

MP301*

Mines Safety and Inspection Act 1994

Mines Safety and Inspection Amendment Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mines Safety and Inspection Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

- (b) the rest of the regulations, on the later of —
 - (i) the day on which the *Dangerous Goods Safety Act 2004* comes into operation; and
 - (ii) the day after the day on which these regulations are published in the *Gazette*.

3. The regulations amended

The amendments in these regulations are to the *Mines Safety and Inspection Regulations 1995*.

4. Regulation 1.3 amended

Regulation 1.3 is amended as follows:

- (a) by deleting the definition of “Chief Inspector of Explosives”;
- (b) in the definition of “dangerous goods” by deleting “*Explosives and Dangerous Goods Act 1961*,” and inserting instead —
“ *Dangerous Goods Safety Act 2004*; ”;
- (c) by deleting the definition of “inspector of explosives”.

5. Regulation 2.21 amended

- (1) Regulation 2.21(1) is amended as follows:

- (a) by deleting the full stop after the definition of “applicant” and inserting instead a semicolon;
- (b) by inserting in the appropriate alphabetical position the following definition —

“

“**mining law**” means —

- (a) the Act and these regulations; and
- (b) the *Dangerous Goods Safety Act 2004*, and regulations made under it, in so far as they apply to explosives.

”.

- (2) Regulation 2.21(2)(b) is amended by deleting “the Act and these regulations;” and inserting instead —

“ mining law; ”.

6. Regulation 2.22 amended

Regulation 2.22(2)(b) is amended by deleting “the Act and these regulations;” and inserting instead —

“ mining law, as that term is defined by regulation 2.21(1); ”.

7. Regulation 2.23 amended

- (1) Regulation 2.23(1) is amended as follows:

- (a) by deleting the full stop after the definition of “applicant” and inserting instead a semicolon;

- (b) by inserting in the appropriate alphabetical position the following definition —

“

“**mining law**” has the meaning given to that term by regulation 2.21(1).

”.

- (2) Regulation 2.23(4) is repealed.

8. Regulation 2.24 amended

- (1) Regulation 2.24(1) is amended as follows:

- (a) by deleting the full stop after the definition of “applicant” and inserting instead a semicolon;
- (b) by inserting in the appropriate alphabetical position the following definition —

“

“**mining law**” has the meaning given to that term by regulation 2.21(1).

”.

- (2) Regulation 2.24(4) is repealed.

9. Regulation 2.25 amended

Regulation 2.25(3)(b) is deleted and the following paragraph is inserted instead —

“

- (b) mining law, as that term is defined by regulation 2.21(1).

”.

10. Regulation 7.20 amended

Regulation 7.20 is amended as follows:

- (a) by deleting the definition of “Australian Code for the Transport of Dangerous Goods by Road and Rail” and inserting instead —

“

“**ADG Code**” means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, Seventh edition, 2007, published by the Commonwealth of Australia (ISBN 1 921168 57 9) including (for the avoidance of doubt) its appendices;

”;

- (b) in the definition of “container” by deleting “or bulk container as defined in the Australian Code for the Transport of Dangerous Goods by Road and Rail;” and inserting instead —

“ as defined in the ADG Code; ”.

11. Regulation 8.1 amended

Regulation 8.1 is amended as follows:

- (a) by inserting in the appropriate alphabetical position the following definition —

“

“**bulk AN-based explosive**” has the meaning given to that term by the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 3;

”;

- (b) in the definition of “butt” or “socket” by deleting “or blasting agent, or both,”;
- (c) in the definition of “charge” by deleting “or blasting agent, or both,”.

12. Regulation 8.1A inserted

Before regulation 8.2 the following regulation is inserted in Part 8 Division 2 —

“

8.1A. Explosives, requirements in relation to

Each responsible person at a mine must ensure that the manufacture, storage, transport, supply, use and disposal of any explosive at the mine is in accordance with the *Dangerous Goods Safety Act 2004* and regulations made under it.

Penalty: See regulation 17.1.

”.

13. Regulation 8.3 repealed

Regulation 8.3 is repealed.

14. Regulation 8.4 repealed

Regulation 8.4 is repealed.

15. Regulation 8.5 amended

- (1) Regulation 8.5(1) is amended as follows:

- (a) by deleting “main”;
- (b) by inserting after each of paragraphs (a), (b), (c) and (d) —
“ and ”;
- (c) by deleting “; and” after paragraph (e) and inserting instead a full stop;
- (d) by deleting paragraph (f).

- (2) Regulation 8.5(2) and (3) are repealed.

16. Regulation 8.6 repealed

Regulation 8.6 is repealed.

17. Regulation 8.7 amended

- (1) Regulation 8.7(2) is amended by deleting “main”.
- (2) Regulation 8.7(4) is amended by deleting “main”.

18. Regulation 8.8 repealed

Regulation 8.8 is repealed.

19. Regulation 8.9 repealed

Regulation 8.9 is repealed.

20. Regulation 8.10 amended

Regulation 8.10 is amended by deleting “or blasting agents”.

21. Regulation 8.11 amended

Regulation 8.11 is amended by deleting “, blasting agent, detonating fuse, or detonators”.

22. Regulation 8.12 repealed

Regulation 8.12 is repealed.

23. Regulation 8.13 amended

- (1) Regulation 8.13(1) is amended by deleting “, blasting agent, detonating fuse, detonator, initiating system or blasting accessory,” and inserting instead —
“ or initiating system ”.
- (2) Regulation 8.13(2) is repealed.

24. Regulation 8.14 amended

- (1) Regulation 8.14(1) is repealed.
- (2) Regulation 8.14(2) is amended by deleting “or blasting agent” in the 2 places where it occurs.
- (3) Regulation 8.14(3) is amended by deleting “or blasting agent”.
- (4) Regulation 8.14(4) is repealed.
- (5) Regulation 8.14(6) is amended by deleting “or blasting agent”.

25. Regulation 8.15 repealed

Regulation 8.15 is repealed.

26. Regulation 8.16 amended

Regulation 8.16 is amended as follows:

- (a) in paragraph (a) by deleting “and blasting agents”;
- (b) in paragraph (b) by deleting “main magazine or a working party’s”;

- (c) in paragraph (b) by deleting “or blasting agent” in the 2 places where it occurs.

27. Regulation 8.18 repealed

Regulation 8.18 is repealed.

28. Regulation 8.22 amended

Regulation 8.22(2) is amended by deleting “or blasting agent”.

29. Regulation 8.25 amended

- (1) Regulation 8.25(1) is amended by deleting “of explosive or blasting agent, or both,”.
- (2) Regulation 8.25(3) is amended by deleting “of explosive or blasting agent”.

30. Regulation 8.26 amended

Regulation 8.26(1) is amended by deleting “of explosive or blasting agent, or both,”.

31. Regulation 8.27 amended

- (1) Regulation 8.27(1) is amended by deleting “of explosive or blasting agent”.
- (2) Regulation 8.27(2) is amended by deleting “of explosive or blasting agent”.

32. Regulation 8.28 amended

- (1) Regulation 8.28(1) is amended by deleting “of explosive or blasting agent”.
- (2) Regulation 8.28(3) is amended by deleting “of explosive or blasting agent”.
- (3) Regulation 8.28(6) is amended by deleting “of explosive or blasting agent”.

33. Regulation 8.33 amended

- (1) Regulation 8.33(1) is amended by deleting “of a type approved by the Chief Inspector of Explosives” and inserting instead —
“
designed for that purpose and is approved by the
manager of the mine
”.
- (2) Regulation 8.33(3) is amended as follows:
 - (a) by deleting paragraph (a) and “and” after it and inserting instead —
“
(a) which has been tested within the preceding
24 hours with a milliammeter which itself has,

within the previous 12 months, been checked
and calibrated to the satisfaction of and
approved by the manager of the mine; and

”;

- (b) in paragraph (b) by inserting before “has” —
“ which ”.

34. Regulation 8.34 amended

Regulation 8.34(2) is repealed.

35. Regulation 8.39 amended

Regulation 8.39(1)(d) is amended by deleting “the authorised
shotfirer on” and inserting instead —

“ a shotfirer authorised by the manager of the mine for ”.

36. Regulation 8.40 repealed

Regulation 8.40 is repealed.

37. Regulation 8.41 amended

- (1) Regulation 8.41(1) is amended by deleting “ammonium nitrate
blasting agent” and inserting instead —

“ bulk AN-based explosive ”.

- (2) Regulation 8.41(3) is amended by deleting “ammonium nitrate
blasting agent” and inserting instead —

“ bulk AN-based explosive ”.

- (3) Regulation 8.41(4) is amended as follows:

- (a) by deleting “ammonium nitrate blasting agent” in the
first place where it occurs and inserting instead —

“ bulk AN-based explosive ”;

- (b) by deleting “ammonium nitrate blasting agent” in the
second place where it occurs and inserting instead —

“ explosive ”.

- (4) Regulation 8.41(5) is amended by deleting “ammonium nitrate
blasting agent” and inserting instead —

“ bulk AN-based explosive ”.

38. Regulation 8.42 amended

Regulation 8.42 is amended by deleting “of explosive or
blasting agent”.

39. Regulation 8.43 amended

Regulation 8.43(c) is amended by deleting “or blasting agent” in
the 2 places where it occurs.

40. Regulation 8.47 amended

Regulation 8.47(2) is amended by deleting “blasting agent —” and inserting instead —

“ bulk AN-based explosive — ”.

41. Regulation 8.49 amended

Regulation 8.49 is amended by deleting “or blasting agent”.

42. Regulation 8.50 amended

Regulation 8.50(1) is amended by deleting “of explosive or blasting agent”.

43. Regulation 8.53 replaced

Regulation 8.53 is repealed and the following regulation is inserted instead —

“

8.53. Interpretation of r. 8.54 to 8.56

In regulations 8.54, 8.55 and 8.56 —

“**relevant procedure**”, in relation to the blasting referred to in that regulation, means a written procedure for the blasting —

- (a) that has been developed in conjunction with the manufacturer or supplier of the explosives, or an explosives consultant or other expert authority; or
- (b) that is set out in a blast plan that complies with the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 130.

”.

44. Part 8 Division 3 repealed

Part 8 Division 3 is repealed.

45. Regulation 9.32A amended

- (1) Regulation 9.32A(5)(a) is amended by deleting “a dangerous substance;” and inserting instead —

“ dangerous goods; ”.

- (2) Regulation 9.32A(6)(a) is amended by deleting “a dangerous substance;” and inserting instead —

“ dangerous goods; ”.

- (3) Regulation 9.32A(12) is amended by deleting the definition of “dangerous substance”.

46. Regulation 10.60 amended

Regulation 10.60(1) is repealed and the following subregulation is inserted instead —

“

- (1) The manager of an underground mine must ensure that if any liquid that is a flammable liquid or combustible liquid under AS 1940 is taken underground in the mine, the liquid —

- (a) is taken underground in a container that does not leak; and
- (b) is transported in a secure manner.

Penalty: See regulation 17.1

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.