

# Work Health and Safety (Mines) Amendment Act 2014 No 71

[2014-71]



New South Wales

## Status Information

### Currency of version

Repealed version for 4 December 2014 to 1 February 2015 (accessed 25 November 2024 at 19:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.2.2015.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Work Health and Safety (Mines) Amendment Act 2014 No 71



New South Wales

An Act to amend the *Work Health and Safety (Mines) Act 2013* to make further provision with respect to securing the health and safety of persons who work at mines.

## 1 Name of Act

This Act is the *Work Health and Safety (Mines) Amendment Act 2014*.

## 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

## Schedule 1 (Repealed)

## Schedule 2 Amendment of other Acts and instruments

### 2.1 Mining Regulation 2010

#### [1] Clause 3 Definitions

Omit the definition of **chief inspector** from clause 3 (1).

#### [2] Clause 61 Use of information and protected documents

Insert after clause 61 (1) (j):

(j1) *Work Health and Safety (Mines) Act 2013*,

### 2.2 Poisons and Therapeutic Goods Regulation 2008

#### Appendix C Persons authorised to possess and use substances

Omit clause 11. Insert instead:

## 11 First aid in mines

A person who is trained and authorised to administer first aid at a mine (within the meaning of the *Work Health and Safety (Mines) Act 2013*) is authorised to possess and use methoxyflurane and nitrous oxide if required for use in connection with the carrying out of first aid at a mine.

## 2.3 Radiation Control Regulation 2013

### [1] Clause 47 Exercise of certain functions by the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services

Omit clause 47 (2) (a) and (b). Insert instead:

(a) at any workplace to which the *Work Health and Safety (Mines) Act 2013* applies, or

### [2] Clause 47 (3) (a) and (b)

Omit the paragraphs. Insert instead:

(a) at any workplace to which the *Work Health and Safety (Mines) Act 2013* applies, or

## 2.4 Uniform Civil Procedure Rules 2005

### Schedule 11 Provisions regarding procedure in certain lists in the District Court

Omit the definition of **coal miner** from clause 1. Insert instead:

**coal miner** means a worker employed in or about a mine to which the *Work Health and Safety (Mines) Act 2013* applies at which mining operations (within the meaning of that Act) are carried out with respect to coal.

## 2.5 Work Health and Safety Act 2011 No 10

### [1] Section 4 Definitions

Omit the definition of **regulator**. Insert instead:

**regulator**—see section 4A.

### [2] Section 4A

Insert before section 5:

#### **4A Meaning of “regulator”**

(1) In this Act:

**regulator** means:

- (a) the WorkCover Authority constituted under the *Workplace Injury Management and Workers Compensation Act 1998*, unless paragraph (b) applies, or
  - (b) in relation to matters or the exercise of a power or the performance of a function concerning a mining workplace—the regulator under the *Work Health and Safety (Mines) Act 2013* (the **mines regulator**).
- (2) The regulations may prescribe specified powers or functions as powers or functions that can be exercised or performed by the WorkCover Authority for both regulators.
- (3) When such a power or function is exercised or performed by the WorkCover Authority it is deemed to have been exercised or performed by both the WorkCover Authority and the mines regulator.
- (4) The mines regulator is not prevented from exercising or performing such a power or function in relation to matters concerning a mining workplace.

## **2.6 Work Health and Safety Regulation 2011**

### **Clause 703**

Insert after clause 702A:

#### **703 Regulatory action where either WorkCover or mines regulator is the regulator**

For the purposes of section 4A of the Act, the following powers and functions are prescribed:

- (a) the grant of a high risk work licence under Part 4.5 and any amendment, renewal, suspension, cancellation, refusal or reassessment of such a licence,
- (b) the registration of plant designs and items of plant under Part 5.3 (other than plant required to be registered under clause 177 of the *Work Health and Safety (Mines) Regulation 2014*) and any refusal, renewal, amendment or replacement of such registration,
- (c) the issue of a general construction induction training card under Part 6.5 and any replacement, refusal or cancellation of such a card,

- (d) the grant of an asbestos removal licence or asbestos assessor licence under Part 8.10 and any amendment, renewal, suspension or cancellation of, or register in respect of, such a licence,
- (e) the grant of an exemption under Part 11.2 from the obligation to hold a licence, registration or training card referred to in paragraphs (a)–(d) and any refusal, amendment or cancellation of such an exemption.