



DRAFT

Code of Practice

THE MINE RECORD



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safe work australia



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FOREWORD

This Code of Practice on mine records is an approved code of practice under section 274 of the *Work Health and Safety Act* (the WHS Act).

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).

A code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in the WHS Act, in relation to the subject matter of the code. Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks which may arise. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

Compliance with the WHS Act and Regulations may be achieved by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the code.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice.

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.

A draft of this Code of Practice was released for public consultation on [to be completed] and was endorsed by the Select Council for Workplace Relations on [to be completed].

SCOPE AND APPLICATION

This Code provides practical guidance for the mine operator on how to create and maintain appropriate mine records. This Code applies to all mines including metalliferous and coal mines (surface and underground) quarries and exploration sites.

Who should use this Code?

You should use this Code if you are a person who has duties under the WHS Act and Regulations to create and maintain a mine record. A health and safety representative at a mine or any other person at a mine who has a duty or obligation concerning the mine record should also read this Code.

How to use this Code?

This Code includes references to both mandatory and non-mandatory actions. The references to legal requirements contained in the WHS Act and Regulations are not exhaustive and are included for context only. The words 'must', 'requires' or 'mandatory' indicate that legal requirements exist, which must be complied with. The word 'should' indicates a recommended course of action, while 'may' indicates an optional course of action.

1. ABOUT MINE RECORDS

1.1 What is the mine record?

The mine record consists of any statutory notice issued in relation to the mine under the WHS Act, a record of every notifiable incident at the mine required under the WHS Act and Regulation, including details of the mine operator's investigation of the incident, a record of every high potential incident at the mine, and in the case of an underground mine, each report by a shift supervisor at the mine.

A mine record system should heed to the following standards:

- *Australian Standard AS ISO 15489.1: 2002 Records Management, Part 1- General*
- *Australian Standard AS ISO 15489.2: 2002 Records Management, Part 2- Guidelines, and*
- *Australian Standard AS 4804: 2001 OH&S Management Systems (Section 4.3.3.2 – Reporting).*

1.2 What is the purpose of the mine record?

A mine record provides essential information on incidents that may impact upon the safety of workers. Accordingly, the mine record is a valuable tool in informing changes in work procedures and is a key point of reference for developing and reviewing a work health and safety management system.

1.3 What must the mine record contain?

The contents of the mine record must include:

- a record of notifiable incidents at the mine including details of the investigation of those incidents
- a record of every high potential incident at the mine
- for an underground mine each report by a shift supervisor at the mine, and
- any provisional improvement, improvement, prohibition or non-disturbance notice or any injunction issued in respect to the mine.

For example:

- for underground mines, written records from the supervisor of each outgoing shift to the supervisor of the incoming shift to include in the state of the mine workings as at the end of the outgoing shift
- all records or reports about safety incidents and any high potential incidents, and
- all notices, reports, findings and recommendations which arise through monitoring and enforcement action by the Regulator under the WHS Act and Regulations as well as any notices issued under Part 5 (consultation, representation and participation), Division 7 (provisional improvement notices) of the WHS Act.

1.4 Who is responsible for the mine record?

The mine operator is responsible for ensuring that a mine record is established and maintained.

1.5 Access to the mine record

The mine record must be kept in such a way so that it is:

- secure
- readily available for inspection under the WHS Act
- available on request to worker, and

- for a period of 7 years.

All workers at the mine must have access to the information in the mine record.

The mine operator must make the mine record available to the Regulator or an inspector upon request

1.6 In what format should the mine record be?

The mine record may be kept in hard copy or electronically as long as it is in a form that is an easily accessible, centralised repository of information.

1.7 For how long should the mine record be kept?

Information that forms part of the mine record shall be kept for a period of 7 years from the date the entry in the record was made.

When a new mine operator is appointed, the previous mine operator must provide the mine record of the previous seven years to the new mine operator as required by Regulation 9.1.7 of the WHS Regulations.