

GUIDANCE

Ready reference guide to NSW mine health and safety legislation

Occupational Health and Safety Act 2000
Occupational Health and Safety Regulation 2001
Mine Health and Safety Act 2004
Mine Health and Safety Regulation 2007



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NSW DEPARTMENT OF
PRIMARY INDUSTRIES



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Overview

The NSW Government commenced new legislation on 21 December 2007 to better protect the healthy, safety and welfare of workers in the NSW metalliferous, extractives and opal mining sectors.

The *Mine Health and Safety Act 2004* and the *Mine Health and Safety Regulation 2007* were commenced on this date.

The new legislation supports the *Occupational Health and Safety Act 2000*, which is the primary legislation regulating health and safety in NSW workplaces.

This Ready Reference Guide document provides a road map to provisions for hazards and matters covered by health and safety legislation in relation to mining work in the metalliferous, extractives and opal mining sectors.

NOTE: This document seeks to aid the reader's understanding of the relationship between the *Occupational Health and Safety Regulation 2001* and the *Mine Health and Safety Act 2004* and the *Mine Health and Safety Regulation 2007*, subject to and upon the full extension of the *Occupational Health and Safety Regulation 2001* to the NSW mining industry from September 2008.



Ready reference guide

to provisions for hazards and matters covered by health and safety legislation in relation to mining work (metalliferous and extractive)

Hazard, risk or requirement	OHS Regulation (usually employer or self-employed duty)	Mine Health and Safety Act 2004 (usually operator duty)	Mine Health and Safety Regulation 2007 (usually operator duty)
<i>Amenities</i>	Chapter 2, cl 18 & 19	No additional requirement	No additional requirement
<i>Asbestos (prohibition & removal)</i>	Chapter 4 cl 42-44; chapter 8 cl 257-261, Chapter 11, Chapter 12 cl 345-346.	No additional requirement	No additional requirement
<i>Atmosphere, exposure standards (see also ventilation)</i>	Chapter 4, cl 50-55, Chapter 6A, cl 174V	-	Ventilation cl 48, diesel pollutants cl 49
<i>Carcinogenic substances</i>	See hazardous substances	-	No additional requirement
<i>Certification of workers (cranes, rigging, etc)</i>	Chapter 9	-	No additional requirement but see managers below
<i>Certification of competency standards for specified functions</i>	No additional requirement	S 118-125	Cl 114 (functions), 115-132
<i>Confined spaces (includes shafts and tunnels)</i>	Chapter 4, cl 66-78 (not underground)	-	Other requirements underground – eg atmosphere, ventilation, inrush
<i>Construction</i>	Chapter 8	-	Designated construction zone cl 77
<i>Consultation with employees</i>	S 13-19 Chapter 3 (incl check inspectors)	Additional requirements re check inspectors S 138-157	Additional requirements re check inspectors
<i>Contractor duties (see also principal contractor)</i>	cl 8 coordination, subcontractors in construction cl 229	Compliance with plans, safe work method statements S 62-67	Compliance with plans, safe work method statements



Hazard, risk or requirement	OHS Regulation (usually employer or self-employed duty)	Mine Health and Safety Act 2004 (usually operator duty)	Mine Health and Safety Regulation 2007 (usually operator duty)
<i>Controller duties (OHS Act s 10)</i>	Chapter 4, part 4.2 includes risk management, falls, electricity & asbestos	Mine holder to nominate operator S 22-25	See mine holder
<i>Dangerous goods (except explosives)</i>	Chapter 6A (except naturally occurring gases in mines)	-	Flammable and combustible materials, naturally occurring gases cl 40
<i>Dust</i>	See atmosphere (eg exposure standards)	-	See ventilation
<i>Electrical installations & articles (see also plant)</i>	Chapter 4, cl 41, cl 63-65	-	Cl 42, 58-68
<i>Electrical work & testing</i>	Chapter 7, cl 207, 208	-	Cl 42, 58-60
<i>Emergencies (including escape and rescue)</i>	Chapter 2, cl 17, ch 6A cl 174ZB, 174ZC	Emergency plans S 41-45	Plan, response to fire or explosion, cl 32-34
<i>Explosions (dusts, atmosphere) see also fires</i>	Chapter 4, cl 62, Chapter 6A	-	Cl 40, 53
<i>Explosives (see also the explosives legislation)</i>	Chapter 5 – registration of shot firing apparatus in coal workplaces.	-	Cl 41, 54-57
<i>Falls from heights</i>	Chapter 4, cl 56-61	-	No additional requirement
<i>Fatigue</i>	See long distance truck driving below	Hours of work S 76-82	Cl 80-81 hours, cl 82 fitness
<i>Fatigue – long distance truck driving</i>	Chapter 4, cl 81A to 81F	No additional requirement	No additional requirement
<i>Fires</i>	Chapter 4, cl 62	-	cl 38, 39, 40, 42, 53, 61(e)
<i>First aid</i>	Chapter 2, cl 20	-	
<i>Fitness for work</i>	No additional requirement	-	Cl 82-83 (See also fatigue)



Hazard, risk or requirement	OHS Regulation (usually employer or self-employed duty)	Mine Health and Safety Act 2004 (usually operator duty)	Mine Health and Safety Regulation 2007 (usually operator duty)
<i>Ground stability (see also slope stability)</i>	No additional requirement		CI 36
<i>Hazardous substances (including carcinogens)</i>	Chapter 6 (includes supplier duties)		No additional requirement
<i>Heights</i>	see falls		see falls
<i>Information (and communication) - see also instruction and training</i>	Chapter 2, cl 13, plus supplier requirements re plant, hazardous substances and dangerous goods		CI 12 mine holder to provide information to operator,
<i>Inrush</i>	No additional requirement		CI 37, 47
<i>Instruction and training</i>	Chapter 2, cl13	No additional requirement	winder operation cl 51
<i>Lead (monitoring exposure)</i>	Chapter 7, cl 199-204	-	Health surveillance cl 86-90
<i>Licensing of work</i>	Asbestos removal, demolition	-	No additional requirement but see manager competency
<i>Managers, etc competency</i>	No additional requirement	S 107-111	CI 109-127
<i>Manager duties</i>	S 26 liability	S 54-57	CI 15, production manager cl 16-18, permit 19-28
<i>Management system & structure for OHS</i>	No additional requirement	No requirement for system. Management structure S 35-36	Management structure, cl 15 (not opal mines) Production manager cl 16-28
<i>Manual handling</i>	Chapter 4, cl 79-81	No additional requirement	No additional requirement
<i>Mine holder</i>	(see also controller duties)	Appoints operator, S 22-25	CI 8-13
<i>Mining controls specified in detail</i>	No additional requirement	-	CI 46-108



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<i>Noise</i>	Chapter 4, cl 49	-	Health surveillance cl 86-90 Pollution of diesel cl 49
<i>Notification of accidents and incidents</i>	Chapter 12, does not apply to mining	S 88-91	Cl 143-157
<i>Operator (appointed by mine holder or colliery holder)</i>	No additional specific requirement	Has prescribed duties – see plans	Has prescribed duties – see plans cl 14-108
<i>Plans (except emergency plans or surveys)</i>	No additional requirements	Mine Safety Management Plan S 27-34. Mine plan S 75	Mine Safety Management Plan cl 14 Mine plan 91-108
<i>Plant (includes winders and lifts) – plant is any machinery, equipment or appliance. See also electrical articles and installations.</i>	Chapter 5 (includes supplier duties) – plant design and/or item registration. Winder registration	Shafts and winding risk assessment	Shafts and winding risk cl 38, general provisions cl 50-52 Conveyors cl 39, Earth moving cl 39
<i>PPE (personal protective equipment)</i>	Cl 15 (includes self rescue devices, approval see plant)	No additional requirement	No additional requirements, except self-rescuers in emergency plan cl 32
<i>Premises, controller duties</i>	Chapter 4, cl 34-44	No additional requirement	No additional requirement
<i>Principal contractor duties (applies to construction in chapter 8)</i>	Clause 224-229 Includes safe work method statements	-	Designated construction zone cl 77
<i>Production manager</i>	No additional requirement	-	Cl 15-28
<i>Records</i>	various	S 46-47	Record of operator cl 10, risk control documentation cl 44-45 Various. Document controls cl 73-74



Hazard, risk or requirement	OHS Regulation (usually employer or self-employed duty)	Mine Health and Safety Act 2004 (usually operator duty)	Mine Health and Safety Regulation 2007 (usually operator duty)
<i>Risk management</i>	Chapter 2, clauses 9 to 12.	-	Additional prescribed hazards and controls cl 35-43, documentation cl 44-45
<i>Road design</i>	No additional requirement	-	General considerations cl 35, specific cl 43
<i>Slope instability (ground stability)</i>	No additional requirement	-	cl 36 particular risk control 46
<i>Stop work order, dangerous work</i>	Prohibition order S 93-94	S 100-106	CI 158-161
<i>Strata failure – see ground stability</i>			
<i>Structures and buildings</i>	Ch 4, part 4.2 premises		CI 69-72
<i>Supervision</i>	Chapter 2, cl14	-s 54-61	See certification of competency, & managers.
<i>Supervisor duties</i>	No additional requirement	-s 54-61	
<i>Surveys</i>	No additional requirement	-	CI 104-108
<i>System (see also plans)</i>	No additional requirement	-	No additional requirement (but see plans)
<i>Training (see also competency)</i>	Chapter 2 cl 13, and chapter 8 for construction	-	-
<i>Ventilation (see also atmosphere)</i>	cl 53 (exposure)	-	CI 48



Notes and abbreviations

Explosives: specific requirements including licences under the explosives legislation (see below).
S: is section of the relevant Act
Cl: is clause of the relevant Regulation
No additional requirement: means no specific requirement, but there may be a general duty or a related duty.

Relevant health and safety legislation

Occupational Health and Safety Act 2000
Occupational Health and Safety Regulation 2001
Mine Health and Safety Act 2004
Mine Health and Safety Regulation 2007
Explosives Act 2003
Explosives Regulation 2005

Legislation is available online at:

www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0