

22 October 2021

Peak Gold Mines Pty Ltd convicted and fined following death of mine worker

On 21 October 2021, the [NSW District Court](#) convicted and fined Peak Gold Mines Pty Ltd \$480,000 for a breach of section 32 of the *Work Health and Safety Act 2011* following the death of a mine worker near Cobar in western NSW. The Court also ordered Peak Gold to pay the prosecutors costs.

The conviction follows the NSW Resources Regulator's prosecution of Peak Gold in relation to the death of Mark Brilley at Peak Gold Mine on 3 April 2017. Mr Brilley, who was 36 years old, died as a result of exposure to elevated heat when operating an open cabin drill rig about one kilometre below the surface of the mine.

Peak Gold pleaded guilty for failing in its duty under section 19 of the Act to ensure workers at the mine, including Mr Brilley, were not exposed to a risk to their health and safety while at work.

Resources Regulator Chief Investigator, Andrew McColm, said "The investigation found that heat and diesel exhaust gases rose above normal levels when one of two fans that ventilated the underground mine was shut down for the purpose of replacing a fan impeller as part of planned maintenance. This shut down resulted in low air flow, air flow reversal and air recirculation in the upper section of the mine and the concentration of heat and diesel exhaust gases rose to dangerous levels where Mr Brilley was working."

In handing down his judgement, Judge Scotting said "Peak Gold knew that the impeller replacement works were likely to adversely affect the ventilation of the mine and could result in dangers to the health and safety of the workers engaged underground while those works took place... The potential consequences of the risk involved a risk being posed to any person working underground... The risk included a risk of death."

"The steps taken by the offender fell well short of the standard of care required, to ensure the health and safety of the workers. The steps that could have been taken to avoid or minimise the risk were simple steps that were known to the offender and involved little expense or inconvenience... The extent of the harm was substantial" the Judge said.

For further information about Resources Regulator, visit our [website](#).