

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

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<b>Regulations Chapter 9: Mines</b>	
Part 9.1	
<b>Regulation</b>	<b>Comment</b>
Part 9.2	
<b>Regulation</b>	<b>Comment</b>
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>
Foreword p4	<p><i>This Code of Practice on managing naturally occurring radioactive materials in mining is an approved code of practice under section 274 of the Work Health and Safety Act (the WHS Act).</i></p> <p><i>An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and the Work Health and Safety Regulations (the WHS Regulations).</i></p>

Scope &  
Application p5

This implies that the national regulator, the Australian Radiological Protection and Nuclear Safety Agency's Codes of Practices for Radiation Protection, which have been agreed upon & applied by all States and Territories, are NOT approved. This dilutes the pre existing regulatory frame work.

*This Code has been developed by Safe Work Australia in conjunction with the National Mine Safety Framework Steering Group as a model code of practice under the Council of Australian Governments' Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety for adoption by the Commonwealth, state and territory governments.*

The current Codes of Practice for Radiation Protection, as published by ARPANSA have already been adopted by the Commonwealth, state and territory governments. This has been applied nationally firstly by COAG, for the past 30 years, and via the National Directory over the last 5 years or so. The states and territories are obliged, legally to take up all Codes in the National Directory and apply them in the creation and application of State and Territory Regulations. This paragraph implies a false lack of tripartite governmental take up of the pre existing Codes.

ALARA, not ALARP is used as part of the three guiding principals of radiation protection handed down from the ICRP (Justification, Optimization and Limitation). Nor are these principals merely elements of the familiar hierarchy of controls for any industrial hazard. These principals provide the internationally accepted framework for radiation protection.

ARPANSA – Full name is incorrect, missing AGENCY, which also makes the sentence grammatically incorrect. The Code should give the correct name to our national body for Radiation Protection. The language used in this paragraph (*ARPANSA has also published the Code of Practice and Safety Guide: Radiation and Radioactive Waste Management in Mining and Mineral Processing (Radiation Protection Series Booklet 9) to support its legislation*) 'has also' and 'support its legislation' give the effect of denigrating ARPANSA and its work. This may be entirely unintended, but is to be avoided. Especially after noting that the ARPANSA Codes take precedence over this newer draft code in the previous sentence.

Radiation exposures from non waste radiological material are not clearly included as being addressed in this Code. A change of grammar would better express the intent to cover all radiation exposures from exploration to final site rehabilitation, regardless of prospect mineral, and the management of radioactive waste and exposures due to such radioactive waste.

The next sentence is clumsy, and could be more clearly written to state that radiation is not the only hazard present in many of these wastes that need active control.

Again, the use of specific words "ARPANSA's Radiation Protection Series **Booklet 9**" belittles the work of ARPANSA as our national radiation protection agency. As RPS 9 is drawn from internationally accepted principals, this implies this Code is to superior to, and is to replace internationally accepted systems of radiation protection.

Scope is where this Code should refer readers to RSP 9, much as the Australian Dangerous Goods Code refers to RPS 2, as the overarching document of reference and application.

1.1 Definition is unclear, those unfamiliar with NORM will not understand this.

Principal Mining Hazard Management Plans	<p>This implies that all mining activities across Australia, regardless of mineral, must, on application of this Code, all write a radiation management plan and reasons for the assessment of why one is unnecessary for that operation. Whom will provide this assessment that NORM is not a hazard at each individual operation? This implies firstly, that operations are incapable of assessing for NORM risk and should be controlling for NORM beyond current practice, and then secondly, gives operations the implicit authority to declare NORM a non issue in their work. This could have the unintended effect of relegating radiation protection to a pro forma statement that does not take into account actual situations due to both a lack of radiation expertise necessary to conduct this work in Australia and the lack of a minimum cut off for which operations should realistically assess for NORM.</p> <p>Are other chronic hazards, (noise, diesel fume, vibration etc) also being considered as Principal Mining Hazards? All other listed principal mining hazards appear to be acute hazards, which may cause readers of this Code to incorrectly assume radiation in mining is primarily an acute hazard.</p> <p>Where will SafeWork Australia find the requisite radiation safety professionals to police this Code? Will State bodies currently administering the application of RPS 9 and RPS2 through Mine Management Acts and Work Place Health &amp; Safety Acts be expected to regulate this Code in addition to their current work? If not, where will technically competent officers be found? The radiation protection in mining workforce in Australia is very small, and recruiting from other industries gives rise to long training and acclimatisation times. How does SafeWork Australia intend to approach this?</p>
General	<p>The general tone of the Code lacks clarity of expression and contains many errors of fact. It is unclear how this Code is to work with the current regulatory framework. It is difficult to see much evidence of industry consultation, with many sections overly prescriptive for a Code of Practice. It is difficult to see how this document will add to radiation protection in Australia's mining industry. I believe this document needs to be clarified in both its intention and in execution.</p>
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>
Ground Control for Underground Mines	
<b>Section/page number</b>	<b>Comment</b>

Underground Winding Systems	
<b>Section/page number</b>	<b>Comment</b>