



New South Wales

Coal Mines (General) Regulation 1999

under the

Coal Mines Regulation Act 1982

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Coal Mines Regulation Act 1982*.

The Hon. Edward Obeid, OAM, MLC

Minister for Mineral Resources

Explanatory note

There are presently 35 sets of regulations under the *Coal Mines Regulation Act 1982* dealing mainly with the administration and management of underground and open cut coal mines and coal preparation plants, and with health and safety matters in relation to those mines and plants. Those regulations are to be repealed and replaced by 3 regulations: a *Coal Mines (General) Regulation*, a *Coal Mines (Underground) Regulation* and a *Coal Mines (Open Cut) Regulation*.

The object of this Regulation, the *Coal Mines (General) Regulation 1999*, is to effect the repeal of the existing regulations and to prescribe general provisions that will apply to underground and open cut coal mines and to coal preparation plants that are managed separately from mines. The new Regulation includes provisions requiring mine and plant managers to develop and implement systems (such as fire control and emergency systems and first aid systems) that will cover some of the matters presently prescribed in the regulations under the Act.

The new Regulation contains provisions in respect of the following matters:

- (a) the general duties of managers, owners, employees and other persons (including the preparation of mine safety management plans by mine managers and the provision of access to plans and other documents) (Part 2, Division 1),

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Explanatory note

- (b) the application of health and safety codes, standards or guidelines to mines and declared plants by the Chief Inspector of Coal Mines (Part 2, Division 2),
- (c) the elimination or avoidance of dangers (Part 2, Division 3),
- (d) the development and implementation of fire control and emergency systems (Part 2, Division 4),
- (e) plant safety (Part 2, Division 5),
- (f) the prohibition of alcohol and drugs (Part 2, Division 6),
- (g) the appointment and duties of mining officials (Part 3),
- (h) the communication of information to employees (Part 4),
- (i) the qualifications for the appointment of the various inspectors of coal mines and of mine engineers and surveyors (Part 5),
- (j) the election of the various check inspectors for mines or declared plants (Part 6),
- (k) surveying mines and the preparation of plans of mines (Part 7),
- (l) the approval by the Chief Inspector of Coal Mines (or by an assessing authority accredited by the Chief Inspector) of equipment, apparatus, material or things to be used or installed in, or taken into, a mine (Part 8),
- (m) the development and implementation of first aid systems (Part 9, Division 1),
- (n) the provision of bath and change houses and personal protective equipment (Part 9, Division 2),
- (o) coal preparation plants (including the notification to inspectors of incidents such as fires and accidents at those plants) (Part 10),
- (p) the specification of which injuries are to be regarded as serious bodily injuries for the purposes of Divisions 5 and 6 of Part 4 of the Act (notification and investigation of accidents) (Part 11, clause 85),
- (q) other matters of a minor, consequential or ancillary nature (Parts 1 and 11 (clauses 84 and 86–88)).

The Regulation is made under the *Coal Mines Regulation Act 1982*, including section 174 (the general regulation-making power) and various other provisions referred to in the Regulation.

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The Regulation refers to:

- (a) various Australian Standards for the purpose of prescribing, throughout the Regulation, provisions applicable to equipment used in mines and coal preparation plants, and
- (b) survey and drafting directions for mine surveyors issued by the Chief Inspector of Coal Mines with the concurrence of the Surveyor-General (Part 7).

The Regulation also authorises the Chief Inspector of Coal Mines to apply (by Gazette notification) codes, standards and guidelines to and in respect of mines, coal preparation plants and equipment.

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

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Coal Mines (General) Regulation 1999

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Coal Mines (General) Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Application

Except where otherwise expressly provided, the provisions of this Regulation apply to and in respect of underground mines, open cut mines and declared plants.

4 Definitions

(1) In this Regulation:

applied to, in relation to the application of codes, standards or guidelines to mines or declared plants, means specified in respect of a mine or declared plant by the Chief Inspector in a notice published under clause 14.

competent means having appropriate experience, knowledge, skills and capability.

declared plant means a coal preparation plant declared by an order in force under section 145B of the Act to be suitable for management separately from a mine.

electrical equipment means any equipment, apparatus, appliance, machine, fitting or cable in which conductors are used to transmit and utilise electricity.

equivalent electrical power, in relation to a mine, means the sum of the continuous rated output expressed in kilowatts of all electrical equipment used at the mine.

equivalent mechanical power, in relation to a mine, means the sum of the continuous rated output expressed in kilowatts of all mechanical equipment used at the mine.

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Part 1 Preliminary

mechanical equipment includes any machinery, apparatus or appliance used in connection with the generation, conversion, storage, transmission or utilisation of mechanical energy and includes ropes, chains and haulage but does not include any apparatus or appliance or part thereof that, for the purposes of this Regulation, is electrical equipment.

mine means an underground mine or an open cut mine.

Open Cut Regulation means the *Coal Mines (Open Cut) Regulation 1999*.

the Act means the *Coal Mines Regulation Act 1982*.

Underground Regulation means the *Coal Mines (Underground) Regulation 1999*.

- (2) In this Regulation, a reference to an Australian Standard is a reference to a Standard published by Standards Australia.
- (3) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 General provisions

Division 1 General duties of managers, owners, employees and other persons

5 Duty of managers to comply or ensure compliance with Regulation

If a provision of this Regulation imposes a requirement in relation to a mine or declared plant but does not impose that requirement on persons generally or on a particular person, it is the duty of the manager of the mine or plant:

- (a) to comply with the provision, or
- (b) if it is not reasonably practicable for the manager to comply with the provision, to ensure that it is complied with.

Note. The general functions of mine managers are set out in section 37 of the Act. They include the control of mine employees and the enforcement of the observance, by those employees, of the Act and the regulations and of any related rules or schemes. Section 160 (d) of the Act provides, among other things, that a mine employee who contravenes any direction given by the mine manager for the purpose of securing compliance with the Act, the regulations, the rules or a scheme is guilty of an offence.

6 Assessment of, and dealing with, risks to health or safety

An owner of a mine or declared plant must ensure that risks to health or safety at the mine or plant are regularly assessed and that identified risks are dealt with in the following order of priority:

- (a) eliminate the risk,
- (b) control the risk at its source,
- (c) minimise the risk by means that include the design of safe work systems,
- (d) in so far as the risk remains, provide for the use of personal protective equipment,

having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence.

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Clause 7 Coal Mines (General) Regulation 1999

Part 2 General provisions

Division 1 General duties of managers, owners, employees and other persons

7 Mine safety management plans

- (1) A mine manager must, within 6 months after the commencement of this Regulation, prepare a mine safety management plan for the mine.
- (2) The mine safety management plan must include summaries of or references to:
 - (a) all rules and schemes made or prepared under the Act, the *Underground Regulation* or the *Open Cut Regulation* in respect of the mine, and
 - (b) all systems developed and implemented under this Regulation, the *Underground Regulation* or the *Open Cut Regulation* in respect of the mine, and
 - (c) all codes, standards or guidelines applied to the mine, and
 - (d) all standards of mechanical or electrical engineering practice established by mine managers under this Regulation, and
 - (e) if the mine is an underground mine:
 - (i) the management structure developed and implemented by the mine owner, and
 - (ii) the withdrawal conditions determined by the mine manager,under the *Underground Regulation* in respect of the mine.
- (3) The mine safety management plan must be documented and the relevant document or documents must be kept at the mine.

8 Access to mine safety management plans and other documents required to be kept at mines or declared plants

- (1) A mine's mine safety management plan and any documents required by this Regulation, the *Underground Regulation* or the *Open Cut Regulation* to be kept at a mine in relation to the systems, codes, standards or other things referred to in clause 7 (2) (b)–(e) must be kept at the mine office.

Note. Section 111 of the Act provides for the keeping of copies of rules and schemes referred to in clause 7 (2) (a).
- (2) Any documents required by this Regulation to be kept at a declared plant in relation to:
 - (a) systems required by this Regulation to be developed and implemented in respect of the declared plant, or

- (b) codes, standards or guidelines applied to the declared plant, must be kept at the office of the declared plant.
- (3) The documents referred to in subclauses (1) and (2) must:
 - (a) be kept up to date, and
 - (b) be kept in such a manner that will allow their ready examination by an inspector, a mine safety officer, an investigator, a representative of the mine or declared plant's workforce or an employee of the mine or declared plant.
- (4) A representative of a mine or declared plant's workforce or an employee of a mine or declared plant must be allowed reasonable access to the documents kept at the office of the mine or declared plant in accordance with subclause (1) or (2).

Note. Inspectors, mine safety officers and investigators may obtain access under Part 4 of the Act.

9 Standards of mechanical engineering practice and electrical engineering practice

- (1) For the purposes of this Regulation and the *Underground Regulation* or *Open Cut Regulation*, a mine manager must, within 6 months after the commencement of this Regulation:
 - (a) in consultation with the mine mechanical engineer, establish standards of mechanical engineering practice for the mine, and
 - (b) in consultation with the mine electrical engineer, establish standards of electrical engineering practice for the mine.
- (2) For the purposes of this Regulation, a manager of a declared plant must, within 6 months after the commencement of this Regulation, establish standards of mechanical engineering practice and electrical engineering practice for the declared plant.
- (3) Standards of engineering practice established under this clause must be sufficient to meet any relevant requirements of the Act, this Regulation, the *Underground Regulation* and the *Open Cut Regulation* and include:
 - (a) standards of competency for persons working with relevant equipment at the mine or declared plant, and

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Part 2 General provisions

Division 1 General duties of managers, owners, employees and other persons

- (b) standards for the design, installation, commissioning, operation, maintenance (including servicing, repairing and overhauling) and decommissioning of relevant equipment at the mine or declared plant, and
 - (c) in the case of a mine, standards for the systematic examination and testing of relevant equipment at the mine for the purposes of a scheme in force under section 103 of the Act.
- (4) The standards must be documented and the relevant document or documents must be kept at the mine or declared plant.
- (5) A manager of a mine or declared plant must:
- (a) monitor the standards of engineering practice established at the mine or declared plant, and
 - (b) employ, or cause to be employed, as many competent persons as are necessary to ensure that those standards are met.
- (6) If it comes to the attention of a mine mechanical engineer that a mechanical engineering standard established at the mine is not being met and, as a result, a significant hazard may arise, the mine mechanical engineer must inform the mine manager in writing of the nature of the hazard as soon as practicable.
- (7) If it comes to the attention of a mine electrical engineer that an electrical engineering standard established at the mine is not being met and, as a result, a significant hazard may arise, the mine electrical engineer must inform the mine manager in writing of the nature of the hazard as soon as practicable.
- (8) In this clause, ***relevant equipment***:
- (a) in relation to standards of mechanical engineering practice, means mechanical equipment, and
 - (b) in relation to standards of electrical engineering practice, means electrical equipment.

10 Knowledge of Act and Regulations

A person employed at a mine or declared plant must take steps to become thoroughly acquainted with the provisions of the Act, this Regulation, the *Underground Regulation* and the *Open Cut Regulation* in so far as they relate to the person's employment.

11 Compliance with signs, notices, signals, barriers and marks

A person at a mine or declared plant must comply with any direction given by a sign, notice, signal, barrier or mark erected or displayed for the purpose of ensuring the safety or health of persons or prohibiting entry to a place.

12 Care of things provided for safety or health purposes

A person at a mine or declared plant must take reasonable care of, and not abuse, anything provided for the purpose of ensuring the safety or health of persons.

13 False or misleading reports

A person must not wilfully make a false or misleading report concerning the condition of a mine or declared plant or of any place or equipment at a mine or declared plant.

Division 2 Application of codes, standards or guidelines to mines and declared plants

14 Application of codes, standards or guidelines to mines and declared plants

- (1) The Chief Inspector may, by notice published in the Gazette, specify codes, standards or guidelines for the purposes of any provision of this Regulation, the *Underground Regulation* or the *Open Cut Regulation* that requires regard to be had to codes, standards or guidelines applied to a mine or declared plant.
- (2) The Chief Inspector may, by a further notice published in the Gazette, vary or revoke a notice published under subclause (1).
- (3) A notice may be in respect of:
 - (a) specific mines or plants or classes of mines or plants, or
 - (b) the whole or parts of mines or plants, or
 - (c) the whole or parts of codes, standards and guidelines, or
 - (d) specific classes of equipment or practices at mines or plants.
- (4) A notice does not apply to a mine or declared plant unless the Chief Inspector supplied a copy of it to the person who was the manager of the mine or plant at the time of the notice.

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Clause 14 Coal Mines (General) Regulation 1999

Part 2 General provisions

Division 2 Application of codes, standards or guidelines to mines and declared plants

- (5) A notice must not be published unless:
 - (a) the Chief Inspector is of the opinion that it is necessary in the interests of safety or health, and
 - (b) the appropriate representatives of the industry have been consulted beforehand.
- (6) A copy of, or a reference to, any codes, standards or guidelines specified in respect of a mine or declared plant under this clause must be kept at the mine or declared plant.

Division 3 Elimination or avoidance of dangers

15 Dangers—action to be taken

- (1) A person must, before starting work at a working place at a mine or declared plant and frequently during work, carefully examine the working place for the appearance of any danger to the safety or health of persons.
- (2) A person working at a mine or declared plant who finds or becomes aware of a danger to the safety or health of persons must immediately take action (within his or her capability) to eliminate the danger.
- (3) If the elimination of the danger is not within the person's capability, the person must immediately take all available steps to prevent persons being exposed to the danger and report it to:
 - (a) in the case of a mine:
 - (i) a mining official (if the person is not a mining official), or
 - (ii) a more senior mining official (if the person is a mining official), or
 - (b) in the case of a declared plant:
 - (i) the manager, or
 - (ii) a supervisor at the plant.

- (4) A mining official at a mine who becomes aware of a danger to the safety or health of persons at the mine must immediately suspend any affected operations until the danger is removed and make a written report to a more senior mining official of the action taken and of any examinations conducted.

Note. A manager of, or supervisor at, a declared plant who becomes aware of a danger to safety or health of persons at the plant may take action under section 145I of the Act (suspension of operations and other actions).

- (5) Subclauses (2)–(4) do not apply if the danger is one to which Division 7 of Part 4 of the *Underground Regulation* applies (action to be taken in the case of dangers arising from the presence of flammable or noxious gas and defects in ventilation in underground mines).

16 Riding on haulage ropes or conveyors prohibited

- (1) A person must not ride on a haulage rope at a mine or declared plant.
- (2) A person must not ride on a conveyor at a mine or declared plant unless authorised by or under this Regulation, the *Underground Regulation* or the *Open Cut Regulation* in an emergency.

17 Care to be taken near moving equipment or machinery

A person working or passing near moving equipment or machinery at a mine or declared plant must wear suitable clothing and have any long hair securely confined so as to avoid any possible entrapment.

18 Lighting

Lighting that:

- (a) is adequate to allow employees to work safely, and
- (b) does not create excessive glare or reflection, and
- (c) is adequate to allow persons who are not employees to move safely within the workplace, and
- (d) facilitates safe access to and egress from the workplace, including emergency exits,

must be provided at a mine or declared plant.

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Clause 19 Coal Mines (General) Regulation 1999

Part 2 General provisions

Division 3 Elimination or avoidance of dangers

19 Precautions against lightning

The mine electrical engineer at a mine or the manager of a declared plant must ensure that adequate precautions are taken at the mine or plant to prevent dangers arising from the effects of lightning. In particular, adequate precautions must be taken to prevent the effects of lightning being transferred into an underground mine.

Division 4 Fire control and emergency systems

20 Application of this Division

This Division applies to and in respect of open cut mines, declared plants and the surface of underground mines.

21 Fire control and emergency systems

- (1) A system for fire prevention, fire control and general emergency procedures (a *fire control and emergency system*) must, within 6 months after the commencement of this Regulation, be developed and implemented at a mine or declared plant.
- (2) A fire control and emergency system must adequately address, but is not limited to, the following matters:
 - (a) general emergency procedures,
 - (b) provisions for transport of sick or injured persons,
 - (c) appointment and duties of fire officers,
 - (d) establishment of fire brigades,
 - (e) supply and maintenance of firefighting equipment,
 - (f) training in the use of firefighting equipment,
 - (g) provision and supply of water storage and reticulation,
 - (h) emergency fire procedures,
 - (i) reporting and replacement of damaged fire equipment,
 - (j) compatibility of fire equipment with equipment of State fire brigades and adjacent mines.
- (3) A fire control and emergency system must include provisions for audits of the system's operation and for periodic reviews (at intervals not exceeding 2 years) of the system's effectiveness.

- (4) Mines rescue, fire brigade and other appropriate emergency services should be consulted as thought necessary in the development or revision of a system. Relevant Australian Standards pertaining to fire control should constitute the basis of the fire control element of the system.
- (5) A fire control and emergency system must be documented and the relevant document or documents must be kept at the mine or declared plant.

22 Employees' representatives to be consulted

Employees' representatives, drawn from the mine's or plant's workforce and possessing appropriate skills, knowledge and experience, must be consulted regarding (and be given an opportunity to participate in) the development and revision of a fire control and emergency system.

23 Copy to be supplied to district inspector and district check inspector

A copy of the fire control and emergency system for a mine or declared plant, and any revisions of it, must be supplied to the district inspector and the district check inspector within 7 days of the system or revisions being put into effect.

24 Competency and training of personnel

A manager of a mine or declared plant must ensure that the persons required to perform duties as part of the fire control and emergency system for the mine or declared plant are competent to carry out those duties and are given appropriate training.

Division 5 Plant safety

25 Guarding machinery

- (1) All exposed and dangerous parts of machinery at a mine or declared plant must be kept securely fenced or guarded so as to prevent any person from coming into contact with them.
- (2) Subclause (1) does not apply:
 - (a) while machinery is stopped for necessary maintenance or repair, or

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Part 2 General provisions

Division 5 Plant safety

- (b) while the fences or guards referred to in subclause (1) are temporarily removed in accordance with the manager's scheme, prepared under section 103 or 145I of the Act, for the carrying out of any necessary examination or testing of mechanical apparatus.
- (3) A person who completes any work of examination or testing of machinery, the fencing or guards of which have been removed for the purpose of carrying out the work, must replace them without delay.
- (4) If compliance with subclause (1) at a mine or declared plant is not practical due to operational requirements the manager must ensure that a documented safe system of work is in place in substitution for that requirement.

26 Removal and restoration of electrical power

Procedures must be developed and implemented to remove electrical power from, and restore electrical power to, parts of a mine or declared plant.

27 Isolation procedures

Procedures must be developed and implemented at a mine or declared plant to ensure that:

- (a) potentially damaging energy is isolated from persons who are to work on electrical or mechanical equipment, and
- (b) sources of potentially damaging stored energy are isolated or dissipated before work commences.

28 Electrical equipment and installations

- (1) All electrical equipment at a mine or declared plant must be designed, installed, commissioned, operated, maintained (including servicing, repairing and overhauling) and decommissioned in such manner as to control any risks from fire, explosion, electric shock or unintended movement of equipment.
- (2) In particular, all electrical installations at an open cut mine or a declared plant or wholly on the surface of an underground mine must comply with the relevant parts of Australian Standard 3000 (*SAA Wiring Rules*) and Australian Standard 3007 (*Electrical installations—Surface mines and associated processing plant*).

29 Safety notices for electrical switchgear

Notices must be placed at fixed electrical switchgear to:

- (a) warn of the presence of electricity, and
- (b) warn of the dangers of electricity, and
- (c) advise on how to resuscitate persons suffering from electric shock, and
- (d) advise the procedures to be followed in the event of fire, and
- (e) identify the equipment or electrical system (or both) supplied by the switchgear.

30 Plans of electrical reticulation

- (1) The mine electrical engineer at a mine or the manager of a declared plant must ensure that a plan showing the electrical reticulation system at the mine or plant is prepared to enable the safe switching and isolation of the mine's or plant's electrical equipment.
- (2) The mine electrical engineer or plant manager must ensure that the plan is prominently displayed at the mine or plant.

31 Earth continuity protection for mobile electrical equipment

Mobile electrical equipment at a mine or declared plant that is supplied with electricity through flexible cables must be protected to ensure that the equipment is effectively earthed and that the connection to earth remains unbroken.

32 Electrical protection

- (1) The mine electrical engineer at a mine or the manager of a declared plant must ensure that electrical protection is provided at the mine or declared plant to interrupt the supply of electricity:
 - (a) in the event of a short circuit between active conductors, or
 - (b) in the event of a single fault to earth on mains-fed equipment operating at or above 110 volts, or
 - (c) to any hand-held tool in the event of an earth fault that causes a current exceeding 30 milliamperes to flow, or
 - (d) in the event of earth leakage currents flowing above levels determined by the mine electrical engineer or plant manager.

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Clause 32 Coal Mines (General) Regulation 1999

Part 2 General provisions

Division 5 Plant safety

(2) For the purposes of subclause (1) (d) (but subject to subclause (1) (b) and (c)), the mine electrical engineer or plant manager must determine levels of earth leakage currents above which electrical protection should be provided to interrupt the supply of electricity.

(3) In this clause:

active conductor means a conductor of an electricity supply system that is maintained at a difference of potential from the neutral or earthed conductor.

electrical protection means a relay or apparatus whose function is to detect defects or conditions of an abnormal or dangerous nature in any electrical circuit, apparatus or power system and to initiate appropriate control circuit action.

33 Work on uninsulated conductors

A person must not, at a mine or declared plant, do any work on an uninsulated electrical conductor that is part of a circuit in which the operating voltage exceeds extra low voltage (as defined in Australian Standard 3000 (*SAA Wiring Rules*)) unless the mine electrical engineer, the plant manager or an electrician has:

- (a) ensured that the conductor is not energised, and
- (b) taken steps to ensure that it will remain so while the work is carried out.

34 Conveyors

(1) Belt conveyors at a mine or declared plant must be designed, constructed, installed and operated in accordance with the relevant sections of Australian Standard 1755 (*Conveyors—Design, construction, installation and operation—Safety requirements*).

Note. Part 14 (Belt conveyors) of the *Underground Regulation* contains additional provisions in relation to the use of belt conveyors in underground mines.

(2) Conveyors (other than belt conveyors) at a mine or declared plant must be designed, constructed, installed and operated having regard to any relevant guidelines applied to the mine or plant.

35 Protective structures on plant

The mine mechanical engineer at a mine or the manager of a declared plant must ensure that mobile plant normally operated above ground at the mine or plant is fitted with roll over protective structures and falling object protective structures in accordance with any requirements specified by the Chief Inspector in respect of the mobile plant and published in the Gazette.

36 Emergency stop facilities

- (1) An emergency stop facility by which power can be promptly cut off in the event of imminent danger must, wherever reasonably practicable, be provided and maintained for electrically or mechanically powered equipment that may cause danger to persons at a mine or declared plant.

- (2) In subclause (1):

equipment does not include a vehicle registered or capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*.

37 Overhead power lines and cables

A safe distance must be maintained between plant and any energised overhead power line or cable at a mine or declared plant.

38 Lasers

The mine electrical engineer at a mine or the manager of a declared plant must ensure that any laser used at the mine or plant is used in accordance with any relevant Australian Standards and, in particular, in accordance with Australian Standard 2397 (*Safe use of lasers in the building and construction industry*).

39 Identification of pipelines

If an above-ground pipeline at a mine or declared plant carries any dangerous goods within the meaning of the *Dangerous Goods Act 1975*, the contents of the pipeline must be clearly identified in accordance with Australian Standard 1345 (*Identification of the contents of piping, conduits and ducts*).

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Clause 40 Coal Mines (General) Regulation 1999

Part 2 General provisions

Division 5 Plant safety

40 Lifts

(1) In this clause:

lift means a lift within the meaning of Australian Standard 1735 (*Lifts, escalators and moving walks*), but does not include a lift that provides access to the underground workings of an underground mine.

Note. Lifts that provide access to the underground workings of underground mines are powered winding systems under the *Underground Regulation*.

(2) A lift at a mine or declared plant must comply with the relevant parts of Australian Standard 1735.

41 Boilers and pressure vessels

(1) The mine mechanical engineer at a mine or the manager of a declared plant must ensure that boilers and pressure vessels in service at the mine or plant are:

- (a) designed, inspected and maintained in compliance with any relevant Australian Standard, and
- (b) operated in a safe manner.

(2) A register of the boilers and pressure vessels in service at a mine or declared plant, together with copies of any relevant inspection certificates, must be maintained at the mine or plant.

42 Defect management systems

(1) A defect management system to identify and deal with defects that may affect the safety of electrical and mechanical equipment must, within 6 months after the commencement of this Regulation, be developed and implemented at a mine or declared plant.

(2) A defect management system must provide for:

- (a) the prevention of the use of equipment until any defect in the equipment that may result in reduced safety has been remedied, and
- (b) the recording of the details of any defect, and
- (c) the recording of any action taken to remedy a defect.

- (3) Employees' representatives, drawn from the mine's or plant's workforce and possessing appropriate skills, knowledge and experience, must be consulted regarding (and be given an opportunity to participate in) the development of a defect management system.
- (4) A record referred to in subclause (2) must be maintained at the mine or plant for 6 years or, if another period is specified in respect of such a record in any relevant guideline applied to the mine or plant, for that other period.
- (5) A defect management system must be documented and the relevant document or documents must be kept at the mine or declared plant.
- (6) In this clause, *defect* does not include normal wear and tear.

Division 6 Prohibition of alcohol and drugs

43 Prohibition of alcohol and drugs

- (1) A person must not drink intoxicating liquor at a mine or declared plant.
- (2) A person must not, at a mine or declared plant, take drugs that may impair his or her capability of working without endangering his or her safety or the safety of others.
- (3) A person must not attend work at a mine or declared plant if the person's capability of working without endangering his or her safety or the safety of others is impaired through the consumption of intoxicating liquor or drugs.

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Clause 44 Coal Mines (General) Regulation 1999

Part 3 Mining officials

Part 3 Mining officials

44 Appointment of officials

A mine manager must not appoint a person as an official at the mine unless the manager is satisfied that the person is competent and medically fit to carry out the duties of the position.

45 Duties of mining officials may be performed by more senior officials

A duty, authority or function given to a mining official at a mine by or under this Regulation, the *Underground Regulation* or the *Open Cut Regulation* may be performed or exercised by a more senior mining official at the mine.

46 Instructions not to contravene Act or Regulations

- (1) A mining official must not give an instruction the carrying out of which would contravene the Act, this Regulation, the *Underground Regulation* or the *Open Cut Regulation*.
- (2) A person need not obey any such instruction.

47 Suspension of persons contravening Act or Regulations

- (1) The manager or any other official of a mine may:
 - (a) suspend from duty any person at the mine subordinate to the manager or official who acts or attempts to act in contravention of, or fails to comply with, any requirement imposed by or under the Act, this Regulation, the *Underground Regulation* or the *Open Cut Regulation*, and
 - (b) require a person so suspended to leave the mine.
- (2) If an official of a mine (other than the manager) suspends a person, the official must immediately report the suspension and the reason for it to the manager.

Part 4 Communication of information to workers

48 Workers to be informed of hazards

If workers at a mine or declared plant are exposed to physical, chemical or biological hazards, the owner of the mine or plant must inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures.

49 Information concerning Act and Regulations

Information concerning the provisions of the Act, this Regulation, the *Underground Regulation* and the *Open Cut Regulation* relevant to the duties of persons working at a mine or declared plant must be communicated to those persons in a comprehensible manner.

50 Inspectors' advices, notices or orders

- (1) An advice given by an inspector under section 61 of the Act (Inspector to inform mine management of certain matters) must be in writing.
- (2) A mining official at a mine (not being the mine manager) who receives an advice given under section 61 of the Act or a notice served under section 77 of the Act (District check inspectors) must give the advice or notice, or a copy of it, to the mine manager as soon as practicable.
- (3) An owner or manager of a mine or declared plant who receives:
 - (a) an advice or a copy of an advice given under section 61 of the Act, or
 - (b) a notice or a copy of a notice served under section 63 of the Act (Inspector may impose prohibitions or restrictions or direct evacuation or closure of mine), or
 - (c) a notice or a copy of a notice served under section 63A of the Act (Engineering inspector may act to preserve health or safety), or
 - (d) a notice or a copy of a notice served under section 77 of the Act,

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Clause 50 Coal Mines (General) Regulation 1999

Part 4 Communication of information to workers

must, as soon as practicable, cause a copy of it to be displayed for a period of not less than 14 days in a manner that will allow the workforce at the mine or declared plant to become aware of its contents.

- (4) Copies of any other advice, notice or order given, served or made by an inspector in relation to a mine or declared plant must be displayed by the recipient in accordance with the advice, notice or order.

51 Chief Inspector may publish material relating to safety or health

- (1) The Chief Inspector may, in the interests of promoting safety or health, publish material arising from:
 - (a) investigations or other activities undertaken by inspectors or mine safety officers, or
 - (b) information provided by individuals or organisations associated with mines or declared plants, or
 - (c) information provided by or acquired from organisations associated with safety or health.
- (2) Any requirements specified by the Chief Inspector, either generally or in a particular case, and communicated to a manager in regard to informing any specified class of persons working at mines or declared plants of any material relating to safety or health (whether published by the Chief Inspector or otherwise) must be complied with.

52 Information relating to safety and health

- (1) Information, orders or publications relating to safety or health sent to a mine or declared plant by the Department, the Chief Inspector or another inspector and relevant to the duties of any persons working at the mine or plant must be communicated to those persons.
- (2) Secure facilities must be provided in appropriate places at a mine or declared plant to ensure the effective communication of safety or health related information relevant to the daily activities of persons working at the mine or plant.

Part 5 Qualifications of inspectors, mine engineers and mine surveyors

53 Chief inspectors, deputy chief inspectors, senior inspectors and inspectors of coal mines

For the purposes of section 8 of the Act:

- (a) the prescribed qualification for appointment to the position of chief inspector of coal mines, deputy chief inspector of coal mines, senior inspector of coal mines or inspector of coal mines is a certificate of competency to be a manager of a coal mine, and
- (b) the prescribed experience for appointment to such a position is:
 - (i) not less than 3 years' experience as an inspector of coal mines, or
 - (ii) not less than 3 years' experience as a manager of an underground coal mine in Australia, or
 - (iii) such other experience (equivalent to subparagraph (i) or (ii)) as the Minister, on the recommendation of the Chief Inspector, approves either generally or in a particular case.

54 Senior inspectors and inspectors of electrical engineering

For the purposes of section 8 of the Act, the prescribed qualifications and experience for appointment to the position of senior inspector of electrical engineering or inspector of electrical engineering are:

- (a) a certificate of competency to be a mine electrical engineer, and
- (b) either:
 - (i) not less than 2 years' experience as a mine electrical engineer at an underground coal mine in Australia, or
 - (ii) an electrical engineering qualification that entitles the person to be a member of the Institution of Engineers Australia and such experience (equivalent to subparagraph (i)) as the Minister, on the recommendation of the Chief Inspector, approves either generally or in a particular case.

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Clause 55 Coal Mines (General) Regulation 1999

Part 5 Qualifications of inspectors, mine engineers and mine surveyors

55 Senior inspectors and inspectors of mechanical engineering

For the purposes of section 8 of the Act, the prescribed qualifications and experience for appointment to the position of senior inspector of mechanical engineering or inspector of mechanical engineering are:

- (a) a certificate of competency to be a mine mechanical engineer, and
- (b) either:
 - (i) not less than 2 years' experience as a mine mechanical engineer at an underground coal mine in Australia, or
 - (ii) a mechanical engineering qualification that entitles the person to be a member of the Institution of Engineers Australia and such experience (equivalent to subparagraph (i)) as the Minister, on the recommendation of the Chief Inspector, approves either generally or in a particular case.

56 Qualifications of mine mechanical engineer (section 44 (4) of the Act)

- (1) If the total equivalent mechanical power at a mine exceeds 1 000 kilowatts, or the Chief Inspector by notice to the mine manager so requires, a person must not be appointed as the mine mechanical engineer unless the person holds a certificate of competency as a mine mechanical engineer.
- (2) If the total equivalent mechanical power at a mine does not exceed 1 000 kilowatts, a person must not be appointed as the mine mechanical engineer unless:
 - (a) the person holds a certificate of competency as a mine mechanical engineer, or
 - (b) the person:
 - (i) is qualified to be appointed as a mechanical tradesperson at a mine, and
 - (ii) has had at least 2 years' experience in installing, examining, testing and maintaining mechanical equipment at underground mines (in the case of an appointment to an underground mine) or open cut mines (in the case of an appointment to an open cut mine).

- (3) Despite subclauses (1) and (2), a person may be appointed as a mine mechanical engineer for a particular class of mine if, at any time before the commencement of this Regulation, the person has been appointed under the Act as a mine mechanical engineer for a mine of that class.

57 Qualifications of mine electrical engineer (section 44 (4) of the Act)

- (1) If the total equivalent electrical power at a mine exceeds 1 000 kilowatts, or the Chief Inspector by notice to the mine manager so requires, a person must not be appointed as the mine electrical engineer unless the person holds a certificate of competency as a mine electrical engineer.
- (2) If the total equivalent electrical power at a mine does not exceed 1 000 kilowatts, a person must not be appointed as the mine electrical engineer unless:
- (a) the person holds a certificate of competency as a mine electrical engineer, or
 - (b) the person:
 - (i) is qualified to be appointed as an electrician at the mine, and
 - (ii) has had at least 2 years' experience in installing, examining, testing and maintaining electrical equipment at underground mines (in the case of an appointment to an underground mine) or open cut mines (in the case of an appointment to an open cut mine).
- (3) Despite subclauses (1) and (2), a person may be appointed as a mine electrical engineer for a particular class of mine if, at any time before the commencement of this Regulation, the person has been appointed under the Act as a mine electrical engineer for a mine of that class.

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Clause 58 Coal Mines (General) Regulation 1999

Part 5 Qualifications of inspectors, mine engineers and mine surveyors

58 Qualifications of mine surveyor

- (1) For the purposes of section 44 (4) of the Act, the prescribed qualification for appointment as a surveyor for an underground mine is a certificate of competency to be a mine surveyor.
- (2) For the purposes of section 44 (4) of the Act, the prescribed qualifications for appointment as a surveyor for an open cut mine are:
 - (a) registration as a surveyor under the *Surveyors Act 1929*, or
 - (b) a certificate of competency to be a mine surveyor.

Part 6 Election of check inspectors, district check inspectors and electrical check inspectors

59 Election of check inspectors

The persons entitled to vote at an election of check inspectors for a mine or declared plant under section 71 of the Act are the persons employed in or about the mine or plant.

60 Election of district check inspectors

The persons entitled to vote at an election of a district check inspector for a mine or declared plant under section 77 of the Act are the persons employed in or about the mine or plant who are members of the Construction Forestry Mining and Energy Union, Mining and Energy Division.

61 Election of electrical check inspectors

The persons entitled to vote at an election of an electrical check inspector for a mine or declared plant under section 80 of the Act are the persons employed in or about the mine or plant.

62 Conduct of elections of check inspectors and electrical check inspectors

- (1) Elections of check inspectors and electrical check inspectors for a mine or declared plant must be conducted by a person elected by a committee consisting of a representative from each union that has members employed in or about the mine or plant.
- (2) The person must take all necessary steps to hold elections of check inspectors and electrical check inspectors when required.
- (3) On the election of a check inspector or electrical check inspector, the person must, without delay, notify the manager in writing of the name of the person elected.

Note. Clause 62 does not apply to the election of district check inspectors.

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Clause 63 Coal Mines (General) Regulation 1999

Part 7 Surveys and plans of mines

Part 7 Surveys and plans of mines

63 Definition

In this Part:

mine surveyor, in relation to a mine, means the person appointed under section 44 (3) of the Act as the surveyor for the mine.

64 Survey and Drafting Directions

- (1) The Chief Inspector must, with the concurrence of the Surveyor-General, issue Survey and Drafting Directions for surveyors at mines and may from time to time, with the concurrence of the Surveyor-General, vary, amend or replace such Directions.
- (2) Different Directions may be issued for underground mines and open cut mines.
- (3) The Survey and Drafting Directions and any variation, amendment or replacement must be published in the Gazette.
- (4) The Surveying and Drafting Instructions in force under the *Coal Mines Regulation (Survey and Plan) Regulation 1984* immediately before the commencement of this Regulation are taken to be Survey and Drafting Directions issued under this clause.

65 Duties of mine surveyor

A mine surveyor must:

- (a) ensure that accurate and up-to-date plans of the mine are prepared in accordance with the Survey and Drafting Directions, and
- (b) prepare or cause to be prepared a mine workings plan for the mine, and
- (c) report to the appropriate mining officials at the mine any neglect to follow, or any deviations from, the mine workings plan of which the surveyor becomes aware, and
- (d) notify the mine manager if the surveyor cannot perform his or her duties or has any doubt about the accuracy of any plans of the mine.

66 Plans to be kept at a mine

- (1) The following plans must be kept at a mine:
 - (a) a mine workings plan,
 - (b) in the case of an underground mine, a ventilation plan,
 - (c) a surface plan,
 - (d) any other plans required by the *Underground Regulation* or *Open Cut Regulation*.
- (2) The plans must be kept up to date.
- (3) The plans must be accessible to persons who have the need to use them.

67 Mine record tracing

- (1) A copy of a mine workings plan (a *mine record tracing*) must be sent to the Chief Inspector on its preparation.
- (2) The mine record tracing must be updated as required by the Survey and Drafting Directions.
- (3) The Chief Inspector must retain the mine record tracing.

68 Furnishing of documents and information

- (1) A mine manager or the Chief Inspector must, on request by the owner, superintendent or manager of a mine adjoining the mine in respect of which the request is made:
 - (a) furnish within 14 days to the person who made the request such information relevant to the preparation of a mine workings plan as may affect safety in the adjoining mine, and
 - (b) permit the person who made the request to inspect and take copies of or extracts from such plans, sections, drawings or other documents relevant to the preparation of a mine workings plan as may affect safety in the adjoining mine.
- (2) The Chief Inspector must inform the owner of a mine in writing of the name and address of any person who is supplied with a copy of a plan, section or drawing of, or any information in relation to, the mine workings.

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Clause 68 Coal Mines (General) Regulation 1999

Part 7 Surveys and plans of mines

- (3) Subclause (1) applies only to information in the possession or under the control of the person to whom the request is made (and, in the case of a request made to the Chief Inspector, to information in the possession or under control of the Department).

Part 8 Approval of items

69 Definitions

In this Part:

assessing authority means a person or body (whether in New South Wales or elsewhere) that, in the opinion of the Chief Inspector, has the expertise necessary to investigate and assess items.

item means any equipment, apparatus, material or thing required to be approved, to be of an approved type or to be approved as having a particular characteristic or property for the purposes of the Act, this Regulation, the *Underground Regulation* or the *Open Cut Regulation*.

system means a system required to be approved or to be of an approved type under clause 71 (2).

70 Chief Inspector may approve items or systems

- (1) The Chief Inspector may, by instrument in writing, approve an item or a system or a type of item or system.
- (2) An approval may be given in respect of a particular characteristic or property of an item or system.
- (3) An approval may be given:
 - (a) either generally or in a particular case, and
 - (b) subject to such conditions as the Chief Inspector thinks fit.
- (4) An approval given generally must be published in the Gazette.
- (5) Conditions imposed in relation to an item or a system may include conditions relating to:
 - (a) the period that an approval remains in force, or
 - (b) the design, locality, construction and installation of the item or system, or
 - (c) the manner in which the item or system is used, including the use of any equipment, apparatus, material or thing:
 - (i) to which the item or system is attached or connected either directly or indirectly, or
 - (ii) with which the item or system is designed to operate, or

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Clause 70 Coal Mines (General) Regulation 1999

Part 8 Approval of items

- (d) the maintenance of the approved item or system and any equipment, apparatus, material or thing:
 - (i) to which the item or system is attached or connected either directly or indirectly, or
 - (ii) with which the item or system is designed to operate.
- (6) The Chief Inspector may at any time revoke, vary or amend an approval if:
 - (a) the Chief Inspector is of the opinion that it is necessary in the interests of safety or health, and
 - (b) except where the Chief Inspector considers that urgent action is required because of an emergency, the appropriate representatives of the industry have been consulted beforehand.
- (7) An item or a system is taken not to have been approved if a condition under which it was approved for use is not complied with.

71 Chief Inspector may require equipment, apparatus, material, things or systems to be approved

- (1) The Chief Inspector may, by notice published in the Gazette, direct that any equipment, apparatus, material or thing is required to be approved or to be of an approved type before it may be used or installed in, or taken into, a mine.
- (2) If 2 or more items are used to form a system or an item is designed to be used as part of a system in connection with other items, the Chief Inspector may, by notice published in the Gazette, direct that the system is required to be approved or to be of an approved type before it may be used or installed in, or taken into, a mine.
- (3) A direction under this clause may relate to:
 - (a) any specific equipment, apparatus, material, thing or system, or
 - (b) any class of equipment, apparatus, material, thing or system.
- (4) A direction under this clause must not be given unless:
 - (a) the Chief Inspector is of the opinion that it is necessary in the interests of safety or health, and
 - (b) the appropriate representatives of the industry have been consulted beforehand in regard to the need for the approval and any conditions likely to be attached to the approval.

- (5) Any equipment, apparatus, material, thing or system that is the subject of a direction under this clause must not be used or installed in, or taken into, a mine unless it has been approved or is of an approved type.

72 Temporary approvals

- (1) The Chief Inspector may, by instrument in writing, temporarily approve an item or a system for use in a mine pending completion of tests or trials of it.
- (2) A temporary approval:
- (a) must specify the duration of the tests or trials, and
 - (b) may be given subject to such conditions as the Chief Inspector thinks fit.

73 Accredited assessing authorities

- (1) The Chief Inspector may, by notice published in the Gazette, accredit an assessing authority in relation to the approval of items or systems for the purposes of this Part.
- (2) An accreditation may be given:
- (a) in respect of items or systems generally, or
 - (b) in respect of specified, or a specified class of, items or systems.
- (3) An accreditation may be given subject to such conditions as the Chief Inspector thinks fit.
- (4) The Chief Inspector may, by notice published in the Gazette, revoke, vary or amend an accreditation.
- (5) An item or a system approved by an assessing authority accredited in relation to the item or system is to be taken to be an approved item or system for the purposes of the Act, this Regulation, the *Underground Regulation* or the *Open Cut Regulation*, as the case may require.

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Clause 74 Coal Mines (General) Regulation 1999

Part 9 First aid and general welfare

Division 1 First aid

Part 9 First aid and general welfare

Division 1 First aid

74 First aid systems

- (1) A first aid system must, within 6 months after the commencement of this Regulation, be developed and implemented at a mine or declared plant.
- (2) A first aid system must:
 - (a) provide for the provision of appropriate facilities, competent persons and procedures having regard to the nature of the work undertaken at the mine or declared plant and the work environment, and
 - (b) be developed and implemented having regard to any relevant guidelines applied to the mine or declared plant.
- (3) A first aid system must include provisions for audits of the system's operation and for periodic reviews (at intervals not exceeding 2 years) of the system's effectiveness.
- (4) A first aid system must be documented and the relevant document or documents must be kept at the mine or declared plant.
- (5) The requirements of a first aid system, so far as they are relevant to any person at a mine or declared plant, must be effectively communicated to that person.

75 Employees' representatives to be consulted

Employees' representatives possessing appropriate skills, knowledge or experience must be consulted regarding (and be given an opportunity to participate in) the development and revision of a first aid system.

76 Copy to be supplied to district inspector and district check inspector

A copy of the first aid system for a mine or declared plant, and any revisions of it, must be supplied to the district inspector and the district check inspector within 7 days of the system or revisions being put into effect.

77 Competency and training of personnel

A manager of a mine or declared plant must ensure that the persons required to perform duties as part of the first aid system for the mine or declared plant are competent to carry out those duties and are given appropriate training.

Division 2 General welfare

78 Bath and change houses and sanitary facilities

- (1) Adequate bath and change houses and sanitary facilities (above and below ground) must be provided in appropriate locations at a mine or declared plant and be maintained in an hygienic state.
- (2) In complying with subclause (1) a manager of a mine or declared plant must have regard to any relevant guidelines applied to the mine or declared plant.

79 Personal protective equipment

- (1) Appropriate types and quantities of personal protective equipment must be provided to all persons required to work or travel at a mine or declared plant.
- (2) Such equipment must be maintained in good working order.
- (3) Persons provided with any such equipment must be trained in its use.

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Clause 80 Coal Mines (General) Regulation 1999

Part 10 Additional provisions in respect of declared plants

Part 10 Additional provisions in respect of declared plants

80 Application of this Part

This Part applies to and in respect of declared plants only.

81 Declared plants to be separate from mines

A declared plant must be separate from any adjoining mine.

82 Modification of certain provisions of the Act in their application to declared plants (section 145M of the Act)

The provisions of Division 5 of Part 4 of the Act (Notification of accidents and dangerous occurrences) apply in relation to a declared plant in the same way as they apply in relation to a mine with the following modification:

Section 90 of the Act (Place of accident or occurrence not to be disturbed) applies only in the case of an accident causing death or serious bodily injury.

83 Notifiable incidents

- (1) For the purposes of this clause, the following incidents are notifiable incidents:
 - (a) an outbreak of fire endangering persons or causing serious property damage,
 - (b) the receiving by a person of an electric shock from a source, or the suffering by a person of burns received from an electric circuit, that is above extra low voltage (as defined in Australian Standard 3000 (*SAA Wiring Rules*)),
 - (c) an unplanned movement of a vehicle, machine or any item of plant or equipment such as to endanger persons or cause serious property damage,
 - (d) a failure or collapse of any structure such as to endanger persons or property.
- (2) If a notifiable incident occurs at a declared plant the plant manager must ensure that the district inspector and the district check inspector are:

- (a) notified of the incident immediately (in the form and manner specified, if any), and
 - (b) given an accurate description of the nature of the incident.
- (3) The scene of the incident must be left undisturbed for 24 hours after the incident's occurrence (unless both the district inspector and the district check inspector earlier release the scene).
- (4) Subclause (3) does not prevent reasonable measures being taken to secure health or safety at the scene of the incident.
- (5) As soon as practicable after the incident's occurrence, the plant manager must ensure that:
 - (a) an investigation is carried out to establish the circumstances and cause of the incident, and
 - (b) a report (in the form and manner specified, if any) on the results of the investigation is submitted to the district inspector and district check inspector.
- (6) In this clause, *serious property damage* means property damage that, in the opinion of the plant manager concerned, is serious property damage.

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Clause 84 Coal Mines (General) Regulation 1999

Part 11 Miscellaneous

Part 11 Miscellaneous

84 Suspension or cancellation of certificates of competency of mine managers and certain other mine officials

- (1) For the purposes of section 26 (1) of the Act, the prescribed period is 14 days (being the period within which notice must be given of intention to show cause why a certificate of competency should not be suspended or cancelled).
- (2) For the purposes of section 26 (3) of the Act, the prescribed period is 90 days (being the period within which the Chief Inspector is to file with a court a statement in relation to a certificate of competency that is the subject of a show cause notice).

85 Notification of accidents causing serious bodily injuries

For the purposes of Divisions 5 and 6 of Part 4 of the Act, the following injuries are specified under section 85 of the Act as being serious bodily injuries:

- (a) a fracture of the skull, jaw, spine, pelvis, arm, shoulder-blade, collar-bone, forearm, thigh, leg, knee-cap, ankle or ribs,
- (b) a dislocation of the shoulder, elbow, hip, knee or spine,
- (c) an amputation of the hand or foot or of a substantial part of the hand or foot,
- (d) the serious impairment or loss of sight of an eye,
- (e) an internal haemorrhage receiving hospital treatment,
- (f) burns receiving treatment from a registered medical practitioner,
- (g) an injury involving injection of hydraulic fluid,
- (h) asphyxia.

86 Fees for permits for tourist activities and educational purposes (section 148 of the Act)

For the purposes of section 148 (1A) of the Act, the fee required to accompany an application for a permit under that section is \$100.

87 Exemptions from complying with provisions of Regulation

A manager of a mine or declared plant may apply to the Chief Inspector in writing for an order under section 174 (5) of the Act that any specified provision of this Regulation:

- (a) does not apply to or in respect of any specified person or class of persons or any specified act, matter or thing, or
- (b) does not so apply in specified circumstances.

88 Repeals and savings and transitional provisions

- (1) The Regulations specified in Schedule 1 are repealed.
- (2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under a provision of a repealed Regulation continues to have effect under the corresponding provision of this Regulation, the *Underground Regulation* or the *Open Cut Regulation*.
- (3) If the act, matter or thing is an approval by the Chief Inspector of any equipment, apparatus, material or thing and the corresponding provision requires that the equipment, apparatus, material or thing be approved only in respect of a particular characteristic or property, that approval is taken to continue to have effect under the corresponding provision only in respect of that characteristic or property.
- (4) A requirement of a repealed Regulation that would, had a provision of this Regulation, the *Underground Regulation* or the *Open Cut Regulation* requiring the implementation of a system or the establishment of a standard for a mine or declared plant been in force, have been a requirement of that system or standard when implemented or established is taken to continue to operate in respect of that mine or declared plant until such a system or standard is implemented or established.
- (5) A reference in subclause (4) to a system or standard is a reference to a system standard required by the relevant Regulation to be implemented or established within 6 months after the commencement of the Regulation.

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Clause 88 Coal Mines (General) Regulation 1999

Part 11 Miscellaneous

Note. Offences and penalties. Section 160 (l) of the Act provides that a person who contravenes or fails to comply with any provision of the regulations is guilty of an offence against the Act. Under section 166 of the Act, the penalty for such an offence is 40 penalty units (for an individual) and 100 penalty units (for a corporation) or, if the offence was wilful and was likely to, or did, endanger safety, cause serious personal injury or cause a dangerous accident, imprisonment for up to 12 months.

Section 161 (1) of the Act provides that, if a person commits an offence against the Act in relation to a mine or declared plant, the owner and manager of the mine or plant and certain other officials are also each guilty of an offence.

Section 163 of the Act provides that a person who aids, abets, counsels, induces or procures, or consents to or connives at, the commission of an offence against the Act by another person is guilty of an offence.

Section 164 of the Act sets out certain defences to proceedings for offences against the Act.

Coal Mines (General) Regulation 1999

Repeals

Schedule 1

Schedule 1 Repeals

(Clause 88)

Coal Mines Regulation (Airborne Dust—Open Cut Mines) Regulation 1984

Coal Mines Regulation (Airborne Dust—Underground Mines) Regulation 1984

Coal Mines Regulation (Approval of Items) Regulation 1984

Coal Mines Regulation (Belt Conveyor) Regulation 1984

Coal Mines Regulation (Coal Preparation Plants) Regulation 1991

Coal Mines Regulation (Election of Check Inspectors, District Check Inspectors and Electrical Check Inspectors) Regulation 1984

Coal Mines Regulation (Electrical—Open Cut Mines) Regulation 1984

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