



# Legislation Review Submission

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## NEW SOUTH WALES MINES RESCUE

## Recommendations

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The following recommendations are amendments or additions to the current legislation which NSW mines Rescue believe will add to clarity or functionality to the existing Work Health & Safety (Mines & Petroleum) Regulation 2014. The recommendations made are based on our experience in providing emergency management to the NSW Coal industry.

### Clause 68 – Emergency sealing

#### 68 Sealing

- (1) *In complying with clause 9, the mine operator of an underground coal mine must manage risks to health and safety associated with sealing at the mine.*
- (2) *Without limiting subclause (1), the mine operator must ensure—*
- (a) that consideration is given to the conditions at the place in which the seal is to be installed, including—*
    - (i) the presence of flammable gas, and*
    - (ii) the potential of ignition sources, and*
    - (iii) the possibility of pressure piling behind the seal, and*
    - (iv) how long the seal can be expected to remain in the condition in which it is installed, and*
  - (b) that when the mine, or part of the mine, requires sealing in emergency conditions—*
    - (i) the sealing is carried out in accordance with the ventilation control plan and the emergency plan for the mine, and*
    - (ii) the risks to health and safety associated with the emergency sealing activities at the mine are managed, and*
    - (iii) notification regarding the emergency sealing is provided as soon as is reasonably practicable to the regulator in the manner and form required by the regulator, and*
  - (c) that the operation of each airlock installed at an entrance to the mine is tested at least once every 12 months (or more if necessary) to ensure its effectiveness (any such testing does not need to include pressure testing), and*
  - (d) that the connection point for using inertisation equipment and each airlock and seal required to be used with that equipment at the mine are tested at appropriate intervals to ensure that they are fit for use in the event of an emergency and that necessary facilities including water and cleared areas are available for use with that equipment, and*
  - (e) modelling is conducted at least once every 12 months to ensure that the inertisation locations to be used at the mine are located effectively*

#### Purpose of change:

This clause requires mines to ensure that when a mine or part of a mine requires sealing in emergency conditions that risks to health and safety are managed and that it is undertaken in accordance with the mines' Emergency and Ventilation Control plans.

As there is a likelihood that following an emergency sealing there will be a re-entry to recover the mine Mines Rescue recommendation is that this clause include a reference that an airlock is included in emergency sealing arrangements. to allow for re-entry to be carried out without damaging the integrity of any emergency seal. The only reference to an airlock in the current Regulations is in reference to shafts with winders on upcast shafts or those associated with Inertisation equipment (CI 71, 2 (h) and CI 68, 2 (d))

The second recommendation is that for those mines that incorporate the NSW Mines Rescue Mineshield nitrogen plant as their planned Inertisation unit that NSW Mines Rescue inspect the arrangements at 12 monthly intervals

**Recommendation: Mines are required to make allowance for re-entry provisions when developing Emergency Sealing plans.**

### **Clause 93 Testing of emergency plan**

*The operator of a mine or petroleum site must test the emergency plan for the mine or petroleum site at intervals of no more than 12 months and as soon as is reasonably practicable after there has been a significant revision to the plan. Any such test is to have regard to the recommendations made by any emergency service organisations consulted under clause 89 in preparing the plan.*

*Note.*

*More frequent testing may be required—see clause 43 of the WHS Regulations.*

#### **Purpose of change:**

NSW Mines Rescue who are routinely involved with the testing of emergency plans and has experienced a large degree of variance in how testing of the emergency plan is carried out. Based on this experience we would believe it would be advantageous if the legislation was more prescriptive in the manner that emergency testing is carried out.

**Recommendation That the legislation details the type of training, the level of exercise and the percentage of the workforce to be involved in the testing of the emergency plan.**

### **Clause 95 Training of workers**

*The operator of a mine or petroleum site is to ensure that workers at the mine or petroleum site are trained in relation to the emergency plan—*

*(a) before commencing work at the mine or petroleum site, and*

*(b) as soon as is reasonably practicable after any significant revision to the plan.*

#### **Purpose of change:**

In the experience of NSW Mines Rescue most operations carry out refresher training at regular intervals but we believe that to ensure that all workers are familiar with the application of the emergency plan that the legislation include a requirement that all workers carry out familiarisation training at intervals not to exceed twelve months either in a real or simulated environment. This will ensure that all workers are familiar with the emergency plan and equipment that is used at their particular site.

**Recommendation: include additional clause requiring re-training of workers “at intervals not exceeding 12months” in a real or simulated mine environment to ensure they are competent to self-escape in the event of an emergency**

### **Clause 100 Self-rescuers**

*(1) The mine operator of an underground mine (other than opal mine) must ensure that a person who is underground is provided with an appropriate self-rescuer if there is a risk of an irrespirable atmosphere at an underground mine (including during an emergency).*

**Purpose of change:**

The recommendation of the NSW Mines Rescue is that this Clause is amended to include a requirement that self-rescuers are of the oxygen generating type. The basis for this recommendation is that at the moment the NSW underground coal industry has two predominant types being used namely the oxygen generating type which will protect workers against any type of irrespirable atmosphere irrespective of how that atmosphere has been generated whereas the filter type of self-rescuer only affords protection against carbon monoxide generation. The filter self-rescuer's effectiveness is limited to those emergencies caused by a fire or explosion however in an underground coal environment an irrespirable atmosphere can be generated by a large number of causes including insufficient ventilation to dilute seam gas emission ,leaking seals and outbursts.

**Recommendation: Change in the wording from “appropriate” to “oxygen generating”**

**Schedule 7 - WH&S (M&P), Part 4 Resources and equipment, CI 3 Arrangements mines** must make in regard to:

- a) the minimum mines rescue training to be provided,

**Purpose of change:**

NSW Mines Rescue would recommend that the detail in this schedule is expanded to include guidance that includes the current 5% requirement that is used by the underground coal sector in NSW

**Recommendation: Underground coal mining operations are required to maintain a minimum of 5% of their workforce trained in mines rescue techniques**

**From:** [rr.feedback@planning.nsw.gov.au](mailto:rr.feedback@planning.nsw.gov.au)  
**To:** [RRD SE Resources Regulator Feedback Mailbox](#)  
**Subject:** Statutory review of Work Health and Safety (Mines and Petroleum Sites) laws 2020  
**Date:** Friday, 1 May 2020 2:51:32 PM

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Submission received:

### Form Information

Site Name Resources regulator  
Site Id 829309  
Page Statutory review of Work Health and Safety (Mines and Petroleum Sites)  
Standard laws  
Name  
Page 1189724  
Standard Id  
Page WHS (MPS) laws review public consultation feedback form  
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Submission IP Address [REDACTED]

Name:

Email address:

Street address:

Postal address (if different from above):

Are you an individual representing an organisation?:

Yes

If yes, please provide the name of the organisation you are representing:

Coal Services NSW Mines Rescue

Privacy - Please select your preferred response regarding your submission:

I consent for my submission being published, excluding my identity

Please provide a valid reason/s for the request to exclude your identity:

The organisation provides services to industry

Do you have any comments regarding the WHS (MPS) laws and their national context (see questions above)? Nil

Please clarify your responses and give reasons for your view::

Do you have any comments regarding the WHS (MPS) Act (see questions above)? Please clarify your responses and give reasons for your view::

The provisions are still valid

Do you have any comments regarding the WHS (MPS) Regulation? Please clarify your responses and give reasons for your view::

The provisions are still valid in relation to underground coal the emergency and ventilation control plans should have the same level of description as included for the other control plans in Schedule 2 of the regulations