

# Mines Inspection General Rule 2000

[2000-552]



New South Wales

## Status Information

### Currency of version

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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—

- **Note**

The General Rule was repealed by sec 191 (d) of the *Mine Health and Safety Act 2004 No 74* with effect from 1.9.2008.

### 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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New South Wales

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# Mines Inspection General Rule 2000



New South Wales

## Part 1 Preliminary

### 1 Name of General Rule

This General Rule is the *Mines Inspection General Rule 2000*.

### 2 Commencement

This General Rule commences on 1 September 2000.

**Note—**

This General Rule replaces the *Mines Inspection General Rule 1994* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this General Rule:

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

**industrial organisation of employees** has the same meaning as in the *Industrial Relations Act 1996*.

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

### 4 Notes

The explanatory note, table of contents and notes in the text of this General Rule do not form part of this General Rule.

### 5 Application of General Rule

This General Rule applies to all mines (as defined in the Act).

**Note—**

Since the *Mines Inspection Act 1901* does not apply to coal and shale mines, this General Rule does not apply to coal and shale mines.

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.

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.

Division 1 of Part 7 of the Act contains provisions regarding the penalties that may be imposed for offences.

## **Part 2 Risk management at mines**

### **Division 1 Document control**

#### **6 Keeping of records**

- (1) The general manager of a mine must ensure that a record required to be kept under the Act or this General Rule in respect of the mine is kept:
  - (a) for at least 3 years after it is made, or
  - (b) in accordance with any direction in writing given by the Chief Inspector.
- (2) The general manager must have and maintain:
  - (a) a system of training persons in the use, distribution and control of documents required under this General Rule, and
  - (b) a system of managing the use, distribution and control of documents required under this General Rule.
- (3) The systems referred to in subclause (2) must apply to at least the following documents in respect of the mine:
  - (a) the mine safety management plan,
  - (b) the occupational safety and health policy,
  - (c) any documentation relating to programs that give effect to the occupational safety and health policy,
  - (d) any risk assessments,
  - (e) any written procedures for safety and health risks,
  - (f) records of health surveillance,
  - (g) any permits relating to tasks of a potentially hazardous nature, such as hot work, confined space work and equipment isolation.

#### **7 Register of permits**

- (1) The Director-General is to cause to be kept, in the form that the Director-General



considers appropriate, a register of production manager's permits and shotfirer's permits.

- (2) The register is to contain the following information in relation to each production manager's permit or shotfirer's permit:
  - (a) the full name of the holder of the permit,
  - (b) the date and place of birth of the holder of the permit,
  - (c) any endorsements, conditions or restrictions on the permit,
  - (d) the mine in respect of which the permit was granted.

## **8 Replacement of lost, stolen or damaged permits**

- (1) The holder of a production manager's permit or a shotfirer's permit that is lost, stolen or damaged may apply to the Director-General for a duplicate permit.
- (2) The application:
  - (a) must be in writing, and
  - (b) must be accompanied by a statutory declaration by the applicant explaining how, or the circumstances in which, the permit was lost, stolen or damaged, and
  - (c) must be accompanied by a fee of \$20.
- (3) The Director-General may cause a duplicate permit to be issued if satisfied:
  - (a) as to the identity of the applicant, and
  - (b) that the applicant's permit has been lost, stolen or damaged.

## **Division 2 Strategic planning and policy**

### **9 Mine safety management plan**

- (1) This clause applies to every mine to which this General Rule applies unless the Chief Inspector determines, by notice in writing to the general manager of a particular mine, that this clause does not apply to the mine.
- (2) A mine safety management plan must be prepared for each mine to which this clause applies.
- (3) The mine safety management plan must be prepared within 12 months after the commencement of this General Rule or within 12 months after the commencement of working at the mine, whichever is the later.
- (4) The mine safety management plan must be prepared by the general manager of the

mine (after consultation with the persons working at the mine).

- (5) The mine safety management plan must include summaries of, or references to:
  - (a) any rules made under the Act in respect of the mine, and
  - (b) any systems, policies, programs, plans and procedures developed and implemented under this General Rule in respect of the mine, and
  - (c) any codes, standards or guidelines that apply to the mine.
- (6) The general manager of the mine must:
  - (a) communicate the mine safety management plan, or a summary of the plan, to the persons working at the mine, and
  - (b) regularly review the mine safety management plan through a process of consultation with those persons, and
  - (c) arrange for at least one copy of the mine safety management plan, and all documents to which it refers, to be kept at the mine, and
  - (d) ensure that no contractor starts work at the mine without having been provided with a copy of the mine safety management plan.

## **10 Occupational safety and health policy**

- (1) This clause applies to every mine to which this General Rule applies unless the Chief Inspector determines, by notice in writing published in the Gazette, either in respect of a particular mine or a particular class of mines, that this clause does not apply.
- (2) An occupational safety and health policy, stating how the safety and health of the persons working at the mine will be protected, must be prepared for each mine to which this clause applies.
- (3) The occupational safety and health policy must be prepared within 12 months after the commencement of this General Rule or within 12 months after the commencement of working at the mine, whichever is the later.
- (4) The occupational safety and health policy is to be prepared by a process of consultation between the general manager of the mine and the persons working at the mine.
- (5) The general manager of the mine must:
  - (a) approve the final occupational safety and health policy, and
  - (b) communicate the occupational safety and health policy, or a summary of the policy, to the persons working at the mine, and

- (c) regularly review the occupational safety and health policy through a process of consultation with those persons, and
  - (d) implement programs to give effect to the occupational safety and health policy.
- (6) Without limiting subclause (5) (d), the general manager of a mine to which this clause applies must:
- (a) implement an occupational safety and health personnel development program to give effect to the occupational health and safety policy for the mine, and
  - (b) ensure that all persons who work at the mine are competent under that program, and
  - (c) ensure that all production managers at the mine undergo a development program relating to specific mining industry competencies in the following areas and that they maintain that level of competence:
    - (i) risk management,
    - (ii) emergency preparedness,
    - (iii) ground control,
    - (iv) ventilation,
    - (v) application of legislation.
- (7) Despite subclause (3), an Occupational Safety and Health Policy prepared for a mine under clause 6 of the *Mines Inspection General Rule 1994* as in force immediately before 1 September 2000 continues to have effect in respect of the mine after that date and until replaced by an occupational safety and health policy prepared under this clause.

## 11 Contractor safety management plan

- (1) In this clause:

**contractor** means a person not employed by a particular mine on a full-time or part-time basis who regularly works at the mine on a contract basis, and includes a sub-contractor.

- (2) Subject to subclause (6), a contractor must not commence work at a mine unless:
- (a) the contractor has conducted an assessment of risks associated with the work to be carried out by the contractor at the mine, and
  - (b) the contractor has prepared, and provided to the general manager of the mine for approval, a safety management plan that includes an assessment of risks

associated with the work to be carried out by the contractor at the mine.

- (3) The safety management plan must address occupational safety and health issues and is to include (but not be limited to) details of the following:
  - (a) the work process,
  - (b) the equipment to be used in the work process,
  - (c) the standards or codes to be complied with,
  - (d) the records to be kept of the process,
  - (e) the competencies of the personnel doing the work.
- (4) The safety management plan must not be accepted by the general manager unless:
  - (a) it is compatible with, and contains an equivalent standard of risk assessment to, the mine safety management plan for the mine, and
  - (b) it is otherwise acceptable to the general manager.
- (5) If the safety management plan is accepted by the general manager, the contractor:
  - (a) must not allow an employee of the contractor to start work at the mine unless the employee has completed induction training with respect to occupational safety and health as specified in the plan, and
  - (b) must maintain and keep the safety management plan up to date and provide the general manager with details of changes made to the plan, and
  - (c) must keep a copy of the plan, and a record of all induction training undertaken by the contractor's employees under this clause, at the mine and must make the plan and record available for inspection, on request, by any authorised person or by any employee representative or check inspector appointed under clause 15.
- (6) A contractor who works at a mine must comply with:
  - (a) the contractor's safety management plan, if that plan has been accepted by the general manager, or
  - (b) the mine safety management plan for the mine:
    - (i) if no safety management plan has been prepared by the contractor, or
    - (ii) if the general manager has not accepted the contractor's mine safety management plan, or
    - (iii) if the general manager has for any reason directed the contractor to follow the mine safety management plan.

- (7) The general manager of a mine must ensure that a contractor who works at the mine does not fail to comply with subclause (5) or (6).
- (8) A general manager who gives a direction under subclause (6) (b) (iii) must ensure:
  - (a) that the contractor to whom the direction is given, and the contractor's employees, receive induction training with respect to occupational safety and health as specified in the mine safety management plan for the mine, and
  - (b) that the contractor is provided with details of any changes made to the plan.

## **Division 3 Safety responsibilities**

### **12 Safety responsibilities—responsibilities of general manager**

- (1) The general manager of a mine (including an above ground mine) must ensure that an effective communication system is installed and maintained at the mine so that communication is available with the persons who are employed at the mine.
- (2) The general manager of a mine must ensure that, if practicable, two exits are provided from each underground working place at the mine. Each exit must have a means of egress to the surface of the mine that is separate from the other exit.
- (3) The general manager of a mine must ensure that a system is in place at the mine that enables the general manager to be aware of the name of any person for the time being working in an underground working place at the mine and, as far as is reasonably possible, the person's likely location in that place.
- (4) The general 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.
- (5) The general manager of a mine must ensure that any part of the mine that is unsafe is sealed off or closed to entry by persons (other than authorised persons entering for the purpose of assessing the area's safety or making it safe).
- (6) The general 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) are encouraged to be involved in safety and health activities, and
- (e) comply with the requirements of the Act, this General Rule and any relevant policies or directions.

**Note—**

Section 5D of the Act provides that the general manager of a mine may delegate certain functions conferred or imposed on the general manager by the Act to any person employed at the mine.

**13 Safety responsibilities—responsibilities of supervisors**

- (1) A person acting in a supervisory capacity at a mine must ensure:
  - (a) that the work methods and workplaces within the area of the person's responsibility are safe, and
  - (b) that any hazards within that area are detected and controlled, and
  - (c) that operational changes that may affect the safety or health of persons at the mine are adequately communicated to those persons, and
  - (d) that other people acting in a supervisory capacity on connecting shifts or in adjoining areas are consulted as appropriate with regard to the state of the workings and equipment.
- (2) Clause 12 (6) 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 general 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 any action that 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 general manager of the mine or to a person having responsibility for the matter.

#### **14 Safety responsibilities—responsibilities of workers**

- (1) A person who works at a mine must:
  - (a) work in accordance with the mine safety management plan and procedures applicable to the mine, and
  - (b) participate in the implementation of the occupational safety and health personnel development program applicable to the mine.
- (2) A person who works at a mine must:
  - (a) before commencing work, and
  - (b) 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.
- (3) If any danger is found, work in the affected area 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).
- (4) Without limiting subclauses (1), (2) and (3), 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 of the mine 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.

#### **15 Appointment and functions of employee representatives or check inspectors**

- (1) The persons who work at a mine may elect one or two persons (***employee representatives or check inspectors***) to conduct inspections at the mine, on behalf of the persons who work at the mine, and to report any hazards that may be found.
- (2) The term of office of an employee representative or check inspector is two years.

- (3) An election is to be held:
  - (a) on a date determined by the persons employed at the mine, or
  - (b) if no date is determined, on any date that may be determined by the Chief Inspector.
- (4) A person elected as an employee representative or check inspector must have practical experience and training in the mining industry relevant to the mining operations being conducted at the mine.
- (5) The general manager of the mine must provide the means for an employee representative or check inspector to make an inspection.
- (6) An employee representative or check inspector may be accompanied by another person who possesses relevant skills to assist the employee representative or check inspector.
- (7) After making an inspection at a mine, an employee representative or check inspector must report any perceived hazard to either the general manager or the production manager of the mine.
- (8) On receipt of a report from an employee representative or check inspector, the general manager or the production manager who receives the report must:
  - (a) send a copy of the report to an inspector within 24 hours after receiving it, and
  - (b) take measures to resolve the matter including the taking of any necessary corrective action.
- (9) An inspector who receives a copy of a report must investigate the report at the earliest practicable time.
- (10) The owner or general manager of a mine, or any person acting in a supervisory capacity at a mine, must not:
  - (a) dismiss an employee of the mine, or
  - (b) injure an employee in his or her employment, or
  - (c) alter the position of an employee to the employee's prejudice, or
  - (d) threaten to do any of these things,

in retaliation for the employee being, having been, proposing to become, at any time having proposed to become, or undertaking his or her functions as, an employee representative or check inspector.
- (11) In proceedings for a contravention of subclause (10), if all the facts constituting the



contravention other than the reason for the defendants' action are proved, the onus of proving that the dismissal, injury, alteration or threat was not in retaliation for the action specified in the charge lies on the defendant.

- (12) If a person is found guilty by a court of contravening subclause (10), the court may order:
- (a) the person to pay the employee a specified sum by way of reimbursement for the salary or wages lost by the employee, and
  - (b) that the employee be reinstated to his or her usual position or a similar position.
- (13) Such a person must give effect to an order of the court under subclause (12).

## **16 Control of persons at mine**

- (1) A person at a mine is subject to the control of:
- (a) the general manager of the mine, or
  - (b) in the absence of the general manager—the person for the time being in charge of, or having the responsibility of the general manager for, the mine.
- (2) In addition, a person is, when at a particular part of a mine, subject to the control of the person for the time being in charge of, or having the responsibility of the general manager for, that part.
- (3) 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 and health of persons at the mine.
- (4) In this clause:
- directions given** includes directions given by a sign erected under the Act or this General Rule.

## **17 Offence to remain at mine after direction to leave**

- (1) A person who refuses or fails to leave a mine or a part of a mine after being directed to do so by the general manager of the mine or other person for the time being in charge of, or having the responsibility of the general manager for, the mine or part of the mine is guilty of an offence.
- (2) Subclause (1) does not apply to the following:
- (a) an inspector or a mine safety officer exercising functions under the Act,
  - (b) a person authorised by the Minister or Chief Inspector to enter the mine under the [Mines Inspection Act 1901](#), under Part 12 of the [Mining Act 1992](#) or under any other Act,

- (c) an officer or employee of an industrial organisation of employees who is on the premises in the exercise of powers under Division 5 of Part 3 of the *Occupational Health and Safety Act 1983*, for the purpose of investigating any suspected breach of the occupational health and safety legislation (within the meaning of the *Occupational Health and Safety Act 1983*).

#### **18 Damage or misuse of certain things prohibited**

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

### **Division 4 Safety management**

#### **19 Risk management strategies**

- (1) For the purposes of identifying and assessing risks to safety or health under section 46 of the Act, the general manager of a mine must have regard to the guidelines approved by the Minister from time to time.
- (2) The general manager of a mine must deal with risk in the following order of priority:
  - (a) eliminate the risk,
  - (b) control the risk at the 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.
- (3) The general manager of a mine must ensure that, in implementing any such procedures, persons working at the mine who are likely to be affected by any reasonably foreseeable safety or health risk arising from the carrying out of operations at the mine:
  - (a) are involved, and able to participate, in the risk assessment process, including hazard identification, risk assessment and selection of controls, and
  - (b) are provided with details of:
    - (i) the outcomes of the risk assessment process, and
    - (ii) the steps to be taken to manage any risks identified, and
  - (c) are provided promptly with interim information if the risk assessment process discloses a matter that should be communicated to persons working at the mine in the interests of protecting them from risks to their safety and health.

#### **20 Major hazard management procedures**

- (1) This clause applies to every mine to which clause 9 applies.

- (2) The general manager of a mine must establish a hazard management procedure for any foreseeable hazard that may result in a dangerous incident arising from operations at the mine.
- (3) The procedure must:
  - (a) include an assessment of the risk of any such hazard resulting in harm to safety and health, and
  - (b) include appropriate risk control measures (including the preparation of appropriate plans and procedures) to eliminate the risk or, if elimination of the risk is not reasonably practicable, to minimise the risk to the fullest extent that is reasonably practicable.
- (4) The procedure must be prepared within 12 months after the commencement of this General Rule or the commencement of working at the mine, whichever is the later.
- (5) The procedure is to be prepared by a process of consultation between the general manager of and the persons working at the mine.
- (6) The general manager of the mine must:
  - (a) approve the final procedure, and
  - (b) communicate the procedure, or a summary of the procedure, to the persons working at the mine, and
  - (c) regularly review the procedure through a process of consultation with those persons, and
  - (d) implement programs to give effect to the procedure.

## **Division 5 Emergency response planning**

### **Note—**

***Dangerous incident*** is defined in the Act to mean an incident at a mine that has the potential to cause loss of life to a number of persons at the mine or in the vicinity of the mine.

### **21 Planning for emergencies**

- (1) The general manager of a mine must:
  - (a) plan strategies for dealing with dangerous incidents that might arise at the mine, and
  - (b) implement programs and procedures designed to prevent or minimise the risk to persons from dangerous incidents.
- (2) In particular, the general manager of a mine must:

- (a) identify likely dangerous incidents, and
  - (b) provide mechanisms for the warning of dangerous incidents, and
  - (c) provide adequate resources, personnel and training for dealing with dangerous incidents, and
  - (d) prepare evacuation plans and implement evacuation procedures for use in any dangerous incident in the mine or in any part of the mine, and
  - (e) investigate any dangerous incident at the mine and take any necessary remedial action.
- (3) The general manager must ensure that any strategy, program or procedure referred to in subclause (1) integrates with any emergency response plans prepared by emergency services organisations for the area in which the mine is located.

## **22 First aid**

The general 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.

## **23 Reporting of emergencies**

The general manager of a mine must:

- (a) report the occurrence of an dangerous incident at the mine to an inspector at the earliest practicable time (but no later than 24 hours after the occurrence of the dangerous incident), and
- (b) report the result of any remedial action to an inspector at the earliest practicable time, or on request from an inspector.

### **Note—**

Section 47 of the Act imposes additional reporting requirements.

## **Division 6 Safety inspections and checks**

### **24 Safety inspections and checks**

- (1) The general manager of a mine must ensure that all areas of the mine are regularly inspected so as to identify hazards. Those inspections must be planned inspections involving employees who have experience in the activities undertaken in that part of the mine.
- (2) The general manager must ensure that records of those inspections are maintained for comparison and trend-analysis purposes.

- (3) The general manager of a mine must ensure that a systematic examination is conducted to verify the effectiveness of the implementation of the mine safety management plan for the mine.

## **Division 7 Injury, illness and incident reporting**

### **25 Certain serious accidents and dangerous incidents to be reported to Director-General by the Inspectorate**

For the purposes of section 47B (5) of the Act, the following serious accidents and dangerous incidents are prescribed:

- (a) a serious accident where serious injury is caused to a person and it is likely that death will result from the injury,
- (b) a serious accident involving an explosion or ignition of gas or dust,
- (c) a dangerous incident involving an explosion or ignition of gas or dust and requiring the cessation of production for a period longer than the remainder of the shift in which the incident occurred,
- (d) a dangerous incident involving an inrush of water, or material that flows when wet, from any source.

### **26 Records to be kept of certain accidents**

- (1) For the purposes of section 47E (1) of the Act, accidents resulting in lost time injury or medical treatment injury to a person (other than serious accidents required to be notified under section 47 of the Act) are prescribed.

- (2) In this clause:

**lost time injury or medical treatment injury** has the same meaning as in Australian Standard AS 1885.1—1990 *Measurement of occupational health and safety performance—Describing and reporting occupational injuries and disease* (known as the National Standard for workplace injury and disease recording).

### **27 Terms of reference of Boards of Inquiry**

As soon as practicable after constituting a Board of Inquiry under section 47L of the Act, the Minister is to cause to be made publicly available the terms of reference of the Board of Inquiry.

### **28 Report on occupational safety and health performance**

- (1) The general manager of a mine must report monthly to persons working at the mine on the mine's occupational safety and health record.
- (2) A report under this clause is to include details from the monthly records of data kept

under section 47E (1) of the Act in relation to accidents at the mine.

## **Part 3 People**

### **Division 1 Consultation and communication**

#### **29 Attention to safety and health matters**

- (1) The general manager of a mine must give proper attention to any safety or health matter brought to the general manager's attention:
  - (a) by or on behalf of any person who works at the mine, or
  - (b) by or on behalf of any group of persons who work at the mine, or
  - (c) by any officer or employee of an industrial organisation of employees who is authorised to enter the mine under Division 5 of Part 3 of the *Occupational Health and Safety Act 1983*, for the purpose of investigating any suspected breach of the occupational health and safety legislation (within the meaning of the *Occupational Health and Safety Act 1983*).
- (2) The results of any consequent investigation by the general manager must be made known to the persons who work at the mine.

#### **30 Effective means of communication to be provided**

The general 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 communicate effectively with their supervisors and fellow workers in a way that enables them to understand others and be understood by others.

### **Division 2 Fitness for work**

#### **31 Fitness for work procedure required**

- (1) The general manager of a mine must prepare a procedure that makes appropriate provision to deal with the fitness for work of persons working at the mine, including provisions relating to persons at the mine who are affected by fatigue, alcohol or drugs.
- (2) The procedure must include:
  - (a) strategies to protect persons working at the mine from the harmful impacts of alcohol and drugs while they are at the mine, and
  - (b) controls on the presence and use of alcohol and drugs at the mine during working hours, and
  - (c) strategies in regard to working arrangements to reduce the effect of fatigue of

persons at work at the mine.

- (3) The procedure must be prepared within 12 months after the commencement of this General Rule, or within 12 months after the commencement of working at the mine, whichever is the later.
- (4) The procedure is to be prepared by a process of consultation between the general manager of and the persons working at the mine.
- (5) The general manager must:
  - (a) communicate the procedure, or a summary of the procedure, to the persons working at the mine, and
  - (b) regularly review the procedure through a process of consultation with those persons, and
  - (c) implement programs to give effect to the procedure.

### **32 Alcohol and drugs**

- (1) A person must not take alcohol or a drug into a mine except with the authority of the general manager of the mine.
- (2) A person must not drink alcohol or use a drug at a mine except with the authority of the general manager of the mine.
- (3) Before attending for work at a mine, a person must not drink alcohol or use a drug so as to cause the person to present a hazard to himself or herself or any other person at the mine.
- (4) A general 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 alcohol 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 general manager or authorised person may require the person to submit to a recognised test to determine the extent, if any, to which the person is under the influence of alcohol or a drug.
- (6) A person ordered to leave a mine pursuant to this clause must immediately comply with the order.

- (7) A person who fails to comply with an order immediately:
  - (a) is guilty of an offence against this General Rule, and
  - (b) may be removed from the mine with the use of no more than reasonable force.
- (8) A person who has reason to believe that a person at a mine:
  - (a) is under the influence of alcohol 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.

### **Division 3 Provision of safety, health and welfare amenities**

#### **33 Provision of health surveillance**

- (1) The general manager of a mine must make provision for regular surveillance of the health of people working at the mine, including:
  - (a) the periodic provision of medical examinations for each person working at the mine who is exposed or likely to be exposed to occupational health hazards at the mine (including hazards due to air pollution, noise and vibration), and
  - (b) the provision of health surveillance in accordance with clause 54 (Hazardous substances—health surveillance).
- (2) In addition to routine health surveillance required under subclause (1), the general manager of a mine must, if required by the Chief Inspector in writing to do so, arrange for any or all of 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 before 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.

#### **34 Provision of safety apparel and protective devices**

- (1) The general manager of a mine must ensure that persons at the mine:
  - (a) are provided with any safety apparel and protective devices that are necessary to protect their safety and health, and



(b) are trained in the use and maintenance of that safety apparel and those protective devices.

- (2) After taking into account any proper advice, the general 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 general manager.

### **35 Provision of toilet facilities and change rooms**

- (1) The general manager of a mine must ensure that adequate toilet facilities and associated washing facilities are provided at the mine.
- (2) The general manager of a mine at which working conditions are such that the workers need to change clothes before they leave the mine must ensure that adequate change rooms are provided at the mine.

### **36 Provision of drinking water**

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

### **37 Provision of weather protection**

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

## **Division 4 Environmental monitoring**

### **38 General environment for working**

- (1) The general manager of a mine must ensure, by means of a risk assessment, that the atmosphere at all work places at the mine, and at all means of access to and egress from those work places:
  - (a) is in a fit state for working in or passing through, and
  - (b) is visually clear, and
  - (c) does not endanger the safety or health of any person.
- (2) The atmosphere and physical environment, to be in a fit state for working or passing through:
  - (a) must be adequately oxygenated, and
  - (b) must be subject to controls established to manage exposure to unsafe levels of

contaminants, heat stress and solar radiation, and

(c) must not be subject to unsafe levels of noise, and

(d) must not be subject to unsafe levels of vibration.

(3) The general manager of the mine must ensure:

(a) that any persons required to work in the mine or in that part of the mine where exposure risks exist are provided with adequate site-specific information and training to deal with hazards due to air pollution, noise and vibration, and

(b) that such persons are provided with appropriate protection from such hazards, and

(c) that precautions are put in place to ensure the safety of all persons working in the mine in regard to such hazards.

(4) In determining whether the atmosphere and physical environment is in a fit state for working in, the general manager of a mine must have regard to any limits and procedures that are set out in codes of practice or guidelines approved by the Minister from time to time.

### **39 Ventilation**

(1) The general manager of an underground mine must ensure that the mine's ventilation system is designed, installed and monitored by appropriately qualified and competent persons.

(2) Without limiting subclause (1), the general 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 that 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.

### **40 Plans of ventilation**

(1) The general 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 general 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 intervals that will enable the air in the mine to be adequately monitored.
- (3) The general 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 or a mine safety officer on request.

#### **41 Checking of ventilation**

- (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.

#### **42 Disused workings**

- (1) Despite the other provisions of this Division, 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 general 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 Division.

#### **43 Noise management—particular risk control measures**

- (1) The general manager of a mine must, as far as practicable, ensure that no person at the mine is exposed to noise levels that:
  - (a) exceed an 8-hour noise equivalent of 85dB(A), or
  - (b) peak at more than 140dB(C).
- (2) If it is not practicable to ensure that subclause (1) is satisfied, the general manager

must ensure that any person exposed to noise levels referred to in that subclause:

- (a) is supplied with appropriate protective devices, and
- (b) receives training in the correct use of the devices and the danger of noise-induced hearing loss.

(3) For the purposes of subclause (1):

- (a) the measurement is to be made in accordance with Australian Standard AS/NZS 1269.1:1998 *Occupational noise management—Measurement and assessment of noise immission and exposure*, and
- (b) exposure to noise is to be measured at the position of the ears of a person, or at an equivalent of that position, and
- (c) the measurement is to be made on the assumption that the person is not wearing any device to protect himself or herself from noise.

## **Part 4 Work environment**

### **Division 1 Safety and stability of mine workings**

#### **44 Mine safety and stability**

The general 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:

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

#### **45 Particular safety measures**

Without limiting clause 44, the general manager of a mine must ensure that:

- (a) operations are carried on in a manner so as to avoid danger to persons from falls of ore, rock or other substances, and
- (b) access points to, or entrances to, excavations, shafts or other vertical openings are protected against persons unintentionally entering or falling into those excavations, shafts or openings, 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.

#### **46 Assessment and control of risk of substantial movement of unbroken ground**

- (1) Without limiting the other requirements of this General Rule, the general manager of a mine must assess the risk of any possible substantial movement of unbroken ground in the mine resulting in harm to the safety and health of any one or more of the following:
  - (a) any person working in the mine,
  - (b) any other person at the mine,
  - (c) any person outside the mine.
- (2) When assessing the risk, the general manager must:
  - (a) evaluate the likelihood of an injury occurring and the likely severity of any injury that may occur, and
  - (b) review available safety and health information relevant to the possible substantial movement of unbroken ground, and
  - (c) identify the actions necessary to eliminate or minimise the risk.
- (3) A general manager must:
  - (a) eliminate any risk to safety and health arising from the possible substantial movement of unbroken ground referred to in this clause, or
  - (b) if it is not reasonably practicable to eliminate the risk to safety and health—minimise the risk to the fullest extent that is reasonably practicable.
- (4) In particular, in controlling the risk to safety and health, the general manager must ensure that appropriately qualified and skilled persons are engaged to provide technical advice as to:
  - (a) the design of supports for ground at the mine, and
  - (b) the monitoring of the condition of the ground.
- (5) In this clause:

**ground** includes the roof, floor and walls of excavations in a mine.

#### **47 Assessment and control risk of inrush**

- (1) Without limiting the other requirements of this General Rule, the general manager of a mine must assess the risk of any possible sudden and unplanned entry of water, gas or other material (such as rock or other substances) into workings of an underground mine resulting in harm to the safety and health of:
  - (a) any person working in the mine, or

- (b) any other person at the mine,  
or both.
- (2) When assessing the risk of harm to safety and health, the general manager must:
- (a) evaluate the likelihood of an injury occurring and the likely severity of any injury that may occur, and
  - (b) review available safety and health information (including any information relating to other workings nearby or any potential for accumulation of hazardous water, gas or other material) relevant to the particular hazard creating the risk of harm to safety and health, and
  - (c) identify the actions necessary to eliminate or minimise the risk of harm to safety and health, taking into account the following:
    - (i) the accuracy of any plans of other workings,
    - (ii) the strength of any ground between the workings,
    - (iii) any possible accumulation of hazardous water, gas or other material, and
  - (d) identify records that it is necessary to keep to ensure that the risk of harm to safety and health is eliminated or minimised (including records containing information relating to the possible accumulation of water, gas or other material and including the length of time for which the records are to be kept).
- (3) The general manager must:
- (a) eliminate any risk to safety and health arising from the possible sudden and unplanned entry of water, gas or other material into workings of the mine, or
  - (b) if it is not reasonably practicable to eliminate the risk to safety and health—minimise the risk to the fullest extent that is reasonably practicable.
- (4) In particular, in controlling the risk to safety and health, the general manager must ensure that:
- (a) competent mine surveyors are engaged to prepare plans of the mine and to obtain information as to the location of old workings, and
  - (b) the resulting plans of the mine show:
    - (i) the location of all known old workings, and
    - (ii) the estimated location of all suspected old workings,relative to the location of all current workings and projected workings in the mine, and

- (c) exploratory bore holes are drilled in advance of the commencement of work in new areas in the mine or some other equivalent method (such as radar) is used to check on the location of old workings in the vicinity of the area in which work is to be carried out, and
- (d) monitoring equipment is installed in current working areas to provide a warning of risks associated with close proximity to other adjacent workings, including disused workings, and
- (e) an action plan is prepared to minimise risks associated with intersecting or inadvertently holing into old workings, and
- (f) critical factors involved in the risk assessment are constantly monitored to detect any changes that may occur that affect either the probability or probable severity of the consequences of the hazard, and
- (g) personnel who are employed in the vicinity of any of those critical factors are adequately informed of the critical factors and of the appropriate action that must be taken in the event of an inrush or of the appropriate action that must be taken to review the risk assessment in the event of an inrush.

(5) In this clause:

**hole into** a mine working means to break into the working during tunnelling work.

**intersect**, in relation to a mine working, means to come into contact with an underground feature (such as an aquifer or old working) by drilling a bore hole into it.

## **Division 2 Buildings and structures**

### **48 Buildings and structures—safety and health**

- (1) The general 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 safety and health of persons at the mine.
- (2) The general 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.

(3)–(5) (Repealed)

### **49 Inspector or mine safety officer to examine plans and specifications**

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

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

## Division 3 Waste materials

### 50 Waste materials—safety and health

- (1) A person who uses, handles, stores, transports or disposes of waste materials produced at a mine must do so in a manner that does not tend to injure, or threaten the safety or health of, any person.
- (2) The general manager of a mine must ensure that the mine personnel have adequate information, training and conveniently stored equipment to respond to a spillage or other emergency involving waste materials.

- (3) In this clause:

**waste materials** means waste rock, overburden, spoil or waste substances produced from the processing of ore or tailings.

## Division 4 Hazardous substances

### 51 Definitions

In this Division:

**asbestos** means the fibrous form of those mineral silicates that belong to the serpentine or amphibole groups of rock-forming minerals, including actinolite, amosite (brown asbestos), anthophyllite, chrysotile (white asbestos), crocidolite (blue asbestos) and tremolite.

**biological monitoring** means the measurement and evaluation of hazardous substances or their metabolites in the body tissues, fluids or exhaled air of a person.

**carcinogenic substance** means a substance specified in Schedule 1, but does not include any derivative of such a substance.

**chemical** means any chemical element or compound, or any mixture of any chemical elements or compounds, whether natural or synthetic.

**hazardous chemical** means a chemical:

- (a) listed in the document entitled *List of Designated Hazardous Substances* published by the National Occupational Health and Safety Commission, or
- (b) that fits the criteria for hazardous substances set out in the document entitled *Approved Criteria for Classifying Hazardous Substances* published by the National



Occupational Health and Safety Commission.

**hazardous substance** includes:

- (a) asbestos, and
- (b) any carcinogenic substance, and
- (c) any hazardous chemical.

## **52 Chemicals—general**

The general manager of a mine must ensure that any chemicals at the mine:

- (a) are marked so as to indicate their identity, any hazard associated with their use and any safety precautions to be observed in their use or storage, and
- (b) are the subject of exposure controls sufficient to ensure that workers are not harmed by them, and
- (c) are the subject of information and training on any hazards associated with their use at the mine.

## **53 Hazardous substances—safety and health**

- (1) A person who uses, handles, stores, produces, transports or disposes of a hazardous substance at a mine must do so in a manner that does not tend to injure, or threaten the safety and health of, any person.
- (2) The general manager of a mine must ensure that the mine personnel have:
  - (a) adequate information and training in dealing with hazardous substances, including instruction in the safe handling of hazardous substances and training to understand material safety data sheets, and
  - (b) sufficient conveniently stored equipment to respond to a spillage, poisoning or other emergency involving hazardous substances.
- (3) The general manager of a mine must ensure:
  - (a) that risk assessments are carried out for all hazardous substances used in the mine, and
  - (b) that adequate controls are put in place to minimise exposure of persons to hazardous substances used in the mine.

## **54 Hazardous substances—health surveillance**

- (1) The general manager of a mine must provide health surveillance for each person working at the mine who is exposed to, or likely to be exposed to, a hazardous

substance if a risk assessment indicates:

- (a) in the case of exposure to a substance referred to in Schedule 1 or 2—that there is a risk to the health of the person, or
  - (b) in the case of exposure to a hazardous substance other than one referred to in Schedule 1 or 2—that the exposure is such that:
    - (i) an identifiable disease or other effect on health may be related to the exposure, and
    - (ii) there is a reasonable likelihood that the disease or other effect on health may occur under the particular conditions of work, and
    - (iii) there is available an effective technique for detecting indications of the disease or other effect on health.
- (2) The general manager of a mine must provide biological monitoring for a person working at the mine if:
- (a) there is a reasonable likelihood the person could be exposed to levels of a hazardous substance that could be a risk to health, and
  - (b) an effective procedure for the biological monitoring of those levels is available.
- (3) The general manager of a mine must ensure that:
- (a) the health surveillance required under this clause is performed under the supervision of a registered medical practitioner, selected by the general manager after consultation with the relevant workers, and
  - (b) if there is a significant risk to the health of an employee from a hazardous substance referred to in Schedule 2, the health surveillance includes the carrying out of the procedures listed in relation to that substance in Schedule 2, and all other appropriate procedures in relation to that substance, and
  - (c) the health surveillance is undertaken at no expense to persons working at the mine.
- (4) As soon as is practicable after a person undergoes health surveillance in accordance with this clause, the medical practitioner who carried it out must ensure:
- (a) that the person is notified of the results of the health surveillance by the medical practitioner, and is given any necessary explanation of those results, and
  - (b) that, if the person gives permission for the release of the results of the health surveillance, the general manager is notified of the general outcome of the health surveillance, and advised of any necessary preventive or remedial action, and

(c) that the Chief Inspector is notified of any adverse result detected in the health surveillance that is consistent with exposure to a hazardous substance referred to in Schedule 1.

(5) The general manager of a mine must ensure that any results of health surveillance obtained by the general manager under this clause are kept confidential.

#### **55 Hazardous substances—documentation**

(1) Any person who supplies a hazardous substance to a mine must:

(a) provide a material safety data sheet for the substance, and

(b) ensure that the hazardous substance is marked and labelled,

in accordance with any procedures that are set out in codes of practice approved by the Minister.

(2) The general 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 that is consistent with any procedures that are set out in codes of practice approved by the Minister from time to time.

(3) In addition, the register must include, in relation to each substance:

(a) the material safety data sheet provided by the supplier of the substance, and

(b) the common or trade name of the substance, and

(c) the formal chemical names of the components of the substance, and

(d) copies of the risk assessments carried out for the substance, and

(e) toxicological information, and

(f) safe handling information, and

(g) information concerning health effects, and

(h) first aid treatment information, and

(i) a response plan, indicating an appropriate means of dealing with a dangerous incident such as spillage or poisoning in relation to the substance.

#### **56 (Repealed)**

#### **57 Carcinogenic substances**

(1) A person must not:

(a) manufacture a carcinogenic substance at a mine, or

(b) use a carcinogenic substance at a mine, or

(c) supply a carcinogenic substance to any other person for use at a mine,

unless the proposed manufacture, use or supply of that particular carcinogenic substance is authorised by the Chief Inspector and is consistent with any procedures set out in relation to that specific carcinogenic substance in a code of practice approved by the Minister from time to time.

(1A) Subclause (1) does not apply to asbestos.

**Note—**

The manufacture, use and supply of asbestos are dealt with by provisions of the [Occupational Health and Safety Regulation 2001](#) that apply to mines.

(2) Without limiting subclause (1), the general manager of a mine must ensure that:

(a) carcinogenic substances to which persons working at the mine may be exposed are replaced with non-carcinogenic or less harmful substances, and

(b) the number of persons working at the mine exposed to carcinogenic substances is reduced to the minimum compatible with safety, and

(c) the degree of exposure of those persons is reduced to the minimum.

**58 Hazardous chemicals**

(1) A person must not:

(a) manufacture a hazardous chemical at a mine, or

(b) use a hazardous chemical at a mine, or

(c) supply a hazardous chemical to any other person for use at a mine,

unless the proposed manufacture, use or supply of that particular chemical is consistent with any procedures that are set out in relation to that chemical in a code of practice approved by the Minister from time to time.

(2) Without limiting subclause (1), the general manager of a mine must ensure that:

(a) hazardous chemicals are handled and transported safely at the mine, and

(b) persons working at the mine who are exposed to hazardous chemicals, and the working environment of such persons, are monitored and that records are kept of such exposure and monitoring, and

(c) the number of persons working at the mine exposed to hazardous chemicals and the degree of exposure is reduced to the minimum compatible with safety.

## **Division 5 Explosives**

### **59 Dealing with explosives**

- (1) A person who manufactures, handles, stores, conveys or uses explosives at a mine must do so:
  - (a) in a manner that is safe, and
  - (b) without limiting paragraph (a), and unless otherwise provided in this General Rule, in accordance with:
    - (i) Australian Standard AS 2187.1—1998*Explosives—Storage, transport and use—Storage*, and
    - (ii) Australian Standard AS 2187.2—1993*Explosives—Storage, transport and use—Use of explosives*.
- (2) A person must not remove or dispose of an explosive at a mine without the approval of the general manager of the mine.

### **60 Manufacture of explosives**

- (1) A person must not manufacture an explosive at a mine unless written notice of the proposed manufacture has been given to an inspector or a mine safety officer.
- (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 [Explosives Act 2003](#).
- (3) Explosives must not be manufactured below ground at a mine unless a process that includes precautions determined in accordance with a risk assessment procedure is used to enable their safe production.

### **61 Storage of explosives**

- (1) The general manager of a mine must ensure that explosives at the mine are stored in:
  - (a) a surface magazine in accordance with a licence under the [Explosives Act 2003](#), or
  - (b) an underground magazine of a construction, and in a location, that ensures the safe storage of the explosives.
- (2) Prior notice of the establishment of an underground magazine must be given to an inspector or a mine safety officer.
- (3) The general manager of a mine, or a competent person appointed in writing by the general manager for the purpose, must have the custody of any magazine.
- (4) The general manager must ensure that adequate written records of the receipt or issue of explosives are maintained at the mine.

## 62 Blasting operations by shotfirers

The general manager of a mine must, after consulting with the production manager of the mine, appoint that number of trained and competent persons (**shotfirers**) as is necessary to undertake blasting operations (other than those referred to in clause 63) at the mine.

## 63 Blasting operations for which shotfirers not required

For the purposes of section 18E (3) (b) of the Act, the following are prescribed as classes of blasting operations to which section 18E (1) and (2) of the Act do not apply:

- (a) the storage, manufacture, handling, conveyance or use of explosives at or about a mine (other than the supervision of such an activity) by a person who is 18 years of age or more and is adequately trained,
- (b) the charging and firing of charges in holes of less than 100mm in diameter below ground at a mine by a person who is 18 years of age or more and is adequately trained.

## 64 Danger from blasting

- (1) A person carrying out blasting operations at a mine must take any precautions that 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 general manager of the mine must notify an inspector or a mine safety officer as soon as practicable but, in any event, no later than 24 hours after the blasting.

## 65 Misfires

- (1) The general manager of a mine at which blasting is being carried out must notify an inspector or a mine safety officer of any significant misfire as soon as practicable but, in any event, no later than 24 hours after it occurs.
- (2) The notification must state the cause and extent of the misfire.
- (3) The general manager must ensure that the method of dealing with the misfire is safe.
- (4) In this clause:

**significant misfire** means a misfire that cannot be refired without a significant risk to mine personnel or the public.

## 66 Problems or faults in explosives

- (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 general manager of the mine who must report the matter to an inspector or mine safety officer within 24 hours after being notified of the problem or fault.

## **Division 6 Energy**

### **67 Safe use of energy**

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

### **68 Requirements as to electricity**

- (1) The general manager of a mine must ensure that:
- (a) electrical installations at the mine are designed, installed and maintained to minimise the potential for any electric shock or for burns, injury, explosion, fire, overheating or mechanical damage, and
  - (b) suitable inspection and testing of electrical installations at the mine is 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 the following standards applicable to the installations:
    - (i) Australian Standard AS 3007.1—1987*Electrical installations—Surface mines and associated processing plant—Scope and definitions*, and
    - (ii) Australian Standard AS 3007.2—1987*Electrical installations—Surface mines and associated processing plant—General protection requirements*, and
    - (iii) Australian Standard AS 3007.3—1987*Electrical installations—Surface mines and associated processing plant—General requirements for equipment and ancillaries*, and
    - (iv) Australian Standard AS 3007.4—1987*Electrical installations—Surface mines and associated processing plant—Additional requirements for specific applications*, and
    - (v) Australian Standard AS 3007.5—1987*Electrical installations—Surface mines and associated processing plant—Operating requirements*, and
    - (vi) Australian Standard AS 3000:2000*Electrical installations* (known as the Australian/New Zealand Wiring Rules).
- (2) The general manager of a mine must notify an inspector or a mine safety officer of any intention:

- (a) to introduce an electricity supply to the mine, or
  - (b) to introduce an electricity supply to underground workings at the mine, or
  - (c) to cease using electricity at the mine, or
  - (d) to make major additions or alterations to the electricity supply at the mine, or
  - (e) to make major additions or alterations to fixed generating equipment or reticulation at the mine, or
  - (f) to install or extend fixed electrical generating capacity at the mine.
- (3) The general manager must make available to the inspector or mine safety officer any further information, plans or details required by the inspector or mine safety officer.
- (4) The general manager of a mine that 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 general manager of a mine must report any of the following incidents to an inspector or a mine safety officer at the earliest practicable time but, in any event, no later than 24 hours after the event:
- (a) any electric shock sustained by any person from an electricity source above extra low voltage,
  - (b) any burns requiring first aid treatment, where the heat source that caused the burn was electrical equipment,
  - (c) any fire caused by the malfunction of electrical equipment,
  - (d) any unintended movement of electrically powered or controlled equipment (including any failure of that equipment to stop) that endangered persons or caused serious property damage.

#### **69 Requirements as to compressed air, hydraulic pressure and steam**

A person who generates, supplies or uses, or repairs or maintains machinery or equipment that uses, compressed air, hydraulic pressure or steam at a mine must do so in a manner that safeguards persons from danger arising from the release of pressure or the failure of vessels, pipes, couplings or hoses.

#### **70 Requirements as to liquefied petroleum gas and natural gas**

- (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) A person who uses liquefied petroleum gas or natural gas below ground at a mine



must do so in a manner that:

- (a) recognises the special risks involved in its use below ground, and
- (b) ensures that the risks to safety and health that arise from its use below ground are eliminated.

## **Division 7 Equipment and machinery**

### **71 Equipment and machinery—safety and health**

The general 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 safety and health of persons at the mine.

### **72 Maintenance and guarding of, and access to, equipment and machinery**

The general 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.

### **73 Isolation of equipment or machinery under repair**

- (1) A person must not carry out repairs or adjustments to power driven equipment or machinery at a mine unless:
  - (a) either:
    - (i) the power supply (and the power supply to any other equipment or machinery that 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, or
    - (ii) the general manager of the mine has given a written permit for the repairs or adjustments to be carried out without isolation of the power supply and the repairs are carried out in accordance with a written safe system of work and any special precautions specified by the general manager in the approval, and
  - (b) any restraining items that contain potential energy and that may be of danger to persons if released are adequately restrained and cannot be released accidentally or before it is safe to do so, and

- (c) any contained potential energy that may be of danger to persons if released is dissipated or adequately restrained so that it cannot be released accidentally or before it is safe to do so.

#### **74 Modifications, alterations or repairs**

- (1) A person must not modify, alter or repair equipment or machinery at a mine unless a risk assessment has been carried out and the assessment has indicated that the modification, alteration or repair is safe and is able to be done without reduction in safety.
- (2) The general 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 at least as functionally efficient and strong as they were before the failure or damage.

### **Part 5 Shafts and winding**

#### **75 Shafts and winding—safety and health**

- (1) The general 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 safety and health of persons at the mine.
- (2) Without limiting subclause (1), the general 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.

#### **76 Inspector or mine safety officer to be notified of proposed construction of shafts**

- (1) The general manager of a mine must notify an inspector or a mine safety officer 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:
  - (a) details of the location of the shaft, the shaft equipment, the winding facilities, the headframe and any associated equipment, and
  - (b) a work method statement to indicate the procedures to be followed to ensure safe construction.

## **77 Precautions during construction and use**

- (1) The general manager of a mine must ensure that the work method statements for the construction of a shaft at the mine or for the equipping, stripping, repair or maintenance of a shaft at the mine, include adequate precautions so as:
  - (a) to prevent a person falling down the shaft, and
  - (b) to prevent injury to a person by way of any equipment, material or object falling down the shaft, and
  - (c) to prevent injury to a person by way of unintentional movement of any shaft conveyance, machinery or equipment, and
  - (d) to prevent shaft fires.
- (2) The general 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 (including any mechanical and electrical equipment associated with the operation, maintenance or use of the shaft) so as to prevent injury to a person.

## **78 Winding systems**

The general 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 with an appropriate factor of safety having regard to their required duty, being ropes that 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 excessive 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.

## **79 Automatic winding systems—additional provisions**

The general 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 and competent to deal with any malfunction of the winder or any emergencies in the shaft are readily available to operate the winder, and
- (c) adequate warning systems are installed to alert those persons of emergencies in the shaft, and
- (d) radio communication between any shaft conveyance carrying persons and the surface is provided and maintained, and
- (e) the persons using shaft conveyances are adequately trained to operate them.

### **80 Shaft conveyances**

- (1) The general 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), a risk assessment must be carried out to determine the appropriate safety devices to protect persons travelling in the conveyances, which must include devices or systems:
  - (a) to protect persons from falling objects, and
  - (b) to prevent persons, gear and equipment from contacting objects in the shaft, and
  - (c) to prevent persons being thrown out of conveyances, and
  - (d) to provide a means of escape from cages through either the roof or the floor (or, if applicable, between decks of cages), and
  - (e) to facilitate safe shaft inspections, and
  - (f) if 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 general manager of a mine must ensure that:
  - (a) if 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) if 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 general 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 general 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 6 Savings

### 81 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Mines Inspection General Rule 1994*, had effect under that General Rule continues to have effect under this General Rule.

## Schedule 1 Carcinogenic substances

(Clauses 51 and 54)

### Substance Name [Chemical Abstract Number]

2-Acetylaminofluorine [53-96-3]

Acrylonitrile [107-13-1]

Aflatoxins

4-Aminodiphenyl [92-67-1]

Amosite [12172-73-5] (brown asbestos)—except for removal and disposal purposes and situations where amosite occurs naturally and is not used for any new application

Benzidine [92-87-5] and its salts (including benzidine dihydrochloride [531-85-1])

bis(Chloromethyl) ether [542-88-1]

Chloromethyl methyl ether [107-30-2] (technical grade which contains bis(chloromethyl) ether)

Chrysotile [12001-29-5] (white asbestos)—except when:

- (a) used for the purpose of research or analysis, or
- (b) being removed or disposed of, or being handled for storage or stored awaiting disposal, or
- (c) encountered during non-asbestos mining, or

(d) comprising or included in an item being used for the purpose of a historical or educational display.

Crocidolite [12001-28-4] (blue asbestos)—except for removal and disposal purposes and situations where crocidolite occurs naturally and is not used for any new application

Cyclophosphamide [50-18-0] (cytotoxic drugs)—when used in manufacturing operations

3,3'-Dichlorobenzidine [91-94-1] and its salts (including 3,3'-Dichlorobenzidine dihydrochloride [612-83-9])

Diethyl sulfate [64-67-5]

Dimethyl sulfate [77-78-1]

4-Dimethylaminoazobenzene [60-11-76]

Ethylene dibromide [106-93-4]—when used as a fumigant

4,4'-Methylene bis(2-chloroaniline) [101-14-4]-MOCA

2-Propiolactone [57-57-8]

2-Naphthylamine [91-59-8] and its salts

4-Nitrodiphenyl [92-93-3]

o-Toluidine [95-53-4] and o-Toluidine hydrochloride [636-21-5]

Vinyl chloride monomer [75-01-4]

## Schedule 2 Hazardous substances for which specific health surveillance is required

(Clause 54)

Hazardous substance	Type of health surveillance
Acrylonitrile	Occupational and medical history Demographic data Records of personal exposure
Arsenic (Inorganic)	Demographic, medical and occupational history Exposure record Physical examination with emphasis on the peripheral nervous system and skin Urinary total arsenic
Asbestos	Occupational and demographic data Medical interview Records of personal exposure

Cadmium	<p>Demographic, medical and occupational history                  Exposure record                  Physical examination with emphasis on the respiratory system                  Completion of a standard respiratory questionnaire                  Standard respiratory function tests, (which may include FEV<sub>1</sub>, FVC or FEV<sub>1</sub>/FVC)                  Urinary cadmium and .2-microglobulin</p>
Crystalline Silica	<p>Standard respiratory function tests (which may include FEV<sub>1</sub>, FVC and FEV<sub>1</sub>/FVC)                  Chest X-ray, full size PA view</p>
Isocyanates	<p>Occupational and medical history                  Completion of a standard respiratory questionnaire                  Physical examination of the respiratory system and skin                  Standard respiratory function tests (which may include FEV<sub>1</sub>, FVC and FEV<sub>1</sub>/FVC)</p>
Lead (inorganic)	<p>Medical and occupational history                  Physical examination</p>
Mercury (inorganic)	<p>Demographic, medical and occupational history                  Physical examination with emphasis on dermatological, gastrointestinal, neurological and renal systems                  Urinary inorganic mercury</p>
MOCA (4,4-Methylenebis (2-chloroaniline))	<p>Urinary total MOCA                  Dipstick analysis of urine for haematuria                  Urine cytology</p>
Organophosphate pesticides	<p>Occupational and medical history                  Physical examination                  Baseline estimation of red cell and plasma cholinesterase activity levels by the Ellman or equivalent method                  Estimation of red cell and plasma cholinesterase activity towards the end of the working day</p>
Polycyclic aromatic hydrocarbons	<p>Exposure record, including photochemical skin burns                  Demographic, medical and occupational history                  Physical examination</p>
Thallium	<p>Demographic, medical and occupational history                  Physical examination                  Urinary thallium</p>
Vinyl Chloride	<p>Occupational and demographic data                  Record of personal exposure</p>