



**NSW  
Resources  
Regulator**

# Monthly business activities report

FEBRUARY 2019



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Disclaimer: The data in this report was extracted from the NSW Resources Regulator's compliance database on 6 March 2019. Users are reminded that since then new information may have been received. If you are concerned about the currency of any of the information in the report, please check with the appropriate officer of the NSW Department of Planning and Environment. Non-compliance events under the *Mining Act 1992* have been omitted from this report because of an unresolved data base transition issue at the time of data extraction.



# Contents

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- ACTIVITIES SNAPSHOT** **4**

---
- Activities at a glance ..... 4
- Key enforcement actions ..... 5
- Safety incidents of note ..... 6
- Communication highlights..... 6
  
- SAFETY ACTIVITIES** **7**

---
- Safety assessments ..... 7
- Proactive and reactive safety assessments ..... 8
- Targeted assessment programs ..... 8
  
- SAFETY NOTICES** **9**

---
- Safety notices issued ..... 9
- Prohibition notices issued ..... 10
  
- SAFETY NOTIFICATIONS** **12**

---
- Safety incident notifications ..... 12
- Safety statutory notifications ..... 13
- Exemptions ..... 13
  
- MINING RELATED COMPLIANCE ACTIVITIES** **14**

---
- Key enforcement actions under the *Mining Act 1992*..... 14
  
- EDUCATION AND ENGAGEMENT ACTIVITIES** **16**

---
  
- PUBLICATIONS AND ALERTS** **17**

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# Activities snapshot

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## Activities at a glance

### SUMMARY OF REGULATORY ACTIVITIES - FEBRUARY 2019

Conducted  
**409**  
safety assessments

Conducted  
**137**  
proactive targeted  
assessments

Issued  
**150**  
safety notices

Received  
**181**  
safety incident  
notifications

Published  
**13**  
media releases, news  
articles and safety alerts

Conducted  
**8**  
compliance training,  
information and  
education workshops

## Key enforcement actions

### **Mining lease suspended as management deemed not fit and proper**

On 4 February 2019, the NSW Resources Regulator suspended the mining lease of the Good Friday Gold Mine which is located in the far west of NSW, approximately 26 kilometres south-west of Tibooburra. The titleholder, Aus Gold Mining Group Pty Ltd, was issued a suspension notice for its mining lease 1322. The decision required Aus Gold to immediately suspend all operations at the lease, with the exception of activities required to maintain a safe workplace or to undertake environmental rehabilitation.

The NSW Resources Regulator found that the persons conducting the business or undertaking at Aus Gold were not currently fit and proper to hold a mining authorisation. This decision was based on the fact that mining activities at the site were no longer under the control of a technically competent person. Additionally, Aus Gold was not able to demonstrate its financial capacity for ensuring ongoing compliance with the state's mining laws. Further, Aus Gold failed to comply with other obligations under the *Mining Act 1992*. Breaches included failing to report an environmental incident, failing to lodge a mining operation plan and not notifying the NSW Resources Regulator of a suspension of operations demonstrated a poor compliance approach.

### **Penalty for worker death at CSA Mine increased on appeal from \$75,000 to \$375,000**

The NSW Court of Criminal Appeal has upheld an appeal by the Attorney General against the inadequacy of a sentence ordered against Macmahon Mining Services Pty Ltd in 2016. The company pleaded guilty and was convicted in the District Court on 19 August 2016 for an offence under section 32 of the *Work Health and Safety Act 2011* that caused the death of a worker at the CSA Mine in Cobar in 2013. The worker was fatally injured while riding in a large steel bucket known as a kibble. At the time of the incident, the kibble was being raised through an opening in the centre of a platform in a mine shaft below the surface of the mine.

In the original finding, the primary judge found that the offence fell in the low-range of objective seriousness and imposed a fine of \$75,000 after allowing a discount of 25 per cent for Macmahon's early guilty plea. The NSW Court of Criminal Appeal quashed the original monetary penalty and ordered a new penalty of \$375,000 in relation to the workplace fatality on 26 February 2019.



## Safety incidents of note

In the [week ending 8 February 2019](#), a worker who was carrying out maintenance activities at the main gate of a longwall, suffered a broken leg. The worker was using the shearer haulage to pull a flight bar when the rod link on the shearer failed, hitting the worker on the lower part of the leg. The mine has been issued a s195 notice prohibiting this activity, and the incident is the subject of further investigation.

A collision occurred in an underground metalliferous mine in the [week ending 15 February 2019](#). A haul truck was descending the decline when it collided with a rigid body truck travelling up the decline. The rigid truck was pushed two metres as a result of the collision. The driver of the rigid body truck briefly lost consciousness and suffered a head laceration. The mine was issued with a s195 prohibition notice and the incident is the subject of further investigation.

## Communication highlights

The Targeted Assessment Program [Fatigue management practices – NSW coal mines](#) was published this month. This report summarises the NSW Resources Regulator's findings and recommendations from targeted assessments on fatigue management. Fatigue assessments were conducted at 15 open cut coal mines in NSW throughout 2017 and 2018.

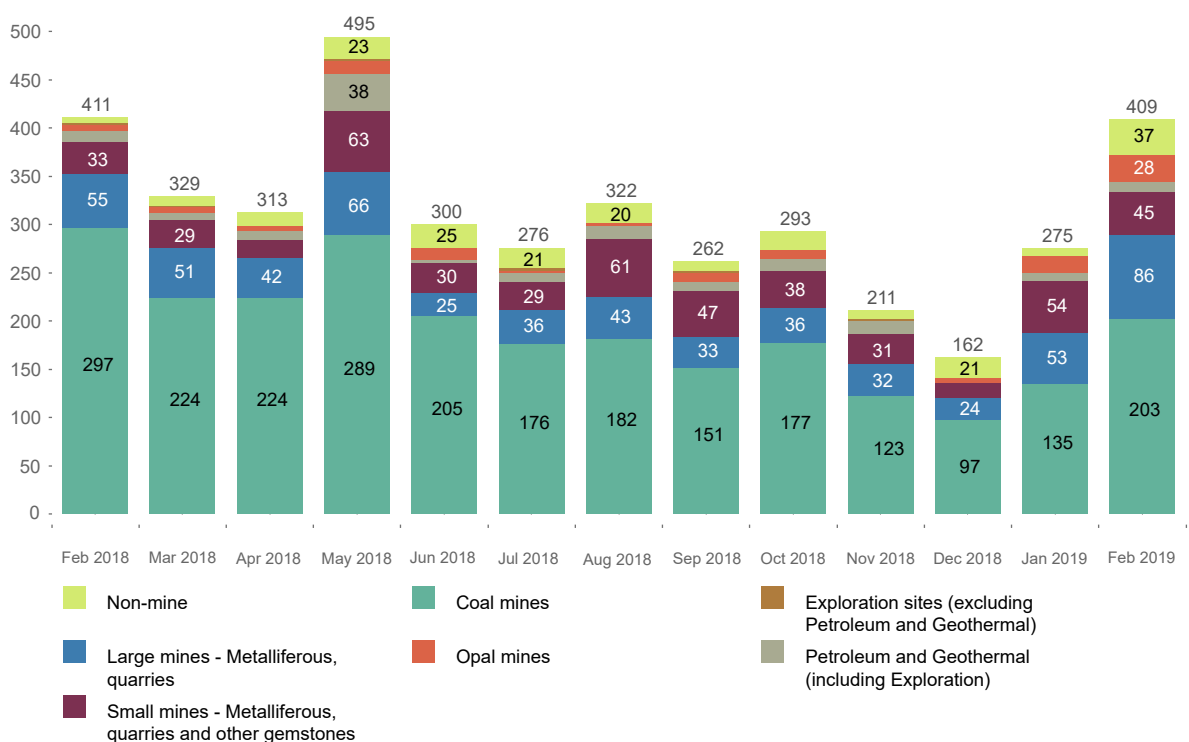
The NSW Resources Regulator's [weekly incident summary](#) references any recently published safety publications. The alerts section provides further details about any dangerous and serious safety incident notifications received in February 2019.

# Safety activities

## Safety assessments

In February 2019, the NSW Resources Regulator conducted a total of 409 safety assessments across all mining sectors, up 134 compared to the previous month. Of the 409 assessments, 203 occurred in the coal sector.

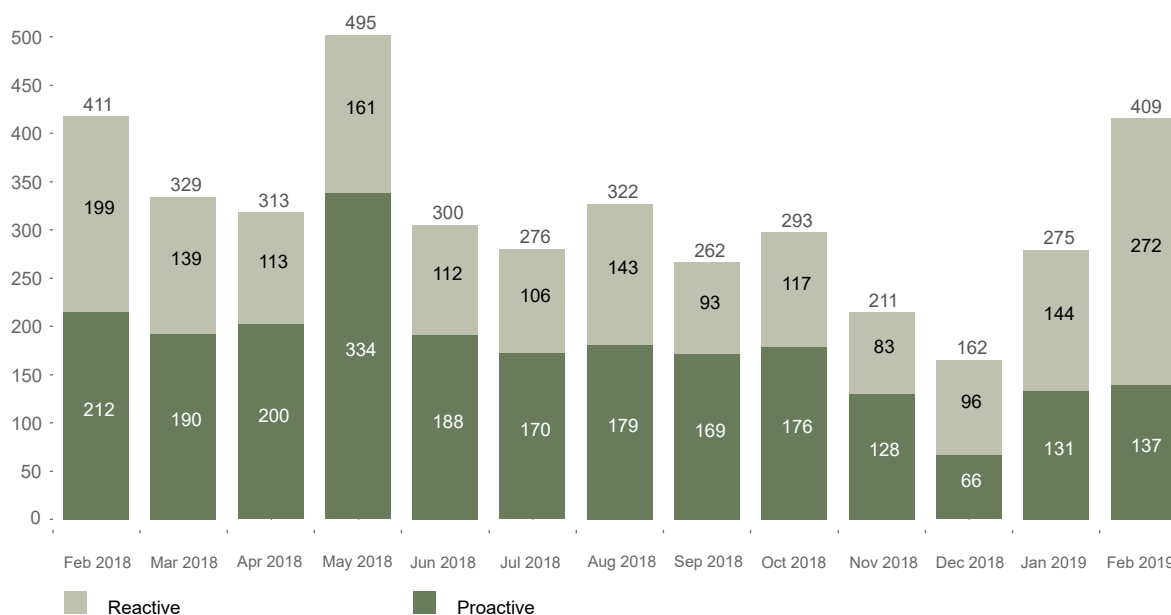
**FIGURE 1.** ASSESSMENT ACTIVITIES BY SECTOR - FEBRUARY 2018 TO FEBRUARY 2019



## Proactive and reactive safety assessments

In February 2019, 137 out of the 409 of the NSW Resources Regulator’s assessments were considered proactive in nature. Targeted assessments and planned inspections are listed as proactive assessments. Reactive assessments include assessments conducted in response to an incident notification, targeted intervention assessments, high risk activities notifications and action requests.

**FIGURE 2. ASSESSMENT ACTIVITIES BY NATURE - FEBRUARY 2018 TO FEBRUARY 2019**



## Targeted assessment programs

Under the proactive assessment program, the NSW Resources Regulator conducted five targeted assessments on four principal hazards which included site visits (intensive onsite assessments) in February 2019. As a result, four safety improvement notices were issued to mining operators.

**TABLE 1. TARGETED ASSESSMENT PROGRAMS - FEBRUARY 2019**

Hazard	Mine	Date activity	Notice detail
Diesel exhaust emissions	Chain Valley	5 - 6 February	Two improvement notices issued
Airborne contaminants	Mt Thorley Warkworth	5 - 6 February	One improvement notice issued
Fire or explosion	Woodlawn	12 February 2019	One improvement notice issued
Fatigue	Narrabri UG	12 - 13 February 2019	Nil notices issued
Fire or explosion	Dendrobium	20 - 21 February 2019	Nil notices issued



# Safety notices

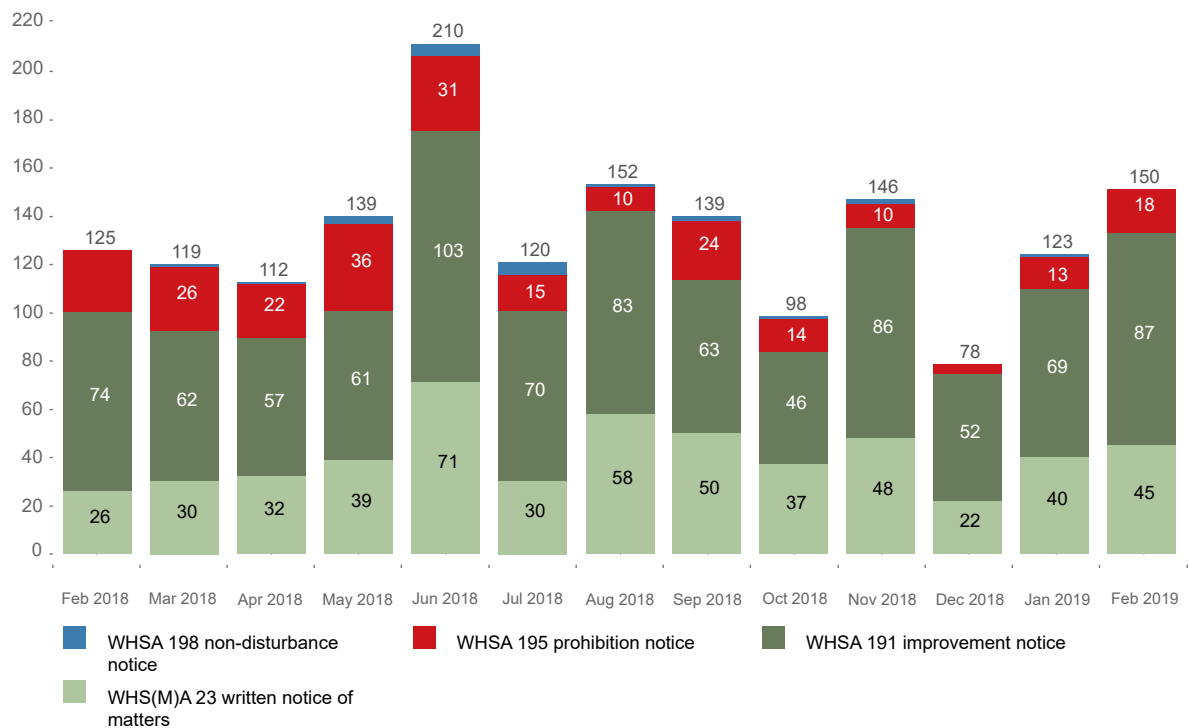
## Safety notices issued

In February 2019, the NSW Resources Regulator issued 150 safety notices, an increase of 27 compared to the previous month of 123.

The number of notices issued in February 2019 is up 25 compared to the same month in 2018.

For more information about notices, our Compliance and enforcement approach is available on our [website](#).

**FIGURE 3.** NOTICES ISSUED BY NOTICE TYPE - FEBRUARY 2018 TO FEBRUARY 2019



## Prohibition notices issued

In February 2019, the NSW Resources Regulator issued 18 safety related prohibition notices.

**TABLE 2.** PROHIBITION NOTICES ISSUED (S195 WORK HEALTH AND SAFETY ACT 2011) - FEBRUARY 2019

Issued to PCBU	Mine	Prohibited activity
Bloomfield Collieries Pty Ltd	Rixs Creek Mine	Operating a dozer over reclaim chute gates.
Boral Construction Materials (NSW)	Boral Teven Quarry	Operating Caterpillar 972H Loader unit number FL 67.
Dargues Gold Mine Pty Ltd	Dargues Gold Mine	Incompatible explosives - detonators of classification code 1.1B and explosive 's of classification code 1.1D - being transported together in the carry box located on the Pybar explosive vehicle LV 574.
Ditchfield Contracting Pty Limited	Stratford Coal Mine (Ditchfield Contracting Pty Ltd)	Mining of coarse reject and/or coarse reject recovery
Ezy Lime Pty Ltd	Ezy Lime	Operating the following plant for operational (mining, hauling and screening) purposes: <ul style="list-style-type: none"> <li>• Volvo BM articulated dump truck</li> <li>• Komatsu PC 400 Excavator</li> </ul>
Hanson Construction Materials Pty Ltd	Hanson - Bass Point Quarry	Any work or access to Building 8. This notice does not prohibit the undertaking of a structural assessment by competent and/or qualified structural engineers.
Hytec Industries Pty Ltd	Tumbulgum Quarry	Operating Bobcat RC 50.
Cadia Valley Operations	Cadia East Project	Access by workers to the PC1/PC2 subsidence zone of influence.
Dargues Gold Mine Pty Ltd	Dargues Gold Mine	Using the Komatsu track mounted jaw crusher.
Mr Sands Partnership	Belmore River Sand Quarry	Persons proceeding on top of the engine bay canopy of the Sumitomo excavator SH300 on site without fall protection systems.
Mt Arthur Coal Pty Limited	Mt Arthur Coal - Mine Operation Area	Recovery of the Tutt Bryant 50T Tadano Slew Crane (TBH112) that rolled 19 February 2019.
Muswellbrook Coal Company Ltd	Muswellbrook Coal Company	Recovery of the 2600 Hitachi Excavator involved in incident reported to the Resources Regulator 15th February 2019.
Peak Gold Mines Pty Limited	Peak Gold Mine	Operating the OMEGA 28 tonne forklift.
Springvale Coal Pty Ltd	Springvale Mine Underground Operation	Pulling the AFC chain with the Longwall Shearer.

Issued to PCBU	Mine	Prohibited activity
Tritton Resources Pty Ltd	Tritton Copper Mine	Operating the Sandvick haul truck unit 15 and rigid body stores truck unit HT 05 involved in the incident. This notice does not include the operation and movement of these vehicles for maintenance purposes or for the assessment of the safe operation of both vehicles, which may include tramping them to the surface for an inspection to assist in the investigation process once they have been deemed safe to operate by the competent person.
Tritton Resources Pty Ltd	Murrawombie Copper Mine	Operating the Caterpillar integrated tool carrier No. UIT03.  This notice does not prevent the operation of the UIT03 for maintenance and inspection purposes following passing a fit for movement inspection by a competent person.
Upper Hunter Shire Council	Upper Hunter Shire Council - Cuan Cuan Pit	Access to/and working from the rear platforms (situated above rear wheels) on the Volvo L90F loader unit 7006. Access forward of the cabin access platform on the Volvo L90F loader unit 7006 are prohibited until the identified fall from height issues are addressed.
Wongawilli Coal Pty Ltd	Wongawilli Colliery	All mining activities and all personnel underground other than the minimal staff required to maintain statutory inspections and maintenance of a safe workplace.

\* PCBU – Person Conducting a Business or Undertaking

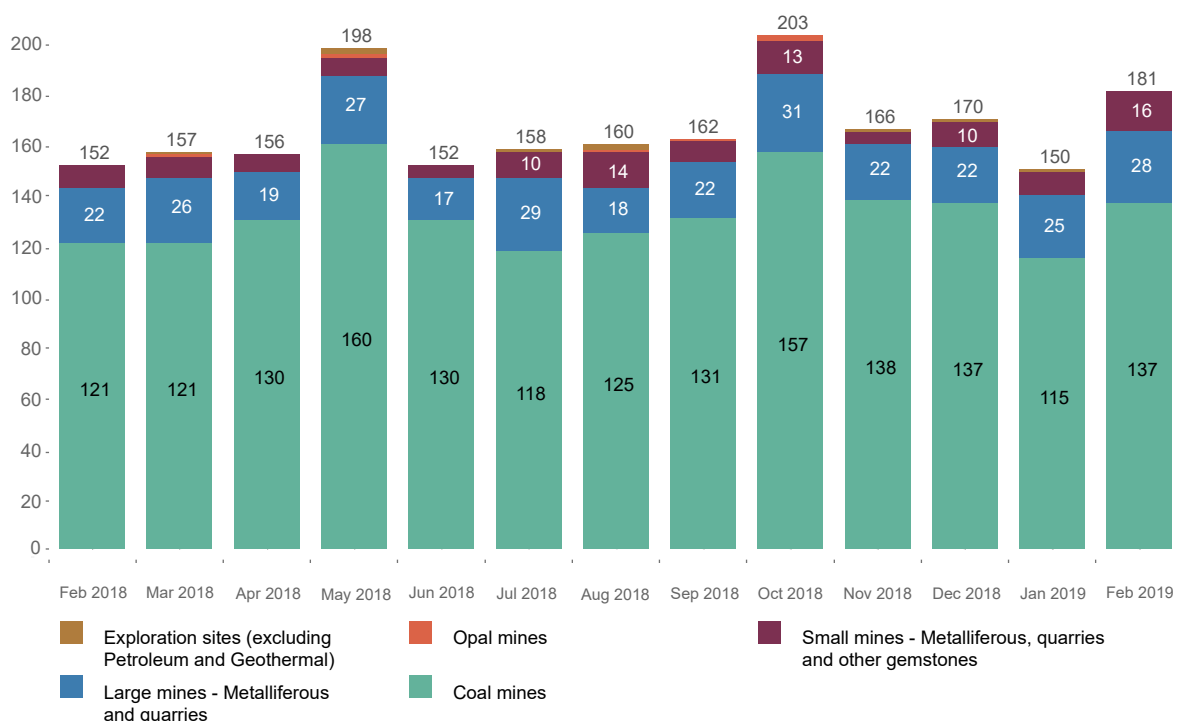


# Safety notifications

## Safety incident notifications

In February 2019, 181 incidents were notified to the NSW Resources Regulator, up 31 compared to the previous month. Compared to the same month in the previous year, the number of notices increased by 29.

**FIGURE 4.** SAFETY INCIDENT NOTIFICATIONS BY SECTOR - FEBRUARY 2018 TO FEBRUARY 2019



## Safety statutory notifications

In February 2019, the NSW Resources Regulator received six high risk activity notifications under the Work, Health and Safety (Mines and Petroleum Sites) Regulation 2014.

**TABLE 3.** HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED - FEBRUARY 2019

Mine	Legislation	Type of notification	No.
Appin Colliery	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
Chain Valley Colliery	Schedule 3 Clause 10	Sealing (other than emergency sealing).	1
Mandalong Mine	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
Moolarben Coal Operations - Underground	Schedule 3 Clause 19(1)(a)	The first application in any part of a mine of a coal dust explosion inhibitor used in combination with dry stone dust.	1
Springvale Mine Underground Operation	Schedule 3 Clause 7(2)(b)	Working in inrush control zone - potential source of inrush cannot be inspected.	1
Ulan Underground Mine	Schedule 3 Clause 11	High Risk Activity Hot Work.	1

\* Work Health and Safety (Mine and Petroleum Sites) Regulation 2014

## Exemptions

In February 2019, the NSW Resources Regulator did not receive any applications requesting exemptions from compliance with specific provisions of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.



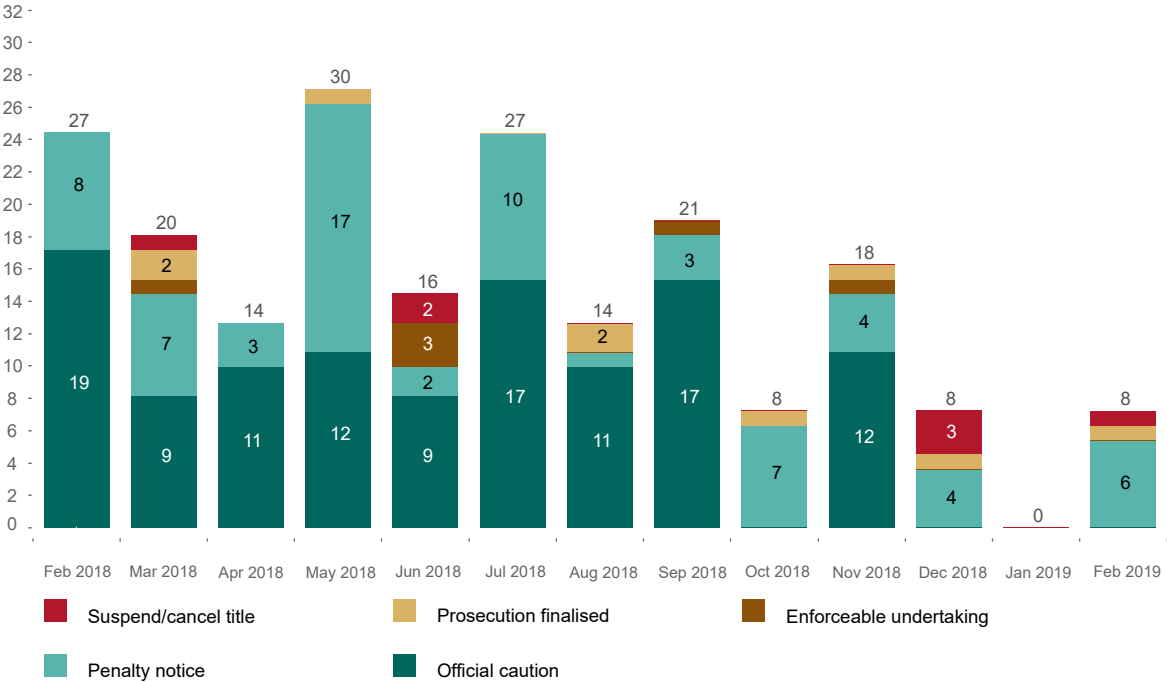
# Mining related compliance activities

## Key enforcement actions under the *Mining Act 1992*

The NSW Resources Regulator employs a range of enforcement tools for ensuring mining operations comply with the *Mining Act 1992*. These include official cautions, penalty notices, enforceable undertaking and suspending/cancelling titles.

In February 2019, the NSW Resources Regulator finalised eight enforcement actions, this was up from the previous month. The number of finalised enforcement actions was down 19 compared to the same month in 2018.

**FIGURE 5.** ENFORCEMENT ACTIONS UNDER THE *MINING ACT 1992* - FEBRUARY 2018 TO FEBRUARY 2019



In February 2019, the NSW Resources Regulator's investigators issued six penalty infringement notices and suspended one authorisation for offences under the *Mining Act 1992*. Details are listed below.

**TABLE 4.** KEY ENFORCEMENT ACTIONS - FEBRUARY 2019

Date	Entity	Authority	Action	Amount	Details / Direction
1 Feb 2019	Morello Earth Moving Pty Ltd ACN 055 015 051	ML1679	Penalty notice	\$5,000	Mining a mineral without an authorisation. Contravened <i>Section 5 of Mining Act 1992</i>
1 Feb 2019	Hillgrove Mines Pty Ltd	EL6695 (1992)	Penalty Notice	\$2,500	False Misleading Information - Corporation <i>Section 378C(1) Mining Act 1992</i>
2 Feb 2019	Peel Mining Limited	EL6695 (1992)	Penalty Notice	\$2,500	Breach Condition Authorisation - Corporation <i>Section 378D Mining Act 1992</i>
4 Feb 2019	Aus Gold Mining Group Pty Ltd ACN 603 575 917	Good Friday Gold Mine ML1322	Suspension	N/A	<i>Section 240AA of Mining Act 1992</i> decision to suspend ML1322
13 Feb 2019	Titleholder	MPL 296 (1973)	Penalty Notice	\$1,250	False Misleading Information - Corporation <i>Section 378C(1) Mining Act 1992</i>
13 Feb 2019	Manuka Resources Ltd	EL 6623 (1992)	Penalty Notice	\$2,500	False Misleading Information - Corporation <i>Section 378C(1) Mining Act 1992</i>
13 Feb 2019	Titleholder	M(C)L 213 (1992)	Penalty Notice	\$1,250	Breach Condition Authorisation (Security) - Corporation <i>Section 378D Mining Act 1992</i>



# Education and engagement activities

The NSW Resources Regulator conducted eight compliance and industry training, workshops and roadshows across the state. Details are outlined below.

**TABLE 5.** WORKSHOPS AND INFORMATION SESSIONS - FEBRUARY 2019

Date	Type of activity	Location	Details
1 Feb 2019	Examiners meeting	Rutherford	Annual meeting for the Mining Competency Team with certificate of competence examination panel members
12 Feb 2019 to 13 Feb 2019	Training Course	Thornton	Roadway Dust Course
19 Feb 2019	Competence Board	Sydney	Quarterly meeting with Resources Regulator
19 Feb 2019 to 21 Feb 2019	Opal Mining Operators and Safety Awareness Courses	Lightning Ridge	Regular Workshops
20 Feb 2019	Information session	Penrith	Southern Managers of Electrical Engineering meeting
21 Feb 2019	Information session	Thornton	Northern Managers of Electrical Engineering meeting
21 Feb 2019	Industry consultation	Penrith	Southern and Western Mine Electrical Engineers Meeting – 29 attendees
22 Feb 2019	Industry consultation	Thornton	MEMMES Hunter Valley Mine Electrical Engineers Meeting – 45 attendees



# Publications and alerts

For February 2019, the NSW Resources Regulator published 13 media releases, news articles and safety alerts on our website. For more information about what we publish, our [public comment policy](#) is available on our website.

**TABLE 6.** MEDIA RELEASES, SAFETY NEWS AND PUBLICATIONS - FEBRUARY 2019

Date	Type	Summary
5 Feb 2019	Weekly incident summary	<a href="#">Weekly incident summary week ending 24 January 2019</a>
8 Feb 2019	Media release	<a href="#">Resources Regulator suspends mining lease in state's far west</a>
8 Feb 2019	Weekly incident summary	<a href="#">Weekly incident summary week ending 1 February 2019</a>
14 Feb 2019	Mine Safety News	<ul style="list-style-type: none"> <li>• <a href="#">New design registration orders</a></li> <li>• <a href="#">Changes to examination requirements</a></li> <li>• <a href="#">Change of date</a></li> <li>• <a href="#">TAP report</a></li> <li>• <a href="#">Mining lease suspended</a></li> </ul>
15 Feb 2019	Weekly incident summary	<a href="#">Weekly incident summary week ending 8 February 2019</a>
18 Feb 2019	Media release	<a href="#">Resources Regulator allows work to resume at mine near Young</a>
20 Feb 2019	Media release	<a href="#">Mining prohibited at Wongawilli</a>
22 Feb 2019	Mine Safety News	<ul style="list-style-type: none"> <li>• <a href="#">Report shows favourable trends</a></li> <li>• <a href="#">Dust explosion</a></li> <li>• Have your say</li> <li>• <a href="#">Prohibition notice</a></li> </ul>
22 Feb 2019	Media release	<a href="#">\$6.5million funding boost for low emission technology</a>
22 Feb 2019	Weekly incident summary	<a href="#">Weekly incident summary week ending 15 February 2019</a>
26 Feb 2019	Media release	<a href="#">Mining resumes at Wongawilli</a>
27 Feb 2019	Mine Safety News	<ul style="list-style-type: none"> <li>• Compliance priorities</li> <li>• <a href="#">Shafts and winding systems</a></li> <li>• Examiners reports released</li> <li>• <a href="#">Attorney General appeals against sentence</a></li> <li>• <a href="#">Model WHS laws review</a></li> </ul>
28 Feb 2019	Media release	<a href="#">Regulator welcomes court verdict on Macmahon Mining Services</a>

