

COAL MINE HEALTH & SAFETY TRANSITION ROADMAP

A Transitional (Phase-in) provisions

Coal Mine Regulation Act 1982 Requirement		Coal Mine Health and Safety Act 2002 Requirement			
Act and/or Regulations 1999	Time period				Act and/or Regulation 2006
	Commencement 23 Dec 2006	2 months	6 months	12 months	
Part3 Division 1 Duties of owners: management of mines	Person who was the owner taken to be the operator	Within 2 months nominate the operator of the coal operation (refer GNC-001 <i>Nomination of the operator</i>)			Section 17 Colliery holder to nominate the operator
Clause 6 CM(U/G)Reg ¹ Management structure	Any management structure in place at an underground operation acceptable for a period of 6 months unless replaced sooner Operator of an above ground operation to supply information at commencement of new legislation	Review management structure against requirements of new legislation and prepare information to supply (refer GNC-002 <i>Management structure</i>)	Operator to supply information about the management structure to the Chief Inspector and industry check inspector within 6 months		Section 37 Management structure Clause 22 CMHSR ²
Clause 7 CM(Gen)Reg ³ Mine safety management plans	Operator must prepare a health and safety management system Information relating to the health and safety management system to be supplied to the Chief Inspector and industry check inspector	Review mine safety management plans against requirements of new legislation and prepare a health and safety management system (refer GNC-003 <i>Preparing a health and safety management system</i>)	Legal obligation and offence of: <ul style="list-style-type: none"> ▪ no mining without health and safety management system, ▪ contents, and ▪ review does not arise until 1 July 2007 		Section 20 Operator to prepare health and safety management systems
Clause 6 CM(O/C)Reg ⁴ Clause 16 CM(U/G)Reg Mine inspection system	Any inspection system duly developed for a mine is acceptable for a period of 6 months unless replaced sooner	Review inspection system against requirements of new legislation	Prepare an inspection program and include in health and safety management system		Clauses 13(a) and 15 CMHSR Inspection programs

¹ Coal Mines (Underground) Regulation 1999

² Coal Mine Health and Safety Regulation 2006

³ Coal Mines (General) Regulation 1999

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Clause 9 CM(U/G)Reg Withdrawal of persons from mine	Any withdrawal conditions duly developed for a mine is acceptable for a period of 6 months unless replaced sooner	Review withdrawal conditions against requirements of new legislation	Prepare withdrawal conditions and include in health and safety management system		Clause 13(g) CMHSR Withdrawal conditions
Section 101 Transport rules Section 130 Tipping rules Open Cut	Any transport and tipping rules duly developed for an above ground mine is acceptable for a period of 12 months unless replaced sooner	Review transport and tipping rules against requirements of new legislation	⇒	Prepare surface transport management plan and include in health and safety management system Information relating to the surface transport management plan to be supplied to the Chief Inspector and industry check inspector	Section 35 Duty to prepare major hazard plans: Clause 30 CMHSR Surface transport management plan Underground and open cut
Clause 60 CM(U/G)Reg Transport rules Underground	Any transport rules duly developed for an underground mine is acceptable for a period of 12 months unless replaced sooner	Review transport rules against requirements of new legislation	⇒	Prepare underground transport management plan and include in health and safety management system Information relating to the underground transport management plan to be supplied to the Chief Inspector and industry check inspector	Clause 31 CMHSR Underground transport management plan Underground
Section 102 Support rules Clause 48 CM(U/G)Reg Underground	Any support rules duly developed for an underground mine is acceptable for a period of 6 months unless replaced sooner	Review support rules against requirements of new legislation	Prepare strata failure management plan and include in health and safety management system Information to the Chief Inspector and industry check inspector		Clause 32 CMHSR Strata failure management plan Underground and open cut

⁴ Coal Mines (Open Cut) Regulation 1999

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<p>Clause 40 CM(U/G)Reg</p> <p>Inrush prevention system</p> <p><i>Underground</i></p>	<p>Any inrush prevention system duly developed for an underground mine is acceptable for a period of 6 months unless replaced sooner</p>	<p>Review support rules against requirements of new legislation in relation to major hazard of inrush of water or other fluid material, or any material that becomes fluid when wet or inflammable or noxious gases</p>	<p>Prepare inrush management plan and include in health and safety management system</p> <p>Information relating to the inrush management plan to be supplied to the Chief Inspector and industry check inspector</p>		<p>Section 35</p> <p>Duty to prepare major hazard plans:</p> <p>Clause 33 CMHR</p> <p>Inrush management plan</p> <p><i>Underground</i></p>
<p>Clause 25 CM(O/C)Reg</p> <p>Shotfiring and explosives systems</p> <p>Clause 154 CM(U/G)Reg</p>	<p>Any shotfiring and explosives system duly developed for a mine is acceptable for a period of 12 months unless replaced sooner</p>	<p>Review shotfiring and explosives systems against requirements of new legislation</p>	⇒	<p>Prepare explosives management plan and include in health and safety management system</p> <p>Information to the Chief Inspector and industry check inspector</p>	<p>Clause 37 CMHSR</p> <p>Explosives management plan</p>
<p>Clause 31 CM(O/C)Reg</p> <p>Airborne dust rules</p> <p>Clause 163 CM(U/G)Reg</p>	<p>Any airborne dust rules duly developed for a mine is acceptable for a period of 12 months unless replaced sooner</p>	<p>Review airborne dust rules against requirements of new legislation</p>	⇒	<p>Prepare airborne dust management plan and include in health and safety management system</p> <p>Information to the Chief Inspector and industry check inspector</p>	<p>Clause 38 CMHSR</p> <p>Airborne dust management plan</p>
<p>Clause 172 CM(U/G)Reg</p> <p>Explosion suppression system</p> <p><i>Underground</i></p>	<p>Any explosion suppression system duly developed for an underground mine is acceptable for a period of 6 months unless replaced sooner</p> <p>Surface parts of operation establish explosives management plan</p>	<p>Review explosives suppression system against requirements of new legislation</p>	<p>Prepare dust explosion management plan and include in health and safety management system</p> <p>Information to the Chief Inspector and industry check inspector</p>		<p>Clause 36 CMHSR (Note: Clause 9(g) of Schedule 2 of the CMHS Regulation 2006 incorrectly refers to clause 37)</p> <p>Explosives management plan</p> <p><i>Underground and open cut</i></p>

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Regulations 1999	Commencement 23 Dec 2006	2 months	6 months	12 months	Regulation 2006
Clause 107 CM(U/G)Reg Egress plan <i>Underground</i>	Any egress plan duly developed for an underground mine is acceptable for a period of 6 months unless replaced sooner	Review egress plan against requirements of new legislation →	Prepare an escape and rescue plan for the underground parts of the operation		Clause 47 CMHSR Escape and rescue plan <i>Underground</i>
Clause 27 CM(Gen)Reg Isolation procedures	Any isolation procedure duly developed for a mine is acceptable for a period of 6 months unless amended or replaced sooner	Review isolation procedures against requirements of new legislation →	Prepare isolation arrangements (include in health and safety management system)		Clause 83 CMHSR Isolation arrangements

B Savings provisions

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Regulations 1999	Commencement 23 Dec 2006	2 months	6 months	12 months	Regulation 2006
Part 4 Division 8 Training Rules	Prepare training and competence elements and include in health and safety management system	→	Despite its repeal training rules from previous Act continue to apply until 1 July 2007	→	Section 23(3)(a) Contents of health and safety management system (which must include training and competence elements)
CM(U/G)Reg: Clauses 35-37 Information and communication Clause 71 Ventilation control system Clauses 126-132 Monitoring and detection equip Clauses 134-143 Electrical equipment Clauses 171-180 Explosion prevention and suppression	Prepare additional components as required by new legislation and include in health and safety management system	→	Despite its repeal the clauses from previous Regulation continue to apply until 1 July 2007	→	CMHSR: Clause 16 Information and communication arrangements Clause 18 Monitoring arrangements Clause 19 Electrical engineering management plan Clause 21 Ventilation arrangements

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CM(O/C)Reg: Clause 11 Instructions to workers Clause 19 Earthing of electrical equipment Clause 20 Repairs to electrical cables	Prepare additional components as required by new legislation and include in health and safety management system	⇒	Despite its repeal the clauses from previous Regulation continue to apply until 1 July 2007	⇒	CMHSR: Clause 16 Information and communication arrangements Clause 19 Electrical engineering management plan
CM(Gen)Reg: Clause 9 Standards of mechanical engineering and electrical engineering practice Clause 26 Removal and restoration of electrical power Clauses 28-33 Electrical plant	Prepare additional components as required by new legislation and include in health and safety management system	⇒	Despite its repeal the clauses from previous Regulation continue to apply until 1 July 2007	⇒	CMHSR: Clause 19 Electrical engineering management plan Clause 20 Mechanical engineering management plan

Explanatory note

The aim of the *Coal Mine Health and Safety Act 2002* (the Act) is to secure the health, safety and welfare of people in connection with the coal operation. The object of the *Coal Mine Health and Safety Regulation 2006* (the regulation) is to prescribe certain matters for the purposes of the Act.

The regulation makes provision for plans, systems or other arrangements developed under the former Act and in force or effect immediately before the repeal of the former Act to be acceptable as fulfilling particular requirements imposed by or under the Act for the duration of any phasing-in period prescribed by the regulation. These phase-in periods are to assist industry understand the new legislation and to comply.

Disclaimer

This publication has been prepared as a guide to the transitional and savings arrangements of the *Coal Mine Health and Safety Regulation 2006*. This publication refers to New South Wales legislation. Full text of legislation is available online at <http://www.legislation.nsw.gov.au>. The compilation of information contained in this document is intended as a guide only. Use of this document does not relieve the user (or a person on whose behalf it is used) of any obligation or duty that might arise under any legislation (including the *Occupational Health & Safety Act 2000*, any other Act containing requirements relating to mine safety and any regulations and rules under those Acts) covering the activities to which this document has been or is to be applied.

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