

Draft Work Health and Safety (Mines) Regulation

Public comment template

Please send submissions by email to 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)
.....

Name: Tahmoor Underground Glencore **Organisation (if applicable):**

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 | Recommended Changes to Legislation | Comments By Tahmoor |
| 3 | The definition of a hazardous zone should have a methane measure of 1.25% not 0.25%. | This is a very large step change which would significantly alter the type of equipment able to be used within the hazardous zone. It is recommended that 0.5% CH4 is used or have a time where power could remain on if gas levels are above 0.25 % CH4 and below 1.25% CH4 – for example 48 hours. |
| 27 | Clause 27 should be deleted and replaced with "the mine operator of a mine at which more than 1 shift is working each day must implement a system to communicate information in relation to the state of the mine workings and plant and any other matters that relate to work health and safety from the outgoing shift to the incoming shift." | The draft clause is too prescriptive. The current clause does not allow for the use of alternate technology for communication of information. |
| 44 | Clause 44 should include "so far as is reasonably practicable." | The addition of the words makes the clause workable. |
| 45 | Clause 45 should include "so far as is reasonably practicable". | The addition of the words makes the clause workable. |
| Subdivision 3 | Subdivision 3 Fitness for work should include an additional clause " Physical and Psychological Fitness – In complying with clause 9, the mine operator must manage the risks to health and safety associated with a workers physical and | This clause is to encourage the development of processes that acknowledge that a person can sustain injuries or illnesses outside of work that may affect their ability to perform their work safely |

| | | |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | psychological fitness to conduct their work so far as is reasonably practicable" | |
| 48 | Clause 48 should be deleted. | These clauses are not required – the detail in this clause should be included in the registration requirements for winding systems . |
| 60 (2) (e) | Delete "as to ensure that it will not be damaged by an explosion at the underground mine" and replace with "to minimise the likelihood that it will be damaged by an explosion at the underground mine," | It is not possible to <i>ensure</i> that the main ventilation fan will not be damaged during an explosion |
| 60 (3) | Delete 0.3m/sec replace with 1 m3/sec. | In a standard Tahmoor roadway this equates to 4m3/s. This is a large step change where 1m3/sec has proven to be safe and workable. |
| 62 | Delete "modelling demonstrates that the change can be made without increasing the risk to the health or safety of any person" and replace with "modelling shows that risks to the health or safety of workers are adequately managed" | The proposed clause requires modelling that confirms that risks to health or safety of workers are adequately managed. |
| 69 | Delete "(iii) persons and large mobile plant to enter and exit the mine through an air lock" | Tahmoor would find it almost impossible to comply with this requirement considering that all men and materials enter the mine using a dolly car winding system |
| 72 (2) (e) | Clause 72 (2) (e) "30%" should be replaced with "prevent recirculation". | The purpose of providing the additional 30% is to prevent recirculation, however providing the additional 30% does not in itself prevent recirculation. Additionally this requirement could lead to inefficient allocation of overall ventilation volume making other areas of the mine more vulnerable. |
| 73 (4) | Delete "that operates in a hazardous zone" and replace with "that operates in a return airway" | 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). |
| 85 (5) (a) (iv) | Clause 85 (5) (a) (iv) delete "at least once every 8 hours" and replace with "at least once every shift (maximum 12 hours)". | Statutory inspections should be risk based. A mandatory 8 hour inspection is too restrictive and does not account for operations with 12 hour shifts. This restriction may result in less supervision in areas of greater risk. |
| 96 (6) (f) | Delete 96 (6) (f) and 96 (7) (d). | Due to mobile nature of change-over stations, maintaining |



| | | |
|-------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| and 96 (7) (d) | | monitoring systems will be very hard to achieve. There are other areas of a coal mine that are of greater risk where monitoring may not be possible if forced to comply with this requirement. In addition to this, currently personnel are trained to complete the change-over to CABA assuming an irrespirable atmosphere |
| 99 (3) (a) | Clause 99 (3) (a) delete "every 3 months" replace with "every 6 months. | An initial training and then a 6 monthly re-training session is adequate to keep these skills current. |