

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: David Tamlyn

Organisation (if applicable): Jerilderie Shire Council

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
2.4	<i>What activities do you believe should not be captured by the application of the new WHS (mines) legislation?</i>
	<p>Small Council gravel pits should be excluded from the application of the new legislation for the following reasons:</p> <ul style="list-style-type: none"> · Activities carried out in small rural gravel pits are similar to those carried out in normal road construction works · Most are operated on an intermittent basis, usually only a week or two at a time several times a year. · Gravel pit operation is always associated with civil works and can be covered under the safety plan for that work · Operation of the gravel pit can be adequately covered under existing WHS legislation that applies to all other Council activities

	<ul style="list-style-type: none"> Most are not operated commercially <p>In the case of Jerilderie Council, we operate 9 gravel pits, which in the last annual reporting period produced 38,000 cu metres of gravel. The historical average annual quantity removed ranges from 100 cu metres to 7500 cu metres. Having to meet the mines legislation for the low usage gravel pits will likely see them closed resulting in reduced road maintenance and construction and increased costs for future works.</p> <p>It is suggested that an exemption be provided for small gravel pits that meet specified criteria. That criteria may relate to being non-commercial, maximum annual volumes extracted, maximum annual weeks of use, maximum depth of excavation.</p> <p>Data held by Trade and Investment, Mine Safety may provide details of annual quantities extracted and number of gravel pits for each Council. This will give an overview of the extent and usage of small gravel pits throughout NSW.</p>
3.6	<p><i>What are stakeholders' views on the arrangements for contractor management at a mine?</i></p> <p>Some contractors are sole operators who work intermittently in mines (gravel pits) and may not have a mine plan as it is not a core part of their business but Council relies on their service. Can they work wholly under Council's mine plan?</p>
3.11.3	<p><i>What are stakeholders views on appropriateness of the recommended testing times for emergency plan?</i></p> <p>Some Councils have over 20 small mines (gravel pits) and some may not be operated over a 12 month period. Small mines see little change in operation conditions over 12 months. Suggest review be every 24 months and for those that have not been operated in this period that a review be conducted prior to recommencement of operation.</p>
3.22	<p><i>What are stakeholders views on the adequacy of the transitional arrangements for compliance with the various regulatory provisions in the draft WHS (Mines) Regulation in Appendix B?</i></p> <p>A period of 6 months to review existing safety management systems and associated plans (emergency plans, etc) would be near impossible for Councils with numerous small mines (gravel pits)</p>
Part 2 - Comments in relation to draft regulation	
Clause number	Title of clause and your comment or suggestion