



Government Gazette

of the State of

New South Wales

Number 265 - Mining and Primary Industries

Friday, 12 July 2024

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**WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES)
EXEMPTION (NON-EXPLOSION PROTECTED LOW POWER STORAGE
DEVICES IN HAZARDOUS ZONES) 2024**

under the Work Health and Safety Regulation 2017

I, Dwaine Jones, Acting Chief Inspector, having delegated authority from the Secretary of the Department of Primary Industries and Regional Development as the Regulator under the *Work Health and Safety Act 2011* in relation to a mine or petroleum site, under clause 684 of the *Work Health and Safety Regulation 2017*, grant the following exemption.

Dated this 4th day of July 2024.

Dwaine Jones
Acting Chief Inspector of Mines
Department of Primary Industries and Regional Development

1 Name

This Exemption is the *Work Health and Safety (Mines and Petroleum Sites) Exemption (Non-Explosion Protected Low Power Storage Devices in Hazardous Zones) 2024*.

2 Commencement

This Exemption commences on the date it is published in the NSW Government Gazette and has effect until revoked.

3 Interpretation

In this Exemption:

low powered storage device (LPSD) means a low energy capacity battery or supercapacitor which is integral to an electronic device for the purpose of holding program memory or settings via a real time clock or similar microchip.

fit-for-purpose assessment means a full audit and assessment of non-explosion protected electrical equipment to standards that are relative to the avoidance of ignition sources for equipment to be used in hazardous areas. The assessment includes all necessary calculations, measurements and parameters to determine that the equipment is fit for its purpose and safe to use. The assessment must consider any likely ignition sources including arcs, sparks or hot surfaces that are likely to occur in normal circumstances or under fault/abnormal conditions.

the Regulation means the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.

Terms used in this Exemption have the same meaning as in the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the Regulation.

4 Exemption

This Exemption is a class exemption made by the regulator on its own initiative.

This Exemption applies to the use of non-explosion protected LPSD in a hazardous zone in an underground coal mine.

A mine operator of an underground coal mine is exempt from the requirements of sections 81(1) and 74(2)(f)(ii) of the Regulation, subject to the conditions specified in clause 5 of this Exemption.

5 Conditions

- (1) A non-explosion protected LPSD may only be used in a hazardous zone at the mine if:
 - a) there is no reasonably practicable alternative that complies with section 81(1) of the Regulation,
 - b) the LPSD and associated circuit has:
 - i) passed a "Fit-For-Purpose Assessment" undertaken in accordance Annex C of AS/NZS 60079.17:2017, or
 - ii) passed the type verification tests for spark ignition, surface temperature rise and pressure testing undertaken in accordance with Clause 10.5 of AS/NZS 60079.11:2011
 - c) the LPSD is integral to the electronic component and cannot be removed by the mine,
 - d) the electrical enclosure that contains the LPSD is not opened during any loss of ventilation or gas exceedance,
 - e) the individual nominated to exercise the statutory function of electrical engineering manager at the mine must determine that the use of the LPSD and associated circuit will result in a standard of safety that is at least equivalent to the standard that would be achieved by compliance with section 81(1) of the Regulation,
 - f) the mine operator must keep a register of all plant located in the underground parts of the mine that contains a LPSD,
 - g) the mine operator must keep all records relating to the determination of an equivalent level of safety, including all risk assessments, "fit-for-purpose assessment", engineering calculations and other relevant information while the LPSD and associated circuit is in use at the mine.

6 Exemption does not affect other requirements

Nothing in this exemption affects any other applicable requirement imposed by law in relation to the matters this Exemption applies to.