

## **Work Health and Safety (Mines and Petroleum Sites) Regulation 2022**

### **Ancillary Reports – Fire related to mobile plant 2022**

I, Garvin Burns, Chief Inspector, with the delegated authority of the Secretary of the Department of Regional NSW, under section 127 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 (the Regulation), do, by this notice, specify that:

- (a) an ancillary report must be provided to the regulator in respect of any incident described in the following sections (but only in respect of such incidents that relate to fires on mobile plant):
  - i. 124(5)(a) of the Regulation, being an event referred to in section 190(1)(b) of the Regulation;
  - ii. 124(5)(u) of the Regulation;
  - iii. 190(1)(b) of the Regulation;
  - iv. 190(2)(a) of the Regulation.
- (b) an ancillary report must include the information specified in Schedule 1 of this notice
- (c) an ancillary report must be provided to the regulator using the Regulator Portal online form available at:  
<https://nswresourcesregulator.service-now.com/regulator>
- (d) the notice *Ancillary Reports – Fire Related to Mobile Plant* published in the NSW Government Gazette No 46 of 13 March 2020 is revoked on the day this notice commences.

This notice commences on the date of publication in the NSW Government Gazette and has effect until revoked.

Dated this 5<sup>th</sup> day of September 2022.

**Garvin Burns**  
**Chief Inspector of Mines**  
**NSW Department of Planning, Industry and Environment**

# Schedule 1

## Explanatory notes

As specified in this notice, an ancillary report must be provided to the regulator in respect of the following incidents (**but only in respect of such incidents that relate to fires on mobile plant**):

- an incident described in section 124(5)(a) of the Regulation, being an event referred to in section 190(1)(b) of the Regulation—that is, an uncontrolled implosion, explosion or fire that would have been a dangerous incident if a person were reasonably in the vicinity at the time when the incident or event occurred and in usual circumstances a person could have been in that vicinity at that time (**a high potential incident**);
- an incident described in section 125(5)(u) of the Regulation—that is, an uncontrolled fire on mobile plant that is in operation, whether operated directly, remotely or autonomously, (**a high potential incident**);
- an incident described in section 190(1)(b) of the Regulation—that is, an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to an uncontrolled implosion, explosion or fire (**a dangerous incident**);
- an incident described in section 190(2)(a) of the Regulation—that is, a fire in the underground parts of a mine, including where the fire is in the form of an oxidation that releases heat and light (**a dangerous incident**).

Ancillary reports are a separate and additional requirement to the initial notification of the incident to the regulator. Ancillary reports must be completed and submitted to the regulator no later than 30 days after the incident was required to be notified to the regulator.

**Mobile plant** means any item of plant that is self-propelled and ordinarily under the direct control of an operator. This also includes items of plant that are capable of being directly operated but are being operated autonomously or under remote control. Mobile plant does not include transportable plant which is relocated to be operated such as generators, diesel pumps and lighting towers.

**Competent person** has the same meaning as in clause 5 of the Work Health and Safety Regulation 2017.

## The information that must be included in the ancillary report is set out below:

1. Information about the mine where the incident occurred
2. Information about the particulars of the mobile plant
3. Information about the last inspection of the mobile plant
4. Information about the fire suppression system installed on the mobile plant
5. Information about the failure mode of the mobile plant components
6. Information about the fuel source of the fire on the mobile plant
7. Information about the heat source of the fire on the mobile plant
8. Information about the method used to extinguish the fire on the mobile plant

9. Information about any risk assessment/s undertaken in relation to the mobile plant
10. Recommendations for preventing the incident from reoccurring
11. A statement by a competent person certifying that:
  - a. they have reviewed the content of the ancillary report; and
  - b. to the best of their knowledge the information supplied in the ancillary report is true and correct in every particular.

**Note** In the case of a coal mine, the statement must be made by the person nominated to exercise the statutory function of the mechanical engineering manager or mechanical engineer at the mine. In all other cases, the statement must be made by a competent person (such as the person who develops and periodically reviews the mechanical engineering control plan).

12. A sign-off from an authorised person declaring that:
  - a. they have authority from the mine operator to complete and submit the ancillary report on their behalf, and
  - b. to the best of their knowledge, the information provided in the ancillary report is true and correct in every particular.

**Note** The person completing the sign-off may also be the person completing the statement under section 11.