



**NSW
Resources
Regulator**

Monthly business activities report

APRIL 2019



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Contents

ACTIVITIES SNAPSHOT	4
Activities at a glance	4
Key enforcement activities	5
Safety incidents of note	5
Communication highlights.....	5
WORK, HEALTH AND SAFETY ACTIVITIES	6
Safety incident notifications received	6
Safety assessments	8
Targeted assessment programs	11
Safety statutory notifications and exemptions	12
COMPLIANCE ACTIVITIES	14
Safety notices issued	14
Safety prohibition notices issued	15
Key enforcement actions	17
EDUCATION AND ENGAGEMENT ACTIVITIES	19
PUBLICATIONS AND ALERTS	20

Activities snapshot

Activities at a glance

Conducted

83

site safety assessments
(inspections)

Achieved

41%

proactive safety
activities

Issued

119

safety notices

Received

144

safety incident
notifications

Issued

3

Mining Act 1992 penalty
infringement notices

Conducted

5

industry engagement
and education activities



Key enforcement activities

On 1 April 2019, the NSW Resources Regulator began prosecution proceedings against Peak Gold Mines Pty Ltd over a work-place death at a mine near Cobar in April 2017. The NSW Resources Regulator will allege the contract worker, died after working in hot and inadequately ventilated conditions about 900 metres underground at the mine's workings and that Peak Gold Mines contravened the *Work Health and Safety Act 2017*. Further details are published on our [website](#).

On 2 April 2019, [Abterra Australia Pty Ltd](#) was convicted and fined \$180,000 for failing to comply with a legal obligation to pay an environmental rehabilitation security deposit under section 378D of the *Mining Act 1992*. The Court found Abterra failed to pay almost \$1.8 million in rehabilitation security deposits, in accordance with the conditions attached to its mining authorisation.

On 14 April 2019 the NSW Resources Regulator accepted an enforceable undertaking from Namoi Valley Bricks Pty Ltd following an investigation that alleged the company mined clay/shale and structural clay from the Wilga Park Clay Mine, near Gunnedah without authorisation between 2 May 2007 and 15 August 2017. The undertaking required Namoi Valley Bricks to donate \$10,000 to the scholarship fund administered by the Gunnedah Shire Council, pay \$51,737 in royalties, \$1,000 in administrative levies, \$1,000 in rental fees and \$8,000 in investigation and monitoring costs. Further details are published on our [website](#).

Safety incidents of note

The NSW Resources Regulator responded to an incident at an underground metalliferous mine in Cobar on the 13 April 2019 where a fire occurred on an agitator truck. At the time there were 19 workers underground who retreated to refuge chambers while the fire was brought under control. Investigation into the circumstances of the fire continues. [Safety Alert – SA19-02](#)

The NSW Resources Regulator's [weekly incident summary](#) references any recently published safety publications. The alerts section provides further details about any dangerous and serious safety incident notifications received in April 2019.

Communication highlights

On 10 April 2019, the NSW Resources Regulator hosted a [Tailings management workshop](#) in Dubbo with industry and other regulators facilitated by Professor David Williams with the focus on leading practice methodologies and current research regarding tailings storage facing management. The workshop attracted over 130 attendees and involved presentations and discussions on specific risks and knowledge gaps in tailings management to help develop targeted strategies to address these issues.

On the 12 April 2019, the NSW Resources Regulator released an [investigation information release](#) into an incident on 21 March 2019, where workers were evacuated after gas level rise.

Work, health and safety activities

Safety incident notifications received

In April 2019, 144 incidents were notified to the NSW Resources Regulator by mining operations. This was down 38 from the 182 received in March 2019.

Of the 144 incidents notified in April 2019, there were 12 incidents where the NSW Resources Regulator deployed inspectors for further investigation. See the table below for further details.

FIGURE 1. SAFETY INCIDENT NOTIFICATIONS BY SECTOR - APRIL 2018 TO APRIL 2019

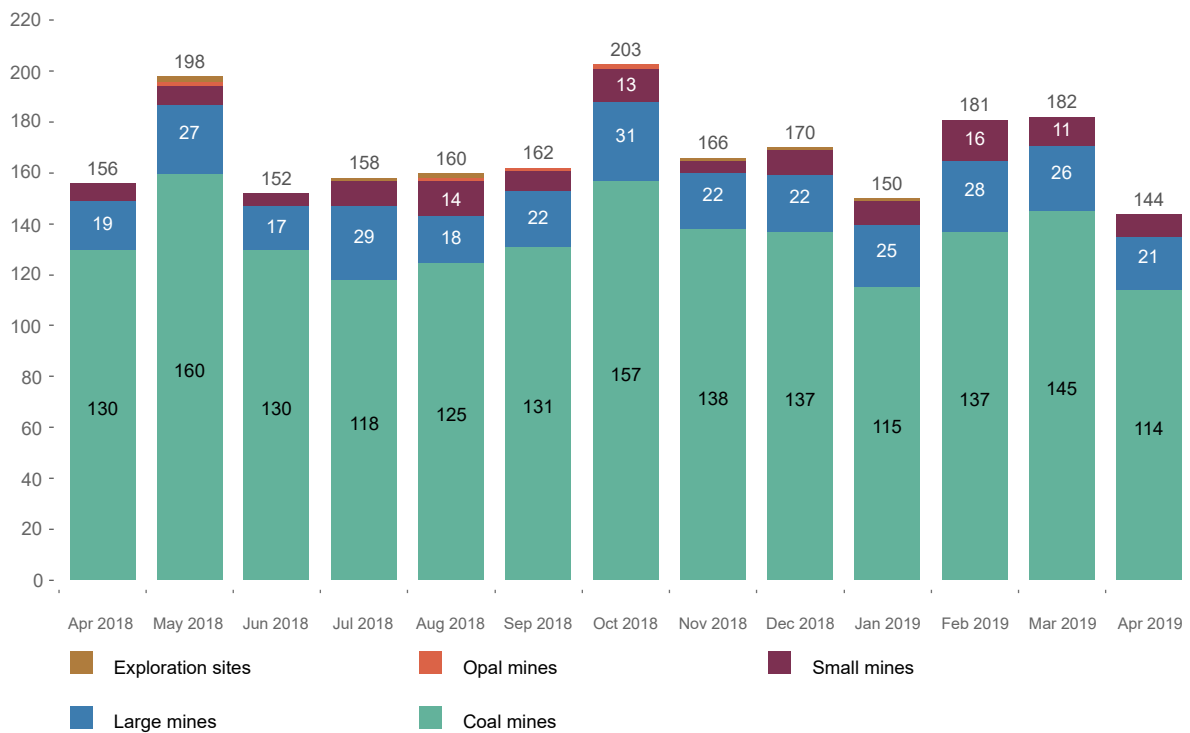


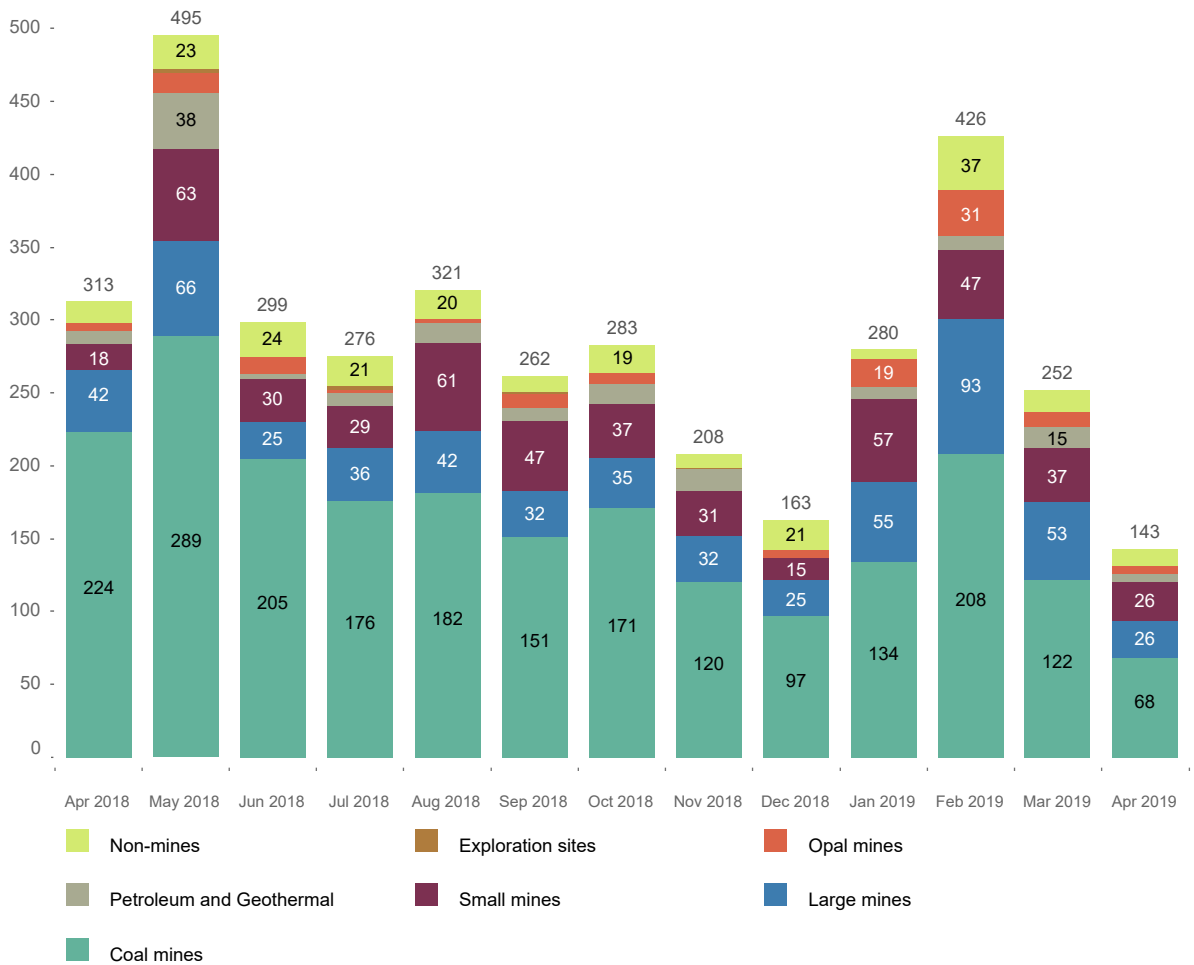
TABLE 1. DETAILS OF INCIDENTS WHERE INSPECTORS WERE DEPLOYED - APRIL 2019

Date notified	Mine type	Incident
1 Apr	Coal mines – Surface	A dozer was working with an excavator. The dozer slipped off the excavator bench and rolled onto its side. No one was injured.
6 Apr	Coal mines – Surface	A haul truck rolled on side. No one was injured but the operator was trapped in the cabin of the truck.
9 Apr	Coal mines – Surface	During a pit inspection, a highwall failure was identified in a non-active mining area at the base of weathering material.
11 Apr	Coal mines – Surface	A dozer was working on a bulk push task, when the operator noticed a fire in the engine bay. The operator activated the fire suppression and evacuated the dozer.
11 Apr	Large mines, Metalliferous and Quarries - Underground	A cantor light truck driving past a stationary jumbo rig in the main decline struck a drill steel in the jumbo drill rack.
13 Apr	Large mines, Metalliferous and Quarries - Underground	An agitator truck was taking shotcrete underground when the operator noticed smoke coming from the truck. The operator activated the fire suppression system.
15 Apr	Coal mines – Surface	After a break, a dozer operator noticed movement had occurred in the highwall with a large section that had failed along a dyke.
16 Apr	Coal mines - Underground	A loader operator suffered lacerations and a potential fracture to the upper right arm while operating a LHD.
25 Apr	Coal mines - Underground	Workers were remote mining when the shearer and armoured face conveyor tripped out due to a suspected coal burst.
29 Apr	Small mines, Metalliferous, quarries and other gemstones – Surface	A wedge within a working face slipped approximately one metre. No workers were in the mine when it occurred and the area is now barricaded off.
29 Apr	Coal Mines - Underground	The single occupant and driver of a PJB truck travelling on the main road contacted a 2.4m roof bolt. No injuries were reported.
30 Apr	Coal Mines - Underground	A control system fault occurred when a worker heard the seam level material gates operate. The operator investigated and found the western material gates had opened, leaving a fall risk into the shaft sump.
Total		12

Safety assessments

In April 2019 there were a total of 143 safety assessments across all mining sectors, down 109 compared to the previous month. Of the 143 assessments, 68 occurred in the coal sector (or approximately 48%).

FIGURE 2. ALL ASSESSMENT ACTIVITIES BY SECTOR - APRIL 2018 TO APRIL 2019

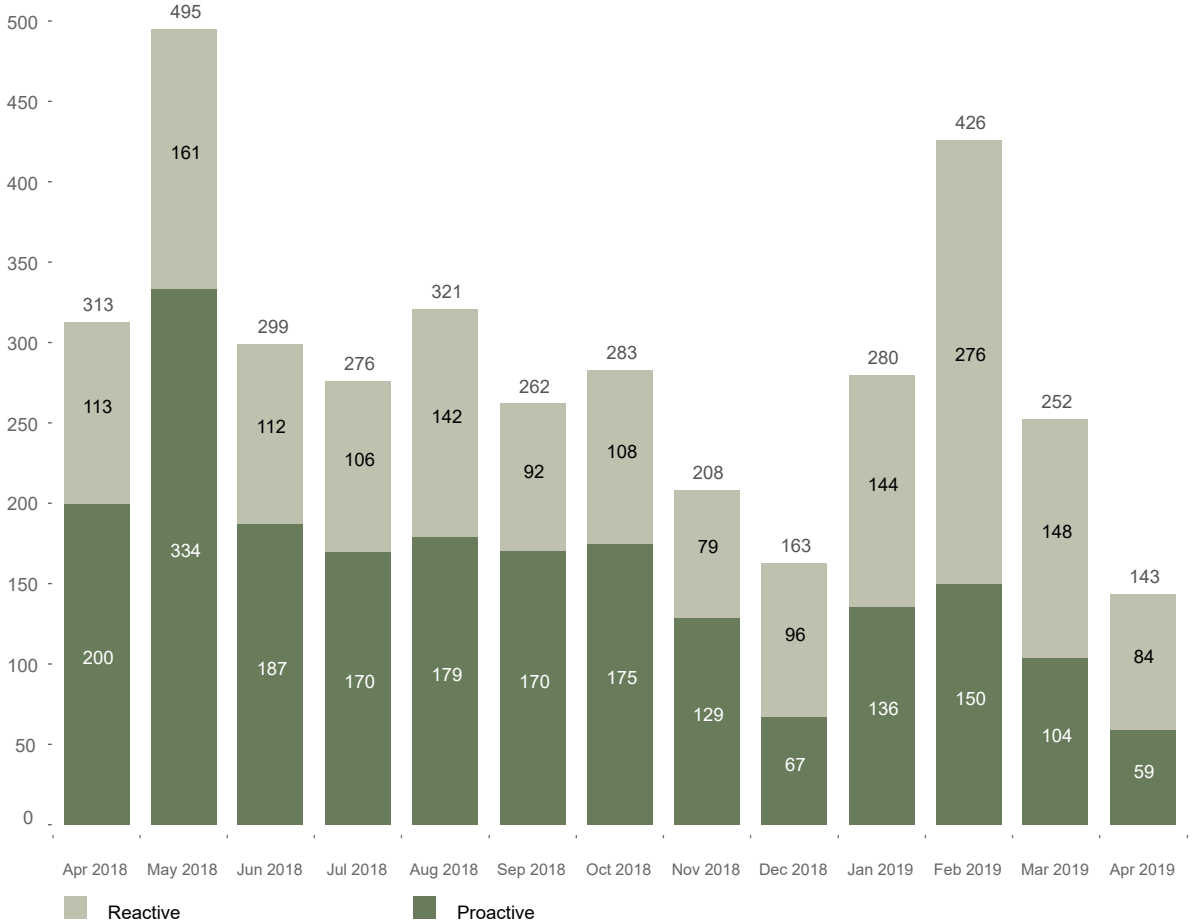


PROACTIVE AND REACTIVE SAFETY ASSESSMENTS

In April 2019, 59 out of the 143 (41%) of the assessments conducted by the NSW Resources Regulator were considered proactive in nature.

Proactive assessments include targeted assessments and planned inspections. Reactive assessments are conducted in response to notifications and requests, including incident notifications, targeted interventions, statutory notifications and enquiries.

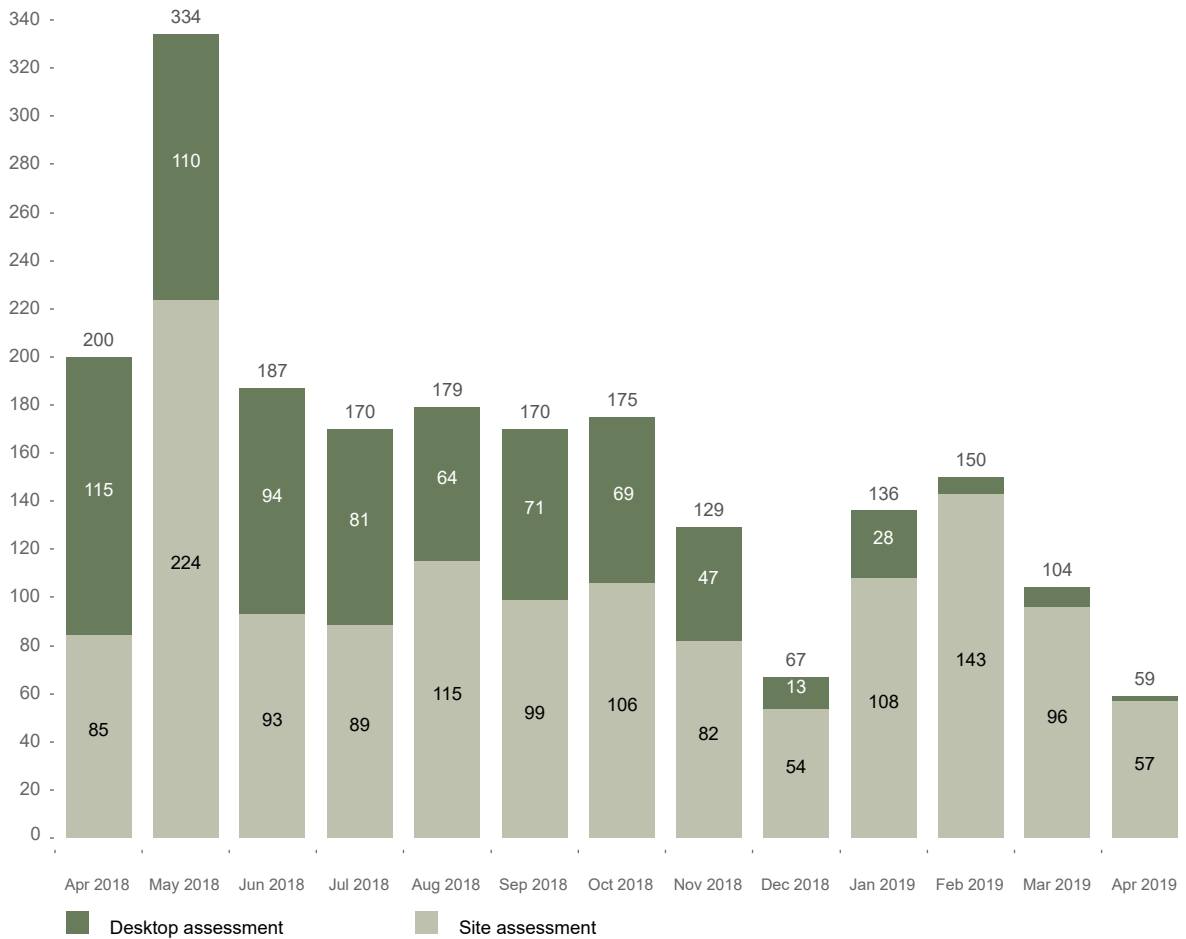
FIGURE 3. ALL ASSESSMENT ACTIVITIES BY NATURE - APRIL 2018 TO APRIL 2019



PROACTIVE SAFETY ASSESSMENTS

In April 2019, 57 out of 59 (97%) of the proactive assessments were site assessments.

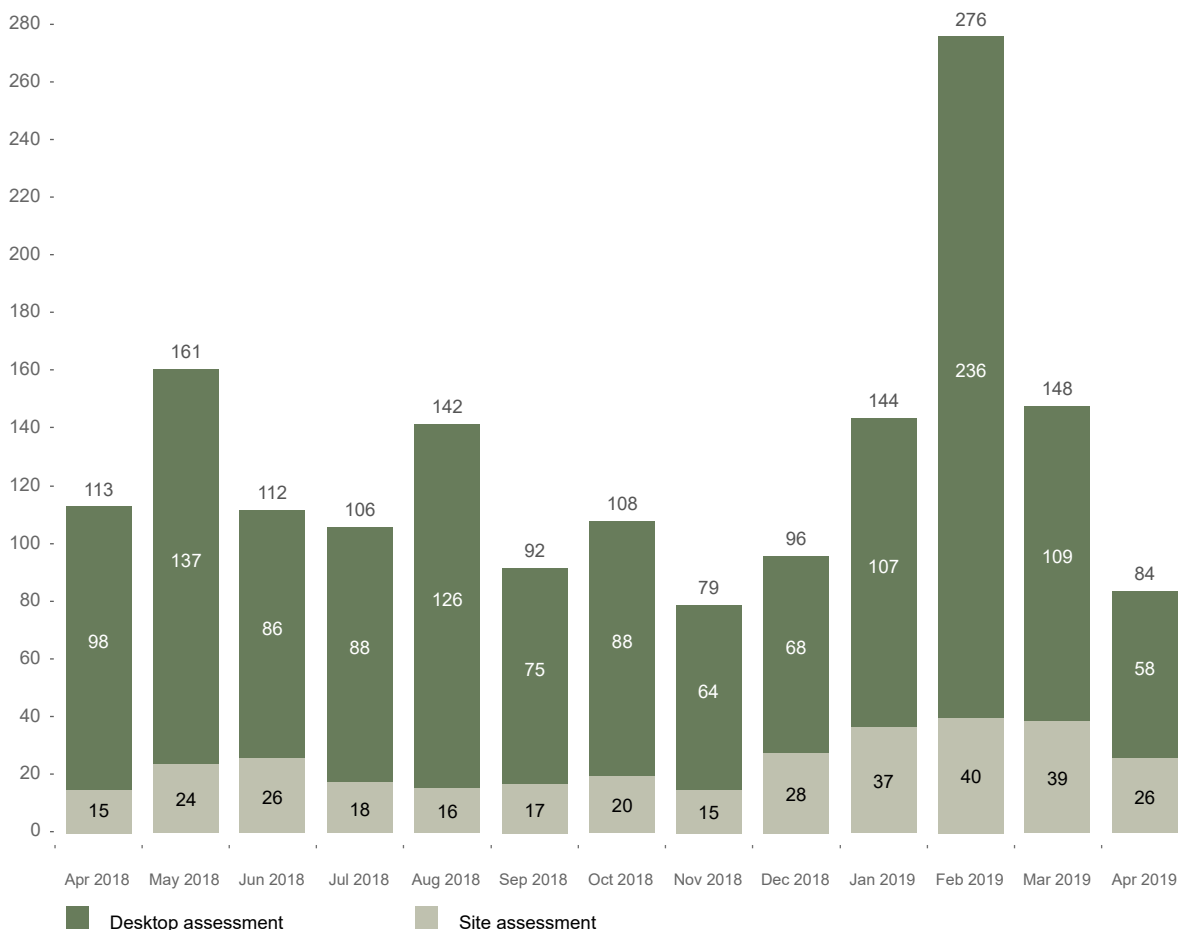
FIGURE 4. PROACTIVE ASSESSMENT ACTIVITIES BY TYPE - APRIL 2018 TO APRIL 2019



REACTIVE SAFETY ASSESSMENTS

In April 2019, 26 out of 84 (31%) of the reactive assessments were site assessments.

FIGURE 5. REACTIVE ASSESSMENT ACTIVITIES BY TYPE - APRIL 2018 TO APRIL 2019



Targeted assessment programs

Under the proactive assessment program, in April 2019, the NSW Resources Regulator conducted one targeted onsite assessment on one principal mining hazard, details in the table below.

TABLE 2. DETAILS OF TARGETED ASSESSMENTS - APRIL 2019

Hazard	Mine
Airborne contaminants	Wambo open cut
Total	1

Safety statutory notifications and exemptions

HIGH RISK ACTIVITY NOTIFICATIONS

The figure below summarises high risk activity notifications received by engineering discipline under the Work, Health and Safety Mines & Petroleum Sites Regulation 2014.

FIGURE 6. HIGH RISK ACTIVITY NOTIFICATIONS BY ENGINEERING DISCIPLINE - APRIL 2018 TO APRIL 2019

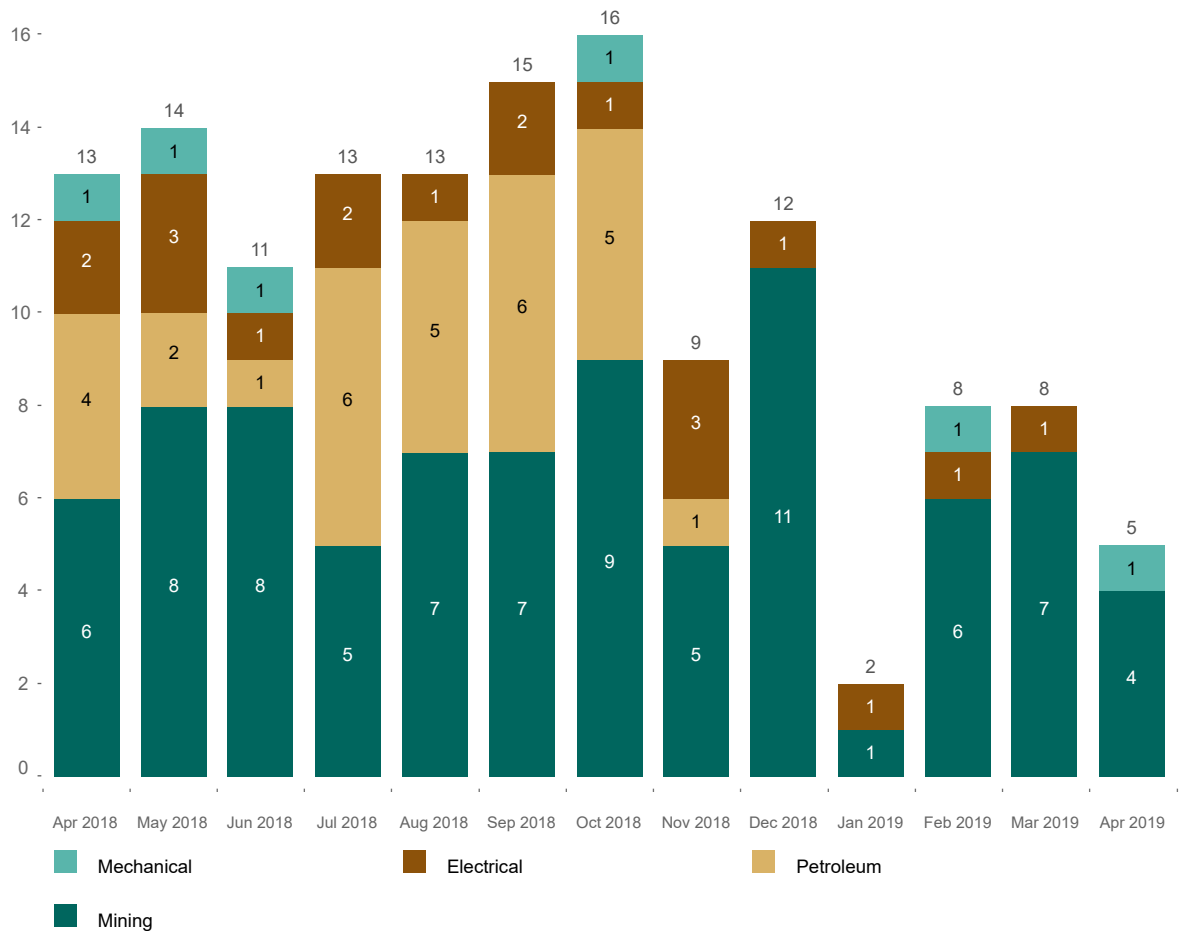


TABLE 3. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED - APRIL 2019

Mine	Legislation*	Type of notification	No
Narrabri Colliery	Schedule 3 Clause 11	The conduct of hot work in a hazardous zone.	1
Tahmoor Colliery	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
Ulan Underground Mine	Schedule 3 Clause 7(2)(b)	Working in inrush control zone - potential source of inrush cannot be inspected.	1
Ulan Underground Mine	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
North Wambo Underground	Schedule 3 Clause 16(1)(a)	Secondary extraction by longwall mining, short-wall mining or mini-wall mining.	1
Total			5

* Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

EXEMPTION APPLICATIONS

No exemption applications were granted in April 2019.

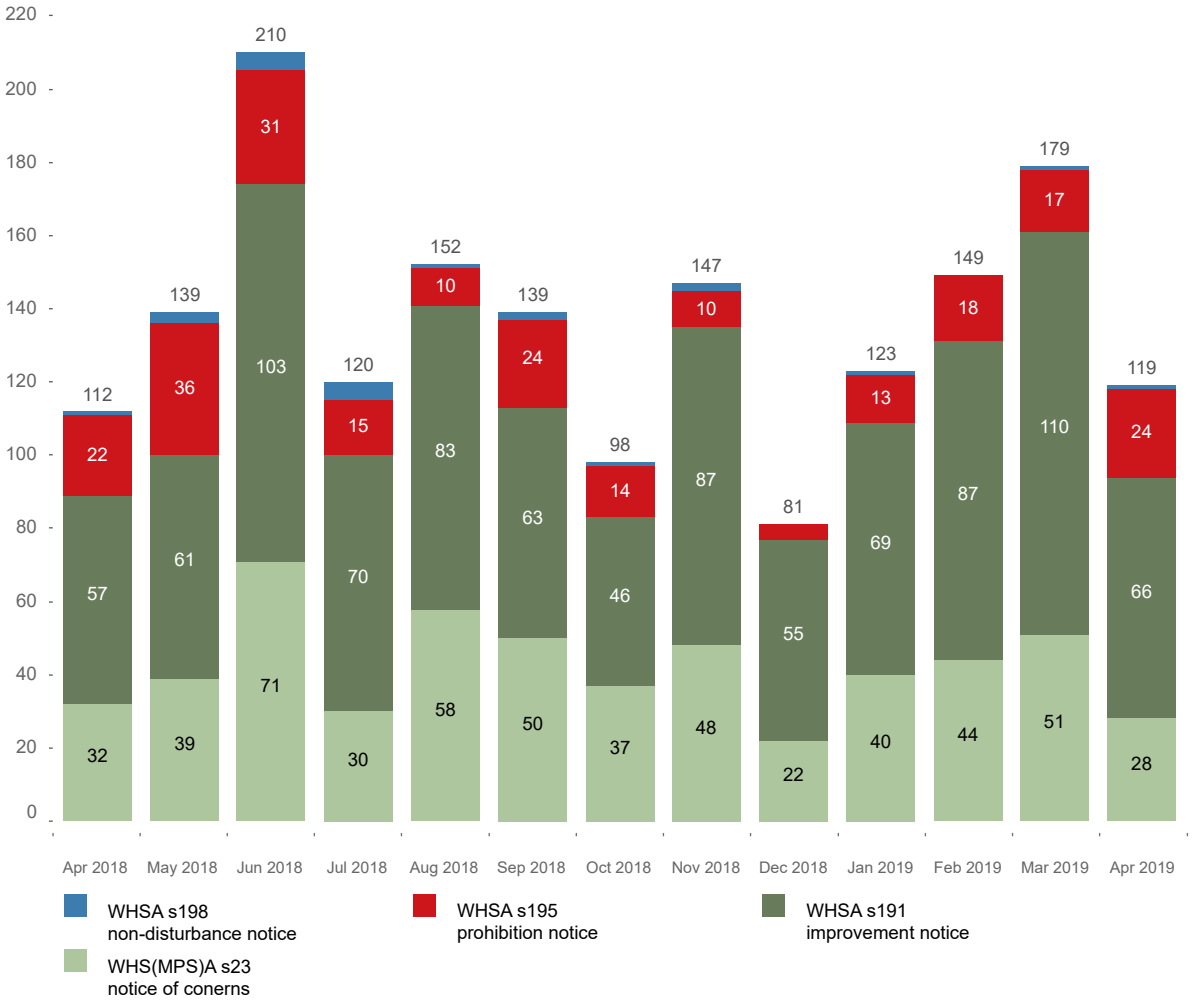
Compliance activities

Safety notices issued

In April 2019, the NSW Resources Regulator issued 119 safety notices, a decrease of 60 compared to the previous month of 179.

For more information about notices our compliance and enforcement approach is available on our [website](#).

FIGURE 7. NOTICES ISSUED BY NOTICE TYPE - APRIL 2018 TO APRIL 2019



Safety prohibition notices issued

In April 2019, the NSW Resources Regulator issued 24 prohibition notices under section 195 of the *Work Health and Safety Act 2011*.

TABLE 4. PROHIBITION NOTICES ISSUED - APRIL 2019

Issued to PCBU	Mine	Prohibited activity
Bloomfield Collieries Pty Ltd	Rixs Creek Mine	Disposing any material including washery reject material in the Tailings Dam 3 in West Pit.
Bloomfield Collieries Pty Ltd	Rixs Creek Mine	Disposing solid bowl centrifuge rejects in to Tailings Dam 3 in West Pit.
Brad Mackay	Walk-in Mine	Any persons going underground past the identified areas until the Principal Mining Hazard of "Ground or Strata Failure" has been fully controlled except to install the secondary roof or to complete the survey. Persons who are installing the secondary roof support are not to be in advance of where the support is being installed unless that roof is adequately supported.
CMOC Mining Pty Limited	Northparkes Mines	Persons going underground whilst the shaft winder is out of service other than the minimum number of persons required to undertake safety related inspections and maintenance.
Endeavor Coal Pty Ltd	Appin Colliery	Any work in the immediate vicinity of the longwall hydraulic circuit unless for the purposes of undertaking an investigation or inspection required by this notice.
Geoffrey Stewart Constructions Pty Ltd	Bucketts Way Quarry	Any persons on top of the engine bay canopy without a fall protection system in place.
Ian Lynch	MC58698	Any operation of the vehicle mounted crane.
Liverpool Plains Shire Council	Liverpool Plains Shire Council - Tollbar	Any maintenance activities along the walkways on both sides of the operator's cabin until the identified fall from height issues are addressed.
Mark Roche	Namoi Quarry Products Pty Ltd	Any person on top of the engine bay canopy on site without fall protection systems.
Michael Keefe	MC57988	Persons riding the hoist to access and egress the shaft.
Mt Arthur Coal Pty Limited	Mt Arthur Coal - Mine Operation Area	Using all diesel fuel delivery arms fitted to fuel farms and trans tankers at the mine.
Mt Arthur Coal Pty Limited	Mt Arthur Coal - Mine Operation Area	Using any vehicle that has not been assessed for the risk of fire.
Newcrest Mining Limited	Cadia East Project	Drill steels being carried on Sandvik Jumbo Drill rigs during tramping of the machine.
Peak Gold Mines Pty Limited	Peak Gold Mine	Operating CAT 730 AGI trucks underground at the mine.
Perilya Broken Hill Ltd.	Potosi Operations	Working and powering the 18L tele remote hut unless for the purposes of investigating a potential electrical fault that may have occurred in the incident.

Issued to PCBU	Mine	Prohibited activity
Springvale Coal Pty Ltd	Springvale Mine Underground Operation	Operating the Longwall 25 Conveyor.
United Stone Industries Pty Ltd	Caloola Marble Mine	Operating the Terex 883 screen until all guarding has been brought into compliance with clause 208 of the Work Health and Safety Regulation 2012.
United Stone Industries Pty Ltd	Caloola Marble Mine	Operating the old electrical jaw crusher and impact crusher until all guarding has been brought into compliance with clause 208 of the Work Health and Safety Regulation 2012.
United Stone Industries Pty Ltd	Caloola Marble Mine	Persons proceeding beyond the door (drivers' side) of an articulated dump truck, unless it is to enter cabin. Persons proceeding beyond the designated walkway (offside of cabin) of the Cat D400E articulated dump truck.
Wambo Coal Pty Limited	Wambo Open Cut Coal Mine	All load and haul operations onsite until work areas are constructed to the sites standard, equipment required to be used to remedy any area may be used.
Whitehaven Coal Mining Limited	Werris Creek Coal Mine	Using the Cat 793 truck involved in the over-speed incident until such time that the brakes have been assessed/restored to a fully serviceable condition.
Wongawilli Coal Pty Ltd	Wongawilli Colliery	Accessing underground roadways that are not deemed safe for entry under the directions in Part E of this notice.
Wongawilli Coal Pty Ltd	Wongawilli Colliery	Operating all underground conveyor belts.
Young Mining Co Pty Ltd	Thuddungra Mine	Filling and accessing under the plus 65 bins at the primary screening plant for the purpose of loading product into plant from the bin.
Total		24

* PCBU – Person Conducting a Business or Undertaking



Key enforcement actions

The NSW Resources 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.

In April 2019, the NSW Resources Regulator finalised a total of five enforcement actions under the *Mining Act 1992*. These included issuing three penalty notices, one enforceable undertaking and one prosecution, details below.

FIGURE 8. ENFORCEMENT ACTIONS FINALISED - APRIL 2018 TO APRIL 2019

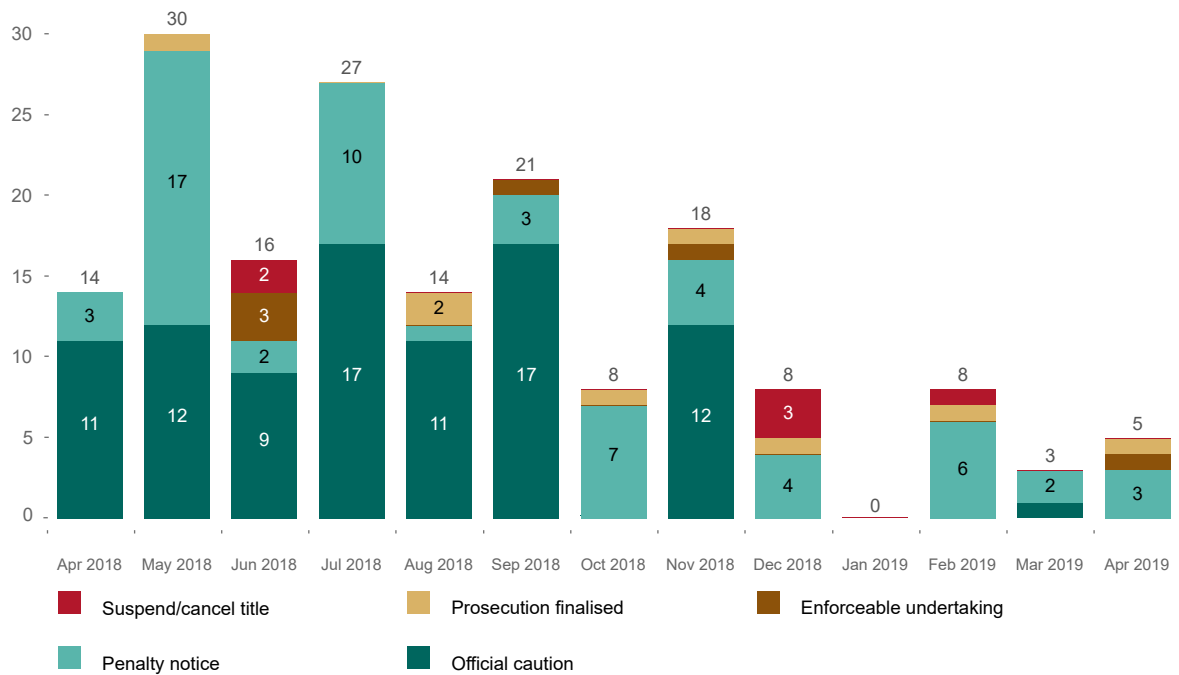


TABLE 5. KEY ENFORCEMENT ACTIONS - APRIL 2019

Date	Entity	Authority	Action	Amount	Legislation details*/direction
8 Apr	Individual	M(C)L309 (Act 1992)	Penalty Notice	\$500	Section 292C – Failure to pay rent and levy fees
9 Apr	Harb Quarries Limited	PLL1208 (Act 1924)	Penalty Notice	\$2,500	Section 378C - Provision of false and misleading information
14 Apr	Naomi Valley Bricks Pty Ltd	N/A	Enforceable undertaking	\$71,737	Section 5 – Mining without an authorisation
15 Apr	Ulan Coal Mines Ltd	EL8687 (Act 1992)	Penalty Notice	\$2,500	Breach of section 378D(1) – Failure to conduct appropriate community consultation for aerial survey
Total					4

*Mining Act 1992



Education and engagement activities

The NSW Resources Regulator conducted 5 education and engagement activities for April 2019. Details are outlined below.

TABLE 6. WORKSHOPS AND INFORMATION SESSIONS CONDUCTED - APRIL 2019

Date	Type of activity	Location	Details
4 Apr	Electrical certificate of competency briefing day	Kurri TAFE	Electrical examiners held an industry briefing day for those planning to sit the examination.
5 Apr	Electrical Certificate of Competency Oral examination	Maitland Office	Five persons attended.
10 Apr	Management of tailings storage facilities workshop	Dubbo	The NSW Resources Regulator hosted a industry workshop, facilitated by Professor David Williams
30 Apr	Engagement	Thornton	Quarry manager briefing session with candidates.
30 Apr	Education	Lightning Ridge	Conducted a Safety Awareness Course.
Total			5

Publications and alerts

The NSW Resources Regulator published 12 media releases, news articles and safety alerts on our website as outlined below. For more information about what we publish, our public comment policy is available on our [website](#).

TABLE 7. MEDIA RELEASES, SAFETY NEWS AND PUBLICATIONS - APRIL 2019

Date	Type	Summary
4 Apr	Media release	Abterra Australia convicted and fined \$180,000 for failing to pay security deposit
8 Apr	Weekly incident summary	Week ending 22 and 29 March
8 Apr	Media release	NSW Resources Regulator takes Peak Gold Mine to court over death
10 Apr	Mine Safety News	Newsletter
12 Apr	Weekly incident summary	Week ending 5 April
12 Apr	Media release	Causal investigation – workers evacuated after gas levels rise
12 Apr	Media release	Tailings management workshop
12 Apr	Mine Safety News	Investigation Information Release
15 Apr	Mine Safety News	29th Mechanical engineering safety seminar
18 Apr	Weekly incident summary	Week ending 12 April
18 Apr	Media release	Mining operations cease at Wongawilli
24 Apr	Mine Safety News	Queensland Safety Newsflash
Total		12



