

PERSON-RIDING HOISTS (WINDING SYSTEMS) INSTRUMENT OF EXEMPTION 2015

under the

WORK HEALTH AND SAFETY (MINES) REGULATION 2014

I, Jenny Nash, Acting Director Mine Safety Operations, with the delegated authority of the Secretary, Department of Industry, Skills and Regional Development in pursuance of clause 185 of the *Work Health and Safety (Mines) Regulation 2014* make the following exemption.

Dated this 15th day of September 2015.

JENNY NASH

Acting Director Mine Safety Operations
Department of Industry, Skills and Regional Development

Explanatory note

This instrument provides an exemption to a person with management or control of person-riding hoist which is item registered and manufactured prior to 1 September 2010, subject to conditions, such that a person may use a person-riding hoist that is not design registered under Part 5.3 of the *Work Health and Safety Regulation 2011*.

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1. Name of instrument

This instrument of exemption is the *Person-Riding Hoists (Winding Systems) Instrument of Exemption 2015*.

2. Commencement

This Exemption commences on 15 September 2015.

3. Interpretation

(1) In this Exemption:

conveyance means any cage, platform or carriage that is connected to a person-riding hoist and is used to carry people or material through the mine shaft.

Exemption means *Person-Riding Hoists (Winding Systems) Instrument of Exemption 2015*.

MDG is a reference to mining design guidelines produced by the NSW Government and published on the Department of Industry, Skills and Regional Development website.

person-riding hoist means a winding system used in an underground mine, that is a small gemstone mine, where the winding system lifts no more than 40 metres from the surface of the small gemstone mine to the underground workings and carries no more than two people (with a maximum weight of 120 kilograms per person).

the Act means the *Work Health and Safety (Mines) Act 2013*.

the Regulation means the *Work Health and Safety (Mines) Regulation 2014*.

- (2) Other words and expressions used in this Exemption have the same meaning as in relevant provisions of the Act and the Regulation.

4. Application of this Exemption

- (1) Subject to clause 4(2) below, this Exemption applies to a person with management or control of a person-riding hoist that was manufactured before 1 September 2010.
- (2) This Exemption does not apply to the class of persons in clause 4(1):
 - (a) if the person-riding hoist is not item registered under Part 5.3 of the *Work Health and Safety Regulation 2011*; or
 - (b) if the person with management or control of the person-riding hoist changes.

5. Exemption from compliance with certain regulatory provisions subject to conditions

A person that is within the class specified in clause 4 of this Exemption, subject to the conditions in clause 6 of this Exemption, is exempt from compliance with clause 177(2) of the Regulation, such that a person may use a person-riding hoist that is not design registered under Part 5.3 of the *Work Health and Safety Regulation 2011*.

Note: Under clause 185(3) of the Regulation, this Exemption only applies if the person complies with any conditions to which the Exemption is subject.

6. General conditions

- (1) An emergency stop device must be accessible from within the conveyance.
- (2) An 'emergency arresting device' must be fitted to the conveyance so that in the event of a rope failure, the conveyance with its maximum rated load or less will be automatically brought to rest safely.
- (3) The person-riding hoist must have a brake or other means to bring the conveyance to rest and hold it stationary.
- (4) The person-riding hoist may only be altered if the alteration is in full compliance with section 2 of MDG 42.1 *Guideline for person-riding hoists (winding systems) in small gemstone mines Part 1: Design* and designed by a competent person. Any alterations must be documented and retained by the person with management or control of the person-riding hoist.