

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 – extended to 23 July 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:

Organisation (if applicable): CBH Resources Ltd

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	No comments have been provided for the discussion paper.

Part 2 - Comments in relation to draft regulation

Clause number	Title of clause and your comment or suggestion
3 <i>shaft</i>	The definition for a shaft is not what is commonly known in metaliferous mining where a shaft is known as a vertical opening. The inclusion of 'horizontal shafts' could be interpreted as including drives, declines, stopes and ramps which is not the intent and would not be manageable.
9(2)	What is the criteria for competency for undertaking risk assessments?
14 (e) (i)	At what level is it intended to document responsibilities on the organisational chart – this could include leading hand/shift boss which would be onerous to maintain and for what purpose.
16	This section is too onerous and would be unworkable for both the company to notify on each occasion and the inspectorate to receive and act upon. (If there is no requirement for an inspector to review and act there should be no need to notify.) Section 14 outlines a long list of items that are to be encompassed in a Safety Management Plan including but not limited to each risk assessment and control measure (and procedures for their review), all procedures and plans for managing risks, principle hazard management plans, principle control plans, emergency and evacuation procedures, arrangements for filling (including temporary) positions, competency requirements, contractor management, inductions, supervision arrangements, health monitoring, monitoring, assessment and inspections of the work environment, incident notification and management, investigation procedures, communication mechanisms, performance standards for measuring safety performance, records management, resources, etc. This requirement would not encourage continuous improvement.
27	The requirement for supervisors signing written shift reports is outdated and does not take into account computerised systems, This requirement should be removed or amended to allow both.
29	The requirement for inspection of belt conveyors every 8 hours is inconsistent with 12 hour shift operations and is not warranted in a metaliferous mine. What constitutes a 'competent' person to inspect a belt conveyor? We suggest this requirement be restricted to coal mines or that the frequency of inspections is based on a risk assessment.
30 (2)	What constitutes regularly monitoring for unused and historic areas of a mine, where no work is undertaken or intended to be undertaken? In some cases these areas cannot be accessed safely.
33 (2)(L)	Does this include overhead cranes in the processing plant and also travelling conveyors at the processing plant?
33 (2) (O)	Please clarify if there is Earth Leakage feed supplying a Distribution Board (DB) – do all the exiting DB's circuits require individual protection?



Schedule 10 Clause 6	Please clarify qualification. Is this the Trades Certificate and/or Craftsman's Certificate of Proficiency? iii) Clarify continuously, i.e. has gone from job to job but stayed in mining? What is the period between new jobs?
34	Notification should only be required the first time each high risk activity is to be undertaken. Once the PMHMP has been completed for this activity and the controls agreed then only a review of activities as with any other site activity can be undertaken by the mines inspector when attending site.
47(2)	In historic mines it may not be possible to inspect both sides prior to connecting underground mine workings as one side may not be accessible. Safe means of connection should be addressed in the risk assessment which will outline actions to be taken prior to breaking through.
49(2)	In purchasing a winder rope for this purpose it should be sufficient to obtain a certificate from the manufacturing that it is fit for purpose. It is not practical in remote locations to gain independent approval.
54(2)	Sampling and analysing diesel emissions should be able to be completed by a competent person, not necessarily requiring a licence.
87(2)(a)(vii)	Arrangements for emergency sealing of all or part of an underground mine is not normally required in metaliferous mines. The requirement should be risk based.
95(2)	This needs to be modified to allow for 2 exits from the mine but not necessarily from each level and to cater for the placement and use of refuge chambers.
99(3)(a)	The requirement for retraining in the use of a self rescuer every 3 months appears too onerous, and every 6 to 12 months would appear more appropriate.
99(3)(b)(4)	The requirement for each person to operate a self rescuer at employment and then every 3 years would be cost prohibitive. We are not aware of any simulator that is available for this purpose.
127(4)(j)	We recommend the removal of the requirement to notify for misfires these are currently recorded and investigated however there could be a requirement to enter them into the mine record book for review by inspectors on site visits, s131.
127(4)(k)	We recommend the removal of this requirement. There are a number of incidences where at least 1 person may withdraw from the mine, loss of communications or risk assessment which may or may not be serious. If there is a serious incident or potential incident there are other requirements in the regulations for reporting. There is no justification to notify these matters to an inspector if there is no need for the inspector to respond.
150	The licensing for diesel emissions should be removed from this section, refer 54(2) above. There is no justification for treating diesel fumes different from other air quality monitoring requirements.
177(f)	The reference to 100kg should be removed as there are a large number of plant underground that weigh more than 100kg that would not warrant notification to the inspector if overturned.