



New South Wales

# Explosives Amendment (Mines) Regulation 2007

under the

Explosives Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Explosives Act 2003*.

IAN MACDONALD, M.L.C.,  
Minister for Mineral Resources

## Explanatory note

Clause 6 of the *Explosives Regulation 2005* declares the Director-General of the Department of Primary Industries to be the regulatory authority for “mines” (within the meaning of the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force)) and “coal operations” (within the meaning of the *Coal Mine Health and Safety Act 2002*).

The object of this Regulation is to amend the *Explosives Regulation 2005*:

- (a) to more accurately prescribe the places for which the Director-General of the Department of Primary Industries is to be the regulatory authority, and
- (b) to make the terminology used in the *Explosives Regulation 2005* more consistent with the terminology used in the *Occupational Health and Safety Act 2000*, the *Coal Mine Health and Safety Act 2002* and the *Mine Health and Safety Act 2004*.

The Regulation provides that the Director-General of the Department of Primary Industries is to be the regulatory authority for “coal workplaces” (being all places to which the *Coal Mine Health and Safety Act 2002* applies) and “mining workplaces” (being places of work that are mines within the meaning of the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force) or places at which activities under the *Petroleum (Onshore) Act 1991* or the *Petroleum (Submerged Lands) Act 1982* are carried out).

This Regulation is made under the *Explosives Act 2003*, including sections 4 and 36 (the general regulation-making power).

## **2007 No 536**

Clause 1 Explosives Amendment (Mines) Regulation 2007

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## **Explosives Amendment (Mines) Regulation 2007**

under the

Explosives Act 2003

### **1 Name of Regulation**

This Regulation is the *Explosives Amendment (Mines) Regulation 2007*.

### **2 Amendment of Explosives Regulation 2005**

The *Explosives Regulation 2005* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 3 Definitions**

Insert in appropriate order in clause 3 (1):

*coal workplace* means a place to which the *Coal Mine Health and Safety Act 2002* applies.

*mining workplace* means a place of work:

- (a) that is a mine within the meaning of the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force), or
- (b) at which activities under the *Petroleum (Onshore) Act 1991* or the *Petroleum (Submerged Lands) Act 1982* are carried out.

**[2] Clause 6 Director-General of Department of Primary Industries is regulatory authority for coal workplaces and mining workplaces**

Omit “mines and coal operations” wherever occurring in clause 6 (1).

Insert instead “coal workplaces and mining workplaces”.

**[3] Clause 6 (2)**

Omit the subclause.

**[4] Clause 15 Activities requiring licences**

Insert at the end of clause 15 (2):

**Note 1.** Mine operators and contractors may also have duties relating to explosives under the *Coal Mine Health and Safety Act 2002* and the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force).

**Note 2.** The regulatory authority in relation to coal workplaces and mining workplaces is the Director-General of the Department of Primary Industries: see clause 6.

**[5] Clause 39 Loss or theft of explosives or explosive precursors to be reported**

Omit “mine” and “mines” from clause 39 (2).

Insert instead “coal workplace or a mining workplace” and “coal workplaces and mining workplaces”, respectively.

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Schedule 1 Amendments

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### [6] Clause 75 Serious incidents involving explosives

Omit the note to clause 75 (2). Insert instead:

**Note.** The regulatory authority in relation to coal workplaces and mining workplaces is the Director-General of the Department of Primary Industries: see clause 6.

### [7] Clause 81 Storage and setting of explosives

Omit “the *Mines Inspection Act 1901* or the *Coal Mines Regulation Act 1982*” from clause 81 (5).

Insert instead “the *Coal Mine Health and Safety Act 2002*, or the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force),”.

BY AUTHORITY

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