

Part 2 - Comments in relation to draft regulation

Clause number	Title of clause and your comment or suggestion
penalty	This potentially changes the relationship from one of cooperation to one of prescription and persecution.
definition	The definition of shaft in the WHS Regulation differs to the WHS (Mines) Regulation. Under the proposed Regulation the inclusion of the words 'draft or horizontal shaft' may include horizontal drives and roadways, which may have unintended consequences. The definition for shaft contained in the WHS Regulation should be adopted.
c9(2)	Competent person needs to be more clearly defined so as to identify whether competency is in undertaking the risk assessment or competency is in relation to the particular hazard being considered.
c14(1)(e)	Effectively, every role has some responsibility for managing health and safety. The requirement for an organisation chart to show every position is quite onerous. The requirement should be to list out those who hold statutory positions and/or key health and safety roles across the business?
c14(1)(g)	In remote locations, not all contractors have well established safety management systems that comply with mine site requirements. There should be an ability for a contractor to work under the mine's safety management system.
c16(1)	What change would constitute a notification to the Regulator? What will the Regulator do with all the notifications? Should the notification be a change around 'activities performed' rather than a change in the 'safety management system'? Recommendation is to remove this clause.
c23(3)(i)	It is not reasonably practicable to document the reasons for rejecting each control measure considered. A brainstorming activity could generate a number of initial controls, but the work required to formally review and document each and every control (whether rejected or accepted) could be quite onerous.
c26	Refer to comments for c14(1)(g).
c29(2)(d)(i)	Not all mine sites work 8 hour shift rosters (some are 12 hour shift rosters). The requirement for 8 hour inspections does not align with current shift arrangements. The requirement should be based per shift or based on risk.
c29(2)(d)	Competent person needs to be more clearly defined. What qualifications are required for this competency?
c30(2)	This information should be captured in the Principal Hazard Mining Plan. Recommendation is to remove this clause.
c32(2)(a)(i)	There is no definition for the term 'stable'. The requirement should be to ensure the explosives are safe to handle.
c32(2)(c)	Does this clause also apply to underground mines, or is it only applicable to coal mines?
c33(2)(o)	It is not reasonably practicable to put earth leakage protection on every circuit. This will be costly and provide minimal personal safety improvement, particularly for steel wire armoured cables and for circuits supplying distribution

	boards. This requirement is suitable for final sub-circuits.
c34(1)	Where relevant, the three month notification period for high risk activities does not add value to the process. The length of notice period is not practical. Recommendation is to remove this clause.
c38(2)(c)	Competent person needs to be more clearly defined.
c38(2)(d)	The requirement for the inspection plan to specify the number of competent persons to conduct each inspection does not add value to the process.
c40(1)(a)	The proposed exposure limits for an underground mine will result in an approximate 40% reduction from current exposure limits. If these exposure limits are to be adopted, it is suggested that a transitional period of two years should be included to allow mine operators sufficient time to develop, review and/or revise appropriate engineering controls.
c41	This clause is quite confusing and not clear on its intent. Recommendation is to remove this clause.
c46(2)(a)	The nomination of 50m is not practical for block cave mining. The exclusion zone should be in line with a risk assessment rather than a static figure.
c47(2)(c)	For clarity, c46(6)(b) should be copied to this clause.
c50	Refer to definition for shaft.
c53	In addition, there should be reference to monitoring and checking of the ground and strata to allow safe access. Further, there should also be consideration of mechanical mining for future technology (e.g. TBM).
c54(1)	The limits notes are coal based and need to be reviewed to consider underground mines. In addition, the information does not include a level for DPM, which should be ALARP.
c54(2)(a)	Licensed person needs to be more clearly defined. Is the person to be an internal or external person?
c56(1)(c)	It is not reasonably practicable to monitor for and predict 'other harmful emissions'. For example DPM has only recently been noted as a carcinogen. We don't know what we don't know!
c58(5)(b)(ii)	The role of the Ventilation Officer only applies to coal mines (as per the Schedule). It needs to be noted that this role does not apply to underground mines.
c60(4)(b)	It is not reasonably practicable to note the output of engines. This clause should instead apply to operating, rather than potentially operating diesel engines. It is more appropriate to measure total mine equipment vs total mine air. This clause should only apply to specific work areas. In addition, it does not allow for tier 3 and 4 innovations.
c61(1)	Triggers if the vent fan stops needs to be more clearly defined (e.g. audible or visual). Should the impact of natural air flow be determined through ventilation readings and risk assessment?
c65(3)	The requirement to review and revise the ventilation plan on a specific timeframe is excessive and should be based on risk.

c87(2)(a)(vii)	This clause is not relevant for underground mines, only coal mines.
c88(1)(b)	Reference to Mines Rescue Brigade should be an example only, as it does not apply to underground mines.
c95(4)	Exits in airway intakes can be a refuge chamber or an alternate exit – this clause is coal specific. Recommendation is to remove this clause.
c99(4)	Self-rescuer simulators are not known to exist. Therefore a real self-rescuer unit would be expended during each training exercise. This process is prohibitively expensive. It is recommended that: <ul style="list-style-type: none"> • mines provide simulated training (not activation) of self-rescuers; or • activation take place during mock emergency scenarios only; or • a government funded national competency be considered
c101(b)	Person on the surface needs to be more clearly defined (i.e. does the surface mean on the mining lease or can it be a person on-call?). In addition, it is not reasonably practicable for any person to be able to cut and restore power. This work falls under the role of an electrician.
c104	It is not reasonably practicable to expect every person to know all aspects of the safety management system. However, all persons should know aspects of the safety management system that apply to them ... it should be area / task specific.
c113	A health monitoring report is not yet available, therefore not able to determine what impact or additional works this may require.
c127(4)(f)&(m)	These need to contain language that meets the operating requirements. If TARPs, which are developed by the mine for the mine conditions, are exceeded, then notifications are required.
c177(f)	The overturning of any plant weighing more than 100kg is very specific. It should be uncontrolled movement or based on risk.
Schedule 1 1(3)	The requirement for 'more rock bolt installations is always permitted', needs to be reviewed. This work is generally undertaken by contractors. It needs to be revised to be at the discretion of trained and competent persons, in consultation with the mine operator.