

1994—No. 471

MINES INSPECTION ACT 1901—GENERAL RULE

(Mines Inspection General Rule 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Mines Inspection Act 1901, has been pleased to make the General Rule set forth hereunder.

I R CAUSLEY MP
Minister for Mines.

PART 1—PRELIMINARY

Citation

1. This General Rule may be cited as the Mines Inspection General Rule 1994.

Commencement

2. This General Rule commences on 1 September 1994.

Definitions

3. In this General Rule:

“**authorised person**”, in relation to the exercise of a function at a mine, means a competent person appointed by the manager of the mine to act with the authority of the manager, either generally or in respect of that function;

“**manager**”, in relation to a mine, means the person who, under section 5 of the Act, is the manager of the mine;

“**the Act**” means the Mines Inspection Act 1901.

Notes to clauses

4. Notes to clauses do not form part of this General Rule.

Application of the General Rule

5. This General Rule applies to mines as defined in the Act. (The Act does not apply to coal and shale mines.)

NOTES: (1) Section 56 (3) of the Act provides that a general rule must, so far as may be reasonably practicable, be observed in and about a mine in the same manner as if it were enacted in the Act.

(2) Section 56 (4) of the Act provides that the Governor may, by proclamation published in the Gazette, exempt any mine or class of mine or any part of a mine from the operation of a general rule.

(3) Section 57 of the Act provides that:

- (a) a person who contravenes or does not comply with a general rule is guilty of an offence against the Act; and
- (b) in the event of any such contravention or non-compliance by any person, the owner and manager of the mine are also each guilty of an offence against the Act (unless proved that all reasonable means had been taken, by publishing and to the best of their power enforcing the rule as a regulation for the working of the mine, so as to prevent the contravention or non-compliance).

(4) Section 67 (1) of the Act provides that every person employed in or about a mine (other than an owner or manager) who is guilty of any act or omission which in the case of an owner or manager would be an offence against the Act is taken to be guilty of an offence against the Act.

(5) Sections 67 (2) and (3), 68 and 69 (2) and (3) of the Act contain provisions regarding the penalties that may be imposed for offences.

PART 2—MANAGEMENT OF MINES**Occupational Safety and Health Policy**

6. (1) This clause applies to:

- (a) a mine at which more than 4 persons work, unless the Chief Inspector has advised the manager of the mine in writing that this clause does not apply to the mine; and
- (b) a mine at which 4 or less persons work, if the Chief Inspector has advised the manager of the mine in writing that this clause applies to the mine.

(2) The manager of a mine to which this clause applies must prepare an Occupational Safety and Health Policy designed to protect the safety and health of the persons working at the mine.

(3) The Policy must be prepared:

- (a) if more than 4 persons work at the mine—within 12 months after the commencement of this General Rule or the commencement of working at the mine, whichever is the later; or
- (b) if 4 or less persons work at the mine—within the time specified by the Chief Inspector in the advice to the manager that this clause applies to the mine.

(4) The manager must:

- (a) communicate the Policy, or a summary of the Policy, to the persons working at the mine; and
- (b) regularly review the Policy through processes of consultation with those persons; and
- (c) implement programs to give effect to the Policy.

(5) Without limiting subclause (4) (c), the manager of a mine to which this clause applies must:

- (a) implement a Safety and Occupational Health Training Program to give effect to the Policy; and
- (b) ensure that all persons who work at the mine are trained under that Program.

Safe working—manager's responsibilities

7. (1) The manager of a mine must ensure that:

- (a) the mine is worked safely; and
- (b) to that end:
 - (i) mining operations are conducted in accordance with the Act, this General Rule and any relevant policies or directions; and
 - (ii) appropriate competent supervision of persons who work at the mine is provided; and
 - (iii) the safety and occupational health needs of those persons are appropriately monitored.

(2) The manager of a mine must ensure that any part of the mine that is unsafe is sealed off or closed to entry by persons (otherwise than to authorised persons entering for the purpose of assessing the area's safety or making it safe).

(3) The manager of a mine must ensure that persons who work at the mine:

- (a) have the necessary skills and competence for the tasks they are to undertake; and

- (b) have been adequately and appropriately trained; and
- (c) understand their duties; and
- (d) comply with the requirements of the Act, this General Rule and any relevant policies or directions.

Safe working—supervisor’s responsibilities

8. (1) A person acting in a supervisory capacity at a mine must ensure that:

- (a) the work methods and work places within the area of the person’s responsibility are safe; and
- (b) any hazards within that area are detected and controlled; and
- (c) operational changes that may affect the safety or health of persons at the mine are adequately communicated to those persons; and
- (d) other supervisory persons on connecting shifts or in adjoining areas are consulted as appropriate with regard to the state of the workings and equipment.

(2) Clause 7 (3) applies to a person acting in a supervisory capacity at a mine in relation to the persons under his or her charge in the same way as it applies to the manager of a mine in relation to persons who work at the mine.

(3) At the end of each shift at a mine at which more than one shift a day is worked each person acting in a Supervisory capacity at the mine must:

- (a) prepare a report indicating the state of the workings within the person’s responsibility; and
- (b) ensure that the report is brought to the attention of the oncoming supervisory person.

(4) A person acting in a supervisory capacity at a mine to whom any matter concerning the safety of the mine or persons who work at the mine is reported must immediately:

- (a) to the extent of the person’s responsibility, take such action as may be necessary in the interest of the safety of the mine and the persons working at the mine; and
- (b) to the extent that the matter is not within the person’s responsibility, make a report of the matter (including details of any action the person has taken) to the manager of the mine or to a person having responsibility for the matter.

Control of persons

9. (1) A person at a mine:

- (a) is subject to the control of the manager of the mine and, in the manager's absence, to the control of the person for the time being in charge of (or having the manager's responsibility for) the mine; and
- (b) if at a part of the mine, is subject to the control of the person for the time being in charge of (or having the manager's responsibility for) that part.

(2) A person at a mine must comply with any directions given by an authorised person for the purpose of securing compliance with the Act or this General Rule or for securing the safety or health of persons at the mine.

(3) In subclause (2), “**directions given**” includes directions given by a sign erected under the Act or this General Rule.

Inspection for, and action to be taken in respect of, dangerous working places

10. (1) A person who works at a mine must, before commencing work and at frequent intervals during the person's period of duty, carefully examine the working place and any machinery or system intended to be used so as to be satisfied that it is safe.

(2) If any danger is found, work affected by it must be suspended until such time as the danger is removed, isolated or remedied (either by the person or in accordance with the directions of an authorised person).

Dangers generally

11. If it appears to a person who works at a mine (not being a person acting in a supervisory capacity at the mine) that a danger affecting the safe working of the mine or a part of the mine has arisen or is about to arise, the person must:

- (a) if the taking of measures to render the mine or part safe or to prevent the danger from arising falls within the scope of the person's duties—immediately take those measures and report the matter to a person acting in a supervisory capacity at the mine; or
- (b) if the taking of those measures does not fall within the scope of the person's duties—immediately report the matter to a person acting in a supervisory capacity at the mine.

Check Inspectors

12. (1) The persons who work at a mine may elect from time to time one or two persons (“**Check Inspectors**”) to conduct inspections at the mine (at the cost and on behalf of the persons who work at the mine) and to report any hazards which may be found.

(2) A person elected as a Check Inspector must have practical experience and training in the mining industry relevant to the mining operations being conducted at the mine.

(3) The manager of the mine must provide the means for a Check Inspector to make an inspection.

(4) A Check Inspector may be accompanied by another person who possesses relevant skills to assist the Check Inspector.

(5) On receipt of a report by a Check Inspector of a perceived hazard, the manager of a mine must take measures to resolve the matter and take any necessary corrective action.

(6) The manager must send a copy of a Check Inspector’s report of a perceived hazard to an inspector within 24 hours after receiving the report.

(7) An inspector who receives a copy of such a report must investigate the report at the earliest practicable time.

Damage or misuse of certain things prohibited

13. A person must not wilfully damage or misuse anything provided at a mine for an emergency or for safety or health purposes.

Intoxicating liquor and drugs

14. (1) A person must not take intoxicating liquor into a mine except with the authority of the manager of the mine.

(2) A person must not drink intoxicating liquor at a mine except with the authority of the manager of the mine.

(3) Before attending for work at a mine a person must not drink intoxicating liquor or take drugs so as to cause the person to present a hazard to himself or herself or any other person at the mine.

(4) A manager of a mine or an authorised person at a mine who has reasonable grounds for believing that a person at the mine:

- (a) is under the influence of intoxicating liquor or a drug; and

(b) will be a hazard to the person's own safety or the safety of another in performing the person's duties at the mine, must immediately order the person to leave the mine.

(5) For the purpose of making a determination under subclause (4), the manager or authorised person may require the person to submit to a recognised test to determine the extent to which the person is under the influence of intoxicating liquor or a drug.

(6) A person ordered to leave a mine pursuant to subclause (4) must immediately comply with the order.

(7) A person who fails to comply with an order immediately:

- (a) is guilty of an offence against subclause (6); and
- (b) may be removed from the mine with the use of no more than reasonable force.

(8) Any person who has reason to believe that a person at a mine:

- (a) is under the influence of intoxicating liquor or a drug; and
- (b) is working in an unsafe manner,

must immediately report that person to a person acting in a supervisory capacity at the mine.

Communication

15. The manager of a mine must ensure that all persons who work at the mine have, for the purpose of receiving instructions or training or in the event of danger, the ability to effectively communicate with their supervisors and fellow workers in a way which enables them to understand, and be understood by, others.

Raising of health or safety related matters

16. (1) The manager of a mine must give proper attention to any health or safety related matters brought to the manager's attention by or on behalf of any person who works, or any group of persons who work, at the mine.

(2) The results of any consequent investigation by the manager must be made known to the persons who work at the mine.

PART 3—SAFETY, HEALTH AND WELFARE

Change rooms and toilet facilities

17. (1) The manager of a mine at which:

- (a) the number of persons who work at the mine exceeds 4; and

(b) the conditions of working are such that the persons who work at the mine require to change before leaving the mine,
must ensure that adequate change rooms are provided at the mine.

(2) The manager of a mine must ensure that adequate toilet facilities and associated washing facilities are provided at the mine.

Drinking water

18. The manager of a mine must ensure that an adequate supply of drinking water is readily available to persons who work at the mine.

Weather protection

19. The manager of a mine must ensure that adequate protection from the weather is provided for persons waiting to proceed below ground, taking meal breaks or operating plant or equipment at the mine.

Medical screening

20. If so required by the Chief Inspector in writing, the manager of a mine must arrange for the following medical examinations (or such of them as are specified in the request):

- (a) the medical examination of persons who propose to work at the mine to establish their level of health prior to commencing work;
- (b) the medical examination of persons who work at the mine to establish whether working at the mine is affecting their health;
- (c) the medical examination of persons ceasing to work at the mine to establish their level of health at that time.

Safety apparel and protective devices

21. (1) The manager of a mine must ensure that persons at the mine are provided with such safety apparel and protective devices as are necessary to protect their health and safety.

(2) After taking into account any proper advice, the manager must determine the area or circumstances and the manner in which the safety apparel or protective devices need to be worn or used.

(3) A person provided with safety apparel or protective devices must wear or use them in the area or circumstances and manner determined by the manager.

PART 4—SAFETY AND STABILITY OF MINE WORKINGS**Mine safety and stability**

22. The manager of a mine must ensure that the mine, and any machinery, equipment, material or conveyance used at the mine, is designed, constructed, worked, maintained and protected so as to:

- (a) ensure the safety and health of any persons; and
- (b) reduce any subsidence or dangerous effect at or outside the mine boundaries to the lowest practicable level.

Particular provisions

23. Without limiting clause 22, the manager of a mine must ensure that:

- (a) operations are carried on in such a manner as to avoid danger to persons from falls of ore, rock or other substances; and
- (b) access or entrance to excavations or to shafts or other vertical openings is protected against persons unintentionally entering or falling in; and
- (c) suitable sources of artificial light are provided in the absence of adequate natural light; and
- (d) the means of travelling in or about the mine are secure and safe.

PART 5—EXPLOSIVES**Explosives—general**

24. (1) A person who manufactures, handles, stores, conveys or uses explosives at a mine must do so:

- (a) in a manner which is safe; and
- (b) without limiting paragraph (a), in accordance with Parts 1 and 2 of Australian Standard 2187 (unless otherwise provided in this General Rule).

(2) A person must not remove or dispose of an explosive at a mine without the manager's approval.

Manufacture of explosives

25. (1) A person must not manufacture an explosive at a mine unless written notice of the proposed manufacture has been given to an inspector.

(2) A person must not manufacture an explosive on the surface at a mine unless a licence to do so has been obtained under the Dangerous Goods Act 1975.

(3) Explosives must not be manufactured below ground at a mine unless a process:

- (a) which is based on the best available advice; and
- (b) which includes precautions determined in accordance with a risk assessment procedure,

is used to enable their safe production.

Storage of explosives

26. (1) The manager of a mine must ensure that explosives at the mine are stored in:

- (a) a surface magazine licensed under the Dangerous Goods Act 1975; or
- (b) an underground magazine of a construction, and in a location, which ensures the safe storage of the explosives.

(2) Prior notice of the establishment of an underground magazine must be given to an inspector.

(3) The manager or a competent person appointed in writing by the manager for the purpose must have the custody of any magazine.

(4) The manager must ensure that adequate written records of receipts and issues of explosives are maintained at the mine.

Shotfirers

27. (1) The manager of a mine must appoint such number of trained and competent persons (“**shotfirers**”) as is, in the manager’s opinion, necessary to fix and fire charges of explosives at the mine.

(2) A person must not be appointed as a shotfirer at a mine unless the person is the holder of a shotfirer’s certificate issued by the Minister or a shotfirer’s permit issued by an inspector.

(3) A person must not fix or fire charges of explosives at a mine unless the person:

- (a) is the holder of a certificate or permit which authorises the person to do so; or
- (b) is 18 years of age or over and is acting under the direct supervision of the holder of such a certificate or permit.

(4) Subclause (3) does not prevent a person from charging and firing charges in holes below ground at a mine if the holes are less than 100mm in diameter and the person has been adequately trained to do so.

Danger from blasting

28. (1) A person carrying out blasting operations at a mine must take such precautions as are necessary to prevent any person or structure being adversely affected by the blasting.

(2) If rock from any blasting is projected outside the boundaries of a mining area the manager of the mine must notify an inspector as soon as practicable but no later than 24 hours after the blasting.

Misfires

29. (1) The manager of a mine at which blasting is being carried out must notify an inspector of any significant misfire as soon as practicable but no later than 24 hours after it occurs.

(2) The notification must state the cause and extent of the misfire.

(3) The manager must ensure that the method of dealing with the misfire is safe.

Problems or faults

30. (1) A person at a mine who discovers or suspects a problem or fault in an explosive product or accessory must notify a person acting in a supervisory capacity at the mine of the problem or fault as soon as practicable.

(2) The person so notified must, in turn, notify the manager of the mine who must report the matter to an inspector within 24 hours after being notified of the problem or fault.

PART 6—ENERGY

General safety

31. A person who delivers, generates, stores, reticulates or uses any form of energy at a mine must do so in a manner which is safe.

Electricity—particular provisions

32. (1) The manager of a mine must ensure that:

- (a) electrical installations at the mine are designed, installed and maintained to minimise the potential for electric shock, burns, injury, explosion, fire, overheating or mechanical damage; and

- (b) suitable inspection and testing of electrical installations at the mine are carried out at the time of installation and then periodically in order to identify any deficiencies and have them corrected; and
 - (c) electrical installations at the mine comply with the requirements of Australian Standard 3007 Wiring Rules Parts 1–5 and Australian Standard 3000 Wiring Rules in so far as they apply.
- (2) The manager of a mine must notify an inspector of any intention to:
- (a) introduce an electricity supply to the mine; or
 - (b) introduce an electricity supply to underground workings at the mine; or
 - (c) cease using electricity at the mine; or
 - (d) make major additions or alterations to the electricity supply, fixed generating equipment or reticulation at the mine; or
 - (e) install or extend fixed electrical generating capacity at the mine.
- (3) The manager must make available to the inspector any further information, plans or details required by the inspector.
- (4) The manager of a mine which has an electricity supply must ensure that a means of communication between major supply points and between surface and underground supply points is provided for use in case of danger or faults in the supply.
- (5) The manager of a mine must report the occurrence of electric shock sustained by any person to an inspector at the earliest practicable time (but no later than 24 hours after the occurrence of the electric shock).

Compressed air, hydraulic pressure and steam—particular provisions

33. A person who generates, supplies or uses compressed air, hydraulic pressure or steam at a mine must do so in a manner that safeguards against danger to persons by way of release of pressure or failure of vessels, pipes, couplings or hoses.

Gas—particular provisions

34. (1) A person must not supply, store or use liquefied petroleum gas or natural gas on the surface at a mine otherwise than in accordance with the Dangerous Goods Act 1975.

(2) Liquefied petroleum gas or natural gas below ground at a mine must be used in a manner which recognises the special risks posed by their use below ground and ensures the prevention of injury.

PART 7—VENTILATION**General atmosphere for working**

35. (1) The manager of a mine must ensure that the atmosphere at all work places at the mine, and at all means of access to and egress from those work places, is in a fit state for working or passing through and does not endanger the health or safety of any person.

(2) The atmosphere, to be in a fit state for working or passing through, must be adequately oxygenated, must not contain unsafe levels of contaminants, must not induce heat stress and must be substantially visually clear.

(3) If special circumstances prevent compliance with this clause in a part of a mine, the manager of the mine must ensure that any persons required to work in that part are provided with appropriate protection and that precautions are put in place to ensure their safety.

Ventilation

36. The manager of a mine must ensure that:

- (a) the ventilation circuits at the mine are designed and maintained so that they do not allow airflows to recirculate; and
- (b) controls for the regulation of airflows are provided and maintained in operating condition; and
- (c) ventilating air does not pass through a number of work places if it is likely to result in the air becoming unfit for breathing; and
- (d) dead end openings at the mine are not worked unless adequate auxiliary ventilation is provided; and
- (e) air exhausting from underground workings or contaminated air at the surface of the mine is not used for ventilating the underground workings.

Plans of ventilation

37. (1) The manager of a mine must ensure that all major ventilating fans, air doors, brattices or other ventilating devices or controls in use at the mine are recorded on the plans and sections of the mine.

(2) The manager must arrange for the measurement (and recording on the plans and sections) of the direction, course and quantity of air currents in the mine at such intervals as will enable the air in the mine to be adequately monitored.

(3) The manager must ensure that the information required to be recorded by this clause is kept up to date and is made available to an inspector on request.

Checking of ventilation

38. (1) A person in charge of an area at a mine must, before entering the area or allowing other persons to enter the area, be satisfied that there is adequate ventilation in the area and, if the area is force ventilated, that the air in the area is not recirculating.

(2) A person must not enter an enclosed or underground area at a mine unless the person is satisfied that there is adequate ventilation in the area and, if the area is force ventilated, that the air in the area is not recirculating

Disused workings

39. (1) Despite the other provisions of this Part, disused underground parts of a mine may be left unventilated if:

- (a) they are isolated from the ventilation system; and
- (b) they are securely barricaded to prevent access; and
- (c) they are indicated on the plans and sections of the mine; and
- (d) proper measures are taken to prevent dangerous accumulations of gas or dangerous contamination of the mine atmosphere.

(2) The manager of a mine must ensure that, before work is resumed in any workings that have been disused, the ventilation is restored so as to comply with this Part.

PART 8—HAZARDOUS SUBSTANCES

Definition

40. In this Part:

“**hazardous substance**” includes:

- (a) any compound, element or chemical; or
- (b) any solid, liquid or gaseous substance,

that is capable of toxically affecting or otherwise harming the health or safety of any person.

Hazardous substances—health and safety

41. (1) A person who uses, handles, stores, produces, transports or disposes of a hazardous substance at a mine must do so in a manner which does not tend to injure, or threaten the health or safety of, any person.

(2) The manager of a mine must ensure that the mine personnel have adequate information, training and conveniently stored equipment to respond to a spillage, poisoning or other emergency involving hazardous substances.

Register of hazardous substances

42. (1) The manager of a mine must keep or cause to be kept an accessible and up-to-date register of all hazardous substances at the mine.

(2) The register must include:

- (a) the common or trade name of each substance; and
- (b) the formal chemical names of the components of each substance; and
- (c) toxicological, safe handling, health effects and first aid treatment information in relation to each substance; and
- (d) a response plan, indicating an appropriate means of dealing with an emergency such as spillage or poisoning in relation to each substance.

PART 9—BUILDINGS AND STRUCTURES

Buildings and structures—health and safety

43. (1) The manager of a mine must ensure that all buildings and structures at the mine are designed, constructed, maintained and repaired so as to be structurally sound and protect the health and safety of persons at the mine.

(2) The manager must ensure that the design, construction, maintenance and repair of buildings or structures is carried out by or under the supervision of persons with relevant training and experience.

Inspector to examine plans and specifications

44. (1) The manager of a mine must give adequate notice to an inspector of any proposal to construct a major building or structure at the mine so as to allow the inspector time to examine the plans and specifications for the building or structure before construction commences.

(2) The manager of a mine must, on request by an inspector, make available to the inspector plans and specifications for any building or structure proposed to be constructed or in the course of construction at the mine.

PART 10—EQUIPMENT AND MACHINERY**Protection of health and safety**

45. The manager of a mine must ensure that all equipment and machinery at the mine is designed, used, maintained, repaired and replaced so as to protect the health and safety of persons at the mine.

Maintenance and guarding of, and access to, equipment and machinery

- 46.** The manager of a mine must ensure that:
- (a) all equipment and machinery at the mine is kept in a fit state and condition for work; and
 - (b) all equipment and machinery at the mine is appropriately guarded and protected to preclude the opportunity for persons to become entangled, struck or otherwise harmed by its movement or operation; and
 - (c) adequate access facilities are provided to all parts of equipment or machinery that persons may be required to operate, lubricate, maintain or inspect.

Isolation of equipment or machinery under repair

47. (1) A person must not carry out repairs or adjustments to power driven equipment or machinery at a mine unless:

- (a) the power supply (and the power supply to any other equipment or machinery which may be of danger to persons carrying out the repairs or adjustments) is adequately isolated and cannot be reconnected accidentally or before it is safe to do so; and
- (b) any restraining items which contain potential energy and which may be of danger to persons if released are adequately restrained and cannot be released accidentally or before it is safe to do so.

(2) Subclause (1) (a) does not apply if the manager of the mine has approved in writing of the repairs or adjustments being carried out without isolation of the power supply and in accordance with a written safe system of work.

(3) Any special precautions specified by the manager in the approval must be followed.

Modifications, alterations or repairs

48. (1) A person must not modify, alter or repair equipment or machinery at a mine unless the modification, alteration or repair is safe and is done without reduction in safety.

(2) The manager of a mine must ensure that any significant structural alterations to equipment or machinery are designed and implemented by competent persons.

(3) A person repairing failed or damaged parts of equipment or machinery at a mine must ensure that the parts repaired are as functionally efficient and strong as they were before the failure or damage.

PART 11—SHAFTS AND WINDING

Health and safety

49. (1) The manager of a mine must ensure that all shafts and associated winding facilities at the mine are designed, constructed, installed, maintained, repaired and used so as to ensure the health and safety of persons at the mine.

(2) Without limiting subclause (1), the manager must ensure that:

- (a) gear or equipment being carried in the same shaft conveyance as persons (or on another deck of a shaft conveyance carrying persons) does not pose a hazard for those persons; and
- (b) gear or equipment does not protrude out of or leave shaft conveyances unintentionally.

Inspector to be notified of proposed construction of shafts

50. (1) The manager of a mine must notify an inspector of any proposal to construct a shaft (other than a shaft on a mineral claim as defined in the Mining Act 1992) before the construction commences.

(2) The notification must include details of the location of the shaft, the method of construction, the shaft equipment, the winding facilities, the headframe and any associated equipment.

Precautions during construction and use

51. (1) The manager of a mine must ensure that, during shaft construction or the equipping, stripping, repair or maintenance of a shaft at the mine, adequate precautions are taken to:

- (a) prevent any person falling down the shaft; and
- (b) prevent injury to any person by way of any equipment, material or object falling down the shaft; and
- (c) prevent injury to any person by way of unintentional movement of any shaft conveyance, machinery or equipment; and
- (d) prevent shaft fires.

(2) The manager of a mine must ensure that energy lock out devices are fitted to all mechanical and electrical equipment associated with a shaft at the mine (and its operation, maintenance or use) so as to prevent injury to any person.

Winding systems

52. The manager of a mine must ensure that every winding system for a shaft at the mine includes:

- (a) winding engine brakes of an adequate type and capacity; and
- (b) ropes having an appropriate factor of safety having regard to their required duty and which have been regularly tested to ensure their safe performance; and
- (c) adequate controls and limiting devices to prevent any shaft conveyance being overwound or overrun or from travelling at excess speed; and
- (d) devices that detect slack rope or drum slip conditions or tail rope malfunctions and cause the winding engine to stop when such a condition or malfunction is detected; and
- (e) an adequate means of signalling between stopping points in the shaft and the winder control point; and
- (f) an adequate second means of signalling between any point in the shaft and the winder control point.

Automatic winding systems—additional provisions

53. The manager of a mine must ensure that, in respect of every automatic winding system for a shaft at the mine:

- (a) the functions of the winder are capable of being monitored outside the winder house; and
- (b) persons trained to deal with any emergencies in the shaft are readily available and adequate warning systems are installed to alert them of emergencies; and
- (c) radio communication between any shaft conveyance carrying persons and the surface is provided and maintained; and
- (d) the persons using shaft conveyances are adequately trained to operate them; and
- (e) a person who is competent to operate the winder is readily available in the event of a malfunction of the winder or an emergency.

Shaft conveyances

54. (1) The manager of a mine must ensure that shaft conveyances used for the conveyance of persons at the mine are equipped with:

- (a) appropriate safety devices; or
- (b) systems that provide adequate protection for persons travelling in the conveyances.

(2) Without limiting subclause (1), the appropriate safety devices must protect persons travelling in the conveyances and include devices or systems to:

- (a) protect persons from falling objects; and
- (b) prevent persons, gear and equipment from contacting objects in the shaft; and
- (c) prevent persons from being thrown out of conveyances; and
- (d) provide a means of escape from cages through either the roof or the floor (or, if applicable, between decks of cages); and
- (e) facilitate shaft inspections with safety; and
- (f) where persons, gear and equipment are travelling in the same conveyance, to prevent the gear and equipment from causing injury to the persons in the conveyance.

(3) The manager of a mine must ensure that:

- (a) where conveyances carrying persons and conveyances carrying material operate in the same shaft at the mine, the persons are adequately protected from the conveyances carrying material and from any material likely to be ejected or fall from them; and
- (b) where cage and skip combinations are used at the mine:
 - (i) they are designed, used and maintained so as to protect persons being conveyed in the cage; and
 - (ii) material is not carried in the skip while persons are in the cage.

(4) The manager of a mine must ensure that a safe distance is established between a stopping point of a shaft conveyance and the next point in the shaft or headframe providing a physical barrier to the conveyance.

(5) The manager of a mine must ensure that the facilities for loading material, gear or equipment onto or into shaft conveyances at the mine are designed and operated so as to prevent spillage into the shaft.

PART 12—EMERGENCY PROCEDURES**Definition**

55. In this Part:

“**emergency**” includes injury to a person, outbreak of fire, spillage, exposure to hazardous materials, a significant failure of the workings of a mine, entrapment of a person, accidental explosion or ignition of dust, damage to a shaft or shaft equipment, machinery out of control, failure of a dam or of a tailings storage, an inrush of water or any event of an unforeseen, dramatic or harmful nature which causes or has the potential to cause serious injury to persons.

Planning for emergencies

56. (1) The manager of a mine must:

- (a) plan strategies for dealing with emergency situations that might arise at the mine; and
- (b) implement procedures designed to prevent or minimise the risk to persons from emergency situations.

(2) In particular, the manager of a mine must:

- (a) identify likely emergency situations; and
- (b) provide mechanisms for the warning of emergencies; and
- (c) provide adequate resources, personnel and training for dealing with emergencies; and
- (d) prepare evacuation plans and implement evacuation procedures for use in an emergency situation in the mine or in any part of the mine; and
- (e) investigate any emergency at the mine and take any necessary remedial action.

First aid

57. The manager of a mine must ensure that adequate facilities and personnel are available at the mine to provide first aid treatment to any person suffering accident or illness at the mine.

Reporting of emergencies

58. The manager of a mine must report the occurrence of an emergency at the mine to an inspector at the earliest practicable time (but no later than 24 hours after the occurrence of the emergency).

PART 13—MISCELLANEOUS**Keeping of records**

59. The manager of a mine must ensure that a record required to be kept by the Act or this General Rule in respect of the mine is kept for at least 3 years after it is made or in accordance with any direction in writing given by the Chief Inspector.

Repeal

60. (1) The Mines Inspection General Rules 1901 are repealed.

(2) Any act, matter or thing that, immediately before that repeal, had effect under the Mines Inspection General Rules 1981 is taken to have effect under this General Rule.

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EXPLANATORY NOTE

The object of this General Rule is to repeal the Mines Inspection General Rules 1901 and to make, in their place, a new Mines Inspection General Rule 1994.

The new General Rule is made under the provisions of the Mines Inspection Act 1901, including section 56 (the general rule making power). The Act applies to all mines other than coal and shale mines (which are covered by the Coal Mines Regulation Act 1982). The General Rule makes provision in respect of the following matters:

- (a) the general responsibilities of the manager of a mine with regard to the safety and health of workers and the safe working of the mine (clauses 6 and 7);
- (b) the responsibilities of supervisors as to safe work methods and mine safety generally (clause 8);
- (c) the control of workers and other persons at mines (clause 9);
- (d) inspections for, and action to be taken in respect of, dangers (clauses 10 and 11);
- (e) the election and functions of Check Inspectors (clause 12);
- (f) prohibiting the damage or misuse of anything provided at a mine for emergency or safety or health purposes (clause 13);

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- (g) prohibiting intoxicating liquor or drugs in mines (including the removal of persons under the influence where danger is likely to be caused) (clause 14);
- (h) the ensuring that workers have the ability to effectively communicate with each other and their supervisors for the purpose of instruction or training, or in the event of danger (clause 15);
- (i) the requiring of managers to give proper attention to health and safety related matters brought to their attention by workers (clause 16);
- (j) the provision of change rooms, toilet facilities, drinking water and weather protection at mines (clauses 17–19);
- (k) the medical screening of workers (clause 20);
- (l) the provision of safety apparel and protective devices for mine workers (clause 21);
- (m) the ensuring of the safety and stability of mine workings (clauses 22 and 23);
- (n) the manufacture, handling, storage, conveyance and use of explosives at a mine (clauses 24–30);
- (o) the delivery, generation, storage, reticulation and use of energy (including electricity, compressed air, steam and gas) at a mine (clauses 31–34);
- (p) the ventilation of mines (clauses 35–39);
- (q) the use, handling, storage etc. of hazardous substances in mines (clauses 40–42);
- (r) the design, construction etc. of buildings and structures at mines (clauses 43 and 44);
- (s) the design, use, maintenance etc. of equipment and machinery at mines (clauses 45–48);
- (t) the design, construction, installation, use etc. of shafts and associated winding facilities (including shaft conveyances) at mines (clauses 49–54);
- (u) the planning for dealing with emergencies, the reporting of emergencies and the provision of first aid (clauses 55–58);
- (v) the keeping of records at mines (clause 59);
- (w) other matters of a minor, consequential or ancillary nature (clauses 1–5 and 60).

The Rule is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
