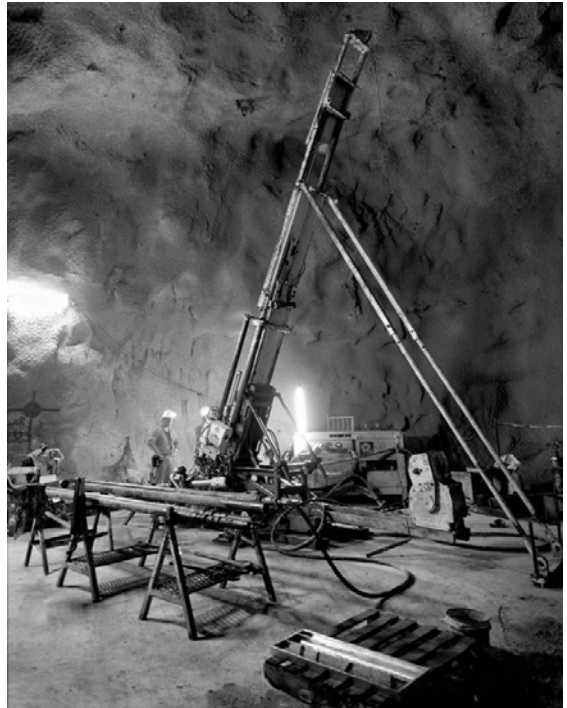




NSW DEPARTMENT OF
PRIMARY INDUSTRIES



Guidance Note GNM-006

Temporary appointment of a production manager

in reference to

**Order of Exemption Clause 16 (1)
*Mine Health and Safety Regulation 2007***

Appointment of a Production Manager



Guidance Note GNC-006

NSW DPI Guidance Note:

Temporary appointment of a production manager

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Introduction

Clause 16(1) of the *Mine Health and Safety Regulation 2007* (MHS Regulation) places a duty on the operator of a mine to appoint a production manager to supervise the extraction. Clause 16(1) states the following:

16 Production manager to be appointed

(1) The operator of a mine must not undertake, or allow any other person to undertake, any extraction unless a person competent to be a production manager has been appointed.

...

The Chief Inspector of Mines (CIM) has prepared an order which 'exempts' an operator of a mine from complying with clause 16(1) of the MHS Regulation in certain circumstances (see clause 166(1) and (2) of the MHS Regulation which provides the CIM may exempt any class of person from a specified provision of the MHS Regulation). The purpose of this exemption is to allow for the nomination of a competent person to supervise extraction at the mine in the absence of a qualified production manager who holds a production manager permit. Clauses 2.1 to 2.4 of the Exemption Order set out the application and conditions of the exemption, and state the following:

...

2.1 This exemption applies to the appointment of a production manager at a mine only if a person who holds the specified evidence of competence required to perform the functions of a production manager (as specified in clause 109 of the Regulation), is not available to supervise the extraction at the mine.

2.2 The operator of a mine must:

(a) ensure that a competent person is nominated in the management structure (as required under section 35 of the Act), for the purposes of supervising the extraction at that mine, and

(b) be satisfied that the nominated person is competent to supervise the extraction at the mine and is eligible for a permit pursuant to clause 21(a) and clause 21(b), and

(c) notify the Chief Inspector in writing in the specified form, (see below)

2.3 Supervision of extraction at a mine by a person other than a person who holds the specified evidence of competence to perform the functions of a production manager, must not be for a period exceeding two months (whether consecutive or non-consecutive) in any one year.

2.4 The exemption in clause 1.0 does not apply if a notice served on the operator pursuant to clause 17 of the Regulation, is in force in respect of the mine.

...



Scope

The aforementioned Exemption Order will allow for the notification to the DPI of a competent person in the absence of an appointed production manager. The absence may come about due to recreational leave, sick leave, other leave or cessation of employment. In this instance a suitably competent person who is eligible for a production manager permit under clause 21(a) and clause 21(b) of the MHS Regulation would be able to undertake the supervisory role without holding a current production manager permit.

As set out above in clause 2.3 of the Exemption Order, the period of appointment is not to be more than 2 months (whether consecutive or non-consecutive) in any one year.

Absence of Production Manager – Temporary

An operator must take all reasonable steps to maintain the management structure for a mine operation. This includes having others acting in, and the timely filling of, vacant positions in the structure (see section 35 of the *Mine Health and Safety Act 2004*).

Temporary Absence:

If the appointed production manager is temporarily absent from site the following must occur:

- Absence more than 7 days (5 working days) - an alternative, qualified person, must be appointed (CIM notified in writing) or a competent person must be nominated using the attached specified form (*Attachment 1*).
- Absence less than 7 days (5 working days) - the operator of the mine must consider the ability of the incumbent production manager to supervise extraction at the mine while away from site.

The management structure should document the responsibilities and accountabilities of relieving persons who take on the duties of production manager.



Suggested steps to meet exemption conditions:

| Step | Activity | Completed / Notes |
|-------------|---|------------------------------|
| 1 | <i>Update</i> the <u>Management Structure</u> and <u>Register</u> in accordance with sections 35 and 36 of the <i>Mine Health and Safety Act 2004</i> that identifies the position/person to supervise extraction in the absence of the Production Manager. | |
| 2 | Identify persons who are suitably competent to supervise the extraction of the mine in the absence of the appointed Production Manager. | |
| 3 | Determine period of absence and ensure the period of appointment is not to be more than 2 months (whether consecutive or non-consecutive) in any one year. | |
| 4 | Provide adequate information, training and instruction to the nominated person. | |
| 5 | In consultation with the person complete the details of the “Notification of Person a (Other than an appointed Production Manager) Nominated to Supervise Extraction at a Mine” form (Refer GNM 006 attachment 1). | |
| 6 | Send the completed form to your nearest DPI regional office. | |
| 7 | Maintain a record of the “Notification of Person (other than an appointed Production Manager) Nominated to Supervise Extraction at a Mine” form (GNM 006 attachment 1). | |

Notification of a person (other than a qualified production manager) nominated to supervise extraction at a mine

(Please fax, email, post or deliver to your nearest regional office. If more space is needed please use an additional page.)

Mine name: _____ Date: _____

Operator of the Mine: _____

Absent Production Manager and permit or certificate number (if applicable): _____

Details of employee supervising extraction (due to absence of production manager)

Employee supervising extraction _____

Date of Birth: _____ Phone Number: _____

Dates of nomination: _____ Start: _____ Completion: _____

Reason for nomination: _____

Details of extraction _____

Details of employee's eligibility to supervise the extraction as per clause 21(a) and (b) of the Mine Health and Safety Regulation 2007.

Period of service at mine _____
(details to be outlined)

Qualifications held _____
(if applicable supply copies)

Skills and knowledge _____

(details to be outlined)

I nominate _____ as per the details provided in this form and confirm that he/she will supervise the extraction operations in the absence of an appointed production manager. I also confirm that he/she has been briefed regarding their responsibilities and authority to supervise the extraction operations for the designated period and have been recorded in the management structure register at the mine.

Name of senior person making nomination (please print):

Signature of senior person making nomination:

Acceptance signature of nominee:

| | | | | |
|-------------------------------------|--|--------------------|--|----------------|
| DPI Office Use: | | | | |
| Inspector Name and Signature | | | | |
| Comet ID: | | File number | | Mine ID |

(INT08/59390)

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