

### Model Work Health and Safety Regulations for Mining - Public Comment Response Form

<b>Individual/Organisational name: John Simmons / Sherwood Geotechnical and Research Services</b>	
<b>Regulations Chapter 9: Mines</b>	
Part 9.1	
<b>Regulation</b>	<b>Comment</b>
Part 9.1	The definition of “major incident hazard” is stated in Section 9.6.1. Why is it not defined or referenced in Section 9.1.4 to make it possible to understand the difference? From a geotechnical knowledge and experience perspective it would also be very helpful to define a “notifiable incident” or “high potential incident” so that there is a clearly understood pathway and mechanism for recording the frequencies of incidents that did not result in a high or extreme consequence but could have if persons had been exposed to the hazardous event at the time
Part 9.2	
<b>Regulation</b>	<b>Comment</b>
Part 9.2	I strongly support the clarity with which the principles of risk assessment and management are described here. However this has implications for the tenor and substance of the Draft Code of Practice for Ground Control in Open Pit Mines and I am very disappointed with the latter as it stands. See comment(s) below and attached submission.
Part 9.3	
<b>Regulation</b>	<b>Comment</b>
<b>Other Comments</b>	

<b>Codes of Practice</b>	
Roads and Other Vehicle Operating Areas	
<b>Section/page number</b>	<b>Comment</b>
Managing Naturally Occurring Radioactive Materials in Mining	
<b>Section/page number</b>	<b>Comment</b>

The Mine Records	
<b>Section/page number</b>	<b>Comment</b>
WHS Management Systems in Mining	
<b>Section/page number</b>	<b>Comment</b>
Inundation and Inrush Hazard Management	
<b>Section/page number</b>	<b>Comment</b>
Emergency Response in Australian Mines	
<b>Section/page number</b>	<b>Comment</b>
Strata Control in Underground Coal Mines	
<b>Section/page number</b>	<b>Comment</b>
Ventilation of Underground Mines	
<b>Section/page number</b>	<b>Comment</b>
Survey and Drafting Directions for Mine Surveyors	
<b>Section/page number</b>	<b>Comment</b>
Health Monitoring	
<b>Section/page number</b>	<b>Comment</b>

Mine Closure	
<b>Section/page number</b>	<b>Comment</b>
Ground Control in Open Pit Mines	
<b>Section/page number</b>	<b>Comment</b>
entire document	Substantially below the standard expected for a COP which is intended to work in conjunction with Regulations Section 9.2 that are entirely structured in terms of risk assessment and management. Too many sections of the draft COP reference out-of-date information that is not appropriate to current open pit coal mining design practice. The provision of prescriptive requirements is inconsistent with best-practice exercise of engineering judgement based on risk as a combination of likelihood and consequence measures and will result in less than optimal pit slope designs without achieving measurable improvements in health and safety outcomes.
Section 1.3	"... unless it can be demonstrated that the risk of pit wall instability hazards is negligible". I am a pit wall designer and I also advise on operational stability conditions of pit walls. I NEVER consider that the risk of pit wall instability hazards is NEGLIGIBLE. I do not understand what this term means and a pack of lawyers would have a lot of fun pulling this apart. At best I can provide an opinion that likelihoods are very low. This Section 1.3 has highlighted an impractical, immature, and grossly misleading statement which reflects a profound misunderstanding of what is involved in DEMONSTRATING that risk is negligible. This needs serious rewording to reflect something that is practical and reflects ALARP principles.
Section 2.4	This is yet another concise summary of what may be found in any number of texts and papers. Rosengren (2010) provides a clear description of the geotechnical investigations that are recommended for deep open pit coal mines. This needs to be referenced in any code of practice since it is far more specific than anything described in Read and Stacey (2009). As discussed in my covering letter, I cannot understand why a code of practice has to replicate standard engineering procedures. In my view a COP would be far better value as a guideline document which is not specific in terms of technical detail but which lists the process by which a design should be established as part of the risk management process.
Table 1	I do not accept the currency or authority of the information in this table. If I were an expert witness in a legal proceeding I would argue strongly against the values quoted. I would go further. If the draft COP is intended to enable a person without otherwise formal qualifications and experience in this matter to undertake a design activity to produce an engineered control for an identified hazard, I would argue in court that application as-is of this section of the draft COP constituted professional conduct at a level substantially below that acceptable to peers of good repute and standing in their profession.
Section 3	I could not agree more strongly with the sentiment and intention of this section of the draft COP. However I believe that it should be expressed in a stronger and more prescriptive and detailed manner in terms of minimum requirements, demonstrated linkage to a risk assessment, and demonstrated provision of plan elements describing preventative, monitoring, and response elements. Minimum requirements for responsibility and accountability, and minimum requirements for compliance with provisions of ISO 31000 should also be included. Certain details may be further specified in Regulations.
Ground Control for Underground Mines	

Section/page number	Comment
Underground Winding Systems	
Section/page number	Comment