

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		ot Work definition Includes soldering in this definition. Also - does not include poly welding. Recommendataion - insert words : " soldering with a naked flame "
	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		Record keeping - what documents need to be kept for 7 years? Large volume of documents eg: take 5's, Risk Assessments, Work Authorisation Permits, other work permits. Consider clarifying what documents need to be kept.
	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	No	After "the contractor health and safety management plan prepared by the contractor under clause 26" insert " if the operator determines a separate contractor health and safety management plan is required for a contractor "
	15	Performance Stds and audit		
	16	Changes	Yes	Onerous requirement to give notice prior to all changes in the site SMS, impractical unless extent of change is defined. Modify clause 16 to "(1) The mine operator of a mine must, before any change to the safety management system for the mine is implemented: (a) conduct an adequate review of the controls and appropriate consultation ; (b) if requested to do so by the regulator, give the regulator a copy of any relevant part of the safety management system document."
	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			
Subdivision 2 - Principal mining hazard management plans	23	Preparation		(3) Why are reasons required for adopting or rejecting each control measure- this is not practical
	24	Review		

Division 3 - Other plans				
Principal control plans	25	Health		
	25	Mech Eng		25(4) b) - Mechanical Engineering Control plan uses the words "must ensure". Recommendation: review for more appropriate wording possibility.
	25	Elec Eng		25(5) b) - Mechanical Engineering Control plan uses the words "must ensure". Recommendation: review for more appropriate wording possibility.
	25	Explosives		
	26	Contractor H&S management plans		Is a Contractor H&S MP only required if the contractor is conducting mining operations?
Division 4 - Specific Control measures - All mines				
Subdivision 1 - Operational controls	27	Communication between outgoing and incoming shifts	Yes	Remove the clauses "(b) the supervisor of the outgoing shift signs the report, and (d) the supervisor of the incoming shift acknowledges in writing on the report that the content of the report has been communicated to workers on the incoming shift and the supervisor signs that acknowledgement." After "The mine operator of a mine at which more than 1 shift is worked each day must implement" insert "an effective communication". Additionally, Shift report is not the forum for state of plant - defect management system
	28	movement of mobile plant		
	29	operation of belt conveyors		29(2)(d)(i) Reason: for surface operations and with technology in place eg: monitoring cameras and temperature and VA monitor monitoring feedbacks, no need to inspect at 8 hour frequency. Propose rewording : "Risk based inspection scheme shall be implemented for underground or surface installations." If not risk based nominate shiftly for underground or 24hr inspection for surface operations.
	30	ground or strata failure		29(2)(d)(ii) Operation of Belt Conveyors - Shut Down Inspections
	31	seismic activity	Yes	Should be included in Schedule 1 Part 1 Principal Mining Hazard Management Plan for Ground or Strata Control, not stand alone clause. The Operator of a mine should determine if seismic activity is a risk to health and safety at the mine and if seismic activity is determined to be a risk to health and safety at the mine, the mine operator must manage risks to health and safety associated with seismic activity at the mine
	32	Explosives and explosive precursors		
	33	Electrical safety		
	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		
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		Why are these clauses under Division 5 - Specific control measures - underground mines. They relate to all mines
	86	sampling and analysis of airborne dust		Why are these clauses under Division 5 - Specific control measures - underground mines. They relate to all mines
Division 6 - Emergency Management				

Subdivision1 - Emergency plans for all mines	87	duty to prepare emergency plan		
	88	consultation in preparation		
	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		
	103	duty to provide information, training and instruction		
	104	duty to provide induction for workers		Giving all aspects of the SMS is not practical - employees only require relevant info
	105	information for visitors		
	106	review of information, training and instruction		
	107	record of training		
Part 3 - Health Monitoring				
	108	Health monitoring of worker		Does this mean that all contractors are required to do health monitoring? When is this not required? Not practical to do all. "Hazard in Mining" is broadly termed and could expose mines to future impractical directions to comply with.
	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		
	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	No	Clarification as to whether this replaces six monthly record tracings?
	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	Yes	Appointing an alternative Mining Surveyor of an Open Cut after 7 day absence of the incumbant is not practice. Recommend Mining Surveyor of an Open Cut be extended to 28 days.
	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		
	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		
		Elec Eng control plan		
		Explosives control plan		
Schedule 3 - High risk activities				
Part 1 - All mines		Emplacement areas		
		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		Safety Management Plans, Contractor Health & Safety Management Plans should be extended to 2 years
		high risk activities		
		statutory functions and licenced activities		
		miscellaneous		Clause 30 - in consideration of comments for Part 2 Division 4 Clause 31 of the Regulations and extend to 2 years
Additions / Other comments				

Yes

No