



**NSW
Resources
Regulator**

MONTHLY BUSINESS ACTIVITIES REPORT

April

2020



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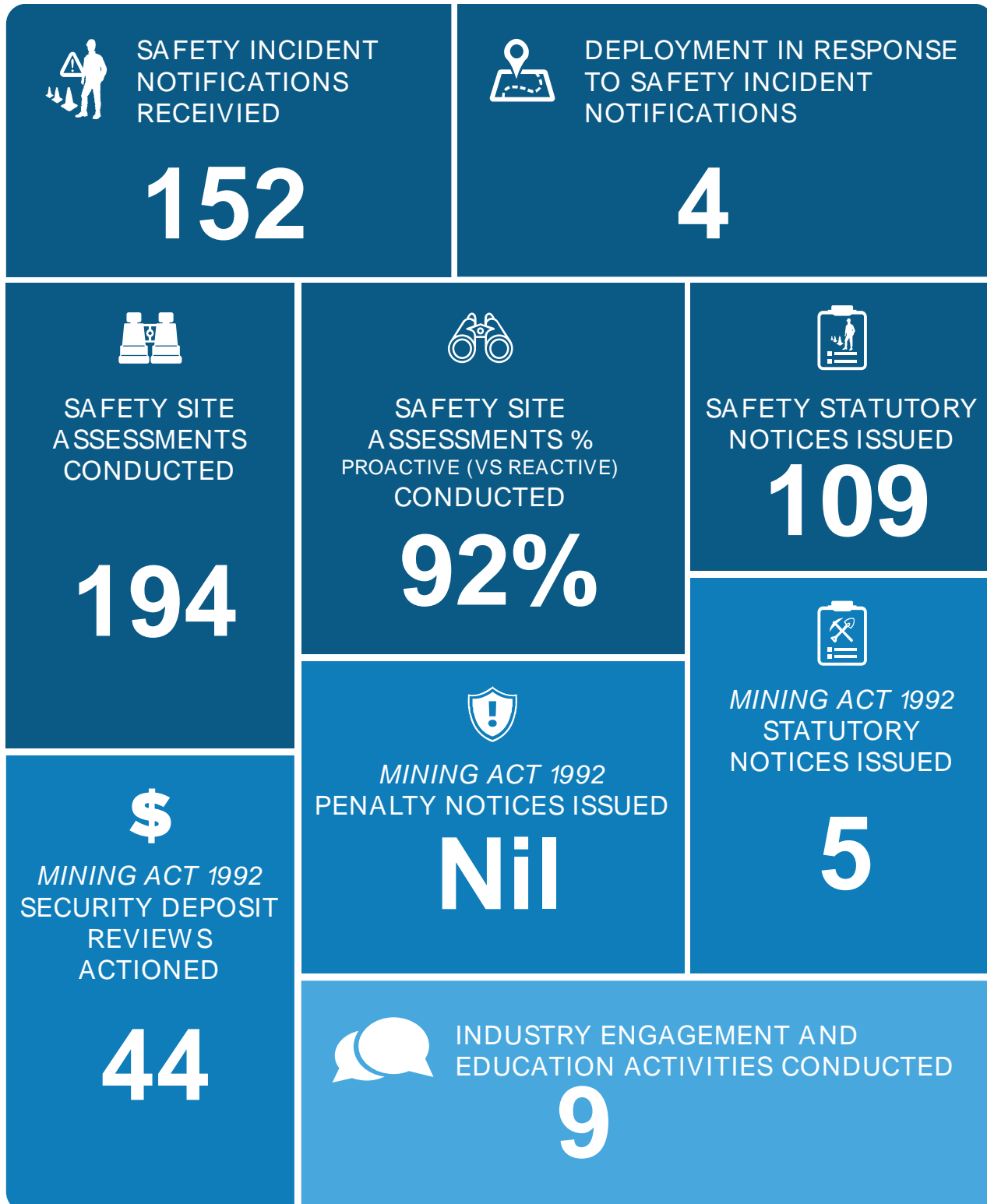
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Activities at a glance

SUMMARY OF OUR REGULATORY ACTIVITIES APRIL 2020



Throughout April the NSW Resources Regulator continued to operate under its business continuity plan (BCT) due to the COVID-19 pandemic. Under the BCT the only field activity carried out was safety-related inspections and responses (subject to strict risk controls). All other site inspection activity was suspended, together with any face-to-face engagements.

Key enforcement actions

On 3 April 2020, the District Court convicted and fined Richard Wayne Simmons \$90,000 in relation to an offence under section 32 (Category 2) of the *Work Health and Safety Act 2011*. The conviction relates to the prosecution proceedings in relation to the death of worker at Rix's Creek Mine in December 2016.

A WHS enforceable undertaking submitted by Maules Creek Coal Pty Ltd (MCCCPL) has been rejected by the Regulator. The proposed undertaking was submitted following an incident on 21 April 2018 in which a haul truck and service truck collided at a major intersection on Maules Creek Coal's haul road.

The Resources Regulator rejected the undertaking on 28 April 2020 having regard to the seriousness of the conduct alleged, the maximum reasonable consequences of the event and the merits of the safety initiatives proposed.

Safety incidents of note



Fire or Explosion: A fire occurred underground at a metalliferous mine. All workers were safely evacuated and no injuries were reported.

The Resources Regulator conducted a site assessment and confirmed that the fire occurred in a large pile of rubbish material, near an underground meal room. While the source of ignition has not been conclusively determined, a significant number of cigarette butts were present among the rubbish. The site has a no smoking policy.



Roads or other vehicle operating areas: A dump truck went through a windrow at an open cut coal mine when backing into a corner of the dump. The ground failed, causing the truck to overturn. The truck was secured until the driver was extracted from the cabin.

Preliminary investigation by the Resources Regulator suggests that the controls identified by the mine to manage the risks associated with using weathered material at the dump may not have been adequate and that some of those controls were not implemented. Mines must have systems in place to ensure dumps are operated and maintained as per the original design with adequate TARPs in place if circumstances change.



Work environment: While installing a ventilation tube at an underground coal mine, a worker was drawn into the tube and briefly lost consciousness. Two other workers were unable to remove the worker from the tube until an auxiliary fan was shut down. The auxiliary fan's variable inlet vanes were set to 13 cubic metres per second and the ventilation tubing was about 90 metres to the face.

Work health and safety activities

Safety incident notifications

FIGURE 1. SAFETY INCIDENT NOTIFICATIONS RECEIVED BY SECTOR – APRIL 2019 TO APRIL 2020

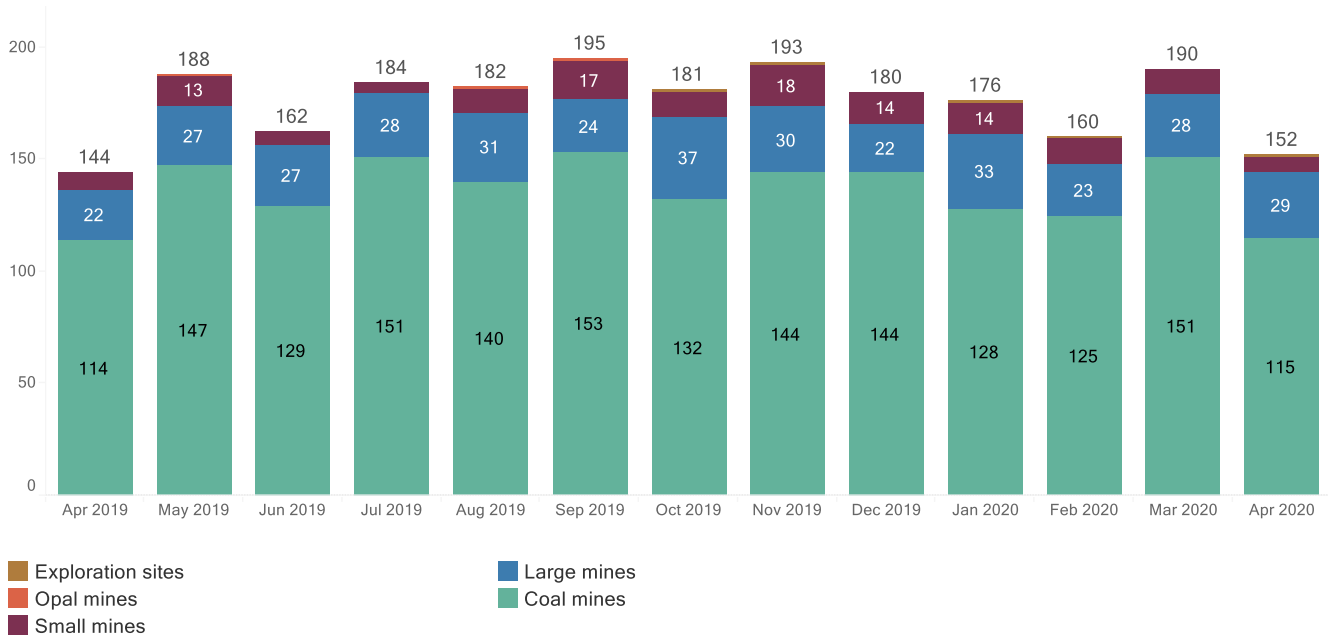


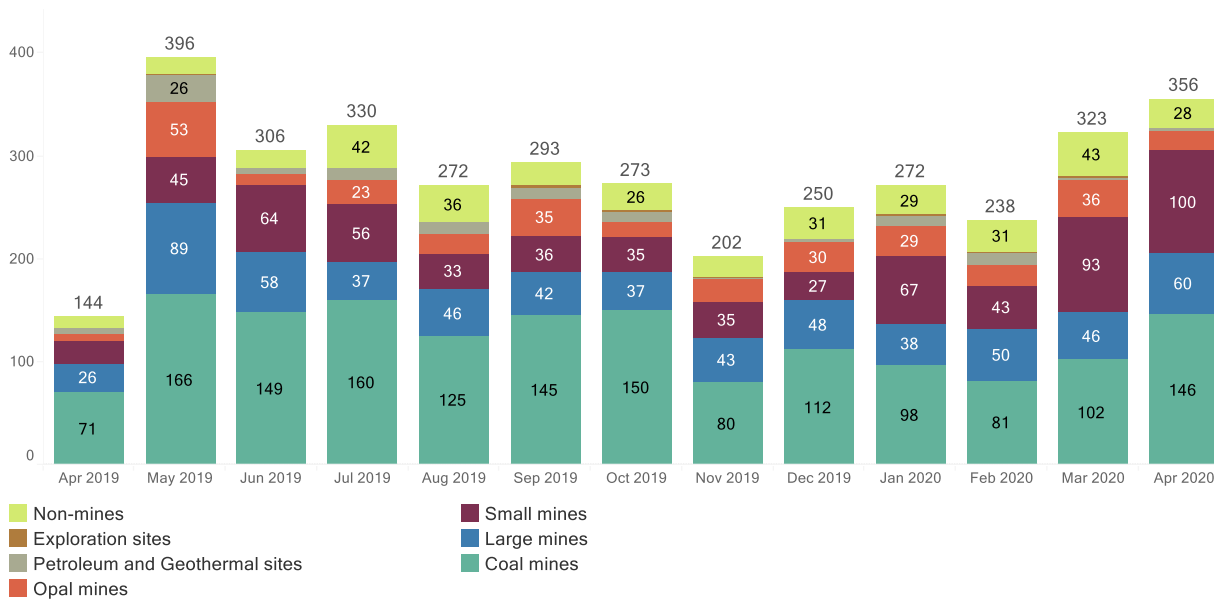
TABLE 1. DETAILS OF SAFETY INCIDENTS WHERE INSPECTORS WERE DEPLOYED - APRIL 2020

DATE NOTIFIED	MINE TYPE	TRIAGE CLASSIFICATION	INCIDENT
9 April	Coal Underground	Elevated	A worker came into contact with the open end of ventilation ducting at a development face and could not remove himself. Other workers attempted to free the worker but were unable to do so until the auxiliary fan connected to the ducting was turned off.
13 April	Coal Surface	Elevated	A haul truck was reversing into a dump corner when the edge of the dump appears to have collapsed. The truck ended up on a 45-degree angle over the edge of the dump. The operator could not self-escape and took approximately five hours to complete the rescue operation.
16 April	Large mines Underground	Elevated	An operator working underground noticed flames emanating from the engine bay of the underground dump truck he was operating. The operator exited the truck and notified the mine's surface control room. The mine initiated its emergency response procedures and all workers retreated to fresh air bases. All workers were subsequently withdrawn from the underground to the surface.
27 April	Small mines Surface	Elevated	An operator sustained a suspected broken leg
Total			4

Safety assessments

Safety assessments commenced

FIGURE 2. SAFETY ASSESSMENT ACTIVITIES COMMENCED BY SECTOR - APRIL 2019 TO APRIL 2020



Proactive and reactive safety assessments

Proactive assessments include targeted assessments and planned inspections. Assessments conducted in response to incident notifications, targeted interventions, high risk activity notifications and action requests are reported as reactive assessments.

In April 2020, 62% of all site and desktop safety assessments were proactive. Of the 194 site assessments conducted, 92% were proactive.

FIGURE 3. SAFETY ASSESSMENT ACTIVITIES BY CATEGORY AND NATURE - APRIL 2019 TO APRIL 2020

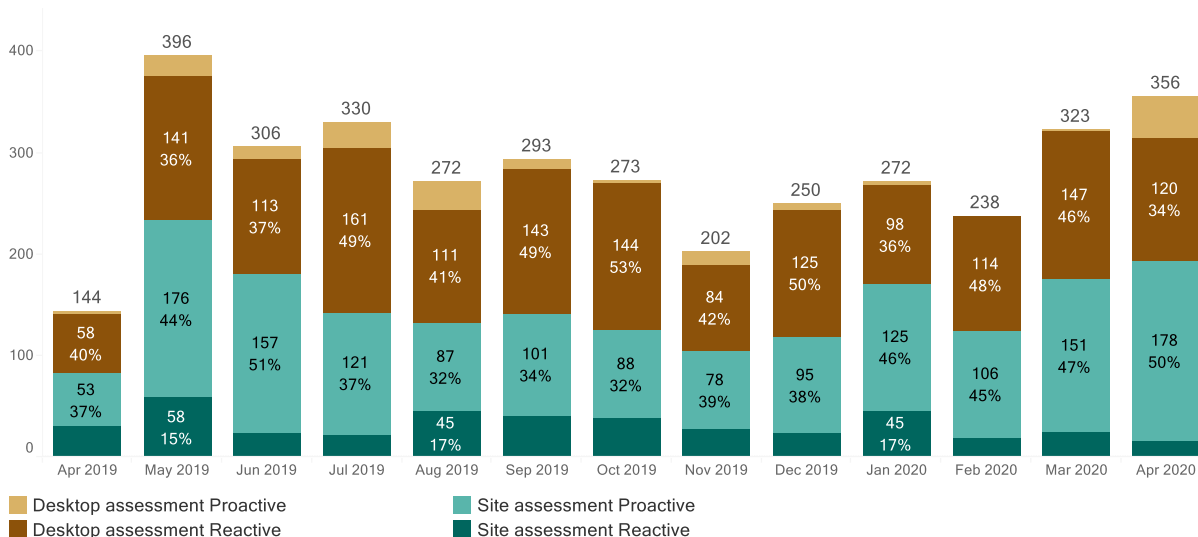
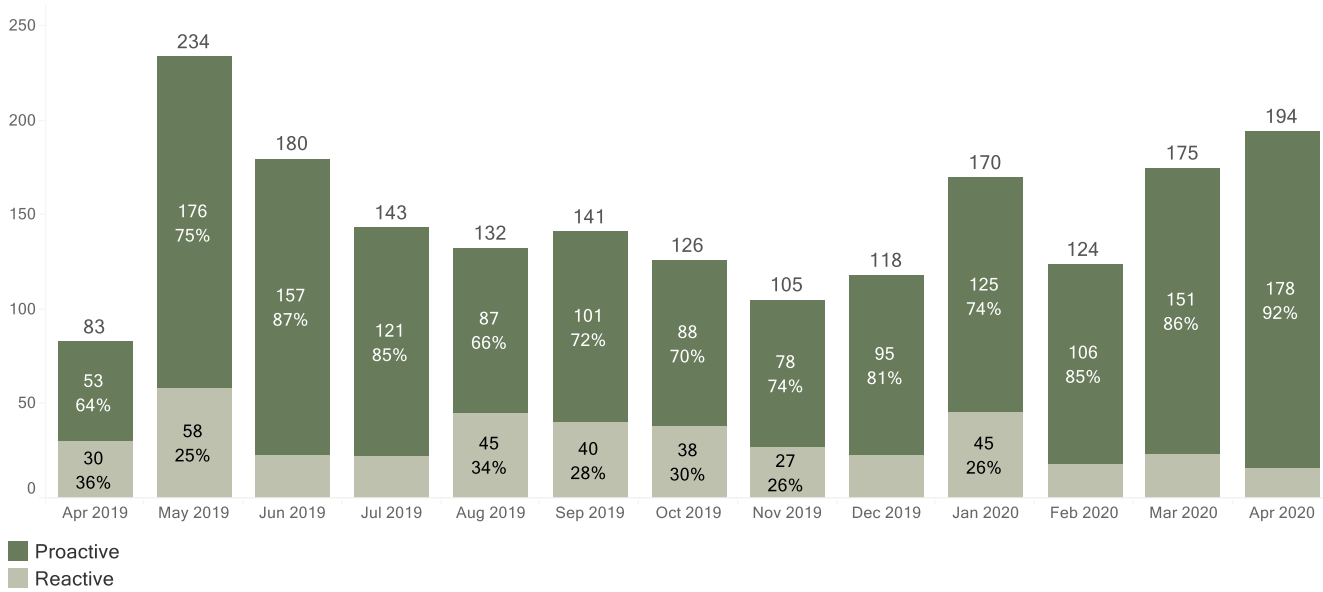


FIGURE 4. SAFETY SITE ASSESSMENT ACTIVITIES BY NATURE - APRIL 2019 TO APRIL 2020



Safety site targeted assessment program

FIGURE 5. TARGETED SAFETY SITE ASSESSMENTS - APRIL 2019 TO APRIL 2020

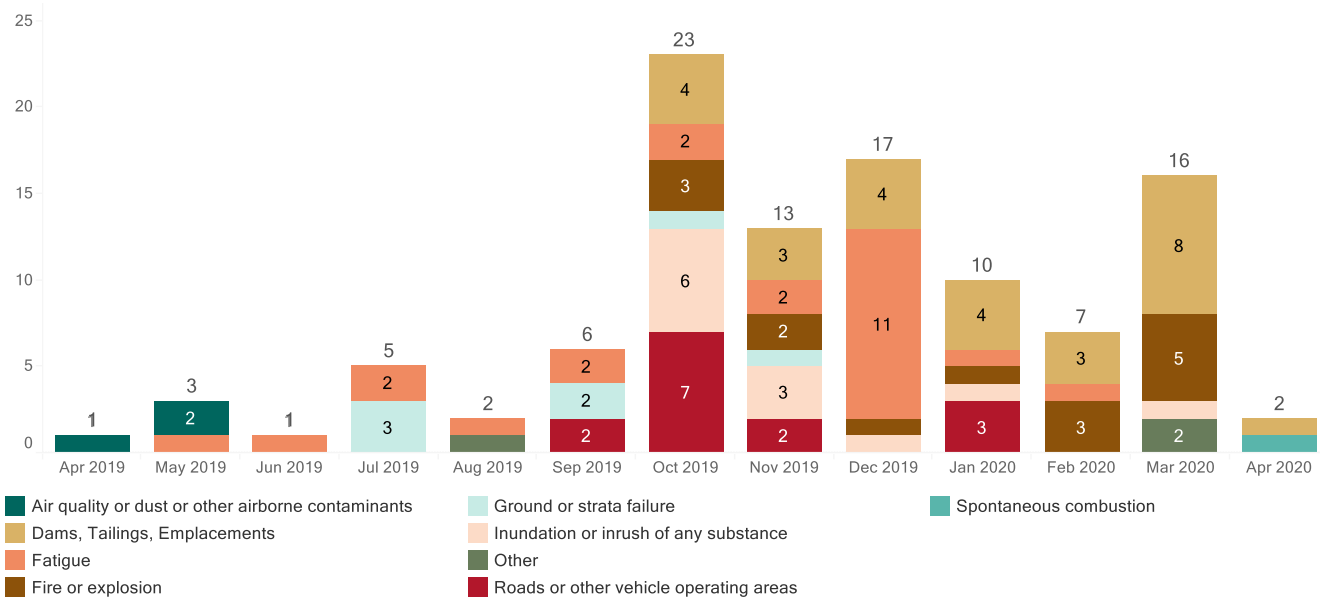


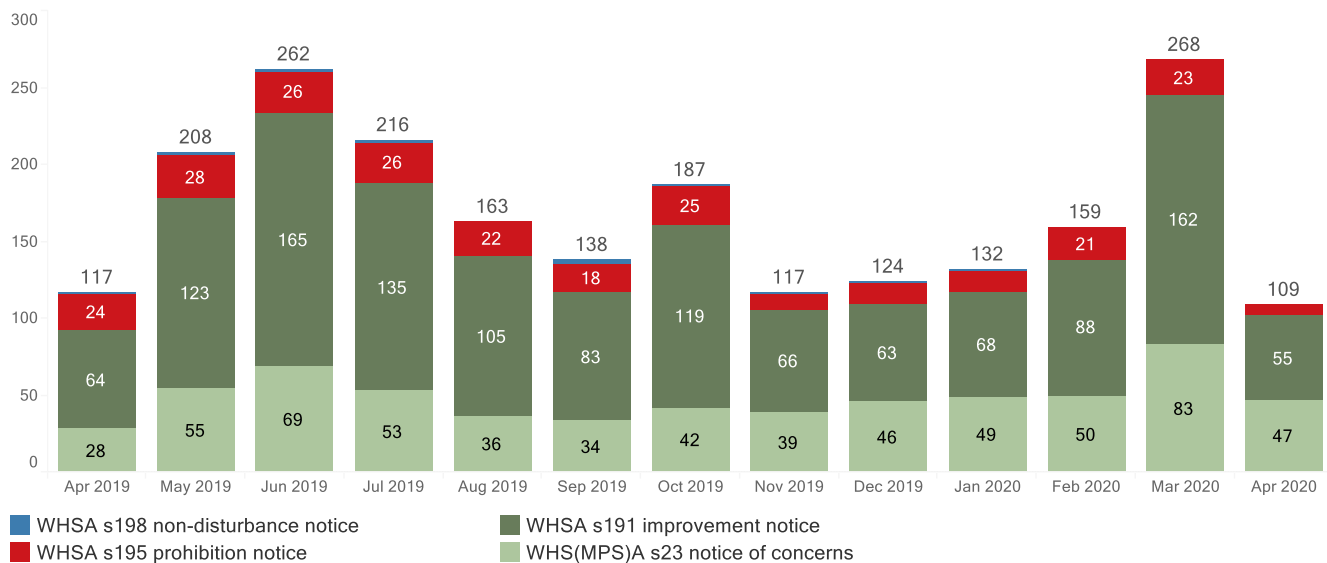
TABLE 2. DETAILS OF TARGETED SAFETY SITE ASSESSMENTS - APRIL 2020

HAZARD	SECTOR	MINE
Dams, Tailings, Emplacements	Coal mines	Ashton Coal Mine (Coal Processing Plant)
Spontaneous combustion	Coal mines	Ulan Underground
TOTAL		2

Safety compliance activities

Safety notices issued

FIGURE 6. SAFETY NOTICES ISSUED BY NOTICE TYPE - APRIL 2019 TO APRIL 2020



Prohibition notices issued

In April 2020, seven prohibition notices were issued under section 195 of the *Work Health and Safety Act 2011*.

TABLE 3. PROHIBITION NOTICES ISSUED – APRIL 2020

ISSUED TO PCBU*	MINE LOCATION	PROHIBITED ACTIVITY
CMOC Mining Pty Limited	Northparkes Mines	The use of the portable CIGWELD WeldSkill 180 welder. This notice does not prevent the welder from being powered for the purposes of completing the incident investigation.
Cobar Management Pty Ltd	CSA Mine	Operation of the Jumbo on the 9300 Level.
Mt Arthur Coal Pty Limited	Mt Arthur North - (incl CHPP)	Dumping operations of weathered or incompetent materials within the Saddlers Pit (however does not include blocktipping of such material).
Mt Arthur Coal Pty Limited	Mt Arthur North - (incl CHPP)	The recovery of the Cat 793 haul truck on the Saddlers Central 150.
Perilya Broken Hill Limited	Southern Operations	No mining activities or entry below the 20 level Southern Cross to areas affected by a loss of radio communications. This does not prohibit entry of maintenance personnel to conduct testing or repair activities associated with restoring the mine's communications.
Perilya Broken Hill Limited	Southern Operations	Operation, use or alteration of Epiroc Ejector Underground Dump Truck (UDT12). This notice does not prevent the mine from recovering the truck from the underground environment to conduct an investigation into the cause of the fire.
Tomingley Gold Operations Pty Ltd	Tomingley Gold Mine	Use of unlisted model Jacon Charjet basket. The following activities are exempt from the prohibition: <ul style="list-style-type: none"> • Use of the Jacon Charjet basket for the purposes of investigation of the incident, implementing corrective actions and • verifying the effectiveness of those corrective actions. • Personnel must not be transported in the basket of the Jacon Charjet basket during the exempt activities.
TOTAL		7

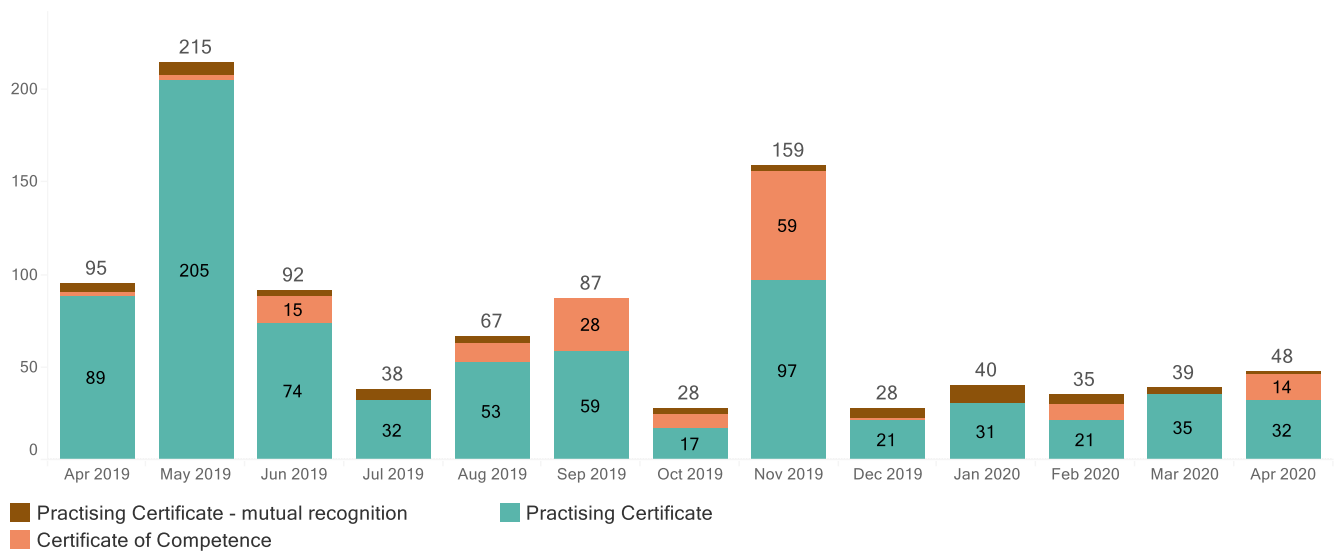
* Person conducting business or undertaking

Safety mining competencies activities

Competence and practising certificates granted

Safety mining competence activities include certificate of competence (mutual recognition). In April 2020, 32 practising certificates, 14 certificate of competence and two practising certificates for mutual recognition were granted.

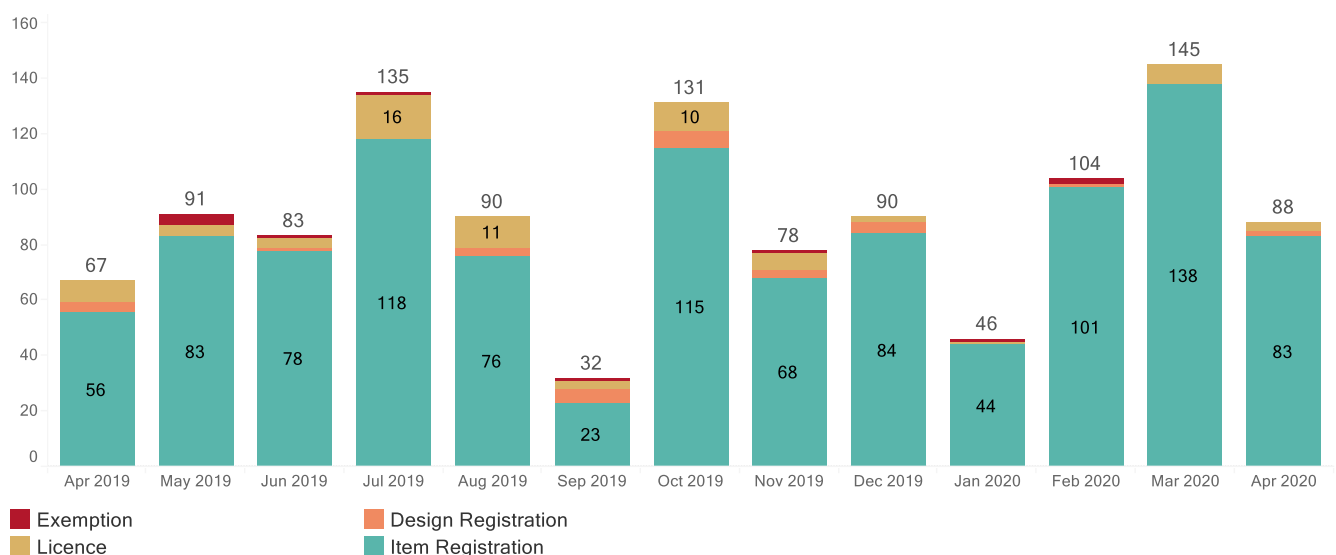
FIGURE 7. COMPETENCE AND PRACTISING CERTIFICATES GRANTED - APRIL 2019 TO APRIL 2020



Safety mining authorisation activities

Safety mining authorisations include licence applications to carry out prescribed high-level activities, plant item registrations, design registrations and exemptions. During April, 83 item registrations, three licences and two design registrations were granted.

FIGURE 8. MINING AUTHORISATIONS GRANTED - APRIL 2019 TO APRIL 2020



High risk activity notifications

In April 2020, the NSW Resources regulator received 13 high risk notifications under clause 33 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

FIGURE 9. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED BY ENGINEERING DISCIPLINE – APRIL 2019 TO APRIL 2020

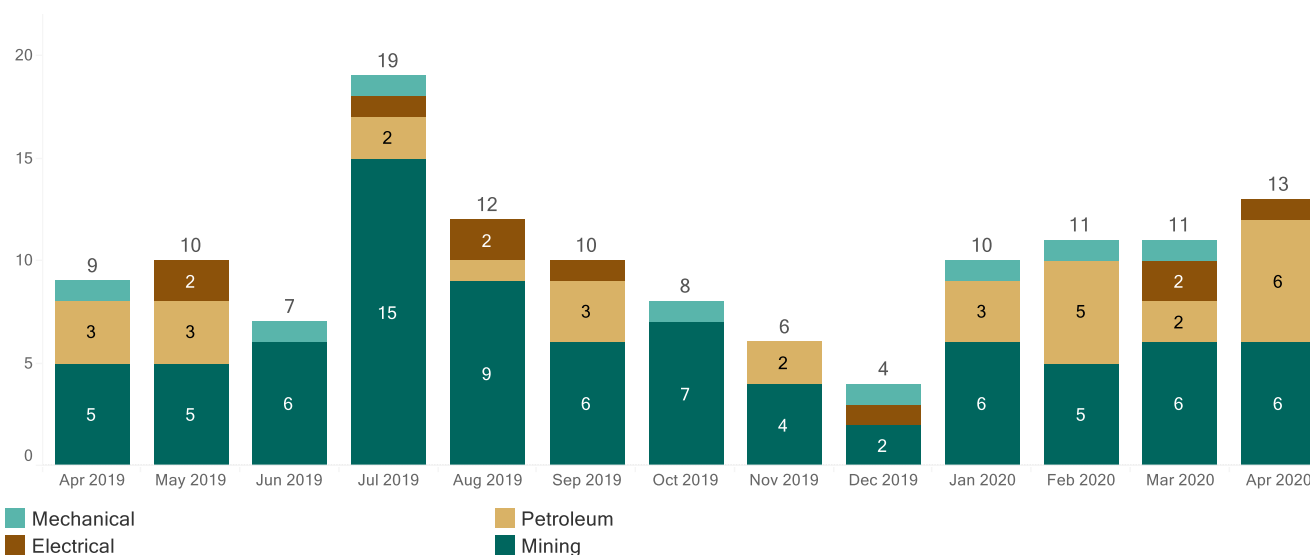


TABLE 4. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED – APRIL 2020

MINE	LEGISLATION*	TYPE OF NOTIFICATION	NO.
PPL0001 Johndilo 1	Schedule 3 Clause 32	Decommissioning a well	1
PEL0238 Dewhurst 13	Schedule 3 Clause 33	Suspending a well	1
PEL0238 Dewhurst 10	Schedule 3 Clause 33	Suspending a well	1
PEL0238 Dewhurst 9	Schedule 3 Clause 33	Suspending a well	1
North Wambo Underground	Schedule 3 Clause 10	Sealing (other than emergency sealing), but only if notice has not been given as part of a notice for secondary extraction	1
Ulan West Operations	Schedule 3 Clause 16(1)(a)	Secondary extraction by longwall mining, shortwall mining or miniwall mining	1
PPL0001 Logan Brae 11	Schedule 3 Clause 32	Decommissioning a well	1
PPL0001 Logan Brae 9	Schedule 3 Clause 32	Decommissioning a well	1

MINE	LEGISLATION*	TYPE OF NOTIFICATION	NO.
Ravensworth Operations	Schedule 3 Clause 27	The establishment, operation, alteration or decommissioning of an emplacement area	1
Southern Operations	Schedule 3 Clause 35	The establishment, operation, alteration or decommissioning of a tailings storage facility	1
Southern Operations	Schedule 3 Clause 35	The establishment, operation, alteration or decommissioning of a tailings storage facility	1
Ashton Coal Mine (Coal Processing Plant)	Schedule 3 Clause 10	Sealing (other than emergency sealing), but only if notice has not been given as part of a notice for secondary extraction	1
Integra Underground	Schedule 3 Clause 10	Sealing (other than emergency sealing), but only if notice has not been given as part of a notice for secondary extraction	1
TOTAL			13

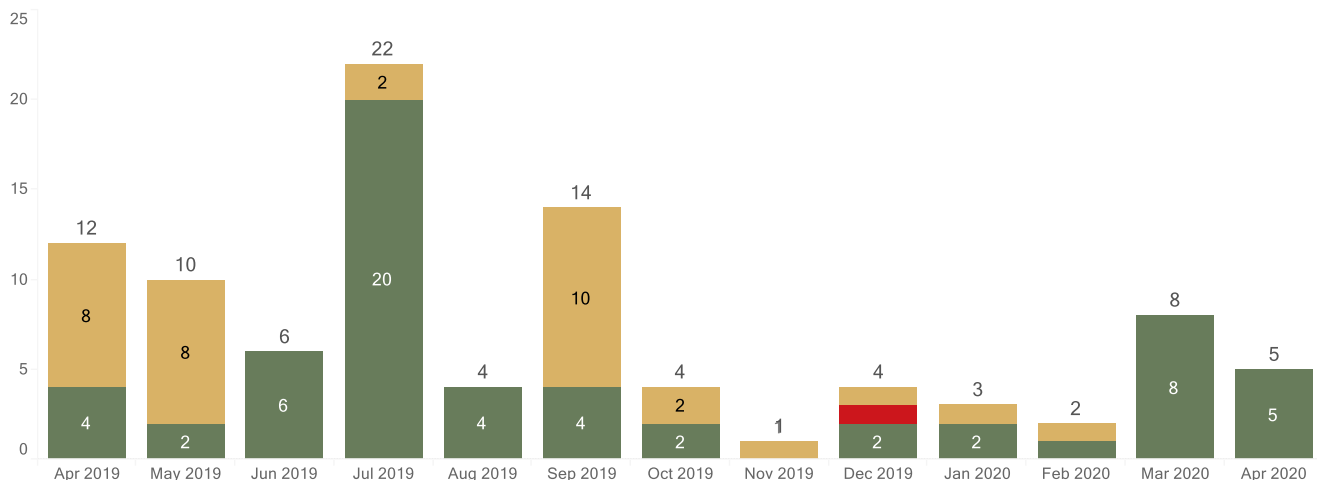
* Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

Mining Act regulatory activities

Mining Act statutory notices

In April 2020, the NSW Resources Regulator issued five statutory notices under the *Mining Act 1992*.

FIGURE 10. MINING ACT STATUTORY NOTICES ISSUED BY NOTICE TYPE - APRIL 2019 TO APRIL 2020



■ MA s248B to provide information and records
■ MA s240A prohibition notice
■ MA s240 notice of directions

In April 2020, five notice of directions were issued under section 240 of the *Mining Act 1991*.

TABLE 5. NOTICES OF DIRECTIONS ISSUED DETAILS - APRIL 2020

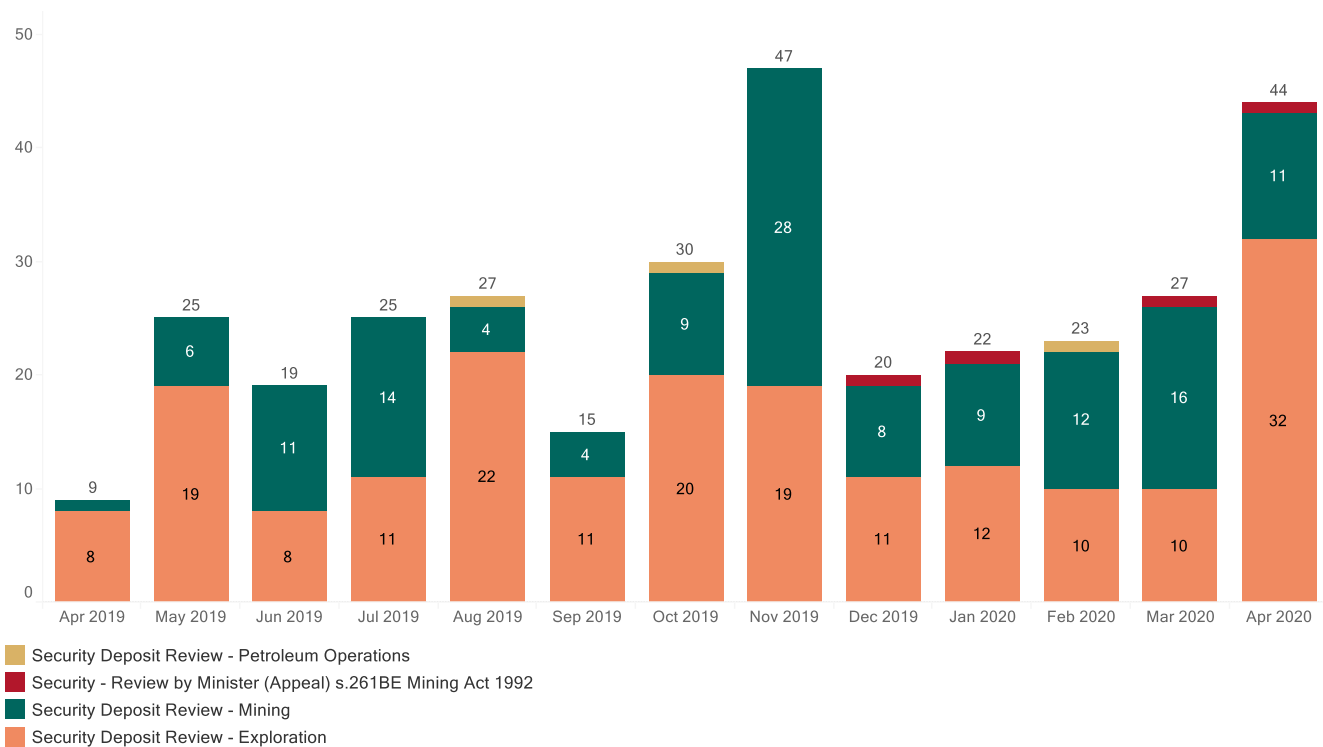
ISSUED TO	LOCATION	SECTION 240 OF THE <i>MINING ACT 1992</i> DIRECTION
Individual	Lightning Ridge Mineral Claims District	Rehabilitate all surface disturbances associated with activities conducted on MPL 219 and MPL 298 and removal all machinery, rubbish and agitators. The silt dam is to be shaped and contoured back to the original slope and landform. All depressions and piles of silt are to be removed or incorporated into the final landform. The site is then to be lightly ripped or scarified, and any salvaged vegetation to be spread across the surface to encourage recruitment of windblown endemic plant seeds. The silt dam bund walls are to be made stable and reinstated where breached so that there is sufficient capacity/freeboard to prevent slurry and silt flowing outside the perimeter of the dam walls.
Endeavour Coal Pty Ltd	Appin Colliery	Subsidence due to longwall extraction at Appin Colliery affects a number of railway embankments on the Sydney to Melbourne rail line. The mine operator has been directed to investigate the significance of observed deviations in certain geotechnical conditions of the railway embankments from that which has been assumed in the assessment of their stability. Should it be found there are conditions adverse to the stability of any section of the railway embankments that will be affected by subsidence then the mine operator must ensure these sections are made adequately stable.
GRAYMONT (NSW) PTY LTD	Attunga Limestone Mine	Undertake an assessment of the risks to the rehabilitation of the Site. The Rehabilitation Risk Assessment must identify and evaluate all potential risks to achieving the final land use and the specific measures to be implemented
		Prepare a Final Attunga Mine Rehabilitation Risk Assessment Report which encompasses the Draft Attunga Mine Rehabilitation Risk Assessment Report.
		Appoint an independent person(s) to revise the Rehabilitation Cost Estimate (RCE) for the Authorisation in accordance with ESG1: Rehabilitation Cost Estimate Guidelines (June 2017).
		Submit the RCE electronically using a Form ESF2: Rehabilitation Completion and/or Review of Rehabilitation Cost Estimate to the Resources Regulator.
		Undertake a comprehensive assessment of the status of soil resources (both topsoil and subsoil) at the Site. The Soil Assessment must identify and provide a detailed comparison between the identified volumes of available soil and subsoil with the estimated amounts required to complete the final landform and establish successful rehabilitation.
		Prepare an Attunga Mine Soil and Materials Assessment Report which encompasses the soil assessment and submit it to the Resources Regulator.
Prepare an Attunga Mine Rehabilitation Monitoring Report which provides a plan(s) displaying the status of progressive rehabilitation at the site.		

ISSUED TO	LOCATION	SECTION 240 OF THE <i>MINING ACT 1992</i> DIRECTION
		Submit an Attunga Mine Rehabilitation Monitoring Report which encompasses the Rehabilitation Monitoring Assessment to the Resources Regulator.
		Prepare a Draft Attunga Mine Rehabilitation Risk Assessment Report which encompasses the Draft Attunga Mine Rehabilitation Risk Assessment Report and submit it to the Resources Regulator.
Perilya Broken Hill Limited	Southern Operations	Appoint a suitably qualified independent expert to complete a site-based closure risk assessment in accordance with AS NZS ISO 31000:2009 specifically addressing the tailings management strategy for Perilya Southern Operations including active and in-active tailings dams as well as dams being actively capped and rehabilitated.
		Prepare a Draft Southern Operations Tailings Management Risk Assessment Report which encompasses the Risk Assessment. The report will include recommendations to address issues coming out of the risk assessment. Submit the report to the Resources Regulator.
		Prepare a Final Southern Operations Tailings Management Risk Assessment Report which encompasses the Risk Assessment. The report will include recommendations to address issues coming out of the risk assessment. Submit the report to the Resources Regulator.
Individual	M(C)L 304 (1992)	Rehabilitate the land adjoining the Morello Gypsum Mine that is affected by mining activities that were carried out under M(C)L304 (1992), to a condition that achieves a stable final landform that does not present a risk of environmental harm or a safety risk to the public / stock / native fauna both on and downstream from the land.
		Prepare and submit a brief final report to the Resources Regulator detailing the measures undertaken to comply with this direction including photographs showing final works undertaken.
TOTAL		5

Security deposit reviews

In April 2020, the NSW Resources Regulator completed 44 exploration and mining rehabilitation security deposit reviews under the *Mining Act 1992*. A review of security deposits is undertaken when an authorisation holder applies to vary approved activities.

FIGURE 11. SECURITY DEPOSIT REVIEWS COMPLETED – APRIL 2019 TO APRIL 2020



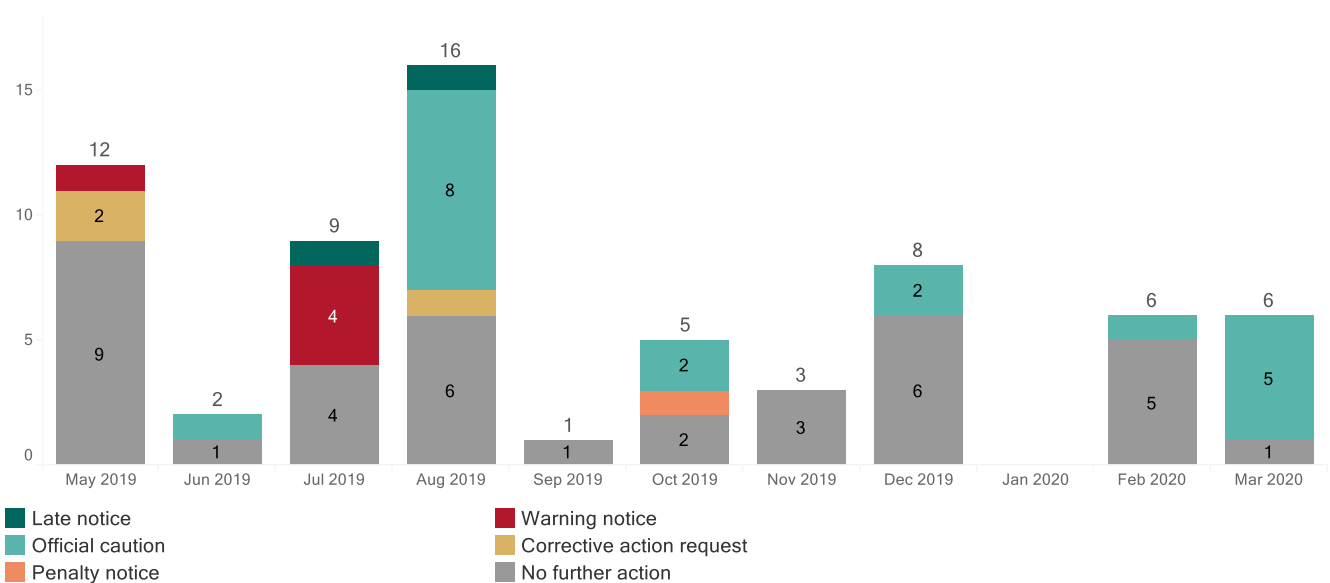
Safety legislation and Mining Act notified compliance concerns

The Resources Regulator uses a variety of enforcement tools under the work, health and safety legislation and the *Mining Act 1992* to ensure compliance. The approach taken depends on the significance and impacts of the breach, the tools available under the legislation and the Resources Regulator’s [compliance and enforcement approach](#).

Safety compliance concerns

In April 2020, there were no compliance concern (alleged breaches) determined under the Work Health and Safety (Mines and Petroleum Sites) legislation.

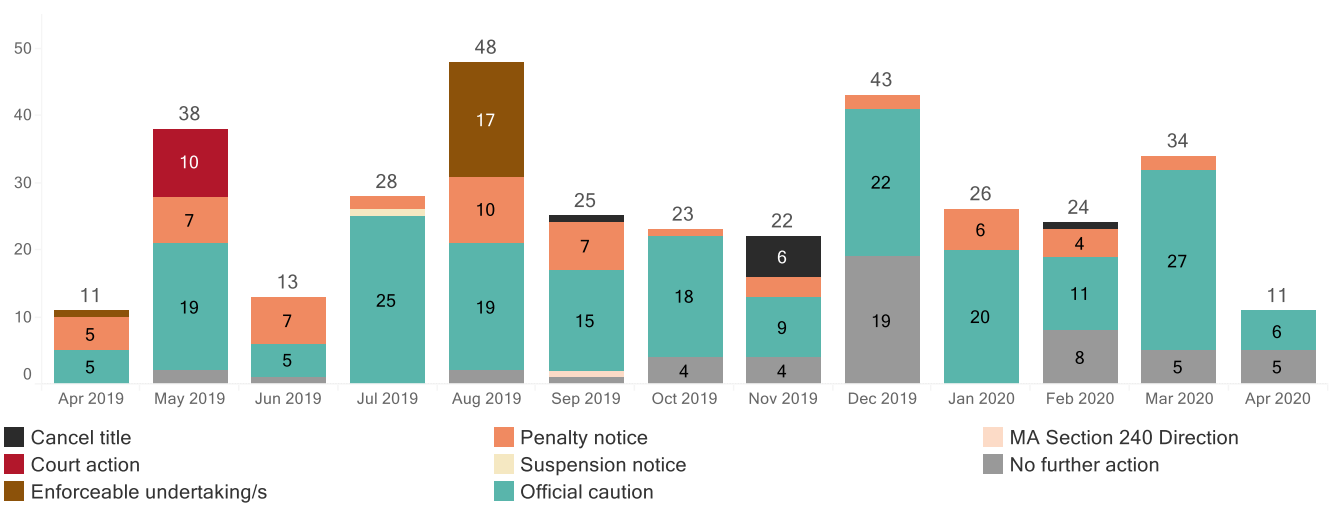
FIGURE 12. SAFETY NON-COMPLIANCE BREACHES SUSTAINED BY REGULATORY RESPONSE - APRIL 2019 TO APRIL 2020



Mining Act compliance concerns

In April 2020, the Resources Regulator finalised 11 breaches which resulted in six official cautions and five no further action for sustained non-compliance breaches under the *Mining Act 1992*.

**FIGURE 13. MINING ACT 1992 NON-COMPLIANCE BREACHES SUSTAINED BY REGULATORY RESPONSE
APRIL 2019 TO APRIL 2020**



Industry engagement activities

The Resources Regulator's industry engagement activities for April 2020 are outlined below.

Committees and other industry body involvement

In April 2020, the NSW Resources Regulator participated in the following committees and working groups.

TABLE 6. COMMITTEES AND OTHER INDUSTRY BODY INVOLVEMENT - APRIL 2020

DATE	COMMITTEE/BODY	DETAIL
2 April	Local Emergency Management Committee (LEMC) – Video conference	Broken Hill LEMC : COVID-19 specific briefing – update for agencies including mines.
2 April	Local Emergency Management Committee (LEMC) - Video conference	Gunnedah LEMC : COVID-19 specific briefing – update for agencies including mines.
3 April	Local Emergency Management Committee (LEMC) – Video Conference	Cobar LEMC : COVID-19 specific briefing – update for agencies including mines.
7 April	Local Emergency Management Committee (LEMC) – Video conference	Narrabri LEMC : COVID-19 specific briefing – update for agencies including mines.
9 April	Local Emergency Management Committee (LEMC) - Video conference	Broken Hill LEMC : COVID-19 specific briefing – update for agencies including mines.
9 April	Local Emergency Management Committee (LEMC) – Video Conference	Lithgow LEMC : COVID-19 specific briefing – update for agencies including mines.
9 April	Local Emergency Management Committee (LEMC) – Video conference	Gunnedah LEMC : COVID-19 specific briefing – update for agencies including mines.
14 April	Local Emergency Management Committee (LEMC) - Video conference	Cobar LEMC : COVID-19 specific briefing – update for agencies including mines.
14 April	Local Emergency Management Committee (LEMC) – Video Conference	Broken Hill LEMC/Mine reference sub group : COVID-19 exercise development meeting with NSW Health & NSW Police.
14 April	Local Emergency Management Committee (LEMC) – Video conference	Narrabri LEMC : COVID-19 specific briefing – update for agencies including mines.
16 April	Local Emergency Management Committee (LEMC) - Video conference	Lithgow LEMC : COVID-19 specific briefing – update for agencies including mines.

DATE	COMMITTEE/BODY	DETAIL
16 April	Local Emergency Management Committee (LEMC) – Video Conference	Gunnedah LEMC : COVID-19 specific briefing – update for agencies including mines.
21 April	Local Emergency Management Committee (LEMC) – Video conference	Narrabri LEMC : COVID-19 specific briefing – update for agencies including mines.
23 April	Local Emergency Management Committee (LEMC) - Video conference	Broken Hill LEMC : COVID-19 specific briefing – update for agencies including mines.
27 April	Local Emergency Management Committee (LEMC) – Video Conference	Newcastle/Lake Macquarie LEMC : COVID-19 specific briefing – update for agencies including mines.
30 April	Local Emergency Management Committee (LEMC) - Video conference	Broken Hill LEMC : COVID-19 specific briefing – update for agencies including mines.
30 April	EL-024	Australian Standards Technical committee meeting for review of committee comments relating to draft Australian Standard AS/NZS1768 – <i>Lightning protection</i>
TOTAL		17

External education and engagement activities

TABLE 7. WORKSHOPS AND INFORMATION SESSIONS - APRIL 2020

DATE	TYPE OF ACTIVITY	LOCATION	DETAIL
1 April	Briefing session	Online	Inform potential applicants and existing candidates on 2020 examinations by convener of exam panel.
6 April	Consultation	Online	WHS (MPS) Laws review digital conference with Coal Services and lead reviewer
6 April	Consultation	Online	WHS (MPS) Laws review digital conference with AWU and lead reviewer
6 April	Consultation	Online	WHS (MPS) Laws review digital conference with CFMMEU and lead reviewer
7 April	Consultation workshop	Online	WHS (MPS) Laws Review digital public consultation session
7 April	Consultation	Online	WHS (MPS) Laws review digital conference with CCAA and lead reviewer

DATE	TYPE OF ACTIVITY	LOCATION	DETAIL
22 April	Consultation	Online	WHS (MPS) Laws review digital conference with NSW Minerals Council and lead reviewer
28 April	NSW Resources Regulator and Queensland Board of Examiners	Online	Meeting with Queensland Board of Examiners to discuss the NSW scheme for practising certificates and maintenance
28 April	Emergency exercise training	Online	Discussion exercise based on mine collapse to test emergency response capabilities at Broken Hill in current COVID-19 constraints... Facilitated by Emergency Planning Team in association with NSW Health and NSW Police from Broken Hill
TOTAL			9

Publications and alerts

In April 2020, the NSW Resources Regulator published one safety alert, two guides/guidelines, three media releases, two safety news and four weekly incident summaries.

TABLE 8. MEDIA RELEASES, SAFETY BULLETINS AND PUBLICATIONS APRIL 2020

DATE	TYPE	SUMMARY
1-April	Guide/Guideline	Update:Guide-Applying-for-examinations-and-statutory-function-certificates-in-
1-April	Other	Published latest revision of the 2020 Examination calendar
1-April	Report	Business activity report February 2020
2-April	Other	Updated carousel, Discussion Paper and Have Your Say page re WHS (MPS) Laws
2-April	Other	Resources Regulator organisation chart (updated version as at 1 April 2020)
3-April	News item	Web-drop: Further update: COVID-19 situation
3-April	Weekly Incident Summary	Weekly incident summary - week ending 27 March 2020
3-April	Media release	Resources Regulator welcomes conviction in mine worker fatality case
9-April	Mine Safety News	Mine Safety News – 9 April
9-April	Weekly Incident Summary	Weekly incident summary - week ending 3 April 2020
14-April	Media release	Incident at Metropolitan Mine
14-April	Media release	Incident at Mount Arthur Mine
15-April	Webpage	Update Business activity reports page to feature a mirror of the Annual

DATE	TYPE	SUMMARY
17-April	Guide/Guideline	5th edition: Opal and gemstone mining
17-April	Weekly Incident Summary	Weekly incident summary - week ending 10 April 2020
21-April	Safety Alert	Safety alert: SA20-05 Worker sucked into auxiliary fan ventilation tube
23-April	Video	Recording of online public consultation held 7 April 2020: Statutory review of
23-April	Mine safety news	Mine Safety News
24-April	Gazette	Gas monitor design order (No. 3) 2020 - NSW Government Gazette No. 85 of 24
24-April	Fact sheet	Fact sheet - new gas detector design order
24-April	Weekly Incident Summary	Weekly incident summary - week ending 17 April 2020
27-April	News item	Web-drop: Incident at Perilya Southern Operations
27-April	News item	Update: Mine safety assessment and inspection activities and COVID-19
27-April	News item	International Day of Mourning
27-April	News item	Incident at Perilya Southern Operations
29-April	News item	Successful COVID-19 exercise for Far West mines
29-April	News item	WHS Undertaking rejected - Maules Creek Coal Pty Ltd
30-April	News item	Class exemption for new respirable crystalline silica exposure standard
30-April	Gazette	Work Health and Safety Regulation 2017 Amendment to Exemption No 01319
TOTAL		29