

**NSW
Resources
Regulator**

○ **Monthly business
activity report**

SEPTEMBER 2018



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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 2018). However, because of the receipt of new information or reclassification of information, reports may vary month-to-month. 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.



Contents

KEY STATISTICS	5
KEY ACTIVITIES	6
WORK HEALTH AND SAFETY	7
Safety incident notifications received	7
WHS Compliance overview	8
WHS enforcement actions	10
WHS Statutory notifications	14
MINING ACT	15
Enforcement actions under the <i>Mining Act 1992</i>	15
EDUCATION AND ENGAGEMENT ACTIVITIES	16
PUBLICATIONS AND ALERTS	17



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 (e.g. 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



Key statistics

SUMMARY OF REGULATORY ACTIVITIES - SEPTEMBER 2018



Key activities

ENFORCEMENT ACTIONS

In September 2018, the Resources Regulator accepted an enforceable WHS undertaking from [Mangoola Coal Operations Pty Ltd](#) for an alleged failure to comply with a duty under section 19 of the *Work Health and Safety Act 2011* in relation to an incident at Mangoola Open Cut in October 2016.

An enforceable undertaking with [Bloomfield Collieries Pty Ltd](#) for alleged failure to comply with development consent under section 378C of the *Mining Act 1992* was completed.

An official caution was issued to Maules Creek Coal Pty Ltd for an alleged contravention of section 15 of *Work Health and Safety (Mines and Petroleum Sites) Act 2013* following failure to report a notifiable incident that occurred at the Maules Creek Coal Mine.

SAFETY INCIDENTS

On 5 September 2018, the regulator was notified of the entrapment of two mine workers in a shaft winder cage, suspended about 160m from the surface at Tahmoor Colliery. The mine and emergency services conducted a successful rescue operation, with both workers removed unharmed from the shaft. The regulator conducted initial enquiries and started a [causal investigation](#) in collaboration with the mine operator Tahmoor Coal Pty Ltd - SIMEC Mining and worker representatives. The investigation is ongoing.

On 17 September 2018, the regulator commenced an investigation into the death of a worker who died from complications arising from a fall at Cowal Gold Mine on 29 July 2018.

There was also one critical and two severe safety incidents assessed by the regulator for further investigation in September 2018. The critical incident refers to a fatality that occurred in a large metalliferous mine.

COMMUNICATION

12 September 2018 saw the launch of the [Small Mines Health and Safety Roadshow](#) to be held across New South Wales.

A Guide into [Health and safety at quarries](#) was published and released 19 September 2018. This guideline gives practical advice on health and safety control measures at quarries. The guideline also applies to surface sand, gemstone and alluvial mines and dredging operations. This guide does not apply to coal mines.

A [Safety Bulletin \(SB18-15\)](#) about light vehicle motion control was published in September after the regulator became aware that light vehicle operators have been disabling design features such as anti-locking braking systems (ABS).

On 26 September 2018, the regulator published its [investigation report](#) into a fatality at a mineral claim near Lightning Ridge on 4 November 2016.

Work health and safety

Safety incident notifications received

In September 2018, 164 incidents were notified to the regulator. The numbers notified in each sector are shown below.

FIGURE 1. SAFETY INCIDENT NOTIFICATIONS BY SECTOR - OCTOBER 2017 TO SEPTEMBER 2018



WHS Compliance overview

TARGETED ASSESSMENT PROGRAMS (TAPS)

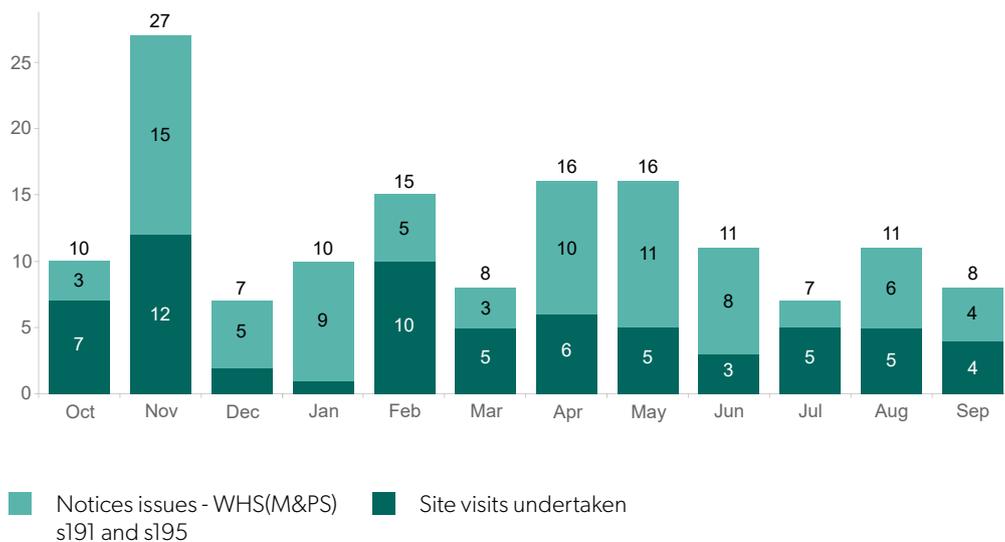
In September 2018, the regulator conducted four TAP site assessments. One s191 notice was issued in relation to the hazard assessed. Three notices were also issued in September in relation to July and August fire and explosion TAPs.

TABLE 1. TARGETED ASSESSMENT PROGRAMS - SEPTEMBER 2018

Hazard	Mine	Date	Activity
Fatigue	Mandalong U/G	11-12 Sep 2018	Site assessment
	Werris Creek	19-20 Sep 2018	Site assessment
Airborne contaminants	Werris Creek	18-19 Sep 2018	Site assessment
Fire and explosion	Cadia East U/G	25-26 Sep 2018	Site assessment
Fire and explosion	Northparkes (July TAP)	3 Sep 2018	Issue notice
	Rasp (Aug TAP)	12-14 Sep 2018	Issue notice
	Perilya Southern Operations (Aug TAP)	13-14 Sep 2018	Issue notice

For the previous 12 months, the number of site visits conducted by the regulator and related notices issued is shown below.

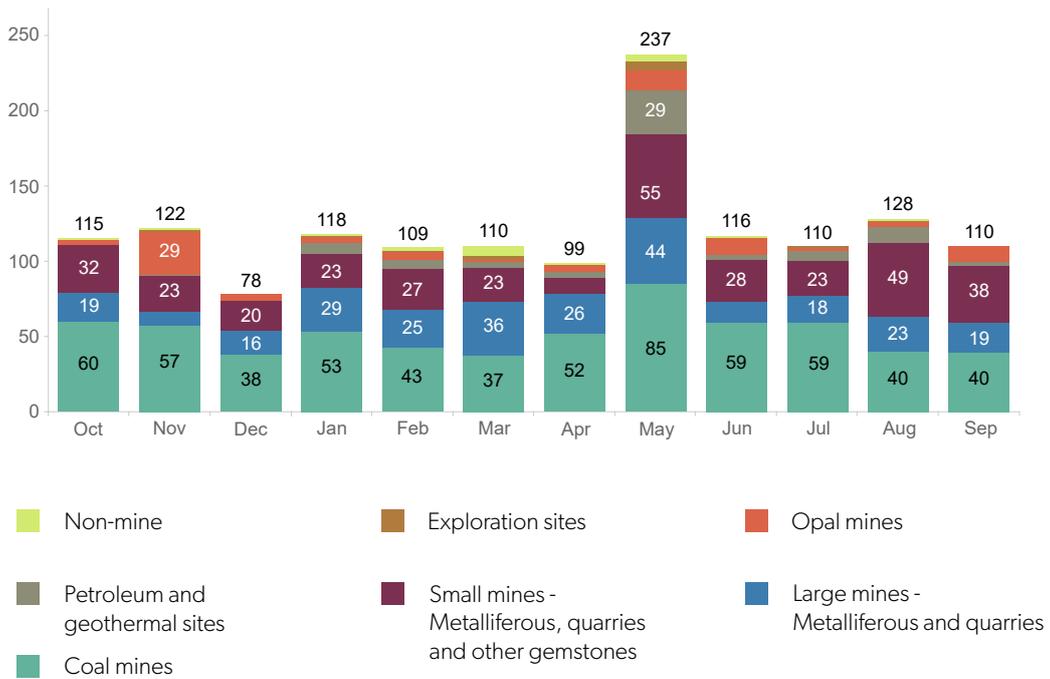
FIGURE 2. TARGETED SITE ASSESSMENTS AND NOTICES ISSUED - OCTOBER 2017 TO SEPTEMBER 2018



SAFETY ASSESSMENTS

In September 2018, the regulator conducted 110 site assessments.

FIGURE 3. SITE ASSESSMENTS BY SECTOR - OCTOBER 2017 TO SEPTEMBER 2018



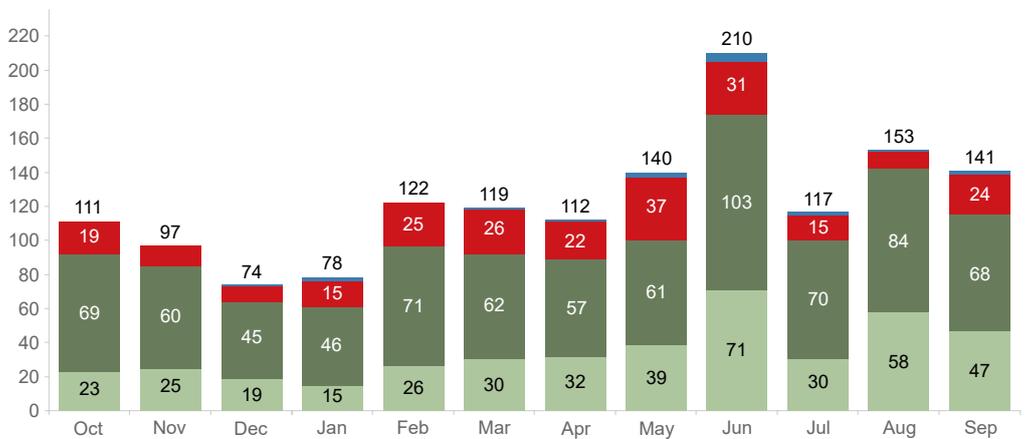
WHS enforcement actions

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

SAFETY NOTICES ISSUED

In September 2018, the regulator issued 141 notices. This is slightly higher than the monthly average for the previous 12 months, at 123 notices per month.

FIGURE 4. SAFETY NOTICES ISSUED BY SECTION OF THE WORK HEALTH AND SAFETY ACT 2011 – OCTOBER 2017 TO SEPTEMBER 2018



- WHSA 198 Non-disturbance notice
- WHSA 195 Prohibition notice
- WHSA 191 Improvement notice
- WHS(M)A 23 Written notices of matter

PROHIBITION NOTICES ISSUED

In September 2018, the regulator issued 24 prohibition notices.

TABLE 2. PROHIBITION NOTICES ISSUED (S195 WORK HEALTH AND SAFETY ACT 2011) - SEPTEMBER 2018

PCBU	Mine	Prohibited Activity
W J Murdoch & Co (ACN: 002598478)	Mt Knowles Mine	Accessing of platform by workers to open product bin to load road trucks. Accessing rear of Hitachi EX400 Excavator by workers. Accessing confined space such as bins, chutes, tanks, pressure vessels & partially enclosed structures, when these examples meet the definition of a confined space in the WHS Regulations.
W J Murdoch & Co (ACN: 002598478)	Mt Knowles Mine	Use of any welding machine on site.
Christopher Bruce Underwood	Dead Horse Gold Mine	Accessing mine workings or new excavations is prohibited in mine pit number 14 until the current development to the fall of ground has been supported by timber sets.
Perilya Broken Hill Limited (ACN: 099761289)	Perilya Broken Hill Southern Operations	Using the washing machine.
Hircona Pty Ltd t/a Tweed Coast Quarries (ACN: 002207865)	Tweed Coast Quarries	Using fixed plant present on the mine site.
Michael Santin	Riverbank Road Quarry	Using the water truck other than to rectify the identified safety deficiencies.
Maules Creek Coal Pty Ltd (ACN: 140533875)	Maules Creek Mine	Any further work that involves plant and mobile equipment from working on or along the 'Ramp 6 Low Crest' area, until such time the mine has established the stability of the area. The recovery of the 85 tonne excavator is excluded from this notice once the formal risk assessment is completed for its safe recovery of the 85 tonne excavator.
Maules Creek Coal Pty Ltd (ACN: 140533875)	Maules Creek Mine	All work is to stop at the mine.
Maules Creek Coal Pty Ltd (ACN: 140533875)	Maules Creek Mine	The recovery process of the 85 tonne excavator which is currently located along the Ramp 6 Low Crest at Maules Creek Mine.

PCBU	Mine	Prohibited Activity
Maules Creek Coal Pty Ltd (ACN: 140533875)	Maules Creek Mine	The simultaneous operation of autonomous and manned vehicles on the same haul roads or vehicle operating areas. This prohibition does not prevent the manned operation of excavators used for the loading of the autonomous haul trucks.
Aus Gold Mining Group Pty Ltd (ACN: (none))	Good Friday Gold Mine	This notice relates to the Caterpillar articulated water cart truck and requires the mine operator to: No person to proceed beyond the door (drivers side), unless it is to enter cabin; No person to use the ladder or platform (opposite side of cabin) to proceed up for any task.
Tahmoor Coal Pty Ltd (ACN: 076663968)	Tahmoor Colliery	Using Mine Dozer LH09 without its canopy except for the purposes of tramping in/out of the mine (where covered by a comprehensive risk assessment signed off by the mine operator).
Tahmoor Coal Pty Ltd (ACN: 076663968)	Tahmoor Colliery	Operating No.3 Shaft Winder while persons are in or on the conveyance. Operating No.3 Shaft Winder at a speed greater than "Inspection" or "Creep" speed (0.75m/s). Operating No.3 Shaft Winder while persons are within the confines of the winder.
Tahmoor Coal Pty Ltd (ACN: 076663968)	Tahmoor Colliery	No persons are permitted underground whilst the #3 Shaft winder is out of service, other than the eight persons at any one time detailed in correspondence dated 6 September 2018 to undertake safety related inspections and maintenance.
Tahmoor Coal Pty Ltd (ACN: 076663968)	Tahmoor Colliery	Operating No.3 Shaft Winder while persons are in or on the conveyance or within the confines of the winder tower or shaft.
Hanson Construction Materials Pty Ltd (ACN: 009679734)	Wagga Quarry	Proceeding beyond the truck's external platform at the back of the Ford L8000 water cart truck.
Tahmoor Coal Pty Ltd (ACN: 076663968)	Tahmoor Colliery	No persons are permitted underground whilst the #3 Shaft winder is out of service, other than the eight persons at any one time detailed in correspondence dated 6 September 2018 to undertake safety related inspections and maintenance.
Hanson Construction Materials Pty Ltd (ACN: 009679734)	Wagga Quarry	Entering or exiting the Komatsu HM 400 articulated dump truck until the identified fall from height issues are addressed.

PCBU	Mine	Prohibited Activity
Hanson Construction Materials Pty Ltd (ACN: 009679734)	Wagga Quarry	Working at heights activities.
Young Mining Co Pty Ltd (ACN: 004301508)	Thuddungra Mine	This notice relates to the Volvo A 40D Articulated dump truck on site and requires the mine operator to: Proceeding beyond the door (drivers side), unless it is to enter cabin when operating the truck or undertaking maintenance/pre-start activities; Using the ladder or platform opposite the site.
Yancoal Mining Services Pty Ltd (ACN: 609452039)	Austar Coal Mine - Underground Operation	Installing Huesker mesh where de-stressing of areas of identified high vertical stress has not been undertaken; and subsequent cuttings tests have not been completed to confirm the area has been de-stressed.
Cristal Mining Australia (ACN: 009247858)	Ginkgo Mineral Sands Mine	Salvaging operations for the Ginkgo Concentrator, must not commence until salvaging plans and procedures have been provided to the Resource Regulator.
Narrabri Coal Operations Pty Ltd (ACN: 129850139)	Narrabri Colliery	Production in 201 panel.
Muswellbrook Coal Company Limited (ACN: 000009521)	Muswellbrook Coal Company	Production or associated activities in and around old underground workings.



WHS Statutory notifications

TABLE 3. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED - SEPTEMBER 2018

Mine	Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 provision	Type of notification	No.
Ashton Coal Mine (Underground)	Sch 3 CI 09	Shotfiring	1
Bloomfield Mine	Sch 3 CI 27	Emplacement areas	1
Charbon Colliery	Sch 3 CI 10	Sealing	1
Clarence Colliery	Sch 3 CI 27	Emplacement areas	1
Dargues Gold Mine	Sch 3 CI 04	Development of new mine entry	1
Dendrobium Colliery	Sch 3 CI 10	Sealing	1
Mandalong Mine	Sch 3 CI 15	Formation of non-conforming pillars	1
Metropolitan Colliery	Sch 3 CI 10	Sealing	1
North Wambo Underground	Sch 3 CI 04	Development of new mine entry	1
PEL0238 Bibblewindi 6	Sch 3 CI 33	Suspending a well	1
PPL0001 Elizabeth Macarthur 31	Sch 3 CI 32	Decommissioning a well	1
PPL0001 Elizabeth Macarthur 33	Sch 3 CI 32	Decommissioning a well	1
PPL0001 Elizabeth Macarthur 34	Sch 3 CI 32	Decommissioning a well	1
Tomingley Gold Mine	Sch 3 CI 04	Development of new mine entry	1
Ulan West Operations	Sch 3 CI 09	Shotfiring	1

Mining Act

Enforcement actions under the *Mining Act 1992*

The regulator employs a range of enforcement tools for ensuring compliance with the *Mining Act 1992* including official cautions, penalty notices, enforceable undertakings and suspending/cancelling titles. The figure below provides a summary of key enforcement actions taken under the Act in September 2018 and for the previous 12 months.

FIGURE 5. FINAL ENFORCEMENT ACTIONS - OCTOBER 2017 TO SEPTEMBER 2018

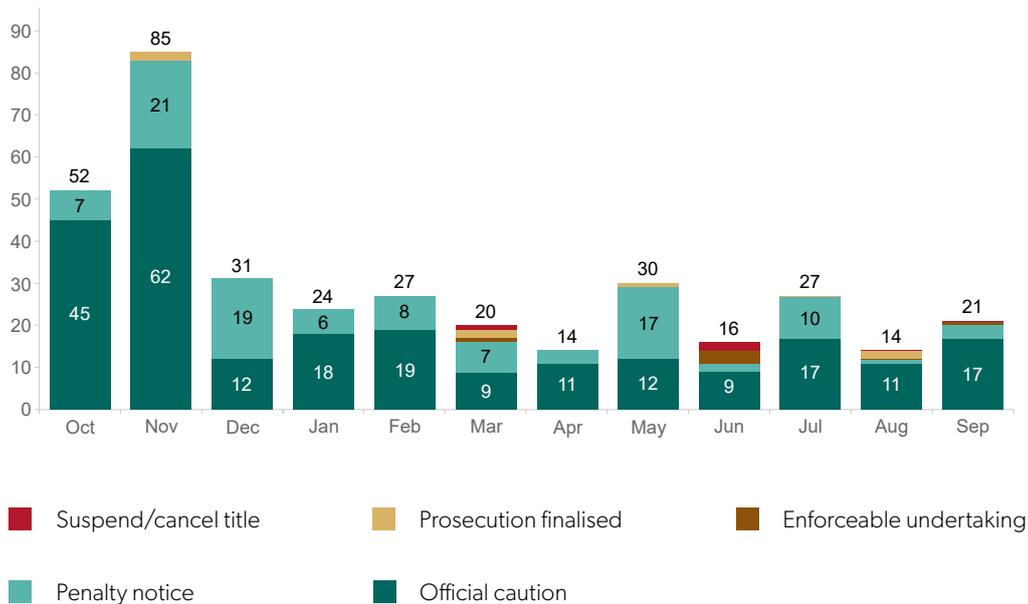


TABLE 4. PENALTY NOTICES ISSUED UNDER NSW MINING ACT 1992 - SEPTEMBER 2018

Date	Entity	Authority	Action	Amount	Details/Direction
27-Sep-2018	Individual	MC24202	Penalty Infringement Notice	\$2500	Failure to comply with direction or notice – authorisation holder individual
12-Sep-18	Phoenix Vision Coal Pty Ltd	EL7115	Penalty Infringement Notice	\$1000	Failure to pay rent and levy fee s292C Mining Act 1992
12-Sep-18	Cristal Mining Australia Ltd	EL7449	Penalty Infringement Notice	\$5000	Failure to lodge partial relinquishment report s163C Mining Act 1992.

Education and engagement activities

In September 2018, the regulator delivered six industry engagement activities. Details are outlined below.

Information about upcoming events is available on our [website](#).

TABLE 5. INDUSTRY ENGAGEMENT ACTIVITIES - SEPTEMBER 2018

Date	Type of activity	Location	Detail
4 Sep 2018	Planning workshop	Goulburn	Heron Resources and Emergency Services review and discussion of emergency plan and response arrangements.
6 Sep 2018	Workshop	Muswellbrook	Mines & Emergency Service representatives from the Hunter Valley, consultation and planning workshop, 53 attended.
7 Sep 2018	Exercise	Cobar	Metex Mines Rescue Challenge.
12 Sep 2018	Workshop	Broken Hill	Multi agency emergency management workshop.
12 Sep 2018	Industry forum (Education or safety seminar)	Sage Hotel Wollongong	Site Safety and Health Representative seminar.
20 Sep 2018	Education	Walgett	Police Incident Site Controller training and the role of the regulator at mining incidents.
26-27 Sep 2018	Industry forum	Sydney Sofitel Wentworth	Mechanical Engineering Safety Seminar Well attended by 241 delegates. General feedback that there was something for everyone in the spread of technical presentations. Feedback from presenters was also positive.

Publications and alerts

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

TABLE 6. MINE SAFETY PUBLICATIONS - SEPTEMBER 2018

Date	Type	Summary
4 Sep 2018	Media release	Resources Regulator begins prosecution proceedings against holders of Cowra mining lease
6 Sep 2018	Media release	Resources Regulator investigating incident at Tahmoor Coal Mine
11 Sep 2018	Weekly incident summary	Week ending 5 September 2018
12 Sep 2018	Mine Safety News	<ul style="list-style-type: none"> • We want to hear from you – preventing fires on mobile plant • Notification of mine or petroleum site operator • 2018 Electrical engineering safety seminar – register today • Small mines health and safety roadshow • Mining Design Guideline 41 • Maintenance of competence scheme
19 Sep 2018	Mine Safety News	<ul style="list-style-type: none"> • 2018 Electrical engineering safety seminar – register today • New health and safety at quarries guide • Small mines health and safety roadshow • Safety and health representatives seminar
21 Sep 2018	Weekly incident summary	Week ending 12 and 19 September 2018
25 Sep 2018	Media release	Austral Brick Co to pay over \$167,000 for mining without authorisation in the Southern Highlands
26 Sep 2018	Media release	Safety the focus at Mechanical Engineering Summit in Sydney
27 Sep 2018	Mine Safety News	<ul style="list-style-type: none"> • Website update • Investigation report – fatality at Lightning Ridge • Annual activity report • Safety Bulletin – light vehicle motion control • Safety Bulletin – preventing fires on mobile plant • Enforceable undertaking • WHS undertaking • Small mines health and safety roadshow • 2018 Electrical engineering safety seminar – register today
27 Sep 2018	Mine Safety News	Causal investigation information release – two workers trapped in mine shaft conveyance
27 Sep 2018	Media release	Enforceable undertaking accepted following Mangoola Mine incident



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