



NSW DEPARTMENT OF
PRIMARY INDUSTRIES



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

Coal Mine Safety – Legislation Implementation

December 2006

Delegations & Codes of Practice, CMHS Act & Regulation



Delegation of functions

- Section 212 Minister may delegate functions to the Director-General (DG) or Competence Board (other than the power to delegate).
- Section 214 DG may delegate functions or sub-delegate authorised Ministerial functions to “an authorised person”.
- Section 213 Chief Inspector may delegate functions to Inspectors (other than the power to delegate).
 - **Senior Inspectors and Inspectors**
 - Delegations of sections of the CMHSA common to Inspectors functions include management systems (26, 28, 29,30), emergency systems and high risk activities (50, 54), reporting incidents and dangers (110, 171).
 - Other sections will be via administrative procedures that require an Inspectors recommendation to the Chief Inspector.
 - **Senior Inspector Area Managers NE & SE**
 - Delegations of additional review and management functions s27 and 149(1) (a) & (b) Functions of the Chief Inspector



Codes of Practice et al

- To promote good work practices and acceptable standards.
 - Acts:- Statutory Law
 - Primary:- OHS Act / Supplementary:- CMHSA
 - Regulations: - Subordinate legislation to give expression to the Act
 - Primary:- OHS Reg (where applied) / Supplementary:- CMHSR
 - Codes of Practice:- Compliance support information
 - A practical guide to achieving acceptable standards. Must be approved by the Minister under Part 11 CMHSA.
 - Standards:- Agreed practice
 - May be binding if called up by legislation.
 - Guidelines: - Advisory information to support best practice
 - Provide practical guidance to managing risk in the workplace. No specific reference to legislation.
 - Guidance notes: - Informative
 - Specific information tailored to assist in legislative compliance.



Codes of Practice et al

- Part 11 CMHSA makes provision for codes of practice for acceptable ways of achieving compliance
 - It outlines the preparation, consultation, commencement, distribution and review processes.
 - It is anticipated that consultation arrangements will be through the Coal Safety Advisory Committee and its subcommittees.
- Relevant OHS codes of practice may apply
 - The extension of the OHS Regulations to mines has allowed for the application of relevant OHS codes of practice to apply to mines (eg Construction Zones) .
 - The OHS Workplace amenities code will apply. A schedule of other OHS codes to be approved by the Minister is planned to be gazetted in early 2007.
- Future direction
 - Propose and approve Codes of Practice where we believe stronger enforcement necessary.



Examples of OHS Codes of Practice

General	Work Environment	Plant	Hazardous Substances	Dangerous Goods	Construction Work
Workplace injury and disease recording	Workplace amenities	Technical guidance (adopts various Australian Standards for plant & equipment)	Control of workplace hazardous substances	Storage and handling of dangerous goods	Cutting and drilling concrete and other & other masonry products
OHS consultation	Prevention of occupational overuse syndrome	Compactors	Labelling of workplace substances		Moving plant on construction sites
	Manual handling		The safe use of vinyl chloride		Formwork
	Working in hot and cold environments		Preparation of material safety data sheets		Amenities for construction work
	Noise management and protection of hearing at work		The safe handling of timber preservatives and treated timber		OHS induction training for construction
	Low voltage electrical work		Safe use of synthetic mineral fibres		Excavation
	Control of work-related exposure to hepatitis and HIV (blood-borne) viruses		Safe handling and storage of enzymatic detergent powders and liquids		Overhead protective structures
					Safety line systems