



# Audience questions and answers

## NSW Coal Mine Health & Safety Legislation Industry Information Sessions 11-15 December 2006

Q1. What guidance is available on the preparation of 'Safe Work Method Statements' (sometimes called a Job Safety Analysis) and 'Safe Work Procedures'.

*The most suitable examples of templates for Safe Work Method Statements and Safe Work Procedures are available from the NSW Minerals Council and WorkCover NSW. Examples and web links are available from new coal legislation section of the NSW DPI web site at [www.dpi.nsw.gov.au/minerals/safety/legislation/commencement](http://www.dpi.nsw.gov.au/minerals/safety/legislation/commencement)*

Q2. Must deputies and under managers be employees of the mine?

*A2. Clause 3 of the Regulation defines a mining supervisor as including deputies and undermanagers. Further, an employee is defined in Section 3 of the Act to mean an individual who works under a contract of employment or an apprenticeship. Clause 44 (2) & (3) require that mining supervisors, for underground and open-cut mines, are to be employed by the operator.*

Q3. The operator must wait one day before shot firing (underground) where it has not been undertaken within a year prior to the intended time as part of the high risk activities requirements. What if the mine needs to do the activity immediately?

*A3. The Chief Inspector and Inspectors (via delegation of powers) have the ability to vary the waiting period to either reduce or lengthen it.*

Q4. What is the relationship between the *Mine Health and Safety Act 2004* and the *Coal Mine Health and Safety Act 2002*?

*A4. The Mine Health and Safety Act 2004 contains a Schedule which amends part of the Coal Mine Health and Safety Act 2002.*

Q5. The *Occupational Health and Safety Act 2000* is under review and the *Occupational Health and Safety Regulation 2001* will be reviewed in 2007. In addition the *Coal Mine Health and Safety Act* is due for review in 2007. What is the consequence of these reviews on the current process?

*A5. The planned review of the Coal Mine Health and Safety legislation will enable NSW DPI to review the effectiveness of the legislation. Notably, the Wran Review asked for monitoring and a review after the commencement of the legislation.*

*The present review of the Occupational Health and Safety Amendment Bill 2006 is being conducted by Justice Stein. Further details can be found at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au). The OHS Regulation is subject to review in accordance with the requirements of the Subordinate Legislation Act. The timing of this review will be determined by WorkCover NSW following the Stein Review of the OHS Bill.*



Q6. The level of competency required for ventilation officers and ventilation engineers has changed with the new legislation. Will the old arrangements regarding ventilation engineers continue? What will NSW DPI expect in terms of qualifications for ventilation officers and ventilation engineers?

*A6. The intention of the 1999 Regulation was to appoint a dedicated ventilation officer for each underground coal mine. Where that was not possible, the mine manager could, with the consent of the Chief Inspector act as the mine's ventilation officer. The qualifications were a pre-2000 certificate of competency to be an undermanger or post-2000 successful completion of the Ventilation Officer Training Course from UNSW (or equivalent). The 2006 Regulation provides for Ventilation Officers who have the ventilation competence of an underground coal mine manager or UNSW (or equivalent) ventilation qualification and Ventilation Engineers who are licensed and have the UNSW (or equivalent) ventilation qualification.*

Q7. If a ventilation officer/engineer is an employee can they also do the Audit of the ventilation system?

*A7. Ventilation officers cannot conduct the periodic (annual) audit of the ventilation arrangements. An employee who is qualified to be a ventilation engineer and is licensed to audit the ventilation arrangements can conduct the periodic (annual) audits.*

Q8. It was noted that the quarterly incident report should be timed to coincide with the quarterly report required by Coal Services to assist industry.

*A8. NSW DPI will investigate the ability to enable the same report to be used.*

Q9. The legislation does not go so far as requiring full-time engineers in open cut mines, however the presentation indicated that NSW DPI expected full-time engineers to be in place and be demonstrable through the management structure (section 37). The industry has a preference for dedicated engineers not being required full time.

*A9. NSW DPI will allow for variations where demonstrated by a satisfactory risk assessment and management system. Operators who lack satisfactory attendance of competent employees will be directed to meet the regulatory standard. Further information is available from Guidance Note GNC 002 – Management Structure available from the new coal legislation section of the NSW DPI website at [www.dpi.nsw.gov.au/minerals/safety/legislation/commencement](http://www.dpi.nsw.gov.au/minerals/safety/legislation/commencement)*

Q10. What is happening with training and competency standards?

*A10. The Coal Competence Board is currently being formed. John Maitland has been appointed as the Chairperson and the remaining members are currently being appointed. The Coal Competence Board, which will have a broad representation from the industry, will take over from the Examinations Board. NSW DPI has recognised the issues of black coal competencies, areas of short supply and certain vocations over represented in incidents.*



Q11. Due to the complexity of underground operations and skills shortages in the industry, the requirements as described will make it difficult for engineers in charge to take more than one month's leave.

*A11. All operators must develop management structures and employ sufficient competent people to maintain operations as required by the legislation.*

Q12. How does the new legislation affect the role of undermanagers?

*A12. The provisions of section 51 of the Coal Mines Regulation Act 1982 have been retained in clause 44 (3) (a) of the new Coal Mine Health and Safety Regulation 2006. This means that mining supervisors who supervise the entire underground operation must have the competence of an undermanager, except where the limited operations described in clause 44 (3) (a) exist.*

Q13. How does the new legislation deal with roadway width in underground operations?

*A13. Roadway width in underground operations are dealt with as a high-risk activity and should be covered by an operation's strata failure management plan. Clause 88 retains the CMR Act 1982 section 138 provisions for six months only and requires that roadways must not exceed 5.5 metres in width unless approved by the Chief Inspector. Where the strata failure management plans satisfactorily deals with such wider roadways, the Chief Inspector will approve widths of roadways greater than 5.5 metres.*

Q14. What are the arrangements for declared coal preparation plants?

*A14. Under the Coal Mine Health and Safety Regulation 2006, the Declared Coal Preparation Plant provisions will be repealed. Existing declared coal preparation plants would need to be nominated as separate and distinct coal operations. The requirements of Section 17 of the CMHS Act and Clause 7 of the CMHS Regulation would need to be met.*