Trade & Investment Mine Safety

Public comment template for Draft Mining Work Health and Safety Codes of Practice

Please send submissions by email to consult.minesafety@trade.nsw.gov.au
Submissions must be received by the due date for each code of practice. Due dates are written in the 'How to make a submission' chapter and on our website at www.resourcesandenergy.nsw.gov.au/safety

Confidentiality: Any information that you do not wish to be made available to the public should be clearly marked 'IN CONFIDENCE'. Submissions are subject to all relevant laws such as the Government Information (Public Access) Act 2009 and the Privacy and Personal Information Protection Act 1998. NSW Trade & Investment may provide extracts of submissions to other stakeholders for comment during the review of public submissions. Please indicate here by a tick ☑ if this submission or any parts of it are provided in confidence:

Whole submission ☐ **Address and contact details** ☐ **Part (please specify)** ☐……..

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For each code, general feedback is sought on whether it:
- is helpful and easy to understand
- reflects current state of knowledge and technological developments in relation to managing various risks
- has an appropriate level of information or is too detailed including whether the information would be better dealt with in specific guidance
- requires additional examples or case studies to provide clarification. Please provide relevant examples and case studies that should be included.

Further to the general feedback, comment on specific guidance in each code is sought for whether they are adequate and clear (refer to public comment overview for each code.

Title of code:

Page or section number	Number and/or title of section	Comments and suggestions
Engineering Control Plan		
1.7.1	Design, Manufacture, Import, Supply	Point It has never been the responsibility of the MECP to control the use of substances at a Mine, This function would normally fall under the repsonsibility to manage Hazardous Substances a separate part of the SMP. Delete the reference of substances in clause 1.71 as this is a requirement under the WHS Regulations and not in relation to clause 24 of the CMHSR.
2.3.1	Mechanical Enginering Manager	There is a need to be a definition for Supervison, not evident in WHSR nor WHS (Mine) legislation. Provide Definition in COP. Collins Dictionary - Definition verb(transitive) 1.to direct or oversee the performance or operation of 2.to watch over so as to maintain order, etc
3.2	Hazard Identification	Question validity of the table for identifying all the hazards contained within a risk assessment. The fundmental of a good risk assessment is to identify all the hazards particular to the activity, the table may suggest a generalised view of hazards is being suggested. Suggest delete Figure 3.
3.4.2	Heirarchy of Controls	Edit Figure 4 so it looks like it belongs to the document not a cut and paste
3.6	Review of Control Measures	Typo 2nd paragraph line 2 "does not does not
4.3	Overarching Considerations	Consider "Fundamental" as an alternative description to Overarching.

4.3.1	Lifecycle	Add disposal to the document, currently omitted from the life cycle requirements?
4.3.1 (a)	Lifecycle	Change the words "operator friendly" and replace with "ergonomically friendly". Replace "mimimising operational hazards" "not risk" "with appropriate engineering controls".
4.3.3.1	Mech Eng Supervision	"There are specific supervision requirements for workers under 18 years of age in clause 36 of the WHS (Mines) Regulations that must be complied with." which states "(3) In this clause: direct supervision of a person means the oversight by the supervising person of the work of that person for the purposes of: (a) directing, demonstrating, monitoring and checking the person's work in a way that is appropriate to the person's level of competency, and (b) ensuring a capacity to respond in an emergency situation. AGAIN: GAZETTE A CHANGE :We request that this requirement suggests there is no competency progression to allow the apprentice to partake in other forms of supervision which enable their development not to a tradesperson.
4.4.2	(b) Unintended Explosion	Ninth dot point "faulty or inadequately protected electrical equipment" should be removed from the document. Refer to EECP.
4.4.3	(c) Unintended Operation	The list of dot points used for "Key sources of unintended operation", Delete ground instability, and environmental conditions, these would have been precluded in the safe operation instructions by the designer.
4.4.7	(g) Exposure of persons to toxic harmful substances	Delete Dot point 1 is managed by the Confined Space requirements which is outside of the MECP. Delete Dot point 5 toxic fumes from a fire this would be managed by another control plan Fire and Emergency.
4.5.1.1	Acquisition	"Identification of the intended purpose and operating environment of which the plant or structure is required". Would seem this is clealry the responsibility of the Designer under the WHS regulations. Delete the sub dot points under this heading, as this suggests the MECP should determine this issue when clearly it is managed under part of Chapter 5 WHS regulations.
4.5.2.2	Operation	"The safe operation of plant also requires operators to be appropriately trained in operating the type of plant and may also require training on the operation of the specific model of plant. For example, an operator who is competent to operate one type of dump truck should receive additional specific training if required to operate another type of truck that the operator has not previously used." This paragraph should be deleted from the COP, this belongs to the Training plan for the site, not specifically the responsibility of mechanical engineer. "Training should include operation, prestart inspections, safety critical systems and emergency situations." should be left in the document this is a Mechanical responsibility.
4.5.2.3	Maintenance and Repair	"Preventative maintenance ensures that plant and structures remain safe to operate and are fit for purpose." this should be changed to "Preventative maintenance" assists with" plant and structures. It does not ensure anything.
4.5.3	Introduction to site	In developing the systems for the introduction of plant to site consideration should be given to: • relevant recommendations in MDG 15 Guideline for mobile and transportable equipment for use in mines (for mines other than underground coal mines), Please delete this dot point, there is a requirement to develop a system, it is not relevant to specify a guideline as the single consideration to be given to the intrduction to site, it precludes the person risk assessing the hazards by using only MDG15. Has no reference for underground. For underground does this define as sent underground or does it mean delivery to the mine, a point of clarity is required.

4.5.4	Safe systems of work	Delete "Relying on competencies of the people carrying out the activity may involve, for example, a mechanical tradesperson with appropriate training and assessment on the hydraulic system who may be able to change a hydraulic component with no further instruction. This approach is typically used where there are relatively small mechanical energies involved and the risks can be adequately managed through mechanical trade competencies. The tradesperson should be trained in the particular item of plant. For example, the person may be competent with brake testing and repairs for one model of truck. However, they may need further training if required to test and repair the brakes on an excavator." This is an opinion not a statement or a requirement, the doument should not have opinions considering its legislative significance. An example of relying on specific documented safe work procedures would be establishing procedures for isolation of hydraulic energy, as part of mobile plant isolation. This approach is typically used where there is a higher level of mechanical energies involved (or higher level of potential harm) for tasks that are not part of competence based training and mechanical trade competencies, or for tasks where human behaviour may adversely affect the safety outcome
4.5.4.1	Energy Isolation	Suggest rewording " For high risk activities a safe work procedure should be provided to provide that all energy sources have been identified and effectively isoltated and dissapated". Delete "Where energy is required to be isolated there should be a safe work procedure that ensures all energy sources have been identified and effectively dissipated or isolated. There may be general procedures that apply across the mine and also ones for the unique safety risks of specific plant."
4.5.7	Diesel Engines	Badly written, Move 4.5.7.1 down to MDG29 in the Operational Section 5. Stop at the last dot point for "Matters that should be considered in minimising emissions being discharged into the atmosphere include": Delete the following paragraph and delete Figure 5. This level of information should not be included in the code.
4.5.7.3	Emissions Based Maintenance Strategy	The requirements under clause 53(1) of the WHS (Mines) Regulations does not call for an emissions based maintenance strategy , I would recommend changing to "Monitoring and Managing Diesel Engine Emissions" This clause is too perscriptive and does not allow for risk based approach, do not believe the COP should dictate an outcome. Should not this document refer to MDG29 which is specific to the topic. Far too much opinion on the possible controls.
4.5.7.4	Diesel Fuel	The MECP should establish a delete "procedure" replace with "a protocol" for keeping records of the testing of the fuel supplied to verify it conforms to the fuel determination. These records should be maintained at the mine for at least two years
4.5.7.6	Ventilation and Engines	In Scope and Application "Chapter 5 of this code provides additional information for underground coal mines." Section 4.5.7.6 should be moved to Chapter 5.
4.5.8.1	Face Machines	"Why does this clause not refer to Opncut Face equipment should it include MDG15
4.5.14	Hot Work	WHS (Mines) Regulations definition "hot work means welding, soldering, heating, cutting, grinding or vulcanising where a surface temperature of more than 150o Celsius is likely to be generated." should be added to definitions for COP
4.6	Specific Risks WHS (Mines) Regulation	"There are specific supervision requirements for workers under 18 years of age in clause 36 of the WHS (Mines) Regulations that must be complied with." which states "(3) In this clause: direct supervision of a person means the oversight by the supervising person of the work of that person for the purposes of: (a) directing, demonstrating, monitoring and checking the person's work in a way that is appropriate to the person's level of competency, and (b) ensuring a capacity to respond in an emergency situation. AGAIN: GAZETTE A CHANGE :We request that this requirement suggests there is no competency progression to allow the apprentice to partake in other forms of supervision which enable their development not to a tradesperson.

5.2.6	Operator Protective Devices	Other types of plant that may have hazards from falling ribs or roofs, where the fitting of protective canopies should be considered include: • mobile roof bolter • underground elevated work platforms. Edit " used for specifically secondary roof support" Delete Figure 7 adds confusion and was a clarification document not for inclussion in a COP.