



**NSW DEPARTMENT OF
PRIMARY INDUSTRIES**

OHS LEGISLATION GUIDE

**For persons studying for
Certificate of Competence to be a Deputy**

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Introduction

The following guide has been prepared to assist candidates studying for a Certificate of Competence as a Deputy to understand occupational health & safety legislation as it applies to Underground Coal Mines in NSW.

Section 69 of the Coal Mine Health & Safety Act 2002 specifically requires supervisors at a coal operation to comply with the Health & Safety Management System (HSMS) in place at the coal operation.

Section 70 of the Coal Mine Health & Safety Act 2000 specifically requires supervisors at a coal operation to inform the operator of non conformances with the Occupational Health & Safety Act 2000, Coal Mine Health and Safety Act 2002 or their regulations.

In order for a mining supervisor/deputy to be able to comply, or assist the operator/employees etc. of a coal operation to comply, with the HSMS or legislation it is essential that they have a good working knowledge of both.

It is of particular importance that mining supervisors/deputies have a detailed knowledge of the functions or duties that they are personally responsible for carrying out under the HSMS or legislation.

It is also important that the mining supervisors/deputies have a good working knowledge of the responsibilities/functions of the operator, management, other supervisors, employees, contractors, suppliers/designers/manufacturers of materials and equipment, check inspectors and government officials.

The following tables list references to legislative provisions that are considered to be of particular importance to persons required to carry out the duties & functions of a mining supervisor/deputy. The list of references is not exhaustive.

It should be noted that the preparation of the following information does not remove any obligation for mining supervisors/deputies to have a working knowledge of the legislation in its totality or reduce or remove their obligations under the legislation.

Note:

Candidates should also be aware that a failure to comply with the provisions of the legislation may constitute a breach and result in legal action.

Disclaimer

The compilation of information contained in this document relies upon material and data derived from a number of third party sources and is intended as a guide only. This document is not designed or intended to replace or be used instead of an appropriately designed safety management plan for each individual mine. Users should obtain their own advice and assessments when creating and applying risk and safety management systems in individual workplaces.

Use of and reliance on 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, associated legislation and any other Act containing requirements relating to mine safety and any regulations and rules under those Acts).

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Occupational Health & Safety Act 2000 No 40

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