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WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) REGULATION 2014

Registration of Breathing Apparatus to Assist Escape (Including Self-Rescuers) Design Order 2020

I, **GARVIN BURNS**, Chief Inspector, with the delegated authority of the Secretary, Regional NSW, pursuant to clause 177(5) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 make the following Order.

Dated this 2nd day of October 2020

Garvin Burns
Chief Inspector of Mines
Department of Regional NSW

1. Name of Order

This Order is the *Registration of Breathing Apparatus to Assist Escape (including Self-Rescuers) Design Order 2020*.

2. Commencement

This Order commences on the day it is published in the NSW Government Gazette.

3. Interpretation

In this Order:

TRG is a reference to a Technical reference guide produced by the NSW Resources Regulator and published on its website.

4. Revocation

The *Registration of Breathing Apparatus to Assist Escape (including Self-Rescuers) Design Order 2018* published in the NSW Government Gazette No 130 of 30 November 2018 at page 9147-9148 is revoked.

5. Design, testing and performance requirements

5.1 Except as provided in paragraph 5.2, all breathing apparatus to assist escape (including self-rescuers) used in underground coal mines must be designed in accordance with, and meet the testing and performance requirements of, sections 2 to 4 of the Technical reference guide (TRG) *Escape Breathing Apparatus for Underground Mining Applications* (as amended from time to time).

5.2 Where a design does not comply, in full or part, with the requirements in paragraph 5.1, the designer must specify the published technical standards or the engineering principles used to identify controls, in the order of the hierarchy of risk controls in Part 3.1 of the Work Health and Safety Regulation 2017, incorporated in the design to achieve at least an equivalent level of safety as the requirements of paragraph 5.1.

5.3 The test facility used for testing the breathing apparatus to assist escape (including self-rescuers) must be a test facility which is unrelated to the designer, manufacturer or supplier.

(1) The test facility must either be:

- (a) the Department of Regional NSW, Mine Safety Technology Centre, Thornton, NSW, or
- (b) a facility in Australia that is accredited by the National Association of Testing Authorities (NATA) for performing the specific tests described in the standards referred to in this Order, or
- (c) where a NATA-accredited facility is not available, a suitably qualified and experienced independent testing facility with regard to test equipment, equipment calibration, quality processes, work methods, past test experience and independent technical verification.

6. Determination of applications for registration of design made before commencement of this order

If an application for the registration of design of breathing apparatus to assist escape (including self-rescuers) made in accordance with clause 250 of the Work Health and Safety Regulation 2017 to which the standards specified in the *Registration of Breathing Apparatus to Assist Escape (including Self-Rescuers) Design Order 2018* applies is made before the commencement of this Order, and the application has not been finally determined before that commencement, the application is to be determined as if this Order had not commenced.