

Guide

Summary of changes to WHS (Mines) Regulation

WHS (Mines) Regulation 2014 as at 1 February 2016

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This publication provides a general summary of some of the provisions under the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (WHS laws) as interpreted by the Department of Industry, Skills and Regional Development at the time of writing (February 2016). Compliance with the WHS laws is a legal requirement. This publication does not provide or purport to provide legal advice. Users are reminded of the need to ensure that the information upon which they rely is up to date by checking the currency of the information at the Department of Industry, Skills and Regional Development website or with the user's independent legal advisor.

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Note:

Under the column “Provisions amended as at 1/2/16”:

- “Yes” indicates amendments that apply to mines and petroleum sites.
- “Yes – consequential” indicates amendments have been made to apply the existing provision to petroleum sites as well.
- “Yes – minor” indicates minor editorial amendments.

The shaded areas indicate provisions that are not relevant to petroleum sites.

Clause	<i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i>	Provisions amended as at 1/2/16	Provisions apply to petroleum sites
	Part 1 Preliminary		
1	Name of Regulation	No	Yes
2	Commencement	No	Yes
3	Definitions	Yes	Yes
4	Expressions used in WHS Regulations	Yes	Yes
5	Meaning of principal hazard	Yes - consequential	Yes
	Part 1A Appointment of operator		
	Division 1 Mines		
6	Appointment of mine operator	Yes	No
7	Notification of mine operator to regulator	Yes	No
8	Regulator may direct that one or more mine operators be appointed	No	No
	Division 2 Petroleum Sites		
8A	Appointment of petroleum site operator	Yes - consequential	Yes
8B	Notification of petroleum site operator to regulator	Yes - consequential	Yes
8C	Regulator may direct that one or more petroleum site operators be appointed	Yes - consequential	Yes
	Part 2 Managing risks		
	Division 1 General requirements		
	Subdivision 1 Control of Risk		
9	Management of risks to health and safety	Yes - consequential	Yes
10	Review of control measures	Yes - consequential	Yes
11	Record of certain reviews of control measures - operator	Yes - consequential	Yes
12	Record of certain reviews of control measures—other persons conducting a business or undertaking	Yes - consequential	Yes
	Subdivision 2 Safety management system		
13	Duty to establish and implement safety management system	Yes - consequential	Yes
14	Content of safety management system	Yes - consequential	Yes
15	Performance standards and audit	Yes - consequential	Yes
16	Maintenance	Yes - consequential	Yes
17	Review	Yes - consequential	Yes
	Subdivision 3 Information to adjoining operators		
18	Duty to provide information to operator of adjoining mine or petroleum site	Yes - consequential	Yes
	Subdivision 4 Contractors		
19	Definition	Yes - consequential	Yes
20	Duty on operator to provide information to contractor	Yes - consequential	Yes
21	Duty on contractor to provide information to operator	Yes - consequential	Yes
22	Contractor to prepare plan or use safety management system	Yes - consequential	Yes

Clause	<i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i>	Provisions amended as at 1/2/16	Provisions apply to petroleum sites
	Division 2 Principal hazard management plans		
	Subdivision 1 Identification of hazards		
23	Identification of principal hazards and conduct of risk assessments	Yes - consequential	Yes
	Subdivision 2 Principal hazard management plans		
24	Preparation of principal hazard management plans	Yes - consequential	Yes
25	Review	Yes - consequential	Yes
	Division 3 Principal control plans		
26	Principal control plans	Yes - consequential	Yes
	Division 4 Specific control measures—all mines and petroleum sites		
	Subdivision 1 Operational controls		
27	Communication between outgoing and incoming shifts	Yes - consequential	Yes
28	Movement of mobile plant	Yes - consequential	Yes
29	Operation of belt conveyors	Renumbered as clause 44A	No
30	Mining induced seismic activity	Renumbered as clause 44B	No
31	Explosives and explosive precursors	Yes - consequential	Yes
32	Electrical safety	Yes - consequential	Yes
33	Notification of high risk activities	Yes - consequential	Yes
34	Prohibited uses and substances	Yes - consequential	Yes
35	Closure, suspension or abandonment of mine or petroleum site	Yes - consequential	Yes
36	Minimum age to work at mine or petroleum site	Yes - consequential	Yes
37	Inspections	No	No
	Subdivision 2 Air quality and monitoring		
38	Temperature and moisture content of air	Yes - consequential	Yes
39	Ensuring exposure standards for dust not exceeded	Yes - consequential	Yes
40	Monitoring exposure to airborne dust	Yes - consequential	Yes
41	Air monitoring—use of devices	Yes - consequential	Yes
42	Air monitoring—signage	Yes - consequential	Yes
	Subdivision 3 Fitness for work		
43	Fatigue	Yes - consequential	Yes
44	Alcohol and drugs	Yes - consequential	Yes
	Division 4A Specific control measures – all mines		
44A	Operation of belt conveyors	Previously clause 29 Yes - minor	No
44B	Mining induced seismic activity	Previously clause 30 Yes - minor	No
	Division 5 Specific control measures—underground mines		
	Subdivision 1 All underground mines—operational controls		
45	Inrush hazards	Yes - minor	No
46	Connecting workings	No	No
47	Winding systems	No	No
48	Ropes	No	No
49	Operation of shaft conveyances	No	No
50	Dust explosion	No	No
51	Communication systems	No	No
52	Ground and strata support	No	No
53	Exhaust emissions and fuel standards	No	No

Clause	<i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i>	Provisions amended as at 1/2/16	Provisions apply to petroleum sites
	Subdivision 2 All underground mines—air quality and ventilation		
54	Air quality—airborne contaminants	No	No
55	Air quality—minimum standards for ventilated air	No	No
56	Air monitoring—air quality	No	No
57	Requirements if air quality and air safety standards not met	Yes - minor	No
58	Records of air monitoring	Yes - minor	No
59	Ventilation system—further requirements	No	No
60	Monitoring and testing of ventilation system	No	No
61	Modelling to take place before changes to ventilation system	No	No
62	Duty to prepare ventilation control plan	No	No
63	Review of ventilation control plan	No	No
64	Ventilation plan	No	No
	Subdivision 3 Underground coal mines		
65	Coal dust explosion	Yes	No
66	Spontaneous combustion	Yes - minor	No
67	Subsidence	Yes - minor	No
68	Sealing	No	No
69	Light metal alloys	No	No
70	Goaf areas and abandoned or sealed workings	No	No
71	Ventilation	No	No
72	Control and monitoring of methane levels	No	No
73	Gas monitoring	No	No
74	Portable gas detectors	No	No
75	Sampling and analysis of exhaust emissions	No	No
76	Requirements if air quality or safety standards not met	No	No
77	Post incident monitoring	No	No
78	Use of plant in hazardous zone (explosion-protection required)	No	No
79	Exceptions to explosion-protection requirements	No	No
80	Use of cables in hazardous zone	No	No
81	Internal combustion engines	No	No
82	Electrical safety—testing circuits in hazardous zone	No	No
83	Electrical safety—static charges	No	No
84	Persons required to be on duty	No	No
	Subdivision 4 All coal mines		
85	Inspection plan	No	No
86	Sampling and analysis of airborne dust	No	No
87	Ventilation and belt conveyor components to be FRAS	No	No
	Division 6 Emergency management		
	Subdivision 1 Emergency plans		
88	Duty to prepare emergency plan	Yes - consequential	Yes
89	Consultation in preparation of emergency plan	Yes - minor	No
90	Implementation of emergency plan	Yes - consequential	Yes
91	Copies to be kept and provided	Yes - consequential	Yes
92	Resources for emergency plan	Yes - consequential	Yes
93	Testing of emergency plan	Yes - consequential	Yes
94	Review	Yes - consequential	Yes
95	Training of workers	Yes - consequential	Yes
	Subdivision 2 Underground mines		
96	Emergency exits	No	No
97	Safe escape and refuge	No	No
98	Signage for emergency refuge	No	No
99	Signage for caches, refill stations and change-over stations	No	No

Clause	<i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i>	Provisions amended as at 1/2/16	Provisions apply to petroleum sites
100	Self-rescuers	No	No
101	Personal protective equipment in emergencies	No	No
102	Competent persons at surface	No	No
	Division 7 Information, training and instruction		
103	Duty to inform workers about safety management system	Yes - consequential	Yes
104	Duty to provide information, training and instruction	Yes - consequential	Yes
105	Duty to provide induction for workers	Yes - consequential	Yes
106	Information for visitors	Yes - consequential	Yes
107	Review of information, training and instruction	Yes - consequential	Yes
108	Record of training	Yes - consequential	Yes
	Part 3 Health monitoring		
109	Health monitoring of worker	No	No
110	Duty to inform of health monitoring	No	No
111	Duty to ensure health monitoring is carried out or supervised by registered medical practitioner with experience	No	No
112	Duty to pay costs of health monitoring	No	No
113	Duty to provide registered medical practitioner with information	No	No
114	Health monitoring report	No	No
115	Person conducting business or undertaking to obtain health monitoring report	No	No
116	Person conducting business or undertaking to give health monitoring report to mine operator of mine	No	No
117	Duty to give health monitoring report to worker	No	No
118	Duty to give health monitoring report to regulator	No	No
119	Health monitoring reports kept as records	No	No
	Part 4 Consultation and workers' safety role		
120	Safety role for workers in relation to principal mining hazards	Yes - minor	No
121	Mine operator must consult with workers	No	No
	Part 5 Survey plans and mine plans		
122	Survey plan must be prepared	Yes - consequential	Yes
123	Plans of mines (other than mine survey plans)	No	No
124	Review of survey plan	Yes - consequential	Yes
125	Survey plan to be available	Yes - consequential	Yes
126	Security of survey data	Yes - consequential	Yes
127	Survey plan to be provided to regulator	Yes	Yes
	Part 6 Provision of information to regulator		
127A	Report on decommissioned wells to be provided to regulator	Yes	Yes
128	Duty to notify regulator of certain incidents	Yes	Yes
129	Duty to notify regulator of other matters	Yes	Yes
130	Quarterly reports	No	No
131	Ancillary reports	Yes - consequential	Yes
132	Duty to notify operator of notifiable incident	Yes - consequential	Yes
	Part 7 Mine or petroleum site record		
133	Record	Yes - consequential	Yes
134	Record must be kept and available	Yes - consequential	Yes
	Part 8 Statutory functions		
	Division 1 Preliminary		
135	Definition	No	Yes
	Division 2 Statutory functions at mines		
136	Statutory functions	No	No

Clause	<i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i>	Provisions amended as at 1/2/16	Provisions apply to petroleum sites
137	Obligations on mine operator	No	No
138	Obligation on nominee	No	No
	Division 2A Statutory functions at petroleum sites		
138A	Statutory functions	Yes - consequential	Yes
138B	Obligations on operator of petroleum site	Yes - consequential	Yes
138C	Obligation on nominee	Yes - consequential	Yes
	Division 3 Practising certificates¹		
139	Eligibility for practising certificate	No	No
140	Application for practising certificate	No	No
141	Grant of practising certificate	No	No
142	Interstate practising certificates	No	No
143	Conditions	No	No
144	Suspension and cancellation of practising certificate	No	No
145	Register of practising certificates	Yes - consequential	Yes
	Division 4 Certificates of competence²		
146	Eligibility for certificate of competence	Yes - consequential	No
147	Application for certificate of competence	No	No
148	Grant of certificate of competence	Yes - consequential	No
149	Condition of certificate of competence	No	No
150	Cancellation of certificate of competence	No	No
151	Register of certificates of competence	No	No
	Part 9 Licensed activities at coal mines		
152	Activities to which Part applies	Yes - minor	No
153	Activity not to be carried on without a licence	No	No
154	Eligibility for licence	No	No
155	Application for licence	No	No
156	Grant of licence	No	No
157	Conditions	Yes - minor	No
158	Suspension or cancellation of licences	No	No
	Part 10 Mine Safety Advisory Council		
159	Definitions	No	No
160	Membership of Council	No	No
161	Functions of Council	Yes - minor	No
162	Procedure of Council	No	No
	Part 11 Mining and Petroleum Competence Board		
163	Definition	No	Yes
164	Membership of Board	Yes	Yes
165	Chairperson of the Board	No	Yes
166	Functions of Board	No	Yes
167	Committees of Board	No	Yes
	Part 12 Safety and health representatives at coal mines		
168	Qualifications of safety and health representatives	Yes - minor	No
169	Election and removal of mine safety and health representative	Yes - minor	No
170	Offences relating to elections	No	No
171	Safety and health representatives taken to be health and safety representatives	No	No

¹ Practising certificates apply in respect of a statutory function if it is a requirement for nomination to exercise the statutory function. It is not a requirement for nomination for a statutory function in relation to petroleum site (see Schedule 10A).

² Certificates of competence apply in respect of a statutory function if it is a requirement for nomination to exercise the statutory function. It is not a requirement for nomination for a statutory function in relation to petroleum site (see Schedule 10A).

Clause	<i>Work Health and Safety (Mines and Petroleum Sites) Regulation 2014</i>	Provisions amended as at 1/2/16	Provisions apply to petroleum sites
172	Training of mine safety and health representatives	Yes - minor	No
	Part 13 Miscellaneous		
173	Tourist mines	Yes - minor	No
173A	Removal of gas from underground coal mine not petroleum operation	Yes - consequential	Yes
174	Government officials	Yes - minor	Yes
175	Reviewable decisions	Yes - consequential	Yes
176	Qualifications of inspectors	Clause omitted	No
177	Registration of plant designs and items of plant	Yes	No
177A	Shotfiring apparatus to be overhauled or repaired by accredited person	Yes	No
178	Serious injury or illness	Yes - minor	Yes
179	Dangerous incidents	Yes - consequential	Yes
180	Prohibition notices	Yes - minor	Yes
181	Corresponding WHS laws	Yes	Yes
182	Fees	No	Yes
183	Exemptions for mines and petroleum sites where only non-mechanical exploration occurs	Yes - consequential	Yes
184	Exemptions for certain gemstone mines and tourist mines	No	No
185	Exemptions granted by regulator	Yes	Yes
	Schedule 1 Principal hazard management plans—additional matters to be considered	Yes - consequential	Yes
	Schedule 2 Principal control plans—matters to be addressed	Yes - consequential	Yes
	Schedule 3 High risk activities	Yes	Yes
	Schedule 4 Prohibited items and substances	Yes	Yes
	Schedule 5 Water barriers in underground coal mines	No	No
	Schedule 6 Sampling airborne dust at coal mines	No	No
	Schedule 7 Matters to be included in emergency plan	Yes - consequential	Yes
	Schedule 8 Information to be included in notification of incident	No	Yes
	Schedule 9 Information to be included in mine quarterly report	Yes	No
	Schedule 10 Statutory functions at mines	Yes	No
	Schedule 10A Statutory functions at petroleum sites	Yes - consequential	Yes
	Schedule 11 Membership of Mine Safety Advisory Council	No	No
	Schedule 12 Savings and transitional provisions	Yes	Yes