

Replacement Order

Change Readiness Guide for Employers



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Published by Coal Services Pty Limited
Level 21, 44 Market Street, Sydney NSW 2000

www.coalservices.com.au

Published: September 2025

Disclaimer: This document is designed to support the NSW coal industry in preparing for the replacement of the Coal Services Health Monitoring Requirements for Coal Mine Workers Order No. 43 (Order 43).

It includes details relating to the draft replacement Order, which remains subject to approval and gazettal by the NSW Minister for Natural Resources. As such, the content is not final and may be subject to amendment. While every effort has been made to ensure the information provided reflects the intent of the replacement Order, the final gazetted Order may include substantive changes.

Users are encouraged to exercise judgment and take appropriate caution when applying the information to business planning or operations. Any actions taken should consider the potential for change after gazettal, noting that the final approved Order will take precedence.

Replacement Order: Change Readiness Guide for Employers

Purpose

This document is designed to support NSW coal industry employers* in preparing for the replacement of the Coal Services Health Monitoring Requirements for Coal Mine Workers Order No. 43 (Order 43). It provides a practical guide to assessing organisational readiness, highlights key areas of focus, and assists with business preparation activities to ensure a smooth transition.

CS Health recommends conducting an impact analysis to understand how the changes introduced by the replacement Order may affect your organisation's processes, systems, and compliance obligations. This will help identify potential risks and gaps, enabling the development of effective mitigation strategies and reducing the likelihood of issues arising post-implementation.

As each organisation has unique needs and considerations that may fall outside the scope of this document, conducting an impact analysis is strongly recommended to ensure all your risks, dependencies, and organisation-specific factors are identified and addressed in preparation for the replacement Order.

The [Coal Services website](#) provides detailed information regarding the changes to the replacement Order, which can help inform you further.

To help guide your business preparations, the following key areas have been identified as priorities for review and consideration:

- > the definition of a coal mine worker
- > introduction of risk categories
- > health assessment reviews
- > respirator fit testing
- > coal mine worker lists
- > transitional arrangements
- > requirements for booking a health assessment
- > transferring a medical
- > site access requirements
- > communication and change management.

The Change Readiness Key Considerations Checklist (Appendix A) is a practical tool designed to support your organisation's preparedness. While it is not an exhaustive list of all possible considerations, it serves as a useful prompt for business discussions and can help identify key areas of focus.

*Throughout this document, references to an *employer* should be understood to mean a person conducting a business or undertaking (PCBU), as defined in the draft replacement Order.

Definition of a coal mine worker

Overview

The health surveillance scheme for NSW coal mine workers is designed to monitor the health of NSW coal mine workers for any adverse health effects due to occupational exposure to dust, noise, chemicals, and other workplace hazards.

The replacement Order includes a revised definition of a coal mine worker to clarify who requires health monitoring and to ensure that only those exposed to occupational hazards are included.

Replacement Order definition:

A coal mine worker means a person who carries out work at a coal mine or a coal handling preparation plant for a person conducting a business or undertaking. It does not include a person who works in an environment in which they are not exposed to airborne contaminant, hazardous chemicals, and/or occupational noise unless the person has previously worked in an area of a coal mine or coal handling preparation plant in which they were exposed to airborne contaminant, hazardous chemicals, and/or occupational noise.

Key changes

- > The definition now includes criteria related to exposures to airborne contaminants, hazardous chemicals, and/or occupational noise, rather than just the location of work.
- > The definition excludes workers who may work in an office or non-operational areas with *no* exposures to airborne contaminants, hazardous chemicals, and/or occupational noise.
- > If a worker is currently working in an office or non-operational area but has a history of exposure to airborne contaminants, hazardous chemicals, and/or occupational noise, then they may be considered a coal mine worker.
- > Workers who do not meet the definition of a coal mine worker will not be eligible for a health assessment under the replacement Order.

Key considerations for employers

- > Review the current workforce to determine who meets the revised definition of a coal mine worker.
- > Identify workers who are currently in non-exposure positions but have a history of previous exposure to airborne contaminants, hazardous chemicals, and/or occupational noise.
 - For workers previously exposed to airborne contaminants, hazardous chemicals, or occupational noise, relevant exposure is generally considered to be 5 years or more, based on the medical evidence of occupational disease development.
 - For workers with previous high silica exposure, relevant exposure is generally considered to be 2 years or more, based on the medical evidence of occupational disease development.
 - Employers may use similar exposure group (SEG) monitoring data to help inform the positions that are exposed to airborne contaminants, hazardous chemicals, and/or occupational noise.
- > Review your current health assessment programs and/or process to reflect the updated scope of coal mine workers and remove those workers who no longer require a health assessment.
- > Review and update your coal mine worker list to only include those who meet the criteria detailed in the revised definition of a coal mine worker.

Note: For clarity, the terms *position* and *role* are considered equivalent. While titles of positions or roles may differ, the inherent requirements (tasks, functions, accountabilities, and responsibilities) must be consistent.

Introduction of risk categories

Overview

Risk categories have been introduced to assist approved medical practitioners in selecting the most appropriate medical investigations when assessing a coal mine worker's fitness for work, particularly when a medical condition has been identified. This approach helps reduce unnecessary follow-ups and testing, while supporting health assessment reviews in line with relevant NSW Coal Industry Health Standards.

The risk categories are defined in the replacement Order as detailed below:

Category A: Safety critical means a coal mine worker or prospective coal mine worker whose immediate action or inaction from an unavoidable and/or sudden medical incapacity may lead directly to a serious incident affecting others in the workplace.

Category B: Safety sensitive means a coal mine worker or prospective coal mine worker whose immediate action or inaction from an unavoidable and/or sudden medical incapacity may lead directly to a serious incident affecting themselves and is not likely to affect others in the workplace.

Category C: Non-safety sensitive means a coal mine worker or prospective coal mine worker whose immediate action or inaction from an unavoidable and/or sudden medical incapacity will not lead to a serious incident affecting others in the workplace and their work environment will not contribute adversely to the outcome.

Key changes

- > Risk categories are a new requirement in the replacement Order.
- > All coal mine workers or prospective coal mine workers must be classified into one of the 3 risk categories: Category A: Safety critical, Category B: Safety sensitive, or Category C: Non-safety sensitive.

Key considerations for employers

- > Employers must review the coal mine worker positions and assign a risk category to each position.
- > Risk category assignment must be reviewed if a coal mine worker changes position.
- > Employers must provide the designated risk category to an approved medical practitioner when booking a health assessment, health assessment review, or retirement health assessment.
- > The risk category for each coal mine worker must be included in the annual coal mine worker list.

Risk Category Guidelines

Coal Services has developed Risk Category Guidelines to assist employers in determining the risk category of a coal mine worker by outlining a process that considers the tasks performed by the coal mine worker and the associated risk to themselves and/or others in the event of an unavoidable and/or sudden medical incapacity.

A copy of the Risk Category Guidelines is available on the [Coal Services website](#).

Risk category webinars

Employers are encouraged to attend a webinar which introduces risk categories and explains the Risk Category Guidelines. The webinar covers:

- > the purpose and benefits of risk categories
- > an overview of the 3 risk categories
- > an introduction to the Risk Category Guidelines
- > considerations when determining risk categories for coal mine worker positions.

Details are available on the [Coal Services website](#).

Health assessment reviews

Overview

Health assessment reviews ensure that health determinations are well-informed, particularly when a medical condition is identified that may impact a coal mine worker's ability to perform their role safely.

The replacement Order introduces health assessment reviews as a new requirement. It also includes provisions relating to time and payment when a health assessment review is triggered by investigations related to airborne contaminants, hazardous chemicals, and/or occupational noise.

Key changes

- > Health assessment reviews are a new requirement under the replacement Order.
- > The replacement Order includes time and payment provisions whenever a health assessment review is related to airborne contaminants, hazardous chemicals, and/or occupational noise investigations.

Key considerations for employers

- > A health assessment review is a conditional clearance for the review period detailed on the health assessment certificate. If the health assessment review is not completed within the timeframe, the health assessment certificate will expire.
- > Employers should establish systems and/or processes to monitor and manage health assessment reviews.
- > Employers should establish systems and/or processes to manage time and/or payment provisions whenever a health assessment review is triggered for airborne contaminants, hazardous chemicals, and/or occupational noise investigations.
- > Employers are responsible for determining and applying the payment provisions for coal mine workers.
- > Employers should clearly communicate to coal mine workers how health assessment reviews will be managed, ensuring roles, responsibilities, and expectations are transparent for all parties.
- > Employers should build sufficient time into their processes to ensure health assessment reviews are completed before the expiry of the health assessment certificate. This includes allowing for the scheduling and completion of the health assessment review, as well as for the processing and administrative timeframes. Factoring in these requirements will minimise the risk of the health assessment certificate expiring.

Respirator fit testing

Overview

Coal mining produces coal dust and dusts from other minerals, including silica. Repeated exposure to coal mine dust can put coal mine workers at risk of developing coal mine dust lung diseases.

When Order 43 was introduced in 2018, respirator fit testing was not standard practice across the NSW coal industry. Since then, industry practices have matured, and the replacement Order reflects this progress by recognising the robust systems many employers now have in place, allowing respirator fit testing to be included as an optional component of health assessments.

Key changes

- > Respirator fit testing is no longer a compulsory requirement in the replacement Order.
- > Employers may choose to include a respirator fit test as part of a health assessment at no additional cost.

Key considerations for employers

- > While respirator fit testing is no longer mandatory under the replacement Order, employers must still consider other Work Health and Safety regulations where respirator fit testing is required and determine how this will be managed.
- > CS Health will only conduct respirator fit testing on coal mine workers who are clean-shaven or have no facial hair between the skin and sealing surfaces of the respirator facepiece. This aligns with the Australian Standard *AS/NZS 1715:2009 Selection, use and maintenance of respiratory protective equipment*. Further details on Respiratory Protection Standards are available on the [Standards Australia website](#).
- > Employers can access further information on respirator fit testing requirements on the [SafeWork NSW website](#).
- > Mine operators should consider updating their health and safety management system requirements for respirator fit testing for site access.
- > Mine operators should provide any updated health and safety management system requirements to relevant induction companies.

Coal mine worker lists

Overview

The information contained in the coal mine worker lists allows Coal Services to identify the date of the last health assessment and chest imaging for each coal mine worker. This information then assists employers in planning and scheduling health assessments for coal mine workers.

The replacement Order maintains the requirement for employers to provide a coal mine worker list to Coal Services each calendar year. However, there has been a change to some of the inclusions.

Replacement Order definition:

The requirement to provide a coal mine worker list means by 30 September each calendar year, the person conducting a business or undertaking who has employed a coal mine worker in the previous twelve (12) months, must provide to Coal Services, in the form provided by Coal Services, a list containing the full name, date of birth, position, risk category, similar exposure group, commencement date, and termination date where applicable.

Key changes

- > The date for submission has changed from 31 October each calendar year to 30 September each calendar year.
- > The coal mine worker list must now include the position, risk category, similar exposure group (SEG), commencement date, and termination date for each coal mine worker.

Key considerations for employers

- > The requirements for the updated coal mine worker lists will not be due until 30 September 2026 – pending the approval and gazetting of the replacement Order.
- > Employers must ensure that the coal mine worker list also includes the risk category for each coal mine worker.

Transitional arrangements

Overview

The replacement Order outlines transitional arrangements to ensure that medical assessments conducted under Order 43 are recognised as valid health assessments under the replacement Order. These transitional arrangements aim to prevent duplication, provide clarity for employers, and ensure that coal mine workers remain compliant with the replacement Order without undergoing unnecessary additional health assessments once it is implemented.

Replacement Order transitional arrangements:

- a) *If a coal mine worker has a current periodic medical assessment completed pursuant to the Coal Services Health Monitoring Requirements for Coal Mine Workers Order No. 43 under the Coal Industry Act 2001 (NSW), that periodic medical assessment is a health assessment under this Order subject to the periodic medical assessment being completed within the previous three (3) years.*
- b) *If a coal mine worker has entered the New South Wales coal industry within three (3) years previous to the commencement of this Order and has not completed a periodic medical assessment, then the first pre-placement medical assessment completed pursuant to the Coal Services Health Monitoring Requirements for Coal Mine Workers Order No. 43 under the Coal Industry Act 2001 (NSW) is to be considered a health assessment for that coal mine worker under this Order.*

Key considerations for employers

- > Employers should confirm which coal mine workers hold a valid Order 43 medical assessment in accordance with the transitional arrangements.
- > Employers should update any systems and/or processes to reflect the recognition of Order 43 medical assessments in accordance with the transitional arrangements.
- > Pre-placement medicals conducted under Order 43 within the past 12 months cannot be transferred to a new employer under the replacement Order, meaning a new health assessment will be required.
- > Mine operators should update their health and safety management systems to reflect the recognition of Order 43 medical assessments in accordance with the transitional arrangements.
- > Mine operators should provide any updated health and safety management system requirements to relevant induction companies.
- > Mine operators should communicate expectations with contractors and labour-hire organisations regarding the transitional arrangements under the replacement Order and site access.

Replacement Order: Transitional arrangements guide for employers

CS Health has developed the Replacement Order: Transitional Arrangements Guide for Employers to help employers understand the transitional arrangements under the replacement Order. The document is available on the [Coal Services website](#).

Requirements for booking a health assessment

Overview

To support approved medical practitioners in making accurate fitness for work determinations, and to ensure the most appropriate medical investigations are conducted, particularly when a medical condition has been identified, employers are required to provide essential information as part of the health assessment booking process.

Key changes

To comply with the requirements of the replacement Order, an employer must provide the following information at the time of booking a health assessment, health assessment review or retirement health assessment:

- > full name and address of the business
- > full name and date of birth of the coal mine worker
- > position of the coal mine worker
- > risk category of the coal mine worker (new requirement)
- > similar exposure group (SEG) of the coal mine worker
- > whether respirator fit testing is requested as part of the health assessment (changed requirement)
- > whether any health monitoring requirements outlined in Schedule 14, Work Health and Safety Regulation 2017 (NSW) are requested as part of the health assessment (new optional inclusion).

Key considerations for employers

- > Employers must provide the designated risk category to an approved medical practitioner when booking a health assessment, health assessment review or retirement health assessment.
- > Employers may request a respirator fit test as part of a health assessment at no additional cost.
- > Employers may request further health monitoring requirements as outlined in Schedule 14, Work Health and Safety Regulation 2017 (NSW) as part of a health assessment at no additional cost.
- > Employers should ensure the relevant staff who are responsible for booking health assessments have been briefed on the new and optional requirements.

Transferring a medical

Overview

When Order 43 was introduced in 2018, it allowed employers to use an existing pre-placement medical assessment for a new employee to comply with Order 43, provided the pre-placement medical assessment had been conducted within 12 months prior to the employee's commencement with the new employer.

Subsequent consultation with the NSW coal industry, including an independent review of the health surveillance scheme, found that this requirement was restrictive and placed an unnecessary burden on the scheme. The replacement Order updates the health assessment requirements to reflect this feedback.

Key changes

Employers must ensure that a coal mine worker has, or has had, a health assessment completed within the previous 3 years for the coal mine worker's position and risk category before commencing work at a new coal mine or coal handling preparation plant.

Key considerations for employers

- > Employers onboarding a new coal mine worker must ensure that the position and risk category of the health assessment match the position and risk category for the new coal mine worker's designated position.
- > Employers may use a health assessment undertaken for the same position but a higher risk category, if the coal mine worker's new designated position has a lower risk category.
- > Employers may also refer to the Replacement Order: Transitional Arrangements Guide for Employers that is available on the [Coal Services website](#).

Note: For clarity, the terms *position* and *role* are considered equivalent. While titles of positions or roles may differ, the inherent requirements (tasks, functions, accountabilities, and responsibilities) must be consistent.

Site access requirements

Overview

In the NSW coal industry, shared duty holders are multiple employers such as the mine operator, contractors, and labour-hire organisations, who all influence and share responsibility for a coal mine worker's health and safety.

In preparation for the replacement Order, duty holders should consult and coordinate to avoid gaps or duplication, and to ensure consistent interpretation and application of the requirements of the replacement Order. While CS Health can provide guidance on these matters, the responsibility for consultation rests with the duty holders themselves.

Key changes

- > CS Health will no longer provide site access medical assessments. These assessments were not required under Order 43; however, they were offered to meet industry needs. The replacement Order now addresses these gaps with an updated health assessment which is comparable to a combined site access and periodic medical.
- > The new health assessment certificate includes a RAG (Red-Amber-Green) status, also known as a traffic light report, which provides employers with a clear, at-a-glance understanding of a coal mine worker's fitness for work.

Key considerations for employers

- > **Definition of coal mine worker:** Duty holders should confirm they are using the updated definition to ensure all relevant coal mine workers, including contractors and labour-hire personnel, are correctly captured under the replacement Order requirements.
- > **Categorisation of positions and risk categories:** Duty holders should review each position and agree on the appropriate risk category to ensure consistent application and to prevent coal mine workers from undergoing additional unnecessary health assessments.
- > **Requirement for respirator fit testing:** Duty holders should discuss how respirator fit testing will be managed to ensure continued compliance with relevant Work Health and Safety regulations.
- > **Contract management systems:** Mine operators should ensure that their health and safety management systems are updated to reflect the replacement Order.
- > **Communication:** Mine operators should communicate any new or changed site access and/or business rule requirements to contractors and labour-hire organisations and confirm that these organisations understand these obligations.
- > **Privacy considerations:** Duty holders should review current processes to ensure they remain compliant with the *Privacy Act 1988* (Cth) and *Privacy and Personal Information Protection Act 1988* (NSW) when sharing coal mine workers' personal and health information.

Communication and change management

To support the implementation of the replacement Order, we recommend that employers develop a communication and change management plan. This will help ensure that all business stakeholders – including coal mine workers, supervisors, managers, and support functions – understand what is changing, why it matters, and how it will impact their roles and responsibilities.

This structured plan can support your business readiness by providing clear messaging, timely updates, and targeted training where required, enabling your organisation to adapt to new processes, systems, or compliance obligations. It can also facilitate a smoother transition by aligning internal activities, minimising disruption, and reducing the risk of non-compliance.

Implementing a communication and change management plan helps prepare your workforce, aligns internal activities, and supports a smooth and compliant transition to the replacement Order.

Next steps

- > Use the Change Readiness Key Considerations Checklist (Appendix A) to support organisational readiness.
- > Stay up to date with implementation timelines and final documentation releases via the [Coal Services website](#).
- > Contact [CS Health](#) for clarification or support as needed.

Appendix A

Change readiness key considerations checklist

Impact analysis	Yes	No	N/A
Has your business completed an impact analysis to understand how the changes introduced by the replacement Order may affect your organisation's processes, systems, and compliance obligations?			
Coal mine worker lists	Yes	No	N/A
Has the workforce been reviewed to identify workers who meet the updated coal mine worker definition?			
Have workers currently in non-exposure positions, but have a history of exposure to airborne contaminants, hazardous chemicals, or occupational noise, been identified? > For general exposures, has a period of ≥ 5 years been considered? > For high silica exposures, has a period of ≥ 2 years been considered?			
Has SEG monitoring data been reviewed to identify positions exposed to airborne contaminants, hazardous chemicals, or occupational noise?			
Have health assessment programs and processes been updated to reflect the revised definition of coal mine workers?			
Have you established a process to capture the updated coal mine worker list information?			
Has the coal mine worker list been updated to include only coal mine workers meeting the revised definition? Note: The coal mine worker list is not due until 30 September 2026			
Risk categories	Yes	No	N/A
Have all coal mine worker positions been reviewed and assigned a risk category?			
Are processes in place to ensure the risk category is reviewed whenever a coal mine worker changes position?			
Is the risk category for each coal mine worker included in the annual coal mine worker list?			
Do the relevant staff have access to the Risk Category Guidelines available on the Coal Services website?			
Have the relevant staff attended the risk category webinars?			
Health assessment reviews	Yes	No	N/A
Have systems and/or processes been established to monitor and manage health assessment reviews?			
Have systems and/or processes been established to manage time and/or payment provisions when a health assessment review is triggered for airborne contaminants, hazardous chemicals, or occupational noise investigations?			
Has communication been provided to coal mine workers regarding how health assessment reviews will be managed, including roles, responsibilities, and expectations?			
Have sufficient timeframes been built into processes to ensure health assessment reviews are completed before the coal mine worker's certificate expires, including scheduling, completion, processing, and administrative requirements?			

Respirator fit testing	Yes	No	N/A
Have you considered other Work Health and Safety regulations to determine how respirator fit testing will still be managed if not included as part of a health assessment?			
Have you established how respirator fit testing will be managed in line with other Work Health and Safety requirements?			
Have you accounted for CS Health's requirement that respirator fit testing is only conducted on workers who are clean-shaven (no facial hair between the skin and sealing surface), and how this will be managed?			
Have you reviewed Australian Standard AS/NZS 1715:2009 to ensure compliance with respirator selection, use, and maintenance requirements?			
Have you accessed additional guidance on respirator fit testing from the SafeWork NSW website?			
Have you reviewed and, if necessary, updated your site health and safety management system requirements for respirator fit testing (e.g. for site access)?			
Do you have processes in place to notify CS Health when there are changes to the types of respirator masks being used onsite?			

Transitional arrangements	Yes	No	N/A
Have you accessed the Replacement Order: Transitional Arrangements Guide for Employers available on the Coal Services website?			
Have you confirmed which coal mine workers hold a valid Order 43 assessment in accordance with the transitional arrangements?			
Have you updated your systems and/or processes to reflect the recognition of Order 43 assessments under the transitional arrangements?			
Have you updated your health and safety management system to reflect the recognition of Order 43 assessments under the transitional arrangements?			
Mining operators: Have you communicated with contractors and labour-hire organisations about expectations regarding the transitional arrangements under the replacement Order?			

Health assessment bookings	Yes	No	N/A
Have the relevant staff who will be booking the health assessments been briefed on the requirement to provide the coal mine worker's risk category once the replacement Order is in effect?			
Have the relevant staff who will be booking the health assessments been informed about who will require respirator fit testing at the time of the health assessment?			
Have the relevant staff who will be booking the health assessments been informed about who will require Schedule 14 health monitoring at the time of the health assessment?			

Transferring a medical	Yes	No	N/A
Do you have the relevant systems and processes in place to ensure that when onboarding a new employee, the coal mine worker has, or has had, a health assessment completed within the previous 3 years for the coal mine worker's position and risk category before commencing work?			

Site access requirements	Yes	No	N/A
Have you consulted with your relevant stakeholders (mine operators, contractors, labour-hire organisations) as applicable and agreed on processes to support the updated coal mine worker definitions, introduction of risk categories, respirator fit testing requirements, and other site access health requirements to avoid gaps, duplication, or inconsistent application of the replacement Order?			
Have contractor and health and safety management systems been updated, and have any new or changed site access rules been communicated to contractors and labour-hire organisations?			
Have relevant stakeholders (mine operators, contractors, labour-hire organisations) reviewed current processes to ensure the sharing of coal mine workers' personal and health information remains compliant with the <i>Privacy Act 1988</i> (Cth) and the <i>Privacy and Personal Information Protection Act 1988</i> (NSW)?			
Communication and change management plan	Yes	No	N/A
Have you developed a communication and change management plan to support the implementation of the replacement Order?			
Does the plan ensure that all business stakeholders (coal mine workers, supervisors, managers, and support functions) understand what is changing, why it matters, and how it will impact their roles and responsibilities?			

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