

LEGISLATION UPDATE

No. 5/2000

16 June 2000

STATUS OF APPROVALS UNDER THE 1999 COAL MINES REGULATIONS

This update clarifies the status of approvals by the Chief Inspector obtained under the former regulations to the Coal Mines Regulation Act 1982, following the introduction of the Coal Mines (General) Regulation 1999, the Coal Mines (Underground) Regulation 1999 and the Coal Mines (Open Cut) Regulation 1999.

Approvals obtained under the former regulations fall into four categories:

- Those which have an equivalent approval in the new regulations e.g. self rescuers. These approvals continue in force following the introduction of the new regulations.
- Those where only part of an approval previously required has been carried forward into the new regulations. That part of the approval required under the old regulations lapsed on 1 September 1999 when the new regulations came into force.

An example of such type of approval is found in the regulation covering transport. The previous regulations contained requirements for "blanket" approvals for all locomotives and vehicles used in underground mines, while under the new regulations an approval is required for braking systems only. Here only that part of the previous approval which covers the braking system remains in force after 1 September 1999.

- Those where a combination or extension of previous approvals is now required.

Examples here are electrical equipment and winders. Approvals were previously required for electrical equipment which was located in a hazardous zone or explosion protected. Now an approval is necessary for explosion protected equipment used in a hazardous zone. Previous approvals for explosion protected equipment continue in force, provided that the equipment is used in a hazardous zone.

Under the old regulations, an approval was required for "a winding apparatus or mechanically operated rope haulage apparatus" used for transporting persons at a mine. By notice the Chief Inspector extended the approval criteria to require that powered winding systems for transport materials and drift winding systems be approved. Under the new regulations approvals are required for all powered winding systems. Previous approvals for winding systems will continue in force. (Mines should ensure that approvals previously obtained cover the winding system rather than the apparatus).

- Those where there is no equivalent approval under the new regulations. In this case approvals obtained under the former regulations lapsed on 1 September 1999, and are no longer required. It is no longer necessary to obtain an approval for those items, however compliance with relevant Standards may still be required in some instances. An example here is fire extinguishers.

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FURTHER INFORMATION CAN BE OBTAINED FROM MR ROB REGAN - (02) 9901 8591
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Similarly, approvals were previously required for electrical equipment which was mobile or portable and used underground, used below ground for communication, used to provide electrical protection or specified as requiring approval. Approval for these items is no longer required and former approvals have now lapsed.

It should be noted that some manufacturers of equipment are continuing to mark items with approval numbers obtained under the former regulations, as a marketing tool. This practice should not continue as there may be a breach of trade practices legislation.

It is important to remember that regardless of whether an approval has been granted employers, manufacturers and suppliers continue to have fundamental duties under the OH&S Act. These include the duties to produce, provide, maintain and operate items and equipment safely in the workplace. Guidelines, previously used for approval purposes, e.g. MDG 1, remain an important reference in achieving OH&S goals.

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