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## Department of Industry and Investment

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### COAL INDUSTRY ACT 2001

#### ORDER No. 41

#### Coal Services – Health Surveillance Requirements for New South Wales Coal Mine Workers

COAL SERVICES PTY LIMITED ACN 099 078 234 ('Coal Services'), pursuant to the powers conferred by the Coal Industry Act 2001 of New South Wales hereby ORDERS as follows:

#### ***Pre-placement Medical Assessments***

1. An employer of a coal mine worker or a person who contracts a coal mine worker to work in a coal operation must not permit a coal mine worker to commence working in a coal operation unless:
  - I. they have caused the coal mine worker to undertake a pre-placement medical assessment; or
  - II. they are satisfied the coal mine worker has already undertaken a pre-placement medical assessment in the previous twelve months.
2. An operator of a coal operation in New South Wales must not permit a coal mine worker to commence work in a coal operation unless satisfied the coal mine worker has undergone a pre-placement medical assessment.
3. An employer of a coal mine worker or a person who contracts a coal mine worker who has caused a coal mine worker to undertake a pre-placement medical assessment must ensure a report of the assessment is provided to the Chief Medical Officer, Coal Services, within four (4) weeks of the finalisation of the assessment.

#### ***Periodic Health Surveillance Assessment***

4. An employer of a coal mine worker or a person who contracts a coal mine worker to work in a coal operation must ensure each coal mine worker undergoes a periodic health surveillance assessment:
  - I. not more than three (3) years from the date of commencement of this Order and then no more than every three (3) years after that assessment; or
  - II. in the case of a coal mine worker who first commences work in a coal operation after the date of commencement of this Order:
    - a. not more than three (3) years after the date of their pre-placement medical assessment, or, not more than three (3) years after they commence working on coal extraction and/or treatment of coal at a coal operation, whichever is the earlier, and
    - b. no more than every three (3) years after that Periodic Health Surveillance Assessment.
5. An employer of a coal mine worker or a person who contracts a coal mine worker, must allow a coal mine worker to undertake a periodic health surveillance assessment during their normal weekly roster but not within ten (10) hours of finishing his or her last shift; and be liable for any payment with respect to the employee's attendance at any assessment.
6. An employer of a coal mine worker or a person who contracts a coal mine worker who has caused a coal mine worker to undertake a periodic health surveillance assessment must ensure a report of the assessment is provided to the Chief Medical Officer, Coal Services, within four (4) weeks of the finalisation of the assessment.

In this Order:

*coal operation* has the same meaning as in Section 3 of the Coal Mine Health and Safety Act 2002.

*coal mine worker* means a natural person working on coal extraction and/or treatment of coal at a coal operation.

*contracts* means to engage or hire the labour of a coal mine worker other than as an employee irrespective of how the engagement or hire occurs.

*employer* has the same meaning as in Section 3 of the Coal Mine Health and Safety Act 2002.

*operator* has the same meaning as in Section 3 of the Coal Mine Health and Safety Act 2002.

*periodic medical assessment* means a medical assessment of at least the factors in Schedule 1 (as revised from time to time and published on the Coal Services website) conducted by a registered medical practitioner or a registered nurse supervised by a registered medical practitioner.

*pre-placement medical assessment* means a medical assessment of at least the factors in Schedule 2 (as revised from time to time and published on the Coal Services website) conducted by a registered medical practitioner.

*registered medical practitioner* means a Doctor registered by the Medical Board of Australia to practice medicine in Australia.

*registered nurse* means a Registered Nurse (Division 1) registered by the Nursing and Midwifery Board of Australia to practice nursing in Australia.

## Schedule 1

## Factors to Consider in a Periodic Medical Assessment

The periodic medical assessment shall include an assessment of at least the following factors:

- detailed Medical History that pays particular attention to any disease or injury, both work and non-work related. It should also include a review of any medication usage;
- Spirometry and a review of the respiratory system, including the completion of a standardised respiratory questionnaire based on the MRC(UK) Respiratory Questionnaire 1986;
- hearing assessment, including audiometry;
- vision assessment, including visual fields and colour vision;
- blood pressure assessment;
- urinalysis, cholesterol check (non-fasting), blood sugar level, Body Mass Index (BMI);
- The Kessler Psychological Distress Scale (K10): The questionnaire aims to identify workers with significant levels of psychological distress so that they may be appropriately managed with respect to their ongoing health and wellbeing;
- The Epworth Sleepiness Scale (ESS): This assessment is intended to measure daytime sleepiness and can be helpful in diagnosing sleep disorders;
- Alcohol Audit: The Alcohol Use Disorders Identification Test (AUDIT) was developed by the World Health Organisation (WHO) as a simple method of screening for excessive alcohol consumption. It provides a framework for intervention to help risk or high-risk drinkers to reduce or cease their alcohol consumption. It also helps to identify alcohol dependence;
- Cardio Risk Assessment: A rating based on guidelines that have been developed for use by Physicians to assess the risk of cardiovascular disease (CVD) in adults without known CVD. The ranking is based on guidelines produced by the Australian and American Heart Foundations.
- hazard exposure questionnaire identifying all potential environmental hazards a worker may be exposed to and includes information on the use of PPE;
- work related skin disease questionnaire;
- musculoskeletal questionnaire;
- chest x-ray (five (5) yearly for miners with a history of possible hazardous dust exposure); and
- conclusions and recommendations.

**Notes:**

A hazard exposure questionnaire, work related skin disease questionnaire and musculoskeletal questionnaire have been developed by Coal Services Pty Limited for the New South Wales coal industry and are available on request for use in a health surveillance assessment.

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 SCHEDULE 2

 Factors to Consider in a  
 Pre-placement Medical Assessment

The pre-placement medical assessment shall include an assessment of at least the following factors:

- a detailed medical history, including any past or present disease or injury and any use of medication;
- Spirometry and a review of the respiratory system, including the completion of a standardised respiratory questionnaire based on the MRC(UK) Respiratory Questionnaire 1986;
- hearing, including audiometry;
- vision, including visual fields and colour vision;
- a full musculoskeletal assessment that pays particular attention to any previous injury or underlying condition;
- a cardiovascular assessment;
- blood pressure assessment;
- urinalysis;
- Body Mass Index (BMI);
- Doctor's clinical examination and general health review, including tobacco smoking history, alcohol consumption and physical activity;
- neurological examination with particular attention to sensory or balance disorders, including the Romberg test for balance;
- chest x-ray (where the applicant has the chance of potentially hazardous exposures to coal or silica dust, unless an x-ray has been completed in the previous five (5) years); and
- Doctor's assessment of the overall fitness of the applicant for the proposed position, including any recommendations or work restrictions.

**Notes:**

1. The data obtained from each pre-placement medical assessment or periodic health surveillance assessment will be entered by Coal Services into its Health Assessment Database for the purpose of monitoring the health of the New South Wales coal industry as required by the Coal Industry Act 2001. This is in order to enable Coal Services to report on health trends, provide advice to the relevant Government agencies and the Minister and provide advice to coal mine operators. In doing so, the provisions of the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002 will be adhered to.
2. In respect of the provisions of Clause 5 of this Order, if a registered Industrial Instrument has different terms from that which is contained in Clause 5 then the provisions of the Industrial Instrument will prevail over the terms of Clause 5 of this Order.
3. The Coal Industry Act 2001 provides that a person (an individual or a corporation) must not, without reasonable excuse, refuse or fail to comply with this Order – Maximum penalty: 200 penalty units in the case of a corporation or 50 penalty units in the case of an individual.
4. A person includes a natural person and a corporation.
5. The Coal Industry Act 2001 and the Coal Mine Health and Safety Act 2002 are available from [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)  
For further information contact the Coal Services on (02) 8270 3202.

Dated this 31st day of January 2011.

Signed on behalf of COAL     ) Ron Land  
SERVICES PTY LIMITED     ) Chairman  
on the date abovementioned     )  
   ) Mark Coyne  
   ) Managing Director/CEO

Approval granted to Coal Services Pty Limited to make this Order pursuant to Section 13 of the Coal Industry Act 2001:

Dated this 8th day of February 2011.

The Hon. STEVE WHAN, M.P.,  
Minister for Primary Industries