Queensland

Mining Legislation Amendment Regulation (No. 1) 2004

Subordinate Legislation 2004 No. 219

made under the

Coal Mining Safety and Health Act 1999
Mining and Quarrying Safety and Health Act 1999

Contents

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Mining Legislation Amendment Regulation (No. 1) 2004*.

Part 2 Amendment of Coal Mining Safety and Health Regulation 2001

2 Regulation amended in pt 2 and schedule

This part and the schedule amend the *Coal Mining Safety and Health Regulation 2001*.

3 Replacement of s 13 (Notice of serious accidents and high potential incidents)

Section 13—

omit, insert—

'13 Prescribed types of high potential incidents—Act, s 198

'A type of high potential incident mentioned in schedule 1[1] is prescribed for section 198(2)(b)[2] of the Act.'.

4 Amendment of s 16 (Giving notice of incidents)

Section 16(1)(a)(i)—

omit, insert—

1 Schedule 1 (Types of high potential incidents for section 198 of the Act)

2 Section 198 (Notice of accidents, incidents or diseases) of the Act

'(i) of a severity that requires treatment by a doctor, or a nurse as defined under the *Nursing Act 1992*, or a person qualified to give first aid; or'.

5 Amendment of s 24 (Isolators for equipment driven by electricity)

(1) Section 24(1)—

omit, insert—

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

(2) Section 24(2)(a)—

omit, insert—

'(a) the isolator is—

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

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

6 Amendment of s 33 (Plan of coal mine's communication system and main electrical installation)

(1) Section 33(1), 'The site senior executive must'—

omit, insert—

'For an underground mine, the site senior executive must also'.

(2) Section 33(2), 'also'—

omit.

(3) Section 33(1) and (2)—

renumber as section 33(2) and (1).

(4) Section 33(4)(b), '(2)(a)'—

omit, insert—

'(1)(a)'.

7 Amendment of s 34 (Records)

Section 34(1), 'site senior executive'—

omit, insert—

'electrical engineering manager or, if there is no electrical engineering manager for the mine, the site senior executive,'.

8 Amendment of s 48 (Reviewing health assessment report)

(1) Section 48(2)(a), after 'specialist'—

insert—

'chosen by the worker'.

(2) Section 48(4)(b)(ii), 'the employer'—

omit, insert—

'both the employer and worker'.

(3) Section 48—

insert—

'(4A) The worker must pay for the further health assessment.'.

(4) Section 48(4A) and (5)—

renumber as section 48(5) and (6).

9 Amendment of s 49 (Monitoring for workers' exposure to hazards)

Section 49—

insert—

'(5) In this section—

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

10 Amendment of s 53 (Records of monitoring for workers' exposure to hazards)

Section 53—

insert—

'(3) In agreeing to a lesser period under subsection (1) or (2), the chief executive must have regard to information held by the department about the matter the subject of the record.'.

11 Amendment of s 57 (Possible major hazard facilities)

(1) Section 57(2)(b), before 'the national'—

insert—

'for operations other than the preparation and use of explosives at a blast site—'.

(2) Section 57(3), definition *national standard safety and health provisions*, 'parts'—

omit, insert—

'sections'.

12 Amendment of s 78 (Isolating and tagging procedures)

(1) Section 78(1)(c), from 'service,'—

omit, insert—

'service;'.

(2) Section 78—

insert—

'(1A) Without limiting subsection (1), the standard operating procedure may provide for the use of danger, isolation, operational, out of service, personal and restriction tags for particular circumstances.'.

(3) Section 78(1A) and (2)—

renumber as section 78(2) and (3).

13 Insertion of new ss 88A and 88B

After section 88—

insert—

‘88A Asbestos material installed in buildings and plant

‘(1) This section applies if a building or plant at a mine has asbestos material installed in it.

‘(2) The site senior executive must ensure a standard work instruction or procedure is established—

(a) to prevent the exposure of persons to the asbestos material; or

(b) if the exposure can not be prevented, to minimise the exposure.

‘(3) The standard work instruction or procedure must include—

(a) the steps that must be taken to restrict access to, and prevent disturbance of, the asbestos material; and

(b) work practices in the vicinity of the asbestos material; and

(c) requirements for assessment of the asbestos material at regular intervals of at least 1 year and earlier if the nature or location of work in the vicinity of the asbestos material changes.

‘(4) If the asbestos material is friable, poorly bonded or unstable, for example, because of damage or deterioration, the site senior executive must ensure the asbestos material is enclosed, sealed or removed.

‘(5) If the asbestos material is to be removed, the site senior executive must ensure an asbestos removalist removes the asbestos material under NOHSC’s document entitled ‘Code of Practice for the Safe Removal of Asbestos [NOHSC:2002]’.

‘88B Asbestos, other than asbestos material installed in buildings and plant

‘(1) This section applies to asbestos occurring naturally at a mine.

‘(2) The site senior executive must ensure—

(a) action is taken to prevent the exposure of persons to the asbestos; or

(b) if the exposure can not be prevented, action is taken to protect the health of persons at the mine from the effect of the asbestos.

'(3) The site senior executive must ensure monitoring or assessment of airborne asbestos is carried out under NOHSC's document entitled 'Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust [NOHSC:3003]'.'.

14 Amendment of s 89 (Dust)

Section 89(3)—

omit, insert—

'(3) The system must provide that, if the average concentration of respirable dust in the atmosphere can not be reduced to the levels stated in subsection (1)—

(a) the controls for minimising dust must be reviewed; and

(b) if the average concentration still can not be reduced to the levels stated in subsection (1), personal protective equipment must be supplied for use by persons in the work environment.'.

15 Amendment of s 94 (Checking and examining work areas)

Section 94(2)—

omit, insert—

'(2) The procedure must provide for a check and examination of each coal mine worker's specific work area to be carried out by the coal mine worker.'.

16 Insertion of new s 100A

Chapter 2, part 13—

insert—

'100A Prohibited substances

'The site senior executive must ensure a prohibited substance mentioned in schedule 2A, column 1, is not used at the mine for a prohibited purpose mentioned in schedule 2A, column 2, opposite the name of the substance.'.

17 Amendment of s 118 (Restricting access to hazardous areas)

Section 118(a)—

omit, insert—

'(a) installing safety berms or implementing other appropriate control measures for preventing persons and mobile plant from falling over edges with a vertical drop of 1 m or more;'.

18 Amendment of s 126 (Plan of surface land)

Section 126(4)—

insert—

'(e) the final extent and datum level of the limits of the excavation.'.

19 Amendment of s 128 (Specification for design and construction of mine roads)

Section 128(4)—

omit, insert—

'(4) The specification must provide for appropriate control measures for preventing persons and vehicles from falling over road edges with a vertical drop of more than 0.5 m.'.

20 Amendment of s 136 (Engine shutdown and fire suppression)

Section 136(b), from 'if'—

omit, insert—

'if a risk assessment indicates the machine may become buried.'.

21 Amendment of s 156 (Entry air locks and emergency mine sealing)

(1) Section 156, heading, 'air locks'—

omit, insert—

'**airlocks**'.

(2) Section 156(2)(a), 'an overpressure of 70 kPa'—

omit, insert—

'a pressure pulse of 70 kPa passing through the entrance'.

(3) Section 156(2)(b), from 'at least' to 'following'—

omit, insert—

'the mine, when sealed, has facilities allowing the following'.

(4) Section 156(2)(b)—

insert—

'(iv) large mobile equipment to enter or exit the mine through an airlock.'.

(5) Section 156(3)—

omit, insert—

'(3) This section does not apply to a drift or shaft being driven from the surface in material other than coal.'.

22 Insertion of new s 157A

Chapter 4, part 3—

insert—

'157A Testing inertisation facilities

'(1) The underground mine manager must ensure the following facilities at the mine are tested at appropriate intervals to ensure the facilities are capable of being used in an emergency—

(a) the connection point for using the inertisation equipment mentioned in section 156(2)(b)(i);

(b) each airlock and seal required to be used with the inertisation equipment.

'(2) The site senior executive must ensure the necessary facilities, including, for example, water and cleared areas, are available for use with the inertisation equipment.'.

23 Amendment of s 161 (Types of cap lamps)

Section 161(a), 'Ex ia or Ex s'—

omit, insert—

'Ex ia, Ex s or Ex l'.

24 Amendment of s 169 (Standard operating procedure for self-escape)

Section 169(1), from 'training'—

omit, insert—

'familiarising the mine's coal mine workers with use of the mine's escapeways.'.

25 Amendment of s 176 (Telephonic communication)

Section 176(2), after 'ERZ0'—

insert—

', unless the components are installed in a drift or shaft being driven from the surface in material other than coal'.

26 Amendment of s 181 (ERZ0)

(1) Section 181, after 'equipment'—

insert—

', other than electrical cables,'.

(2) Section 181(b), 'Ex ia or Ex s'—

omit, insert—

'Ex ia, Ex s or Ex l'.

27 Amendment of s 182 (ERZ1)

(1) Section 182(1)—

omit, insert—

'(1) The site senior executive must ensure fixed, mobile and transportable electrical equipment, other than electrical cables, installed or operated in an ERZ1 at the mine is—

(a) suitable for use in an underground mine; and

(b) certified as having explosion protection.'.

(2) Section 182—

insert—

'(3) Subsection (1)(b) does not apply to a power transformer or traction battery.'.

28 Amendment of s 183 (NERZ)

Section 183(1)—

omit, insert—

'(1) The site senior executive must ensure fixed, mobile and transportable electrical equipment, other than electrical cables, installed or operated in a NERZ at the mine—

(a) is suitable for use in an underground mine; and

(b) either—

(i) is certified as having explosion protection; or

(ii) has a degree of protection of, or equivalent to, at least IP55 under AS 1939.'.

29 Amendment of s 186 (Live testing in an ERZ)

(1) Section 186(2)—

insert—

'(aa) limiting the live testing to extra low voltage and low voltage; and'.

(2) Section 186(2)(b), 'testing'—

omit, insert—

'testing, other than testing of intrinsically safe electrical equipment and installations,'.

(3) Section 186(2)(aa) and (b)—

renumber as section 186(2)(b) and (c).

30 Amendment of s 187 (Live testing in a NERZ)

Section 187(2)(a), after 'to'—

insert—

'extra low voltage and'.

31 Amendment of s 205 (Transporting and storing explosives underground)

Section 205(4)(a), from 'shaft'—

omit, insert—

'shaft or drift driven from the surface; and'.

32 Insertion of new s 221A

Chapter 4, part 7, division 1—

insert—

'221A Application of div 1

'This division does not apply to a drift or shaft being driven from the surface in material other than coal.'.

33 Amendment of s 222 (Gas monitoring system)

Section 222(2)(a), 'continual'—

omit, insert—

'continuous'.

34 Amendment of s 223 (Sampling mine atmosphere)

(1) Section 223(1)—

omit, insert—

'(1) An underground mine's safety and health management system must provide for continuous sampling of the mine atmosphere, using the mine's gas monitoring system, at the return airway of each ventilation split.

'(1A) The safety and health management system must also provide for sampling of the mine atmosphere, using the mine's gas monitoring system, at each of the following places—

(a) the return airway from each unsealed waste, idle workings and goaf area;

(b) the return of each airway at the upcast shaft;

(c) other places stated in the mine's principal hazard management plan for gas monitoring as places where gas monitoring must be carried out.

'(1B) The safety and health management system must also provide for—

(a) continuous monitoring, using the mine's gas monitoring system, to detect products of combustion in the mine atmosphere at the return side of each conveyor belt; and

(b) when the products are detected, the automatic activation of an alarm located on the surface in a position that is generally under observation to warn persons of the products' presence.'.

35 Insertion of new ch 4, pt 7, div 1A

Chapter 4, part 7—

insert—

‘Division 1A Gas monitoring system for drifts driven from mine surface in material other than coal

‘226A Gas monitoring

‘A drift being driven from the surface in material other than coal must contain equipment that—

(a) continuously monitors the atmosphere in the drift to detect products of combustion; and

(b) when the products are detected, automatically activates an alarm that is located in a position to warn persons in the drift.’.

36 Amendment of s 227 (Portable gas detectors)

(1) Section 227(b)—

insert—

‘(iv) being accurate and reliable.’.

(2) Section 227(c)—

omit.

37 Amendment of s 231 (Auxiliary, or booster, fan)

(1) Section 231(2), ‘1.25%’—

omit, insert—

‘2%’.

(2) Section 231(3) and (4)—

omit, insert—

‘(3) For a booster fan, the detector must, when the concentration exceeds 1.25%, automatically activate an audible and visible alarm located in a place that allows the necessary action to be taken promptly.

'(4) If the detector protecting an auxiliary fan fails or is otherwise non-operational, the underground mine manager must ensure that, while the fan is operating, a person—

(a) continuously monitors the general body concentration of methane at the fan by using a portable methane detector that gives an audible and visible alarm when the concentration exceeds 1.25%; and

(b) disconnects the electricity supply to the fan when the concentration exceeds 1.25%.

'(5) This section does not apply to an auxiliary or booster fan for a drift or shaft being driven from the surface in material other than coal.'.

38 Amendment of s 232 (Main exhausting fan)

Section 232(1)—

omit, insert—

'(1) The ventilating air passing through a main exhausting fan must be monitored by at least 1 automatic methane detector to detect the air's general body concentration of methane.'.

39 Amendment of s 234 (Longwall shearer)

(1) Section 234(1), 'Subject to subsection (2), a'—

omit, insert—

'A'.

(2) Subsection (2)—

omit.

(3) Subsection (3)—

renumber as subsection (2).

40 Amendment of s 237 (Explosion protected load-haul dump vehicle powered by a battery or internal combustion engine)

(1) Section 237(1), ', used in an ERZ1'—

omit.

(2) Section 237(3)(b)—

omit, insert—

'(b) either—

(i) trip the electricity supply to the vehicle's electrical motors when the concentration exceeds 2%; or

(ii) stop the vehicle's internal combustion engine when the concentration exceeds 1.25%.'.

41 Replacement of ss 238 and 239

Sections 238 and 239—

omit, insert—

'238 Other explosion protected plant powered by battery or internal combustion engine

'(1) Battery, or internal combustion engine, powered explosion protected plant, other than a load-haul dump vehicle, must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the plant.

'(2) The detector must automatically—

(a) activate a visible alarm to warn the operator when the concentration exceeds 1%; and

(b) either—

(i) trip the electricity supply to the plant's electrical motors when the concentration exceeds 2%; or

(ii) stop the plant's internal combustion engine when the concentration exceeds 1.25%.

'(3) This section does not apply to plant that is being operated—

(a) by a person using a portable methane detector that gives an audible and visible alarm when the concentration exceeds 1% and 1.25%; and

(b) in a location inspected periodically by a person using a portable methane detector.

'(4) In this section—

periodically, for inspecting plant in a location in an ERZ1, means at least twice during a shift, and at intervals of not more than 6 hours.

'239 Other explosion protected electrical plant

'(1) This section applies to explosion protected electrical plant supplied with electricity by a trailing cable, other than plant—

(a) mentioned in sections 233 to 238; or

(b) having explosion protection category Ex ia; or

(c) operated in a NERZ.

'(2) The plant must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the plant.

'(3) The detector must automatically trip the electricity supply to the plant when the concentration exceeds 2%.

'(4) This section does not apply to plant that is being operated—

(a) by a person using a portable methane detector that gives an audible and visible alarm when the concentration exceeds 1% and 1.25%; and

(b) in a location inspected periodically by a person using a portable methane detector.

'(5) In this section—

periodically, for inspecting plant in a location in an ERZ1, means at least twice during a shift, and at intervals of not more than 6 hours.'.

42 Replacement of s 240 (Non-explosion protected vehicle)

Section 240—

omit, insert—

'240 Non-explosion protected plant

'(1) This section applies to non-explosion protected plant powered by a battery, or an internal combustion engine.

'(2) The plant must be fitted with at least 1 automatic methane detector to detect the general body concentration of methane around the plant.

'(3) The detector must automatically—

(a) activate—

(i) a visible alarm to warn the operator when the concentration exceeds 0.25%; and

(ii) an audible or visible alarm to warn the operator when the detector fails in service; and

(b) trip the electricity supply to the plant's electrical motors or stop its internal combustion engine—

(i) when the concentration exceeds 0.5%; and

(ii) within 3 minutes after the detector fails in service.'.

43 Amendment of s 242 (Intake airways)

Section 242—

insert—

'(5) From 3 months after the commencement of this subsection, the alarm mentioned in subsections (2)(a) and (4)(a) must be visible at the interface.'.

44 Replacement of s 248 (Non-explosion protected vehicle powered by a battery or internal combustion engine)

Section 248—

omit, insert—

'248 Non-explosion protected vehicle powered by a battery or an internal combustion engine

'If the automatic methane detector fitted to a non-explosion protected vehicle powered by a battery or an internal combustion engine fails in service, the vehicle operator must immediately park the vehicle.'.

45 Replacement of s 250 (Action to be taken if methane detector activates or is non-operational)

(1) Section 250—

omit, insert—

'250 Action to be taken if methane detector activates or is non-operational

'(1) An underground mine must have a standard operating procedure for taking action when any of the following happens—

(a) an automatic methane detector fitted to a machine, vehicle or plant mentioned in section 233, 234, 235, 236, 237 or 238 trips the electricity supply to the machine, vehicle or plant or stops its internal combustion engine;

(b) a methane detector mentioned in paragraph (a), other than a methane detector fitted to a machine mentioned in section 234, fails in service;

(c) a methane detector located at the interface between a NERZ and an ERZ1, or between adjoining NERZs, fails in service or is being tested or relocated.

'(2) The procedure may provide that, if an event mentioned in subsection (1)(a) or (b) happens to a machine or vehicle (other than a machine mentioned in section 234) in an ERZ1, the methane detector may be temporarily overridden to allow the machine or vehicle to be moved, but only if—

(a) the general body concentration of methane around the machine or vehicle is less than 1.25%; and

(b) a portable methane detector is used to continuously monitor the concentration.

'(3) The procedure may also provide that if an event mentioned in subsection (1)(b) happens to a machine mentioned in section 234, the methane detector may be temporarily overridden to allow the machine or vehicle to be operated to allow movement to a secure place along the face or at the gate ends, but only if—

(a) the general body concentration of methane around the machine is less than 1.25%; and

(b) a portable methane detector is used to continuously monitor the concentration.

'(4) The procedure may also provide that—

(a) if an event mentioned in subsection (1)(b) happens—

(i) the methane detector must be replaced or repaired as soon as practicable but no later than the end of the shift in which the failure happened; and

(ii) if the event happens while the machine, vehicle or plant is being used in a NERZ, the operator may continue to use the machine, vehicle or plant but only if—

(A) the general body concentration of methane around the machine, vehicle or plant is less than 0.5%; and

(B) the place where the machine, vehicle or plant is located is continuously monitored by using a portable gas detector; or

(b) if an event mentioned in subsection (1)(c) happens, the methane detector—

(i) must be replaced or repaired as soon as practicable; and

(ii) may be overridden temporarily to allow operations to continue in the zones until the detector is replaced or repaired, but only if—

(A) a portable methane detector is used to continuously monitor for methane at the interface; and

(B) the electricity supply to the affected zones can be readily tripped when the general body concentration of methane at the interface exceeds 0.5%.'.

46 Amendment of s 252 (General back-up for gas monitoring system)

Section 252(1), from 'state' to 'have'—

omit, insert—

'provide for the use of portable gas detectors'.

47 Amendment of s 259 (Compressed air equipment)

Section 259—

insert—

'(3) This section does not apply to hoses used in the control system of a diesel engine using filtered air.'.

48 Amendment of s 263 (Unauthorised hot work)

Section 263—

insert—

'(2) The underground mine manager must ensure the authorisation is included in the mine record.'.

49 Amendment of s 264 (Notice to inspector of hot work)

Section 264—

insert—

'(2) The notice must identify the risk assessment carried out, as required under the mine's safety and health management system, for the hot work.'.

50 Amendment of s 266 (Safety and health management system for permanent underground workshops)

Section 266(3)(b), from 'the'—

omit, insert—

'a risk assessment.'.

51 Amendment of s 298 (Primary escapeways)

Section 298(1)(a)(i), after 'airway'—

insert—

'or a combination of adjacent intake airways'.

52 Amendment of s 299 (Standard operating procedure)

(1) Section 299, heading—

omit, insert—

'299 Safety of persons when only 1 escapeway available for use'.

(2) Section 299—

insert—

'(2) The mine's safety and health management system must include a standard operating procedure that provides for the safety of persons when an event mentioned in subsection (1) happens.

'(3) The standard operating procedure may provide for the undertaking of activities underground only if the activities are solely connected with—

(a) ensuring the safety of the mine or persons at the mine; or

(b) restoring an escapeway.'.

53 Insertion of new s 299A

Chapter 4, part 10, division 1—

insert—

'299A Application of div 1

'This division does not apply to a drift or shaft being driven from the surface in material other than coal.'.

54 Amendment of s 300 (General)

(1) Section 300(2)—

insert—

'(e) deciding the stonedust or other explosion inhibitor application rate necessary to minimise the risk of a coal dust explosion.'.

(2) Section 300(3)(a)—

omit.

(3) Section 300(3)(c)—

omit, insert—

'(c) applying stonedust or another explosion inhibitor for suppressing coal dust explosion.'.

(4) Section 300(3)(b) and (c)—

renumber as section 300(3)(a) and (b).

(5) Section 300(4)—

omit, insert—

'(4) The procedure must provide for the dust sampling and analysis mentioned in subsection (3)(a) to be carried out at least at the following intervals—

(a) for a strip or spot sample of dust mentioned in section 301(1)(a) or (b)—weekly;

(b) for a strip sample of dust mentioned in section 301(1)(a), (b), (c) or (d)—monthly;

(c) for a strip sample of dust mentioned in section 301(1)(e)—every third month.'.

55 Amendment of s 301 (Incombustible material content for mine roadway dust)

(1) Section 301(1), after 'above'—

insert—

'the following concentration level'.

(2) Section 301(1)(a) to (d), '; or'—

omit, insert—

';'.

56 Amendment of s 302 (Action to be taken if incombustible material content not met)

(1) Section 302(2)(a), 're-stonedusted'—

omit, insert—

're-treated with stonedust or another explosion inhibitor'.

(2) Section 302(2)(b), 're-stonedusted'—

omit, insert—

're-treated'.

57 Amendment of s 309 (Safety and health management system)

(1) Section 309(2), from 'inspections,'—

omit, insert—

'inspections.'.

(2) Section 309—

insert—

'(5) Until the standard operating procedure is implemented, an inspection must be carried out having regard to the frequency stated in a recognised standard for the inspection.'.

58 Amendment of s 325 (Types of seals for particular circumstances and parts of mines)

Section 325(1), 'is of a following type[40]'—

omit, insert—

'is, as a minimum, of a following type[3]'.

3 See schedule 4 (Ventilation control devices and design criteria) for the design criteria for each type.

59 Amendment of s 326 (Notice of intention to seal mine)

Section 326(2), after 'following'—

insert—

', based on a risk assessment process'.

60 Amendment of s 353 (Using fans underground)

Section 353(4), from 'automatically'—

omit, insert—

'ensuring a compressed air powered auxiliary fan is de-energised promptly if the main ventilation system fails.'.

61 Replacement of s 354 (Provision for fans in principal hazard management plan for ventilation)

Section 354—

omit, insert—

'354 Provision for fans in principal hazard management plan for ventilation

'The mine's principal hazard management plan for ventilation must state—

(a) for a main exhausting fan—

(i) the general body concentration of methane in the ventilating air passing through the fan that must not be exceeded before a methane detector monitoring the air automatically activates a visible alarm; and

(ii) the action to be taken if the alarm is activated; and

(b) if a booster fan is used at the mine—

(i) the procedures for using the fan; and

(ii) the action to be taken if a methane detector monitoring the air passing through the fan activates a visible alarm.'.

62 Amendment of s 355 (Auxiliary fans)

Section 355(3), after 'fan'—

insert—

', other than a compressed air powered auxiliary fan,'.

63 Insertion of new s 360A

After section 360—

insert—

'360A Exposure to internal combustion engine pollutants

'The mine's safety and health management system must provide for controlling the exposure of persons to an atmosphere at the mine containing internal combustion engine pollutants.'.

64 Amendment of s 362 (Air distribution)

Section 362—

insert—

'(5) The ventilation officer must also ensure the mine's atmosphere is monitored for internal combustion engine pollutants as required under the mine's safety and health management system.'.

65 Amendment of s 369 (Managing risk from heat)

(1) Section 369(3)—

insert—

'(e) an ERZ controller carrying out an inspection—

(i) for which a risk assessment has been undertaken to identify the hazards associated with the inspection; and

(ii) under the controls agreed between the ERZ controller and mine manager to manage the risk.'.

(2) Section 369—

insert—

'(4) Subsection (3)(e) does not apply to an inspection included in a schedule of inspections mentioned in section 309(4).'.

66 Replacement of sch 1 (Types of serious accidents and high potential incidents for section 198 of the Act)

Schedule 1—

omit, insert—

'Schedule 1 Types of high potential incidents for section 198 of the Act

section 13

1 An unplanned ignition of gas, dust, or a combination of gas and dust.

2 The spontaneous combustion of coal or other material in an underground mine.

3 The entrapment of a person.

4 An electric shock to a person.

5 An event causing the withdrawal of a person from the mine or part of the mine.

6 An abnormal circumstances declaration.

7 An event that causes only 1 escapeway from the mine to be available for use.

8 A fire on a vehicle or plant.

9 An incident involving an explosive.

10 A following incident that endangers the safety or health of a person—

(a) a fire;

(b) a ventilation failure causing a dangerous accumulation of methane or other gas;

(c) an inrush;

(d) a coal or rock outburst;

(e) damage to, or failure of, haulage equipment used to transport a person in a shaft or slope;

(f) an unplanned movement of, or failure to stop, a vehicle or plant;

(g) the failure in service of explosion protection of explosion protected equipment;

(h) a failure of electrical equipment or an electrical installation;

(i) an unplanned ignition or explosion of a blasting agent or explosive;

(j) a failure of strata control;

(k) the exposure of a person to a hazardous substance;

(l) an unforeseen hazard requiring a review of the mine's safety and health management system;

(m) the unplanned immersion of a person in liquid;

(n) an unplanned movement of earth or coal;

(o) a structural failure of equipment;

(p) a collision involving a vehicle or plant.'.

67 Insertion of new sch 2A

After schedule 2—

insert—

‘Schedule 2A Prohibited substances

section 100A

Column 1 Prohibited substance	Column 2 Prohibited purpose
amosite, crocidolite, fibrous anthophyllite, tremolite or actinolite	all uses, other than sampling, analysis, maintenance, removal, disposal, encapsulation or enclosure
chrysotile, other than chrysotile occurring in a product or item exempted under NOHSC’s document entitled ‘National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005]’, schedule 2	all uses, other than research, analysis, removal or disposal
compressed natural gas, hydrogen, liquid petroleum gas, petrol	use underground in an internal or external combustion engine’.

68 Amendment of sch 6 (General body concentrations for atmospheric contaminants)

(1) Schedule 6, entry for ‘formaldehyde’, column 2, ‘1.2 ppm’—

omit, insert—

‘1 ppm’.

(2) Schedule 6, entry for ‘formaldehyde’, column 3, ‘2.5 ppm’—

omit, insert—

‘2 ppm’.

69 Amendment of sch 7 (Prescribed tasks for section 76(3)(a) of the Act)

Schedule 7, item 2—

omit, insert—

'2 Certifying survey plans for—

(a) surface mines; or

(b) underground mines.'.

70 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definitions *extra low voltage*, *high voltage*, *low voltage* and *regular periodic inspection*—

omit.

(2) Schedule 9—

insert—

'***AS/NZS*** means a standard published jointly by Standards Australia and Standards New Zealand.

asbestos means the fibrous form of the mineral silicates belonging to the serpentine and amphibole groups of rock-forming minerals and includes—

(a) actinolite, amosite (brown asbestos), anthophyllite, crocidolite (blue asbestos), chrysotile (white asbestos) and tremolite; and

(b) any mixture containing 1 or more of the minerals mentioned in paragraph (a).

asbestos material means installed thermal or acoustic insulation material comprising or containing asbestos.

explosion protection category Ex l means explosion protection category Ex l under AS/NZS 62013.1 'Caplights for use in mines susceptible to firedamp', section 3.3.

extra low voltage means a voltage of—

(a) 50 V or less a.c. r.m.s; or

(b) 120 V or less ripple-free d.c.

high voltage means a voltage greater than low voltage.

live testing—

1 *Live testing*, of electrical equipment or an electrical installation, means testing the equipment or installation while—

(a) some or all of it is energised; and

(b) live conductors may be exposed.

2 However, the term does not include testing the equipment or installation, under an isolation procedure, for zero potential.

low voltage means a voltage greater than extra low voltage, but not more than 1 200 V a.c. r.m.s. or 1 500 V ripple-free d.c.

regular periodic inspection, for an underground mine, means a regular periodic inspection mentioned in section 307.'.

Part 3 Amendment of Mining and Quarrying Safety and Health Regulation 2001

71 Regulation amended in pt 3 and schedule

This part and the schedule amend the *Mining and Quarrying Safety and Health Regulation 2001*.

72 Amendment of s 4 (Ways of achieving an acceptable level of risk)

Section 4(1), from 'sections' to 'prescribes'—

omit, insert—

'sections 60B(1), 60C(2), 87(5), 120(1) and (2), 131(6) and 138(3),[4] prescribes'.

73 Insertion of new s 12A

After section 12—

insert—

'12A Prescribed types of high potential incidents—Act, s 195

'A type of high potential incident mentioned in schedule 1[5] is prescribed for section 195(2)(b)[6] of the Act.'.

74 Insertion of new s 26A

After section 26—

insert—

'26A Basic safety principle

'(1) A person carrying out or preparing to carry out work on or near electrical equipment must treat each exposed electrical conductor as live until it is—

(a) isolated and proved to be de-energised; and

(b) if it is a high voltage conductor, earthed.

'(2) In this section—

electrical equipment means an item used for generating, converting, transmitting, distributing or using electrical energy.

high voltage means a voltage of more than 1 200 V.'.

---

4 Sections 60B (Notifying chief inspector if mine is a major hazard facility or a possible major hazard facility), 60C (Notifying chief inspector of certain upgrades of mines), 87 (Assessing workers to decide fitness level), 120 (Confidentiality of worker's medical record), 131 (Health assessment of workers) and 138 (Health surveillance)

5 Schedule 1 (Types of high potential incidents for section 195 of the Act)

6 Section 195 (Notice of accidents, incidents or diseases) of the Act

75 Amendment of s 32 (Risk management for emergencies)

(1) Section 32(1)(b)—

renumber as section 32(1)(c).

(2) Section 32(1)—

insert—

'(b) detect emergencies; and'.

76 Omission of s 34 (Emergency preparedness for dangerous goods)

Section 34—

omit.

77 Amendment of s 36 (Evacuation)

Section 36(2)—

insert—

'(f) a means of knowing the names and approximate location of all persons underground.'.

78 Insertion of new s 36A

After section 36—

insert—

'36A Escapeways from underground

'(1) The underground mine manager or, if there is no underground mine manager, the site senior executive, must ensure that, before stoping operations start at the mine, the mine has at least 2 trafficable egresses (the ***escapeways***), complying with subsection (2), accessible from all stoping operations to the surface.

'(2) The escapeways must—

(a) be located strategically to manage risk; and

(b) allow for the passage of rescue persons and rescue equipment, including stretchers; and

(c) be separated in such a way that an event happening in 1 of the escapeways would not prevent persons escaping through the other escapeway.

'(3) However, if the mine is operational at the commencement and does not have the escapeways mentioned in subsection (1), the subsection does not apply to the mine until the end of 1 year after the commencement.

'(4) For a mine mentioned in subsection (3), the site senior executive must, within 1 month after the commencement, notify an inspector for the region about how and when the escapeways will be established.

'(5) The underground mine manager or, if there is no underground mine manager, the site senior executive, must ensure each of the escapeways is—

(a) maintained in a safe, accessible and usable condition; and

(b) adequately marked or signposted, having regard to the potential for reduced visibility in an emergency.

'(6) In this section—

commencement means the commencement of this section.'.

79 Amendment of s 56 (Storing and handling hazardous substances and dangerous goods)

Section 56(2), from 'under any'—

omit, insert—

'in a way having regard to NOHSC's document entitled 'National Code of Practice for the Storage and Handling of Dangerous Goods [NOHSC:2017]'.'.

80 Amendment of s 58 (Dealing with leaks and spills)

Section 58(2), from 'any'—

omit, insert—

'NOHSC's document entitled 'National Code of Practice for the Storage and Handling of Dangerous Goods [NOHSC:2017]'.'.

81 Replacement of s 60 (Possible major hazard facilities)

Section 60—

omit, insert—

'60 Meaning of *major hazard facility*

'(1) A mine is a ***major hazard facility*** if—

(a) operations carried on at the mine involve, temporarily or permanently, a quantity of material (other than material in transit) exceeding the corresponding threshold or aggregate quantity for the material worked out under the major hazard facilities standard, schedule 1;[7] and

(b) a hazardous materials emergency at the mine could pose an unacceptable level of risk to persons, property or the environment outside the mine.

'(2) In this section—

hazardous materials emergency, see the *Dangerous Goods Safety Management Act 2001*, schedule 2.[8]

'60A Meaning of *possible major hazard facility*

'(1) A mine is a ***possible major hazard facility*** if relevant operations carried on, or intended to be carried on, at the mine involve or are likely to involve, temporarily or permanently, a quantity of material (other than material in transit) exceeding

7 Major hazard facilities standard, schedule 1 (The identification of a major hazard facility)

8 *Dangerous Goods Safety Management Act 2001*, schedule 2—

hazardous materials emergency, at a place, means a situation involving hazardous materials or suspected hazardous materials at the place that includes a loss of control, or an imminent risk of loss of control, of the materials or a loss of control of anything that may impact on the materials if the loss of control causes, or the loss of control or imminent risk of loss of control has the potential to cause, material harm to persons, property or the environment.

the corresponding threshold or aggregate quantity for the material worked out under the major hazard facilities standard, schedule 1.

'(2) In this section—

relevant operations means operations other than the preparation and use of explosives at a blast site.

'60B Notifying chief inspector if mine is a major hazard facility or a possible major hazard facility

'(1) The site senior executive for a mine that is a major hazard facility or possible major hazard facility must notify the chief inspector about the mine as required under subsection (2).

Maximum penalty—200 penalty units.

'(2) Notification under subsection (1) must—

(a) be in the approved form; and

(b) be given—

(i) for a mine that is operational at the commencement—within 3 months after the commencement; or

(ii) for a mine that starts operations within 12 months after the commencement—

(A) at least 2 months before the mine starts operations; or

(B) if the mine starts operations sooner than 2 months after the commencement—within 7 days after the commencement; or

(iii) for a mine that starts operations more than 12 months after the commencement—at least 6 months before the mine starts operations.

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

'(4) In this section—

commencement, means the commencement of this section.

‘60C Notifying chief inspector of certain upgrades of mines

‘(1) This section applies to a mine, other than a mine that is a major hazard facility, if there is a change in relation to the mine involving the mine becoming a major hazard facility or a possible major hazard facility.

‘(2) The site senior executive must notify the chief inspector about the mine as required under subsection (3).

Maximum penalty—200 penalty units.

‘(3) Notification under subsection (2) must be in the approved form and—

(a) if the change happens within 12 months after the commencement, be given to the chief inspector—

(i) for a mine that starts operations as an upgraded mine within 2 months after the commencement—within 7 days after the commencement; or

(ii) otherwise—at least 2 months before the mine starts operations as an upgraded mine; or

(b) if the change happens more than 12 months after the commencement, be given to the chief inspector at least 6 months before the mine starts operations as an upgraded mine.

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

‘(5) In this section—

commencement, means the commencement of this section.

upgraded mine means a mine that, as a result of a change in relation to the mine, is a major hazard facility or a possible major hazard facility.

‘60D Notifying chief inspector of certain downgrades of mines

‘(1) This section applies to a mine if—

(a) under section 60B or 60C, a notification (the ***original notice***) has been given about the mine; and

(b) a change proposed in relation to the mine will result in the mine being downgraded, for at least 6 months, from its classification as a major hazard facility or possible major hazard facility stated in the original notice.

'(2) The site senior executive may, in the approved form, notify the chief inspector about the change.

'(3) Despite sections 60 and 60A, until the chief inspector is given a notification under subsection (2), the mine is taken to continue to be a major hazard facility or possible major hazard facility as stated in the original notice.

'60E Safety and health management system for mine that is a major hazard facility

'(1) The site senior executive for a mine that is a major hazard facility must ensure the mine's safety and health management system complies with—

(a) the Act and this regulation; and

(b) the national standard safety and health provisions—

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

(ii) as if a reference in the provisions—

(A) to the relevant public authority were a reference to the chief inspector of mines; and

(B) to the operator, employer, occupier or person who has overall management and control of a major hazard facility were a reference to the site senior executive; and

(C) to the safety management system were a reference to the safety and health management system.

'(2) In this section—

national standard safety and health provisions means the major hazard facilities standard, sections 6 to 13.

‘60F Safety report to chief inspector

‘(1) The site senior executive for a mine that is a major hazard facility must give a written report (a ***safety report***) to the chief inspector as required under subsection (2).

‘(2) The safety report—

(a) must comply with the major hazard facilities standard, section 7;[9] and

(b) must be given within 16 months after a notice, identifying the mine as a major hazard facility, is given to the chief inspector under section 60B(1) or 60C(2).’.

82 Replacement of s 64 (Persons who may handle or use explosives)

Section 64—

omit, insert—

‘64 Persons who may handle explosives

‘(1) A person must not handle an explosive at a mine unless the person—

(a) is authorised in writing by the mine’s site senior executive or underground mine manager (the ***authorising person***) to carry out the handling activity; or

(b) carries out the handling activity under the direct supervision of a person authorised under paragraph (a).

‘(2) A person may be authorised under subsection (1)(a) only if—

(a) the person holds a current shotfirer’s licence under the *Explosives Act 1999* that is applicable to the mine’s operations; or

(b) the authorising person is satisfied the person—

(i) has the competency accepted by the council as qualifying the person to carry out the handling activity; or

9 Major hazard facilities standard, section 7 (Safety reports)

(ii) has satisfactorily completed a competency based training program for carrying out the handling activity and is competent to carry it out.

'(3) The authorisation must state the handling activities the person is authorised to carry out.

'(4) A copy of each authorisation given under subsection (1) is prescribed for section 59(1)(e)[10] of the Act as a matter that must be included in the mine record.

'(5) In this section—

handle, an explosive, includes manufacture, possess, store, transport, prepare for use, use, or dispose of, the explosive.

handling activity, for an explosive, includes the manufacture, possession, storage, transportation, preparation for use, use, or disposal of, the explosive.'.

83 Amendment of s 67 (Storing, transporting, using and disposing of explosives)

(1) Section 67(1), from 'for'—

omit, insert—

'for—

(a) the safe and secure storage and transport of explosives at the mine; and

(b) the safe use and disposal of the explosives.'.

(2) Section 67(2), from 'explosives'—

omit, insert—

'matters mentioned in subsection (1)(a) and (b).'.

84 Replacement of s 68 (Vehicles and equipment used for handling and transporting explosives)

Section 68—

omit, insert—

10 Section 59 (Mine record) of the Act

‘68 Mine vehicles and equipment used for manufacturing, storing and transporting explosives

‘(1) The site senior executive must ensure mine vehicles and equipment used to manufacture, store or transport explosives at the mine are equipped, maintained and inspected to manage the risk of fire or explosion.

‘(2) The site senior executive must ensure mine vehicles and equipment used to manufacture, store or transport explosives at the mine are—

(a) in sound mechanical condition and repair; and

(b) designed, maintained and used in a way that protects the explosives against friction, heat, incompatible materials, pressure, shock, sparks and extraneous electricity; and

(c) designed and maintained to provide adequate segregation of detonators from other explosives during manufacture, storage or transport.

‘(3) The site senior executive must ensure that, before a mine vehicle or equipment that has been used to manufacture, store or transport explosives at the mine is repaired on site or sent off site for repair, it is—

(a) thoroughly cleaned; and

(b) inspected by a person who has the necessary competence; and

(c) certified to be free of explosive residues.

‘(4) In this section—

Australian explosives code means the second edition of the ‘Australian Code for the Transport of Explosives by Road and Rail’ (2000) published by the Department of Transport and Regional Services (Cwlth).

mine vehicle means a vehicle at a mine, other than—

(a) a road vehicle or vehicle as defined under the ADG Code; or

(b) a special vehicle or vehicle as defined under the Australian explosives code.’.

85 Amendment of s 69 (Identifying interaction hazards before explosives are used)

(1) Section 69(2)(f), second occurring, and (i)—

renumber as section 69(2)(g) and (j).

(2) Section 69(2)—

insert—

'(i) energy originating from friction, impact, static and heat;'.

86 Amendment of s 73 (Disposing of explosives)

(1) Section 73(1), from 'with'—

omit, insert—

'with AS 2187.'.

(2) Section 73(3), from 'must ensure'—

omit, insert—

'must ensure that all explosives at the mine are—

(a) located and accounted for; and

(b) either removed from site, or disposed of under subsection (1) or (2).

'(4) For subsection (3)(a), accounting for all explosives at the mine includes detailing, through appropriate record keeping, what has happened to all explosives that have been transported to the mine or manufactured at the mine.'.

87 Amendment of s 76 (Underground magazine design)

(1) Section 76(a)(i)—

omit, insert—

'(i) protected against friction, impact, static and heat; and'.

(2) Section 76(c), before 'atmospheric'—

insert—

'when a person is present in the magazine, the'.

(3) Section 76(d), 'explosive handling equipment'—

omit, insert—

'equipment used for moving or storing explosives'.

88 Insertion of new s 79A

Chapter 2, part 7—

insert—

'79A Accountability for explosives

'(1) A person at a mine who has the immediate custody or control of any explosives, whether for the purpose of storing, transporting, using or disposing of the explosives or for another purpose, must ensure that the following requirements are complied with—

(a) if the person takes the explosives from storage at the mine, the person must either—

(i) deliver the explosives to a person authorised to receive them, and account for them on delivery; or

(ii) use the explosives, and account for their use;

(b) if the person transports the explosives at the mine, the person must deliver them to a person designated to receive them, and must account for the explosives both when received for transport and when delivered;

(c) if the person uses the explosives, the person must—

(i) account for the explosives; and

(ii) return all explosives that are surplus to what is required to their storage location, and account for them;

(d) the person must account for the explosives if they are destroyed or disposed of.

'(2) If the person can not properly account for any of the explosives in accordance with the requirements of

subsection (1), the person must report the failure, using the system or written procedure established under section 79.

'(3) In this section—

account for, in relation to explosives, means—

(a) accurately detail, through appropriate record keeping, what happens to the explosives; and

(b) provide enough information for detecting theft or other loss under the system or written procedure established under section 79.'.

89 Replacement of s 149 (Places declared to be, or not to be, mines—Act, s 9)

Section 149—

omit, insert—

'149 Declarations about mines—Act, s 9

'(1) For section 9(1)(e)[11] of the Act, each place mentioned in schedule 4, part 1, is declared to be a mine.

'(2) For section 9(4) of the Act, each place mentioned in schedule 4, part 2, is declared to be a mine or part of a mine to which the Act does not apply.'.

90 Replacement of schs 1–3

Schedules1 to 3—

omit, insert—

'Schedule 1 Types of high potential incidents for section 195 of the Act

section 12A

11 Section 9 (Meaning of *mine*) of the Act

1 Theft or other loss of explosive.

2 The entrapment of a person.

3 An incident causing an emergency evacuation of the mine or part of it, other than as part of a training exercise.

4 A catastrophic or major structural failure of plant.

5 One of the following incidents, if the incident has the potential to cause a significant adverse effect on the safety or health of a person—

(a) a fire;

(b) an inrush;

(c) damage to, or failure of, haulage winding of lifting equipment;

(d) an unplanned movement of, or a failure to stop, a vehicle;

(e) the failure in service of explosion protection or explosive protected plant;

(f) a failure of electrical equipment or an electrical installation;

(g) a failure of ground control support or reinforcement;

(h) the exposure of a person to a hazardous substance;

(i) an electric shock to a person;

(j) an unplanned immersion of a person in liquid or fluid;

(k) an unplanned movement of earth or rock;

(l) a structural failure of plant;

(m) an unplanned ignition or explosion of gas, dust or explosive;

(n) a spontaneous combustion of a material in an underground mine;

(o) an unforeseen incident that the site senior executive considers appropriate to be reported.

‘Schedule 1A Types of serious accidents and high potential incidents

section 13

‘Part 1 Types for section 197(1) of the Act

1 A type of high potential incident mentioned in schedule 1.

2 An incident causing the death of a person.

3 An incident causing a person to be admitted to a hospital as an in-patient for treatment.

4 An incident causing a person to suffer an injury causing, or likely to cause, a permanent injury to the person’s health.

5 An incident causing a person to become unconscious.

‘Part 2 Types for section 198(1)(c) of the Act

A type of serious accident or high potential incident mentioned in part 1 of this schedule.

‘Schedule 2 Prohibited substances

section 148

Column 1 Prohibited substance	Column 2 Prohibited purpose
amosite, crocidolite, fibrous anthophyllite, tremolite or actinolite	all uses, other than sampling, analysis, maintenance, removal, disposal, encapsulation or enclosure
chrysotile, other than chrysotile occurring in a product or item exempted under NOHSC’s document entitled ‘National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005]’, schedule 2	all uses, other than research, analysis, removal or disposal
compressed natural gas, hydrogen, liquid petroleum gas, petrol	use underground in an internal or external combustion engine

‘Schedule 3 Declarations about mines

section 149

‘Part 1 Places declared to be mines

University of Queensland mine located at 40 Isles Road, Indooroopilly.

‘Part 2 Mines or parts of mines to which Act does not apply

A part of a mine where electrical works owned by an electricity entity, other than Comalco Aluminium Limited ABN 51 009 679 127, are located.’.

91 Amendment of sch 4 (General exposure limits for hazards)

(1) Schedule 4, section reference, ‘schedule 6’—

omit, insert—

‘schedule 7’.

(2) Schedule 4—

insert—

‘respirable dust	5 mg/m3’.

92 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definitions *national code of practice* and *national standard—*

omit.

(2) Schedule 6—

insert—

‘***atmospheric contaminants guidance note*** means NOHSC’s document entitled ‘Guidance Note on the Interpretation of Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:3008]’.

electrical works, for schedule 4, part 2, means electrical equipment and electric line associated equipment within the meaning of the *Electrical Safety Act 2002*.

electricity entity, for schedule 4, part 2, has the meaning given by the *Electrical Safety Act 2002*.

inspirable dust see the atmospheric contaminants guidance note, chapter 14.

in transit, for material at a mine, means—

(a) at the mine for not more than 5 days; and

(b) not used or to be used at the mine; and

(c) if supplied in tanks or packages, supplied in tanks or packages that are not opened.

major hazard facilities standard means NOHSC's document entitled 'National Standard for the Control of Major Hazard Facilities [NOHSC:1014]'.

major hazard facility see section 60.

manufacture an explosive, means manufacture it within the meaning of the *Explosives Act 1999*.

possess an explosive, means possess it within the meaning of the *Explosives Act 1999*.

possible major hazard facility see section 60A.

respirable dust see the atmospheric contaminants guidance note, chapter 14.

respirable synthetic mineral fibre see the atmospheric contaminants guidance note, chapter 14.

store an explosive, means store it within the meaning of the *Explosives Act 1999*.'.

(3) Schedule 6, definition *asbestos,* paragraph (a), '(white asbestos),'—

omit, insert—

'(white asbestos) and'.

Schedule Other amendments

sections 2 and 68

Coal Mining Safety and Health Regulation 2001

1 Section 14(2), 'section 201(1)'—

omit, insert—

'section 201(1)(c)'.

2 Sections 185(1), 190, 191, 192(1), (2) and (3), 193, 194 and 195, 'site senior executive'—

omit, insert—

'electrical engineering manager'.

3 Section 81, heading, 'to meet'—

omit, insert—

'**meet**'.

4 Section 92(4)(a) and (6), 'lift boxes'—

omit, insert—

'work boxes'.

5 Section 134, from 'The' to 'has'—

omit, insert—

'A surface mine must have'.

Schedule (continued)

6 Chapter 4, part 3, division 2, heading 'air locks'—

omit, insert—

'**airlocks**'.

7 Sections 157(1), 199, 200(1), 205(1), 210, 228(1) and (2), 252(3) and 293(3), 'site senior executive'—

omit, insert—

'underground mine manager'.

8 Section 157(2), 'also'—

omit.

9 Sections 181(a) and 227(b)(i) and schedule 7, item 7, 'underground coal mine'—

omit, insert—

'underground mine'.

10 Sections 218(c) and 219(c)—

omit.

11 Chapter 4, part 7, heading, 'system'—

omit.

12 Chapter 4, part 7, division 2, subdivision 2, heading, 'fitted with'—

omit, insert—

'**protected by**'.

Schedule (continued)

13 Sections 230 and 231(1), 'fitted with'—

omit, insert—

'protected by'.

14 Section 255, before 'alloy'—

insert—

'aluminium'.

15 Section 367(1)(c), 'ark'—

omit, insert—

'arc'.

16 Schedule 9, definition *heading*, 'seal'—

omit, insert—

'seam'.

Mining and Quarrying Safety And Health Regulation 2001

1 Section 3 and schedule 4, section reference, 'schedule 6'—

omit, insert—

'schedule 7'.

2 Section 13, 'schedule 1'—

omit, insert—

'schedule 2'.

Schedule (continued)

3 Section 44(1), after 'prevent'—

insert—

'or control'.

4 Section 100(2), definition *reliability*—

omit.

5 Section 104(2)(b)(i), 'access and egress to'—

omit, insert—

'access to and egress from'.

6 Section 148, 'schedule 2'—

omit, insert—

'schedule 3'.

7 Section 151, 'schedule 5'—

omit, insert—

'schedule 6'.

8 Schedule 6, definition *general exposure limit*, 'schedule 4'—

omit, insert—

'schedule 5'.

9 Schedules 1A to 6—

renumber as schedules 2 to 7.

ENDNOTES

1 Made by the Governor in Council on 14 October 2004.

2 Notified in the gazette on 15 October 2004.

3 Laid before the Legislative Assembly on . . .

4 The administering agency is the Department of Natural Resources, Mines and Energy.