

1991—No. 194

COAL MINES REGULATION ACT 1982—REGULATION

(Coal Mines Regulation (Coal Preparation Plants) Regulation 1991)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Coal Mines Regulation Act 1982, has been pleased to make the Regulation set forth hereunder.

NEIL PICKARD
Minister for Minerals and Energy.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Coal Mines Regulation (Coal Preparation Plants) Regulation 1991.

Commencement

2. This Regulation commences on 1st May, 1991.

Application

3. This Regulation applies to all declared plants within the meaning of Part 5A of the Act, being coal preparation plants declared under that Part to be suitable for management separately from mines.

Definitions

4. (1) In this Regulation:

“**competent person**”, in relation to the exercise of a function at a declared plant, means a person appointed by the plant manager of the plant as a person who has the knowledge and experience to

exercise the function in such a way as to avoid, as far as possible, any present or potential danger to be guarded against by the exercise of the function;

“cutting and welding equipment” means:

- (a) any blowlamp or flame torch; or
- (b) any electric welding apparatus; or
- (c) any oxy-acetylene welding or cutting apparatus; or
- (d) any grinding wheel or disc grinder used for grinding metal, or any similar heating or cutting device;

“flammable substance” means a substance with a flash point of not more than 61°C;

“flash point”, in relation to a substance, means the lowest temperature at which the substance, when tested in accordance with AS 2106—Determination of the Flash Point of Flammable Liquids (Closed Cup), liberates vapour at a rate sufficient to produce an explosive mixture with the surrounding air;

“hazardous area”, in relation to a declared plant, means a part of the plant in which there is, or might be expected to be, present (whether continuously, intermittently or due to a transient condition) an explosive mixture of substances that could be injurious to the health of a person who is in that part of the plant;

“hazardous practice” means an action that, because of the procedures or substances involved, or the surroundings or atmosphere present, requires special precautions for its safe performance;

“hazardous substance” means a substance that, because of its physiochemical or biological properties, requires special precautions for its safe handling, storage or use;

“highly flammable substance” means a substance with a flash point of not more than 23°C;

“the Act” means the Coal Mines Regulation Act 1982.

(2) A reference in this Regulation to the abbreviation “AS” followed by a group of numbers and a title is a reference to the Australian Standard (indicated by that group) of the Standards Association of Australia, as in force on the day this Regulation commences.

PART 2—GENERAL OPERATION OF DECLARED PLANTS

Staff—generally

5. (1) Sufficient staff must be employed at a declared plant to ensure the safe and effective operation of the plant.

(2) The staff must have the necessary knowledge, experience and qualifications to perform the duties for which they are employed in a safe and efficient manner.

Training

6. Training must be provided for persons employed or to be employed at a declared plant, being training which provides such instruction and information as may be necessary to ensure the health and safety of persons employed at the plant,

Rules—unsafe practices

7. The plant manager of a declared plant is to make and enforce rules prohibiting unsafe practices and behaviour (including those relating to alcohol and drugs).

Rules—protective clothing etc.

8. The plant manager of a declared plant is to make and enforce rules which clearly define the type of protective clothing and equipment to be used at the plant and the areas in which it is to be used.

Notice boards etc.

9. The plant manager of a declared plant must ensure:
- (a) that at least one notice board for the purposes of displaying safety notices and plans under this Regulation is provided in a conspicuous place at the plant; and
 - (b) such signs and directions that are necessary to identify buildings, plant and equipment are provided at the plant.

PART 3—HAZARDOUS SUBSTANCES AND PRACTICES

Safety data sheets—hazardous substances

10. (1) There must be maintained at a declared plant a register consisting of safety data sheets containing the manufacturer's recommendations for the handling, storage, use and disposal of each hazardous substance at the plant.

(2) A person must not be permitted to handle, store or use, or dispose of, a hazardous substance at a declared plant without first having been made aware of:

- (a) the contents of the safety data sheet that relates to the substance; and

(b) the need to adhere to the requirements of the safety data sheet.

(3) A person must not be permitted to handle, store or use, or dispose of, a hazardous substance at a declared plant without using such protective equipment as may be specified for the purpose by the safety data sheet relating to the substance.

Identification of pipelines

11. If a pipeline in or about a declared plant carries any dangerous goods within the meaning of the Dangerous Goods Act 1975, the contents of the pipeline must be clearly identified in accordance with AS 1345—Identification of the Contents of Piping, Conduits and Ducts.

Hazardous practices—general

12. Adequate and safe precautions must be taken in performing any hazardous practice at a declared plant.

Lasers

13. A laser must not be used at a declared plant unless it is manufactured and used in accordance with AS 2397—Safe Use of Lasers in the Construction Industry.

Work in confined spaces

14. (1) If work is to be carried out in a confined space at a declared plant:

- (a) proper precautions must be taken to protect any person carrying out the work from injury; and
- (b) before a person enters the confined space, an assessment of the risk of injury to the person while in the confined space must be carried out by a competent person; and
- (c) the carrying out of the work must be supervised by a competent person.

(2) An assessment of the risk of injury must include, but need not be limited to, proper consideration of the following things:

- (a) the type of work to be undertaken;
- (b) the possibility of material moving;
- (c) the arrangements that have been made to control and isolate machinery that would be feeding any substance into, or out of, the confined space;

- (d) the condition of any equipment used to enter the confined space;
- (e) the adequacy of arrangements for ventilating the confined space;
- (f) the presence or absence and, if present, the elimination, of a hazard in the form of dry flammable dust, noxious gas, flammable gas or vapour, or any other gas or vapour that might make the confined space hazardous.

(3) In this clause, a reference to a confined space is a reference to a bin, hopper, tank or similar structure.

Working places not normally accessible

15. (1) This clause applies to a place at a declared plant that might reasonably be considered hazardous because of its distance above or below a usual place of work.

(2) Work must not be carried out in a place to which this clause applies unless proper safety devices are supplied and used and the work is carried out by a competent person or under the supervision of a competent person.

Riding compartments

16. If the Chief Inspector publishes in the Gazette a code or requirement for the design or use of a riding compartment or crane lift box to be attached to a machine at a declared plant, a riding compartment or crane lift box so attached must not be used at a declared plant unless it is designed and used in accordance with the code or requirement.

Guarding of openings etc.

17. All unguarded openings to shafts or lift wells or all other exposed edges at a declared plant must be protected by guard rails or covers.

Identification of hazardous areas

18. If a part of a declared plant is a hazardous area, a conspicuous notice to that effect must be permanently displayed at each point of access to the area.

General use of cutting and welding equipment

19. (1) Unless otherwise provided by this Regulation, if any cutting and welding equipment is to be used at a declared plant:

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- (a) AS 1674—Fire Precautions in Cutting, Heating and Welding Operations must be complied with; and
 - (b) a suitable number of approved fire extinguishers must be provided; and
 - (c) an adequate supply of water and fire fighting equipment must be provided.
- (2) If welding is to be carried out in a confined space:
- (a) an adequate supply of air must be maintained in the confined space; and
 - (b) a person who is trained in resuscitation techniques must keep the person conducting the welding under constant observation.
- (3) The part of a declared plant in the immediate vicinity of any place where cutting and welding equipment is to be used must at all times be kept free from accumulations of dry coal dust, grease or other flammable materials.
- (4) Cutting and welding equipment must not be used at a declared plant by a person who does not have the written authority of the plant manager to use the equipment.

Cutting and welding in hazardous areas

20. Before any cutting and welding work is carried out in an area that, but for action being taken under this clause, would be a hazardous area:
- (a) the area must be tested for the presence of methane; and
 - (b) any possible hazard from dry coal dust must be eliminated; and
 - (c) such other action must be taken as will ensure that the area ceases to be a hazardous area.

PART 4—MECHANICAL OPERATIONS AND EQUIPMENT**Staff—mechanical**

21. (1) Sufficient staff must be provided to supervise and carry out the installation, examination, testing and maintenance of all mechanical apparatus and installations at a declared plant, including vehicles and mobile equipment.
- (2) The staff must have the qualifications, experience and knowledge to carry out the activities referred to in subclause (1) and to ensure that any place of work at the plant is safe and without risk to health.

Mechanical installations and equipment

22. All mechanical installations and any related materials, fittings, equipment and apparatus at a declared plant must be designed, constructed, installed, protected and maintained in such a manner as to avoid injury to persons at the plant.

Defective mechanical equipment

23. If the continued operation of any mechanical apparatus at a declared plant is likely to be dangerous or to cause a risk to health:

- (a) operation of the apparatus must cease as soon as practicable and must not be recommenced until any defect or abnormality has been remedied and there appears to be no risk to the health and safety of any person; and
- (b) a written record must be made of the event and the record must be retained for a reasonable period.

Guarding of machinery

24. (1) All exposed and dangerous parts of the machinery used at a declared plant must be kept securely fenced and guarded so as to prevent any person from coming into contact with the parts.

(2) All fencing must be constantly maintained in position in an efficient state while the parts required to be fenced or guarded are in motion or in use.

Power cut

25. In or around all mechanical apparatus which could present potential danger to any person, efficient devices or appliances must be provided and maintained by which the power can be promptly cut off from the apparatus.

Rules for energising or de-energising mechanical apparatus

26. (1) The plant manager of a declared plant is to make and enforce rules for the energising and de-energising of any mechanical apparatus at the plant.

(2) Such rules are to provide for the safe operation, installation, inspection and maintenance of the apparatus and to avoid subjecting any person to danger or risk to health.

Welding equipment

27. All persons involved with the installation or use of cutting and welding equipment which uses fuel gas must be adequately trained in the process and any such equipment must be operated and maintained in accordance with rules made by the plant manager.

Buildings etc.

28. (1) All buildings in a declared plant must be designed, constructed and maintained to prevent failure during normal service or overloading.

(2) The dismantling of any building or structure in a declared plant must be undertaken in accordance with instructions given by, or with arrangements made by, the plant manager.

Design etc. of certain machinery

29. Any code or requirement specified from time to time by the Chief Inspector in relation to the design, construction, installation, operation, inspection and maintenance of:

- (a) hydraulic machinery; and
- (b) machinery operated by compressed air; and
- (c) air compressors; and
- (d) cranes and hoists,

used at a declared plant must be complied with.

Lifts

30. Any lift used at a declared plant to convey persons or material must comply with AS 1735—Lifts, Escalators and Moving Walks.

PART 5—ELECTRICAL OPERATIONS AND EQUIPMENT**Staff—electrical**

31. (1) Sufficient staff must be provided to supervise and carry out the installation, examination, testing and maintenance of all electrical apparatus and installations at a declared plant.

(2) The staff must have the knowledge, experience and qualifications to carry out the activities referred to in subclause (1) and to ensure that any place of work at the plant is safe and that activities may be carried out at the place of work without risk to health.

Supervisors

32. A person who carries out electrical work at a declared plant, being work which involves installing, repairing, altering, renovating or adding to an electrical installation at the plant must:

- (a) hold a qualified supervisor's certificate (electricians) issued by the Building Services Corporation; or
- (b) carry out the work under the supervision of a person who holds such a certificate.

Electrical installations

33. (1) All electrical installations and any related materials, fittings, equipment and apparatus at a declared plant must be designed, constructed, installed, protected and maintained in such manner as to avoid any risk of electrical shock or fire at the plant.

(2) In particular, all electrical installations at a declared plant must comply with AS 3000—SAA Wiring Rules and AS 3007—Electrical Installations—Surface Mines and Associated Processing Plants (Parts 1 to 5).

Electrical protection

34. (1) Protection must be provided to stop the supply of electricity to any hand-held tool or apparatus connected to a standard 240 volt general power outlet in the event of a fault.

(2) Any mobile apparatus supplied with electricity through a flexible cable must be protected to ensure that the apparatus is earthed and de-energised in the event of the earth connection being broken.

Electric welding apparatus

35. Any electric welding apparatus at a declared plant must be installed, operated and maintained in accordance with AS 2745—Electric Welding Safety.

Rules—electrical equipment

36. The plant manager of a declared plant is to make and enforce rules for energising and de-energising the electrical equipment or apparatus at the plant, being rules that provide for work in relation to electrical equipment and associated plant operations to be carried out without danger and risk to the health of persons at the plant.

Safety notices for electrical installations

37. (1) An electrical installation at a declared plant must have a notice affixed to it if a cover or door of the installation can be removed or opened to expose live components.

(2) Such a notice must state the voltage of the installation and contain a warning of the danger in opening or removing the cover or door.

(3) All switches and circuit breakers used to isolate electrical equipment or apparatus must be clearly labelled to indicate the equipment or apparatus that is controlled or protected from that switch or circuit breaker.

Other safety notices

38. The following notices must be displayed at or around places at a declared plant containing fixed electrical apparatus (other than cables, junction boxes, remote control equipment and signalling apparatus):

- (a) a notice illustrating directions on how to resuscitate persons suffering from electric shock;
- (b) a notice containing directions on procedures to be followed in the case of fire.

Lighting

39. (1) Effective lighting must be provided in or around all electrical installations at a declared plant where persons are required to pass and to perform regular work.

(2) Effective emergency lighting must be provided to enable the safe movement of persons from the plant if the normal lighting system fails.

Lightning protection

40. A lightning protection system in accordance with AS 1788—Lightning Protection must be established at a declared plant to prevent any danger arising from the effects of atmospheric electricity discharge at the plant.

Plan of electrical reticulation

41. (1) A plan showing the electrical reticulation system of a declared plant must be prepared for the purposes of enabling the safe switching

and isolation of the various functions of electrical reticulation throughout the plant.

(2) Such a plan must be displayed on a notice board.

Defective electrical equipment or apparatus

42. (1) If the continued operation of any electrical equipment or apparatus at a declared plant is likely to be dangerous or to cause a risk to health, the equipment or apparatus must be safely and effectively isolated or de-energised in accordance with rules made by the plant manager.

(2) If the operation of any electrical equipment or apparatus at a declared plant is stopped under subclause (1), the equipment or apparatus must not be used again until any defect or abnormality has been remedied and there appears to be no risk to the health and safety of any person at the plant.

(3) A written record must be made by the plant manager if the operation of any electrical equipment or apparatus is stopped under subclause (1).

PART 6—BOILERS AND PRESSURE VESSELS

Definition

43. In this Part:

“**certificate of inspection**” means a certificate issued in respect of a boiler or pressure vessel by a licensed boiler inspector after examining and testing the boiler or pressure vessel.

Design and use of boilers and pressure vessels

44. (1) Any boiler or pressure vessel must not be used at a declared plant unless:

- (a) the boiler or pressure vessel was issued, at the time of its manufacture, with a manufacturer’s data report evidencing its compliance with AS 1200-1988—Boilers and Pressure Vessels; and
- (b) it is the subject of a certificate of inspection which includes its maximum allowable working pressure; and
- (c) that certificate of inspection or an approved alternative is exhibited on or near the boiler or pressure vessel; and
- (d) the pressure vessel is free from apparent defects sustained since the issue of the current certificate of inspection.

Identification and inspection of boilers and pressure vessels

45. (1) Any boiler or pressure vessel used at a declared plant must have a number impressed on it which must be shown on the certificate of inspection relating to the boiler or pressure vessel.

(2) A register of boilers and pressure vessels in use at a declared plant must be maintained in a manner acceptable to the inspector of mechanical engineering.

Duration of certificates of inspection

46. (1) The certificate of inspection issued in respect of a boiler or pressure vessel (other than a liquefied petroleum gas bulk storage vessel) remains in force for such period, not exceeding 12 months, as may be specified in the certificate.

(2) The certificate of inspection issued in respect of a liquefied petroleum gas bulk storage vessel remains in force for such period, not exceeding 48 months, as may be specified in the certificate, subject to any conditions imposed by the Chief Inspector.

Certificate of inspection not to be issued by certain inspectors

47. (1) A licensed boiler inspector must not issue a certificate of inspection in respect of any boiler or pressure vessel owned or used by the boiler inspector's employer.

(2) A licensed boiler inspector who makes, alters, repairs, sells or has any interest in, or acts in the sale of, any boiler or pressure vessel must not issue a certificate of inspection in respect of the boiler or pressure vessel.

Maximum penalty: 5 penalty units.

Gas cylinders

48. A gas cylinder used at a declared plant must comply with the requirements of AS 2030—The approval, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases and AS 1596-1989—LP Gas Storage and Handling.

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EXPLANATORY NOTE

Under Part 5A of the Coal Mines Regulation Act 1982, coal preparation plants may be declared by the Minister to be suitable for management separately from a mine. The object of this Regulation is to provide the necessary detail for the operation of that Part. The Regulation covers the general operation of declared plants, hazardous substances and practices, mechanical and electrical operations and equipment, boilers and pressure vessels. In particular, provision is made for:

- (a) the inspection of a declared plant by the plant manager appointed by the owner of the plant; and
 - (b) the procedures and reports to be followed or made in relation to the health and safety of persons in or about a declared plant; and
 - (c) the standards to be followed to ensure safe work practices at a declared plant; and
 - (d) the making and enforcement of rules by a plant manager prohibiting unsafe practices and behaviour and defining the type of protective clothing and equipment to be used.
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