



NSW DEPARTMENT OF
PRIMARY INDUSTRIES



Partners in the profitable and sustainable development of
agriculture, fisheries, forests and minerals in New South Wales

Mining workplaces and the new safety laws



Outline of this presentation

- **Part A: The new legal framework & what you need to know**
 - Discuss object & duties of occupational Health and Safety Act
 - Discuss object & duties of Mine Health and Safety Act
 - Explain how the OHS Act and MHS Act sit together
- **Part B: What you need to do to comply**
 - Provide overview of what you need to do to satisfy OHS Act & MHS Act
 - Focus on content of OHS Regulation
 - Provide introduction to content of MHS Regulation
- **Part C: How the laws will be administered**
 - Who does what: The role of DPI and WorkCover
 - What happens when
- **Part D: 3 Short “How To” presentations on the MHS Regulation**



Ensuring safety at work: The Legal Framework



Occupational Health and Safety Act 2000 No 40

Contents

Part 1	Preliminary	
1	Name of Act	
2	Commencement	
3	Objects	
4	Definitions	
5	Application of Act	
6	When employees and self-employed	
7	Risks arising from activities at work	
Part 2	Duties relating to health, safety and	
	Division 1	General duties
8	Duties of employers	
9	Duties of self-employed persons	
10	Duties of controllers of work premises	



Mine Health and Safety Act 2004 No 74

Contents

Part 1	Preliminary	Page
1	Name of Act	1
2	Commencement	2
3	Definitions	2
4	When a person is at work	2
5	Risks arising from activities at work	2
Part 2	Application of Act	
6	Application of Act	
7	Act does not apply to certain mines or	
8	Decision on question of whether this	
9	Act does not apply to coal mine	
10	Act does not apply to railway operatio	
11	Act does not apply to civil engineerin	



OHS Act 2000 & OHS Regulation 2001

Mine Health & Safety Act & Mine Health & Safety Reg

Explosives Act 2003 No 39

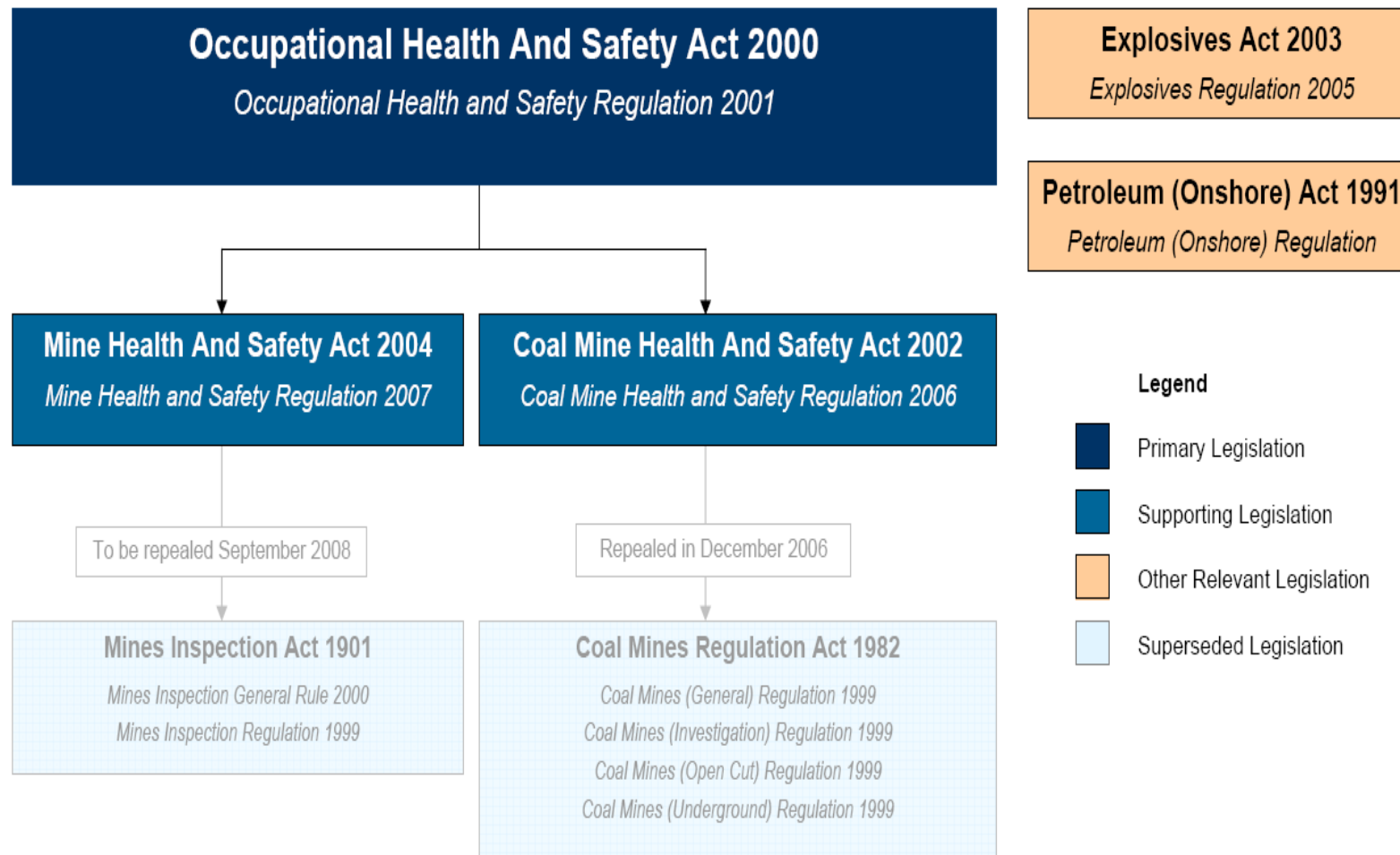
Contents

Part 1	Preliminary	Page
1	Name of Act	2
2	Commencement	2
3	Definitions	2
4	Meaning of "regulatory authority"	3
5	Act not to apply to transport of dangerous goods covered by other schemes	4
Part 2	Offences relating to explosives	
6	Licences required for handling explosives and explosive precursors	5
7	Conveyance of explosives	5
8	Negligent handling of explosives	5
9	Supply of explosives to minors	6

Explosives Act 2003 & Explosives Regulation 2005



MINE HEALTH AND SAFETY LEGISLATIVE FRAMEWORK





What does the Occupational Health & Safety Act say?

- OHS Act applies to:
 - Employers, self-employed people & employees
 - Persons in control of –
 - non-domestic premises
 - plant or substances
 - Manufacturers, designers & suppliers (of plant & substances)
- Employers must ensure health safety & welfare of employees
- Employers & self-employed people: duty to visitors



What does the Mine Health & Safety Act say?

- The objects of this Act are to:
 - (a) to assist in securing the objects of the [OHS Act 2000](#)
 - (b) to control particular risks associated with mining
- MHS Act adds to the OHS Act: OHS Act & Regulation prevail
- Key aspects of MHS Act:
 - Duty holders: Mine Holder (owner), Mine Operator (employer in control), Contractors, Supervisors & em'ees
 - Mine Holder must nominate mine operator
 - Mine Operator must co-ordinate safety effort on site
 - Contractors must have safe systems of work



New laws can take time to get your head around



Its natural as you set out to comply with the new safety laws that you may at times feel a little like this!



Understanding the new mine safety laws



But with today's seminar we trust you won't ever feel like this!



Making our mining workplaces safer!



**And certainly please
don't rely on this!
Ask questions or contact
your local DPI Office
for help.**

What I must do in a nutshell!

Start here!

OHS Regulation

MHS Regulation

Nominate Mine Operator

Appoint Production Mger

Document RA if high risk

Prepare & implement plans

- Mine Safety Mgmt Plan
- Emergency plan
- Contractor plan
- Mine Plan

Action MHSR Risk Controls

Notify & Report

Do Risk Assessment (RA)

Consult always

Action OHSR Risk Controls

What I must do in a nutshell! – Who's in control?

OHS Regulation

MHS Regulation

Nominate Mine Operator

- Mine Holder - to nominate.
- No Nomination - No mining
 - Mine operator must be "employer in control".
 - Mine Operator's must co-ordinate site safety.

What I must do in a nutshell! – Management structure

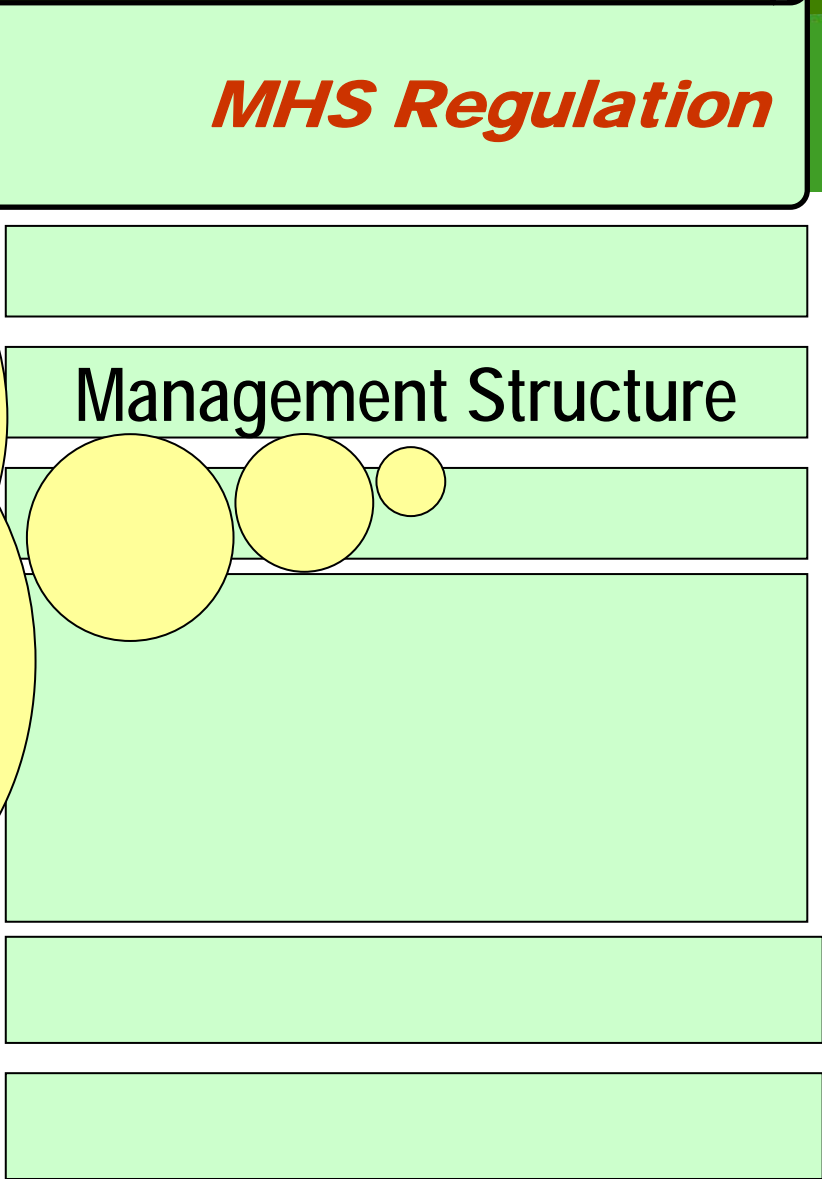
OHS Reg

MHS Regulation

Operator must detail
management structure
which must...

- ✓ Outline responsibilities/
accountabilities
- ✓ Include appropriate
engineering competence
- ✓ Include Production
Manager - must hold
certificate or permit

Management Structure



What I must do in a nutshell! – Assess risk

OHS Regulation

MHS Regulation

Do Risk Assessment (RA)

Document RA if high risk

- **The OHS Regulation:** Places a duty on employers (& others) to assess & control risk
- **The MHS Regulation:** Places a duty on mine operator to ensure risk assessment & controls are followed, and documented for certain hazards

What I must do in a nutshell! – Action plans

OHS Regulation

MHS Regulation

Develop, implement
& follow these plans
as your guide to
managing safety

Prepare & implement plans
Mine Safety Mgmt Plan
Emergency plan
Contractor plan
Mine Plan

What I must do in a nutshell! – Consult workers

OHS Regulation

MHS Regulation

The legislation requires you to consult employees:

- ✓ When you are doing your risk assessment
- ✓ When developing your safety plan
- ✓ Prior to making a decision that may affect a person's health, safety and welfare.

Consult always

What I must do in a nutshell! – Follow risk controls

OHS Regulation

MHS Regulation

OHS Regulation:

Sets out risk controls for hazards common to all workplaces.

MHS Regulation:

Sets out risk controls for hazards common in mining workplaces.

Action OHSR Risk Controls

Action MHSR Risk Controls

What I must do in a nutshell! – Notify matters

OHS Regulation

MHS Regulation

The MHS Regulation sets out certain requirements about notification and reporting of incidents at work.

Notify & Report

2001 No 648



New South Wales

Occupational Health and Safety Regulation 2001

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

Explanatory note

The object of this Regulation is to replace existing regulations relating to occupational health, safety and welfare with a single consolidated regulation.

The regulations replaced include regulations made under provisions of the *Construction Safety Act 1912*, the *Factories, Shops and Industries Act 1962* and the *Occupational Health and Safety Act 1983* repealed by the *Occupational Health and Safety Act 2000*.

The new Regulation contains provisions in respect of the following matters:

- (a) the identification of hazards by employers and the elimination or control of risks at employers' places of work,
- (b) the establishment of occupational health and safety committees and the election of employees' representatives in connection with an employer's duty under the Act to consult with employees in respect of decisions affecting their health, safety and welfare at work,
- (c) the duties of a controller of premises used by people as a place of work to identify hazards and eliminate or control risks at the premises,
- (d) particular risk control measures (including provisions regarding lighting, noise, atmosphere, electricity, confined spaces and manual handling),



The OHS Regulation



The 12 Parts of the OHS Regulation

Common requirements

1. Preliminary
2. Risk Management
3. Consultation

Specific risk controls

4. Work Premises & Working Environment
5. Plant
6. Hazardous Substances & Dangerous Goods

7. Hazardous Processes

8. Construction Work

Administration

9. Certificates of competency for High Risk Work

10. Business Licensing

11. Permits for Certain Work

12. Miscellaneous



Let's have a closer look: **Part 2** of the OHS Regulation

■ Part 1 – Scope & application

■ **Part 2 – Risk Management**

✓ Do Identify Hazards

✓ Do Assess Risk

✓ Do Eliminate or Control Risk

✓ Do Review Risk Assessment

✓ Do Review Risk Controls

✓ Provide Instruction & Training

✓ Provide Information

✓ Provide Supervision

✓ Provide Amenities

✓ Provide First Aid

✓ Provide PPE



Part 4 of the OHS Regulation

- Part 3 – Consultation
- Part 4 - Work Premises & Working

<u>Controllers</u> duties for -		
Fall Prevention	Electrical Safety	Asbestos
<u>Employers</u> duties for -		
Atmosphere	Working Space	Lighting
Heat & Cold	Working at Heights	Fire & Explosion
Electrical safety	Noise	Manual handling
Confined spaces		



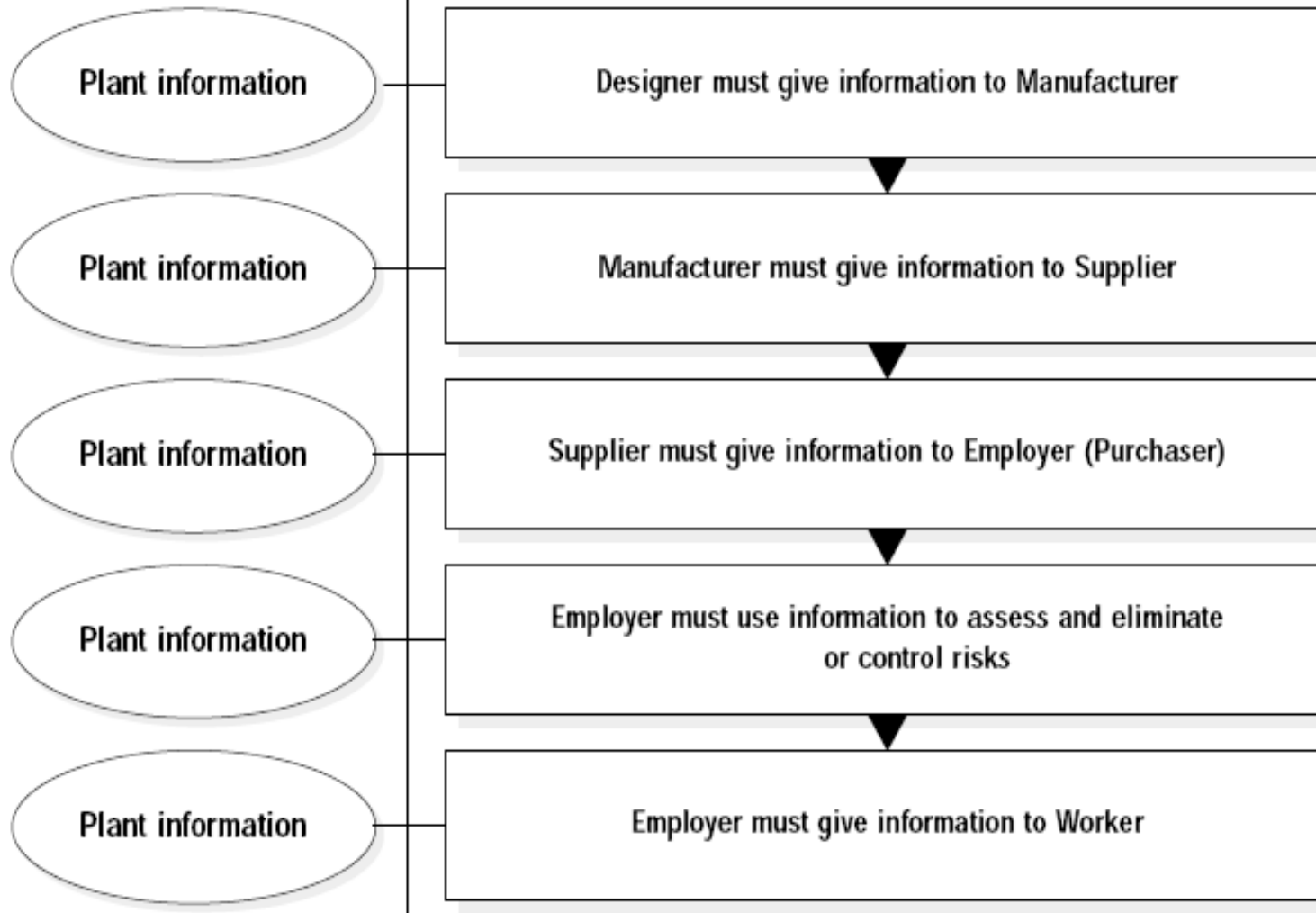
Part 5 of the OHS Regulation

■ Plant Safety

- Gives effect to the **National Standard for Plant**
- What is “plant”: All tools, machinery, equipment & appliances
- This part sets out **risk controls** to be followed when using plant
- Safety responsibilities on all persons involved in “life cycle”
 - Designers
 - Manufacturers
 - Suppliers (hirers/lessors)
 - Users



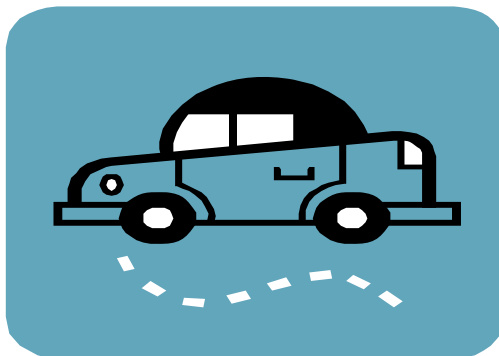
Plant Information: Everyone's responsible





Part 5 : Registration required for high risk plant

- High risk plant must be **registered** with the Government
- WorkCover is registering authority for most high risk plant
- Two types of registration –
 - Registration of the **plant design** (see clause 107)
 - Registration of each **item of plant** (see clause 113)



.....Just like registering
your vehicle!!!



Part 5 : Plant subject to design registration (clause 107)

- Boilers and pressure vessels categorised
- Gas cylinders
- Tower cranes
- Gantry cranes with a rated capacity greater than 5 tonnes
- Bridge cranes with a rated capacity greater than 10 tonnes
- Gantry cranes & bridge cranes designed to handle molten metal or DGs
- Mobile cranes with a rated capacity greater than 10 tonnes
- Boom-type elevating work
- Lifts (including escalators and moving walkways)
- Building maintenance units
- Hoists (platform movement in excess of 2.4 m) designed to lift people
- Work boxes suspended from cranes
- Prefabricated scaffolding
- Mast climbing work platforms
- Vehicle hoists




Part 5 : Plant subject to item registration (clause 113)

- Boilers categorised as being of hazard level A, B or C according to the criteria in AS 4343—1999
- Pressure vessels categorised as being of hazard level A, B or C according to the criteria in AS 4343—1999 except the following:
 - (a) LP gas fuel vessels for automotive use covered by AS/NZS 3509:1996,
 - (b) serially produced pressure vessels covered by AS 2971—1987,
 - (c) pressure vessels that do not require periodic internal inspection in accordance with the
- Lifts (including escalators and moving walkways) as defined in AS 1735 Parts 1 to 17 (as listed in Schedule 1)
- Tower cranes
- Building maintenance units
- Concrete placing units (truck mounted with boom)
- Mobile cranes with a safe working load greater than 10 tonnes



Part 5 : How do I apply for Plant Registration?

 Occupational Health and Safety (OHS) Regulation 2001
ASB 77 682 742 966

PD3

OFFICE USE ONLY

RECEIPT No. _____

RECEIVED DATE _____

FILE No. _____

PLANT DESIGN

APPLICATION FOR REGISTRATION OF PLANT DESIGN
(INCLUDING ALTERATION OF PLANT DESIGN)

EXPLANATORY NOTES

The Occupational Health and Safety Regulation 2001 requires Plant Design including alteration of Plant Design to be registered with WorkCover NSW.

Notes – Only designs completed after the commencement of the Occupational Health and Safety Regulation 2001 on 1 September 2001 require registration. The Plant requiring design registration are listed below.

This application form is used to register Plant Design including alteration of Plant Design. A separate form must be completed for each design. It is an offence to use, lease or operate certain items of Plant that are not correctly registered under the Occupational Health and Safety Regulation 2001. Maximum penalty is \$11,000.

HOW TO APPLY FOR REGISTRATION

Applicants for registration of Plant Design must submit a completed application for each Plant Design, representative drawings of the Plant Design and a fee of \$65.00 per Plant Design to WorkCover NSW. Incomplete applications will not be accepted and will be returned.

INSTRUCTIONS FOR COMPLETING THIS FORM

- Applicant Information** – This section requires details of the applicant and Plant for which the design registration is sought.
 - Note – Plant may be imported from overseas or interstate.
- Plant Details** – These ensure that all questions about the Plant Design to be registered are completed by filling in the required information and ticking all appropriate boxes. By completing your application correctly you will help WorkCover NSW to process your registration quickly and accurately. This will avoid delays in registration and minimise the possibility of WorkCover NSW sending to you additional notices or unclear information. The following Plant items require design registration:
 - Gidley and pressure vessels categorised as being of hazard level A, B, C, D according to the criteria in AS 4343 – 1996
 - Gas cylinders
 - Tower cranes
 - Gantry cranes with a rated capacity greater than 5 tonnes
 - Bridge cranes with a rated capacity greater than 10 tonnes
 - Gantry cranes and bridge cranes designed to handle molten metal or dangerous goods (within the meaning of the Australian Dangerous Goods Code)
 - Mobile cranes with a rated capacity greater than 10 tonnes
 - Moonrigger steering work platforms
 - L-lifts (including articulators and steering units)
 - Ducting and abseiling units
 - Hoists, with a platform assessment in excess of 2.4 metres, designed to lift people
 - Work boxes suspended from cranes
 - Prefabricated scaffolding
 - Metal climbing work platforms
 - Vehicle hoists
 - Assessment devices (other than coil operated assessment devices) that use, or may be, operated otherwise than by manual power.
- Applicant's Declaration** – The applicant must complete and sign the declaration that all information is true and correct.
- Designer's Statement** – The designer of the Plant must complete and sign this statement. Where the designer resides outside NSW, the importer of the Plant must ensure that the responsibilities of the designer are met.
- Design Verification Statement** – This Design Verification Statement must be completed and signed by a competent person (who does not have any involvement in the design being verified) verifying that the Plant Design complies with a relevant Australian Standard listed in Schedule 1 of the Occupational Health and Safety Regulation 2001. For Plant that has been altered, the verification statement certifies that the alterations comply with the Australian Standard and do not adversely affect the operation of the Plant.
- Payment of Registration Application Fee** – The fee of \$65.00 can be paid when lodging the form at any WorkCover NSW Office (call the WorkCover Assistance Service on 13 10 60 for the location of your nearest office) or by completing the credit card details and signing the last page of this form.

Lodgement of Application Fees – The completed form can be lodged at any WorkCover NSW Office (call the WorkCover Assistance Service on 13 10 60 for the location of your nearest office).

If you have any further enquiries about Plant Registration, you can email the Licensing Unit at licensing.unit@workcover.nsw.gov.au or contact the WorkCover NSW Plant Registration Staff on (02) 4321 5488. You can contact the WorkCover Assistance Service on 13 10 60.

* Rated capacity is also known as Safe Working Load (SWL).
* Hoist ratings are also known as working loadings.

WorkCover. Watching out for you.

- Go to WorkCover website www.workcover.nsw.gov.au for more information
- Complete WorkCover form
- For **design registration** applications, also enclose representational drawings
- For **item registration** applications, you must cite design registration number where relevant
- Lodge Form & fee with WorkCover



Part 5 : Registration of powered winding systems

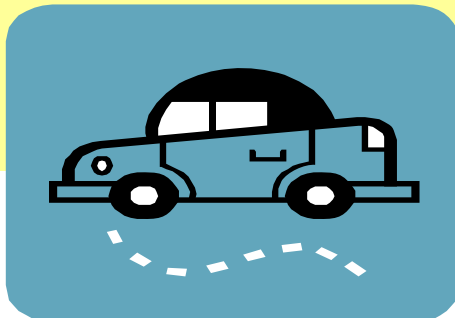
If you have a powered winding system

- ✓ It must be registered with **DPI**
- ✓ It must be registered by **1st September 2010**
- ✓ See **DPI** for further information

Part 9 of the OHS Regulation

■ Certification Licence for High Risk Work

- Persons must hold a Licence (National Certificate of Competency) for certain high risk work
- Certificates issued by WorkCover for the NSW Government
- Persons must obtain certificates by **1st September 2009**



....Just like getting your
driver's licence!!!



Part 9 : Work requiring a Licence

■ Operation & use of:

- Cranes
- Hoists
- Boilers
- Steam turbines
- Reciprocating steam engines
- Truck mounted concrete-placing booms


■ Undertaking of:

- Scaffolding
- Dogging
- Rigging
- Application of pesticides
- Use of fumigants



Part 9 : Certain work will not require licences

- For general industry, the OHS Regulation says that you need a licence to operate “load shifting equipment”
- Load shifting equipment includes
 - fork lifts
 - draglines
 - excavators
 - front end loaders/backhoes
- OHS Regulation requirements to hold a WorkCover licence for load shifting equipment will NOT apply at this stage
- Part 9.2 of the OHS Regulation will also NOT apply at this stage



Part 9 : Process for obtaining a Licence (Certificate of Competency)

- What you get : **Pocket-sized plastic photo licence**
- Applicants for a Licence will need to provide :
 - 'Notice of Satisfactory Assessment' (NSA) post 4 Sept 2006
 - Passport size photograph and evidence of their identity.
- Applications must be lodged at an Australia Post [Bank@Post](#)
- Licences will be valid for up to five years & cost \$65 per class
- Non-photo licences issued since 29 March 2004 will expire five years from the date of issue.
- For more information go to www.workcover.nsw.gov.au



Part 6 of the OHS Regulation

The OHS Regulation gives effect to the National OHS Standards for Hazardous Substances & Dangerous Goods

Hazardous Substances

- Presently regulated by mix of General Rule and part of OHSR
- General Rule provisions will be replaced in total by OHSR

Dangerous Goods

- OHSR *already* applies in full to mining workplaces



Part 7 of the OHS Regulation

■ Hazardous Processes

■ Specific risk controls set out for:

- Spray painting
- Abrasive blasting
- Welding
- Electroplating
- Molten metal
- Lead risk work
- Electrical work

Part 8 of the OHS Regulation



■ Construction Work

- Sets out risk controls when doing “construction work”
- “Construction work” is defined by the OHS Regulation
- OHSR provides for appointment of “Principal Contractor”
- But **no requirement** where mine operator nominated
- OHSR provides for persons to hold WorkCover Induction Card
- But **no requirement** in certain circumstances

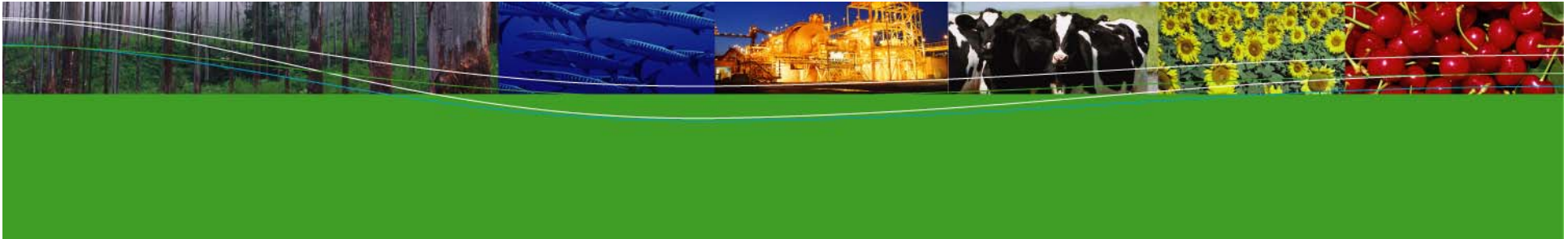


The OHS Regulation: Parts 10, 11 & 12

- Licensing
- Permits
- Notification & miscellaneous

- Part 10 – certain businesses must be licensed
- Part 11 – certain work requires permit
- Part 12.1 & 12.2 – Incident notification – DOES NOT apply
- Part 12.3 – Notification of certain work

All notifications to DPI – Workcover issues licences & permits



Questions?



New South Wales

Mine Health and Safety Regulation 2007

under the

Mine Health and Safety Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mine Health and Safety Act 2004*.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

Explanatory note

The aim of the *Mine Health and Safety Act 2004* is to secure the health, safety and welfare of persons in connection with certain mines (but not coal operations). The object of this Regulation is to prescribe certain matters for the purposes of that Act. In particular, this Regulation contains provisions about the following matters:

- (a) the application of the Act to certain mines or places (clause 7),
- (b) the nomination of the operator of a mine and the provision of health and safety information for incoming operators (Part 2),
- (c) duties of the operator of a mine relating to health, safety and welfare at mines, including the following:
 - (i) the contents of the mine safety management plan for a mine (Division 1 of Part 3),
 - (ii) the contents of the management structure for a mine (Subdivision 1 of Division 2 of Part 3),
 - (iii) the appointment of a production manager for a mine (Subdivision 2 of Division 2 of Part 3),
 - (iv) the grant of production manager permits (Subdivision 3 of Division 2 of Part 3),
 - (v) duties regarding contractors (Division 3 of Part 3),
 - (vi) the contents of an emergency plan for a mine (which forms part of the mine safety management plan), the provision of means of escape and the preparation of escape and rescue plans for mines (Division 4 of Part 3),



Let's take a closer look at...

The Mine Health & Safety Regulation



The 11 Parts of the MHS Regulation

Common requirements

1. Preliminary
2. Nomination of an Operator
3. Duties of Operator
 - Mine Safety Management Plan
 - Production Manager
 - Contractor Management
 - Emergency Management
4. Prescribed Hazards
 - Directed risk assessment
 - Documentation of risk assessment

Specific risk controls

5. Risk controls
6. Working Arrangements
7. Mine Plans

Administration

8. Competency Standards
9. Competency Board
10. Notifications, Records and Reporting
11. Miscellaneous



Let's have a closer look at the MHS Regulation

Separate presentations will follow on.....

- Part 2 – Nomination of a Mine Operator
- Part 2 – Mine Safety Management Plan
- Part 10 – Notification of incidents & accidents

Accordingly, this presentation will now look at....

- Part 4 – Prescribed Hazards
- Part 5 – Risk Controls
- Part 6 – Working Arrangements
- Part 7 – Mine Plans



Part 4 of the MHS Regulation

Prescribed hazards

- Certain high risk hazards are 'prescribed'
- For prescribed hazards you must:
 - Take into account, when undertaking the risk assessment, certain specified considerations
 - Document the risk assessment (& control measures)
- Documentation can be proportionate to the risk
- Documentation must be kept until risk assessment is reviewed and up-dated



Part 5 of the MHS Regulation

Risk Controls

- Ground Stability
- Control of in-rush
- Atmosphere
- Shaft design
- Fire & explosion
- Explosives
- Electrical safety
- Structures & Buildings
- Disused workings
- Waste
- Excavation work
- Construction zones
- Abandoned mines



Part 6 of the MHS Regulation

Working Arrangements

- Hours of work
- Fitness for work
- Minimum age
- Health surveillance



Part 7 of the MHS Regulation

Mine Plans

- All mines must have an up-to-date plan for the mine of existing and proposed workings
- Mines at which 20 or more persons work must use a registered mining surveyor & comply with the survey and drafting instructions



Summary of new safety legislation

- Must read laws **in conjunction** with each other:
 - OHS Act & OHS Regulation
 - Mine Health and Safety Act & MHS Regulation
- MHS Act & Reg. **builds on** what OHS Act & Reg. requires
- MHS Act requires:
 - Nomination of Mine Operator
 - Mine Safety management Plan (incl. Contractor & Emergency plans)
 - Documentation of certain risk assessments and controls
 - Mine Plan
 - Follow risk controls in **both** OHS Regulation & MHS Regulation
- OHS Act & Regulation **prevail** if any inconsistency



Getting Help: When to talk to DPI and WorkCover

What DPI does:

► The Regulatory Authority for OHS Act and MHS Act in mining workplaces

- Principal contact point for mining industry
- Provides advice to industry
- Ensures compliance with laws
- Administers parts of OHS Regulation



What WorkCover does:



Administers parts of OHS Regulation for DPI:

- Registers Schedule 1 "General" Plant (Chapter 5)
- Issues Construction Induction Certificates (Chapter 8)
- Issues National Certificates of Competency (Chapter 9)
- Issues Licences for certain business (Chapter 10)
- Issues permits for certain work (Chapter 11)



What will happen when?

From 1st September 2008

- Mines Health and Safety Act & Regulation starts
- OHS Regulation starts
- A series of Codes of Practice in support of the OHS Act start
- Mines Inspection Act & General Rule ends

From 1st September 2009

- High risk plant must be registered with WorkCover
- Persons must hold applicable Licences (Certificates of Competency)

From 1st September 2010

- Powered winding systems must be registered with the DPI



.... DON'T FORGET YOUR RISK ASSESSMENT?



Thank you.

**Good Luck
with the
new legislation!**



NSW DEPARTMENT OF
PRIMARY INDUSTRIES



Partners in the profitable and sustainable development of
agriculture, fisheries, forests and minerals in New South Wales

Mineral Resources - Mine Safety Operations Branch

Nomination of Operator



Nomination of operator

Who is the operator?

Refer Section 26 Mine Health and Safety Act 2004

The operator is the employer with a duty to ensure that all persons working at the mine have the necessary skills, competence and resources to undertake their work safely and to ensure the safety of others.



Nomination of operator

Who is the operator?

- The employer with the day-to-day control of the mine



Nomination of operator

- In most cases the operator will be a corporation who is the employer with the day to day control of the mine.
- The operator is nominated by the mine holder. Refer Section 22



Nomination of Operator

Who is the mine holder ?

- A person who has the right to mine.

Refer Section 3 - definitions



Nomination of Operator

- ✓ The nomination of the operator must be in writing.
- ✓ Must be on the prescribed form.
- ✓ Must reach a DPI office before 1 September 2008

Refer Section 22



Nomination of Operator

Some additional information

- From 1 September 2008 no mining must take place until an operator is nominated.
- The mine holder may nominate an operator for each separate and distinct mine if more than one mine exists at one place.
- One operator may be nominated for several mines.
- The Chief Inspector may reject a nomination.



Nomination of Operators

The Nomination Form must include ...

- The legal name of the mine.
- Any other commonly used 'local' names for the mine.
- The name of mine holder who has the right to mine.
- The name of the operator.
- The ABN.



Nomination of Operators

The Nomination Form must include ...

- The basis on which the mine holder claims to be the mine holder.
- The identity and details of the primary contact at the mine
- The identity and details of an alternative contact at the mine
- The signature of the mine holder or person authorised to sign on behalf of the mine holder
- The signature of the person authorised to sign on behalf of the operator



Nomination of Operators

Some administrative tasks ...

- ✓ The Chief Inspector (your local office) must be notified of any changes of detail of operator or mine holder.
- ✓ Each mine must keep record of the operator
- ✓ The mine holder must give the operator health and safety information as soon as possible.



Nomination of Operator

QUESTIONS ?



Nomination of Operator

**We will now run through
the Nomination of Operator form**



NSW DEPARTMENT OF
PRIMARY INDUSTRIES



Partners in the profitable and sustainable development of
agriculture, fisheries, forests and minerals in New South Wales

Nomination of Operator form



Operator Nomination Form Explanatory Notes

- The nominator should consult Guidance Note GNM-001 issued by the NSW Department of Primary Industries. Copies of the Guidance Note are available from:
www.dpi.nsw.gov.au/minerals/safety/legislation/mines
- This nomination form is provided for mine holders in NSW, governed by the *Mine Health and Safety Act 2004*, who must nominate the operator of a mine. This form relates directly to mine holders duties under Part 5, Division 1 of the *Mine Health and Safety Act 2004*.



Operator Nomination Form Explanatory Notes

The mine holder is required to complete the following form to a standard which satisfies the Chief Inspector. Consideration should be given to the following matters when completing the nomination of an operator form:

- A mine holder must not undertake mining at an operation unless an operator has been nominated and not rejected.



Operator Nomination Form Explanatory Notes

- The Chief Inspector may reject a nomination within 28 days of receiving the nomination. If the nomination is rejected the mine holder must renominate an operator who satisfies the prescribed guidelines taking into consideration the advice from the Department on the reasons for rejection of the first or subsequent nomination.
- If there is more than one separate and distinct mine at a place the nomination of the operator of each mine by the mine holder must include, as a minimum, a detailed explanation of the basis on which each mine is considered a separate and distinct mine, the information required by the regulation and relevant signatures.



Operator Nomination Form

Details of mine holder and mine

- (a) Name of the mine: (include any alternate names of the mine as some mines are known by a name other than their official name).

- (b) Location and postal address of the mine (plan may be included)



Operator Nomination Form Details of mine holder and mine

- (c) Name of the mine holder who has the right to mine. (To assist in deciding who the mine holder is refer to par no 3.3 of GNM-001)

- (d) Postal address of the mine holder who has the right to mine.



Operator Nomination Form Details of mine holder and mine

- (e) Basis on which the mine holder claims to be the mine holder (include copies of any documents establishing mine holder's right to mine. For example a copy of the mining lease, development approval or written statement from the land owner. Refer to par 5 of GNM-001)



Operator Nomination Form

Details of mine holder and mine

- (f) Whether there is, to the knowledge of the mine holder, any other mine holder for the mine, if so, the name and contact details of that mine holder and the basis of the other mine holder's right to mine (refer to par 5.3 no GNM-001)

- Note: Table 1 may be used for multiple mines with one operator



Operator Nomination Form

Details of operator

- (g) Name of the operator (in most instances this will be a corporation who is the employer and has the day to day control of the mine, occasionally it will be a natural person who is the employer and has the day to day control of the mine and it may be the mine holder; refer par 3.2 GNM-01)
- (h) Operator's Australian Business Number (ABN) Operator's ACN (if a corporation)



Operator Nomination Form Details of operator

- (i) Postal address of the operator
- (j) Details of the relationship between the nominated operator of the mine and the mine holder (refer par 5.6 GNM-01)
- (k) and (l) Identity and contact details of the primary and alternate contact (natural persons) at the mine. The minimum requirements are indicated on the form.



Operator Nomination Form Details of operator

- (m) Detailed explanation (accompanied by copies of relevant supporting documents) of the basis that the nominated operator is considered the employer with the day to day control of the mine including, but not limited to the following (refer to par 5.7 GNM-001)

For (m) it is important to attach separate responses to the issues raised on the form



Operator Nomination Form Signatures

- (n) The name and signature of the mine holder, or the person authorised to sign on behalf of the mine holder, is required as follows

Note: Form provides for the holder being either a natural person or a corporation

- (o) Acceptance of nomination as an operator



Operator Nomination Form Checklist

NOMINATION CHECKLIST

Please tick the appropriate box to ensure that your nomination is complete and supply to the NSW DPI.

- Application form completed , signed and dated
- Supporting Documents to be mine holder (see q 1e)
- If there is more than one separate and distinct mine - additional information included
- Primary contact details
- Alternative contact details



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MHS Act 2004 and MHS Regulation 2007 information seminars

Mine Safety Management Plans



New requirements for MSMP's s28

From 1 September 2008, a mine or quarry can not be operated unless a Mine Safety Management Plan has been developed and implemented beforehand



Additions to the MSMP Summary - section 30

- Additional items to be included in the MSMP are:
 - Management structure
 - Explanation on how risks are managed
 - Arrangements for safe use of plant and electricity
 - Contractor management plan
 - Emergency Plan.



Management Structure

sections 35 - 36 and clause 15

- General Manager NO LONGER required.

The Operator (usually a company) takes responsibility.

- Management Structure to be stated in MSMP and include
 - Production Manager (if extraction takes place)
 - All other management positions including:
 - supervisors,
 - persons with appropriate engineering competence
 - Must state their areas of responsibility and accountability



Explanation of how risks are managed - section 30 (2)

- The MSMP must include how you will:
 - identify hazards,
 - assess risks associated with those hazards,
 - develop controls for those risks,
 - implement those controls, and
 - conduct regular site inspections



Risk Control

- Parts 4 and 5 of the Regulation (clauses 35-79) deal with specific risk control and must be considered as part of any MSMP
- Pt 4 and Pt 5 Risks for prescribed hazards are to be documented.
- Electricity risk assessment documented only for work assessed as high risk
- Inrush risk assessment records to be kept for the life of the mine



Arrangements for the safe use of plant and electricity

- Clause 14(b) requires that the MSMP must include what arrangements are in place to produce the best safety outcomes when :
 - acquiring fit-for-purpose plant, and its
 - commissioning,
 - operation, and
 - maintenance.
- Note also Clauses 42, and 58 to 68 when dealing with electrical safety



Contractor Management Plan

- The MSMP must have a Contractor Management Plan which is to include (as required by Sections 37-40 and Clause 29):
 - how risks arising from the use of contractors will be managed,
 - assessment prior to engagement
 - Communication/Consultation
 - arrangements for assessing contractors ongoing compliance and understanding
 - arrangements to inform the contractor of any changes
- Note - Contractor not to start work without Safe Work Method Statement(s64)



The Emergency Plan

- No mining or quarrying without an Emergency plan (s43)
- The Emergency Plan is to include (s44):
 - current mine plan,
 - evacuation plan,
- Reviewed and tested after emergency and as part of MSMP review. Review must include consultation (s45).
- Emergency plan must also include items detailed in cl32,
- Provision of Means of Escape (cl33)
- Escape and rescue plan (cl34)



Guidance Note is available

*Preparing a Mine Safety Management Plan -
Guidance Note*

GNM-003



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Mineral Resources - Mine Safety Operations Branch

NOTIFICATIONS



Notifications

What must be notified?

- Any changes to Mine Holder and/or Mine Operator - cl 9
- Appointment of Production Manager – cl 18
- Notification of exploration drilling operations – cl 143
- Notification activities and operations at a mine – cl 144
 - Commencement
 - Suspension (6 months or longer)
 - Discontinuance (care & maintenance)
 - Abandonment
 - Introduce an electricity supply
- Certain incidents at or in relation to mines – cl 145 & 146
- Workplace injury reports – cl 155



Notifications

List of Notification of Incidents

- There is a new incident report form
- A summary listing of all notifications of incidents under the new legislation is available from the NSW DPI web page.

<http://www.dpi.nsw.gov.au/minerals/safety/legislation/mines/supporting-resources>



List of notifications

Incidents resulting in personal injury

Where death occurs

Act Section number	Section	Notification period		Non disturbance period
		“By quickest available means”	Written	
88 (1)	(a) any incident at the mine that has resulted in a person being killed,	Immediate	As soon as practicable but no later than 7 days	24 hours

Where specified types of injury occur

Regulation clause number	Clause	Notification period		Non disturbance period
		“By quickest available means”	Written	
145 (a)	(a) an injury to a person that results (at any time after the injury) in any of the following (i) the amputation of one or more fingers or toes or any other part of a hand or foot, (ii) any fracture other than a fracture of a finger, toe, hand or foot, (iii) loss of sight of an eye, (iv) an internal haemorrhage requiring hospital treatment, (v) the injection of fluid under pressure, (vi) asphyxia, (vii) loss of consciousness caused by impact of physical force, exposure to hazardous substances, electric shock or lack of oxygen,	Immediate	As soon as practicable but no later than 7 days	24 hours
145 (c)	any of the following events or circumstances that present an immediate threat to life or of permanent incapacitating injury: (iv) serious burns to a person,	Immediate	As soon as practicable but no later than 7 days	24 hours



Mine Notification of Incident Form

Pursuant to Section 88 of the Mine Health and Safety Act 2004 (Please read instructions attached before completing this form)
 Note: Initial notice of fatality of incident described by Clause 145 of the MHS Regulation 2007 must be made immediately by the quickest available means, normally by telephone

A. About the mine where the incident occurred

1 Name of mine: _____

2 Locality of the mine: _____

3 Name of mine operator: _____

B. About the incident

4 Has this incident been previously reported? yes no If yes, when? Date: / /

5 When did the incident occur? (day) / / (time) : _____

6 Where did the incident occur? (See most detailed - original, workplace, or health examination)

7 What was the nature of the incident?
 Give details of any particular chemical, product, gases or equipment involved. Be specific - include trade name, model, hazard marking, etc.
 eg-1: lost object or any other item
 eg-2: chemical, needles, damaged container
 eg-3: suspended heavy lifting bags or cement from pulley system

8 What was the apparent cause of the incident?
 Give details of any particular chemical, product, gases or equipment involved. Be specific - include trade name, model, hazard marking, etc.
 eg-1: LHD bucket failed
 eg-2: lack of training
 eg-3: 60 tonne pan to lower back although nothing extraordinary happened

9 What is the Act section/s or Regulation clause/s relating to the cause of the incident as reported to you?
 (Name relevant Regulation clauses, sub-clause and part; Act sections. Refer to clause under OHSR or attached guidance note)

10 Were there witnesses to the incident? yes no

Name of Witness: _____
 Witness employer: _____
 phone: () _____

Name of Witness: _____
 Witness employer: _____
 phone: () _____

11 Give details of any action that has been, or will be, taken to prevent the incident from happening again

Mine operator or authorised person
 Signature _____ Date: / /

C. About the injured person

12 Family name: _____

13 Given name/s: _____ M F

14 Home Address: _____

 postcode _____ phone: () _____

15 Date of Birth: (day) / /

16 Remuneration type: salary wage owner
 other

17 Employment type: permanent casual contractor
 other

18 Person's Employer: _____

19 Job title: _____

20 Person shift basis: afternoon night day other
 was the person on overtime? yes no

21 Work experience:
 current employer company commencement date (day) / /
 including industry: years _____ months _____
 in task at time of injury: years _____ months _____
 training for task: none basic extensive

22 Hours the injured person worked in last 7 calendar days before the injury occurred

	1	2	3	4	5	6	7	= day of accident
number of hours worked	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	each day

D. About the injury/illness

23 What was the injury/illness as reported to you?
 Give full injury details including the parts of the body and any medical treatment - doctors, hospitalised

24 What is the Regulation clause/s relating to the injury/illness as reported to you?
 (Name relevant Regulation clauses, sub-clause and part; Refer to clause under OHSR or attached guidance note)

25 What is the Regulation clause/s relating to the outcome of the injury/illness as reported to you?
 (Name relevant Regulation clauses, sub-clause and part; Refer to clause under OHSR or attached guidance note)

26 Did the injury result in the death of the person? yes no (day) / /

27 Did the injured person stop work or normal duties? yes no (day) / /

28 When did the person stop work? (day) / /

29 Is the person expected to return to work? yes no (day) / /

30 What is the estimated return to work date? (day) / /

31 Is the person likely to resume normal duties? or alternative duties?

E. About the person filling out this form

32 Your name: (day) / /

33 Position in mine: _____

34 Phone Number: () _____

35 Signature: _____

36 Date of Signing: (day) / /

37 Is there additional information attached? yes no

38 Will additional information be forthcoming? yes no when? (day) / /

Send of original to nearest NSW Department of Primary Industries Minerals Division office.
 (See attached guidance note for details)

NSW Department of Primary Industries Office use		
OMMETID:	FILE No:	Mine ID:
Level	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>	
Copy forwarded to Area Manager?	yes <input type="checkbox"/> no <input type="checkbox"/>	
Inspector/MGO		

Download copies of this form from the NSW DPI Mine Safety website at:
www.dpi.nsw.gov.au/minerals/safety/resources/notifications

MHSR Quarterly Workplace Injury Report

Pursuant to clause 159 of the Mine Health and Safety Regulation 2007

Clause 159 Workplace injury reports
 (1) The operator of a mine must, as soon as practicable, but in any case within 30 days after the end of each quarter ending 31 March, 30 June, 30 September and 31 December, report the information required by this clause to the Chief Inspector in the Gazetted form and manner.

Name of mine: _____

Quarter ending: _____

WORKFORCE	Employees	Contractors
Total hours worked		
Total number of workers		

Total number of workers means the total number of individual employees of the mine operator and contractors or self-employed persons engaged at the mine at any time during the quarter.

INJURIES	Employees	Contractors
Total number of new injuries some of which may be counted in both of the following categories		
Number of new lost time injuries		
Number of days lost from work	_____ days	_____ days
Number of new restricted duty injuries		
Number of days on restricted duties	_____ days	_____ days
Number of new medical treatment injuries not already counted as lost time or restricted duties		

Lost time injury means an injury that results in the injured person's inability to work the next day or shift after that during which the injury occurred.

Number of days lost from work includes all days unable to work, not counting the day of the injury. All days unable to work are to be counted as whole days even for part-time workers and hired labour. Include any days lost due to injuries from a previous quarter.

Restricted duty injury means an injury that results in the injured person being assigned to alternative duties.

Number of days on restricted duties includes all days until the person resumes duties equivalent to those they were undertaking before the injury. The day of the injury is not counted. Include any days on restricted duties due to injuries from a previous quarter.

Medical treatment means the carrying out, by or under the supervision of a registered medical practitioner, of an operation, the administration of a drug or other like substance, or any other medical procedure including diagnostic tests or advice. Do not count any injuries already counted as lost time or restricted duties injuries.



Notifications

How must the notification be made?

- ✓ Notify the Chief Inspector – through the local inspector
- ✓ Oral and written notification for incidents
- ✓ Use the DPI form



Notifications

Who must notify the Chief Inspector?

Ref Section 88 on the Mine Health and Safety Act

- The mine operator
- The 'person' responsible for certain exploration drilling operations



Notifications

How long must incident sites be preserved?

- Generally 24 hours after notification (s88 and s89)



Notifications

Please note:

- ✓ **Ensure accuracy of notifications**
- ✓ **Refer to legislation or guidance material**
- ✓ **Know what you have to do**



Notifications

QUESTIONS



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MHS Act 2004 and MHS Regulation 2007 information seminars

Support resources for industry



Introduction

Resources have been developed because:

- You have new responsibilities
- You need an understanding of your legislative obligations
- Support documents will help you



Information and support resources

Support resources include:

- The legislation
- Overview of the *MHS Act 2004* and *MHS Regulation 2007*
- Summary guide of the *OHS Act 2000* and *OHS Regulation 2001*
- NSW DPI Guidance Notes and Guidelines



Information and support resources

- Notification and reporting forms
- Gazette notices
- Technical References
- Audit tools



Information and support resources

- Codes of Practice
- Q and As
- Mine safety publications
- Catalogue of support documents



Information and support resources

- Some supporting resources have legal status
- The status will vary
- Examples include:
 - Acts and Regulations
 - Codes of Practice and MDGs
 - Safety Alerts



Information and support resources

- Codes of practice provide practical advice and guidance to meet legislative requirements
- They are developed on a collaborative and consultative basis



Information and support resources

- **Current OHS Codes of Practice:**
 - Workplace amenities
 - Control of workplace hazardous substances
 - Storage and handling of dangerous goods

- **Another 21 codes of practice will be applied when the OHS Regulation is extended**



Information and support resources

How to get more information

- In hard copy format from NSW DPI
- On the website at:

[www.dpi.nsw.gov.au/minerals/safety/
legislation/mines](http://www.dpi.nsw.gov.au/minerals/safety/legislation/mines)



Summary

- ✓ Find out what your obligations are
- ✓ Take advantage of the support resources
- ✓ Contact NSW DPI if you need help
- ✓ Check out the website



Questions