

South Australia

## **Work Health and Safety Variation Regulations 2013**

under the *Work Health and Safety Act 2012*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Work Health and Safety Variation Regulations 2013*.

### 2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) Regulations 5 to 45 (inclusive), 48 and 50 to 56 (inclusive) will come into operation on 1 January 2014.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Work Health and Safety Regulations 2012*

### 4—Variation of regulation 2—Commencement

- (1) Regulation 2(3)(i)—delete subparagraph (i)
- (2) Regulation 2(5)—delete "Regulation 488" and substitute:  
Regulations 347, 348 and 488

## 5—Variation of regulation 5—Definitions

- (1) Regulation 5, definition of *boiler*, (d)—after subparagraph (ii) insert:
  - (iii) AMBSC Part 3—*Australian Miniature Boiler Safety Committee Code for Sub-Miniature Boilers*;
  - (iv) AMBSC Part 4—*Australian Miniature Boiler Safety Committee Code for Duplex Steel Boilers*; or
- (2) Regulation 5, definition of *combustible dust*—delete the definition and substitute:

*combustible dust* means finely divided solid particles (including dust, fibres or flyings), that are—

  - (a) suspended in air or settle out of the atmosphere under their own weight; and
  - (b) able to burn or glow in air; and
  - (c) able to form an explosive mixture with air at atmospheric pressure and normal temperature;

*combustible liquid* means a liquid, other than a flammable liquid, that has a flash point, and a fire point, less than its boiling point;
- (3) Regulation 5, definition of *competent person*, (c)—delete "and testing"
- (4) Regulation 5, definition of *concrete placement unit with delivery boom*—delete the definition
- (5) Regulation 5—after the definition of *excavation work* insert:

*exploration site*, in Chapter 10, means a place where activities are carried out for the purpose of exploring for minerals by mechanical means that disturb the ground;
- (6) Regulation 5, definition of *exposure standard*—delete "Standard" and substitute:

Standards
- (7) Regulation 5—after the definition of *external review* insert:

*extraction site*, in Chapter 10, means a place where activities are carried out for the purpose of extracting minerals from the ground or injecting minerals into the ground;
- (8) Regulation 5, definition of *gantry crane*, (a)—delete paragraph (a) and substitute:
  - (a) consists of a bridge beam or beams supported at 1 or both ends by legs mounted to end carriages;
- (9) Regulation 5, definition of *incidental diving work*, (c)—delete paragraph (c);
- (10) Regulation 5, definition of *inflatable device (continuously blown)*—delete the definition and substitute:

*inflatable device (continuously blown)* means an amusement device that is an inflatable device that relies on a continuous supply of air pressure to maintain its shape;

*inrush hazard*, in Chapter 10, means a hazard involving the potential inrush of any substance;

- (11) Regulation 5—after the definition of *membrane filter method* insert:

*mine*—see regulation 609;

*mine holder*—see regulation 614;

**Note**—

A mine holder is a person conducting a business or undertaking.

*mine operator*—see regulation 613;

**Note**—

A mine operator is a person conducting a business or undertaking.

*mineral*—see regulation 611;

*mining operations*—see regulation 610;

- (12) Regulation 5, definition of *passenger ropeway*, (b)—delete "; and" and substitute:  
; but

- (13) Regulation 5, definition of *passenger ropeway*, (c)(iv)—delete "that require a system of this kind"

- (14) Regulation 5, definition of *powered mobile plant*, examples—delete the examples

- (15) Regulation 5, definition of *primary emergency service organisation*—delete the definition and substitute:

*primary emergency service organisations* means the South Australian Metropolitan Fire Service and the South Australian Country Fire Service;

- (16) Regulation 5—after the definition of *principal contractor* insert:

*principal mining hazard*—see regulation 612;

- (17) Regulation 5—after the definition of *rigging work* insert:

*rope*, in Chapter 10, includes cable;

- (18) Regulation 5, definition of *shaft*—after "depth" insert:

(and in Chapter 10, *shaft* includes a drift or horizontal shaft)

- (19) Regulation 5, definition of *specified VET course*, (d)—delete "accredited"

- (20) Regulation 5—after the definition of *WHS management plan* insert:

*winder*, in Chapter 10, means any plant that is used to move, by means of 1 or more ropes, conveyances in a shaft for the transport of persons, material or plant;

- (21) Regulation 5—after the definition of *work box* insert:

*Workplace Exposure Standards for Airborne Contaminants* means the *Workplace Exposure for Airborne Contaminants* published by Safe Work Australia on its website on 18 April 2013 as in force or remade from time to time;

## **6—Variation of regulation 20—Removal of health and safety representatives**

Regulation 20(2)(a)(ii)—after "works;" insert:

and

## **7—Variation of regulation 24—Continuity of engagement of worker**

Regulation 24(c)—delete "authorised"

## **8—Variation of regulation 43—Duty to prepare, maintain and implement emergency plan**

Regulation 43(3)—delete "consider" and substitute:

have regard to

## **9—Variation of regulation 82—Exceptions**

(1) Regulation 82(1b)(b)(ii)—delete "14" and substitute:

28

(2) Regulation 82(1a) and (1b)—redesignate subregulations (1a) and (1b) (as varied) as, respectively, subregulations (1b) and (1a) and reverse the order of the subregulations

(3) Regulation 82(2)(a)—delete "relocating" and substitute:

moving

(4) Regulation 82—after subregulation (2) insert:

(3) For the purposes of subregulation (2)(a), *moving* includes operating the plant in order to load the plant onto, or unload it from, a vehicle or equipment used to move it.

## **10—Variation of regulation 84—Duty of person conducting business or undertaking to ensure direct supervision**

Regulation 84(1)—delete "regulations 82(1)(b)" and substitute:

regulation 82(1)

## **11—Variation of regulation 85—Evidence of licence—duty of person conducting business or undertaking**

(1) Regulation 85(2)—after "regulation 82(1)" insert:

or (1a)

(2) Regulation 85(3)—delete "regulations 82(1)(b)" and substitute:

regulations 82(1)

(3) Regulation 85(4)—delete "the written evidence given to the person" and substitute:

a record of the written evidence provided

## **12—Insertion of regulation 91A**

After regulation 91 insert:

### **91A—Conditions of licence**

- (1) The regulator may impose any conditions the regulator considers appropriate on a high risk work licence.
- (2) Without limiting subregulation (1), the regulator may impose conditions in relation to 1 or more of the following:
  - (a) control measures that must be implemented in relation to the carrying out of work or activities under the licence;
  - (b) the circumstances in which work or activities authorised by the licence may be carried out.
- (3) The regulator must give the licence holder written notice of any conditions imposed on the licence.

#### **Notes—**

- 1 A person must comply with the conditions of a licence (see section 45 of the Act).
- 2 A decision to impose a condition on a licence is a reviewable decision (see regulation 676).

## **13—Variation of regulation 104—Provisions relating to renewal of licence**

- (1) Regulation 104(1)(b)—after "90" insert:  
    , 91A
- (2) Regulation 104(1)(b)—delete "regulation 89" and substitute:  
    those regulations

## **14—Variation of regulation 106—Suspension or cancellation of licence**

- (1) Regulation 106(1)—after paragraph (a) insert:
  - (ab) the licence holder has failed to comply with a condition of the licence;
- (2) Regulation 106—after subregulation (2) insert:
  - (3) If the regulator suspends a licence, the regulator may vary the conditions of the licence, including by imposing different or additional conditions.
  - (4) A variation of conditions under subregulation (3) takes effect when the suspension of the licence ends.

#### **Notes—**

- 1 A decision to suspend a licence, to cancel a licence or to disqualify the licence holder from applying for a further licence is a reviewable decision (see regulation 676).
- 2 A variation of licence conditions is a reviewable decision (see regulation 676).

## 15—Substitution of regulation 108

Regulation 108—delete the regulation and substitute:

### 108—Notice to and submissions by licence holder

- (1) Before suspending or cancelling a high risk work licence, the regulator must give the licence holder a written notice of—
  - (a) the proposed suspension or cancellation; and
  - (b) any proposed disqualification; and
  - (c) any proposed variation of licence conditions.
- (2) A notice under subregulation (1) must—
  - (a) outline all relevant allegations, facts and circumstances known to the regulator; and
  - (b) advise the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission in relation to the proposed suspension or cancellation, any proposed disqualification and any proposed variation of licence conditions.

## 16—Variation of regulation 109—Notice of decision

Regulation 109(2)(b)—after subparagraph (iv) insert:

- (v) if licence conditions are to be varied—the variation; and
- (vi) if licence conditions are to be varied—that the variation will take effect when the suspension ends; and

## 17—Substitution of regulation 171

Regulation 171—delete the regulation and substitute:

### 171—Competence of worker—general diving work—general qualifications

A person must not carry out general diving work (other than incidental diving work and limited scientific diving work) unless the person has 1 or more of the following qualifications:

- (a) certification in relation to a specified VET course for general diving work that includes the type of general diving work to be carried out by the person;
- (b) a certificate for general diving work, issued by a training organisation, that demonstrates that the person has achieved the competencies specified in AS/NZS 4005.2:2000 (*Training and certification of recreational divers*) or AS/NZS 2815 (*Training and certification of occupational divers*) that are relevant to the type of general diving work to be carried out by the person.

**Note—**

See section 44 of the Act.

**171A—Competence of worker—general diving work—  
additional knowledge and skill**

In addition to regulation 171, a person must not carry out general diving work (other than incidental diving work and limited scientific diving work) unless the person has, through training, qualification or experience, acquired sound knowledge and skill in relation to the following:

- (a) the application of diving physics;
- (b) the use, inspection and maintenance of diving equipment (including emergency equipment) and air supply of the type to be used in the proposed general diving work;
- (c) the use of decompression tables or dive computers;
- (d) dive planning;
- (e) ways of communicating with another diver and with persons at the surface during general diving work;
- (f) how to safely carry out general diving work of the type proposed to be carried out;
- (g) diving physiology, emergency procedures and first aid.

**Note—**

See section 44 of the Act.

**18—Variation of regulation 172—Competence of worker—incidental diving work**

Regulation 172(1)—delete subregulation (1) and substitute:

- (1) A person must not carry out incidental diving work unless the person—
  - (a) has the training, qualification or experience referred to in regulation 171A; and
  - (b) has relevant diving experience; and
  - (c) is accompanied and supervised in the water by a person who has the competencies referred to in regulation 171.

**19—Variation of regulation 173—Competence of worker—limited scientific diving work**

Regulation 173(1)(a)—delete "regulation 171(b)" and substitute:

regulation 171A

**20—Variation of regulation 174—Competence of competent person supervising general diving work**

Regulation 174(a)—delete "regulation 171(a)" and substitute:

regulation 171

## **21—Variation of regulation 206—Proper use of plant and controls**

Regulation 206(3)—delete "regulation 23" and substitute:

regulation 39

## **22—Variation of regulation 235—Major inspection of registered mobile cranes and tower cranes**

(1) Regulation 235—after subregulation (2) insert:

(3) A major inspection carried out under and in accordance with an equivalent provision of a corresponding WHS law is taken to be a major inspection for the purposes of this regulation.

(2) Regulation 235(6) and (7)—delete subregulations (6) and (7) and substitute:

(6) In this regulation—

*major inspection* means—

- (a) an examination of all critical components of the crane, if necessary by stripping down the crane and removing paint, grease and corrosion to allow a thorough examination of each critical component; and
- (b) a check of the effective and safe operation of the crane.

## **23—Variation of regulation 238—Operation of amusement drives and passenger ropeways**

Regulation 238(1) and (2)—delete subregulations (1) and (2) and substitute:

(1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that the device or ropeway is operated only by a person who has been provided with instruction and training in its proper operation.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

(2) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that—

- (a) the amusement device or passenger ropeway is checked before it is operated on each day on which it is to be operated; and
- (b) the amusement device or passenger ropeway is operated without passengers before it is operated with passengers on each day on which it is to be operated; and
- (c) the daily checks and operation of the amusement device or passenger ropeway without passengers are properly and accurately recorded in a log book for the device or ropeway.

Maximum penalty:

- (a) in the case of an individual—\$6 000;

- (b) in the case of a body corporate—\$30 000.

Expiation fee:

- (a) in the case of an individual—\$720;
- (b) in the case of a body corporate—\$3 600.

#### **24—Variation of regulation 239—Storage of amusement devices and passenger ropeways**

- (1) Regulation 239(1) and (2)—after "amusement device" wherever occurring insert:  
or passenger ropeway
- (2) Regulation 239(1) and (2)—after "the device" wherever occurring insert:  
or ropeway

#### **25—Variation of regulation 241—Annual inspection of amusement device or passenger ropeway**

Regulation 241(5)(c)—before "is determined by" insert:  
in the case of any amusement device or passenger ropeway—

#### **26—Variation of regulation 244—Altered plant designs to be registered**

Regulation 244—after subregulation (2) insert:

- (3) This regulation does not apply in relation to a tower crane or a gantry crane if—
  - (a) the crane is relocated for use in a different workplace; and
  - (b) the design of the supporting structure or foundations of the crane is altered in accordance with a site-specific design prepared for the purpose of the safe operation of the crane at the new location; and
  - (c) the design of the crane is not altered in any other way.

#### **27—Variation of regulation 274—Registration of document**

Regulation 274(2)—after paragraph (f) insert:

- (g) the expiry date of the registration.

#### **28—Variation of regulation 347—Manifest of hazardous chemicals**

Regulation 347(3)(a)—delete "the" and substitute:

a

#### **29—Variation of regulation 359—Fire protection and firefighting equipment**

Regulation 359(1)(b)—delete "organisation" and substitute:

organisations

**30—Variation of regulation 361—Emergency plans**

Regulation 361(2)—delete "the primary" and substitute:  
a primary

**31—Variation of regulation 328—Application of Chapter 7 Part 1**

Regulation 328(8), definition of *combustible liquid*—delete the definition

**32—Variation of regulation 421—Application of Chapter 8 Part 3**

Regulation 421—after its present contents (now to be designated as subregulation (1)) insert:

- (2) Regulations 425, 426, 427, 428, 429 and 430 do not apply to residential premises.

**33—Variation of regulation 491—Who may apply for a licence**

Regulation 491(2)—delete "493, 494 or 495 (as applicable)" and substitute:  
495

**34—Variation of regulation 517—Provisions relating to renewal of licence**

Regulation 517(3)—delete "unless" and substitute:  
if

**35—Variation of regulation 547—Re-notification if quantity of Schedule 15 chemical increases**

Regulation 547(1)(c)—delete paragraph (c) and substitute:

- (c) in relation to which the regulator—
  - (i) has not conducted an inquiry under this Division; or
  - (ii) on conducting an inquiry, has not determined the facility or proposed facility to be a major hazard facility under regulation 541.

**36—Variation of regulation 552—Content**

Regulation 552(e)—after "regulation 557" insert:

or, if the major hazard facility is also a mine, the emergency plan prepared under regulation 664

**37—Variation of regulation 557—Emergency plan**

Regulation 557—after subregulation (8) insert:

- (9) This regulation does not apply to the operator of a major hazard facility that is also a mine if—
  - (a) the operator has prepared an emergency plan for the mine that complies with regulation 664; and

- (b) the plan addresses all matters required to be addressed under this regulation and includes all matters specified in Schedule 16.

### **38—Variation of regulation 558—Safety management system**

Regulation 558—after subregulation (4) insert:

- (5) This regulation does not apply to the operator of a major hazard facility that is also a mine if—
  - (a) the operator has established a safety management system for the mine that complies with regulation 621; and
  - (b) the system—
    - (i) deals with all matters required to be addressed by a safety management system under this regulation and includes all matters specified in Schedule 17; and
    - (ii) is readily accessible to persons who use it.

### **39—Variation of regulation 559—Review of risk management**

- (1) Regulation 559(1)(b)— after "emergency plan" insert:

(unless, in the case of a major hazard facility that is also a mine, the operator of the facility is not required to prepare an emergency plan for the facility under regulation 557 because the operator has prepared a suitable emergency plan under regulation 664)

- (2) Regulation 559(1)(c)—after "safety management system" insert:

(unless, in the case of a major hazard facility that is also a mine, the operator of the facility is not required to establish a safety management system for the facility under regulation 558 because the operator has established a suitable safety management system under regulation 661)

- (3) Regulation 559—after subregulation (4) insert:

- (5) If a major hazard facility is also a mine and an emergency plan that complies with regulation 664 has been prepared in relation to the facility, the plan must be reviewed in accordance with regulation 670.
- (6) If a major hazard facility is also a mine and a safety management system that complies with regulation 621 has been established in relation to the facility, the system must be reviewed in accordance with regulation 625.

### **40—Variation of regulation 598—Provisions relating to renewal of licence**

Regulation 598(b)—delete "regulation 580" and substitute:

those regulations

## 41—Substitution of Chapter 10

Chapter 10—delete the Chapter and substitute:

### Chapter 10—Mines

#### Part 1—Preliminary

##### 609—Meaning of *mine*

- (1) In this Chapter, a *mine*—
  - (a) is a place that is—
    - (i) a workplace at which mining operations are carried out; or
    - (ii) a tourist mine; and
  - (b) includes any fixtures, fittings, plant or structures at the place that are used or were formerly used for mining operations.
- (2) In this Chapter, a *tourist mine* means a workplace—
  - (a) used only for tourism purposes but at which mining operations were formerly carried out; and
  - (b) at which there is a principal mining hazard that was present at the workplace when the mining operations were carried out.
- (3) In this Chapter, an *underground mine* means that part of a mine that is beneath the surface of the earth and includes plant and structures that extend continuously from the surface into that part of the mine.
- (4) In this Chapter, *underground mine* does not include a part of a mine in which highwall mining is being carried out.
- (5) In subregulation (4), *highwall mining* means the underground extraction of coal carried out—
  - (a) by remotely controlled plant that drives the extraction from a place in an open cut mine; and
  - (b) without requiring any person to be present at any part of the extraction.

##### 610—Meaning of *mining operations*

- (1) In this Chapter, *mining operations* are—
  - (a) activities (*mining activities*) carried out for the purpose of—
    - (i) extracting minerals from the ground or injecting minerals into the ground; or
    - (ii) exploring for minerals by mechanical means that disturb the ground; and

- (b) activities carried out in connection with mining activities at a site, or at a site adjoining or in the vicinity of a site, at which the mining activities are carried out.
- (2) Without limiting subregulation (1), the activities referred to in that subregulation include the following:
- (a) handling or storing extracted materials;
  - (b) preparing or processing extracted materials;
  - (c) constructing—
    - (i) a site where a mining activity is carried out; or
    - (ii) a site where an activity referred to in subregulation (1)(b) is carried out;
  - (d) activities associated with decommissioning, making safe or closure of an extraction site or exploration site;
  - (e) educational activities and tourist activities carried out at a site, or at a site adjoining or in the vicinity of a site, at which the mining activities are carried out.
- (3) In this Chapter, *mining operations* do not include the following:
- (a) an activity carried out in relation to the extraction of minerals on private land for the private and non-commercial use of the owner of the land;
  - (b) fossicking;
  - (c) any activity where the extraction of minerals is incidental to the activity.

**Example—**

Civil works such as tunnelling to create a road.

**611—Meaning of *mineral***

In this Chapter, *mineral*—

- (a) means—
  - (i) a naturally occurring element or inorganic compound; or
  - (ii) coal, lignite, peat or oil shale; or
  - (iii) rock, stone, gravel or sand; and
- (b) does not include—
  - (i) water; or
  - (ii) petroleum or any other substance, the recovery or production of which is governed by the *Petroleum and Geothermal Energy Act 2000*.

### 612—Meaning of *principal mining hazard*

- (1) In this Chapter, a *principal mining hazard* is any activity, process, procedure, plant, structure, substance, situation or other circumstance relating to the carrying out of mining operations that has a reasonable potential to result in multiple deaths in a single incident or a series of recurring incidents, in relation to any of the following:
  - (a) ground or strata failure;
  - (b) inundation or inrush of any substance;
  - (c) mine shafts and winding operations;
  - (d) roads or other vehicle operating areas;
  - (e) air quality or dust or other airborne contaminants;
  - (f) fire or explosion;
  - (g) gas outbursts;
  - (h) spontaneous combustion;
  - (i) a hazard identified by the mine operator of a mine under regulation 34.
- (2) In this Chapter, a *principal mining hazard* at a mine that is a facility for the purposes of Chapter 9 does not include a major incident hazard.

### 613—Meaning of *mine operator*

- (1) In this Chapter, the *mine operator* of a mine is the mine holder of the mine, unless the mine holder appoints another person to be the mine operator.
- (2) The mine holder of a mine may appoint a person to be the mine operator only if—
  - (a) the person is conducting a business or undertaking and is appointed in accordance with regulation 615 to carry out mining operations at the mine on behalf of the mine holder; and
  - (b) the mine holder authorises the person to have management or control of the mine and to discharge the duties of a mine operator under the Act.
- (3) To avoid doubt, a reference in these regulations to a person conducting a business or undertaking at a mine includes a reference to the mine operator of the mine.

#### Notes—

- 1 See section 5 of the Act for the meaning of *person conducting a business or undertaking*.
- 2 The mine operator may also have duties under sections 19, 20 and 21 of the Act.

### 614—Meaning of *mine holder*

- (1) In this Chapter, the *mine holder* of a mine is the person who is conducting a business or undertaking with control over a right or entitlement to carry out mining operations at the mine.
- (2) Without limiting subregulation (1), a person is conducting a business or undertaking with control over a right or entitlement to carry out mining operations if—
  - (a) a mining authorisation is required for carrying out those operations; and
  - (b) the person holds the required mining authorisation.
- (3) To avoid doubt, a reference in these regulations to a person conducting a business or undertaking at a mine includes a reference to the mine holder of the mine.
- (4) In subregulation (2)—

*mining authorisation* means—

- (a) a lease, claim, tenement, licence, permit or other authority authorising the carrying out of mining operations issued under the *Mining Act 1971*, the *Opal Mining Act 1995* or another Act; or
- (b) a Special Tenement under the *Roxby Downs (Indenture Ratification) Act 1982*.

Notes—

- 1 See section 5 of the Act for the meaning of *person conducting a business or undertaking*.
- 2 The mine holder may also have duties under section 20 of the Act as the person with management or control of the mine.

### 614A—Application of Chapter 9

- (1) Chapter 9 (Major hazard facilities) applies in relation to a mine.
- (2) In this Chapter—  
*major incident* has the same meaning as in Chapter 9.

### 615—Appointment of mine operator

- (1) An appointment of a person to be the mine operator of a mine must—
  - (a) be in writing; and
  - (b) be made in the manner and form required by the regulator; and
  - (c) include a signed statement that the person to be appointed as mine operator agrees to the appointment; and
  - (d) specify—

- (i) the name and contact details of the mine operator, including postal and business addresses; and
  - (ii) when the appointment takes effect; and
- (e) describe the location of the mine, including—
  - (i) the boundaries of all extraction and exploration sites; and
  - (ii) land title identification.
- (2) The mine holder must give the mine operator all relevant information held by or under the control of the mine holder that may reasonably be required by the mine operator to discharge the duties imposed on the mine operator under the Act.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Example—**

A mine survey plan prepared under regulation 675S.

- (3) The mine operator of a mine who ceases or intends to cease being the mine operator must ensure, so far as is reasonably practicable, that all records the mine operator has kept under the Act are given to the mine holder for the mine, or the person who is to become the new mine operator, before the new mine operator commences in that role.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) In the case of a body corporate—\$30 000.

**Example—**

A mine record kept under regulation 675Y.

**Note—**

The new mine operator will be required to keep the records for at least the remainder of the period that the Act or these regulations require the record to be kept.

## **616—Notification of mine operator to regulator**

- (1) The mine holder of a mine must give notice to the regulator in accordance with this regulation.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
  - (b) in the case of a body corporate—\$18 000.
- (2) If the mine holder of a mine is the mine operator, the mine holder must give the regulator notice of this fact before mining operations commence at the mine.

- (3) If the mine holder of a mine is not the mine operator, the mine holder must give the regulator notice of the appointment of the mine operator of the mine.
- (4) A notice under subregulation (2) or (3) must—
  - (a) be in writing; and
  - (b) be made in the manner and form required by the regulator; and
  - (c) describe the location of the mine, including—
    - (i) the boundaries of all extraction and exploration sites; and
    - (ii) land title identification.
- (5) A notice under subregulation (3) must be accompanied by a copy of the appointment document.
- (6) The mine holder must give written notice to the regulator of any change to the appointment of a mine operator or any termination of the appointment.
- (7) The mine holder must take all reasonable steps to ensure that a notice under subregulation (3) or (6) is given before the appointment or the change or termination takes effect.

## **Part 2—Managing Risks**

### **Division 1—General requirements**

#### **Subdivision 1—Control of risk**

##### **617—Managing risks to health and safety**

- (1) A person conducting a business or undertaking at a mine must manage risks to health and safety associated with mining operations at the mine, in accordance with Chapter 3 Part 1.

**Note—**

WHS Act—sections 19, 20 and 21, as applicable (see regulation 9).

- (2) A person conducting a business or undertaking at a mine must ensure that a risk assessment is conducted by a competent person for the purposes of subregulation (1).

**Maximum penalty:**

- (a) in the case of an individual—\$3 600;
  - (b) in the case of a body corporate—\$18 000.
- (3) In conducting a risk assessment, the person must have regard to—
    - (a) the nature of the hazard; and
    - (b) the likelihood of the hazard affecting the health or safety of a person; and

- (c) the severity of the potential health and safety consequences.
- (4) Nothing in subregulation (3) limits the operation of any other requirement to conduct a risk assessment under these regulations.

**Note—**

A number of specific risk control duties are linked to this regulation. See regulations 631, 635, 640, 641 and 646.

## **618—Review of control measures**

- (1) A person conducting a business or undertaking at a mine must review and as necessary revise control measures implemented under regulation 617 in the following circumstances:
  - (a) an audit of the effectiveness of the safety management system for the mine indicates a deficiency in a control measure;
  - (b) a worker is moved from a hazard or assigned to different work in response to a recommendation contained in a health monitoring report provided under Part 3;
  - (c) an incident referred to in regulation 675V occurs.

**Notes—**

- (1) WHS Act—sections 19, 20 and 21, as applicable (see regulation 9).
  - (2) This requirement is in addition to the requirement under regulation 38 (see regulation 33).
  - (3) This regulation applies to a mine operator (see regulation 613(3)).
- (2) The mine operator of a mine must ensure that a control measure that is the subject of a request by a health and safety representative under regulation 38(4) is reviewed and as necessary revised, whether the request is made directly to the mine operator or notified to the mine operator under subregulation (3) by another person conducting a business or undertaking at the mine.

**Notes—**

- (1) WHS Act—sections 19, 20 and 21, as applicable (see regulation 9).
  - (2) This requirement is in addition to the requirement under regulation 38 (see regulation 33).
- (3) A person conducting a business or undertaking at the mine who is not the mine operator of the mine must immediately notify the mine operator of a request made to the person under regulation 38(4).

**Maximum penalty:**

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (4) A health and safety representative for workers at the mine may request a review of a control measure under regulation 38(4) as if the circumstances referred to in subregulation (1) were included in regulation 38(4)(a).

**619—Record of certain reviews of control measures—mine operator**

- (1) This regulation applies to a mine operator at a mine who has, under regulation 38, reviewed a control measure in response to—
- (a) a notifiable incident; or
  - (b) an incident referred to in regulation 675V.
- (2) The mine operator at a mine must keep a record of the following:
- (a) the work health and safety issues arising from the incident;
  - (b) recommendations arising from consideration of the incident;
  - (c) a summary of any changes to the safety management system for the mine and any affected principal mining hazard management plan for the mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**620—Record of certain reviews of control measures—other persons conducting a business or undertaking**

- (1) This regulation applies to a person conducting a business or undertaking at a mine, other than the mine operator, who has, under regulation 38, reviewed a control measure in response to a notifiable incident.
- (2) A person conducting a business or undertaking at a mine must keep a record of the following:
- (a) the work health and safety issues arising from the incident;
  - (b) recommendations arising from consideration of the incident.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Subdivision 2—Safety management system**

**621—Duty to establish and implement safety management system**

- (1) The mine operator of a mine must establish a safety management system for the mine, in accordance with this Subdivision.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The mine operator must implement the safety management system for the mine, so far as is reasonably practicable.  
Maximum penalty:
  - (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) The safety management system must form part of any overall management system that is in place at the mine.
- (4) The safety management system must be designed to be used by the mine operator as the primary means of ensuring, so far as is reasonably practicable—
  - (a) the health and safety of workers at the mine; and
  - (b) that the health and safety of other persons is not put at risk from the mine or work carried out as part of mining operations.
- (5) Subject to subregulation (6), the safety management system must provide a comprehensive and integrated system for the management of all aspects of risks to health and safety in relation to the operation of the mine.
- (6) The safety management system must comply with subregulation (5) to the extent appropriate to the mine having regard to—
  - (a) the nature, complexity and location of the mining operations; and
  - (b) the risks associated with those operations.
- (7) The safety management system must be documented.
- (8) The mine operator of a mine that is also a determined major hazard facility is not required to establish a safety management system under regulation 558 for the operation of the major hazard facility if—
  - (a) the mine operator has established a safety management system for the facility for the purposes of this regulation; and
  - (b) the system deals with all matters required to be addressed by a safety management system under regulation 558 and includes all matters specified in Schedule 17; and
  - (c) the system is readily accessible to persons who use it.

## **622—Content of safety management system**

- (1) The safety management system document for a mine must set out the following:
- (a) the mine operator's health and safety policy, including broad aims in relation to the safe operation of the mine;
  - (b) the arrangements for managing risks in accordance with regulation 617;

**Note—**

This includes all control measures implemented in accordance with specific requirements under this Chapter (see regulation 33).

- (c) the systems, procedures, plans and other control measures that will be used to control risks to health and safety associated with mining operations at the mine, including—
  - (i) the principal mining hazard management plans for the mine prepared under Division 2; and
  - (ii) in the case of an underground mine—the ventilation control plan and ventilation plan prepared for the mine under Division 4 Subdivision 2;
- (d) the management structure for the management of work health and safety at the mine, including—
  - (i) arrangements for filling temporary and permanent vacancies; and
  - (ii) requirements relating to acting positions in the structure; and
  - (iii) the competency requirements for positions in the structure;
- (e) the arrangements in place, between any persons conducting a business or undertaking at the mine, for consultation, co-operation and the co-ordination of activities in relation to compliance with their duties under the Act;
- (f) if a contractor is working or likely to work at the mine—the control measures that will be used to control risks to health and safety associated with the contractor's work at the mine, including—
  - (i) how the contractor's work management system will be integrated with the safety management system for the mine; and
  - (ii) the process for assessing health and safety policies and procedures (including competency requirements) of the contractor and integrating them into the safety management system; and

- (iii) the arrangements for monitoring and evaluating compliance by the contractor with the health and safety requirements of the safety management system;
  - (g) the emergency procedures and all other matters in the emergency plan for the mine prepared under Division 5;
  - (h) the procedures and conditions under which persons at the mine or a part of the mine are to be withdrawn to a place of safety and to remain withdrawn as a precautionary measure where a risk to health and safety warrants that withdrawal;
  - (i) the arrangements for the provision of information, training and instruction required under regulation 39;
  - (j) the induction procedures for workers at the mine;
  - (k) the arrangements in place for the supervision needed to protect workers and other persons at the mine from risks to their health and safety from work carried out at the mine;
  - (l) the arrangements in place for health monitoring under Part 3;
  - (m) the safety role for workers developed under Part 4;
  - (n) the procedures for notifiable incident response and investigation at the mine;
  - (o) the procedures for records management for the mine to ensure compliance with the Act;
  - (p) the arrangements in place for all other monitoring and assessment and regular inspection of the working environment of the mine to be carried out for the purposes of the Act;
  - (q) the performance management system under regulation 623;
  - (r) the resources that will be applied for the effective implementation and use of the safety management system.
- (2) The safety management system document must—
- (a) contain a level of detail of the matters referred to in subregulation (1) that is appropriate to the mine having regard to—
    - (i) the nature, complexity and location of the mining operations; and
    - (ii) the risks associated with those operations; and
  - (b) so far as is reasonably practicable, be set out and expressed in a way that is readily understandable by persons who use it.

- (3) If any matter referred to in subregulation (1) is addressed in a plan or other document prepared under these regulations for a mine, it is sufficient if the safety management system for the mine refers to the plan or document.

### **623—Performance standards and audit**

The safety management system for a mine must include the following:

- (a) performance standards for measuring the effectiveness of all aspects of the safety management system that—
  - (i) are sufficiently detailed to show how the mine operator will ensure the effectiveness of the safety management system; and
  - (ii) include steps to be taken to continually improve the safety management system;
- (b) the way in which the performance standards are to be met;
- (c) a system for auditing the effectiveness of the safety management system for the mine against the performance standards, including the methods, frequency and results of the audit process.

### **624—Maintenance**

The mine operator of a mine must maintain the safety management system for the mine so that the safety management system remains effective.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **625—Review**

- (1) The mine operator of a mine must ensure that the safety management system for the mine is reviewed at least once every 3 years and as necessary revised to ensure it remains effective.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Note—**

Regular testing of the emergency plan is also required (see regulation 669).

- (2) In addition, if a risk control measure is revised under regulation 38 or 618, the mine operator must ensure that the safety management system for the mine is reviewed and as necessary revised in relation to all aspects of risk control addressed by the revised control measure.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.
- (3) In addition, if the mine is a determined major hazard facility, the mine operator for the mine must review and as necessary revise the safety management system if a circumstance referred to in regulation 559(2) exists.

Maximum penalty:

- (a) in the case if an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **Subdivision 3—Information to adjoining mine operators**

#### **626—Duty to provide information to mine operator of adjoining mine**

The mine operator of a mine must as soon as practicable, on request, provide to the mine operator of any adjoining mine any information that the mine operator has about conditions at the mine or any activities or proposed activities at the mine that could create a risk to the health and safety of persons at the adjoining mine.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

### **Division 2—Principal mining hazard management plans**

#### **627—Identification of principal mining hazards and conduct of risk assessments**

- (1) The mine operator of a mine must identify all principal mining hazards at the mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.
- (2) The mine operator must conduct, in relation to each principal mining hazard identified, a risk assessment that involves a comprehensive and systematic investigation and analysis of all aspects of risk to health and safety associated with the principal mining hazard.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) The mine operator, in conducting a risk assessment under subregulation (2), must—
- (a) use investigation and analysis methods that are appropriate to the principal mining hazard being considered; and
  - (b) consider the principal mining hazard individually and also cumulatively with other hazards at the mine.

### **628—Preparation of principal mining hazard management plan**

- (1) The mine operator of a mine must prepare a principal mining hazard management plan for each principal mining hazard at the mine, having regard to the matters set out in Schedule 19.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) A principal mining hazard management plan must—
- (a) provide for the management of all aspects of risk control in relation to the principal mining hazard; and
  - (b) so far as is reasonably practicable, be set out and expressed in a way that is readily understandable by persons who use it.
- (3) A principal mining hazard management plan must—
- (a) describe the nature of the principal mining hazard to which the plan relates; and
  - (b) describe how the principal mining hazard relates to other hazards at the mine; and
  - (c) describe the analysis methods used in identifying the principal mining hazard to which the plan relates; and
  - (d) include a record of the risk assessment conducted in relation to the principal mining hazard; and
  - (e) describe the investigation and analysis methods used in determining the control measures to be implemented; and
  - (f) describe all control measures to be implemented to manage risks to health and safety associated with the principal mining hazard; and
  - (g) describe the arrangements in place for providing the information, training and instruction required by regulation 39 in relation to the principal mining hazard; and
  - (h) refer to any design principles, engineering standards and technical standards relied on for control measures for the principal mining hazard; and

- (i) set out the reasons for adopting or rejecting all control measures considered.

**Note—**

A principal mining hazard management plan forms part of the safety management system for a mine (see regulation 622(1)(c)(i)).

**629—Review**

- (1) The mine operator of a mine must ensure that a principal mining hazard management plan is reviewed and as necessary revised if a risk control measure specified in the plan is revised under regulation 38 or 618.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Note—**

A principal mining hazard management plan is part of the safety management system for a mine (see regulation 622(1)(c)(i), which must be audited under regulation 623, maintained under regulation 624 and reviewed and as necessary revised under regulation 625).

- (2) If a principal mining hazard management plan is revised, the mine operator must record the revisions, including any revision of a risk assessment, in writing in the plan.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Division 3—Specific control measures—all mines**

**Subdivision 1—Operational controls**

**630—Communication between outgoing and incoming shifts**

The mine operator of a mine at which more than 1 shift is worked each day must implement a system that ensures that, as soon as practicable at the commencement of each shift—

- (a) the supervisor of each outgoing shift provides a written report to the supervisor of the incoming shift, in relation to the state of the mine workings and plant and any other matters that relate to work health or safety; and
- (b) the supervisor of the incoming shift communicates the content of the report to the workers on the incoming shift.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Note—**

For requirements relating to communication with workers carrying out remote or isolated work at the mine, see regulation 48.

**631—Movement of mobile plant**

- (1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the movement of mobile plant at the mine.
- (2) In managing risks to health and safety associated with the movement of mobile plant at the mine, the mine operator must have regard to all relevant matters including the following:
  - (a) the design, layout, construction and maintenance of all roads and other areas at the mine used by mobile plant;
  - (b) interactions between mobile plant, especially between large and small mobile plant;
  - (c) interactions between mobile plant and fixed plant or structures;
  - (d) interactions between mobile plant and pedestrians (including the use of pre-movement warnings for mobile plant in mine workings);
  - (e) the operation of remotely controlled mobile plant;
  - (f) the maintenance, testing and inspection of brakes, steering, lights and other safety features of the mobile plant.

**Note—**

Division 7 of Chapter 5 Part 1 includes requirements relating to mobile plant in all workplaces.

**632—Prohibited uses**

The mine operator of a mine must take all reasonable steps to ensure an item or substance specified in Schedule 20, column 1 is not used in a place or for a purpose that is prohibited or restricted as set out in Schedule 20, column 2 opposite that item or substance.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**633—Closure, suspension or abandonment of mine**

- (1) If the mine operator of a mine closes the mine, the mine operator must, at the time of the closure, ensure, so far as is reasonably practicable, that the mine is safe, including by being secure against unauthorised entry by any person.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (2) If mining operations at a mine are suspended, the mine operator must ensure, so far as is reasonably practicable, that the mine is safe, including by being secure against unauthorised entry by any person, during the period of suspension.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) The mine operator of a mine must not abandon the mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (4) In this regulation—

***mine operator*** of a mine includes the mine holder of the mine.

**Note—**

Section 16 of the Act provides for circumstances in which more than 1 person has the same duty.

- (5) This regulation does not apply in relation to a precious stones tenement under the *Opal Mining Act 1995*.

### **634—Minimum age to work in mine**

The mine operator of a mine must take all reasonable steps to ensure that—

- (a) a person under the age of 16 years is not engaged to carry out work in any open cut workings or in an underground mine; and
- (b) a person under the age of 18 years is not engaged to carry out work in an underground mine, unless the person is over the age of 16 years and is an apprentice or trainee under direct supervision in relation to the work.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

### **Subdivision 2—Air quality and monitoring**

**Note—**

General requirements for managing risks from airborne contaminants and hazardous atmospheres are set out in Divisions 7 and 8 of Chapter 3 Part 2 (all workplaces, including mines), and Division 4 of this Part sets out additional requirements relating to all underground mines (Subdivision 2).

### 635—Temperature and moisture content of air

In complying with regulation 617, the mine operator of a mine must—

- (a) manage risks to health and safety associated with extremes of either or both the temperature and moisture content of air; and
- (b) if risks associated with extreme heat exist in an underground mine—implement control measures (including monitoring) to manage heat stress in places in the mine where—
  - (i) persons work or travel; and
  - (ii) the wet bulb temperature exceeds 27°C.

### 636—Ensuring exposure standards for dust not exceeded

- (1) The mine operator of a mine must ensure that no person at the mine is exposed to 8-hour time-weighted average atmospheric concentrations of airborne dust that exceed—
  - (a) for respirable dust—3.0 mg per cubic metre of air;
  - (b) for inhalable dust—10.0 mg per cubic metre of air.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The *Workplace Exposure Standards for Airborne Contaminants* apply in relation to a concentration referred to in subregulation (1)(a) or (b) as if that concentration were an exposure standard referred to in those Standards.
  - (3) In subregulation (1)—

*inhalable* has the same meaning as in the *Workplace Exposure Standards for Airborne Contaminants*;

*respirable* has the same meaning as in the *Workplace Exposure Standards for Airborne Contaminants*;

*8-hour time-weighted average* has the same meaning as in the *Workplace Exposure Standards for Airborne Contaminants*.

### 637—Monitoring exposure to airborne dust

Regulation 50 applies to the mine operator of a mine in relation to airborne dust as if the concentration of airborne dust referred to in regulation 636(1)(a) or (b) were an exposure standard to which regulation 50 applies.

### **638—Air monitoring—use of devices**

The mine operator of a mine who uses air monitoring devices to comply with air monitoring requirements under regulation 50 and this Chapter must ensure that—

- (a) the devices used are suitable and effective having regard to—
  - (i) the nature of the monitoring being carried out; and
  - (ii) the substance being monitored; and
- (b) the devices are positioned to ensure that they work to best effect.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **639—Air monitoring—signage**

The mine operator of a mine, in complying with air monitoring requirements under regulation 50 and this Chapter, must ensure that signs are erected at the mine that explain—

- (a) the meaning of any warning produced by an air monitoring device; and
- (b) what persons must do in response to the warning.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

## **Subdivision 3—Fitness for work**

### **640—Fatigue**

In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with worker fatigue.

### **641—Alcohol and drugs**

- (1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the consumption of alcohol by workers.
- (2) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the use of drugs by workers.

## **Division 4—Specific control measures—underground mines**

### **Subdivision 1—All underground mines—operational controls**

#### **642—Inrush hazards**

- (1) The mine operator of an underground mine must implement a system for the mine that ensures—
  - (a) the identification of all reasonably foreseeable inrush hazards at the mine; and
  - (b) the determination of the presence and location of an inrush hazard by exploratory bore-holes (including a way of sealing or otherwise controlling a bore-hole to prevent inrush) or other exploratory methods; and
  - (c) communication of the location of identified inrush hazards, including inrush hazards being approached, to all affected persons; and
  - (d) the determination of whether or not an identified inrush hazard is a principal mining hazard; and
  - (e) if an identified inrush hazard is a principal mining hazard—the identification, establishment and maintenance of an inrush control zone for the inrush hazard in accordance with this regulation.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) An inrush control zone must be located in the vicinity of the inrush hazard and—
  - (a) if the exact location of the inrush hazard is known—extend at least 50 metres from the location of the inrush hazard; or
  - (b) if the exact location of the inrush hazard is not known—extend any greater distance from the suspected location of the inrush hazard determined by a risk assessment conducted under regulation 627.
- (3) The mine operator must ensure, in relation to each inrush control zone, that control measures and procedures are implemented to control the risk of inrush.
- (4) The mine operator must ensure that an inrush control zone is not mined before—
  - (a) control measures and procedures have been implemented under subregulation (3); and
  - (b) the persons who are to work in the zone have been trained in relation to the implementation of those controls and procedures.

- (5) If an identified inrush hazard is not at an accessible place at the mine, it is sufficient to control the risk from inrush by—
  - (a) providing adequate separation of solid rock between the mine workings and the assessed worst case position of the potential source of inrush; and
  - (b) complying with the requirements of any applicable principal mining hazard management plan prepared for inrush hazards.
- (6) The mine operator of an underground mine, before connecting any underground mine workings at the mine to any other workings (including disused workings), must—
  - (a) ensure that the other workings are inspected for water, gas and any other circumstance that may be an inrush hazard; and
  - (b) if it is not possible to safely gain access to the workings to be connected—ensure that exploratory bore-holes or other exploratory methods are used to determine the location of the other workings.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **643—Connecting workings**

- (1) The mine operator of an underground mine must ensure that, if 2 working faces are approaching each other at an underground mine, 1 of the workings is stopped, made safe and barricaded as soon as practicable before the distance separating the faces creates a risk to health or safety.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (2) The mine operator of an underground mine, before connecting any underground mine workings to any other workings (including disused workings) must ensure that the other workings are inspected for water, gas, misfires, butts and any other circumstance that may be a risk to the health or safety of any person at the mine, other than a risk associated with an inrush hazard.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

## **644—Winding systems**

- (1) The mine operator of an underground mine must ensure that every winding system used or that may be put into use at the mine includes the following:
  - (a) ropes that will enable the shaft conveyance to bear the weight that can reasonably be expected to be borne by the shaft conveyance;
  - (b) controls and limiting devices to prevent any shaft conveyance from being overwound or overrun or from travelling at an unsafe speed;
  - (c) brakes that can bring the system to rest;
  - (d) devices that detect slack rope or drum slip conditions, or tail rope malfunctions;
  - (e) devices that cause the winder to stop when a condition or malfunction referred to in paragraph (d) is detected;
  - (f) warning systems to alert persons at the mine to any emergency in a shaft;
  - (g) remote monitoring of the functions of the system;
  - (h) an effective means of communication—
    - (i) between the surface and any shaft conveyance used for carrying persons; and
    - (ii) between the point of control of the winder and the entry to every shaft that is in use.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The mine operator must ensure that the winding system for each shaft that is in use or that may be put into use at the mine, and all components of the winding system, are tested at intervals that ensure the safe performance of the system.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) The mine operator must ensure that energy lockout devices are fitted to all mechanical and electrical plant associated with any shaft at the mine, including any mechanical and electrical plant associated with the operation, maintenance or use of the shaft.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (4) In this regulation—

*winding system* means a system where the winder is driven by a motor or engine of not less than 25kW.

### **645—Operation of shaft conveyances**

- (1) The mine operator of an underground mine must ensure that material or plant being carried in a shaft conveyance—
- (a) does not protrude from the shaft conveyance, while it is moving, so as to contact a wall of the shaft or any thing in the shaft; and
  - (b) is so secured to the shaft conveyance that it cannot leave the shaft conveyance except by being deliberately removed.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The mine operator of an underground mine must ensure that persons being carried in a shaft conveyance are adequately protected from another shaft conveyance in the same shaft and from any material or plant being carried by the other shaft conveyance.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) The mine operator of an underground mine must ensure that, if a shaft conveyance that combines a cage and skip is used, material is not carried in the skip while persons are being carried in the cage.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (4) The mine operator of an underground mine must ensure that control measures are implemented to prevent a shaft conveyance from becoming detached or falling down the shaft.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (5) The mine operator of an underground mine must ensure, so far as is reasonably practicable, that facilities for loading material or plant onto or into a shaft conveyance are designed and operated so as to prevent spillage into the shaft.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **646—Dust explosion**

- (1) In complying with regulation 617, the mine operator of an underground mine must manage risks to health and safety associated with an explosion associated with dust at the mine.
- (2) In managing risks to health and safety associated with dust at the mine, the mine operator must implement control measures that, so far as is reasonably practicable—
  - (a) minimise the generation of potentially explosive dusts; and
  - (b) suppress, collect and remove potentially explosive airborne dusts; and
  - (c) suppress any dust explosion; and
  - (d) restrict the propagation of any dust explosion so that other areas are not affected.

### **Subdivision 2—All underground mines—air quality and ventilation**

#### **Note—**

General requirements for managing risks from airborne contaminants and hazardous atmospheres are set out in Division 3 Subdivision 2 of this Part (all mines, including underground mines) and in Divisions 7 and 8 of Chapter 3 Part 2 (all workplaces, including mines).

### **647—Air quality—airborne contaminants**

- (1) The mine operator of an underground mine must ensure that the concentration of any airborne contaminant (including any asphyxiant or explosive gas) is as low as is reasonably practicable.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The mine operator must comply with subregulation (1)—
  - (a) so far as is reasonably practicable, by suppression or the installation of a ventilation or exhaust extraction system; or
  - (b) if this is not reasonably practicable, by some other suitable means.
- (3) This regulation does not limit regulations 49 and 636.

### **648—Air quality—minimum standards for ventilated air**

- (1) The mine operator of an underground mine must ensure that the ventilation system for the mine provides air that is of sufficient volume, velocity and quality to ensure that the general body of air in the areas in which persons work or travel—
  - (a) has a concentration of oxygen that is at least 19.5% under normal atmospheric pressure; and

- (b) has dust levels that—
  - (i) are as low as is reasonably practicable; and
  - (ii) do not exceed the relevant levels specified in regulation 636; and
- (c) if diesel engines are used underground—has a concentration of diesel particulates that is as low as is reasonably practicable.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) In addition to subregulation (1), the mine operator of an underground mine must ensure that the ventilation system for the mine provides air that is of sufficient quality to ensure that the general body of air in the areas in which persons work or travel has a level of contaminants that—
- (a) is as low as is reasonably practicable; and
  - (b) does not exceed the exposure level for that contaminant specified in the relevant exposure standard referred to in regulation 49.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) This regulation does not apply in relation to an area of the mine—
- (a) that is required to be entered in an emergency or for a mines rescue purpose; and
  - (b) in which all persons are wearing self-contained breathing apparatus.

### **649—Air monitoring—air quality**

The mine operator of an underground mine must ensure that air monitoring is carried out at the mine if the mine operator is not certain on reasonable grounds whether or not regulation 648 is being complied with.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**650—Requirements if air quality requirements and exposure standards not complied with**

- (1) This regulation applies if monitoring reveals that in an underground mine—
  - (a) the oxygen level specified in regulation 648(1)(a) is not met; or
  - (b) a dust level referred to in regulation 648(1)(b)(ii) is exceeded; or
  - (c) an exposure level referred to in regulation 648(2)(b) is exceeded.
- (2) The mine operator of an underground mine must immediately notify any affected workers or other persons at the mine of the relevant circumstance referred to in subregulation (1).

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) The mine operator of an underground mine must ensure that the air quality at the mine is retested by a competent person as soon as practicable.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**651—Records of air monitoring**

- (1) The mine operator of a mine must keep a record of air monitoring carried out at the mine under regulation 649.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
  - (b) in the case of a body corporate—\$6 000.
- (2) A record of air monitoring must include—
    - (a) the results of the monitoring; and
    - (b) details of the dates, location and frequency of the monitoring; and
    - (c) the sampling method and equipment used.
  - (3) A record of air monitoring carried out under regulation 649 must be kept for 7 years after the record is made.
  - (4) The mine operator must keep a record of air monitoring available for inspection under the Act.

Maximum penalty:

- (a) in the case of an individual—\$1 250;

- (b) in the case of a body corporate—\$6 000.
- (5) The mine operator must keep a record of air monitoring readily accessible to workers and other persons at the mine.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

### **652—Ventilation system—further requirements**

- (1) The mine operator of an underground mine must ensure that the air supplied to the ventilation system at the mine is obtained from the purest source available.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.
- (2) The mine operator must ensure the following:
  - (a) ventilation circuits at the mine do not allow uncontrolled recirculation of air;
  - (b) plant and structures that regulate airflow are maintained in good working order;
  - (c) unventilated headings are not entered unless—
    - (i) the purpose of entry is to establish ventilation; and
    - (ii) adequate auxiliary ventilation is provided to the person entering the heading.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.
- (3) The mine operator must ensure that, in areas of the mine where persons work or travel, the ventilation system for the mine provides an average air velocity of at least 0.3 metres per second measured across the work or travel area.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **653—Monitoring and testing of ventilation system**

- (1) The mine operator of an underground mine must monitor and test all aspects of the operation of the ventilation system at intervals that ensure that the system complies with regulations 648 and 652.

Maximum penalty:

- (a) in the case of an individual—\$6 000;

- (b) in the case of a body corporate—\$30 000.
- (2) The mine operator of a mine must keep a record of all monitoring and testing of the ventilation system at the mine for at least 7 years.  
Maximum penalty:
  - (a) in the case of an individual—\$1 250;
  - (b) in the case of a body corporate—\$6 000.
- (3) The mine operator must keep the record available for inspection under the Act.  
Maximum penalty:
  - (a) in the case of an individual—\$1 250;
  - (b) in the case of a body corporate—\$6 000.
- (4) The mine operator must keep the record readily accessible to workers and other persons at the mine.  
Maximum penalty:
  - (a) in the case of an individual—\$3 600;
  - (b) in the case of a body corporate—\$18 000.

#### **654—Duty to prepare ventilation control plan**

- (1) The mine operator of an underground mine must ensure that a ventilation control plan is prepared to provide for the management of all aspects of ventilation at the mine.  
Maximum penalty:
  - (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The ventilation control plan must describe all control measures implemented in relation to ventilation at the mine.
- (3) Without limiting subregulation (2), the ventilation control plan must include a description of the following, if applicable to the mine:
  - (a) the design and operation of the ventilation system, including the standards applying to the placement, operation, maintenance and monitoring of ventilation plant;
  - (b) arrangements for inspecting, monitoring, maintaining and testing the ventilation system;
  - (c) arrangements for managing risks to health and safety associated with potential inrush hazards and leakage into intake airways of atmospheric contaminants from goaf areas and abandoned sealed workings;
  - (d) arrangements for managing risks to health and safety associated with intake air travelling across the face of a permanent seal at the mine;

- (e) arrangements for an alternate and independent way of operating the main ventilation fan system in the event of a loss of power supply to the main ventilation system;
- (f) arrangements for managing risks to health and safety associated with ignition sources, in the event that the ventilation system fails to adequately ventilate the mine;
- (g) procedures to ensure the health and safety of persons at the mine in the event of a total or partial ventilation failure for more than 30 consecutive minutes.

### **655—Review of ventilation control plan**

The mine operator of an underground mine must ensure that a ventilation control plan is reviewed and as necessary revised if a risk control measure specified in the plan is revised under regulation 38 or 618.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **656—Ventilation plan**

- (1) The mine operator of an underground mine must ensure that a plan of the ventilation system for the mine is prepared.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The ventilation plan must show—
    - (a) the direction, course and volume of air currents; and
    - (b) the position of all air doors, stoppings, fans, regulators and other ventilation plant and structures and ventilation monitoring devices at the mine.

### **Subdivision 3—Underground coal mines**

**Note—**

Subdivision 3 (comprising regulations 657 to 663) appears in some corresponding WHS laws but does not apply in this State because there is no underground coal mining activity.

### **Division 5—Emergency management**

**Note—**

The requirements of this Division are in addition to the requirements in relation to emergency plans under Division 4 of Chapter 3 Part 2.

## **Subdivision 1—Emergency plans for all mines**

### **664—Duty to prepare emergency plan**

- (1) The mine operator of a mine must prepare an emergency plan for the mine in accordance with this Subdivision.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) In addition to the matters required by regulation 43(1), the emergency plan must—
- (a) address all aspects of emergency response, including by ensuring—
    - (i) the establishment of a system that enables all persons at the mine to be promptly located; and
    - (ii) the provision of adequate rescue equipment; and
    - (iii) that an adequate number of persons trained in the use of rescue equipment are available to respond effectively to the emergency if a person is working at the mine; and
    - (iv) the provision of adequate patient transport if a person is working at a mine; and
  - (b) include all matters specified in Schedule 22; and
  - (c) so far as is reasonably practicable, be set out and expressed in a way that is readily understandable by persons who use it.
- (3) The emergency plan for a mine must comply with the matters in subregulation (2)(a) and (b) to the extent that the matters are applicable to the mine having regard to—
- (a) the nature, complexity and location of the mining operations; and
  - (b) the risks associated with those operations.
- (4) The emergency plan for a mine must contain an appropriate level of detail about the matters set out in subregulation (2)(a) and (b) having regard to all relevant matters including—
- (a) the nature, complexity and location of the mining operations; and
  - (b) the risks associated with those operations.
- (5) The mine operator of a mine that is also a determined major hazard facility is not required to prepare an emergency plan under regulation 557 for the major hazard facility if—
- (a) the mine operator has prepared an emergency plan for the facility for the purposes of this regulation; and

- (b) the plan addresses all matters required to be addressed in an emergency plan under regulation 557 and includes all matters specified in Schedule 16.

### **665—Consultation in preparation of emergency plan**

- (1) In preparing an emergency plan, the mine operator must consult with—
  - (a) the primary emergency services with responsibility for the area in which the mine is located; and
  - (b) any other emergency service organisation, including any mines rescue organisation, that may be required to participate in implementing the emergency plan; and
  - (c) in relation to the principal mining hazards that may cause or contribute to an incident that may adversely affect the health and safety of persons in the area surrounding the mine—the local authority for the local authority area in which the mine is located; and
  - (d) if the mine is a major hazard facility—the local authority in relation to the off-site health and safety consequences of a major incident occurring.
- (2) Subregulation (1)(a) does not apply to a mine operator who has on-site emergency resources and capability or access to off-site emergency resources and capability that are sufficient to address all aspects of emergency response at the mine.
- (3) The mine operator must ensure that the emergency plan addresses any recommendation made by the emergency service organisations consulted under subregulation (1) in relation to—
  - (a) the testing of the emergency plan, including the way in which it will be tested, the frequency of testing and whether or not the emergency service organisations will participate in the testing; and
  - (b) what incidents or events at the mine should be notified to the emergency service organisations.
- (4) The mine operator must have regard to any other recommendation or advice given by a person consulted under subregulation (1).

### **666—Implementation of emergency plan**

- (1) The mine operator of a mine must immediately implement the emergency plan for the mine in the event of an emergency.  
Maximum penalty:
  - (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.

- (2) If the mine is a determined major hazard facility, the mine operator must—
- (a) immediately implement the emergency plan if—
    - (i) a major incident occurs in the course of the operation of the major hazard facility; or
    - (ii) an event occurs that could reasonably be expected to lead to a major incident; and
  - (b) notify the emergency service organisations consulted under regulation 665(1) of the occurrence of an incident or event referred to in regulation 665(3)(b).

### **667—Copies to be kept and provided**

- (1) The mine operator of a mine must keep a copy of the emergency plan at the mine.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
  - (b) in the case of a body corporate—\$18 000.
- (2) The mine operator must ensure that a copy of the emergency plan is available on request to any emergency service organisation consulted under regulation 665(1)(a).

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

### **668—Resources for emergency plan**

The mine operator of a mine must ensure that—

- (a) all resources, including rescue equipment, specified in the emergency plan for the mine are provided in accordance with the plan; and
- (b) all equipment, including rescue equipment, specified in the emergency plan is maintained in good working order.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **669—Testing of emergency plan**

- (1) The mine operator must test the emergency plan at least once a year having regard to the recommendations made by the emergency service organisations consulted under regulation 665 in preparing the plan.

Maximum penalty:

- (a) in the case of an individual—\$6 000;

- (b) in the case of a body corporate—\$30 000.
- (2) In addition, if the mine is a determined major hazard facility, the mine operator must test the emergency plan in accordance with the recommendations made by the emergency service organisations referred to in regulation 665(1) before applying for a licence for the major hazard facility.  
Maximum penalty:
  - (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.

**Note—**

More frequent testing may be required—see regulation 43.

## **670—Review**

- (1) If a risk control measure is revised under regulation 38 or 618, the mine operator of the mine must ensure that the emergency plan is reviewed and as necessary revised in relation to all aspects of risk control addressed by the revised control measure.  
Maximum penalty:
  - (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) In addition, if the mine is a determined major hazard facility, the mine operator for the mine must review and as necessary revise the emergency plan if a circumstance referred to in regulation 559(2) exists.  
Maximum penalty:
  - (a) in the case if an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (3) In reviewing and revising the emergency plan for the purposes of subregulation (2), the operator must consult with the emergency service organisations referred to in regulation 665.

## **Subdivision 2—Underground mines**

### **671—Emergency exits**

- (1) The mine operator of an underground mine must ensure that the mine has at least 2 trafficable exits to the surface that comply with subregulations (2) and (3).  
Maximum penalty:
  - (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.

- (2) Each exit must—
  - (a) be accessible from each level in the mine in which stoping operations are being carried out; and
  - (b) allow for the passage of rescue persons and rescue equipment; and
  - (c) be marked or signposted so that it can be readily located in an emergency; and
  - (d) be maintained so that it remains effective.
- (3) The exits must be located so as to ensure, so far as is reasonably practicable, that an incident or event that occurs in relation to one exit, that prevents the exit from being used for the purpose of escape from the mine, does not prevent persons from using the other exit to escape.
- (4) The mine operator of a mine is not required to comply with subregulation (1) in either of the following circumstances if the mine operator ensures that the mine has at least 1 trafficable exit to the surface that complies with subregulation (2):
  - (a) a single entry drive or shaft is being developed;
  - (b) the most distant area of the mine is no more than 250 metres from the mine entrance.

### **672—Safe escape and refuge**

- (1) The mine operator of an underground mine must provide adequate means of communicating with all affected persons when the emergency plan for the mine is implemented.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Example—**

An alarm system.

- (2) The mine operator of an underground mine must provide adequate means of escape that enable persons to safely reach an exit or refuge, including through conditions of reduced visibility or irrespirable or unsafe atmospheres.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **673—Signage for refuges**

The mine operator of an underground mine that includes a refuge must ensure that signs are prominently displayed at the mine showing the location of each refuge.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

### **674—Self-rescuers**

- (1) The mine operator of an underground mine must ensure that a person who is to go underground is provided with an appropriate self-contained self-rescuer if there is a risk of an irrespirable atmosphere in the underground mine (including during an emergency).

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The mine operator must ensure that the person is trained in the use of, and is able to use, the self-rescuer provided.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **675—Personal protective equipment in emergencies**

- (1) This regulation applies in relation to a worker who is to enter an underground mine in an emergency in order to carry out first aid or rescue procedures.
- (2) The mine operator of the underground mine must ensure that oxygen or air supplied respiratory equipment is available for use by, and is provided to, the worker in an emergency in which—
  - (a) the concentration of oxygen falls below a safe oxygen level;  
or
  - (b) the atmosphere in the underground mine has a harmful concentration of an airborne contaminant; or
  - (c) there is a serious risk of the atmosphere in the underground mine becoming affected in the way referred to in paragraph (a) or (b) while the worker is in the underground mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (3) The mine operator must ensure that suitable personal protective equipment is available for use by, and is provided to, the worker in an emergency in which—
- (a) there has been an inundation or inrush of any substance in the underground mine; or
  - (b) there is a serious risk of an inundation or inrush of any substance occurring while the worker is in the underground mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (4) The mine operator must ensure, so far as is reasonably practicable, that a worker uses the personal protective equipment provided under subregulation (2) or (3).

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

## **Division 6—Information, training and instruction**

### **675A—Duty to inform workers about safety management system**

- (1) The mine operator of a mine must ensure that, before a worker commences work at the mine—
- (a) the worker is given a summary of the safety management system for the mine that is relevant to the worker's work at the mine; and
  - (b) the worker is informed of the right to see the documented safety management system for the mine prepared under regulation 621.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The mine operator must ensure that the documented safety management system is available on request to a worker at the mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (3) The mine operator must ensure that—
- (a) a principal mining hazard management plan prepared under regulation 628 is readily accessible to a worker who is or may be exposed to the risks to which the plan relates; and
  - (b) a ventilation control plan, prepared under regulation 654, is readily accessible to all workers at the mine; and
  - (c) the emergency plan for the mine, prepared under regulation 664, is readily accessible to all workers at the mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (4) If the safety management system is revised under regulation 625, the mine operator must ensure, so far as is reasonably practicable, that each worker at the mine is made aware of any revision that is relevant to work being carried out by the worker.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Note—**

In relation to the provision of information to workers, also see regulation 39 and section 19(3)(f) of the Act.

### **675B—Duty to provide information, training and instruction**

- (1) This regulation applies in addition to regulation 39.
- (2) The mine operator of a mine must ensure that each worker at the mine is provided with suitable and adequate information, training and instruction in relation to the following:
  - (a) all hazards associated with the work being carried out by the worker;
  - (b) the implementation of risk control measures relating to the work being carried out by the worker, including controls in relation to fatigue, the consumption of alcohol and the use of drugs;
  - (c) the content and implementation of the safety management system for the mine;
  - (d) the emergency plan for the mine;
  - (e) the safety role for workers implemented under regulation 675Q.

Maximum penalty:

- (a) in the case of an individual—\$6 000;

- (b) in the case of a body corporate—\$30 000.

### **675C—Information for visitors**

The mine operator of a mine must ensure that a visitor who enters the mine with the authority of the mining operator is, as soon as practicable—

- (a) informed about risks associated with mining operations to which the visitor may be exposed at the mine; and
- (b) instructed in health and safety precautions the visitor should take at the mine; and
- (c) instructed in the actions the visitor should take if the emergency plan for the mine is implemented while the visitor is at the mine.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

### **675D—Review of information, training and instruction**

The mine operator of a mine must ensure that information, training and instruction provided to workers under regulations 675A and 675B or to visitors under regulation 675C are reviewed and as necessary revised to ensure that they remain relevant and effective.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **675E—Record of training**

The mine operator of a mine must—

- (a) make a record of any training provided to a worker under regulation 675B; and
- (b) keep the record while the worker remains engaged at the mine.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

## **Part 3—Health Monitoring**

### **675F—Health monitoring of worker**

- (1) The mine operator of a mine must ensure that health monitoring is provided in accordance with subregulation (2) to a worker at a mine engaged to carry out work at a mine if—
  - (a) there is a significant risk of an adverse effect on the worker's health because of the worker's exposure to a hazard associated with mining; and
  - (b) valid techniques are available to detect that effect on the worker's health.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The health monitoring must be carried out—
    - (a) in accordance with this Part; and
    - (b) at intervals determined by a registered medical practitioner with experience in health monitoring.

### **675G—Duty to inform of health monitoring**

The mine operator of a mine, who is required to ensure that health monitoring is provided to a worker, must give information about the health monitoring requirements to—

- (a) a person who is likely to be engaged to carry out work that triggers the requirement for health monitoring; and
- (b) a worker at the mine, before the worker commences work that triggers the requirement for health monitoring.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

### **675H—Duty to ensure health monitoring is carried out or supervised by registered medical practitioner with experience**

- (1) The mine operator of a mine must ensure, so far as is reasonably practicable, that the health monitoring of a worker under this Part is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (2) The mine operator must ensure that the worker is consulted in relation to the selection of the registered medical practitioner.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

#### **675I—Duty to pay costs of health monitoring**

- (1) The mine operator of a mine who engages a worker at the mine must pay all expenses relating to health monitoring referred to in this Part.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

- (2) If the mine operator of a mine has not engaged a worker at the mine, the mine operator must ensure that the person conducting the business or undertaking that engaged the worker pays all expenses relating to health monitoring.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

#### **675J—Duty to provide registered medical practitioner with information**

The person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring:

- (a) the name and address of the mine operator;
- (b) the name and date of birth of the worker;
- (c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;
- (d) if the worker has started the work—how long the worker has been carrying out the work.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

#### **675K—Health monitoring report**

- (1) Health monitoring must be documented in a health monitoring report in the form approved by the regulator.
- (2) The health monitoring report must include the following:
- (a) the name and date of birth of the worker;

- (b) the name and registration number of the registered medical practitioner;
- (c) the name and address of—
  - (i) the mine operator; and
  - (ii) the person conducting a business or undertaking who commissioned the health monitoring;
- (d) the date of the health monitoring;
- (e) an explanation of the results;
- (f) any advice indicating any adverse health effect resulting from exposure to a risk associated with mining operations;
- (g) any recommendation that the mine operator take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;
- (h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

**675L—Person conducting business or undertaking to obtain health monitoring report**

The person conducting a business or undertaking who has commissioned health monitoring must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**675M—Person conducting business or undertaking to give health monitoring report to mine operator of mine**

A person conducting a business or undertaking must, on request, give a copy of the health monitoring report required to be kept under regulation 675P(1) to the mine operator of any mine at which the worker carries out work.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **675N—Duty to give health monitoring report to worker**

The mine operator of a mine must take all reasonable steps to ensure that a worker at the mine who is provided with health monitoring is given a copy of the health monitoring report as soon as practicable after the monitoring is carried out.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **675O—Duty to give health monitoring report to regulator**

The mine operator of a mine must take all reasonable steps to ensure that a copy of a health monitoring report relating to a worker at the mine is given to the regulator as soon as practicable if the report contains—

- (a) any advice indicating any adverse health effect resulting from exposure to a risk associated with mining operations; or
- (b) a recommendation that the mine operator should move the worker from a hazard or assign the worker to different work.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **675P—Health monitoring reports kept as records**

- (1) The person conducting a business or undertaking that engaged a worker at the mine must ensure that a health monitoring report in relation to the worker is kept as a confidential record.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

- (1a) The person must ensure that a health monitoring report in relation to a worker is kept for at least—

- (a) for hazards known to have a cumulative or delayed health effect—30 years after the record is made; or
- (b) for other hazards—7 years after the record is made.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

- (2) A person conducting a business or undertaking who obtains a health monitoring report in relation to a worker under this Part must not disclose the report to another person without the worker's written consent.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
  - (b) in the case of a body corporate—\$6 000.
- (3) Subregulation (2) does not apply if the report is disclosed to—
- (a) a mine operator to whom a copy report is given under regulation 675M; or
  - (b) the regulator under regulation 675O; or
  - (c) a new mine operator to whom all records are given under regulation 615(3); or
  - (d) a person who must keep the report confidential under a duty of professional confidentiality; or
  - (e) a health and safety representative in accordance with section 71(2) of the Act.
- (4) The person conducting a business or undertaking that engaged a worker at the mine must ensure, so far as is reasonably practicable, that any health monitoring report kept in relation to a worker under subregulation (1) is given to the worker if the business or undertaking at the mine is to be wound up or otherwise cease to exist.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

## **Part 4—Consultation and Workers' Safety Role**

### **675Q—Safety role for workers in relation to principal mining hazards**

The mine operator of a mine must implement a safety role for the workers at the mine that enables them to contribute to—

- (a) the identification under regulation 627 of principal mining hazards that are relevant to the work that the workers are or will be carrying out; and
- (b) the consideration of control measures for risks associated with principal mining hazards at the mine; and
- (c) the conduct of a review under regulation 629.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

### **675R—Mine operator must consult with workers**

For the purposes of section 49(f) of the Act, the mine operator of a mine must consult with workers at the mine in relation to the following:

- (a) the development, implementation and review of the safety management system for the mine;
- (b) conducting risk assessments for principal mining hazard management plans;
- (c) preparing, testing and reviewing the emergency plan for the mine;
- (d) the implementation of the workers' safety role under regulation 675Q;
- (e) developing and implementing strategies to protect persons at the mine from any risk to health and safety arising from the following:
  - (i) the consumption of alcohol or use of drugs by any person;
  - (ii) worker fatigue.

**Note—**

See section 49 of the Act for other consultation duties of a person conducting a business or undertaking.

## **Part 5—Mine Survey Plans**

### **675S—Survey plan of mine must be prepared**

- (1) The mine operator of a mine must ensure that a detailed survey plan of the mine is prepared by a competent person.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The plan must (unless it relates to a precious stones field under the *Opal Mining Act 1995*) reference the mine to the *Geocentric Datum of Australia* and the *Australian Height Datum*.
- (3) The plan must show the following (if present at the mine):
- (a) the workings of the mine, including disused workings and bore holes;
  - (b) the location of electrical installations;
  - (c) the location of telephones and other fixed plant associated with the radio and telecommunications systems;
  - (d) water dams and tailings dams;
  - (e) natural features surrounding the mine;

- (f) places for the storage of hydrocarbons or explosives;
  - (g) points of entry and exit, including emergency exits;
  - (h) refuges (in an underground mine).
- (4) In complying with subregulation (1), the mine operator of a mine must take all reasonable steps to obtain historical mine surveys of the mine to ensure the accuracy of the mine survey plan.
- (5) In subregulation (2)—

***Australian Height Datum*** means the *Australian Height Datum* described in the *Division of National Mapping Technical Report No.12, The Adjustment of the Australian Levelling Survey, 1970-71* (2nd edition, 1975);

***Geocentric Datum of Australia*** means the *Geocentric Datum of Australia* as defined in Commonwealth of Australia Gazette No. 35 of 6 September 1995 (GDA94 geocentric data set);

**Note—**

Regulation 656 requires the mine operator of an underground mine to prepare a plan of the ventilation system for the mine.

**675T—Review of survey plan**

- (1) The mine operator of a mine must review and as necessary revise the mine survey plan—
- (a) if it no longer accurately reflects the workings that have been carried out at the mine or the workings that are proposed to be carried out at the mine; or
  - (b) if there are reasonable grounds to believe that the mine survey plan is not accurate; or
  - (c) at least once every 12 months.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) Subregulation (1)(c) does not apply if the mining operations at the mine have been discontinued or suspended for more than 12 months.

**675U—Survey plan to be available**

- (1) The mine operator of a mine must keep the current mine survey plan and all previous versions of the plan available for inspection under the Act.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
- (b) in the case of a body corporate—\$18 000.

- (2) The mine operator of a mine must make the current mine survey plan available on request to workers at the mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

## **Part 6—Provision of information to regulator**

**Notes—**

- (1) This Part applies in addition to Part 3 of the Act.
- (2) Unless provided otherwise, incidents referred to in this Part include notifiable incidents (see section 35 of the Act).

### **675V—Duty to notify regulator of certain incidents**

- (1) The mine operator of a mine must take all reasonable steps to ensure that the regulator is notified as soon as possible after becoming aware of an incident arising out of the carrying out of mining operations at the mine.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

- (2) The notification must—

- (a) be in writing; and

**Example—**

The notice may be given by fax, email or other electronic means.

- (b) be in a form required by the regulator; and
- (c) in the case of an incident that results in an illness or injury, contain the details specified in Schedule 23.

- (3) In this regulation—

***high potential incident*** means an incident or event referred to in section 37(a) to (l) of the Act that would have been a dangerous incident under section 37 if a person were in the vicinity at the time when the incident or event occurred and in usual circumstances a person could have been in that vicinity at that time;

***incident*** means an incident (other than a notifiable incident) that—

- (a) results in illness or injury that requires medical treatment within the meaning of item 13.2 of Schedule 24; or
- (b) is a high potential incident.

**Note—**

This regulation does not apply in relation to notifiable incidents about which notification must be given under Part 3 of the Act.

### **675W—Quarterly reports**

- (1) The mine operator of a mine must give the regulator a quarterly work health and safety report in accordance with this regulation.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
  - (b) in the case of a body corporate—\$30 000.
- (2) The report must—
    - (a) be given at the times or intervals (including annually) and in the manner and form required by the regulator; and
    - (b) contain the information specified in Schedule 24.

**Note—**

This regulation applies in relation to notifiable incidents and incidents within the meaning of regulation 675V.

- (3) The mine operator of a mine is not required to give the regulator a report under this regulation before 1 January 2015.

### **675X—Duty to notify mine operator of notifiable incidents**

A person who conducts a business or undertaking at a mine must ensure that the mine operator is notified as soon as practicable of any incident that has been notified to the regulator under section 38 of the Act.

Maximum penalty:

- (a) in the case of an individual—\$6 000;
- (b) in the case of a body corporate—\$30 000.

**Note—**

Section 38 of the Act requires a person who conducts a business or undertaking to ensure that the regulator is notified about notifiable incidents.

## **Part 7—Mine Record**

### **675Y—Mine record**

- (1) The mine operator of a mine must keep a mine record for the mine.

Maximum penalty:

- (a) in the case of an individual—\$3 600;
  - (b) in the case of a body corporate—\$18 000.
- (2) The mine record must contain—
    - (a) a record of any notice issued in relation to the mine under Part 10 of the Act; and
    - (b) a copy of any provisional improvement notice issued in relation to the mine under Part 5 Division 7 of the Act; and

- (c) a record of every incident notified to the regulator under Part 3 of the Act or under regulation 675V; and
- (d) a summary of all records kept under regulations 619 and 620; and
- (e) each report under regulation 630 by a shift supervisor at the mine.

**675Z—Mine record must be kept and available**

- (1) The mine operator of a mine must keep a record that forms part of the mine record for 7 years from the date the record was made.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

- (2) The mine operator must keep the mine record for the mine available for inspection under the Act.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

- (3) The mine operator must ensure that the mine record for the mine is available to workers at the mine on request.

Maximum penalty:

- (a) in the case of an individual—\$1 250;
- (b) in the case of a body corporate—\$6 000.

- (4) For the purposes of subregulation (3), the mine operator is only required to make available a summary of a record referred to in regulation 675Y(2)(c).

- (5) Subregulation (3) does not require or permit the mine operator to provide personal or medical information in relation to a worker without the worker's written consent unless the information is in a form that—

- (a) does not identify the worker; and
- (b) could not reasonably be expected to lead to the identification of the worker.

**42—Variation of regulation 676—Which decisions under these regulations are reviewable**

- (1) Regulation 676(1), table—after item 2 insert:

2A	91A—Imposition of condition when granting licence	Applicant
2B	91A—Imposition of condition when renewing licence	Applicant

(2) Regulation 676(1), table—after item 7 insert:

7A	106—Variation of licence conditions	Licence holder
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**43—Variation of regulation 683A—Applications to IRC**

Regulation 683A(1)—delete "Schedule 19" and substitute:

Schedule 18A

**44—Variation of 683B—Summonses**

Regulation 683B—delete "Schedule 19" wherever occurring and substitute in each case:

Schedule 18A

**45—Insertion of regulation 699A**

After regulation 699 insert:

**699A—Incident notification—prescribed dangerous incident**

For the purposes of section 37 of the Act, the unplanned loss of control of heavy earthmoving machinery (including failure of braking or steering) at a mine is a dangerous incident.

**46—Substitution of regulation 723**

Regulation 723—delete the regulation and substitute:

**723—Pipeline builder's duties (regulation 390)**

If, before the day on which regulation 390 commences, a notice is given as required under regulation 55 of the *Dangerous Substances Regulations 2002* of an intention to re-lay, renew or carry out repairs to a pipeline, the person who gave the notice will be taken to have complied with the requirements of regulation 390(2) of these regulations with respect to the activity to which the notice relates.

**47—Variation of regulation 726—Application of regulations 475 and 476 (Air monitoring)**

Regulation 726(2)—delete "first" and substitute:

second

**48—Variation of regulation 730—Diving work**

Regulation 730(1) and (2)—delete "regulation 171(a)" wherever occurring and substitute in each case:

regulation 171

**49—Variation of regulation 737—Roll-over protection on tractors (regulation 216)**

Regulation 737—delete "first" and substitute:

second

## **50—Variation of Schedule 2—Fees**

- (1) Schedule 2, clause 1, table—delete the rows relating to "Application for asbestos assessor licence" and "Application for renewal of asbestos assessor licence"
- (2) Schedule 2, clause 1, table—delete the rows relating to "Application for blaster's licence" and "Application for renewal of blaster's licence"

## **51—Variation of Schedule 3—High risk work licences and classes of high risk work**

- (1) Schedule 3, item 15—delete "including" and substitute:  
    excluding
- (2) Schedule 3, item 15—after "Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes" insert:  
    Use of a reach stacker
- (3) Schedule 3, item 16—delete "including" and substitute:  
    excluding
- (4) Schedule 3, item 16—after "Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes" insert:  
    Use of a reach stacker
- (5) Schedule 3, item 17—delete "including" and substitute:  
    excluding
- (6) Schedule 3, item 17—after "Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes" insert:  
    Use of a reach stacker
- (7) Schedule 3, item 18—delete "including" and substitute:  
    excluding
- (8) Schedule 3, item 18—after "Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes" insert:  
    Use of a reach stacker

## **52—Variation of Schedule 5—Registration of plant and plant designs**

- (1) Schedule 5, clause 1, item 1.9—delete "placement units with delivery" and substitute:  
    placing
- (2) Schedule 5, clause 1, item 1.10—delete "and prefabricated formwork"
- (3) Schedule 5, clause 2(1)—after paragraph (a) insert:
  - (ab) any pressure equipment (other than a gas cylinder) excluded from the scope of AS 1200:2000 (*Pressure equipment*); or

**Note—**

See section A1 of Appendix A to AS/NZS 1200:2000.

- (4) Schedule 5, clause 2(1)—after paragraph (b) insert:
- (ba) a reach stacker; or
- (5) Schedule 5, clause 3, item 3.7—delete "placement units with delivery" and substitute:
- placing
- (6) Schedule 5, clause 4(1)—delete subclause (1) and substitute:
- (1) The items of plant listed in clause 3 do not include—
    - (a) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2000 (*Pressure equipment*); or
- Note—**
- See section A1 of Appendix A to AS/NZS 1200:2000.
- (b) a crane or hoist that is manually powered; or
  - (c) a reach stacker.

**53—Variation of Schedule 10—Prohibited carcinogens, restricted carcinogens and restricted hazardous chemicals**

Schedule 10, Table 10.3, item 10—delete "For spray painting"

**54—Variation of Schedule 16—Matters to be included in emergency plan for major hazard facility**

Schedule 16, table, item 3.1—after "under regulation 557" insert:

(or, if the facility is also a mine, under regulation 664)

**55—Redesignation of Schedule 19**

Schedule 19—redesignate the Schedule as Schedule 18A

**56—Insertion of Schedules 19 to 24**

After Schedule 18A (as so redesignated by regulation 55) insert:

**Schedule 19—Principal mining hazard management plans—additional matters to be considered**

**Regulation 628**

**1—Ground or strata instability**

The following matters must be considered in developing the control measures to manage the risks of ground or strata instability:

- (a) the local geological structure;
- (b) the local hydrogeological environment, including surface and ground water;
- (c) the geotechnical characteristics of the rocks and soil, including the effects of time, oxidation and water on rock support and stability;

- (d) any natural or induced seismic activity;
- (e) the location and loadings from existing or proposed mine infrastructure such as waste dumps, tailings storage, haul roads and mine facilities;
- (f) any previously excavated or abandoned workings;
- (g) the proposed and existing mining operations, including the nature and number of excavations, the number and size of permanent or temporary voids or openings, backfilling of mined areas and stopes, abutments, periodic weighting and windblast;
- (h) the proposed blasting activities, including airblast.

## **2—Inundation and inrush**

The following matters must be considered in developing the control measures to manage the risks of inundation and inrush:

- (a) the potential sources of inundation, including extreme weather, overflow or failure of levies and dam structures, failure or blocking of flow channels (either regular, overflow or emergency);
- (b) the potential sources of inrush including current, disused or abandoned mine workings along the same seam or across strata, surface water bodies, backfill operations, highly permeable aquifers, bore-holes, faults or other geological weaknesses;
- (c) the potential for the accumulation of water, gas or other substances or materials that could liquefy or flow into other workings or locations;
- (d) the magnitude of all potential sources and maximum flow rates;
- (e) the worst possible health and safety consequences of each potential source, including the accuracy of plans of other workings, variation in rock properties and geological weaknesses.

## **3—Mine shafts and winding operations**

The following matters must be considered in developing the control measures to manage the risks associated with mine shafts and winding operations:

- (a) the stability and integrity of the shaft;
- (b) the potential for fires in underground operations, the shaft or winder areas;
- (c) the potential for any unintended or uncontrolled movement of the conveyances within the shaft;

- (d) the potential for a detached conveyance to fall down the shaft;
- (e) the potential for fall of persons, equipment, materials or support structure into or within, the shaft;
- (f) the potential for failure of, or damage to, health and safety related equipment and controls, including the following:
  - (i) ropes bearing the weight of the shaft conveyance;
  - (ii) controls and limiting devices to prevent overwind, overrun, overspeed and the exceeding of other selected limits;
  - (iii) equipment and controls to detect, prevent or cause the winder to stop in the event of slack rope, drum slip or tail rope malfunctions;
  - (iv) braking systems including emergency brakes and systems for preventing free-fall of a conveyance;
  - (v) warning systems for any emergency in the shaft;
  - (vi) communication systems;
- (g) the potential for injury to persons in a conveyance from material being carried in the conveyance or falling from another conveyance;
- (h) the need to enable persons to escape from a stalled conveyance;
- (i) the competency of the operator of the winder.

#### **4—Roads and other vehicle operating areas**

The following matters must be considered in developing the control measures to manage the risks associated with roads and other vehicle operating areas:

- (a) mobile plant characteristics, including stopping distances, manoeuvrability, operating speeds, driver position, driver line of sight and remote control mobile plant;
- (b) the effect on road conditions of expected environmental conditions during operating periods (including time of day, weather, temperature and visibility);
- (c) the impact of road design and characteristics, including grade, camber, surface, radius of curves and intersections;
- (d) the impact of mine design, including banks and steep drops adjacent to vehicle operating areas;
- (e) the volume and speed of traffic and the potential for interactions between mobile plant with different operating characteristics, including heavy and light vehicles;

- (f) the potential for interactions between mobile plant and pedestrians, including consideration of park up areas and driver access;
- (g) the potential for interaction between mining mobile plant and public traffic;
- (h) the potential for interaction between mobile plant and fixed structures, including overhead and underground power lines, tunnel walls and roofs.

### **5—Air quality, dust and other airborne contaminants**

The following matters must be considered in developing the control measures to manage the risks associated with air quality, airborne dust and other airborne contaminants:

- (a) the types of dust and other chemical and biological contaminants likely to be in the air from both natural sources, including naturally occurring asbestos, and introduced sources;
- (b) the levels of oxygen, dust and other contaminants in the natural or supplied air of a mine;
- (c) the temperature and humidity of the air;
- (d) the length of exposure, having regard to extended shifts and reduced recovery periods.

### **6—Fire and explosion**

The following matters must be considered in developing the control measures to manage the risks of fire and explosion:

- (a) the potential sources of flammable, combustible and explosive substances and materials, both natural and introduced, including gas, dust, fuels, solvents and timber;
- (b) the potential sources of ignition, fire or explosion, including plant, electricity, static electricity, spontaneous combustion, lightning, hot work and other work practices;
- (c) the potential for propagation of fire or explosion to other parts of the mine.

### **7—Gas outbursts**

The following matters must be considered in developing the control measures to manage the risks of gas outbursts:

- (a) the potential for gas release into the working area of a mine from both natural and introduced sources in a concentration that could lead to fire, explosion or asphyxiation;
- (b) the potential for accumulation of gases in working areas and abandoned areas of the mine;
- (c) the nature of the gas that could be released;

- (d) the gas levels in the material being mined;
- (e) gas seam pressures.

### **8—Spontaneous combustion**

The following matters must be considered in developing the control measures to manage the risks of spontaneous combustion:

- (a) the potential for spontaneous combustion to occur in the material being mined, including by—
  - (i) evaluating the history of the mine in relation to spontaneous combustion; and
  - (ii) evaluating any adjacent or previous mining operations in the same seam; and
  - (iii) the conduct of scientific testing;
- (b) mine ventilation practices;
- (c) the design of the mine;
- (d) the impact of gases generated by spontaneous combustion on mine environmental conditions.

## **Schedule 20—Prohibited uses in mines**

### **Regulation 632**

<b>Column 1 Item</b>	<b>Column 2 Prohibited use</b>
Internal combustion engine (other than a compression ignition engine)	All uses underground
Compressed natural gas	In an underground mine in an internal or external combustion engine
Hydrogen	In an underground mine in an internal or external combustion engine
Liquid petroleum gas	In an underground mine in an internal or external combustion engine
Petrol and fuel	In an underground mine in an internal or external combustion engine unless suitable for safe use underground
	<b>Example—</b>
	Diesel fuel
Ignition sources	At any mine, while carrying, handling or using any explosive or initiating system or within 8 metres of any explosive or initiating system
<b>Examples—</b>	
Cigarettes, matches, lighters, naked flame, naked light, firearms	

	At a work area at a mine, where solvents are used
	At a work area at a mine, where flammable vapours are present
	At any mine, in a shaft conveyance
	At any mine, in a refuge chamber during an emergency
Explosives, detonators and exploders (excluding explosive power tools)	All uses at any mine, unless for the purpose of shotfiring

## **Schedule 21—Concentration levels for atmospheric contaminants**

### **Note—**

Schedule 21 appears in some corresponding WHS laws but does not apply in this State because there is no underground coal mining activity.

## **Schedule 22—Matters to be included in emergency plan for a mine**

### **Regulation 664**

#### **1—Site and hazard detail**

- 1.1 The location of the mine, including its street address and the nearest intersection (if any).

#### **Note—**

Sufficient detail must be provided to enable a person not familiar with the site to find it.

- 1.2 The current mine survey plan required under Chapter 10 Part 5.
- 1.3 A brief description of the nature of the mine and mining operations.
- 1.4 The maximum number of persons, including workers, likely to be present at the mine on a normal working day.
- 1.5 The emergency planning assumptions for different emergencies, and likely areas affected.
- 1.6 The protective resources available to control an incident that could result in an emergency.
- 1.7 The emergency response procedures, including procedures for isolating areas of the mine in an emergency.
- 1.8 The infrastructure likely to be affected by an emergency.

#### **2—Command structure and site personnel**

- 2.1 The command philosophy and structure to be activated in an emergency, so that it is clear what actions will be taken, who will take these actions and how, when and where they will be taken.
- 2.2 Details of the person who can clarify the content of the emergency plan if necessary.

- 2.3 The contact details of, and the way to contact, the persons at the mine responsible for liaising with emergency services.
- 2.4 A list of 24 hour emergency contacts.
- 2.5 Arrangements for assisting emergency services.

### **3—Notifications**

- 3.1 In the event of the occurrence of a notifiable incident or an event that could reasonably be expected to lead to a notifiable incident, procedures for notifying—
  - (a) any person whose health or safety may be affected, even if—
    - (i) the person is located underground; or
    - (ii) there is no electrical power that can be used for the notification; and
  - (b) the emergency services in circumstances where emergency services are required.
- 3.2 On-site and off-site warning systems.
- 3.3 Contact details for emergency services and other support services that can assist in providing resources and implementing evacuation plans in an emergency.
- 3.4 On-site communication systems.

### **4—Resources and equipment**

- 4.1 On-site emergency resources, including—
  - (a) first aid equipment, facilities, services and personnel; and
  - (b) emergency equipment and personnel; and
  - (c) gas detectors, wind velocity detectors, sand, lime, neutralising agents, absorbents, spill bins and decontamination equipment.
- 4.2 Off-site emergency resources, including arrangements for obtaining additional external resources (specific to the likely incidents), including mines rescue services, as necessary.
- 4.3 Arrangements for mines rescue that state the following:
  - (a) the minimum mines rescue training to be provided;
  - (b) any arrangements for the mine operator and mine operators of mines in the vicinity to assist each other in an emergency;
  - (c) how inertisation equipment is to be used;
  - (d) the procedures to be followed in carrying out mines rescue.

- 4.4 For an underground mine, a means of communication between the surface of the mine and any underground area of the mine where persons are located, that is effective even if there is no electrical connection between the surface and the relevant underground area.

## **5—Procedures**

- 5.1 Procedures for the safe evacuation of, and accounting for, all persons at the mine.
- 5.2 Procedures and control points for utilities, including gas, water and electricity.
- 5.3 Procedures in the event of the ventilation system at the mine failing totally or for more than 30 minutes.

## **Schedule 23—Information to be included in notification of mining incident**

### **Regulation 675V**

#### **1—Person injured**

- 1.1 The name, date of birth and gender of any person who has suffered an illness or injury as a result of the incident.
- 1.2 If a person who has suffered an illness or injury as a result of the incident is a worker, the following information:
  - (a) the worker's occupation;
  - (b) the worker's usual start and finish time, and start time on the day of the incident;
  - (c) the number of hours worked immediately before the incident;
  - (d) the name of the person conducting the business or undertaking in which the person works;
  - (e) the nature of the engagement of the worker.
- 1.3 If the worker is self-employed, the name of the business or undertaking.
- 1.4 The industry in which the business or undertaking is primarily conducted.

#### **2—Incident**

- 2.1 When the incident occurred, including—
  - (a) the date of the incident;
  - (b) the time of the incident;
  - (c) in the case of an illness, the date on which the illness was first reported by or on behalf of the person suffering the illness.

- 2.2 A description of the incident, including—
- (a) what each affected person was doing just before the incident; and
  - (b) a description of all substances, including hazardous chemicals, and all plant and processes involved in the incident; and
  - (c) the classification of—
    - (i) the mechanism of the incident; and
    - (ii) the agency of the illness or injury (that is, how the incident caused the illness or injury); and
    - (iii) the nature and bodily location of the illness or injury.
- 2.3 In item 2.2(c), *classification* means the code assigned by the Types of Occurrence Classification System published by the National Health and Safety Committee, as in force from time to time.
- 2.4 Item 2.2(c) applies only in relation to an incident that occurs after 1 January 2015.

### **3—Consequences of incident**

- 3.1 Whether or not the incident has resulted in any of the following:
- (a) a fatality;
  - (b) permanent incapacity;
  - (c) the inability of a worker to work for 1 day or more, not including the incident day, whether the worker is rostered on that day or not;
  - (d) the worker carrying out restricted work;
  - (e) medical treatment.
- 3.2 An indication of whether the incident is likely to result in any of the circumstances referred to in item 3.1.
- 3.3 An indication of whether the incident has the potential to result in any of the circumstances referred to in item 3.1.

## **Schedule 24—Information to be included in mine quarterly report**

### **Regulation 675W**

#### **1—Meaning of *incident***

In this Schedule, *incident* means—

- (a) a notifiable incident; or
- (b) an incident within the meaning of regulation 675V.

**2—Mine holder**

The name of the mine holder for the mine.

**3—Mine operator**

The name of the mine operator of the mine.

**4—The mine**

The location of the mine.

**5—Commodity processed**

A description of the primary commodity processed at the mine site during the reporting period.

**6—Number of workers**

The average number of workers who worked at the mine site during the reporting period.

**7—Number of hours worked**

The total number of hours (including additional shifts and overtime) worked at the mine during the reporting period.

**8—Number of incidents**

The total number of incidents occurring during the reporting period.

**9—Number of lost time injuries**

The total number of incidents that resulted in the inability of a worker to work for 1 day or more (not including the incident day) during the reporting period.

**10—Days lost from work**

The total number of days (not including the incident day) lost from work by workers during the reporting period as a result of incidents.

**11—Number of restricted duty days**

The total number of days on which workers carried out restricted duties during the reporting period as a result of incidents.

**12—Number of workers placed on restricted duties**

The total number of workers placed on restricted duties during the reporting period as a result of incidents.

**13—Number of medical treatment injuries**

- 13.1 The total number of injuries and illnesses of workers arising from incidents that required medical treatment during the reporting period but did not result in the inability of a worker to work for 1 day or more (not including the incident day).

13.2 In item 13.1, **medical treatment** means the management or care of a patient including:

- (a) the suturing of a wound;
- (b) the treatment of fractures;
- (c) the treatment of bruises by drainage of blood;
- (d) the treatment of second and third degree burns,

but does not include diagnostic procedures, observation, counselling, first aid or therapeutic measures taken solely for preventative purposes.

#### **14—Number of deaths**

The total number of deaths that occurred during the reporting period as a result of incidents.

#### **15—Other information**

The information set out in Schedule 23 in relation to each incident, if that information has not already been provided to the regulator.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 12 December 2013

No 279 of 2013

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