

3 August 2022

## Media Release

# Endeavour Coal Pty Limited fined for breach of WHS Act in relation to serious injury at Appin Colliery

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On 3 August 2022 the District Court of NSW fined Endeavour Coal Pty Limited (ECPL) \$400,000- for breaching section 32 of the *Work Health and Safety Act 2011* (WHS Act). The fine was reduced 25% to \$300,000 to reflect the early plea of guilty.

The conviction relates to an incident on 8 June 2019 when a worker suffered serious and permanent injuries to his toes and foot after becoming entangled in a scraper conveyor at Appin North mine.

ECPL was convicted for failing to ensure the health and safety of workers when it exposed them to the risk of serious injury or death, as a result of a body part coming in contact with dangerous moving parts of an energised scraper conveyor.

The Regulator's investigation report into the incident can be found [here](#).

On 27 July 2022, ECPL appeared before the District Court of NSW where it pleaded guilty and was convicted of the offence. Sentencing submissions were received which included a victim impact statement written by the injured worker.

Judge Russell delivered his judgement on 3 August 2022. The full judgment is available [here](#).

After considering the totality of the offending conduct Judge Russell ordered that ECPL:

- Be convicted and fined \$400,000- (reduced 25% to \$300,000 to reflect an early plea of guilty)
- Pay a 50% moiety of the fine to the prosecutor.
- Pay the prosecutor's costs.

The Resources Regulator's Executive Director Peter Day said the Court's decision emphasised the importance of protecting workers and highlighted the hazards associated with the operation of plant underground.

"This incident highlights the need for operators to ensure that all plant is subject to operational risk assessment" Mr Day said.

"Our investigation identified there were poor management and controls in place at the colliery, coupled with a poor handover to new team members. A number of documented systems of work designed to protect against the risk which eventuated were not implemented in practice.

"Mine operators should thoroughly read our [investigation report](#) and ensure they implement the recommendations to reduce the risk of injuries from conveyors and other equipment with moving parts."