

**NSW  
Resources  
Regulator**

# ○ **Monthly business activity report**

MAY 2018



**VISION**

A safe and responsible mining extractive and petroleum industry

**MISSION**

To enable and support industry to understand and fulfil its obligations

**NSW  
Resources  
Regulator**

**SECTOR  
REPORTING**

**Coal mines**

Opencut, underground and coal preparation plants

**Large mines**

METALLIFEROUS AND QUARRIES

Quarries that produce >900,000 tonnes pa and large opencut or underground metalliferous mines

**Small mines**

METALLIFEROUS, QUARRIES AND OTHER GEMSTONES

Quarries and other mine types (eg sand, clay, lime) that produce <900,000 tonnes pa, opencut or underground metalliferous mines and gemstone mines

**Petroleum and Geothermal**

Onshore petroleum and geothermal productions and exploration sites

**Opal Mines**

Opal mines at Lightning Ridge and White Cliffs

**Exploration**

Exploration sites (excluding petroleum)

**Non-mine**

Includes many manufacturers (including OEMs), suppliers, designers, importers, licence holders and registration holders



## Document control

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Date	Version	Amendment

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 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 and events

### Compliance operations

On 28 May 2018, the NSW Resources Regulator commenced its five day high-visibility compliance operation across all mining and petroleum sectors. Over the week 80 inspectors and regulatory officers visited 109 mine and petroleum sites. The inspections focused on several issues including:

- roads and vehicle operating areas at large surface and underground metalliferous mines
- ground and strata failure at all underground mines
- safe operation of mobile plant at quarrying operations and
- rehabilitation and dam monitoring.

In general, the regulator observed good compliance with legislative obligations by mining operators. However, some issues were identified at a small number of sites. These were primarily related to plant and equipment. The compliance operation resulted in 28 prohibition notices, 35 improvement notices and 33 notices of concern being issued for breaches WHS requirements. A further eight potential breaches under the *Mining Act 1992* were identified for further investigation.

### Safety events

In May 2018, two significant coal bursts occurred in underground coal mines. The first occurred at Austar on 17 May 2018 where it was estimated that 60 tonnes of coal were ejected from the longwall face. The established exclusion zone was critical in ensuring that workers were not exposed to risk because of this event.

The second coal burst occurred at Appin on 27 May 2018. Workers on the right-hand platform of the continuous miner were peppered with coal, but no-one was injured. The regulator issued a s195 notice prohibiting mining in the affected roadway. The prohibition notice will remain in place until a detailed geotechnical assessment is carried out.

### Enforcement actions

Prosecution proceedings under the *Mining Act 1992* were commenced on a court elected matter brought by Branislav Kotru in relation to a Penalty Infringement Notice for a breach of condition of authorisation.

Seventeen penalty notices were issued for offences under the Mining Act and one penalty notice was issued for an offence under the Explosives Act.

### Investigation information releases

A [methane ignition](#) event occurred at Chain Valley colliery on 23 January 2018. Initial investigations findings were published on 14 May 2018. Mine operators should ensure adequate ventilation, optimal positioning of gas monitoring equipment and proactive management of risks associated with mining near known geological faults.

A [vehicle interaction incident](#) occurred at Maules Creek mine on 21 April 2018. Initial investigation findings were published on 7 May 2018. Mine operators should ensure that control measures consider the conditions of roads and intersections.

### Legislative amendments

On 1 May 2018, [the Coal Industry Act 2001 Amendment Bill 2018](#) was passed. The Bill made amendments to Schedule 1 of the Act. The amendment inserted a definition of employer in the coal industry into the *Coal Industry Act 2001*. This makes it clear that any employer whose employees work in

or about a coal mine is required to be insured with an approved workers compensation company with respect to those employees and their employment in or about a coal mine.

## **Industry guidance**

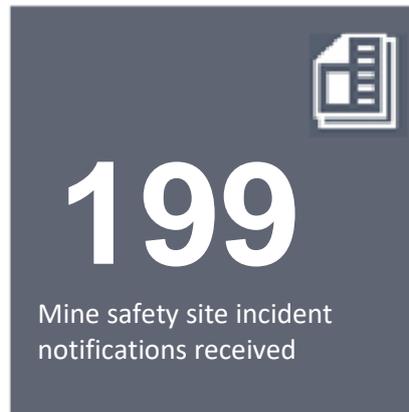
A revised [industry guideline for mineral \(non-coal\) explorers](#) was published in May 2018. The revised guideline added:

- how-to instructions for the Resources Customer Portal;
- updated exploration requirements content
- updated application and renewal process flows
- updated references to the Mining Regulation 2016

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.

## Activity summary

Below is a snapshot of the NSW Resources Regulator's activities for May 2018.



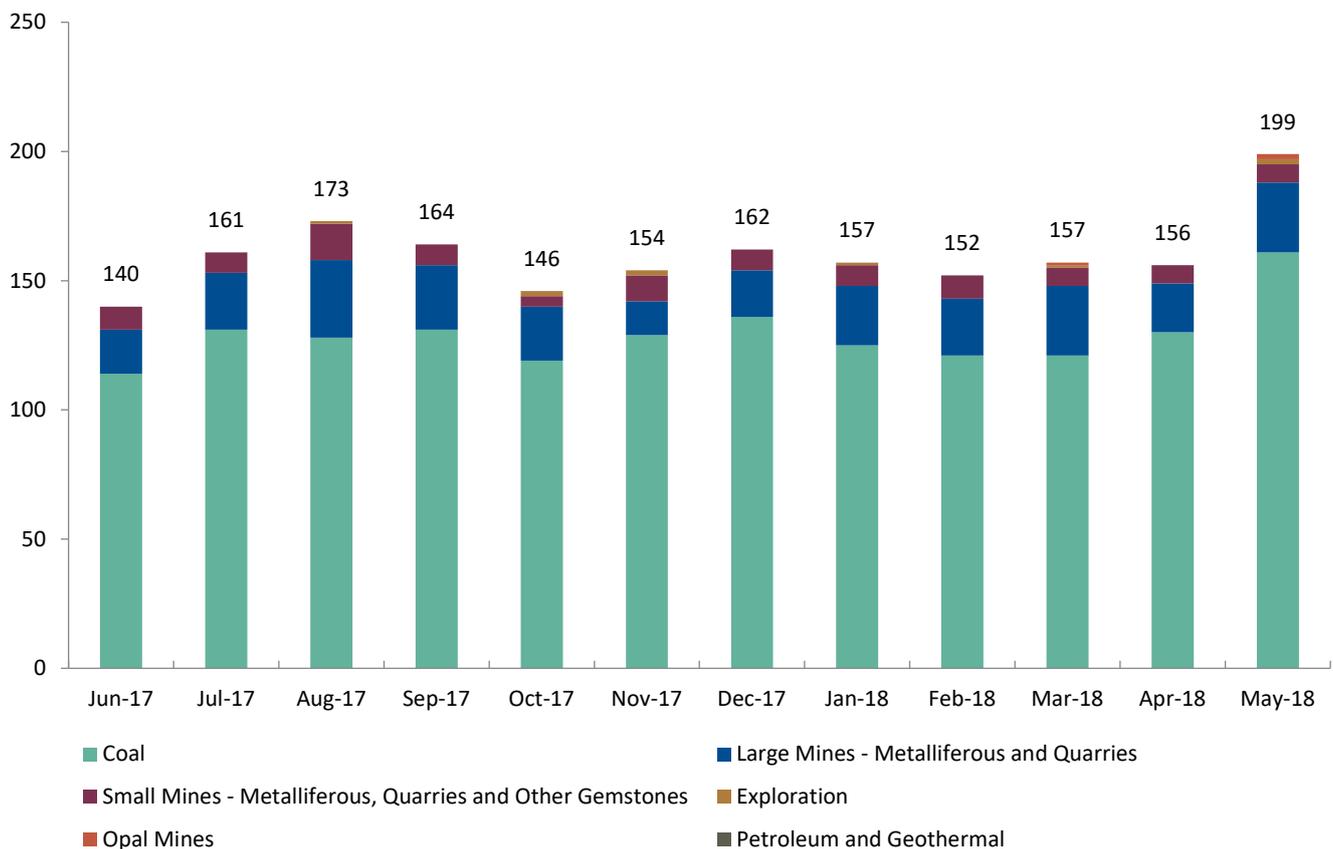
# Work, health and safety legislation

## Incidents notified

There were 199 incidents notified to the regulator in May 2018. This represents the highest number of notifications in a single month for the 12 month reporting period. This increase was more apparent in the coal sector.

Weekly incident summaries are available on our [website](#). These provide details of incidents and recommendations to mine operators as numbers of incidents notified clauses under each of the notification clauses.

**Figure 1. Safety incident notifications by sector**



## Work, health and safety legislation – compliance overview

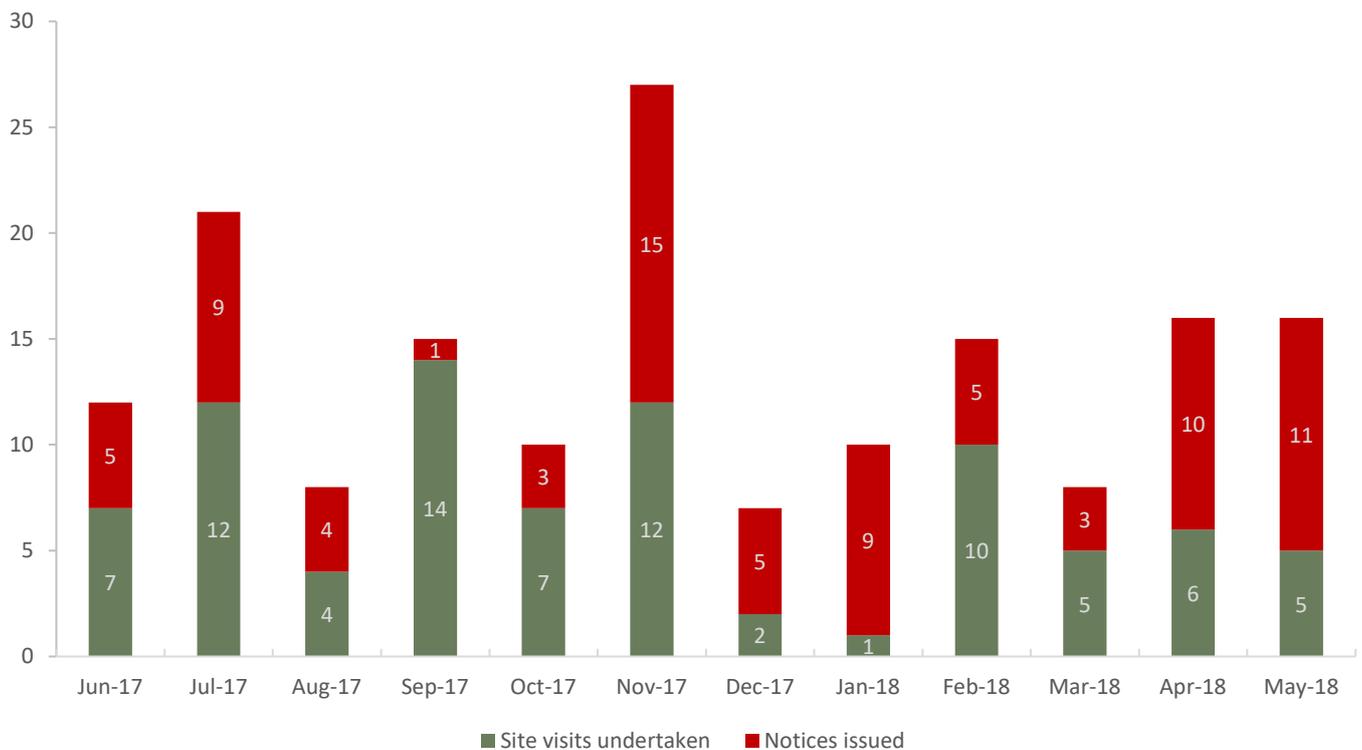
### Targeted assessment program (TAPs)

Five TAPs were completed in May 2018. Consolidated findings for each specific principal (and other) mining are available on our [website](#).

**Table 1. Targeted assessments conducted**

Mine	Type	Topic
Narrabri colliery	Fire and explosion	Site assessment 24 May 2018
Ulan underground	Diesel exhaust emission	Site assessment 2 May 2018
Clarence colliery	Diesel exhaust emission	Site assessment 30 May 2018
Endeavour mine	Airborne contaminants	Site assessment 9 May 2018
Boggabri coal mine	Fatigue	Site assessment 15 May 2018
Narrabri colliery	Fire and explosion	Site assessment 24 May 2018

**Figure 2. Targeted assessments and notices issued**

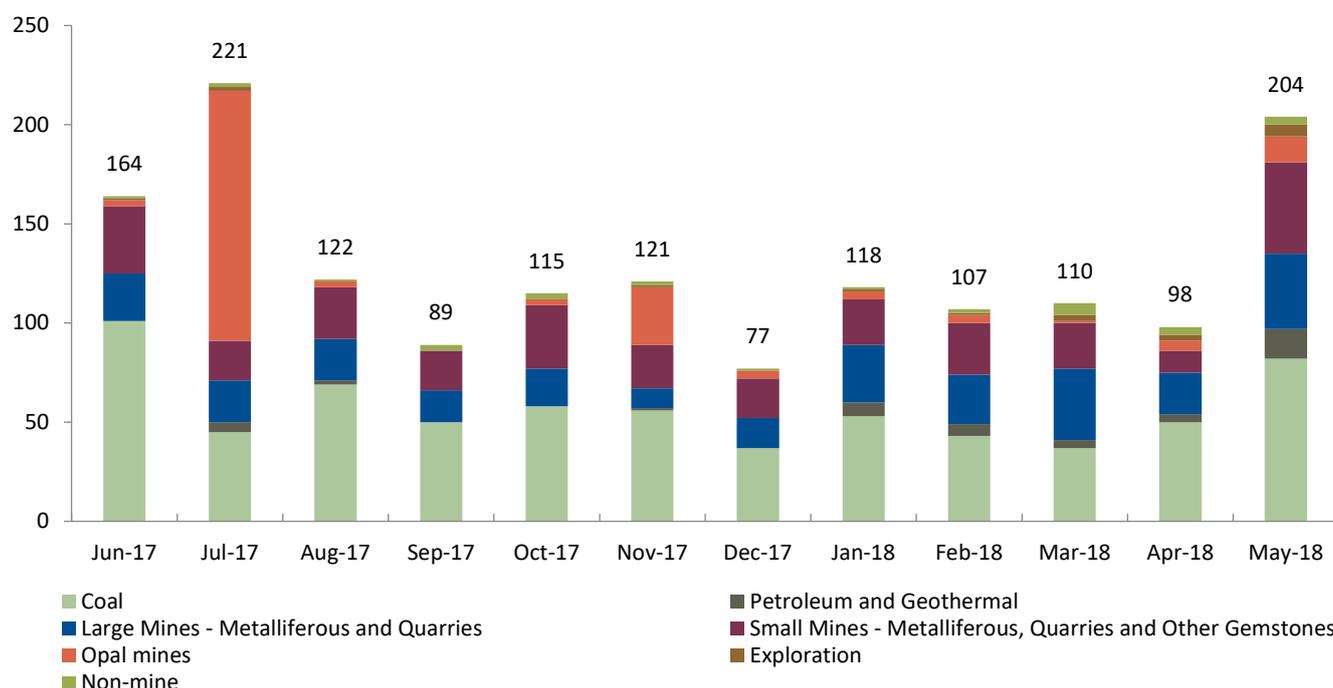


## Safety assessments

The regulator conducts many different types of safety assessments including site based assessments and office desktop assessments. The incident prevention strategy places a focus on site based preventative assessments.

Figure 3 below shows site based assessments conducted in each of the six mining sectors identified by the regulator. The high number of opal site assessments in July 2017 were because of the compliance operation in Lightning Ridge during that month.

**Figure 3. Site based safety assessments**



**Table 2. Site assessments by sector**

	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18
<b>Coal</b>	101	45	69	50	58	56	37	53	43	37	50	82
<b>Large Mines - Metalliferous and Quarries</b>	24	21	21	16	19	10	15	29	25	36	21	38
<b>Small Mines - Metalliferous, Quarries and Other Gemstones</b>	34	20	26	20	32	22	20	23	26	23	11	46
<b>Opal mines</b>	3	126	3	0	3	29	4	4	4	1	5	13
<b>Petroleum and Geothermal</b>	0	5	2	0	0	1	0	7	6	4	4	15

	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18
Exploration	1	2	0	0	0	1	0	1	1	3	3	6
Non-mine	1	2	1	3	3	2	1	1	2	6	4	4
<b>Total</b>	164	221	122	89	115	121	77	118	107	110	98	204

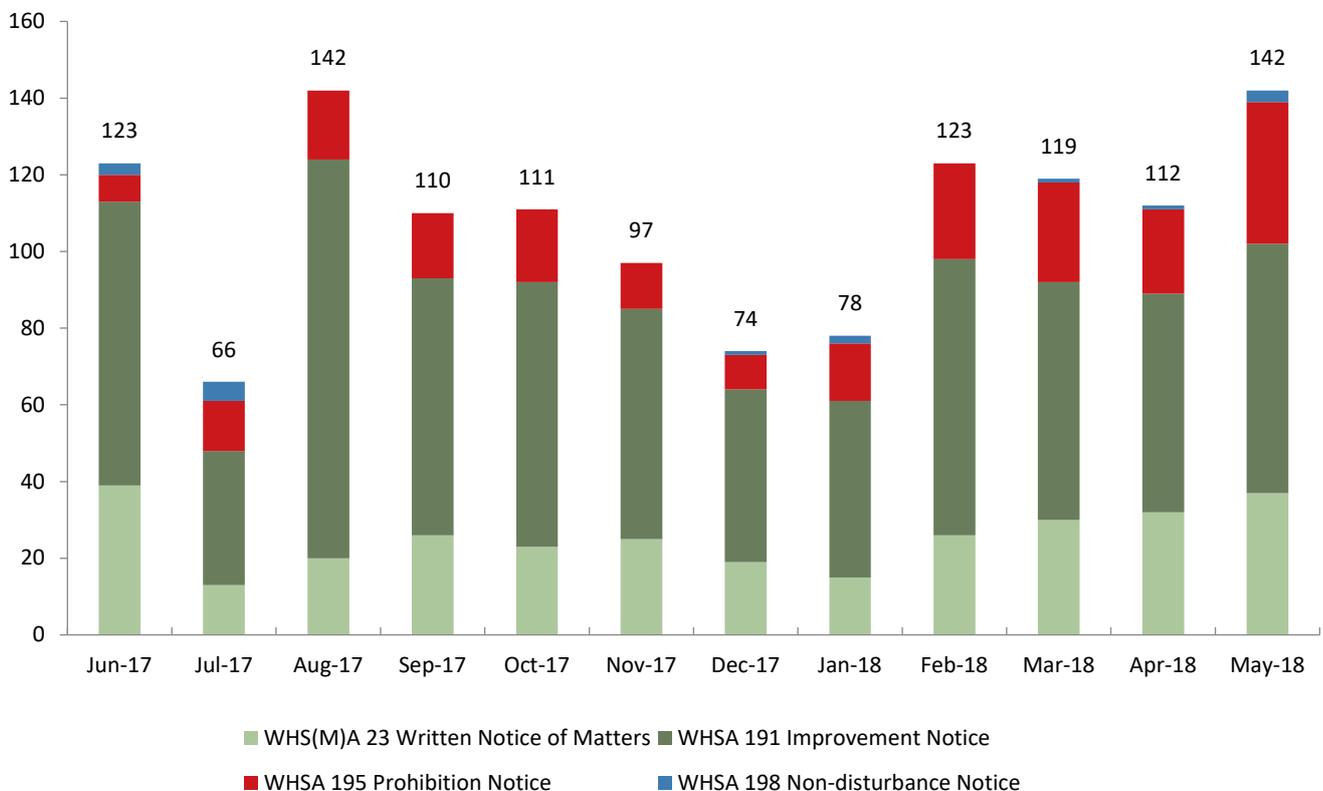
## WHS enforcement actions

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

### Safety notices issued

There were 142 notices issued during May 2018. This compliance blitz which resulted in 28 prohibition notices, 35 improvement notices and 33 notices of concern may account for the higher than average number of 108 notices issued over the 12 month reporting period.

**Figure 4. Notices issued by section of the *Work Health and Safety Act 2011***



## Prohibition notices issued

**Table 3. Prohibition notices issued under section 195 Work Health and Safety Act 2011**

PCBU	Mine	Prohibited activity
Stoneco Pty Limited (ACN: 003646704)	Braeside Quarry	Use of all electrical equipment at the Mine that is supplied with electricity through an electrical socket outlet.
Stoneco Pty Limited (ACN: 003646704)	Braeside Quarry	Operation of the plant generator.
Stoneco Pty Limited (ACN: 003646704)	Braeside Quarry	1. The use of the slewing jib crane attached to the feed hopper. 2. The use of lifting equipment that has not been inspected by a competent third party within the previous three months.
Fraser Earthmoving Construction (ACN: (none))	Howlong Sand and Gravel	No person to proceed beyond the door (operator side) on the Hitachi 656 excavator, unless it is to enter cabin.
Burgess Earthmoving Pty Ltd (ACN: 002974496)	Albury Quarry	1. No person to proceed beyond the door (drivers side) on both the Terex TA 35 articulated dump truck and the Volvo 46t excavator, unless it is to enter cabin. 2. No person to use the ladder or platform (opposite side of cabin) on the Terex TA 35 Articulated dump truck to proceed up for any task
Wongawilli Coal Pty Ltd (ACN: 111928762)	Wongawilli Colliery	No workers are to attend underground unless the mine has in place a competent person as required under clause 102 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.
Tegra Resources (ACN: 837497067)	Tegra Quarries Braidwood	This notice relates to the Terex 3066C Articulated dump truck on site and requires the mine operator to ensure: 1. No person to use the access ladders or truck platforms on the identified articulated dump truck.
Paragalli Sands (ACN: 003931708)	Paragalli Sands Lakelands	This notice relates to the Volvo A25D articulated dump truck on site and requires the mine operator to ensure: 1. No person to use the access ladders or truck platforms on the identified articulated dump truck.
Paragalli Sands (ACN: 003931708)	Paragalli Sands Lakelands	1. The Volvo front end loader on site does not have sufficient guardrails to prevent falls from height. No person to proceed beyond the door on the Volvo front end loader, unless it is to enter cabin.
Springvale Coal Pty Ltd (ACN: 052096769)	Springvale Mine Underground Operation	Entry into 425TG and 425MG Panels other than to conduct safety inspections and monitoring, safety related maintenance, remedial strata support and secondary strata support. The making safe of the 426 Installation Face driveway and the withdrawal of face equipment from this area is also allowable under this notice.

PCBU	Mine	Prohibited activity
Yancoal Mining Services Pty Ltd (ACN: 609452039)	Austar Coal Mine - Underground Operation	Longwall extraction in LW4B beyond the 293m chainage mark.
Glencore Coal (NSW) Processing Pty Ltd Stephen Hubert (ACN: 143383304)	Ravensworth Central Coal Processing	The mine is prohibited from removing additional wall sheets on the Washed Coal Bin Structure unless works are required to make safe damage to sheeting.
Cobar Management Pty Ltd (ACN: 083171546)	CSA Mine	The mine operator will not operate the Otis two person elevator until they have demonstrated to the regulator that: <ol style="list-style-type: none"> <li>1. It is repaired following the recent incident.</li> <li>2. It is recommissioned by a competent person following its recent repair and upgrade(s)</li> <li>3. It is currently registered by SafeWork NSW</li> </ol>
Airly Coal Pty Ltd (ACN: 078693722)	Airly Mine	1. Shuttle car 603 is not to be operated.
Stoneco Pty Limited (ACN: 003646704)	Braeside Quarry	The operation of the hopper, crusher or CV01. Application of electrical power to the electrical switch room.
Yancoal Mining Services Pty Ltd (ACN: 609452039)	Austar Coal Mine - Underground Operation	The mine is prohibited from the mining of coal on the Longwall B4 Face. This includes any disturbance of the face from the shearer.
Newman Quarrying Pty Ltd (ACN: 067605323)	Newman Quarrying Pty Ltd - Sly's Quarry	This notice relates to the Hitachi AH400 Unit 607 and requires the mine operator to allow: <ol style="list-style-type: none"> <li>1. No person to proceed beyond the handrail next to the cabin (passengers side).</li> </ol>
Andre Bressan (none)	MC49616	The mine has large areas underground that have been opened consisting of wide unsupported roof spans. The lack of suitable roof support (primary and secondary support) can result roof failure and collapse.
MACH Energy Australia Pty Ltd (ACN: (none))	Mount Pleasant Operation	No civil construction works involving mobile plant interaction at the reject emplacement construction area shall occur outside of daylight hours.
Springvale Coal Pty Ltd (ACN: 052096769)	Springvale Mine Underground Operation	Entry into 425 TG Panel up to the barricades at the 425 Installation Face line, other than to conduct safety inspections and monitoring, safety related maintenance, remedial strata support and secondary strata support. The area from the inbye barricades across the installation face to 425MG is not subject of this notice.
Endeavour Coal Pty Ltd (ACN: 099830476)	Appin Colliery	Further coal cutting activity in face areas 26ct to 25ct in 708 D panel.

PCBU	Mine	Prohibited activity
Etra Pty Ltd as Trustee for P F Formation Trust (ACN: (none))	P F Formation - Maroota	The CAT 740 articulated dump trucks and water truck 1. No person is to proceed beyond the cabin door of the identified trucks (drivers access side). Access is allowed into the drivers cabin only. 2. No person is to use the ladder or cabin platform on the identified trucks (opposite side of driver's access side of cabin) to proceed up for any task.
Perilya Broken Hill Limited (ACN: 099761289)	Perilya Broken Hill Southern Operations	The operation of the mobile plant listed below until the direction in this notice has been completed. 1. CAT 740 water cart unit number P165. 2. Toyota land cruiser light vehicle unit number 26. 3. CAT IT28G unit number 532.
Perilya Broken Hill Limited (ACN: 099761289)	Perilya Broken Hill Southern Operations	This notice relates to the CAT IT28 G Unit Number 532: No person is to proceed beyond the cabin door (on both sides of the machine) to use the access the platforms provided to access the top of the engine compartment for any task.
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	1. The fixed crushing and screening plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017.
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	1. The pre-coat screening plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017.
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	1. The washing screening plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017.
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	1. The pug mill plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017.
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	1. The Sandvik QE 340 scalper screening plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017.
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	1. The pug mill plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017.
Gunnedah Quarry Products Pty Ltd (ACN: (none))	Gunnedah Quarry	1. No person to proceed beyond trucks/tanks external access ladder on the Scania 93 M fuel truck.

PCBU	Mine	Prohibited activity
Gunnedah Quarry Products Pty Ltd (ACN: (none))	Gunnedah Quarry	1. No person to proceed beyond trucks external access ladder on the Mack Metro lines water truck.
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	The mine operator is prohibited from operating the Caterpillar D400 articulated dump truck
Johnstone Concrete & Quarries Pty Ltd (ACN: (none))	Runnymede Quarry	The mine operator is prohibited from operating the Caterpillar 966C front end loader.
Gunnedah Quarry Products Pty Ltd (ACN: (none))	Gunnedah Quarry	The Hyster 11B 8 forklift is not to be used for any activity on the mine site.
Cobar Management Pty Ltd (ACN: 083171546)	CSA Mine	This notice relates to the Caterpillar 769C trucks No. 6 & No. 7. No person is to proceed beyond the cabin door towards the rear of the truck.
Clarence Coal Pty Ltd (ACN: 083465212)	Clarence Colliery	Operation of diesel equipment outside of the requirements of WHS(M&PS) R 2014 clause 71 (3) (3)

## WHS Statutory notifications

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

There was one exemption issued in May 2018. Over the 12 month reporting period there was a total of 29 exemptions granted.

## High risk activity notifications received

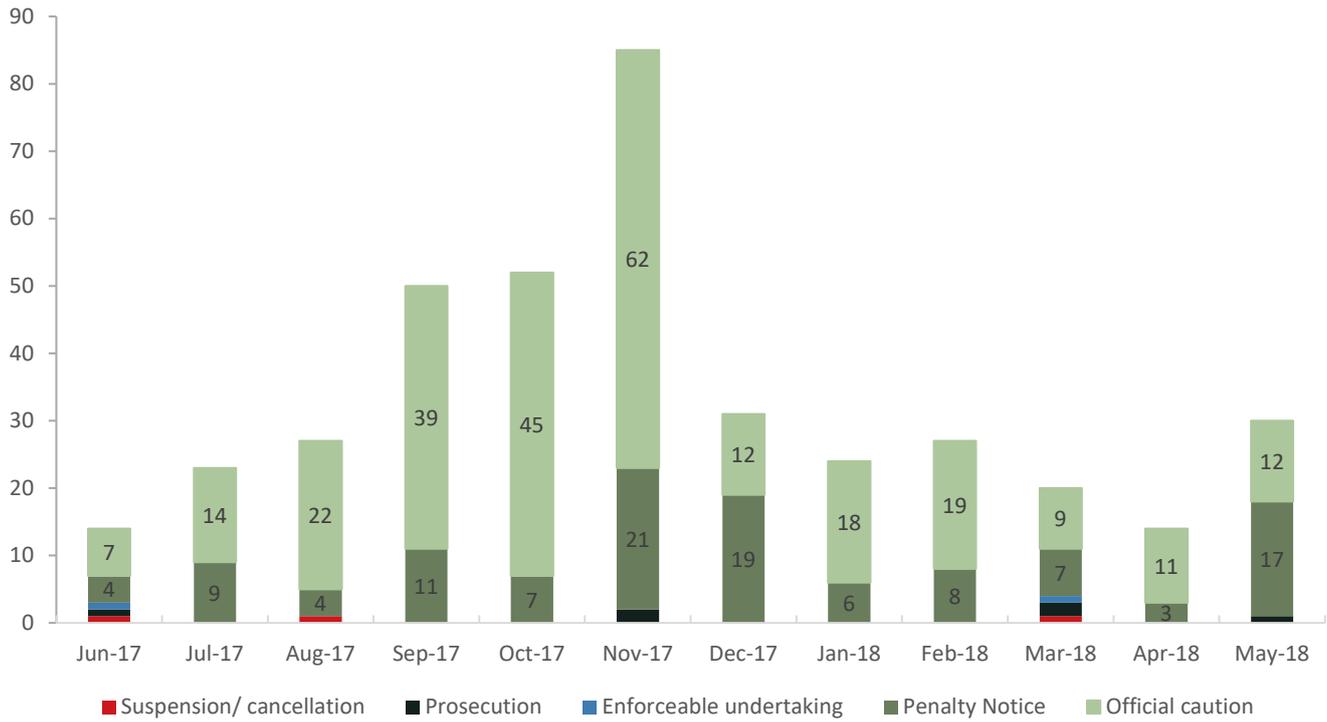
Mine	WHS (MPS) Regulation 2014 provision	Type of notification	No.
Liddell Coal Operations	WHSMR 2014 Sch 3 Cl 27	Emplacement areas	1
Tahmoor Colliery	WHSMR 2014 Sch 3 Cl 18	Mining in outburst control zones	1
PPL0004 Elizabeth Macarthur 39	WHSMR 2014 Sch 3 Cl 31	Well workover	1
Mt Arthur Coal - Mine Operation Area	WHSMR 2014 Sch 3 Cl 27	Emplacement areas	1
Hunter Valley Operations	WHSMR 2014 Sch 3 Cl 28	Highwall mining	1

Mine	WHS (MPS) Regulation 2014 provision	Type of notification	No.
PEL0012 Longlea 1	WHSMR 2014 Sch 3 Cl 33	Suspending a well	1
Ulan Underground Mine	WHSMR 2014 Sch 3 Cl 11	Conduct of hot work in a hazardous zone	1
Austar Coal Mine - Underground Operation	WHSMR 2014 Sch 3 Cl 10	Sealing of longwall block	1
Appin Colliery	WHSMR 2014 Sch 3 Cl 15	Formation of non-conforming pillars	1
Bulga Underground Operations	WHSMR 2014 Sch 3 Cl 10	Sealing of longwall	2
Tahmoor Colliery	WHSMR 2014 Sch 3 Cl 15	Formation of non-conforming pillars	1
Appin Colliery	WHSMR 2014 Sch 3 Cl 15	Formation of non-conforming pillars	1

# Mining Act 1992

## Enforcement actions

Figure 5. Enforcement actions by type



## Key enforcement action

**Table 4. Key enforcement actions**

Date	Entity	Authority	Action	Amount	Details / Direction
4 May 2018	Tahmoor Coal Pty Limited	CCL716	Penalty Notice	\$2,500	Failure to comply with condition(s) - Environmental <i>Mining Act 1992</i>
14 May 2018	Titleholder	EL7301	Penalty Notice	\$1,250	False and misleading information <i>Mining Act 1992</i>
14 May 2018	Titleholder	EL7301	Penalty Notice	\$1,250	False and misleading information <i>Mining Act 1992</i>
15 May 2018	Worker	Braeside Quarry	Penalty notice	\$1000	Sufficient evidence to establish alleged contravention of the <i>Explosives Act 2003</i> following breach of licence conditions.
25 May 2018	Isokind Pty Ltd	CML5	Penalty Notice	\$2,500	Failure to comply with condition(s). Failed to work in accordance with approved MOP breach s378D - <i>Mining Act 1992</i>
23 May 2018	Biacil Holdings Pty Ltd	EL6483	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
25 May 2018	Manuka Resources Limited	ML1659	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
25 May 2018	Manuka Resources Limited	EL6155	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
25 May 2018	Mauka Resources Pty Ltd	EL6482	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
31 May 2018	Hillgrove Mines Pty Ltd	EL5997	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
31 May 2018	NEO Resources Limited	EL6627	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
31 May 2018	NEO Resources Limited	EL6628	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
31 May 2018	NEO Resources Limited	EL6629	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
31 May 2018	Hillgrove Mines Pty Ltd	ML772	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
31 May 2018	Cristal Mining Australia	EL6638	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>
31 May 2018	Crowl Creek Exploration Ltd	EL6321	Penalty Notice	\$1,000	Fail to pay Rent and Levy fees. S292C <i>Mining Act 1992</i>

Date	Entity	Authority	Action	Amount	Details / Direction
31 May 2018	Crowl Creek Exploration Ltd	EL6321	Penalty Notice	\$5,000	Fail to lodge Annual Exploration Report S163C Mining Act 1992
31 May 2018	Titleholder	ML1558	Penalty Notice	\$2,500	Fail to lodge Annual Exploration Report S163C Mining Act 1992

## Workshops and education activities

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

Date	Type of activity	Location	Detail
11 May 2018	Presentation	Maitland	Presentation to candidates for electrical engineer's certificate of competency examinations
17 May 2018	Industry consultation	Penrith	South Western Electrical Engineers meeting (34 attendees)
18 May 2018	Industry consultation	Thornton	Hunter Valley Electrical Engineers meeting (37 attendees)
18 May 2018	Industry presentation	Cessnock	Presentation to electrical SHRs at CFMEU training day on notifications of incidents and discussed the use of the electrical check inspector inspection book
19 May 2018	IQA regional safety conference	Westrac facility Tomago	Presentation on mobile equipment access system safety and role of RR
30 May 2018	Authorisation stakeholder forum	Penrith	Forum for mine statutory holders, suppliers and importers regarding design and item registrations.

## Publications and alerts

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

Date	Type	Summary
1 May 2018	Mine safety news	<ul style="list-style-type: none"> <li>• <a href="#">Safety Bulletin Missing or damaged protection devices on longwall equipment</a></li> <li>• <a href="#">Targeted assessment program: worker exposure to diesel exhaust emissions in underground coal mines</a></li> <li>• <a href="#">Occupational lung disease health monitoring</a></li> </ul>
3 May 2018	Mine safety news	<a href="#">Weekly incident summary</a>
8 May 2018	Mine safety news	<ul style="list-style-type: none"> <li>• <a href="#">Investigation information release: Serious injury at Maules Creek Mine</a></li> <li>• Licensing and plant registration forum</li> </ul>
11 May	Mine safety news	<a href="#">Weekly incident summary</a>
16 May 2018	Mine safety news	<ul style="list-style-type: none"> <li>• <a href="#">Investigation information release: Dangerous incident at Chain Valley Colliery</a></li> <li>• <a href="#">Safety Alert: CMI 425 Amp flameproof restrained receptacle recall</a></li> <li>• <a href="#">Quarterly report fires on mobile plant</a></li> </ul>
18 May 2018	Mine safety news	Work health and safety licensing and plant registration forum
18 May 2018	Media release	<a href="#">Coal burst leads to Austar suspension</a>
18 May 2018	Mine safety news	<a href="#">Weekly incident summary</a>
25 May 2018	Mine safety news	High visibility compliance operation
28 May 2018	Media release	<a href="#">Appin mine issued ban due to coal burst</a>
28 May 2018	Media release	<a href="#">Resources Regulator coming to a mine near you</a>
29 May 2018	Mine safety news	<a href="#">Weekly incident summary</a>