



Planning &
Environment
Resources Regulator

NSW Resources Regulator

Monthly business activity
report: April 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 April 2017.



The NSW 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.

April unfortunately recorded another mining fatality with the death of a mine worker at the Peak Gold mine in far western New South Wales. The worker, operating a mobile rock drill underground, reported feeling unwell and lost consciousness while being transported to the surface. The worker died despite the efforts of his co-workers and ambulance officers to resuscitate him. An investigation is currently being undertaken and the regulator has issued an [incident information release](#).

An investigation was also commenced in relation to Cadia gold mine, near Orange, following a significant seismic event/earthquake in the area. Prohibition notices were issued to prevent access to the underground workings while an investigation was being undertaken.

Fewer field inspections and audits were undertaken during April because of three short working weeks associated with public holidays for Easter and Anzac Day.

Further enforcement action was taken in relation to Macquarie Marble and Lime Pty Ltd, with a suspension notice taking effect on 10 April as a result of the company failing to lodge the required environmental rehabilitation security deposit.

The company provided the required security two days later and, as a result, the suspension was revoked. A suspension issued to Far Western Stone Quarries Pty Ltd remains in force due to the continued non-payment of required security deposits.

Mine safety inspectors continued their planning for proactive work, with risk ranking profiling sessions being undertaken for metalliferous, extractives and coal mines. Inspectors also participated in the development of Australian and international engineering and technical standards.

The Resources Regulator conducted an airborne contaminants forum for regulatory staff to gain a better understanding of issues relating to dust and diesel exhaust emissions.

Subsidence engineers completed a major assessment of Tahmoor Colliery's proposed risk management plan. The plan addresses subsidence issues that may affect buildings and infrastructure due to mining of longwall 30.

Activities

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

Date	What	Where	Detail
3-4 April	Industry training	Lightning Ridge	The regulator hosted a opal miners' safety awareness training session, with 17 attendees.
5 April	Industry training	Lightning Ridge	The regulator hosted a workshop for opal mine operators, with 17 attendees.
11 April	Exam briefing session	CSA Mine, Cobar	The regulator conducted a presentation for candidates for the upcoming examinations for the underground supervisor certificate of competence.
11 April	Exam briefing session	Peak Gold Mine, Cobar	The regulator conducted a presentation for candidates for the upcoming examinations for the underground supervisor certificate of competence.
14 April	Exam briefing session	Teleconference	The regulator conducted a teleconference for Armidale-based candidates for the upcoming examinations for the underground supervisor certificate of competence.

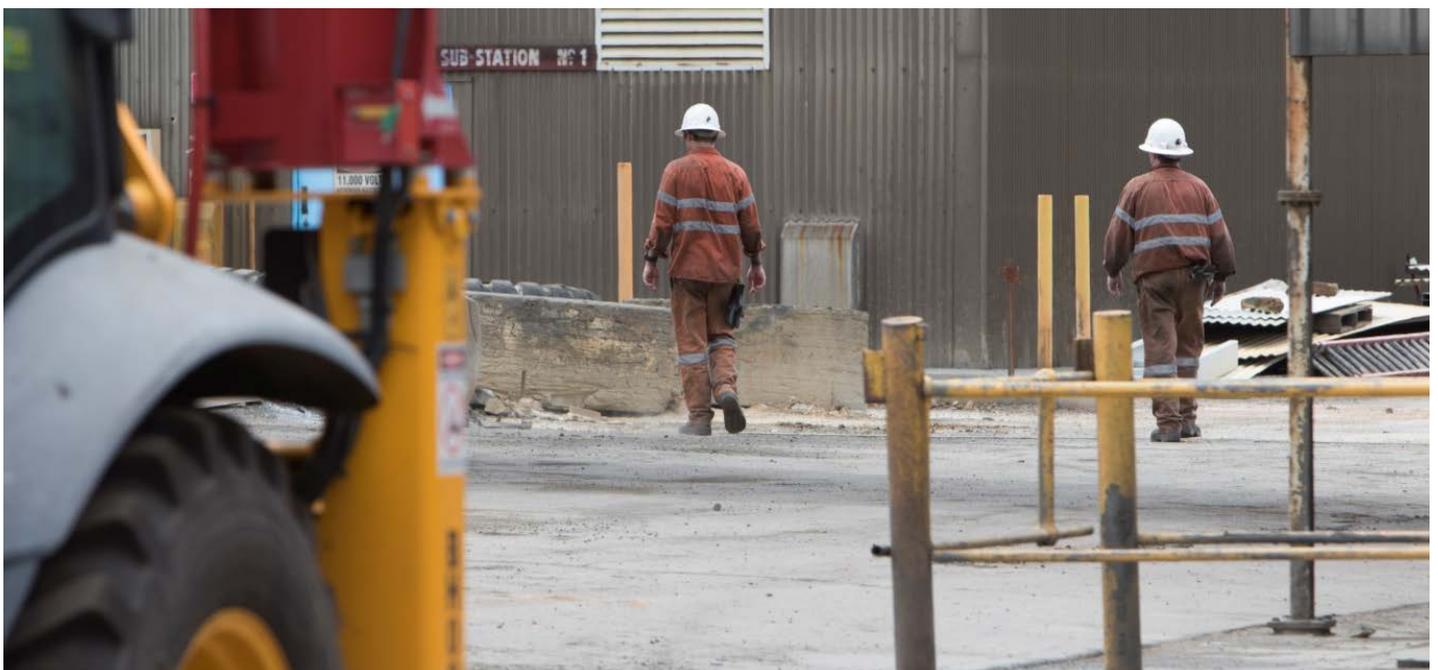


Targeted assessments and audits

Mine Safety inspectors conducted planned inspections at mines as part of the targeted assessment program and intervention activities for April. The programs focused on various issues including fatigue, respirable dust, ground and strata failure, emissions, and emergency management.

Targeted assessments and audits in April 2017

Mine	Type	Topic
Bengalla mine, near Muswellbrook	Site assessment	Fatigue (open cut mines)
Tahmoor, near Wollongong	Site briefing	Respirable dust (underground coal)
Austar mine, near Cessnock	Site assessment	Respirable dust (underground coal)
Hera mine, Cobar	Site assessment	Ground/strata failure (underground metalliferous)
CSA mine, Cobar	Site assessment	Diesel exhaust emissions
Perilya mine, Broken Hill	Site assessment	Emergency management
Austar mine, near Cessnock	Program completed and report delivered to the site	Emergency management



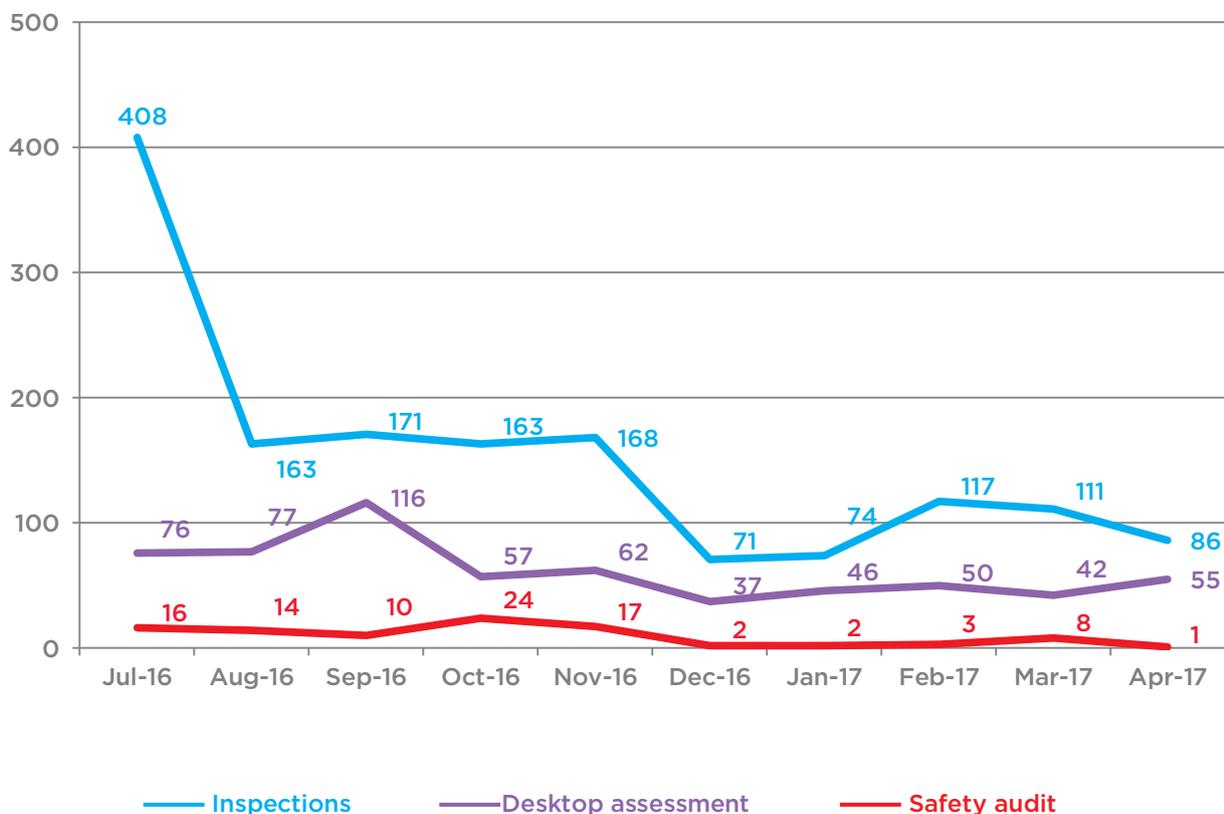
Proactive compliance programs

Monthly business activity
report: April 2017

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 inspections and investigations throughout the year. The graph below summarises the comparative numbers of each from April 2016 to April 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 risk 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 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, and those related to the WHS (M&PS) Act.

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
19	Failure to report
6	Failure to comply with condition(s)
2	Environmental incident
1	Failure to comply with direction(s)
1	Failure to make payment
1	Provision of false and misleading information

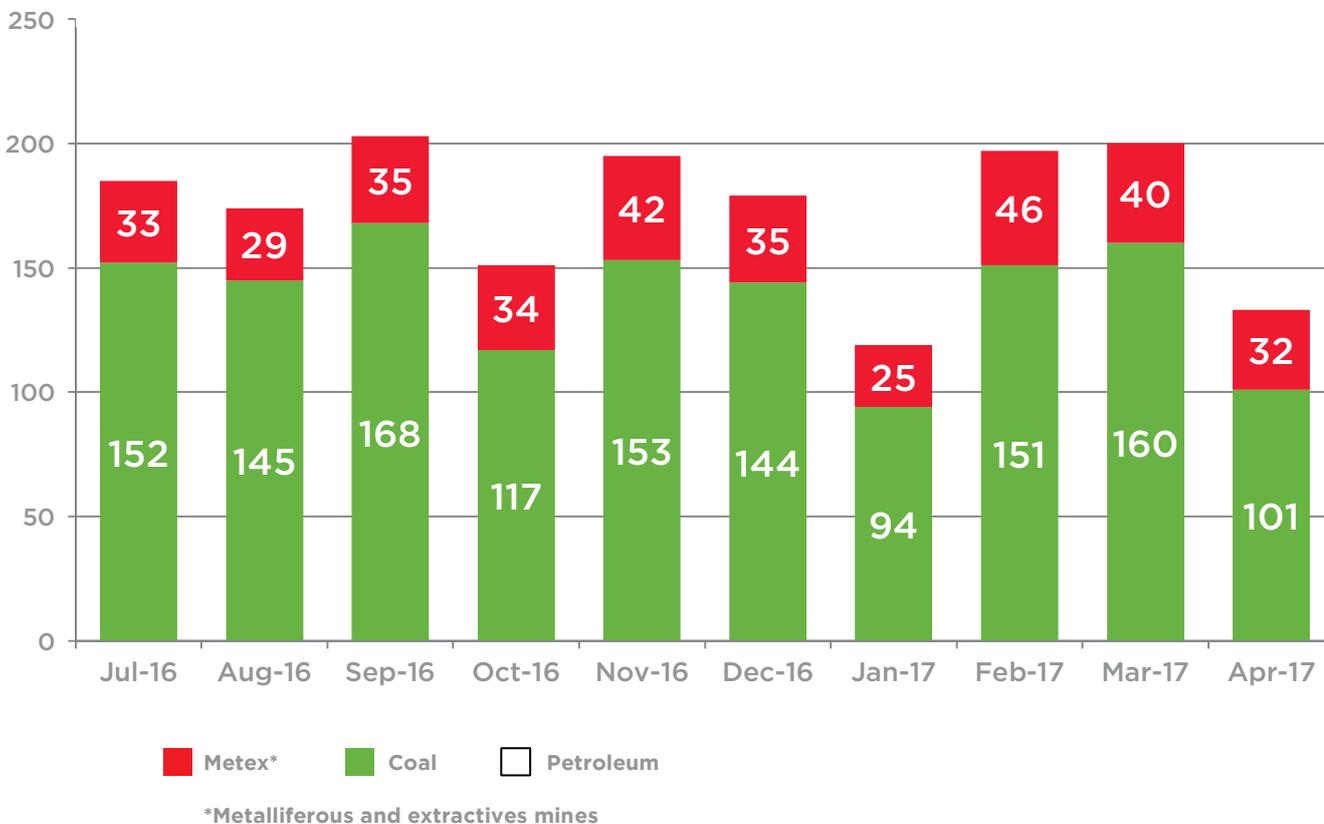
Mine safety incident notifications

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



Significant safety incidents

Date: 3 April 2017

Location: Peak Gold Mines

Incident: A worker operating a mobile rock drill underground reported feeling unwell and lost consciousness while being transported to the surface. The worker died despite the efforts of his co-workers and ambulance officers to resuscitate him.

Date: 24 April 2017

Location: Moolarben Coal Operations, open cut

Incident: An apprentice fitter was about to clean a vehicle in the heavy vehicle wash bay when he was observed running from the water cannon. The water stream from the cannon hit his hard hat and safety glasses, and pushed them onto the ground. He suffered trauma to one of his eyes. The fitter was attended to by ambulance workers and transferred by helicopter to hospital for treatment.

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 April 2017

Mine	WHS (M&PS) Regs provision	Type of notification	Activity
Appin Colliery, Appin	Schedule 3, clause 8	Roadway or drift without intersection for 250 metres	1
Appin Colliery, Appin	Schedule 3, clause 14	Use of high voltage plant and cables in a hazardous zone	1
Chain Valley Colliery, Lake Macquarie	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres	2
Mandalong Mine, Lake Macquarie	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres	1
Moolarben Coal Operations, underground, near Mudgee	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres	1
North Wambo Underground (Coal), near Singleton	Schedule 3, clause 16(1)(b)	Pillar extraction	1
Santos, Narrabri	Schedule 3, clause 33	Suspending a well	1
Santos, Narrabri	Schedule 3, clause 33	Suspending a well	1
Santos, Narrabri	Schedule 3, clause 33	Suspending a well	1
Tahmoor Colliery, near Wollongong	Schedule 3, clause 15	Formation of non-conforming pillars	1
Tahmoor Colliery, near Wollongong	Schedule 3, clause 9	Shotfiring	1
Tahmoor Colliery, near Wollongong	Schedule 3, clause 10	Sealing	1
Ulan Underground Mine, near Mudgee	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres	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.

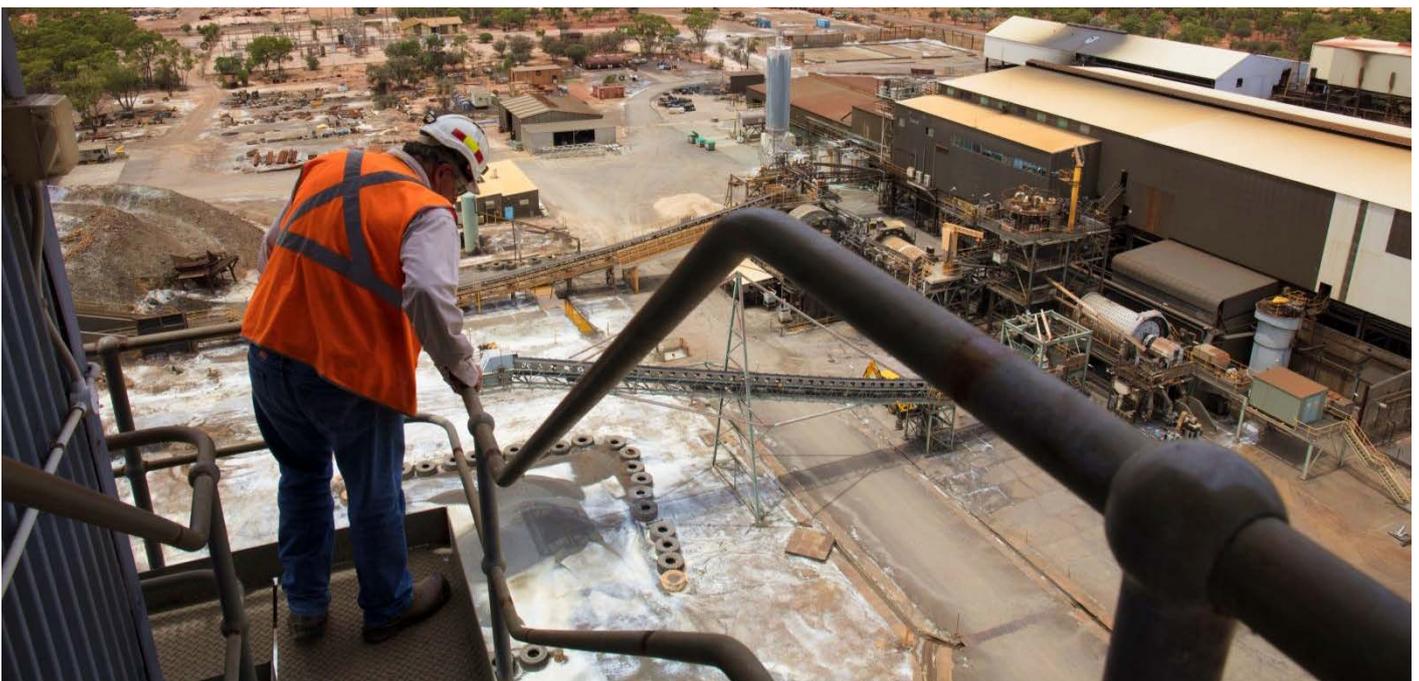
Exemptions granted in April 2017

Mine or PCBU	Details
Appin Mine	Temporary exemption granted for the use of booster fans as part of ventilation reversal for bulk coal winder skip change outs.

Investigations into major accidents and incidents

This month investigators responded to a fatality at the Peak Gold Mines, near Cobar in western NSW. A mine worker operating a mobile rock drill underground reported feeling unwell and lost consciousness while being transported to the surface. The worker died despite the efforts of his co-workers and ambulance officers to resuscitate him. The regulator is working to determine the cause and circumstances of the incident. Read the full [information release](#).

An investigation was carried out at Cadia gold mine following a significant seismic event/earthquake in the area. A prohibition notice was issued to prevent access to all underground workings of Cadia East, Ridgeway and the Cadia Hill open cut ventilation drive, pending an independent investigation into the likelihood of another significant seismic event/earthquake occurring at or near the mine affecting underground mining activities.



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
10 April 2017	Macquarie Marble and Lime Pty Limited	Failure to pay required security on ML1446. Payment was provided on 12 April 2017, with the suspension being revoked on 13 April 2017.	The regulator issued a suspension under s240AA over failure to provide required security.

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](#).

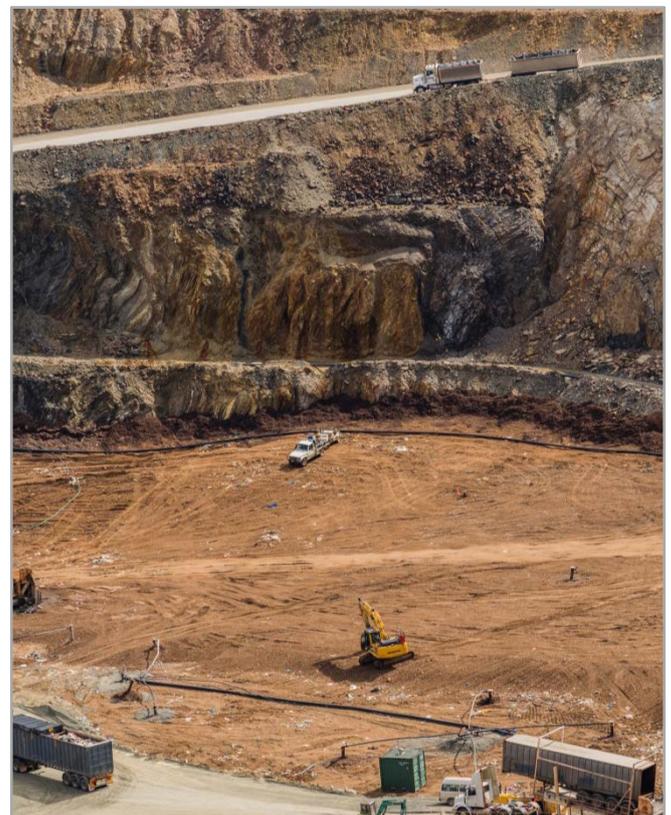
Prosecutions commenced

No prosecutions were commenced in April.

Prosecutions finalised

No prosecutions were finalised in April.

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



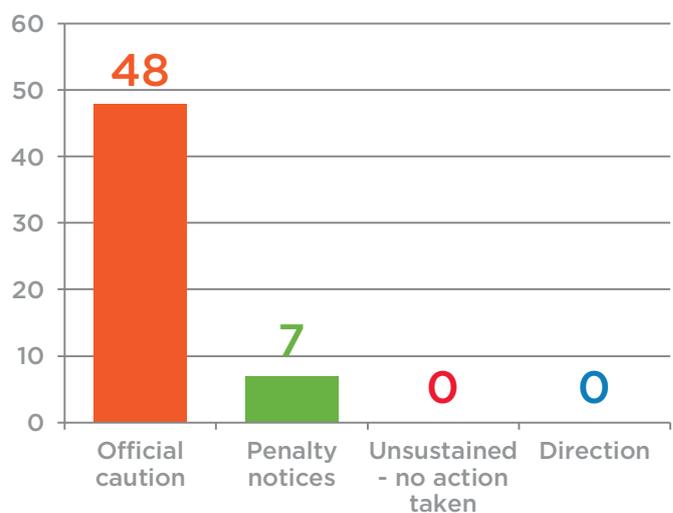
Penalty notices

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	Details	Penalty notice amount
10 April 2017	Abterra Australia Pty Ltd, ML 1616	Failure to pay annual rents and levies by the due date.	\$1,000
10 April 2017	EJ Resources Pty Ltd, EL 8028	Failure to prepare or lodge report as prescribed (corporation): final exploration report.	\$5,000
12 April 2017	Marubeni Coal Pty Ltd, ML 1381	Failure to pay annual rents and levies by the due date.	\$1,000
21 April 2017	Macquarie Marble and Lime Pty Ltd, ML 1446	Breach of condition of authorisation (corporation). Failure to lodge security of \$85,000 by the required date.	\$2,500
26 April 2017	Boral Ltd, MPL 622	Failure to pay annual rents and levies by the due date.	\$1,000
26 April 2017	Nimrod Resources Ltd, EL 8186	Failure to pay annual rents and levies by the due date.	\$1,000
27 April 2017	Nimrod Resources Ltd, EL 8187	Failure to pay annual rents and levies by the due date.	\$1,000



Mining Act final 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.

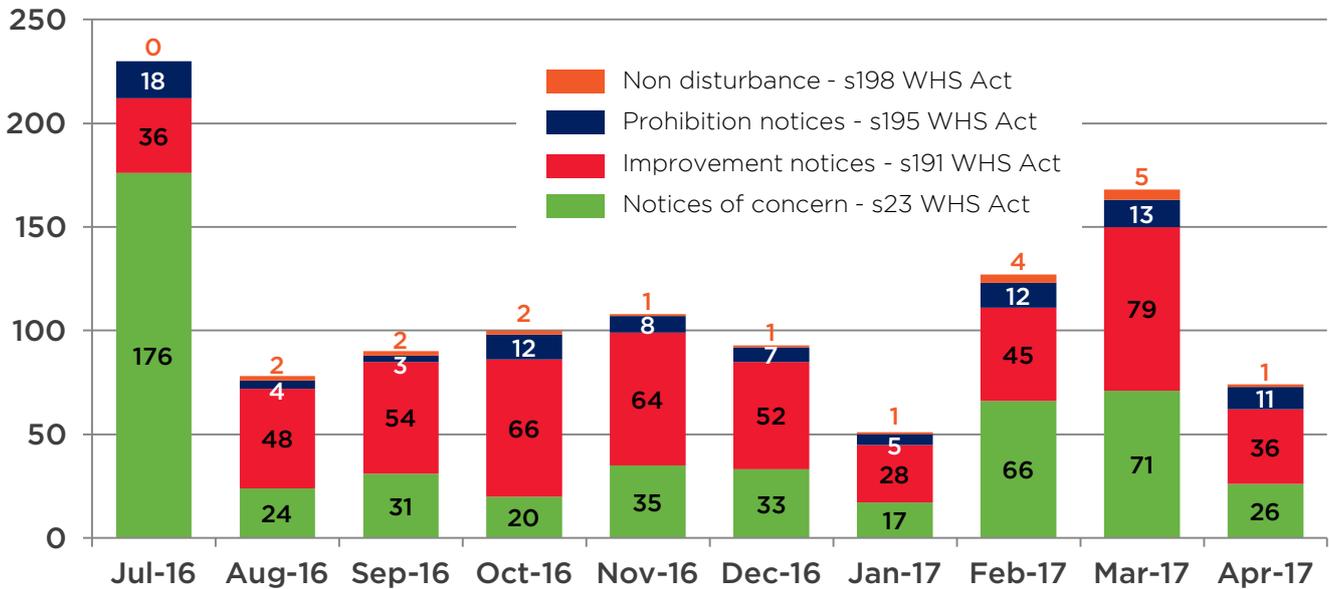
Prohibition notices issued under the WHS Act in April 2017

PCBU	Mine	Details	Prohibited activity
Boral Resources (Country) Pty Limited	Boral Hall quarry, south of Yass near the ACT border	An investigation took place after an incident report noted that a rock had fallen from the bucket of a front end loader onto the cabin.	The use of any front end loader for the purpose of moving material near or close to a bench or material from a blast pile is prohibited, pending the completion of a risk assessment for review by the regulator.
Boral Resources (Country) Pty Limited	Boral Hall quarry, south of Yass near the ACT border	As above.	Earlier prohibition notice amended to allow the use of front end loaders for the purpose of moving material near or close to a bench or material from a blast muck pile provided it is fit-for-purpose and a risk assessment has been reviewed by the regulator.
WT & TS Roach (Nyngan)	Roach quarry, Nyngan	A planned inspection on fixed and mobile plant crushing and screening equipment was carried out at the site. The investigation identified a number of guarding and safety issues.	The following conveyers are prohibited from being used for production purposes due to a lack of guarding: <ul style="list-style-type: none"> • pre-coat conveyer • stockpile conveyer (20mm) • cone feed conveyer from bin (20mm) • direct feed to cone conveyer (20mm) • Barmac feed conveyer • ballast conveyer.
Newcrest Mining Limited	Cadia Hill gold mine, south of Orange	An investigation took place into the causal factors that resulted in a 400 kg door becoming detached from its hinges.	The door named as back of chute 2072 must not be unbolted until a suitable engineering-designed strategy is in place to ensure its safe operation.
Newcrest Mining Limited	Cadia East project, south of Orange	An investigation was carried out at the site following an incident report of a significant seismic event or earthquake in the area.	Access to all underground workings of Cadia East, Ridgeway and the Cadia Hill open cut ventilation drive are prohibited, pending an independent investigation. The investigation will consider the likelihood of another significant seismic event or earthquake occurring at or near the mine, affecting underground mining activities.

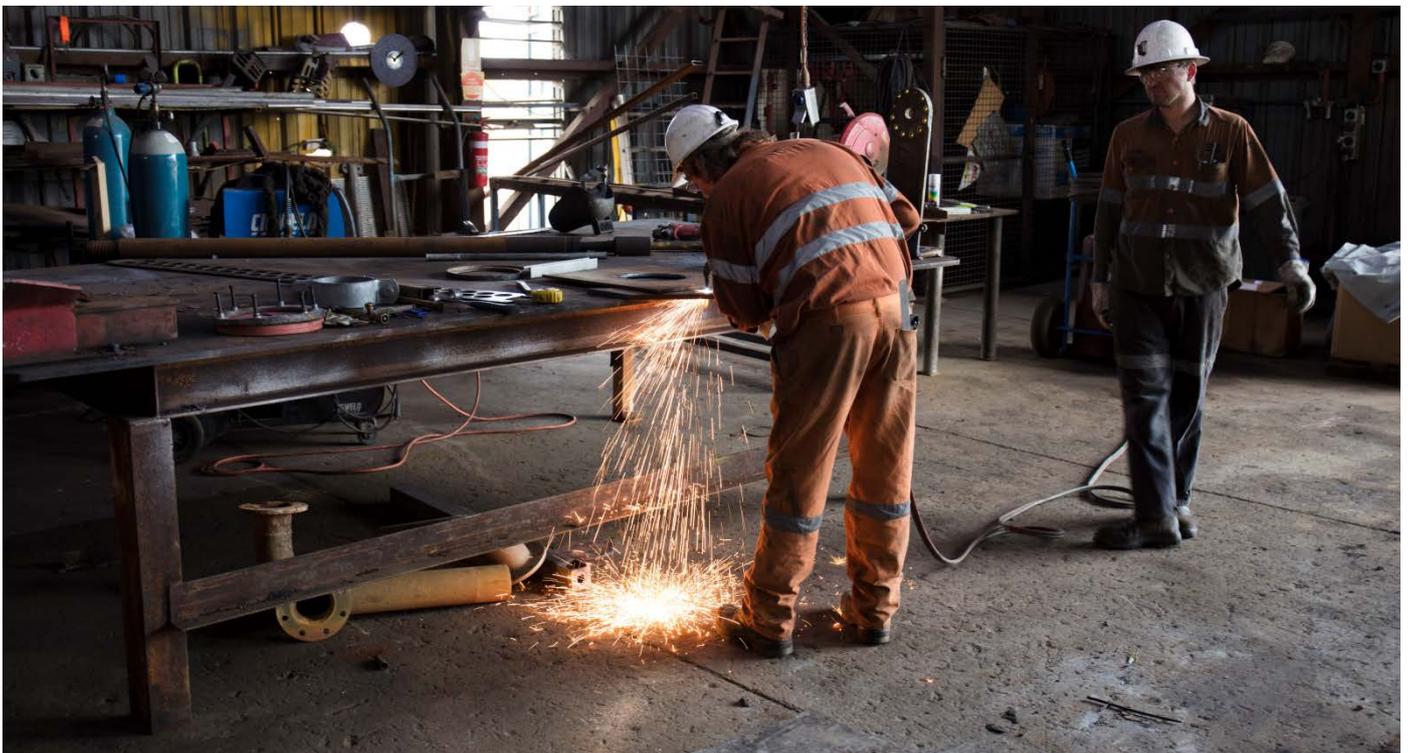
Prohibition notices issued under the WHS Act in April 2017 (continued)

PCBU	Mine	Details	Prohibited activity
Newcrest Mining Limited	Cadia East project, south of Orange	As above.	The regulator amended an earlier prohibition notice allowing access to underground workings of Cadia East, Ridgeway and the Cadia Hill open cut ventilation drive in order to inspect and assess any ground support damage. Cave stimulation and ground control remediation activities are prohibited.
Narrabri Coal Operations Pty Ltd	Narrabri colliery, Narrabri	An investigation took place at the site following an incident report of an uncontrolled escape of a pressurised substance. The substance escaped from a hydraulic hose under the support pontoon. The hose failed and the substance sprayed onto a fitter.	The use of the longwall face's hydraulics for any activity other than investigating the causal factors of the hose failure is prohibited, pending the operator supplying a documented audit and statement of compliance.
Quarry Solutions Pty Ltd	Woodburn quarry (Buntings Pit), north coast near Evans Head	An investigation took place following an incident report of a brake failure on a CAT 775 dump truck. The failure caused the truck to run into a bund.	The use of the CAT 775 dump truck is prohibited until the brake systems failure has been identified and repaired according to the original equipment manufacturer's specifications.
Moolarben Coal Operations	Moolarben Coal Operations - underground, near Mudgee	A planned inspection of conveyers identified several safety issues with their MG 101 conveyer. These safety issues included a build-up of material under the rollers, defective guarding and a tracking issue.	The use of the site's MG 101 conveyer is prohibited until the safety issues are addressed and the conveyer is compliant and safe to operate.
Newcrest Mining Limited	Cadia East project, south of Orange	A follow up inspection and meeting took place at the site following a significant seismic event or earthquake in the area.	The regulator amended an earlier prohibition notice. Cave stimulation and ground control remediation activities are prohibited until controls for adequate ground support regimes are in place and ratified by geotechnical engineering third parties.
Tony and Linda Williams	Dow's quarry, near Telegraph Point between Kempsey and Port Macquarie	An unannounced inspection took place to determine if the site was operating.	All mining activities on site are prohibited until the mine operator nominates a quarry manager for approval by the regulator.

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
4 April 2017	News article: Resources Regulator seeks presenters for annual safety seminar
13 April 2017	Media release: Mid-north coast mine ordered to shut down over rehabilitation concerns
20 April 2017	Safety alert: Pneumatic air tool fitting fails

Contact the NSW Resources Regulator



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