

WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) REGULATION 2022

Registration of Braking Systems on Plant Used in Underground Coal Mine Transport Design Order 2022

I, **Garvin Burns**, Chief Inspector, with the delegated authority of the Secretary, Regional NSW, pursuant to section 187(5) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022, make the following Order.

Dated this 29th day of August 2022

Garvin Burns
Chief Inspector
Regional NSW

1. Name of Order

This Order is the *Registration of Braking Systems on Plant Used in Underground Coal Mine Transport Design Order 2022*.

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 technical reference guide produced by the NSW Government and published on the Department of Regional NSW Resources Regulator website.

braking system includes all components which combine to stop or hold the transport.

transport means mobile plant used for the purpose of transporting persons and includes:

- (a) a locomotive, or
- (b) a rubber tyred or tracked vehicle propelled by electrical and/or mechanical means.

4. Revocation

The *Registration of Braking Systems on Plant Used in Underground Coal Mine Transport Design Order 2018* published in the NSW Government Gazette No 144 of 21 December 2018 at pages 10075-10076 is revoked.

5. Design requirements

5.1. Except as provided in paragraphs 5.3 and 5.4, all braking systems used in underground coal mines must be designed to meet the design requirements of paragraphs 5.2.

5.2. General:

- (a) the design of the braking system must control all reasonably foreseeable unintended movements events.
- (b) without limiting 5.3, all braking systems used in underground coal mines must be designed in accordance with the relevant parts of Section 1 of *TRG Braking systems used in underground transport* as amended from time to time.

5.3. Where a design does not fully comply with the requirements in paragraph 5.2, the designer must specify the published technical standards or the engineering principles used to identify controls, in accordance with the hierarchy of risk control measures in Part 3.1 of the Work Health and Safety Regulation 2017, that have been incorporated in the design to achieve at least an equivalent level of safety as the requirements of paragraph 5.2.

5.4. If the design of a braking system that is registered under Part 5.3 of the Work Health and Safety Regulation 2017 is altered and the alteration may affect health or safety:

- (a) the altered parts of the braking system must be designed to comply with the design requirements in paragraphs 5.1 – 5.2 of this Order.
- (b) an assessment must be undertaken, and documented, by the designer to assess the impact that the design alteration has on unaltered parts of the braking system and the impact on braking system performance.
- (c) where the assessment undertaken in paragraph 5.4(b) shows there has been a reduction in the effectiveness of existing control measures of any other parts of the braking system, that is, there has been a detrimental effect on health and safety caused by the alteration or performance, these parts must comply with the design requirements in paragraphs 5.1 – 5.2 and meet testing and performance requirements in paragraphs 6.1 – 6.2 of this Order.
- (d) any parts of the braking system which are not affected by the alteration must continue to comply with the design and performance requirements of the design order that was in effect on the date that the registration for the design of the braking system was granted.

6. Testing and performance requirements

- 6.1. All braking systems used in underground coal mines must meet the relevant performance requirements of Sections 1 and 3 of *TRG: Transport braking systems used in underground transport*, as amended from time to time.
- 6.2. All braking systems used in underground coal mines must be tested in accordance with the relevant requirements of Sections 1 and 3 of *TRG: Transport braking systems used in underground transport*, as amended from time to time.

7. Determination of applications for registration of design made before commencement of this Order

If an application for the registration of design of braking system made in accordance with clause 250 of the Work Health and Safety Regulation 2017 to which the standards specified in the *Registration of Braking Systems on Plant Used in Underground Coal Mine Transport 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.