



New South Wales

# Coal Mines Amendment Regulation 2003

under the

Coal Mines Regulation Act 1982

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

KERRY ARTHUR HICKEY, M.P.,

Minister for Mineral Resources

## Explanatory note

The objects of this Regulation are:

- (a) to amend the *Coal Mines (General) Regulation 1999* to clarify existing provisions dealing with mine safety management plans and safety notices for electrical switchgear, and
- (b) to amend the *Coal Mines (Investigation) Regulation 1999* to apply the Regulation to declared plants, to insert an extended definition of the term *inspector* and to make other minor amendments, and
- (c) to amend the *Coal Mines (Open Cut) Regulation 1999* to ensure that the requirement for flexible cables to be referenced to earth applies only to mobile apparatus, and
- (d) to amend the *Coal Mines (Underground) Regulation 1999* to restrict the employment of minors underground at a mine in accordance with ILO Convention No 138 and to clarify the intent of certain other provisions.

The Regulation is made under the *Coal Mines Regulation Act 1982*, including section 174 (the general regulation-making power).

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Clause 1                      Coal Mines Amendment Regulation 2003

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# **Coal Mines Amendment Regulation 2003**

## **1 Name of Regulation**

This Regulation is the *Coal Mines Amendment Regulation 2003*.

## **2 Commencement**

- (1) Subject to subclause (2), this Regulation commences 3 months after it is published in the Gazette.
- (2) Schedule 2 [3] and [4] commence on the day that Schedule 1 [2] to the *Mining Legislation Amendment (Health and Safety) Act 2002* commences.

## **3 Amendment of Coal Mines (General) Regulation 1999**

The *Coal Mines (General) Regulation 1999* is amended as set out in Schedule 1.

## **4 Amendment of Coal Mines (Investigation) Regulation 1999**

The *Coal Mines (Investigation) Regulation 1999* is amended as set out in Schedule 2.

## **5 Amendment of Coal Mines (Open Cut) Regulation 1999**

The *Coal Mines (Open Cut) Regulation 1999* is amended as set out in Schedule 3.

## **6 Amendment of Coal Mines (Underground) Regulation 1999**

The *Coal Mines (Underground) Regulation 1999* is amended as set out in Schedule 4.

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**Schedule 1 Amendment of Coal Mines (General)  
Regulation 1999**

(Clause 3)

**[1] Clause 7 Mine safety management plans**

Omit “mine managers” from clause 7 (2) (d).  
Insert instead “the mine manager”.

**[2] Clause 29 Safety notices for electrical switchgear**

Insert at the end of clause 29:

- (2) In subclause (1), fixed electrical switchgear does not include light switches, control switches and belt stop switches.

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Schedule 2

Amendment of Coal Mines (Investigation) Regulation 1999

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**Schedule 2 Amendment of Coal Mines (Investigation) Regulation 1999**

(Clause 4)

**[1] Clause 3 Application**

Omit “and underground mines”.

Insert instead “, underground mines and declared plants”.

**[2] Clause 4 Definitions**

Insert in alphabetical order in clause 4 (1):

*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.

*inspector* includes an engineering inspector.

**[3] Clause 8 Participation in investigations by district check inspector and mining company representative**

Insert “or the *Occupational Health and Safety Act 2000*” after “exercising functions under the Act” in clause 8 (1).

**[4] Clause 8 (3)**

Omit the definition of *inspector*. Insert instead:

*inspector* includes the following:

- (a) a mine safety officer,
- (b) an investigator,
- (c) an inspector appointed under section 47A of the *Occupational Health and Safety Act 2000*,
- (d) an engineering inspector.

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Amendment of Coal Mines (Open Cut) Regulation 1999

Schedule 3

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**Schedule 3 Amendment of Coal Mines (Open Cut)  
Regulation 1999**

(Clause 5)

**Clause 19 Earthing of electrical equipment**

Omit “any connection to earth is” from clause 19 (2).

Insert instead “any mobile apparatus fed via flexible cables at the mine is referenced to earth”.

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Schedule 4

Amendment of Coal Mines (Underground) Regulation 1999

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**Schedule 4 Amendment of Coal Mines (Underground) Regulation 1999**

(Clause 6)

**[1] Clause 7A**

Insert after clause 7:

**7A Age restriction on employment underground at a mine**

- (1) A person must not employ a person under the age of 16 years underground at a mine.
- (2) A person may employ a minor who is at least 16 years old underground at a mine only if the minor is receiving specific instruction or vocational training in relation to working underground at a mine.

**[2] Clause 34 Notification of dangerous occurrences**

Omit clause 34 (1) (g).

**[3] Clause 34 (2) and (3)**

Omit the subclauses.

**[4] Clauses 34A and 34B**

Insert after clause 34:

**34A Notifiable incidents**

- (1) For the purposes of this clause, the following incidents are notifiable incidents:
  - (a) an electric shock to a person from a source that is above extra low voltage (as defined in AS/NZS 3000:2000, *Electrical Installations* (known as the Australian/New Zealand Wiring Rules)),
  - (b) an unplanned movement of a vehicle, machine or any item of plant or equipment such as to endanger persons or cause serious property damage,

- (c) a failure or collapse of any structure such as to endanger persons or property.
- (2) If a notifiable incident occurs at a mine, the mine manager must ensure that the district inspector and the district check inspector are:
  - (a) notified of the incident immediately (in the form and the manner specified, if any), and
  - (b) given an accurate description of the nature of the incident.
- (3) The scene of the notifiable 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 notifiable incident.
- (5) As soon as practicable after the notifiable incident's occurrence, the mine 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 mine manager concerned, is serious property damage.

**34B Notification of other incidents**

- (1) A mine manager must report the following incidents to the district inspector and district check inspector within 24 hours of the manager's becoming aware of the occurrence of the incident:
    - (a) an event that occurs in a hazardous zone and leaves visible evidence on an electric cable of arcing having occurred,
    - (b) an unplanned fall of roof or sides of a mine that impedes passage or disrupts mine ventilation,
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Amendment of Coal Mines (Underground) Regulation 1999

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- (c) a windblast that results in injuries requiring first-aid treatment,
  - (d) the entrapment of a continuous miner by a fall of roof or sides such that it is unable to be recovered under its own tractive effort,
  - (e) the entrapment of a breaker line support by a fall of roof such that it is unable to be recovered under its own tractive effort,
  - (f) a creep, progressive pillar collapse or significant deviation from predicted surface subsidence,
  - (g) the in-service failure of the explosion protection characteristic of explosion protected apparatus located in a hazardous zone.
- (2) A form may be specified for the purposes of subclause (1) and, if a form is specified, a report must be in that form and contain such details as may be specified.

### **[5] Clause 62 Operation of transport**

Omit clause 62 (4) (c). Insert instead:

- (c) for maintenance purposes, and then only for the shortest practicable time.

### **[6] Clause 68 Controlling hazards arising from inspecting, maintaining, repairing, refuelling and charging transport**

Omit clause 68 (1). Insert instead:

- (1) A mine manager must ensure that adequate precautions are taken to control hazards that may arise from the inspection, maintenance, repair or refuelling of, or charging of batteries in, transport underground at a mine.
- (1A) Every place that is used for the regular repair, refuelling or charging of transport underground at a mine is a garage for the purposes of this clause.

### **[7] Clause 85 Special ventilation required at certain places**

Omit "Part 12" from clause 85 (2). Insert instead "Part 11".



**[8] Clause 115 Establishment of fire depots at a mine**

Omit clause 115 (3) (a). Insert instead:

- (a) at least 90 metres of fire hose and appropriate fittings or, if the depot is at or the nearest depot to a working face, sufficient hose and fittings to allow a fire at the face to be effectively fought,

**[9] Clause 115A**

Insert after clause 115:

**115A Protection of belt conveyors**

Sufficient fire hose and appropriate fittings must be available to fight a fire on any part of a belt conveyor.

**[10] Clause 125 Fire resistant fluids**

Insert “filled” after “oil” in clause 125 (b).

**[11] Clause 133 Definitions**

Omit the definition of *portable electrical apparatus* from clause 133 (1).

Insert instead:

*portable electrical apparatus* means electrical apparatus capable of being carried manually while it is being used but does not include a caplamp.

**[12] Clause 139 Explosion protection**

Omit clause 139 (3) (b). Insert instead:

- (b) any electrical explosion protected apparatus used at the mine is designed, installed, commissioned, operated, maintained and decommissioned in a way that ensures the risk of internal electrical faults compromising the explosion protected properties of the apparatus is minimised, and

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### [13] Clause 139 (5)

Omit the subclause. Insert instead:

- (5) Subclause (1) does not apply to:
  - (a) an approved caplamp, or
  - (b) portable electrical apparatus.

### [14] Clause 140 Requirements for electrical apparatus

Omit “Australian Standard 2595 (*Electrical equipment for coal mines—Electrical requirements for underground mining machines and accessories*)” from clause 140 (2).

Insert instead “AS/NZS 4871.1:2002, *Electrical equipment for coal mines for use underground—General Requirements*, AS/NZS 4871.1:2002, *Electrical equipment for coal mines for use underground*, Part 4: *Mains powered electrical mobile machines* or AS/NZS 4871.1:2002, *Electrical equipment for coal mines, for use underground*, Part 5: *Battery powered electrical mobile machines*”.

### [15] Clause 141 Requirements for electric cables

Insert after clause 141 (2):

- (3) This clause does not apply to or in respect of electric cables used solely for intrinsically safe circuits.

### [16] Clause 142 Earthing of electrical equipment

Insert “for all mains-fed electrical equipment underground at the mine” after “ensure that” in clause 142 (2).

### [17] Clause 142 (2) (a)

Omit “connection”. Insert instead “reference”.

### [18] Clause 145 Batteries

Omit “equipment” from clause 145 (1). Insert instead “transport”.

### [19] Clause 145 (2)

Omit “a vehicle”. Insert instead “transport underground”.

**[20] Clause 145 (3)**

Omit the subclause. Insert instead:

- (3) Without affecting the generality of subclause (2), a mine electrical engineer must ensure that:
- (a) any battery or battery container used on transport in a hazardous zone underground at the mine complies with the requirements of AS/NZS 4871.1:2002, *Electrical equipment for coal mines, for use underground, Part 5: Battery powered electrical mobile machines*, and
  - (b) the container of every battery on transport is lined inside with a layer of insulating material and all material used within the container (including the battery enclosure) is non-flammable, and
  - (c) there is no movement of any battery within its container and every battery container has been designed and is maintained to dissipate expeditiously any hydrogen that may be given off by the battery.

**[21] Clause 145 (4)**

Omit “a vehicle”. Insert instead “transport”.

**[22] Clause 145 (6)**

Omit “battery-charging station at a mine”.

Insert instead “place underground at a mine used for battery-charging”.

**[23] Clause 145 (6)**

Omit “the station”. Insert instead “the place”.

**[24] Clause 146 Facilities for maintenance**

Omit “flexible cable” from clause 146 (1).

Insert instead “trailing, reeling or feeder cable (as defined in AS 1747–1993, *Reeling, trailing and feeder cables used for mining—Repair and testing*)”.

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**[25] Clause 177 Reduction of levels of incombustible content of roadway dust in certain circumstances**

Omit “clause 176” from clause 177 (5).  
Insert instead “clause 176 (1) (a) or (b)”.

**[26] Clause 180 Explosion barriers and other explosion suppression measures in roadways**

Insert at the end of clause 180:

- (5) For the purposes of this clause, an explosion barrier is taken to have been installed in a part of a roadway if the inbye part of the barrier is in the part of the roadway.

BY AUTHORITY

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