

Code of Practice

Applicable Standards for Underground Mining & Associated Operations

August 2008

Purpose and Scope

The purpose of the ‘*Code of Practice – Applicable Standards for Underground Mining and Associated Operations*’ is to provide guidance to responsible persons in the mining industry on how to meet their general duty of care responsibilities under the *Workplace Health and Safety Act 1995* (the Act) through and in relation to:

- Safety management systems;
- Risk management;
- Safety requirements for conveyors; and
- Guidance on the application of exposure standards for atmospheric contaminants.

This code of practice applies to any workplace that is a mine where underground mining occurs on site. Application extends to any adjacent associated surface processing operations but excludes downstream processing facilities at another site.

A mine as defined in section 3(1) of the Act. Section 3(1) defines a mine as any place at, in, on or under which any operations or work are carried out on an area of land which is subject to a mining lease in force under Part 4 of the *Mineral Resources Development Act 1995* –

- (a) to obtain or treat minerals; or
- (b) to store or contain minerals or waste material generated by mining on that area; or
- (c) in association with mining.

This code of practice does not purport to cover all occupational health and safety legislative responsibilities applying to underground mines and adjacent associated processing operations. Compliance is required with relevant provisions of the Act, relevant regulations made under the Act (including any applicable cited standards), and any codes of practice which although not written specifically for the mining industry have general application that would extend to underground mining and associated operations. In addition there are a range of standards, guidelines and codes produced by a range of bodies that represent good practice and could assist towards the fulfilment of general duty of care responsibilities.

Commencement

This Code of Practice commences on the day on which notice of the approval is published in the *Gazette*.

What is a Code of Practice?

The Act enables the responsible Minister to approve codes of practice that give practical guidance on workplace health and safety issues to employers, employees and other duty holders under the Act.

Failure to observe a provision of an approved code of practice is not, in itself, a breach of the Act. However, an approved code of practice is admissible as evidence in legal proceedings in which it is alleged that a person with a duty of care under the Act has failed to comply with the Act. A court may hold that a failure to comply with an approved code of practice constitutes proof of a breach of the duty of care responsibility, unless it can be shown that the actions taken achieved compliance in another way.

This approach allows those who have a duty of care under the Act to choose the method best suited to the conditions prevailing in the workplace. Codes provide flexibility to allow practical and innovative solutions to be developed in the workplace.

An inspector can cite an approved code of practice as a means of remedying non-compliance when issuing an Improvement Notice or Prohibition Notice under the Act.

Incorporated Documents

Under the section 22(2) of the Act, a code of practice may consist of any code, standard, rule, specification or provision for workplace health and safety, and may apply, incorporate or refer to any document formulated or published by any body or authority as is in force at the time the code of practice is approved or as amended, formulated or published from time to time.

The following Australian/New Zealand Standards, Australian Standard and Guidance Note are incorporated into this code of practice. This means the cited documents are to be complied with unless you can comply with the general duty in an equal or better manner.

Safety Management Systems

AS/NZS 4801 – 2001	Occupational Health and Safety Management Systems – Specification with guidance for use
AS/NZS 4804 – 2001	Occupational Health and Safety Management Systems – General guidelines on principles, systems and supporting techniques

Risk Management

AS/NZS 4360 – 2004	Risk Management
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Conveyors

AS 1755 – 2000	Conveyors – Safety requirements
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Atmospheric Contaminants

NOHSC: 3008 (1995) 3 rd Edition*	Guidance note on the Interpretation of Exposure Standards for Atmospheric Contaminants in the Occupational Environment
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*Note that this Guidance Note supports the Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment (NOHSC: 1003(1995)), both documents being originally published together in the document Exposure Standards for Atmospheric Contaminants in the Occupational Environment, and issued by WorkSafe Australia. The cited exposure standards already have the force of law in Tasmania. Regulation 19(1)(b) of the *Workplace Health and Safety Regulations 1998* (the Regulations) invokes a general requirement for an accountable person to ensure that the exposure of any person to an identified hazard at a workplace does not exceed the relevant exposure standard (which in the case of an atmospheric contaminant is the maximum airborne concentration to which a person may be exposed in accordance with Exposure Standards for Atmospheric Contaminants in the Occupational Environment). There are also other specific references made in the Regulations in relation to exposure standards for particular substances.

Interpreting the Language in Referenced Documents

When the documents referenced in this code use mandatory language such as ‘must’, ‘is to’, ‘are to’, ‘will’ or ‘shall’ this is an instruction and must be followed unless compliance can be achieved in another way.

When the referenced documents use the word 'should', you are being advised to do something but it is up to you whether you do it or not. If you decide not to adopt the advice, then you need to have conducted a risk assessment to support your decision.

Documents Cited in Referenced Documents

Where a document referred to in this Code of Practice mentions another document, that document:

- is taken to be the most recent version (including a replacement version, series or part) currently applying and incorporates any amendments so far as the context of the document listed in this Code of Practice permits;
- applies only so far as the context of the reference permits; and
- is to be interpreted so as to give effect to the intent of the document directly referenced in this Code of Practice.

Copies of this Code of Practice and Referenced Documents

Copies of this code of practice and the referenced documents are available for perusal at the offices of Workplace Standards Tasmania.

Phone: 1300 366 322 (within Tasmania)
(03) 6233 7657 (outside Tasmania)
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LAUNCESTON
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BURNIE
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Australian Standards and Australian/New Zealand Standards may be purchased through Standards Australia's publisher, SAI Global, at www.saiglobal.com

NOHSC documents may be viewed on the Australian Safety and Compensation Council's website at www.ascc.gov.au

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