

**OCCUPATIONAL HEALTH AND SAFETY ACT 2000**

## Occupational Health and Safety Regulation 2001

Use of Plant – Design registration requirements in coal workplaces for items used to determine or monitor the presence of gases

Exemption Order No. 08/9222/1

I, Robert Regan, Chief Inspector under the Coal Mine Health and Safety Act 2002, with the delegated authority of the Director-General pursuant to section 137A (2) of the Occupational Health and Safety Act 2000 (the Act) and pursuant to clause 348 of the Occupational Health and Safety Regulation 2001 (the Regulation), hereby make the Order specified in the Schedule below.

Words and expressions used in this Order have the same meaning as those used in the Act and the Regulation.

SCHEDULE

## 1. Exemptions

Subject to the conditions and for the period specified in clause 2 of the Schedule, this Order exempts an employer from complying with clause 136 (5) of the Regulation in relation to portable or hand-held plant or items used to determine or monitor the presence of gases for the purposes of the Coal Mine Health and Safety Act 2002 and used in underground mines at a coal workplace.

## 2. Application, conditions and duration of exemptions

- 2.1 This exemption only applies to plant and items used to determine the presence of gases, including both gas detection and monitoring equipment of fixed installations within a mine and installations on mobile or transportable plant.
- 2.2 The portable or hand-held plant or items used to determine or monitor the presence of gases must be of a type detailed on the List of Gas Detector and Monitors covered by Exemption Order 089222/1\*, as amended from time to time.
- 2.3 The portable or hand-held plant or items used to determine or monitor the presence of gases must be of a type that was manufactured prior to the date of commencement of this notice.
- 2.4 The manufacturer's instructions and a copy of the nominated approval in the List of Gas Detector and Monitors covered by Exemption Order 089222/1\* are to be retained at the mine and the requirements within these documents are to be fulfilled to support the continued safe installation, use, calibration and maintenance of the plant and items.
- 2.5 Electrical plant used in a hazardous zone must fulfill the requirements of the gazette notice published in the NSW *Government Gazette* No. 10 on 25 January 2008 at page 181: Types of Electrical Plant Used in Hazardous Zone.
- 2.6 The portable or hand-held plant or items used to determine or monitor the presence of gases must be of a type which the Manager of Mining Engineering of the coal operation has determined is suitable for its intended environment and use.

Note: The above list is available from: [www.dpi.nsw.gov.au/minerals/safety/resources/mine-safety-technology-centre/gas-detection-and-monitoring](http://www.dpi.nsw.gov.au/minerals/safety/resources/mine-safety-technology-centre/gas-detection-and-monitoring)

This Exemption Order has effect from the date of the publication in the *Government Gazette* until 1 March 2010.

Dated this 8th day of December 2008.

ROBERT REGAN,  
Chief Inspector,  
NSW Department of Primary Industries

**OCCUPATIONAL HEALTH AND SAFETY ACT 2000**

## Occupational Health and Safety Regulation 2001

Use of Plant – Design Registration Requirements in Coal Workplaces

Exemption Order No. 089229

I, ROBERT WILLIAM REGAN Chief Inspector under the Coal Mine Health and Safety Act 2002, with the delegated authority of the Director General pursuant to section 137A (2) of the Occupational Health and Safety Act 2000 (the Act) and pursuant to clause 348 of the Occupational Health and Safety Regulation 2001 (the Regulation), hereby make the following Exemption Order specified in the Schedule.

Words and expressions used in this Order have the same meanings as those used in the Act and the Regulation.

SCHEDULE

## 1. Exemptions

Subject to the conditions and for the period (if any, as applicable to a matter) specified in clause 2, this Order exempts employers at coal workplaces from complying with the requirements of clause 136 (5) of the Regulation in relation to the specified plant in clause 2.

## 2. Application, conditions and duration of exemptions

- 2.1 This exemption only applies to the following MSA Australia breathing apparatus to assist escape, (used in an underground mine at a coal workplace) in compliance with previous approval number(s) –
  - MDA BA 5040 – MSA Auer, W95 Carbon Monoxide Filter type self rescuer
  - MDA BA5043 – MSA Auer Savox chemical oxygen type self rescuer
  - MDA BA 5045 – MSA Auer SSR 30/100 chemical oxygen type self rescuer
  - MDA BA 3227 – MSA Auer SSR 90
- 2.2 Each breathing apparatus to assist escape must comply with all applicable conditions of approvals MDA BA 5040, MDA BA 5043, MDA BA 5045 and MDA BA 3227 as amended.
- 2.3 A copy of the relevant approvals must be kept at the coal workplace where the MSA Australia breathing apparatus to assist escape is in use.
- 2.4 Each breathing apparatus to assist escape must be inspected, tested and maintained:
  - 2.4.1 by competent people with appropriate training, qualifications, experience and knowledge of risk controls on the relevant MSA Australia breathing apparatus to assist escape, and