

NSW mining and extractives industry

Who has a duty?

All persons conducting a business or undertaking (PCBU) have a primary duty under section 19 of the *Work Health and Safety Act 2011 (WHS Act 2011)* to ensure so far as reasonably practicable the health of workers while at work. This duty extends to workers directly engaged by the business or undertaking such as employees, labour hire workers or contractors.

The PCBU has a primary duty (clause 19, *WHS Act 2011*) to ensure that the health of workers and the conditions at the workplace are monitored to prevent illness or injury of workers arising from the conduct of the business or undertaking, so far as reasonably practicable.

Consulting with workers and contractors

The legislation requires PCBUs to consult with workers and other duty holders such as contractors, manufacturers and suppliers of equipment and substances. The PCBU also has a duty to inform workers of the results of health monitoring and provide them with a copy of the health monitoring report.

Documenting the health control plan (HCP)

The legislation is not prescriptive about the way the control plans are documented. The HCP elements can be included in the safety management system documents or be documented as a 'stand-alone' plan. If a 'stand-alone' plan is written, then references to it should be placed in the SMS.

The plan should:

- list the health hazards present at the mine
- include outcomes of risk assessments for each hazard
- specify the controls for each health hazard
- outline arrangements for personal exposure monitoring including frequency
- specify other actions to verify the effectiveness and implementation of controls e.g. maintenance records for vehicles and equipment, roadway maintenance and inspection, fit testing for personal protective equipment
- outline arrangements for health monitoring for specified hazards e.g. coal, silica, diesel exhaust emission



Legislative obligation: health control plans

NSW
RESOURCES
REGULATOR

January 2018

→ specify performance measures and auditing methods, including frequency and results.

Further guidance

Codes of practice are available on the Safework NSW website www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice.

For more information on health monitoring of crystalline silica and diesel exhaust emissions (found to contain; benzene, cadmium, chromium, mercury, polycyclic aromatic hydrocarbons and lead) see www.legislation.nsw.gov.au/#/view/regulation/2017/404/sch14.

For further information regarding health monitoring for workers exposure to coal dust see www.legislation.nsw.gov.au/#/view/regulation/2017/404/chap7/part7.1/div6.

Fact sheet

