



Planning &  
Environment  
Resources Regulator

# NSW Resources Regulator

Monthly business activity  
report: March 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 March 2017.



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The Department of Planning and Environment (the department) 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.

During March, the NSW Resources Regulator focused on engaging with the small mines sector. The Regulator's mine safety team supported and actively participated in the fourth annual Institute of Quarrying (IQA) Quarry and Small Mines Safety Seminar in Newcastle.

Planned inspections were once again a key focus for Mine Safety during March, with the planned inspection program targeting fatigue management, respirable dust in underground coal mines, ground and strata failure in underground metalliferous mines, emergency management and diesel exhaust emissions. Consolidated reports on gas and ventilation management in underground coal mines and electrical safety at dimension stone quarries were published this month.

The Regulator's major investigations unit completed six investigations into illegal mining or prospecting, failure to comply with conditions and failure to make payment, all under the Mining Act. Three resulted in enforcement actions.

An investigation report into the death of Lee Peters at Ridgeway Mine, Cadia, was published. The report reinforces the risks associated with working in the vicinity of block cave draw points and makes recommendations to improve safety.

Suspension notices were issued to Far Western Stone Quarries and Macquarie Marble and Lime Pty Ltd for failure to pay outstanding environmental rehabilitation security deposits. All mining operations will remain suspended until the companies have complied with their regulatory obligations.

## Activities

Below is a snapshot of the NSW Resources Regulator's activity for March 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 March 2017

Date	What	Where	Detail
1 March	Exercise	Tumut	The 'Old Hill' exercise was delivered by the Regulator's emergency management and operational support team and funded by the State Emergency Management Committee. It was attended by various emergency services, Resources Regulator inspectors, supporting agencies and the mine manager of Adelong gold mine. It was based on an underground rescue simulation in the mine's mining operations plan.
2 March	Presentation	Dubbo	Electrical and mechanical inspectors delivered a presentation to the Mining Electrical and Mining Mechanical Engineering Society.
8 March	Liaison and familiarisation	Ulan district	Emergency management and operational support staff assisted with familiarisation and engagement activities at Ulan, The activities involved 15 NSW Police, NSW Ambulance and VRA Rescue members attending various surface coal mining operations in the Ulan area as an emergency response planning activity.
8-10 March & 16 March	Training	Tocal	The Regulator delivered mine safety health representative training.
15 March	Workshop	Argenton	Presentation to Glencore candidates for mechanical and electrical engineering manager competency certificates on legislation and risk assessments.
16 March	Exam briefing	Rasp mine	Presentation for candidates for upcoming underground supervisor oral examination.
17 March	Presentation	Rutherford	Mechanical presentation on 'fires on mobile plant in mines', and electrical presentation on the 'development of an electrical engineering control plan', to MEMMES Western District one day seminar.
21 March	Presentation	Newcastle	Presentation on a range of topics at the IQA's fourth annual Quarry and Small Mines Safety Seminar.
22 March	Workshop	Mine Safety Technology Centre, Thornton	Workshop on risk ranking was held for the small mines sector, which includes quarries, gemstone mines and mineral exploration companies. Ranking hazards is one way to help determine which risk is most serious and, therefore, which to control first.

# Compliance training and education

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Date	What	Where	Detail
22-24 March	Learning and development	Clarence Colliery	Associated non-technical skills training delivered to supervisors.
23 March	Emergency simulation	Dendrobium mine	Emergency management operational support staff attended annual emergency simulation at Dendrobium mine (South32) near Wollongong for an unannounced emergency exercise run by South32 and Coal Services' mines rescue.
23 March	Workshop	Moolarben Coal	Presentation to mechanical engineering managers underground coal meeting (South) on practising certificates, CPD and mechanical engineering update.
28 March	Meeting	Griffith	Meeting with group representatives regarding Electrical Engineering Control Plan.
30 March	Presentation	Lithgow	Fatigue risk assessment presentation at Mine Safety Health Representative training day.
31 March	Exam briefing	Northparkes mine	Presentation for candidates for upcoming underground supervisor oral examination.

## Targeted assessments and audits

Mine Safety inspectors conducted planned inspections at mines as part of the targeted assessment program and intervention activities for March. The programs focused on various issues including fatigue, respirable dust, ground and strata failure, emissions, and emergency management. The final report on the gas and ventilation (underground coal) targeted assessment program was also published.

### Targeted assessments and audits in March 2017

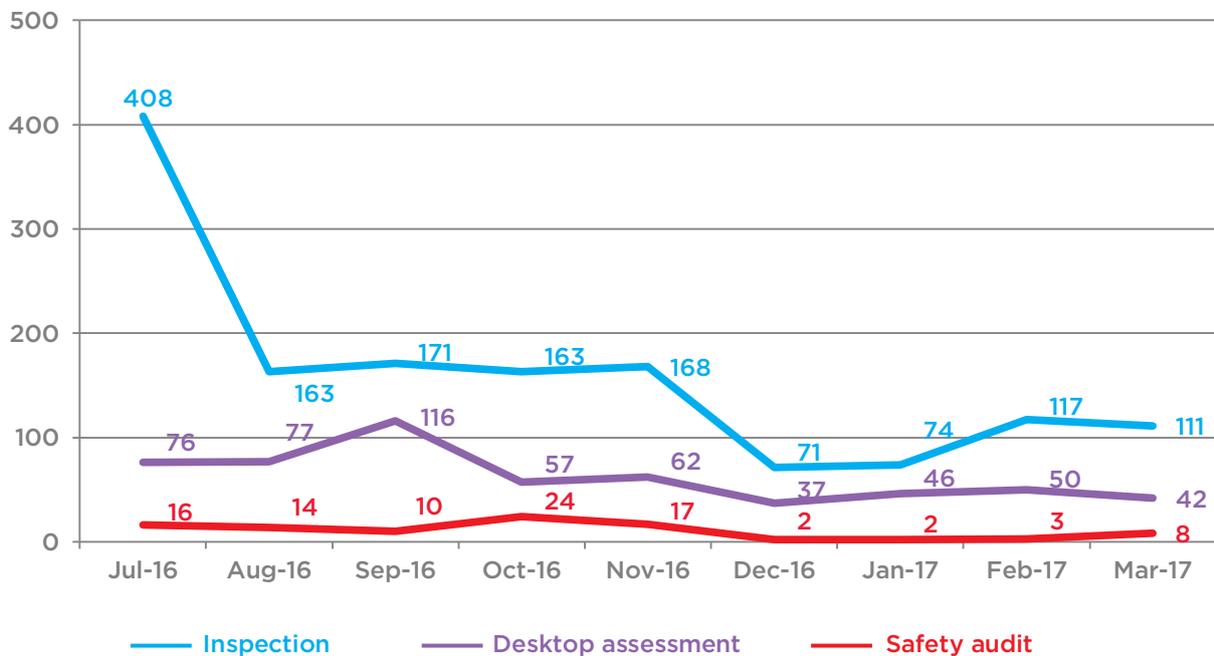
Mine	Type	Topic
Mount Thorley Warkworth & Bulga Surface Operations	Site assessment	Fatigue in open cut mines
Ulan West & Appin mines	Site assessment	Respirable dust
Perilya & Tritton mines	Site assessment	Ground/strata failure
Rasp mine	Site assessment	Diesel exhaust emissions
Perilya mine	Site assessment	Emergency management
Austar mine	Site pre-assessment	Emergency management



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 March 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 failing to submit a report on time or in accordance with a condition on title, to mining without authorisation.



Number of incidents	Alleged non-compliance type
30	Failure to comply with condition(s)
1	Failure to comply with direction(s)
63	Failure to make payment
44	Failure to report
2	Illegal mining or prospecting
4	Provision of false and misleading information

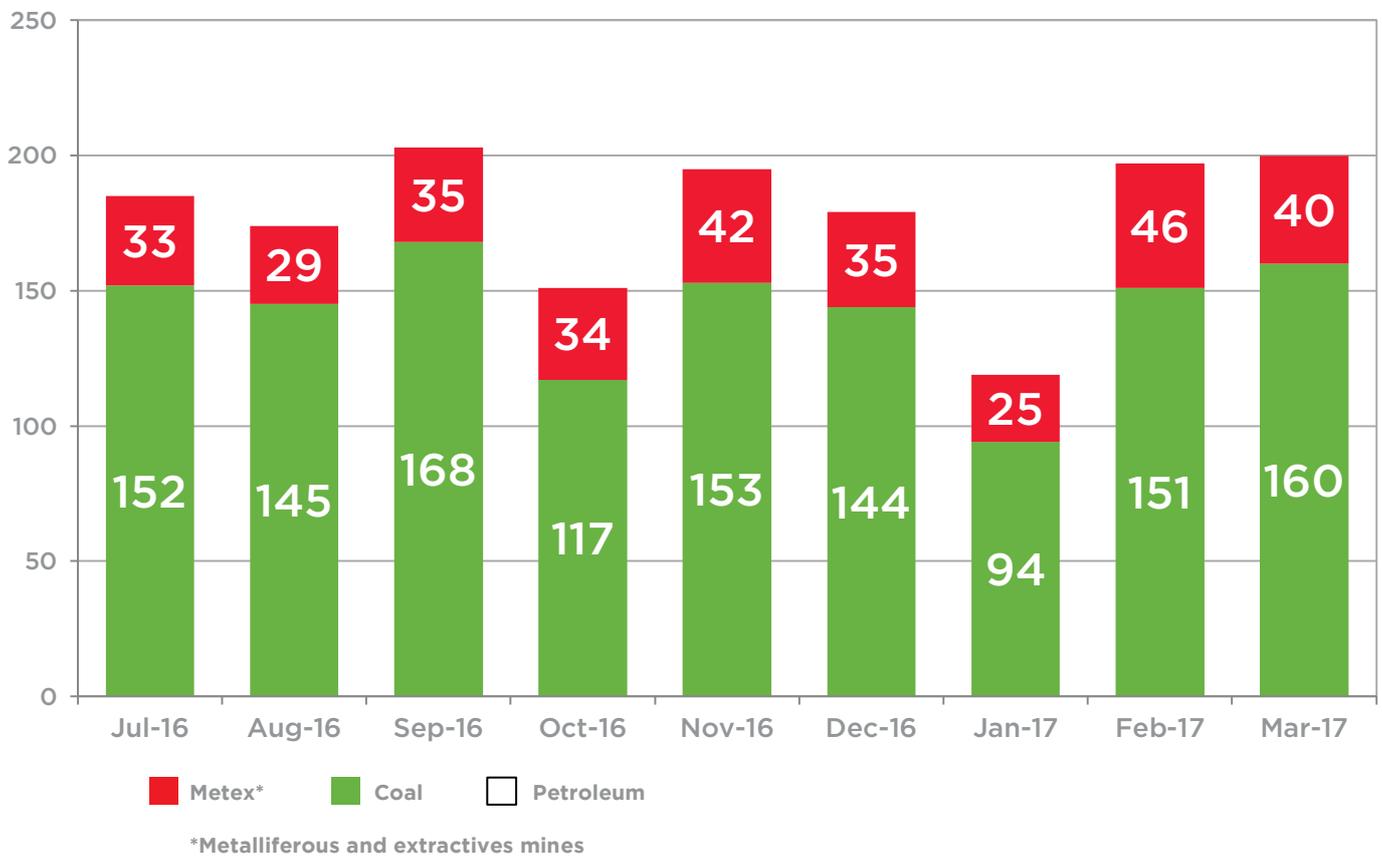
## Mine safety incident notifications

The WHS (M&PS) Act requires duty holders to notify the NSW Resources Regulator of certain incidents. These include the death of a person, a serious injury or illness, or other prescribed incidents.



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)



## Significant safety incidents

There were no significant safety incidents during March.

## High risk activity notifications

Mine and petroleum site operators are required (under clause 33 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014) to notify the Regulator of their intention to carry out an activity identified under schedule 3 of the regulation. Notifying the 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 March 2017

Mine	WHS (M&PS) Regs provision	Type of notification	Activity
Ashton Coal Mine (Underground)	Schedule 3, clause 7(2)(b)	Working in inrush control zone	1
Ashton Coal Mine (Underground)	Schedule 3, clause 12	Driving underground roadway that is wider than 5.5 metres.	1
Ashton Coal Mine (Underground)	Schedule 3, clause 14	Use of high voltage plant and cables in a hazardous zone.	1
Austar Coal Mine Underground Operations	Schedule 3, clause 15	Formation of non-conforming pillars.	1
Chain Valley Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	1
Clarence Colliery	Schedule 3, clause 16(1)(b)	Pillar extraction	1
Dendrobium Colliery	Schedule 3, clause 8	Roadway or drift without intersection for 250 metres.	1
Integra Underground	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	2
Mandalong Mine	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	1
Metropolitan Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	1
Metropolitan Colliery	Schedule 3, clause 13	Sealing.	1
Moolarben Coal Operations - Underground	Schedule 3, clause 7(2)(b)	Working in an inrush control zone.	1
Moolarben Coal Operations - Underground	Schedule 3, clause 12	Driving underground roadway that is wider than 5.5 metres.	1
Narrabri Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	1

Mine	WHS (M&PS) Regs provision	Type of notification	Activity
North Wambo Underground	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	1
PELO238 Dewhurst 10	Schedule 3, clause 33	Suspending a well.	1
PELO238 Dewhurst 9	Schedule 3, clause 33	Suspending a well.	1
Tahmoor Colliery	Schedule 3, clause 15	Formation of non-conforming pillars.	1
Tahmoor Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	1
Ulan West Operations	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres.	1
Wongawilli Colliery	Schedule 3, clause 16(1)(a)	Pillar extraction.	1



## Exemptions granted

Mine operators can apply for exemptions from provisions of the regulations under clause 684 of the Work Health and Safety Regulation 2011.

### Exemptions granted in March 2017

Mine or PCBU	Details
Perilya Broken Hill Pty Ltd	Application for an exemption from design registration for the skip powered winding system while the Regulator considers their design registration submission.
Perilya Broken Hill Pty Ltd	Application for an exemption from design registration requirements for the main cage powered winding system while the Regulator considers their design registration submission.
Austar Coal Mine Underground	<p>Application for an exemption from clause 96(1) and clause 96 (4)(b). These are the requirements that there is at all times:</p> <ul style="list-style-type: none"><li>• two means of egress to the surface for workers and</li><li>• the most distant area of the mine is no more than 250 metres from the mine entrance or a second exit.</li></ul> <p>Application applies only to an area defined as the mining restricted access zone and is for a number of purposes including maintaining infrastructure, installing support and statutory inspections.</p>

## Investigations into major accidents and incidents

An [investigation report](#) outlining the findings and recommendations of an investigation into the death of Lee Peters at Ridgeway Mine, Cadia, was published. The report reinforces the risks associated with working in the vicinity of block cave draw points and makes recommendations to improve safety. An [investigation information release](#) was published in relation to coal workers' pneumoconiosis. The release draws attention to the importance of dust control measures and health monitoring at mines.

The Regulator also finalised several investigations into illegal mining or prospecting, failure to comply with conditions and failure to make payment, all under the Mining Act. Investigators also travelled to Lightning Ridge to undertake a site inspection in relation to allegations of illegal mining and breach of claim conditions.

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 enforcement actions

### Key enforcement actions

Date	Entity	Details	Action
24/02/2017	Far Western Stone Quarries Pty Ltd	Failure to pay required security on several titles: ML56, ML57 & ML620.	Direction issued to suspend all mining operations, with the exception of any activities undertaken to rehabilitate the mining site, and provided that no minerals are removed from the site. Suspension remains in force as required security has not been paid.
17/03/2017	Macquarie Marble and Lime P/L	Failure to pay required security on title ML1446.	Direction issued for suspension to take effect on 10 April 2017 unless payment of the outstanding security is received.

### Prosecutions

Prosecution can act both as an actual response to an incident of non-compliance and also as a deterrent to the wider industry. The decision to prosecute is not taken lightly, but is determined in accordance with the [Prosecution guidelines](#).

#### Prosecutions commenced

No prosecutions were commenced in March.

#### Prosecutions finalised

No prosecutions were finalised in March.

Information on previously finalised prosecutions is available on the [NSW Resources Regulator's website](#).



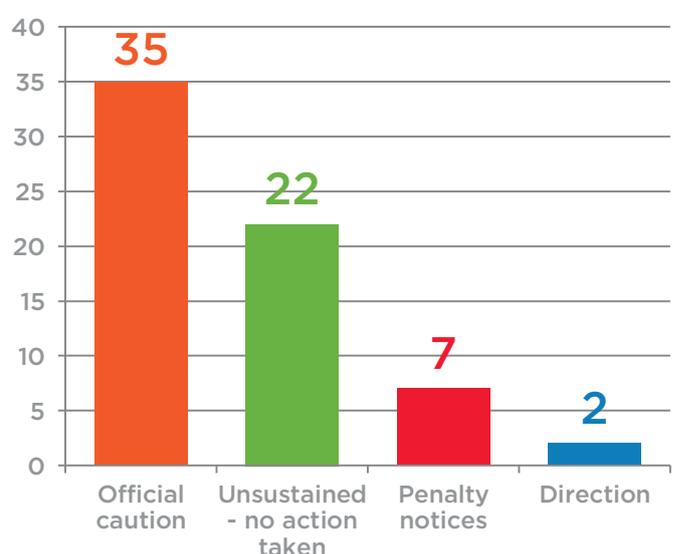
## Penalty notices

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	Amount	Details
09/03/2017	Title CML15	Penalty notice	\$1,250	Breach of condition (individual): failure to pay rehabilitation security deposit.
09/03/2017	Young Mining Company P/L CML15	Penalty notice	\$2,500	Breach of condition (corporation): failure to pay rehabilitation security deposit.
10/03/2017	Jervois Mining Limited 0034-2017, EL8203	Penalty notice	\$5,000	Failure to prepare or lodge report (corporation). Failure to submit 2016 annual exploration report by due date.
13/03/2017	Big Island Mining Pty Ltd 0141-2017, EL 6012	Penalty notice	\$5,000	Failure to prepare or lodge report (corporation). Failure to submit 2016 annual exploration report by due date.
14/03/2017	Title EL8238	Penalty notice	\$2,500	Prospecting for mineral without authorisation as per section 5 of the <i>Mining Act 1992</i> (individual).
14/03/2017	Title EL8238	Penalty notice	\$2,500	Prospect for mineral without authorisation as per section 5 of the <i>Mining Act 1992</i> (individual).
30/03/2017	Title M(MO)LA 8	Penalty notice	\$2,500	Mining mineral without authorisation as per section 5 of the <i>Mining Act 1992</i> (individual)



### Mining Act enforcement actions



## WHS Act enforcement actions

### 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.

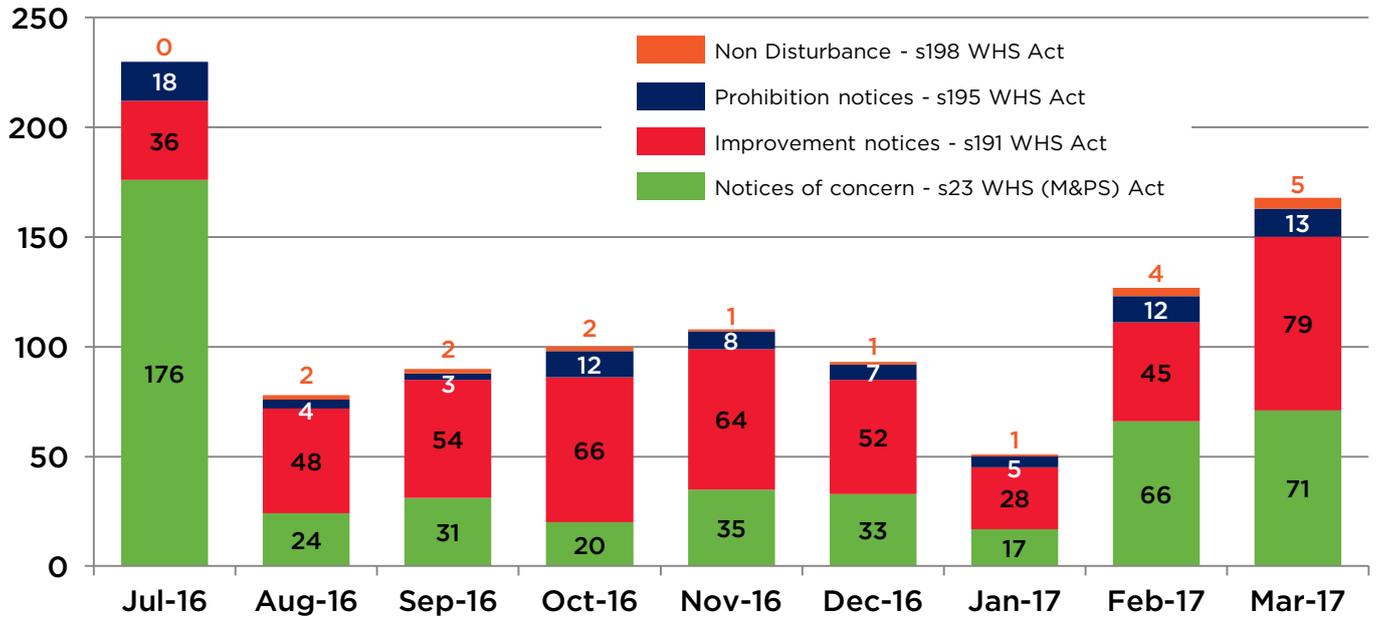
### Prohibition notices issued under the WHS Act in March 2017

PCBU	Mine	Details	Prohibited activity
<b>Endeavour Operations Pty Ltd</b>	Endeavour Mine	Two people were working in the basket of an elevated work platform (EWP). A tool was placed on the control station resulting in the basket raise function being operated unintentionally. The foot-operated dead man switch was not engaged at the time.	The use of Snorkel model SSPP22 boom lift EWP is prohibited for use as an EWP.
<b>Aus Gold Mining Group Pty Ltd</b>	The Good Friday Mine	An inspection was carried out on the progress of a small gold mining operation currently in construction phase to install a new plant.	The blue concrete batch plant must not be used until adequate controls are implemented to comply with current Australian standards and work health and safety legislation.
<b>Cabonne Council</b>	Molong Limestone Quarry	An investigation took place into the collapse of the roof of a storage shed at the site.	No work is to be undertaken inside the shed to remove product until an independent and competent person has determined the safe structural integrity of the building.
<b>Cabonne Council</b>	Molong Limestone Quarry	An investigation took place into the collapse of the roof of a storage shed at the site. Further maintenance issues were identified at that time.	The use of loading ramps is prohibited until the edge protection is constructed to prevent the risk of mobile plant driving over the open edge.
<b>Centennial Myuna Pty Ltd</b>	Myuna Colliery	A driller offsider suffered a hand injury. An investigation into causal factors was carried out.	Operation of the drill rig LMS75 at 2west-5hd-6ct is prohibited.
<b>Young Mining Pty Ltd</b>	Thuddungra Mine	An unannounced inspection to assess the braking and fit for purpose status of the loaders on site took place. Found that a front end loader's braking system (park brake) was not operational.	Use of the Hyundai 760 front end loader is prohibited.

## Prohibition notices issued under the WHS Act in March 2017 (continued)

PCBU	Mine	Details	Prohibited activity
<b>Young Mining Pty Ltd</b>	Thuddungra Mine	An unannounced inspection to assess braking and fit for purpose status of the loaders on site took place. The inspection found that a front end loader's braking system (park brake) was not operational.	Updated notice issued prohibiting the use of the Hyundai 760 front end load until the braking systems have been repaired by a competent person to OEM specifications.
<b>Blayden Enterprises Pty Ltd</b>	East Coast Lime	An inspection to review controls for dust, guarding and the mine safety management systems. It was found that the guarding on the crushing and screening plant had a number of deficiencies that could expose persons to entanglement.	The use of the crushing and screening plant is prohibited until such time as all guards have been installed and nip points have been protected in accordance with Australian standards.
<b>Sibelco Australia Limited</b>	Galong Limestone Mine	A worker suffered an injury to the head when a tailgate fell while he was cleaning out a truck body. Investigation into causal factors was carried out.	Workers are prohibited from positioning themselves between the truck body and tailgate of trucks on site.
<b>Yancoal Mining Services Pty Ltd</b>	Ashton Coal Mine (Underground)	Following report of a failed airborne dust sample on the roadheader, an unannounced planned inspection was conducted.	The use of the roadheader for brushing the roof and/or floor is prohibited until a risk assessment and safe work procedures are completed.
<b>LakeCoal Pty Ltd</b>	Chain Valley Colliery	A worker sustained injuries to his jaw and toes following a rib fall. An investigation into causal factors was carried out.	The development of the TG5A backhole drivage is prohibited until an independent geotechnical assessment is undertaken and control measures implemented.
<b>LakeCoal Pty Ltd</b>	Chain Valley Colliery	A worker sustained injuries to his jaw and toes following a rib fall. An investigation into causal factors was carried out.	The use of CM04 for the purpose of developing or widening of a roadway is prohibited until rib protection devices are tested, training carried out and a review of the risk assessment for widening a roadway is done.
<b>Yancoal Mining Services Pty Ltd</b>	Austar Coal Mine – Underground Operation	An investigation into a significant roof fall in the Bellbird Mains 3 cut-through was carried out.	Work activity associated with fall recovery is prohibited from the outbye lip of the fall until secondary support has been installed to secure the A3 intersection.

## 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 or issues. These are published on the [NSW Resources Regulator's website](#).

Date	Details
2 March 2017	Guide: <a href="#">Managing musculoskeletal disorders</a>
8 March 2017	Media release: <a href="#">Resources Regulator suspends Far Western Stone Quarries</a>
8 March 2017	Guide: <a href="#">Managing risks of subsidence</a>
8 March 2017	Form: <a href="#">Providing subsidence monitoring data</a>
10 March 2017	Investigation report <a href="#">into death of Lee Peters at the Ridgeway Mine, Cadia</a>
20 March 2017	Guide: <a href="#">Screens and screen maintenance</a>
21 March 2017	Safety alert: <a href="#">Fall from height risk</a>
22 March 2017	Incident information release: <a href="#">Coal workers' mixed dust pneumoconiosis</a>

## Contact the NSW Resources Regulator



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