



Department of **Energy, Mines,
Industry Regulation and Safety**



INFORMATION SHEET

Work Health and Safety (Mines) Regulations 2022 – transitional and savings provisions

Introduction

The following transitional and saving measures apply from the commencement of the *Work Health and Safety Act 2020* (WHS Act) and *Work Health and Safety (Mines) Regulations 2022* (WHS Mines Regulations).

Measures that transition or preserve existing arrangements in the Mines Safety and Inspection Regulations 1995 (the MSI Regulations) or delay commencement of certain duties in the WHS Mines Regulations can be found in regulation 2 (Commencement) or Part 11.4 Transitional and savings provisions (transitional).

Applications pending determination under the MSI Regulations

The MSI Regulations will continue to apply to applications that are not finalised prior to commencement of the WHS Act and are also required under WHS Mines Regulations until granted, or until any form of review or appeal process is exhausted.

WHS Mines r. 706 (transitional)

Approvals

Continuation of approvals under MSI Regulations

If an approval was granted under MSI Regulations Part 16 and an equivalent approval is required under WHS Mines Regulations then that approval is to be taken to be granted under the corresponding provision of the WHS Mines Regulations.

Table 1

WHS Mines Regulations approval	MSI Regulations approval
WHS Mines r. 641N(2) An approval of a radiation management plan at the mine	MSI r. 16.7(3) submitted under 16.7(3) An approval of a plan for the safe management of radiation at the mine
WHS Mines r. 641N(2) An approval of a radiation management plan as amended	MSI r. 16.7(7) submitted under 16.7(6) An approval of an amendment of a plan for the safe management of radiation at the mine
WHS Mines r. 641V An approval of the removal or disposal of radioactive material	MSI r. 16.27 An approval of the removal or disposal of radioactive material
WHS Mines r. 641W(2) An approval to use or treat radioactive materials imported into the State	MSI r. 16.28 An approval to use or treat radioactive materials imported into the State
WHS Mines r. 641O(2) An approval of a radioactive waste management plan	MSI r. 16.35 An approval of a plan for the final management of radiation at a mine

WHS Mines r. 730 (transitional)

Asbestos

Registers relating to asbestos

WHS Mines r. 425(1)

A person with management or control of a workplace must ensure that a register (an asbestos register) is prepared and kept at the workplace.

This is a new requirement as asbestos registers were not required to be prepared under the MSI Regulations. Duty holders will have 12 months to prepare an asbestos register.

WHS Mines r. 723 (transitional)

Asbestos removal workers must be trained

WHS Mines r. 460(1)

A licensed asbestos removalist must not direct or allow a worker to carry out licensed asbestos removal work unless the removalist is satisfied that the worker holds a certification in relation to the specified VET course for asbestos removal relevant to the class of licensed asbestos removal work to be carried out by the worker.

Under the WHS Mines Regulations, workers will be required to have completed a specified VET course for the type of asbestos to be removed (friable or non-friable) before they can be allowed to conduct asbestos removal work. The titles of the courses are:

Table 2

Class of asbestos removal licence	VET Course for workers
Class A	Remove friable asbestos
Class B	Remove non-friable asbestos

This specific training requirement will not apply for 12 months after commencement day.

WHS Mines r. 2 (c) (transitional)

Duty to ensure asbestos removalist is licensed

WHS Mines r. 458

A person conducting a business or undertaking that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is licensed to carry out the work.

Under the MSI Regulations there is no requirement that prescribed asbestos removal work must be done by a licensed asbestos removalist. This will be a new requirement for the mining industry.

The requirement for Class A and Class B removalist licence for asbestos removal work at mines will be delayed by one year from commencement day. During the transition period the mine operator must ensure that the asbestos removal work is done by a competent person who is appointed for the removal work.

WHS Mines r. 724 (transitional)

Licensed asbestos assessors

WHS Mines r. 473

Requirement of a licensed asbestos assessor to carry out clearance inspection and issue clearance certificate.

This will be a new requirement for the mining industry and during the twelve month transition period, a person who is carrying out a clearance inspection and issuing clearance certificates at a mine is taken to be a licensed asbestos assessor if the mine operator of the mine –

- (a) considers the person is a competent person to carry out the work, and
- (b) appoints the person to carry out the work at the mine.

WHS Mines r. 725 (transitional)

Note: These requirements do not apply to management/removal of naturally occurring asbestos (NOA) at mines.

Audiometric testing

WHS Mines r. 58 Audiometric testing

The WHS Mines Regulations impose a duty on PCBUs to conduct audiometric testing in relation to workers who are frequently required to use personal protective equipment to protect them from the risk of hearing loss associated with noise that exceeds the exposure standard.

PCBUs who will be required to conduct audiometric testing under WHS Mines r. 58 will have a two year grace period to implement the required procedures.

WHS Mines r. 2(b) (transitional)

Board of Examiners

The Board of Examiners will continue to function for a period of 6 months after the commencement day to finalise any pending applications under the MSI Regulations. MSI Act s. 48 established the Board of Examiners for statutory certificates of competency.

WHS Mines r. 707 (transitional)

Construction work

Demolition work

WHS Mines Regulations Part 4.6, Part 4.6A

Demolition work

This is a new requirement for the mining industry and WHS Mines Parts 4.6, 4.6A will not apply during the transition period of one year from commencement day.

The applicable provisions for demolition work in the MSI Regulations Part 4 Division 2 will continue to apply to construction work as defined in MSI r. 4.18 during this period.

Demolition provisions will not apply to geotechnical structures.

WHS Mines r. 714 (transitional)

General construction induction training card (White Card)

WHS Mines Regulations Part 6.5

General construction induction training

Division 1 – General construction induction training requirements

It will be a new requirement for construction workers at a mine site to have certificate of general construction induction training. This requirement will be delayed by one year from commencement day. During this period necessary steps need to be taken to ensure compliance at the end of the transition period.

WHS Mines r. 722 (transitional)

Tilt-up concrete and precast concrete elements

WHS Mines Regulations Part 6.3 Division 4

Tilt-up concrete and precast concrete elements

This will be a new requirement for the mining industry. The application of the WHS Mines Regulations Part 6.3, Division 4 will be delayed by one year from commencement day.

During the transition period the associated hazards will be managed using risk controls that will be listed in the notice of commencement of additional mining operation given to the regulator.

WHS Mines r. 720 (transitional)

Declaration of conviction or finding of guilt

Applicants for licences are required to declare the details of any conviction or finding of guilt under Australian work health and safety laws. This also applies to any offence under the MSI Act and Regulations. Spent convictions are not required to be declared.

WHS Mines r. 708 (transitional)

Emergency plans

WHS Mines rr. 43, 664

Duty to prepare, maintain and implement emergency plan

An emergency plan prepared under MSI r. 4.30 is taken to be an emergency plan under the WHS Mines Regulations.

The mine operator of a mine that is required to prepare an emergency plan under the WHS Mines Regulations will have 12 months to comply.

WHS Mines r. 709 (transitional)

Exemptions generally

WHS Mines Part 11.2 rr. 684-698

Exemptions

Exemption is to be taken to be granted under WHS Mines Part 11.2 and will continue until it is cancelled or the expiry date given in the exemption, or two years from the commencement day – whichever is earlier.

If the exemption under MSI r. 1.4 or r. 1.5 has condition/s attached the person must not contravene those conditions.

WHS Mines r. 749 (transitional)

See WHS Mines r. 718 (transitional) for exemptions in relation to the registration of plant.

Globally Harmonised System of Classification and Labelling of Chemicals (GHS)

The WHS Mines Regulations refer to, and will require compliance with, the *Globally Harmonised System of Classification and Labelling of Chemicals*, Seventh revised edition (GHS) for specified matters – WHS Mines r. 5.

For the first 12 months after commencement, a reference to GHS is also a reference to:

- the *Globally Harmonised System of Classification and Labelling of Chemicals*, 3rd revised edition, published by the United Nations, or
- the *Approved Criteria for Classifying Hazardous Substances* [3rd Edition: NOHSC: 1008(2004)].

WHS Mines r. 738 (transitional)

Health management plans

WHS Mines Regulations Part 10.3 Division 1

Health management and monitoring

The requirement to have a health management plan does not apply for one year from commencement day.

WHS Mines r. 735 (transitional)

High risk mining activities

WHS Mines r. 675UK

Information about high risk mining activities

If an approval was obtained or notice given for a corresponding high risk mining activity under the MSI Act and Regulations then the mine operator is taken to have complied with the WHS Mines r. 675UK.

WHS Mines r. 737 (transitional)

Table 3

WHS Mines Regulations Schedule 23 High risk mining activities	Actions under MSI Act
Schedule 23 item 1 Commence sinking/widening/deepening a mine shaft using entry method	MSI r. 12.3(1) Written notification was provided in relation to the mine shaft
Schedule 23 item 2 Installing a winding system	MSI r. 11.3(1) Written notification was provided in relation to the winding system
Schedule 23 item 2 Making major changes to an already installed winding system	MSI r. 11.6(1) Written notification provided in relation to the modification of the winding system

WHS Mines Regulations Schedule 23 High risk mining activities	Actions under MSI Act
Schedule 23 item 3 Commissioning a winding system	MSI r. 11.4, r. 11.5 The winding system was approved and tested
Schedule 23 item 4 Raising using entry method	MSI r. 10.21(1) The entry method of raising was approved by the senior inspector
Schedule 23 item 7 Construction of a dam or plug at an underground mine	MSI r. 10.19(2)(a) Written advice was provided to the district inspector under the MSI r. 10.19(2)(a) in relation to the construction.
Schedule 23 item 8 Construction of a fuel storage or refuelling facility at an underground mine	MSI r. 10.58(1) Written notification of the fuel storage or refuelling facility was given
Schedule 23 item 10 Use of a dredge	MSI r. 14.4(5) Application for approval for the use of the dredge
Schedule 23 item 11 Construction or making substantial change to a tailings storage facility	Approval of the commencement of mining operations was sought under the MSI Act s. 42 that was in relation to the tailing storage facility
Schedule 23 item 12(a) Use of explosives in reactive ground	MSI r. 8.55(2) Notification of the use of the explosives in reactive ground was given
Schedule 23 item 12(b) Use of explosive in hot ground	MSI r. 8.54(3) Notification of the use of the explosives in hot ground was given
Schedule 23 item 13 Introducing or making substantial change to externally-controlled plant at a mine that is – (a) mobile plant, or (b) production drilling plant	Approval of the commencement of mining operations was sought under the MSI Act s. 42 that was in relation to the externally controlled mobile plant or production drilling plant
Schedule 23 item 14 Installing high voltage equipment at a mine	MSI r. 5.18(2)(a) Provision of complete details of the high voltage installation

High risk work licences (HRWL)

Concrete placing booms

WHS Mines r. 81 Schedule 3 item 22 HRWL

Use of a concrete placing boom

The requirement to have an HRWL for a concrete placing boom if the boom is not mounted on a vehicle is delayed by 1 year from commencement.

WHS Mines r. 712 (transitional)

Material hoists

WHS Mines r. 81 Schedule 3 item 19

HRWL – Material hoists

The requirement to have an HRWL for a material hoist if the vertical movement of the material hoist's car, bucket or platform is 11 metres or less is delayed by 1 year from commencement.

WHS Mines r. 711 (transitional)

Reach stackers

WHS Mines r. 81 Schedule 3 Item 23

HRWL – Reach stacker

There is a new requirement to have a reach stacker HRWL for the operation of a reach stacker of greater than 3 tonnes capacity that incorporates an attachment for lifting, moving and travelling with a shipping container, but does not include a portainer crane, unless the operator already holds a licence for a slewing mobile crane. Workers will have 2 years from commencement to acquire a reach stacker licence.

WHS Mines r. 713 (transitional)

Declaration of conviction or finding of guilt

Applicants for licences are required to declare the details of any conviction or finding of guilt under Australian work health and safety laws. This also applies to any offence under the MSI Act and Regulations. Spent convictions are not required to be declared.

WHS Mines r. 708 (transitional)

Mine safety management system (MSMS)

Contractor's health and safety management plan

WHS Mines r. 625D

Contractor to prepare health and safety management plan or use mine safety management system.

A contractor is required to carry out work at a mine under the accepted relevant parts of a MSMS developed by the mine operator or under its own health and safety management plan. A transitional provision of one year will allow delayed application of this provision.

WHS Mines r. 732 (transitional)

Application of MSI Regulations Parts 11, 12 and 14 to mines

MSI Regulations Parts 11, 12 and 14 (other than MSI rr. 11.4, 12.4, 14.3 and 14.4) apply to mines until the mine safety management system is prepared under WHS Mines r. 621(1) dealing with winding systems, mine shaft sinking and the use of dredges; or for the period of one year from commencement of the WHS Act.

WHS Mines r. 736 (transitional)

Establishing and implementing mine safety management system for mines

WHS Mines r. 621(1) and (3)

The mine operator of a mine must establish a mine safety management system for the mine.

The requirement to establish a MSMS will not apply until one year after commencement of the WHS Act.

WHS Mines r. 621(2)

The mine operator of a mine must implement the mine safety management system for the mine.

The requirement to implement a MSMS does not apply to the mine operator of a mine during the period of 1 year beginning on the day on which the mine operator establishes a mine safety management system.

WHS Mines r. 731 (transitional)

Principal contractors (additional duties)

WHS Mines Regulations Part 6.4 Division 4 (additional duties of principal contractor) does not apply for one year from commencement of the WHS Act.

WHS Mines r. 721 (transitional)

Principal mining hazard management plan

WHS Mines Regulations Part 10.2 Division 2

WHS Mines Part 10.2 Division 2 (requirement to have Principal mining hazard management plan etc.) does not apply for one year from commencement of the WHS Act.

WHS Mines r. 733 (transitional)

Underground ventilation control plan

WHS Mines r. 654

Requirement to have an underground ventilation control plan does not apply for one year from commencement day.

WHS Mines r. 733 (transitional)

Notices – mining operations

Information about the abandonment/closure of mining operations

WHS Mines r. 675UI

Information about closure of mine

If the principal employer or manager of a mine gave a notice under the MSI Act in relation to abandonment of mining operations then the mine operator of the mine is taken to have complied with WHS Mines r. 675UI(3)(b) in relation to the closure of mining operation.

And if the regulator gives the relevant person notice under WHS Mines r. 675UI (6) then the person has complied with WHS Mines r. 675UI (3).

WHS Mines r. 728 (transitional)

Commencement or recommencement notices

WHS Mines r. 675UC

Information about commencement of non-exploration mining operations

If the principal employer or manager of a mine gave a commencement notice under the MSI Act s. 42 (1) before commencement day in relation to mining operations occurring at the mine on or after commencement day, the commencement notice is taken to be a mining commencement notice given under the WHS Mines r. 675UC(2).

WHS Mines r. 726 (transitional)

Exploration operations

WHS Mines r. 675UJ

Information about commencement of exploration operations

If a notice in relation to exploration operations at a mine was given under the MSI Act s. 47, the mine operator of the mine is taken to have complied with WHS Mines r. 675UJ in relation to the notice of exploration operations at the mine.

WHS Mines r. 729 (transitional)

Suspending mining operations

WHS Mines r. 675UF(2)

Information about suspension and lifting of suspension

If the principal employer or manager of a mine gave a notice under the MSI Act s. 42(1) in relation to a suspension of mining operations then the mine operator of the mine is taken to have complied with WHS Mines r. 675UF(2) in relation to the suspended mining operation.

WHS Mines r. 727 (transitional)

Plant registered under MSI Regulations

WHS Mines Regulations Part 5.3

Registration of plant designs and items of plant

Registrable plant means an item of plant that is required to be, or a design of plant is required to be, registered under WHS Mines Part 5.3.

If an item of plant was registered under MSI r. 6.34 then the item of plant and its design is taken to be registered under WHS Mines Part 5.3 of these regulations.

WHS Mines r. 716 (transitional)

Plant designs and items of plant not registered under MSI Regulations

WHS Mines Regulations Part 5.3 Registration of plant designs and items of plant

Part 5.3 does not apply to an item of plant or plant design that was not required to be registered under MSI r. 6.34 and that:

- (a) immediately before commencement of the WHS Act was completed or manufactured (as the case requires), or
- (b) is completed or manufactured (as the case requires) within 2 years of the commencement of the WHS Act.

WHS Mines r. 717 (transitional)

Exemption from requirements to register plant

WHS (Mines) Regulations Part 5.3

Registration of plant designs and items of plant

This transition provision will allow the exemption granted under the MSI r. 6.34 to continue for items of classified plant requiring registration under the WHS Mines Regulations Part 5.3

This exemption applies to items of plant that:

- (a) were completed or manufactured (as the case requires) before commencement day, and
- (b) were required to be item registered under MSI Regulation 6.34, and
- (c) are required to be item registered under Part 5.3, and
- (d) were not registered under MSI regulation 6.34 because of a general exemption.

Table 4

Registerable plant	Exemption period beginning on commencement day
Boilers categorised as hazard level A according to criteria in Section 2.1 of AS 4343:2014 <i>Pressure equipment – Hazard levels</i>	1 year
Boilers categorised as hazard level B according to criteria in Section 2.1 of AS 4343:2014 <i>Pressure equipment – Hazard levels</i>	2 years
Boilers categorised as hazard level C according to criteria in Section 2.1 of AS 4343:2014 <i>Pressure equipment – Hazard levels</i>	3 years
Building maintenance units	2 years
Lifts	2 years
Mobile cranes with a safe working load greater than 10 tonne	2 years
Powered tower cranes	2 years
Relevant pressure vessels categorised as hazard level A according to criteria in Section 2.1 of AS 4343:2014 <i>Pressure equipment – Hazard levels</i>	1 year
Relevant pressure vessels categorised as hazard level B according to criteria in Section 2.1 of AS 4343:2014 <i>Pressure equipment – Hazard levels</i>	2 years
Relevant pressure vessels categorised as hazard level C according to criteria in Section 2.1 of AS 4343:2014 <i>Pressure equipment – Hazard levels</i>	3 years

The exemption is to be taken under WHS Mines Regulations Part 11.2 and will end -

- (i) if cancelled or date given in the exemption letter under the MSI Regulations; or
- (ii) at the time given against the item of plant listed in the table given in the regulation.

The continuation of the exemption is subject to inspection by a competent person as given in the regulation.

WHS Mines r. 718 (transitional)

Principal mining hazard management plan

WHS Mines Regulations Part 10.2 Division 2

Requirement to have principal mining hazard management plan etc. does not apply for one year from commencement of the WHS Act.

WHS Mines r. 733 (transitional)

Residual current devices (RCDs)

WHS Mines r. 164

Use of socket outlets in hostile operating environment

Duty holders will have 12 months to implement the requirements of WHS Mines r. 164(2) to the additional areas other than prescribed in MSI r. 5.24.

- a reference to an appropriate residual current device is taken to include a reference to an earth leakage protection device under MSI r. 5.24(2) at the workplace, and
- the earth leakage protection device at a workplace that complies with the MSI r. 5.24(2) is taken to comply with WHS Mines r. 164(3).

WHS Mines r. 715 (transitional)

Safe work method statements (SWMS)

WHS Mines Regulations Part 6.3, Division 2

High risk construction work: safe work method statements

Preparation of SWMS for high risk construction work is a new requirement for mines. The application of the WHS Mines Part 6.3, Division 2 will be delayed by one year from commencement day.

Irrespective of the transitional provision, duty holders are encouraged to review documents prepared under the MSI Regulations as soon as possible to incorporate any new or altered requirements of the WHS Mines Regulations.

WHS Mines r. 719 (transitional)

Statutory appointments and competencies

Competency certificates

A person holding a certificate of competency issued under the MSI Act/Regulations will be taken to have the equivalent certificate issued under WHS Mines Regulations for a period of four years. To continue to hold the equivalent certificate beyond this period, the person must pass the applicable legislation examination and successfully complete the risk management unit.

Table 5

WHS Mines Regulations statutory certificate	MSI Regulations competency certificate
Authorised mine surveyor's certificate (grade 1)	Authorised mine surveyor's certificate (grade 1)
Authorised mine surveyor's certificate (grade 2)	Authorised mine surveyor's certificate (grade 2)
Deputy's certificate for underground coal mines	Deputy's certificate
First class mine manager's certificate for coal mines	First class mine manager's certificate for underground coal mines

WHS Mines Regulations statutory certificate	MSI Regulations competency certificate
First class mine manager's certificate for non-coal mines	First class mine manager's certificate other than for underground coal mines
Quarry manager's certificate	Quarry manager's certificate
Restricted quarry manager's certificate	Restricted quarry manager's certificate
Underground supervisor's certificate	Underground supervisor's certificate

WHS Mines r. 747 (transitional)

Exploration managers

WHS Mines r. 675ZM

Appointment of exploration manager

If before the commencement day a person was appointed as exploration manager under the MSI Act, the person is taken to be the exploration manager of that mine.

WHS Mines r. 675ZO

Information about exploration manager

If the person is not an 'appropriate person' (does not meet the requirements to be appointed as exploration manager), the person can be appointed for a period of 4 years after which the person must meet the prescribed requirements to be appointed as an exploration manager.

If more than one exploration managers are appointed for the same area, the person appointed first is to be taken as exploration manager and others as alternates.

WHS Mines r. 741 (transitional)

Principal employers under MSI Act taken to be mine operators

WHS Mines r. 5C

Meaning of mine operator

WHS Mines r. 675ZD

Information about mine operator

If the information regarding principal employer was provided under MSI Act s. 32 or updated under MSI Act s. 32A, then on the commencement day that person is taken to be the mine operator of the mine until a period of 6 months.

A fresh notice is required within six months or earlier if the information about the principal employer (mine operator) changes.

WHS Mines r. 739 (transitional)

Quarry managers need not be appointed

If a district inspector under the MSI Act s. 37(4)(a) or the State mining engineer under the MSI Act s. 37(4)(b) agreed in writing exempting a mine from the requirement to appoint a quarry manager this remains in force until the stated termination date or one year from commencement (whichever is earlier).

WHS Mines r. 745 (transitional)

Senior site executive (SSE)

WHS Mines r. 675ZL

Appointment of site senior executive

WHS Mines r. 675ZK

Information about site senior executive

If before the commencement day a person was appointed as registered manager under the MSI Act, the person is taken to be the SSE of that mine.

If the person is not an 'appropriate person' (does not meet the requirements to be appointed as SSE), the person can be appointed for a period of 4 years after which the person must meet the prescribed requirements to be appointed as the SSE.

WHS Mines r. 740 (transitional)

Statutory positions

WHS Mines r. 675ZQ

Appointment of persons to Schedule 26 positions

If before the commencement day a person held a MSI Act position the person is taken to be appointed on commencement day to the equivalent position in the WHS Mines Regulations.

A person holding the current competency certificate or meeting the requirements as per the MSI Act may be appointed to the equivalent statutory position or alternate for a period of 4 years from the commencement day. To be appointed to the equivalent statutory position after 4 years the person must have completed the requirements of passing the applicable legislation examination and successfully completed the risk management unit.

Table 6

MSI Act position	WHS Mines Regulations Schedule 26 equivalent position
Underground manager at an underground coal mine	Underground manager (coal)
Underground manager at an underground non-coal mine	Underground manager (non-coal)
Supervisor at an underground coal mine	Underground supervisor (coal)
Supervisor at an underground non-coal mine	Underground supervisor (non-coal)
Quarry manager	Quarry manager
A person who holds an authorised mine surveyor's certificate and who works as a surveyor at an underground mine	Authorised mine surveyor (underground)
A person who holds an authorised mine surveyor's certificate and who works as a surveyor at a quarry	Authorised mine surveyor (quarry operation)
Ventilation officer who works at a surface mining operation	Mine air quality officer

MSI Act position	WHS Mines Regulations Schedule 26 equivalent position
Ventilation officer who works at an underground mine	Underground ventilation officer
Noise officer	Noise officer
Radiation safety officer	Radiation safety officer
Electrical supervisor	Electrical supervisor
High voltage operator	High voltage operator

WHS Mines r. 742 (transitional)

Statutory supervisors

WHS Mines r. 675ZB

Duties of mine operators in relation to statutory positions at mines

WHS Mines r. 675ZB(1) and r. 675ZC(2) do not apply during the period of 3 months beginning on commencement day in relation to the appointment of statutory supervisors at a mine.

Any competent person can be appointed to the statutory supervisor position for a period of 4 years from the commencement day. Thereafter the person to be appointed as statutory supervisor must meet the prescribed requirements in the WHS Mines Schedule 26.

WHS Mines r. 743 (transitional)

Underground managers need not be appointed

If a district inspector agreed in writing exempting a mine from the requirement to appoint an underground manager under MSI Act s. 35(4) this remains in force until the stated termination date or one year from commencement (whichever is earlier).

WHS Mines r. 744 (transitional)

Winding engine driver's certificates

A person who holds a Class I winding engine driver's certificate under the MSI Regulations, is taken to be eligible to be appointed as a Class 1 or Class 2 winding engine driver at an underground mine

A person who holds a Class II winding engine driver's certificate under the MSI Regulations, is taken to be eligible to be appointed as a Class 2 winding engine driver at an underground mine.

WHS Mines r. 748 (transitional)

Written directives exempting mines from requirement to appoint ventilation officers

If a district inspector issued a written directive exempting a mine from the requirement to appoint a ventilation officer under MSI r. 9.3(4) this remains in force until the stated termination date or one year from commencement (whichever is earlier).

WHS Mines r. 746 (transitional)

Tilt up concrete and precast concrete elements

WHS Mines Regulations Part 6.3 Division 4

Tilt-up concrete and precast concrete elements

This will be a new requirement for the mining industry. The application of the WHS Mines Part 6.3, Division 4 will be delayed by one year from commencement day.

During the transition period the associated hazards will be managed using risk controls that will be listed in the notice of commencement of additional mining operation notice given to the regulator.

WHS Mines r. 720 (transitional)

Tobacco smoke underground in underground non-coal mines

WHS Mines Regulations Part 3.2 Division 7A

Protection from tobacco smoke

The provisions prohibiting tobacco smoking will be extended to underground workings of a non-coal mine. The application of these provisions for underground non-coal mines will be delayed for a period of two years from commencement day.

WHS Mines r. 710 (transitional)

Underground ventilation control plan

WHS Mines r. 654

Duty to prepare and implement underground ventilation control plan

The requirement to have an underground ventilation control plan does not apply for one year from commencement day.

WHS Mines r. 734 (transitional)