

TUNNELS

UNDER CONSTRUCTION

DRAFT CODE OF PRACTICE

PUBLIC COMMENT PAPER

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INTRODUCTION

The 1990 *Code of practice for tunnels under construction* is currently being revised. WorkCover NSW is seeking comment on a revised draft of the code.

This public comment paper:

- outlines the draft code development process
- describes the purpose and contents of the draft code
- identifies any issues that may require specific public comment
- provides advice on preparing your comments and making a written submission on the draft code.

The deadline for the receipt of written submissions on the draft code is **5:00 pm, 23 June 2006**.

A copy of the draft code, the public comment paper and a response form can be obtained from **www.workcover.nsw.gov.au**.

DEVELOPMENT PROCESS

In response to stakeholders' concerns regarding safety in underground construction works, WorkCover formed an industry advisory committee to progress a full review of the 1990 *Code of practice for tunnels under construction*. The review was welcomed by industry as an attempt to provide more practical guidance to the existing code and to the provisions under the *Occupational Health and Safety Regulation 2001*.

- The committee, chaired by WorkCover, was convened in late 2004 and met regularly throughout 2005. It soon adopted a collaborative and productive approach in its work.
- The committee is comprised of industry stakeholders and includes the Australian Workers Union, the Construction Forestry Mining and Energy Union, the NSW Road and Traffic Authority and the Australasian Tunnelling Society (formerly the Australian Underground Contractors and Tunnellers Association).
- The advisory committee reviewed national and international guidance material on safe work in tunnels. The material contributed to the development of a standard that may enable the guidance contained in the Code to be used by other jurisdictions.
- To assist the advisory committee, a number of technical working groups were consulted in February 2005, and again in June 2005, to assist with a review and provide advice on the technical material required for the development of the code. This resulted in the Australasian Tunnelling Society engaging a consultant, with substantial tunnelling and mining experience, to assist them develop specific technical material to be considered for inclusion in the code.
- The committee has agreed on the overall approach and structure of the code, as well as the content and level of technical guidance.

DRAFT CODE OF PRACTICE FOR TUNNELS UNDER CONSTRUCTION

Purpose

This proposed code will replace the *WorkCover 1990 Code of practice for tunnels under construction*. It provides guidance on the prevention of illness and injury to persons engaged in, and affected by, construction of tunnels and associated construction works in NSW.

It also provides practical advice on implementing the requirements of the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001*.

It promotes consultation and cooperation between employers, employees, principal contractors, contractors and subcontractors, and/or their representatives. It also seeks to ensure that risks to health and safety associated with tunnel construction work are identified, assessed, and eliminated or controlled.

It seeks to include a level of detail and guidance that is appropriate to a code of practice approved under section 45 of the OHS Act, and does not include an unnecessary level of descriptive information regarding work processes or work methods.

Outline of draft code

The draft code consists of nine parts.

Chapter 1 – Preliminary

Includes the purpose and scope of the code and clarifies the legal status of the code under the OHS Act and the OHS Regulation. It also includes definitions and interpretations of some of the words and terms used in the code.

Chapter 2 – Planning and preparation

Provides an overview of responsibilities under the OHS Act and the OHS Regulation when carrying out the work. It should be noted that existing legal obligations are not subject to this current public comment process.

It provides guidance on consultation and risk management, and on providing 'reasonably practicable' safeguards.

It identifies a number of issues regarding safe tunnel construction, including site investigation, tunnel design, ventilation systems, inspection plans, and design reviews during construction. It also identifies a range of site-specific issues to be considered at the planning and preparation stage.

Chapter 3 – Training, instruction, information and supervision

Provides an overview of responsibilities under the OHS Act and the OHS Regulation when carrying out the work. It outlines induction-training requirements and identifies suggested training topics. It also identifies those who should receive training.

Chapter 4 – Managing risks during tunnelling

Includes specific guidance on a range of risk controls that can be adapted to generic and specialist tunnelling methods and activities.

It outlines a number of legal obligations and recommendations in relation to ventilation and air-quality management. It covers a number of plant-related hazards and controls, and other common tunnelling risks.

Appendices

Several appendices are included in the draft code to assist in the management of air quality, gases and fumes, heat stress, air-cooling and ventilation methods, and equipment.

MAJOR ISSUES

The interdependence of design and construction, and their appropriateness to the actual and changing ground or environmental conditions, is more safety-critical in underground work than in any other construction activity.

Advisory committee advice often centred on the importance of accurately assessing geological properties, the potential variability of these properties along the tunnel, and the importance of reassessing the adequacy of the tunnel design and ground support before deviations constitute a risk to health and safety.

Public comment is specifically sought on the question of whether the provisions in section 2.2 – 2.2.6 are adequate.

The proposed code has attempted to address the most common hazards and areas of potential risk in tunnel construction likely to be experienced in NSW.

Public comment is specifically sought on the question of whether the provisions of chapter 4 are adequate.

More specifically, the code has attempted to address in greater detail the key areas of ground support and ventilation methods in tunnel construction.

Public comment is specifically sought on the question of whether the provisions in chapter 4 on ground support and ventilation are adequate.

HOW DO I SUBMIT MY COMMENT?

Preparing your submission

The public review process plays an important role in improving the quality and usefulness of proposed codes of practice and in generally raising awareness about occupational health and safety issues. Therefore, it is important to provide clear and concise comments on the current draft *Code of practice for tunnels under construction*. All submissions must be provided in writing and preferably accompanied by an electronic copy. Comments cannot be submitted over the telephone.

To assist with the evaluation of your comments, we ask that you consider the following points when preparing your written submission.

- Submissions should be divided into general comments – eg comments about the purpose, scope or structure of the draft code – and specific comments – eg comments about particular sections, points or definitions). **Refer Appendix A – Template for Public Comment**
- Specific comments should clearly indicate the number of the section and sub-sections of the draft code to which they refer.
- Provide reasons for your comments – refer to supporting evidence, such as a real or theoretical situation relevant to the subject matter of the code (eg a particular accident or incident), research or statistical data, or your own employment experiences. Suggest alternative wording for particular provisions in the draft code where appropriate.
- The final code will be subjected to plain English editing and proofreading before approval and printing. Therefore, it is not necessary to include comment on editorial matters, such as grammar, typographical errors, punctuation and the like.
- A number of copies of your submission are likely to be made during the review process. It is important that your submission be prepared with good quality type or, preferably, submitted electronically.
- Comment received after the closing date may not be accepted.

Confidentiality

If you would like your submission to remain confidential, please clearly state so on the cover of your submission or on the top of the first page. Only WorkCover NSW authorised staff will read confidential submissions and their contents will not be made public in such a way that they can be linked to you or your organisation.

Submissions, which are not marked 'confidential', may be made available to members of the code development advisory committee and may be accessed by members of the public in accordance with the *Freedom of Information Act*.

Where do I send my comment?

There are two ways to submit your comment:

- 1) Your employer association, union or professional association can incorporate your comment in their submission
- 2) By contacting WorkCover NSW directly.

WorkCover NSW
George Kuti
Statewide Programs Unit
Locked Bag 2906
Lisarow NSW 2252
WorkCover NSW

Fax: 02 9287 5480

Email: george.kuti@workcover.nsw.gov.au

The closing date for submissions is 5.00pm 23 June 2006.

What happens to my comment?

All comments received by WorkCover NSW will be acknowledged in writing. After the close of comment period, WorkCover will collate and categorise the comments it has received and refer them to the code advisory committee, which will then consider the comments when developing the final version of the draft code.

Enquiries to WorkCover

If you have any enquiries about completing a public submission on the draft *Code of practice – Tunnels under construction* please contact the WorkCover via fax or email george.kuti@workcover.nsw.gov.au, fax (02) 9287 5480.

The public comment period is an open invitation to anyone to submit comment on any aspect of the draft code. You do not need to be a member of a particular association or organisation to submit comment.

All draft documents released by WorkCover NSW are free and can be obtained from www.workcover.nsw.gov.au

Draft documents are made available only for the purpose of obtaining public comment. They should not be used as *de facto* guidelines in the workplace.

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WorkCover NSW 92-100 Donnison Street Gosford NSW 2250
Locked Bag 2906 Lisarow NSW 2252 WorkCover Assistance Service **13 10 50**
Website www.workcover.nsw.gov.au

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