

Draft Mining Codes of Practice

Public comment template

Please send submissions by email to consult.minesafety@trade.nsw.gov.au

Submissions must be received by the due date for each code of practice. Due dates are written in the 'How to make a submission' chapter and on our website at www.resourcesandenergy.nsw.gov.au/safety

Confidentiality: Any information that you do not wish to be made available to the public should be clearly marked 'IN CONFIDENCE'. Submissions are subject to all relevant laws such as the Government Information (Public Access) Act 2009 and the Privacy and Personal Information Protection Act 1998. NSW Trade & Investment may provide extracts of submissions to other stakeholders for comment during the review of public submissions.

Please indicate here by a tick if this submission or any parts of it are provided in confidence.

Whole submission

Address and contact details

Part (please specify)

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Organisation (if applicable): Glencore Coal Assets Australia

For each code, general feedback is sought on whether it:

- is helpful and easy to understand
- reflects current state of knowledge and technological developments in relation to managing various risks
- has an appropriate level of information (for example, is it too detailed or too general, too technical or not technical enough), and
- requires additional examples or case studies to provide clarification (Please provide relevant examples and case studies that should be included).

Further to the general feedback, comment on specific guidance in the code is sought for whether they are adequate and clear (refer to public comment overview for each code).

General Feedback:

- This Code of Practice does not identify the responsibilities of the various agencies in the event of a mining emergency. Although the Code identifies that the mine needs to engage with the relevant emergency services to establish responsibilities, this is an unfair request when it has already been identified this remains unresolved. It is unclear as to how this can be resolved at a site/operational level?
- There is duplication with the DRAFT WHS (Mining) Regulation (herein referenced as the DRAFT). This duplication should be resolved with the information being removed from the draft Regulation and remaining in the Code of Practice. There is no benefit to this being stated twice.
- In stating the above, the feedback provided on DRAFT by Glencore Coal Assets Australia is to be referenced and applied to this Code of Practice (see excerpt from WHS (Mining) Regulations Draft Submission).
- Document is largely difficult to manage – large volumes of referenced text from legislation. Consider reduced volumes of text and insert key cross references as required without rewriting the legislation.

Feedback already provided for WHS (Mining) Regulation DRAFT which is to be considered for the Code of Practice – Division 6 – Emergency Management:

Subdivision1 - Emergency plans for all mines	87	Duty to prepare emergency plan	Yes	Clause 87 (2)(a)(vi) transport may not be available in all areas, and in some cases, the quickest and safest way to access a place of safety is to walk.	following the word evacuation add " <i>so far as is reasonably practicable</i> "
	88	Consultation in preparation	Yes	Clause 88(2) as emergency service organisations are not necessarily familiar with mining specific issues, their recommendations may not always be practicable	Delete " <i>addresses</i> " and replace with " <i>considers</i> "
	93	Review	Yes	Clause 93(1)(a) requires that the plan is reviewed at least once per year. This places a arbitrary timeframe on the review of a process without an appropriate	Delete this clause.



				trigger. The face that the plan is tested annually, and the plan is to be reviewed after this test will serve the purpose, at an appropriate trigger, for review.	
	94	Training of workers	Yes	Clause 94 (b) workers may not need to know all of the detail in the plan, this could in fact reduce the retention of what is important	Add at the beginning of this point " <i>receive relevant training or information</i> "
Subdivision 2 - Underground mines	96	Safe escape and refuge	Yes	Considerable amount of detail within this section that should be contained within a Code of Practice.	Modify this section to require a system to be developed, with the majority of detail extracted to a Code of Practice.
	96	Safe escape and refuge	Yes	Clause 96 (2)(c) communications to mobile plant in an underground coal mine is not achievable.	delete " <i>mobile plant</i> " from this clause
	96	Safe escape and refuge	Yes	Clause 96 (3) Not all parts of the communication needs a backup power supply.	Delete " <i>as part of a communication system for the mine</i> " replace with " <i>as critical parts of the communication system for the mine</i> "
	96	Safe escape and refuge	Yes	Clause 96 (4) this clause is not needed. It is covered by Clause 78.	Delete this clause
	96	Safe escape and refuge	Yes	Clause 96(6)(d)&(e) requires provision of water at refill and changeover stations, along with procedures for rehydration in an irrespirable atmosphere. The reference to rehydration and provision of water suggests that a fresh air changeover station is required. This will significantly delay self escape efforts and potentially encourage people to remain in fresh air. We should be actively encouraging people	References to provision of water at refill stations and change-over stations, and rehydration in irrespirable atmospheres should be deleted. These two clauses can be combined into 1 and should read as follows " <i>the provision of communications at refill stations and procedures for communicating in an irrespirable atmosphere</i> "



				to self escape without delay.	
	96	Safe escape and refuge	Yes	Clause 96 (6)(f) due to mobile nature of change-over stations, maintaining monitoring systems will be hard to achieve. Currently personnel are trained to complete the change-over to CABA assuming an irrespirable atmosphere.	Delete this clause.
	96	Safe escape and refuge	Yes	Clause 96 (6)(g) There are periods in which this clause may not be required.	Delete " <i>limiting the number of workers in an area to the cache or refill station capacity for the area</i> " replace with " <i>manage the number of workers in an area using a risk-based approach and with reference to the cache or refill station capacity in that area</i> ".
	96	Safe escape and refuge	Yes	Clause 96(7)(d) as in clause 96 (6)(f) due to mobile nature of change-over stations, maintaining monitoring systems will be very hard to achieve. Currently personnel are trained to complete the change-over to CABA assuming a irrespirable atmosphere.	Delete this clause
	96	Safe escape and refuge	Yes	Clause 96(7)(f) as in clause 96 (6)(g) There are periods in which this clause may not be required e.g. shift changeover. These periods can be managed using risk-based methods.	Delete " <i>limiting the number of workers in an area to the refuge chamber capacity</i> " replace with " <i>manage the number of workers in an area using a risk-based approach and with reference to the refuge chamber capacity in that area</i> ".
	99	Self rescuers	Yes	Clause 99 (3)(a) - 3 monthly is not sustainable	delete " <i>every 3 months</i> " replace with " <i>every 6 months</i> "

	101	Competent person at surface	Yes	Clause 101 (b) the restoration of power underground is a process which is managed by the restoration of power plan.	Delete " <i>and restore</i> " from this clause
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Title of Code: Emergency Planning In Mines		
Page or section no.	Section title / subject of section of code	Comments or suggestions
2.1.2	Related Emergency Management Legislation in NSW	Further clarification and definition of involvement from external agencies, including right of entry, processes for and responsibilities of operators to ensure the safety of those persons
3.3 – 3.4	The appointment and responsibilities of the emergency planning group (EPG) Membership of the EPG	Consideration for an alternative process or group, i.e. consultative method not requiring the appointment of a committee. Can adequate representation including annual review with key stakeholders / PCBUs meet the requirements, rather than appointing another group / roles?
4.5	Second bullet point – “air bags to release people who are crushed under items”	Should not be considered under first aid processes, as this is not a covered requirement of any first aid competency assessments or training programs. Rescue requirements.
18	Workers must be trained in the donning of a self-contained self-rescuer and changeover to any subsequent rescuer (SCSR or CABA) at induction and every three months.	Training frequency should be 6 monthly.