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WORK HEALTH AND SAFETY ACT 2011
WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES)
REGULATION 2022

Standards for Breathing Apparatus to Assist Escape (Including Self-Rescuers)
Order 2025

I, **Anthony Margetts**, Chief Inspector, with the delegated authority of the Secretary, Department of Primary Industries and Regional Development, under section 187(5) of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*, make the following Order.

Dated this 22 day of July 2025

Anthony Margetts
Chief Inspector
Department of Primary Industries and Regional Development

Part 1—Preliminary

1. Name of Order

This Order is the *Standards for Breathing Apparatus to Assist Escape (Including Self-Rescuers) Order 2025*.

2. Commencement

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

3. Interpretation

(1) In this Order—

AS ISO/IEC 17025:2018 means the Australian standard named AS ISO/IEC 17025:2018 - *General requirements for the competence of testing and calibration laboratories*, published by Standards Australia.

AS/NZS 1716:2012 means the Australian and New Zealand standard named AS/NZS 1716:2012 *Respiratory protective devices*, published jointly by Standards Australia and Standards New Zealand.

AS/NZS ISO/IEC 17020:2013 means the Australian and New Zealand standard named AS/NZS ISO/IEC 17020:2013 – *Conformity assessment – Requirements for the operation of various types of bodies performing inspection*, published jointly by Standards Australia and Standards New Zealand.

breathing apparatus means breathing apparatus to assist escape (including self-rescuers) used in underground coal mines.

WHS laws has the same meaning as in the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

WHS Regulations has the same meaning as in the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

- (2) Unless otherwise stated—words and expressions that are defined in the WHS laws have the same meaning in this Order

4. Revocation

The *Registration of Breathing Apparatus to Assist Escape (including Self-Rescuers) Design Order 2022 (No.4)* published in the NSW Government Gazette No.561 of 2 December 2022 is revoked.

Part 2—Standards for registration—plant design

5. Standards for registration—general

- (1) For the purposes of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*, section 187(5), the design of breathing apparatus must meet the standards specified in this clause.
- (2) The design of breathing apparatus must meet 1 of the following—
- (a) the requirements specified in AS/NZS 1716:2012, or
 - (b) to the extent that the design does not meet the requirements specified in AS/NZS 1716:2012—having regard to the hierarchy of control measures, an equivalent level of safety as the requirements of AS/NZS 1716:2012.
- (3) The design of breathing apparatus must be performance tested—
- (a) in accordance with AS/NZS 1716:2012, and
 - (b) in a test facility which is independent of the designer, manufacturer or supplier of the breathing apparatus that is—
 - (i) accredited by the National Association of Testing Authorities (NATA) for the testing of breathing apparatus, or
 - (ii) if demonstrated to the regulator that a test facility mentioned in subparagraph (i) is not available, a test facility that —
 - A. is accredited by an organisation that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA) for the testing of breathing apparatus, or
 - B. meets the requirements of AS ISO/IEC 17025:2018 and has been independently audited in accordance with the requirements of AS/NZS ISO/IEC 17020:2013 within the last 2 years.
- (4) If the design of breathing apparatus meets the standard specified in subclause (2)(b), the designer must specify the published technical standards or engineering principles used to design the plant.
- (5) In this clause—

hierarchy of control measures means the hierarchy of control measures specified under the WHS Regulations, Part 3.1, clause 36.

Note—The design of breathing apparatus cannot be registered under the WHS Regulations, Part 5.3 if it does not comply with these standards—see the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*, section 187(6).

Part 3—Alteration of design after registration

6. Alterations to registration

- (1) This clause applies if—
 - (a) a design is altered after it is registered under the WHS Regulations, Part 5.3, and
 - (b) the alteration may affect health and safety.
- (2) The alteration must meet the standards for registration specified in clause 5.
- (3) The designer must undertake and document an assessment of the impact of the design alteration on unaltered parts of the breathing apparatus.
- (4) To avoid doubt, a part of the breathing apparatus which is not affected by the alteration must continue to comply with the design requirements of the design order that was in effect on the date that the registration for the design of the breathing apparatus was granted.

Pursuant to section 136 of the *Mining Act 1992* and section 16 of the *Petroleum (Onshore) Act 1991*

NOTICE is given that the following application has been received:

EXPLORATION LICENCE APPLICATION

(APP-2025-133)

No. 6931, Adavale Gold Pty Ltd (ACN 682790530), area of 3 units, for Group 1, dated 21 July 2025. (Parkes Local Government Area).

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATION

(APP-2024-39)

No. 6719, LIGHTSPEED EXPLORATION PTY LTD (ACN 663783364), County of Dampier and County of St Vincent, Map Sheet (8926). Withdrawal took effect on 12 February 2025.

MINING LEASE APPLICATION

(TMS-APP72)

Orange No. 587, GRANDEE TRADING CO PTY LTD (ACN 622 827 089), Parish of Erasa, County of Forbes, (8530-4-N). Withdrawal took effect on 17 July 2025.

NOTICE is given that the following applications for renewal have been received:

EXPLORATION LICENCES

(REN-2025-165)

Exploration Licence No. 5497, Donaldson Coal Pty Ltd (ACN 073 088 945), area of 4687 hectares. Application for renewal received 18 July 2025.

(REN-2025-164)

Exploration Licence No. 8451, Oxley Resources Limited (ACN 129 777 260), area of 99 units. Application for renewal received 16 July 2025.

(REN-2025-162)

Exploration Licence No. 8994, Legacy Minerals Pty Ltd (ACN 622 746 187), area of 61 units. Application for renewal received 17 July 2025.

RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(REN-2025-18)

Exploration Licence No. 6563, First Nations Minerals & Energy Pty Ltd (ACN 114162597), County of Gloucester, Map Sheet (9233), area of 419.8 hectares, for a further term until 15 May 2027. Renewal effective on and from 19 July 2025.

(REN-2025-82)

Exploration Licence No. 8258, Torrington Minerals Pty Ltd (ACN 604431370), Counties of Clive and Gough, Map Sheet (9239), area of 4 units, for a further term until 16 April 2027. Renewal effective on and from 16 July 2025.

(REN-2025-99)

Exploration Licence No. 8270, Golden Cross Operations Pty. Ltd. (ACN 050212827), County of Blaxland, Map Sheet (8132), area of 11 units, for a further term until 6 May 2027. Renewal effective on and from 15 July 2025.

(REN-2025-104)

Exploration Licence No. 8445, Gold And Copper Resources Pty Limited (ACN 124534863), County of Ashburnham, Map Sheet (8631), area of 18 units, for a further term until 11 May 2031. Renewal effective on and from 15 July 2025.

(REN-2025-102)

Exploration Licence No. 9566, Jamieson Minerals Pty Ltd (ACN 165 056 333), Counties of Bourke, Clarendon, Mitchell and Wynyard, Map Sheet (8327, 8328), area of 40 units, for a further term until 5 May 2027. Renewal effective on and from 18 July 2025.

(REN-2025-101)

Mining Lease No. 1318 (Act 1992), Charbon Coal Pty Limited (ACN 064237118), Parish of Clandulla, County of Roxburgh, Map Sheet (8832-2-S, 8932-3-S), area of 983 hectares, for a further term until 29 June 2036. Renewal effective on and from 30 June 2026.

(REN-2023-172)

Mining Lease No. 1539 (Act 1992), Tahmoor Coal Pty Ltd (ACN 076663968), Parish of Couridjah, County of Camden; and Parish of Picton, County of Camden, Map Sheet (9029-4-S), area of 547 hectares, for a further term until 16 June 2035. Renewal effective on and from 18 July 2025.

(REN-2025-100)

Mining Purposes Lease No. 499 (Act 1906), Charbon Coal Pty Limited (ACN 064237118), Parish of Clandulla, County of Roxburgh, Map Sheet (8832-2-S), area of 7917 square metres, for a further term until 28 May 2036. Renewal effective on and from 29 May 2026.

APPLICATIONS TO TRANSFER RECEIVED

Notice is given that the following applications to transfer have been received:

(TRF-2025-24)

Vladimir Vinkovic has applied for approval to transfer Mining Purposes Lease No. 109 to Alfred Seaton. Application received 10 June 2025.

(TRF-2025-26)

NEWMONT EXPLORATION HOLDINGS PTY LTD (ACN 626 423 845) has applied for approval to transfer Exploration Licence No. 8792 to Australian Consolidated Gold Holdings Pty Ltd (ACN 619 975 405). Application received 21 July 2025.

(TRF-2025-33)

NORTH CENTRAL GOLD PTY LTD (ACN 638 533 221) has applied for approval to transfer Exploration Licence No. 9145 to World Minerals and Resources Pty Ltd (ACN 673 591 743). Application received 21 July 2025.

REQUESTED CANCELLATIONS

(CAN-2025-39)

Exploration Licence No. 5337 (Act 1992), NEWCASTLE COAL COMPANY PTY LTD (ACN 074 900 208), County of Northumberland, Map Sheet (9232), area of 2394 hectares. Request for cancellation was received on 18 July 2025.

(CAN-2025-39)

Exploration Licence No. 5498 (Act 1992), NEWCASTLE COAL COMPANY PTY LTD (ACN 074 900 208), County of Northumberland, Map Sheet (9132, 9232), area of 1475 hectares. Request for cancellation was received on 18 July 2025.

(CAN-2025-38)

Exploration Licence No. 6123 (Act 1992), MONASH COAL PTY LTD (ACN 069 359 011), County of Northumberland, Map Sheet (9132), area of 1886 hectares. Request for cancellation was received on 18 July 2025.

(CAN-2025-40)

Exploration Licence No. 6964 (Act 1992), DONALDSON COAL PTY LTD (ACN 073 088 945), County of Northumberland, Map Sheet (9232), area of 1255 hectares. Request for cancellation was received on 18 July 2025.

(CAN-2025-38)

Exploration Licence No. 7579 (Act 1992), MONASH COAL PTY LTD (ACN 069 359 011), County of Northumberland, Map Sheet (9132), area of 333 hectares. Request for cancellation was received on 18 July 2025.

(CAN-2025-37)

Exploration Licence No. 9367 (Act 1992), STRATEGIC ENERGY RESOURCES LIMITED (ACN 051212429), County of Ashburnham and County of Forbes, Map Sheet (8430, 8431, 8530, 8531), area of 56 units. Request for cancellation was received on 21 July 2025.

(CAN-2025-41)

Exploration Licence No. 9666 (Act 1992), TERRACOBALT PTY LTD (ACN 681037490), County of Macquarie, Map Sheet (9434, 9435), area of 73 units. Request for cancellation was received on 23 July 2025.