now ready for implementation. Spaces in the Plan will need to be removed manually where no action is required. The document will now be ready to print with your updated details. This can be re-entered, modified and saved as many times as you like to create an ongoing record of the development and progress made on your WHS regulatory compliance, whilst encouraging consultation and participation of workers.

It is important to note that it is up to the organisation to ensure that the actions, responsibilities and timeframes given are practical, achievable and meet the recommendations of the assessment. As circumstances change it may be necessary to adjust and alter the Plan on an ongoing basis. This will need to be done in consultation and agreement with the Officer who will be monitoring the progress being made.

**Note:** The WHS Legislative Airborne Contaminants and Health Monitoring Gap Analysis Tool and action plan is a live document that needs to be constantly reviewed and updated as your organisation works towards full compliance.

## **PROGRESSING THROUGH THE PROGRAMME**

The ultimate aim of your organisation should be to achieve 100% conformance with the requirements. It is recognised that, for smaller organisations in particular, this may not be achievable in the immediate future and that it may require some time to achieve this goal. The most important thing is that the organisation has a genuine commitment from top to bottom to build an WHS culture that is based on continuous improvement, and that all significant hazards and risks are identified and eliminated, or at least controlled as far as is reasonably practicable. The Action Plan should be a reflection of this ongoing evolution and improvement.

## **USING THE TOOL ACROSS SEVERAL SITES**

For those organisations that have multiple sites or departments etc. this tool is ideal for regularly measuring conformance of each site for comparative purposes, or to get an overall picture of the organisation as a whole. This should also encourage those sites that do not measure up as well, to improve their performance and "close the gaps" identified, as well as "raising the bar" for the entire organisation in terms of WHS management standards.

## DISCLAIMER

This assessment tool addresses the requirements of the South Australian WHS Regulations 2012, in relation to airborne contaminants and health monitoring. Compliance with this tool does not guarantee full compliance with all WHS legal requirements, nor that the person conducting the business or undertaking (PCBU) is immune from enforcement action by the state regulator.

The legislation mentioned in this tool (or otherwise inferred from the context) was current at the time of completion of the tool.

Any assessment report produced is intended for internal use only by the recipient, for the improvement of WHS and should not be used for any other purpose whatsoever and should not be disseminated to any third party.

Any WHS Improvement Plan produced with the assistance of MAQOHSC is compiled on the basis of information supplied. MAQOHSC cannot know whether the information supplied to it is complete and/or accurate.

**MAQOHSC accepts no responsibility or liability for any acts done or omissions made pursuant to the Plan.**

## CREATIVE COMMONS



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**ISBN 978-1-925361-86-5**

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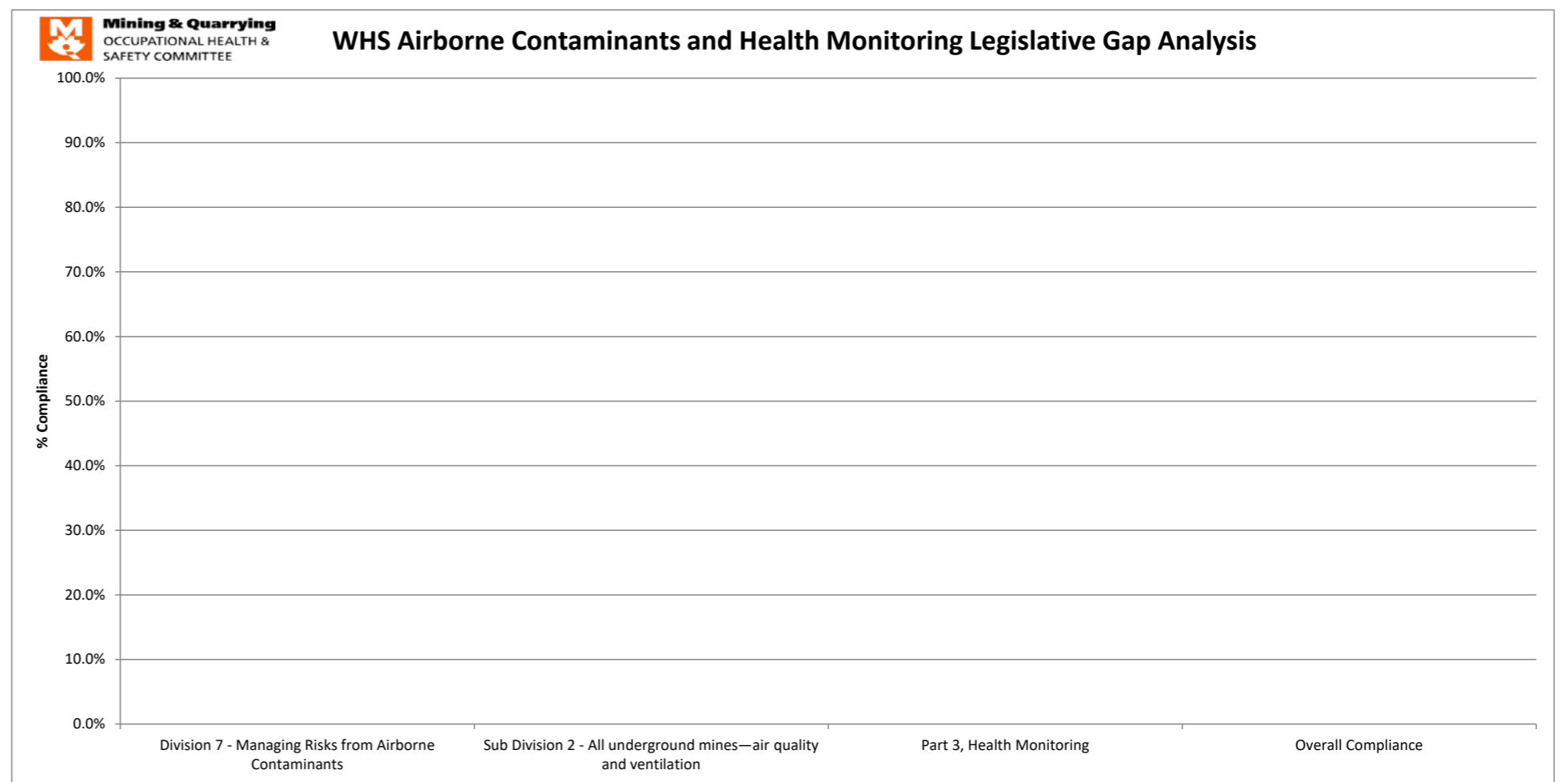
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WHS Regulations 2012	% Compliance
Division 7 - Managing Risks from Airborne Contaminants	0.0%
Sub Division 2 - All underground mines—air quality and ventilation	0.0%
Part 3, Health Monitoring	0.0%
<b>Overall Compliance</b>	<b>0.0%</b>



# Airborne Contaminants and Health Monitoring Legislative - Gap Analysis

Regulation	Title	Requirement	Conducted by:	Assisted by :	Date:	
<b>South Australian WHS Regulations 2012</b>						
<b>Chapter 3, General Risk and Workplace Management</b>						
<b>Part 2, General Workplace Management</b>						
<b>Division 7 - Managing Risks from Airborne Contaminants</b>			<b>Verification / Evidence</b>	<b>Comments</b>	<b>Compliance Score</b>	<b>Recommended Action</b>
49	Ensuring exposure standards for substances and mixtures not exceeded	A person conducting a business or undertaking at a workplace must ensure that no person at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture.				
50	Monitoring airborne contaminant levels	1. A person conducting a business or undertaking at a workplace must ensure that air monitoring is carried out to determine the airborne concentration of a substance or mixture at the workplace to which an exposure standard applies if— a) the person is not certain on reasonable grounds whether or not the airborne concentration of the substance or mixture at the workplace exceeds the relevant exposure standard; or b) monitoring is necessary to determine whether there is a risk to health.				
		2. A person conducting a business or undertaking at a workplace must ensure that the results of air monitoring carried out under subregulation (1) are recorded, and kept for 30 years after the date the record is made.				
		3. A person conducting a business or undertaking at a workplace must ensure that the results of air monitoring carried out under subregulation (1) are readily accessible to persons at the workplace who may be exposed to the substance or mixture.				
<b>Chapter 10, Mines</b>						
<b>Part 2, Managing Risks</b>						
<b>Division 3, Specific control measures—all mines</b>						
<b>Sub-Division 2, Air Quality and Monitoring</b>			<b>Verification / Evidence</b>	<b>Comments</b>	<b>Compliance Score</b>	<b>Recommended Action</b>
637	Monitoring exposure to airborne dust	Regulation 50 applies to the mine operator of a mine in relation to airborne dust as if the concentration of airborne dust referred to in regulation 636(1)(a) or (b) were an exposure standard to which regulation 50 applies.				
638	Air monitoring—use of devices	The mine operator of a mine who uses air monitoring devices to comply with air monitoring requirements under regulation 50 and this Chapter must ensure that— (a) the devices used are suitable and effective having regard to— (i) the nature of the monitoring being carried out; and (ii) the substance being monitored; and (b) the devices are positioned to ensure that they work to best effect.				
639	Air monitoring—signage	The mine operator of a mine, in complying with air monitoring requirements under regulation 50 and this Chapter, must ensure that signs are erected at the mine that explain— (a) the meaning of any warning produced by an air monitoring device; and (b) what persons must do in response to the warning.				
<b>Division 4, Specific control measures—underground mines</b>						
<b>Sub Division 2 - All underground mines—air quality and ventilation</b>			<b>Verification / Evidence</b>	<b>Comments</b>	<b>Compliance Score</b>	<b>Recommended Action</b>
647	Air quality—airborne contaminants	1. The mine operator of an underground mine must ensure that the concentration of any airborne contaminant (including any asphyxiant or explosive gas) is as low as is reasonably practicable.				
		2. The mine operator must comply with subregulation (1)— (a) so far as is reasonably practicable, by suppression or the installation of a ventilation or exhaust extraction system; or (b) if this is not reasonably practicable, by some other suitable means.				
648	Air quality—minimum standards for ventilated air	1. The mine operator of an underground mine must ensure that the ventilation system for the mine provides air that is of sufficient volume, velocity and quality to ensure that the general body of air in the areas in which persons work or travel— (a) has a concentration of oxygen that is at least 19.5% under normal atmospheric pressure; and (b) has dust levels that— (i) are as low as is reasonably practicable; and (ii) do not exceed the relevant levels specified in regulation 636; and (c) if diesel engines are used underground—has a concentration of diesel particulates that is as low as is reasonably practicable.				

		2. In addition to subregulation (1), the mine operator of an underground mine must ensure that the ventilation system for the mine provides air that is of sufficient quality to ensure that the general body of air in the areas in which persons work or travel has a level of contaminants that— (a) is as low as is reasonably practicable; and (b) does not exceed the exposure level for that contaminant specified in the relevant exposure standard referred to in regulation 49.				
649	Air monitoring—air quality	The mine operator of an underground mine must ensure that air monitoring is carried out at the mine if the mine operator is not certain on reasonable grounds whether or not regulation 648 is being complied with.				
650	Requirements if air quality requirements and exposure standards not complied with	1. This regulation applies if monitoring reveals that in an underground mine— (a) the oxygen level specified in regulation 648(1)(a) is not met; or (b) a dust level referred to in regulation 648(1)(b)(ii) is exceeded; or (c) an exposure level referred to in regulation 648(2)(b) is exceeded.  2. The mine operator of an underground mine must immediately notify any affected workers or other persons at the mine of the relevant circumstance referred to in subregulation (1).  3. The mine operator of an underground mine must ensure that the air quality at the mine is retested by a competent person as soon as practicable.				
651	Records of air monitoring	1. The mine operator of a mine must keep a record of air monitoring carried out at the mine under regulation 649.  2. A record of air monitoring must include— (a) the results of the monitoring; and (b) details of the dates, location and frequency of the monitoring; and (c) the sampling method and equipment used.  3. A record of air monitoring carried out under regulation 649 must be kept for 7 years after the record is made.  4. The mine operator must keep a record of air monitoring available for inspection under the Act.  5. The mine operator must keep a record of air monitoring readily accessible to workers and other persons at the mine.				
<b>Part 3, Health Monitoring</b>			<b>Verification / Evidence</b>	<b>Comments</b>	<b>Compliance Score</b>	<b>Recommended Action</b>
675F	Health monitoring of worker	1. The mine operator of a mine must ensure that health monitoring is provided in accordance with subregulation (2) to a worker at a mine engaged to carry out work at a mine if— (a) there is a significant risk of an adverse effect on the worker's health because of the worker's exposure to a hazard associated with mining; and (b) valid techniques are available to detect that effect on the worker's health.  2. The health monitoring must be carried out— (a) in accordance with this Part; and (b) at intervals determined by a registered medical practitioner with experience in health monitoring.				
675G	Duty to inform of health monitoring	The mine operator of a mine, who is required to ensure that health monitoring is provided to a worker, must give information about the health monitoring requirements to— (a) a person who is likely to be engaged to carry out work that triggers the requirement for health monitoring; and (b) a worker at the mine, before the worker commences work that triggers the requirement for health monitoring.				
675H	Duty to ensure health monitoring is carried out or supervised by registered medical practitioner with experience	1. The mine operator of a mine must ensure, so far as is reasonably practicable, that the health monitoring of a worker under this Part is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.  2. The mine operator must ensure that the worker is consulted in relation to the selection of the registered medical practitioner.				
675I	Duty to pay costs of health monitoring	1. The mine operator of a mine who engages a worker at the mine must pay all expenses relating to health monitoring referred to in this Part.  2. If the mine operator of a mine has not engaged a worker at the mine, the mine operator must ensure that the person conducting the business or undertaking that engaged the worker pays all expenses relating to health monitoring.				
675J	Duty to provide registered medical practitioner with information	The person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring: (a) the name and address of the mine operator; (b) the name and date of birth of the worker; (c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring; (d) if the worker has started the work—how long the worker has been carrying out the work.				
675K	Health monitoring report	1. Health monitoring must be documented in a health monitoring report in the form approved by the regulator.				

		<p>2. The health monitoring report must include the following:</p> <p>(a) the name and date of birth of the worker;</p> <p>(b) the name and registration number of the registered medical practitioner;</p> <p>(c) the name and address of—</p> <p>(i) the mine operator; and</p> <p>(ii) the person conducting a business or undertaking who commissioned the health monitoring;</p> <p>(d) the date of the health monitoring;</p> <p>(e) an explanation of the results;</p> <p>(f) any advice indicating any adverse health effect resulting from exposure to a risk associated with mining operations;</p> <p>(g) any recommendation that the mine operator take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;</p> <p>(h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.</p>				
675L	Person conducting business or undertaking to obtain health monitoring report	The person conducting a business or undertaking who has commissioned health monitoring must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.				
675M	Person conducting business or undertaking to give health monitoring report to mine operator of mine	A person conducting a business or undertaking must, on request, give a copy of the health monitoring report required to be kept under regulation 675P(1) to the mine operator of any mine at which the worker carries out work.				
675N	Duty to give health monitoring report to worker	The mine operator of a mine must take all reasonable steps to ensure that a worker at the mine who is provided with health monitoring is given a copy of the health monitoring report as soon as practicable after the monitoring is carried out.				
675O	Duty to give health monitoring report to regulator	<p>The mine operator of a mine must take all reasonable steps to ensure that a copy of a health monitoring report relating to a worker at the mine is given to the regulator as soon as practicable if the report contains—</p> <p>(a) any advice indicating any adverse health effect resulting from exposure to a risk associated with mining operations; or</p> <p>(b) a recommendation that the mine operator should move the worker from a hazard or assign the worker to different work.</p>				
675P	Health monitoring reports kept as records	1. The person conducting a business or undertaking that engaged a worker at the mine must ensure that a health monitoring report in relation to the worker is kept as a confidential record.				
		<p>1a. The person must ensure that a health monitoring report in relation to a worker is kept for at least—</p> <p>(a) for hazards known to have a cumulative or delayed health effect—30 years after the record is made; or</p> <p>(b) for other hazards—7 years after the record is made.</p>				
		2. A person conducting a business or undertaking who obtains a health monitoring report in relation to a worker under this Part must not disclose the report to another person without the worker's written consent.				
		<p>3. Subregulation (2) does not apply if the report is disclosed to—</p> <p>(a) a mine operator to whom a copy report is given under regulation 675M; or</p> <p>(b) the regulator under regulation 675O; or</p> <p>(c) a new mine operator to whom all records are given under regulation 615(3); or</p> <p>(d) a person who must keep the report confidential under a duty of professional confidentiality; or</p> <p>(e) a health and safety representative in accordance with section 71(2) of the Act.</p>				
		4. The person conducting a business or undertaking that engaged a worker at the mine must ensure, so far as is reasonably practicable, that any health monitoring report kept in relation to a worker under subregulation (1) is given to the worker if the business or undertaking at the mine is to be wound up or otherwise cease to exist.				





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**Disclaimer**

This assessment tool addresses the requirements of the South Australian WHS Regulations 2012, Chapter 10 Mines. Compliance with this tool does not guarantee full compliance with all WHS legal requirements, nor that the PCBU is immune from enforcement action by SafeWork SA.

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