

Public comment template for Draft Work Health and Safety (Mines) Regulation

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Whole submission Address and contact details Part (please specify)

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Title and/or organisation (if applicable): Mt Owen Pty Ltd (Glencore)

This template is divided into two parts

- ~ comments in response to the discussion paper
- ~ comments on the 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.

Review of Draft Work Health and Safety (Mines) Regulation 2014

Subdivision	Clause	Description	Oppose Yes/No	Comments/Recommendations
Part 1 - Preliminary				
Part 1	3	Definitions		
	5	Meaning of principle mining hazard		
	6	Appointment / notification of mine operator		
Part 2 - Managing Risks				
Division 1 - General requirements				
Subdivision 1 - Control of risk	9	Management of risks to Health & Safety		9(2) A person conducting a business or undertaking at a mine must ensure that a risk assessment(s) is conducted by a competent person(s) for the purposes of subclause (1) in accordance with this clause.
				9 (5) This clause is not practical to administer on a site. To keep every Take 5, Contractor JHA that is completed on site for the nominated time period is too onerous. Risk Assessments for the purpose of controlling Principal Mining Hazards are more appropriate documents to keep under this clause.
	10	Review of control measures		
	11	Record of certain reviews of control measures - mine operator		
	12	Record of certain reviews of control measures - PCBU		
Subdivision 2 - Safety Management Systems	13	Duty to establish & implement		
	14	Content		
	15	Performance Stds and audit		
	16	Changes		16 (1) (a) The mine operator of a mine must, before any material change to the safety management system for the mine is implemented: (a) give notice of the proposed change to the regulator and industry safety and health representative in accordance with this clause, and <i>It would be better to define the materiality of any change the SMS. Stating "any" change and attaching a \$6k and \$30k penalty for non compliance is too restrictive.</i>
	17	Maintenance		
	18	Review		

Subdivision 3 - Information to adjoining mine operators	19	duty to provide information to mine operator of adjoining mine - on request		
Subdivision 4 - Information to and from contractors	20 & 21			
Division 2 - Principal mining hazard management plans				
Subdivision 1 - Identification of hazards	22			22 (3) (b) consider the principal mining hazard individually and also cumulatively with other principal mining hazards at the mine. <i>There would be far too many iterations if you had to consider cumulatively with all other hazards.</i>
Subdivision 2 - Principal mining hazard management plans	23	Preparation		
	24	Review		
Division 3 - Other plans				
Principal control plans	25	Health		
	25	Mech Eng		
	25	Elec Eng		
	25	Explosives		
	26	Contractor H&S management plans		
Division 4 - Specific Control measures - All mines				
Subdivision 1 - Operational controls	27	Communication between outgoing and incoming shifts		
	28	movement of mobile plant		
	29	operation of belt conveyors		29 (2) (c) must have regard to all matters relevant to risks associated with the operation of belt conveyors including the following: (i) risks arising across the whole lifecycle from operation of the belt conveyor, <i>The reason for removing lifecycle is that by having regard to all relevant risks you have already complied.</i>
	30	ground or strata failure		29 (2) (d) must ensure that belt conveyors are regularly inspected by a competent person, including but not limited to: (i) an inspection of each operating belt conveyor at least once every 8 12 hours, and <i>Preferably this should be risk based in an open cut environment. Some places have a current practice to only inspect weekly. If there has to be a mandatory number then 12 hours to align with shift lengths would be more practical than 8 hours.</i>
	31	seismic activity		
	32	Explosives and explosive precursors		
	33	Electrical safety		33 (f)(vii) the location of all known buried electrical services at the mine, and <i>There are already procedures dealing with identification of electrical power underground and not just relying on a services plan.</i>
	34	notification of high risk activities		

	35	Prohibited uses		
	36	closure, suspension and abandonment of mine		
	37	minimum age to work in mine		
	38	inspection plan		
Subdivision 2 - Air quality and monitoring	39	Temperature and moisture content		
	40	Ensuring exposure standards for dust not exceeded		
	41	monitoring exposure to airborne dust		
	42	air monitoring - use of devices		
	43	air monitoring - signage		<i>This clause appears to be attached to Clause 50 which seems to be applicable to underground mines only. It should state in Clause 43 that this is for underground mines.</i>
Subdivision 3 - Fitness for work	44	Fatigue		
	45	Alcohol & drugs		
Division 5 - Specific control measures - underground mines				
Subdivision 1 - all underground mines - operational controls	46	Inrush		
	47	connecting workings		
	48	winding systems		
	49	ropes		
	50	operation of shaft conveyances		
	51	dust explosion		
	52	communication systems		
	53	ground and strata support		
	54	exhaust emissions and fuel standards		
Subdivision 2 - All underground mines - air quality and ventilation	55	airborne contaminants		
	56	minimum standards for ventilated air		
	57	air monitoring		
	58	requirements if quality and standards not met		
	59	records of monitoring		
	60	ventilation system - further requirements		
	61	monitoring and testing of ventilation system		
	62	modelling before changes to vent system		
	63	duty to prepare ventilation control plan		
	64	review of vent control plan		
	65	ventilation plan		
Subdivision 3 - Underground coal mines	66	coal dust explosion		
	67	spontaneous combustion		
	68	subsidence		
	69	sealing		
	70	light metal alloys		
	71	atmospheric contaminants from sealed areas		
	72	ventilation		

	73	control and monitoring of methane levels		
	74	gas monitoring		
	75	portable gas detectors		
	76	requirements if quality or safety standard not met		
	77	post incident monitoring		
	78	use of plant in hazardous zone		
	79	exceptions to explosion protection requirements		
	80	use of cables in hazardous zone		
	81	use of internal combustion engines that are not explosion protected		
	82	electrical safety - testing circuits in hazardous zone		
	83	electrical safety - static charges		
	84	persons required to be on duty		
Subdivision 4 - all coal mines	85	inspection program		85 (2) (iii) <i>This clause is not applicable to open cut mines</i>
	86	sampling and analysis of airborne dust		
Division 6 - Emergency Management				
Subdivision 1 - Emergency plans for all mines	87	duty to prepare emergency plan		
	88	consultation in preparation		88(2) The mine operator must ensure that the emergency plan addresses considers any recommendation made by the emergency service organisations consulted under subclause (1) in relation to:
	89	implementation		
	90	copies to be kept and provided		
	91	resources for emergency plan		
	92	testing of plan		
	93	review		
	94	training of workers		
Subdivision 2 - Underground mines	95	Emergency exists		
	96	safe escape and refuge		
	97	signage for refuge		
	98	signage for caches, refill stations and change over stations		
	99	self rescuers		
	100	PPE in emergencies		
	101	competent person at surface		
Division 7 - Information, training and instruction				
	102	duty to inform workers about SMS		102 (5) <i>This clause is extremely difficult to meet with respect of all persons entering the mine especially with respect to itinerant contractors that may only come to site once a month. The SMS is covered in induction and updated periodically but not to the degree that is required under this clause.</i>
	103	duty to provide information, training and instruction		
	104	duty to provide induction for workers		The mine operator of a mine must ensure that before a worker commences work at the mine, the worker is given information, training and instruction on the safety management system for the mine that is designed to provide the worker with knowledge of all the key aspects of the safety management system.
	105	information for visitors		
	106	review of information, training and instruction		
	107	record of training		
Part 3 - Health Monitoring				
	108	Health monitoring of worker		
	109	duty to inform of health monitoring		

	110	duty to ensure health monitoring supervised or carried out by register medical practitioner		
	111	duty to pay costs		111 (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. <i>This is a onerous task and penalty to place on the mine operator who is not the employer of the PCBU's worker. Would it not be more appropriate to write this clause as;</i> 111 (2) The person conducting the business or undertaking that engaged the worker must pay all expenses relating to health monitoring.
	112	duty to provide medical prac with information		
	113	health monitoring report		
	114	PCBU to obtain health monitoring report		
	115	PCBU to give health monitoring report to operator		
	116	duty to give health monitoring report to worker		
	117	duty to give health monitoring report to regulator		
	118	reports kept as records		
Part 4 - Consultation and workers' safety role				
	119	safety role for workers in relation to principle mining hazards		
	120	operator to consult with workers		
Part 5 - Mine survey plans and mine plans				
	121	Survey plan of mine must be prepared		121 (4) The plan must show the following (if present and known at the mine) <i>121 (4) (h) This is an unusual term for an open cut mine to have entry and exit points</i>
	122	plans of mine with less than 20 workers		
	123	review of survey plan		
	124	survey plan to be available		
	125	security of survey data		
	126	survey plan to be provided to regulator		
Part 6 - Provision of information to regulator				
	127	Duty to notify regulator of certain incidents		
	128	Duty to notify regulator of other matters		
	129	Quarterly reports		
	130	Duty to notify operator of notifiable incident		
Part 7 - Mine Record				
	131	Mine record		
	132	mine record must be kept and available		
Part 8 - Statutory functions				
Division 1 - Preliminary				
	133	Definition		
Division 2 - Appointment to statutory positions				
	134	Statutory positions and functions		
	135	Obligations on mine operator		
	136	Obligation on holder of stat position		
Division 3 - Practising certificates				
	137	Eligibility for practising certificates		

	138	Application for practising certificate		
	139	Grant of practising certificate		
	140	Interstate practising certificates		
	141	Conditions		
	142	Suspension and cancellation of practising certificate		
	143	Register of practising certificates		
Division 4 -Certificates of competency				
	144	Eligibility for certificate of competence		
	145	Application for certificate of competence		
	146	Grant of certificate of competence		
	147	Condition of certificate of competence		
	148	Cancellation of certificate of competence		
	149	Register of certificate of competence		
Part 9 Licenced activities				
	150	Activities to which part applies		
	151	Activities not to be carried on without a licence		
	152	eligibility for licence		
	153	application for licence		
	154	grant of licence		
	155	conditions		
	156	Suspension and cancellation of licence		
Part 10 - Mine Safety Advisory Council				
	157	Definitions		
	158	Membership		
	159	functions		
	160	procedure		
Part 11 - Mining Competency Board				
	161	Definition		
	162	Membership		
	163	Chairperson		
	164	functions		
	165	committees		
Part 12 - Safety and Health Representatives				
	166	Parts of coal mine excluded from application of Part 5 of Act		
	167	Qualifications		
	168	procedures for election		
	169	PCBU not to delay election		
	170	Mine SHRs taken to be HSRs		
Part 13 - Miscellaneous				
	171	Tourist mines		
	172	Government officials		
	173	Reviewable decisions		
	174	Qualifications of inspectors		
	175	Registration of plant designs and items of plant		
	176	Serious injury or illness		
	177	Dangerous incidents		
	178	Prohibition notices		
	179	Corresponding WHS laws		
	180	Fees		<i>This clause has no relevance to Work Health and Safety. The Regulator should be provided for by the State Government which is supported by Royalties generated by Mining activities. There shouldnt be a further fee imposed by the Regulator to generate revenue.</i>
	181	Mines where only non mechanical exploration occurs		
	182	Exemptions granted by regulator during first 12 months		
Schedule 1 - Principal mining hazard management plans - additional matters to be considered				
		Ground and strata instability		
		Inundation and inrush		

		Mine shafts and winding systems		
		Roads and other vehicle operating areas		
		Air quality, dust and other airborne contaminants		
		Fire and explosion		
		Gas outburst		
		Spontaneous combustion		
		Subsidence		
Schedule 2 - Principal control plans - matters to be addressed				
		Health control plan		
		Mech Eng control plan		<i>2 (1)(a) This is good idea in theory however the application of this for all plant and structures at the mine is extremely administrative. For example all hired equipment should come to site with a life cycle maintenance plan, i.e. EWP, pumps, cranes etc.</i>
		Elec Eng control plan		<i>3 (1)(a) This is good idea in theory however the application of this for all plant and structures at the mine is extremely administrative. For example all hired equipment should come to site with a life cycle maintenance plan, i.e. Generators, welders etc</i>
		Explosives control plan		
Schedule 3 - High risk activities				
Part 1 - All mines		Emplacement areas		<i>2 (2) What is the driver for a 3 month waiting period. Once it is approved it should be able to commence immediately. There have been examples in the industry of both long and short lead times on approval. If a mine is subject to a longer approval time and then has to wait three months to start emplacement then this could become problematic without an exemption.</i>
		Electrical work on energised electrical equipment		
Part 2 - Underground mines		Working in inrush control zones		
		Development of new mine entry		
		Connected voltage becoming greater than 12,000 volts		
Part 3 - Underground coal mines		Roadway or drift without intersection for 250 metres		
		Shot firing		
		Sealing		
		Polymeric process		
		driving underground roadway wider than 5.5 metres		
		widening underground roadway wider than 5.5 metres		
		use of high voltage plant and cables in hazardous zone		
		formation of non-conforming pillars		
		secondary extraction by longwall, shortwall, miniwall or pillar extraction		
		shallow depth of cover mining		
		mining in outburst control zones		
		first applications of explosion inhibitors		
		use of explosives designed for use in coal mines		
		use of explosives not designed for use in coal mines		
		first use of a diesel engine that is not flameproof		

Part 4 - Coal mines other than underground coal mines		Highwall mining, entry of persons		
Part 5 - All coal mines		Highwall mining		
		Barrier mining		
Schedule 4 - Prohibited uses in mines				
		Item and prohibited use		
Schedule 5 - Water barriers in underground coal mines				
		Obligation of mine operator		
		must only use distributed or concentrated barriers		
		trough design standards		
		distributed barriers		
		concentration barriers		
		loadings		
		installation and other requirements		
Schedule 6 - Sampling and analysis of airborne dust				
Part 1 - Preliminary		definitions		
		sampling and analysis - general requirements		
Part 2 - Underground coal mines - sampling		longwall mining area		
		continuous miner operating area		
		area where cement products being applied		
		other areas		
Part 3 - other coal mines - sampling		other areas		
Schedule 7 - Matters to be included in emergency plan for a mine				
		Site and hazard detail		
		command structure and site personnel		
		notifications		
		resources and equipment		
		procedures		
Schedule 8 - Information to be included in notification of mining incident				
		Person injured		
		incident		
		consequences of incident		
Schedule 9 - Information to be included in mine quarterly report				
		information fields to be reports		
Schedule 10 - Statutory functions				
Part 1 - Underground coal mines		list of underground coal mine stat positions		
Part 2 - Coal mines other than underground mines		list of other coal mine stat positions		
Part 3 - Underground coal mines other than coal or small gemstone mines		list of underground mine stat positions		

Part 4 - Mines other than underground, coal or gemstone		list of other mine stat positions		
Part 5 - Small gemstone mines		list of gemstone mine stat positions		
Part 6 - Exploration sites and tourist mines		list of other stat positions		
Schedule 11 - Membership of Mine Safety Advisory Council				
		members, deputies, vacancy, filling vacancy		
Schedule 12 - Savings and transitional provisions				
		Preliminary		
		Alternative compliance		
		high risk activities		
		statutory functions and licenced activities		
		miscellaneous		
Additions / Other comments				

Yes

No