



Trade &
Investment
Resources & Energy

Report on payments from the Mine Safety fund 2013-2014



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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2014). 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 Trade and Investment, Regional Infrastructure and Services or the user's independent advisor.

This report

The report is published pursuant to clause 5 of the *Mine Safety (Cost Recovery) Regulation 2013*.

The report will be published on the department's website: www.resourcesandenergy.nsw.gov.au

Mine Safety

NSW Mine Safety is part of the NSW Trade & Investment portfolio in the Division of Resources & Energy. The Secretary of NSW Trade & Investment is the regulator of mine health and safety and NSW Mine Safety carries out the regulatory functions on behalf of the Secretary to meet community and government expectations for the health and safety of mine workers.

In 2013-2014 NSW Mine Safety consisted of two branches, Mine Safety Operations and Mine Safety Performance. The branches have approximately 130 staff working in 10 NSW locations.

Mine Safety operates according to the Mine Safety Strategic Plan, which sets out a strategic direction for the period 2012-2015.

The Mine Safety Strategic Plan aligns with the NSW Trade & Investment strategic plan and ultimately the NSW government's plan NSW 2021 - A Plan to Make NSW Number One. The plan's outcomes are designed to support the key result areas of the NSW Trade & Investment Strategic Plan.

The Mine Safety goal is to improve the safety performance and culture of the mining industry. Mine Safety achieves this through:

- regulatory activities such as assessments, investigations and verification of safety systems, processes and standards
- the investigation of accidents and incidents to provide information on lessons learned and to increase awareness and contribute to a better understanding and management of safety hazards and risks in mining operations
- the collection, reporting and dissemination of mine safety data and information
- providing specialised technical and engineering services
- providing information to duty holders and undertaking education campaigns
- authorising activities, equipment, materials and substances for use.

The keys elements of the mine safety strategic plan are in **Appendix 1**.

The Mine Safety Levy

The *Mine Safety (Cost Recovery) Act 2005* (the Act) establishes the Mine Safety Fund. The contributions to the fund by mining industry employers are commonly referred to as the Mine Safety Levy, although the word 'levy' is not used in the legislation. It is a levy charged by the NSW Government to pay for health and safety regulation of the state's mining workplaces.

The *Mine Safety (Cost Recovery) Act 2005* established the Mine Safety Fund in December 2005. The legislation followed the NSW Mine Safety Review (the Wran review) provided to the NSW government in February 2005.

The levy applies to employers in the mining industry who have obligations under the mine safety legislation for the health and safety of workers. The levy is collected by the workers compensation insurers of mining industry employers and transferred to NSW Trade & Investment.

The Mine Safety (Cost Recovery) Act 2005 said the fund can only be used to meet specified expenses incurred by NSW Trade & Investment in carrying out:

- regulatory activities connected with mine safety legislation
- expenses incurred in the administration or execution of mine safety legislation
- administrative expenses related to the fund.

The mine safety legislation includes the:

- a) *Mine Safety (Cost Recovery) Act 2005*
- b) *Work Health and Safety Act 2011* to the extent that it relates to mines
- c) *Coal Mine Health and Safety Act 2002*
- d) *Mine Health and Safety Act 2004*
- e) *Petroleum (Onshore) Act 1991*, to the extent that it relates to work health and safety requirements
- f) *Explosives Act 2003*
- g) *Radiation Control Act 1990*

The *Mine Safety (Cost Recovery) Regulation* was remade in 2013. A new provision was included to require the Secretary to prepare a report containing an overview of payments made from the Fund within 6 months after the end of the financial year. The report is to be published on the department's website

This report satisfies the Secretary's obligation.

Payments from the Mine Safety fund 2013-14

The mine safety levy (the amount to be contributed to the mine safety fund) for the 2013-14 year was \$33.005 million. The information in [Appendix 2](#) is an overview of payments made from the fund.

Performance measures

The department prepares and publishes performance measures for mine safety. A report for 2013-14 is at [Appendix 3](#).

This report provides a breakdown of hours worked, fatalities, lost time injuries, total recordable injuries, serious bodily injuries and injury outcomes that were notified to NSW Trade & Investment by the NSW mining and extractives industry.

It includes annual frequency rates for fatalities, lost time injuries and serious bodily injuries and corresponding five year average frequency rates.

The report also includes a breakdown of enforcement and advice notices issued by NSW Trade & Investment.

Appendix 1 – Key elements of the Mine Safety Strategic Plan 2012-2015

The NSW Mine Safety Strategic Plan 2012-2015 guides the activities of NSW Mine Safety. The plan's outcomes are designed to support the key result areas of the NSW Trade & Investment Strategic Plan.

The NSW Trade & Investment strategic plan provides the framework for the Mine Safety Strategic Plan 2012- 2015.

The NSW Trade & Investment strategic plan comprises three key result areas:

- increased investment and jobs
- positive business environment in NSW
- excellence in client service and delivery

NSW Mine Safety reports on a number of key deliverables measured against two of the key result areas in the NSW Trade & Investment Strategic Plan. This document lists these key deliverables and their measures and also lists a range of other key outcomes planned for Mine Safety between 2012 and 2015.

Key performance report for NSW Mine Safety

Result 2 – Positive business environment in NSW

2.4 Safe, healthy and biosecure industries

Key deliverable	Target/Milestone
NSW mining industry achieves National Work Health & Safety Strategy targets.	Work related fatalities target - a 20% reduction in the number of injury fatalities by 2020. Work related injuries target - a 30% reduction in incidence rates of all claims resulting in one or more weeks off work by 2020.
WHS culture and practice lead indicator developed to benchmark improvement in industry WHS performance.	Body stressing injuries target - a 30% reduction in the incidence rate of claims due to body stressing by 2020. 20% of coal and major metaliferous mines using the benchmarking program tools for internal purposes by 2013 and 50% by 2015. 10% of quarries using the bench marking program tools for internal purposes by 2013 and 20% by 2015.
Health management lead indicator developed to benchmark improvement in industry health management practices against 2011 baseline tele survey.	By 2015 20% of coal and major metaliferous mines and 10% of quarries conducting external bench marking. Industry health management practices surveyed by June 2013 for comparison with 2011 baseline survey.data
All relevant incident investigations undertaken.	100% of all relevant investigations undertaken.
Assessments	1200 per annum.
Australian and international standards reviewed.	20 per annum.
Equipment and materials assessed for compliance standards at the Mine Safety Technology Centre.	1200 per annum.
Industry performance evaluated through site assessments (inspections and audits).	1200 per annum.
Mine subsidence assessments and authorisations carried out.	50 per annum.

Result 3 – Excellence in client service and delivery

3.1 A skilled, engaged and cohesive workforce operating in a safe workplace

Key deliverable	Target/Milestone
Training standard and program for mine safety inspectors and investigators implemented to ensure professional and competent people regulating safety in the NSW mining industry.	80% of current mine safety inspectors and investigators completed Certificate IV in Government (investigation) and /or Certificate IV in Government (Statutory Compliance) within first 12 months of date of permanent appointment.

Additional planned outcomes for Mine Safety 2012-2015

Key result area	Outcomes
1 Increased investment and jobs	<ul style="list-style-type: none"> The regulatory burden on the mining industry is reduced but safety standards maintained. Investment and export growth in the mining industry is supported.
2 Positive business environment	<ul style="list-style-type: none"> The capability of the mining industry to improve health and safety outcomes is enhanced. Industry is supported by an effective and responsive regulatory framework. NSW Mine Safety policy, programs and practice are informed by evidence. Establish emergency response coordination for the mining industry as part of the NSW State Emergency Response Management Plan
3 Excellence in client service and delivery	<ul style="list-style-type: none"> NSW Mine Safety staff are a skilled, engaged, cohesive workforce operating in a safe work environment. NSW Mine Safety delivers quality services. Industry will have enhanced opportunities for participation and contribution on major initiatives. NSW Mine Safety has robust business systems and practices. Annual high quality industry health and safety seminars. Electronic transactions, processing timeframes and appeal mechanisms will be improved and made clearer

1 Increased investment and jobs	
Outcomes	Strategies
The regulatory burden on the mining industry is reduced but safety standards maintained.	Develop and maintain a mine safety legislative framework which supports the reduction of unnecessary red tape and compliance costs around work, health and safety issues.
Investment and export growth in the mining industry is supported.	Contribute to productivity by driving continuous improvements in the capacity of the industry to improve health and safety performance. When developing mine safety programs and performance measures consider the impact on and contribution to the economic growth of the mining industry without compromising health and safety outcomes.

Positive business environment

2

Outcomes	Strategies
The capacity of the mining industry to improve health and safety outcomes is enhanced.	<p>Work with industry to build its capacity to comply with legislation, achieve safe outcomes and drive continuous improvement in work, health and safety.</p> <p>Develop collaborative partnerships with industry, workers, businesses, worker representatives, researchers, educators and health and safety professionals to develop shared work, health and safety values and commitment to world leading culture and practice.</p>
Industry is supported by an effective and responsive regulatory framework.	<p>Be responsive and adapt to the changing nature of work and work circumstances within the mining industry.</p> <p>Ensure regulatory approaches are consistent with the NSW legislative framework and the Quality Regulatory Services initiative.</p> <p>Develop effective, constructive, transparent and accountable relationships with all those who have a stake in work, health and safety.</p> <p>Build relationships with other regulatory partners to promote a nationally consistent approach.</p>
NSW Mine Safety policy, programs and practice are informed by evidence.	<p>Establish robust research and evaluation practices which ensure our health and safety policy, programs and practices are informed by evidence.</p> <p>Collate, analyse and disseminate accurate and relevant data which informs and supports the mining industry to operate with best practice work, health and safety standards</p>
Establish emergency response coordination for the mining industry as part of the NSW State Emergency Response Management Plan.	Produce a working memorandum of understanding with key NSW emergency response agencies and implement the Mining Industry Emergency Response Management subplan.

Excellence in client service and delivery

3

Outcomes	Strategies
NSW Mine Safety staff are a skilled, engaged, cohesive workforce operating in a safe work environment.	<p>Provide a healthy, safe, supportive and appropriately equipped workplace environment.</p> <p>Ensure appropriately resourced, competent staff who maintain professional standards.</p>
NSW Mine Safety delivers quality services	<p>Provide a workplace that is flexible, encourages professional standards, innovation and high levels of productivity.</p> <p>Develop a culture which demonstrates a commitment to improving Mine Safety services.</p> <p>Improve accessibility to online data and enhance the methods used to deliver information.</p>
Industry has enhanced opportunities for participation and contribution on major initiatives.	<p>Maintain effective dialogue with industry to build trust and sustain continuous improvement in work health and safety.</p> <p>Ensure appropriate consultative mechanisms which encourage the involvement of the community in decision making processes.</p>
Mine Safety has robust business systems and practices.	<p>Review and enhance policy, practices and systems that demonstrate principles of good governance.</p> <p>Ensure robust strategic and financial management practices are in place by maintaining an integrated mine safety planning process.</p>
Annual high quality industry health and safety seminars.	<p>Conduct world class electrical and mechanical engineering health and safety seminars to engage mining industry management, supervisors and workers.</p>
Electronic transactions, processing timeframes and appeal mechanisms will be improved and made clearer.	<p>Enable industry to lodge applications and update details electronically, make electronic payments, access reporting templates and lodge reports electronically.</p> <p>Set, communicate and report on maximum timeframes for the processing of all license, authorisation and permit applications.</p> <p>Provide transparent appeal mechanisms and information about them when communicating with industry about licensing, compliance and enforcement decisions.</p>

Appendix 2 – Overview of payments from the Mine Safety Fund 2013-14

MINE SAFETY EXPENDITURE IN 2013-14

Actual 2013-14

EMPLOYEE RELATED	
Salaries & Wages - Direct	18,253,765.58 AUD
Salaries & Wages - On Costs	4,281,861.06 AUD
EMPLOYEE RELATED	22,535,626.64 AUD
OPERATING EXPENSES	
Contractors	385,998.63 AUD
Consultants	566,501.22 AUD
Advertising & Promotion	79,700.89 AUD
Travel & Entertainment	739,011.96 AUD
Occupancy & Maintenance	174,118.15 AUD
Training & Development	453,455.71 AUD
Legal	884,072.11 AUD
Cost of Sales (Land)	
Other Operating Expenses	
Asset Purchases	25,531.35 AUD
Administrative Expenses	31,906.38 AUD
Audit Fees	22,232.00 AUD
Bank Charges	
Printing	53,716.46 AUD
General Expenses	128,294.75 AUD
Motor Vehicle	1,155,789.07 AUD
Consumables & Stores	234,283.03 AUD
Materials to Produce Goods & Services	4,802.25 AUD
Bad Debts Written Off	
Other Fees	
625080 Events	188,609.98 AUD
635009 Computer Service Fees	84.24 AUD
635012 Computer Software Fees	136,727.81 AUD

635017 Conference/Seminar	242,243.67 AUD
636035 Membership	3,526.15 AUD
637010 Operating Lease Rentals - Other	12,761.26 AUD
637020 Other fees	17,396.61 AUD
640055 Recruitment fees	27,061.16 AUD
640105 Service fee	2,731.91 AUD
OPERATING EXPENSES	5,570,556.75 AUD
DEPRECIATION & AMORTISATION	
Depreciation	94,016.51 AUD
Amortisation	1,442.00 AUD
DEPRECIATION & AMORTISATION	95,458.51 AUD
NET INTERNAL CHARGES	
Internal Expenses	4,655,482.15 AUD
Internal Revenues	-153,104.11 AUD
	4,502,378.04 AUD
TOTAL EXPENDITURE	32,704,019.94 AUD

Appendix 3 – Performance measures

1. Introduction

This report provides a breakdown of hours worked, fatalities, lost time injuries, total recordable injuries, serious bodily injuries and injury outcomes that were notified to NSW Trade & Investment by the NSW Mining and Extractives industry.

It includes annual frequency rates for fatalities, lost time injuries and serious bodily injuries and corresponding five year average frequency rates.

The report also includes a breakdown of enforcement and advice notices issued by NSW Trade & Investment.

Important note regarding the source of hours worked, lost time injuries and frequency rates

Coal hours worked and lost time injuries were sourced from Coal Services Pty Ltd until 2006-07 and from Quarterly Workplace Injury Reports reported to NSW Trade & Investment from 2007-08 onwards.

Metalliferous and Extractives hours worked and lost time injuries were compiled from several sources (see Appendix 6) until 2008-09 and included some estimation. From 2009-10, Metalliferous and Extractives hours worked, lost time injuries, medical treatment injuries and restricted duty injuries are sourced from Quarterly Workplace Injury Reports as supplied to NSW Trade & Investment.

It is thought likely that mines under-report lost time injuries to non-employees such as contractors, unless the injured worker's external employer has advised the mine of any lost time.

These factors should be considered when comparing lost time injuries before and after the change in the method of data collection.

Note that in order to ensure accuracy, hours worked and frequency rates are only updated for a complete financial year following an annual audit of quarterly workplace injury data.

2. Hours worked

This section provides details of hours worked in the Coal, Metalliferous and Extractives mining sectors only, as hours worked cannot be reliably sourced for the Non-Coal Other and Petroleum (Onshore) mining sectors.

Due to legislative changes, these details became reportable to NSW Trade & Investment on Quarterly Workplace Injury Reports for Coal, under CMHSR 2006 Clause 206, from the beginning of 2007-08 and for Non-Coal, under MHSR 2007 Clause 155, from the second quarter of 2008-09.

Figure 1
Coal, Metalliferous & Extractives hours worked 2004-05 to 2013-14

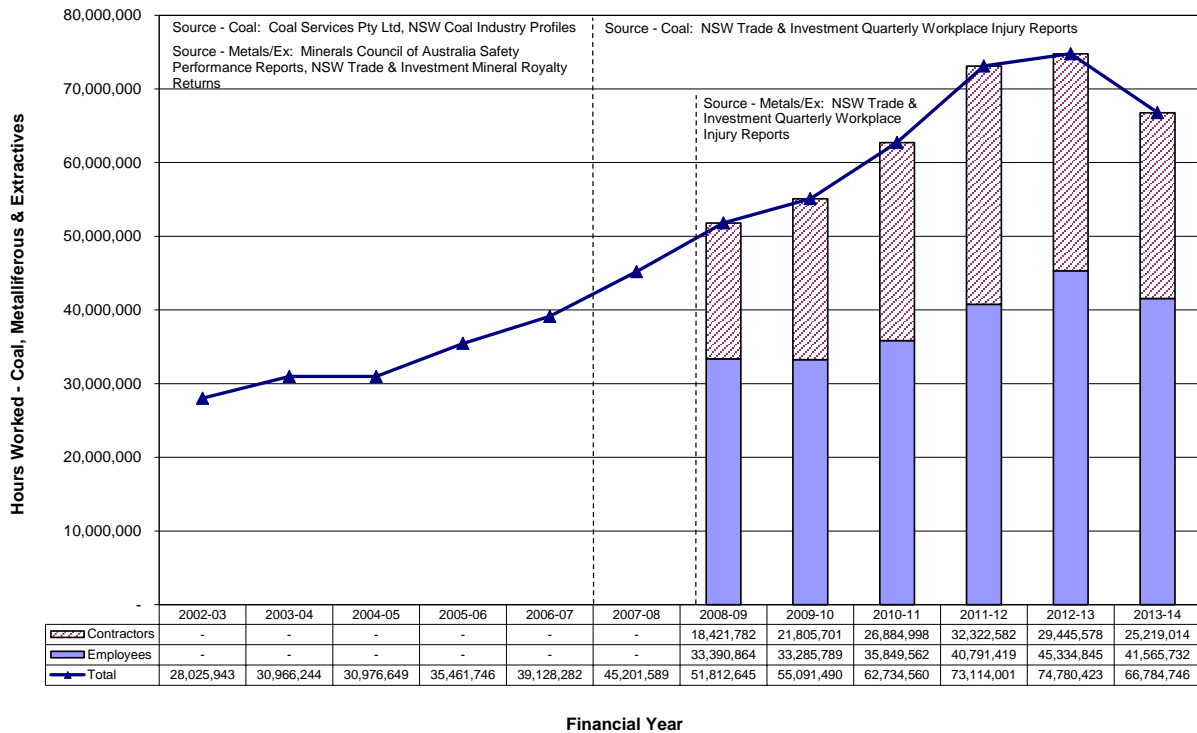


Figure 2
Coal hours worked 2004-05 to 2013-14

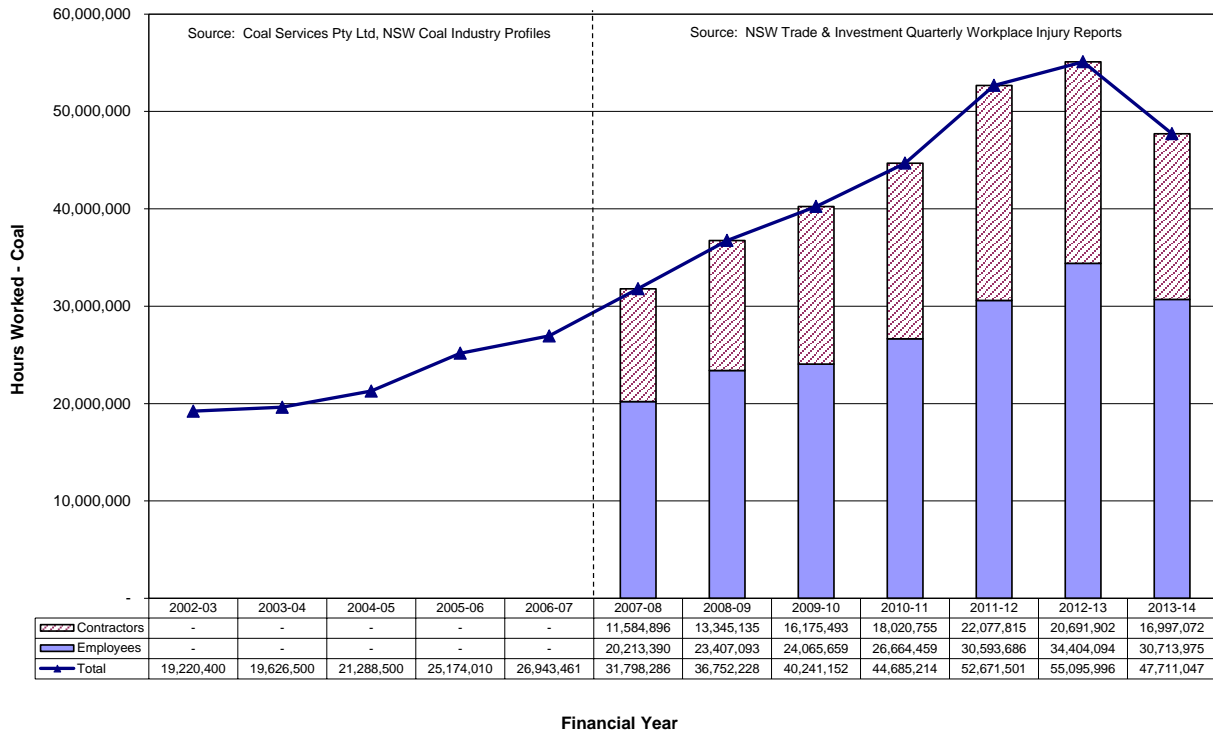


Figure 3
Metalliferous & Extractives hours worked 2004-05 to 2013-14

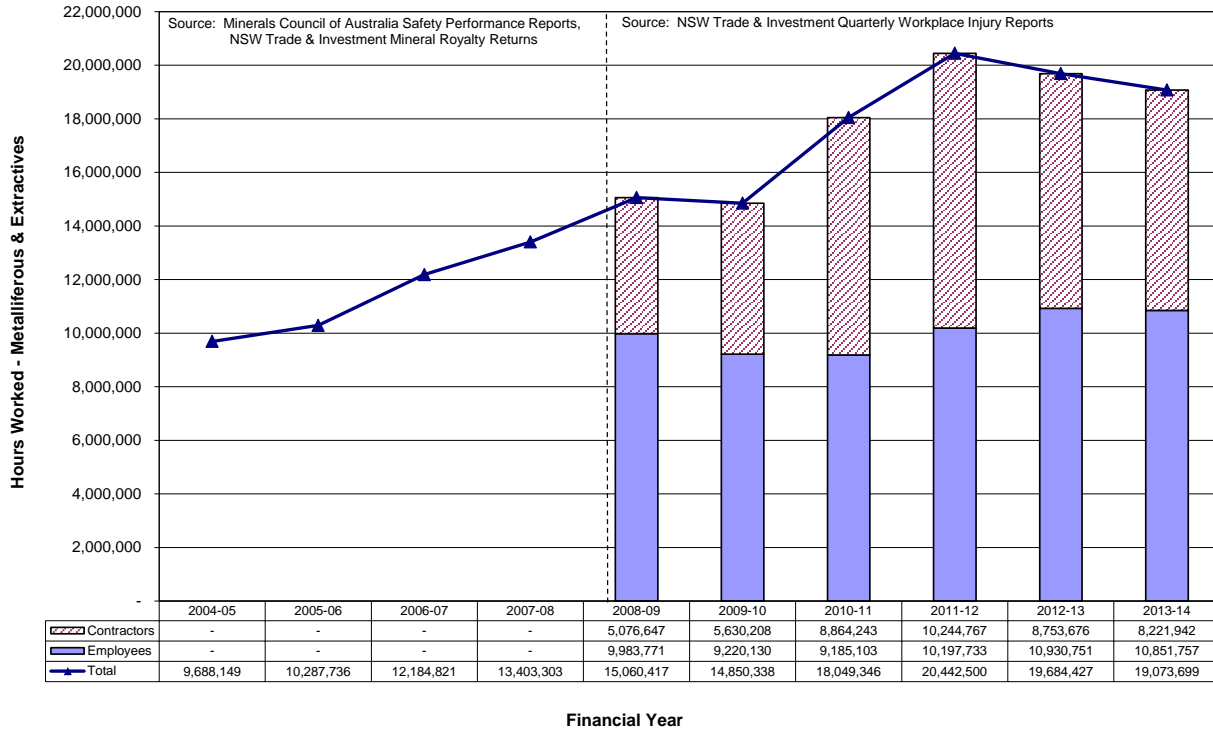


Figure 4
Metalliferous hours worked 2004-05 to 2013-14

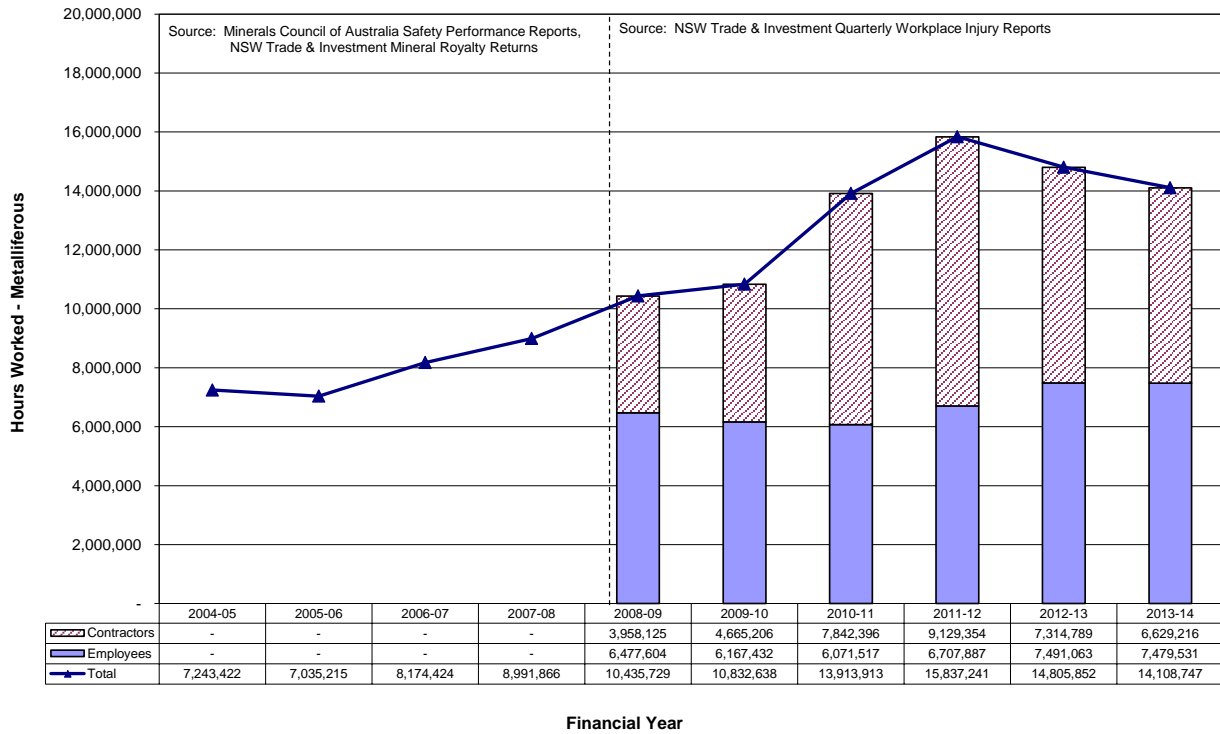
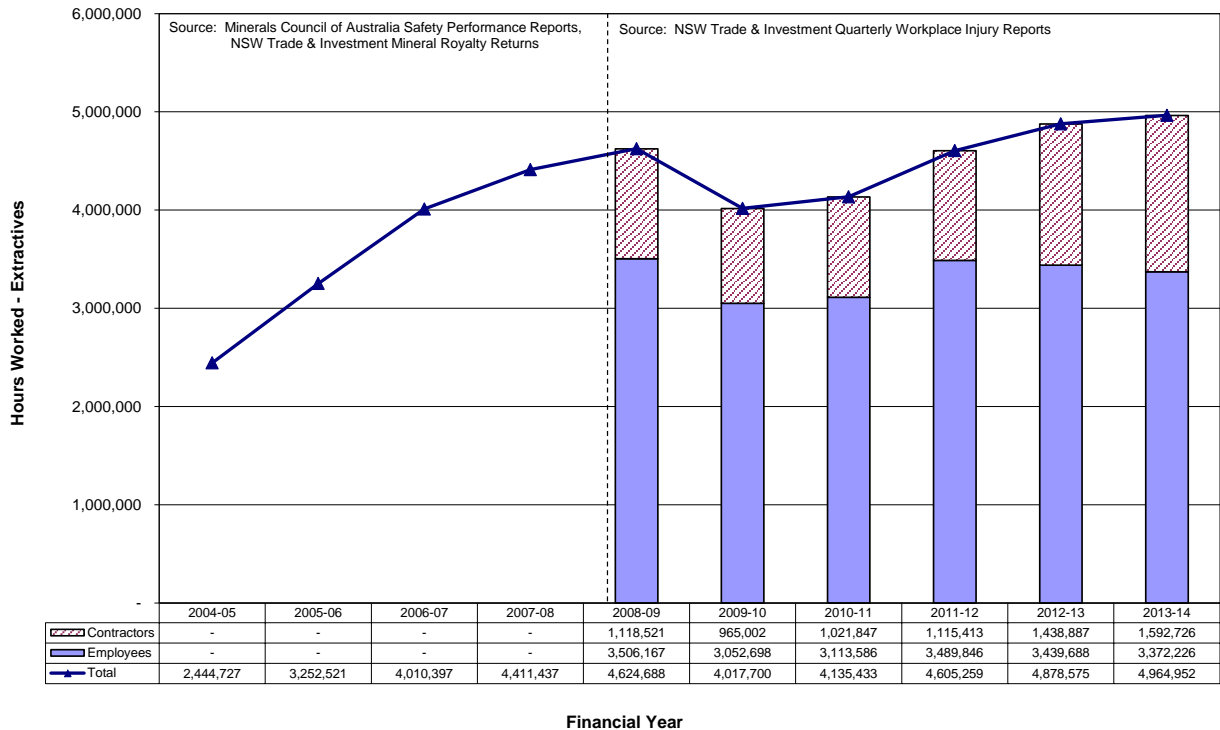


Figure 5
Extractives hours worked 2004-05 to 2013-14



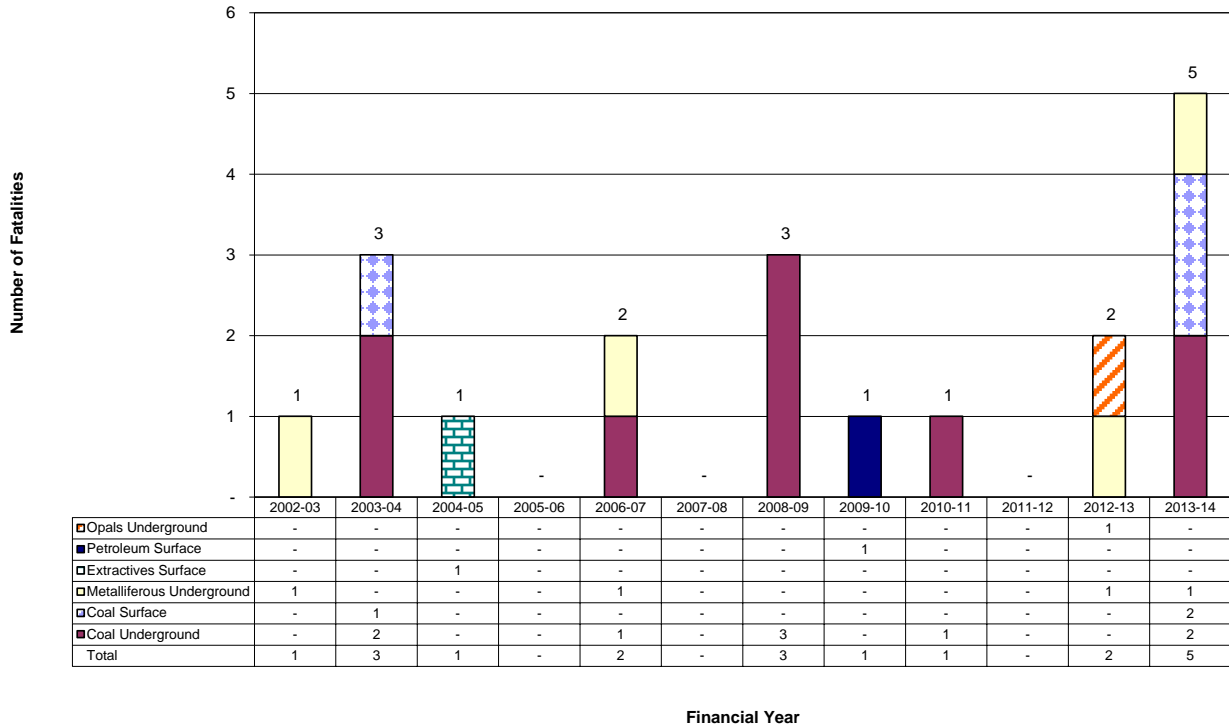
3. Fatalities

This section provides a breakdown of fatalities in the NSW Mining and Extractives industry.

While the extractives sector was fatality free in 2013-14, there was one fatality in the metalliferous underground sector and two fatalities in each of the coal surface and underground sectors.

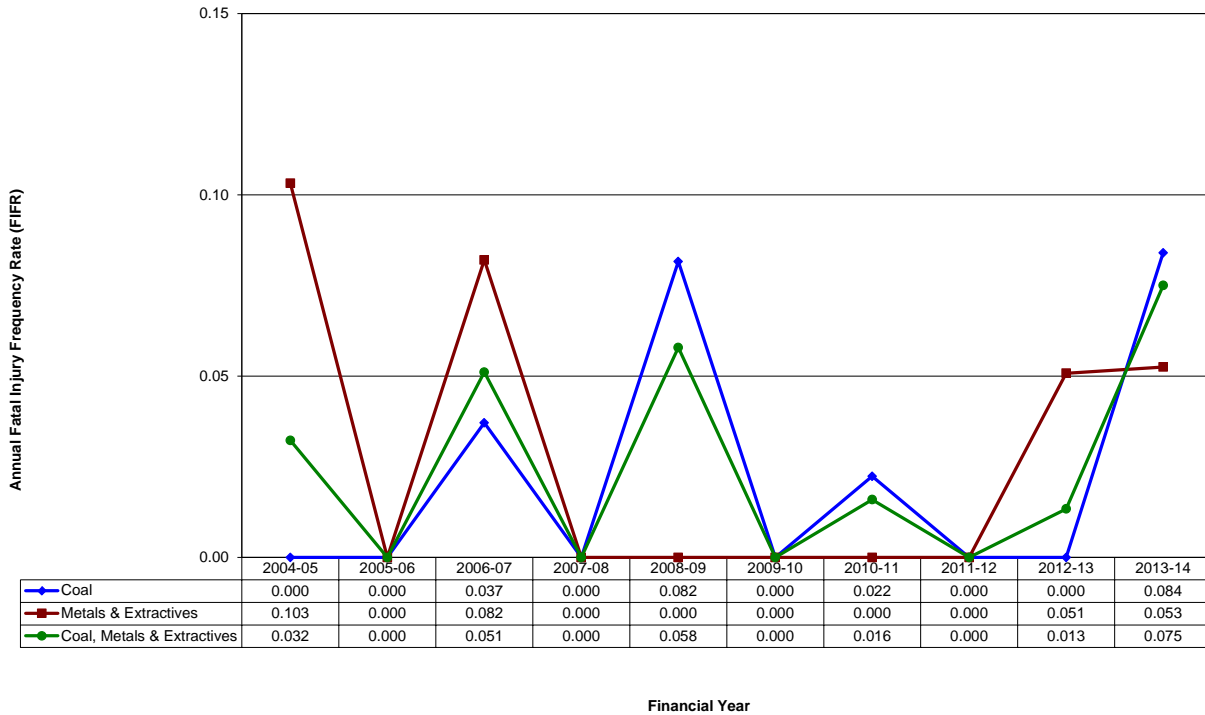
3.1. Fatalities by sector

Figure 6
All fatalities by sector 2004-05 to 2013-14



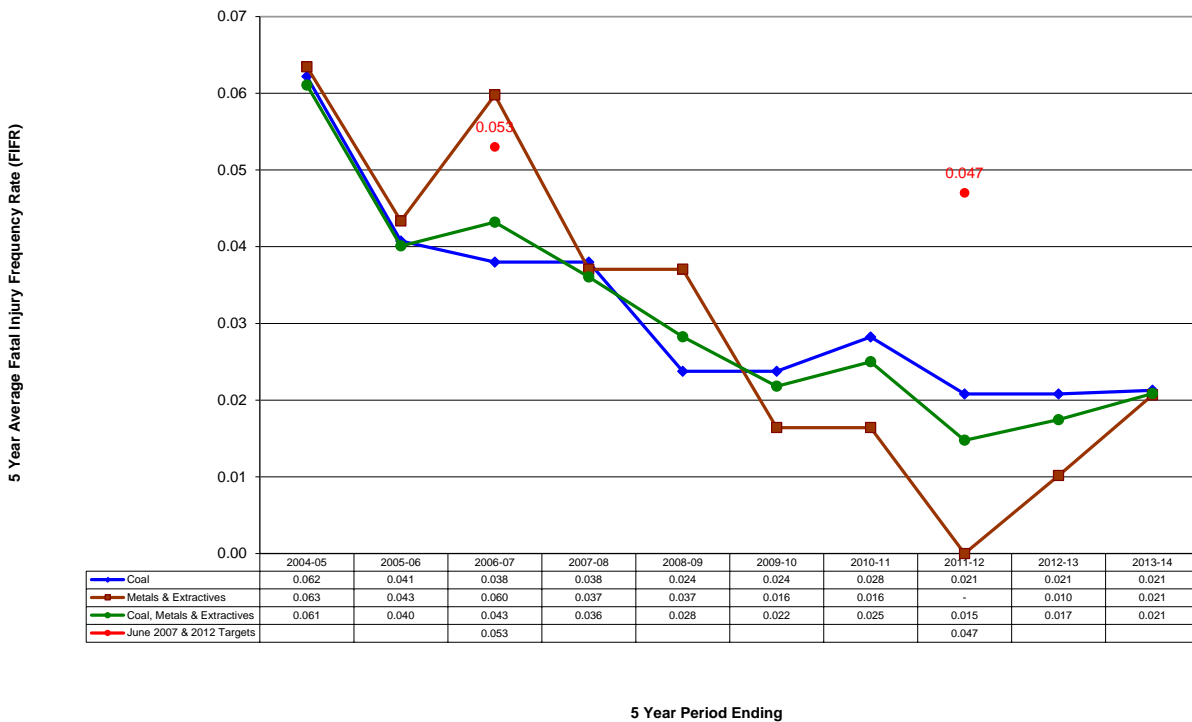
3.2. Annual fatal injury frequency rate (FIFR)

Figure 7
Coal, Metalliferous & Extractives annual fatal injury frequency rate (FIFR) 2004-05 to 2013-14



3.3. Five year average fatal injury frequency rate (FIFR)

Figure 8
Coal, Metalliferous & Extractives Mining 5 year average fatal injury frequency rate (FIFR) 2004-05 to 2013-14
June 2012 National target was 0.047



4. Lost time injuries (LTIs)

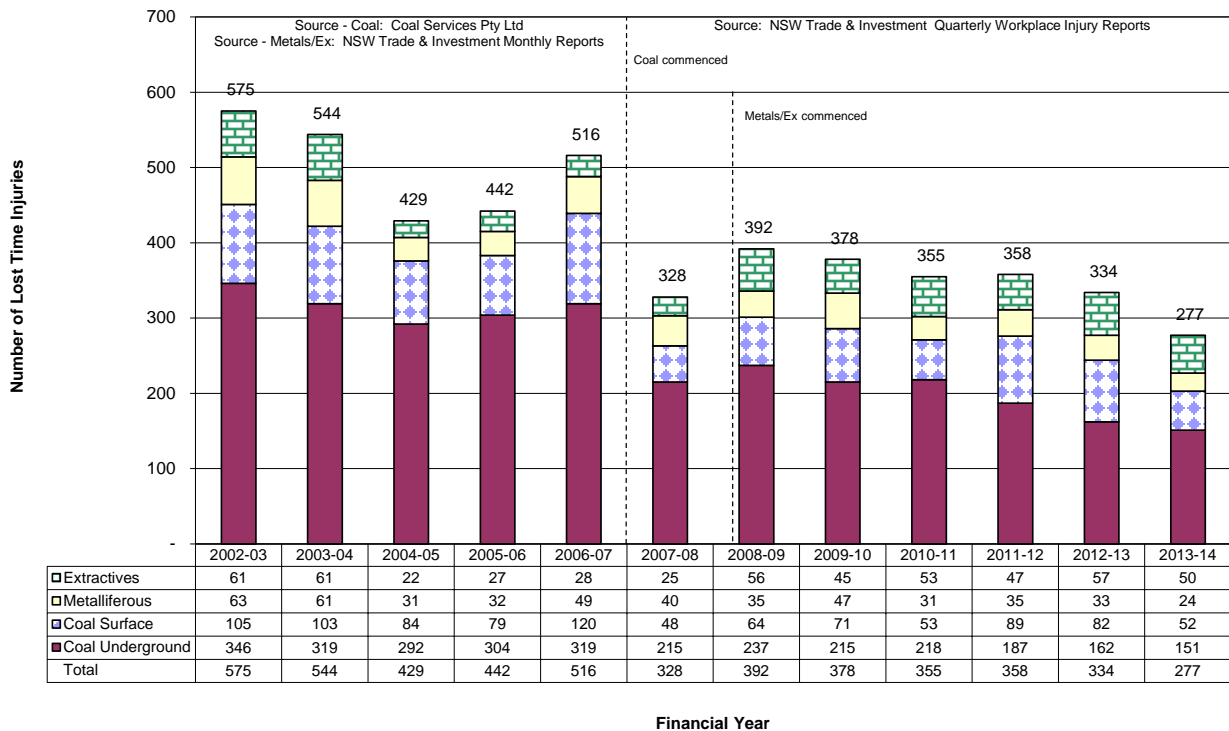
This section provides a breakdown of lost time injuries (LTIs) in the Coal, Metalliferous and Extractives sectors. A lost time injury is an injury that results in a minimum of one full shift's absence.

Due to legislative changes, these details became reportable to NSW Trade & Investment on Quarterly Workplace Injury Reports for Coal, under CMHSR 2006 Clause 206, from the beginning of 2007-08 and for Non-Coal, under MHSR 2007 Clause 155, from the second quarter of 2008-09.

Refer to “Important note regarding the source of hours worked and lost time injuries” in Section 1 Introduction

4.1. Lost time injuries by sector

Figure 9
Coal, Metalliferous & Extractives lost time injuries by sector 2004-05 to 2013-14



4.2. Annual lost time injury frequency rate (LTIFR)

Figure 10
Coal, Metalliferous & Extractives annual lost time injury frequency rate (LTIFR) 2004-05 to 2013-14

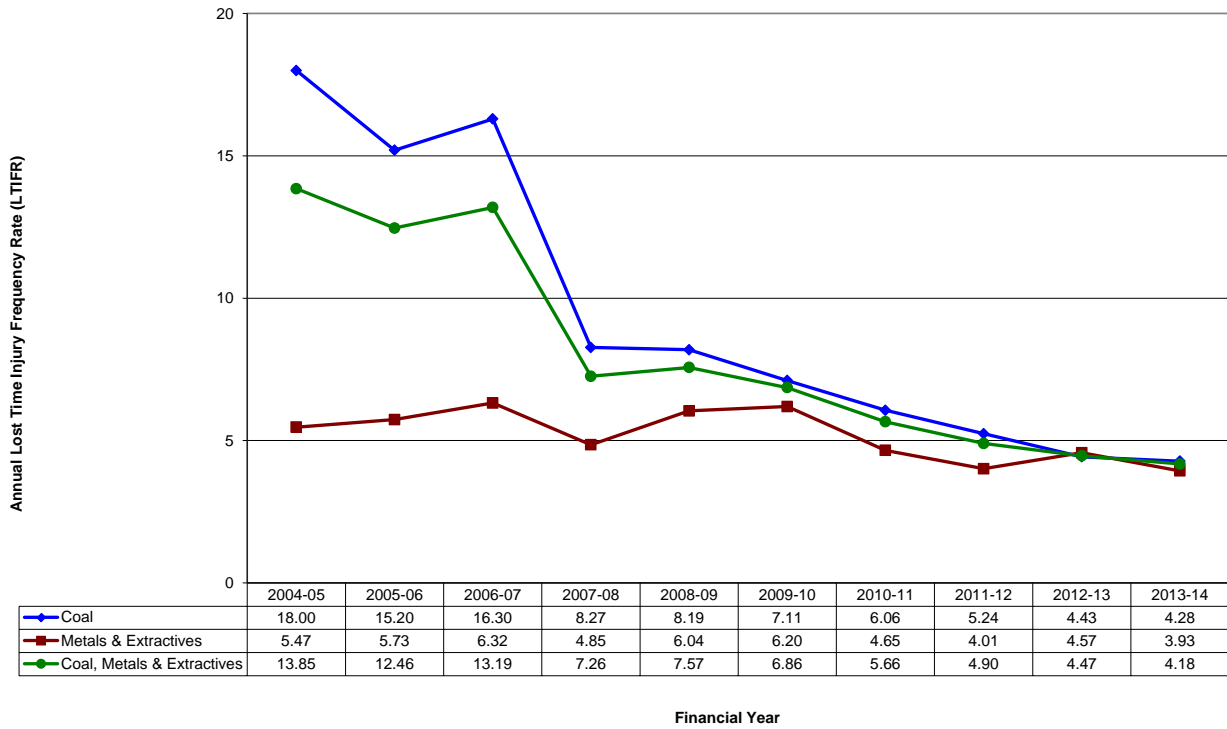


Figure 11
Coal Annual Lost Time Injury Frequency Rate (LTIFR) 2004-05 to 2013-14

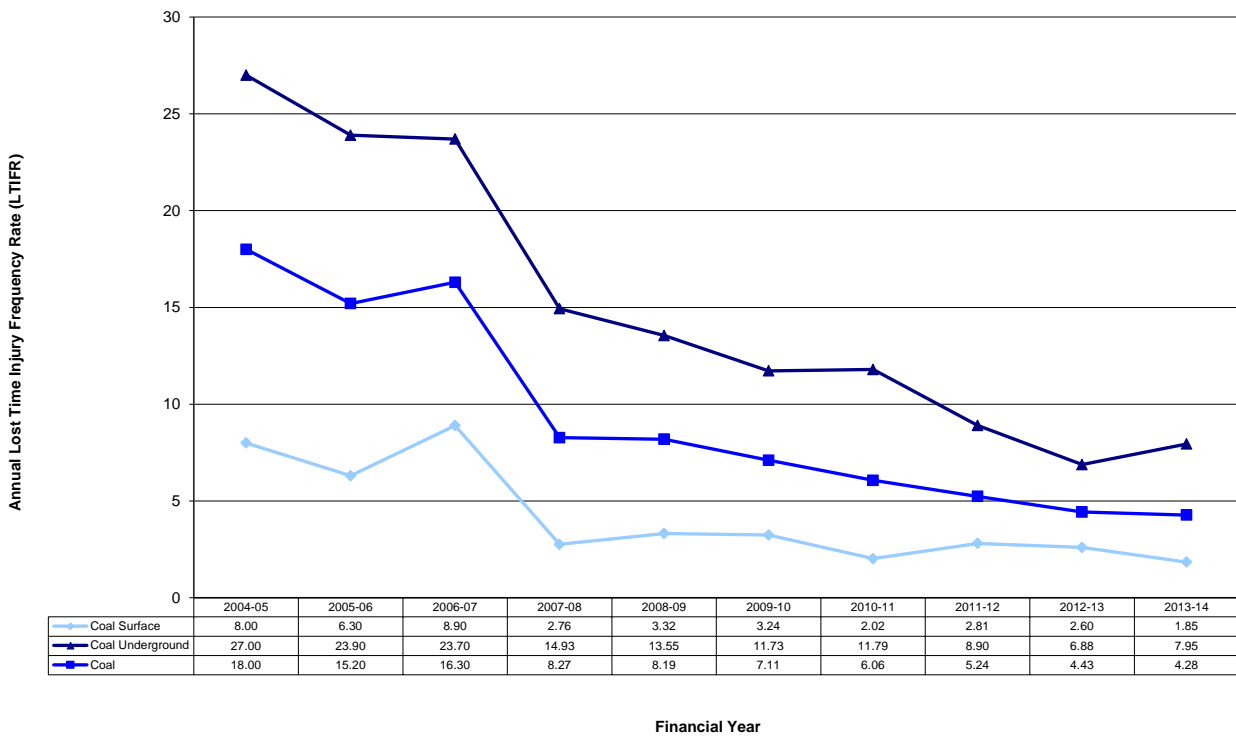
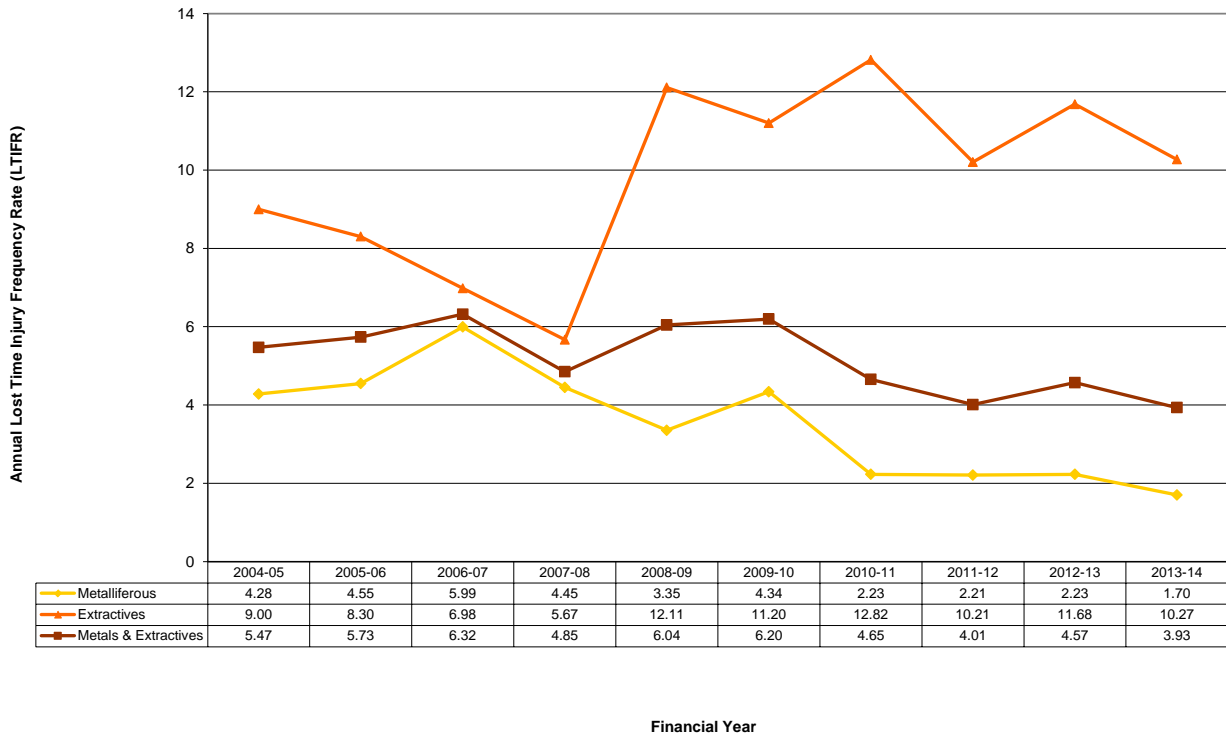


Figure 12
Metalliferous and Extractives Annual Lost Time Injury Frequency Rate (LTIFR) 2004-05 to 2013-14



4.3. Five year average lost time injury frequency rate (LTIFR)

Figure 13
Coal, Metalliferous & Extractives Mining 5 year average lost time injury frequency rate (LTIFR) 2004-05 to 2013-14

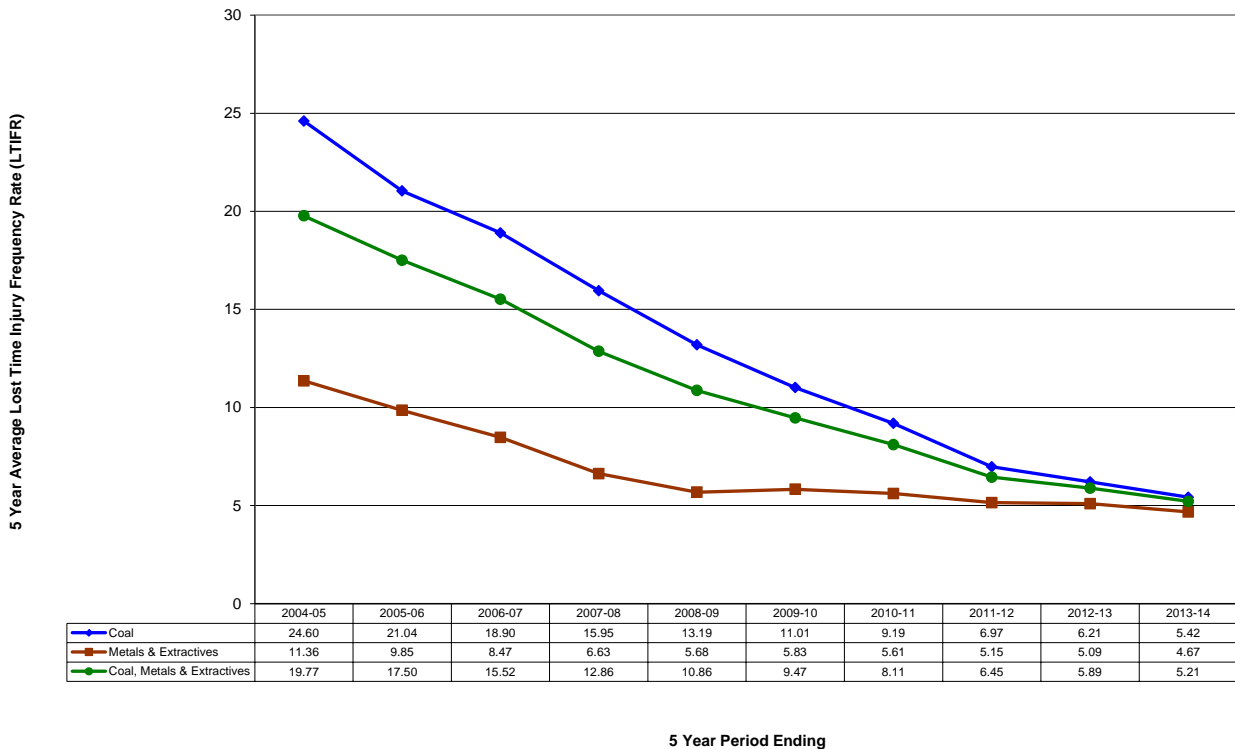
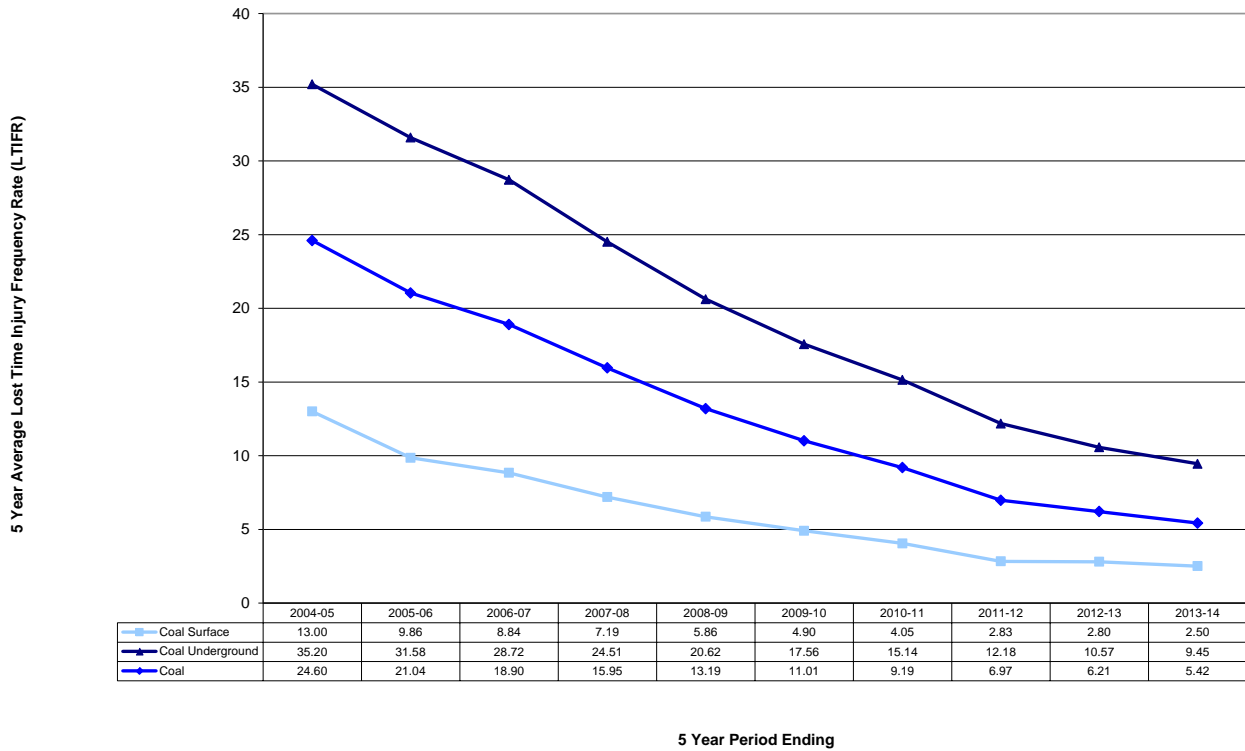
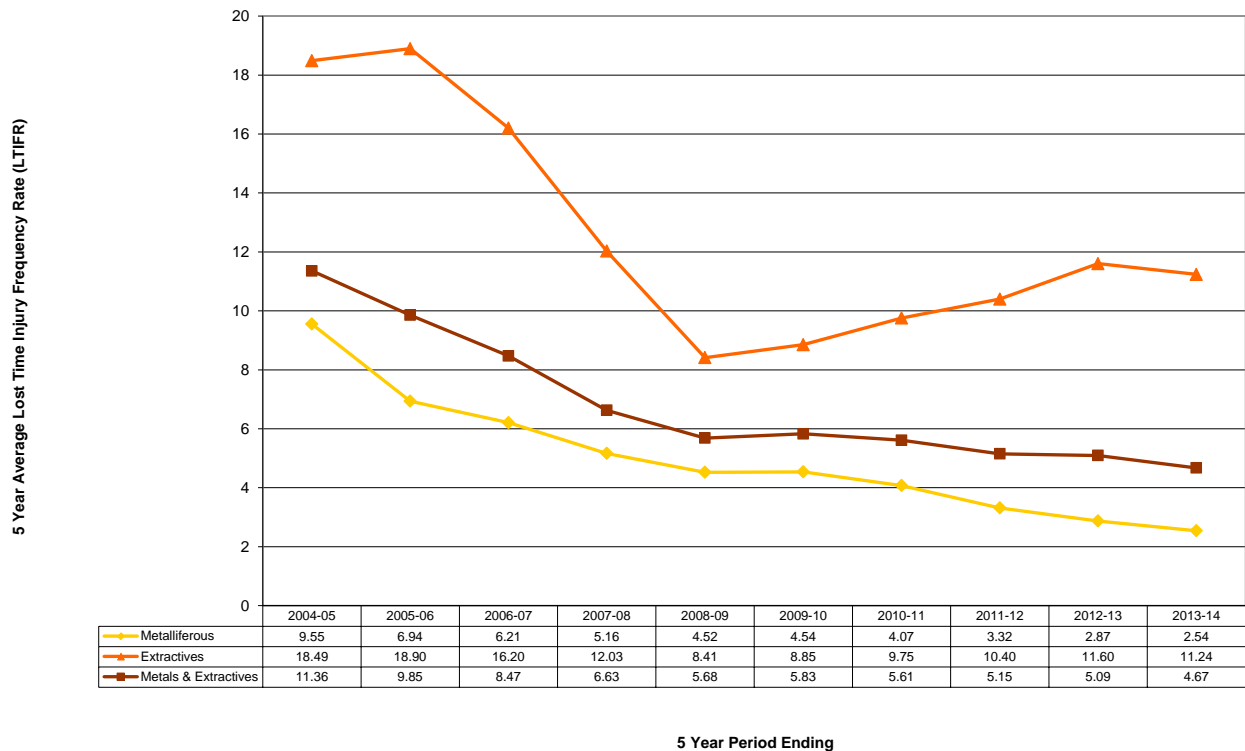


Figure 14
Coal Mining 5 year average lost time injury frequency rate (LTIFR) 2004-05 to 2013-14



5 Year Period Ending

Figure 15
Metalliferous & Extractives Mining 5 year average lost time injury frequency rate (LTIFR) 2004-05 to 2013-14



5 Year Period Ending

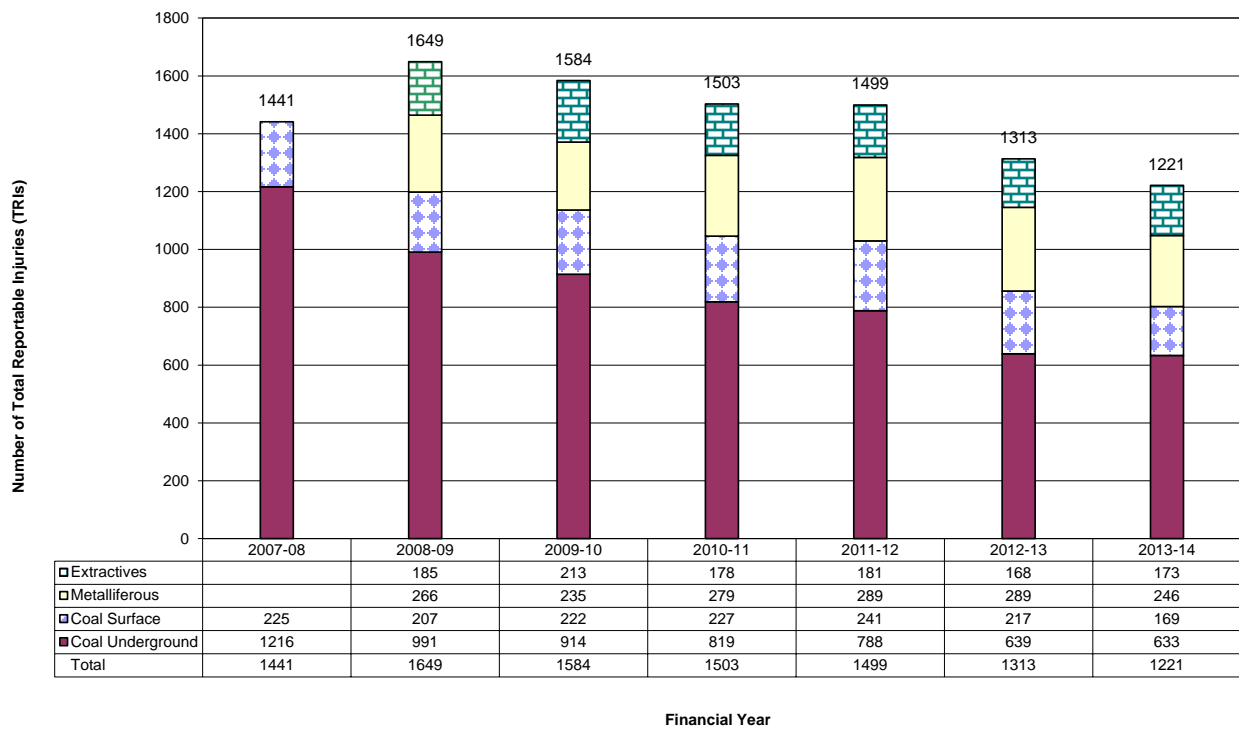
5. Total recordable injuries (TRIs)

This section provides a breakdown of the total recordable injuries in the Coal, Metalliferous and Extractives sectors. Total Recordable Injuries (TRIs) are the total number of fatalities and injuries resulting in lost time (LTI), restricted duties (RDI) or medical treatment (MTI).

Due to legislative changes, these details became uniformly reportable to NSW Trade & Investment on Quarterly Workplace Injury Reports for Coal, under CMHSR 2006 Clause 206, from the beginning of 2007-08 and for Non-Coal, under MHSR 2007 Clause 155, from the second quarter of 2008-09.

5.1. Total recordable injuries by sector

Figure 16
Coal, Metalliferous & Extractives total recordable injuries (TRIs) 2008-09 to 2013-14



5.2. Total recordable injuries by injury type

Figure 17
Coal total recordable injuries (TRIs) by injury type 2008-09 to 2013-14

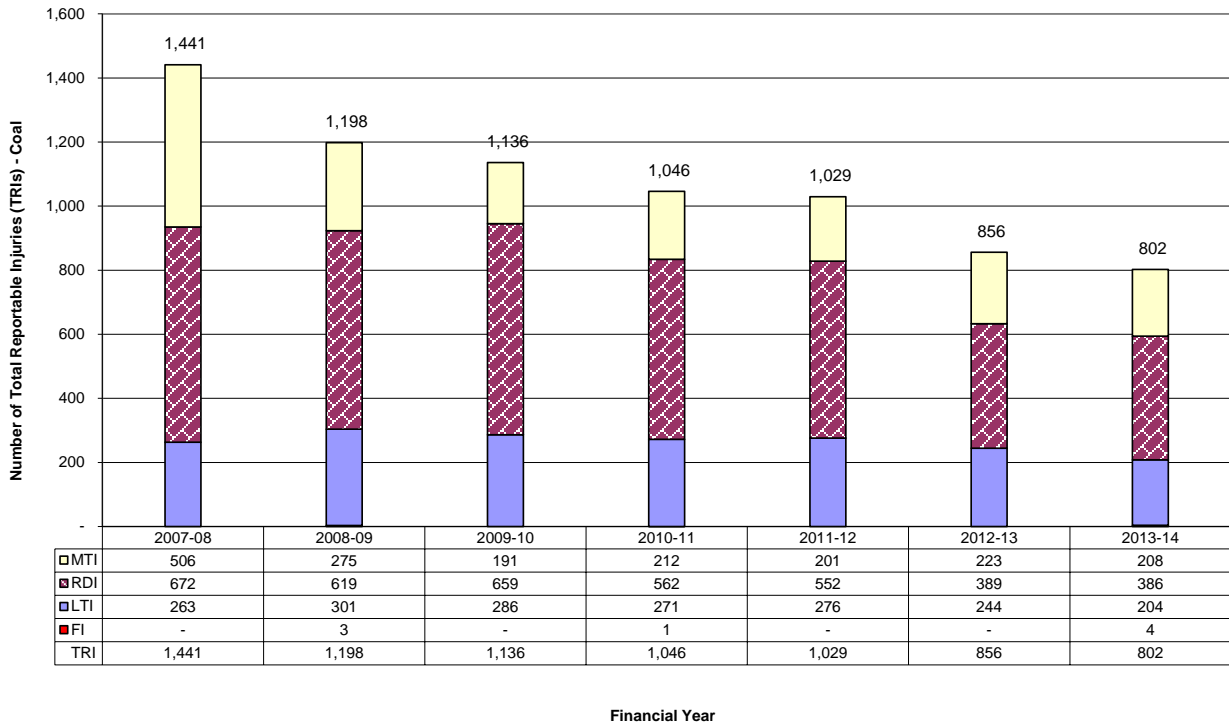


Figure 18
Metalliferous Total Recordable Injuries (TRIs) by Injury Type 2008-09 to 2013-14

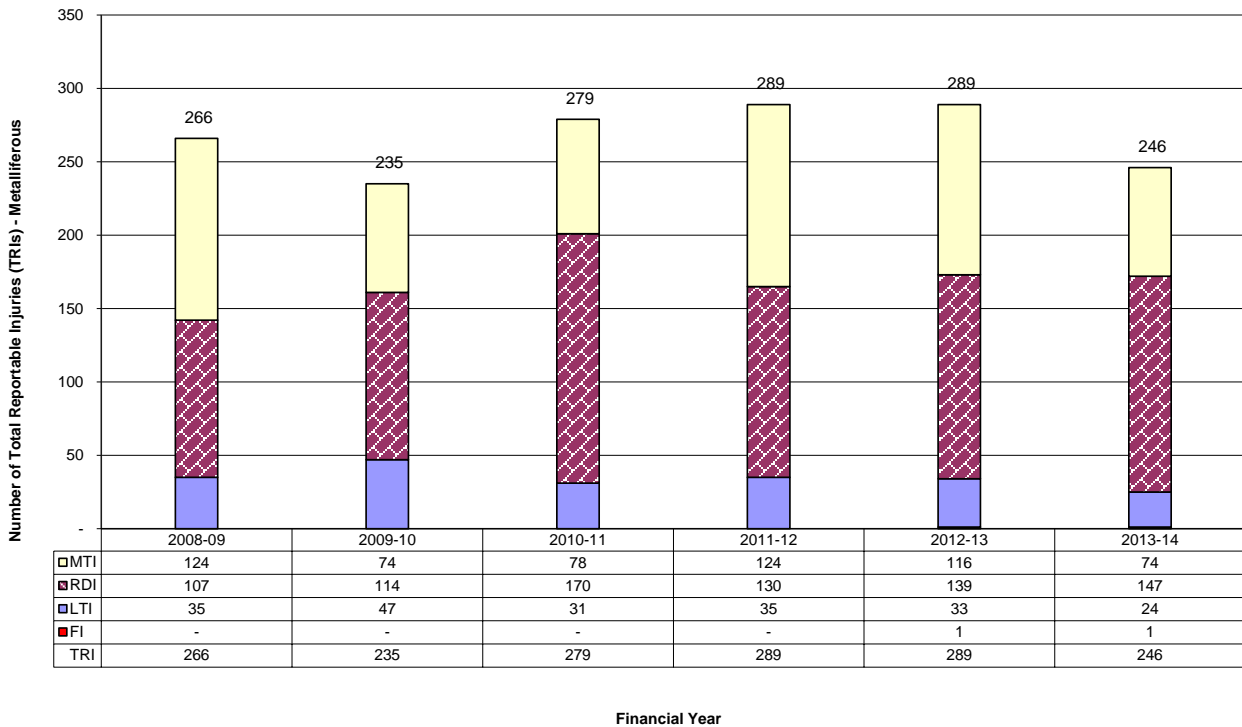
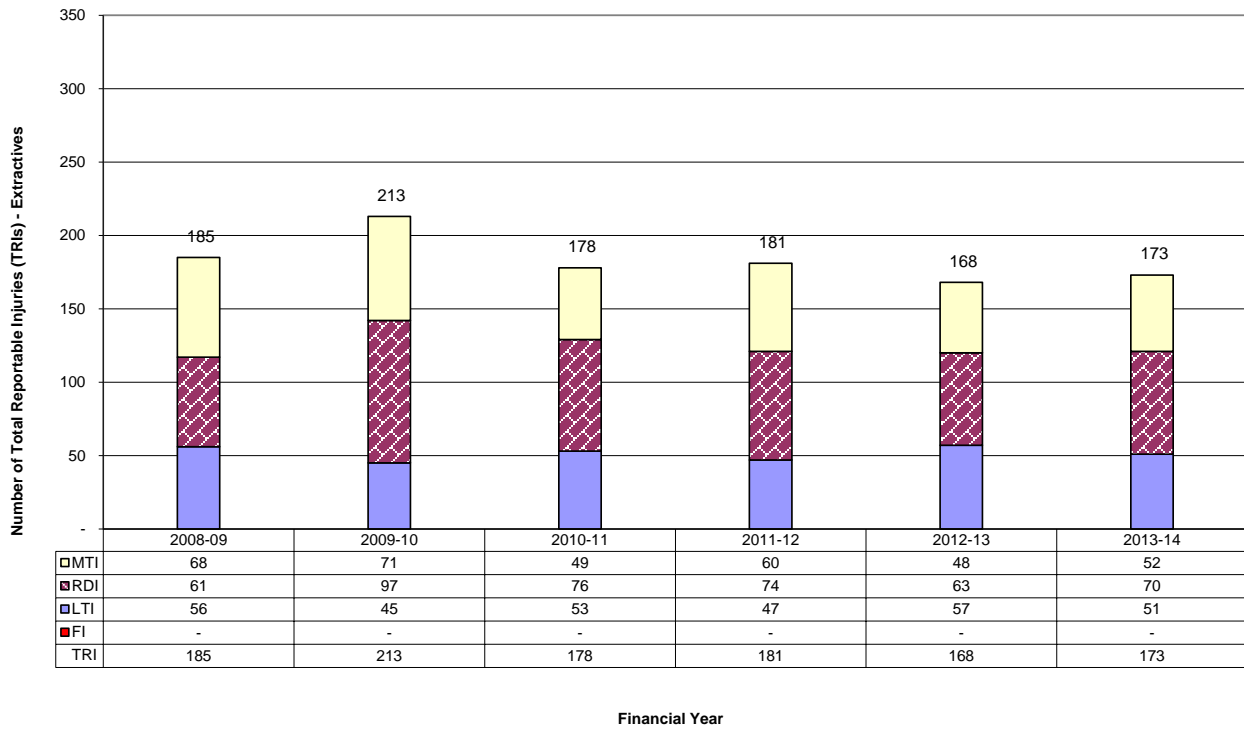


Figure 19
Extractives Total Recordable Injuries (TRIs) by Injury Type 2008-09 to 2013-14



5.3. Annual total recordable Injury frequency rate (TRIFR)

Figure 20
Coal, Metalliferous & Extractives annual total recordable injury frequency rate (TRIFR) 2007-08 to 2013-14



Figure 21
Coal annual total recordable injury frequency rate (TRIFR) 2007-08 to 2013-14

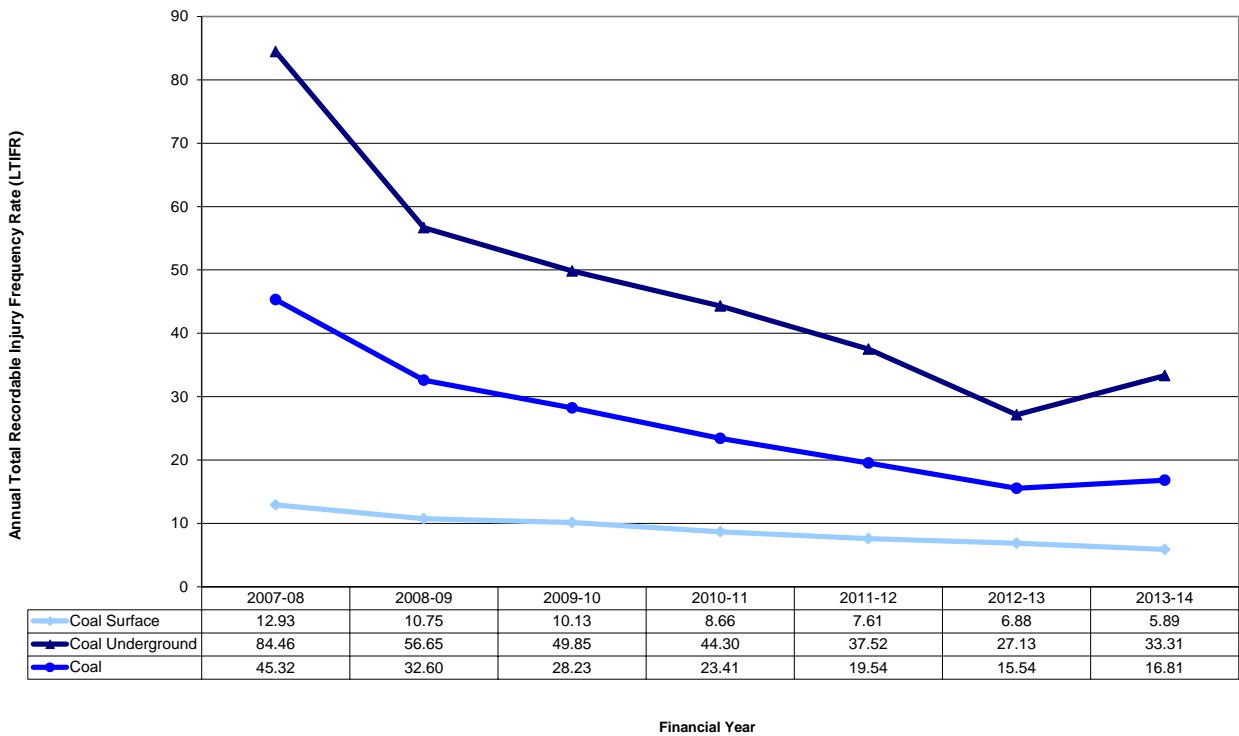
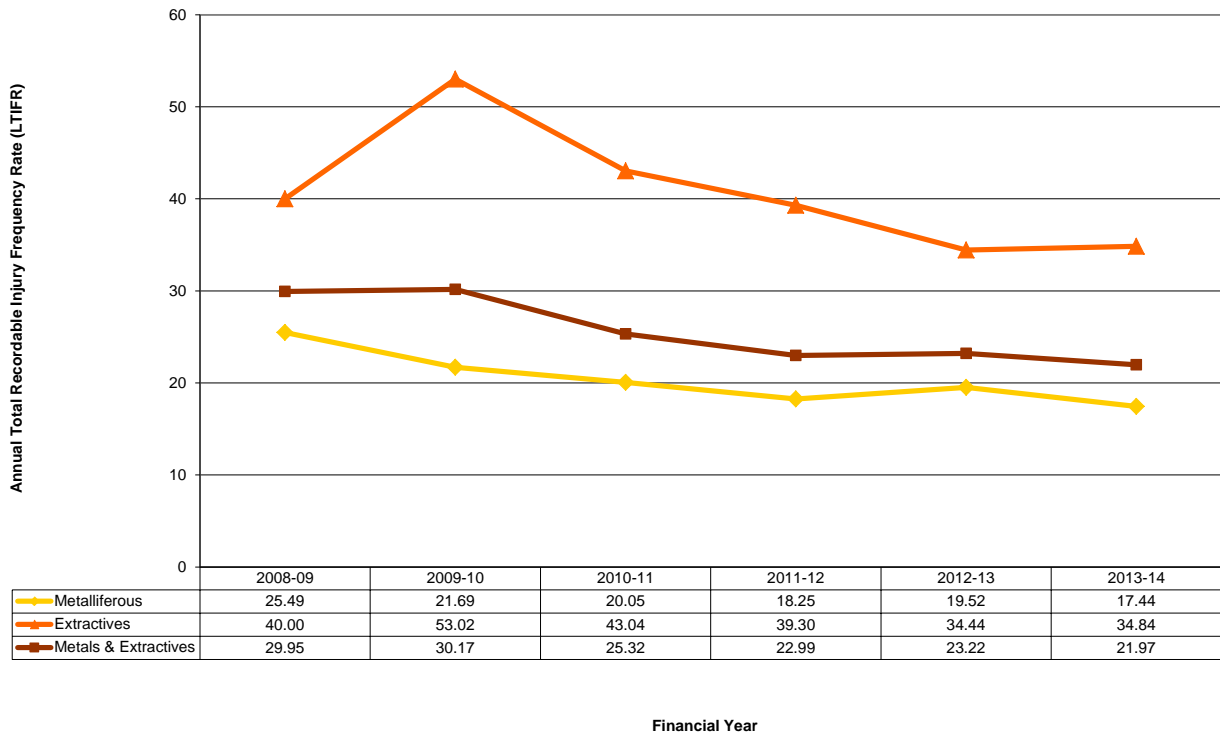


Figure 22
Metalliferous & Extractives annual total recordable injury frequency rate (TRIFR) 2007-08 to 2013-14



6. Serious bodily injuries (SBIs)

This section provides a breakdown of injuries that were required to be notified to NSW Trade & Investment under the relevant coal and non-coal legislation because of the nature of injury and under the relevant Petroleum (Onshore) legislation where the injury required immediate attention by a medical practitioner.

The classification of serious bodily injuries (SBIs) remains consistent under the CMHSR 2006 and MHSR 2006, although it omits dislocations and is slightly more inclusive for certain fractures and amputations.

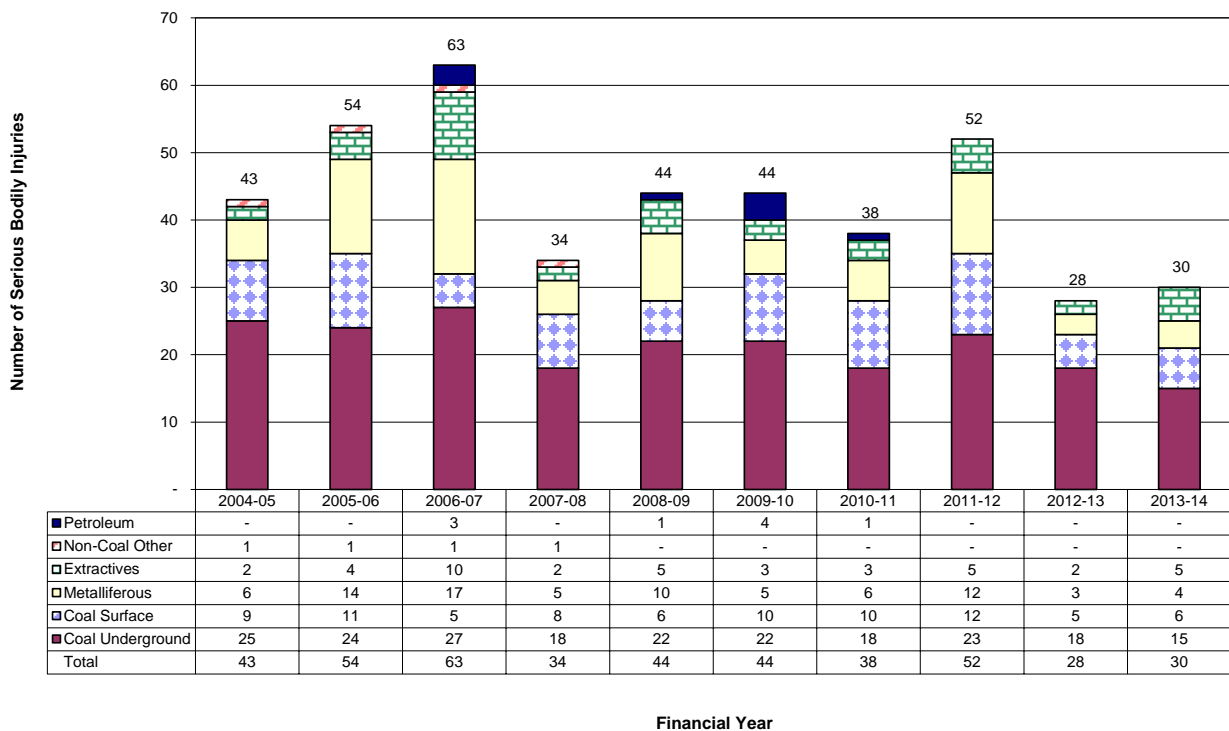
Note that Petroleum (Onshore) serious bodily injuries are notified at a lower threshold than for the rest of the industry

Note also that the measure of serious bodily injuries is not directly comparable to other mining jurisdictions or the WorkCover Authority of NSW, which use varying definitions for disability injuries.

Refer to [Appendix 4](#) for details of serious bodily injury types and relevant legislation

6.1. Serious bodily injuries by Sector

Figure 23
Coal, Metalliferous & Extractives serious bodily injuries 2004-05 to 2013-14



6.2. Annual serious bodily injury frequency rate (SBIFR)

Figure 24
Coal, Metalliferous & Extractives annual serious bodily injury frequency rate (SBIFR) 2004-05 to 2013-14

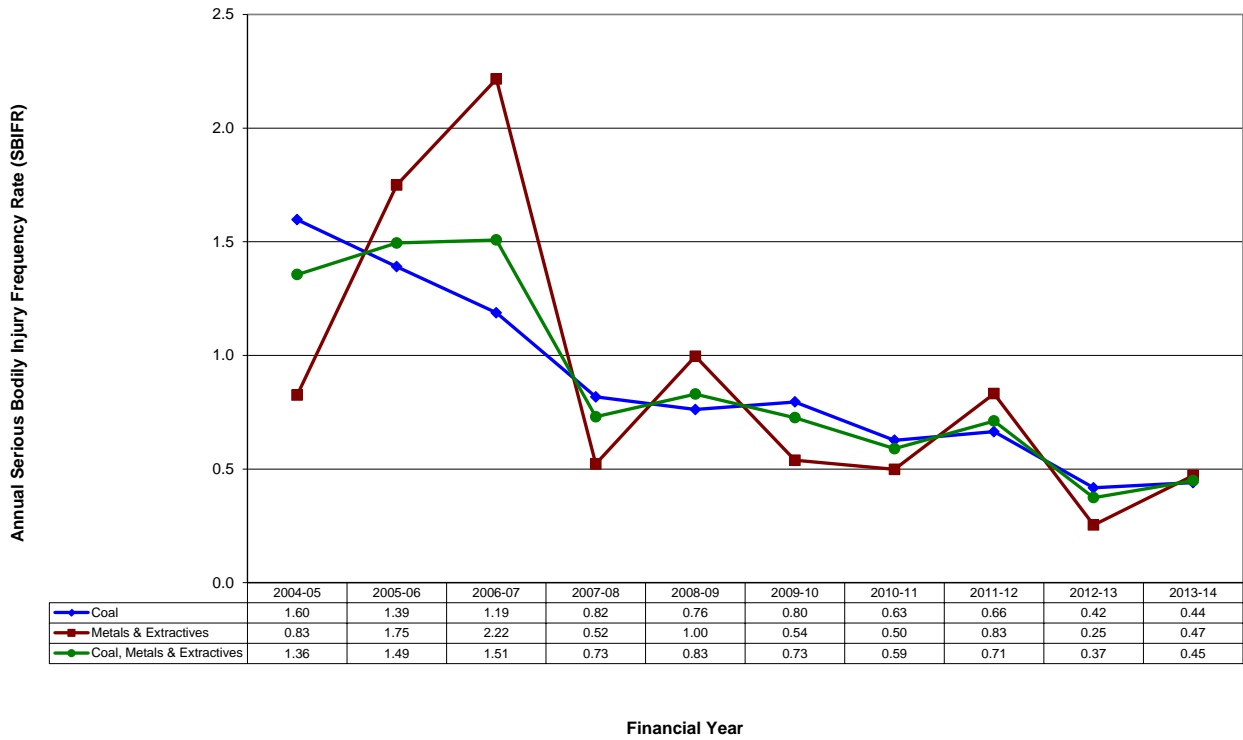


Figure 25
Coal annual serious bodily injury frequency rate (SBIFR) 2004-05 to 2013-14

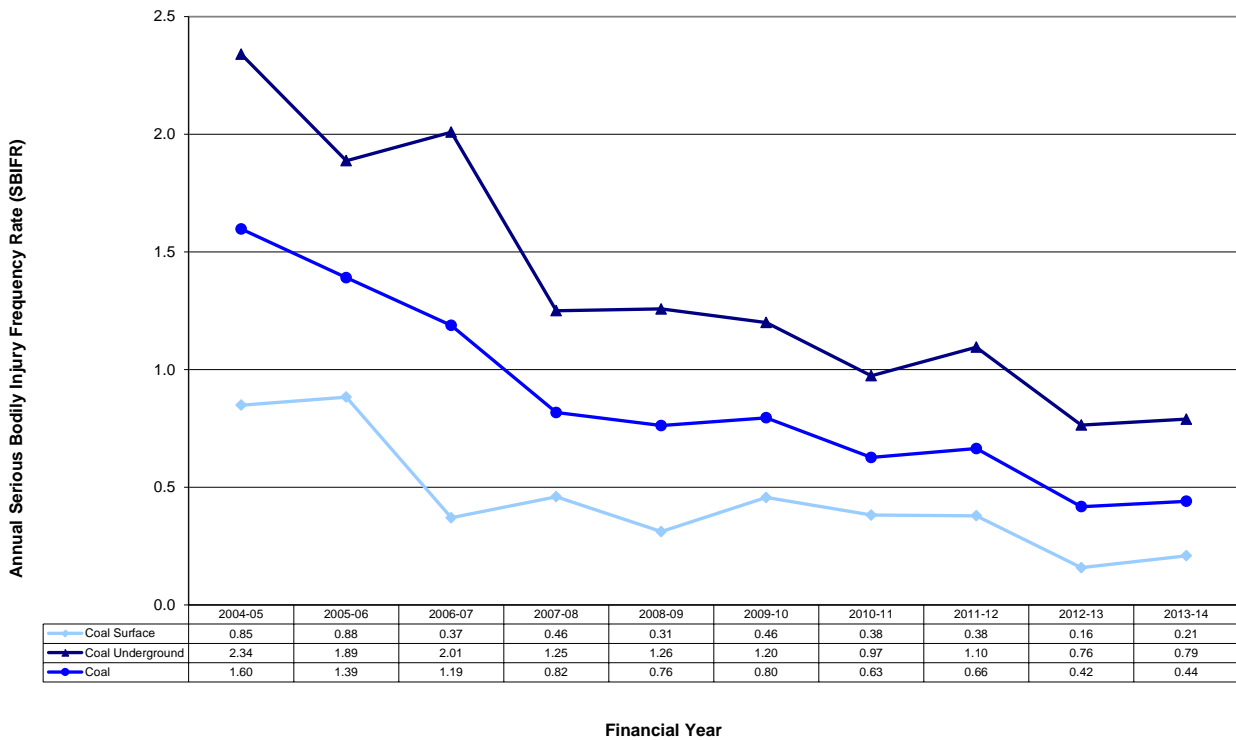
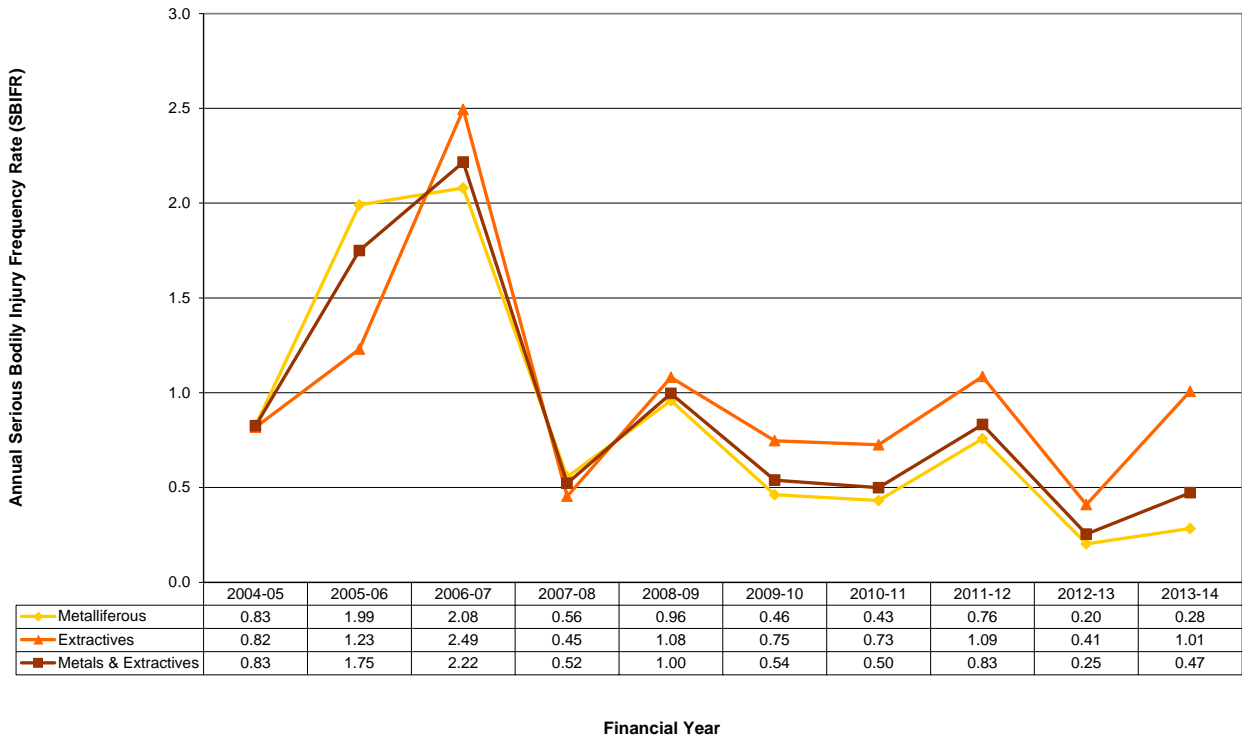


Figure 26
Metalliferous and Extractives annual serious bodily injury frequency rate (SBIFR) 2004-05 to 2013-14



6.3. Five year average serious bodily injury frequency rate (SBIFR)

Figure 27
Coal, Metalliferous & Extractives Mining 5 year average serious bodily injury frequency rate (SBIFR) 2004-05 to 2013-14

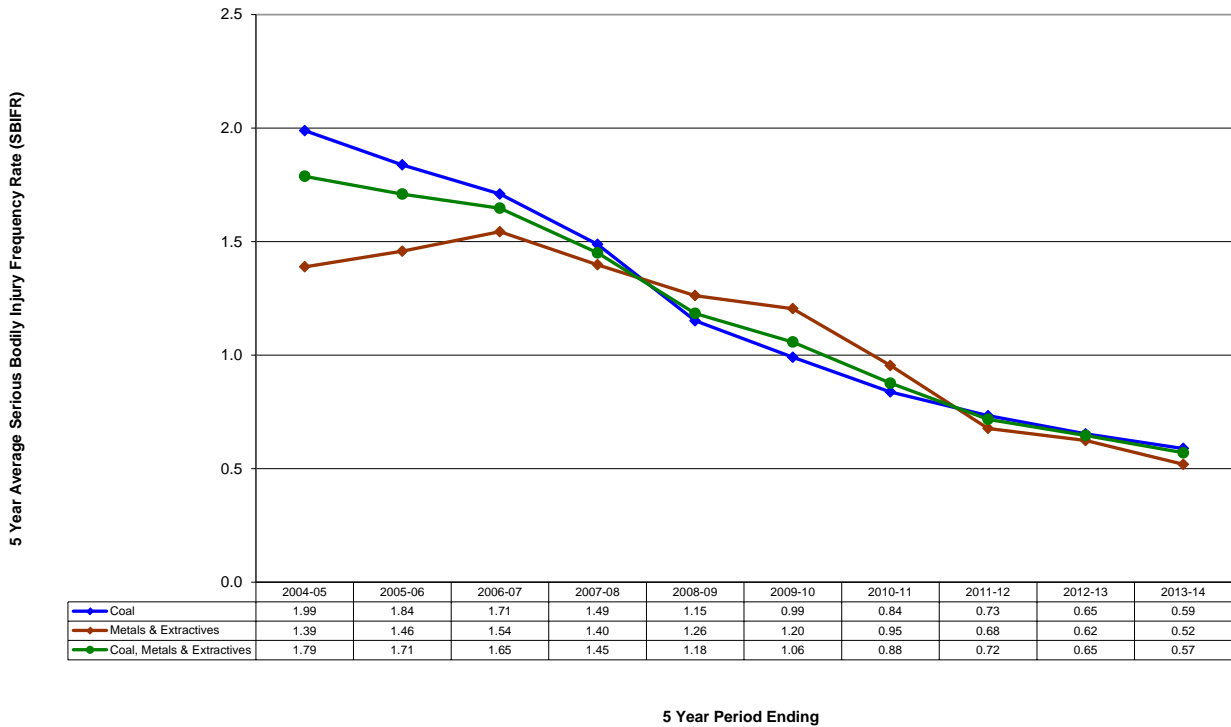
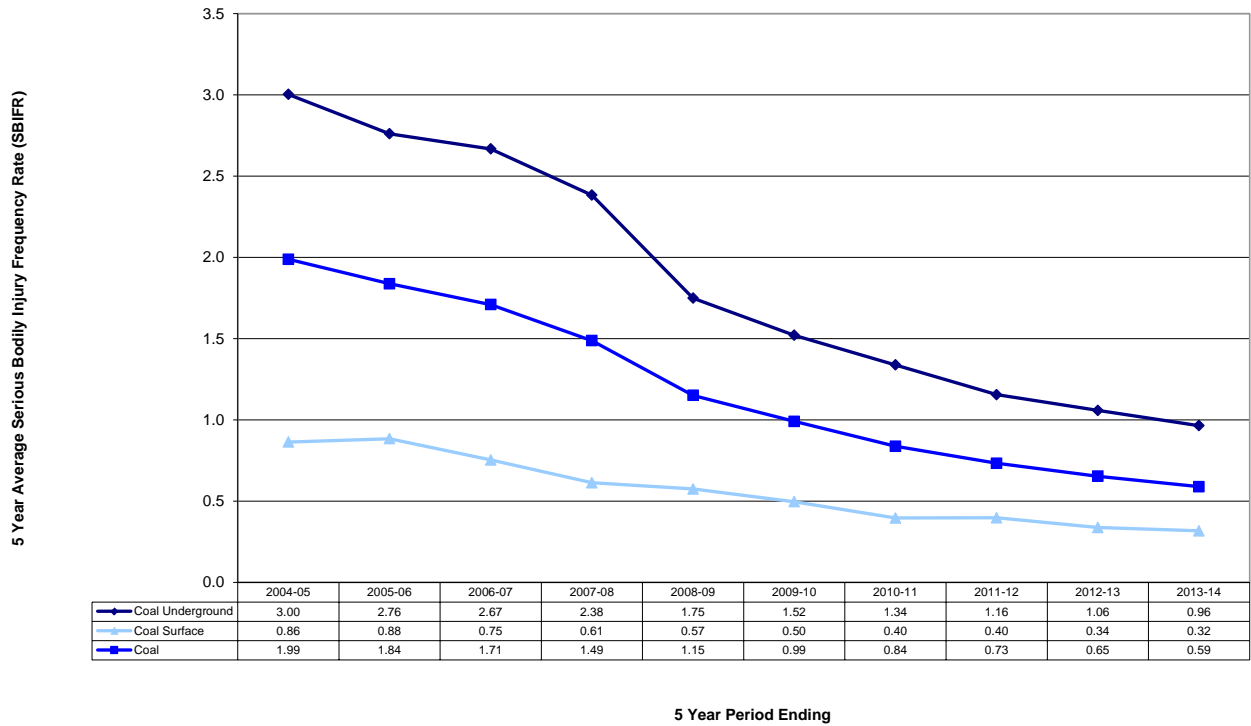
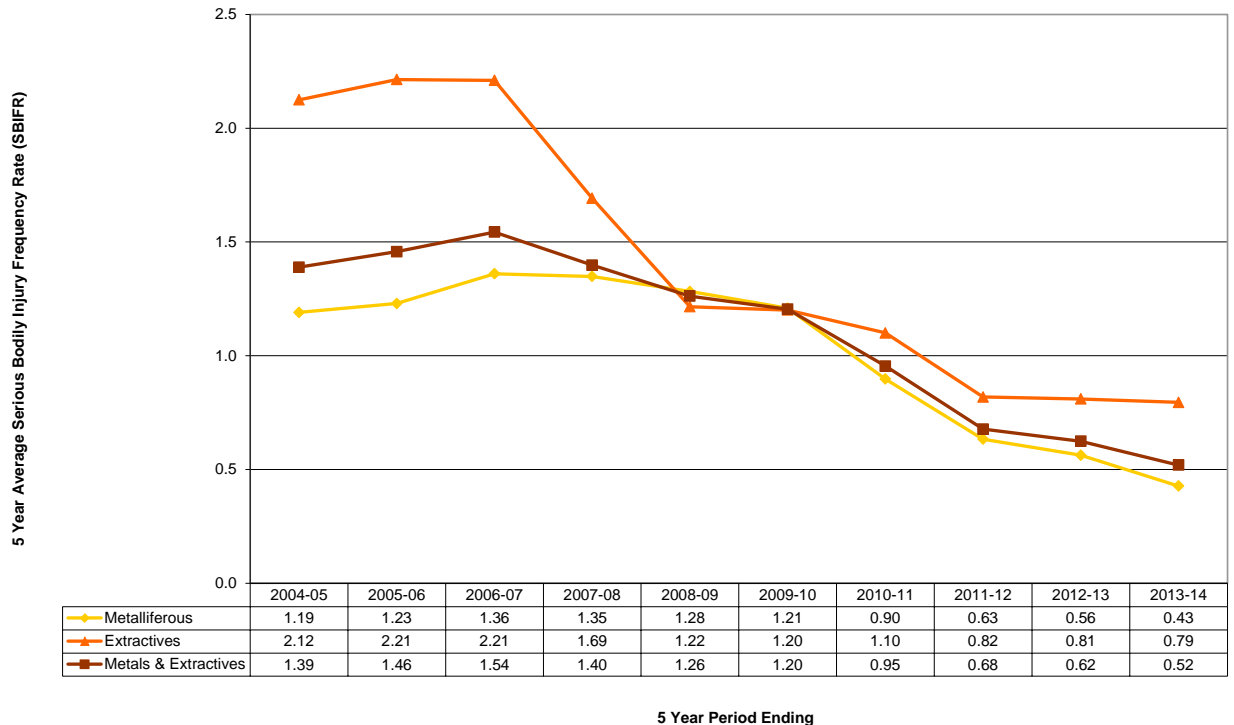


Figure 28
Coal 5 year average serious bodily injury frequency rate (SBIFR) 2004-05 to 2013-14



5 Year Period Ending

Figure 29
Metalliferous and Extractives 5 year average serious bodily injury frequency rate (SBIFR) 2004-05 to 2013-14



5 Year Period Ending

7. Notifiable injury outcomes

This section provides a breakdown of injuries with outcomes that were required to be notified to NSW Trade & Investment.

An injury may result in one or more of the following notifiable injury outcomes:

- Fatality
- Entrapment
- Loss of consciousness
- Hospital inpatient admission
- At least seven days of lost time and/or alternative duties

These injury outcomes (except fatality) became reportable from mid-2006-07 for Coal under CMHSR 2006 Clauses 55, 56 and 57, and from the second quarter of 2008-09 for Non-Coal, under MHSR 2007 Clause 145 and 146.

Refer to [Appendix 5](#) for details of notifiable injury outcomes and relevant legislation

7.1. Notifiable injury outcomes by injury outcome

Figure 30
Coal and Non-coal (excl Petroleum) notifiable injury outcomes 2006-07 to 2013-14

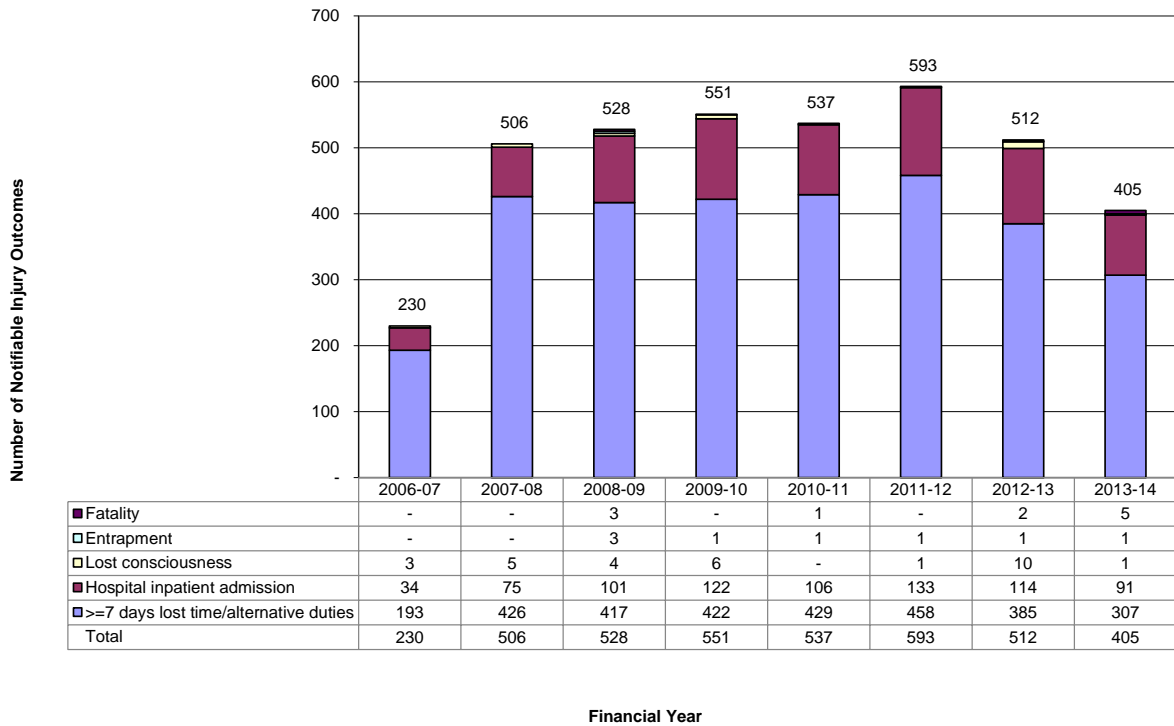


Figure 31
Coal notifiable injury outcomes 2nd quarter 2006-07 to 2013-14

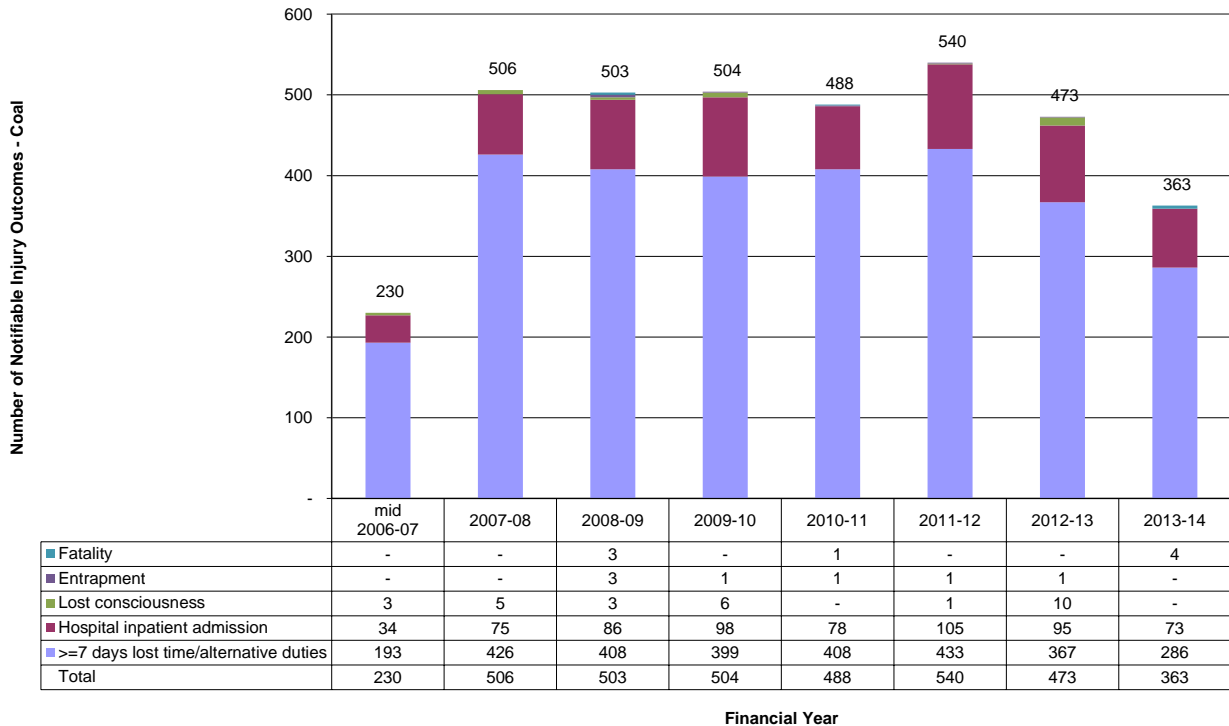


Figure 32
Metalliferous notifiable injury outcomes 2nd quarter 2006-07 to 2013-14

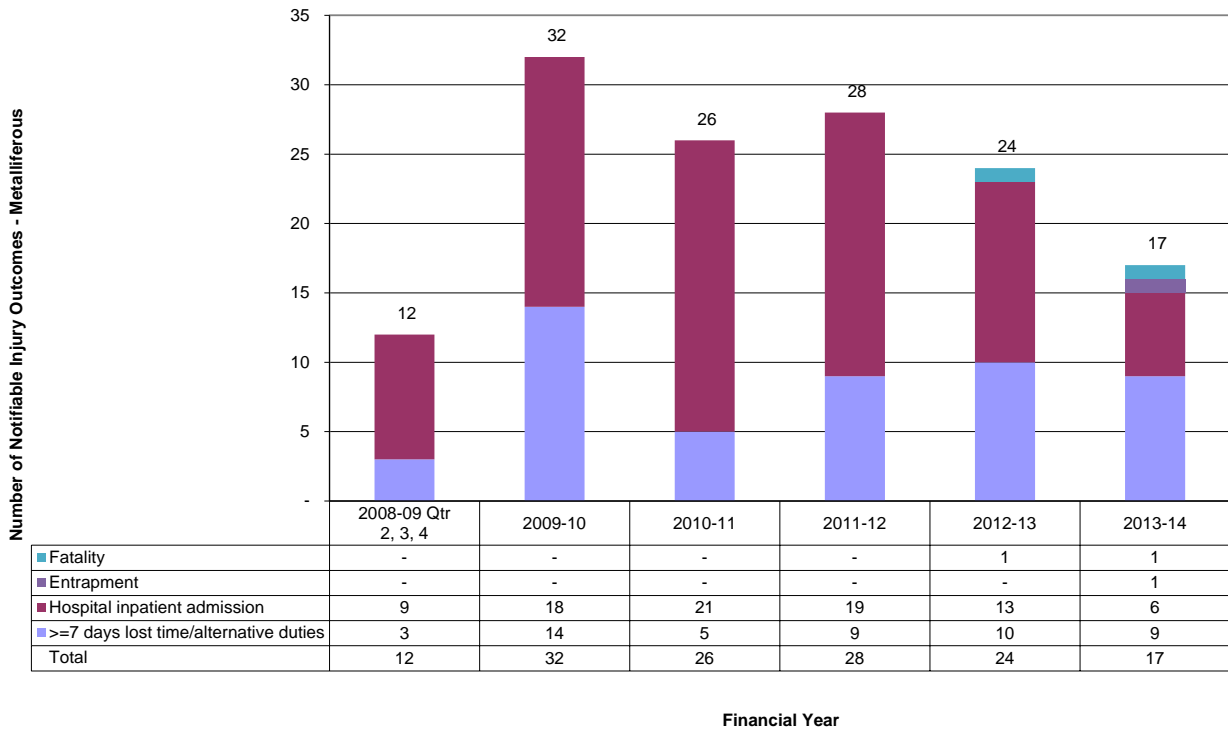


Figure 33
Extractives notifiable injury outcomes 2nd quarter 2006-07 to 2013-14



8. Incidents

This section reports on the breakdown of incidents notified to NSW Trade & Investment in the Coal, Metalliferous, Extractives, Non-Coal Other and Petroleum (Onshore) mining sectors, including Complaints and Incident not elsewhere classified (NEC).

The commencement of CMHSR 2006 in mid 2006-07 and MHSR 2007 in the second quarter of 2008-09 resulted in an increase in incident notifications due to some new and more inclusive reporting requirements..

8.1. All incidents

Figure 34
All incidents by sector 2004-05 to 2013-14

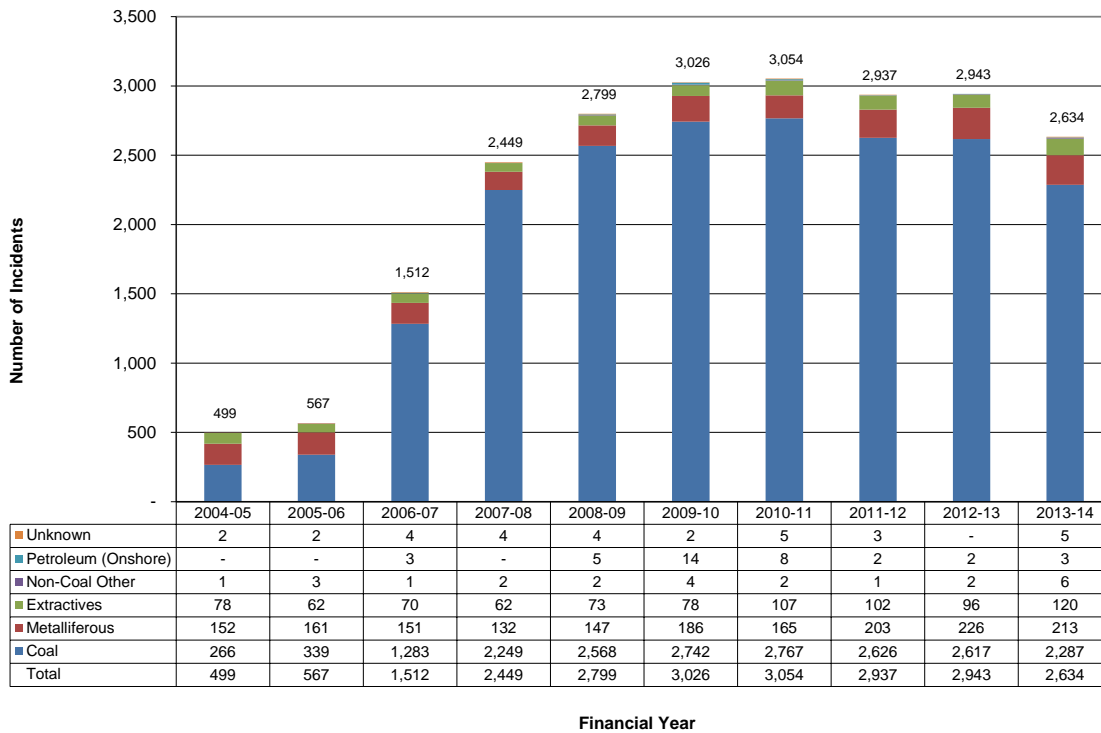


Figure 35
All incidents by event subtype 2004-05 to 2013-14

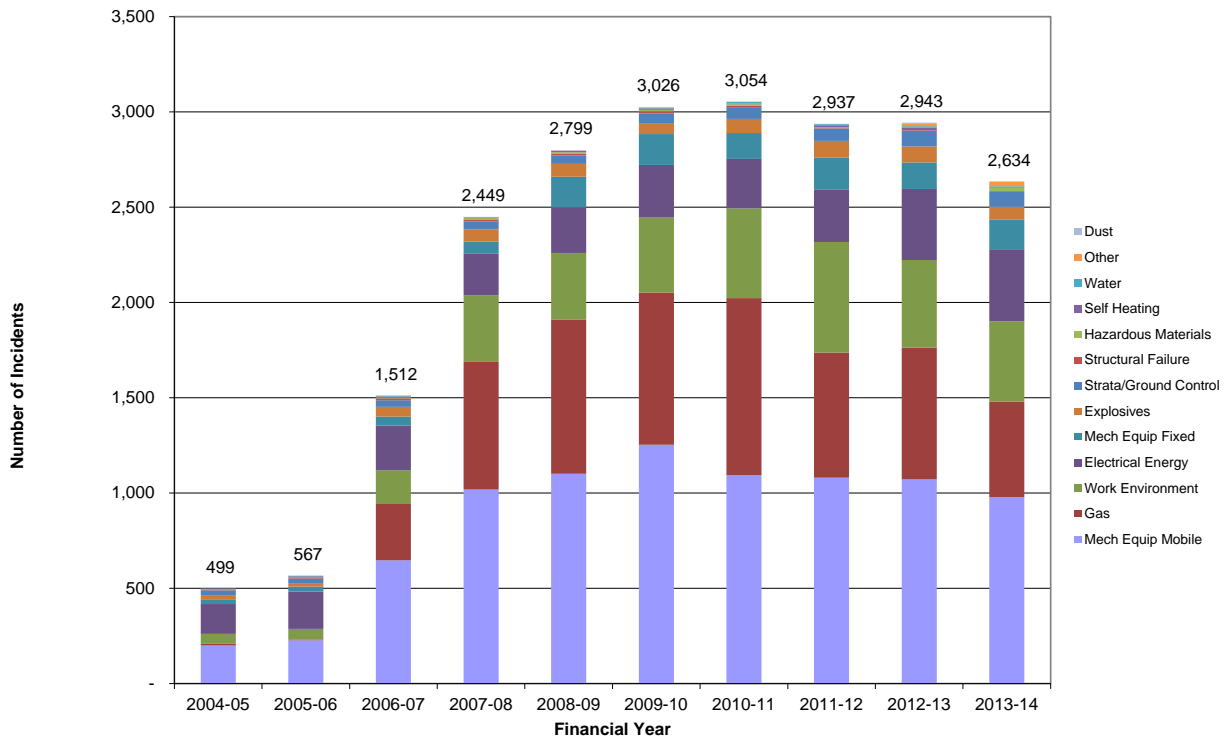
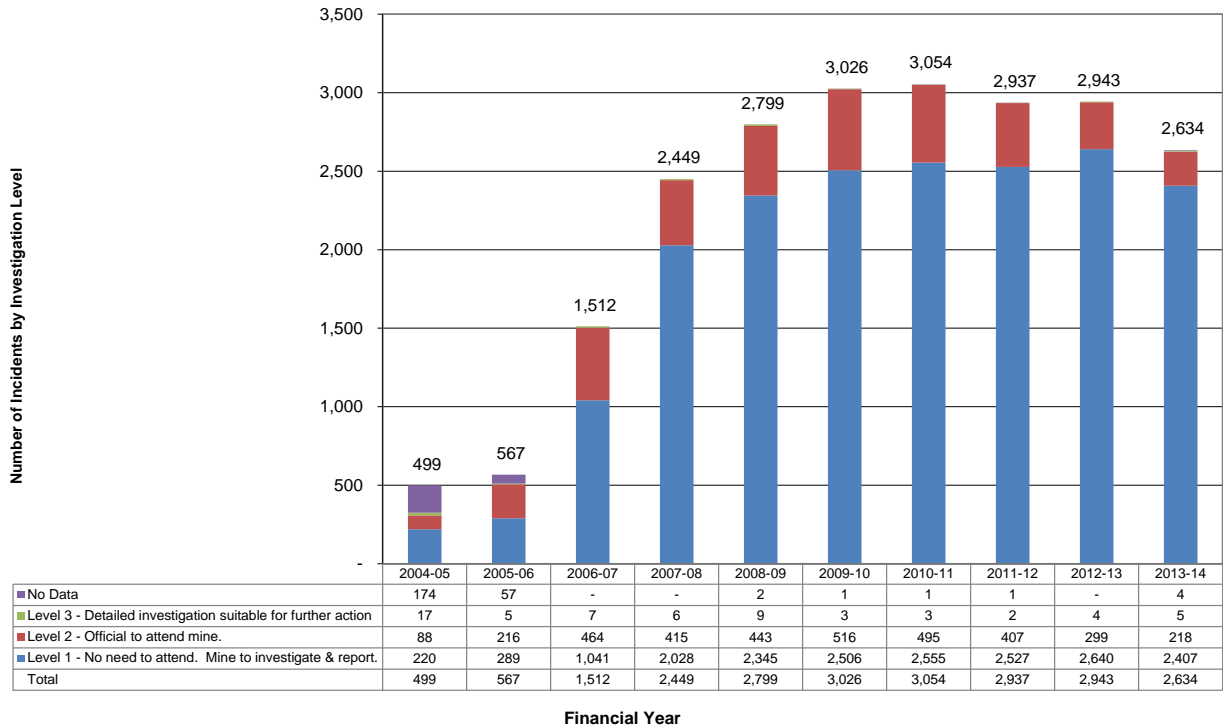


Figure 36
All incidents by investigation level 2004-05 to 2013-14



8.2. Coal incidents

Figure 37
Coal incidents by event subtype 2004-05 to 2013-14

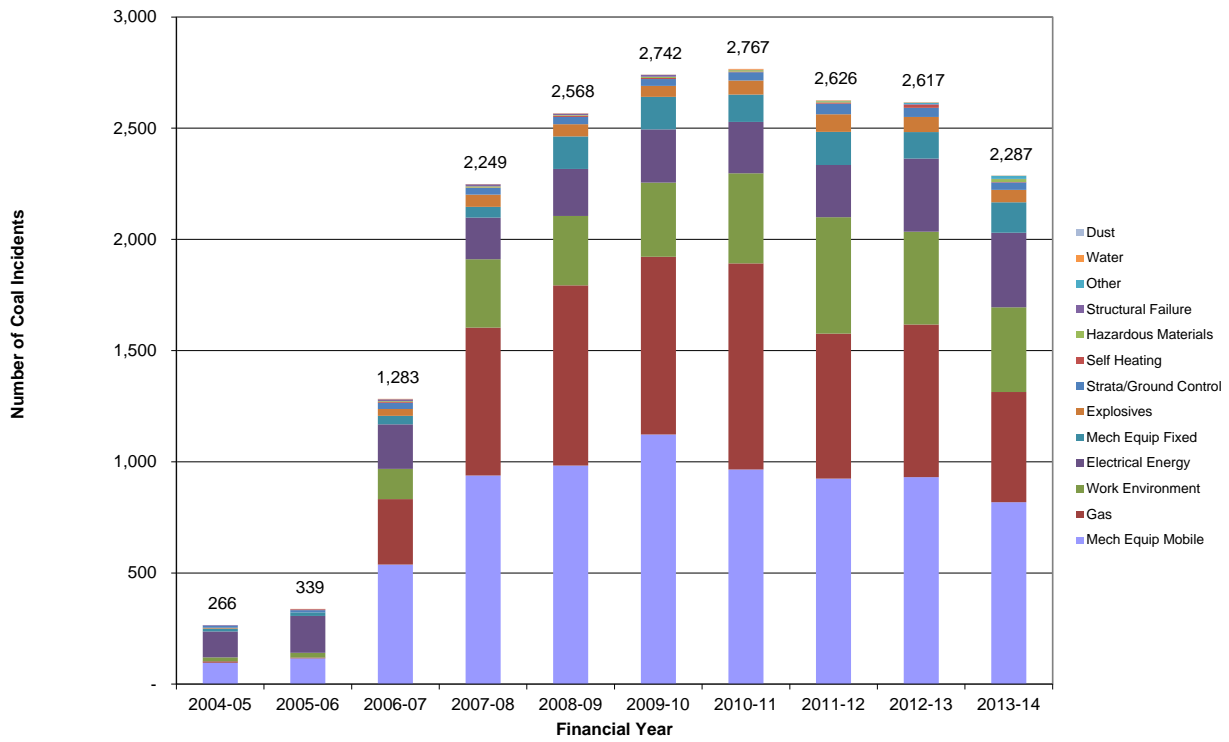
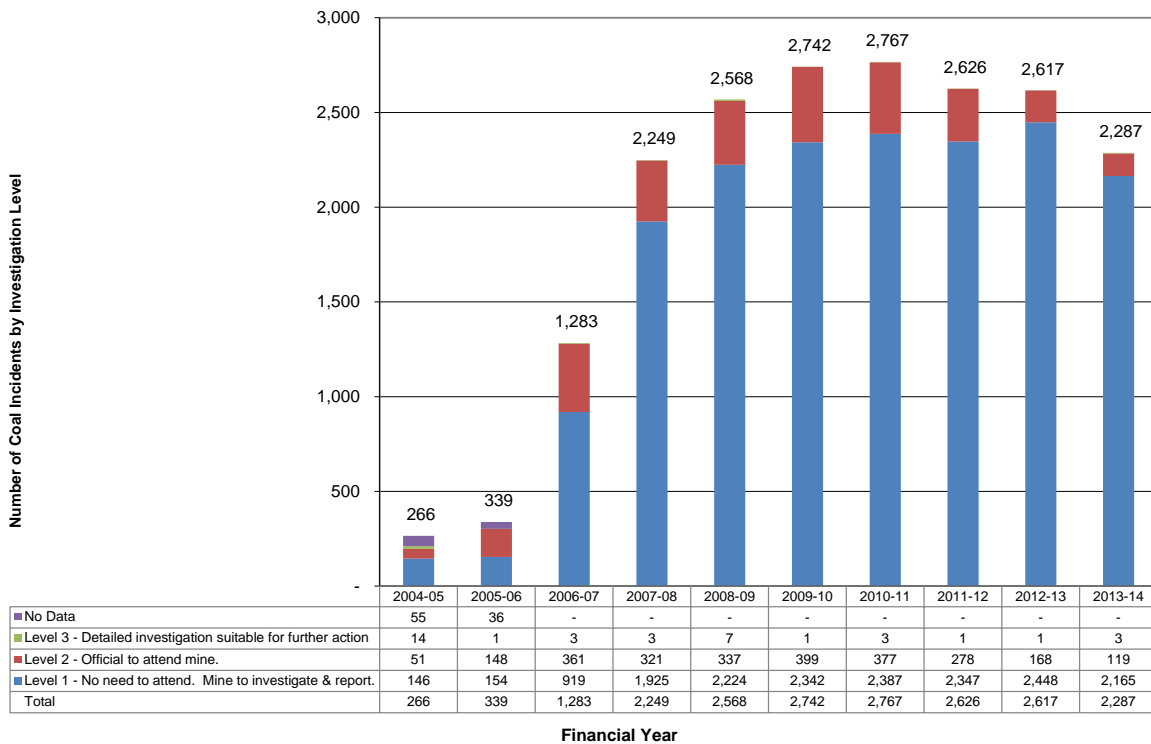


Figure 38
Coal incidents by investigation level 2004-05 to 2013-14



8.3. Metalliferous incidents

Figure 39
Metalliferous incidents by event subtype 2004-05 to 2013-14

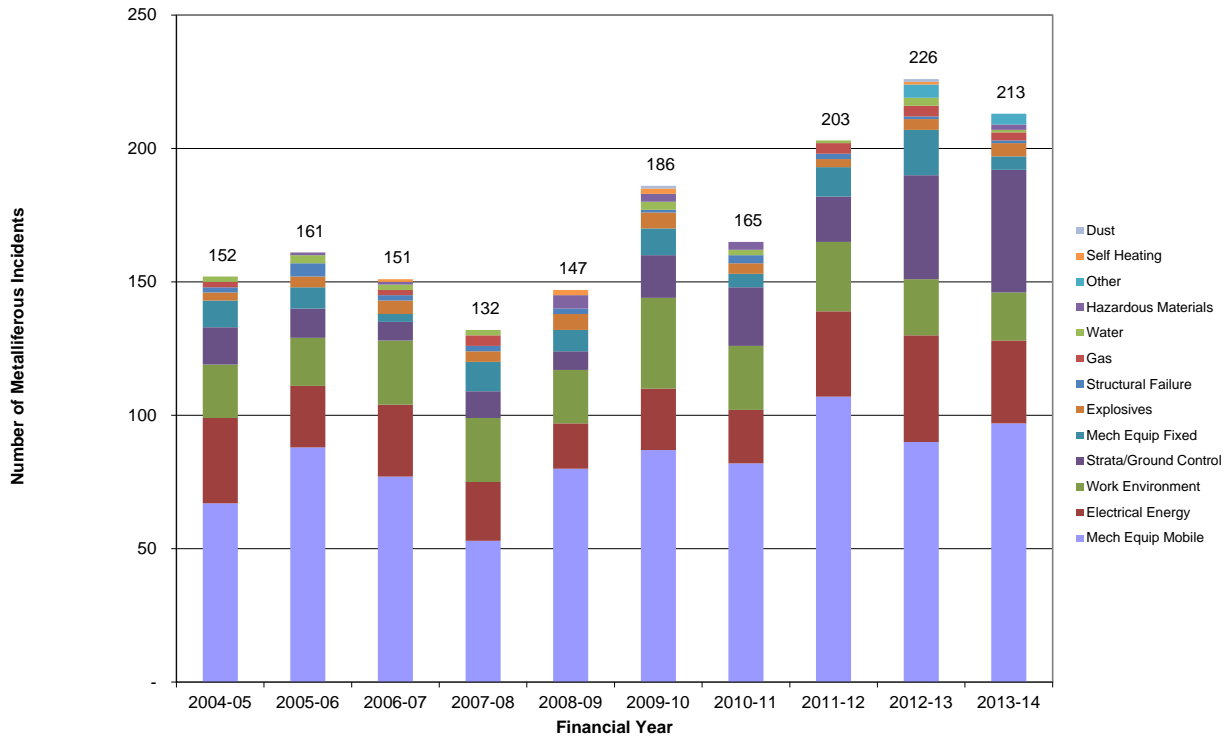
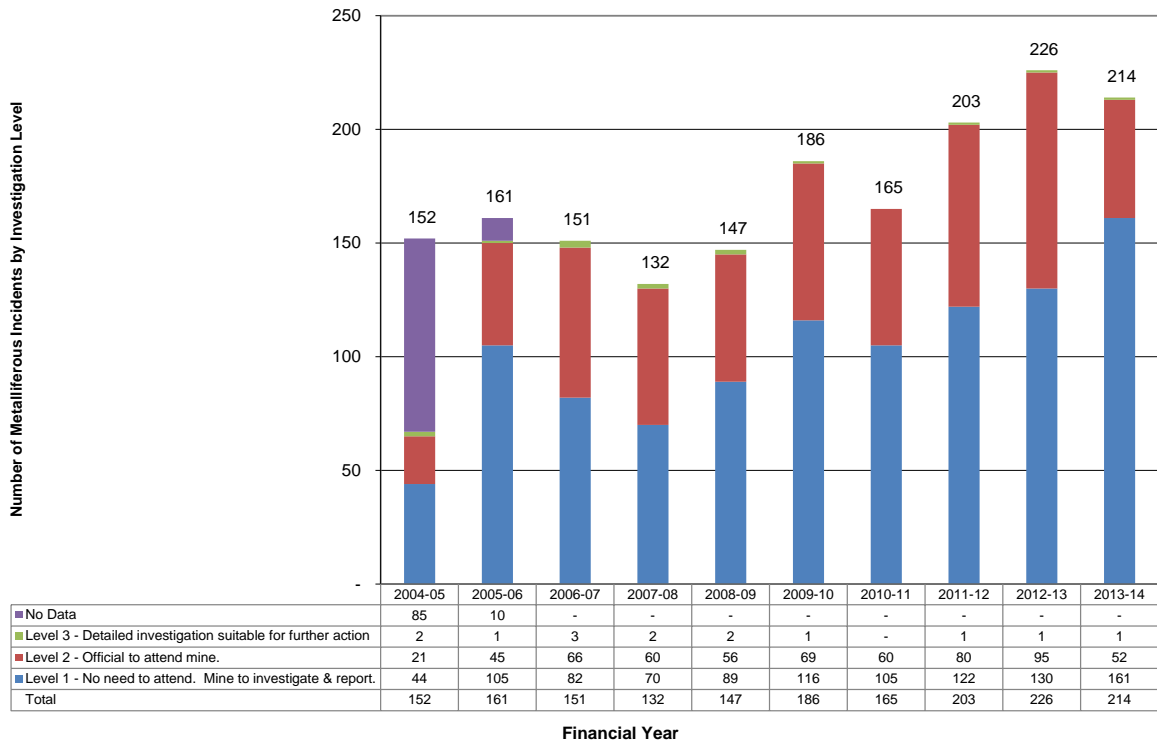


Figure 40
Metalliferous incidents by investigation level 2004-05 to 2013-14



8.4. Extractives incidents

Figure 41
Extractives incidents by event subtype 2004-05 to 2013-14

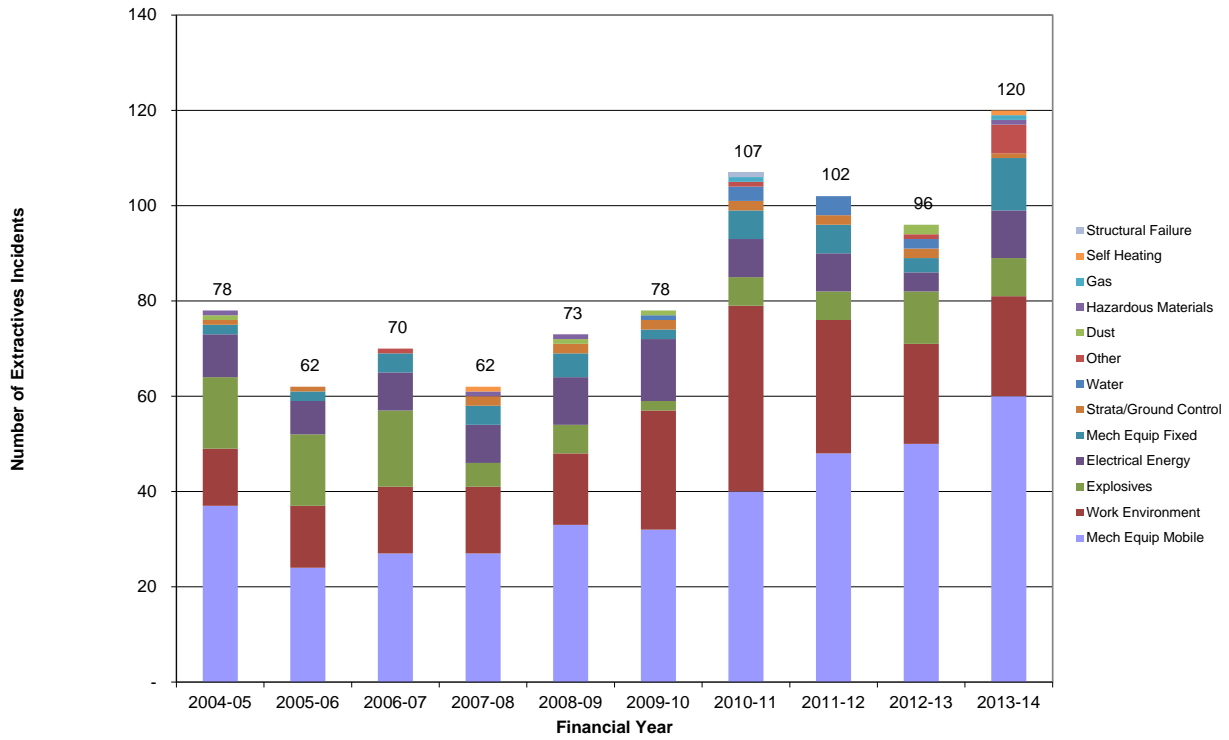
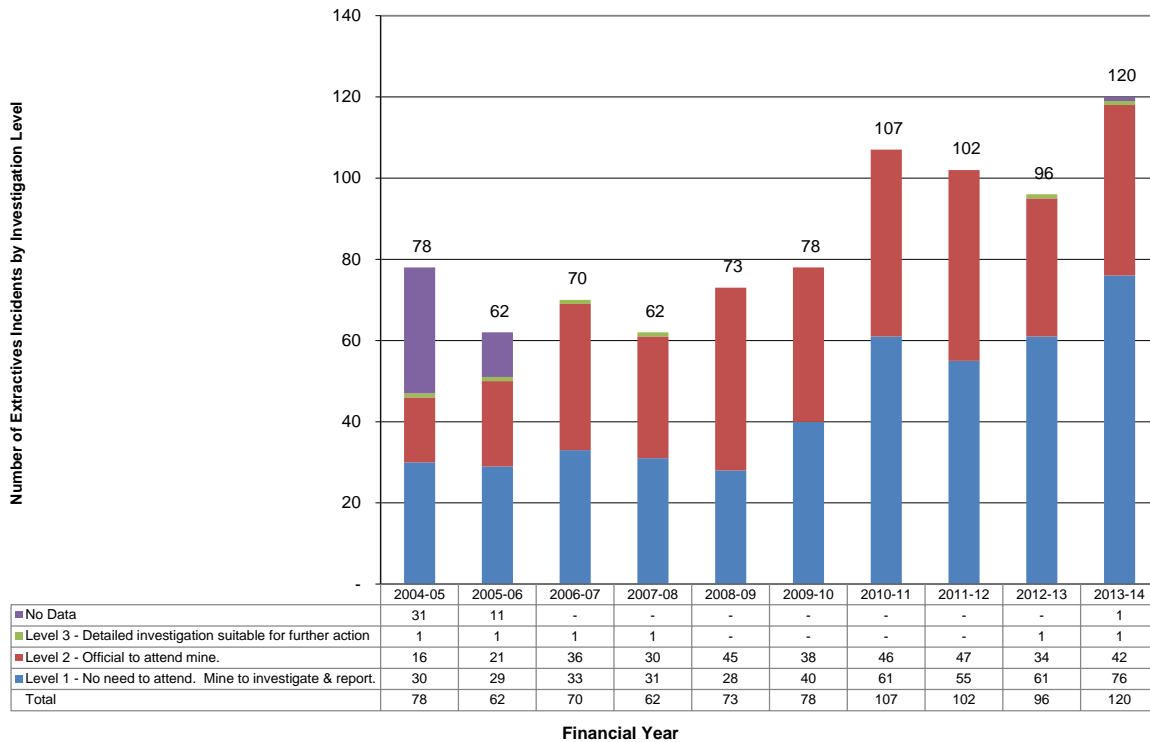


Figure 42
Extractives incidents by investigation level 2004-05 to 2013-14



Refer to [Appendix 2](#) for details of Incident Event Subtypes.

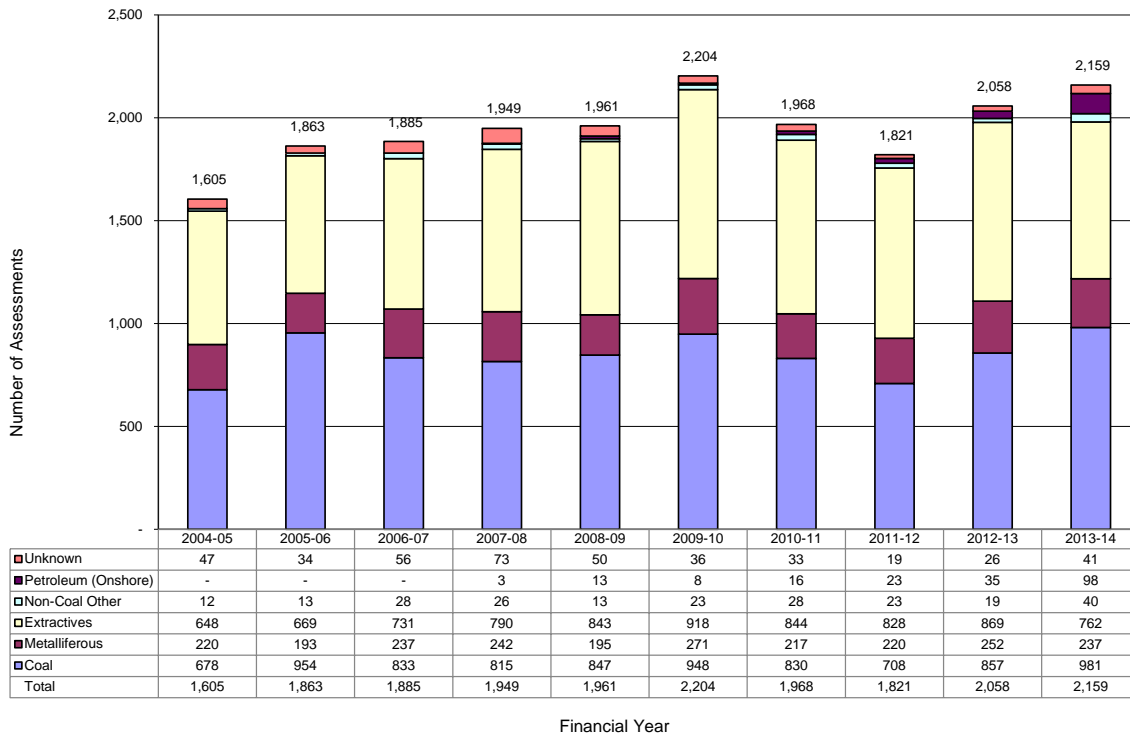
9. Assessments

This section reports on formal and informal mining, electrical and mechanical inspections, audits, assessments and reviews conducted by NSW Trade & Investment Inspectors and Mine Safety Officers.

Refer to the Definitions, COMET Database Terms and Appendix B for details of the classifications used.

9.1. All assessments by sector

Figure 43
All assessments by sector 2004-05 to 2013-14



9.2. Assessments by event subtype

Figure 44
All assessments by event subtype 2004-05 to 2013-14

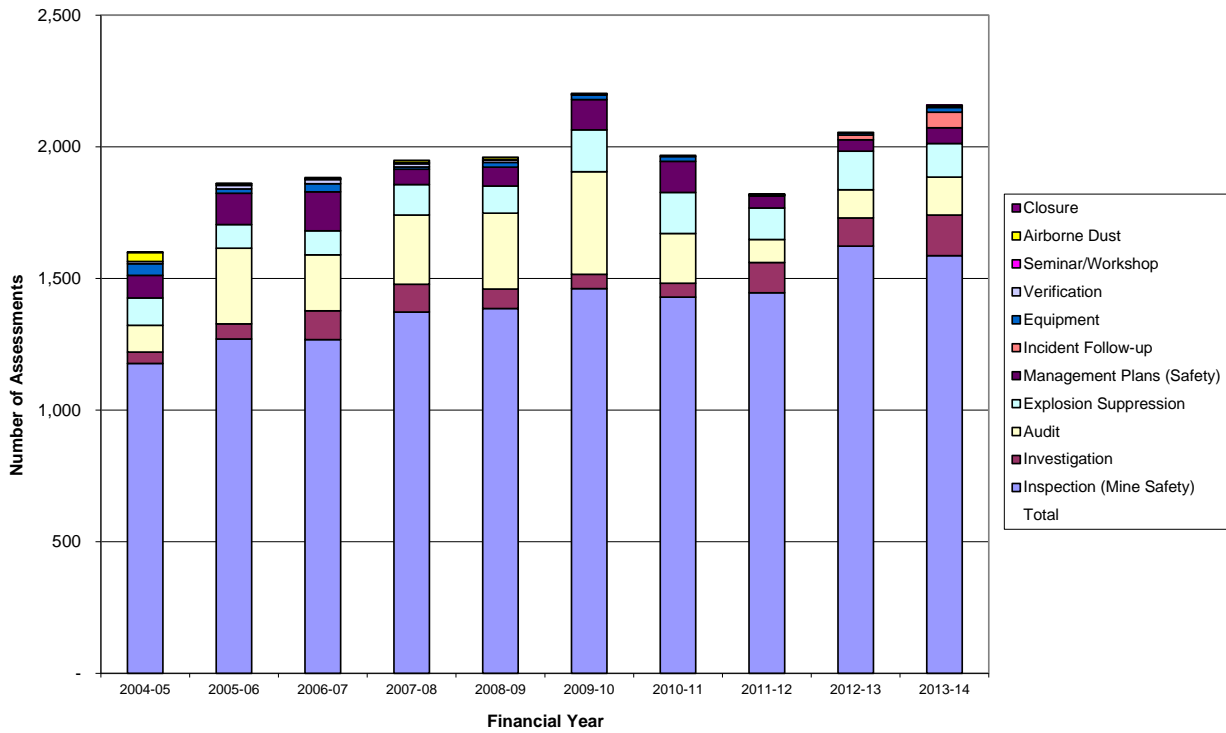


Figure 45
Coal assessments by event subtype 2004-05 to 2013-14

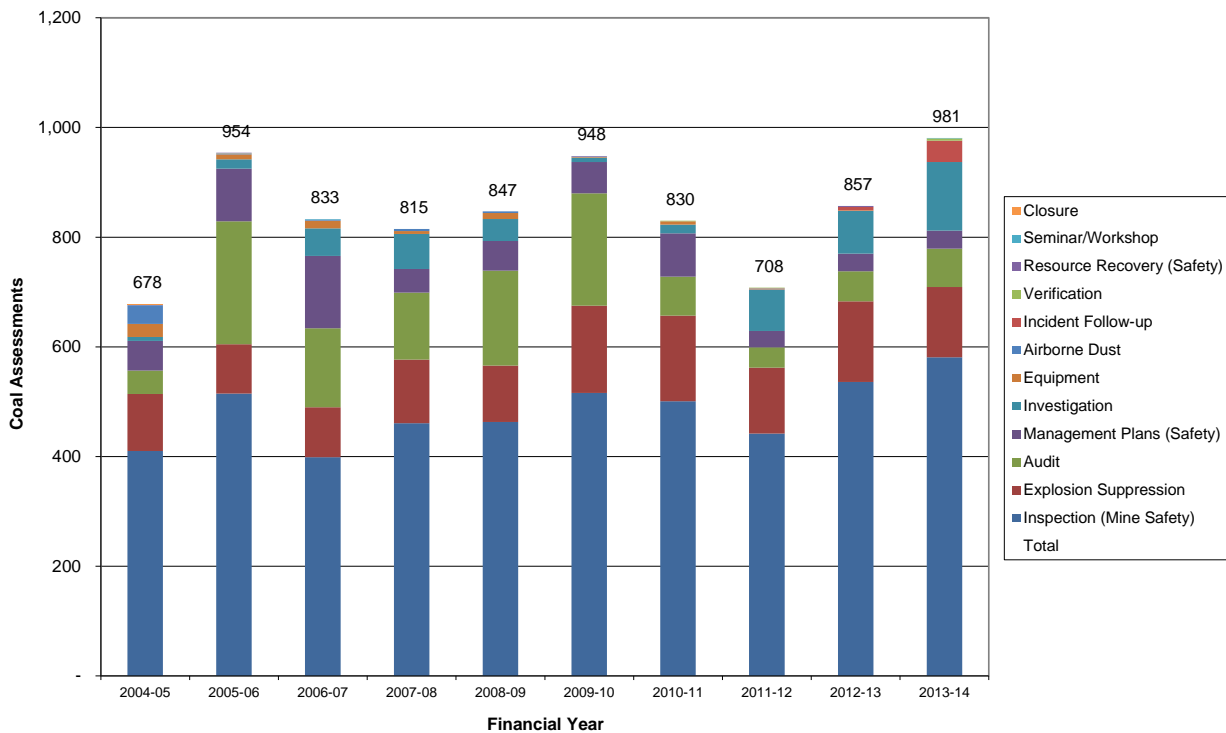


Figure 46
Metalliferous assessments by event subtype 2004-05 to 2013-14

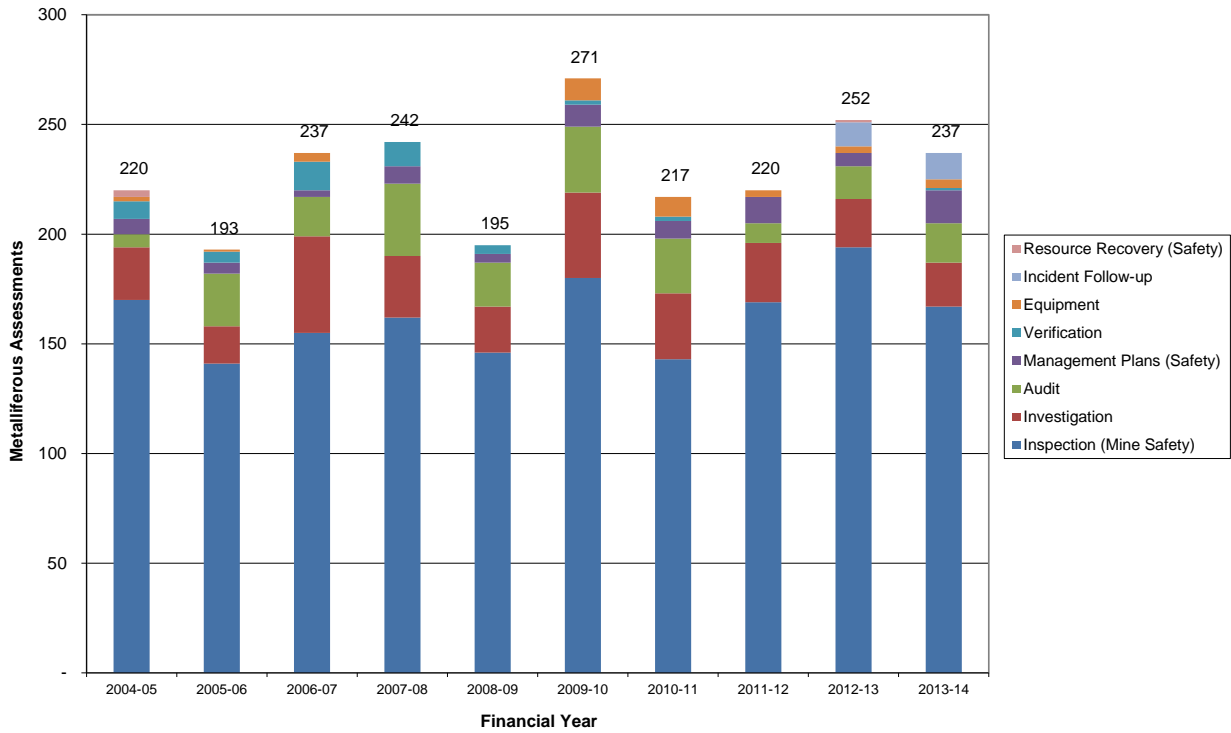
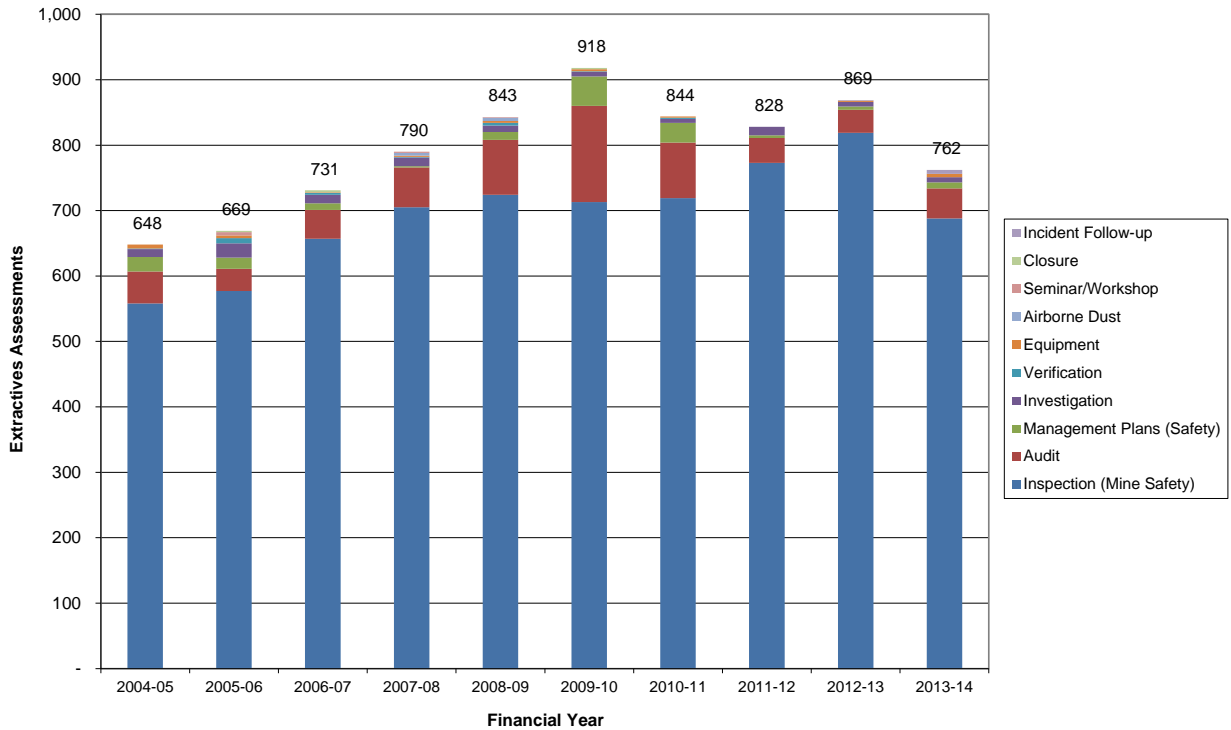


Figure 47
Extractives assessments by event subtype 2004-05 to 2013-14



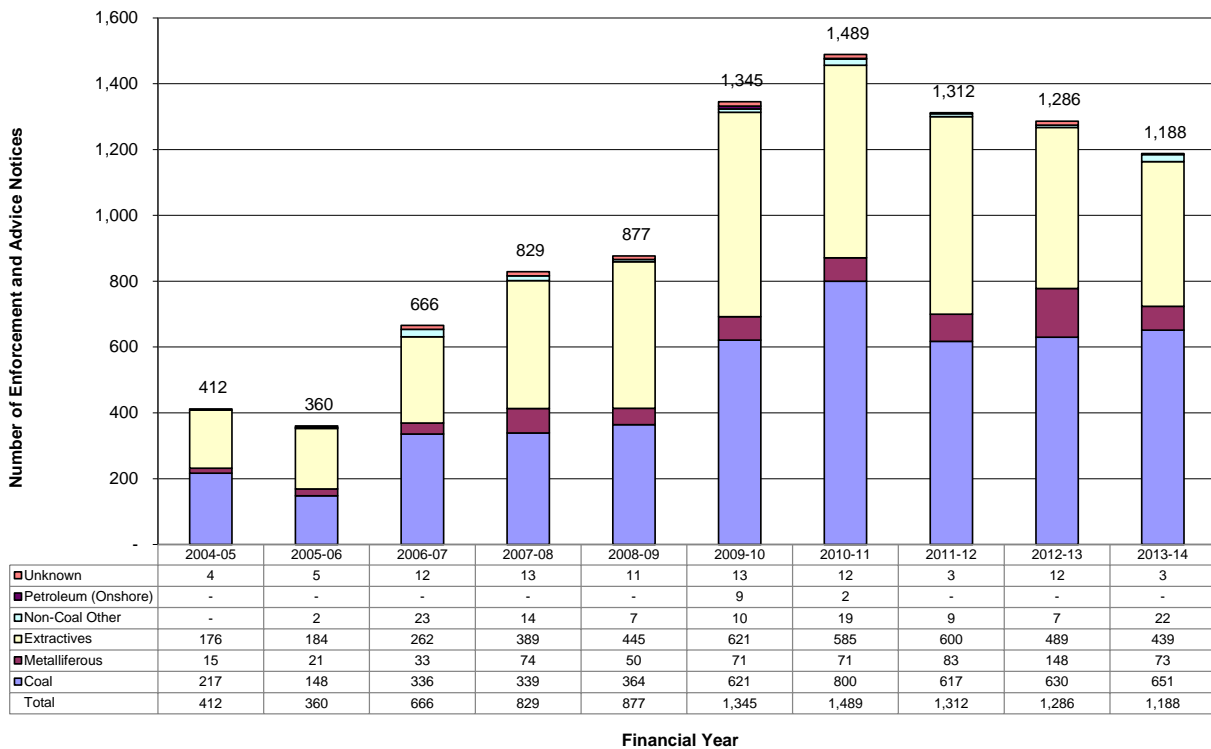
10. Enforcement and advice/improvement notices

This section reports on advice/improvement, prohibition, investigation and explosives enforcement and advice Notices issued by NSW Trade & Investment Inspectors and Mine Safety Officers.

The commencement of the current coal legislation (CMHSA 2002 and CMHSR 2006) in mid-2006-07 and the current non-coal legislation (MHSA 2004 and MHSR 2007) in the second quarter of 2008-09, together with the requirement that all advice to mines must now be in writing, has resulted in an increase in enforcement and advice notices issued..

10.1. All enforcement and advice notices by sector

Figure 48
All enforcement and advice/improvement notices by sector 2004-05 to 2013-14



10.2. Enforcement and advice notices by notice category

Figure 49
All enforcement and advice/improvement notices by notice category 2004-05 to 2013-14

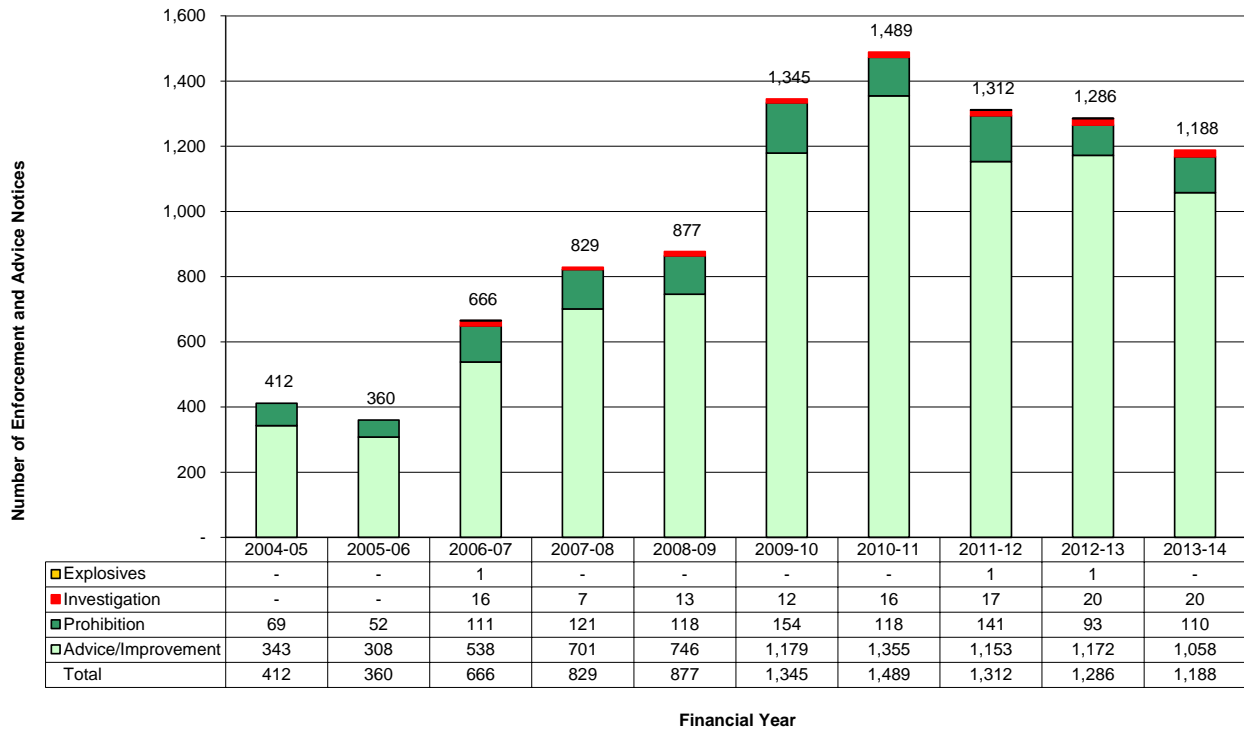


Figure 50
Coal enforcement and advice/improvement notices by notice category 2004-05 to 2013-14

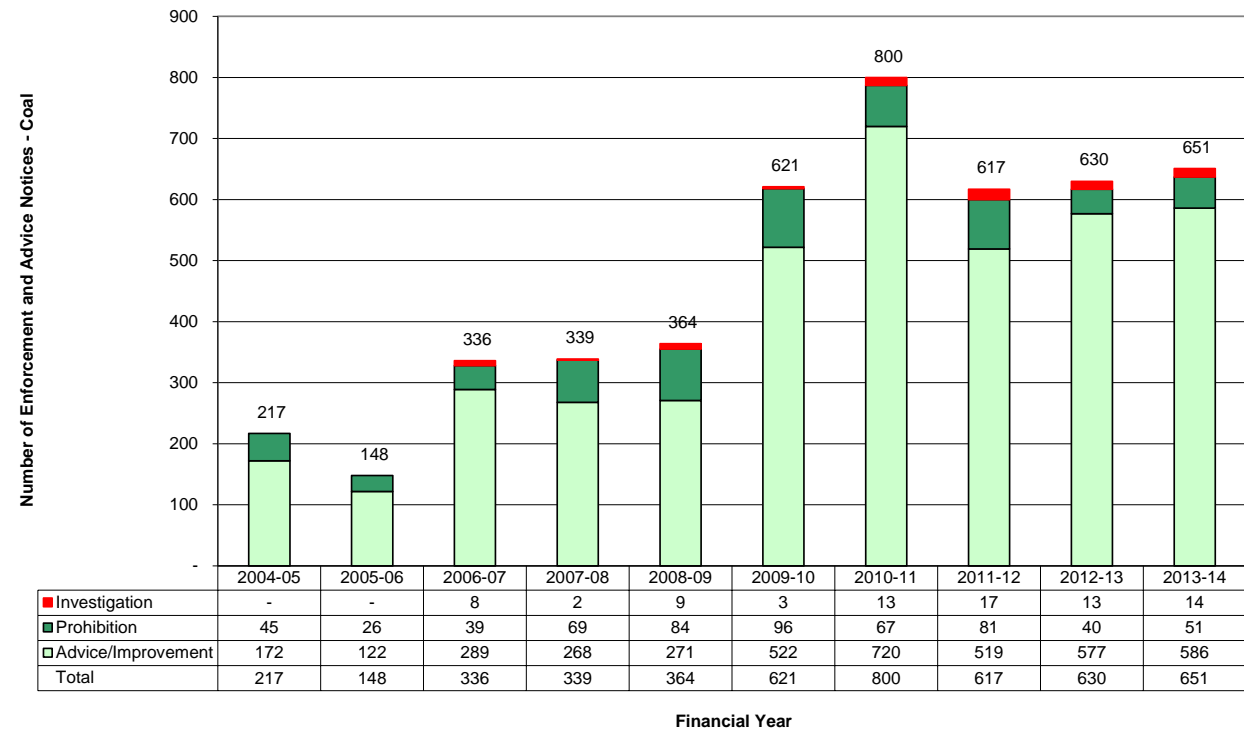


Figure 51
Metalliferous enforcement and advice/improvement notices by notice category 2004-05 to 2013-14

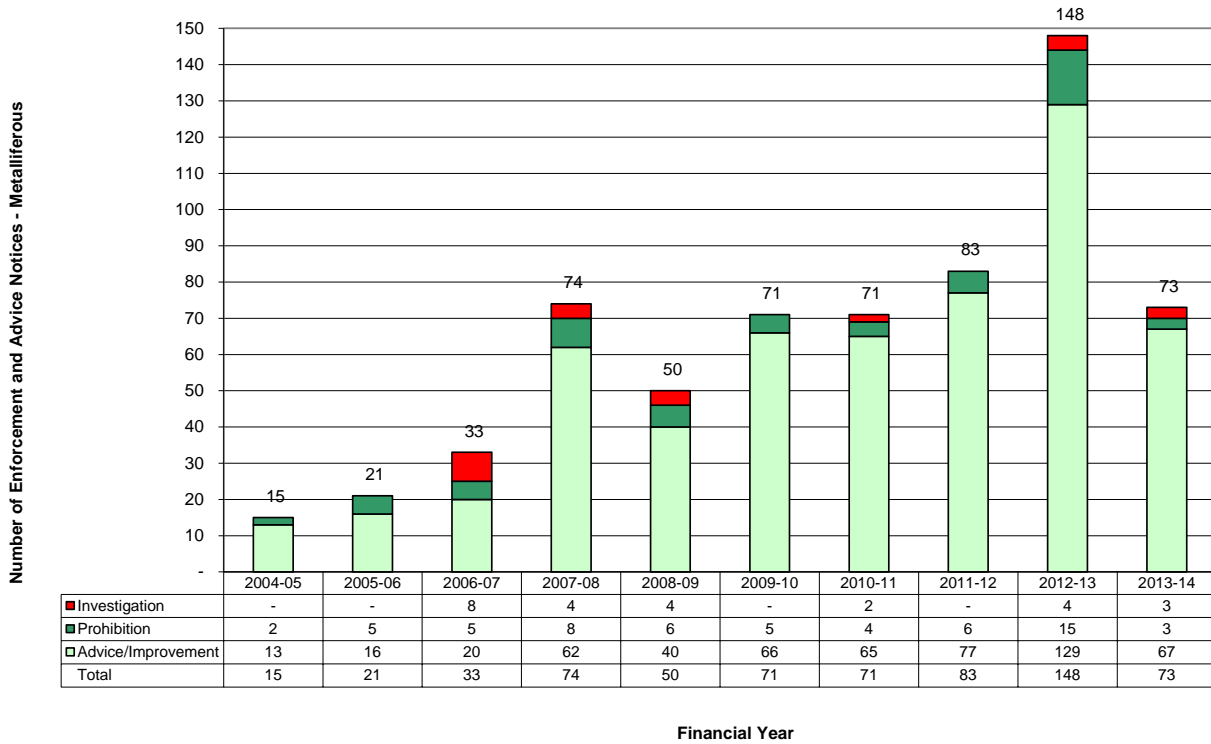
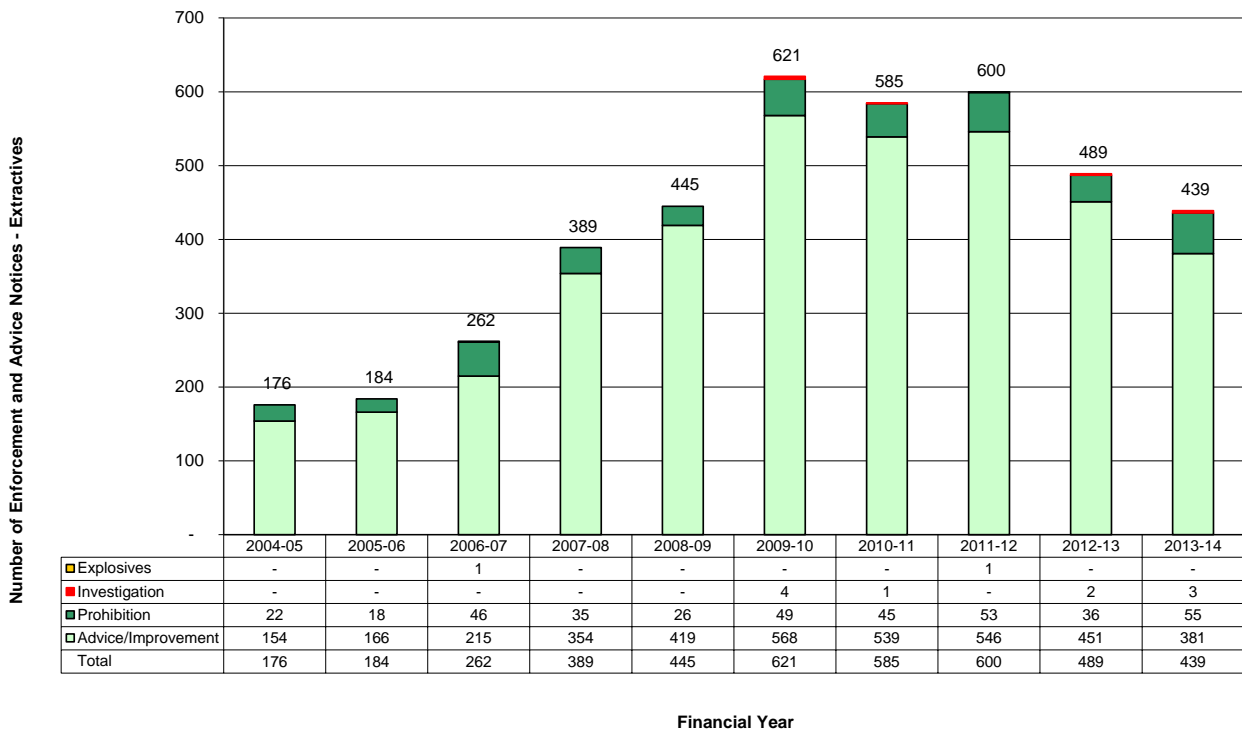


Figure 52
Extractives enforcement and advice/improvement notices by notice category 2004-05 to 2013-14



1 Appendices – Additional information

Appendix 1 Mine types and mine operation types

Figure 53
Mine types

Mining Sector		Mine Type
Coal		Coal Declared Plant – CPP
Non Coal	Metalliferous	Metals Mineral Sands
	Extractives	Construction Materials Industrial Minerals
	Other	Gemstones or Precious Stones Opal Claim Readymix/Bitumen Ancillary to Mining Waste Mining Treatment Plant To Be Determined
Petroleum (Onshore)		Petroleum

Figure 54
Mine operation types

Operation	Operation Type
Underground	Underground
Surface	Open Cut Processing Borrow Pit Dredging Drilling Exploration Exploration Wells Opal Mining (All Types) Production Wells To Be Determined

Note that in this report, both surface and underground activity occurring at an underground operation, is considered as underground activity

Appendix 2 COMET incident event subtypes

Figure 55
COMET incident event subtypes

Incident Event Subtype	Description
Dust	dust ignition; sulphide dust explosion; silica exposure
Electrical energy	electrical energy (electric shock); burns caused by electrical heat; outbreak of fire due to electricity; unplanned movement due to electricity
Explosives	explosives general (ejection of flyrock); fault with an explosive; misfire – significant
Gas	gas ignition; asphyxiate gases such as CO ₂ ; poisonous gases such as H ₂ S or CO; explosive gases such as H ₂ ; flammable gases.
Hazardous materials	scolding, injection of hydraulic fluid, flammable / explosive liquids, liquid chemicals, etc
Mechanical equipment fixed	winding systems, crushers, screens, conveyors, guarding, etc.
Mechanical equipment mobile	mobile plant
Self heating	spontaneous combustion involving increase in temperature of coal or other combustible material from the oxidation process
Strata control	fall of roof or sides, slope stability – High wall, Windblast
Structural failure	Infrastructure failure – bins, buildings, etc
Water	inrush of water
Work Environment	slips, trips and falls; falling or flying objects; fall from a height; ventilation; lightning strike; noise; radiation

Appendix 3 COMET incident types and relevant legislation

Figure 56
COMET incident types under former and current legislation

Mine Category	Legislation	Commenced	Status	Legislation Category	COMET Incident Type
Coal	Coal Mines Regulation Act 1982	CMRA 1982	26/03/1984	Repealed	*CMRA *1984 Dangerous Occurrence O/C *1984 Dangerous Occurrence U/G *Serious Bodily Injury CMRA *Fatality
	Coal Mines (General) Regulation 1999	CMGNR1999	1/09/1999	Repealed	*CMGNR *Notifiable Incidents DCCP CMGNR 1999, CI 83 *Non Spec Acc Ending in Fat/Injury
	Coal Mines (Open Cut) Regulation 1999	CMOCR 1999	1/09/1999	Repealed	*CMOCR *Notifiable Incidents CMOCR 1999, CI 16
	Coal Mines (Underground) Regulation 1999	CMUGR 1999	1/09/1999	Repealed	*CMUGR *Dangerous Occurrences CMUGR 1999, CI 34(1) *Notifiable Incidents CMUGR 1999 CI 34A *Other Notifiable Incidents CMUGR 1999 CI 34B *Incidents CMUGR 1999, CI 34(2) Repealed 4/7/2003
	Coal Mine Health and Safety Act 2002 Coal Mine Health and Safety Regulation 2006	CMHSA 2002 CMHSR 2006	23/12/2006	Current	CMHS CMHSR 2006 CI 55 CMHSR 2006 CI 56(1) Non Spec Acc Ending in Fat/Injury
Non-Coal	Mines Inspection Act 1901 Mines Inspection Regulation 1999 Mines Inspection General Rule 2000	MIA 1901 MIR 1999 MIGR 2000	1/02/1902 30/07/1999 01/09/2000	Repealed	*MIA *1994 Emergency MIA *Minor Accident MIA *Pre Sept 2000 Dangerous Incident MIA *Serious Injury MIA *Dangerous Incident *Non Spec Acc Ending in Fat/Injury
	Mine Health and Safety Act 2004 Mine Health and Safety Regulation 2007	MHSA 2004 MHSR 2007	1/09/2008	Current	MHS MHSR 2007 CI 145 MHSR 2007 CI 146(1) Non Spec Acc Ending in Fat/Injury
Petroleum	Petroleum (Onshore) Schedule 1992	POSch 1992	08/1992	Current	POSch POSch 1992
All	Explosives Regulation 2005	EXPLR 2005	1/09/2005	Current	Explosives Explosives Regulation 2005
	Not Applicable				N/A Complaint High Potential Incident

* indicates repealed legislation

Appendix 4 Serious bodily injury types and relevant legislation

Figure 57
Coal serious bodily injury (SBI) clauses under former and current legislation

Serious Bodily Injury (SBI) – Coal	
Coal Mines (General) Regulation 1999 Clause 85	Coal Mine Health & Safety Regulation 2006 Clauses 55 and 57
a) a fracture of the skull, jaw, spine, pelvis, arm, shoulder-blade, collar-bone, forearm, thigh, leg, knee cap, ankle or ribs	55, 57(a)(ii) any fracture other than a fracture of a finger, toe, hand or foot
(b) a dislocation of the shoulder, elbow, hip, knee or spine	-
(c) an amputation of the hand or foot or a substantial part of the hand or foot	55, 57(a)(i) an amputation of one or more fingers or toes or any other part of a hand or foot
(d) the serious impairment or loss of sight of an eye	55, 57(a)(iii) loss of sight of an eye,
(e) an internal haemorrhage receiving hospital treatment	55, 57(a)(iv) an internal haemorrhage receiving hospital treatment,
(f) burns receiving treatment from a registered medical practitioner	55(c)(v) serious burns to a person
(g) an injury involving injection of hydraulic fluid	55, 57(a)(v) the injection of fluid (including hydraulic fluid, oil, air or water) under pressure
(h) asphyxia.	55, 57(a)(vi) asphyxia

Figure 58
Non-Coal serious injury (SI) clauses under former and current legislation

Serious Injury (SI) – Non-Coal	
Mines Inspection Act 1901 Section 47	Mine Health & Safety Regulation 2007 Clause 145
(a) a fracture of the skull, jaw, spine, pelvis, arm, shoulder-blade, collar-bone, forearm, thigh, leg, knee cap, ankle or ribs	145(a)(ii) any fracture other than a fracture of a finger, toe, hand or foot
(b) a dislocation of the shoulder, elbow, hip, knee or spine	-
(c) an amputation of the hand or foot or a substantial part of the hand or foot	145(a)(i) the amputation of one or more fingers or toes or any other part of a hand or foot
(d) the loss of sight of an eye	145(a)(iii) loss of sight of an eye
(e) an internal haemorrhage requiring hospital treatment	145(a)(iv) an internal haemorrhage receiving hospital treatment
(f) burns requiring hospital treatment	145(c)(iv) serious burns to a person
-	145(a)(v) the injection of fluid under pressure
(g) asphyxia	145(a)(vi) asphyxia
(h) any other kind of injury prescribed by the general rules	-

Figure 59
Petroleum (Onshore) serious injury (SI) clauses under current legislation

Serious Injury (SI) – Petroleum (Onshore)
Petroleum (Onshore) Schedule 1992
301(1) an injury which requires immediate attention by a medical practitioner

Appendix 5 Notifiable injury outcomes and relevant legislation

Figure 60
Notifiable injury outcomes under current legislation

Notifiable Outcome	Legislation		
Fatality	CMHSA 2002	S 110(1)(a)	any incident at the coal operation site that has resulted in a person being killed
		S 110 (2)(a)	any incident at the exploration site that has resulted in a person being killed
	MHSA 2004	S 88(1)(a)	any incident at the mine that has resulted in a person being killed
Lost consciousness	CMHSR 2006	CI 55(a)	an injury to a person that results (at any time after the injury) in any of the following: (vii) the loss of consciousness of the person caused by impact of physical force, exposure to hazardous substances, electric shock or lack of oxygen
		CI 57(a)	an injury to a person that results (at any time after the injury) in any of the following: (vii) the loss of consciousness of the person caused by impact of physical force, exposure to hazardous substances, electric shock or lack of oxygen
	MHSR 2007	CI 145(a)	an injury to a person that results (at any time after the injury) in any of the following: (vii) the loss of consciousness of the person caused by impact of physical force, exposure to hazardous substances, electric shock or lack of oxygen
Hospital inpatient admission	CMHSR 2006	CI 55(b)	an event that results (at any time after the event) in the admission of a person to hospital as an in-patient
		CI 57(b)	an event that results (at any time after the event) in the admission of a person to hospital as an in-patient
	MHSR 2007	CI 145(b)	an event that results (at any time after the injury) in the admission of a person to hospital as an in-patient
Entrapment	CMHSR 2006	CI 55(c)	any of the following events or circumstances that present an immediate threat to life or of permanent incapacitating injury: (iii) entrapment of a person
	MHSR 2007	CI 145(c)	any of the following events or circumstances that present an immediate threat to life or of permanent incapacitating injury: (iii) entrapment of a person

10.3.**Notifiable injury outcomes under current legislation continued**

Notifiable Outcome	Legislation		
>=7 days lost time and/or alternative duties	CMHSR 2006	CI 56(1)(a)	an injury to a person that results in the person being unfit, for a continuous period of at least 7 days, to attend the person's usual place of work, to perform his or her usual duties at his or her place of work or, in the case of a non-employee, to carry out his or her usual work activities (where that unfitness is supported by a medical certificate)
		CI 56(1)(b)	an illness of a person that is related to work processes and results in the person being unfit, for a continuous period of at least 7 days, to attend the person's usual place of work or to perform his or her usual duties at that place of work (where that unfitness is supported by a medical certificate)
		CI 56(1)(c)	any incidence of violence at a place of work that results in an employee being unfit, for a continuous period of at least 7 days, to attend the employee's usual place of work or to perform his or her usual duties at that place of work (where that unfitness is supported by a medical certificate)
	MHSR 2007	CI 146(1)(a)	an injury to a person that results in the person being unfit, for a continuous period of at least 7 days, to attend the person's usual place of work, to perform his or her usual duties at his or her place of work or, in the case of a non-employee, to carry out his or her usual work activities (where that unfitness is supported by a medical certificate)
		CI 146(1)(b)	an illness of a person that is related to work processes and results in the person being unfit, for a continuous period of at least 7 days, to attend the person's usual place of work or to perform his or her usual duties at that place of work (where that unfitness is supported by a medical certificate)
		CI 146(1)(c)	any incidence of violence at a place of work that results in an employee being unfit, for a continuous period of at least 7 days, to attend the employee's usual place of work or to perform his or her usual duties at that place of work (where that unfitness is supported by a medical certificate)

Appendix 6 COMET assessment event subtypes

Figure 61
COMET assessment event subtypes

Assessment Event Subtype	Description
Airborne Dust	Evaluation of the implementation of an operation's safety systems and procedures relevant to the control and analysis of airborne dust at the mine.
Audit	Formal evaluation of site activities, plant and equipment and management systems in relation to compliance with legislation, standards and guidelines.
Closure	Evaluation of the implementation of an operation's safety systems and procedures relevant to the closure or abandonment of a mine or part of a mine.
Equipment	Formal or informal inspection of equipment or plant in relation to compliance with legislation, standards and guidelines.
Explosion Suppression	Sampling inspections, analysis and reports of roadway dust conditions.
Inspection (Mine Safety)	Formal or informal inspection of site activities, plant and equipment and management systems relevant to the continued safe operation of a mine or health, safety and welfare of persons who work at the mine.
Investigation	Investigation of a mine incident requiring the collection and analysis of information obtained from premises off-site or not at the mine.
Management Plans (Safety)	Desk top review of Mine Safety Management Plans in relation to compliance with legislation, standards and guidelines.
Resource Recovery (Safety)	Evaluation of information on planning, operation and geology in relation to the safe operation of a mine or health, safety and welfare of persons who work at the mine.
Seminar/Workshop	Review of information presented on safety matters relating to the mining industry.
Verification	Verification of the implementation of an operation's Mine Safety Management Plan safety systems and procedures

NB Use of Assessment Event Subtypes may change over time due to changes in recording approach.

Appendix 7 Enforcement and advice/improvement notice categories and relevant legislation

Figure 62
Enforcement and advice/improvement notice categories and types

Enforcement and Advice Notice Category	Legislation and Enforcement and Advice Notice Type		
Advice	*CMRA 1982	S 61	Inspector or mine safety officer to inform mine management of exercise of certain powers
	CMHSA 2002	S 150	Bringing of concerns regarding health, safety or welfare to the attention of operators
	*MIA	S 36B	Inspector or mine safety officer to inform mine management of certain matters
	MHSA 2004	S 131	Bringing of concerns regarding health, safety or welfare to the attention of operators
Improvement	*OHSA 2000	S 91	Issue of improvement notices
	WHSА 2011	S 191	Issue of improvement notices
Prohibition	*CMRA 1982	S 63	Inspector may impose prohibitions or restrictions or direct evacuation or closure of mine
	CMHSR 2006	CI 51	Chief Inspector may impose prohibitions or restrictions or direct evacuation or closure of coal operation
	*MIA	S 37	Notice to be given of cause of danger
		S 37A	Order to withdraw persons from mine
	MHSR 2007	CI 158	Chief Inspector may impose prohibitions or restrictions or direct evacuation or closure of mine
	WHSА 2011	S 195	Power to issue prohibition notices
Investigation	*OHSA 2000	S 62	Power of Inspectors to obtain information, documents and evidence
		S 70	Notice of taking or dismantling plant, substances or other things
		S 72	Receipt for things taken
		S 89	Investigation notice to stop plant or prevent disturbance of premises to allow investigation
	WHSА 2011	S 155	Powers of regulator to obtain information
		S 171	Power to require production of documents and answers to questions
		S 177	Powers supporting seizure
		S 178	Receipt for seized things
		S 179	Forfeiture of seized things
		S 183	Inspector to give notice of damage
S 198	Issue of a non-disturbance notice		
Explosives	EXPLR 2005	CI 99	Certain powers of inspectors and police officers

*indicates repealed legislation

Appendix 8 Sources of data

Figure 63
Sources of data

Data	Mining Sector	Source
Employees Hours Worked	Coal	<ul style="list-style-type: none"> Coal Services Pty Ltd to 2006-07 NSW Coal Industry Profiles to 2006-07 NSW Trade & Investment Quarterly Workplace Injury Reports – Coal Mine Health and Safety Regulation 2006 CI 206 from 2007-08
	Metalliferous Extractives	<ul style="list-style-type: none"> Minerals Council of Australia Safety Performance Reports to 2004-05 NSW Trade & Investment Mineral Royalty Returns to 2006-07 NSW Trade & Investment Quarterly Workplace Injury Reports – Mine Health and Safety Regulation 2007 CI 155 from second quarter 2008-09
LTIs	Coal	<ul style="list-style-type: none"> Coal Services Pty Ltd to 2006-07 NSW Trade & Investment Quarterly Workplace Injury Reports – Coal Mine Health and Safety Regulation 2006 CI 206 from 2007-08
	Metalliferous Extractives	<ul style="list-style-type: none"> Minerals Council of Australia Safety Performance Reports to 2004-05 NSW Trade & Investment Monthly Injury (Non Serious) Forms - Mines Inspection General Rule 2000 CI 26 NSW Trade & Investment Incident and Injury Notifications to first quarter 2008-09 NSW Trade & Investment Quarterly Workplace Injury Reports – Mine Health and Safety Regulation 2007 CI 155 from second quarter 2008-09
MTIs RDIs	Coal	<ul style="list-style-type: none"> NSW Trade & Investment Quarterly Workplace Injury Reports – Coal Mine Health and Safety Regulation 2006 CI 206 from 2007-08
	Metalliferous Extractives	<ul style="list-style-type: none"> NSW Trade & Investment Quarterly Workplace Injury Reports - Mine Health and Safety Regulation 2007 CI 155 from second quarter 2008-09
Incidents Fatalities Serious Bodily Injuries Notifiable Injury Outcomes	All	<ul style="list-style-type: none"> NSW Trade & Investment Incident and Injury Notifications
Assessments Enforcement and Advice Notices	All	<ul style="list-style-type: none"> NSW Trade & Investment COMET Mine Safety database