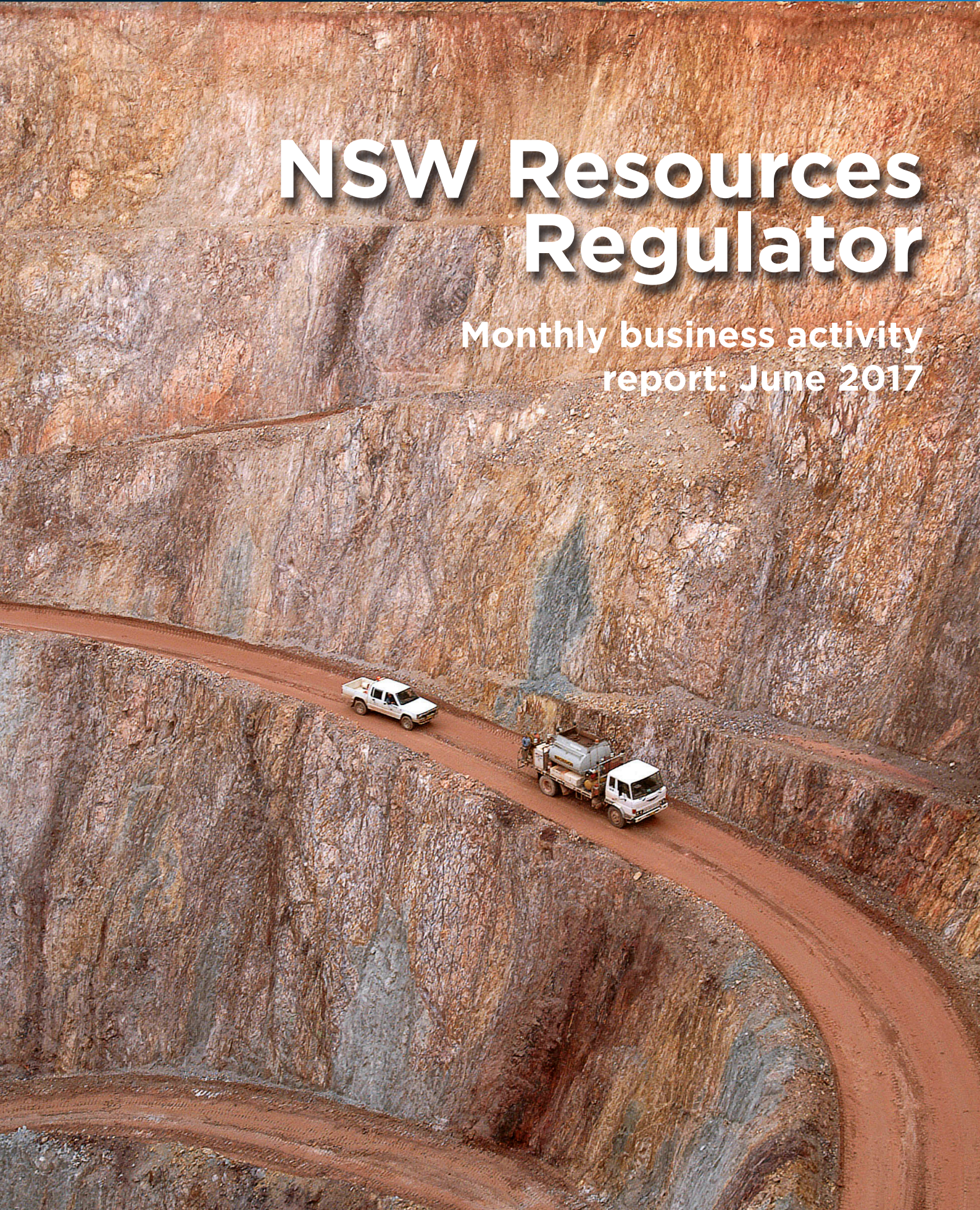




Planning &  
Environment  
Resources Regulator

# NSW Resources Regulator

Monthly business activity  
report: June 2017



## **The NSW Resources Regulator, within the NSW Department of Planning and Environment, is responsible for compliance and enforcement functions across the mining and resources sectors.**

This includes working with industry, community, local councils and other state government agencies to provide a consistent and responsive regulatory approach to ensure compliance with the legislation. This legislation includes the *Mining Act 1992 (Mining Act)*, *Work Health and Safety Act 2011 (WHS Act)* and the *Work Health and Safety (Mines and Petroleum Sites) Act 2013 (WHS (M&PS) Act)*, and other relevant legislation and associated regulations.

This report provides a summary of the activities of the NSW Resources Regulator for June 2017.



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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.

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

In a first for NSW, the regulator cancelled a mining lease for a dimension stone mine in the state's north due to ongoing compliance issues, including failing to pay the required environmental rehabilitation security deposit; failing to lodge a plan of management for the mine; not providing annual reports; and failing to mine the lease effectively or in good faith.

The regulator commenced prosecution proceedings against Wollongong Coal Limited and Wongawilli Coal Pty Ltd for failing to pay rent and levies totalling more than \$288,000; and an enforceable undertaking has been accepted from Bloomfield Collieries Limited, following the Regulator's investigation into the company for alleged breaches of the Mining Act 1992. Bloomfield has committed to paying \$50,000 in donations and the costs associated with the audits and training, worth a total of more than \$85,000.

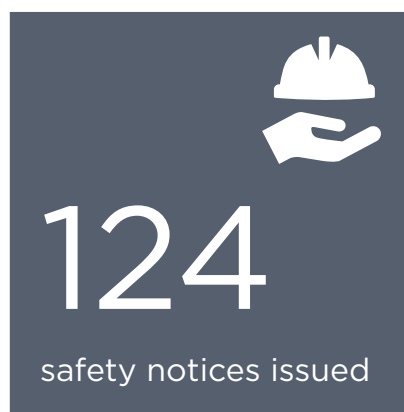
Bloomfield has also committed to pay the regulator's costs of \$17,575 to cover investigation and monitoring.

An escalated intervention strategy was commenced by the regulator with respect to the Appin Colliery following a number of incidents that required regulatory intervention. The regulator issued two prohibition notices that brought a halt to mining operations at the mine following a gas plant failure that required the evacuation of all workers from the mine. The intervention will address a range of issues at the mine including organisational structure, maintenance strategies, change management procedure, plant control systems and human and organisational factors.

On a sad note, the regulator's inspectors responded to a fatality at the Wongawilli Colliery at Wollongong. The incident is subject to an ongoing investigation and a report is being prepared for the Secretary and NSW Coroner.

## Activities

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



A key role of the NSW Resources Regulator is to ensure all operators and title holders are aware of their obligations and how to meet them. Publishing information and guidelines helps achieve this. Training workshops and information sessions are also a valuable way to engage with industry and help to maximise their compliance.

## Workshops and information sessions held in June 2017

Date	What	Where	Detail
1 June	Education program	Clarence Colliery	Staff facilitated training in associated non-technical skills (leadership) development
5 June	Information session	Ulan	Security and safety forum with NSW Police based on mine site security considerations, including chemicals of security concern, counter terrorism and actions by issue motivated groups.
8 June	Presentation	Caves Beach	Presentations by senior staff to the Mine Managers Association Australia seminar on various issues.
15 June	Meeting	Sydney	Presentations by senior staff to the Mine Safety Advisory Council meeting on fatigue TAPs and Strategic Approach
19/20 June	Safety Awareness course	Lightning Ridge	Opal miners' awareness of safety carrying out mining activities with 24 attendees.
21 June	Mine operators course	Lightning Ridge	Opal mine operator's course for new mine operators with 16 attendees.
27 June	Workshop	Maitland	Workshop for members of 11 examination panels



## Targeted assessments and audits

Resources Regulator inspectors conducted planned inspections at coal mines focusing on the hazards associated with fires on underground conveyors, explosion suppression, working at heights, airborne dust and roads and other vehicle operating areas and managing fatigue in the workplace.

The regulator has also published a compliance audit program, which assesses operators' level of compliance with their obligations under the Mining Act and in relation to dam safety.

Download the [Compliance audit program report](#)



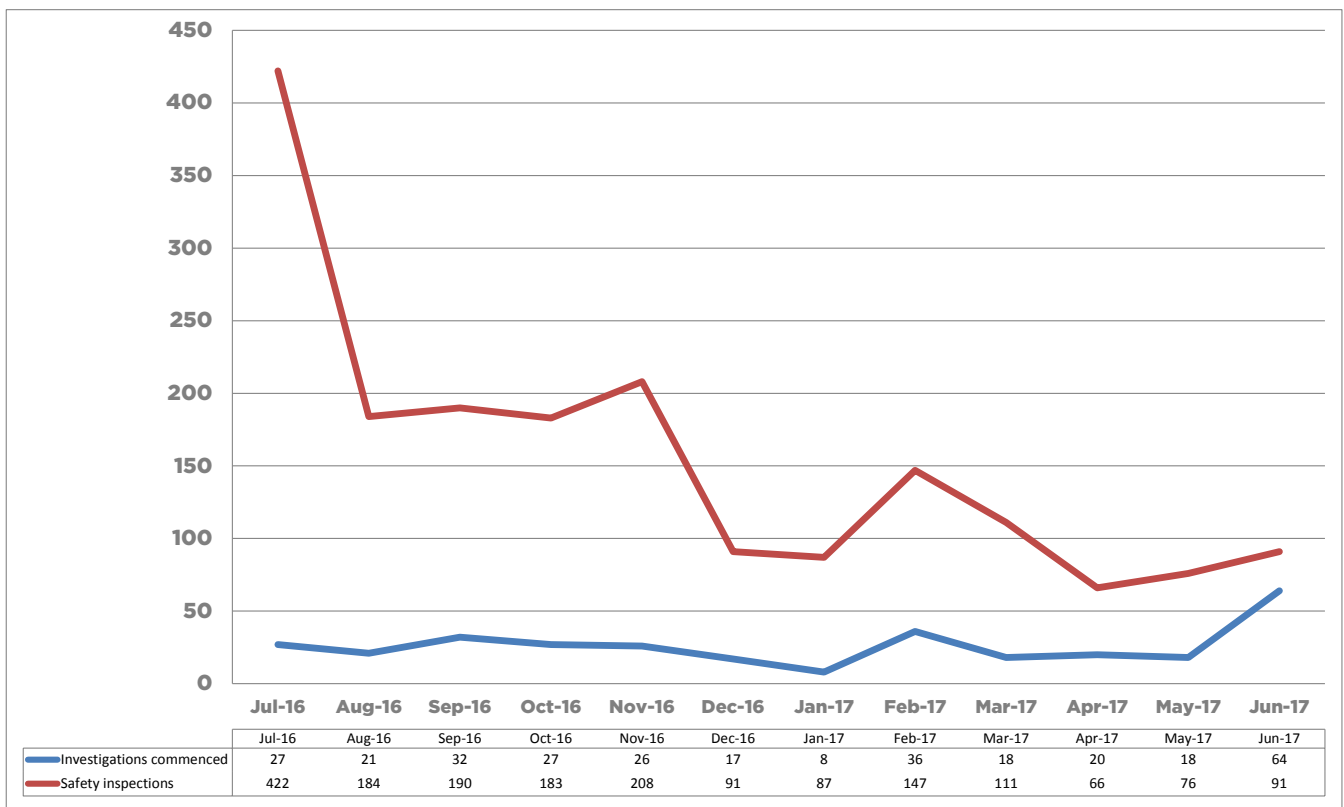
### Targeted assessments and audits for June 2017

Mine	Type	Topic
Ulan No. 3 Mine, Ulan	Site assessment	Respirable dust (underground coal)
Dendrobium Mine, Dendrobium	Site briefing	Respirable dust (underground coal)
Appin mine, Appin	Site assessment	Emergency management
Peak Gold mine, Cobar	Site assessment	Diesel exhaust emissions
Endeavour Mine, Cobar	Site assessment	Ground/strata failure (underground metalliferous)
Mt Thorley Warkworth and Hunter Valley Operations Mine, Hunter Valley	Site feedback meeting	Fatigue (open cut coal)
Appin mine, Appin	Site feedback meeting	Respirable dust (underground coal); diesel exhaust emissions

Reports on the outcomes of targeted assessments and audits are published on the [NSW Resources Regulator's website](#) after the program has been completed.

As well as detailed targeted assessment programs and audits, the regulator conducts a variety of other inspections, audits and desktop assessments throughout the year. The graph below summarises the comparative numbers of each from July 2016 to June 2017.

## Mine safety compliance activity



\*July saw a spike in inspection activity due to the Lightning Ridge compliance operation. The reduction in the number of inspections in December and January is partially attributable to the Christmas shutdown period, but the primary factor is the change in the way inspectors are deployed to more targeted activities that review risks controls in greater depth and are complex operations with a high number of hazards. Planned inspections usually involve two inspectors and pre-planning and preparatory work before the site visit. Targeted assessments and/or inspections will usually involve a team of three inspectors and more extensive preparation. Overall, more inspector hours have been allocated to proactive work, as centralised reporting and management of incidents has improved efficiencies and freed up many inspectors from reactive work.

The NSW Resources Regulator responds to incidents and allegations of non-compliance identified through inspections and audits, complaints and notifications received, and as a result of investigations.

Non-compliances are divided between those associated with the obligations under the Mining Act 1992, and those related to the Work Health and Safety (Mines and Petroleum Sites) Act 2013.

## Allegations of Mining Act non-compliances

Incidents of non-compliance with the Mining Act may vary from a failure to submit a report on time or in accordance with a condition on title, to undertaking mining without authorisation.

Number of incidents	Alleged non compliance type
5	Failure to comply with conditions
1	Failure to comply with direction
9	Failure to report
2	Illegal mining or prospecting
3	Contravention of the Mining Act 1992
2	Fit and proper person
8	Environmental incident



## Mine safety incident notifications

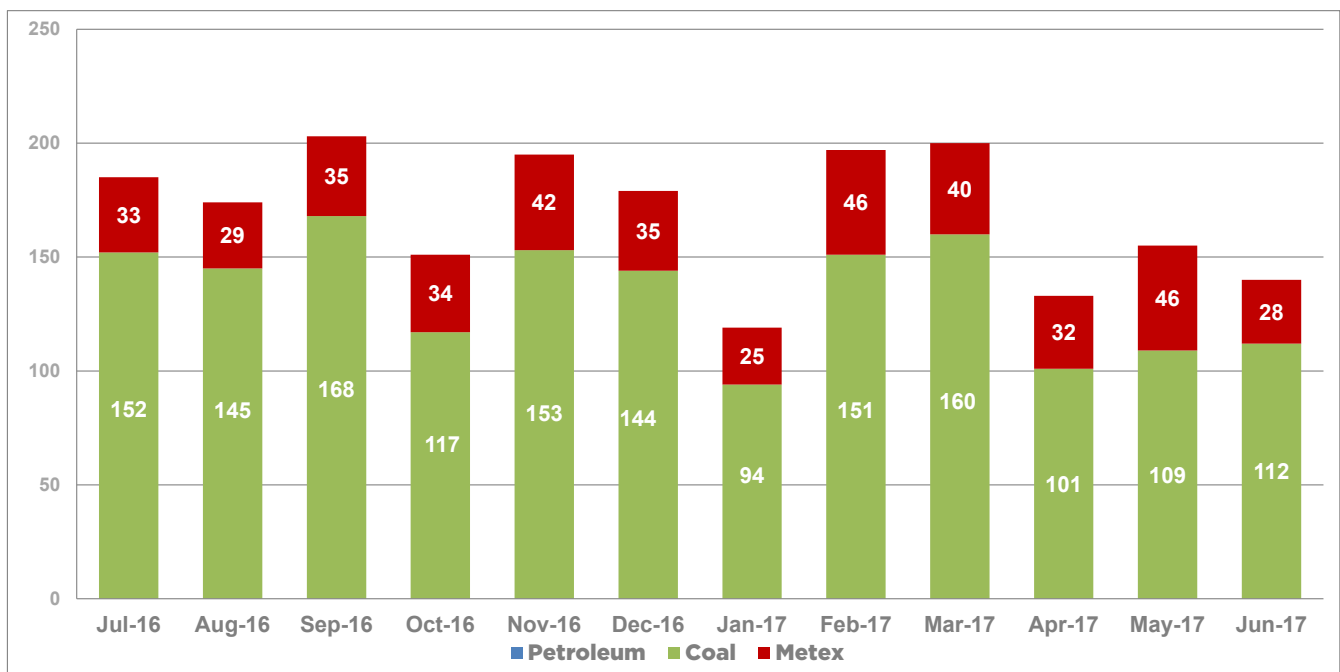
The WHS (M&PS) Act requires duty holders to inform the regulator of the occurrence of certain incidents. This includes the death of a person, a serious injury or illness or other prescribed incidents.

Notifications received from July to June are shown in the chart below.



Keep up to date on safety incidents by subscribing to NSW mine safety news

Go to [resourcesandenergy.nsw.gov.au/safety](http://resourcesandenergy.nsw.gov.au/safety)



## Critical and severe incidents

**Date:** 1 June 2017

**Location:** Springvale Mine Underground, Lithgow

**Incident:** A contractor refurbishing a gravity tank was using an eye lift jack when the handle let go and his the contractor in the jaw. The worker suffered a suspected fracture of the jaw and temporary loss of conscienceness. The worker was transferred offsite by ambulance however an air ambulance was called and inspected the road ambulance to transport to hospital.

**Date:** 1 June 2017

**Location:** Wongawilli Colliery, Wollongong

**Incident:** A worker at the decommissioned Wongawilli shaft felt unwell and drove away from the site but was later found deceased in his vehicle on a fire trail near the shaft. It was noted that copper thieves had been

on site and there was oil dumped on the ground from a transformer. Police were called and investigations are continuing.

**Date:** 28 June 2017

**Location:** Hunter Valley Operations, near Singleton

**Incident:** An operator, in the process of egressing a rear dump truck for crib, slipped from the ladder and landed face first on the ground. The operator was assessed at the sire by ambulance officers before going home. Further medical treatment was sought by the operator, which identified that he had suffered broken ribs adn a fractured eye socket.



## High risk activity notifications

Mine and petroleum site operators are required, under clause 33 of the WHS (M&PS) Regulation 2014, to notify the regulator of their intention to carry out an activity identified under schedule 3 of the regulation. Notifying the NSW Resources Regulator does not mean that it approves of the activity.

High risk activities include electrical work on energised electrical equipment, developing a new entry for an underground mine, driving or widening an underground roadway in a coal mine beyond 5.5 metres, or suspending a petroleum well.

### High risk activity notifications received in June

Mine	WHS (M&PS) Regs provision	Activity
Austar Coal Mine (Underground)	Schedule 3, clause 12	Driving underground roadway that is wider than 5.5 metres
Austar Coal Mine (Underground)	Schedule 3, clause 16 (1)(a)	Secondary extraction by long/short/miniwall mining
Austar Coal Mine (Underground)	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.
Gas well BAC 5	Schedule 3, clause 32	Decommissioning a well
Bulga Underground Operations	Schedule 3, clause 16 (1)(a)	Secondary extraction by long/short/miniwall mining
Dargues Gold Mine	Schedule 3, clause 04	Development of new mine entry
Metropolitan Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.
Moolarben Coal Operations (Underground)	Schedule 3, clause 16 (1)(a)	Secondary extraction by long/short/miniwall mining
Narrabri Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.
PEL(H)0025 Condell Park 1	Schedule 3, clause 32	Decommissioning a well
PELO238 Wilga Park 3	Schedule 3, clause 33	Suspending a well
Rix's Creek Mine	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.
Springvale Mine (Underground)	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.

## Exemptions granted

Mine operators are able to apply for exemptions from provisions of the Regulations, under clause 684 of the Work Health and Safety Regulation 2011.

### Exemptions granted in June

There were no exemptions granted during June 2017.

## Investigations into major accidents and incidents

This month the regulator responded to a fatality at the Wongawilli Colliery, near Wollongong. A worker was undertaking environmental work at a disused ventilation shaft on the surface of a coal mine when he told his co-workers he was feeling unwell. The worker left the site alone in a light vehicle to seek medical attention and was later found deceased by his co-workers near the light vehicle on an access road. An investigation has commenced to determine the cause and circumstances of the incident.

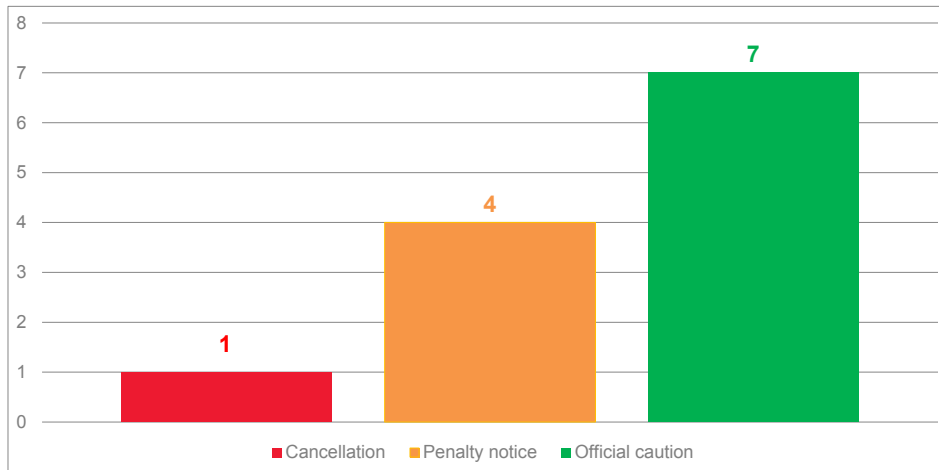
Other regulatory investigations resulted in legal proceedings being commenced against Wollongong Coal Limited and Wongawilli Coal Pty Ltd relating to failing to pay annual rental fees and annual administrative levies under Part 14A of Mining Act 1992 which totalled more than \$288,000.

A court attendance notice was also issued to Bloomfield Collieries Pty Ltd in relation to an investigation for contravention of s378C of the Mining Act 1992 (provide false and misleading information). The company subsequently submitted an enforceable undertaking for the Department's consideration which was accepted by the Secretary on 23 June 2017. Legal proceedings against the company will now be withdrawn.



The NSW Resources Regulator uses a variety of enforcement tools - under both the Mining Act and WHS legislation to ensure compliance. These enforcement tools range from notices of concern and improvement, to prohibition notices and prosecutions for serious breaches of the law. The approach taken depends on the significance and impacts of the breach, the tools available under the legislation, and any applicable compliance and enforcement or prosecution policy.

## Mining Act final enforcement notices



## Penalty notices

Penalty notices, issued under section 378K of the Mining Act, can be used to make a person pay a penalty in relation to an offence. The offences and related penalties are prescribed by the regulations, and include issues such as mining or prospecting without authorisation or failure to comply with a direction.

Date	Entity	Action	Details
5 June	Titleholder MC 42202	Penalty notice - 3 x \$1250	Provide information knowing that it is false or misleading - individual. Signing deceased person's name for three years on renewal application
19 June	Prodrill WA Ltd EL 8347	Penalty notice - \$5000	Failed to prepare or lodge report as prescribed - corporation. Final exploration report was not submitted by due date of 26 March 2017.

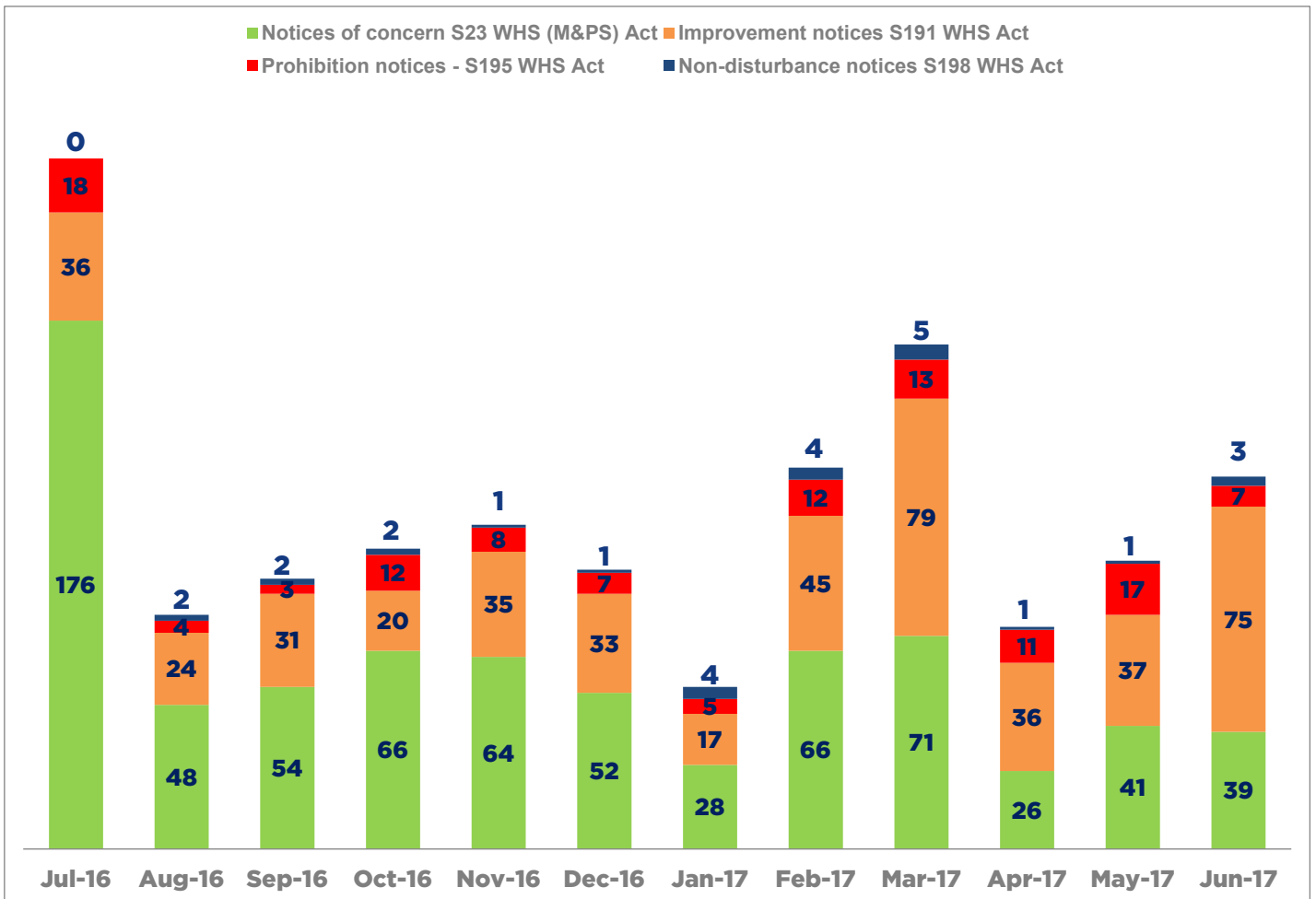
## WHS Act enforcement notices

### Prohibition notices

Mine safety inspectors can issue prohibition notices under section 195 of the WHS Act if they believe that an activity is occurring, or may occur, in a workplace that poses or could pose a serious risk to the health or safety of a person. A prohibition notice outlines the matters that give rise to the risk, and may include directions on the measures to be taken to remedy the risk.

PCBU	Mine	Details	Prohibited activity
<b>Helensburgh Coal Pty Ltd, Wollongong</b>	Metropolitan Colliery	Management Plan Reviews of outburst prone coal mines was undertaken. An inspection took place at this site which found that there was poor gas drainage in the mid face area.	Normal mining along any portion of LW301 production face
<b>Helensburgh Coal Pty Ltd, Wollongong</b>	Metropolitan Colliery	A second notice was issued to the mine operator as drainage rectification measures did not adequately remove the risk for potential outburst.	Normal operations at LW301 production face in areas where measured seam gas content has not been drained to below thresholds in place for the longwall at the mine, as this may result in potential for an outburst placing persons at risk.
<b>Narrabri Coal Operations Pty Ltd, Narrabri</b>	Narrabri Colliery	A surface drill operator was raising a drill rod when hand caught between drill rod spanner and hand-held spanner. An investigation has been undertaken	Operation of surface drill until the incident investigation is completed and suitable controls are implemented.
<b>Tritton Resources Pty Ltd, Nyngan</b>	Murrawombie Mine	A planned inspection of fire and explosion arrangements was carried out where other non-related safety concerns were observed	All underground diamond drilling activities until rectification works are completed to manage risk of falls from platform and risk of injury from general plant requiring guarding
<b>Endeavour Coal Pty Ltd, Appin</b>	Appin Colliery	A gas plant failure occurred at the mine causing the evacuation of all personnel from the mine in accordance with the mine's trigger action response plan.	No personnel are to re-enter the mine until procedures and conditions for re-entry are notified to the regulator along with revised control measures implemented to ensure the trigger does not re-occur.
<b>Ulan Surface Operations Pty Ltd, near Mudgee</b>	Ulan Surface Operations	A planned inspection of the coal handling plant for structural integrity was carried out. Significant issues with legacy systems and absent guarding in older run of mine conveyor system	Operation of conveyors 1098, 1002, 1003, 1006, 1007, 1008, and 1009 at the coal preparation plant until all safety issues in the prohibition notice are rectified.
<b>Endeavour Coal Pty Ltd, Appin</b>	Appin Colliery	After revised control measures were received from the operator the regulator agreed to allow a limited number of personnel underground..	Prohibited mining within outburst control zone pending receipt of revised Outburst Prevention and Control Plan reflecting the gas content and composition limits for normal (unrestricted) mining

## Key notices issued under work health and safety legislation



Increased numbers for July are attributable to the Lightning Ridge compliance operation.



## Media releases and publications

The NSW Resources Regulator issues media releases, safety alerts and bulletins on significant activities. These are published on the [NSW Resources Regulator's website](#).

Date	Details
2 June	<a href="#">Investigation information release: Fatality at Perilya Southern Operations</a>
2 June	<a href="#">Investigation information release: Excavator cabin detaches and falls</a>
5 June	<a href="#">Media release: Mine cancellation a first for NSW</a>
9 June	<a href="#">Safety alert: Flameproof alternators supplying intrinsically safe equipment</a>
19 June	<a href="#">Investigation information release: Fatality on the surface of an underground mine</a>
23 June	<a href="#">Safety alert: Non-compliant gas detectors</a>
23 June	<a href="#">Media release: Resources Regulator announced prosecution proceedings against two Wollongong coal companies</a>
27 June	<a href="#">Mine Safety Update: Online incident notification coming soon</a>
29 June	<a href="#">Mine Safety Update: Register now for the Mechanical Engineering Safety Seminar</a>

## Contact the NSW Resources Regulator



Phone: 1300 814 609



Website: [www.resourcesandenergy.nsw.gov.au](http://www.resourcesandenergy.nsw.gov.au)



Email: [resources.regulator@industry.nsw.gov.au](mailto:resources.regulator@industry.nsw.gov.au)



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