



NSW DEPARTMENT OF
PRIMARY INDUSTRIES



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

Daren McDonald, Manager, Industry Standards and Practice

A new regulatory framework for the Mining Industry



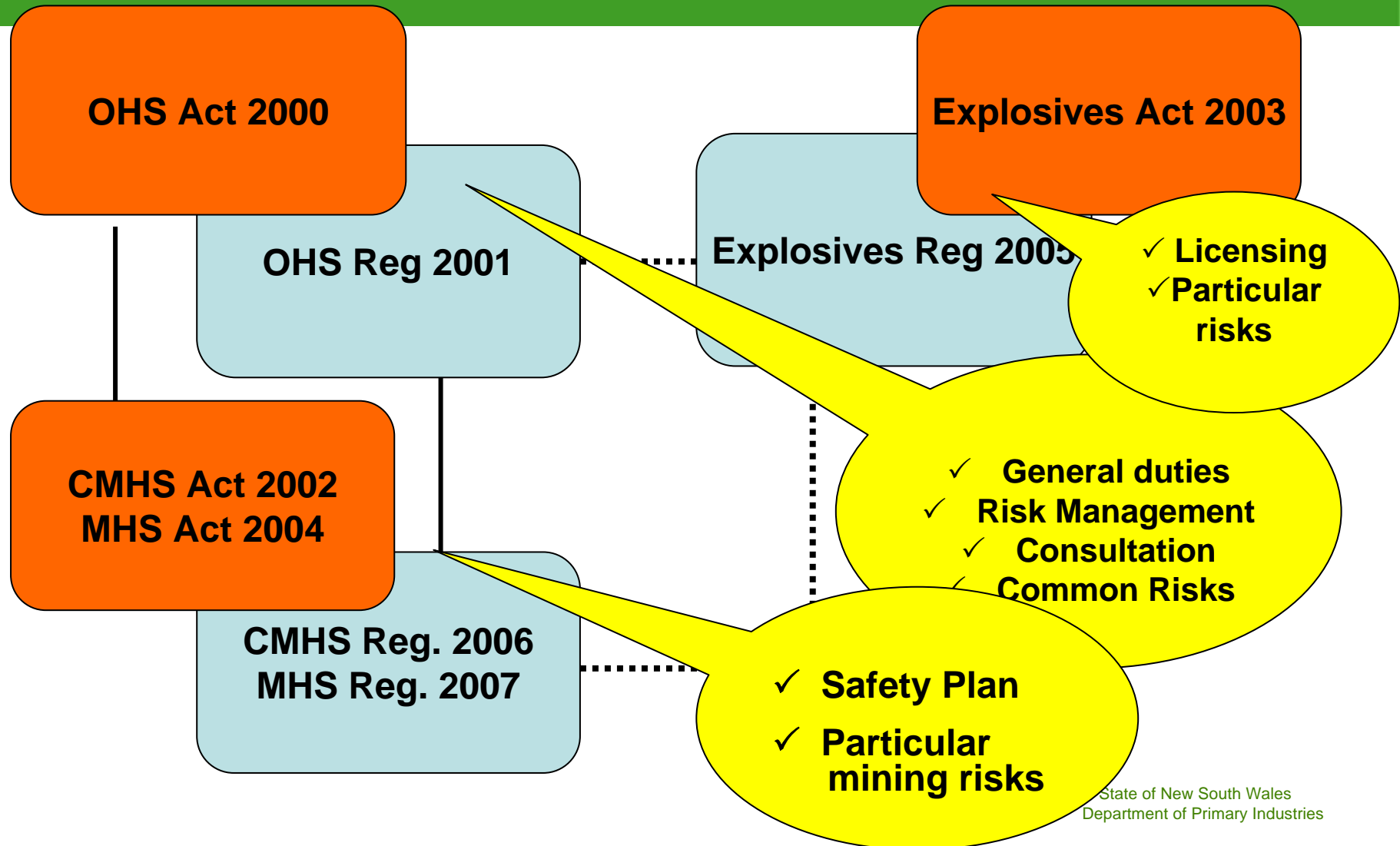
What's new & what's not?

- **Coal Mines Health & Safety Act 2002**
- **Coal Mines Health & Safety Regulation 2006**
Commenced December 2006
- **Mines Health & Safety Act 2004**
- **Mines Health & Safety Regulation 2007**
To commence December 2007
- **OHS Regulation 2001 - extension of remainder**
- **Supporting Codes of Practice under OHS Act**
To be gazetted Dec 2007 for commencement 2008
- **NOT NEW** ➡ **OHS Act 2000 & Explosives Act 2003**



The big picture

What does new framework look like?





Background to the reforms

Why a new regulatory framework?

- ✓ **Further modernises risk management focus**
- ✓ **Aligns mine safety laws with parent OHS Act**
- ✓ **Moves towards national consistency**
- ✓ **Meets ILO mine safety Convention**
- ✓ **Promotes contractor management**
- ✓ **Ends inconsistent regulatory philosophies**



Understanding the duty holders

OHS Act

- Employer
- Self Employed person
- Controller of premises
- Supply chain parties with respect to plant
- Employee

Mines Health & Safety Act (& Coal MHS Act)

- Mine Holder
- Mine Operator (employer in control)
- Contractor
- Supervisors and employees

NB Prescribed functions but No statutory positions



Legislation to be read in conjunction

Parent OHS Regulation duties *Prevails if any inconsistency	Supporting Mine Safety Regulation
Do risk assessment Consult employees	
	Nominate mine operator Prepare OHS Mgmt Plan Document certain risk assessments
Implement common risk controls	Implement mining specific controls Notification & Record Keeping



MHS Reg builds on the parent OHS Reg.

*Legislation must be read in conjunction

Example	OHS Reg (Employer)	MHS Reg (Operator)
Inrush	Risk assessment + Consultation	Document risk assessment Plus MHSR Controls
Construction	Risk assessment + Consultation Plus OHS Reg controls	Nominate construction zone
Plant	Risk assessment + Consultation Plus OHS Reg controls	Document risk assessment (certain classes only)
Manual handling	Risk assessment + Consultation Plus OHS Reg controls	
Explosives	Risk assessment + Consultation Plus Explosives Reg controls	Document risk assessment Operator to co-ordinate



Electrical Safety – Metalliferous mining

Parent OHS Regulation	Supporting Mines Health Safety Reg.
<p>General duties for:</p> <p>Controllers of premises (cl 41)</p> <p>Employers (cl 63-65, & 205-208)</p> <ul style="list-style-type: none">■ Working Environment■ Hazardous Processes <p>Electrical Plant regulated by Chapter 5 OHSR - Plant</p>	<p>Specific duties for:</p> <p>Mine operator (em'er in control)</p> <p>Replicates standards & duties for electrical installations from Electrical Consumer Safety Act</p> <p>Applies AS 3000 & AS 3007</p>



Regulatory Reform Timetable

- Nov – Dec 07:** **Proclamation MHS Act**
Gazettal MHSR
Gazettal remainder OHSR (coal & metalliferous)
& OHSR COPs
Mine Holder duties commence
- 1st half 08:** **Operator nomination to be lodged**
safety management plan developed
Industry prepares for compliance
- 2nd half 08:** **OHSR & MHSR duties commence**
Mines Insp'n Act & General Rule repealed