

## Bulga Underground Operations

### Draft WHS Regulation 2014 Submission

The following table identifies the savings and transitions that BUO does not see as appropriate, along with suggested modifications:

Clause or Section	Requirement	Transitional Period	Issue	Recommended Period
Clause 3	Safety Management Systems	6 months	<p>Requires the review of the entire Safety Management System, all principal hazards and their controls, principal controls and emergency management systems.</p> <p>Consultation will be required on all these system reviews, in addition, training on any changes will need to be facilitated.</p> <p>This may involve plant, equipment and infrastructure modification or purchase (e.g. procedures for rehydration and communication in an irrespirable atmosphere)</p>	2 years
Clause 4	Contractor Health and Safety Management Plan	6 months	<p>This will require all contractors to review or develop their HSMP.</p> <p>They will need to consult with their workers and provide appropriate training.</p> <p>Operators will need to review all these plans.</p> <p>Operations may have as many as 100 HSMPs to review</p>	2 years
Clause 6	Ventilation Systems – Further Requirements	18 months	<p>0.3m/s is a significant change in ventilation requirements and will involve modification to a mines infrastructure that may have considerable cost.</p>	3 years
Clause 8	Sealing	2 years	<p>This will require major infrastructure changes at underground mines and will involve significant expense (e.g. remote sealing of each entrance)</p>	4 Years
Clause 10	Self-rescuers	12 months	<p>This may involve the purchase of new equipment that will result in systems requiring review, consultation and retraining of employees and contractors.</p>	2 years

# Bulga Underground Operations

Draft WHS Regulation 2014 Submission [Title]

Clause or Section	Requirement	Transitional Period	Issue	Recommended Period
Clause 25	Principle Control Plans		Matters to be addressed in regards to the development of Principle Control Plans are extensive which will require some time to review and then subsequently implement.	2 years
Clause 30	Seismic Activity	6 months	This is a new requirement that may involve extensive investigation and/or studies  Systems will need to be developed  Consultation will need to be conducted with workers  Training will need to occur  New equipment may be required	4 years
Clause 31	Ventilation Control Plan	2 years	This will require major infrastructure changes at underground mines and will involve significant expense	4 years
Clause 32	Post Incident Monitoring	2 years	This will require major infrastructure changes at underground mines and will involve significant expense	4 years
Clause 69	Sealing	Not addressed	This will require major infrastructure changes at some of our operations and will involve significant expense.	2 years

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## 1 DETAILED FEEDBACK

Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
<b>Part 1 - Preliminary</b>					
Part 1	3	Definitions	Yes	Issue 1 – (a) is a significant change. Gone from 1.25% to 0.25%. This will cause issues at our mine as CH4 periodically will go above 0.25% e.g. 0.5%. Some mines currently have exemptions to operate with 0.5% at start of (current) hazardous zone.	Leave as per existing legislation (1.25%)
	3	Definitions	Yes	The definition of intrinsically safe circuit includes " <i>and that has a valid certificate of conformity under clause 78</i> ", it is usually the case that individual parts of a circuit not the circuit have a certificate of conformity so this does not make sense.	This part of the definition should be deleted as the remainder of the definition is adequate.
	3	Definitions	Yes	In the definition of methane there are other substances listed that are scientifically recognised compounds that have different properties. Application of this definition means that a system to detect methane will mean a system to detect propane etc.	The definition of Methane should be deleted.
<b>Part 2 - Managing Risks</b>					
<b>Division 1 - General requirements</b>					

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
	16	Changes	Yes	Part(1)(a) Issue – giving notice to the regulator of every proposed change to the safety management system is overly onerous. As the SMS has been significantly increased by this legislation, giving notice " <i>before any change</i> " is unrealistic.	delete this clause. Regulator may request information as they require it.
<b>Division 2 - Principal mining hazard management plans</b>					
<b>Division 3 - Other plans</b>					
	26	Contractor H&S management plans	Yes	Clause 26 (5) (b) & (c) provision of written notice is an unnecessary administrative step that does not add value. It should be required that a "system" is in place for review and monitor.	Should be removed and replaced with a separate point - " <i>The mine operator must have a system for reviewing contractor health and safety management plans and monitoring compliance with those plans</i> "
	26	Contractor H&S management plans	Yes	Clause 26 should include a process that allows contractors to work directly under the mines SMS - particularly small businesses	Include an additional requirement that where the SMS of the operation includes activities conducted by the contractor, the contractor may work under the mines SMS.
<b>Division 4 - Specific Control measures - All mines</b>					
Subdivision 1 - Operational controls	29	Operation of belt conveyors	Yes	Clause 29 (d) inspection of 8 hours is too frequent and does not allow for an effective period to inspect a lengthy conveyor system underground.	This should be deleted and replaced with " <i>must ensure that there is a system for regularly inspecting belt conveyors by competent people, including but not limited to: (i) a schedule for conducting inspections that is relative to the risks associated with operating those belt conveyors. (ii) inspecting belts that have been shutdown due to the presence of any overheating, smouldering or other</i> "

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
					<i>condition likely to cause a fire (iii) in the case of underground mines, inspecting operating belts at least twice per day at an evenly spaced time interval"</i>
	30	Ground or strata failure	Yes	Clause 30(2) requires monitoring of all areas at or around the mine where controls are in place for the Principal Mining hazard of ground or strata failure, regardless of whether persons regularly work in those areas.	<b>Clarification required: is an inspection a form of monitoring?</b> Replace "all areas" with "frequently accessed areas".
	31	Seismic activity	Yes	Seismic activity is a risk in relation to strata and ground stability; it should be included in those processes.	<b>Clause 31 should be removed</b> from the body of the regulation and <b>relocated to item (1) ground and strata instability of Schedule 1</b> Principal mining hazard management plans - additional matters to be considered
	33	Electrical Safety	Yes	Part (2)(b)(ii) Issue – processes to install, test/commission and then energise circuits can be safely completed without prior notification of EE or Operator. This is not practical in a 24/7 operation.	<b>Remove (2)(b)(ii)</b>
	33	Electrical safety	Yes	Clause 33 (2)(e)(iv) providing training to every person on every piece of electrical plant is not practicable.	The word " <b>trained</b> " should be replaced with " <b>competent</b> "
	33	Electrical safety	Yes	Clause 33 (2)(f)(vi) fixed communication device implies plant such as DACs, iMacs etc.	delete " <b>fixed communication device at the mine</b> " replace with " <b>fixed communication devices associated with emergency management plans CI 91(c)</b> "

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
	33	Electrical safety	Yes	Clause 33 (2)(g) could be interpreted as requiring SIL rating (IEC61508) on switchgear and protection devices. The majority of electrical switchgear and protection devices used in mines have not been assessed in accordance with IEC 61508, and would lead to mass non-compliance across the industry requiring mass exemptions.	Delete " <i>that suitable switchgear and protection devices (sufficiently reliable for the level of risk being controlled) are provided that automatically disconnect the power on the occurrence of any type of fault, at all points in the mine's electrical distribution system, and</i> " replace with " <i>that suitable switchgear and protection devices are provided that automatically disconnect the power on the occurrence of a fault the device was designed to detect, at all points in the mine's electrical distribution system, and</i> "
	33	Electrical safety	Yes	Clause 33 (2)(i) Mines use mains power portable electrical equipment that operate above 250V e.g. welders, belt splicers. "	<i>250 volts</i> " should be changed to " <i>450 volts</i> "
	33	Electrical safety	Yes	Clause 33 (2)(m) Electrical switchgear and protection devices used in mines have not been assessed in accordance with IEC 61508, and would lead to mass non-compliance across the industry requiring mass exemptions. There are other mechanisms available to determine that a control is sufficient e.g. compliance to Australian Standards, MDGs etc.	Delete " <i>that any electrical safeguards provided to control the risk from both electrical and non-electrical hazards have a safety integrity sufficient for the level of risk being controlled, and</i> " replace with " <i>that any electrical safeguards provided to control the risk from both electrical and non-electrical hazards are sufficient for the level of risk being controlled, and</i> " .
	33	Electrical safety	Yes	Clause 33 (2)(o) It is not practical to have earth leakage on ALL circuits. There is also guidance on this in 4871 and 2081 and this topic should be	This clause should be replaced with " <i>that any electrical safeguards provided to control the risk from both electrical and non-electrical hazards are</i>

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				left in these standards. This clause is too prescriptive and will lead to mass non-compliance in the industry.	<i>sufficient for the level of risk being controlled, and"</i>
	37	Minimum age to work in mine	Yes	Clause 37 (1) (b) does not account for trainee miners that may be required to operate mobile equipment or trainees/apprentices as part of a task retrieving materials or tools from a location other than the immediate work area. This also assumes that competency is age related which it is not, any provisions should include a process that acknowledges competency.	Delete Clause 37 (1) (b) and Clause 37 (2)
<b>Division 5 - Specific control measures - underground mines</b>					
Subdivision 1 - all underground mines - operational controls	48	Winding systems	Yes	as it is a duplication of the registration process. The detail in this clause should be included in the registration requirements for winding systems	Clause 48 should be deleted
	48	Winding systems	Yes	Clause 48 to 50 these clauses seems to have taken parts of various other documents .e.g MDG2005, MDG33, EES008 . Some key parts of these reference documents are not in the regulations e.g. Primary Safety Circuit is not mentioned in full. The design registration process includes the requirement to comply with the relevant standards, guidelines etc. (This approach covers the specific	These clauses should be deleted and replaced with <i>"Winding systems must comply with requirement of design registration and item registration"</i> .

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				engineering requirements in more detail than could be included in legislation.)	
	54	Exhaust emissions and fuel standards	Yes	Clause 54 (1) written as an absolute that would not allow for a machine found out of compliance to be driven from the mine	delete " <i>raw exhaust emissions from diesel engines located underground do not contain any of the following contaminants in</i> " replace with " <i>a system is in place to monitor exhaust emissions from diesel engines located underground and maintain the following contaminants in concentrations that are no</i> "
	54	Exhaust emissions and fuel standards	Yes	Clause 54 (3) (a) see explanation in Clause 54 (3) (b) below	replace the " <i>and</i> " at the end of this point with " <i>or</i> "
Subdivision 2 - All underground mines - air quality and ventilation	60	Ventilation system - further requirements	Yes	Clause 60 (2)(e) It is not possible to <b>ensure</b> that the main ventilation fan will not be damaged during an explosion as the range of scenarios is very large.	Delete " <i>as to ensure that it will not be damaged by an explosion at the underground mine</i> " replace with " <i>to minimise the likelihood that it will be damaged by an explosion at the underground mine,</i> "
	60	Ventilation system - further requirements	Yes	Clause 60 (2)(f) the reference to "fan" needs to be more specific	This clause should be " <i>there is a procedure in place for starting each type of fan (including the main fan) used to ventilate parts of the mine</i> "
	60	Ventilation system - further requirements	Yes	Clause 60 (3) 0.3 m/s in a standard road way equates to 5 cubic m/s, this is greater than the requirement for an area with diesel engines.	Delete " <i>0.3 m/s</i> " replace with " <i>1m<sup>3</sup>/s</i> "
	63	Duty to prepare Ventilation Control Plan	Yes	Clause 63 (3)(e) if personnel are withdrawn from the mine it is a business decision to maintain ventilation. This capability would come at crippling cost to BUO.	Should be deleted



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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
Subdivision 3 - Underground coal mines	66	Coal dust explosion	Yes	Clause 66 (1)(h)(ii) does not account for mines that do not have a high content of methane in the seam they are extracting	should have " <i>or in the case of a mine that is generally free of methane, within 24 hours of the last application of stone dust</i> " added
	66	Coal dust explosion	Yes	Clause 66 (3) & (4) this detail was previously in a guideline	<b>could be removed</b> and including in a code of practice – If not removed change: 4(c)(1) " <i>week in the case of a face return</i> " to " <i>month in the case of a face return</i> ".
	66	Coal dust explosion	Yes	Clause 66(5)(a) 12 hours is not considered practicable.	Change " <i>12 hours</i> " to " <i>24 hours</i> ".
	68	Subsidence	Yes	Clause 68 (1) and (2) covered through the Environmental Act and Subsidence Management Plan process currently.	Suggest that being a new addition to the WHS a 'code of practice' would be useful guidance.
	69	Sealing	Yes	Clause 69(2)(c) No mines currently have this ability, it will be expensive to implement.	Refer transitional arrangements. <b>This is not reasonably practicable at BUO</b>
	69	Sealing	Yes	Clause 69(2)(d) No NSW mines currently have this ability, it will be expensive to implement and airlocks can be built after sealing	<b>Should be deleted</b> <b>This is not reasonably practicable at BUO</b>
	69	Sealing	Yes	Clause 69 (2)(e)(i) is not required in all mines	Should have added to it " <i>where this control has been identified to manage risks to health and safety</i> "
	69	Sealing	Yes	Clause 69 (2)(e)(iii) Mines that don't drive machines from surface to UG (e.g. West Wallsend, Tahmoor) cannot comply with this requirement.	Delete " <i>(iii) persons and large mobile plant to enter and exit the mine through an air lock</i> " <b>This is not reasonably practicable at BUO</b>
	69	Sealing	Yes	Clause 69(2)(h) the location of the potential event will determine where inertisation needs to occur, in the Blakefield South fire	<b>Delete this clause</b>

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				special seals and inertisation points were installed from the surface - these location could not have been determined prior to the incident.	
	72	Ventilation	Yes	Clause 72 (2)(d)(ii) currently not in place and systems not available to achieve this	delete " <i>will be incapable of being restored</i> " and replace with " <i>will not be restored</i> "
	72	Ventilation	Yes	Clause 72 (2)(d)(ii) cutting power by the quickest means available does not allow an assessment to be completed to determine what an appropriate tripping time should be. Tripping power instantly can adversely affect other systems e.g. emergency response procedures, PED, winders etc. Tripping time should be risk based.	Delete " <i>is cut off by the quickest means available</i> " replace with " <i>is cut off within the time determined in consultation with the Ventilation Officer, Manager of Mining Engineering, Manager of Electrical Engineering</i> ".
	72	Ventilation	Yes	Clause 72 (2)(e) 30% may not be adequate in some circumstances	"30%" should be replaced with " <i>prevent recirculation</i> "
	72	Ventilation	Yes	Clause 72 (2)(f) this is covered by cutting off the power	should be " <i>non-electrical auxiliary fan</i> " or remove this clause
	73	Control and monitoring of methane levels	Yes	Clause 73 (4) this in effect will require all man transporting vehicles to be fitted with methane detectors. There are lots of vehicles in service that don't have this. There is very low probability that an explosive mix of gases would be present on the intake side of a longwall or development panel (other controls exist to prevent this).	Delete " <i>that operates in a hazardous zone</i> " replace with " <i>that operates in a return airway</i> "

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
	73	Control and monitoring of methane levels	Yes	Clause 73 (5) as in Clause 73 (4)	Delete " <i>that operates in a hazardous zone</i> " replace with " <i>that operates in a return airway</i> "
	73	Control and monitoring of methane levels	Yes	Clause 73(5)	Change " <i>must ensure</i> " to " <i>make arrangements so that</i> "
	73	Control and monitoring of methane levels	Yes	Clause 73 (8) not all monitor faults are self revealing so this clause can not be complied with. This should be a duty for manufacturers and suppliers not mine operators.	Delete this clause or allocate the accountability to manufacturers and suppliers and add " <i>so far as is reasonably practicable</i> "
	74	Gas monitoring	Yes	Clause 74 (1)(b)(viii) This clause implies that the entire gas monitoring system, which has many component parts e.g. fixed online monitors, tube bundle etc, needs to have an alternate power supply. It is not practicable that the entire system has an alternative power supply. Only functions, determined by risk assessment, that require a backup supply should have one.	Delete " <i>requires an alternative power supply to ensure, so far as is reasonably practicable, that the gas content monitoring system continues to function if the normal power supply fails, and</i> " replace with " <i>where determined by risk assessment as being required, gas monitoring systems will have an alternate power supply so far as reasonable practicable, and</i> "
	74	Gas monitoring	Yes	Clause 74 (1)(b)(ix) assumes all gas monitoring systems remain online when mains power is removed (refer above). Not all gas monitoring systems remain active when underground power trips e.g. conveyor CO monitoring, PLC-based methane monitors. Clause 78 defines use of plant in hazardous zone.	Delete this clause.

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				This includes gas monitoring systems and doesn't need to be repeated here.	
	74	Gas monitoring	Yes	Clause 74(1)(d) refers to air monitoring system.	Modify to read <i>"that an accurate plan of the gas monitoring system for the mine is maintained that specifies the locations at which gas is monitored, and"</i>
	76	Requirements if quality or safety standard not met	Yes	Clause 76 is a duplication of Clause 58.	Should be deleted
	78	Use of plant in hazardous zone	Yes	Clauses 78 (3), (4) and (5) could be interpreted that the certificate of conformity must specify Australian standards. For many years the NSW has been using IEC standards and the IECex certification program, to revert to Australian only certificates would cause major problems in NSW UG mines.	These clauses should acknowledge conformity with or certification to the equivalent IEC standards ex ib is missing from this list. Ex ib systems are currently in use. ex d is missing from this list. Ex d is everywhere underground.
	78	Use of plant in hazardous zone	Yes	General Issue with Clause 78 – this clause seems to run in parallel with gazette notice system.	The legislation should go with one system or the other i.e. bring it all into this regulation, or leave all in the gazette.
	78	Use of plant in hazardous zone	Yes	Clause 78 (6) Onus is on the purchaser with regards to obtaining information in relation to explosion protected equipment. This onus should be with the supplier to provide the relevant documents, and for the purchaser to verify the equipment supplied complies with legislation prior to use in hazardous zone. The proposed clause creates	Delete <i>"A person (the purchaser) who conducts a business or undertaking at an underground coal mine must not purchase explosion-protected plant from another person (the supplier) unless the supplier provides"</i> replace with <i>"The supplier of explosion-protected plant must provide"</i>

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				no incentive or duty for the supplier to provide this information.	
	80	Use of cables in hazardous zone	Yes	Clause 80 is too prescriptive and will create compliance issues for many operations.	Clause 80 (3)(d) should be deleted and replaced with <i>"is a cable that is determined as fit for use by the mine operator, in consultation with the individual holding the statutory position of electrical engineering manager at the mine."</i>
	82	Electrical safety - testing circuits in hazardous zone	Yes	Clause 82 (4) there are circuits that are not intrinsically safe that are tested in the hazardous zone e.g. insulation test - cable, continuity test - cable.	Delete this clause.
Subdivision 4 - all coal mines	85	Inspection program	Yes	Subdivision 4 All coal mines is under Division 5 Specific control measures - underground mines	this should be a new division not a subdivision
	85	Inspection program	Yes	Clause 85 (2)(b)(ii) this may not be practical in some places	delete <i>"any part of the mine"</i> replace with <i>"any accessible part of the mine"</i>
	85	Inspection program	Yes	Clause 85 (2)(b)(iii) should be an underground coal mine requirement only	add at the beginning of the point <i>"in the case of an underground coal mine"</i>
	85	Inspection program	Yes	Clause 85 (4) does not account for operations that have 12 hour shifts	delete <i>"at least once every 8 hours"</i> and replace with <i>"at least once every shift"</i>
	85	Inspection program	Yes	Clause 85 (5)(a)(iv) does not account for operations that have 12 hour shifts	delete <i>"at least once every 8 hours"</i> and replace with <i>"at least once every shift"</i>
	85	Inspection program	Yes	Clause 85 (5)(b)(i) does not account for operations that have 12 hour shifts	delete <i>"at least once every 8 hours"</i> and replace with <i>"at least once every shift"</i>
	85	Inspection program	Yes	Clause 85 (5)(c)if ventilation has been maintained, there should be no requirement to reinspect	Delete and replace with <i>"When ventilation has not been maintained to underground parts of the mine, an inspection for the</i>

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				outside of the inspection scheme.	<i>presence of flammable gas prior to the supply of electric power to those underground parts of the mine"</i>
	85	Inspection program	Yes	Clause 85 (5) (k) and (l) these inspections are outside of the scope of mining inspections. These types of inspections are required by the engineering management plans.	Delete from this part of the regulation
	85	Inspection program	Yes	Clause 85 (11) place of work could be interpreted as the entire mine site	delete " <i>place of work</i> " replace with " <i>immediate work area</i> "
<b>Division 6 - Emergency Management</b>					
Subdivision1 - Emergency plans for all mines	87	Duty to prepare emergency plan	Yes	Clause 87 (2)(a)(vi) transport may not be available in all areas, and in some cases, the quickest and safest way to access a place of safety is to walk.	following the word evacuation add " <i>so far as is reasonably practicable</i> "
	88	Consultation in preparation	Yes	Clause 88(2) as emergency service organisations are not necessarily familiar with mining specific issues, their recommendations may not always be practicable	Delete " <i>addresses</i> " and replace with " <i>considers</i> "
	93	Review	Yes	Clause 93(1)(a) requires that the plan is reviewed at least once per year. This places a arbitrary timeframe on the review of a process without an appropriate trigger. The face that the plan is tested annually, and the plan is to be reviewed after this test will serve the purpose, at an appropriate trigger, for review.	Delete this clause.
	94	Training of workers	Yes	Clause 94 (b) workers may not need to know	Add at the beginning of this point " <i>receive relevant</i>

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				all of the detail in the plan, this could in fact reduce the retention of what is important	<i>training or information .....</i> "
Subdivision 2 - Underground mines	96	Safe escape and refuge	Yes	Considerable amount of detail within this section that should be contained within a Code of Practice.	Modify this section to require a system to be developed, with the majority of detail extracted to a Code of Practice.
	96	Safe escape and refuge	Yes	Clause 96 (2)(c) communications to mobile plant in an underground coal mine is not achievable.	delete " <i>mobile plant</i> " from this clause
	96	Safe escape and refuge	Yes	Clause 96 (3) Not all parts of the communication needs a backup power supply.	Delete " <i>as part of a communication system for the mine</i> " replace with " <i>as critical parts of the communication system for the mine</i> "
	96	Safe escape and refuge	Yes	Clause 96 (4) this clause is not needed. It is covered by Clause 78.	Delete this clause
	96	Safe escape and refuge	Yes	Clause 96(6)(d)&(e) requires provision of water at refill and changeover stations, along with procedures for rehydration in an irrespirable atmosphere. The reference to rehydration and provision of water suggests that a fresh air changeover station is required. This will significantly delay self escape efforts and potentially encourage people to remain in fresh air. <b>We should be actively encouraging people to self escape without delay.</b>	References to provision of water at refill stations and change-over stations, and rehydration in irrespirable atmospheres should be deleted. These two clauses can be combined into 1 and should read as follows " <i>the provision of communications at refill stations and procedures for communicating in an irrespirable atmosphere</i> "
	96	Safe escape and refuge	Yes	Clause 96 (6)(f) due to mobile nature of change-over stations, maintaining monitoring	Delete this clause.

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				systems will be hard to achieve. Currently personnel are trained to complete the change-over to CABA assuming an irrespirable atmosphere.	
	96	Safe escape and refuge	Yes	Clause 96 (6)(g) There are periods in which this clause may not be required.	Delete " <i>limiting the number of workers in an area to the cache or refill station capacity for the area</i> " replace with " <i>manage the number of workers in an area using a risk-based approach and with reference to the cache or refill station capacity in that area</i> ".
	96	Safe escape and refuge	Yes	Clause 96(7)(d) as in clause 96 (6)(f) due to mobile nature of change-over stations, maintaining monitoring systems will be very hard to achieve. Currently personnel are trained to complete the change-over to CABA assuming a irrespirable atmosphere.	Delete this clause
	96	Safe escape and refuge	Yes	Clause 96(7)(f) as in clause 96 (6)(g) There are periods in which this clause may not be required e.g. shift changeover. These periods can be managed using risk-based methods.	Delete " <i>limiting the number of workers in an area to the refuge chamber capacity</i> " replace with " <i>manage the number of workers in an area using a risk-based approach and with reference to the refuge chamber capacity in that area</i> ".
	99	Self rescuers	Yes	Clause 99 (3)(a) - 3 monthly is not sustainable	delete " <i>every 3 months</i> " replace with " <i>every 6 months</i> "
	101	Competent person at surface	Yes	Clause 101 (b) the restoration of power underground is a process which is managed by the restoration of power plan.	Delete " <i>and restore</i> " from this clause



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<b>Division 7 - Information, training and instruction</b>					
	104	Duty to provide induction for workers	Yes	Clause 104 is too broad and not consistent with 102.	Add " <i>relevant to their work</i> "
<b>Part 3 - Health Monitoring</b>					
	108	Health monitoring of worker	Yes	Order 41 needs to be revoked as it is a duplicated requirement for coal mines.	
	111	Duty to pay costs	Yes	Clause 111(2) as contractors work for many mines and may work only occasional at a mine, it is not reasonable to assign this duty to the operator.	Delete and replace with " <i>if the mine operator has not engaged a worker at the mine, the PCBU that engaged that worker must pay expenses relating to health monitoring</i> "
	117	Duty to give health monitoring report to regulator	Yes	Clause 117 (a) – Only significant adverse health effects should be reportable and whether it is significant or not should be determined by the medical practitioner.	Change " <i>any adverse health effect</i> " to " <i>any significant adverse health effect</i> " and replace " <i>from exposure to a risk associated with mining operations</i> " to " <i>from an exposure associated with mining operations</i> "
	117	Duty to give health monitoring report to regulator	Yes	Clause 117 PCBUs can work a multiple mines and should be responsible for they own health monitoring records.	Reword to " <i>The mine operator of a mine or a PCBU must .....</i> "
	118	Reports kept as records	Yes	Clause 117 (b) should only be in relation health effects from work exposures.	Add to the end of this point " <i>as a result of a health effect from an exposure associated with mining operations</i> "
<b>Part 6 - Provision of information to regulator</b>					
	127	Duty to notify regulator of certain incidents	Yes	Current practice allows verbal notification within 24 hrs and written notification within 7 days.	Clause 127 (2) add to the end of this point " <i>, unless verbal notification is made within 24hrs then the notification set out in (3) below must be made within 7 days</i> "

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	127	Duty to notify regulator of certain incidents	Yes	Clause 127 (4) (a) linking this part of regulation to clause 177(a) has some unpractical outcomes e.g. the incidents listed in 177(a)(xiii) – would require us to report every collision between anything that occurs onsite, and 177(a)(xv) – would require us to report every single plant or structure damage. The definition of a dangerous incident is sufficient to cover high potential incident as it includes "serious risk to a person's health and safety"	Delete this point and replace with " <i>a dangerous incident that did not result in an injury or an illness</i> " -
	127	Duty to notify regulator of certain incidents	Yes	Clause 127 (4) (k) this clause will catch events that should not require notification e.g. if the phone system malfunctions, and you withdraw from a section in the mine (which is a control to prevent another risk from occurring), this should not need to be reported. All items that create an imminent risk to health and safety already need to be notified.	Delete this clause.
	127	Duty to notify regulator of certain incidents	Yes	Clause 127 (4) (m) and (n) not these subsidence reporting requirements are sustainable.	Clause 127 (4) (m) and (n) (i) add to this point " <i>unplanned</i> " (ii) Rock falls, instability of cliffs, steep slopes or natural dams ( <i>fine but more detail required on rock falls, also difficult to tell what is subsidence and what is natural</i> ) (iii) Sinkholes ( <i>fine but needs a definition of size that triggers reporting</i> )

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
					(iv) Surface cracking or deformations (this is unreasonable, we would have literally hundreds of occurrences each year. <i>Needs definition of size if to remain in legislation</i> ) (v) Release of gas at the surface (this will also be onerous because there could be dozens of cases each year and it is impossible to monitor). <i>delete this point.</i>
	128	Duty to notify regulator of other matters	Yes	Clause 128 (1)(b) this notification is too broad Clause 128 (6) the detail in (6) should not be required to be provided to the industry safety and health representative.	Clause 128 (1)(b) requires some clarification on interruptions Clause 128 (6) delete " <i>A notice given under this clause</i> " replace with " <i>A notice given under this clause to the regulator</i> "
	130	Duty to notify operator of notifiable incident	Yes	Incident notifications for incidents at a mine should be the responsibility of the mine operator.	Reword: " <i>A person who conducts a business or undertaking at a mine must ensure that the mine operator is notified as soon as is reasonably practicable of any notifiable incident that is required to be notified to the regulator under section 15 (2) of the WHS (Mines) Act. It is the responsibility of the mine operator to notify the regulator and the industry health and safety representative.</i> "
<b>Part 8 - Statutory functions</b>					
<b>Division 2 - Appointment to statutory positions</b>					
	134	Statutory positions and functions	Yes	Electrical and Mechanical Tradesmen should be deleted from the list of statutory positions as mines currently have appointment systems with greater detail than	Minimum competency requirements could be detailed in Part 2 Division 7 information, training and instruction

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				just a broad appointment to perform/supervisor electrical or mechanical work. Tradesmen currently receive appointments for each type of work that they are approved to perform e.g. high voltage switching or high pressure hydraulics. This is consistent with Schedule 2 – Part 3 – Clause (1) – electrical engineering control plan (d) the competency by workers to safely work on electrical plant or electrical installations at the mine. Competency of tradesmen also currently covered by Order 34	
	134	Statutory positions and functions	Yes	The statutory functions of Mining, Electrical and Mechanical engineering manager dictates a mines management structure taking away the flexibility created by Part 2 Division 1 Subdivision 3 Clause 14	Should be <i>"to establish and monitor the mining/electrical/mechanical engineering systems and standards for operations at the mine"</i>
<b>Part 9 - Licenced activities</b>					
	150	Activities to which part applies	Yes	Clause 150 (c)(i) tradesmen can currently replace components	Following the word repairing add <i>"(repairing does not include the replacement of components)"</i>
<b>Part 13 - Miscellaneous</b>					
	175	Registration of plant designs and items of plant	Yes	Clause 175 (1)(e) this clause is vague in relation to the types of plants/items the detect gases. Is Tube Bundle included? If so, there is no available products that comply with this.	Delete <i>"plant or items used to determine or monitor the presence of gases,"</i> replace with <i>"plant or items used to determine or monitor the presence of gases in real-time"</i> (real time does not include Tube Bundle?)

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
	177	Dangerous incidents	Yes	Clause 177 (f) We deliberately overturn plant weighing over 100kg as part of normal operations and maintenance.	Delete the clause and move into Clause 177 (a)
	177	Dangerous incidents	Yes	Clause 177 (f) "the overturning of vehicle or plant weighing more than 100 kilograms" - 100kg nominated is too low and will encompass some activities which are normal operations at the mine - suggest this may be a typo.	The mass should be 1000kg
	177	Dangerous incidents	Yes	Clause 177 (a)(x) covers every main or aux fans trip which is not practical.	Add to this point " <i>that results in a withdrawal of personnel from the mine</i> "
	177	Dangerous incidents	Yes	Clause 177 (a)(xvii) see comments for Clause 127 (4) (m) and (n) above.	
<b>Schedule 1 - Principal mining hazard management plans - additional matters to be considered</b>					
		Gas outburst	Yes	Schedule 1 - 7 (b) this does not belong in outburst.	<i>"the potential for accumulation of gases in working areas and abandoned areas of the mine"</i> should be moved to 'inrush'.
<b>Schedule 3 - High risk activities</b>					
Part 1 - All mines		Electrical work on energised electrical equipment	Yes	Schedule 3 Part 1 Clause 3 Electrical Work on Energised Electrical Equipment is very broad by definition in the WHS regulations e.g. this includes testing. It is not practicable to wait 7 days to perform electrical testing.	Add " <i>(4) For the purposes of this clause electrical testing is not considered electrical work</i> ".
Part 2 - Underground mines		Connected voltage becoming greater than 12,000 volts	Yes	Schedule 3 Part 2 Clause 7 if equipment is rated for this voltage and the provisions of this regulation are applied it	Delete this clause.

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				is not a high risk activity.	
Part 3 - Underground coal mines		Use of high voltage plant and cables in hazardous zone	Yes	Schedule 3 Part 3 Clause 16 11kV equipment has been in use on longwall faces since 2010 with no incident reports that support the claim this is a high risk activity.	16 (1)(a) Delete " <del>4000</del> " and replace with " <u>11,000</u> "
		First use of a diesel engine that is not flameproof	Yes	Schedule 3 Part 3 Clause 24 this is not a high risk activity, and is covered by clause 81.	Delete this clause
<b>Schedule 4 - Prohibited uses in mines</b>					
		Item and prohibited use	Yes	Schedule 4 Item 7 – if light metal alloys are managed as required in Clause 70 (page 66) this allows their safe use (with appropriate management plan and associated controls in place) in the hazardous zones of the mine.	Delete item 7 from table
<b>Schedule 7 - Matters to be included in emergency plan for a mine</b>					
		Resources and equipment	Yes	Schedule 7 - 4 (4) it is generally not possible to provide communication to areas in which you have no electrical connection or electrical infrastructure.	Delete this clause – this is already covered in emergency management plan requirements.
<b>Schedule 10 - Statutory functions</b>					
Part 2 - Coal mines other than underground mines		List of other coal mine stat positions	Yes	Schedule 10 - Part 2 - If a mine is not conducting extraction work at the mine - mining activities (construction work) there should not be a requirement to have a statutory position of a Mining Surveyor. It should be a Registered	Reword: " <u>Mining Surveyor (only required if extraction occurs at the mine)</u> "

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Subdivision	Clause	Description	Oppose Yes/No	Comments / Issues	Recommendations
				Surveyor.	