

## Draft Work Health and Safety (Mines) Regulation

### Public comment template

Please send submissions by email to [consult.minesafety@trade.nsw.gov.au](mailto:consult.minesafety@trade.nsw.gov.au) Submissions must be received by **exemption granted to 18 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) .....

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Organisation (if applicable): on behalf of Centennial Coal

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.

General comment on the discussion paper

The discussion paper provides an understanding of the intent of the harmonisation undertaking. However the intent does not easily translate into the draft regulation.

## Part 2 - Comments in relation to draft regulation

Clause number	Title of clause and your comment or suggestion
<b>Overview</b>	<p>Centennial Coal place worker health and safety as the highest priority when conducting mining operations.</p> <p>The program for national harmonisation which removes multiple jurisdictional imposts on mining companies through regulatory reform that aligns mine safety laws with the model <i>Work Health and Safety Act 2011</i> (NSW) (<b>WHS Act</b>) and <i>Work Health and Safety Regulation 2011</i> (NSW) (<b>WHS Regulation</b>) is recognised as a sensible and efficient undertaking.</p> <p>The good intention of the NSW Regulator and tripartite committee to achieve the outcomes of the harmonised legislation has not been realised.</p> <p>In an attempt to achieve the higher objectives of the harmonisation undertaking it appears that the committee has introduced notable changes into these draft regulation which in practice will be difficult, if not unreasonable, to obtain and provide no additional or enhanced safety benefits.</p> <p>In several aspects of these draft regulations, the requirements have become increasingly prescriptive which appears to be in contrast to the risk based approach of current safety and health doctrine.</p> <p>Centennial Coal request that consideration be made to remove prescriptive requirements resulting from harmonisation efforts extracted from the Queensland legislation and provide provision for a risk based approach to prescriptive recommendations arising from mining incidents such as Sago and Pike River.</p>
<b>Legislative structure</b>	<p>Centennial Coal supports the proposed legislative structure consisting of the WHS Act, WHS Regulation <i>Work Health and Safety (Mines) Act 2013</i> (<b>the Act</b>) and the proposed Mining Regulation.</p> <p>However, Centennial as of the opinion that the structure of the regulation, as drafted, to provide regulation to the various mining sectors represented by this legislation has the potential to cause confusion. Clear and comprehensive guidance material is required to navigate the Regulations and understand identify obligations.</p> <p>The regulation needs to avoid duplication of requirements and in particular within the requirements for health monitoring and mine</p>

	survey plans.
<b>Risk management</b>	<p>Centennial Coal supports the risk management approach adopted in the Regulation.</p> <p>However, there are numerous provisions in the Regulation directed towards documenting and recording risk management systems and changes to systems. These obligations appear to be written from the perspective of the regulator to assist the potential for prosecution. In particular, the requirement to document why certain risk control measures have not been adopted does not serve any purpose where an outcome based objective is the end goal. The administrative burden of this requirement alone is significant.</p> <p>Detailed prescription regarding documentation and record keeping is not appropriate content for in this context and should be included in guidance material.</p>

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<b>Part 1 Preliminary</b>	
Clause 3 Definitions	<b>Contractor</b> (b)(i) this clause does not exclude delivery contractors other than those relating solely to clerical or administrative functions. By definition this would require all other delivery contractors to provide management plans in accordance with <b>clause 26</b> , this requirement would be unmanageable when considering any number of couriers could be engaged by a third party to deliver a part or component to a mining operation..
Clause 3 Definitions	<b>Face Machine</b> includes a continuous miner, mobile roof bolter, road header and tunnel boring machine. This would require an area to be inspected as a production district and manned by a Deputy. The intake air passing over a road header or mobile bolter will now be classified as return air, limiting the way in which these machines are used in operations such as Springvale.
Clause 3 Definitions	<p><b>Hazardous zone</b>, in an underground coal mine, means each of the following:</p> <p><b>(a)</b> any part at the mine in which the concentration of methane in the general body of the air is <b>greater than 0.25%</b> by volume,</p> <p>Centennial Coal asks why this change has been proposed. What evidence is there to show that the existing hazardous zone methane level of 1.25% is not safe/acceptable? Further information is required to justify this change.</p> <p><b>Impact:</b> H.Z. proposed to be &gt;0.25% CH<sub>4</sub>, general body. Implications for mine design, high tension cables, running of pumps/fans other electrical apparatus outbye. Significant cost to business.</p> <p><b>(c)</b> any part of an intake airway that is on the return side of such points that are within 100 metres outbye of:</p> <p style="padding-left: 40px;">(ii) any longwall or shortwall face, but only to the extent that the intake airway is on the intake side of that face (but not if the longwall face is an installation face at which the development of the face, and mining for development coal, have been completed and at which longwall mining has yet to commence).</p> <p>This definition is cumbersome, Centennial coal request revision wording of section (c)(ii).</p>
Clause 3 Definitions	<b>Site Senior Executive;</b> this is a move towards National Harmonisation, as this is not an outcome of this legislation at this time Centennial Coal question why it is to be included in these regulations. There is no guidance for the qualifications of the position and a proposed 3 year transition arrangement. Is it intended that the role will also be an <b>officer</b> of the company as defined in the WHS Act 2011?
Clause 8	<p><b>Regulator may direct that one or more mine operators be appointed;</b></p> <p>This clause is discretionary and administered by an Inspector. Clarification of how this may be applied is required.</p>

<b>Part 2 Managing risks</b>	
Clause 9	<p><b>Management of risks to health and safety</b></p> <p>(2) ...must ensure that a risk assessment is conducted by a competent person ...</p> <p>A definition of <b>competent person</b> is required</p>
Clause 10	<p><b>(1)</b> ...must review and as necessary revise control measures implemented under clause 9 ...</p> <p><b>(1)(d)</b> any other incident ... that is required to be notified ...</p> <p>This clause places an onus to review each and every risk assessment conducted at the mining operation following any reportable incident. This is not a practical measure considering the range of reportable incident specified in Part 6.</p>
Subdivision 2	<p><i>Safety Management System: <b>comment: transition period is to short</b></i></p>
Clause 14	<p><b>Content of safety management system</b></p> <p><b>(d)</b> the management structure for the management of work health and safety at the mine, including:</p> <ul style="list-style-type: none"> <li>(i) arrangements for filling temporary and permanent vacancies, and</li> <li>(ii) requirements relating to acting positions in the structure, and</li> <li>(iii) the competency requirements for positions in the structure,</li> </ul> <p><b>(e)</b> an organisational chart that shows:</p> <ul style="list-style-type: none"> <li>(i) the positions within the management structure that have <b>responsibility for the management</b> of work health and safety at the mine and that shows the names of the persons who currently hold those positions, and</li> <li>(ii) the persons holding statutory positions at the mine and those persons' responsibilities with regard to the supervision of workers at the mine,</li> </ul> <p>Centennial Coal question the intent of this clause and request clarification of who is to be included in the management structure and organisational chart.</p> <p>Centennial Coal question the purpose of the inclusion of names into the above requirements.</p>

<p>Clause 16</p>	<p><b>Changes to safety management system</b></p> <p>(1) The mine operator of a mine must, before any change to the safety management system for the mine is implemented:</p> <p>(a) give <b>notice</b> of the <b>proposed</b> change to the regulator and an industry safety and health representative</p> <p>Centennial seek clarification of what constitutes a proposed change, why the ISHR is provided with a copy and in particular do SWP and maintenance procedures respond to this requirement under the PCPs</p>
<p><u>Division 2</u></p>	<p><u>Principle mining hazard management plans</u></p>
<p><i>Subdivision 2</i></p>	<p><i>Principal mining hazard management plans</i></p>
<p>Clause 23</p>	<p><b>Preparation of principal mining hazard management plans</b></p> <p>(3)(i) set out the reasons for adopting or rejecting each control measure considered.</p> <p>Centennial Coal believes it is not be possible to include this in any meaning form of documentation, considering that control measures for PMHMPs will be drawn from a raft of reference and resource material i.e. AS, MDGs, Industry safety alerts, Gazettal's and Industry specific repositories including Riskgate. How and where is this information to be controlled.</p>
<p><u>Division 3</u></p>	<p><u>Other plans</u></p>
<p>Clause 26</p>	<p><b>Contractor health and safety management plan</b></p> <p>(1) A contractor who carries out <b>mining operations</b> at a mine must prepare a contractor health and safety management plan in accordance with this clause in respect of those operations and must comply with the other requirements of this clause.</p> <p><b><i>Meaning of "mining operations" and "mining activities"</i></b></p> <p>WORK HEALTH AND SAFETY (MINES) ACT 2013 - SECT 7</p> <p>(1) In this Act, "mining operations" means:</p> <p>(a) activities (referred to in this Act as "mining activities") carried out for the purpose of:</p> <ul style="list-style-type: none"> <li>(i) extracting minerals from the ground or injecting minerals into the ground, or</li> <li>(ii) exploring for minerals, and</li> </ul> <p>(b) activities carried out in connection with mining activities at a site, or at a site adjoining or in the vicinity of a site, at which</p>

	<p>mining activities are carried out.</p> <p>This clause moves significantly away from the existing requirement for a Contractor to provide a SMS for high risk activities.</p> <p>These draft arrangements place considerable onus on small to medium sized contractors undertaking low risk activities who on the major part work under the mines SMS and Supervision.</p> <p>These requirements will exclude some contracting companies from operating within mining operations and will increase the cost base for those that can still remain competitive.</p> <p>The requirements place undue responsibilities onto mine operators where specialist activities are to be undertaken and when related to the definition of '<b>contractor</b>' could include a delivery contractor / courier delivering a spare part to the mines store through to a specialist contractor undertaking polymeric injection.</p>
<u>Division 4</u>	<u>Specific control measures- all mines</u>
<i>Subdivision 1</i>	<i>Operational Controls</i>
Clause 27	<p><b>Communication between outgoing and incoming shifts</b></p> <p><b>27(b)</b> requires the communication system to ensure the supervisor of an outgoing shift to sign the requisite report. Clause 27(d) also requires the incoming shift supervisor to sign the report.</p> <p>Centennial Coal seek clarification as to why this clause is so prescriptive and why the arrangements can not be as documented by the mines SMS. This is a procedural regulation and is not performance based. Definition on Supervisor as applied to this clause is also sought.</p>
Clause 29	<p><b>Operation of belt conveyors</b></p> <p><b>(2)(d)</b> prescribes at 8 hour timeframe for the routine inspection of belt conveyors. The stipulation of this timeframe is unnecessary and does not align with alternative shift arrangements or a risk based approach. It is suggested clause 29(2)(d) be amended to require inspection on a regular and routine basis with inspection intervals to be determined by the mine operator based on risk or maintenance standards.</p> <p>Definition of <b>competent</b> is required.</p>
Clause 30	<p><b>Ground and strata failure</b></p> <p><b>(2)</b> In managing risks to health and safety associated with ground or strata failure at the mine, the mine operator must regularly</p>

	<p>monitor all areas at or around the mine where controls are in place for the principal mining hazard of ground or strata failure, regardless of whether persons regularly work in those areas</p> <p>Definition of 'monitor' is required.</p> <p>Is 'monitor' a visual inspection or does it require instrumentation?</p> <p>The term '<i>all safely accessible places</i>' has been removed from these draft regulations and replaced with 'all areas'.</p> <p>The removal of the term '<i>all safely accessible places</i>' makes compliance with this clause not possible, or operations will incur a 'grossly disproportionate' cost base. Not 'all areas' are able to be safely inspected in an underground coal mine.</p>
Clause 31	<p><b>Seismic activity</b></p> <p>This clause needs clarification as to the intent of its application. Definition in general terms responds to 'earthquake' activity. Where underground mines are impacted by blasting or significant movements of ground this clause may be applicable but applicability in u/g coal mines is limited.</p> <p>There is a discrepancy between the table in appendix B of the discussion paper and the requirement of this clause.</p>
Clause 37	<p><b>Minimum age to work in mine</b></p> <p>(1) The mine operator of a mine must take all reasonable steps to ensure that:</p> <p>(b) a person under the age of 18 years is not engaged to carry out work in an underground mine, unless the person is over the age of 16 years and is an apprentice or trainee under direct supervision in relation to the work.</p> <p>Changes to definition of 'direct supervision' may affect the way in which apprentices are managed, particularly with respect to the consideration of 'line of sight'</p> <p>Review of supervision of apprentices and interaction of trades will be required. May discourage the use of apprentices due to onerous supervision requirements.</p>
<i>Subdivision 2</i>	<i>Air Quality and monitoring</i>
Clause 40	<p><b>Ensuring exposure standards for dust not exceeded</b></p> <p>(1) appears to require a mine operator to ensure no person is exposed to specified atmospheric concentrations of airborne dust notwithstanding the possibility that persons may use PPE which would prevent or mitigate actual exposure. Clarification is sought on whether clause 40(1) is referring to exposure to airborne concentrations with or without the use of PPE.</p>

	Current practices do not provide an assurance as required by the clause. Practical method for establishing this is unachievable.
<u>Division 5</u>	<u>Specific control measures- underground mines</u>
<i>Subdivision 1</i>	<i>All underground mines – operational controls</i>
Clause 51	<p><b>Dust Explosion</b></p> <p>(2) In managing risks to health and safety associated with dust at the mine, the mine operator must implement control measures that, so far as is reasonably practicable:</p> <p>(b) suppress, collect and remove potentially explosive airborne dusts (applies to Clause 66)</p> <p>Definition of ‘<b>collect and remove</b>’ required. Will this require the installation of scrubber systems on all face machinery? May be able to be determined by risk assessment. Potential for mitigation and neutralisation to be included in treatment options.</p>
Clause 58	<p><b>Requirements if air quality and air safety standards not met</b></p> <p>(2) The mine operator of an underground mine must immediately notify any affected workers or other persons at the mine of the relevant circumstances referred to in subclause (1).</p> <p>Clarification on <b>who</b> must be immediately notified, and the meaning of ‘immediate notification’ is required.</p>
Clause 60	<p><b>Ventilation system - further requirements</b></p> <p><b>60(1)(2)(e)</b> requires a mine operator to ensure any ventilation fan installed at the surface will not be damaged by explosion in an underground mine. Concern has been raised it is not possible to ensure this outcome in the event of an explosion. It is suggested this clause be amended to include the qualification of ‘<i>as far as is reasonably practicable</i>’.</p> <p><b>60(3)</b> also refers to a requirement to ensure average air velocity if 0.3 metres per second. This measurement is different to currently requirements applied in NSW (for coal mines) which uses a per cubic metre measurement. It is understood this requirement is derived from Queensland legislation.</p> <p>This requirement cannot be justified without risk assessment and in most cases is an unreasonable requirement. It is suggested this clause be amended to align with current NSW practices.</p>
Clause 63	<p><b>Duty to prepare ventilation control plan</b></p> <p><b>63(3)(e)</b> requires the ventilation control plan to include arrangements for an alternative and independent way of operating the</p>

	<p>main ventilation fans in the vent of a loss of power supply.</p> <p>Definition is sought on the term arrangements; not all mines have back up power supplies. If the power supply is lost, workers will be progressively withdrawn from the mine. Because the main response to a loss of power to ventilation is the withdrawal of workers from the mine, there may not always be alternative power sources available. Clarification is sought on whether this clause actually requires a mine operator to have an alternative power source available or the ability to install an alternative source.</p> <p>Potential to incur significant costs for installation of additional supply path.</p>
<i>Subdivision 3</i>	<i>Underground Coal Mines</i>
	<p>There is considerable detail included in this subdivision that prescribes minimum risk control requirements for underground coal mines. While much of the content deals with appropriate risk controls, it is suggested level of detail is more appropriate content for a Code of Practice.</p> <p>In particular, mines sometimes use various analysis methods to develop and monitor the effectiveness of risk control measures. As such, provisions requiring certain sampling and analysis methods to be adopted, for example clause 65(4) and (5) should not be included in a Code of Practice.</p> <p>Further, the content of clauses 68 Subsidence and 68 Sealing are highly prescriptive. It is noted that although these clauses require risks to be managed in accordance with clause 9 (as far as is reasonably practicable) but then include numerous absolute requirements which must be complied with. This is inconsistent with the overarching approach to risk management adopted in the model laws and does not allow mine operators to develop and implement more effective and innovative risk control measures.</p>
Clause 66	<p><b>Coal dust explosion</b></p> <p><b>(1)(c)</b> limit or remove coal dust accumulation on roadways and other surfaces in mine roadways to ensure that the amount of incombustible material contained in roadway dust at the mine is kept at or above the following concentration levels:</p> <ul style="list-style-type: none"> <li>(i) for dust in a panel roadway within 200 metres outbye the last completed line of cut-throughs in the panel—85%,</li> <li>(ii) for dust in any 200 metre section of panel roadway within 400 metres of a longwall face—85%,</li> </ul> <p>(for i and ii read intake and return)</p> <ul style="list-style-type: none"> <li>(iii) for dust in a panel roadway within 200 metres of the main roadway, if subparagraphs (i) and (ii) do not apply—80%,</li> <li>(iv) for dust in a return roadway to which subparagraphs (i) to (iii) do not apply—80%,</li> </ul>

	<p>(v) for dust in an intake roadway to which subparagraphs (i) to (iii) do not apply—70%</p> <p>These changes in requirements appear to be driven by a harmonisation imperative with QLD regs. Centennial seek clarification as to the need to adopt these levels. Significant increase in stonedust requirements. This will cause operational challenges with transport and application.</p> <p>What is the purpose of the 200m at the start of the panel off the main roadway? Is it for explosion barrier, or fire?</p>
Clause 68	<b>(2)(c)</b> a definition of <b>competent</b> person is required
Clause 69	<p><b>Sealing</b></p> <p><b>(2)(d)(e)(h)</b> Centennial Coal seek clarification on the requirements for a 70kpa seal, the use of inertisation equipment and entry and exit of large equipment and people.</p>
Clause 71	<p><b>Atmospheric contaminate from sealed areas</b></p> <p><b>(1)(a)</b> Centennial Coal seek clarification on the requirements for preventing intake air from travelling across the face of a permanent seal, when the mine is sealed.</p> <p><b>(2)(b)</b> Centennial Coal seek clarification on the requirements for a seal that is capable of withstanding an overpressure of at least 140kpa, does this relate to the mine seal?</p>
Clause 72	<p><b>Ventilation</b></p> <p><b>(2)(d)(ii)</b> the power supply to electrical plant is cut off by the quickest means available, definitions are required,. This clause could be interpreted by an inspector.</p> <p><b>72(3)</b> definition required for Ventilation Auditor.</p>
Clause 77	<p><b>Post incident monitoring</b></p> <p>To the best knowledge of Centennial it is not possible to ensure that any monitoring system or post monitoring system be effective following and incident. It is of concern that the requirements of this clause do not take into consideration the vulnerability and potential destruction of real time and tube bundle monitoring systems.</p>
Subdivision 4	<p><i>All coal mines</i></p> <p>This subdivision is located under <i>Division 5- Specific control measures- underground mines</i> yet the requirements in clause 85 <i>Inspection program</i> and 86 <i>Sampling and analysis of airborne dust</i> relate to all coal mines. This has potential to cause confusion.</p>

	<p>It is suggested clauses 85 and 86 be moved to another division in the Regulation or Subdivision 4 becomes a Division in and of itself.</p>
<p>Clause 85</p>	<p><b>Inspection program</b></p> <p><b>(2)</b> The mine operator of a coal mine must ensure that as part of the inspection plan for the mine:</p> <ul style="list-style-type: none"> <li>(a) the mine is divided into inspection areas, each being an area of a size no larger than that which can be reasonably inspected by a competent person within the time allocated to that person, and</li> <li>(b) a production area is identified in respect of each area of the mine at which coal or mineral is extracted that includes: <ul style="list-style-type: none"> <li>(i) the site of that extraction, and</li> <li>(ii) any part of the mine within 100 metres of the site, and</li> <li>(iii) if the production area would be wholly within a hazardous zone, such other parts of the mine as are necessary to ensure that the production area starts outbye of the hazardous zone</li> </ul> </li> </ul> <p>Enlarging and widening of roadways are no longer expressly considered <b>not</b> to be production areas.</p> <p>Is it the intent of this clause to include changes to the inspection arrangements (CI 85(b) WHS(M)R 2014, CI 15(1)(ii) CMHSR 2006) implying that enlarging and widening of roadways are classified as production districts.</p> <p>This would require the area to be inspected as a production district and be manned by a Deputy.</p> <p>Further, if this results in the area being classified as a hazardous zone additional issues arise, however, it appears as though this is not specified.</p> <p><b>(5)</b> In the case of an underground coal mine at which mining operations are taking place, the following must be carried out under the inspection plan:</p> <ul style="list-style-type: none"> <li>(a) inspection of all production areas, including, but not limited to: <ul style="list-style-type: none"> <li>(iv) inspection, at least once <b>every 8 hours</b>, of all safely accessible places in the production area,</li> </ul> </li> <li>(b) inspection of places other than production areas, including, but not limited to: <ul style="list-style-type: none"> <li>(i) inspection at least once <b>every 8 hours</b> of all places where persons work</li> </ul> </li> </ul> <p>Inspection frequency changed from once per shift to every 8 hours. What risk assessment process/justification has determined the need for this to be included in the Regulation?</p>

	<p>Belt inspections are listed in separate area, confusing the Regulation and ability to easily look up and connect information. Consider revising.</p> <p>Significant cost and manning issues associated with additional inspection requirements.</p> <p><b>(11)</b> ...must ensure that workers at the mine are permitted to examine their place of work for risks ...,</p> <p>Centennial Coal would like clarification as to why the workers requirement to undertake such an inspection is not a mandated obligation.</p>
<u>Division 6</u>	<u>Emergency management</u>
<i>Subdivision 1</i>	<i>Emergency Plans for All Mines</i>
Clause 87	<p><b>Duty to prepare emergency plan</b></p> <p><b>(2)(a)(vi)</b> Refers to appropriate transportation of persons at risk to a place of safety. The use of the word transportation implies some form of vehicular transportation is required. In many cases the quickest and safest means for persons to get to a place of safety is to walk. It is suggested the language of clause 2(a)(vi) be amended to reflect this possibility.</p>
<i>Subdivision 2</i>	<i>Underground Mines</i>
Clause 95	<p><b>Emergency exits</b></p> <p>The mine operator of an underground mine must ensure that the mine has at least 2 <b>trafficable</b> exits to the surface that comply with subclauses be maintained so that it <b>remains effective</b>.</p> <p>The term trafficable requires definition as does the origin of the Exit. In u/g coal this could be defined as from the production district or from pit bottom. Is a vehicle required to make the exit trafficable.</p>
Clause 96	<p><b>Safe escape and refuge</b></p> <p>Clause 96(2)-(7) sets out detailed requirements for safe escape and refuges in underground mines. It is suggested much of the content included in clause 96 should be included in a Code of Practice rather than the Regulation. In addition, the following is noted:</p> <p><b>(6)(e):</b> procedures for rehydration in an irrespirable environment is very difficult. It may be practicable to provide rehydration procedures in respirable change over stations. This approach should be acceptable under clause 6(e) which should not require mine operators to develop and/or adopt impracticable rehydration procedures.</p>

<p>Clause 99</p>	<p><b>Self-rescuers</b></p> <p>(1) The mine operator of an underground mine must ensure that a person who is to go underground is provided with an appropriate self-contained self-rescuer if there is a risk of an irrespirable atmosphere in the underground mine (including during an emergency).</p> <p>This Clause allows for no provision for risk assessment to determine if Filter Self Rescuers are appropriate from the working area to the nearest CABA station or SCSR cache.</p> <p>What risk assessment process/justification has determined the need for this to be included in the Regulation?</p> <p>Has it been considered the impact of legislating the use of SCSR's:</p> <ul style="list-style-type: none"> <li>- SCSR's cannot be re-used once removed from the mouth.</li> <li>- Mines Rescue has determined that for each SCSR changeover in an irrespirable atmosphere, 1 in 10 people will incorrectly change, resulting in potential serious injury or death.</li> <li>- FSR's are rated for 120 minutes (CO scrubbing). The common 'rated' duration for SCSR is 25 minutes, up to 60minutes.</li> <li>- Potential long term impact of carrying additional weight/size on belt over long time periods.</li> <li>- Potential for SCSR to be caught on objects.</li> </ul> <p>Potential to hamper an ergonomic sitting position whilst in machinery.</p> <p>(3) Training for the purposes of subclause (2) must include:</p> <p>(a) training, in a simulated work environment, each worker in the donning and change-over of each type of self-contained self-rescuer that the worker may be required to use before the worker initially commences work at the mine and then <b>every 3 months</b> after that</p> <p>What risk assessment process/justification has determined the need for this to be included in the Regulation?</p> <p>Significant training requirement of 3 monthly refreshers on self rescue apparatus would impact on scheduling and training operations.</p> <p>Prohibitive cost of training on real SCSR's (destroyed once used) or simulator that must deliver oxygen and provide resistance.</p>
<p>Clause 101</p>	<p><b>Competent person at surface</b></p> <p>Centennial Coal has concerns that the competence for the Competent Person to cut and <b>restore</b> power has significant safety imperatives. The provision to remove the power or isolate underground power is achievable however the ability to restore the</p>

	power is significantly complicated and requires authorisation from a specified statutory position.
<u>Division 7</u>	<u>Information, instruction and training</u>
Clause 104	<p><b>Duty to provide induction for workers</b></p> <p>This obligation appears to be an extension of clauses 102 and 103 and is potentially unnecessary. It also appears to require induction on the entire safety management system for the mine even if that information does not impact on the worker's work. It is suggested clause 104 is unnecessary and can be removed, particularly in relation to coal mining operations that still need to comply with Order 34 under the <i>Coal Industry Act 2001</i> (NSW). Further, any induction requirements should be limited to information relevant to a worker's work at the mine.</p>
<b>Part 3 Health monitoring</b>	
	<p>Part 3 duplicates the requirements for assessments under Order 41 of the <i>Coal Industry Act 2001</i> (NSW).</p> <p>Despite a different intent, compliance with Part 3 and Order 41 will still require workers to undergo periodic medical assessments and for mine operators to facilitate this process.</p> <p>Centennial Coal request that one of the two requirements be done away with or if combined for the purpose of this division that a suitable reporting mechanism be introduced to allow employers to make informed decisions regarding fitness for work and work related health impacts.</p>
<b>Part 4 Consultation and the workers' safety role</b>	
Clause 119	<p><b>Safety role for workers in relation to principal mining hazards</b></p> <p>Concern has been expressed by some members that the term 'safety role' could be interpreted as a statutory position and have industrial implications.</p> <p>Clear definition in role and responsibilities are required to prevent misuse of this clause by other parties.</p>
<b>Part 5 Mine survey plans and mine plans</b>	
	<p><b>Centennial Coal are of the opinion that survey is conducted to survey and drafting directions which provide detail on the way in which mine plans are developed and maintained. There is considerable duplication within these Regulations as they are currently written.</b></p>

## Part 6 Provision of information to regulator

Clause 127

### Duty to notify regulator of certain incidents

(4) In this clause:

**high potential incident** means any of the following:

- (d) ground support – does this include the failure of installed support
- (k) withdrawal – does this include the failure of an auxiliary fan when withdrawal is to the crib room
- (m) any of the following that occurs due to subsidence: **why is this included when not safety related**
  - (iv) the development of surface cracking or deformations

The development of surface cracking or deformations is considered as part of the Extraction Plan/Subsidence Management Plan.

Suggest bringing notification of all subsidence issues in line with DTIRIS conditions. That is, report issues that are outside of predicted/approved (anomalous) levels.

As part of the Extraction Plan/Subsidence Management Plan approval process, Public Safety Management Plans are developed.

## Part 7 Mine Record

## Part 8 Statutory functions

Division 1

### Preliminary

Centennial Coal sees no benefit from the Site Senior Executive Statutory role. Centennial Coal considers this to be an undertaking in harmonisation and has little to no validity considering the status of the harmonisation project. This requirement imposes unnecessary costs on an organisation.

### **Schedule 10**

Centennial Coal envisages an Industrial Relations impact from the inclusion of Electrical and Mechanical Tradespersons into the category of 'Statutory Functions'. Centennial Coal understands that the controlled maintenance activities undertaken by these people are prescribed by statute.

<b>Part 13 Miscellaneous</b>	
	<p><b>Transitional arrangements</b></p> <p>The transitional periods proposed for the Regulation are inadequate. There is considerable prescription contained in the Regulation which needs to be considered in detail .</p>
Clause 175	<p><b>Registration of plant designs and items of plant</b></p> <p>(1)(e) plant or items used to determine or monitor the presence of gases,            (1)(f) breathing apparatus to assist escape (including self rescuers)            (1)(j) conveyor belting</p> <p>These are all additional to existing plant registration requirements and Centennial is concerned that the EOMs of items i.e. gas detectors and self rescuers may not seek registration or this requirement will have detrimental cost implications.</p>
Clause 177	<p><b>Dangerous incidents</b></p> <p>Definitions have changed which may result in increased notifications due t plant related definitions. Still doesn't appear to be an analytical set of reporting criteria.</p>
<b>Schedule 1</b>	<p>(1)(h) ... seismic activity ... this should be dealt with on a risk basis</p>
	<p>(9)(b) ... geological, hydrogeological, hydrological, geographic, topographic and climatic conditions ... determine relevance to WHS</p>
<b>Schedule 2</b>	<p>(3)(l) ... provision of operator protective devices on mobile plant, including protective canopies on continuous miners when controlled by an on-board operator. Determine does this apply to remote CMs where operator rides on platform.</p>