



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

Principles of Legislation - OHS Act 2002 and CMHS Act 2006



Legislation and Regulation

- Coal Mine Health and Safety Act 2002 & Coal Mine Health and Safety Regulation 2006 to commence December 2006
- In addition, part of the OHS Regulation 2001 made under the OHS Act will be extended to the coal mining industry through an amendment to the OHS Regulation.
- The amendment is set out in the OHS Amendment (Coal Workplaces) Regulation 2006.
- Code of Practice on Amenities made under the OHS Act 2000 will also apply to the coal mining industry



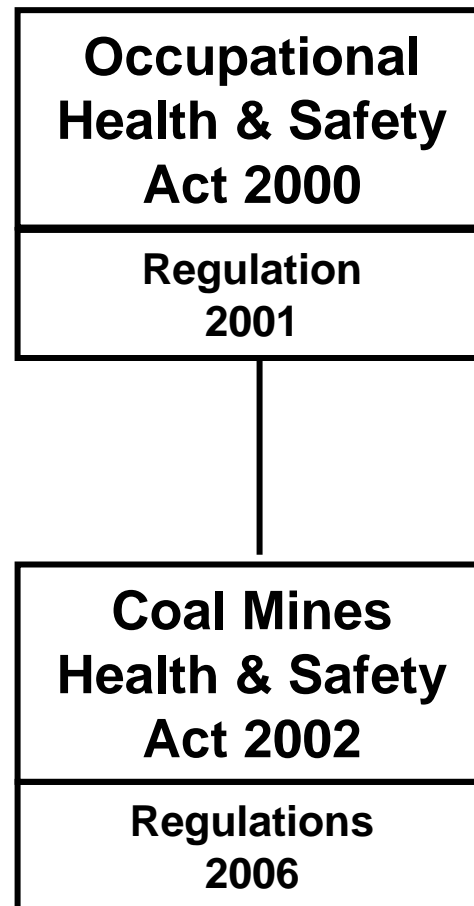
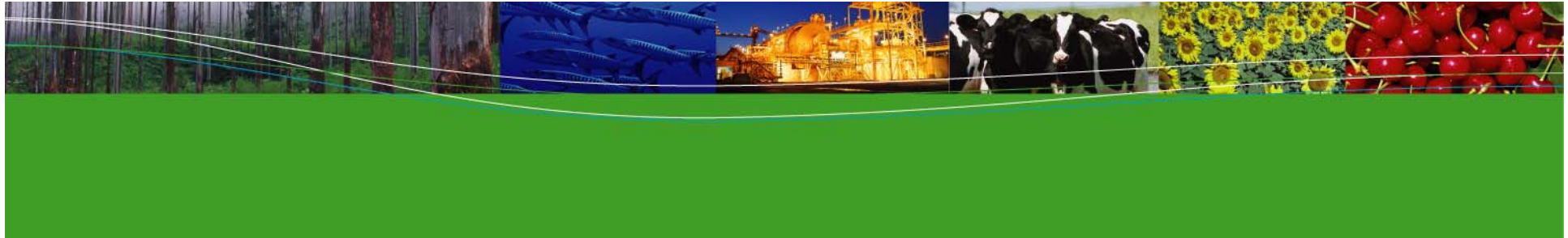
Relationship OHS/CMHS Acts

- OHS Act Prime Legislation
- CMHS Act is supplementary to OHS Act 2000
- Supplements the Duties of Parties
 - Employers
 - Managers
 - Contractors/Self Employed
 - Employees



Relationship OHS/CMHS Acts

- Both Acts and Regulations will apply
- *Coal Mines Health and Safety Act* and *OHS Act* MUST be read in conjunction
- OHS Act & OHS Regulation prevail where there is any inconsistency





New Coal Legislative Framework

Implementation of the new legislation will be:

- Phased in over time to assist industry understand the new legislation & comply
- Supported by a communication strategy



OHS ACT

8 Duties of employers

- An employer must ensure the health, safety and welfare at work of all employees of the employer. Duty extends to:
 - Premises
 - Plant or substances...when properly used,
 - Systems of work and the working environment
 - Information, instruction, training and supervision
 - Facilities for welfare.
- Employer must ensure people (other than the employees of the employer) are not exposed to riskswhile at the employer's place of work.
- Risk Management + Consultation



CMHS Act – Operator's Duties

- OHS Act employer's duties, plus
- Health and Safety Management System
- Contractor Management Plan
- Emergency Management System
- Notify of High Risk Activities
- Record Keeping and Reporting
- Notify of incidents



CMHS Act – ‘Managers’ Duties

- Duties under OHS Act, plus:
- Managers/Supervisors in Structure
 - Comply with HSMS
 - Inform if non-compliance
- ‘Engineering’ Managers
 - Advise operators about engineering standards and deviation from them



OHS Act 2000 – Employees Duties/Rights

- s20 – take reasonable care for those who may be affected by acts or omissions
- s20 – cooperate with their employer
- s21 – not interfere with or misuse things provided for health and safety
- s22 – not to be charged for OHS things
- s23 – protection from victimisation
- s24 – not to hinder aid to injured
- s25 – to not disrupt workplace



CMHS Act – Employees Duties/Rights

- Same as OHS Act, plus:
- Comply with HSMS
- Follow emergency procedures
- Inform operator – major hazard
- Report risks to supervisor
- Protection for matters in CMHS Act
- Right to remove self from danger