



NSW DEPARTMENT OF
PRIMARY INDUSTRIES



Guidance Note
GNC-002

NSW DPI Guidance Note **Management structure**

Coal Mine Health and Safety Act 2002
Coal Mine Health and Safety Regulation 2006

July 2007 (version 5)

Guidance Note GNC-002

NSW DPI Guidance Note: Management structure

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This guidance note has been issued by NSW DPI to assist industry in fulfilling its statutory obligations as outlined in the *Coal Mine Health and Safety Act 2002* and *Coal Mine Health and Safety Regulation 2006*.

The compilation of information contained in this document is intended as a guide only. Use of 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*, any other Act containing requirements relating to mine safety and any regulations and rules under those Acts) covering the activities to which this document has been or is to be applied.

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PURPOSE

The purpose of this guidance note is to provide practical and general guidance to operators of coal operations on:

- Legal requirements to prepare a document that sets out the management structure of the coal operation; and
- Maintaining a register of people occupying positions in the management structure.

SCOPE

This guidance note applies to coal operations in New South Wales which are governed by the *Coal Mining Health and Safety Act 2002*. This guidance note is to assist the development of documents and registers which are defined as recording the management structure of a coal operation in the legislation.

The structure of the legislation is such that the *Coal Mine Health and Safety Act 2002* stipulates to what degree industry must investigate and prepare information to be satisfied that a reasonable standard of health and safety will be maintained and the *Coal Mine Health and Safety Regulation 2006* states what must be provided to the NSW Department of Primary Industries (DPI). It is recommended that the operator provide the NSW DPI with sufficient information to demonstrate that the intention of the legislation has been met. In certain instances this may mean additional information should be provided to NSW DPI.

The *Occupational Health and Safety Act 2000* deals broadly with the health, safety and welfare of people at work at the coal operation. The *Coal Mine Health and Safety Act 2002* is to be read in conjunction with the *Occupational Health and Safety Act 2000*.

DUTIES

Management Structure

The health and safety management system (HSMS) for the coal operation must include the management structure of that operation. Operators of coal operations in NSW are required to identify the management structure and maintain a register of people occupying positions in that management structure under the:

- *Coal Mine Health and Safety Act 2002* (the Act), sections 37-38; and
- *Coal Mine Health and Safety Regulation 2006* (the Regulation), clause 44.

Documenting the management structure

The Act requires that the management structure must nominate people within the structure by position and must outline their areas of responsibility and accountability. One way of documenting the management structure is to develop an organisational structure that includes (at least) all positions defined in the structure by the Act and the Regulation (known as “the major functions”¹) and the person(s) those positions report to.

Section 37 of the Act identifies positions within the management structure that must be filled by competent people. It is the responsibility of the operator to ensure that the standards of competence are demonstrable for the specified positions. In addition, Part 9 of the Act requires that the operator ensures that only competent people are employed to perform specified functions at a mine. The specified functions and evidence of competence to perform those functions are outlined in Part 6, Division 1 of the Regulation. In preparing a management structure it is recommended that the operator review all parts of the Act and the Regulation referring to the management structure and competence standards.

The obligation on the operator of the coal operation to prepare a document outlining the management structure of a coal operation by section 37 of the Act is:

37 Operator must prepare management structure

- 1) *As part of the health and safety management system for a coal operation, the operator of the coal operation must prepare a document that sets out the management structure of the coal operation.*
- 2) *The management structure must nominate people within the structure by position and must outline their areas of responsibility and accountability.*
- 3) *The management structure for a coal operation that is a mine must include a competent person to perform the functions of the manager of mining engineering.*
- 4) *The management structure must include competent people with appropriate mining, electrical and mechanical engineering competence.*
- 5) *The management structure for an underground mine must include competent people to perform the functions of the manager of electrical engineering and the manager of mechanical engineering.*
- 6) *The management structure for a coal operation must include competent people to perform the functions of supervisors of the operation.*
- 7) *An operator must take all reasonable steps to maintain the management structure. This includes having others acting in, and the timely filling of, vacant positions in the structure.*
- 8) *During an emergency, the management structure of a coal operation may be suspended and a different management structure may be put into place for the duration of the emergency.*

The operator of the coal operation must take all reasonable steps to maintain the management structure. This includes having others acting in, and the timely filling of, vacant positions in the structure.

¹ refer to page 7; Major function in the management structure

Register of management structure

The Act requires that the operator must maintain a register of the people occupying positions within the management structure and make that register available at the operation.

The obligation on the operator of the coal operation to maintain a register of people occupying positions in the management structure of a coal operation is required by section 38 of the Act:

38 Register of persons occupying positions

- 1) *The operator of a coal operation must keep a register at the on-site office of the coal operation containing the names of people occupying positions in the management structure for the operation.*
- 2) *The register must cover both current occupants of positions and occupants for the previous 5 years (including any period before the commencement of this section).*
- 3) *The register is to be made available for inspection on request by a government official, an industry check inspector, a site check inspector or by any person who works at the coal operation.*

Contents of the management structure

In addition to the requirements of the Act, clause 44 of the Regulation provides that the management structure must include information about emergency contacts at the mine. The Regulation also states variations between open cut and underground mines with respect to supervision of employees. Clause 44 of the Regulation is:

44 Contents of management structure

- (1) *The management structure for a coal operation must include:*
 - (a) *the identity and contact details of the primary emergency contact for the coal operation, and*
 - (b) *the identity and contact details of an alternative emergency contact for the coal operation.*
- (2) *In relation to an underground mine, the management structure for the coal operation must include a sufficient number of people to exercise the functions of a mining supervisor for an underground mine, each being an employee of the operator who is competent to exercise those functions.*
- (3) *The mining supervisors for an underground mine must include sufficient people to exercise functions as:*
 - (a) *under managers, to supervise the entire underground mine on any shift where production or alterations to ventilation systems are taking place, except where:*
 - (i) *the only operations being carried out at the mine are on the surface, or*
 - (ii) *operations taking place at the mine do not involve:*
 - (A) *the employment of more than 15 people underground at any one time, or*
 - (B) *any alteration to the mine ventilation system or any alteration to the ventilation of a part of the mine (other than an alteration which it is usual to make during the working of a part of the mine), or*

- (iii) *no more than 15 people are underground at any one time and, with the prior approval of the Chief Inspector, coal is being extracted by the longwall or shortwall method of mining or pillars are being removed, and*
- (b) *deputies, to supervise employees.*
- (4) *In relation to an open cut mine, the management structure for the coal operation must include a sufficient number of people to exercise the functions of a mining supervisor for an open cut mine, each being an employee of the operator who is competent to exercise those functions.*
- Note.** *Employee is defined in section 3 of the Act to mean an individual who works under a contract of employment or apprenticeship.*

Duty to supply information about management structure

The Regulation places a duty on the operator to supply information about the management structure to the Chief Inspector and industry check inspector.

This information should take the form of an organisational structure, prepared by the operator, and include the people responsible for the major functions in the management structure of the coal operation. Clause 22(c) of the Regulation is as follows:

(Extract of) 22 Information to be supplied to Chief Inspector and industry check inspector

For the purposes of section 25 of the Act, the following information relating to the health and safety management system for a coal operation is specified as being required to be supplied by the operator of the coal operation to the Chief Inspector and an industry check inspector:

...

(c) an identification, by means of an organisation chart, of people responsible for the major functions in the management structure of the operation

...

Changes to the management structure

The Regulation states that amendments to the management structure, as part of a coal operations health and safety management system, cannot be made until 28 days after notifying the Chief Inspector of the amendment. Clause 26(c) of the Regulation is:

(Extract of) 26 Amendments to health and safety management system that may not be implemented immediately

For the purposes of section 29 (5) of the Act, amendments of the following kinds cannot be implemented during the period of 28 days after informing the Chief Inspector of the amendment:

.....

(c) changes in the responsibility for major functions covered by the management structure.

Notation from the Chief Inspector

The operator of the coal operation must provide the NSW DPI with sufficient information to demonstrate that the requirements of the Act and Regulation have been met. In certain instances this may mean additional information should be provided. The following sets out what NSW DPI should receive from the operator so that it can ensure a minimum standard has been met:

Mandatory

This is information, as the minimum appointments required by the Act, which is to be supplied to the Chief Inspector and industry check inspector.

- The appointment of the Manager of Mining Engineering at Underground and Open Cut mines;
- The appointment of Supervisor(s), including mining supervisors, at coal operations:
- The appointment of Managers of Electrical and Mechanical Engineering at Underground mines; and
- The appointment of people with appropriate mining, electrical and mechanical engineering competence at all operations in supervisory and other positions.

Note: **coal operations** include coal preparation plants (CPP)

Recommended

It is recommended that the following additional appointments and information be supplied (where applicable).

- Appointment of a mechanical engineer (competency level as determined by the Minister or registration on the National Professional Engineers Register (administered by Engineers Australia)) to surface operations.
- Appointment of an electrical engineer (competency level as determined by the Minister or registration on the National Professional Engineers Register (administered by Engineers Australia)) to surface operations.
- Each coal operation to have a **full-time** mechanical and electrical engineer.

Variation to the above recommended features may be accepted by NSW DPI subject to risk assessment (equivalent level of safety) and demonstration of performance of all functions required by the Regulation and Engineering Management Plans.

Absence of Nominated Person

An operator must take all reasonable steps to maintain the management structure for a coal operation. This includes having others acting in, and the timely filling of, vacant positions in the structure.

Information must be supplied to the Chief Inspector and industry check inspector when there is a change in the management structure at a coal operation. The following notice, in writing (use the nomination form from this guidance note), should be given when people **act in** the following positions in the management structure.

Table 1. Absence of nominated person

Position	Period of absence	Qualification	Government official (on behalf of the Chief Inspector)
Manager of mining engineering	Manager's absence of more than 7 days	Person acting in to have same qualifications as incumbent	Inspector
Electrical engineers (includes Manager of electrical engineering)	Engineer's absence of more than 7 days	<ul style="list-style-type: none"> ▪ Appropriate qualification may be considered ▪ For periods greater than 1 month person acting-in to have same qualifications as incumbent 	Inspector
Mechanical engineers (includes Manager of mechanical engineering)	Engineer's absence of more than 7 days	<ul style="list-style-type: none"> ▪ Appropriate qualification may be considered ▪ For periods greater than 1 month person acting-in to have same qualifications as incumbent 	Inspector

Where a position becomes vacant in the management structure the person filling that position is to have the same (**or equivalent**) qualifications as the previous incumbent. In regard to major functions (statutory positions) the person must have the specified competence standard required by the Regulation for that function.

Major function in the management structure

The Act and Regulation define major functions in the management structure for a coal operation. These major functions are outlined below.

Table 2. Major function in management structure

Major function	Underground	Open cut	Other (as specified)
Manager of mining engineering	✓	✓	
Manager of electrical engineering	✓		
Manager of mechanical engineering	✓		
Electrical engineer	✓	✓	✓ Other coal operations including coal preparation plants
Mechanical engineer	✓	✓	✓ Other coal operations including coal preparation plants
Mining supervisors	✓	✓	
Supervisors	✓	✓	✓ Other coal operations including coal preparation plants

Note: *mining supervisor* is defined in clause 3 of the Regulation, to mean; in relation to a coal operation, means a person identified as a deputy, open cut examiner, undermanager or manager in the management structure for the coal operation.

REFERENCES

Coal Mine Health and Safety Act 2002

Coal Mine Health and Safety Regulation 2006

ATTACHMENTS

Guidance Note Coal – 002: Management Structure

GNC-002 Attachment 1	Form – Identification of people in the management structure
GNC-002 Attachment 2	<i>Coal Mine Health and Safety Regulation 2006</i> Part 6 Div 1 - 'Competence standards table'



Attachment 1: Form – Identification of people in the management structure of the operation

MANAGEMENT STRUCTURE OF A COAL OPERATION

Part 5, Division 2, Subdivision 3 *Coal Mine Health and Safety Act 2002*

EXPLANATORY NOTES

The health and safety management system (HSMS) for a coal operation must include the management structure of that operation. Operators of coal operations in NSW are required to identify the management structure and maintain a register of people occupying positions in the management structure under the following legislation:

- *Coal Mine Health and Safety Act 2002* (the Act)
- *Coal Mine Health and Safety Regulation 2006* (the Regulations)

It is the obligation of the operator of the coal operation to ensure that a management structure for the coal operation satisfies the requirements of legislation. To assist the operator to comply with legislation NSW DPI requires certain information from the management structure to be submitted. When considering whether a management structure is adequate the Chief Inspector will consider the following:

- that the Act and Regulation have been complied with;
- that there are no risks to the health and safety of employees as a result of the structure proposed;
- that there is evidence of consultation; and
- whether a risk based approach has been followed.

The following form has been designed to assist operators of coal operations to provide sufficient information regarding the people responsible for the major functions in the management structure of the operation. In completing this form the operator must refer to the legislation and may also consult the **Guidance Note GNC - 002 Management Structure**. Guidance notes are available from the NSW DPI website at <http://www.dpi.nsw.gov.au/minerals/safety>.

LODGEMENT INSTRUCTIONS

1. Management structure identification form (**pages 10 to 11**) must be addressed to the Chief Inspector, marked for the attention of the Inspector of the coal operation, and submitted to the regional office of the NSW Department of Primary Industries, Mineral Resources Division (refer page 13 for office locations). Keep a copy for your records.
2. Complete a separate form for each person responsible for a major function or management position in the management structure of the coal operation.
3. Any additional information in support of the identification is to be attached and forwarded with the original form. This must include an organisation chart of the management structure.

INFORMATION CHECKLIST

Please tick the appropriate box to ensure that your management structure identification form is complete prior to submission to NSW DPI.

- | | Applicant Use |
|--|--------------------------|
| • GNC – 002 Form | <input type="checkbox"/> |
| • Organisation chart | <input type="checkbox"/> |
| • Identification form completed and supporting information attached. | <input type="checkbox"/> |

GNC-002 Form – Management structure of the operation

1 COAL OPERATION

Name of coal operation: _____

Type (Tick): Open cut mine Underground mine Coal preparation plant

Other (please give detail) _____

2 ORGANISATIONAL STRUCTURE

Please attach organisational structure separately. *It is at the operator's discretion how the organisational structure is presented however it should be provided in a clear and concise format.*

The operator of the coal operation must supply the following information (as an attachment):

1. Organisational structure outlining the people responsible for the major functions in the management structure (clause 22 of the Regulation) see GNC-002 Table 2.
2. A statement for each position in the organisational structure identifying level of competence (attachment 2 and section 37 of the Act).
3. A statement for each position in the organisational structure outlining areas of responsibility & accountability (section 37 of the Act).

NOTE 1: Clause 26 (c) requires the operator to give 28 days notice to the Chief Inspector and industry check inspector when there is a change in the responsibility for major functions covered by the management structure (when a position is to become vacant) at the coal operation.

NOTE 2: A register including the names of people within the organisational structure is to be maintained on site (section 38 of the Act).

3 ABOUT THE INDIVIDUALS IN KEY POSITIONS

IMPORTANT NOTE: Clause 26 (c) requires the operator to give 28 days notice to the Chief Inspector and industry check inspector when there is a change in the management structure at the coal operation.

GENERAL MANAGER (or equivalent)

Title: _____ Family Name: _____ Given Name/s: _____
(Mr/Mrs/Ms etc)

Emergency contact for the coal operation (Tick): Primary Alternative Nil

Postal Address: _____

Suburb: _____ State _____ Postcode _____

Contact No (office): _____ Alternate No (mobile or personal): _____

Fax No: _____ E-mail: _____

Employed by the operator? Yes No (please give detail): _____

Full-time employee? Yes No (please give detail): _____

MANAGER OF MINING ENGINEERING (or equivalent)

Title: _____ Family Name: _____ Given Name/s: _____
(Mr/Mrs/Ms etc)

Emergency contact for the coal operation (Tick): Primary Alternative Nil

Postal Address: _____

Suburb: _____ State _____ Postcode _____

Contact No (office): _____ Alternate No (mobile or personal): _____

Fax No: _____ E-mail: _____

Employed by the operator? Yes No (please give detail): _____

Full-time employee? Yes No (please give detail): _____

Temporary absences from this position (of over 7 days) must be reported to Chief Inspector and industry check inspector. Refer to GNC-002 Table 1. for further detail. A template has been provided over-page.

MANAGER OF ELECTRICAL ENGINEERING (or equivalent)

Title: _____ Family Name: _____ Given Name/s: _____
(Mr/Mrs/Ms etc)

Emergency contact for the coal operation (Tick Primary Alternative Nil

Postal Address: _____

Suburb: _____ State _____ Postcode _____

Contact No (office): _____ Alternate No (mobile or personal): _____

Fax No: _____ E-mail: _____

Employed by the operator? Yes No (please give detail): _____

Full-time employee? Yes No (please give detail): _____

Temporary absences from this position (of over 7 days) must be reported to Chief Inspector and industry check inspector. Refer to GNC-002 Table 1. for further detail. A template has been provided over-page.

MANAGER OF MECHANICAL ENGINEERING (or equivalent)

Title: _____ Family Name: _____ Given Name/s: _____
(Mr/Mrs/Ms etc)

Emergency contact for the coal operation (Tick Primary Alternative Nil

Postal Address: _____

Suburb: _____ State _____ Postcode _____

Contact No (office): _____ Alternate No (mobile or personal): _____

Fax No: _____ E-mail: _____

Employed by the operator? Yes No (please give detail): _____

Full-time employee? Yes No (please give detail): _____

Temporary absences from this position (of over 7 days) must be reported to Chief Inspector and industry check inspector. Refer to GNC-002 Table 1. for further detail. A template has been provided over-page.

4 ABOUT THE PERSON FILLING OUT THIS FORM ON BEHALF OF OPERATOR (USE CAPITAL LETTERS)

Name _____ Date _____

Position _____



Temporary Absence / Permanent Replacement Form (for NSW coal operations)

- All permanent replacements of senior positions must be reported to NSW DPI
- Temporary absences of more than 7 days of the manager of mining engineering, manager of electrical engineering or manager of mechanical engineering must be reported to NSW DPI.

Temporary placement

Permanent replacement **Please attach a statement of the level of competence (certificates / qualifications) as per Section 37 of the Act and clause 162 of the Regulation.**

Position/ placement (ie General manager, manager of mining engineering etc): _____

Name of position holder being replaced: _____

Name of coal operation: _____

Details of individual:

Title: _____ Family Name: _____ Given Name/s: _____
(Mr/Mrs/Ms etc)

Emergency contact for the coal operation (Tick): Primary Alternative Nil

Postal Address: _____

Suburb: _____ State _____ Postcode _____

Contact No (office): _____ Alternate No (mobile or personal): _____

Fax No: _____ E-mail: _____

Employed by the operator? Yes No (please give detail): _____

Full-time employee? Yes No (please give detail): _____

If temporary, what is the period of placement? Date Beginning: _____ Date Ending: _____

If temporary placement, does this person have the same qualification as the previous position holder/incumbent? (see below Table a.)

Yes

No Give details: _____

Table a. Temporary placement

Position	Qualification
Manager of mining engineering	Person acting in to have same qualifications as incumbent
Electrical engineers (includes Manager of electrical engineering)	<ul style="list-style-type: none"> ▪ Appropriate qualification may be considered ▪ For periods greater than 1 month person acting-in to have same qualifications as incumbent
Mechanical engineers (includes Manager of mechanical engineering)	<ul style="list-style-type: none"> ▪ Appropriate qualification may be considered ▪ For periods greater than 1 month person acting-in to have same qualifications as incumbent

Details of person completing form on behalf of the operator

Name: _____ Date: _____ Position: _____

Signature: _____

Attachment 2: Competence standards table

Coal Mine Health and Safety Regulation 2006

Part 6, Division 1, clause 162.

Specified function	Specified evidence of competence
Functions of a manager of mining engineering at an open cut mine	Certificate of competence to be a manager of an open cut mine or a manager of a mine
Functions of a manager of mining engineering at an underground mine	Certificate of competence to be a manager of a mine
Functions of a manager of electrical engineering at an underground mine	Certificate of competence to be a mine electrical engineer
Functions of a manager of mechanical engineering at an underground mine	Certificate of competence to be a mine mechanical engineer
Functions of a mining supervisor	FOR AN UNDERGROUND MINE: Certificate of competence to be a deputy, or Certificate of competence to be an under manager, or Certificate of competence to be a manager of a mine FOR AN OPEN CUT MINE: Certificate of competence to be an examiner of an open cut mine, or Certificate of competence to be a manager of an open cut mine, or Certificate of competence to be a manager of a mine
Functions of a qualified electrical engineer	Where electrical plant in any underground parts of the coal operation is concerned or where electrical effects may be transferred to the underground parts of the coal operation—the evidence of competence required to be a manager of electrical engineering determined by the Minister, or Where electrical plant on the surface part of the coal operation is concerned—either the evidence of competence required to be a mine electrical engineer determined by the Minister or registration on the National Professional Engineers Register (administered by Engineers Australia)
Functions of a qualified mechanical engineer	Where plant or structures in the underground parts of the coal operation are concerned—the evidence of competence required to be a manager of mechanical engineering determined by the Minister, or Where plant or structures on the surface part of the coal operation is concerned—either the evidence of competence required to be a mine mechanical engineer determined by the Minister or registration on the National Professional Engineers Register (administered by Engineers Australia)

Specified function	Specified evidence of competence
Functions of a qualified electrical tradesperson	Both an electrical trades certificate and a Qualified Supervisor Certificate (issued by the Department of Commerce), or Employment as an electrical trades person at a coal operation for a period of not less than 2 years prior to the commencement of this clause
Functions of a qualified mechanical tradesperson	A relevant mechanical trades certificate, or Employment as a mechanical trades person at a coal operation for a period of not less than 2 years prior to the commencement of this clause
A person who supervises the loading and detonation of explosives underground	A licence under the <i>Explosives Act 2003</i> that authorises the handling of that type of explosive
A person who supervises the loading and detonation of explosives on the surface part of a coal operation	A licence under the <i>Explosives Act 2003</i> that authorises the handling of that type of explosive
A qualified ventilation engineer at a coal operation that has underground parts	A Graduate Diploma in Mine Ventilation from the University of New South Wales or a qualification specified as an equivalent qualification
A qualified ventilation officer at a coal operation that has underground parts	A Statutory Coal Mine Ventilation Officer's Qualification from the University of New South Wales or an equivalent certificate of competence to be the manager of a mine

NSW DPI Mineral Resources offices located in coal mining regions

North East Area

Maitland

516 High Street
Maitland NSW 2320
PO Box 344
Hunter Regional Mail Centre NSW 2310
Phone: (02) 4931 6666
Fax: (02) 4931 6790

Singleton

Level 1, 1 Civic Avenue
Singleton NSW 2330
PO Box 51
Singleton NSW 2330
Phone: (02) 6572 1899
Fax: (02) 6572 1201

South East Area

Lithgow

Suite 1, 1st Floor, 184 Mort Street
Lithgow NSW 2790
Phone: (02) 6350 7888
Fax: (02) 6352 3876

Wollongong

Level 3, Block F, 84 Crown Street
Wollongong NSW 2500
PO Box 674
Wollongong NSW 2520
Phone: (02) 4222 8333
Fax: (02) 4226 3851



FEEDBACK SHEET

Your comments will be very helpful in reviewing and improving this guidance note.
Please copy and complete the Feedback Sheet and return it to:

*Manager Information and Communication
Mine Safety Performance
NSW Department of Primary Industries
PO Box 344
Hunter Regional Mail Centre NSW 2310*

*Fax: (02) 4931 6790
Phone: (02) 4931 6666*

What do you find most useful about this guidance note?

What do you find least useful?

Do you have any suggested changes to the guidance note (and/or nomination form)?

(Optional) Name: _____ **Phone:** _____

Thank you for completing and returning this Feedback Sheet.