

## Draft Work Health and Safety (Mines) Regulation

### Public comment template

Please send submissions by email to [consult.minesafety@trade.nsw.gov.au](mailto:consult.minesafety@trade.nsw.gov.au) Submissions must be received by **27 June 2014**.

**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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Organisation (if applicable): **Straits Resources**

This template is divided into two parts:

1. Comments in response to discussion paper
2. Comments in relation to draft regulation

Please ensure you include the page, section number or regulation clause number to which your comment relates. Your submission should, wherever possible, include evidence and examples to justify your position.

### Part 1 - Comments in response to discussion paper

Page or Section No.	Discussion point and your comment

## Part 2 - Comments in relation to draft regulation

Clause number	Title of clause and your comment or suggestion
16 (1)	Changes to safety management system – Should only be required to give notice of change to the regulator for changes to principle control plans. Changes to other documents required under these plans, made in consultation with the workforce should not be held to this same standard.
27	Communication between outgoing and incoming shifts – The inserted lines do not allow for a computerised system. Why do we have to adopt a paper based system when the majority of sites already rely on SAP, Ellipse, Excel, etc to do this
29 (2) (a)	Operation of belt conveyors – Are lanyards going to be classified as emergency stops under this clause
29 (2) (d)	Operation of belt conveyors – what definition of competent person are we to use for inspecting a conveyor, ie; mechanical tradesperson, electrician, plant operator, etc. Also once every 8 hours is onerous for sites that operate using 12 hour shifts. Surely the inspection should occur once per shift, whether that is every 8, 10, or 12 hours.
33 (2) (h)	Can a definition of flexible reeling or Trailing cable be provided. Also can a definition of mobile or transportable equipment be provided. There are different definitions for each term in common standards such as AS3000, 3007, 4871, 2081, etc.
33 (2) (i)	Can a definition of portable electrical equipment be provided as different definitions for this term are referenced in common standards such as AS3000, 3007, 4871, etc.
33 (2) (l) (i)	This requirement to provide earth fault limitation on all circuits within an underground mine is onerous for a Metalliferous site. Earth fault limitation is provided at all main transformers (11kV to 1000V) but the smaller transformers used for lighting and control have never had this requirement. At our site we would be required to retrofit 78 transformers with NER's (neutral earthing resistors) in order to achieve compliance with this clause. This would come at a cost of \$4500 per transformer, for a total cost of \$351,000 to our business.
33 (2) (l) (ii)	Will there be any guidance forthcoming on how far sites must go to ensure that the most likely type of electrical fault is a low energy earth fault. Are we talking about individually screened cores on trailing cables? Earth barriers across all terminals? Etc
33 (2) (o)	Can this be clarified that primary and secondary upstream earth leakage protection is sufficient to meet this clause. Currently it is not feasible to provide earth leakage on outlets that are bigger than 32A. Also will this be required for extra low voltage control circuits, both AC and DC?
93	Review – Shouldn't the review period be the same as that for the principle hazard/control plans? Change from yearly to 3 yearly
101	Currently, the Tritton site, meets all of the requirements of section a of this clause. The site also meets the first two parts of section b. However we would be required to employ an extra 2 electricians, at the minimum, in order to have somebody available on the surface at all time, whilst ever persons are underground, that can activate the emergency plan, is competent to answer alarms, and is authorised to cut and restore power to the underground parts of the mine as necessary.
	Does having an on call electrician and electrical engineer meet this requirement?

	Where an operation has multiple underground sites, will the requirement be that there must be 1 person for each site, or is 1 person per operation adequate?
103 (3)	Duty to provide information, training and instruction – to what level do we train and assess as being competent a worker in basic risk management techniques?
121 (4) (c)	Survey plan of mine must be prepared – suggest that this only applies to HV installations.
127 (2)	Duty to notify regulator of certain incidents – Suggest the time frame be changed to 72 hours to allow for incidents occurring on Friday afternoon or Saturday morning to be investigated fully and allow for more detailed information to be supplied with the incident notification form
Schedule 2 (3) (3) (p)	Electrical Engineering Control Plan – Can this be clarified so that it mentions versioning and modification of SCADA and PLC systems specifically? As this clause is currently written it could be interpreted that control of IT network security also belongs under the electrical control plan. This is currently undertaken by parent companies IT departments, with little to no input from the individual sites
	Statutory Functions – I would suggest that the coal certificates of competence hold little value for metalliferous mines and they should be removed as a an applicable condition to be employed as the statutory electrical engineer at any metalliferous mine. The conditions in and around a metalliferous mine, especially an underground one, are completely different to those faced by either open cut, or underground coal mines.
	If the wording of section A is to be changed from to design and review, to control and manage, similar to the coal positions, should not the position description be changed from Electrical Engineer, to either Qualified Electrical Engineer, or Electrical Engineering Manager, to bring the position into line with the Coal counterparts.
Schedule 10 (3) (6)	Also considering the mechanical risks that can be present at a metalliferous site, why is there no requirement for a mechanical statutory engineer. Especially considering metalliferous sites are now required to produce a mechanical engineering control plan cl25 (4).
9 (2)	Management of risks to health and safety – the risk assessments are generally conducted by people from different departments and different competencies. What will be the required competency level according to new WHS regulations?
13 (3)	Duty to establish and implement safety management system – Safety management system means all control plans in place and implemented the mining operation shall take place during development of control plans and a provision shall be given to mines up to certain period of time to develop and implement safety management system.
24 (2)	Review – If a principal mining hazard management plan is revised, the mine operator must record the revision, including any revision of risk assessment, but this may not be in writing in current plan.
54 (1)	Exhaust emissions and fuel standards – The acceptable limit of carbon monoxide and nitrogen di oxide from diesel engine exhaust are provided but the limit of elemental carbon (EC) is missing. At least personal exposure level shall be mentioned in the regulations.



56 (c)

Air quality - personal exposure level of elemental carbon (EC) shall be mentioned in the regulations as advised in MDG29.