

March 2025

## Statutory function description

### Deputy of underground coal mines

#### Introduction

Type	Details
Name of the statutory function	Deputy
Class of mine	Underground coal mines
Key statutory function?	No
Mining Supervisor?	Yes

Statutory functions are certain safety-critical roles in the mining and extractives industry that are regulated by the department. This document has been developed for people who exercise specific statutory functions to help them understand their duties, key relationships, tasks, and work practices. Schedule 10 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 (WHS(M&PS) Regulation) regulates statutory functions.

This document will:

- inform you of what exercising your function involves
- help mine operators and individuals to develop training and/or mentoring programs to support individuals to practice in the function
- assist mine operators to develop their safety management system, including management arrangements
- guide mine operators and you when identifying maintenance of competence learning to be undertaken.

Please note, a list of key terms and legislative provisions can be found at the end of this document.

## Guidance on statutory function

Extract from the WHS(M&PS) Regulation, Schedule 10, Part 2, section 10:

1. The statutory function of Deputy is to supervise workers and inspect work areas in a part of the mine.
2. The requirement for nomination to exercise the statutory function is that the individual nominated must hold a current practising certificate that authorises the exercise of the statutory function.

## Exercising the function

An individual exercising the function should:

### Supervise

Provide direct and general supervision (refer to key terms) of workers in the area of the underground mine they are responsible for. The level and type of supervision should be appropriate to the workplace risks and worker competence. This may include but not be limited to a combination of the following activities:

- Continually assess the workplaces and be informed of hazards and control them (refer also to inspections below and WHS laws<sup>1</sup>).
- Consult on WHS matters as required.
- Train, instruct and inform on WHS matters to potentially affected workers and other supervisors, and document the information for shift changeovers as per section 31 of the WHS(M&PS) Regulation.
- Organise sufficient and appropriate WHS resources for workers.
- Apply the safety management system for required plans and controls.
- Attend workplaces as required to supervise workers and activities to establish their whereabouts and ensure risks are managed.
- Supervise the carrying out of work procedures to ensure they are effective and workers are compliant.
- Investigate and report on incidents, including preserving the scene for certain reportable incidents.
- Apply the emergency plan to supervise workers to safely withdraw or escape.

### Inspect work areas in a part of the mine

- Conduct physical inspections, or cause them to be conducted, for a designated part of the mine as required by the safety management system, including the mine inspection plan, and

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<sup>1</sup> Means the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.

- Report outcomes of inspections and take appropriate action to manage hazards or risks identified.

## Scope and relationships

This statutory function applies to underground coal mines.

An individual will follow the management structure set out in the mine safety management system.

They should be aware of possibly interacting with other individuals exercising statutory functions at the mine:

- Mining engineering manager – for the development of mining engineering standards and procedures that are to be applied, and for them to be monitored and reviewed to remain current.
- Undermanager – assist with the application and monitoring of the safety management system, including communicating on hazards and controls for parts of a mine across a shift.
- Electrical and mechanical engineering managers – apply the electrical and mechanical engineering standards and procedures forming part of mining operations, together with supervision of the lifecycle of electrical and mechanical plant and installations at the mine.
- Ventilation officer – assist with applying and monitoring the arrangements required under the ventilation control plan.
- Fire officer – assist with maintaining fire-fighting equipment.
- Mining surveyor – assist with preparing the mine survey plan for prescribed items.
- Qualified electrical and mechanical tradespersons – as required

## Statement of minimum tasks

The individual should carry out the following tasks for required elements of the mine's safety management system to supervise workers and inspect work areas as applicable at the mine.

### Generally

For the applicable elements of the safety management system:

- manage risks.
- supervise contractors and their management plans.

### Mine inspection plan

Conduct inspections as required by the mine inspection plan.

### Principal Hazards

Manage the implementation of the principal hazard management plans for all applicable prescribed principal hazards in WHS(M&PS) Regulation, section 4 and any others.

## Principal Control Plans

Supervise the application and monitoring of principal control plans as required for the mining operations.

(Refer to scope and relationships above for application and monitoring with other statutory function holders.)

## Specific Control Measures (application as prescribed in the WHS laws)

Apply and monitor specific control measures for all mines and underground mines, coal mines and underground coal mines.

## Emergency and survey plans

Supervise the application and monitoring of emergency plans.

Assist to ensure the accuracy and content of mine survey plans (refer to scope and relationships above).

## Information, Training, Instruction and Consultation

Supervise the delivery of information, training and instruction.

Participate in mine consultation processes internally and externally, as required.

## Monitoring, Auditing and Review

Monitor the performance of the safety management system against the specified standards as part of supervising.

Monitor the compliance of the safety management system with reporting mine incidents, matters and reportable incidents to the regulator, including:

- Notify the regulator of a high-risk activity prescribed by the WHS(M&PS) Regulation
- Notify the regulator where an incident occurs prescribed as a notifiable incident by the WHS(M&PS) Regulation.
- Supervise the preservation of incident sites.

Participate in the audits and reviews of the safety management system, as required.

## Mining supervisor

This statutory function is a mining supervisor under the WHS (M&PS) Regs 2022 schedule 15 to carry out specified tasks:

- Responsibilities for supervision of workers in a part of the mine, as set out in the safety management system.
- As a mining supervisor for an underground coal mine:
  - Where provided, have and operate a portable gas detector in compliance with WHS laws.

- Where informed by a worker or where they form a suspicion or belief of a place of risk where air quality and air safety standards are not being met, then taking the action prescribed under WHS laws
- Where directed by the mine operator, be present whenever extraction of coal or mineral is taking place, or where legislatively prescribed for other circumstances?
- Inspection of all safely accessible parts of each inspection area at an underground coal mine, including:
  - for the areas, frequency and levels of atmospheric gases and contaminants set out in the inspection plan
  - after a withdrawal.
- Where safety concerns arise from the inspections, respond as required.
- Record and review inspections, as required in the inspection plan.

**Note:** the safety management system forms part of the overall management system that is in place at the mine<sup>2</sup>. The mine management system may follow a management approach such as:

- plan, do, check, act
- identify, assess, control and review.

Regardless of what management approach is used at the mine, the individual should exercise the statutory function to meet the safety management system and WHS law's requirements

## Work practices

How the deputy exercises the statutory function will be determined by the mine operator in the safety management system and the applicable legislation, in particular WHS laws. A typical cycle of work practices during a shift that a deputy may undertake is set out below:

### Before shift commencement

- Source any information relevant to supervising their assigned area of mining operations so they may act upon it at the surface before going underground eg. mine plans, authority to mine, control room monitoring, etc.
- Incoming deputy may make contact with the outgoing deputy(s) for a verbal report and to clarify anything necessary.
- Communicate with other incoming shift supervisors and any other workers, including the undermanager if necessary, any significant WHS issues that they need to be informed of, with reference to the legislated written reports.
- Determine the inspections that may be required, eg. inspection prior to connection of electricity, conveyor inspection, inspector prior to workers commencing work, etc.
- Allocate the appropriate resources to workers that are required at the surface, eg. transport, etc.

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<sup>2</sup> Section 18(4) of the WHS(M&PS) Regulation.

## Shift start up

- Attend or conduct start of shift communication meeting with workers at the surface or underground, that may include the undermanager being involved. In the area of the underground mine for which the deputy is responsible
- Read and sign off on outgoing deputy report for the previous shift and communicates contents to workers as required.
- May inspect work areas, cause them to be inspected, or rely on information available from reports and/or communication with workers, as required by the safety management system, to ensure risks are controlled before work commences.
- Consult with and provide relevant information and instruction to workers to enable them to safely carry out their assigned work.

## During the shift

- Supervise workers and the work activities being carried out.
- Consult with workers and supervisors in relation to any changing conditions/requirements, risk management, resourcing etc.
- Carry out mine inspection plan for the shift and make entries in the shift report.
- Monitor hazards and risks, including air contaminants (e.g., dust) and gas levels, using instruments as required.
- Ensure that risk controls are applied and controlling the hazards and their risks.
- Instruct workers and monitor work practices (including contractors), with reference to any work procedures and plans.
- Monitor plant being used and workers entering the work area(s), in particular mobile plant movements.
- Report significant shift activities, such as safety critical changes or incidents, to persons in the mine management structure in the safety management system. This may include any other supervisor whose work area may be impacted and the undermanager.

## End of shift

- Complete shift report and sign off on it.
- Communicate with incoming deputy, if applicable.
- As far is reasonably practicable and applicable, support any incoming shift workers to have safe mining operations and a safe workplace e.g. power isolated.

## Scheduled tasks (as directed as part of planning for the shift and mine):

- Apply the safety management system so workers remain familiar with the emergency exits and facilities.
- As directed, supervise workers to participate in the testing of the emergency plan as required, which is legislated as at least every 12 months.

- As directed, supervise workers to participate in the mine training programme for workers that may include the legislation required training in self-rescuers.

## Authority

The WHS(M&PS) Regulation enables the function and an individual to practice it by:

- section 132: only an individual who meets the requirements can exercise the function and only if they are nominated by the mine operator.
- section 133: the mine operator must ensure the nominated individual continues to meet the requirements and is able to exercise the function.
- section 134: an individual must inform the mine operator if they cannot exercise the function.

## Key terms

Table 1. Key terms

Term	Definition <sup>3</sup>
Apply	To put into practical operation or to put to use, e.g., an inspection program.
Develop	To bring into being or activity, generate or evolve. The term includes further adding to and amending standards and procedures that form part of the safety management system.
Fit for purpose	Something that is sufficient to do the job it was designed to do. This definition is taken from the <u>NSW code of practice: mechanical engineering control plan</u> .
Implement	To put into effect, either directly or by causing others to carry out actions.
Lifecycle	For mining operations, this means the activities for exploration, construction, commissioning, extraction, and those in connection with it, and the decommissioning of a mine.
Mining operations	For a definition of this term, refer to section 7 of the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> . Mining operations includes lifecycle activities.
Monitor	To check, observe, supervise and/or record the operation of a mine, part of a mine, workers, or related activities so as to assess the suitability of mining engineering standards and procedures to manage potential or actual risks.
Review	A retrospective assessment of something with the intention of instituting change if necessary.
Safety management system	All activities planned and documented by the mine operator to be carried out to manage health and safety risks at the mine in an organised manner.
Standards and procedure	<p>Written internal or external documents that set out or provide guidance on how mining operations should be carried out to achieve a performance level for WHS. This may include mining, electrical, mechanical, or other areas.</p> <p>The standards may include:</p> <ul style="list-style-type: none"> <li>• WHS legislation and codes of practice</li> <li>• international and Australian standards</li> <li>• guidance information from various sources that are credible, current, and substantive.</li> <li>• industry publications such as WHS reports.</li> </ul>
Supervise	Oversee or direct some part of mining operations. The mining engineering manager should normally provide general supervision, but at times may exercise direct supervision, such as to verify critical controls are working or high-risk activities are

<sup>3</sup> Some meanings are derived from the Macquarie Dictionary and added to for context.



Term	Definition <sup>3</sup>
	being managed. This could include, for example, commissioning a large new piece of plant.
Direct supervision	Verifying through direct observation that mining operations and any contractors involved are applying the requirement of the safety management system
General supervision	Where the individual may not always be present or directly responsible for supervising the activities but will monitor to ensure that the safety management system is implemented, applied and monitored, and provide advice to supervisors and workers.
Underground mine <sup>4</sup>	An underground mine that is a coal mine.
Underground mine <sup>5</sup>	Means that part of a mine that is beneath the surface of the earth and includes plant and structures that extend continuously from the surface into that part of the mine but does not include a part of the mine in which high wall mining is being carried out.
Verify	Confirm or substantiate by examination or comparison. In this description, it means directly or indirectly checking that requirements of the safety management system are being satisfied, e.g., direct supervision, reading reports.

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<sup>4</sup> Schedule 15 of the WHS(M&PS) Regulation.

<sup>5</sup> Schedule 15 of the WHS(M&PS) Regulation.