

Queensland

Coal Mining Safety and Health Act 1999

Coal Mining Safety and Health Regulation 2017

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Coal Mining Safety and Health Regulation 2017

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Coal Mining Safety and Health Regulation 2017

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Coal Mining Safety and Health Regulation 2017*.

2 Commencement

This regulation commences on 1 September 2017.

3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

Chapter 2 All coal mines

Part 1 Preliminary

4 Application of chapter

Unless otherwise stated, this chapter applies to surface mines and underground mines.

Note—

See also chapter 3 which is about surface mines and chapter 4 which is about underground mines.

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5 Ways of achieving an acceptable level of risk

(1) This chapter, other than sections 47(2), 49B(2) and 52(1), prescribes ways of achieving an acceptable level of risk at a coal mine in the circumstances mentioned in this chapter.

(2) However, this chapter does not deal with all circumstances that expose someone to risk at a coal mine.

(3) A person may discharge the person's safety and health obligation in the circumstances mentioned in this chapter only by following the ways prescribed.

Note—

See section 34 of the Act for the penalty for failing to discharge the obligation.

Part 2 Safety and health management system

Division 1 General

6 Basic elements

A coal mine's safety and health management system must provide for the following basic elements—

(a) risk identification and assessment;

(b) hazard analysis;

(c) hazard management and control;

(d) reporting and recording relevant safety and health information and data.

6A Potential hazard guide—coal seam gas or petroleum

(1) The potential hazard guide in schedule 1A is a list of potential hazards that may be created by coal mining operations in

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relation to exploring for or producing coal seam gas or petroleum.

(2) The guide is intended to help the site senior executive for a coal mine identify the matters mentioned in subsection (3) for preparing the coal mine's safety and health management system, including a joint interaction management plan mentioned in division 4.

(3) For subsection (2), the matters are the activities, and the impact of the activities, that—

(a) are carried out or proposed to be carried out as part of coal mining operations at the coal mine; and

(b) may affect safe production of coal seam gas or petroleum under an adjacent petroleum lease or overlapping petroleum lease.

7 Keeping information and data on which risk assessment is based

The site senior executive for a coal mine must ensure a copy of each risk assessment for the mine, and information and data on which the assessment was based, is kept at the mine until—

(a) the assessment is superseded; or

(b) the hazard to which the assessment relates is no longer at the mine.

8 Notification of safety and health issues generally

(1) A coal mine's safety and health management system must provide for effective notification to each person at the mine of the following—

(a) protocols for taking action in life threatening situations;

Example—

CPR protocols

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(b) emergencies, and the location of known hazards, affecting the person's safety or health.

(2) The system must provide for the following—

(a) giving the person immediate notification of matters relevant to the person's safety or health during coal mining operations;

Example—

a notification about slippery road conditions

(b) the prompt summonsing of assistance in an emergency;

(c) assistance from external entities in an emergency;

(d) communicating with the external entities;

(e) access by inspectors to the external entities' contact details;

(f) access by an inspector in the district in which the mine is located to an emergency contact number for the mine;

(g) for a surface mine—giving notification of known hazards in and around a surface mine excavation, including areas where mining activities are taking place, to the open-cut examiner responsible for the excavation;

(h) for an underground mine—giving notification of known hazards in an ERZ to the ERZ controller for the zone.

Division 2 Standard operating procedures

9 Application of requirement to have a standard operating procedure for a hazard

A requirement under this regulation for a coal mine to have a standard operating procedure for a hazard applies only if the hazard is at the mine.

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10 Developing standard operating procedures

(1) The site senior executive for a coal mine must ensure the following steps are taken in developing standard operating procedures for managing and controlling hazards at the mine—

(a) the site senior executive must consult with a cross-section of the mine's coal mine workers involved in carrying out a task under the proposed standard operating procedure to identify the hazards associated with the task and ways of controlling the hazards;

(b) the site senior executive must prepare a draft standard operating procedure and give a copy of the procedure to the coal mine workers with whom the site senior executive consulted;

(c) if the coal mine workers agree with the draft standard operating procedure, the site senior executive must prepare the procedure as the final standard operating procedure;

(d) if the coal mine workers do not agree with the draft standard operating procedure—

(i) for a disagreement that is not about a legal or technical matter—the site senior executive must decide the disagreed matter and prepare the final standard operating procedure; or

(ii) for a disagreement that is about a legal or technical matter—the site senior executive must—

(A) obtain further information or advice, including, for example, from a person having the necessary qualifications and experience to give the advice or from a recognised text on the matter; and

(B) after consulting with the workers about the information or advice, prepare a further draft standard operating procedure and give a copy of the procedure to the workers; and

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(C) if the workers disagree with the further draft—decide the disagreed matter and prepare the final standard operating procedure;

(e) the site senior executive must include the final standard operating procedure in the mine's safety and health management system.

(2) The site senior executive must ensure—

(a) the final standard operating procedure accords with—

(i) all matters agreed, under this section, between the site senior executive and coal mine workers; and

(ii) the site senior executive's decision, under this section, on any disagreed matters; and

(b) a record is kept of the disagreed matters.

(3) In developing the standard operating procedure, the site senior executive must—

(a) use a risk assessment process recognised by the mining industry as an acceptable process for identifying and controlling hazards; and

(b) have regard to the methods of controlling the hazard stated in the database kept by the CEO under section 280(1)(a)(i) of the Act.

11 Accessing standard operating procedures

The site senior executive for a coal mine must ensure—

(a) a list of the mine's current standard operating procedures is kept—

(i) at the mine in a location that is easily accessible by each coal mine worker at the mine; and

(ii) at any remote operating centre for the mine in a location that is easily accessible by each ROC worker for the mine; and

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(b) a copy of the current standard operating procedure for a particular activity at the mine is available to, and kept in a location that is easily accessible by—

(i) each coal mine worker carrying out the activity; and

(ii) each operational ROC worker concerned with the activity; and

(c) the list and each standard operating procedure is kept in a format that is easy to use and understand.

Division 3 Recognised standards

12 Accessing recognised standards

The site senior executive for a coal mine must ensure—

(a) a list of the current recognised standards for the mine's coal mining operations is kept—

(i) at the mine in a location that is easily accessible by each coal mine worker at the mine; and

(ii) at any remote operating centre for the mine in a location that is easily accessible by each ROC worker for the mine; and

(b) a copy of the current recognised standard for a particular coal mining operation is available to, and kept in a location that is easily accessible by—

(i) each coal mine worker at the mine engaged in the operation; and

(ii) each operational ROC worker for the mine concerned with the operation; and

(c) the list and each recognised standard is kept in a format that is easy to use and understand.

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Division 4 Plan to manage overlapping or adjacent leases

12A Application of division

(1) This division applies to a coal mine on land the subject of a mining lease if—

(a) coal mining operations are carried out at the coal mine within any of the following areas (each an ***overlapping area***)—

(i) the area of a petroleum lease (an ***overlapping petroleum lease***);

(ii) an area adjacent to the area of a petroleum lease (an ***adjacent petroleum lease***);

(iii) an area adjacent to the area of a mineral hydrocarbon mining lease, within the meaning of the *Mineral Resources Act 1989*, section 739; and

(b) the coal mining operations physically affect, or may physically affect the safety of persons or plant in the area of the petroleum lease.

(2) In this section—

mining lease means a mining lease granted before 27 September 2016.

12B Plan to manage overlapping areas

(1) A joint interaction management plan that contains at least the matter mentioned in subsection (2) must be made for the coal mine before the coal mining operations start.

(2) The matter is the identification of the hazards and the assessment of the risks to be controlled that—

(a) are, or may be, created by the coal mining operations or petroleum activities carried out in the overlapping area; and

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(b) affect, or may be likely to affect, the safety and health of persons in the overlapping area.

(3) Before making the joint interaction management plan, the site senior executive must—

(a) make reasonable attempts to consult with the operator of each authorised activities operating plant in the overlapping area to jointly identify, analyse and assess risks and hazards in the overlapping area; and

(b) have regard to any reasonable provisions for the plan relating to the management of the risks and hazards that are proposed by the operators within 20 days after receiving a copy of the proposed plan; and

(c) either—

(i) reach agreement with the operator of each authorised activities operating plant in the overlapping area about the content of the proposed plan; or

(ii) apply for arbitration of the dispute under subsection (5) or (6).

(4) For subsection (3)(a), the site senior executive is taken to have made reasonable attempts to consult with the operator of an authorised activities operating plant if—

(a) the site senior executive gives the operator a copy of the proposed plan; and

(b) the operator has not, within 20 days after being given the copy, made any proposal to the site senior executive about the provisions for the plan.

(5) If the site senior executive and the operator of an authorised activities operating plant can not agree on the content of a proposed plan within 3 months after the operator receives a copy of the proposed plan, the site senior executive must apply for arbitration of the dispute.

(6) Despite subsection (5), either party may apply for arbitration of the dispute at any time.

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(7) In this section—

arbitration means arbitration under the *Mineral and Energy Resources (Common Provisions) Act 2014*.

authorised activities operating plant see section 12BA.

Division 5 Safety provisions relating to overlapping resource authorities

12BA Definitions for division

In this division—

authorised activities operating plant see section 64D of the Act.

overlapping area means—

(a) an overlapping area under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 104; or

(b) any of the following areas, if coal mining operations are carried out, or are to be carried out, under a coal mining lease granted before 27 September 2016 in the area, and operations physically affect, or may physically affect, the safety of persons or plant in the area—

(i) the area of a petroleum lease;

(ii) an area adjacent to the area of a petroleum lease.

12BB Additional information required for joint interaction management plan—co-ordination of obligations

(1) This section applies for section 64F(1)(i) of the Act.

(2) The joint interaction management plan must also describe the way in which the site senior executive of the coal mine and the operator of each operating plant in the overlapping area intend to communicate about, and co-ordinate, each of the following

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obligations applying for the coal mine and the operating plant—

(a) emergency obligations;

(b) incident response obligations;

(c) induction training obligations;

(d) information exchange obligations;

(e) vehicle safety obligations.

(3) In this section—

emergency obligations means—

(a) for the coal mine—obligations under chapter 2, part 5; and

(b) for the operating plant—obligations under the *Petroleum and Gas (Production and Safety) Act 2004*, sections 675(1)(l) and 693(d) and (e).

incident response obligations means—

(a) for the coal mine—obligations under part 11 of the Act; and

(b) for the operating plant—obligations under the *Petroleum and Gas (Production and Safety) Act 2004*, sections 705D, 706 and 707.

induction training obligations means—

(a) for the coal mine—obligations under sections 82(2)(a) and 83; and

(b) for the operating plant—obligations under the *Petroleum and Gas (Production and Safety) Act 2004*, section 693(a).

information exchange obligations means—

(a) for the coal mine—obligations under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 154; and

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(b) for the operating plant—obligations under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 154 or the *Petroleum and Gas (Safety) Regulation 2018*, section 51.

vehicle safety obligations means—

(a) for the coal mine—obligations under sections 66, 74, 76, 128 and 135; and

(b) for the operating plant—obligations under the *Petroleum and Gas (Safety) Regulation 2018*, section 52.

12BC Requirements for boreholes

(1) This section applies if an overlapping area is subject to—

(a) either—

(i) an authority to prospect granted before or after the start date; or

(ii) a petroleum lease granted after the start date, other than a replacement tenure under the *Petroleum and Gas (Production and Safety) Act 2004*, section 908(2); and

(b) a mining lease granted, or an application for a mining lease made, after the start date.

(2) If the mining lease is for an underground coal mine—

(a) the additional safety requirements mentioned in sections 12BD and 12BE apply to a borehole in the overlapping area drilled for the mining lease (coal) after the start date; and

(b) the standard safety requirements for the borehole do not apply to the borehole to the extent the additional safety requirements are inconsistent with the standard safety requirements.

(3) If the mining lease is for a surface mine—

(a) the additional safety requirements mentioned in section 12BD apply to a borehole in the overlapping

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area drilled for the mining lease (coal) after the start date; and

(b) the standard safety requirements for the borehole do not apply to the borehole to the extent the additional safety requirements are inconsistent with the standard safety requirements.

(4) Despite subsections (2) and (3), the resource authority holders for the overlapping area may agree on an alternative safety requirement for the borehole.

(5) If the resource authority holders for the overlapping area agree under subsection (4) on an alternative safety requirement for a borehole—

(a) the standard safety requirements for the borehole do not apply to the borehole to the extent the alternative safety requirement is inconsistent with the standard safety requirements; and

(b) the alternative safety requirements for the borehole must be included in the joint interaction management plan for the overlapping area.

Note—

See section 64E(1)(c) of the Act for the requirement to comply with the joint interaction management plan.

(6) In this section—

additional safety requirements, for a borehole, means requirements applying to the borehole under section 12BD or 12BE.

alternative safety requirement, for a borehole, means a method or procedure that—

(a) does not comply with the additional safety requirements for the borehole; and

(b) achieves a level of risk that is equal to or less than the level of risk that would be achieved by complying with the additional safety requirements.

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standard safety requirements, for a borehole, means the requirements applying to the borehole under section 100.

start date means 27 September 2016.

12BD Additional safety requirement—requirement to remove particular equipment from boreholes

(1) The site senior executive for a coal mine must—

(a) use the site senior executive's best endeavours to ensure all prescribed equipment that is in a borehole drilled for the mine's mining lease (coal) is removed before the borehole is plugged and abandoned; and

(b) ensure the following is available for use at all times when drilling operations in a borehole drilled for the mine's mining lease (coal) are carried out—

(i) adequate equipment for preventing or mitigating the loss of prescribed equipment in the borehole;

(ii) adequate equipment for seeking to recover prescribed equipment lost in the borehole.

(2) If prescribed equipment is lost in a borehole drilled for a mine's mining lease (coal), the site senior executive for a coal mine must—

(a) within 24 hours after the equipment is lost—notify each operator of an authorised activities operating plant in the overlapping area; and

(b) within 3 days after the equipment is lost—consult with the chief inspector about the period in which efforts to recover the lost equipment should be made; and

(c) abandon efforts to recover the lost equipment only if the chief inspector agrees to the abandonment.

(3) In this section—

prescribed equipment means—

(a) metal equipment, other than casing; and

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(b) any other equipment or material that may create a hazard to coal mining operations.

12BE Additional safety requirement—requirement to fill boreholes

(1) This section prescribes safety requirements for plugging and abandoning a borehole drilled for a mine's mining lease (coal) in an overlapping area.

(2) The site senior executive for a coal mine must ensure that, as part of the plugging and abandoning of the borehole—

(a) the borehole is filled with cement from the bottom of the borehole to the surface of the borehole, unless each operator of an authorised activities operating plant in the overlapping area otherwise agrees; and

(b) packers and fluids are not left in the borehole.

(3) This section applies in addition to the requirements under section 100.

Part 2A Safety and health fee

12C Definitions for part

In this part—

reporting period, for a coal mine, means—

(a) if the responsible person for the coal mine chooses under section 12FA(2) to give a safety and health census for the coal mine for a financial year—the financial year; or

(b) otherwise—each quarter.

responsible person, for a coal mine, see section 12D.

safety and health census see section 12F(1).

safety and health fee see section 12E(1).

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12D Meaning of *responsible person*

(1) A person is a ***responsible person*** for a coal mine if the person is—

(a) for a coal mine operated under a mining tenure—

(i) if the coal mine operator is an individual—the holder of the mining tenure for the coal mine; or

(ii) if the coal mine operator is a corporation—the coal mine operator for the coal mine; or

(b) for a place that is a coal mine under section 9(1)(c) of the Act—the person in control of the coal mine.

(2) However, if the mining tenure mentioned in subsection (1)(a)(i) is held by more than 1 person, for the purpose of giving or receiving notices under this part, including for giving a safety and health census under section 12F, the responsible person for the coal mine is—

(a) if a person has been specified under the *Mineral Resources Act 1989* as the person on whom any notice may be served on behalf of the holders of the mining tenure—the person specified; or

Note—

See the *Mineral Resources Act 1989*, sections 133(c), 183(1)(c) and 245(1)(c).

(b) otherwise—any person who is a holder of the mining tenure.

12E Payment of safety and health fee

(1) The responsible person for a coal mine must pay a fee (a ***safety and health fee***) for each reporting period to cover the cost of activities carried out for the purposes of safety and health for coal mining operations.

(2) The amount of the safety and health fee for a reporting period for a coal mine is stated in schedule 8, part 2.

(3) The amount of the safety and health fee for a reporting period for a coal mine must be worked out using information

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included in the safety and health census given to the CEO by the responsible person for the coal mine under section 12F for the reporting period.

(4) Subsection (5) applies if the responsible person for the coal mine gives the CEO a safety and health census under section 12F for a reporting period for the coal mine.

(5) The CEO must give the responsible person for the coal mine an invoice for the amount of the safety and health fee for the reporting period for the coal mine—

(a) if the reporting period is a financial year—before 30 August of the year; or

(b) if the reporting period is a quarter ending on 30 September of a year—before 30 November of the year; or

(c) if the reporting period is a quarter ending on 31 December of a year—before 1 March of the following year; or

(d) if the reporting period is a quarter ending on 31 March of a year—before 31 May of the year; or

(e) if the reporting period is a quarter ending on 30 June of a year—before 30 August of the year.

(6) The invoice must state a day for payment that is at least 30 days after the day the CEO gives the responsible person for the coal mine the invoice.

(7) The responsible person for the coal mine must pay the safety and health fee for the reporting period on or before the day for payment stated in the invoice.

Maximum penalty—100 penalty units.

(8) Subsection (5) does not apply if the CEO reasonably believes, based on information available to the CEO, that—

(a) a safety and health census received is incomplete or contains information that is incorrect; or

Note—

See section 12G.

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(b) no safety and health fee for the reporting period for the coal mine is payable under schedule 8, part 2.

(9) Subsection (10) applies if—

(a) the responsible person for a coal mine gives the CEO a safety and health census for a reporting period for the coal mine after the end of the period within which the census was required to be given under section 12F; and

(b) the CEO has not given the responsible person for the coal mine a notice mentioned in section 12G(2) relating to the census.

(10) The CEO must give the responsible person for the coal mine an invoice for the amount of the safety and health fee for the reporting period for the coal mine within 40 days after receiving the census.

(11) The CEO's failure to give an invoice within a period mentioned in subsection (5) or (10) does not affect the validity of an invoice given under this section.

12F Safety and health census to be given at the end of each reporting period

(1) The responsible person for a coal mine must give the CEO, within 20 days after the end of each reporting period, a written notice (a ***safety and health census***) stating the number of coal mine workers working at the coal mine during the reporting period.

Maximum penalty—100 penalty units.

(2) Despite subsection (1), the responsible person may give the safety and health census after the 20-day period mentioned in the subsection ends if, before the period ends—

(a) the responsible person applies to the CEO in writing to extend the period to give the safety and health census; and

(b) the CEO gives the responsible person a notice stating that the responsible person may give the safety and

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health census before the end of a day stated in the notice for that purpose.

(3) If the responsible person is given notice under subsection (2)(b), the responsible person must give the CEO the safety and health census before the end of the day stated in the notice for giving the census.

Maximum penalty—100 penalty units.

(4) The safety and health census must be in the approved form.

12FA Reporting period for coal mine with 5 or fewer workers

(1) This section applies if the number of coal mine workers working at a coal mine is 5 or fewer.

(2) Subject to subsection (6), the responsible person for the coal mine may choose to give a safety and health census for the coal mine for a financial year, rather than for each quarter of a financial year.

(3) The responsible person for the coal mine may choose to give a safety and health census for a financial year regardless of whether the person has already given a safety and health census for the coal mine for an earlier quarter of the financial year.

(4) Subsection (5) applies if the responsible person for the coal mine—

(a) chooses to give a safety and health census for the coal mine for a financial year; and

(b) has already paid a safety and health fee for the coal mine for an earlier quarter of the financial year.

(5) The CEO must credit the amount of the fee already paid to the amount of the safety and health fee payable for the coal mine using the safety and health census for the financial year.

(6) The CEO may, by written notice to the responsible person for the coal mine, require the person to give a safety and health census for the coal mine for each quarter of the current financial year and subsequent financial years.

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(7) The CEO may cancel the requirement under subsection (6) by subsequent written notice given to the responsible person for the coal mine.

12FB Effect of notice or increase in worker numbers

(1) This section applies if—

(a) the responsible person for a coal mine has chosen to give a safety and health census for the coal mine for a financial year under section 12FA(2); and

(b) during the financial year—

(i) the CEO gives the responsible person a notice under section 12FA(6) requiring a safety and health census for the coal mine for each quarter of the financial year; or

(ii) the number of coal mine workers working at the coal mine increases to more than 5.

(2) Despite section 12C, definition *reporting period*, the reporting period for the coal mine is each quarter of the financial year.

(3) The responsible person must give the CEO a safety and health census for the coal mine for the current quarter and each earlier quarter of the financial year, not previously given to the CEO, on or before the required day.

(4) Section 12F applies in relation to a safety and health census mentioned in subsection (3)—

(a) as if the reference in section 12F(1) to within 20 days after the end of each reporting period were a reference to on or before the required day; and

(b) with any other necessary changes.

(5) Section 12H applies in relation to a safety and health census mentioned in subsection (3)—

(a) as if the reference in section 12H(1)(b) to the day that is 21 days after the end of the reporting period were a reference to the day after the required day; and

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(b) with any other necessary changes.

(6) Subsection (2) stops applying if the requirement mentioned in subsection (1)(b)(i) is cancelled under section 12FA(7).

(7) If subsection (1)(b)(ii) applies, the responsible person for the coal mine may not choose under section 12FA(2) to give a safety and health census for the coal mine for the financial year, even if the number of coal mine workers decreases to 5 or fewer.

(8) In this section—

required day means—

(a) if the CEO has stated a day by which a safety and health census must be given in a notice under section 12FA(6)—the day stated in the notice; or

(b) otherwise—the day that is 20 days after the end of the current quarter.

12FC Records of information included in safety and health census

(1) This section applies to a responsible person for a coal mine who is required to give the CEO a safety and health census.

(2) The responsible person must keep records enabling the accuracy of the information required to be included in the safety and health census to be verified.

Maximum penalty—100 penalty units.

(3) Without limiting subsection (2), the responsible person must keep records enabling the accuracy of the following information required to be included in the safety and health census to be verified—

(a) the number of coal mine workers working at the coal mine;

(b) the number of full-time coal mine workers, and non full-time coal mine workers, working at the coal mine;

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(c) the number of hours worked by coal mine workers working at the coal mine.

(4) The responsible person must keep the records in a way that—

(a) enables the responsible person to give the CEO the records within 14 days after the CEO asks for the records; and

(b) enables the CEO to easily verify the accuracy of the information included in the safety and health census.

Maximum penalty—100 penalty units.

(5) If the CEO asks the responsible person to give the CEO the records, the responsible person must give the CEO the records—

(a) within 14 days after the CEO asks for the records; or

(b) if the CEO agrees in writing with the responsible person to another period—within the other period.

Maximum penalty—100 penalty units.

(6) The responsible person must keep the records for 7 years after the day the responsible person is required to give the CEO the safety and health census.

Maximum penalty—100 penalty units.

12G Notice may be given if safety and health census not given or is inadequate

(1) This section applies if the CEO reasonably believes, based on information available to the CEO, that a responsible person for a coal mine—

(a) has not given a safety and health census under section 12F; or

(b) has given an incomplete safety and health census; or

(c) has given a safety and health census containing information that is incorrect.

(2) The CEO may give the responsible person a notice—

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(a) stating each of the following—

(i) the ground mentioned in subsection (1)(a), (b) or (c) on which the CEO reasonably believes this section applies in relation to the responsible person;

(ii) if the ground is the ground mentioned in subsection (1)(c)—the information the CEO reasonably believes is incorrect;

(iii) the amount of the safety and health fee the CEO reasonably believes is payable by the responsible person for the coal mine;

(iv) the facts and circumstances forming the basis for the beliefs mentioned in subparagraphs (i) to (iii); and

(b) inviting the responsible person to give the CEO, within the reasonable period stated in the notice, a written submission about why the responsible person for the coal mine should not be invoiced for the amount mentioned in paragraph (a)(iii).

(3) The CEO must consider any submissions given by the responsible person within the period stated in the notice.

(4) If, after complying with subsection (3), the CEO is satisfied an amount of a safety and health fee is payable by the responsible person, the CEO may give the responsible person an invoice for the fee.

(5) Subsection (4) applies even if the responsible person has already been given an invoice for, or paid, a different amount for the fee.

(6) The responsible person must pay the amount of the safety and health fee stated in the invoice within 30 days after receiving the invoice.

Note—

See section 265 of the Act for the recovery of fees.

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12H Fee for late safety and health census

(1) This section applies if a responsible person for a coal mine does not give a safety and health census for a reporting period before either or both of the following—

(a) if the CEO has given the responsible person a notice mentioned in section 12F(2)(b)—the day after the day stated in the notice for giving the safety and health census;

(b) otherwise—the day that is 21 days after the end of the reporting period.

(2) The obligation under section 12F to give a safety and health census continues to apply until that section is complied with.

(3) A late fee applies and is payable as well as any penalty imposed under section 12F(1) or (3).

(4) The amount of the late fee is stated in schedule 8, part 2.

12I Interest payable on unpaid fees

(1) This section applies if a responsible person for a coal mine does not pay any amount of a safety and health fee under section 12E or 12G.

(2) The responsible person must pay interest on the unpaid amount at the rate of 15% a year.

(3) The interest must be calculated as simple interest.

(4) The interest payable on the unpaid amount may be recovered by the CEO as a debt.

12J Refund of overpayment of safety and health fee

(1) If a safety and health fee is overpaid by a responsible person for a coal mine, the CEO must refund the amount of the overpayment to the responsible person.

(2) No interest is payable on the amount refunded.

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Part 2B Election of site safety and health representatives

12K Process for conducting election of site safety and health representative—Act, s 98B

For section 98B(4)(b) and (5) of the Act, the process stated in schedule 1B is prescribed for conducting an election of a site safety and health representative.

Part 3 Accidents, high potential incidents, diseases and injuries

13A Diseases that must be reported—Act, s 198AA

For section 198AA(5) of the Act, definition *reportable disease*, a disease mentioned in schedule 1 is prescribed.

13B Exemption from notifying reportable diseases—Act, s 198AA

For section 198AA(4) of the Act, section 198AA(1)(a) of the Act does not apply in relation to a site senior executive who becomes aware that a person has been diagnosed with a reportable disease if the site senior executive becomes aware through an assessment as defined under section 44.

14 Types of serious accidents and high potential incidents—Act, ss 200 and 201

(1) For section 200(1) of the Act, a type of serious accident or high potential incident mentioned in schedule 2, part 1, is prescribed.

(2) For section 201(1)(c) of the Act, a type of serious accident or high potential incident mentioned in schedule 2, part 2, is prescribed.

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15 Investigating accidents and incidents

(1) A coal mine's safety and health management system must provide for the following—

(a) the procedure for investigating accidents and incidents at the mine;

(b) making the investigation findings available to the mine's coal mine workers;

(c) implementing corrective action for accidents and incidents.

(2) The procedure for investigating accidents and incidents must include the involvement of—

(a) for accidents and incidents in or around the surface excavation at a surface mine—

(i) the open-cut examiner responsible for the excavation and on duty when the accident or incident happened; or

(ii) if it is not practicable to involve the open-cut examiner mentioned in subparagraph (i)—another open-cut examiner responsible for the excavation; or

(b) for accidents and incidents at an underground mine—

(i) the ERZ controller for the ERZ in which the accident or incident happened who was on duty when the accident or incident happened; or

(ii) if it is not practicable to involve the ERZ controller mentioned in subparagraph (i)—another ERZ controller for the zone.

16 Giving notice of incidents

(1) The site senior executive for a coal mine must give an inspector notice, in the approved form, if any of the following incidents happen at the mine—

(a) a person suffers an injury—

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(i) of a severity that requires treatment by a doctor, or a nurse, or a person qualified to give first aid; or

(ii) that prevents the person from carrying out the person's normal duties at the mine;

(b) a high potential incident not mentioned in paragraph (a).

(2) The notice must be given to the inspector—

(a) within 1 month after the incident happens; or

(b) if the CEO or chief inspector by notice approves a longer period, of not more than 12 months, within which to give the notice—within the longer period.

(3) A coal mine's safety and health management system must include procedures for—

(a) telling a site safety and health representative about the things mentioned in section 106 of the Act; and

(b) giving notice to an inspector and industry safety and health representative under section 198 of the Act.

(4) In this section—

nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing profession, other than as a student.

Part 3A Supervisor's responsibilities

16A Supervisor's responsibilities

A supervisor for a coal mine has the following responsibilities—

(a) ensuring each mine worker for whom the supervisor has responsibilities is given the supervision and help mentioned in sections 85A(2) and 85B;

(b) observing each coal mine worker for whom the supervisor has responsibilities perform tasks;

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(c) carrying out inspections of workplaces at the coal mine as required under the coal mine's safety and health management system;

(d) recording reports of, and findings and recommendations resulting from, inspections mentioned in paragraph (c) in the mine record;

(e) implementing and monitoring hazard controls and risk controls as required under the coal mine's safety and health management system.

Part 4 Electrical activities, equipment and installations

Division 1 Electrical activities

Subdivision 1 Controlling and managing electrical engineering activities

17 Qualifications for appointment as electrical engineering manager

A person may appoint a person as an electrical engineering manager only if the person has the recognised competencies for controlling and managing the mine's electrical engineering activities.

18 Duties of electrical engineering manager

The duties of an electrical engineering manager include controlling and managing the following at the mine—

(a) the design of electrical installations;

(b) the installation and maintenance of electrical equipment and electrical installations;

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(c) electrical work;

(d) work carried out close to electrical installations.

Subdivision 2 Other provisions about electrical activities

19 Duty to give notice of proposed introduction of electricity

Before electricity is introduced at a coal mine for use in coal mining operations, or after electricity is permanently disconnected, the site senior executive for the coal mine must notify an inspector of the proposed introduction, or disconnection.

20 Competencies of persons carrying out work on electrical equipment

(1) Subject to subsection (2), only a person who has the recognised competency for repairing, overhauling and maintaining electrical equipment for explosive atmospheres may carry out the following work at a coal mine—

(a) electrical work in an ERZ;

(b) work on electrical equipment used in an ERZ;

(c) work on extra low voltage systems associated with explosion-protected equipment and installations;

(d) work on explosion-protected electrical equipment installed at a surface mine;

(e) electrical work in an area, at a surface mine, that a risk assessment shows has an explosion risk.

(2) Only a person who has the recognised competency for repairing, overhauling and maintaining electrical equipment for mobile plant used in underground mines may carry out work on extra low voltage systems associated with mobile plant for an underground mine.

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21 Access to exposed electrical conductors

(1) A coal mine must have a standard operating procedure for safely accessing exposed electrical conductors at the mine.

(2) The procedure must provide for minimising the risk of energising exposed electrical conductors on which work is to be carried out, including, for example, by using—

(a) personal locks; or

(b) danger tags; or

(c) personal locks and danger tags.

(3) The procedure must also provide that before work is carried out on an exposed electrical conductor at above extra low voltage the conductor must be—

(a) positively isolated from the electricity source; and

(b) tested for zero potential; and

(c) if the conductor is a high voltage conductor, earthed.

(4) Subsection (5) applies only to a surface mine and only if—

(a) it is not practicable to positively isolate the conductor from the electricity source; and

(b) access to the conductor is required or work in close proximity to the conductor is required to be carried out.

(5) The procedure must also provide that—

(a) a risk assessment, including consideration of high fault currents, must be carried out before the work is carried out; and

(b) if the risk assessment shows an unacceptable level of risk in carrying out the work with the conductor energised, before the work is carried out, the conductor must be—

(i) positively isolated from the electricity source; and

(ii) tested for zero potential; and

(iii) if the conductor is a high voltage conductor, earthed.

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(6) In this section—

close proximity, to a conductor, means—

(a) for a person—

(i) for a high voltage conductor—within the exclusion zone for the person for the conductor under the *Electrical Safety Regulation 2013*; or

(ii) for a low voltage conductor—within reach of the conductor; or

(b) for plant being used for work near an overhead power line—within the minimum clearances required under AS/NZS 3007;2013.

22 Locating and dealing with electrical faults

(1) A coal mine must have a standard operating procedure for re-energising an electrical circuit at the mine that has been switched off by a circuit protection device.

(2) A person may use electrical energy, other than electrical energy generated from appropriately designed test instruments, for locating, isolating or clearing only the following electrical faults—

(a) an overload of an electric motor;

(b) an earth leakage trip associated with an impedance earth circuit;

(c) a 30mA earth leakage trip;

(d) an earth continuity trip.

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Division 2 Electrical equipment and installations

Subdivision 1 General

23 Design, installation and maintenance

The site senior executive for a coal mine must ensure the design, installation and maintenance of electrical equipment and installations at the mine provide for the following—

(a) reliable circuit interruption, under fault conditions, at all points in the mine's electrical distribution system;

(b) each earthing system at the mine to be of sufficiently low impedance to ensure reliable operation of all electrical protection systems and devices and adequate protection against indirect contact;

(c) limiting prospective touch voltage, under fault conditions, to within acceptable limits;

(d) minimising potential impacts from voltage rise caused by lightning strike, static electricity, voltage surges and other transient voltages to within acceptable limits;

(e) preventing a person inadvertently contacting live parts of equipment or an installation exceeding extra low voltage.

Example for paragraph (e)—

The design, installation and maintenance may provide for insulation or an enclosure, shield, interlocking device or automatic disconnection device for the equipment or installation.

24 Isolators for equipment driven by electricity

(1) A coal mine's electrical engineering manager must ensure the mine has a full current isolator for equipment driven by electricity at the mine.

(2) The electrical engineering manager must ensure—

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(a) the isolator is—

(i) clearly identified as the isolator for the equipment; and

(ii) situated in a location that is easily accessible by a person working on the equipment; and

(b) the equipment is clearly identified as being supplied with electricity from the isolator.

Example of how the isolator or equipment may be identified for subsection (2)—

by marking the isolator or equipment, or placing a notice near the isolator or equipment

Subdivision 2 Electrical control systems

25 Standard for electrical control systems

A coal mine's electrical engineering manager must ensure—

(a) each electrical control system at the mine operates safely under all operating conditions, including electricity supply instability or failure; and

(b) if the system suffers a fault or fails, all emergency stopping systems and safety alarms at the mine remain effective.

26 Control circuits

(1) A coal mine's electrical engineering manager must ensure a control circuit at the mine run externally to an enclosure from which the circuit originates—

(a) has a voltage of not more than a nominal voltage of 55V to earth; or

(b) is protected by earth leakage current protection of not more than 30mA sensitivity; or

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(c) minimises the risk of direct contact and limits prospective touch voltage to within acceptable limits.

(3) An underground mine's electrical engineering manager must ensure a control circuit for the mine is explosion protected, unless the whole circuit is installed and operated in a NERZ.

27 Modification of electrical control systems

A coal mine's safety and health management system must—

(a) provide for the security and maintenance of the mine's electrical control system software and control circuits; and

(b) control modification of the software and circuits; and

(c) provide for records to be kept of any modifications.

Subdivision 3 Electrical protection

28 Electrical protection for power outlets for low voltage electrical equipment

(1) A coal mine's electrical engineering manager must ensure a single-phase power outlet for low voltage electrical equipment at the mine has—

(a) earth leakage current protection of not more than 30mA sensitivity; or

(b) a device preventing its use by portable electrical equipment.

(2) Subsection (1) does not apply if the power outlet is the only outlet in an isolated electricity supply.

(3) In this section—

isolated electricity supply means an electricity supply—

(a) other than the main electricity supply, that is totally insulated from conductive material; or

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(b) that is—

(i) supplied with electricity from the main electricity supply; and

(ii) totally isolated from the main electricity supply; and

(iii) totally insulated from earth.

29 Operating times and tripping current for circuit protection devices

(1) A coal mine's electrical engineering manager must ensure each circuit protection device at the mine has an appropriate operating time and tripping current, having regard to a risk assessment of the operation of the part of the electrical installation the device protects.

(2) For a surface mine, the operating time may allow for a delay in cutting off the electricity supply if—

(a) the device is installed to protect a person operating equipment; and

(b) it is appropriate to allow the person to bring the equipment to rest before the electricity supply is cut; and

(c) the person is immediately given a clear warning of the fault.

30 Changing electrical protection settings

(1) A person must not change an electrical protection setting for a circuit protection device at a coal mine, unless the person is authorised to make the change by the electrical engineering manager for the mine.

(2) In this section—

electrical protection setting, for a circuit protection device, means the current, voltage or operating time at which the

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device is set to trip when the device detects an electrical fault in the circuit.

31 Unearthed electrical installations

(1) A coal mine's electrical engineering manager must ensure an unearthed electrical installation at the mine has earth fault detection and control.

(2) Subsection (1) does not apply to a single-phase 240V generator of less than 25kW capacity at a surface mine.

Subdivision 4 Electrical drawings and plans

32 Drawings of electrical installations

(1) The site senior executive for a coal mine must ensure up-to-date drawings of the mine's electrical installations are available for use at the mine when electrical equipment and electrical installations are commissioned or modified.

(2) The drawings must be updated as soon as practicable, but not later than 8 days, after—

(a) the commissioning of any electrical equipment or electrical installation at the mine; or

(b) any major modification to electrical equipment or an electrical installation at the mine.

(3) The drawings must be kept in a location that is easily accessible by each coal mine worker authorised by an electrical supervisor or the coal mine's electrical engineering manager to access the drawings.

33 Plan of coal mine's communication system and main electrical installation

(1) The site senior executive for a coal mine must ensure the mine has a plan of the mine's main electrical installation showing the following—

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(a) the location of each main electricity reticulation line;

(b) the location, rating, identifying label and purpose of each main isolator, substation and high voltage switchboard;

(c) any information required to perform switching programs;

(d) for a surface mine—the general location of each item of high voltage mobile plant supplied with electricity by a trailing cable.

(2) The site senior executive for an underground mine must also ensure the mine has a plan of its communication system showing the location of each fixed communication device at the mine.

(3) For an underground mine, the scale of each plan under this section must be 1:5000.

(4) A plan under this section must be updated as soon as practicable, but not later than 8 days after—

(a) for a plan of the communication system—the installation or removal of a communication device; or

(b) for a plan of the main electrical installation—the relocation, removal or installation of a thing mentioned in subsection (1)(a), (b) or (d).

(5) The site senior executive for a coal mine must ensure each plan is kept in a location at the mine that is easily accessible by each coal mine worker authorised by an electrical supervisor or the mine's electrical engineering manager to access the plan.

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Subdivision 5 Records about electrical activities, equipment and installations

34 Records

(1) A coal mine's electrical engineering manager or, if there is no electrical engineering manager for the mine, the site senior executive for the mine, must ensure a record of the following matters about the mine's electrical activities, equipment and installations is kept at the mine—

(a) for each electrical installation—

(i) its electrical protection settings, fault levels, and cable and conductor sizes and switchgear ratings, including circuit interrupting capacity; and

(ii) its commissioning dates and results; and

(iii) its monitoring and test dates and results;

(b) for each item of electrical equipment—

(i) its commissioning dates and results; and

(ii) its monitoring and test dates and results;

(c) for each item of electrical safety equipment used—

(i) its description; and

(ii) its test dates and results;

(d) the name of each person appointed—

(i) to control and manage the mine's electrical engineering activities; or

(ii) to carry out electrical work and electrical activities;

(e) the name of each person authorised to enter an electrical operating area;

(f) the activity each person mentioned in paragraph (e) is authorised to carry out in the operating area.

(2) In this section—

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electrical operating area means an area or enclosure in which electrical equipment or an electrical installation is housed.

electrical safety equipment includes an instrument for testing electrical equipment, a ladder, a safety harness, an insulating tool and insulating gloves.

Part 5 Emergencies

35 General

(1) A coal mine's safety and health management system must provide for managing emergencies at the mine.

(2) The system must provide for the following—

(a) identifying, by risk assessment, potential emergency situations;

(b) minimising risks associated with potential emergency situations;

(c) carrying out aided rescue and self-escape of persons from the mine in an emergency;

(d) carrying out emergency exercises, including testing the effectiveness of emergency management procedures and the readiness and fitness of equipment for use in an emergency;

(e) auditing and reviewing the emergency exercises;

(f) if the mine is a surface mine—involving an open-cut examiner for the mine in—

(i) developing and testing the emergency management procedures for activities, including mining activities, in and around the surface excavation at the mine; and

(ii) auditing the documentation for the procedures;

(g) if the mine is an underground mine—involving an ERZ controller for the mine in—

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(i) developing and testing the emergency management procedures for explosion risk zones; and

(ii) auditing the documentation for the procedures.

36 Visitors' self-escape

The site senior executive for a coal mine must ensure a visitor does not enter an operating area at the mine unless—

(a) the visitor's fitness level is assessed in an appropriate way, including, for example, by a questionnaire, to decide if the visitor's fitness level is adequate to allow the visitor to self-escape from the area; and

(b) having regard to conditions prevailing in the area, the visitor's fitness level is adequate for the self-escape; and

(c) personal protective equipment given to the visitor for the self-escape fits the visitor.

37 Fire

(1) A coal mine's safety and health management system must provide for the following at the mine—

(a) fire prevention and control;

(b) an effective fire fighting capability;

(c) the safety of persons fighting fires;

(d) a risk assessment to identify all potential fire hazards at the mine.

(2) The system must also provide for the following—

(a) the availability at the mine, at all times, of equipment that is appropriate and sufficient to extinguish any potential fire identified by the risk assessment;

(b) the location of portable fire extinguishers on or near equipment and installations identified as potential fire hazards by the risk assessment;

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(c) the compatibility, throughout the mine, of all fire fighting equipment.

(3) The coal mine must have a standard operating procedure for action to be taken when a fire is discovered at the mine.

38 First aid

(1) A coal mine's safety and health management system must provide for first aid at the mine.

(2) The system must provide for the following—

(a) the supply and placement of first aid supplies and equipment, including supplies and equipment required for emergencies, based on a risk assessment;

(b) appropriate first aid training, including refresher training, emphasising the safety of the person giving first aid as well as the safety of the person receiving first aid;

(c) the availability of a sufficient number of persons competent in giving first aid.

(3) For accidents involving electricity, the mine must have a standard operating procedure for the following—

(a) releasing a person from an energised low and high voltage conductor;

(b) resuscitating a person in an electrical environment;

(c) managing a person's flash burn injuries.

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Part 6 Fitness for work

Division 1 General

39 Consuming alcohol

A person must not consume alcohol at a coal mine other than in an accommodation building or a recreation area designated by the mine's site senior executive for the purpose.

40 Carrying out an activity, or entering a place, while under the influence of alcohol

A person must not carry out a work activity at a coal mine, or enter a part of the mine where on-site activities are carried on, if the person is under the influence of alcohol.

41 Safety and health management system for alcohol

(1) A coal mine's safety and health management system must provide for controlling risks at the mine associated with the excessive consumption of alcohol.

(2) The system must provide for the following about alcohol consumption for persons at the mine—

(a) an education program;

(b) an employee assistance program;

(c) the following assessments to decide a person's fitness for work—

(i) voluntary self-testing;

(ii) random testing before starting work;

(iii) testing the person if someone else reasonably suspects the person is under the influence of alcohol.

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(3) In developing the fitness provisions, the site senior executive for the mine must comply with section 10, other than section 10(1)(a), as if—

(a) a reference in the section to a standard operating procedure were a reference to the fitness provisions; and

(b) a reference in the section to the coal mine workers with whom the site senior executive consulted were a reference to representatives of the mine's coal mine workers.

(4) In this section—

fitness provisions means the part of the safety and health management system that provides for the things mentioned in subsection (2).

42 Safety and health management system for personal fatigue and other physical and psychological impairment, and drugs

(1) A coal mine's safety and health management system must provide for controlling risks at the mine associated with the following—

(a) personal fatigue;

(b) other physical or psychological impairment;

Example of other physical or psychological impairment—

an impairment caused by stress or illness

(c) the improper use of drugs.

(2) The system must provide for the following about personal fatigue for persons at the mine—

(a) an education program;

(b) an employee assistance program;

(c) the maximum number of hours for a working shift;

(d) the number and length of rest breaks in a shift;

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(e) the maximum number of hours to be worked in a week or roster cycle.

(3) The system must provide for protocols for other physical and psychological impairment for persons at the mine.

(4) The system must provide for the following about drug consumption or ingestion for persons at the mine—

(a) an education program;

(b) an employee assistance program;

(c) an obligation of a person to notify the site senior executive for the mine of the person's current use of medication that could impair the person's ability to carry out the person's duties at the mine;

(d) an obligation of the site senior executive to keep a record of a notification given to the site senior executive under paragraph (c);

(e) the following assessments to decide a person's fitness for work—

(i) voluntary self-testing;

(ii) random testing before starting, or during, work;

(iii) testing the person if someone else reasonably suspects the person's ability to carry out the person's duties at the mine is impaired because the person is under the influence of drugs.

(5) The site senior executive must consult with a cross-section of coal mine workers at the mine in developing the fitness provisions.

(6) In developing the fitness provisions, the site senior executive must comply with section 10, other than section 10(1)(a) and (d)(ii)(C), as if a reference in the section to a standard operating procedure were a reference to the fitness provisions.

(6A) If the fitness provisions provide for the assessment of coal mine workers for a matter mentioned in subsection (1)(a) or (b), the site senior executive must establish the criteria for the

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assessment in agreement with a majority of coal mine workers at the mine.

(7) If the fitness provisions provide for the assessment of coal mine workers for a matter mentioned in subsection (1)(c), the site senior executive must make a reasonable attempt to establish the criteria for the assessment in agreement with a majority of workers at the mine.

(7A) If the majority of workers at the mine disagree with the criteria for the assessment under subsection (7), the criteria for assessment stated in a recognised standard apply until an agreement is reached.

(8) In this section—

fitness provisions means the part of the safety and health management system that provides for the things mentioned in subsections (2) to (4).

43 Dealing with records and information about a person's fitness for work

The site senior executive for a coal mine must ensure information and records about a person's fitness for work obtained under sections 41 and 42—

(a) are used only for deciding the person's fitness for work at the mine; and

(b) are destroyed—

(i) for an employee of a regular contractor—18 months after the employee ceases to work at the mine; or

(ii) for an employee of another contractor or coal mine operator—when the employee ceases to be employed by the other contractor or operator.

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Division 2 Coal mine workers' health scheme

Subdivision 1 Preliminary

44 Definitions for division

In this division—

appointed medical adviser see section 45(1)(a).

approved examining doctor means a doctor for whom an approval under subdivision 3B to carry out the scheme function mentioned in section 49H(1)(a) is in force.

approved provider, for a scheme function, means an entity for whom an approval under subdivision 3B for the scheme function is in force.

approved supervising doctor means a doctor for whom an approval under subdivision 3B to carry out the scheme function mentioned in section 49H(1)(b) is in force.

assessment means—

(a) a health assessment; or

(b) a subsequent assessment; or

(c) a further health assessment; or

(d) an exit assessment; or

(e) a former worker assessment.

chest examination means—

(a) an examination of chest expansion; and

(b) auscultation.

chest x-ray examination means an examination of an x-ray taken of a person's chest—

(a) to screen for indications of pneumoconioses or other respiratory diseases; and

(b) performed in compliance with the ILO guidelines.

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coal mine worker does not include a coal mine worker carrying out a low risk task at a coal mine.

comparative assessment, of a person's spirometry, means a comparison of the results of the person's spirometry with the results of the person's previous spirometries for the purpose of identifying trends.

exit assessment means—

(a) an exit assessment under section 49A(2); or

(b) a medical examination under section 49B(1).

former worker see section 49C.

former worker assessment see section 49D(1).

further health assessment see section 48(2)(a).

further reading, of an x-ray taken of a person's chest, means an examination of the x-ray—

(a) to screen for indications of pneumoconioses or other respiratory diseases; and

(b) performed in compliance with the ILO guidelines; and

(c) performed for the purpose of considering the classification of the x-ray under a previous chest x-ray examination and finally deciding the classification under the ILO guidelines.

health assessment means—

(a) a health assessment under section 46(1); or

(b) a medical examination under section 46B(4).

ILO guidelines means the guidelines called 'Guidelines for the use of the ILO International Classification of Radiographs of Pneumoconioses' published by the International Labour Organization.

Note—

The ILO guidelines are available at the International Labour Organization's website.

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information notice, for a decision, means a written notice stating the following information—

(a) the decision;

(b) the reasons for the decision;

Note—

See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons.

(c) that the person to whom the notice is given may ask for a review of the decision under section 49T.

low risk task means a task shown by a risk assessment to create a risk that is so minimal it can be managed effectively without requiring the worker to undergo a health assessment.

relevant medical specialist, for a coal mine worker, means a specialist registrant under the Health Practitioner Regulation National Law for a branch of medicine relevant to the worker's medical condition.

report, in relation to an assessment, means a report on the outcome of the assessment that is—

(a) for a health assessment, subsequent assessment or exit assessment—completed by the appointed medical adviser carrying out or supervising the assessment as part of the approved form for the assessment; or

(b) for a further health assessment—completed by the doctor or relevant medical specialist carrying out the assessment; or

(c) for a former worker assessment—completed by the doctor supervising the assessment as part of the approved form for the assessment.

review report see section 48A(1)(b).

scheme function means a function in relation to which an entity may apply for an approval under section 49H.

subsequent assessment see section 46B(3).

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44A Purpose of division

(1) This division establishes a scheme to protect coal mine workers from adverse health effects of mining hazards that may cause ill health.

(2) The scheme includes—

(a) providing for respiratory health screening of coal mine workers for the early detection of coal mine dust lung disease; and

(b) ensuring coal mine workers who have respiratory abnormalities are referred for diagnosis and management, including, for example, reduction in further exposure to coal mine dust; and

(c) collecting, analysing, and reporting on health surveillance data to monitor trends in coal mine dust lung disease and to inform reviews of dust exposure levels and occupational dust exposure limits for coal mines.

(3) In this section—

coal mine worker includes a former worker.

Subdivision 2 Appointed medical advisers

45 Employer must appoint medical adviser

(1) An employer of coal mine workers must—

(a) appoint, in writing, a doctor who is an approved supervising doctor (the ***appointed medical adviser***) to supervise and report on—

(i) health assessments for persons to be employed, or employed, by the employer as a coal mine worker; and

(ii) exit assessments for persons employed by the employer who permanently retire from working as a coal mine worker; and

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(b) give notice to the CEO of the appointment, including the appointed medical adviser's name and contact details, as soon as practicable after the appointment; and

(c) if the appointment ends—give notice to the CEO of the ending of the appointment as soon as practicable after the appointment ends.

(2) The employer must include in the contract appointing the appointed medical adviser an obligation on the adviser to discuss, and give advice about, appropriate duties for a coal mine worker, under subsection (3).

(3) The discussions must be held with, and the advice given to—

(a) the employer; and

(b) the coal mine worker or the worker's representative.

(4) The employer must also include in the contract an obligation on the appointed medical adviser, if asked by a coal mine worker, to discuss the worker's health assessment with another doctor appointed by the worker.

Subdivision 3 Health assessments, health monitoring and exit assessments

46 Employer must arrange for health assessment

(1) An employer of coal mine workers must ensure an assessment (a ***health assessment***) is carried out for each person to be employed, or employed, by the employer as a coal mine worker.

(2) The health assessment must be carried out—

(a) for a person to be employed as a coal mine worker—before the person is employed as a coal mine worker; and

(b) for a person employed as a coal mine worker—within the period, of no more than 5 years after the last health

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assessment was carried out for the person, decided by the employer's appointed medical adviser.

(3) The employer must arrange for the health assessment to be carried out by, or under the supervision of, the employer's appointed medical adviser.

(4) In deciding a period under subsection (2)(b), the appointed medical adviser must have regard to a notice given to the adviser under section 49(3).

46A Content of health assessment

(1) A health assessment for a person must be carried out—

(a) in compliance with all instructions stated in the approved form; and

(b) by the employer's appointed medical adviser or an approved examining doctor; and

(c) if the health assessment is carried out by an approved examining doctor—under the supervision of the employer's appointed medical adviser.

(2) The approved form must include provision for the following to be carried out for the person—

(a) a chest examination;

(b) a spirometry—

(i) if the person is not yet employed as a coal mine worker; or

(ii) if the person is a coal mine worker—at least once every 5 years;

(c) a comparative assessment of the person's spirometry if—

(i) a spirometry is required under paragraph (b); and

(ii) the results of 1 or more previous spirometries for the person are in the possession of the CEO or appointed medical adviser;

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(d) a chest x-ray examination—

(i) if the person is not yet employed as a coal mine worker; or

(ii) if the person is a coal mine worker—at least once every 5 years;

(e) a further reading of the chest x-ray the subject of the examination required under paragraph (d).

46B Other matters about health assessments

(1) This section applies despite section 46A.

(2) A health assessment may include matters not covered in the health assessment approved form if—

(a) a risk assessment has been carried out for a task for which a person is, or is to be, employed by the employer; and

(b) having regard to the risk assessment, the appointed medical adviser considers the person needs to be assessed in relation to the additional matters to achieve an acceptable level of risk.

(3) Also, a person may undergo a health assessment (a ***subsequent assessment***) in compliance with some of the instructions only, and covering some of the matters only, in the health assessment approved form if—

(a) the person has previously undergone a health assessment; and

(b) the subsequent assessment relates to a particular matter identified by the previous assessment; and

(c) the subsequent assessment is carried out to ensure the person is able to carry out the person's tasks at the mine without creating an unacceptable level of risk having regard to the matter mentioned in paragraph (b).

(4) A medical examination of a person carried out by a doctor other than the appointed medical adviser is taken to be a

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health assessment carried out by the appointed medical adviser under section 46A if—

(a) both of the following apply—

(i) the medical examination is carried out in compliance with all instructions, and covering all matters, stated in the health assessment approved form;

(ii) the appointed medical adviser gives the employer a health assessment report about the examination; or

(b) the medical examination is for another purpose and the appointed medical adviser—

(i) is satisfied the examination is equivalent to a health assessment; and

(ii) gives the employer a health assessment report about the examination.

(5) In this section—

health assessment approved form means the approved form under section 46A.

47 Employer's responsibility for health assessment

(1) An employer of coal mine workers must, for each health assessment for a person, ensure the appointed medical adviser—

(a) gives a copy of the health assessment report to—

(i) the person; and

(ii) the employer; and

(b) explains the health assessment report to—

(i) the person or the person's representative; and

(ii) if requested by the person—another doctor nominated by the person; and

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(iii) if requested by the employer and agreed to by the person—the employer, in the presence of the person.

(2) The employer must pay for—

(a) the health assessment; and

(b) if the person has a subsequent assessment—the subsequent assessment; and

(c) the giving of the copies and explanations of the report under subsection (1).

Maximum penalty—100 penalty units.

(3) Subsection (2) is not a safety and health obligation for the Act.

(4) Nothing in this division makes the employer responsible for the treatment of any physical or medical condition of the person to whom the report relates.

48 Reviewing health assessment report

(1) This section applies if the employer is given a health assessment report (the ***original health assessment report***) about a coal mine worker showing the worker is unable to carry out the worker's tasks at the mine without creating an unacceptable level of risk.

(2) Before taking action to terminate the coal mine worker's employment or demote the worker, the employer must give—

(a) the worker a reasonable opportunity to undergo an assessment (a ***further health assessment***) supervised by either of the following chosen by the worker—

(i) a doctor who is an approved supervising doctor;

(ii) a relevant medical specialist; and

(b) the doctor or relevant medical specialist chosen by the worker details of the worker's tasks.

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Note—

If section 48A applies in relation to a coal mine worker, section 48A(6) also imposes restrictions on the termination or demotion of the worker.

(3) Subsection (4) applies if the worker—

(a) undergoes the further health assessment; and

(b) gives the employer a report about the assessment (the ***further health assessment report***), signed by the doctor or relevant medical specialist who supervised the assessment.

(4) The employer must—

(a) give the appointed medical adviser who gave the employer the original health assessment report a copy of the further health assessment report; and

(b) ask the appointed medical adviser to—

(i) review the original health assessment report having regard to the further health assessment report; and

(ii) give a report about the review to the employer and worker.

(5) The worker must pay for the further health assessment.

48A Conflicting health assessment reports

(1) This section applies if—

(a) a health assessment report and a further health assessment report about a coal mine worker contain conflicting information about whether the worker is unable to carry out the worker's tasks at the mine without creating an unacceptable level of risk; and

(b) the worker or the employer, within 28 days after being given a report under section 48(4)(b)(ii) (the ***review report***), gives assessment documents for the worker to the CEO and—

(i) if the worker gives the documents—the employer; or

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(ii) if the employer gives the documents—the worker.

(2) The CEO must appoint a relevant medical specialist to prepare a report (a ***final report***) after the relevant medical specialist—

(a) reviews—

(i) a copy of the approved form completed for the health assessment under section 46A; and

(ii) the further health assessment report; and

(iii) the review report; and

(b) if the relevant medical specialist decides it is necessary—carries out another assessment of the worker's health or a medical examination of the worker to resolve the conflict in the reports.

(3) The relevant medical specialist must not be the person who prepared the health assessment report or the further health assessment report in relation to the worker.

(4) The CEO must give a copy of the final report to the worker and the employer.

(5) The CEO must pay for—

(a) the preparation of the final report; and

(b) any assessment of the worker's health or medical examination of the worker carried out by the relevant medical specialist for the final report.

(6) The employer may take action to terminate the worker's employment or demote the worker only if—

(a) the relevant medical specialist asks the worker to submit to another assessment or medical examination under subsection (2)(b) and the worker does not undergo the assessment or examination when given a reasonable opportunity to do so; or

(b) the final report shows the worker is unable to carry out the worker's tasks at the mine without creating an unacceptable level of risk.

(7) In this section—

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assessment documents, about a conflict relating to a worker, means the following documents—

(a) a notice about the conflict;

(b) a copy of the health assessment report, further health assessment report and review report prepared in relation to the worker.

49 Monitoring for workers' exposure to hazards

(1) A coal mine's safety and health management system must provide for periodic monitoring of the level of risk from hazards at the mine that are likely to create an unacceptable level of risk.

(2) The system must also provide for notice of any appreciable increase in the level of risk to a coal mine worker at the mine to be given to the worker's employer.

(3) An employer who is given a notice under subsection (2) must give a copy of the notice to the employer's appointed medical adviser.

(4) An employer must ensure that, if a coal mine worker employed by the employer is exposed to a hazard at a coal mine that may increase the level of risk to the worker, the worker's exposure to the hazard is periodically monitored to assess the level of risk to the worker.

(5) In this section—

risk means a risk likely to affect a person's health.

49A Request for exit assessment

(1) This section applies to a person who permanently retires from working as a coal mine worker.

(2) The person may ask the employer for an assessment (an ***exit assessment***) to be carried out—

(a) during the 6 month period that begins 3 months before the person retires; and

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(b) at a time, or times, during that period when the person is available for the assessment.

(3) If a person asks for an exit assessment under subsection (2), the employer must—

(a) arrange for the exit assessment to be carried out within the period mentioned in subsection (2)(a); and

(b) ask the appointed medical adviser to give—

(i) a copy of the exit assessment report to the employer; and

(ii) a copy and explanation of the exit assessment report to the person; and

(c) ensure, before an explanation of the exit assessment report from the appointed medical adviser is given to the employer, the person agrees to the explanation being given and is present.

(4) An exit assessment must be carried out—

(a) in compliance with all instructions stated in the approved form; and

(b) by the employer's appointed medical adviser or an approved examining doctor; and

(c) if the exit assessment is carried out by an approved examining doctor—under the supervision of the employer's appointed medical adviser.

(5) This section does not apply if the person—

(a) worked as a coal mine worker for less than 3 years; or

(b) had, during the 3 years before the person retired, a health assessment that complied with section 46A and included—

(i) a chest examination; and

(ii) a spirometry; and

(iii) if the results of 1 or more previous spirometries for the person were in the possession of the CEO or

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appointed medical adviser—a comparative assessment of the person's spirometry; and

(iv) a chest x-ray examination; and

(v) a further reading of the chest x-ray the subject of the examination required under subparagraph (iv).

49B Other matters about exit assessments

(1) A medical examination of a person carried out by a doctor other than the appointed medical adviser is taken to be an exit assessment carried out by the appointed medical adviser under section 49A if—

(a) both of the following apply—

(i) the medical examination is carried out in compliance with all instructions, and covering all matters, stated in the approved form mentioned in section 49A(4)(a);

(ii) the appointed medical adviser gives the employer an exit assessment report about the examination; or

(b) the medical examination is for another purpose and the appointed medical adviser—

(i) is satisfied the examination is equivalent to an exit assessment; and

(ii) gives the employer an exit assessment report about the examination.

(2) The employer must pay for—

(a) the exit assessment; and

(b) the giving of the copy and explanation of the report under section 49A(3)(b).

Maximum penalty—100 penalty units.

(3) Subsection (2) is not a safety and health obligation for the Act.

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49BA Delaying part of health assessment or exit assessment

(1) This section applies if an appointed medical adviser considers the risk to any person from delaying an examination to be lower than the risk to the person undergoing the examination of an adverse health effect of the examination.

Example—

An appointed medical adviser may consider the risk to a pregnant coal mine worker from delaying a chest x-ray examination to be lower than the risk to the worker of an adverse health effect of the examination.

(2) Despite sections 46(2) and 49A(3)(a), the examination may be carried out up to 1 year after the period provided for in those provisions.

(3) If an examination is delayed under subsection (2), the last health assessment or exit assessment is taken to have been carried out at the time of the examinations that were not delayed.

(4) In this section—

examination means an examination forming part of a health assessment or exit assessment.

risk, to a person, includes a risk to an unborn child of the person.

Subdivision 3A Former worker assessments

49C Application of subdivision

This subdivision applies to a person (a ***former worker***) who—

(a) was a coal mine worker for at least 3 years; and

(b) has permanently stopped being a coal mine worker.

49D Request for former worker assessment

(1) The former worker may ask the CEO for an assessment of the health of the worker (a ***former worker assessment***).

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(2) However, a former worker may not ask for a former worker assessment until at least 5 years after the former worker's most recent assessment.

(3) Subsection (2) does not apply if—

(a) the report for the former worker's most recent assessment recommends a former worker assessment be carried out within a shorter period; or

(b) the former worker gives the CEO a medical certificate signed by a doctor stating the worker has symptoms that may indicate a respiratory disease caused by exposure to coal dust.

49E CEO must arrange for former worker assessment

(1) The CEO must, as soon as practicable after receiving the request, arrange for a former worker assessment to be carried out by—

(a) an approved supervising doctor; or

(b) an approved examining doctor.

(2) If the former worker assessment is carried out by an approved examining doctor, the CEO must arrange for the assessment to be supervised by an approved supervising doctor.

49EA Delaying part of former worker assessment

(1) This section applies if an approved supervising doctor considers the risk to a former worker of an adverse health effect from delaying an examination to be lower than the risk to the former worker of an adverse health effect of the examination.

Example—

An approved supervising doctor may consider the risk to a pregnant former worker of an adverse health effect from delaying a chest x-ray examination to be lower than the risk to the former worker of an adverse health effect of the examination.

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(2) Despite section 49E(1), the examination may be carried out up to 1 year after the CEO receives the request.

(3) If an examination is delayed under subsection (2), the most recent former worker assessment is taken to have been carried out at the time of the examinations that were not delayed.

(4) In this section—

examination means an examination forming part of a former worker assessment.

risk, to a former worker, includes a risk to an unborn child of the former worker.

49F Content of former worker assessment

(1) A former worker assessment must be carried out—

(a) in compliance with all instructions stated in the approved form; and

(b) by the doctor mentioned in section 49E(1); and

(c) if the former worker assessment is carried out by an approved examining doctor—under the supervision of an approved supervising doctor.

(2) The approved form must include provision for the following to be carried out for the former worker—

(a) a chest examination;

(b) a spirometry;

(c) a comparative assessment of the former worker's spirometry if the results of 1 or more previous spirometries for the former worker are in the possession of the CEO or doctor;

(d) a chest x-ray examination;

(e) a further reading of the chest x-ray the subject of the examination required under paragraph (d).

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49G Other matters about former worker assessments

(1) The CEO must, for each former worker assessment for a person, ensure the doctor—

(a) gives a copy of the former worker assessment report to—

(i) the person; and

(ii) the CEO; and

(b) explains the former worker assessment report to—

(i) the person or the person's representative; and

(ii) if requested by the person—another doctor nominated by the person.

(2) The CEO must pay for—

(a) the former worker assessment; and

(b) the giving of the copies and explanations of the report under subsection (1).

Subdivision 3B Approval of providers

49H Who may apply

(1) A doctor may apply to the CEO for approval to—

(a) carry out assessments; or

(b) carry out, supervise, and report on, assessments.

(2) A spirometry practice may apply to the CEO for approval to provide a spirometry for an assessment.

(3) An x-ray imaging practice may apply to the CEO for approval to take a chest x-ray for a chest x-ray examination for an assessment.

(4) A person may apply to the CEO for approval to carry out a chest x-ray examination for an assessment.

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(5) A person may apply to the CEO for approval to provide a training course to qualify an individual to perform a spirometry for an assessment.

49I Requirements for making application

The application must be made in the approved form.

49J Deciding application

(1) The CEO must decide to give or refuse to give the approval—

(a) within 3 months after the application is made; or

(b) if the CEO and applicant agree in writing to a longer period within which the CEO must make the decision—within the longer period.

(2) The CEO may decide to give the approval if the CEO is satisfied the applicant is—

(a) appropriately qualified to carry out the scheme function for which the application is made; and

(b) fit and proper to carry out the scheme function for which the application is made.

49K Conditions

An approval may be subject to the conditions the CEO considers appropriate.

49L Duration

An approval is for the term, of not more than 5 years, stated in the approval.

49M Steps after, and taking effect of, decision

(1) If the CEO decides to give an approval, the CEO must give the applicant notice of the decision.

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(2) The approval takes effect when the approved provider is given the notice or, if the notice states a later day of effect, on the later day.

(3) If the CEO decides to refuse to give an approval, or to impose a condition on the approval, the CEO must give the applicant an information notice about the decision.

49N Amendment by CEO

(1) The CEO may decide to amend an approval at any time.

(2) Without limiting subsection (1), the amendment may impose a condition on, or vary or remove a condition of, the approval.

(3) If the CEO decides to amend the approval, the CEO must give the approved provider an information notice about the decision.

(4) The decision to amend the approval takes effect 10 days after the approved provider is given the information notice or, if the information notice states a later day of effect, on the later day.

49O Renewal of approval

(1) An approved provider may apply to the CEO for renewal of the provider's approval.

(2) The application must be made in the approved form at least 3 months before the term of the approval ends.

(3) The CEO must decide to renew, or refuse to renew, the approval.

(4) The CEO may decide to renew the approval only if the CEO is satisfied of the matters mentioned in section 49J(2).

(5) The renewed approval's term can not be more than 5 years.

(6) If the CEO has not made a decision under subsection (1) before the day on which the approved provider's approval is due to expire, the provider's approval continues until the CEO's decision takes effect.

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(7) If the CEO decides to renew the approval, the CEO must give the approved provider notice of the decision.

(8) The renewal of the approval takes effect when the approved provider is given the notice or, if the notice states a later day of effect, on the later day.

(9) If the CEO decides to refuse to renew the approval, the CEO must give the approved provider an information notice about the decision.

(10) The refusal takes effect when the approved provider is given the information notice or, if the information notice states a later day of effect, on the later day.

49P Grounds for suspending or cancelling approval

(1) The CEO may suspend or cancel an approval if—

(a) the approval was obtained because of incorrect or misleading information; or

(b) the CEO believes the approved provider has failed to comply with this division or a condition of the approval; or

(c) the approved provider is not a fit and proper person to carry out the scheme function under the approval.

(2) An approval may be suspended for not more than 12 months.

49Q Show cause notice before taking action

(1) This section applies if the CEO is considering taking action under section 49P.

(2) Before taking the action, the CEO must give the approved provider a notice (a ***show cause notice***) stating—

(a) that the CEO intends to take the action; and

(b) the proposed action; and

(c) the reasons for the proposed action; and

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(d) that the approved provider may, within 30 days after the notice is given, give the CEO a written response to show why the proposed action should not be taken.

49R Decision in relation to taking action after show cause notice

(1) After considering any written response from the approved provider received under section 49Q(2)(d), the CEO may decide to take, or not to take, the action.

(2) If the CEO decides not to take the action, the CEO must give the approved provider notice of the decision.

49S Information notice and taking effect of suspension or cancellation

(1) The CEO must give the approved provider an information notice about a decision to take the action.

(2) A decision to take the action takes effect at the end of 10 days after the day of the decision or, if the information notice states a later day of effect, on the later day.

49T Application for internal review

(1) This section applies to a person who is given, or is entitled to be given, an information notice about a decision (the ***original decision***).

(2) If the person is dissatisfied with the decision, the person may apply to the CEO for a review (an ***internal review***) of the decision.

(3) The application must—

(a) be in the approved form; and

(b) for a person who has been given an information notice for the decision—include enough information to enable the CEO to decide the application; and

(c) be made to the CEO within—

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(i) for a person who has been given an information notice for the decision—28 days after the day the person is given the notice; or

(ii) for a person who has not been given an information notice for the decision but is entitled to be given an information notice for the decision—28 days after the day the person becomes aware of the decision.

(4) The CEO may, at any time, extend the period within which the application must be made.

49U Internal review

(1) The CEO must, within 90 days after receiving an application for internal review of an original decision—

(a) review the original decision; and

(b) decide to—

(i) confirm the original decision; or

(ii) amend the original decision; or

(iii) substitute another decision for the original decision; and

(c) give the applicant a QCAT information notice for the CEO's decision under paragraph (b).

(2) The application may be dealt with only by a person who—

(a) did not make the original decision; and

(b) holds a more senior office than the person who made the original decision.

49V External review by QCAT

(1) This section applies to a person who must be given a QCAT information notice under section 49U for a decision under that section.

(2) The person may apply to QCAT, as provided under the QCAT Act, for a review of the decision.

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49W Offence to carry out scheme function without approval

A person must not carry out a scheme function unless the scheme function is carried out under an approval given under this subdivision for the scheme function.

Maximum penalty—100 penalty units.

49X CEO must establish register of approved providers

(1) The CEO must establish and keep up to date a register of approved providers for scheme functions.

(2) The register must contain the following information for each approved provider for a scheme function—

(a) the name and address of the approved provider;

(b) the scheme function for which the approval is given.

(3) The register may contain other information the CEO considers appropriate.

(4) The register must be published on a Queensland Government website.

Subdivision 4 Records

50 Appointed medical adviser and doctors must keep particular documents

(1) An appointed medical adviser or doctor must keep, in the approved way for the approved period, the following documents for each assessment for which the adviser or doctor completes a report—

(a) a copy of the approved form completed for the assessment;

(b) the information or documents on which the assessment was based.

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(2) An appointed medical adviser must keep, in the approved way for the approved period, each review report given by the adviser.

(3) In this section—

approved period means the period approved by the CEO for this section and published on a Queensland Government website.

approved way means the way approved by the CEO for this section and published on a Queensland Government website.

50A Appointed medical advisers and doctors must give particular documents to CEO

(1) An appointed medical adviser or doctor must give the CEO, in the approved way, a copy of each document required under section 50 to be kept by the adviser or doctor—

(a) for a document relating to an assessment—within 28 days after the assessment is completed; or

(b) for a review report mentioned in section 48(4)(b)(ii)—within 28 days after the report is completed.

(2) In this section—

approved way means the way approved by the CEO for this section and published on a Queensland Government website.

51 Ownership of records

A document required to be kept under section 50 by an appointed medical adviser or doctor is a record of RSHQ.

52 Confidentiality of medical record

(1) A person must not disclose to anyone, other than under the Act or this section, the contents of a coal mine worker's medical record obtained by the person under this division.

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Maximum penalty—100 penalty units.

(2) An appointed medical adviser may disclose the contents of the medical record to—

(a) the coal mine worker; or

(b) another person with the consent of the coal mine worker.

Example of another person—

the worker's representative at the mine

(3) The CEO must disclose the contents of the medical record to the coal mine worker if the worker gives the CEO a written request for the record.

(4) The CEO may disclose the contents of the medical record to—

(a) another person with the consent of the coal mine worker; or

(b) a person to the extent the disclosure is necessary to enable the person to carry out all or part of—

(i) an assessment; or

(ii) a review under section 48 or 48A; or

(c) an appropriately qualified person for approved research; or

(d) an authorised auditor, within the meaning of the *Auditor-General Act 2009*, if requested by the authorised auditor under section 47(1) of that Act.

(5) Despite subsection (4)(a), the CEO may disclose the contents of the record to a doctor or hospital without the coal mine worker's consent if—

(a) the doctor or hospital needs to obtain the contents to treat the worker; and

(b) the worker is unable to give the consent.

(6) Subsection (1) is not a safety and health obligation for the Act.

(7) In this section—

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approved research means research approved by—

(a) a human research ethics committee under the *Public Health Act 2005*; or

(b) an ethics committee established by a university and concerned, wholly or partly, with research involving humans; or

(c) an ethics committee established by the National Health and Medical Research Council.

coal mine worker includes a person who has permanently retired from working as a coal mine worker.

medical record, of a coal mine worker, means personal medical results or clinical findings obtained from an assessment, or review mentioned in section 48 or 48A, for the worker.

53 Site senior executive must keep records of monitoring for workers' exposure to hazards

(1) The site senior executive for a coal mine must ensure a record about monitoring carried out under section 49 for coal mine workers at the mine is kept for—

(a) at least 30 years after the record is made; or

(b) if the CEO agrees to a shorter period—the shorter period.

(2) The employer of a coal mine worker for whom monitoring is carried out under section 49(4), or another person agreed between the employer and the CEO, must keep a record about the monitoring for—

(a) at least 30 years after the record is made; or

(b) if the CEO agrees to a shorter period—the shorter period.

(3) In agreeing to a shorter period under subsection (1) or (2), the CEO must have regard to information held by RSHQ about the matter the subject of the record.

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Part 7 Hazardous chemicals and dangerous goods

Division 1 Preliminary

54 Definitions for part

In this part—

ADG Code means the Australian Code for the Transport of Dangerous Goods by Road and Rail, 7th edition, approved by the Transport and Infrastructure Council.

Note—

The ADG Code is accessible at www.ntc.gov.au.

dangerous goods see section 56.

GHS means the Globally Harmonised System of Classification and Labelling of Chemicals, Third revised edition, published by the United Nations as modified under schedule 2AAA.

Note—

The schedule 2AAA tables replace some tables in the GHS.

hazardous chemical see section 55.

research chemical means a substance or mixture that—

(a) is manufactured in a laboratory for genuine research; and

(b) is not for use or supply for a purpose other than analysis or genuine research.

safety data sheet means—

(a) for a hazardous chemical that is not a research chemical, waste product or sample for analysis, or for dangerous goods—a document that complies with schedule 2AAB, section 1; or

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(b) for a hazardous chemical that is a research chemical, waste product or sample for analysis—a document that complies with schedule 2AAB, section 2.

Transport and Infrastructure Council means the council of Commonwealth, New Zealand and State Ministers, established on 11 June 1993 and known as the Transport and Infrastructure Council, but constituted so that it consists of only 1 Minister representing each of the Commonwealth and the States.

Note—

The Transport and Infrastructure Council was previously known as the Australian Transport Council.

55 Meaning of *hazardous chemical*

A ***hazardous chemical*** is a substance, mixture or article that satisfies the criteria for a hazard class in the GHS (including a classification mentioned in schedule 2AAA), but does not include a substance, mixture or article that satisfies the criteria solely for 1 of the following hazard classes—

(a) acute toxicity—oral—category 5;

(b) acute toxicity—dermal—category 5;

(c) acute toxicity—inhalation—category 5;

(d) skin corrosion/irritation—category 3;

(e) serious eye damage/eye irritation—category 2B;

(f) aspiration hazard—category 2;

(g) flammable gas—category 2;

(h) acute hazard to the aquatic environment—category 1, 2 or 3;

(i) chronic hazard to the aquatic environment—category 1, 2, 3 or 4;

(j) hazardous to the ozone layer.

Note—

The schedule 2AAA tables replace some tables in the GHS.

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56 Meaning of *dangerous goods*

Dangerous goods means anything defined under the ADG Code as—

(a) dangerous goods; or

(b) goods too dangerous to be transported.

Division 2 Information about hazardous chemicals and dangerous goods

56A Register of hazardous chemicals and dangerous goods

(1) The site senior executive for a coal mine must ensure the following things are recorded in a register at the mine—

(a) a hazardous chemical used, handled, stored or produced at the mine;

(b) dangerous goods used, handled, stored or produced at the mine;

(c) the current safety data sheet for a hazardous chemical mentioned in paragraph (a) or dangerous goods mentioned in paragraph (b).

(2) The site senior executive must ensure the register is readily accessible by each worker required to use, handle, store or produce a hazardous chemical, or dangerous goods, at the mine.

56B Manufacturers, importers and suppliers must mark or label substances

(1) This section applies to a manufacturer, importer or supplier of a substance for use at a coal mine as mentioned in section 46(2)(a) of the Act.

(2) Without limiting section 46(2)(a) of the Act, the manufacturer, importer or supplier must ensure the substance is correctly marked or labelled when the substance is provided for use at the mine.

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(3) A substance is ***correctly marked or labelled*** if the mark or label complies with applicable requirements relating to the mark or label stated in—

(a) the GHS; or

(b) a recognised standard; or

(c) the ADG Code.

56C Labelling and giving information about hazardous chemicals and dangerous goods

(1) The site senior executive for a coal mine must ensure the following things are correctly marked or labelled—

(a) a hazardous chemical used, handled, stored or produced at the mine;

(b) dangerous goods used, handled, stored or produced at the mine;

(c) any thing containing, or being used to transport, a hazardous chemical mentioned in paragraph (a) or dangerous goods mentioned in paragraph (b).

(2) A hazardous chemical, dangerous goods, or a thing mentioned in subsection (1)(c) is ***correctly marked or labelled*** if a mark or label—

(a) warns persons of the presence of the chemical or goods; and

(b) identifies the chemical or goods; and

(c) to the extent necessary for managing risk, provides basic information about using, handling, storing, producing or transporting the chemical or goods.

(3) If it is not practicable to mark or label a hazardous chemical mentioned in subsection (1)(a), or dangerous goods mentioned in subsection (1)(b), the site senior executive must ensure a notice that gives the warning, identification and basic information mentioned in subsection (2)(c) is placed in a conspicuous place as near as practicable to the chemical or goods.

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(4) Also, the site senior executive must ensure a mark, label or notice under this section complies with applicable requirements relating to the mark, label or notice stated in—

(a) the GHS; or

(b) a recognised standard; or

(c) the ADG Code; or

(d) AS 1345.

(5) This section does not apply in relation to a mineral or quarry material.

(6) In this section—

AS 1345 means the Australian Standard for the identification of the contents of piping, conduits and ducts as in force from time to time under that designation (regardless of the edition or year of publication of the standard).

mineral see the *Mineral Resources Act 1989*, section 6.

quarry material see the *Forestry Act 1959*, schedule 3.

Division 3 Dealing with hazardous chemicals and dangerous goods

56D Selecting hazardous chemicals and dangerous goods

The site senior executive for a coal mine must ensure a hazardous chemical, or dangerous goods, selected for use at the mine does not create an unacceptable level of risk to a person when used, handled or stored under standard operating procedures.

56E Standard operating procedures for using, handling and storing hazardous chemicals and dangerous goods

(1) The site senior executive for a coal mine must ensure the mine has standard operating procedures for using, handling or

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storing a hazardous chemical, or dangerous goods, at the mine.

(2) In developing a standard operating procedure under subsection (1), the site senior executive must ensure regard is had to the safety data sheet for the chemical or goods.

56F Handling or storing hazardous chemicals and dangerous goods

(1) This section applies to a person who has an obligation under the Act to manage risk at a coal mine in relation to handling or storing a hazardous chemical or dangerous goods.

(2) The person must ensure the chemical or goods are handled or stored at the mine in a way that is appropriate to the nature of the chemical or goods, so the chemical or goods are—

(a) protected against damage and deterioration; and

(b) secured to prevent loss, misuse and theft; and

(c) for a liquid—bunded to contain spillage.

(3) In managing the risk mentioned in subsection (2), the person must have regard to—

(a) the hazardous properties of the chemical or goods; and

(b) any chemical or physical reaction between the chemical or goods and another substance or mixture, including a substance that may be generated by the reaction and that could be hazardous; and

(c) the nature of the work to be carried out with the chemical or goods; and

(d) any structure, plant or system of work—

(i) that is used in the use, handling, storage or production of the chemical or goods; or

(ii) that could interact with the chemical or goods at the mine.

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56G Monitoring, and taking action about, hazardous chemicals and dangerous goods

(1) The site senior executive for a coal mine must ensure appropriate monitoring in relation to a hazardous chemical, or dangerous goods, at the mine is carried out to—

(a) check the location and amount of the chemical or goods on-site; and

(b) check for deterioration of the chemical or goods, or any packaging of the chemical or goods; and

(c) ensure the chemical or goods are fit for intended use; and

(d) detect leaks, spills and unintended emissions of the chemical or goods; and

(e) detect misuse, theft or other loss of the chemical or goods.

(2) The monitoring must be carried out under any standard operating procedure or other procedure that applies to the monitoring.

(3) The site senior executive for the coal mine must ensure a hazardous chemical is, or dangerous goods are, disposed of under section 56I if the monitoring shows—

(a) deterioration of the chemical or goods; or

(b) unfitness for use of the chemical or goods.

56H Standard operating procedure for dealing with leaks and spills

(1) The site senior executive for a coal mine must ensure the mine has a standard operating procedure for dealing with leaks and spills of a hazardous chemical, or dangerous goods, at the mine.

(2) In developing a standard operating procedure under subsection (1), the site senior executive must ensure regard is had to the safety data sheet for the chemical or goods.

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56I Disposal

(1) This section applies to—

(a) a hazardous chemical, or dangerous goods, at a coal mine if the chemical or goods are—

(i) deteriorated; or

(ii) past the use-by date; or

(iii) no longer required for use at the mine, including, for example, because the mine is to be abandoned; and

(b) a thing contaminated by a hazardous chemical, or dangerous goods, mentioned in paragraph (a).

(2) The site senior executive for the coal mine must ensure the chemical, goods or thing is disposed of—

(a) in accordance with—

(i) the safety data sheet for the chemical or goods; or

(ii) information provided, under section 46(2)(a) of the Act, by the manufacturer, importer or supplier of the chemical or goods; and

(b) in a way that does not create an unacceptable level of risk during operations at the mine, after the mine's operations stop or after the mine is abandoned.

(3) The site senior executive for the coal mine must ensure the site of the following things are shown on the plans of the mine workings under section 67 of the Act—

(a) a permanent disposal facility for a hazardous chemical or dangerous goods;

(b) another disposal area for a hazardous chemical or dangerous goods.

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Division 4 Possible major hazard facilities

57 Possible major hazard facilities

(1) This section applies to a coal mine that meets the criteria for a major hazard facility under the NOHSC document entitled 'National Standard for the Control of Major Hazard Facilities [NOHSC:1014]'.

(2) The mine's safety and health management system must provide for the mine's operations to be carried out in accordance with—

(a) this regulation; and

(b) for operations other than the preparation and use of explosives at a blast site—the national standard safety and health provisions—

(i) to the extent the provisions are consistent with the Act and this regulation; and

(ii) as if a reference in the provisions to the relevant public authority were a reference to the chief inspector of mines.

(3) In this section—

national standard safety and health provisions means sections 6 to 10 of the document mentioned in subsection (1).

Division 5 Miscellaneous

57A First aid measures

The site senior executive for a coal mine must ensure the mine has the first aid measures recommended in the safety data sheet for each hazardous chemical, or dangerous goods, at the mine.

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57B Records

(1) The site senior executive for a coal mine must ensure a record is kept at the mine of each of the following things relating to a hazardous chemical, or dangerous goods, at the mine—

(a) quantity and location on site;

(b) date of receipt or production;

(c) use, sale or disposal, if any;

(d) deterioration or product failure, if any;

(e) leak, spill, unintended emission, misuse, theft or other loss, if any.

(2) The site senior executive must ensure a record about the disposal of a hazardous chemical, or dangerous goods, on site—

(a) is kept at the mine until the mine's coal mining operations stop; and

(b) after the mine's coal mining operations stop, is given to the CEO.

(3) The site senior executive must ensure a record under subsection (1) about a matter other than a matter mentioned in subsection (2) is kept at the mine until the hazardous chemical, or dangerous goods, to which the record relates have been used, disposed of, or removed from site.

Part 8 Mine plans and other information about mines

58 Accuracy of plans and information

(1) If it is not practicable for a plan of coal mine workings to accurately show the details mentioned in section 67(1)(a) of the Act, the site senior executive must ensure the parts of the plan containing the details for which accuracy is not practicable are clearly marked.

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(2) The site senior executive for a coal mine must ensure information kept at the mine under section 67(1)(c) and (d) of the Act is sufficiently accurate to achieve an acceptable level of risk in the mine's coal mining operations.

59 Survey grid system

The site senior executive for a coal mine must ensure—

(a) a datum station, referenced to GDA and AHD, is established near the mine for mine surveys; and

(b) if a local grid system is used for the surveys, the relationship between the grid system and GDA and AHD is established and shown on the survey plans.

60 Record of drilling activities

(1) This section applies to a coal mine where the only activities carried on are principally for, or in connection with, exploring for coal.

(2) The site senior executive of the mine must ensure a record, complying with this section, of all boreholes for exploration or fluid drainage that are drilled from the surface is made and given to—

(a) the holder for the mine; and

(b) the CEO.

(3) The record must include the following—

(a) the accurate location of each borehole collar;

(b) the depth and thickness of each coal seam intersected;

(c) if a borehole is not vertical—details of its bearing, dip angle and length;

(d) the location, nature and dimensions of any metallic, radioactive or other potentially harmful material left in any borehole.

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(4) Plans and information required to be kept at the mine under section 67 of the Act must include the information contained in the record.

60A Borehole abandonment record

(1) This section applies if, during an annual reporting period for a mining tenure—

(a) a borehole is abandoned at a coal mine; and

(b) prescribed equipment is left in, or immediately adjacent to, a coal seam in the borehole.

(2) The site senior executive for the mine must ensure a record complying with this section is made and given to the CEO within 2 months after the last day of the annual reporting period.

(3) The record must include the following—

(a) details of the casing and equipment left in the borehole, with diagrams showing the major dimensions and features of the casing and equipment;

(b) a full description of all equipment, including prescribed equipment, that is left in the borehole, including—

(i) the size and nature of the equipment; and

(ii) any features of the equipment that may cause a hazard to coal mining operations;

Example of features that may cause a hazard to coal mining operations—

aluminium, electronics or batteries

(c) for prescribed equipment—the surveyed location of the equipment as required under section 100(1)(a)(i);

(d) the method of the cementing operations carried out in or on the borehole, including each of the following—

(i) the location and type of plugs;

(ii) the intervals covered;

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(iii) the volume and type of cement used;

(iv) any losses of cement due to voids or permeable strata;

(v) the methods used to overcome losses of cement;

(e) the method, materials and volume of cement used to cement voids;

(f) a description of any other abandonment procedures used for the borehole;

(g) any other details of the activities undertaken in drilling, completing and abandoning the borehole, including an assessment of their possible impacts, that would assist a person in making an assessment of potential risks to safe and efficient mining.

(4) In this section—

annual reporting period, for a mining tenure, means a period of 1 year starting on each anniversary of the day the tenure was granted.

prescribed equipment means—

(a) metal equipment, including casing; and

(b) any other equipment that may create a hazard to coal mining operations.

61 Plans of coal mine workings

(1) The site senior executive for a coal mine must ensure survey plans of the mine's workings include the following matters that may affect the safety and health of a person in the workings—

(a) the location of natural and artificial structures;

(b) surface drill holes.

(2) The site senior executive must also ensure the plans are sufficient to correlate separate sets of workings at the mine to allow the safe management of interfacing between the workings.

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(3) Also, the site senior executive must ensure plans of the mine's workings include—

(a) the following matters that may affect the safety and health of a person in the area of an adjacent or overlapping petroleum lease—

(i) the surveyed location of all abandoned mining equipment, including, for example, mobile plant and conveyors;

(ii) the surveyed location and other details of all known incidents of spontaneous combustion; and

(b) the following information obtained in relation to mining through part of a coal seam that has been stimulated—

(i) the location of the stimulation;

(ii) the observed extent and impact of the stimulation on the coal seam;

(iii) the observed effect of the stimulation on the mineability of the coal seam.

(4) In this section—

stimulation means a technique used to increase the permeability of a coal seam, including, for example, hydraulic fracturing, cavitations, fracture acidising, and the use of proppant treatments.

62 Plans of highwall mining underground excavation

To remove any doubt, it is declared that, for section 67(1)(a)(i) of the Act, the extent of mine workings and the current position of any part of mine workings includes the extent and position of each highwall mining underground excavation at the mine.

63 Mine rescue plan

(1) The site senior executive for a coal mine must ensure a mine rescue plan showing the mine's water reticulation and

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communication arrangements and main access roads is kept at the mine.

(2) For an underground mine, the plan must also show the following—

(a) the location of—

(i) each entry to the mine workings; and

(ii) each ventilation fan installation;

(b) each access road to the mine surface infrastructure;

(c) each surface installation, administration building and other infrastructure.

(3) The scale of the plan must be sufficient to enable the plan to be overlaid on the plan of the mine workings.

(4) In an emergency, the site senior executive must make available to the mine rescue team a sufficient number of copies of the plan at a scale suitable for use by the team in the emergency.

Part 9 Personal protective equipment

64 Providing personal protective equipment

(1) A coal mine operator for a coal mine must—

(a) provide, for the mine's coal mine workers, personal protective equipment that is—

(i) appropriate for the hazards associated with the workers' tasks; and

(ii) sufficient for the number of workers carrying out the tasks; and

(b) ensure the equipment is readily available for use by the workers.

Example of personal protective equipment for paragraph (a)—

safety helmets and boots

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(2) For subsection (1)(a)(i), if the hazard relates to a hazardous chemical or dangerous goods, the coal mine operator must have regard to the safety data sheet for the chemical or goods.

65 Standard operating procedure

(1) A coal mine must have a standard operating procedure for using personal protective equipment for a task at the mine.

(2) The procedure must provide for the following—

(a) training workers in—

(i) selecting appropriate personal protective equipment for the task; and

(ii) using the equipment;

(b) instructions on using, maintaining and disposing of the equipment.

Part 10 Plant

Division 1 Fixed and mobile plant

66 Braking systems

(1) A coal mine's safety and health management system must provide for the continued effectiveness of braking systems on fixed and mobile plant used at the mine.

Examples of braking systems for subsection (1)—

1 hoist brakes on shovels or draglines

2 braking systems on winders

(2) The system must provide for the following—

(a) the dynamic testing of service brakes;

(b) appropriate testing of parking brakes, emergency brakes and other braking systems the failure of which may create a risk to a person;

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(c) keeping a record of the brake test results in a location that is easily accessible by each coal mine worker at the mine.

67 Machine guarding or fencing

A coal mine's safety and health management system must provide for minimising the risk to persons from exposed moving or rotating machine components by guarding or fencing the components.

68 Modifying plant

(1) A coal mine must have a standard operating procedure for modifying fixed and mobile plant.

(2) A coal mine's safety and health management system must provide for the following—

(a) recording modifications made to the plant at the mine;

(b) updating drawings of the plant held at the mine to include the modifications;

(c) assessing and managing risk associated with the modifications.

69 Pre-start warning

(1) This section applies if starting fixed or mobile plant at a coal mine is likely to cause a hazard to a person near the plant.

(2) The mine's safety and health management system must provide for the plant to be fitted with a device that sounds a warning before the plant is started.

70 Safe access to plant

A coal mine's safety and health management system must provide for safe access to, and egress from, fixed and mobile plant used at the mine, including each part of the plant that is routinely accessed.

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71 Safety checks by competent person

A coal mine's safety and health management system must provide for—

(a) fixed and mobile plant used at the mine to be checked for hazards that might reasonably be expected from operating the plant; and

(b) the checks to be carried out—

(i) by a person competent in recognising the hazards; and

(ii) periodically and, if the plant has been stopped for at least 24 hours, before the plant is started again.

72 Miscellaneous

A coal mine must have standard operating procedures for the following—

(a) fitting, removing, testing, maintaining and repairing tyres and rims on fixed and mobile plant;

(b) recovering fixed and mobile plant after an accident or incident;

(c) assembling and maintaining fixed and mobile plant in its operational location;

(d) carrying persons in mobile plant;

(e) selecting, maintaining and using lifting plant;

(f) marking lifting plant to show its date of manufacture and capacity;

(g) ensuring the safety of persons when plant is being towed;

(h) ensuring the safety of persons involved in servicing, lubricating and refuelling mobile plant;

(i) ensuring the safety of persons when heavy plant and supplies are being transported at the mine.

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Division 2 Mobile plant

73 Checking mobile plant

(1) A coal mine must have a standard operating procedure for checking mobile plant used at the mine.

(2) The procedure must provide for the operator of the plant, as soon as practicable after taking control of the plant, to check that the plant's brakes, steering, lights and any other safety features are functioning properly.

74 Protective structures

(1) This section applies to mobile plant used at a coal mine if the plant is assessed as being at risk of overturning or being struck by a falling object.

(2) The site senior executive for the coal mine must ensure the plant is provided with a structure to protect a person using the plant from injury if the plant overturns or is struck by the object.

75 Seat belts

(1) The site senior executive for a coal mine must ensure a risk assessment is carried out on the types of vehicles used at the mine, and the way the types are used at the mine, to decide if seat belts are needed to reduce the risk to persons using the vehicles.

(2) If a seat belt is installed in mobile plant, the person occupying the seat must wear the seat belt while the plant is moving.

76 Using mobile plant

(1) A coal mine must have a standard operating procedure for using mobile plant.

(2) The procedure must include ways of minimising risks from the following—

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(a) light and heavy vehicle interaction;

(b) overtaking and parking vehicles.

(3) The procedure must have regard to the design and construction of the mine's roads.

77 Warning system if mobile plant operator's visibility is restricted

(1) This section applies if the visibility of a mobile plant operator at a coal mine is restricted while operating the plant.

(2) The site senior executive for the coal mine must ensure the mine has a warning system to ensure the safety of persons near the plant before its initial movement.

Division 3 Miscellaneous

78 Isolating and tagging procedures

(1) A coal mine must have a standard operating procedure for the following—

(a) controlling the risk of an unplanned release of energy from plant, including positively isolating the energy source;

(b) if an electrical or mechanical energy source is positively isolated—testing for zero potential;

(c) taking plant out of service;

(d) returning plant to service.

(2) Without limiting subsection (1), the standard operating procedure may provide for the use of danger, isolation, operational, out of service, personal and restriction tags for particular circumstances.

(3) If the safety or health of a person is directly affected by the operation or non-operation of plant, the procedure must also provide for the person to personally control, by attaching a

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danger tag or lock to the plant, the plant's change in status from non-operational to operational.

(4) For subsection (1)(a), the method for positively isolating the energy source for plant provided for in the standard operating procedure must—

(a) for plant that is electrical equipment—be a manually initiated operation that—

(i) isolates all active power conductors of the plant being isolated from the electricity supply; and

(ii) prevents unintended re-energisation, including re-energisation through inadvertent operation of the plant or component failure; and

(b) for other plant—be the operation of a manually operated device that—

(i) is installed in the energy supply for the plant and, when operated, isolates the plant from its energy source; and

(ii) requires a manually initiated operation for the supply of energy to the plant to be resumed; and

(c) require the isolation device be clearly marked as being the positive means of isolating the plant.

(5) In this section—

isolation device means—

(a) for plant that is electrical equipment—the device used manually to initiate the operation mentioned in subsection (4)(a); or

(b) for other plant—the device mentioned in subsection (4)(b).

79 Equipment used for maintaining plant

(1) A coal mine must have a standard operating procedure for electrical and mechanical equipment used for inspecting, testing and maintaining the safe operation of plant at the mine.

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(2) The procedure must provide for the following—

(a) selecting equipment that is fit for its intended purpose;

(b) using the equipment safely;

(c) maintaining the equipment in accordance with its specification;

(d) testing the equipment at appropriate intervals and labelling the equipment to show when the equipment was last tested.

80 Fluid above and below atmospheric pressure

A coal mine's safety and health management system must provide for managing risk from using fluids above or below atmospheric pressure.

81 Action to be taken if certified equipment does not meet certification requirements or is likely to create an unacceptable level of risk

(1) Subsection (2) applies if a nationally accredited testing station becomes aware that—

(a) equipment certified by the testing station should not have been certified because the equipment did not meet the requirements for certification; or

(b) the requirements for certification change in a way that is likely to create an unacceptable level of risk if equipment that has been certified by the testing station is used for the purpose for which the equipment was certified; or

(c) the certification of equipment is amended, suspended or cancelled.

(2) The testing station must give immediate notice of the fact to—

(a) the manufacturer or supplier of the equipment who obtained the certification; and

(b) the chief inspector.

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(3) If a manufacturer or supplier of certified equipment becomes aware of a matter mentioned in subsection (1) relating to the equipment, the manufacturer or supplier must give immediate notice of the matter to—

(a) the site senior executive for each mine at which the equipment is, to the manufacturer's or supplier's knowledge, being used; and

(b) each manufacturer of equipment for the mining industry to whom the manufacturer or supplier has supplied the equipment; and

(c) each contractor who works in the mining industry and to whom the manufacturer or supplier has supplied the equipment.

(4) If the site senior executive for a coal mine becomes aware that a matter mentioned in subsection (1) relates to certified equipment used at the mine, the site senior executive must immediately—

(a) take action to ensure the continued use of the equipment does not create an unacceptable level of risk; and

(b) give the chief inspector notice stating the equipment type and how many items of the equipment are in use at the mine.

Part 11 Training

82 Training scheme

(1) A coal mine's safety and health management system must provide for a training scheme for the following persons—

(a) coal mine workers and other persons at the mine;

(b) operational ROC workers for the mine.

(2) The scheme must provide for the following—

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(a) induction training for coal mine workers and other persons at the mine, and operational ROC workers for the mine;

(b) refresher training for coal mine workers at the mine, and operational ROC workers for the mine;

(c) establishing the workers' training needs about the safe performance of the mine's coal mining operations, including, for example, training needs about the mine's standard operating procedures;

(d) recognising a worker's current competencies and prior learning in establishing the worker's training needs;

(e) establishing a training program to meet the training needs using the endorsed components of the resources and infrastructure industry training package that are relevant for training and assessing the coal mine workers at the mine, and the operational ROC workers for the mine;

(f) appointing persons who are competent to give the training and assess the workers' competencies;

(g) keeping and auditing records of training and assessment given and undertaken;

(h) designating tasks that may only be carried out by a worker who has been assessed as competent to carry out the tasks;

(i) training workers elected to be safety and health representatives.

(3) The training scheme must cover the following matters, to the extent the matters are relevant to the duties of the person undergoing the training—

(a) the mine's safety and health management system;

Note—

The safety and health management system includes obligations relating to critical control management—see section 62(5)(e) and (6) of the Act.

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(b) operating mobile plant;

(c) slinging and moving loads and using lifting devices;

(d) manual handling;

(e) the purpose of inspections and inspection reports;

(f) the Act and this regulation.

(4) In this section—

endorsed means endorsed by the Australian Industry and Skills Committee.

resources and infrastructure industry training package means the coal industry training package established by the Australian Industry and Skills Committee.

82A Record of training

The site senior executive for a coal mine must ensure a record is kept, in the mine record, of the training given to, and assessment of, each of the following persons under this division—

(a) coal mine workers at the mine;

(b) operational ROC workers for the mine.

83 New coal mine worker not to carry out task until induction training completed

(1) A person starting work at a coal mine must not carry out any task at the mine unless the person has completed induction training for the mine.

(2) Subsection (1) does not apply to a task carried out by the person in the course of induction training.

84 Refresher training

(1) The site senior executive for a coal mine must ensure each coal mine worker at the mine, and each operational ROC worker for the mine, including each worker holding a senior

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management or supervisory position and each worker holding a certificate of competency, is given refresher training under the mine's training scheme at least once every 5 years.

(2) The worker must undergo the training.

85 Coal mine worker or ROC worker not to carry out task unless competent

(1) This section applies only to a task designated, under a coal mine's training scheme, as a task that may only be carried out by a person who has been assessed as competent to carry the task out.

(2) A coal mine worker at the coal mine, or operational ROC worker for the coal mine, must not carry out the task unless the worker—

(a) has been assessed as competent; and

(b) is authorised by the mine's site senior executive or the site senior executive's representative, to carry out the task at or for the coal mine.

(3) Subsection (2) does not apply to a task carried out by a person—

(a) in the course of training; or

(b) in an emergency.

Part 11A Supervising workers

85A Time and resources for carrying out tasks

(1) The site senior executive for a coal mine must ensure time is allocated, and the mine's resources are distributed, to enable each coal mine worker at the mine to carry out the worker's tasks without creating an unacceptable level of risk.

(2) Without limiting subsection (1), the site senior executive must ensure the coal mine worker is given the supervision, and help

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from other competent persons, necessary to achieve an acceptable level of risk.

85B Supervising workers

(1) Without limiting section 85A(2), the site senior executive for a coal mine must ensure the coal mine's activities and coal mine workers are supervised to the extent necessary to ensure each worker—

(a) is not likely to be exposed to conditions beyond the worker's capabilities; and

(b) is not likely to be affected by the conditions in which the worker is working in a way that adversely affects the worker's fitness to perform critical tasks; and

(c) has the resources necessary to undertake the work without being exposed to an unacceptable level of risk; and

(d) is working within the limits of the worker's fitness and competence; and

(e) complies with the worker's safety and health obligations.

(2) The supervision must include communication, including direct contact, between the supervisor and the coal mine worker at appropriate intervals.

Part 12 Work and work environment

86 Air conditioning units

A coal mine's safety and health management system must provide for maintaining and cleaning air conditioning units used at the mine.

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87 Bathrooms, toilets and dining facilities

(1) The site senior executive for a coal mine must ensure the mine has sufficient potable water, bathrooms, toilets, other personal hygiene facilities and dining facilities to cater for the needs of the largest number of workers who may be employed at the mine in a single shift.

(2) The site senior executive must ensure a bathroom in an area where a person may be exposed to a health risk, including, for example, from dirt, dust or wet clothing, contains separate areas for changing from, and into, clean and dirty clothing.

88 Cutting, drilling or excavating near a concealed service

(1) A coal mine's safety and health management system must provide for controlling risks from cutting or drilling into a building or structure, or excavating ground, at the mine where there may be a concealed service.

(2) The system must provide for the following to minimise the uncontrolled release of non-electrical or electrical energy from a concealed service—

(a) locating the energy source and placing a mark, describing the source, on or near the source;

(b) isolating the energy source;

(c) testing the energy source and proving the source de-energised.

(3) The site senior executive for the coal mine must provide sufficient equipment for the matters mentioned in subsection (2)(a) to (c).

88A Asbestos material installed in buildings and plant

(1) This section applies if a building or plant at a coal mine has asbestos material installed in the building or plant.

(2) The site senior executive for the coal mine must ensure a standard operating procedure is established—

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(a) to prevent the exposure of persons to the asbestos material; or

(b) if the exposure can not be prevented, to minimise the exposure.

(3) The standard operating procedure must include—

(a) the steps that must be taken to restrict access to, and prevent disturbance of, the asbestos material; and

(b) work practices in the vicinity of the asbestos material; and

(c) requirements for assessment of the asbestos material at regular intervals of at least 1 year and earlier if the nature or location of work in the vicinity of the asbestos material changes.

(4) If the asbestos material is friable, poorly bonded or unstable, for example, because of damage or deterioration, the site senior executive must ensure the asbestos material is enclosed, sealed or removed.

(5) If the asbestos material is to be removed, the site senior executive must ensure an asbestos removalist removes the asbestos material under the NOHSC document entitled 'Code of Practice for the Safe Removal of Asbestos [NOHSC:2002]'.

88B Asbestos, other than asbestos material installed in buildings and plant

(1) This section applies to asbestos occurring naturally at a mine.

(2) The site senior executive for a coal mine must ensure—

(a) action is taken to prevent the exposure of persons to the asbestos; or

(b) if the exposure can not be prevented, action is taken to protect the health of persons at the mine from the effect of the asbestos.

(3) The site senior executive must ensure monitoring or assessment of airborne asbestos is carried out under the

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NOHSC document entitled 'Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust [NOHSC:3003]'.

89 Dust

(1) A coal mine's safety and health management system must provide ways of ensuring—

(a) each coal mine worker's exposure to respirable dust at the mine is kept to an acceptable level; and

(b) the worker does not breathe an atmosphere at the mine containing respirable dust exceeding an average concentration, calculated under AS 2985:2009, equivalent to the following for an 8-hour period—

(i) for coal dust—1.5mg/m^3 air;

(ii) for free silica—0.05mg/m^3 air.

Note—

AS 2985:2009 'Workplace atmospheres—Method for sampling and gravimetric determination of respirable dust'

(2) If a person works a shift of more than 8 hours at the mine, the system must provide ways of ensuring the person's dosage of respirable dust is not more than the equivalent dosage for a person working an 8-hour shift.

(3) The system must provide that, if the average concentration of respirable dust in the atmosphere is above the levels stated in subsection (1)—

(a) the controls for minimising dust must be reviewed; and

(b) the system must be changed to ensure the average concentration is reduced to, or below, the levels stated in subsection (1).

(4) The system must provide ways of suppressing excessive airborne dust so a person's safety is not threatened, including, for example, by reduced visibility.

(5) The system must provide for the following—

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(a) monitoring, and preparing a record of, concentrations of respirable dust in the atmosphere of the work environment;

(b) keeping the record in a location that is easily accessible by each coal mine worker at the mine;

(c) submitting the record to the chief inspector—

(i) in a way, and in a format, approved by the chief inspector; and

(ii) for development operations or longwall operations—at least once every 3 months and as otherwise directed by an inspector; and

(iii) otherwise—

(A) as required under a recognised standard related to the monitoring of respirable dust at coal mines; or

(B) as otherwise directed by an inspector;

(d) the investigation and reporting procedure stated in section 89A for high average respirable dust concentrations.

89A Dust monitoring and reporting procedure

(1) This section applies if the site senior executive for a coal mine becomes aware (the ***first trigger event***) that the average concentration of respirable dust in the atmosphere of the work environment exceeds the levels stated in section 89(1).

(2) The site senior executive must ensure—

(a) the cause of high average concentration is investigated; and

(b) the results of the investigation are recorded and analysed to identify trends and issues with the coal mine's safety and health management system; and

(c) the notification obligations under subsection (4) are complied with; and

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(d) if any changes to the coal mine's safety and health management system required under section 89(3)(b) are made—the changes to the system are recorded; and

(e) a further sample is taken within 2 weeks after the first trigger event.

(3) If the site senior executive receives the results of the further sample and the results indicate the average concentration of respirable dust in the atmosphere of the work environment exceeds the levels stated in section 89(1) (the ***second trigger event***), the site senior executive must ensure—

(a) the cause of the continued high average concentration is investigated; and

(b) the results of the investigation are recorded and analysed to identify trends and issues with the coal mine's safety and health management system; and

(c) the notification obligations under subsection (4) are complied with; and

(d) if any changes to the coal mine's safety and health management system required under section 89(3)(b) are made—the changes to the system are recorded.

(4) For subsections (2)(c) and (3)(c), the notification requirements for the first trigger event and second trigger event are—

(a) as soon as practicable after the event, coal mine workers in the similar exposure group for the risk created by the high average respirable dust concentration must be told about the high average concentration; and

(b) within 24 hours after the event, the following persons must be told about the high average concentration—

(i) an inspector;

(ii) an industry safety and health representative;

(iii) a site safety and health representative; and

(c) within 72 hours after the event, a record of concentrations of respirable dust in the atmosphere of

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the work environment must be submitted to the chief inspector in a way, and in a format, approved by the chief inspector.

(5) In this section—

further sample means a sample of the atmosphere of the work environment taken—

(a) after the first trigger event for the purpose of determining whether the average concentration of respirable dust in the atmosphere of the work environment continues to exceed the levels stated in section 89(1); and

(b) in accordance with AS 2985:2009; and

Note—

AS 2985:2009 'Workplace atmospheres—Method for sampling and gravimetric determination of respirable dust'

(c) as far as practicable, in the same circumstances as the sample of the atmosphere of the work environment that resulted in the first trigger event.

Example—

The further sample is taken—

1 in an area of the mine similar to the area in which the initial sample was taken; and

2 using—

(a) the same coal mine worker used to take the initial sample; or

(b) another coal mine worker in the similar exposure group for the risk created by the high average respirable dust concentration.

90 Ladders, steps and elevated walkways

A coal mine's safety and health management system must provide for ladders, steps and elevated walkways at the mine to be designed and installed to minimise the risk to a person from falling, slipping or tripping.

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91 Noise

(1) A coal mine's safety and health management system must provide ways of ensuring—

(a) each coal mine worker's exposure to noise is kept to an acceptable level; and

(b) the worker is not exposed to noise levels exceeding the levels stated in the national standard for occupational noise.

(2) The system must provide for the following—

(a) supplying personal protective equipment for persons in the work environment if there is no practical way of reducing the persons' noise dose to comply with subsection (1);

(b) monitoring and recording noise levels in the work environment;

(c) keeping the records in a location that is easily accessible by each coal mine worker at the mine;

(d) identifying, by an appropriate warning sign, each part of the mine where there are excessive noise levels.

(3) In this section—

national standard for occupational noise means the national standard for occupational noise stated in the NOHSC document entitled 'National Standard for Occupational Noise [NOHSC:1007]'.

92 Working at heights

(1) A coal mine's safety and health management system must provide for controlling risk associated with working at heights at the mine.

(2) If a person is required to work at a height greater than 2.4m, the system must provide for minimising the person's risk of injury from falling.

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(3) The system must include standard operating procedures for using personal protective equipment to control the risk.

(4) The system may provide for using the following plant to control the risk—

(a) work boxes and work platforms;

(b) scaffolding, barricades, hand rails and restraining or fall arresting devices.

(5) If the system provides for using plant mentioned in subsection (4), the system must require the plant to be supplied for coal mine workers at the mine.

(6) If the system provides for the use of work boxes or work platforms, the system must state the circumstances in which the boxes or platforms may be suspended by a crane.

93 Working near a body of water or other liquid

(1) A coal mine's safety and health management system must provide for controlling risk associated with working near a body of water or other liquid at the mine.

(2) The system must provide for the use of a buoyancy aid by a person carrying out the work if a risk assessment identifies a risk of the person drowning.

94 Checking and examining work areas

(1) A coal mine must have a standard operating procedure for—

(a) checking the condition of a work area before coal mine workers proceed to the work area; and

(b) examining the area, before workers start work in the work area, to check for hazards.

(2) The procedure must provide for a check and examination of each coal mine worker's specific work area to be carried out by the coal mine worker.

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95 Maintaining hygienic work environment

A coal mine must have a standard operating procedure for maintaining the facilities mentioned in section 87(1) and other areas of the work environment in a hygienic condition.

96 Miscellaneous

A coal mine must have a standard operating procedure for the following—

(a) controlling access to, and working in, confined spaces at the mine;

(b) minimising the risk to persons from carrying out manual handling tasks;

(c) protecting persons from the following at the mine—

(i) abrasive blasting and high pressure, chemical and mechanical cleaning;

(ii) cutting and welding, including using cutting and welding equipment in a confined, wet or dusty location;

(iii) laser emissions and other sources of harmful electromagnetic radiation, including solar radiation.

Part 13 Miscellaneous

97 Monitoring and recording deformation of natural and artificial structures

If the deformation of natural and artificial structures at a coal mine caused by coal mining operations may affect the safety or health of a person, the site senior executive for the coal mine must ensure the deformation is monitored and recorded.

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98 Reporting and rectifying defects

A coal mine's safety and health management system must provide for the following—

(a) reporting all defects in the mine's plant, structures and procedures;

(b) rectifying defects that create an unacceptable level of risk.

99 Restricting access to parts of mine

A coal mine's safety and health management system must provide for restricting access by persons to parts of the mine, including, for example, the following—

(a) sumps and drains identified and assessed by a risk assessment as parts to which access by persons needs to be restricted to achieve an acceptable level of risk;

(b) unstable, hazardous or broken ground.

100 Requirements for drilling and abandoning boreholes

(1) If a borehole is drilled or abandoned at a coal mine, the site senior executive for the coal mine must ensure—

(a) the following provisions of the *Petroleum and Gas (Safety) Regulation 2018* are complied with—

(i) sections 28, 29, 30, 45, 46 and 52A;

(ii) for a drilling rig used to drill the borehole—section 20; and

(b) the requirements in schedule 2AA are complied with.

Maximum penalty—20 penalty units.

(2) Subsection (1)(b) does not apply in relation to an in-seam borehole drilled from underground.

(3) The provisions mentioned in subsection (1)(a) apply to a coal mine—

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(a) as if—

(i) the coal mine is an operating plant under the provisions; and

(ii) a reference in the provisions to a petroleum well is a reference to a borehole; and

(iii) a reference in the provisions to a relevant horizontal well is a reference to a borehole that is not vertical; and

(iv) a reference in the provisions to the holder of a petroleum tenure or the operator is a reference to the site senior executive; and

(v) a reference in section 20 to a drilling operating plant is a reference to the drilling rig; and

(vi) a reference in section 45(2)(b) to an end of tenure report or a petroleum well or bore abandonment report is a reference to a borehole abandonment record under section 60A; and

(vii) a reference in section 46(4) to the standard abandonment requirements is a reference to the requirements in schedule 2AA; and

(b) with other necessary changes.

(4) Sections 30 and 52A of the *Petroleum and Gas (Safety) Regulation 2018* do not apply in relation to a borehole—

(a) that was drilled before 31 December 2004; or

(b) if drilling of the borehole started before 1 July 2005.

(5) If sections 30 and 52A of the *Petroleum and Gas (Safety) Regulation 2018* do not apply in relation to a borehole, the drilling of the borehole must comply with the repealed regulation as it was before the commencement of the *Petroleum and Gas (Production and Safety) Regulation 2004*.

(6) This section applies subject to section 295.

(7) In this section—

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repealed regulation means the *Coal Mining Safety and Health Regulation 2001*.

100AA Chief inspector may give exemption from particular requirements

The chief inspector, acting with the agreement of the chief inspector, petroleum and gas, may give the site senior executive for a coal mine an exemption from complying with—

(a) a requirement under section 100 in relation to—

(i) a stated borehole, or boreholes drilled or proposed to be drilled, at a coal mine; or

(ii) a stated coal seam; or

(b) a requirement under section 12BD; or

(c) a requirement under section 12BE.

100AB Site senior executive may apply for exemption from particular requirement

(1) The site senior executive may apply to the chief inspector for an exemption from a requirement mentioned in section 100AA.

(2) The application must—

(a) be in the approved form; and

(b) contain the information necessary to enable the chief inspector to decide the application; and

(c) if the applicant proposes to implement alternative safety measures—contain details of the proposed measures; and

(d) be lodged at the office of the chief inspector.

(3) In this section—

alternative safety measures means systems, methods or procedures that—

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(a) do not comply with a requirement mentioned in section 100AA; and

(b) achieve a level of risk that is equal to or less than the level of risk that would be achieved by complying with the requirement.

100AC Chief inspector to decide application for exemption from particular requirement

(1) In deciding an application for an exemption from a requirement mentioned in section 100AA, the chief inspector may seek advice or recommendations from a technical advisory committee for coal seam gas established under the *Petroleum and Gas (Production and Safety) Act 2004*, section 732B.

(2) If advice or recommendations obtained by the chief inspector under subsection (1) are adverse to the site senior executive, the chief inspector must, before making a decision about whether to grant the exemption, give the site senior executive—

(a) a copy of the advice or recommendations; and

(b) at least 15 business days to make submissions to the chief inspector about the advice or recommendations.

(3) The chief inspector must either give the exemption, with or without conditions, or refuse the application.

(4) The chief inspector may give the exemption only if—

(a) the chief inspector, petroleum and gas agrees; and

(b) the requirement stated in subsection (5) is complied with for the exemption.

(5) For subsection (4)(b), the requirement is that the chief inspector is reasonably satisfied—

(a) that if the exemption is granted—

(i) the likely impact on the future safe and efficient mining of coal is low; and

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(ii) it is unlikely to cause a level of risk to the safe mining, or future mining, of coal that is more than an acceptable level of risk; and

(b) that the likely impact mentioned in paragraph (a)(i), and the level of risk mentioned in paragraph (a)(ii), are easily and reliably quantifiable; and

Examples—

a coal seam that is unlikely to be economically mined in the next 25 years due to unfavourable quality, the thickness or depth of the seam, the seam being discontinuous or structurally disturbed, or the seam being intruded or affected by heat

a coal seam that is likely to be mined but alternative safety measures are proposed that reduce the level of risk so it is less than or equal to the level of risk that would be achieved under the relevant requirement

(c) that if the exemption is granted, the likely impact on the future safe and efficient production of petroleum is low.

(6) Without limiting subsection (3), a condition may require the site senior executive to comply with stated alternative safety measures within the meaning of section 100AB.

(7) The chief inspector must give the site senior executive notice of the decision.

100AD Requirements for site senior executive in relation to effect of coal mining operations on petroleum activities

(1) The site senior executive for a coal mine must ensure that coal mining operations carried out at the mine stop immediately if the site senior executive becomes aware, or ought reasonably to be aware, that—

(a) the operations create a risk to the safety of persons in the area of an adjacent or overlapping petroleum lease; and

(b) the level of the risk is not an acceptable level.

(2) The site senior executive must ensure the operations do not resume until any reasonable and necessary action to reduce the level of the risk to an acceptable level have been taken.

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100A Prohibited substances

The site senior executive for a coal mine must ensure a prohibited substance mentioned in schedule 2A, column 1, is not used at the mine for a prohibited purpose mentioned in schedule 2A, column 2, opposite the name of the substance.

Chapter 3 Surface mines

Part 1 Preliminary

101 Application of chapter

This chapter applies only to surface mines.

Note—

See also chapter 2 which is about all coal mines.

102 Ways of achieving an acceptable level of risk

(1) This chapter, other than sections 109 and 153, prescribes ways of achieving an acceptable level of risk at a surface mine in the circumstances mentioned in this chapter.

(2) However, this chapter does not deal with all circumstances that expose someone to risk at a surface mine.

(3) A person may discharge the person's safety and health obligation in the circumstances mentioned in this chapter only by following the ways prescribed.

Note—

See section 34 of the Act for the penalty for failing to discharge the obligation.

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Part 1A General

102A Principal hazard management plan

A surface mine must have principal hazard management plans that provide for at the least the following—

(a) roads or other vehicle operating areas;

(b) ground or strata failure;

(c) airborne dust or any other airborne contaminants;

(d) fire or explosion;

(e) any other principal hazard identified by the coal mine operator or site senior executive for the surface mine.

Part 2 Surface mine manager and open-cut examiner

103 Application of part

This part does not apply to a surface mine that is the surface operations of an underground mine.

104 Presence of, and access to, open-cut examiner

The site senior executive for a surface mine must ensure, when mining activities are carried out in or around the surface excavation—

(a) at least 1 open-cut examiner is present at the mine; and

(b) the open-cut examiner is contactable by a person working in or around the excavation.

105 Open-cut examiner's responsibilities and duties—general

(1) The site senior executive for a surface mine must ensure—

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(a) the main responsibility of an open-cut examiner for the mine is the safety and health of persons in or around the surface excavation during mining activities in or around the surface excavation; and

(b) the open-cut examiner's main duties relate to the main responsibility.

(2) Subsection (1)(b) does not prevent the open-cut examiner having other duties at the mine, including, for example, duties given to the examiner under the mine's safety and health management system.

106 Inspecting surface excavations

(1) An open-cut examiner for a surface mine must inspect a surface mine excavation and the part of the mine near the excavation where activities, including mining activities, are to be, or are being carried out, to decide whether the level of risk is acceptable.

(2) The inspection must be done—

(a) before the activities start in or around the excavation; and

(b) periodically, as required under the mine's safety and health management system.

(3) Before carrying out the inspection, the examiner must—

(a) read the latest open-cut examiner's report in the mine record for the mine; and

(b) acknowledge, in writing, in the mine record, that the examiner has read the report.

107 Reducing unacceptable level of risk

(1) This section applies if, after inspecting a surface mine under section 106, the open-cut examiner for the mine decides an unsafe thing at the mine causes an unacceptable level of risk.

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(2) If it is practicable, the examiner must ensure the thing is made safe immediately.

(3) If it is not made safe immediately, the examiner must immediately notify persons at the mine who may be exposed to the risk.

(4) Until the thing is made safe, the examiner must—

(a) erect a barrier to prevent persons from unknowingly entering the part of the mine where the unacceptable level of risk exists; and

(b) stop coal mining operations in, and withdraw all persons from, the part.

(5) If the thing is not made safe by the end of the shift in which the inspection was made, the examiner, at the end of the shift, must report the matter to the following persons—

(a) the examiner's immediate supervisor at the mine;

(b) an open-cut examiner who is required to make a similar inspection during the next shift;

(c) if an operational ROC worker has provided information used to make a decision in relation to the matter—the operational ROC worker who is responsible for the provision of the information.

108 Role in developing and reviewing safety and health management system

(1) The site senior executive for a surface mine must ensure at least 1 open-cut examiner is involved in developing, reviewing and auditing the part of the mine's safety and health management system relating to the mining activities in and around the mine excavation.

(2) Subsection (1) does not require the examiner to be involved in a matter that is not within the examiner's competency.

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109 Giving technical directions to open-cut examiner

A person must not give a technical direction about a safety and health matter to an open-cut examiner unless the person has competencies for the matter at least equivalent to those of the open-cut examiner.

Maximum penalty—200 penalty units.

Part 3 Electrical activities, equipment and installations

Division 1 Preliminary

110 Application of part

This part applies only to electrical equipment and electrical installations above extra low voltage.

Division 2 Electrical activities

111 Appointment of person to control and manage electrical engineering activities

If electricity is proposed to be used in coal mining operations at a surface mine, the site senior executive for the mine must appoint a person to control and manage the mine's electrical engineering activities.

112 Live testing electrical equipment

(1) A surface mine must have a standard operating procedure for live testing electrical equipment at the mine.

(2) The procedure must—

(a) state—

(i) what equipment may be live tested; and

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(ii) what instruments may be used for the testing; and

(b) provide for the following—

(i) isolating areas where equipment is being live tested or test run;

(ii) using personal protective equipment;

(iii) using high voltage test equipment and discharging stored energy after the test;

(iv) dealing with high prospective fault currents;

(v) other precautions to be taken for live testing.

Division 3 Electrical equipment and installations

113 Electrical protection for electrical distribution system

(1) The site senior executive for a surface mine must ensure an earthed electrical distribution system at the mine has earth leakage protection.

(2) Subsection (1) does not apply if—

(a) persons at the mine are protected against indirect contact with the system; or

(b) for an overhead power line—

(i) mobile plant is not operated close to the line; and

(ii) a risk assessment shows earth leakage protection would only minimally reduce the risk.

114 Electrical protection for mobile or transportable equipment

(1) This section applies to mobile or transportable equipment used at a surface mine and supplied with electricity by a reeling or trailing cable.

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(2) If the equipment does not have a local earthing system, the site senior executive for the mine must ensure the cable has an earth continuity monitoring system that cuts off the electricity supply immediately after an earth continuity fault is detected in the cable or equipment.

(3) Subsection (2) does not apply if the cable—

(a) is a low voltage cable; and

(b) has earth leakage current protection of not more than 30mA sensitivity; and

(c) has individually screened cores; and

(d) has no joining plugs or sockets.

(4) The site senior executive must ensure the electricity source for the equipment has an earth fault current limitation device that limits prospective touch voltage to within acceptable limits.

(5) Subsection (4) does not apply if the equipment is low voltage equipment and persons at the mine are otherwise protected adequately against injury from indirect contact with electricity.

Part 4 Explosives

115 Using explosives

(1) Explosives for use, or used, at a surface mine must be stored, used and disposed of under AS 2187 ‘Explosives—Storage, transport and use’.

(2) In this section—

AS 2187 means the Australian Standard that is currently in force under that designation.

116 Safety and health management system

(1) A surface mine must have a standard operating procedure for the following—

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(a) transporting explosives at the mine;

(b) inspecting and reporting on the safety of equipment used at the mine for manufacturing, storing, transporting and delivering explosives;

(c) taking appropriate action to make equipment mentioned in paragraph (b) safe;

(d) accounting for explosives brought onto the mine;

(e) checking for, and isolating, explosives that have deteriorated;

(f) minimising the risk of theft or misuse of explosives;

(g) identifying and controlling hazards—

(i) during the charging and firing of explosives; and

(ii) in particular places, including, for example in a storage bin feeder in which an explosive is to be used to clear a blockage;

(h) finding, recovering and detonating misfired explosives;

(i) keeping a record about misfired explosives.

(2) The procedure for transporting explosives must address the following—

(a) packaging explosives for transport;

(b) the design of vehicles and compartments in which explosives are to be transported;

(c) marking packages, containers and vehicles used for transporting explosives;

(d) stowing and segregating explosives during transport;

(e) the appropriate load limit for vehicles carrying explosives;

(f) transport procedures necessary to reduce the probability and consequence of incidents;

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(g) the competence required of persons for transporting explosives, including handling the explosives and mixing and discharging the explosives from vehicles;

(h) temporary storage;

(i) restricted areas;

(j) emergency response.

(3) The procedure for identifying and controlling hazards during the charging and firing of explosives must—

(a) have regard to the following—

(i) the proximity of unrelated activities to the charging and firing;

(ii) ground conditions; and

(b) state the allowable period for the explosives to remain in the ground before being detonated.

Part 5 Hazardous areas

117 Spoil dumps and excavated faces

(1) A surface mine must have a standard operating procedure for working on spoil dumps and near excavated faces at the mine.

(2) The procedure must provide for inspecting and monitoring the spoil dumps and excavated faces.

118 Restricting access to hazardous areas

A surface mine's safety and health management system must provide for the following—

(a) installing safety berms or implementing other appropriate control measures for preventing persons and mobile plant from falling over edges with a vertical drop of 1m or more;

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(b) controlling the entry of persons to areas containing open drill holes.

Part 6 Highwall mining

Division 1 General

119 Entry to highwall mining underground excavation

A person must not enter a highwall mining underground excavation unless—

(a) an abnormal circumstances declaration is in force for the excavation; and

(b) a person having the competencies to supervise ERZ operations in an underground mine has been appointed to control the highwall mining activity while the abnormal circumstances declaration is in force; and

(c) a risk assessment of the abnormal circumstances has been done, identifying the hazards associated with the abnormal circumstances; and

(d) adequate controls are in place to ensure the safety of the person entering the excavation; and

(e) the person—

(i) has the necessary competencies to work safely in an underground mine; and

(ii) carries a certified self-contained self-rescuer.

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Division 2 Abnormal circumstances declaration

120 Abnormal circumstances declaration

(1) This section applies if it becomes necessary for a person to enter a highwall mining excavation at a surface mine to rescue someone or recover plant.

(2) An abnormal circumstances declaration must be made by—

(a) the site senior executive for the mine; or

(b) if it is necessary because of urgent or other special circumstances, including, for example the unavailability of the site senior executive—the senior supervisor for the mine.

(3) The declaration must be written and state the following—

(a) the controls that must be observed to manage the risks identified by a risk assessment of the risk to a person entering the highwall mining excavation;

(b) the period for which the declaration is in force.

121 Notifying particular persons of abnormal circumstances declaration

Immediately after making the abnormal circumstances declaration, the site senior executive or senior supervisor must give notice of the declaration to—

(a) each supervisor in control of the highwall mining operation; and

(b) a site safety and health representative for the mine.

122 Revoking abnormal circumstances declaration

(1) Immediately after the need for a person to enter the highwall mining excavation has passed, the abnormal circumstances

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declaration must be revoked by the site senior executive or senior supervisor who made the declaration.

(2) The revocation must be written and notice of it given to—

(a) each supervisor in control of the highwall mining operation; and

(b) a site safety and health representative for the mine.

123 Particulars of abnormal circumstances declaration must be included in mine record

(1) For section 68 of the Act, an abnormal circumstances declaration is prescribed as a matter that must be included in the mine record.

(2) The site senior executive for a surface mine must ensure the mine record includes the following about the declaration—

(a) the reasons for the declaration;

(b) the date the declaration was made;

(c) the controls required by the declaration;

(d) the date the declaration was revoked.

124 Other provisions applying while declaration is in force

(1) Without limiting any other provision of chapter 2 or this chapter, the provisions of chapter 4 stated in schedule 3 apply to the highwall mining underground excavation to which the abnormal circumstances declaration relates while the declaration is in force.

(2) For subsection (1), a reference in the provisions to—

(a) the underground mine manager or ventilation officer is taken to be a reference to the site senior executive; and

(b) the ERZ controller is taken to be a reference to a person mentioned in section 119(b); and

(c) an underground mine is taken to be the surface mine at which the highwall mining is carried out.

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Division 3 Safety and health management system

125 Safety and health management system for highwall mining

(1) If highwall mining is carried out at a surface mine, the mine's safety and health management system must provide for conducting the highwall mining activity in a way that controls the risk of unplanned highwall instability.

(2) The system must include standard operating procedures for the following—

(a) the entry of persons to, and the evacuation of persons from, an area where highwall mining is carried out;

(b) fire prevention, and fire fighting, associated with highwall mining;

(c) identifying and marking areas near highwall mining where—

(i) explosive atmospheres may occur; or

(ii) it is safe to use cutting and welding equipment, or smoke cigarettes;

(d) continuously monitoring oxygen and methane in the atmosphere at the cutting face in the highwall mining excavation during cutting if an explosive atmosphere that may cause a risk is present, or suspected to be present, in the excavation;

(e) working safely in areas where there is a potential for flooding from any source;

(f) enabling a person to communicate with a person on the surface when work is being carried out in the underground excavation.

(3) The procedure mentioned in subsection (2)(c) must provide for—

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(a) monitoring the areas for the potential for the formation of an ERZ; and

(b) deciding whether—

(i) equipment used in the areas needs explosion protection; and

(ii) aluminium alloys used in the areas need protection to minimise the risk of explosion.

(4) The procedure mentioned in subsection (2)(e) must provide for ongoing risk assessment of the potential for inrush, outrush and flooding.

Part 7 Mine plans

126 Plan of surface land

(1) The site senior executive for a surface mine must ensure the mine has a plan, complying with this section, of its surface land.

(2) The scale of a hard copy of the plan must be 1:2500.

(3) The plan's reference grid must use GDA as its basis or a grid that can be cross-referenced to GDA by information stated on the plan.

(4) The information about the mine shown on the plan must include the following—

(a) the mine's boundaries;

(b) the boundaries of the following—

(i) any road, railway, power line or other type of reserve or easement on the surface within the mine's boundaries;

(ii) any creek, river, watercourse, lake, sea, dam or other possible inrush source on the surface within the mine's boundaries or on land adjacent to the mine;

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(c) the location of any artificial structures on the surface within the mine's boundaries;

(d) the contours of the reduced levels of the mine workings floor at intervals, of not more than 5m, as are necessary to show potential hazards at the mine;

(e) the final extent and datum level of the limits of the excavation.

(5) The site senior executive must ensure at least 1 copy of the plan kept at the mine is drawn on a transparency so the plan can be overlaid on the plan of any underground mine workings.

127 Plans of surface services

(1) The site senior executive for a surface mine must ensure current plans identifying and showing the location of surface services, including buried services, are kept in a location at the mine that is easily accessible by each coal mine worker at the mine.

(2) In this section—

buried service includes electricity conducted through an underground electrical cable and another service carried in an underground pipe.

surface service includes the following—

(a) a communication cable;

(b) compressed air storage and reticulation;

(c) diesel storage and reticulation;

(d) an electrical cable;

(e) an emergency access or road;

(f) a fire fighting facility;

(g) a first aid facility;

(h) gas storage and reticulation;

(i) rescue equipment;

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(j) a sewerage facility;

(k) a water storage pipeline or drain.

Part 8 Mine roads

128 Specification for design and construction of mine roads

(1) A surface mine's safety and health management system must provide a specification for the design and construction of mine roads to enable the safe movement of vehicles about the mine.

(2) The specification must have regard to the particular conditions at the mine, including the following—

(a) the characteristics of the mine vehicles;

(b) the types of materials used for road construction;

(c) the methods of working the mine.

(3) The specification must be developed through a formal risk assessment process and must provide for the following for the roads—

(a) barriers;

(b) curvature;

(c) grade;

(d) guideposts;

(e) pavement shape;

(f) safety berms;

(g) signs;

(h) surface material;

(i) width.

(4) The specification must provide for appropriate control measures for preventing persons and vehicles from falling over road edges with a vertical drop of more than 0.5m.

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(5) For a primary haul road regularly used for 2-way traffic, the specification must provide for a road width at least 3.5 times the width of the largest vehicle regularly using the road.

(6) In this section—

primary haul road means a road—

(a) intended to be used, during the life of the mine, by heavy vehicles to move overburden, coal and reject material from the mine; and

(b) capable of carrying mixed traffic at high speed.

width, for a road, means the width of the road's useable running pavement clear of guideposts, grader rills and safety berms.

129 Standard operating procedure

A surface mine must have a standard operating procedure for maintaining and watering mine roads, including dealing with hazards caused by excessive watering of roads.

Part 9 Plant

Division 1 Operator-attended dredges

130 Safety features for operator-attended dredges

A surface mine's safety and health management system must provide for the following safety features for an operator-attended dredge at the mine—

(a) an alarm system to warn the operator when the minimum freeboard for the dredge is breached;

(b) a watertight door or cover on each hatch or opening on a hull that is essential for floating the dredge;

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(c) barriers and handrails fitted to or around the dredge to minimise the risk of a person falling overboard.

131 Stability checks

A surface mine's safety and health management system must provide that before an operator-attended dredge is used at the mine—

(a) stability checks are done for the dredge to calculate—

(i) the dredge's safe working limits, including its minimum freeboard; and

(ii) the safe allowable water levels for the dredge's hulls; and

(b) a method of measuring water levels in the dredge's flotation hulls is available.

132 Using and relocating operator-attended dredges

(1) A surface mine must have a standard operating procedure for using and relocating operator-attended dredges at the mine.

(2) The procedure must provide for the following—

(a) safe access to a floating pontoon;

(b) restricting access to areas identified in a risk assessment as high risk areas;

(c) controlling electrical trailing cables connected to the dredge;

(d) the safety of persons near winch ropes;

(e) using a bilge pump, including, in particular, ways to minimise the risk of reverse siphoning;

(f) checking and recording the dredge's freeboard;

(g) maintaining and inspecting the dredge's hulls and parts essential for flotation;

(h) controlling risk from dredging the face;

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(i) monitoring climatic conditions and securing the dredge during adverse climatic conditions.

Division 2 Miscellaneous

133 Discharging loads

(1) A surface mine must have a standard operating procedure for discharging loads from fixed and mobile plant.

(2) The procedure must provide for the following for dump trucks—

(a) the design, construction and maintenance of safety berms on roads used by the trucks;

(b) identifying risks of the trucks overturning;

(c) safe dump areas and routes;

(d) methods of working with the trucks.

134 Using explosive-powered tools

A surface mine must have a standard operating procedure for using explosive-powered tools.

135 Using plant near electricity

(1) A surface mine must have a standard operating procedure for using fixed and mobile plant near electrical cables, overhead electrical conductors, or electrical equipment.

(2) The procedure must provide for the following—

(a) recording power line heights at each location where a vehicle may pass;

(b) keeping a register of the height of vehicles and mobile plant used on site;

(c) fixing standard travelling routes at the mine;

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(d) travelling other than on a standard travelling route;

(e) inspecting, and reporting on, travelling routes for plant not included in the register mentioned in paragraph (b);

(f) preventing incidents involving electrical contact, including, for example, by—

(i) using barriers, signs, indicators and alarms; and

(ii) requiring stated clearance distances between plant and electrical conductors; and

(iii) isolating electrical conductors.

Part 10 Stockpile and coal waste dump operations

136 Engine shutdown and fire suppression

A surface mine's safety and health management system must provide for—

(a) each manually operated earthmoving machine used on a stockpile or coal waste dump at the mine to be fitted with an automatic fire suppression system; and

(b) the machine's engine to be capable of being stopped, independently of the operator, if a risk assessment indicates the machine may become buried.

137 Fire detection and suppression in tunnels

A surface mine's safety and health management system must provide for automatically detecting combustion and suppressing fires in tunnels beneath stockpiles.

138 Standard operating procedures

(1) A surface mine must have standard operating procedures for the following—

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(a) operating equipment on stockpiles and coal waste dumps;

(b) ensuring the safety of persons—

(i) on or near a stockpile or coal waste dump; and

(ii) in, or near, heated areas or areas with a potential for spontaneous combustion; and

(iii) working below or near a stockpile or coal waste dump where there is potential for material inrush or outrush; and

(iv) entering a bin or hopper to free blockages from inside or outside the bin or hopper;

(c) maintaining a safe atmosphere in a tunnel under a stockpile while persons are working in the tunnel;

(d) evacuating persons from a tunnel under a stockpile.

(2) The procedure for operating equipment on a stockpile must provide for the following—

(a) detecting, and giving notification of, voids in a stockpile;

(b) taking emergency action if equipment falls into a void;

(c) traversing a stockpile;

(d) creating loading faces and dozer slots and battering down the faces and slots;

(e) supplying uniform lighting to minimise shadows.

139 Safety berms

If rear dump trucks are required to dump up to, or over, an edge at a surface mine, the mine's safety and health management system must provide for constructing and maintaining a safety berm to reduce the risk from the trucks toppling over the edge.

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Part 11 Miscellaneous

140 Prohibited articles

(1) A surface mine's safety and health management system must provide for classifying materials or objects as prohibited articles.

(2) A person must not have a prohibited article at the mine.

141 Safety inspections

(1) A surface mine must have a standard operating procedure for carrying out safety inspections of workplaces, including an inspection by an open-cut examiner under section 106, at the mine.

(2) The procedure must require—

(a) a safety inspection to be done before an on-site activity is carried out at a workplace, and periodically while activities are carried out at the workplace; and

(b) the results of the inspection, including details of hazards and recommended corrective action, to be made available to the mine's coal mine workers.

142 Flammable or toxic gas

(1) A surface mine's safety and health management system must provide for protecting persons from risks from flammable or toxic gas at the mine.

(2) The system must include a standard operating procedure that provides for the following—

(a) identifying and monitoring parts of the mine where the gas might accumulate and create a hazard;

(b) fixing flammable gas concentration limits for the work environment;

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(c) testing for flammable or toxic gas in the work environment, before, during and after carrying out work;

(d) recording information about flammable or toxic gas detected in the work environment;

(e) controlling flammable or toxic gas in the work environment;

(f) establishing emergency procedures for flammable or toxic gas in the work environment.

143 Heat stress

A surface mine's safety and health management system must include a procedure for protecting persons from heat that may lead to heat stress, heat exhaustion or heat stroke.

144 Lighting

A surface mine's safety and health management system must provide for the following—

(a) adequate lighting, having regard to shadow, contrast and glare, in each area of the mine in which work is to be carried out so the work can be carried out safely;

(b) emergency lighting to ensure that persons in a building or enclosure at the mine can safely exit if the normal lighting fails.

145 Spray painting and spraying other substances

A surface mine must have a standard operating procedure for spray painting or spraying a volatile or harmful substance.

146 Trenches

(1) A surface mine's safety and health management system must provide for protecting persons from risks from trenches at the mine.

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(2) The system must provide for the following—

(a) the use of barricades;

(b) ground support;

(c) water ingress and hazardous atmosphere in the trench.

Chapter 4 Underground mines

Part 1 Preliminary

147 Application of chapter

This chapter applies only to underground mines.

Note—

See also chapter 2 which is about all coal mines.

148 Ways of achieving an acceptable level of risk

(1) This chapter prescribes ways of achieving an acceptable level of risk at an underground mine in the circumstances mentioned in this chapter.

(2) However, this chapter does not deal with all circumstances that expose someone to risk at an underground mine.

(3) A person may discharge the person's safety and health obligation in the circumstances mentioned in this chapter only by following the ways prescribed.

Note—

See section 34 of the Act for the penalty for failing to discharge the obligation.

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Part 2 General

149 Principal hazard management plan

An underground mine must have principal hazard management plans that provide for at the least the following—

(a) emergency response failure;

(b) gas management;

(c) methane drainage;

(d) mine ventilation failure;

(e) gas outbursts;

(f) spontaneous combustion;

(g) ground or strata failure;

(h) inundation or inrush of any substance;

(i) mine shafts and winding systems;

(j) subsidence;

(k) airborne dust or any other airborne contaminants;

(l) fire or explosion;

(m) roads or other vehicle operating areas;

(n) any other principal hazard identified by the coal mine operator or site senior executive for the underground mine.

150 Restriction on entering below ground

A person must not enter below ground at an underground mine without the authority of the underground mine manager.

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151 Dealing with flammable substances underground

An underground mine must have a standard operating procedure for using, storing, handling and disposing of flammable substances with a flash point of less than 61ºC underground.

152 Limit to external surface temperature of equipment used underground

Unless otherwise allowed under part 8, division 5, a person must not use equipment underground if its external surface temperature is more than 150ºC.

153 Giving technical directions to a person appointed under s 60(8) or (9) of the Act

A person must not give a technical direction about a safety and health matter to a person appointed under section 60(8) or (9) of the Act unless the person has the necessary technical competency, and is authorised by the underground mine manager, to give the direction.

Maximum penalty—200 penalty units.

Part 3 Emergencies

Division 1 Fire prevention and control

154 Fire prevention and control

The site senior executive for an underground mine must ensure a building or structure located at a surface intake opening, or in the underground mine, is constructed of a nonflammable material.

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155 Fire officers

(1) The underground mine manager for an underground mine must appoint, in writing, at least 1 person as a fire officer for the mine.

(2) The fire officer is responsible for the following—

(a) inspecting, testing and maintaining all fire fighting equipment;

(b) keeping records of the inspection, testing and maintenance of fire fighting equipment;

(c) establishing fire prevention and control training needs and ensuring the training is carried out;

(d) ensuring the currency of all fire fighting plans and procedures;

(e) testing, and reporting on, the condition of the mine's communication system.

Division 2 Emergency mine sealing and entry airlocks

156 Emergency mine sealing and entry airlocks

(1) The site senior executive for an underground mine must ensure—

(a) each entrance from the surface to the underground mine is capable of being sealed—

(i) at the surface without requiring persons to travel in front of the entrance to seal it; or

(ii) if the entrance is a vertical shaft—

(A) in the way mentioned in subparagraph (i); or

(B) in a roadway at the bottom of the shaft; and

(b) at least 1 entrance from the surface to the underground mine has a mine entry airlock.

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(2) The site senior executive must also ensure—

(a) each seal installed for sealing an entrance from the surface to the underground mine is a type E seal; and

(b) each mine entry airlock is capable of withstanding a pressure pulse of 70kPa passing through the entrance while the airlock is open.

(3) The site senior executive must also ensure the underground mine, when sealed, has facilities allowing the following—

(a) the use of inertisation equipment from a safe position;

(b) the monitoring of the atmosphere behind the seal from a safe position;

(c) persons to re-enter the mine through the entrance;

(d) large mobile equipment to enter or exit the mine through an airlock.

(4) This section does not apply to a drift or shaft being driven from the surface in material other than coal.

(5) Nothing in this section prevents a type E seal from also being designed for pressure relief for an overpressure of more than 70kPa.

(6) In this section—

type E seal means a ventilation control device capable of withstanding an overpressure of 70kPa.

157 Testing airlocks

The underground mine manager for an underground mine must ensure the operation of each airlock installed for an entrance at the mine is tested, other than pressure tested, at least once a year.

157A Testing inertisation facilities

(1) The underground mine manager for an underground mine must ensure the following facilities at the mine are tested at

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appropriate intervals to ensure the facilities are capable of being used in an emergency—

(a) the connection point for using the inertisation equipment mentioned in section 156(3)(a);

(b) each airlock and seal required to be used with the inertisation equipment.

(2) The site senior executive for the mine must ensure the necessary facilities, including, for example, water and cleared areas, are available for use with the inertisation equipment.

Part 4 Rescue and communication

Division 1 Self-rescuers and other breathing apparatus

158 Self-rescuers and other breathing apparatus

(1) An underground mine's safety and health management system must provide for the following for persons other than mines rescue persons—

(a) supplying self-rescuers, and other breathing apparatus, of a certified type for use at the mine;

(b) maintaining and testing self-rescuers and other breathing apparatus used at the mine;

(c) for self-rescuers—

(i) issuing each person with a self-rescuer that is physically suitable for the person before the person enters the mine; and

(ii) training persons in donning, changing over and using self-rescuers, including self-rescuers stored in caches in the mine, before the persons enter the mine;

(d) for other breathing apparatus—

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(i) issuing the breathing apparatus to each person who is required to use the apparatus; and

(ii) training persons who are required to use the breathing apparatus in using the apparatus.

(2) The system must also provide for the following—

(a) the use of a self-rescuer at the mine by the following—

(i) a person who is using the self-rescuer other than the self-rescuer that was issued permanently to the person;

(ii) a temporary coal mine worker;

(iii) a visitor;

(b) recording the following details about each temporary use of a self-rescuer at the mine—

(i) the name of the person using the self-rescuer;

(ii) the date and time the self-rescuer was taken or issued for use by the person;

(iii) the unique identification of the self-rescuer;

(c) removing a record mentioned in paragraph (b) when the person to whom the record applies returns the self-rescuer.

159 Restriction on entering below ground at underground mine without self-rescuer

(1) A person must not enter below ground at an underground mine unless the person—

(a) has been issued with, and is carrying, a self-rescuer; and

(b) is trained in donning, changing over and using the self-rescuer and self-rescuers stored in caches in the mine; and

(c) has examined the self-rescuer, is satisfied the self-rescuer has not been damaged externally, and has

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carried out any checks required by the manufacturer; and

(d) is physically capable of using a self-rescuer of a certified type.

(2) Subsection (1) does not apply to a mines rescue person carrying out a mines rescue activity.

160 Responsibility of persons issued with self-rescuers

While a self-rescuer issued for an underground mine is in the possession or control of the person to whom the self-rescuer has been issued, the person must ensure its safe keeping and, as far as practicable, that the self-rescuer is not damaged.

Division 2 Cap lamps

161 Types of cap lamps

An underground mine's safety and health management system must provide for the following—

(a) cap lamps for use at the mine to be of a certified type and explosion protection category Ex ia, Ex s or Ex l;

(b) a record to be kept of the following for each cap lamp type in use at the mine—

(i) its design and construction specifications;

(ii) the manufacturer's maintenance and testing recommendations.

162 Facilities and equipment for cap lamps

The site senior executive for an underground mine must ensure—

(a) the mine has the following facilities and equipment for cap lamps—

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(i) a lamp room;

(ii) battery charging stations;

(iii) cap lamp battery charging equipment;

(iv) the correct tools and testing equipment for repairing and maintaining cap lamps; and

(b) each battery charging station is adequately ventilated to remove gases generated by the charging.

163 Maintaining and testing cap lamps

The underground mine manager for an underground mine must ensure—

(a) each cap lamp used at the mine is operated for the minimum period stated in the standard against which the cap lamp is certified immediately before the cap lamp is tested; and

(b) the cap lamp is used again only if the test shows its performance is at least 60% of the performance stated in the standard; and

(c) a record is kept of results of maintenance and testing of cap lamps in use at the mine.

164 Identifying and tracking cap lamps

The underground mine manager for an underground mine must ensure—

(a) each cap lamp issued to a person at the mine has a unique identification; and

(b) a record is kept of the name of the person to whom the cap lamp is issued permanently.

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165 Restriction on entering below ground at an underground mine without a cap lamp

A person must not enter below ground at an underground mine unless the person—

(a) has been issued with, and is carrying, a cap lamp; and

(b) is trained in using the cap lamp; and

(c) has examined the cap lamp, is satisfied the cap lamp is working correctly, and has not been damaged to an extent that adversely affects its safe use.

166 Safety and health management system

An underground mine's safety and health management system must provide for the following—

(a) the use of cap lamps at the mine by the following—

(i) a person who is using a cap lamp other than the cap lamp that was issued permanently to the person;

(ii) a temporary coal mine worker;

(iii) a visitor;

(b) recording the following details about the temporary use of a cap lamp at the mine—

(i) the name of the person using the cap lamp;

(ii) the date and time the cap lamp was taken or issued for use by the person;

(iii) the unique identification of the cap lamp;

(c) removing a record mentioned in paragraph (b) when the person to whom the record applies returns the cap lamp.

167 Responsibility of persons using cap lamps

(1) While a cap lamp issued for an underground mine is in the possession or control of the person to whom the cap lamp has

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been issued, the person must ensure its safe keeping and, as far as practicable, that the cap lamp is not damaged.

(2) A person to whom a cap lamp has been issued for an underground mine must return the lamp to its allotted position at the battery charging station at the mine—

(a) at the end of the person's shift or any extension of the shift for which the lamp was issued; or

(b) if the person no longer needs the cap lamp during the person's shift or any extension of the shift—as soon as possible after the person no longer needs the cap lamp.

Division 3 Self-escape, aided escape and emergency evacuation

168 Safety and health management system for self-escape

(1) An underground mine's safety and health management system must provide for the self-escape of persons from the mine, or a part of the mine, to a place of safety.

(2) The system must be developed through a risk assessment that includes a consideration of at least the following—

(a) the location of devices for assisting self-escape;

(b) the number of devices, including self-rescuers, to be distributed throughout the mine;

(c) selecting and marking the location for reserve self-rescuers;

(d) the number and location of changeover stations and refuges;

(e) selecting and marking escape routes;

(f) communication equipment and ways of using the equipment;

(g) training persons in self-escape;

(h) fitness of coal mine workers.

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(3) The system must provide for a sufficient number of self-rescuers to be placed throughout the mine to enable each person below ground to attempt to escape to the surface if an incident renders the mine, or a part of the mine atmosphere, irrespirable and of poor visibility.

169 Standard operating procedure for self-escape

(1) An underground mine must have a standard operating procedure for familiarising the mine's coal mine workers with use of the mine's escapeways.

(2) The procedure must include the use of exercises under simulated incident conditions.

170 Safety and health management system for aided escape

(1) An underground mine's safety and health management system must provide for the aided escape of persons from the mine, or from a place of refuge, to a place of safety.

(2) The escape strategies provided by the system must be capable of implementation whenever a person is below ground at the mine.

171 Safety and health management system for emergency evacuation

(1) An underground mine's safety and health management system must provide for the emergency evacuation of persons from the mine, or a part of the mine, to a place of safety.

(2) The system must provide for the following—

(a) the designation of places of safety where persons may assemble in an emergency;

(b) the trigger points for evacuating the mine or a part of the mine;

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(c) periodic exercises to demonstrate the effectiveness of the emergency evacuation system to respond to potential emergencies at the mine.

(3) The site senior executive for the mine must consult with workers at the mine in developing the part of the safety and health management system that provides for the trigger points mentioned in subsection (2)(b) (the ***trigger point provisions***).

(4) In establishing the trigger points, the site senior executive must comply with section 10, other than section 10(1)(a), as if—

(a) a reference in the section to a standard operating procedure were a reference to the trigger point provisions; and

(b) a reference in the section to the coal mine workers with whom the site senior executive consulted were a reference to representatives of the mine's coal mine workers.

(5) In this section—

trigger point means an indicator that the level of risk for a particular hazard is unacceptable.

Division 4 Mines rescue

172 Emergency response strategies

(1) The site senior executive for an underground mine must ensure the mine has emergency response strategies for mines rescue services.

(2) The strategies must provide for external assistance under—

(a) a mutual assistance scheme between the mine and another mine; or

(b) a mines rescue agreement.

(3) The strategies must be capable of implementation whenever a person is below ground at the mine.

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173 Mines rescue team

(1) The site senior executive for an underground mine must ensure—

(a) the mine has at least the required number of persons certified by an accredited corporation as competent in using self-contained breathing apparatus and emergency rescue procedures; and

(b) the persons are—

(i) coal mine workers at the mine; or

(ii) other persons whose availability to assist in mines rescue at the mine is secured by an arrangement agreed to in writing by an inspector.

(2) In this section—

required number, of persons for an underground mine, means the number that is the greater of the following—

(a) 5;

(b) 5% of the mine's coal mine workers.

174 Mines rescue agreement

A mines rescue agreement for an underground mine must state the following—

(a) the minimum mines rescue training to be provided under the agreement;

(b) the procedure for coal mine operators to help each other in an emergency;

(c) how inertisation equipment controlled by the accredited corporation is to be used at the mine;

(d) the operational procedures developed by the accredited corporation to be followed by the corporation in carrying out the mines rescue services at the mine.

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175 Inertisation capability

An accredited corporation must have—

(a) an operational inertisation capability, including persons trained in operating inertisation equipment, for any underground mine with which the corporation has a mines rescue agreement; and

(b) sufficient resources for training persons in operating the equipment.

Division 5 Communication systems

176 Telephonic communication

(1) The site senior executive for an underground mine must ensure the mine's telephonic communication system complies with this section and has an adequate failsafe, or backup, power supply for the system.

(2) The system's electrical components installed underground must be suitable for use in an ERZ0, unless the components are installed in a drift or shaft being driven from the surface in material other than coal.

(3) The system must provide for effective telephonic communication to and from the following places at the mine—

(a) each entrance underground, and on the surface, through which a person may enter into a shaft or other excavation used for ingress to or egress from the mine workings;

(b) each underground battery charging station;

(c) each underground workshop;

(d) each underground crib room;

(e) a place close to each switchgear used to isolate or control sections of the underground main electricity distribution system;

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(f) a place close to each underground conveyor belt drivehead;

(g) a place close to each underground loading or transfer point on the conveyor belt system;

(h) each emergency refuge chamber;

(i) a place in each inspection district in the mine not otherwise mentioned in paragraphs (a) to (h).

177 Coal mine workers must be competent in operating telephonic communication system

The underground mine manager for an underground mine must ensure each coal mine worker at the mine is competent in operating the mine's telephonic communication system.

178 Communication by notices and plans

(1) The underground mine manager for an underground mine must ensure the mine has noticeboards for displaying safety and health notices and plans—

(a) at the surface of the mine where coal mine workers assemble before going underground; and

(b) in each underground crib room.

(2) The underground mine manager must ensure the safety and health notices mentioned in subsection (3) are displayed at—

(a) each place mentioned in subsection (1); and

(b) each place containing fixed electrical equipment other than the following—

(i) cables;

(ii) switchgear associated with portable equipment;

(iii) isolated remote control switches;

(iv) lighting;

(v) communications and signalling equipment.

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(3) For subsection (2), the safety and health notices are notices about the following—

(a) directions for resuscitating persons suffering from electric shock;

(b) directions for the procedure in case of fire;

(c) a direction prohibiting a person from handling, operating or interfering with electrical equipment at the place unless the person—

(i) is authorised to take the action; or

(ii) is taking action to cut off the electricity supply in an emergency.

Part 5 Electrical equipment and installations

Division 1 General

179 Safety and health management system

An underground mine's safety and health management system must provide for the following—

(a) the safe and secure location of the mine's electrical equipment and installations;

(b) the design and operation of liquid-filled electrical equipment.

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Division 2 Suitability of electrical equipment and installations

180 Application of division

This division does not apply to electrical equipment and installations that are being used at an underground mine in a life-threatening emergency.

181 ERZ0

(1) The site senior executive for an underground mine must ensure electrical equipment installed or operated in an ERZ0 at the mine—

(a) is suitable for use in an underground mine; and

(b) is certified as having explosion protection category Ex ia, Ex s or Ex l.

(2) Subsection (1)(b) does not apply to electrical cables that are part of an Ex ia, Ex s or Ex 1 circuit.

(3) Also, subsection (1)(b) does not apply in relation to electrical equipment operated in a mine, or part of a mine, that is an ERZ0 if—

(a) the mine, or part of the mine, has been sealed and does not have an explosive atmosphere; and

(b) the equipment is operated for the purpose of assessing the risk of—

(i) persons re-entering the mine or part of the mine; or

(ii) ventilating the mine or part of the mine; and

(c) a risk assessment is carried out before the equipment is operated in the mine, or part of the mine, to—

(i) identify the oxygen nose point for the atmosphere in the mine or part of the mine; and

(ii) identify hazards involved in operating the equipment in the mine or part of the mine; and

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(iii) identify ways of effectively controlling the hazards; and

(d) the atmosphere around the equipment is continuously monitored using a gas monitoring device to detect the general body concentration of oxygen and methane; and

(e) both of the following actions are taken if the general body concentration of oxygen around the equipment exceeds 60% of the oxygen nose point identified in the risk assessment—

(i) the electrical supply to the equipment is immediately switched off;

(ii) the equipment is immediately withdrawn to a safe location; and

(f) any hazards identified in the risk assessment can be effectively controlled; and

(g) any ways identified in the risk assessment of effectively controlling the hazards are implemented.

(4) The gas monitoring device mentioned in subsection (3)(d) must automatically activate an audible or visible alarm when the general body concentration of oxygen exceeds 60% of the oxygen nose point identified in the risk assessment.

182 ERZ1

(1) The site senior executive for an underground mine must ensure fixed, mobile and transportable electrical equipment installed or operated in an ERZ1 at the mine—

(a) is suitable for use in an underground mine; and

(b) is certified as having explosion protection.

(2) Subsection (1) does not apply to electrical equipment associated with hot work or live testing.

(3) Subsection (1)(b) does not apply to a power transformer, traction battery or electrical cable.

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183 NERZ

(1) The site senior executive for an underground mine must ensure fixed, mobile and transportable electrical equipment installed or operated in a NERZ at the mine—

(a) is suitable for use in an underground mine; and

(b) either—

(i) is certified as having explosion protection; or

(ii) has a degree of protection of, or equivalent to, at least IP55 under AS 60529—2004.

(2) Subsection (1) does not apply to electrical equipment—

(a) associated with hot work or live testing; or

(b) installed in a pressurised room.

(2A) Subsection (1)(b) does not apply to electrical cables.

(3) In this section—

pressurised means pressurised within the meaning of AS 2380.4—1994 'Electrical equipment for explosive atmospheres—Explosion protection techniques—Pressurized rooms or pressurized enclosures'.

184 Enclosures for switchgear

The site senior executive for an underground mine must ensure each enclosure containing switchgear at the mine—

(a) is suitably rated for the prospective electrical fault level at the switchgear; and

(b) has adequate arc fault control.

185 Record of suitability of electrical equipment and installations

(1) The electrical engineering manager for an underground mine must ensure documentation showing the use for which the

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mine's electrical equipment and installations is suitable is kept at the mine.

(2) For electrical equipment mentioned in section 181, 182 or 183, the documentation must include the certification mentioned in the section.

Division 3 Live testing of electrical equipment and installations

186 Live testing in an ERZ

(1) A person must not live test electrical equipment or installations, including intrinsically safe electrical equipment and installations, in an ERZ0 at an underground mine.

(2) An underground mine's safety and health management system must provide for—

(a) live testing electrical equipment and installations in an ERZ1; and

(b) limiting the live testing to extra low voltage and low voltage; and

(c) notice of the live testing, other than testing of intrinsically safe electrical equipment and installations, to be given to an inspector within 7 days after the live testing is carried out.

187 Live testing in a NERZ

(1) An underground mine must have a standard operating procedure for live testing electrical equipment and installations in a NERZ.

(2) The procedure must provide for the following—

(a) limiting live testing to extra low voltage and low voltage electrical equipment and installations;

(b) isolating areas where equipment is being live tested;

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(c) the type of test instruments to be used;

(d) using high voltage test equipment and discharging stored energy after testing;

(e) using personal protective equipment;

(f) dealing with high prospective fault currents.

Division 4 Electrical cables and accessories

188 Selecting, installing and using electrical cables and accessories

An underground mine's safety and health management system must provide for selecting, installing and using electrical cables and electrical cable accessories for use at the mine.

189 Repairing and testing reeling, trailing and feeder cables

(1) An underground mine's safety and health management system must provide for repairing and testing reeling, trailing and feeder cables.

(2) A person must not use a reeling, trailing or feeder cable at an underground mine if the cable—

(a) has been found to be defective; and

(b) has not been effectively repaired and tested under the system.

(3) Subsection (2) does not apply if—

(a) only the outer sheath of the cable is damaged; and

(b) before the cable is used, the sheath is repaired in a way that satisfies a competent person that the cable can be used without creating an unacceptable level of risk.

(4) In this section—

competent person means a person who is competent in assessing the level of risk from a damaged cable.

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Division 5 Electrical control systems

190 Circuit separation

The electrical engineering manager for an underground mine must ensure each electrical circuit supplying the mine's underground electrical distribution system, ventilation system or winding or haulage system is designed so an electrical fault on 1 circuit will not affect another circuit.

191 Earth fault current limitation

(1) The electrical engineering manager for an underground mine must ensure each electrical circuit at the mine has an earth fault current limitation of not more than—

(a) for a circuit supplying equipment and cables in an ERZ1 at the mine—5A; or

(b) for a high voltage circuit not mentioned in paragraph (a)—10A; or

(c) for a low voltage circuit not mentioned in paragraph (a)—5A.

(2) Subsection (1) does not apply to the following—

(a) an intrinsically safe circuit;

(b) a circuit operating at not more than 55V to earth and fully contained in a NERZ or an explosion-protected enclosure;

(c) a circuit isolated from earth.

(3) The electrical engineering manager must ensure—

(a) the neutral point of a transformer secondary winding for an impedance earthed electrical system at the mine is distributed to only the neutral earthing impedance; and

(b) each part of an impedance earthed, or insulated neutral, electrical system at the mine has a phase-to-earth insulation level equivalent to the phase-to-phase insulation level for the electrical system.

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192 Earth leakage protection

(1) The electrical engineering manager for an underground mine must ensure each electrical circuit at the mine operating above 55V to earth has earth leakage protection with a rated tripping current of not more than—

(a) for a circuit supplying equipment and cables in an ERZ1—500mA; or

(b) for a high voltage circuit not mentioned in paragraph (a)—1A; or

(c) for a low voltage circuit not mentioned in paragraph (a)—500mA.

(2) The electrical engineering manager must ensure the operating time ensures the device cuts off the electricity supply to equipment and cables in an ERZ1, or causes the supply to be cut off, as soon as practicable after the device detects an electrical fault in the circuit.

(3) The electrical engineering manager must ensure each circuit supplying portable electrically operated handheld plant—

(a) operates at not more than 250V; and

(b) has earth leakage current protection of not more than 30mA sensitivity.

(4) The site senior executive for the mine must ensure—

(a) each circuit supplying a reeling, trailing or feeder cable has—

(i) earth continuity protection; and

(ii) a lockout earth fault current protection device; and

(b) if the device is for equipment used in an ERZ1—the device is intrinsically safe.

(5) Subsection (1) does not apply to the following—

(a) an intrinsically safe circuit;

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(b) a circuit operating at not more than 55V to earth and fully contained in a NERZ or an explosion-protected enclosure;

(c) a circuit isolated from earth.

(6) In this section—

rated tripping current means the electrical current at which the circuit breaker is set to trip.

193 Testing earth leakage protection and earth continuity protection

The electrical engineering manager for an underground mine must ensure electrical equipment at the mine having an earth leakage protection device, or an earth continuity protection device, has an easily accessible external test button on the equipment for effectively testing the device.

194 Limitation on earthing conductor's current

(1) The electrical engineering manager for an underground mine must ensure an earthing conductor at the mine is not used to carry an electrical circuit's normal current.

(2) Subsection (1) does not apply if the conductor is used for earth continuity protection and as a lockout earth fault current protection device.

195 Earthing electrodes

(1) The electrical engineering manager for an underground mine must ensure earthing electrodes installed for the underground electrical distribution system's connection to earth are located at the surface of the mine.

(2) If the mine has more than 1 electrical distribution system, the mine's safety and health management system must provide for the prospective touch voltage at the mine to be limited to a level necessary to achieve an acceptable level of risk.

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(3) The electrical engineering manager must ensure the ohmic resistance of an earthing electrode assembly for the underground electrical distribution system is kept as low as practicable and does not exceed 1 ohm.

Division 6 Miscellaneous

196 Battery charging stations

An underground mine's safety and health management system must provide for constructing, installing, operating and maintaining the mine's battery charging stations.

197 Battery-powered vehicles

(1) An underground mine's safety and health management system must provide for selecting, constructing, installing and maintaining battery-powered vehicles used at the mine.

(2) The site senior executive for the mine must ensure a non-explosion-protected battery-powered vehicle is used—

(a) only in a NERZ; and

(b) only if the vehicle's access into an ERZ0 or ERZ1 is prevented by a system that is either fail safe or includes multiple redundancy devices.

198 Traction battery powered vehicles

The site senior executive for an underground mine must ensure—

(a) a vehicle powered by a traction battery and used at the mine is fitted with a detector for, and protection from, battery earth leakage current; and

(b) the traction battery is adequately ventilated to prevent accumulations of explosive mixtures of hydrogen and air forming in the battery's immediate vicinity.

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199 Trolley wire traction systems

The underground mine manager for an underground mine must ensure a trolley wire traction system is only operated in a NERZ at the mine.

200 Switching and isolating electricity supply

(1) The underground mine manager for an underground mine must ensure the mine has, at each place where persons enter underground from the surface—

(a) a suitable communication method for advising a person to switch off the electricity supply to underground electrical equipment and cables; or

(b) a way to switch off the electricity supply.

(2) The electrical engineering manager must ensure a notice giving instructions for subsection (1)(a) and (b) is placed on the noticeboard—

(a) at the surface of the mine where coal mine workers assemble before going underground; and

(b) in each underground crib room.

201 Using fibre optics

An underground mine's safety and health management system must provide for the safe use of fibre optic equipment at the mine.

202 Using portable electrical equipment

(1) An underground mine's safety and health management system must provide for using certified and uncertified portable electrical equipment, other than portable gas detectors, in an ERZ1.

(2) The mine must have a standard operating procedure for using certified and uncertified portable electrical equipment, other than portable gas detectors, in a NERZ.

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Part 6 Explosives and explosive-powered tools

Division 1 Explosives

203 Risk assessment

Before explosives are first used at the mine, the site senior executive must ensure a risk assessment is carried out to identify—

(a) the hazards involved in transporting, storing and using explosives; and

(b) the ways of effectively controlling the hazards.

204 Authorised explosives

The site senior executive for an underground mine must ensure explosives used at the mine are authorised by the chief inspector for the *Explosives Act 1999* as suitable for use in an underground mine.

205 Transporting and storing explosives underground

(1) The underground mine manager must ensure explosives are not transported, or stored, underground unless the explosives are enclosed in a container complying with this section.

(2) The container must be—

(a) conspicuously labelled with the word 'EXPLOSIVES' printed in red on a white background; and

(b) designed and constructed—

(i) to minimise damage from impact; and

(ii) to prevent the following—

(A) friction sparks;

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(B) the build-up and retention of static electricity;

(C) the explosives spilling; and

(c) for containers for detonators or detonator sensitive explosives—lined with timber or other shock absorbing material; and

(d) locked; and

(e) used only for transporting or storing explosives underground.

(3) The container must not contain more than 1 type of explosive.

(4) However, subsection (3) does not apply to a container—

(a) in which prepared primers are transported during the construction of a shaft or drift driven from the surface; and

(b) used by a person who is competent in handling explosives for carrying the explosives to the place where the explosives will be charged and fired.

206 Temporarily storing explosives underground

(1) The underground mine manager for an underground mine must ensure explosives in a quantity appropriate for a particular job at the mine are stored in an underground explosive storage under this section only while the job is in progress.

(2) The underground explosive storage must—

(a) be—

(i) in a NERZ; and

(ii) in a location that minimises the risk of the explosives suffering an impact or being buried or burnt; and

(iii) free of rubbish, particularly rubbish of a flammable nature; and

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(iv) clearly marked by a flashing red light, or other warning device, as an underground explosive storage; and

(b) have fire fighting facilities situated on the intake air side close to the storage.

(3) Material other than explosives and explosive containers must not be stored in the storage.

(4) A container of detonators must be stored separately, by at least 10m, from a container of other explosive in the storage.

(5) The underground mine manager must keep a record of the number and location of underground explosive storages at the mine.

(6) The underground mine manager must ensure that when the job is finished, or if the job is delayed for more than 48 hours, all unused explosives for the job are returned immediately and stored in surface magazines.

207 Reconciling issue and use of explosives

An underground mine's safety and health management system must provide for the following—

(a) routinely reconciling explosives issued from surface magazines with explosives used or stored underground;

(b) immediately reporting any discrepancies to the underground mine manager, police, and an inspector for the district in which the mine is located.

208 Vehicles used to transport explosives

The site senior executive for an underground mine must ensure a vehicle used to transport explosives at the mine has appropriate facilities for the following—

(a) securing explosive containers to the vehicle;

(b) protecting the explosive containers against impact.

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209 Issuing, and dealing with, explosives

(1) A person must not issue explosives to a person at an underground mine unless the person to whom the explosives are issued—

(a) has the underground mine manager's authority to be issued with the explosives; and

(b) either—

(i) has the recognised competencies of an underground shotfirer; or

(ii) is working under the direction of an underground shotfirer and—

(A) has the recognised competencies of an assistant underground shotfirer; or

(B) is undergoing training as an underground shotfirer or assistant underground shotfirer.

(2) A person must not deal with explosives at an underground mine unless the person—

(a) has the underground mine manager's authority to be issued with the explosives; and

(b) either—

(i) has the recognised competencies of an underground shotfirer; or

(ii) is working under the direction of an underground shotfirer and—

(A) has the recognised competencies of an assistant underground shotfirer; or

(B) is undergoing training as an underground shotfirer or assistant underground shotfirer.

(3) An assistant underground shotfirer must not connect or fire explosive charges.

(4) In this section—

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deal, with an explosive, means handle, prepare, charge or fire the explosive.

210 Supervising and controlling shotfiring

The underground mine manager for an underground mine must ensure coal mining operations where shotfiring activities are taking place are directly supervised and controlled by a person holding—

(a) a first class certificate of competency; or

(b) a second class certificate of competency; or

(c) a deputy's certificate of competency.

211 Supervising person undertaking shotfiring training

An underground shotfirer must not, at any 1 time, supervise the activities of more than 1 person who is undertaking shotfiring training at an underground mine.

212 Equipment for initiating explosions

The underground mine manager for an underground mine must ensure—

(a) only certified equipment is used to initiate an explosion at the mine; and

(b) the equipment is kept under the control of an underground shotfirer.

213 Where explosives for shotfiring may be used

(1) The person directly supervising and controlling a shotfiring activity at an underground mine must ensure the place where the explosives are prepared, charged or fired has the following features—

(a) a general body concentration of methane of less than 0.5%;

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(b) a ventilation current capable of quickly diluting and removing any atmospheric contaminants released by the shot;

(c) its exposed surfaces within a radius of 20m from the location of the shot are—

(i) thoroughly saturated with water; or

(ii) treated with stonedust so the deposited dust mixture comprises an incombustible coal dust concentration of at least 85%.

(2) Subsection (1)(c) does not apply to an excavation—

(a) in stone and in which—

(i) the full length of the shothole is in stone; and

(ii) no coal is exposed, or coal dust deposited, within a 20m radius of the shot location; or

(b) more than 5m from the nearest known coal seam.

214 Action to be taken if a shot misfires

If a shot misfires at an underground mine, the shotfirer must take the following action—

(a) barricade each entrance to the place where the shot was fired;

(b) immediately report the misfire to any person about to work at the location of the misfire;

(c) if possible, remedy the misfired shot;

(d) prevent any work, other than work required to remedy the misfired shot, from being carried out in the vicinity of the shot;

(e) at the end of the shift in which the misfire happened—

(i) prepare a written record of the location and details of the misfired shot and the action taken to remedy the shot; and

(ii) ensure a copy of the record is given to—

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(A) the person in charge of the shift in which the misfire happened; and

(B) at the start of the next shift—the person in charge of that shift.

215 Isolating electrical circuits

(1) This section applies to electrical equipment and circuits—

(a) other than electrical equipment and circuits used for handling, preparing, charging and firing an explosive; and

(b) located—

(i) at a place in an underground mine where an explosive for shotfiring is handled, prepared, charged or fired; or

(ii) in the immediate proximity of an electric cable used to fire a charge.

(2) The shotfirer must ensure the equipment and circuits are effectively isolated while the explosive is being handled, prepared, charged or fired.

216 Isolating radio transmission devices

(1) This section applies to an underground mine where explosives are fired by an electric detonator.

(2) The shotfirer must ensure each radio transmitting device installed at the mine is turned off while the explosives are being handled, prepared, charged and fired.

(3) Subsection (2) does not apply if the type, location, radio frequency and power output of the transmitting device will not cause the electric detonator to fire.

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217 Limiting duration of the shot sequence

(1) This section applies if delay detonators are being used to fire a shot in an ERZ1.

(2) The shotfirer must ensure the time from firing the first detonator to firing the last detonator does not exceed 250ms.

Division 2 Explosive-powered tools

218 Issuing explosive-powered tools

A person must not issue an explosive-powered tool, or a cartridge for an explosive-powered tool, to a person at an underground mine unless the person to whom the tool or cartridge is issued—

(a) has the underground mine manager's authority to be issued with the tool or cartridge; and

(b) is working under the direct supervision of—

(i) an ERZ controller for the mine; or

(ii) a person who holds a higher certificate of competency.

219 Charging or firing explosive-powered tools

A person must not charge or fire an explosive-powered tool at an underground mine unless the person—

(a) has the underground mine manager's authority to be issued with the explosives; and

(b) is working under the direct supervision of—

(i) an ERZ controller for the mine; or

(ii) a person who holds a higher certificate of competency.

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220 Where explosive-powered tools may be used

The person directly supervising and controlling the use of an explosive-powered tool at an underground mine must ensure the place where the tool is used has the following features—

(a) a general body concentration of methane of less than 0.5%;

(b) its exposed surfaces within a radius of 20m from where the tool was fired are—

(i) thoroughly saturated with water; or

(ii) treated with stonedust so the deposited dust mixture comprises an incombustible coal dust concentration of at least 85%.

Division 3 Standard operating procedures for explosives and explosive-powered tools

221 Standard operating procedures

(1) An underground mine must have a standard operating procedure for using explosives and explosive-powered tools based on the risk assessment carried out under section 203.

(2) The procedure must provide for the following—

(a) transporting explosives underground;

(b) storing explosives underground;

(c) selecting, handling, preparing, charging and firing explosives;

(d) using explosive-powered tools;

(e) inspecting for flammable gas and combustible dust before a shot or explosive-powered tool is fired;

(f) inspecting for flammable gas, airborne contaminants, blast damage and misfires after a shot is fired;

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(g) establishing the location of—

(i) other workplaces likely to be affected by the shotfiring; and

(ii) persons likely to be affected by a shot or explosive-powered tool;

(h) warning persons mentioned in paragraph (g)(ii) and, if necessary, evacuating them or preventing them from entering a dangerous place;

(i) preventing persons being affected by fumes from used explosives;

(j) protecting strata supports, ventilation control devices, equipment and other structures from blast damage;

(k) dealing with misfired explosives or things likely to contain a misfired explosive;

(l) testing equipment used for shotfiring;

(m) conditions under which, and locations where, only explosives declared under the *Explosives Act 1999*, section 8 to be authorised explosives may be used for shotfiring purposes;

(n) recording blasting details;

(o) disposing of explosives safely.

Part 7 Gas monitoring

Division 1 Safety and health management system

221A Application of division

This division does not apply to a drift or shaft being driven from the surface in material other than coal.

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222 Gas monitoring system

(1) An underground mine's safety and health management system must provide for a gas monitoring system complying with this section.

(2) The gas monitoring system must provide for the following—

(a) continuous monitoring of the mine atmosphere at the return airway of each ventilation split, to detect methane, carbon monoxide, carbon dioxide and oxygen;

(b) automatically detecting or calculating the values and trends of the following—

(i) gas concentrations;

(ii) the ratio of carbon monoxide and oxygen deficiency (commonly known as Graham's ratio);

(iii) the ratio of carbon monoxide and carbon dioxide;

(iv) gas explosibility;

(c) automatically activating an alarm if a gas alarm level is exceeded;

(d) recording the values and trends mentioned in paragraph (b) and displaying the record—

(i) at the surface of the mine where the record can be easily accessed by coal mine workers; and

(ii) in a way that the record can be easily read by the workers;

(e) keeping the information on which the values and trends mentioned in paragraph (d) were based at the mine in a way that enables the information to be easily accessed and inspected.

(3) The gas monitoring system must also provide for—

(a) an alternative electricity supply to ensure the system continues to function if the normal electricity supply fails; and

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(b) electrical equipment installed and operated underground for the system to have the following explosion protection category—

(i) for equipment other than a gas detector head—Ex ia;

(ii) for a gas detector head—Ex ia or Ex s.

223 Monitoring and sampling mine atmosphere

(1) An underground mine's safety and health management system must provide for continuous monitoring of the mine atmosphere, using the mine's gas monitoring system, at the return airway of each ventilation split.

(1A) The safety and health management system must also provide for sampling of the mine atmosphere, using the mine's gas monitoring system, at each of the following places—

(a) the return airway from each goaf area and each set of workings;

(b) the return of each airway at the upcast shaft;

(c) other places stated in the mine's principal hazard management plan for gas monitoring as places where gas monitoring must be carried out.

(1B) The safety and health management system must also provide for—

(a) continuous monitoring, using the mine's gas monitoring system, to detect products of combustion in the mine atmosphere at the return side of each conveyor belt; and

(b) when the products are detected, the automatic activation of an alarm located on the surface in a position that is generally under observation to warn persons of the products' presence.

(2) The safety and health management system must also provide for a regularly updated plan to be kept at the mine showing the location of—

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(a) the sampling point for each of the places mentioned in subsections (1), (1A) and (1B); and

(b) each of the mine's ventilation control devices designated under section 351(1).

(3) A person must not relocate equipment used for sampling without the mine's ventilation officer's authorisation.

224 Gas alarm levels

(1) An underground mine's principal hazard management plan for gas management must state the values and ratios for gas, mentioned in section 222(2)(b), that are gas alarm levels.

(2) The mine must have a standard operating procedure for changing the gas alarm levels, including recording the following details—

(a) the nature of, and reason for, the change;

(b) the date the change was made;

(c) the name of the person who made the change.

225 Changing gas alarm level settings

A person must not change a gas alarm level setting for an underground mine without the mine's ventilation officer's authorisation.

226 Acknowledging alarms

(1) An underground mine must have a standard operating procedure for acknowledging alarms that are activated when gas alarm levels are exceeded.

(2) The procedure must provide for at least 1 person to be—

(a) on the surface when a person is underground; and

(b) authorised by the underground mine manager for the mine to acknowledge the alarms.

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Division 1A Gas monitoring system for drifts driven from mine surface in material other than coal

226A Gas monitoring

A drift being driven from the surface in material other than coal must contain equipment that—

(a) continuously monitors the atmosphere in the drift to detect products of combustion; and

(b) when the products are detected, automatically activates an alarm that is located in a position to warn persons in the drift.

Division 2 Methane and other gas detectors

Subdivision 1 General

227 Portable gas detectors

The site senior executive for an underground mine must ensure—

(a) the mine has a sufficient number of portable gas detectors capable of detecting the presence of methane, carbon monoxide and oxygen in the mine atmosphere; and

(b) each portable gas detector used at the mine is certified as—

(i) suitable for use in an underground mine; and

(ii) having the following explosion protection category—

(A) for parts of the detector other than the gas detector head—Ex ia;

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(B) for the gas detector head—Ex ia or Ex s; and

(iii) capable of detecting the type of gas for which the detector is intended to be used; and

(iv) being accurate and reliable.

228 Providing portable gas detectors

(1) The underground mine manager for an underground mine must ensure each person appointed under section 60(8) or (9) of the Act for the mine is provided with a portable gas detector.

(2) The underground mine manager may provide a portable gas detector to a person, other than a person appointed under section 60(8) or (9) of the Act, only if the person is—

(a) appointed by the underground mine manager to use the detector; and

(b) competent in its use.

(3) A person provided with a portable gas detector for an underground mine must keep the detector in the person's possession or under the person's direct control while the detector is in use underground.

229 Fixed methane detectors

(1) This section applies to a fixed methane detector at an underground mine that is—

(a) fitted to equipment; or

(b) a self-contained unit located at a particular place; or

(c) part of the gas monitoring system.

(2) The site senior executive for the mine must ensure that if the detector malfunctions or fails the detector will automatically—

(a) cause the equipment, or part of the equipment, the detector is monitoring to shut down; and

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(b) give a visible alarm.

(3) Subsection (2)(a) does not apply if the equipment or part is fitted with more than 1 methane detector and 1 of the detectors remains operational.

Subdivision 2 Plant to be protected by methane detectors

230 Plant to be protected by methane detectors

The site senior executive for an underground mine must ensure a plant item used at the mine and mentioned in this subdivision is protected by methane detectors under this subdivision.

231 Auxiliary or booster fan

(1) An auxiliary or booster fan must be protected by at least 1 methane detector to detect the general body concentration of methane at the fan.

(2) For an auxiliary fan, the detector must be an automatic methane detector that trips the electricity supply to the fan when the concentration exceeds 2%.

(3) For a booster fan, the detector must, when the concentration exceeds 1.25%, automatically activate an audible and visible alarm located in a place that allows the necessary action to be taken promptly.

(4) If the detector protecting an auxiliary fan fails or is otherwise non-operational, the underground mine manager must ensure that, while the fan is operating, a person—

(a) continuously monitors the general body concentration of methane at the fan by using a portable methane detector that gives an audible and visible alarm when the concentration exceeds 1.25%; and

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(b) disconnects the electricity supply to the fan when the concentration exceeds 1.25%.

(5) This section does not apply to an auxiliary or booster fan for a drift or shaft being driven from the surface in material other than coal.

232 Main exhausting fan

(1) The ventilating air passing through a main exhausting fan must be monitored by at least 1 automatic methane detector to detect the air's general body concentration of methane.

(2) The detector must automatically activate a visible alarm when the concentration exceeds the percentage stated in the mine's principal hazard management plan for ventilation as the percentage that must not be exceeded before the detector activates the alarm.

233 Coal cutter, continuous miner, tunnel boring and road heading machine

(1) A coal cutter, continuous miner, tunnel boring or road heading machine must be fitted with at least 1 automatic methane detector to detect the methane concentration near the cutters.

(2) If the machine is fitted with only 1 automatic methane detector, the detector must automatically—

(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) trip the electricity supply to the machine when the concentration exceeds 2%.

(3) If the machine is fitted with more than 1 automatic methane detector—

(a) a detector fitted to detect the methane concentration near the cutters must automatically—

(i) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

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(ii) trip the electricity supply to the cutters when the concentration exceeds 2%; and

(b) a detector fitted to detect the general body concentration of methane around the machine must automatically—

(i) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(ii) trip the electricity supply to the machine when the concentration exceeds 2%.

234 Longwall shearer

(1) A longwall shearer must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the machine.

(2) The detector must automatically—

(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) trip the electricity supply to—

(i) the cutters when the concentration exceeds 1.25%; and

(ii) the machine when the concentration exceeds 2%.

234A Armoured face conveyor

(1) An armoured face conveyor must be fitted with at least 1 automatic methane detector on each electrically-powered tailgate drive motor to detect the general body concentration of methane at the tailgate drive motor.

(2) The detector must automatically—

(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) trip the electricity supply to the armoured face conveyor and the longwall shearer cutters when the concentration exceeds 2%.

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Note—

See section 393.

235 Mobile bolting machine

(1) A mobile bolting machine must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the machine.

(2) The detector must automatically—

(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) trip the electricity supply to the machine when the concentration exceeds 2%.

236 Explosion-protected electrically-powered loader

(1) An explosion-protected electrically-powered loader must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the machine.

(2) The detector must automatically—

(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) trip the electricity supply to the loader when the concentration exceeds 2%.

237 Explosion-protected load-haul dump vehicle powered by a battery or internal combustion engine

(1) This section applies to an explosion-protected load-haul dump vehicle powered by a battery or an internal combustion engine.

(2) The vehicle must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the vehicle.

(3) The detector must automatically—

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(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) either—

(i) trip the electricity supply to the vehicle's electrical motors when the concentration exceeds 2%; or

(ii) stop the vehicle's internal combustion engine when the concentration exceeds 1.25%.

238 Other explosion-protected plant powered by battery or internal combustion engine

(1) Battery, or internal combustion engine, powered explosion-protected plant, other than a load-haul dump vehicle, must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the plant.

(2) The detector must automatically—

(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) either—

(i) trip the electricity supply to the plant's electrical motors when the concentration exceeds 2%; or

(ii) stop the plant's internal combustion engine when the concentration exceeds 1.25%.

(3) This section does not apply to plant that is being operated—

(a) by a person using a portable methane detector that gives an audible and visible alarm when the concentration exceeds 1% and 1.25%; and

(b) in a location inspected periodically by a person using a portable methane detector.

(4) In this section—

periodically, for inspecting plant in a location in an ERZ1, means at least twice during a shift at approximately evenly spaced intervals.

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239 Other explosion-protected electrical plant

(1) This section applies to explosion-protected electrical plant supplied with electricity by a trailing cable, other than plant—

(a) mentioned in sections 233 to 238; or

(b) having explosion protection category Ex ia; or

(c) operated in a NERZ.

(2) The plant must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the plant.

(3) The detector must automatically trip the electricity supply to the plant when the concentration exceeds 2%.

(4) This section does not apply to plant that is being operated in a location inspected periodically by a person using a portable methane detector.

(5) In this section—

periodically, for inspecting plant in a location in an ERZ1, means at least twice during a shift at approximately evenly spaced intervals.

240 Non-explosion-protected plant

(1) This section applies to non-explosion-protected plant, other than portable plant, powered by a battery or an internal combustion engine.

(2) The plant must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the plant.

(3) The detector must automatically—

(a) activate—

(i) a visible alarm to warn the operator when the concentration exceeds 0.25%; and

(ii) an audible or visible alarm to warn the operator when the detector fails in service; and

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(b) trip the electricity supply to the plant's electrical motors or stop its internal combustion engine—

(i) when the concentration exceeds 0.5%; and

(ii) within 3 minutes after the detector fails in service.

Subdivision 3 Places where methane detectors must be located

241 Places where methane detectors must be located

The site senior executive for an underground mine must ensure a place mentioned in this subdivision has methane detectors located at the place under this subdivision.

242 Intake airways

(1) At least 1 automatic methane detector must be located in each intake airway at the interface between—

(a) a NERZ and ERZ1; and

(b) 2 NERZs.

Example of interface between 2 NERZs—

the interface between subdivided parts of a NERZ

(2) A detector located at an interface between a NERZ and ERZ1 must—

(a) when the general body concentration of methane detected at the interface exceeds 0.25%—automatically activate a visible alarm; and

(b) when the general body concentration of methane detected at the interface exceeds 0.5%—automatically trip the electricity supply to non-intrinsically safe plant in—

(i) the ERZ1 and NERZ; or

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(ii) if the NERZ has been subdivided—the ERZ1 and the subdivided part of the NERZ adjacent to the ERZ1.

(3) A detector located at the interface between a NERZ and an ERZ1 must be a self-contained unit or part of the gas monitoring system for the mine.

(4) A detector located at an interface between 2 NERZs must—

(a) automatically activate a visible alarm when the general body concentration of methane detected at the interface exceeds 0.25%; and

(b) if the NERZ has been subdivided—automatically trip the electricity supply to non-intrinsically safe plant in the adjacent subdivided part when the general body concentration of methane detected at the interface exceeds 0.5%.

(5) The alarm mentioned in subsection (2)(a) or (4)(a) must be visible at the interface.

243 Main return airway and return airway in a ventilation split

(1) At least 1 methane detector must be located in—

(a) each main return airway; and

(b) each return airway in a ventilation split.

(2) The detector must automatically activate a visible alarm when the general body concentration of methane detected in the return air exceeds the percentage stated in the mine's principal hazard management plan for ventilation as the percentage that must not be exceeded before the detector activates the alarm.

243A Longwall return airway generally

(1) This section applies—

(a) in relation to a longwall return airway; and

(b) in addition to the requirements under section 243.

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(2) At least 1 automatic methane detector must be located—

(a) in the longwall return airway; and

(b) within 150m outbye of the corner of the tailgate block side rib line and the longwall coal face; and

(c) so as to measure the general body concentration of methane in the longwall return airway from—

(i) the longwall face; and

(ii) the goaf.

(3) The detector must automatically—

(a) activate a visible alarm when the general body concentration of methane detected in the return air exceeds the percentage stated in the mine's principal hazard management plan for ventilation as the percentage that must not be exceeded before the detector activates the alarm; and

(b) trip the electricity supply to the following equipment when the general body concentration of methane detected in the return air exceeds 2%—

(i) the armoured face conveyor;

(ii) the longwall shearer cutters;

(iii) the longwall equipment in the longwall return airway.

243B Longwall return airway

(1) This section applies in addition to the requirements under section 243.

(2) At least 1 methane detector must be located in each of the following places—

(a) a longwall return airway that is an ERZ0 (a ***relevant zone***), if a machine can physically pass through a boundary between—

(i) a NERZ and the ERZ0; or

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(ii) an ERZ1 and the ERZ0;

(b) a longwall return airway that is an ERZ1 (also a ***relevant zone***), if a machine can physically pass through a boundary between—

(i) a NERZ and the ERZ1; or

(ii) another ERZ1 and the ERZ1.

(3) The detector must automatically activate a visible alarm on the intake side of each access leading into the relevant zone when the general body concentration of methane detected in the return air exceeds 1%.

Note—

See section 396.

244 Intake airway intersecting with longwall face

(1) At least 1 automatic methane detector must be located at the intersection between a longwall face and an intake airway.

(2) A detector located at the intersection between a longwall face and an intake airway must automatically—

(a) activate a visible alarm when the general body concentration of methane detected at the intersection exceeds 1%; and

(b) trip the electricity supply to longwall equipment in the longwall face and intake airway when the general body concentration of methane detected at the intersection exceeds 2%.

Note—

See section 394.

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Division 3 Action to be taken if methane is detected or methane detector is non-operational

245 Explosion-protected electrically-powered loader

If a general body concentration of methane exceeding 1.25% is detected around an explosion-protected electrically-powered loader that is not fitted with an automatic methane detector, the loader's operator must switch off the electricity supply to the loader's trailing cable.

246 Explosion-protected vehicle powered by a battery or internal combustion engine

(1) This section applies to an explosion-protected vehicle—

(a) powered by a battery or an internal combustion engine; and

(b) fitted with 1 automatic methane detector.

(2) If a general body concentration of methane of at least 1% is detected around the vehicle, the vehicle's operator must immediately withdraw the vehicle to a place where the general body concentration of methane is less than 1%.

(3) If a general body concentration of methane of at least 1.25% is detected around a vehicle constructed before 1 July 2001 that is not fitted with a methane detector, the vehicle's operator must immediately switch off the electrical motors or internal combustion engine.

247 Other explosion-protected electrical plant

(1) This section applies to explosion-protected electrical plant supplied with electricity by a trailing cable, other than plant—

(a) mentioned in sections 245 and 246; or

(b) fitted with an automatic methane detector; or

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(c) having explosion protection category Ex ia.

(2) If a general body concentration of methane of at least 1.25% is detected around the plant, the person detecting the methane must immediately switch off the electricity supply to the equipment's trailing cable.

248 Non-explosion-protected vehicle powered by a battery or an internal combustion engine

If the automatic methane detector fitted to a non-explosion-protected vehicle powered by a battery or an internal combustion engine fails in service, the vehicle's operator must immediately park the vehicle.

249 Ventilation split or main return airway

An underground mine must have a standard operating procedure for taking action when methane, at a general body concentration stated in the procedure, is detected at a ventilation split or main return airway.

250 Action to be taken if methane detector activates or is non-operational

(1) An underground mine must have a standard operating procedure for taking action when any of the following happens—

(a) an automatic methane detector fitted to a machine, vehicle or plant to which any of sections 233 to 239 applies—

(i) trips the electricity supply to the machine, vehicle or plant; or

(ii) stops its internal combustion engine;

(b) a methane detector mentioned in paragraph (a), other than a methane detector fitted to a longwall shearer, fails in service;

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(c) a methane detector located as required under section 242, 243, 243A, 243B or 244—

(i) fails in service; or

(ii) is being tested or relocated.

(2) The procedure must provide that, if an event mentioned in subsection (1)(a) or (b) happens in relation to a methane detector fitted to a machine or vehicle (other than a longwall shearer or armoured face conveyor) in an ERZ1, the methane detector may be temporarily overridden to allow the machine or vehicle to be moved, but only if—

(a) the general body concentration of methane around the machine or vehicle is less than 1.25%; and

(b) a portable methane detector is used to continuously monitor the concentration.

(3) The procedure must also provide that if an event mentioned in subsection (1)(b) happens in relation to a methane detector fitted to a longwall shearer as mentioned in section 234, the methane detector may be temporarily overridden to allow the longwall shearer to be operated to allow movement to a secure place along the face or at the gate ends, but only if—

(a) the general body concentration of methane around the longwall shearer is less than 1.25%; and

(b) a portable methane detector is used to continuously monitor the concentration.

(4) The procedure must also provide that, if an event mentioned in subsection (1)(b) happens in relation to a methane detector fitted to a relevant machine or relevant vehicle (other than an armoured face conveyor) being used in a NERZ, the operator may continue to use the machine or vehicle only if—

(a) the general body concentration of methane around the machine or vehicle is less than 0.5%; and

(b) the place where the machine or vehicle is located is continuously monitored by a person using a portable methane detector.

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(5) The procedure must also provide that, if an event mentioned in subsection (1)(c) happens in relation to a methane detector located as required under section 243, 243A or 244, the methane detector must be replaced or repaired immediately.

(6) The procedure must also provide that, if an event mentioned in subsection (1)(c) happens in relation to a methane detector located as required under section 242 or 243B—

(a) the methane detector must be replaced or repaired as soon as practicable; and

(b) for a methane detector located in an intake airway at the interface between the zones as mentioned in section 242(1)(a) or (b)—the methane detector may be overridden temporarily to allow operations to continue in the zones until the detector is replaced or repaired, but only if the conditions mentioned in subsection (7) are complied with.

(7) For subsection (6)(b), the conditions are—

(a) a person uses a portable methane detector to continuously monitor for methane—

(i) if the event involves 1 methane detector—at the location of the methane detector; or

(ii) if the event involves more than 1 methane detector at an interface—by moving between the methane detectors at the interface that have failed or are being tested or relocated; and

(b) the electricity supply to the affected zones can be readily tripped when the general body concentration of methane at the location of a methane detector being monitored as required under paragraph (a) exceeds 0.5%.

(8) In this section—

relevant machine means a machine supplied with electricity by a trailing cable.

relevant vehicle means an explosion-protected vehicle powered by a battery or an internal combustion engine.

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250A Action to be taken if automatic methane detector non-operational in roof fall

(1) An underground mine must have a standard operating procedure for taking action if—

(a) a roof fall causes an automatic methane detector mentioned in section 243A to fail in service; and

(b) the detector cannot be immediately replaced or repaired.

(2) The procedure must provide that—

(a) the automatic methane detector or the cable for the detector must be replaced or repaired as soon as practicable; and

(b) the armoured face conveyor or the longwall shearer may be operated—

(i) only to clear the roof fall or recover the cable for the detector; and

(ii) only while the conditions mentioned in subsection (3) apply.

(3) For subsection (2)(b)(ii), the conditions are—

(a) the ERZ controller uses a portable methane detector to continuously monitor the general body concentration of methane in the area of the roof fall; and

(b) the general body concentration of methane in the area of the roof fall is less than 1.25%; and

(c) the general body concentration of methane at the longwall face and in the longwall return airway is less than 2%.

Division 4 Miscellaneous

251 Record of tripping of electricity supply

(1) The underground mine manager for a mine must ensure a record is kept of the day and time when an electrical supply is

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tripped by a methane detector used, fitted or located as required under any of sections 231, 233 to 240, 242, 243A, or 244.

(2) The record must be kept for 7 years after the day the electrical supply is tripped.

Note—

See sections 394 and 396.

252 General back-up for gas management system

(1) An underground mine's principal hazard management plan for gas management must provide for the use of portable gas detectors to manage risk in the event of a failure or the non-operation of the gas management system.

Example of non-operation of the gas management system—

a non-operation caused by the repair, testing or maintenance of the system

(2) The mine must have a standard operating procedure for using the portable gas detectors in the event of the failure or non-operation.

(3) If the system fails or becomes non-operational, the underground mine manager for the mine must ensure coal mining operations are not carried out in the part of the mine affected by the failure or non-operation unless the part is continually monitored, using portable gas detectors, to achieve an acceptable level of risk.

253 Withdrawal of persons in case of danger caused by failure or non-operation of gas monitoring system

For section 273 of the Act, a part of an underground mine is taken to be dangerous if—

(a) the part is affected by the failure or non-operation of the gas monitoring system; and

(b) the mine does not have—

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(i) a standard operating procedure for using portable gas detectors; or

(ii) sufficient portable gas detectors to continually monitor the part to the extent necessary to achieve an acceptable level of risk.

Part 8 Mechanical

Division 1 Aluminium alloys

254 Using aluminium alloys underground

(1) The underground mine manager for an underground mine must ensure an exposed aluminium alloy is not used underground at the mine if the alloy contains more than 6% by mass of combined magnesium and titanium.

(2) The underground mine manager must also ensure external rotating or reciprocating parts of plant used underground are not constructed of alloys containing more than 0.6% magnesium and titanium combined.

255 Standard operating procedure

(1) An underground mine must have a standard operating procedure for the following—

(a) storing, transporting, handling and using aluminium alloy objects and equipment underground;

(b) disposing of aluminium alloy objects and equipment.

(2) Without limiting subsection (1), the procedure must have regard to the explosive or combustible nature of accumulated aluminium alloy dust.

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Division 2 Conveyors

256 Belt conveyors

The site senior executive for an underground mine must ensure each belt conveyor used at the mine has the following features—

(a) an emergency stop system capable of being activated from any point along the length of the conveyor where persons have access;

(b) certified fire resistant and antistatic conveyor belting and drum lagging.

257 Designing, installing, inspecting and maintaining conveyors

(1) An underground mine's safety and health management system must provide for designing, installing, inspecting and maintaining conveyors used at the mine.

(2) The system must provide for the circumstances in which stopped conveyors must be inspected before being restarted.

258 Riding on, or crossing over or under, a conveyor

(1) A person must not ride on a conveyor at an underground mine unless the conveyor is designed for the purpose.

(2) A person must not cross over or under a moving conveyor at an underground mine other than at a place provided for the purpose.

(3) The mine's safety and health management system must provide for protecting persons travelling under a conveyor against falling objects.

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Division 3 Stored energy

259 Compressed air equipment

(1) An underground mine's safety and health management system must provide for managing risk from using compressed air underground.

Example of how the risk may be managed—

by locating compressors on the surface

(2) The system must provide for the electrical bonding to earth of compressed air equipment, hoses and pipes that are likely, during operation, to develop static electrical charges capable of causing an electric shock to a person or a spark.

Examples of hoses and pipes likely to develop static electrical charges—

1 ventilation ducting

2 a hose that is not antistatic

(3) This section does not apply to hoses used in the control system of a diesel engine using filtered air.

Division 4 Transport

260 Safety and health management system

(1) An underground mine's safety and health management system must provide for the safe transport of persons, material and equipment at the mine.

(2) The system must provide for the following—

(a) securing equipment or material carried in a compartment of a vehicle in which a person is also being carried at the mine;

(b) routine testing of undiluted exhaust emissions from an internal combustion engine used underground;

(c) moving, operating and parking vehicles;

(d) storing fuel for vehicles;

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(e) ensuring the safety of pedestrians on roadways used by vehicles, by providing, for example, for clearances, refuges and other hazard controls;

(f) carrying out a risk assessment for a vehicle before the vehicle is used at the mine, including, for example, an assessment of the following—

(i) the vehicle's impact on, and suitability for, the mine;

(ii) the safety of operators, passengers and other persons near the vehicle when the vehicle is in use or being parked;

(g) allowable loads, clearances, speeds and operating gradients for vehicles;

(h) periodic inspection and testing, at intervals of not more than 8 days, of the braking systems for vehicles.

(3) The system must be developed having regard to any information about hazards associated with vehicles at underground mines kept by the CEO under section 280(1)(a) of the Act.

261 Using plant powered by internal combustion engines

(1) The underground mine manager for an underground mine must ensure plant powered by a non-explosion-protected internal combustion engine is used—

(a) only in a NERZ at the mine; and

(b) only if—

(i) the engine is—

(A) a compression ignition type; and

(B) clearly marked as a non-explosion-protected engine; and

(ii) any hazard controls for the plant's operation as decided by a risk assessment mentioned in section 260(2)(f) are implemented; and

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(iii) for plant that is mobile equipment—access by the plant into an ERZ1 is prevented by a system that is either fail safe or includes multiple redundancy devices.

(2) The underground mine manager must ensure an internal combustion engine used to power plant in an ERZ1 is—

(a) a compression ignition type; and

(b) a type that has been tested by a nationally accredited testing station under AS/NZS 3584.2:2008 'Diesel engine systems for underground coal mines—Explosion protected'; and

(c) assessed by the engine's manufacturer, having regard to the recognised standard for explosion-protected diesel engine systems, as safe to use in an ERZ1; and

(d) clearly marked with information identifying—

(i) the test report for the test mentioned in paragraph (b); and

(ii) the assessment report for the assessment mentioned in paragraph (c).

(3) The underground mine manager must ensure an internal combustion engine is not used to power plant in an ERZ0.

262 Conveyances forming part of a train

(1) The site senior executive for a coal mine must ensure each coupling device of a train used to transport persons at the mine is capable of preventing the conveyance to which the device is attached from being disconnected accidentally from the train.

(2) The site senior executive must also ensure the conveyance has an automatically operated safety device either in the mine or on the train, or in the mine and on the train, to prevent the conveyance's uncontrolled movement.

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Division 5 Hot work

263 Authorisation required for hot work

(1) A person must not carry out hot work in a place at an underground mine, other than a permanent underground workshop, unless the person is authorised by the underground mine manager to carry out the work in the place.

(2) The underground mine manager must ensure the authorisation is included in the mine record for the mine.

264 Notice to inspector of hot work

(1) The underground mine manager for an underground mine must give an inspector notice of hot work carried out at the mine, other than in a permanent underground workshop, within 7 days after the work is finished.

(2) The notice must identify the risk assessment carried out, as required under the mine's safety and health management system, for the hot work.

265 Safety and health management system for hot work

(1) An underground mine's safety and health management system must provide for carrying out hot work in a place at the mine other than a permanent underground workshop.

(2) The system must provide for the following—

(a) while hot work is being carried out—

(i) controlling the effects of methane inrushes; and

(ii) keeping the general body concentration of methane to less than 0.5%; and

(iii) stopping work and quenching hot material if the concentration exceeds 0.5%;

(b) carrying out a risk assessment before the hot work is started;

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(c) stone dusting to at least 85% incombustible content on all roadways connected to the place for the appropriate distance decided by the risk assessment;

(d) posting a fire watch during and after the hot work is completed;

(e) restricting access by persons, other than persons involved in the work, to the ventilation split in which the hot work is being carried out;

(f) returning equipment used to carry out the hot work after the work is finished;

(g) keeping a record of the hot work carried out.

(3) The system must also provide for a person with a first or second class, or deputy's, certificate of competency to—

(a) carry out inspections identified as necessary under the risk assessment; and

(b) be present at the place where the hot work is carried out while it is being carried out.

266 Safety and health management system for permanent underground workshops

(1) An underground mine's safety and health management system must provide for the following for each permanent underground workshop at the mine—

(a) constructing, maintaining and operating the workshop;

(b) carrying out hot work in the workshop.

(2) The system must provide for the following—

(a) restricting the workshop location to a NERZ;

(b) stopping work and quenching hot material if the general body concentration of methane in the workshop exceeds 0.5%.

(3) The system must also provide for a person with a first or second class, or deputy's, certificate of competency to—

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(a) inspect the workshop for flammable gas before hot work is started in the workshop; and

(b) carry out any other inspections identified as necessary under a risk assessment.

(4) Nothing in this section prevents another person also inspecting the workshop for methane while hot work is being carried out in the workshop.

Division 6 Winders, slope haulages and hoists

Subdivision 1 Design and installation of equipment and shafts generally

267 Winders and slope haulages

(1) The site senior executive for an underground mine must ensure each winder and slope haulage used at the mine complies with this section.

(2) A winder or slope haulage used for carrying persons at the mine must have at least 2 independent braking systems, 1 acting directly on the drum.

(3) Each brake must be capable, at all times, of—

(a) bringing the winder, or haulage, to rest safely; and

(b) preventing drum movement, under balanced load conditions, when the maximum torque is applied in either direction.

(4) The brakes must be designed and installed to fail to safety.

(5) The winder must also have the following—

(a) an automatic device to prevent the winder overwinding;

(b) a device to prevent the descending conveyance from being landed at the lowest entrance to the shaft at a speed exceeding 3.5m/s;

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(c) a device to indicate the position of each conveyance in the shaft;

(d) for a manually controlled winder the speed of which is capable of exceeding 4m/s—a rope speed indicator located on the winder where the indicator can be read by the operator.

(6) The slope haulage must also have the following—

(a) an automatic device to prevent over-travel;

(b) a device to indicate the position of each rope hauled train of vehicles in the roadway;

(c) for a manually controlled slope haulage the speed of which is capable of exceeding 2m/s—a rope speed indicator located on the slope haulage where the indicator can be read by the operator.

268 Controls and safety devices for conveyances

(1) The site senior executive for an underground mine must ensure the headframe, or tower, of a shaft used for winding at the mine contains the following—

(a) apparatus that is designed and installed so a conveyance or counterweight will stop safely if the conveyance is overwound;

(b) safety devices that are designed and installed so a conveyance or counterweight that has been brought to rest, or detached from the winding rope, is prevented from falling down the shaft;

(c) a way of egress to enable persons to safely leave an overwound conveyance.

(2) The site senior executive must ensure the shaft contains guides for each conveyance in the shaft if there is a possibility of uncontrolled contact between—

(a) the conveyances; or

(b) a conveyance and equipment installed in the shaft; or

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(c) a conveyance and the shaft side.

(3) The site senior executive must ensure each winder has—

(a) if the conveyance has doors—a device preventing the conveyance moving when the doors are not closed correctly; and

(b) suspension equipment capable of withstanding stall conditions, or a hook, capable of detaching the ascending conveyance from the rope, if the conveyance overwinds.

269 Fire control for winders and slope haulages

The site senior executive must ensure each winder and slope haulage that is not under direct supervision at the mine has suitable automatically operated fire extinguishers for extinguishing fire in the plant's engine room.

Subdivision 2 Further provisions about design installation for friction winders

270 Safety devices

(1) The site senior executive for an underground mine must ensure each friction winding system at the mine has a device that causes each of the following to happen before the conveyance, counterweight or rope attachment reaches a permanent obstruction to its passage in the shaft—

(a) the power to be cut off from the winder;

(b) the brakes to be automatically applied to bring the winding drum or sheave to rest.

(2) The site senior executive must also ensure—

(a) each winder has a way of automatically synchronising the conveyance's position indicator and automatic safety devices with the conveyance's position; and

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(b) any synchronising adjustment is done only while the brakes are applied and the winder is stationary.

271 Speed

(1) The site senior executive for an underground mine must ensure the speed of a friction winder used at the mine does not exceed the following—

(a) for raising or lowering persons—16m/s;

(b) for raising or lowering material—18m/s;

(c) for raising or lowering heavy machinery that causes the rope or ropes to have a safety factor of less than 6—3m/s.

(2) Subsection (1) does not apply if appropriate controls have been established at the mine, after a risk assessment, to achieve an acceptable level of risk in the winding operation.

272 Brakes

(1) The site senior executive for an underground mine must ensure the brakes on a friction winder used at the mine—

(a) when applied automatically, are not likely to cause the winding rope to slip on the driving sheave; and

(b) apply automatically when the power to the winder fails; and

(c) for a manually controlled winder—are also capable of being applied manually by the winder operator.

(2) The site senior executive must also ensure the brakes apply automatically and prevent the winder's operation if the brake linings become worn to an extent that affects the brakes' safe operation.

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Subdivision 3 Installing, operating, maintaining and testing winders, slope haulages and hoists

273 Operating requirements for winders, slope haulages and hoists

(1) The site senior executive for an underground mine must ensure—

(a) the supplier of a winder, slope haulage or hoist for use at the mine is given sufficient details of the operating requirements of the plant to allow the supplier and installer to select and install appropriate plant; and

(b) the plant is tested before being put into operation to verify the plant meets the operating requirements; and

(c) a record is kept of—

(i) the details given to the supplier and installer; and

(ii) the test results.

(2) If the plant is intended to be used in excess of the operating requirements, the site senior executive must ensure a design check is carried out and any necessary modification is completed before the plant is used in excess of the operating requirements.

274 Risk assessment and controls for winders, slope haulages and hoists

An underground mine's safety and health management system must provide for carrying out a risk assessment, and establishing and implementing controls, for the installation, operation, maintenance and testing of winders, slope haulages and hoists.

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275 Operating manually operated winder, slope haulage and hoist equipment

(1) The site senior executive for an underground mine at which manually operated winder, slope haulage or hoist equipment is used, must ensure the mine has an appropriate number of coal mine workers who have the recognised competencies to operate the equipment.

(2) A person must not operate manually operated winder, slope haulage or hoist equipment at the mine unless the person—

(a) has the recognised competencies for operating the equipment; and

(b) is appointed to operate the equipment.

276 Signals code

If an underground mine uses signals for communicating with a plant operator, the mine's safety and health management system must provide for the following—

(a) a signals code;

(b) a copy of the code to be posted—

(i) in the operator's view; and

(ii) at each other place where it is appropriate for persons to contact the operator by using the code;

(c) a copy of the code posted at a place mentioned in paragraph (b)(ii) to be easily accessible by each coal mine worker at the mine;

(d) each person who may need to use the code to be aware of the code and where copies of the code are posted.

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Subdivision 4 Winder and slope haulage ropes

277 Certificates for winder and slope haulage ropes

(1) The site senior executive for an underground mine must ensure a rope is not used for winder or slope haulage at the mine unless the mine has the rope manufacturer's certificate stating the following about the rope—

(a) its date of manufacture;

(b) its tensile strength, diameter, length and mass;

(c) the class of steel used in its construction.

(2) The site senior executive must ensure a rope is not used for winding or slope haulage at the mine unless the rope's tensile strength has been tested by a nationally accredited testing station.

(3) The site senior executive must ensure, for a rope other than a friction winder rope—

(a) a sample of at least 2m is cut off the end of the rope during recapping and sent to a nationally accredited testing station for testing its tensile strength; and

(b) a certificate stating the tensile strength is obtained from the testing station.

(4) If the certificate states the tensile strength is less than 90% of the rope's tensile strength when new, the site senior executive must ensure the rope is not used for winding or slope haulage at the mine.

(5) For section 68 of the Act, the certificates mentioned in subsections (1) and (3)(b) are prescribed as a matter that must be included in the mine record for the mine.

278 Using winder and slope haulage ropes

The site senior executive for an underground mine must ensure the following—

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(a) only rope recommended by the manufacturer for winding and slope haulage is used at the mine;

(b) a spliced rope is used only in an endless slope haulage system;

(c) only rope dressing recommended by the manufacturer of the rope or dressing is used;

(d) the condition of rope used is monitored;

(e) the mine's safety and health management system provides for establishing criteria for deciding whether rope is no longer suitable for use;

(f) unsuitable rope is discarded.

279 Safety factors for winder and slope haulage ropes

The site senior executive for an underground mine must ensure each rope used at the mine has at least the following safety factor—

(a) for a slope haulage rope—8;

(b) for a winder rope, other than a friction winder rope—

(i) used for winding persons in a shaft in which persons, materials or minerals may be wound—the safety factor worked out under the following formula—

7.5 – 0.001L

where ***L*** is the depth of the wind measured in metres; or

(ii) used for winding materials or minerals in a shaft in which persons, materials or minerals may be wound—the safety factor worked out under the following formula—

5.5 – 0.0003L

where ***L*** is the depth of the wind measured in metres; or

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(iii) used for winding machinery at less than 2m/s in a shaft in which persons, materials or minerals may be wound—5; or

(iv) used for winding materials or minerals in a shaft in which only materials or minerals may be wound—4.5; or

(c) for a friction winder rope used in a shaft in which persons, materials or minerals may be wound by a single rope—the safety factor worked out under the following formula—

7.5 – 0.001L

where ***L*** is the depth of the wind measured in metres;

(d) for a stage rope used in shaft sinking—6.

280 Attaching winder ropes to conveyance or counterweight

(1) The site senior executive for an underground mine must ensure each winder rope on a multi-rope winder is attached at the conveyance or counterweight by a device that loads the ropes as uniformly as practicable.

(2) The site senior executive must also ensure that if the rope attachments are connected directly to the conveyance or counterweight, devices are provided to adjust rope length and indicate rope tension.

281 Safety and health management system

An underground mine's safety and health management system must provide for regular, non-destructive testing of winder or slope haulage ropes and establishing discard criteria for the ropes.

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Part 9 Mine design

Division 1 Mine plans

282 Plan of coal mine workings

(1) This section applies to a plan required to be kept at an underground mine under section 67 of the Act.

(2) The site senior executive for the mine must ensure the plan complies with this section.

(3) The scale of a hard copy plan of the mine's underground mine workings must be 1:2500.

(4) The information about the mine shown on the plan must include the following—

(a) the mine's boundaries;

(b) the boundaries of the following—

(i) any road, railway, power line, reserve or easement on the surface that are within the mine's boundaries;

(ii) any creek, river, watercourse, lake, sea, dam or other possible inrush source on the surface within the mine's boundaries or on land adjacent to the mine;

(c) the mine workings in the working seam;

(d) the connections to the mine workings from other seams;

(e) any known workings of adjoining coal mines in any seam;

(f) the nature, location and dimensions, as accurately as they are known, of any metallic, radioactive or other potentially harmful material left in any borehole intersecting or lying within a working seam;

(g) the location of all boreholes, drifts and shafts from the surface that intersect a working seam;

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(h) the boundaries of the following known features that could influence the design and safety of the mine—

(i) sills overlying the mine workings;

(ii) faults, dykes and other geological structures;

(i) the location of any artificial structures on the surface within the mine's boundaries;

(j) the contours of the reduced levels of the mine workings floor at intervals, of not more than 5m, as are necessary to show potential hazards at the mine;

(k) each survey control station plotted at its location showing the control station's identification number and reduced level.

(5) The locations mentioned in subsection (4)(g) may be shown by a numbering system if—

(a) the information mentioned in the subsection can not be conveniently recorded on the plan; and

(b) details of at least the depth of the boreholes, drifts and shafts are kept in a separate record at the mine.

(6) If the mine has more than 1 working seam, the site senior executive must ensure at least 1 set of plans kept at the mine is drawn on transparencies so the plans for the separate seams can be overlaid to show the relative locations of the workings in each seam.

283 Plan of surface land

(1) The site senior executive for an underground mine must ensure a plan of the mine's surface land complies with this section.

(2) The scale of a hard copy of the plan must be 1:2500.

(3) The information about the mine shown on the plan must include—

(a) the information mentioned in section 282(4)(a), (b), (g) and (i); and

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(b) the contours of the reduced levels of the surface of the land plotted at intervals of not more than 5m.

(4) The locations mentioned in section 282(4)(g) may be shown by a numbering system if—

(a) the information mentioned in the subsection can not be conveniently recorded on the plan; and

(b) details of at least the depth of the boreholes, drifts and shafts are kept in a separate record at the mine.

(5) The site senior executive must ensure at least 1 copy of the plan kept at the mine is drawn on a transparency so the plan can be overlaid on the plan of underground mine workings.

284 Plan of surface facilities

(1) The site senior executive for an underground mine must ensure the mine has a plan of its surface facilities showing the following—

(a) the location of—

(i) each entry to the mine workings; and

(ii) each ventilation fan installation;

(b) each access road to the mine surface infrastructure;

(c) each surface installation, administration building and other infrastructure.

(2) The site senior executive must ensure a copy of the plan is given to the following—

(a) the chief inspector;

(b) the accredited corporation with which the mine has a mines rescue agreement, at the corporation's nearest office;

(c) the officer in charge of the nearest police station.

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285 Fire fighting and mine rescue plan

(1) The site senior executive for an underground mine must ensure the mine has a fire fighting and mine rescue plan, complying with this section, for each of its working seams.

(2) At least 1 hard copy of the plan must be—

(a) at a scale of 1:2500; and

(b) displayed in a location where the plan is readily observable by each underground mine worker at the mine.

(3) The information shown on the plan must include the following—

(a) the extent of the mine workings and connections to the surface or workings in other seams;

(b) the location of the following—

(i) water reticulation lines in the mine together with hydrant and valve sites;

(ii) fire stations and depots;

(iii) ventilation control devices;

(iv) atmospheric monitoring sites, stations and sampling lines;

(v) communication lines and telephones;

(vi) gas drainage ranges and drainage boreholes;

(vii) stored pressure vessels;

(c) the location and type of refuges;

(d) the location and contents of caches of self-rescuers;

(e) the direction of the ventilating air currents;

(f) primary escapeways.

(4) The plan must also include a longitudinal section along each extraction panel and main trunk panel showing the relationship between the underground mine workings and the surface.

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(5) The plan must be amended to ensure its accuracy as soon as practicable, but not later than 1 month, after a change happens in any of the things mentioned in subsection (3).

(6) If the mine has more than 1 working seam, at least 1 copy of the plan kept at the mine for each seam must be drawn on a transparency so the plans for the separate seams can be overlaid to show the relative locations of the workings in the seams.

Division 2 Establishing and identifying explosion risk zones

286 Risk assessment

The site senior executive for an underground mine must ensure a risk assessment is carried out to identify the location and type of each ERZ at the mine.

287 ERZ0

(1) An underground mine, or any part of an underground mine, where the general body concentration of methane is known to be, or is identified by a risk assessment as likely to be, greater than 2%, is an ERZ0.

(2) Also, a part of an underground mine being sealed is an ERZ0.

(3) To remove any doubt, it is declared that, if the general body concentration of methane in a part of the mine that is an ERZ1 or NERZ becomes greater than 2%, the part becomes an ERZ0.

288 ERZ1

(1) An underground mine, or any part of an underground mine, where the general body concentration of methane is known to range, or is shown by a risk assessment as likely to range, from 0.5% to 2% is an ERZ1.

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(2) Also, each of the following places is an ERZ1—

(a) a workplace where coal or other material is being mined, other than by brushing in an outbye location;

(b) a place where the ventilation does not meet the requirements for ventilation mentioned in section 343 or 344;

(c) a place where connections, or repairs, to a methane drainage pipeline are being carried out;

(d) a place where holes are being drilled underground in the coal seam or adjacent strata for exploration or seam drainage;

(e) a place, in a panel, other than a longwall panel that is being extracted, inbye the panel's last completed cut-through;

(f) a goaf area;

(g) each place on the return air side of a place mentioned in paragraphs (a) to (f), unless the place is an ERZ0 under section 287;

(h) the part of a single entry drive with exhaust ventilation inbye the last fixed ventilation ducting in the drive.

(3) Subsection (2)(a) does not apply to a workplace that is a shaft or roadway driven—

(a) from the surface in material other than coal; or

(b) between seams that are predominantly driven in material other than coal.

(4) In this section—

brushing means removing a layer of material from the floor, roof or side of a heading or cut-through.

289 NERZ

(1) An underground mine, or any part of an underground mine, where the general body concentration of methane is known to

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be, or is identified by a risk assessment as likely to be, less than 0.5% is a negligible explosion risk zone (a ***NERZ***).

(2) Without limiting subsection (1), a part of the mine submerged by water is a NERZ.

(3) A NERZ may be divided into sub-zones to enable discrimination to be applied to tripping of the electricity supply to electrical circuits caused when gas detectors detect a general body concentration of methane of 0.5%.

(4) Each sub-zone mentioned in subsection (3) is a NERZ.

(5) Nothing in this section prevents the underground mine manager for an underground mine from classifying a NERZ at the mine as an ERZ0 or ERZ1.

(6) If an underground mine manager makes a classification under subsection (5), the NERZ is taken, while the classification is in force, to be an ERZ of the type stated in the classification.

290 Signposting of ERZ boundaries

(1) Subsection (2) applies if a person or machine can physically pass through a boundary between—

(a) a NERZ and an ERZ1; or

(b) 2 ERZ1s; or

(c) a NERZ and an ERZ0; or

(d) an ERZ1 and an ERZ0.

(2) The underground mine manager for an underground mine must ensure the actual location of the boundary is signposted in each intake airway and machine access leading into—

(a) for a boundary mentioned in subsection (1)(a)—the ERZ1; or

(b) for a boundary mentioned in subsection (1)(b)—either of the ERZ1s; or

(c) for a boundary mentioned in subsection (1)(c) or (d)—the ERZ0.

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(3) A signpost need not be changed if—

(a) a temporary change in conditions results in a temporary change in the boundary location; and

(b) appropriate precautions are taken to ensure control of persons and machines entering an ERZ affected by the change.

290A Controlling access to relevant ERZ0

(1) The underground mine manager for an underground mine must secure a relevant ERZ0 in the mine to prevent unauthorised or inadvertent access to the ERZ0 by—

(a) a pedestrian; or

(b) a vehicle.

(2) In this section—

relevant ERZ0 means an ERZ0 other than an ERZ0 at the edge of a goaf area in active workings.

291 Plan of ERZ boundaries

(1) If an underground mine's ERZ boundaries are signposted under section 290(2), the underground mine manager must ensure a plan showing the boundaries is displayed at the surface of the mine.

Example of way boundaries may be shown for subsection (1)—

by coloured pins

(2) The underground mine manager must ensure the plan is updated at the end of each shift to reflect any changes in the boundary locations required to be signposted under section 290.

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Division 3 Precautions against inrushes

292 Data about potential inrushes

If underground mine workings may be affected by an inrush, the site senior executive for the mine must ensure the following matters are investigated and details of them kept at the mine—

(a) the location and nature of the inrush source;

(b) the nature and thickness of the strata, measured in any plane, separating the inrush source from the workings that may be affected;

(c) the presence of any faults, dykes or boreholes in the separating strata;

(d) the anticipated accuracy of the details mentioned in paragraphs (a) to (c);

(e) any other relevant data.

293 Risk assessment

(1) This section applies if there is a risk of inrush, including, for example, from cyclonic weather conditions, flood water or a breached dam, at an underground mine.

(2) The site senior executive for the mine must ensure a risk assessment is carried out to see whether the mine's method of working and precautions adopted in the workings reduces the risk to acceptable levels.

(3) If the method, or precautions, are subsequently revised, the underground mine manager for the mine must ensure a further risk assessment is carried out.

294 Standard operating procedure

(1) An underground mine must have a standard operating procedure for the method of working, and precautions to be adopted, in mine workings where an inrush source exists.

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(2) The standard operating procedure must be—

(a) updated as often as changes are made in the method or precautions; and

(b) displayed on—

(i) a noticeboard situated at the surface of the mine and accessible by the coal mine workers; and

(ii) a noticeboard situated underground in each area of the workings where the inrush source exists.

295 Preventing inrushes through boreholes

(1) The site senior executive for an underground mine must ensure each borehole to, through or from a coal seam at the mine is sealed off in a way that prevents an inrush happening through the borehole if—

(a) the borehole is drilled after 16 March 2001; and

(b) the inrush could happen if—

(i) the surface around the borehole collar flooded; or

(ii) the borehole intersected an inrush source.

(2) The site senior executive must also ensure precautions to prevent an inrush through a borehole at the mine are taken in mine workings approaching the borehole if—

(a) it is suspected that the borehole exists and is one through which an inrush may happen; and

(b) the borehole can not be accurately located by survey or any other way.

Division 4 Escapeways and refuges

296 Escapeways

(1) The site senior executive for an underground mine must ensure the mine has at least 2 trafficable entrances

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(***escapeways***) from the surface that are separated in a way that prevents any reasonably foreseeable event happening in 1 of the escapeways affecting the ability of persons to escape through the other escapeway.

(2) The site senior executive must also ensure each ERZ1 at the mine where a person works has 2 escapeways leading to the surface or a refuge.

(3) Subsection (2) does not apply to an ERZ1—

(a) where an inspection is being carried out under the mine's safety and health management system and no-one else is working; or

(b) in a single entry drive or shaft that is being sunk.

297 Headings for intake air

The site senior executive for an underground mine must ensure each group of main roads developed after 16 March 2001 at the mine includes at least 2 headings for intake air.

298 Primary escapeways

(1) The site senior executive for an underground mine must ensure—

(a) at least 1 of the escapeways at the mine mentioned in section 296(1) is—

(i) an intake airway or a combination of adjacent intake airways; and

(ii) designated as the primary escapeway; and

(iii) separated, as far as practicable, from all other roadways by a separation stopping that is antistatic, fire resistant and of substantial construction providing for minimal leakage; and

(iv) as far as practicable, free from the risk of fire; and

(b) fire fighting equipment is located on, or near, any equipment installed in the primary escapeway.

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(2) For mine workings developed after 30 June 2001, the site senior executive must ensure a roadway designated as a primary escapeway is trafficable by mechanised equipment, unless the workings are being driven as either single or 2 heading developments.

299 Safety of persons when only 1 escapeway available for use

(1) An underground mine's safety and health management system must provide for the safety of persons when only 1 escapeway from the mine is available for use.

(2) The mine's safety and health management system must include a standard operating procedure that provides for the safety of persons when only 1 escapeway from the mine is available for use.

(3) The standard operating procedure may provide for the undertaking of activities underground only if the activities are solely connected with—

(a) ensuring the safety of the mine or persons at the mine; or

(b) restoring an escapeway.

Part 10 Mining operations

Division 1 Coal dust explosion prevention and control

299A Application of division

This division does not apply to a drift or shaft being driven from the surface in material other than coal.

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300 General

(1) An underground mine's safety and health management system must provide for the following—

(a) minimising the risk of coal dust explosion;

(b) suppressing coal dust explosion and limiting its propagation to other parts of the mine, including by installing and maintaining explosion barriers as required under section 303A.

(2) The system must provide for the following—

(a) limiting coal dust generation, including its generation by mining machines, coal crushers and coal conveyors and at conveyor transfer points;

(b) suppressing, collecting and removing airborne coal dust;

(c) limiting coal dust accumulation on roadway and other surfaces on mine roadways;

(d) removing excessive coal dust accumulations in roadway and other surfaces in mine roadways;

(e) deciding the stonedust or other explosion inhibitor application rate necessary to minimise the risk of a coal dust explosion.

(3) The mine must have a standard operating procedure for the following—

(a) regularly inspecting, sampling and analysing roadway dust layers, including laboratory analysis for incombustible material content;

(b) applying stonedust or another explosion inhibitor for suppressing coal dust explosion.

(4) The procedure must provide for the dust sampling and analysis mentioned in subsection (3)(a) to be carried out at least at the following intervals—

(a) for a strip or spot sample of dust mentioned in section 301(1)(a) or (b)—weekly;

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(b) for a strip sample of dust mentioned in section 301(1)(a), (b), (c) or (d)—monthly;

(c) for a strip sample of dust mentioned in section 301(1)(e)—every third month.

(5) The procedure must also provide for the analysis of each sample mentioned in subsection (4)(b) or (c) to be carried out in a laboratory.

301 Incombustible material content for mine roadway dust

(1) The underground mine manager for an underground mine must ensure the content of incombustible material in roadway dust at the mine is kept at or above the following concentration level—

(a) for dust in a panel roadway within 200m outbye the last completed line of cut-throughs in the panel—85%;

(b) for dust in a 200m section of panel roadway within 400m of a longwall face—85%;

(c) for dust in a panel roadway within 200m from the main roadway, if paragraphs (a) and (b) do not apply to the 200m section of the roadway—80%;

(d) for dust in a return roadway not mentioned in paragraphs (a) to (c)—80%;

(e) for dust in an intake roadway not mentioned in paragraphs (a) to (d)—70%.

(2) The underground mine manager must also ensure—

(a) each 50m length of a roadway that is being driven at the mine is stonedusted, or treated with another coal dust explosion inhibitor immediately after the length is driven; and

(b) each part of the roadway is stonedusted or treated with another coal dust explosion inhibitor within 24 hours after the part is driven.

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(3) Subsections (1) and (2) do not apply to dust in a roadway where there is a sufficient natural make of water associated with the mining operation to prevent a coal dust explosion.

(4) Also, subsection (1) does not apply to dust in a part of the mine mentioned in the subsection if—

(a) an explosion inhibitor, including, for example, a chemical, is used as a coal dust suppressant in combination with stonedust in the part; and

(b) a physical test, other than a laboratory test, of the combination carried out by a nationally accredited testing station has shown the combination to effectively suppress a coal dust explosion.

302 Action to be taken if incombustible material content not met

(1) This section applies if an analysis of a dust sample from an underground mine shows the dust does not comply with the incombustible material content for the dust stated in section 301(1).

(2) The underground mine manager for the mine must ensure—

(a) the area from which the sample was taken is re-treated with stonedust or another explosion inhibitor within the following period after the underground mine manager receives the analysis result—

(i) for dust mentioned in section 301(1)(a), (b) or (c)—12 hours;

(ii) for dust mentioned in section 301(1)(d) or (e)—7 days; and

(b) a record is kept of the date and time when the area was re-treated.

(3) The underground mine manager must ensure the ERZ controller for the area is given notice of the analysis result.

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303 Record of roadway dust sampling

(1) The underground mine manager for an underground mine must ensure a record is kept of the following for each roadway dust sample taken at the mine—

(a) the date the sample was taken;

(b) the location from which the sample was taken;

(c) the sample's incombustible material content;

(d) the method used for analysing the sample.

(2) The underground mine manager must also ensure the sample's incombustible material content result is marked on a mine plan showing the boundaries of the mine ERZ locations as soon as practicable after the underground mine manager receives the result.

303A Explosion barriers

(1) The underground mine manager for an underground mine must ensure—

(a) explosion barriers are installed and maintained in the part of each of the following roadways within an ERZ1 in a part of the mine where coal is being extracted—

(i) a return roadway;

(ii) a single entry drive;

(iii) a roadway in which a coal conveyor is installed; or

(b) explosion barriers that are active barriers, devices or systems are installed and maintained on plant within an ERZ1 in a part of the mine where coal is being extracted in a way that would prevent the propagation of a coal dust explosion to a place mentioned in paragraph (a).

(2) The underground mine manager must also ensure explosion barriers are installed and maintained in a place in the mine, other than a place at which an explosion barrier is installed and maintained in compliance with subsection (1), identified by a risk assessment for the mine.

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Examples of places for subsection (2)—

homotropal conveyor roadways and return bleeder roadways not within an ERZ1 in a part of the mine where coal is being extracted

(3) In this section—

explosion barrier means—

(a) a barrier, device or system constructed, installed and maintained in compliance with a recognised standard for barriers, devices or systems known as explosion barriers; or

(b) another barrier, device or system that achieves a level of risk that is equal to or better than the acceptable level of risk achieved by a barrier, device or system mentioned in paragraph (a).

Division 2 Inspections under safety and health management system

Subdivision 1 General

304 Application of division

This division applies only to an inspection carried out under an underground mine's safety and health management system.

305 Appointment of persons to carry out inspections

(1) The underground mine manager for the mine, in writing, may appoint a person to carry out an inspection at the mine only if the person is competent to carry out the inspection.

(2) The appointment does not prevent the person having other duties at the mine that do not affect the person's ability to carry out the inspection in a thorough and timely way.

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306 Who may carry out inspections

A person may carry out an inspection only if the person is—

(a) appointed under section 305 to carry the inspection out; or

(b) for an inspection of an ERZ—the ERZ controller for the zone.

307 ERZ controller must carry out regular periodic inspections of explosion risk zones

(1) The ERZ controller for an ERZ must carry out a regular periodic inspection of the zone.

(2) Before carrying out a regular periodic inspection, the ERZ controller must—

(a) read the record of the latest regular periodic inspection findings; and

(b) acknowledge, in writing, on the record, that the ERZ controller has read the record.

308 Duties of persons carrying out inspections—generally

(1) A person carrying out an inspection at an underground mine must do the following—

(a) if practicable, ensure anything that is found to be unsafe is made safe immediately;

(b) if the thing can not be made safe immediately, take all practicable steps to ensure each person in any part of the mine whose safety may be threatened by the unsafe thing is given immediate notification of the unsafe thing;

(c) erect a barrier to prevent persons from unknowingly entering a place where the unsafe thing exists;

(d) if necessary, ensure—

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(i) operations in any part of the mine where a person's safety is threatened by the unsafe thing are stopped; and

(ii) each person in the part of the mine is withdrawn to a safe location.

(2) As soon as practicable after carrying out the inspection, the person must ensure a record is made of the following—

(a) any readings, required by the mine's safety and health management system, taken during the inspection;

(b) the details of any unsafe thing found during the inspection;

(c) any action taken to make the unsafe thing safe;

(d) whether the unsafe thing was made safe.

(3) If an unsafe thing is not made safe by the end of the shift in which the inspection was made, the person must—

(a) tell the person's immediate supervisor; and

(b) give notice of the matter to the following persons—

(i) persons on the next shift, who may enter, travel or work in the part of the mine where the unsafe thing exists;

(ii) persons who are required to make similar inspections during the next shift.

Subdivision 2 Procedure for carrying out inspections

309 Safety and health management system

(1) An underground mine's safety and health management system must provide for inspections, including, for example, the following—

(a) subject to section 306, who may carry out the inspections;

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(b) the competencies required by a person to carry out an inspection;

(c) the appointment of a sufficient number of persons to carry out inspections.

(2) The system must include a standard operating procedure for the inspections.

(3) The procedure must include—

(a) a risk assessment of the types of activities taking place, and the potential hazards, at the mine; and

(b) provision for the following—

(i) the matters relating to safety and health to be covered in each inspection, including the matters stated in schedule 5 that are relevant to the inspection;

(ii) recording inspection findings;

(iii) taking action as a result of the inspection findings, including, for example, the following—

(A) making things safe;

(B) closing the entry to a dangerous part of the mine or removing persons from the part.

(4) The procedure must include a schedule of when inspections, including regular periodic inspections, must be carried out.

(5) Until the standard operating procedure is implemented, an inspection must be carried out having regard to the frequency stated in a recognised standard for the inspection.

310 Notice of inspection result

(1) Immediately after completing an inspection of an inspection district, the ERZ controller who carried out the inspection must ensure a notice of the inspection result is placed on a noticeboard located at the outbye boundary of the district.

(2) The notice must state the following—

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(a) the date and time of the inspection;

(b) the date and time after which the inspection stops being effective;

(c) whether or not the inspection district was found to be safe.

(3) This section does not apply—

(a) in an emergency; or

(b) to parts of an underground mine that have been sealed and are being re-entered by a mines rescue team.

311 Action to be taken if inspection not carried out when required under a standard operating procedure

(1) This section applies if, for any reason, an inspection of a part of an underground mine, or plant at the mine, is not carried out when required under a standard operating procedure for the inspection.

(2) Until the inspection is completed and the part of the mine, or plant, is found to be safe, the person carrying out the inspection must ensure—

(a) for an inspection of part of the mine—the part is closed to access by persons; or

(b) for an inspection of plant—the plant is not used.

312 Inspection districts

(1) This section applies to the part of an underground mine—

(a) that a person may enter, travel or work in, whether or not the part is currently being used for work or travel; or

(b) in which a hazardous activity is taking place.

(2) For carrying out regular periodic inspections of the part, the underground mine manager for the mine must divide the part into districts (***inspection districts***) having regard to the following for each district—

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(a) the types of activities taking place and the hazards likely to be present;

(b) the inspection district's appropriate size, to allow sufficient time for the district to be inspected adequately.

313 Inspection district boundaries

(1) The underground mine manager for an underground mine must ensure the boundaries of each inspection district at the mine are defined in a way that they can be recognised easily by each coal mine worker at the mine.

(2) Without limiting subsection (1), the underground mine manager must ensure the boundaries are shown on—

(a) a plan of the mine on which the inspection district is clearly marked; and

(b) a noticeboard located at the outbye boundary of the district.

(3) The underground mine manager may define the boundaries of an inspection district differently for different shifts, or different days of the week, or both, having regard to the nature of the work being carried out in the district during the shift or on the day.

314 Notice of entry to inspection district

(1) A person must not enter an inspection district without notifying the ERZ controller for each ERZ1 in the district.

(2) This section does not apply—

(a) in an emergency; or

(b) to parts of an underground mine that have been sealed and are being re-entered by a mines rescue team; or

(c) to a person who is merely travelling through the district to access another part of the mine.

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Subdivision 3 Miscellaneous

315 ERZ controller must be present during mining in ERZ1

(1) The ERZ controller for an ERZ1 must be present in the zone whenever coal or stone is being mined, or strata control activities are being carried out, in the zone.

(2) Subsection (1) does not apply if the controller is—

(a) in an adjacent ERZ0 for which the controller has been appointed; or

(b) inspecting plant, in a NERZ, in the immediate vicinity of the ERZ1.

316 Prohibition on entering uninspected part of mine

(1) A person must not enter or remain in a part of an underground mine that has not been inspected and declared to be safe, unless the person is carrying out an inspection under the Act, including under this regulation.

(2) This section does not apply—

(a) in an emergency; or

(b) to a part of the mine that has been sealed and is being re-entered by a mines rescue team.

Division 3 Second workings

317 Risk assessment

(1) The underground mine manager for an underground mine must ensure a risk assessment is carried out under this section to decide a safe method of extraction for second workings at the mine before the second workings start.

(2) The risk assessment must have regard to at least the following matters—

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(a) any surface features, artificial structures and water reserves that may create a hazard if disturbed by the workings;

(b) any other workings located in close proximity above, below or adjacent to the proposed second workings, whether in the same or an adjacent mine;

(c) the known geology affecting the intended workings;

(d) the anticipated gas make;

(e) the pillar stability;

(f) the proposed method and sequence of coal extraction;

(g) the proposed methods for the following—

(i) strata control and support;

(ii) ventilation;

(iii) controlling spontaneous combustion;

(h) support methods necessary to control the edges of each goaf area in active workings;

(i) the suitability of the plant, and its controls, used for the workings.

318 Standard operating procedure

(1) An underground mine must have a standard operating procedure for carrying out second workings.

(2) The procedure must be based on the results of the risk assessment mentioned in section 317.

(3) The mine must have a separate procedure for each panel in the mine.

(4) However, if the hazards in each panel in a group of panels are the same, the mine may have a standard operating procedure for the group.

(5) The procedure must provide for establishing—

(a) methods for the following—

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(i) coal extraction;

(ii) strata control and support;

(iii) ventilation;

(iv) controlling spontaneous combustion;

(v) monitoring and recording extraction progress; and

(b) the coal extraction sequence.

319 Changing standard operating procedure

(1) This section applies to an underground mine if—

(a) the conditions or hazards in a panel, or group of panels, in the mine changes significantly while coal is being extracted in the panel or group in second workings; or

(b) it is proposed to significantly change a method for the workings established under section 318(5)(a).

(2) If subsection (1)(a) applies—

(a) the underground mine manager for the mine must ensure a risk assessment for the workings is carried out as soon as practicable after the change happens; and

(b) the standard operating procedure for carrying out the workings in the panel, or group of panels, must be reviewed and, based on the risk assessment, amended, if necessary.

(3) If subsection (1)(b) applies, before the change is implemented—

(a) the underground mine manager for the mine must ensure a risk assessment is carried out for the proposed change; and

(b) the standard operating procedure for carrying out the workings must be amended, if necessary, based on the risk assessment.

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320 Notices to inspector

(1) Before second workings are started at an underground mine, the site senior executive for the mine must give an inspector notice about the proposed second workings.

(2) Before the mine's standard operating procedure for second workings is significantly changed, the site senior executive must give an inspector a copy of—

(a) the report on the risk assessment carried out under section 319(3)(a) for the change; and

(b) the proposed standard operating procedure.

(3) Despite subsection (2), the site senior executive may change the standard operating procedure before giving an inspector the documents mentioned in the subsection if—

(a) the procedure needs to be changed immediately because of prevailing mining conditions; and

(b) immediately after the change is made, the underground mine manager for the mine notifies an inspector about the circumstances and details of the change; and

(c) as soon as practicable after the change is made, the site senior executive gives an inspector the documents mentioned in the subsection.

(4) In this section—

significant change, for a standard operating procedure for second workings, means a change that is likely to significantly affect the ventilation, stability, subsidence or extraction sequence of the workings.

Division 4 Strata control

321 Stability of mine workings

(1) An underground mine's safety and health management system must provide for ensuring the stability of mine workings.

(2) The system must provide for the following—

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(a) investigating factors affecting the stability of mine workings;

(b) keeping a record at the mine of the data used and calculations made in deciding—

(i) pillar strength and stability; and

(ii) strata support requirements.

322 Preventing dangerous subsidence

(1) This section applies if coal extraction at an underground mine is likely to cause subsidence resulting in an unacceptable level of risk.

(2) The site senior executive for the mine must ensure—

(a) the amount of coal extracted does not cause the subsidence; and

(b) appropriate measures are taken to ensure the long-term stability of the surface.

Example of appropriate measures—

leaving blocks of the coal seam, of sufficient dimensions, unmined

323 Strata support for workings

(1) This section applies if an investigation of factors affecting the stability of mine workings shows strata support is required for a working place to prevent danger to a person from otherwise uncontrolled movement of the roof, ribs or floor of the working place.

(2) The underground mine manager for the mine must ensure—

(a) suitable strata support methods are designed and implemented for the working place; and

(b) plans showing the support arrangement in the working place are displayed on noticeboards mentioned in section 178(1).

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(3) The mine must have a standard operating procedure for installing the strata support.

(4) A person must not enter the working place unless—

(a) the strata support has been installed; or

(b) the person is supervising, or engaged in, its installation.

(5) If strata instability in the working place creates an unacceptable level of risk to a person installing the strata support, the underground mine manager must ensure sufficient temporary support is installed to achieve an acceptable level of risk.

324 Monitoring strata support

(1) An underground mine's safety and health management system must provide for—

(a) monitoring the effectiveness and integrity of strata support in each place used by a person for normal work or normal travel; and

(b) maintaining the integrity of the strata support, including, for example, by replacing defective supports.

(2) In this section—

normal travel means travel carried out other than in an emergency.

Division 5 Routine and emergency sealing

325 Types of seals for mine entrances and other parts of mine

(1) The underground mine manager for an underground mine must ensure each seal installed at an entrance from the surface to the underground mine is a type E seal.

(2) The underground mine manager must ensure each seal installed in any other part of the mine is—

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(a) if the level of naturally occurring flammable gas at the mine is insufficient to reach the lower explosive limit for the gas under any circumstances—a type B seal; or

(b) if persons remain underground when an explosive atmosphere exists and there is a possibility of spontaneous combustion or incendive spark or other ignition source—a type D seal; or

(c) otherwise—a type C seal.

(3) Nothing in this section prevents a type E seal from also being designed for pressure relief for an overpressure of more than 70kPa.

(4) In this section—

type B seal means a ventilation control device capable of withstanding an overpressure of 35kPa.

type C seal means a ventilation control device capable of withstanding an overpressure of 140kPa.

type D seal means a ventilation control device capable of withstanding an overpressure of 345kPa.

type E seal means a ventilation control device capable of withstanding an overpressure of 70kPa.

326 Notice of intention to seal mine

(1) At least 30 days before an underground mine, or part of an underground mine, is sealed, the underground mine manager for the mine must give notice of the proposed sealing to—

(a) an inspector; and

(b) an industry, or site, safety and health representative for the mine.

(2) The notice must state the following, based on a risk assessment process—

(a) the proposed sealing procedure;

(b) the proposed location of the seals in the mine;

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(c) the area of the mine proposed to be sealed;

(d) any evidence of ignition sources being present in the area to be sealed;

(e) predictions of the rates at which methane and other gases will accumulate in the sealed area;

(f) the gas monitoring procedures to be carried out during and after the sealing.

(3) Despite subsection (1), the underground mine manager may, with the inspector's written agreement, give the notice to the inspector less than 30 days before the proposed sealing.

(4) This section does not apply to sealing the mine in an emergency.

327 Sealing underground mine

(1) The underground mine manager for an underground mine must ensure the mine, or part of the mine, is not sealed unless—

(a) the underground mine manager has given notice of the proposed sealing under section 326; and

(b) the inspector to whom the notice was given has given the underground mine manager a written acknowledgement that the inspector is satisfied with the details of the proposed sealing given in the notice.

(2) The underground mine manager must ensure the mine, or part, is sealed in the way acknowledged by the inspector.

(3) This section does not apply to sealing the mine in an emergency.

328 Changing sealing method

(1) This section applies if it becomes impracticable for sealing an underground mine, or part of an underground mine, to be carried out in the way proposed for the sealing in a notice given under section 326.

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(2) The underground mine manager for the mine must—

(a) take reasonable steps to notify an inspector and an industry, or site, safety and health representative of the changes from the proposed way; and

(b) if the notification is given orally, confirm the notice in writing as soon as practicable.

329 Emergency sealing

(1) This section applies if an underground mine, or part of an underground mine, needs to be sealed in an emergency.

(2) The underground mine manager for the mine must—

(a) immediately notify an inspector and an industry, or site, safety and health representative of the proposed sealing; and

(b) ensure the sealing is carried out in a way that achieves an acceptable level of risk; and

(c) as soon as practicable after the sealing, give an inspector notice about the sealing.

(3) If the notification mentioned in subsection (2)(a) is given orally, the underground mine manager must confirm the notification in writing as soon as practicable.

(4) The notice mentioned in subsection (2)(c) must state the following details about the sealing—

(a) the sealing procedure;

(b) the location of the seals in the mine;

(c) the area of the mine sealed;

(d) any evidence of ignition sources being present in the area sealed;

(e) predictions of the rates at which methane and other gases will accumulate in the sealed area;

(f) the gas monitoring procedures carried out during and after the sealing.

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330 Evacuating mine after sealing

A person must not, without an inspector's written consent, enter or remain in an underground mine after the mine, or part of the mine, has been sealed.

Division 6 Construction work

331 Risk assessment

Before construction work is started at an underground mine, the site senior executive for the mine must ensure a risk assessment is carried out for—

(a) the installation, operation, maintenance and testing of the equipment to be used during the construction; and

(b) the work involved in the construction.

332 Excavations, dumping stations, chutes and bins

(1) The site senior executive for an underground mine must ensure each entrance to an excavation, dumping station, chute or bin at the mine is guarded and barricaded if there is a danger of a person falling into, or entering, it unknowingly.

(2) The site senior executive must also ensure each excavation, dumping station, chute or bin at the mine is designed to prevent dangerous accumulations of gases forming in it.

333 Controlling flooding in excavations

If there is a risk from flooding to persons working in an excavation at an underground mine, the site senior executive for the mine must ensure—

(a) the mine has suitable pumping equipment installed in an appropriate place to control the risk; and

(b) the pumping equipment activates an alarm system in the event of pump failure.

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334 Preventing explosive atmospheres around operating machines

The underground mine manager for an underground mine must ensure that, while a blind shaft, raise or tunnel borer is operating in a shaft or tunnel at the mine—

(a) the methane content in the shaft or tunnel does not exceed 2%; or

(b) the shaft or tunnel has an inert atmosphere.

335 Standard operating procedure

(1) An underground mine must have a standard operating procedure for carrying out construction work.

(2) The procedure must provide for operating, maintaining and testing equipment used in construction work.

336 Notice of proposed sinking of drift or shaft

Before a drift or shaft is sunk at an underground mine, the site senior executive for the mine must give notice of the proposed sinking to an inspector for the region in which the mine is situated.

337 Evacuation and escape from drifts and shafts

(1) The site senior executive for an underground mine must ensure suitable equipment is provided in each drift and shaft, including a staple shaft, being sunk at the mine to enable each person working in the drift or shaft excavation to be evacuated to a place of safety if the person is injured or an emergency happens.

(2) The site senior executive must also ensure each shaft being sunk has a way for persons to escape from the floor to the sinking stage.

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338 Travelling in a kibble

(1) A person must not ride in a shaft at an underground mine on the lip of a kibble.

(2) A person being transported in a kibble at an underground mine must stand fully inside the kibble.

339 Drilling in butts

A person must not drill into the butt of another drill hole at an underground mine in which explosives have been placed.

Part 11 Ventilation

Division 1 Ventilation officer

340 Ventilation officer may hold another appointment

A person appointed as the ventilation officer for an underground mine may hold another appointment at the mine only if the person's functions under the other appointment do not prevent the person from carrying out the person's functions as ventilation officer.

341 Functions of ventilation officer

A ventilation officer for an underground mine has the following functions—

(a) to ensure adequate ventilation of the mine;

(b) to ensure the mine's air quality is measured and recorded under section 362;

(c) to take charge of any ventilation system change in the mine by giving directions, or by being present, when the change is happening;

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(d) to ensure all ventilation control devices at the mine are properly constructed and maintained.

342 Reports by ventilation officer

(1) A ventilation officer for an underground mine must prepare—

(a) a ventilation report about the mine ventilation system; and

(b) if the ventilation system is changed—a report detailing the system before and after the change.

(2) The report must be prepared—

(a) for a ventilation report—each month; or

(b) for a report mentioned in subsection (1)(b)—as soon as practicable after the change.

(3) Each report—

(a) must be signed, or countersigned, by—

(i) the underground mine manager for the mine; or

(ii) the person responsible for the control and management of underground activities when the manager is not in attendance at the mine; and

(b) is prescribed for section 68 of the Act as a matter that must be included in the mine record for the mine.

Division 2 Ventilation system

343 Ventilation system must provide for general body concentrations for particular contaminants and gases

(1) The ventilation officer for an underground mine must ensure the mine's ventilation system is designed, implemented and monitored to ensure the atmosphere in each part of the mine has a general body concentration that is—

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(a) for a contaminant mentioned in schedule 6, column 1—as low as reasonably achievable and within the limits to which a person is allowed to be exposed under section 359; and

(b) for oxygen—at least 19%; and

(c) for methane—not more than 2.5%; and

(d) for carbon dioxide—as low as reasonably achievable and within the limits to which a person is allowed to be exposed under section 360.

(2) The ventilation officer must ensure—

(a) a record is made of the results of monitoring the ventilation system under subsection (1) for the atmospheric contaminants and gases mentioned in the subsection; and

(b) the record is kept for 7 years after it is made.

(3) The ventilation officer must also ensure that, if the general body concentration of methane in the mine exceeds 2.5% (a ***methane event***)—

(a) a record is made of—

(i) the day, time and duration of the methane event; and

(ii) the part of the mine in which the methane event happened; and

(b) the record is kept for 7 years after the day the methane event happened.

(4) This section does not apply to a part of the mine exempted under section 345.

344 Other things for which ventilation system must provide

(1) The ventilation officer for an underground mine must ensure the mine's ventilation system provides for the following—

(a) minimising, within acceptable limits, the layering and accumulation of noxious and flammable gas in each

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place where controlled ventilation is required under paragraph (b);

(b) controlled ventilation—

(i) in each standing working place that is on the intake side of a working place; and

(ii) in each working place in an ERZ1 or an ERZ0;

(c) at least—

(i) 1 entry to each working part of the mine to conduct intake air to the part; and

(ii) 1 entry to each working part of the mine to conduct return air from the part;

(d) monitoring and recording the concentration of atmospheric contaminants in each place mentioned in paragraph (b) and subsection (3)(b).

(2) Subsection (1)(a) does not apply when there is a sudden, temporary increase in the general body concentration of methane to more than 2.5% and the ventilation system is capable of quickly reducing the methane concentration to not more than 2.5%.

(3) Subsection (1)(b) does not apply to the following places—

(a) a place where controlled ventilation has failed and that is being inspected under section 307 to re-establish controlled ventilation;

(b) a heading or roadway, if control measures, other than controlled ventilation, have been implemented for minimising, within acceptable limits, the layering and accumulation of noxious and flammable gas in the heading or roadway.

(4) Subsection (1)(c)(ii) does not apply to—

(a) a shaft being sunk; or

(b) a drift or individual roadway being driven and for which it would be impracticable to provide a separate return roadway.

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Example for paragraph (b)—

a single entry drive or longwall face heading

(5) This section does not apply to a part of the mine exempted under section 345.

(6) In this section—

controlled ventilation, for a place, means ventilation involving a ventilation current of an average velocity of at least 0.3m/s, measured across the cross-sectional area of the roadway in the place.

345 Parts of mine exempted from ventilation requirement

The following parts of an underground mine are exempted for sections 343 and 344—

(a) a part sealed off from the rest of the mine workings by a type B, C, or D seal;

(b) a goaf area;

(c) a place where persons are using self-contained breathing apparatus to carry out work other than normal work, unless the work is associated with a routine operation in outburst prone conditions;

(d) an area of the mine in the process of being sealed.

Division 3 Safety and health management system and standard operating procedures for ventilation

346 Safety and health management system

(1) An underground mine's safety and health management system must provide ways of—

(a) preventing intake air from travelling across the face of a permanent seal at the mine; and

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(b) minimising the risks of inrush and leakage, into intake airways, of atmospheric contaminants from goaf areas or sealed workings.

(2) Subsection (1)(a) does not apply if the system provides ways of ensuring the following—

(a) leakage through the seal is minimised and damage to the seal is prevented;

(b) the seal is, as a minimum, a type C seal;

(c) a monitoring device is installed in each intake airway on the return side of the seals over which the intake air passes to detect the intake airway's general body concentration of—

(i) oxygen; and

(ii) carbon dioxide, if it is present behind the seal in a general body concentration greater than 3%; and

(iii) any other gas that is present behind the seal in a quantity and concentration that is likely to create a risk if the gas enters the intake airway adjacent to the seal;

(d) for longwall workings—the monitoring device mentioned in paragraph (c) is positioned at the intersection of the longwall face and the intake airway;

(e) the monitoring system for paragraph (c) triggers an alarm to warn each person who may be affected if a gas mentioned in the paragraph is present in a predetermined concentration.

347 Ventilating workplaces

(1) An underground mine must have a standard operating procedure for ventilating workplaces.

(2) Without limiting subsection (1), the procedure must state the maximum distances from the mine face for locating ventilation ducting and brattice lines.

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348 Evacuating mine

An underground mine must have a standard operating procedure for evacuating persons to safe locations if an alarm mentioned in section 346(2)(e) is triggered.

349 Taking action if ventilation system fails

(1) An underground mine must have a standard operating procedure for the action to be taken to ensure the safety of persons if the mine ventilation system fails totally, or partly, for more than 30 consecutive minutes.

(2) The procedure must provide for the following—

(a) the ERZ controller for the part of the mine affected by the failure to inspect the part to ensure it is safe to—

(i) continue work in the part; or

(ii) if electric power to the part has been cut off, restore the power;

(b) stopping or restarting work, and shutting off or restoring electric power, if necessary, in the part of the mine affected by the failure.

Division 4 Ventilation control devices

350 Installing ventilation control devices

(1) The ventilation officer for an underground mine must ensure a ventilation control device mentioned in schedule 4, column 1, and installed at the mine meets the design criteria stated in schedule 4, column 2, opposite the type of device.

(2) The ventilation officer must also ensure not more than 2 temporary stoppings are installed in a line of ventilation stoppings separating an intake airway from a return airway immediately adjacent to the last line of cut-throughs in the panel.

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(3) Subsection (2) does not apply if a separate panel is to be developed and the mine has a plan for installing permanent ventilation control devices instead of the temporary stoppings.

351 Interfering with ventilation control devices

(1) The underground mine manager for an underground mine must—

(a) designate particular ventilation control devices at the mine as devices that must not be interfered with; and

(b) ensure each person at the mine is notified of the designation.

(2) A person must not interfere with a ventilation control device designated under subsection (1).

(3) Subsection (2) does not apply if, before interfering with the device, the person—

(a) is authorised by the underground mine manager or the mine's ventilation officer to carry out the interference; and

(b) gives notification of the proposed interference to a person appointed under section 60(8) or (9) of the Act for the part of the mine likely to be affected by the interference.

(4) In this section—

interfere with includes adjust and change.

352 Standard operating procedure

An underground mine must have a standard operating procedure for constructing, installing, using and maintaining the mine's ventilation control devices.

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Division 5 Fans

353 Using fans underground

(1) This section applies only to an underground mine that uses fans underground.

(2) The mine's safety and health management system must provide for using the fans underground.

(3) The mine must have a standard operating procedure for using the following fans if the fans are used in the mine's ventilation system—

(a) auxiliary fans, including auxiliary fans used for degassing places where methane has accumulated;

(b) booster fans;

(c) scrubber fans;

(d) a combination of fans mentioned in paragraphs (a) to (c).

(4) In developing a standard operating procedure for subsection (3)(a), the site senior executive for the mine must have regard to ways of ensuring a compressed air powered auxiliary fan is de-energised promptly if the main ventilation system fails.

(5) If different types of a fan are used at the mine, the mine must have a separate standard operating procedure for each type.

354 Provision for fans in principal hazard management plan for ventilation

An underground mine's principal hazard management plan for ventilation must state—

(a) for a main exhausting fan—

(i) the general body concentration of methane in the ventilating air passing through the fan that must not be exceeded before a methane detector

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monitoring the air automatically activates a visible alarm; and

(ii) the action to be taken if the alarm is activated; and

(b) if a booster fan is used at the mine—

(i) the procedures for using the fan; and

(ii) the action to be taken if a methane detector monitoring the air passing through the fan activates a visible alarm.

355 Auxiliary fans

(1) The ventilation officer for an underground mine must ensure an auxiliary fan used at the mine is located and operated in a way that prevents air recirculating through the fan.

(2) The ventilation officer must ensure the minimum quantity of air flowing in any panel at the mine is the sum of—

(a) the open circuit capacity of each auxiliary fan in operation in the panel; and

(b) 30% of the open circuit capacity of the largest auxiliary fan in operation in the panel.

(3) The site senior executive for the mine must ensure an auxiliary fan, other than a compressed air powered auxiliary fan, used at the mine is capable of switching off automatically if the main ventilation system fails totally.

356 Scrubber fans

The ventilation officer for an underground mine must ensure a scrubber fan used at the mine is located and operated in a way that prevents the uncontrolled recirculation of air through the fan.

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357 Monitoring fans

(1) The site senior executive at an underground mine must ensure each fan installed on the surface, and each booster fan installed below ground, at the mine as part of the mine's ventilation system, is fitted with the following—

(a) an equipment condition monitoring device;

(b) a device capable of continuously monitoring and recording the fan's static pressure.

(2) The site senior executive must ensure each device mentioned in subsection (1) operates in a way that, if the device detects a significant departure from the fan's normal operating parameters, the device—

(a) first, triggers a visible alarm; and

(b) second, trips the electricity supply to the fan; and

(c) records the date and time of the action mentioned in paragraphs (a) and (b).

(3) The site senior executive must ensure the part of the device displaying the results of the monitoring is located where the part is easily accessible by a person whose task includes checking the condition of the fan.

358 Dealing with underground auxiliary and booster fans

(1) A person must not deal with a fan ventilating a place below ground at an underground mine unless the person—

(a) is the ERZ controller for the place; or

(b) is authorised by the mine's ventilation officer to deal with the fan; or

(c) has been directed to deal with the fan by the ERZ controller for the place or a person authorised to deal with the fan under paragraph (b).

(2) Before a person starts or stops a fan ventilating a place below ground at an underground mine, the person must ensure the

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following persons are given notification of the proposed starting or stopping—

(a) the ERZ controller for the place;

(b) each person likely to be affected by the proposed starting or stopping.

(3) In this section—

deal, with a fan, means start, stop, remove or alter the fan.

Division 6 Controlling exposure to atmospheric contaminants

359 Exposure to atmospheric contaminants other than carbon dioxide

(1) Subject to subsection (2), the ventilation officer for an underground mine must ensure a person is not exposed to an atmosphere at the mine containing a contaminant—

(a) mentioned in schedule 6, column 1; and

(b) having a general body concentration exceeding the applicable long-term exposure limit concentration.

(2) Subject to subsection (3), the person may be exposed to the atmosphere for not more than 15 consecutive minutes if—

(a) in the 15 minutes—

(i) for a contaminant for which a maximum exposure limit concentration is stated in schedule 6, column 3, opposite the name of the contaminant—the concentration does not exceed the applicable maximum exposure limit concentration; or

(ii) for a contaminant for which a maximum exposure limit concentration is not stated in schedule 6, column 3, opposite the name of the contaminant—the applicable maximum exposure limit concentration is safe; and

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(b) the exposure happens—

(i) at not less than 1-hour intervals; and

(ii) not more than 4 times in 8 hours; and

(c) the mine has a standard operating procedure for working in the contaminated air to ensure the maximum exposure limit concentration is not exceeded.

(3) A person may be exposed to an atmosphere containing a brief surge of hydrogen sulphide causing a maximum exposure limit concentration exceeding the concentration stated in schedule 6, column 3, opposite the name of the contaminant if the person is—

(a) wearing personal breathing protective equipment; and

(b) working under a standard operating procedure for working in air contaminated by hydrogen sulphide.

(4) This section does not apply to a person who is wearing self-contained breathing apparatus in an emergency or for a mines rescue purpose.

(5) In this section—

applicable long-term exposure limit concentration, for a contaminant, means—

(a) for a person working not more than 8 hours a day or not more than 40 hours a week—the long-term exposure limit concentration stated in schedule 6, column 2, opposite the name of the contaminant; or

(b) for a person working more than 8 hours a day or more than 40 hours a week—the long-term exposure limit concentration stated in schedule 6, column 2, opposite the name of the contaminant, as adjusted having regard to a recognised standard for adjusting exposure limits for extended working hours.

applicable maximum exposure limit concentration, for a contaminant, means—

(a) for a person working not more than 8 hours a day or not more than 40 hours a week—the maximum exposure

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limit concentration stated in schedule 6, column 3, opposite the name of the contaminant; or

(b) for a person working more than 8 hours a day or more than 40 hours a week—the maximum exposure limit concentration stated in schedule 6, column 3, opposite the name of the contaminant, as adjusted having regard to a recognised standard for adjusting exposure limits for extended working hours.

360 Exposure to carbon dioxide

(1) Subject to subsection (2), the ventilation officer for an underground mine must ensure a person is not exposed to an atmosphere at the mine containing a general body concentration of carbon dioxide exceeding 12,500ppm.

(2) A person may be exposed to an atmosphere containing a general body concentration of carbon dioxide of not more than 30,000ppm if—

(a) a continual personal monitoring method is used to calculate the time weighted average concentration of carbon dioxide to which the person is exposed; and

(b) the time weighted average concentration is not more than—

(i) if the person works not more that 8 hours a day and not more than 40 hours a week—12,500ppm, calculated on the basis of not more than 8 hours a day and not more than 40 hours a week; or

(ii) if the person works more that 8 hours a day and more than 40 hours a week—12,500ppm, as adjusted having regard to a recognised standard for adjusting exposure limits for extended working hours.

(3) This section does not apply to a person who is wearing self-contained breathing apparatus in an emergency or for a mines rescue purpose.

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360A Exposure to internal combustion engine pollutants

An underground mine's safety and health management system must provide for controlling the exposure of persons to an atmosphere at the mine containing internal combustion engine pollutants.

361 Prohibition on working in poor quality air

(1) A person must not knowingly work or travel in a place at an underground mine where the general body concentration of an atmospheric contaminant exceeds—

(a) for an atmospheric contaminant mentioned in schedule 6, column 1—the concentration stated in schedule 6, column 2 or 3, opposite the name of the contaminant; or

(b) for carbon dioxide—12,500ppm.

(2) Subsection (1)(a) does not apply if the person is working or travelling in the place—

(a) in an emergency; or

(b) in the circumstances mentioned in section 359(2) or (3).

(3) Subsection (1)(b) does not apply if the person is working or travelling in the place—

(a) in an emergency; or

(b) in the circumstances mentioned in section 360(2) or (3).

Division 7 Monitoring atmosphere

362 Air distribution

(1) The ventilation officer for an underground mine must ensure the mine's air quality and flow rate is measured and recorded under this section as often as is necessary, having regard to the circumstances at the mine, but at least once each month.

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(2) The air quality and flow rate must be measured at the following places—

(a) each main intake airway at a point as near as practicable to the surface;

(b) each intake airway on the return side of the seals over which the intake air passes;

(c) each main return airway at a point as near as practicable to the surface;

(d) each return airway of each ventilation split at a point as near as practicable to the surface;

(e) the return airway from each goaf area and each set of workings;

(f) each return airway at a main upcast fan;

(g) any other place the ventilation officer considers necessary;

(h) any other place required by an inspector.

(3) The air flow rate must be calculated and recorded for each of the following—

(a) the combined intake airways;

(b) the combined return airways;

(c) each ventilation split.

(4) Also, at least once in each working shift at the mine, the air flow rate must be measured and recorded for each of the mine's working faces.

(5) The ventilation officer must also ensure the mine's atmosphere is monitored for internal combustion engine pollutants as required under the mine's safety and health management system.

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363 Barometric pressure

(1) The ventilation officer for an underground mine must ensure the barometric pressure at the surface of the mine is continuously measured and recorded.

(2) The record must be kept at the mine in a location that is easily accessible by each person responsible for inspecting the mine for gas accumulation and the effectiveness of the ventilation system.

(3) Each person appointed under section 60(8) or (9) of the Act and carrying out an inspection underground must check the record for the barometric pressure trend and the current barometric pressure reading.

364 Effective temperature at coal face

The ventilation officer for an underground mine must ensure the wet and dry bulb temperature, and the resultant effective temperature, of the atmosphere at each coal face where mining operations are in progress at the mine are measured and recorded as often as is necessary, having regard to the circumstances at the mine.

365 Measurements after changes

(1) This section applies if, because an underground mine's ventilation system is changed, air flow rates in a place mentioned in section 362(2) may be affected substantially.

(2) The ventilation officer for the mine must ensure the air flow rate for the place is measured and recorded under section 362 immediately after the change.

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Division 8 Miscellaneous

366 Withdrawal of persons in case of danger

(1) For section 273 of the Act, a part of an underground mine required to be ventilated under section 344(1)(b) that has a general body concentration of methane of at least 2.5% is taken to be dangerous.

(2) For section 273(6) of the Act, and without limiting the subsection—

(a) mines rescue trained persons are taken to be competent persons; and

(b) appropriate precautions are taken to have been taken if the persons are working under mines rescue procedures developed by an accredited corporation.

Part 12 Working environment

Division 1 Contraband

367 Contraband

(1) The following materials and objects are classified as contraband for an underground mine—

(a) tobacco used for smoking, cigarettes and cigars;

(b) any device used for smoking tobacco or drugs;

(c) any device, including a match, that may be used to strike, or could create, an open flame, arc or spark;

(d) any article that is a prohibited article for the surface of the mine.

(2) Despite subsection (1), the following are not contraband—

(a) a device used to strike an open flame, arc or spark when the device is used for hot work under part 8, division 5;

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(b) electrical equipment complying with part 5, division 2;

(c) mechanical equipment complying with part 8.

368 Standard operating procedure

(1) An underground mine's safety and health management system must provide for a procedure (the ***search procedure***), complying with this section, for searching a person to ensure the person has not taken, or does not take, contraband underground at the mine.

(2) The search procedure must provide for the following—

(a) routine and random searches;

(b) the frequency, time and place for searches;

(c) the method of conducting searches, including a requirement that the search be conducted by a person of the same sex as the person being searched;

(d) ensuring that in time, each of the mine's coal mine workers carrying out tasks underground will be searched.

(3) In establishing the search procedure, the site senior executive for the mine must comply with section 10, other than section 10(1)(a), as if—

(a) a reference in the section to a standard operating procedure were a reference to the search procedure; and

(b) a reference in the section to the coal mine workers with whom the site senior executive consulted were a reference to representatives of the mine's coal mine workers.

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Division 2 Heat stress management

369 Managing risk from heat

(1) An underground mine's safety and health management system must provide for ensuring the health of persons in places at the mine in which—

(a) the wet bulb temperature exceeds 27ºC; and

(b) persons work or travel.

(2) In developing the part of the safety and health management system mentioned in subsection (1) (the ***heat stress management provisions***), the site senior executive for the mine must—

(a) have regard to any criteria stated in a recognised standard for managing heat; and

(b) comply with section 10, other than section 10(1)(a) and (d)(ii)(C), as if a reference in the section to a standard operating procedure were a reference to the heat stress management provisions.

(3) A person must not work in a place at the mine where the effective temperature exceeds 29.4ºC unless the person is—

(a) carrying out the work in an escape or emergency; or

(b) engaged in work designed to reduce the effective temperature; or

(c) a mines rescue member carrying out training or emergency response under procedures developed by an accredited corporation; or

(d) wearing self-contained breathing apparatus and undertaking an emergency response under a standard operating procedure for the mine; or

(e) an ERZ controller carrying out an inspection—

(i) for which a risk assessment has been undertaken to identify the hazards associated with the inspection; and

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(ii) under the controls agreed between the ERZ controller and the mine's underground mine manager to manage the risk.

(4) Subsection (3)(e) does not apply to an inspection included in a schedule of inspections mentioned in section 309(4).

370 Calculating effective temperature

An underground mine's safety and health management system must provide for the way of calculating the effective temperature of the atmosphere at the mine.

Chapter 4A Continuing professional development

370AA Purpose of chapter

This chapter prescribes requirements for schedule 2 of the Act, part 2, section 29A.

370AB Definitions for chapter

In this chapter—

CPD activity, in relation to a certificate of competency or site senior executive notice, see section 370AE(1).

CPD hours, for a CPD activity that has been successfully completed by a relevant holder, means the number of hours worked out in accordance with the practising certificate scheme.

CPD period, for a relevant holder, means a period stated for the holder in the practising certificate scheme under section 370AE(3)(d).

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CPD total hours, for a relevant holder, see section 370AE(3)(c).

practising certificate scheme see section 370AE(2).

relevant holder means the holder of a certificate of competency or site senior executive notice.

370AC Requirement to complete CPD

A relevant holder must complete, for each CPD period and in accordance with the practising certificate scheme—

(a) the CPD total hours for the relevant holder; and

(b) each CPD activity identified in the practising certificate scheme as mandatory for the relevant holder.

Maximum penalty—3 penalty units

370AD Notice of completion

As soon as practicable after completing CPD hours for a CPD activity, a relevant holder must give the board of examiners—

(a) a notice stating the CPD activity for which the CPD hours were completed; and

(b) if required under the practising certificate scheme—evidence of the holder's successful completion of the CPD hours.

Maximum penalty—3 penalty units

370AE Approval of CPD activities and publication of practising certificate scheme

(1) The board of examiners may approve an activity as a ***CPD activity*** for a certificate of competency or site senior executive notice if the board is satisfied the activity is relevant to the competencies required by a holder of the certificate or notice.

(2) The board of examiners must publish, on a Queensland government website, a scheme (the ***practising certificate***

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scheme) setting out the continuing professional development required by the board for relevant holders.

(3) The practising certificate scheme must state the following matters—

(a) for each CPD activity for a certificate of competency or site senior executive notice—

(i) the name of the activity; and

(ii) whether the activity is mandatory for holders of the certificate or notice; and

(iii) the minimum and maximum number of CPD hours for the activity for a CPD period for a relevant holder; and

(iv) when a relevant holder may undertake the activity;

(b) in relation to a notice required under section 370AD—

(i) how a relevant holder may give the notice; and

(ii) whether and, if so, how the holder must evidence successful completion of CPD hours for a CPD activity;

(c) the total number of CPD hours for CPD activities that a relevant holder must complete during each CPD period for the holder (***CPD total hours***);

(d) the first and last day of each CPD period for a relevant holder;

(e) provisions relating to the issue and renewal of practising certificates;

(f) any other information the board considers relevant to the continuing professional development of relevant holders.

370AF Recognition of interstate certificates of competency

(1) This section applies if the board gives a notice of registration under a mutual recognition Act to a person who holds an interstate certificate of competency.

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(2) The board may—

(a) allow the person to participate in the practising certificate scheme as if the person were a relevant holder; and

(b) may issue a practising certificate to the person as if the person were a relevant holder.

(3) In this section—

interstate certificate of competency means a document issued in another State or New Zealand equivalent to a certificate of competency.

Chapter 5 Miscellaneous

370A Activity that is not an on-site activity—Act, s 10

(1) For section 10(2)(g) of the Act, an activity performed by an electricity entity, in relation to its works, and for the purpose of supplying electricity, is not an on-site activity.

(2) In this section—

electricity entity has the meaning given by the *Electrical Safety Act 2002*.

works, of an electricity entity, has the meaning given by the *Electrical Safety Act 2002*, section 25.

371 Tasks—Act, s 76A

For section 76A(a)(i) of the Act, the tasks stated in schedule 7 are prescribed.

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371AA Information to be included in register—Act, s 193A

For section 193A(2)(c) of the Act, the following information is prescribed for a certificate of competency or a site senior executive notice—

(a) if the holder of the certificate or notice completes the holder's CPD total hours for a CPD period—the day the holder completed the CPD total hours;

(b) if the holder does not complete the holder's CPD total hours for a CPD period—that the holder did not complete the CPD total hours;

(c) if a practising certificate has been issued to the holder—the day the certificate was issued.

371A Civil penalties—Act, ss 267E and 267F

(1) For section 267E of the Act, definition *civil penalty obligation*, the safety and health obligations and other obligations mentioned in schedule 7A are prescribed.

(2) For section 267F(3) of the Act, the category of a civil penalty obligation is—

(a) for an obligation mentioned in schedule 7A, part 1—category 1; or

(b) for an obligation mentioned in schedule 7A, part 2—category 2; or

(c) for an obligation mentioned in schedule 7A, part 3—category 3.

372 Fees

The fees payable to the board of examiners under the Act are stated in schedule 8, part 1.

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Chapter 6 Transitional provisions

Part 1 Transitional provisions for Coal Mining Safety and Health Regulation 2017

373 Definition for part

In this part—

repealed regulation means the *Coal Mining Safety and Health Regulation 2001*.

374 Documents

(1) A document, including an electronic document, made under the repealed regulation for a particular purpose that is still current and relevant for the same purpose is taken, for that purpose, to have been made under this regulation.

(2) If the context requires, the document is taken to have taken effect, to have been made, or to have been given or received, when the document took effect, was made or was given or received under the repealed regulation.

(3) In this section—

document includes—

(a) an acknowledgement; and

(b) an approved form; and

(c) an assessment; and

(d) an authorisation; and

(e) a certification; and

(f) a consent; and

(g) a delegation

(h) a direction; and

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(i) a document of appointment; and

(j) a document that forms part of a mine record; and

(k) a document that forms part of a safety and health management system; and

(l) an exemption; and

(m) a notice; and

(n) a notification; and

(o) a plan; and

(p) a procedure; and

(q) a record; and

(r) a register; and

(s) a report; and

(t) the results of an examination; and

(u) a safety and health census.

375 Processes

(1) A process undertaken under the repealed regulation before the commencement is taken to be a process undertaken under this regulation.

(2) A process started under the repealed regulation that was not completed before the commencement may be continued under this regulation.

(3) In this section—

process includes—

(a) a practice; and

(b) a measure; and

(c) an investigation; and

(d) a risk assessment; and

(e) an election process.

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376 Safety and health fee

(1) After the commencement, the amount of the safety and health fee that accrued for a period before the commencement, is to be worked out using information included in a safety and health census under section 12F, as if the repeal had not happened.

(2) The amount of the safety and health fee that accrued under the repealed regulation is payable under section 12E as if the repeal had not happened.

377 Notice if safety and health census not given or is inadequate

The chief executive may give a notice under section 12G in relation to a safety and health census given, or not given, in relation to a period before the commencement.

378 Late or unpaid fees

Sections 12H and 12I apply to any amount that, immediately before the commencement, was unpaid under section 12H or 12I of the repealed regulation, including an amount that is unpaid because the safety and health census had not been given as required under section 12F or section 12H.

379 Refund of overpayment of safety and health fee

Section 12J applies to any amount overpaid under the repealed regulation.

380 Exposure limits

An exposure limit in effect for a coal mine worker immediately before the commencement continues to apply to the coal mine worker on the commencement.

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381 Obligation to do things within or for stated period

(1) This section applies if—

(a) before the commencement, a person was required to do something, under a provision of the repealed regulation, within or for a stated period; and

(b) immediately before the commencement, the stated period had not expired.

Example of a requirement for subsection (1)—

a requirement to keep a record or to give a safety and health census or a notice

(2) The provision of this regulation that corresponds to the provision of the repealed regulation applies to the doing of the thing as if the provision had been in force when the period started.

382 Obligation to do things indefinitely

(1) This section applies if, before the commencement, a person was required to do something under a provision of the repealed regulation for an indefinite period.

(2) The provision of this regulation that corresponds to the provision of the repealed regulation applies to the doing of the thing as if the provision had been in force when the period started.

383 References to repealed regulation

In an instrument, if the context permits, a reference to the repealed regulation is taken to be a reference to this regulation.

384 Obligations, accountabilities and directions

The repeal of the repealed regulation does not affect an obligation, accountability or direction held, acquired or received by a person under the repealed regulation.

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385 Acts of persons

An act of a person under the repealed regulation is taken to be an equivalent act under this regulation.

Part 2 Transitional provisions for Coal Mining Safety and Health (Coal Workers' Pneumoconiosis) Amendment Regulation 2018

386 Existing nominated medical advisers taken to be appointed medical advisers

(1) This section applies if, immediately before the commencement, an appointment by an employer of a doctor as a nominated medical adviser, under section 45 as in force before the commencement, was in force.

(2) The nominated medical adviser is taken to be—

(a) an approved supervising doctor; and

(b) an appointed medical adviser appointed under section 45 by the employer.

(3) Subsection (2) applies until—

(a) the end of 12 months after the commencement; or

(b) if the doctor stops being an approved supervising doctor under chapter 2, part 6, division 2, subdivision 3B—the day the doctor stops being an approved supervising doctor.

387 Existing providers registered on department's website taken to be approved providers

(1) A doctor who, immediately before the commencement, was voluntarily registered on the department's website as a doctor carrying out medical examinations for coal mine workers is taken to be an approved examining doctor until—

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(a) the end of 2 years after the commencement; or

(b) if the doctor stops being an approved examining doctor under chapter 2, part 6, division 2, subdivision 3B—the day the doctor stops being an approved examining doctor.

(2) A doctor who, immediately before the commencement, was voluntarily registered on the department's website as a doctor carrying out, supervising and reporting on health assessments for coal mine workers is taken to be an approved supervising doctor until—

(a) the end of 2 years after the commencement; or

(b) if the doctor stops being an approved supervising doctor under chapter 2, part 6, division 2, subdivision 3B—the day the doctor stops being an approved supervising doctor.

(3) A spirometry practice that, immediately before the commencement, was voluntarily registered on the department's website as a spirometry practice providing spirometry tests for coal mine workers, is taken to be an approved provider for the scheme function mentioned in section 49H(2) until—

(a) the end of 2 years after the commencement; or

(b) if the spirometry practice stops being an approved provider under chapter 2, part 6, division 2, subdivision 3B—the day the practice stops being an approved provider.

(4) An x-ray imaging practice that, immediately before the commencement, was voluntarily registered on the department's website as an x-ray imaging practice offering x-ray imaging for coal mine workers, is taken to be an approved provider for the scheme function mentioned in section 49H(3) until—

(a) the end of 2 years after the commencement; or

(b) if the x-ray imaging practice stops being an approved provider under chapter 2, part 6, division 2,

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subdivision 3B—the day the practice stops being an approved provider.

(5) A person who, immediately before the commencement, was voluntarily registered on the department's website as providing a training course to qualify an individual to perform spirometry tests for coal mine workers, is taken to be an approved provider for the scheme function mentioned in section 49H(5) until—

(a) the end of 2 years after the commencement; or

(b) if the person stops being an approved provider under chapter 2, part 6, division 2, subdivision 3B—the day the person stops being an approved provider.

388 Existing assessments and related matters

(1) A health assessment carried out under the pre-amended regulation is taken to be a health assessment under this regulation.

(2) A health assessment report about a health assessment carried out under the pre-amended regulation is taken to be a report in relation to a health assessment under this regulation.

(3) A retirement examination carried out under the pre-amended regulation is taken to be an exit assessment under this regulation.

(4) A retirement examination report about a retirement examination carried out under the pre-amended regulation is taken to be a report in relation to an exit assessment under this regulation.

(5) A spirometry carried out under the pre-amended regulation is taken to be a spirometry under this regulation.

(6) A chest x-ray examination carried out under the pre-amended regulation is taken to be a chest x-ray examination under this regulation.

(7) In this section—

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pre-amended regulation means this regulation as in force before the commencement.

Part 3 Transitional provisions for Mining Legislation (Classification of Chemicals) Amendment Regulation 2019

389 Definitions for part

In this part—

former, for a provision, means as in force before the commencement.

new, for a provision, means as in force from the commencement.

390 Existing hazardous substances and dangerous goods at coal mine

(1) This section applies in relation to—

(a) a hazardous substance, as defined under former section 54, at a coal mine before the commencement;

(b) dangerous goods at a coal mine before the commencement;

(c) any thing containing, or being used to transport at a coal mine—

(i) a hazardous substance mentioned in paragraph (a); or

(ii) dangerous goods mentioned in paragraph (b).

(2) New section 56C does not apply to the substance, goods or thing.

(3) To remove any doubt, it is declared that subsection (2) does not limit or affect an obligation relating to the marking or

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labelling of the substance, goods or thing that applies to the substance, goods or thing under—

(a) a former provision of this regulation; or

(b) a document mentioned in new section 56C(4).

391 Existing standard operating procedure relating to hazardous substances

(1) This section applies to a standard operating procedure—

(a) complying with former section 56; and

(b) in effect immediately before the commencement.

(2) During the transition period, the standard operating procedure is taken to be a standard operating procedure complying with new sections 56E and 56H.

(3) However, a site senior executive for a coal mine to whom new section 56E applies must start to develop a standard operating procedure complying with new section 56E no later than 2 months after the commencement.

(4) Also, a site senior executive for a coal mine to whom new section 56H applies must start to develop a standard operating procedure complying with new section 56H no later than 2 months after the commencement.

(5) In this section—

transition period means the period—

(a) starting on the commencement; and

(b) ending 6 months after the commencement.

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Part 4 Transitional provisions for Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2019

392 Definitions for part

In this part—

amending regulation means the *Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2019*.

previous, in relation to a provision, means the provision as in force immediately before the commencement.

393 Deferral of particular provisions for 1 month

The following provisions do not apply until the end of 1 month after the commencement—

(a) section 234A;

(b) section 243A;

(c) section 250(1)(a) and (b), to the extent it relates to an automatic methane detector fitted to an armoured face conveyor as required under section 234A;

(d) section 250(1)(c) and (5), to the extent it relates to a methane detector located as required under section 243, 243A or 244;

(e) section 343(2), to the extent it relates to a record for monitoring a ventilation system under section 343(1) for oxygen, methane or carbon dioxide;

(f) section 343(3).

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394 Continuation of particular previous provisions for 1 month

(1) Previous sections 244 and 251 continue to apply as if the amending regulation had not been made.

(2) This section stops applying at the end of 1 month after the commencement.

395 Continuation of particular previous provision for 3 months

(1) Previous section 290 continues to apply as if the amending regulation had not been made.

(2) This section stops applying at the end of 3 months after the commencement.

Note—

See section 398(1) in relation to the application of this section.

396 Deferral of particular provisions for 6 months

The following provisions do not apply until the end of 6 months after the commencement—

(a) section 243B;

(b) section 250(1)(c) and (6), to the extent it relates to a methane detector located as required under section 243B;

(c) section 251, to the extent it relates to a methane detector located as required under section 243B;

(d) section 344(1)(b)(ii), to the extent it relates to a working place in an ERZ0.

Note—

See section 398(2) in relation to the application of this section.

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397 Continuation of particular previous provisions for 6 months

(1) Previous section 345(b) and (c) continues to apply as if the amending regulation had not been made.

(2) This section stops applying at the end of 6 months after the commencement of this section.

Note—

See sections 398(2) and 408 in relation to the application of this section.

Part 5 Transitional provision for Coal Mining Safety and Health Amendment Regulation (No. 1) 2020

398 Application of ss 395–397

(1) Section 395 applies as if a reference in the provision to 3 months were a reference to 6 months.

(2) Sections 396 and 397, to the extent it relates to previous section 345(c), apply as if a reference in the provisions to 6 months were a reference to 9 months.

(3) In this section—

previous section 345(c) means section 345(c) as in force immediately before 6 January 2020.

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Part 6 Transitional provision for Natural Resources, Mines and Energy Legislation (Safety and Health) Amendment Regulation 2020

399 Requirement to keep records of information included in safety and health census

The requirements under section 12FC relating to the keeping of records of information included in a safety and health census apply only if the safety and health census is for a reporting period that starts after the commencement.

Part 7 Transitional provision for Mining Safety and Health Legislation (Health Surveillance) Amendment Regulation 2020

400 Application of ss 49BA and 49EA

Sections 49BA and 49EA apply in relation to a person undergoing an examination forming part of a health assessment, exit assessment or former worker assessment whether the assessment started before or after the commencement.

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Part 8 Transitional provisions for Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2020

401 Definitions for part

In this part—

amending regulation means the *Coal Mining Safety and Health (Methane Monitoring and Ventilation Systems) Amendment Regulation 2020*.

former, in relation to a provision, means the provision as in force immediately before the commencement.

402 Deferral of particular provisions for 1 month

The following provisions do not apply until the end of 1 month after the commencement—

(a) section 243A(2);

(b) section 250(1)(a), to the extent it relates to an automatic methane detector fitted to explosion-protected electrical plant to which section 239 applies;

(c) section 250(2) to (6);

(d) section 250A;

(e) section 290A.

403 Continuation of particular former provisions for 1 month

(1) Former sections 243A(2) and 250(2) to (6) continue to apply as if the amending regulation had not been made.

(2) This section stops applying at the end of 1 month after the commencement.

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404 Deferral of particular provisions until 6 October 2020

The following provisions do not apply until 6 October 2020—

(a) section 344(1)(d), to the extent it relates to a place mentioned in section 344(3)(b);

(b) section 344(3), to the extent it relates to a place mentioned in section 344(3)(b).

405 Continuation of particular former provisions until 6 October 2020

(1) Former section 344(1)(b)(i) and (3) continues to apply as if the amending regulation had not been made.

(2) This section stops applying on 6 October 2020.

406 Deferral of particular provisions for 1 year

The following provisions do not apply until the end of 1 year after the commencement—

(a) section 223(1A)(a);

(b) section 346(1)(b);

(c) section 362(2)(e).

407 Continuation of particular former provisions for 1 year

(1) Former sections 223(1A)(a), 346(1)(b) and 362(2)(e) continue to apply as if the amending regulation had not been made.

(2) This section stops applying at the end of 1 year after the commencement.

408 Application of s 397 in relation to previous s 345(b)

(1) This section applies in relation to section 397, to the extent it relates to previous section 345(b).

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(2) Section 397 applies as if the reference in that section to 6 months after the commencement of the section were a reference to 1 year after the commencement of this section.

(3) In this section—

previous section 345(b) means section 345(b) as in force immediately before 6 January 2020.

Part 9 Transitional provision for Mining Safety and Health Legislation (Respirable Coal Dust and Silica) Amendment Regulation 2020

409 Levels of dust under s 89(1) for dust monitoring and reporting procedure

(1) Section 89A applies as if each reference in the section to section 89(1) were a reference to section 89(1) as in force immediately before the commencement.

(2) This section stops applying on 1 January 2021.

Part 10 Transitional provision for Coal Mining Safety and Health (Explosion Barriers) Amendment Regulation 2020

410 Application of new ss 300(1)(b) and 303A

The following provisions do not apply in relation to an underground mine until 1 year after the commencement—

(a) section 300(1)(b), the extent it has been amended by the *Coal Mining Safety and Health (Explosion Barriers) Amendment Regulation 2020*;

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(b) section 303A.

Part 11 Transitional provision for Mining Legislation (Continuing Professional Development) Amendment Regulation 2022

411 Application of CPD requirements during transitional period

(1) Sections 370AC and 370AD do not apply to a holder of a certificate of competency or site senior executive notice during the transitional period.

(2) Subsection (1) does not prevent the holder doing any of the following things during the transitional period—

(a) obtaining a practising certificate;

(b) completing CPD activities for the holder's certificate of competency or site senior executive notice;

(c) giving the board of examiners notice, and evidence, of CPD hours for completed CPD activities as mentioned in section 370AD.

(3) In this section—

transitional period means the period starting on the commencement and ending on the day that is 3 years after the commencement.

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Part 12 Transitional provisions for Resources Safety and Health Legislation Amendment Regulation 2024

412 Requirement for surface mine to have principal hazard management plans

Section 102A does not apply until the day that is 1 year after the commencement.

413 Additional requirements for underground mine's principal hazard management plans

(1) Section 149, as amended by the *Resources Safety and Health Legislation Amendment Regulation 2024*, does not apply until the day that is 1 year after the commencement.

(2) Former section 149 continues to apply, as if the *Resources Safety and Health Legislation Amendment Regulation 2024* had not commenced, until the day that is 1 year after the commencement.

(3) In this section—

former section 149 means section 149 as in force immediately before the commencement.

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Schedule 1A Potential hazard guide—coal seam gas or petroleum

section 6A(1)

Potential hazard	Potential impact of hazard
unsealed holes	gas released to the atmosphere (resource lost; safety hazard to personnel)
pressurisation of coal exploration holes	safety hazard to personnel
inaccurately located holes	remedial measures are hindered; connection to a petroleum well created
dewatering a significant area of coal	invalidation of prior exploration data if there are permanent geotechnical or quality changes to the coal
	creation of 'free gas' causing a hazard in the petroleum well and at the surface
	impact on horizon stress field and coal strength, with potential shearing or deformation of casing in the well
	problems with coal seam gas exploration activity, including, for example, friable coal unable to be cored for sampling, and changes of coal characteristics
	fluid losses during drilling through a depressurised zone
mine workings or broken strata	if potential hazard is drilled into: influx of gas under pressure; injury to personnel; damage to equipment; compromising of the structural integrity of the mine
	uncontrolled drill string movement

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Potential hazard	Potential impact of hazard
	inability to drill (bogged or lost rods causing personal injury during retrieval; reduced access to lower targets)
	inability to set casing
	drilling with air may create an explosive mixture
abandoned mine equipment	if equipment is intersected: inability to drill; injury to personnel; damage to equipment
abandoned spontaneous combustion area	if area is intersected: downhole fire caused by drilling with air
stability of wells in goaf areas	adverse effect on stress field and coal strength; potential shearing or deformation of casing

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Schedule 1B Conducting site safety and health representative elections

section 12K

1 Purpose of election

Coal mine workers must be given reasonable opportunity to vote on—

(a) their preferred candidates for site safety and health representatives; and

(b) the number of site safety and health representatives; and

(c) the term of appointment of the site safety and health representatives.

2 Returning officers

(1) The entity conducting the election must appoint a returning officer for each or both of the following—

(a) nominations;

(b) the ballot.

(2) A returning officer must be—

(a) if an election is conducted by only 1 involved union—an officer or employee of the involved union; or

(b) if an election is conducted by an appropriately qualified entity appointed by the chief inspector—an officer or employee of the entity.

(3) The duties of a returning officer for nominations are to—

(a) prepare and distribute an election notice that includes a call for nominations from eligible nominees; and

(b) consider nominations received before the nomination closing time and decide whether the nominations have been made in accordance with the prescribed site safety and health representative election process; and

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(c) accept nominations that satisfy the requirements of the prescribed site safety and health representative election process; and

(d) advise an eligible nominee who nominates for election as a site safety and health representative—

(i) whether the person's nomination is successful or not; and

(ii) if the person's nomination is not successful, why the nomination is not successful.

(4) The duties of a returning officer for the ballot are to—

(a) supervise the conduct of the ballot in an election for site safety and health representatives; and

(b) supervise the counting of votes cast in an election for site safety and health representatives; and

(c) advise the mine's site senior executive and the chief inspector of the names of elected site safety and health representatives; and

(d) advise the mine's site senior executive and the chief inspector of the term of appointment of a site safety and health representative.

3 Roll of voters

A returning officer must prepare a roll (the ***roll of voters***) of relevant coal mine workers (each a ***voter***) for the election.

4 Election notice

(1) A returning officer for nominations must prepare and publish an election notice in a way that ensures as many coal mine workers as reasonably practicable are aware that an election for site safety and health representatives is being held.

Examples of ways to publish an election notice—

- including the election notice in a site information brief or site-specific publication generally available to coal mine workers at the coal mine, or the part of the coal mine, for which the election is being held

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- displaying the election notice on noticeboards at the coal mine, or the part of the coal mine, for which the election is being held

(2) The election notice must—

(a) state the name and contact details of the returning officer for nominations; and

(b) list the functions and required health and safety competencies of a site safety and health representative; and

(c) call for nominations from eligible nominees as candidates for election as a site safety and health representative; and

(d) include the following information—

(i) the place where nomination forms may be obtained;

(ii) the nomination closing time;

(iii) the place where nomination forms must be lodged;

(iv) that a nominee may appoint a scrutineer; and

(e) state the day and time (the ***election time***) for the election; and

(f) identify the place (the ***polling site***) where coal mine workers may vote; and

(g) include information about obtaining and returning ballot papers if a voter will be absent from the polling site at the election time; and

(h) identify the place where the votes will be counted.

(3) The period of time for the election must be reasonable having regard to the following—

(a) the size and geographic spread of the coal mine, or the part of the coal mine, for which the election is being held;

(b) the number of voting locations for the election;

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(c) the type of shift work undertaken at the coal mine, or the part of the coal mine, for which the election is being held.

(4) In this section—

required health and safety competencies means the safety and health competencies required under section 93(3) of the Act.

5 Nominations

(1) A nomination by a coal mine worker must be endorsed by another coal mine worker.

(2) The period of time between the publication of the election notice and the nomination closing time must be reasonable having regard to the following—

(a) the size and geographic spread of the coal mine, or the part of the coal mine, for which the election is being held;

(b) the type of shift work undertaken at the coal mine, or the part of the coal mine, for which the election is being held.

(3) However, the period between the publication of the election notice and the nomination closing time must be at least 21 days.

(4) Nominations must—

(a) include the following information—

(i) the full name of the nominee;

(ii) the form in which the nominee's name is to appear on the ballot paper, if different to the nominee's full name;

(iii) the contact details for the nominee;

(iv) the name and signature of the coal mine worker endorsing the nomination; and

(b) be signed by the nominee; and

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(c) be lodged with the returning officer for nominations.

(5) If the returning officer for nominations considers a nomination by an eligible nominee does not meet the requirements of this section, the returning officer must notify the person and, as far as is reasonably practicable, give the person an opportunity to correct the nomination.

(6) If the returning officer for nominations notifies an eligible nominee of a defect in the person's nomination and the person does not correct the defect before the nomination closing time, the returning officer must reject the nomination.

(7) An eligible nominee may, by notice given to the returning officer for nominations, withdraw the person's nomination at any time before the nomination closing time.

6 No election if no nominations received

(1) This section applies if, at the nomination closing time, no nominations are received for an election of site safety and health representatives.

(2) The returning officer for the ballot need not conduct a ballot for the election of site safety and health representatives.

(3) The returning officer for the ballot must—

(a) declare no site safety and health representatives have been elected; and

(b) within 14 days after the nomination closing time, give the mine's site senior executive and the chief inspector notice that—

(i) no nominations were received; and

(ii) no site safety and health representatives have been elected.

7 Election of unopposed candidate

(1) This section applies if there is only 1 candidate for an election of site safety and health representatives.

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(2) The returning officer for the ballot need not conduct a ballot for the election of site safety and health representatives.

(3) The candidate for the election is taken to have been elected unopposed.

(4) The returning officer for the ballot must—

(a) declare the candidate to be elected; and

(b) within 14 days after the nomination closing time, give the mine's site senior executive and the chief inspector notice that the candidate has been elected unopposed.

8 Notice of returning officer for ballot

If the returning officer for the ballot is not the same person as the returning officer for nominations, the returning officer for the ballot must prepare and display a notice at the polling site—

(a) identifying the returning officer for the ballot; and

(b) stating the contact details for the returning officer for the ballot.

9 Ballot papers

(1) A ballot paper must include the following information—

(a) the name of the coal mine, or the part of the coal mine, to which the election relates;

(b) the initials or other authenticating mark of the returning officer for the ballot;

(c) instructions for marking the ballot paper;

(d) instructions for returning the ballot paper;

(e) the name of and contact details for the returning officer for the ballot;

(f) the name of each candidate, listed in alphabetical order;

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(g) a separate question as to whether the voter wants 1 or 2 safety and health representatives for the mine or part of the mine;

(h) a separate question as to the term of appointment of a site safety and health representative.

(2) The name of each candidate must appear on a ballot paper in the form provided to the returning officer for nominations by the relevant candidate in the candidate's nomination form.

(3) A ballot paper must not include any information about the candidate other than the candidate's name.

10 Voting

(1) Voting in the election is not compulsory.

(2) Proxies are not allowed.

(3) A voter may vote for a candidate by—

(a) marking the ballot paper in the way described in the instructions on the ballot paper; and

(b) returning the ballot paper to the returning officer for the ballot by the election time.

(4) A ballot paper is invalid if a voter marks the ballot paper in a way that prevents a reasonable interpretation of the intention of the voter.

(5) A ballot paper is not invalid only because the voter has not indicated a preferred term of appointment for the site safety and health representatives.

11 Scrutineers

(1) Each candidate may nominate 1 coal mine worker on the roll of voters to act as a scrutineer and represent the candidate's interests in the ballot.

(2) A scrutineer—

(a) must be appointed by the candidate in writing; and

(b) can not be a candidate in the ballot; and

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(c) may be present at any stage in the ballot.

(3) A scrutineer may undertake the following functions—

(a) countersign seals or put the scrutineer's own seal on ballot boxes;

(b) inspect the roll of voters;

(c) notify the returning officer for the ballot of any irregularities in—

(i) the roll of voters; or

(ii) the distribution of the ballot papers; or

(iii) the acceptance of ballot papers; or

(iv) the counting of the votes.

12 Returning officer for ballot to count votes

(1) At, or as soon as practicable after, the election time, the returning officer for the ballot must—

(a) check whether the person from whom the ballot paper was received is a voter; and

(b) accept each valid ballot paper and reject each invalid ballot paper; and

(c) count and record the number of valid votes for each candidate on the formal ballot papers; and

(d) count and record the number of valid votes for the election of—

(i) only 1 site safety and health representative; and

(ii) 2 site safety and health representatives; and

(e) count and record the valid votes for the term of appointment of a site safety and health representative.

(2) The returning officer may appoint a person as an assistant to help the returning officer examine the ballot papers and count the valid votes.

(3) However, the returning officer must not appoint as an assistant a person who is—

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(a) a candidate; or

(b) a scrutineer appointed by a candidate.

(4) In this section—

valid vote means a vote on a ballot paper accepted under subsection (1)(b).

13 Declaration and notification of election results

(1) The returning officer for the ballot must declare—

(a) if more than 50% of votes cast indicate a preference for only 1 site safety and health representative for the mine, or part of the mine—there is to be only 1 site safety and health representative for the mine, or part of the mine; or

(b) otherwise—there are to be 2 site safety and health representatives for the mine, or part of the mine.

(2) After making a declaration under subsection (1), the returning officer for the ballot must declare how many site safety and health representatives are to be elected.

(3) If only 1 site safety and health representative is to be elected, the returning officer for the ballot must declare the candidate who achieves the highest number of votes as having been elected.

(4) If 2 site safety and health representatives are to be elected, the returning officer for the ballot must declare the following candidates as having been elected—

(a) the candidate who achieves the highest number of votes;

(b) the candidate who achieves the second highest number of votes.

(5) The returning officer for the ballot must declare the term of appointment of a site safety and health representative to be the median of the terms for which voters have voted.

(6) The returning officer for the ballot must, within 14 days after the ballot closing, declare the result of the election by giving notice of the result to—

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(a) the mine's site senior executive; and

(b) the chief inspector; and

(c) at least 1 industry safety and health representative for the coal mine.

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Schedule 1 Reportable diseases—Act, s 198AA

section 13A

1 a disease that test results indicate a relevant worker within the meaning of section 198AA of the Act may have contracted as a result of, or because of the contribution of, exposure to an airborne contaminant at a coal mine, or a mine under the *Mining and Quarrying Safety and Health Act 1999*, including, for example, the following diseases—

(a) asbestosis and benign asbestos-related pleural diseases, including, for example, diffuse pleural thickening, and benign asbestos-related pleural effusion;

(b) silicosis or benign silica-related pleural disease;

(c) coal workers' pneumoconiosis;

(d) other pneumoconioses, including, for example, hard-metal pneumoconiosis, baritosis and siderosis;

(e) occupational bronchiolitis obliterans;

(f) chronic obstructive pulmonary diseases, including, for example, chronic bronchitis and emphysema;

(g) diffuse dust-related pulmonary fibrosis;

(h) occupational lung cancer;

(i) other occupational cancers, including, for example, cancer of the pleura, pericardium and peritoneum (including, for example, mesothelioma);

(j) occupational asthma;

(k) occupational granulomatous disorders, including, for example, chronic beryllium disease;

(l) occupational auto-immune diseases, including, for example, scleroderma (systemic sclerosis) and rheumatoid arthritis;

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(m) occupational hypersensitivity pneumonitis;

(n) occupational respiratory infections, including, for example, legionellosis, silico-tuberculosis and pneumococcal pneumonia

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Schedule 2 Types of serious accidents and high potential incidents for sections 200(1) and 201(1) of the Act

section 14

Part 1 Types for section 200(1)

1 an incident causing the death of, or a serious bodily injury to, a person

2 an unplanned ignition of gas, dust, or a combination of gas and dust

3 damage to, or failure of, haulage equipment used to transport a person in a shaft or slope, if the damage or failure causes a hazard

4 the failure in service of explosion protection of explosion-protected equipment

5 a failure of electrical equipment or an electrical installation causing an electric shock to a person

6 an unplanned ignition or explosion of a blasting agent or explosive

7 a major structural failure of equipment, if the failure causes a hazard

Part 2 Types for section 201(1)

1 an unplanned ignition of gas, dust, or a combination of gas and dust

2 the spontaneous combustion of coal or other material in an underground mine

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3 an inrush

4 the failure in service of explosion protection of explosion-protected equipment

5 an electric shock to a person

6 an unplanned ignition or explosion of a blasting agent or explosive

7 a major failure of strata control

8 the entrapment of a person

9 an abnormal circumstances declaration

10 a major structural failure of equipment

Schedule 2AAA Classification of mixtures

section 54, definition *GHS*

1 Purpose of this schedule

The tables in this schedule replace some of the tables in the GHS.

Note—

See the definition of *GHS* in section 54.

Table 1 Classification of mixtures containing respiratory or skin sensitisers

Cut-off values/concentration limits of ingredients of a mixture classified as either a respiratory sensitiser or a skin sensitiser that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification		
		Skin sensitiser	Respiratory sensitiser	
		All physical states	Solid / liquid	Gas
1	Skin sensitiser Category 1	≥ 1.0%		
2	Skin sensitiser Subcategory 1A	≥ 0.1%		
3	Skin sensitiser Subcategory 1B	≥ 1.0%		
4	Respiratory sensitiser Category 1		≥ 1.0%	≥ 0.2%
5	Respiratory sensitiser Subcategory 1A		≥ 0.1%	≥ 0.1%
6	Respiratory sensitiser Subcategory 1B		≥ 1.0%	≥ 0.2%

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Note—

Table 1 replaces table 3.4.5 in the GHS, p. 151.

Table 2 Classification of mixtures containing carcinogens

Cut-off values/concentration limits of ingredients of a mixture classified as a carcinogen that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification	
		Category 1A carcinogen	**Category 1B carcinogen**
1	Category 1 carcinogen	≥ 0.1%	
2	Category 2 carcinogen		≥ 1.0%

Notes—

1 The concentration limits in table 2 apply to solids and liquids (w/w units) and gases (v/v units).

2 Table 2 replaces table 3.6.1 in the GHS, p. 166.

Table 3 Classification of mixtures containing reproductive toxicants

Cut-off values/concentration limits of ingredients of a mixture classified as a reproductive toxicant or for effects on or via lactation that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification		
		Category 1 reproductive toxicant	**Category 2 reproductive toxicant**	**Additional category for effects on or via lactation**
1	Category 1 reproductive toxicant	≥ 0·3%		
2	Category 2 reproductive toxicant		≥ 3·0%	

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Item	Ingredient classification	Mixture classification		
		Category 1 reproductive toxicant	Category 2 reproductive toxicant	Additional category for effects on or via lactation
3	Additional category for effects on or via lactation			≥ 0·3%

Notes—

1 The concentration limits in table 3 apply to solids and liquids (w/w units) and gases (v/v units).

2 Table 3 replaces table 3.7.1 in the GHS, p. 180.

Table 4 Classification of mixtures containing specific target organ toxicants (single exposure)

Cut-off values/concentration limits of ingredients of a mixture classified as a specific target organ toxicant that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification	
		Category 1	Category 2
1	Category 1 specific target organ toxicant	Concentration ≥10%	1.0%≤ concentration < 10%
2	Category 2 specific target organ toxicant		Concentration ≥10%

Notes—

1 The concentration limits in table 4 apply to solids and liquids (w/w units) and gases (v/v units).

2 Table 4 replaces table 3.8.2 in the GHS, p. 192.

Table 5 Classification of mixtures containing specific target organ toxicants (repeated exposure)

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Cut-off values/concentration limits of ingredients of a mixture classified as a specific target organ toxicant that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification	
		Category 1	**Category 2**
1	Category 1 specific target organ toxicant	Concentration ≥10%	1.0%≤ concentration < 10%
2	Category 2 specific target organ toxicant		Concentration ≥10%

Notes—

1 The concentration limits in table 5 apply to solids and liquids (w/w units) and gases (v/v units).

2 Table 5 replaces table 3.9.3 in the GHS, p. 203.

Schedule 2AAB Safety data sheets

section 54, definition *safety data sheet*

1 Safety data sheet—content

(1) A safety data sheet for a hazardous chemical or dangerous goods must—

(a) contain unit measures expressed in Australian legal units of measurement under the *National Measurement Act 1960* (Cwlth); and

(b) state the date it was last reviewed or, if it has not been reviewed, the date it was prepared; and

(c) state the name, and the Australian address and business telephone number of—

(i) the manufacturer of the chemical or goods; or

(ii) the importer of the chemical or goods, who must be resident in Australia; and

(d) state an Australian business telephone number from which information about the chemical or goods can be obtained in an emergency; and

(e) be in English.

(2) A safety data sheet for a hazardous chemical or dangerous goods must state the following information about the chemical or goods—

(a) Section 1: Identification: Product identifier and chemical identity;

(b) Section 2: Hazard(s) identification;

(c) Section 3: Composition and information on ingredients, in accordance with schedule 2AAC;

(d) Section 4: First aid measures;

(e) Section 5: Firefighting measures;

(f) Section 6: Accidental release measures;

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(g) Section 7: Handling and storage, including how the chemical or goods may be safely used;

(h) Section 8: Exposure controls and personal protection;

(i) Section 9: Physical and chemical properties;

(j) Section 10: Stability and reactivity;

(k) Section 11: Toxicological information;

(l) Section 12: Ecological information;

(m) Section 13: Disposal considerations;

(n) Section 14: Transport information;

(o) Section 15: Regulatory information;

(p) Section 16: Any other relevant information.

(3) The safety data sheet must use the headings and be set out in the order set out in subsection (2).

(4) The safety data sheet must be in English.

Note—

Section 54, definition *safety data sheet* provides that section 2 will apply instead of section 1 in particular cases.

2 Safety data sheet—research chemical, waste product or sample for analysis

A safety data sheet for a hazardous chemical that is a research chemical, waste product or sample for analysis must—

(a) be in English; and

(b) state the name, Australian address and business telephone number of—

(i) the manufacturer of the chemical; or

(ii) the importer of the chemical, who must be resident in Australia; and

(c) state that full identification or hazard information is not available for the chemical, and in the absence of full identification or hazard information, a precautionary

approach must be taken by a person using, handling or storing the chemical; and

(d) state the chemical identity or structure of the chemical or its chemical composition, as far as is reasonably practicable; and

(e) state any known or suspected hazards related to the chemical; and

(f) state any precautions that a person using, handling or storing the chemical must take to the extent that the precautions have been identified.

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Schedule 2AAC Disclosure of ingredients in safety data sheet

schedule 2AAB, section 1(2)(c)

1 Purpose of this schedule

This schedule sets out the way in which the ingredients of a hazardous chemical or dangerous goods must be disclosed in Section 3: Composition and information on ingredients, in accordance with schedule 2AAC, of a safety data sheet prepared under this regulation.

Note—

See schedule 2AAB, section 1(2)(c).

2 Identity of ingredients to be disclosed

(1) This section applies if an ingredient in a hazardous chemical or dangerous goods causes the correct classification of the chemical or goods to include a hazard class and hazard category mentioned in table 1.

(2) The identity of the ingredient must be disclosed in English on the safety data sheet for the chemical or goods.

Table 1

Column 1 Item	Column 2 GHS hazard class	Column 3 GHS hazard category
1	Acute toxicity—oral	Category 1
		Category 2
		Category 3
		Category 4

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Column 1 Item	Column 2 GHS hazard class	Column 3 GHS hazard category
2	Acute toxicity—dermal	Category 1
		Category 2
		Category 3
		Category 4
3	Acute toxicity—inhalation	Category 1
		Category 2
		Category 3
		Category 4
4	Respiratory sensitiser	Category 1
5	Skin sensitiser	Category 1
6	Mutagenicity	Category 1A
		Category 1B
		Category 2
7	Carcinogenicity	Category 1A
		Category 1B
		Category 2
8	Toxic to reproduction	Category 1A
		Category 1B
		Category 2
		Additional category for effects on or via lactation
9	Target organ toxicity—single exposure	Category 1
		Category 2
		Category 3

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Column 1 Item	Column 2 GHS hazard class	Column 3 GHS hazard category
10	Target organ toxicity—repeat exposure	Category 1
		Category 2
11	Aspiration hazards	Category 1
12	Skin corrosion or irritation	Category 1A
		Category 1B
		Category 1C
		Category 2
13	Serious eye damage or eye irritation	Category 1
		Category 2A

3 Generic names used to disclose identity of ingredients

(1) This section applies if an ingredient of a hazardous chemical or dangerous goods must be disclosed under section 2.

(2) The ingredient—

(a) may be disclosed by its generic name if—

(i) the ingredient causes the correct classification of the chemical or goods to include a hazard class and hazard category mentioned in table 2; and

(ii) the ingredient does not cause the correct classification of the chemical or goods to include any other hazard class and hazard category in section 2, table 1; and

(iii) the identity of the ingredient is commercially confidential; and

(iv) an exposure standard for the ingredient has not been established; or

(b) in any other case—must be disclosed by its chemical identity.

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Table 2

Column 1 Item	Column 2 Hazard class and hazard category
1	Acute toxicity (category 4)
2	Aspiration hazard (category 1)
3	Serious eye damage or eye irritation (category 2A)
4	Skin corrosion or irritation (category 2)
5	Specific target organ toxicity (single exposure) (category 3)

(3) In this section—

exposure standard means an exposure standard in the 'Workplace Exposure Standards for Airborne Contaminants' published by Safe Work Australia.

Safe Work Australia means Safe Work Australia as established under the *Safe Work Australia Act 2008* (Cwlth), section 5.

4 Disclosing proportions of ingredients

(1) This section applies if an ingredient of a hazardous chemical or dangerous goods must be disclosed under section 2.

(2) The proportion of the ingredient to the chemical or goods must be disclosed—

(a) if the exact proportion of the ingredient is not commercially confidential—as the exact proportion of the chemical, expressed as a percentage by weight or volume; or

(b) if the exact proportion of the ingredient is commercially confidential—as 1 of the following ranges within which the exact proportion fits, expressed as a percentage by weight or volume—

(i) < 10%;

(ii) 10–30%;

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(iii) 30–60%;

(iv) > 60%;

(v) a range that is narrower than the range set out in subparagraph (i), (ii), (iii) or (iv).

Schedule 2AAD Correct classification of substance, mixture or article

schedule 9, definition *correct classification*

1 Correct classification of substance, mixture or article

(1) A substance or mixture (other than a research chemical, sample for analysis or waste product) is ***correctly classified*** if a determination is made about whether the substance or mixture can be classified into a hazard class under the GHS including a mixture classification mentioned in schedule 2AAA.

Note—

The schedule 2AAA tables replace some tables in the GHS.

(2) A substance or mixture that is a research chemical, sample for analysis or waste product is ***correctly classified*** if, so far as is reasonably practicable having regard to the known or suspected properties of the substance or mixture—

(a) a determination is made about the identity of the substance or mixture; and

(b) a determination is made about whether the substance or mixture can be classified into a hazard class under the GHS.

(3) An article that contains a substance or mixture that may be released during the use, handling or storage of the article is ***correctly classified*** if the substance or mixture is correctly classified.

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Schedule 2AA Requirements for plugging and abandoning boreholes

section 100

1 Casing to be sealed

(1) The casing of a borehole must be sealed below ground level.

(2) The stub of the casing must be buried below the surface at a depth that—

(a) allows for the optimal later re-entry to the borehole; and

(b) will not adversely interfere with the normal activities of the owner of the land on which the borehole is located.

2 Isolation of aquifers and porous formations

An aquifer or porous formation, including, for example, a coal seam, that is intersected by a borehole must be isolated so there is no interconnection of gas or water between the aquifers or porous formations.

3 Casing of borehole

Steel casing must be removed from any section of a borehole that is within or immediately adjacent to a coal seam, unless it is not technically or commercially feasible to remove the casing.

Example of casing that is not technically or commercially feasible to remove—

production casing that has been cemented in place and can not feasibly be removed

4 Cement to be used for plugs etc.

(1) A borehole must have a surface plug of cement in the casing.

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(2) Also, if the borehole has more than 1 casing string and any inner casing string does not reach the surface, the inner casing string must, if required to comply with section 2, be plugged with cement at the top of the string.

(3) Cement used as a plug in the borehole must be of an industry accepted grade, having regard to the salinity of the fluids in the surrounding strata.

(4) A plug in, or adjacent to, a coal seam in the borehole must be adequately secured if reasonably practicable.

(5) Cement that is used as a plug in the borehole must not be so strong that it unduly prevents the future optimal mining of coal.

5 Requirement for packer left in borehole

A packer in, or adjacent to, a coal seam in a borehole that is not to be removed from the borehole must, if reasonably practicable—

(a) be made of a material that is intrinsically safe; and

(b) be adequately secured.

6 Fluid to be left in borehole

A borehole must be full of fluid that is of sufficient density to—

(a) help maintain the structural integrity of the borehole; and

(b) prevent gas influx.

7 Requirements if steel casing or drill string is left in coal seam

(1) If steel casing or drill string is left in a coal seam in a borehole, the borehole must be abandoned in a way that assists future entry of the borehole for the purpose of milling or removing steel from the coal seam.

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(2) In complying with subsection (1), the site senior executive for the coal mine must ensure that each of the following is carried out before the borehole is plugged and abandoned—

(a) drilling rods, pumps and tubing and other debris in the borehole that can practicably be removed are removed;

(b) perforated casing is cemented to ensure all aquifers and porous formations, including for example, coal seams, are isolated as required under section 2;

(c) casing strings are cut off at approximately 1.5m below ground level and all drillhead equipment is removed;

(d) before backfilling, a metal plate is welded fully across the top of the innermost casing string and marker tape is laid approximately 20cm above the top of the casing;

(e) a plaque that states the following information is placed on the fence, building or other permanent structure nearest to the borehole—

(i) a unique identifier for the borehole;

(ii) the total depth in metres of the borehole;

(iii) the date the borehole was abandoned;

(iv) the distance and direction to the borehole from the plaque.

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Schedule 2A Prohibited substances

section 100A

Column 1 Prohibited substance	Column 2 Prohibited purpose
amosite, crocidolite, fibrous anthophyllite, tremolite or actinolite	all uses, other than sampling, analysis, maintenance, removal, disposal, encapsulation or enclosure
chrysotile, other than chrysotile occurring in a product or item exempted under the NOHSC document entitled 'National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005]', schedule 2	all uses, other than research, analysis, removal or disposal
compressed natural gas, hydrogen, liquid petroleum gas, petrol	use underground in an internal or external combustion engine

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Schedule 3 Chapter 4 provisions applying while abnormal circumstances declaration is in force

section 124

1 part 2—
- section 152

2 part 4—
- divisions 1 and 2, other than sections 162 and 166
- division 3, other than sections 169 and 171

3 part 6

4 part 7—
- sections 227 and 228

5 part 8—
- sections 259 to 261
- division 5

6 part 9—
- sections 286 to 289, 292 and 294

7 part 10—
- sections 307 to 311, 316, 321, 323 and 324

8 part 11—
- sections 344(1)(a) and (b)(ii), (2) and (6), 349 and 366

9 part 12

Schedule 4 Ventilation control devices and design criteria

section 350(1) and schedule 9, definition *type*

Column 1 Ventilation control device	Column 2 Design criteria
brattice line or temporary stopping	antistatic and fire resistant
mine entry airlock	capable of withstanding an overpressure of 70kPa while it is open
separation stopping for a primary escapeway	antistatic, fire resistant and of substantial construction providing for minimal leakage
stopping, overcast or regulator installed as part of the main ventilation system	capable of withstanding an overpressure of 35kPa
stopping, overcast or regulator installed as part of the ventilation system for a panel	capable of withstanding an overpressure of 14kPa during the life of the panel
type B seal	capable of withstanding an overpressure of 35kPa
type C seal	capable of withstanding an overpressure of 140kPa
type D seal	capable of withstanding an overpressure of 345kPa
type E seal	capable of withstanding an overpressure of 70kPa
ventilation ducting	antistatic and fire resistant

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Schedule 5 Matters to be covered in inspections

section 309(3)(b)(i)

1 the presence of flammable gases or contaminants in the atmosphere

2 the adequacy of the following—

(a) ventilation;

(b) coal dust inertisation;

(c) emergency, first aid and fire fighting equipment

3 the condition of the following—

(a) ventilation control devices;

(b) auxiliary fans;

(c) surfaces over which persons may travel or vehicles may be driven;

(d) the support for the roof and sides of the workings

4 the stability of roadways in the workings

5 indications of heating or fire

6 abnormal water inflow

7 plant malfunction

8 the proper functioning of communication and monitoring systems

9 excessive accumulation of mud, water or coal

10 thermal environmental conditions

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Schedule 6 General body concentrations for atmospheric contaminants

sections 343(1)(a), 359 and 361(1)

Column 1 Contaminant	Column 2 Long-term exposure limit concentration	Column 3 Maximum exposure limit concentration
acetaldehyde	100ppm	150ppm
carbon monoxide	30ppm	—
formaldehyde	1ppm	2ppm
hydrogen sulphide	10ppm	15ppm
mineral oil mist	5mg/m^3	—
nitric oxide	25ppm	—
nitrogen dioxide	3ppm	5ppm
nitrous oxide	25ppm	—
sulphur dioxide	2ppm	5ppm
vegetable oil mist	10mg/m^3	—
welding fumes	5mg/m^3	—

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Schedule 7 Prescribed tasks for section 76A(a)(i) of the Act

section 371

1 carrying out electrical activities and electrical work

2 certifying survey plans for—

(a) surface mines; or

(b) underground mines

3 controlling and managing the following—

(a) electrical engineering activities;

(b) mechanical engineering activities

4 operating the following—

(a) explosive-powered tools;

(b) winders and slope haulages

5 repairing, overhauling and maintaining the following—

(a) explosion-protected electrical, or mechanical, equipment;

(b) electrical equipment on underground mobile plant

6 the tasks of the following persons at a surface coal mine—

(a) a person charging and firing explosives;

(b) a person handling explosives

7 the tasks of the following persons at an underground mine—

(a) a shotfirer;

(b) an assistant shotfirer;

(c) a fire officer;

(d) a ventilation officer

8 training and assessing mine workers

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9 carrying out respirable dust sampling at a coal mine in accordance with AS 2985:2009

Note—

AS 2985:2009 'Workplace atmospheres—Method for sampling and gravimetric determination of respirable dust'

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Schedule 7A Civil penalties

section 371A

Part 1 Category 1 obligations

1 the safety and health obligation under section 42(c) of the Act to develop a safety and health management system for a coal mine

2 the safety and health obligation under section 42(c) of the Act to implement—

(a) a safety and health management system for an underground mine that includes principal hazard management plans for the matters mentioned in section 149 of this regulation; or

(b) a safety and health management system for a surface mine that includes principal hazard management plans for the matters mentioned in section 102A of this regulation

3 the safety and health obligation under section 42(c) of the Act to implement a safety and health management system for a coal mine in relation to the matters mentioned in section 202 of this regulation (relating to use of portable electrical equipment)

4 the safety and health obligation under section 43(1)(b) of the Act (relating to compliance with a mine's safety and health management system by a contractor)

5 the safety and health obligations under chapter 4, part 7, division 2, subdivision 2 or 3 of this regulation (relating to gas monitoring equipment for an underground mine)

6 the safety and health obligation under section 343 of this regulation (relating to the ventilation system for an underground mine)

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Part 2 Category 2 obligations

1 the safety and health obligation under section 42(c) of the Act to implement a safety and health management system for a coal mine in relation to monitoring concentrations of respirable dust as required under section 89(5)(a) of this regulation

2 the safety and health obligation under section 89A(4) of this regulation (relating to notification of excessive dust levels)

Part 3 Category 3 obligations

1 the safety and health obligation under section 42(c) of the Act to implement a safety and health management system for a coal mine that includes the standard operating procedures mentioned in sections 21, 22, 37, 38, 56E, 56H, 65, 68, 72, 73, 76, 78, 79, 88A, 92, 94, 95, 96, 112, 116, 117, 125, 129, 132 to 135, 138, 141 to 143, 145, 151, 169, 187, 202, 221, 224, 226, 249, 250, 252, 253, 255, 294, 299, 300, 309(2), 318, 323(3), 335, 347 to 349, 352, 353 and 368 of this regulation

2 the obligations under section 47 of this regulation (relating to health assessments)

3 the obligations under section 198 of the Act (relating to notification of accidents, deaths or incidents)

4 the obligations under section 198AA of the Act (relating to notification of reportable diseases)

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Schedule 8 Fees

sections 12E, 12H and 372

Part 1 Board of examiners fees

		Fee units
1	Application for assessment for any of the following certificates of competency—	
	(a) a first class certificate of competency;	
	(b) a second class certificate of competency;	
	(c) a surface mine manager's certificate of competency	44.95
2	Application for assessment for a deputy's, or open-cut examiner's, certificate of competency	26.60
3	Application for assessment for any of the following certificates of competency—	
	(a) an electrical engineering manager's (surface mine) certificate of competency;	
	(b) an electrical engineering manager's (underground mine) certificate of competency;	
	(c) a mechanical engineering manager's (surface mine) certificate of competency;	
	(d) a mechanical engineering manager's (underground mine) certificate of competency;	
	(e) a ventilation officer's certificate of competency.	24.90
4	Issuing a duplicate certificate of competency to replace a lost, destroyed or defaced certificate	8.70

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Part 2 Safety and health fees

		Fee units
1	Safety and health fee, for a coal mine, for a reporting period that is a quarter (s 12E(2))—	
	(a) if the number of coal mine workers working at the coal mine during the quarter is 5 or fewer	nil
	(b) if the number of coal mine workers working at the coal mine during the quarter is more than 5 but not more than 10—for each coal mine worker working at the coal mine during the quarter	32.00
	(c) if the number of coal mine workers working at the coal mine during the quarter is more than 10 but not more than 19—for each coal mine worker working at the coal mine during the quarter	128.00
	(d) if the number of coal mine workers working at the coal mine during the quarter is more than 19 but not more than 99—for each coal mine worker working at the coal mine during the quarter	239.75
	(e) if the number of coal mine workers working at the coal mine during the quarter is more than 99—for each coal mine worker working at the coal mine during the quarter	319.75
2	Safety and health fee, for a coal mine, for a reporting period that is a financial year (s 12E(2))—	
	(a) if the number of coal mine workers working at the coal mine during the financial year is 5 or fewer	nil
	(b) if the number of coal mine workers working at the coal mine during the financial year is more than 5 but not more than 10—for each coal mine worker working at the coal mine during the financial year	128.00

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		Fee units
	(c) if the number of coal mine workers working at the coal mine during the financial year is more than 10 but not more than 19—for each coal mine worker working at the coal mine during the financial year	512.00
	(d) if the number of coal mine workers working at the coal mine during the financial year is more than 19 but not more than 99—for each coal mine worker working at the coal mine during the financial year	959.00
	(e) if the number of coal mine workers working at the coal mine during the financial year is more than 99—for each coal mine worker working at the coal mine during the financial year	1,279.00
3	Fee for late safety and health census (s 12H(4))	121.40

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Schedule 9 Dictionary

section 3

abandoned, for a borehole, means the borehole—

(a) is no longer required for the purpose for which it was drilled; and

(b) is not required for any other operational or investigative purpose.

abnormal circumstances declaration means a declaration made under section 120.

ADG Code, for chapter 2, part 7, see section 54.

adjacent petroleum lease, for coal mining operations, see section 12A(1)(a)(ii).

AHD means the Australian height datum adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level.

aided escape means an escape process in which persons on the surface of a coal mine help workers escape from underground at the mine.

appointed medical adviser see section 45(1)(a).

approved examining doctor, for chapter 2, part 6, division 2—see section 44.

approved provider, for a scheme function, for chapter 2, part 6, division 2—see section 44.

approved supervising doctor, for chapter 2, part 6, division 2—see section 44.

area, of a petroleum lease, see the *Petroleum and Gas (Production and Safety) Act 2004*.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals, including the following—

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(a) actinolite asbestos;

(b) grunerite (or amosite) (brown) asbestos;

(c) anthophyllite asbestos;

(d) chrysotile (white);

(e) crocidolite (blue);

(f) tremolite asbestos;

(g) a mixture containing 1 or more of the minerals mentioned in paragraphs (a) to (f).

Note—

Paragraphs (a), (b), (c) and (f) mention mineral silicates that use the same mineral term for both the asbestiform and nonasbestiform varieties. The word 'asbestos' has been included when listing these minerals to emphasise that only the asbestiform habit of these minerals is regulated as asbestos.

asbestos material means installed thermal or acoustic insulation material comprising or containing asbestos.

AS/NZS means a standard published jointly by Standards Australia and Standards New Zealand.

assessment, for chapter 2, part 6, division 2—see section 44.

authorised activities operating plant, for chapter 2, part 2, division 5, see section 12BA.

automatic methane detector means a methane detector that automatically—

(a) activates a visible alarm when the methane concentration in the atmosphere exceeds a particular level; and

(b) trips the electricity supply when the methane concentration in the atmosphere exceeds a particular level.

auxiliary fan means a fan, other than a cooling fan for equipment or scrubber fan, used underground to direct ventilation in a part of an underground mine.

booster fan means an auxiliary fan installed in a way that the total ventilation flow where it is installed passes through it.

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causative agent, for a disease, means an agent that causes the disease.

certified, for a thing or type of thing, means certified by a nationally accredited testing station for the thing or type.

chemical identity means a name, in accordance with the nomenclature systems of the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service, or a technical name, that gives a chemical a unique identity.

chest examination, for chapter 2, part 6, division 2—see section 44.

chest x-ray examination, for chapter 2, part 6, division 2—see section 44.

chief inspector, petroleum and gas means the chief inspector under the *Petroleum and Gas (Production and Safety) Act 2004*.

circuit protection device includes an earth leakage, earth fault, short circuit and overcurrent device.

coal mine worker, for chapter 2, part 6, division 2—see section 44.

comparative assessment, of a person's spirometry, for chapter 2, part 6, division 2—see section 44.

construction work means work connected with driving or excavating drifts, shafts, dump stations, bins, or other large excavations, not normally associated with underground coal mining operations.

correct classification means the set of hazard classes and hazard categories assigned to a hazardous chemical, or dangerous goods, when they are correctly classified under schedule 2AAD.

CPD activity, in relation to a certificate of competency or site senior executive notice, see section 370AE(1).

CPD hours, for a CPD activity that has been successfully completed by the holder of a certificate of competency or site senior executive notice, see section 370AB.

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CPD period, for the holder of a certificate of competency or site senior executive notice, see section 370AB.

CPD total hours, for the holder of a certificate of competency or site senior executive notice, see section 370AE(3)(c).

cut-through means a tunnel driven in a coal seam to connect adjacent headings.

dangerous goods see section 56.

danger tag means a tag warning of a particular danger.

direct contact means in contact with an exposed conductor or an exposed part of an electrical article with bare hands or another part of the body or by a conductive tool.

election time, for schedule 1B, see schedule 1B, section 4(2)(e).

electrical activity—

1 *Electrical activity* means the following—

(a) installing, maintaining, repairing, testing or disconnecting electrical equipment or an electrical installation for coal mining operations;

(b) operating electrical equipment or an electrical installation for coal mining operations.

2 *Electrical activity* does not include the following—

(a) operational switching;

(b) connecting or disconnecting electrical equipment using a jacking type restrained connector with pilot wire protection underground;

(c) simple push button testing of earth leakage breakers or similar tasks.

electrical equipment means an item used for generating, converting, transmitting, distributing or using electrical energy.

electrical work—

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1 *Electrical work* means installing, repairing, testing or disconnecting electrical components of electrical equipment and electrical installations.

2 *Electrical work* does not include connecting or disconnecting electrical equipment using a jacking type restrained connector with pilot wire protection underground.

eligible nominee, for schedule 1B, means a coal mine worker who, at the nomination closing time, is a coal mine worker at the coal mine, or the part of the coal mine, for which the election of a site safety and health representative is being held.

employer means an employer of a coal mine worker.

ERZ means an explosion risk zone.

ERZ0 see section 287.

ERZ1 see section 288.

ERZ controller, for an ERZ, means a person appointed for the ERZ under section 60(9) of the Act.

escapeway see section 296(1).

exit assessment, for chapter 2, part 6, division 2—see section 44.

explosion protection category Ex ia means explosion protection category Ex ia under AS/NZS 60079.11:2011 'Explosive atmospheres–Equipment protection by intrinsic safety i'.

explosion protection category Ex l means explosion protection category Ex l under AS/NZS 62013.1:2001 'Caplights for use in mines susceptible to firedamp–General requirements–Construction and testing in relation to the risk of explosion'.

explosion protection category Ex s means explosion protection category Ex s under AS/NZS 1826:2008 'Electrical equipment for explosive gas atmospheres–Special protection–Type of protection s'.

explosion risk zone means 1 of the following—

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(a) an ERZ0;

(b) an ERZ1;

(c) a NERZ.

exposed, to a substance, means exposed to the risk of absorbing the substance—

(a) by ingestion or inhalation; or

(b) through the skin or mucous membrane.

extra low voltage means a voltage of—

(a) 50V or less a.c. r.m.s; or

(b) 120V or less ripple-free d.c.

fixed, for equipment, means installed in a particular place and not normally moved.

former worker, for chapter 2, part 6, division 2—see section 49C.

former worker assessment, for chapter 2, part 6, division 2—see section 49D(1).

further health assessment, for chapter 2, part 6, division 2—see section 48(2)(a).

further reading, of an x-ray taken of a person's chest, for chapter 2, part 6, division 2—see section 44.

gas alarm level, for a mine, means a value or ratio for gas stated as a gas alarm level in the mine's principal hazard management plan under section 224.

GDA means Geocentric Datum of Australia which is a system of earth-centred datum used for mapping.

general body concentration, for a gas or an atmospheric contaminant in an underground mine or part of an underground mine, means the concentration of the gas or contaminant measured at a representative location in the mine or part.

GHS see section 54.

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hazard category means a division of criteria within a hazard class in the GHS.

hazard class means the nature of a physical, health or environmental hazard under the GHS.

hazardous chemical see section 55.

heading means a tunnel driven in a coal seam in the main direction of the mining operation.

health assessment, for chapter 2, part 6, division 2—see section 44.

high voltage means a voltage greater than low voltage.

highwall mining means mining conducted by remote controlled equipment that drives an underground excavation from the surface into a coal seam.

hot work means welding, soldering, heating, cutting, grinding or vulcanising in which the surface temperature of the work, or a tool used for the work, is likely to exceed 150ºC.

identify, for a hazard, means establish the presence of the hazard by a risk assessment process.

ILO guidelines, for chapter 2, part 6, division 2—see section 44.

indirect contact means in contact with an exposed conductor or an exposed part of an electrical article by an insulated tool or insulating equipment.

information notice, for chapter 2, part 6, division 2—see section 44.

inrush means an unplanned or uncontrolled flood of liquid, gas or material that has the potential to create a hazard.

inspection district, for an underground mine, see section 312(2).

issue, an explosive, does not include merely deliver the explosive.

live testing—

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1 *Live testing*, of electrical equipment or an electrical installation, means testing the equipment or installation while—

(a) some or all of it is energised; and

(b) live conductors may be exposed.

2 However, the term does not include testing the equipment or installation, under an isolation procedure, for zero potential.

lockout earth fault current protection device means a device that prevents a circuit being energised if the insulation resistance to earth of 1 or more of the circuit's conductors is below a predetermined value.

longwall return airway means a return airway in a ventilation split that intersects with a longwall face.

low risk task, for chapter 2, part 6, division 2—see section 44.

low voltage means a voltage greater than extra low voltage, but not more than 1200V a.c. r.m.s. or 1500V ripple-free d.c.

mine road, for a surface mine, means a road used for transporting coal, waste material, or rehabilitation material in the mining operations at the mine.

mines rescue person means a person who is—

(a) trained under a mines rescue training program mentioned in section 232(a)(ii) of the Act; and

(b) carrying out mines rescue services under a mines rescue agreement.

mining activities, for a surface mine, means activities that relate to the winning of coal and include the following—

(a) preparing for the extraction of overburden or coal;

(b) preparing and firing shots;

(c) loading and transporting overburden or coal;

(d) dumping overburden on spoil heaps.

mobile plant means plant capable of being moved under its own power.

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Example—

draglines, shovels, excavators and trucks

NERZ see section 289.

NOHSC document means a document published by the National Occupational Health and Safety Commission under the repealed *National Occupational Health and Safety Commission Act 1985* (Cwlth).

nomination closing time, for schedule 1B, means the day and time when nominations for election as a site safety and health representative for a coal mine close.

normal work means work carried out other than in an emergency.

open-cut examiner means a person appointed under section 59 of the Act.

operator, of an operating plant, see the *Petroleum and Gas (Production and Safety) Act 2004*, section 673.

overlapping area, for chapter 2, part 2, division 5, see section 12BA.

overlapping petroleum lease, for coal mining operations, see section 12A(1)(a)(i).

personal protective equipment includes clothing, equipment or a device designed to protect a person from harm.

Example of personal protective equipment—

a seat belt, fall arresting device or buoyancy device

petroleum lease means a lease under the *Petroleum Act 1923* or a petroleum lease under the *Petroleum and Gas (Production and Safety) Act 2004*.

portable, for equipment or plant, means equipment or plant intended to be held in the hand during use or that is capable of being carried by 1 person.

practising certificate scheme, for chapter 4A, see section 370AE(2).

prescribed site safety and health representative election process means the process set out in schedule 1B.

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prospective touch voltage means the highest voltage a person is liable to be exposed to if the person contacts simultaneously accessible parts in an electrical installation during an electrical fault.

quarter means a 3-month period ending on 30 September, 31 December, 31 March or 30 June.

Queensland Government website means a website with a URL that contains 'qld.gov.au', other than the website of a local government.

reasonably believes means believes on grounds that are reasonable in the circumstances.

reasonably suspects means suspects on grounds that are reasonable in the circumstances.

recognised competency, for a position or task, means a competency recognised by the committee as appropriate for the position or task.

regular periodic inspection, for an underground mine, means a regular periodic inspection mentioned in section 307.

relevant holder, for chapter 4A, see section 370AB.

relevant medical specialist, for chapter 2, part 6, division 2—see section 44.

report, in relation to an assessment, for chapter 2, part 6, division 2—see section 44.

reporting period, for a coal mine, for chapter 2, part 2A, see section 12C.

research chemical see section 54.

responsible person, for a coal mine, see section 12D.

review report, for chapter 2, part 6, division 2—see section 48A(1)(b).

road includes a ramp.

roadway includes a cut-through between intake roadways and a connection between intake and return airways.

roll of voters, for schedule 1B, see schedule 1B, section 3.

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safety and health census, for chapter 2, part 2A, see section 12F(1).

safety and health fee see section 12E(1).

safety berm is a mound running along the edge of a road to reduce the risk of a vehicle running off the edge.

safety data sheet see section 54.

scheme function, for chapter 2, part 6, division 2—see section 44.

scrubber fan means a fan—

(a) mounted as part of a machine to control dust around the machine; and

(b) used to assist in ventilating a working place at an underground mine.

scrutineer, for schedule 1B, means a scrutineer appointed by a candidate under schedule 1B, section 11.

second workings, for an underground mine, means the second phase of mining after roadways for developing the part of the mine in which the second workings are carried out have been driven.

serious bodily injury means a bodily injury endangering, or likely to endanger, life or causing, or likely to cause, a permanent injury to health.

single entry drive means a drive longer than 350m.

slope haulage means an engine for raising or lowering a conveyance on a slope.

subsequent assessment, for chapter 2, part 6, division 2—see section 46B(3).

training scheme, for a coal mine, means the training scheme established under the mine's safety and health management system.

transportable equipment means equipment transported or towed by other equipment and required to be moved to a new position between periods of operation.

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Examples—

lighting plant, crib huts, generators and pumps

type, for a seal, means a type of seal mentioned in schedule 4, column 1, meeting the design criteria stated in schedule 4, column 2, opposite the type.

ventilation control device means a structure to control or direct ventilation flow.

visitor means a person other than a coal mine worker.

voter, for schedule 1B, see schedule 1B, section 3.

width, of a vehicle, is its measurement across its widest part excluding collapsible projecting parts.

Example of collapsible projecting part—

a light or mirror

winder means a winding engine for raising or lowering a conveyance in a shaft.

zone means an explosion risk zone.

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