

# **Coal Mining Safety and Health and Other Legislation Amendment Regulation (No. 1) 2013**

Explanatory notes for SL 2013 No. 302

made under the

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

## **General Outline**

### **Short title**

*Coal Mining Safety and Health and Other Legislation Amendment Regulation 2013*

### **Authorising law**

Section 282 of the *Coal Mining Safety and Health Act 1999* and section 262 of the *Mining and Quarrying Safety and Health Act 1999*

### **Policy objectives and the reasons for them**

The amendments to the *Coal Mining Safety and Health Regulation 2001* are intended to clarify requirements for sealing each entrance to an underground coal mine. This relates to controlling an underground fire and minimum strength standards for seals at entrances to withstand an explosion should one eventuate.

The current provisions require a type E seal at each entrance, however, some stakeholders have a different interpretation. They are installing a seal at only one mine entrance.

The fundamental safety aspect being addressed is that all mine entrances need to be capable of being sealed to keep oxygen out of the mine in the event of a fire and that, once sealed, if an explosion occurs the seal is capable of withstanding a maximum pressure pulse of 70 kPa from within the mine.

This has resulted in unnecessary debate about interpreting the provisions. It is essential that adequate seals be used for each entrance to a mine. This was always the intent of the

legislation as confirmed by a review of records from the original drafting of the legislation.

The amendments make it clear that a type E seal be used for sealing each entrance to a mine. A type E seal is currently defined in schedule 4 to mean a seal capable of withstanding an overpressure of 70kPa. The amendments will also allow for incorporation of pressure relief for overpressures greater than 70kPa.

The amendment of the *Mining and Quarrying Safety and Health Regulation 2001* is intended to update the relevant corporate name referred to in schedule 4 from Comalco Aluminium Limited ABN 51 009 679 127 to RTA Weipa ABN 54 137 266 285 following a restructure. This amendment is a consequential amendment to confirm the regulatory status quo, following the amendment of the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (Comalco Act) and Rio Tinto Alcan restructuring.

## **Achievement of policy objectives**

The policy objectives are achieved by clarifying or updating the provisions.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the main objectives of the *Coal Mining Safety and Health Act 1999* and of the *Mining and Quarrying Safety and Health Act 1999* to protect the safety and health of persons at mines and persons who may be affected by mining operations and to require that risk of injury of any person resulting from operations be at an acceptable level.

## **Inconsistency with policy objectives of other legislation**

The amendment regulation is consistent with the policy objectives of other legislation. Amendment of the *Mining and Quarrying Safety and Health Regulation 2001* updates the relevant corporate name from Comalco Aluminium Limited ABN 51 009 679 127 to RTA Weipa ABN 54 137 266 285 following a restructure. This amendment is a consequential amendment to confirm the regulatory status quo, following the amendment of the *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957* (Comalco Act) and Rio Tinto Alcan restructuring. The amendment to update the corporate name is consistent with the associated consequential amendment updating the corporate name in the *Electrical Safety Regulation 2013*.

## **Benefits and costs of implementation**

The benefits of implementation will be clearer regulations providing greater certainty about requirements for stakeholders. There will be no costs of implementation as the amendments are clarifying existing requirements.

## **Consistency with fundamental legislative principles**

The amendment regulation is consistent with fundamental legislative principles.

## **Consultation**

The Department of Natural Resources and Mines has consulted with the Queensland Resources Council and the Construction Forestry Mining Energy Union about the amendments to the *Coal Mining Safety and Health Regulation 2001* including through technical working group meetings.

The Department of Natural Resources and Mines has consulted with Rio Tinto Alcan about the amendment to the *Mining and Quarrying Safety and Health Regulation 2001*.

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