

March 2025

## Statutory function description

# Dust explosion control measures auditor of underground coal mines

### Introduction

Type	Details
Name of the statutory function	Dust explosion control measures auditor
Class of mine	Underground coal mines
Key statutory function?	No
Mining Supervisor?	No

Statutory functions are certain safety-critical roles in the mining and extractives industry that are regulated by the department. This document has been developed for people who exercise specific statutory functions to help them understand their duties, key relationships, tasks and work practices. Schedule 10 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 (WHS(M&PS) Regulation) regulates statutory functions.

This document will:

- inform you of what exercising your function involves
- help mine operators and individuals to develop training and/or mentoring programs to support individuals to practice in the function
- assist mine operators to develop their safety management system, including management arrangements
- guide mine operators and you when identifying maintenance of competence learning to be undertaken.

Please note, a list of key terms and legislative provisions can be found at the end of this document.

## Guidance on statutory function

Extract from the WHS(M&PS) Regulation, Schedule 10, Part 2, section 9:

1. The statutory function of dust explosion control measures auditor is to audit the dust explosion control measures and standards used at the mine and report the results of those audits to the mine operator.
2. The requirement for nomination to exercise the statutory function is that the individual nominated must hold a current practising certificate that authorises the exercise of the statutory function.

## Exercising the function

An individual exercising the function should:

Audit the dust explosion control measures and standards used at the mine and report the results of those audits to the mine operator: this may include but not be limited to a combination of the following activities:

- compliance with legislative requirements for prescribed control measures for dust control
- report on the effectiveness of the dust explosion control measures and standards for the mine through:
  - document review
  - verification processes
  - evidence of implementation of the control measures identified in the Mine Safety Management System
- the processes used at the mine to ensure the effectiveness of dust explosion control measures and standards are being monitored and reviewed.
- identify and bring to the attention of the mine
  - non-conformances to the legislation
  - opportunity for improvement
  - areas of good practice.
- conduct the audit of dust explosion control measures and standards as specified in the pre-requisites for the Ventilation Auditor Practising Certificate
- provide a written report to the mine operator on the conduct and outcomes of the audit.

## Scope and relationships

This statutory function applies to underground coal mines.

An individual may participate in the mine safety management system as a contractor or worker. They should be aware of possibly interacting with individuals exercising statutory functions at the mine:

- Roadway Dust Sampler – liaise so an audit of the dust explosion control measures and standards for the mine is conducted.

- Mining Engineering Manager – for development of mining engineering standards and procedures that are to be applied for dust explosion controls and standards, and for them to be monitored and reviewed to remain current.

## Statement of minimum tasks

The individual should carry out the following tasks for the auditing of the dust explosion control measures and standards used at a mine and report the results of those audits to the mine operator.

### Generally

For the applicable elements of the safety management system for dust explosion control measures and standards:

- Manage risks, such as for major changes for dust explosion control measures and standards.

### Specific control measures (application as prescribed in the WHS laws<sup>1</sup>)

Audit the performance of specific coal dust explosion control measures for all underground coal mines.

### Auditing

Carry out an audit in accordance with the mine safety management system and applicable standards, as specified in the pre-requisites for the Dust Explosion Control Measures Auditor Practising Certificate.

Provide a report to the mine operator on the performance of the dust explosion control measures and standards against the requirements of the mine safety management system, WHS laws and any other appropriate standards.

**Note:** dust explosion control measures and standards are part of the safety management system within an overall management system that is in place at the mine<sup>2</sup>. The mine management system may follow a management approach such as:

- plan, do, check, act
- identify, assess, control and review.

Regardless of what management approach is used at the mine, the individual should exercise the statutory function to meet the safety management system and WHS laws requirements.

## Work practices

There are no typical work practices across all Dust explosion control measures auditor at underground coal mines. The individual should develop their work practices according to the requirements specified by WHS laws, the mine operator and the safety management system.

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<sup>1</sup> Means the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.

<sup>2</sup> Section 18(4) of the WHS(M&PS) Regulation.

In general, the work practices of a Dust explosion control measures auditor vary according to the mine and mine operator.

## Authority

The WHS(M&PS) Regulation enables the function and an individual to practice it by:

- section 132: only an individual who meets the requirements can exercise the function and only if they are nominated by the mine operator.
- section 133: the mine operator must ensure the nominated individual continues to meet the requirements and is able to exercise the function.
- section 134: an individual must inform the mine operator if they cannot exercise the function.

## Key terms

Table 1. Key terms

Term	Definition <sup>3</sup>
Apply	To put into practical operation or to use, e.g., an inspection program.
Develop	To bring into being or activity, generate or evolve.
Implement	To put into effect, either directly or by causing others to carry out actions.
Lifecycle	For mining operations, this means the activities for exploration, construction, commissioning, extraction, and those in connection with it, and the decommissioning of a mine.
Mining operations	For a definition of this term, refer to section 7 of the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> . Mining operations includes lifecycle activities.
Monitor	To check, observe, supervise and/or record the operation of a mine, part of a mine, workers, or related activities to assess the suitability of mining engineering standards and procedures to manage potential or actual risks.
Review	A retrospective assessment of something with the intention of instituting change if necessary.
Safety management system	All activities planned and documented by the mine operator to be carried out to manage health and safety risks at the mine in an organised manner.
Standards and procedures	<p>Written internal or external documents that set out or provide guidance on how mining operations should be carried out to achieve a performance level for WHS. This may include ventilation, mining, electrical, mechanical, or other areas.</p> <p>The standards may include:</p> <ul style="list-style-type: none"> <li>• WHS legislation and codes of practice</li> <li>• international and Australian standards</li> <li>• guidance information from various sources that are credible, current, and substantive.</li> <li>• industry publications such as WHS reports.</li> </ul>
Supervise	Oversee or direct some part of mining operations.
Underground mine <sup>4</sup>	An underground mine that is a coal mine.
Underground mine <sup>5</sup>	Means that part of a mine that is beneath the surface of the earth and includes plant and structures that extend continuously from the surface into that part of the mine but does not include a part of the mine in which high wall mining is being carried out.

<sup>3</sup> Some meanings are derived from the Macquarie Dictionary and added to for context.

<sup>4</sup> Schedule 15 of the WHS(M&PS) Regulation.

<sup>5</sup> Schedule 15 of the WHS(M&PS) Regulation.

Term	Definition <sup>3</sup>
Verify	Confirm or substantiate by examination or comparison. In this description, it means directly or indirectly checking that requirements of the safety management system are being satisfied, e.g., direct supervision, reading reports.

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