

Draft Work Health and Safety (Mines) Regulation

Public comment template

Please send submissions by email to consult.minesafety@trade.nsw.gov.au Submissions must be received by **27 June 2014**.

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)

Name: **Glendell Mine**

Organisation (if applicable): **Glencore**

This template is divided into two parts:

1. Comments in response to discussion paper
2. Comments in relation to draft regulation

Please ensure you include the page, section number or regulation clause number to which your comment relates. Your submission should, wherever possible, include evidence and examples to justify your position.

Part 1 - Comments in response to discussion paper

Page or Section No.	Discussion point and your comment
Eg 2.1	

Part 2 - Comments in relation to draft regulation

Clause number	Title of clause and your comment or suggestion
9	<p>Management of risks to health and safety</p> <p>The wording of the proposed clause potentially creates a situation where the requirement for recording keeping (that all risk assessments are kept and become part of the safety management system of the mine) is too onerous to be able to comply with. Suggestion is that the risk assessments that underpin the principal mining hazard management plans are those that are kept and form part of the safety management system.</p>
15	<p>Performance standards and audit</p> <p>Section talks about measuring the effectiveness of all aspects of the safety management system – this is a very onerous requirement and would be very difficult to actually demonstrate. We believe that the words “all aspects” should be removed – which maintains the intent behind the existing clause.</p>
16	<p>Changes to safety management system</p> <p>The current wording in the proposed regulation talks about notifying before “any change” is made to the safety management system. It is suggested this wording is modified to specify submission for “major or significant changes” or to simply have a biannual submission and update of the safety management system to the regulator (regardless of any changes).</p>
26	<p>Contractor health and safety management plan</p> <p>A lot of contractors currently work under specific contractor safety management plans. These plans are reviewed by site personnel and contractor performance is monitored in relation to these plans. This situation is mainly employed for higher risk, higher exposure type contractors. For contractors of reduced exposure, typically these people work under the mine sites safety controls – including a work authorisation process / permitting process that ensures that the controls specific for the task at hand are in place and safety risks are being managed. The expectation for every contractor to submit a contractor safety management plan for sign off by the site will not improve safety outcomes relating to contractors. We suggest that there is an amendment to this clause to allow for lower risk / lower exposure contractors to adopt the mine sites safety controls for the works being undertaken.</p>
85	<p>Inspection program</p> <p>2 (b) is providing a definition for a production area. We do not believe that the provision of a production area for open cut mines is relevant as it is already covered and provided for in subsection 2(a) where it requires for the division of the mine into inspection areas.</p> <p>Section 11 should refine the work area to the immediate work area rather than the place of work. In the case of an open cut mine, the size of the place of work is often significant, and it is felt that the legislation should be targeted at the immediate work area of the worker.</p>



94	Training of workers Training in the emergency plan should be relevant to workers.
104	Duty to provide induction to workers The section provides for providing a worker with knowledge of all aspects of the safety management system, where we feel that it would be more appropriate if it read, “relevant aspects of the safety management system.”
Part 2	Coal mines other than underground mines Refers to electrical and mechanical tradesperson as statutory functions. The intent of this legislation (ensuring minimum competency levels) could be picked up through providing definition in relation to tradesman competency requirements under the electrical and mechanical engineering management plans.