

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)

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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

Part 2 - Comments in relation to draft regulation

Clause number	Title of clause and your comment or suggestion
Definitions	<p>This definition and use of the wording does not allow for time based monitoring etc.</p> <p>I believe we should be proposing an increase of this value to 0.5% based on the following:</p> <ul style="list-style-type: none"> • Level of safety still 10:1 • Consistency with the following elements of legislation: <ul style="list-style-type: none"> ○ Use of PEA ○ Shotfiring <p>It should be up to the mine operator to review risks associated with operating at levels up to this point with plant that is not of an approved Ex type.</p> <p>This will impact all areas of CVC presently, with the following:</p> <ul style="list-style-type: none"> • Non Ex plant such as belt starters, transformers & pumps • Hot work underground • HV reticulation
Definitions	<p>Methane by strict definition does not include other chemical elements. It should be noted however that the use of the word “methane” through the legislation requires specific monitoring requirements that based on current industry technology is not possible based on this definition. The Mine operator should determine whether the monitoring of these trace gases is included in specific monitoring and not included as part of all “methane monitoring”. For example refer to machine based methane monitoring requirements Cl 73.</p>
Cl 27	<p>The definitions refer to mining supervisor, which I believe should be used in this clause rather than “Supervisor”. The handover of information of all persons who may be considered a “supervisor” is impractical in the level required by this clause.</p>
Cl 33 (2) (b)	<p>Part b (ii) – should be worded similar to “notification shall be made to the electrical engineering manager or electrical engineer or their</p>

	delegate in a process they approve.”
Cl 33 (2) (g)	“Faults” are not specified. Current systems used within industry do not facilitate such faults as Earth Continuity etc on High voltage reticulation. Suggest wording should be “overcurrent faults” therefore referring to overload and short circuit type faults.
Cl 33 (2) (k)	Not all electrical installations are designed based around bonding to earth. For example intrinsically safe systems that have been certified with no earth reference, should therefore not be earthed. This should be written as “electrical installations above ELV”
Cl 33 (2) (l)	This clause is not consistent with current industry technologies and reticulation systems. For example, a fault on a high voltage paper insulated lead steel wired armoured (PILSWA) cable is unlikely to be a low energy fault based on the designed construction of the cable.
Cl 33 (2) (m)	Other options for providing electrical safeguards exist other than safety integrity levels. Therefore the wording of this clause should refer to “electrical and non-electrical hazards have sufficient safeguards applied for the level of risk being controlled”
Cl 33 (2) (o)	Should refer to all circuits above ELV. This clause does not provide for I.S circuits, mobile plant operating at ELV, or ELV wiring systems on fixed or mains powered plant.
Cl 54 (4)	Further clarification required in order to comply with this section.
Cl. 73 (4) & (5)	Note: hazardous zone changes. The wording of this clause now refers to hazardous zones rather than return airways. It is unreasonable to expect a hazardous atmosphere in intake roadways as defined by hazardous zones to require the installation of methane monitoring systems or carrying of a methane detector.
Cl. 78 (3) & (4)	Clause should also reference IECEx 60079 series of standards. These standards are the basis for AS/NZS 60079, however are not the same document and therefore the option of either should be given based on approved certification schemes listed in the regulations. Many items of plant available, have been certified overseas to the IECEx based scheme, not the AS/NZS scheme.
Cl. 78 (6)	This clause puts the emphasis on the mine to not purchase plant that is not supplied with the information that is required under WHS. It is however an industry issue that all drawings associated with certificates of conformity have not been supplied historically. This clause, rather than being focused on the purchaser, should place additional requirements on the supplier of plant to legislate the requirement to provide specific documents such as “ <i>all drawings and information required to safely maintain and ensure compliance with a certificate of conformity</i> ”
Cl. 177 (1)	This clause requires further clarification. This is open to interpretation. The risk to health and safety relates to a unsafe failure the control, drive or mechanical systems associated with a powered winding system. For example, an indication light is not an unsafe failure and can be managed by a mine MMS.



	<p>Other interpretations by mine regulators historically have existed around “overspeed trips”. MDG2005 defines the safety systems that need to be put in place and maintained. It should be noted that to achieve an overspeed trip, the safety system has functioned correctly and prevented an unsafe scenario.</p> <p>It is the unsafe failures of powered winding systems that should call for notification. For example, during a normal maintenance inspection, it is found that the overspeed protection on a dolly car is not functioning correctly.</p>
Sch 2, Clause 3 (g)	<p>“Faults” are not specified. Current systems used within industry do not facilitate such faults as Earth Continuity etc on High voltage reticulation.</p> <p>Suggest wording should be “overcurrent faults” therefore referring to overload and short circuit type faults.</p>