

**NSW
Resources
Regulator**

○ **Monthly business activity report**

OCTOBER 2017



VISION

A safe and responsible mining extractive and petroleum industry

MISSION

To enable and support industry to understand and fulfil its obligations



Document control

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Amendment schedule		
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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (January 2018). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Planning and Environment or the user's independent advisor.

Key activities

The NSW Resources Regulator undertook a number of major enforcement actions this month.

Prohibition notices were issued to Glencore's Integra coal mine and to Yancoal's Ashton coal mine, both in the Upper Hunter, preventing workers from entering the site's underground workings - with the exception of those undertaking safety-related activities. Both incidents involved methane gas levels exceeding legislated limits, and workers not being withdrawn from the mines. Both notices were lifted following investigations by the mines, including detailed risk assessments and additional risk controls being put in place. The regulator has continued to monitor both situations and is satisfied that appropriate actions have been taken to ensure workers at the mine are not exposed to risk.

The regulator accepted an enforceable undertaking from Coal & Allied (NSW) Pty Limited following an investigation into the company for alleged breaches of the *Work Health and Safety Act 2011*. In October 2016, the regulator began proceedings against Coal and Allied (NSW) Pty Ltd (formerly Rio Tinto Coal (NSW) Pty Limited) after a worker at Mount Thorley Warkworth mine, in the Upper Hunter, was seriously injured falling from a grader. As part of the undertaking, Coal & Allied has committed to a range of actions with a financial commitment of at least \$677,000. This is in addition to an estimated \$500,000 already spent on works carried out because of the incident.

In the courts, an appeal was launched regarding the inadequacy of the sentence imposed on Macmahon Mining Services Pty Ltd (MMS) following the death of a worker in 2013. In August 2016, the regulator successfully prosecuted MMS in the District Court of NSW, for a breach of the *Work Health and Safety Act 2011*. MMS was fined \$75,000 and ordered to pay the Regulator's costs in the proceedings.

In education and engagement activities, the regulator ran six health control plan workshops for industry this month. *Development and implementation of a health control plan* is aimed at operators who are implementing a health control plan. The workshop gives practical advice about how to get started. *Evaluating and reviewing health control plans* targets operators that have a health management system or health control plan in place, and shows how controls and the plan can be evaluated and reviewed systematically. The workshops will continue to be rolled out in the first quarter of 2018.



NSW Planning and Environment has taken all care to ensure the accuracy, completeness and reliability of the information provided in this report. Nothing in this report impacts any duties held by any person under legislation administered or enforced by the department. Compliance with the legislation is a legal requirement. Some persons may have a right of internal or external review of decisions made under the legislation administered or enforced by the department.

Activities

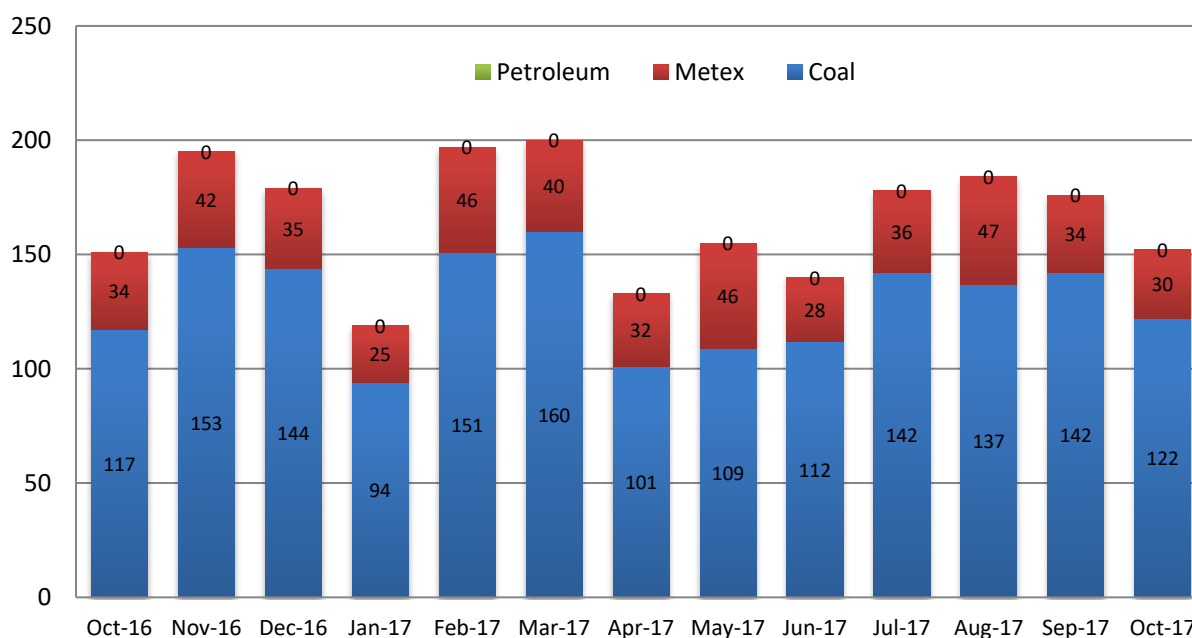
Below is a snapshot of the NSW Resources Regulator's activities for October 2017.



Incidents

Incident classifications and weekly incident summaries are available on our [website](#).

Chart 1: Incidents and complaints notified to the Resources Regulator by sector



Inspections, audits and targeted assessments

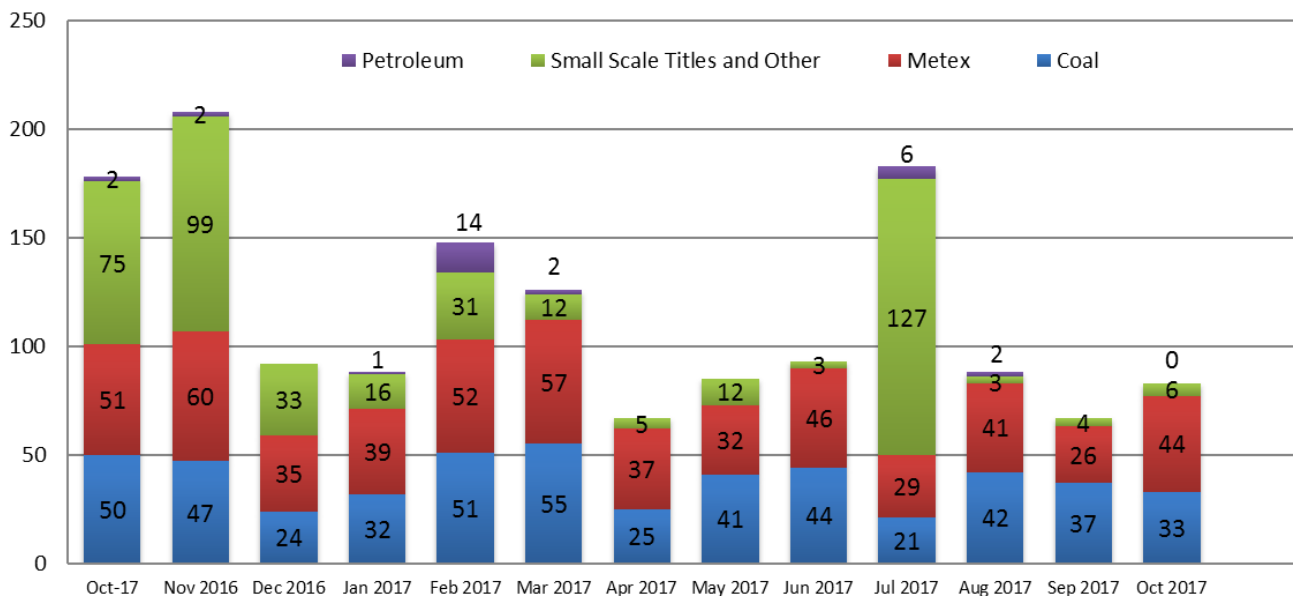
Reports on our compliance activities are available on our [website](#).

Targeted assessments undertaken

Mine	Type	Topic
Tritton Copper Mine	Airborne Contaminants	Site assessment.
Mandalong Mine	Diesel Exhaust Emissions	Site assessment.
Springvale Mine	Diesel Exhaust Emissions	Site assessment.
Clarence Colliery	Emergency Management	Site assessment.
Wambo Open Cut	Fatigue Surface Coal	Site assessment.
Mandalong Mine	Gas Exceedances	Site assessment.

Safety inspections

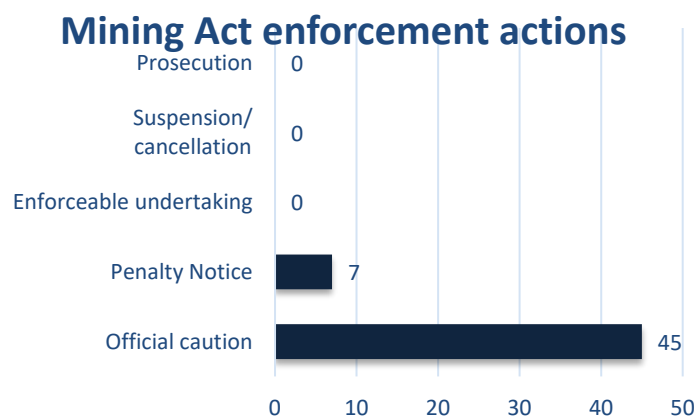
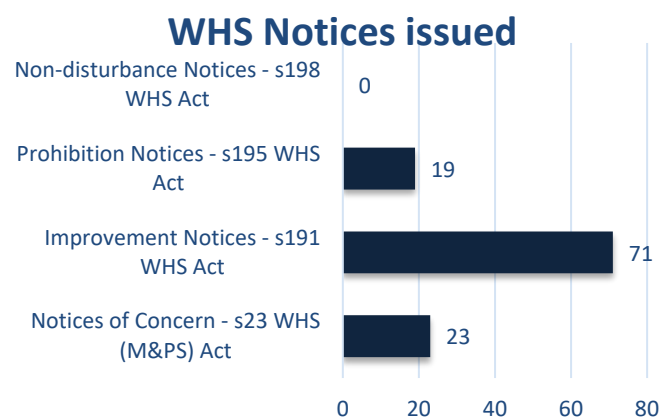
Chart 2: Safety inspections carried out by the Resources Regulator by sector.



Enforcement actions

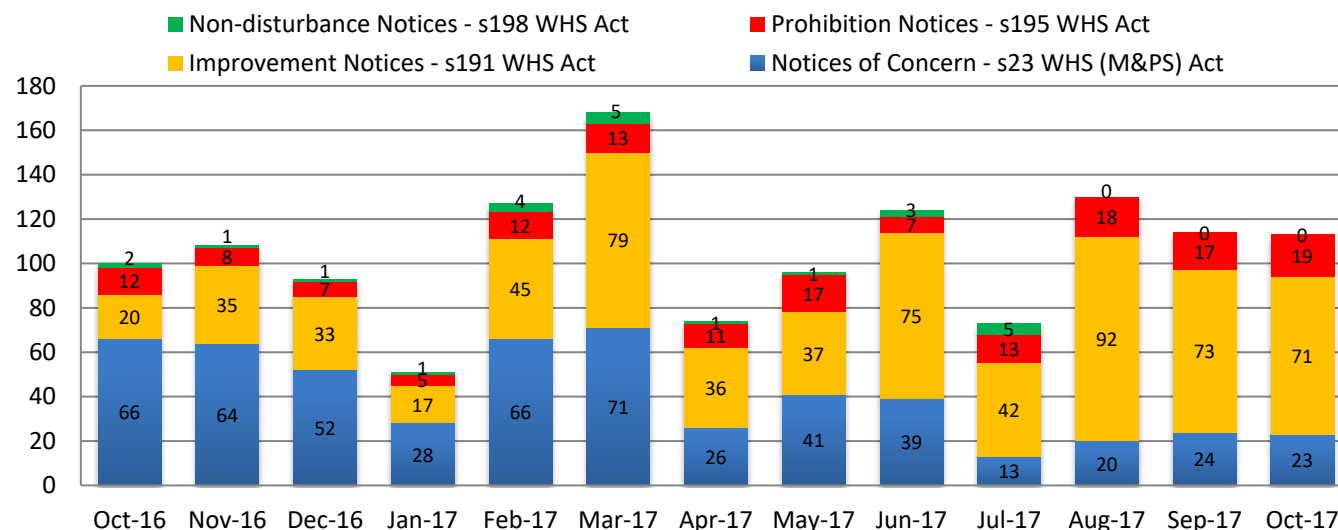
Our [Compliance and enforcement approach](#) is available on our website.

Chart 3: WHS notices issued and Mining Act enforcement actions taken in October 2017



WHS notices issued

Chart 4: WHS notices issued by the Resources Regulator.



Prohibition notices issued (WHS leg)

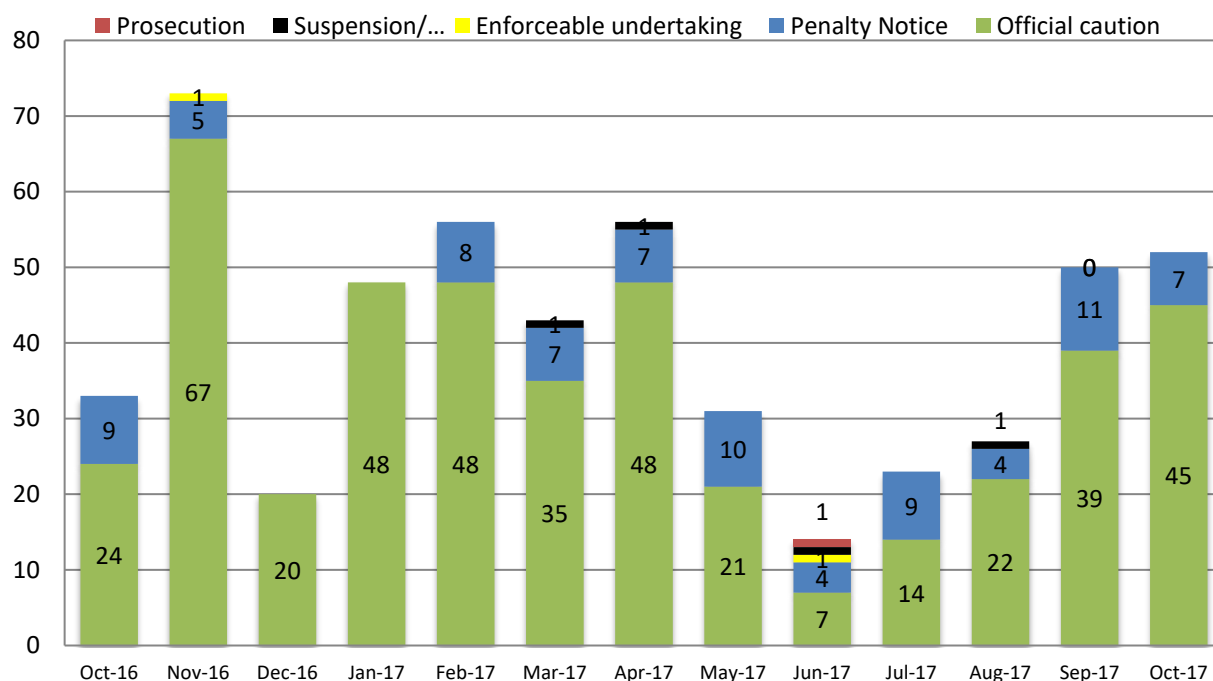
PCBU	Mine	Details	Prohibited activity
Hanson Construction Materials Pty Ltd	Wagga Quarry	An excavator was moving a log from sand in the pit when the log slipped and went through the windscreen.	Any excavator on the site is prohibited from moving/loading any material or object other than sand unless the excavator is fitted with an engineered protected device to the windscreen to prevent material or objects from entering the operator's cabin.
Yancoal Mining Services Pty Ltd	Austar Coal Mine – Underground Operation	A coal burst occurred.	Work in the unit is prohibited until an independent geotechnical engineer has assessed the outburst and provided a report to the Regulator.
Yancoal Mining Services Pty Ltd	Austar Coal Mine – Underground Operation	A coal burst occurred.	Production activities in A and B headings of MGB6 Panel are prohibited.
Challenger Mines Pty Ltd	Adelong Gold Mine	A targeted intervention was undertaken due to the mine reactivating underground mining activities. The safety management system requires review and updating and procedures implemented.	Underground development and production activities are prohibited.

PCBU	Mine	Details	Prohibited activity
Yancoal Mining Services Pty Ltd	Austar Coal Mine – Underground Operation	A coal burst occurred.	Roadway development mining with a continuous miner through the swamp fault zones in MGB6 is prohibited.
Yancoal Mining Services Pty Ltd	Austar Coal Mine – Underground Operation	A coal burst occurred.	Roadway development mining with a continuous miner through the swamp fault zones in MGB6 is prohibited.
Tahmoor Coal Pty Ltd	Tahmoor Colliery	A desktop assessment of management of explosion protected electrical apparatus was undertaken.	The use of 3.3kV phase condition indicator plugs (MDA Exd1319) are prohibited.
Ulan Coal Mines Limited	Ulan Underground Mine	A desktop assessment of management of explosion protected electrical apparatus was undertaken.	The use of 3.3kV phase condition indicator plugs (MDA Exd1319) are prohibited.
Dendrobium Coal Pty Ltd	Dendrobium Colliery	A desktop assessment of management of explosion protected electrical apparatus was undertaken.	The use of 3.3kV phase condition indicator plugs (MDA Exd1319) are prohibited.
Perilya Broken Hill Limited	Perilya Broken Hill Southern Operations	A fault occurred with the north cage winder.	The use of the main cage winding system for the purpose of transporting people (other than for the purpose of investigating the incident or rectifying or recommissioning activities) between 24 and 25 level is prohibited.
HV Coking Coal Pty Limited	Integra Underground	An investigation was undertaken in regards to a methane gas exceedance.	Persons are prohibited from going underground except for the purpose of inspection and restoring ventilation to the affected area of the mine.
Gramardi Pty Ltd	Dubbo Sands	An unannounced site inspection of pit haul roads, fixed plant and service truck identified that the service truck was not fitted with a seat belt.	Use of the brown Hino Service truck is prohibited until a seat belt/restraint is fitted.
Yancoal Mining Services Pty Ltd	Ashton Coal Mine (Underground)	An investigation was undertaken in regards to a methane gas exceedance.	All activities requiring workers to be underground (except for inspections and maintenance and repair activities) are prohibited.

PCBU	Mine	Details	Prohibited activity
Endeavour Coal Pty Ltd	Appin Colliery	An assessment of the use of compressed fibro cement sheeting used in the flooring of RJE supplied electrical switchrooms was undertaken.	Any activity which disturbs the surface of the compressed fibro cement sheeting is prohibited (except for the purposes of removing the sheeting).
Centennial Mandalong Pty Ltd	Mandalong Mine	An assessment of the use of compressed fibro cement sheeting used in the flooring of RJE supplied electrical switchrooms was undertaken.	Any activity which disturbs the surface of the compressed fibro cement sheeting is prohibited (except for the purposes of removing the sheeting).
Springvale Coal Pty Ltd	Springvale Mine Underground Operation	An assessment of the use of compressed fibro cement sheeting used in the flooring of RJE supplied electrical switchrooms was undertaken.	Any activity which disturbs the surface of the compressed fibro cement sheeting is prohibited (except for the purposes of removing the sheeting).
CMOC Mining Pty Ltd	Northparkes Mines	An assessment of the use of compressed fibro cement sheeting used in the flooring of RJE supplied electrical switchrooms was undertaken.	Any activity which disturbs the surface of the compressed fibro cement sheeting is prohibited (except for the purposes of removing the sheeting).
Cristal Mining Australia	Snapper Mineral Sands Mine	An assessment of the use of compressed fibro cement sheeting used in the flooring of RJE supplied electrical switchrooms was undertaken.	Any activity which disturbs the surface of the compressed fibro cement sheeting is prohibited (except for the purposes of removing the sheeting).
Bengalla Mining Company Pty Ltd	Bengalla Mine	An air rifle was unintentionally discharged within a building.	Culling of any wildlife by the use of a rifle or any other firearm is prohibited.

Enforcement actions under the Mining Act

Chart 5: Enforcement action taken by the Regulator under the Mining Act.



Penalty notices issued and other significant actions taken (Mining Act)

Date	Status	Actions	Details
6 October	Australia Native Landscapes Pty Ltd MPL339	Penalty notice, \$1000	Failure to pay rent and levy
6 October	Whitehaven Coal Mining Ltd ML1662	Penalty notice, \$1000	Failure to pay rent and levy
13 October	Centennial Springvale Pty Ltd ML1352	Penalty notice, \$2500	Failure to report an environmental incident within required timeframe
13 October	Springvale SK Kores Pty Ltd ML1352	Penalty notice, \$2500	Failure to report an environmental incident within required timeframe
25 October	Peel (CSP) Pty Ltd EL8070	Penalty notice, \$1000	Failure to pay rent and levy
25 October	Boral Cement Ltd CML16	Penalty notice, \$1000	Failure to pay rent and levy
26 October	Marble Aggregates Holdings Pty Ltd PLL1130	Penalty notice, \$1000	Failure to pay rent and levy

Statutory notifications and exemptions

Information about WHS statutory [notifications](#) and [exemptions](#) is available on our website.

High risk activity notifications received

Mine	WHS (M&PS) Regs provision	Activity
Dendrobium Colliery	Schedule 3, clause 8	Roadway or drift without intersection for 250 metres
Moolarben Coal Operations - Underground	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres
North Wambo Underground	Schedule 3, clause 12	Driving underground roadway that is wider than 5.5 metres
Northparkes Mines	Schedule 3, clause 4	Development of new mine entry
PAL0002 Bibblewindi 14	Schedule 3, clause 33	Suspending a well
PEL0238 Coonarah 07	Schedule 3, clause 33	Suspending a well
PEL0238 Bohena 3	Schedule 3, clause 33	Suspending a well
Springvale Mine Underground Operations	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres

Exemptions

Mine / PCBU	Status	Details
Broken Hill Operations Pty Ltd	Received	Emergency egress winding system application.

Workshops and education activities

Details of upcoming events are available on our [website](#).

Date	What	Where	Details
26 October	Bowtie workshop	Thornton	Department and industry representatives from the Institute of Quarrying Australia, Concrete Cement & Aggregates Association and larger quarry operators attended a bowtie workshop on how to control the hazards arising from heights of benches in quarries.
10, 11, 12, 17, 18 and 31 October	Industry workshops	Gunnedah, Narrabri, Armidale, Singleton and Dubbo	Health Control Plan implementation/evaluation workshops held.

Publications and alerts

Our [public comment policy](#) is available on our website.

Date	Details
11 October	Mine safety news: Final investigation report into underground fatality
12 October	Weekly incident summary
17 October	Mine safety news: <ul style="list-style-type: none"> • New report published on in-service fires on mobile plant • Recent tailgate incidents raises concerns • Safety bulletin issued on effective working life of safety helmets • Case study designed as an educating tool • Consolidated report on respirable dust exposure published
17 October	Media release: Resources Regulator appeals MMS sentence
19 October	Weekly incident summary
24 October	Media release: Resources Regulator issues prohibition notice to Integra Mine

24 October	Media release: Coal & Allied enters into enforceable undertaking over WHS breach
25 October	Mine safety news: Job opportunities - inspector roles advertised
26 October	Weekly incident summary
27 October	Mine safety news <ul style="list-style-type: none"> • Fact sheet - fire and explosion risks in underground metalliferous mines • Applications open for new round of underground mine supervisor certificate of competence • Regulator publishes WHS undertaking • 2017 Examinations calendar updated
31 October	Media release: Resources Regulator issues prohibition notice to Ashton Coal