

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

### Registration of Breathing Apparatus to Assist Escape (Including Self-Rescuers) Design Order 2022

I, Gary Barnes, Secretary of the Department of Regional NSW, under subclause 177(1)(f) and (5) of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (“the Regulation”) make the following Order.

Dated this 4th day of April 2022.



Gary Barnes  
Secretary of the Department of Regional NSW

#### 1. Name of Order

This Order is the *Registration of Breathing Apparatus to Assist Escape (including Self-Rescuers) 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 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 2020* published in the NSW Government Gazette No 259 of 9 October 2020 is revoked on the day this Order commences.

#### 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 Mine Safety Laboratory 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 2020* 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.