



**NSW  
Resources  
Regulator**

# **MONTHLY BUSINESS ACTIVITIES REPORT**

December 2019



## Document control

Published by NSW Resources Regulator

Title: Monthly business activities report – December 2019

First published: March 2020

Authorised by: Executive Director NSW Resources Regulator

CM9 reference: DOC20/120192

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## Activities snapshot

### Activities at a glance



## Key enforcement actions

On 5 December 2019, judgment was delivered in the District Court of New South Wales in the prosecution of LD Operations Pty Limited for a Category 2 offence under the *Work Health and Safety Act 2011*. The Regulator alleged that LD Operations Pty Limited failed to comply with its health and safety duty under section 19 of the Act which exposed a worker to a risk of death or serious injury.

The amount of the fine was determined as \$160,000 and was reduced by 15% to reflect the plea of guilty and order the offender to pay a fine of \$136,000 and the prosecutor's costs. [Further information can be found on our website.](#)

This conviction and fine follows the Resource Regulator's prosecution in August 2019 of the mine operator [LakeCoal Pty Ltd](#) in relation to the same incident.

## Safety incidents of note

A significant gas push from an active longwall goaf tripped power and forced the evacuation of an underground coal mine (under trigger action response plans (TARP) conditions). The gas appeared to come from a roof break in the goaf. Peak gas readings were 3.7% in the tailgate and 1.9% in the bleeder return heading. The longwall had pre- and post-drainage and the mine increased its post drainage suction after the event to manage the gas levels. The mine followed all withdrawal TARPs at the time of the event. Effective gas drainage and main ventilation systems are essential for the control of gas and the safe operation of coal mines. Withdrawal TARPs must be enacted immediately after alarms have been activated. Mines should identify, through a risk assessment, all events that would require withdrawal of workers from the mine.

Operators were fault finding on an Airtrack hydraulic circuit. Upon re-pressurisation of the load sense circuit (about 25 bar standby pressure), an operator was hit in the neck by a quarter inch hydraulic hose and was covered in hydraulic oil. The operator was cleared of any fluid injection injuries. Mine operators are reminded that when equipment is being tested after maintenance and repairs, effective no standing zones are to be put in place that remove workers from the line of fire should a failure occur.

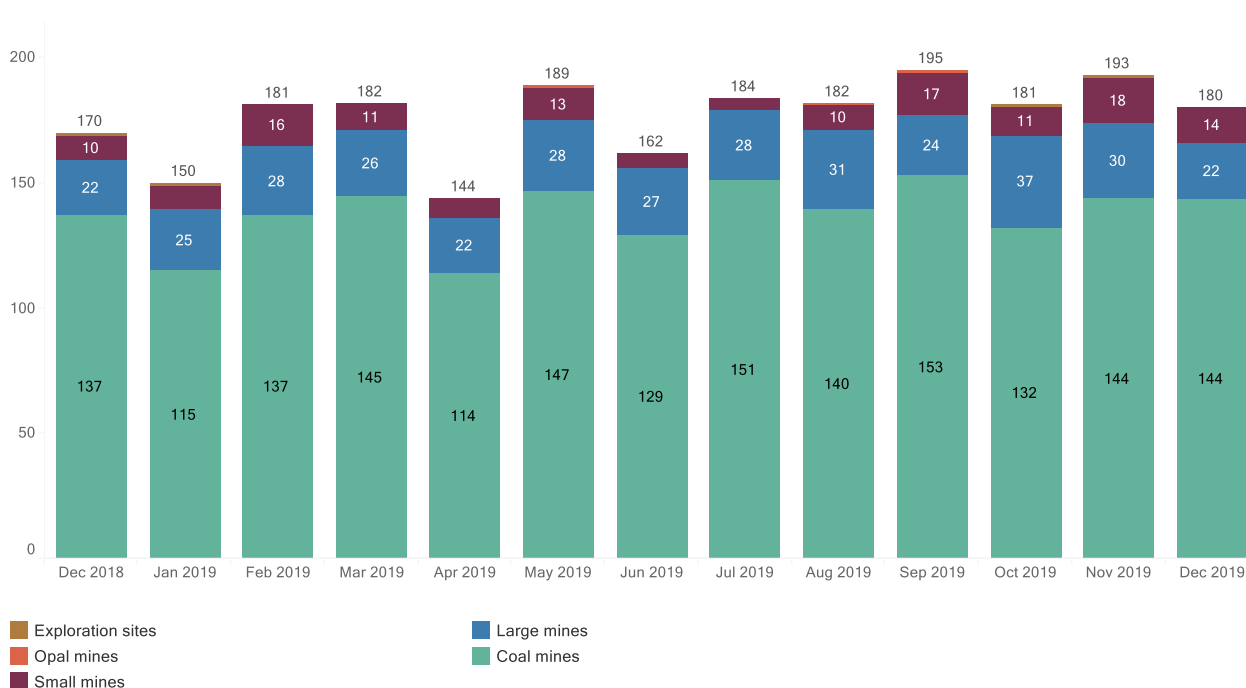
The NSW Resources Regulator's [weekly incident summary](#) references any recently published safety publications.

## Work health and safety activities

### Safety incident notifications

In December 2019, 180 safety incidents were notified to the NSW Resources Regulator by mining operations in NSW.

**FIGURE 1. SAFETY INCIDENT NOTIFICATIONS RECEIVED BY SECTOR - DECEMBER 2018 TO DECEMBER 2019**



The NSW Resources Regulator deployed inspectors to the safety incidents described in the table below.

**TABLE 1. DETAILS OF SAFETY INCIDENTS WHERE INSPECTORS WERE DEPLOYED - DECEMBER 2019**

Date notified	Sector	Incident
4 December	Large mines – Metalliferous and Quarries	A worker has sustained a fractured leg whilst working in the lime kiln. There was unexpected movement on the hydraulic ram and the injured contractor was working within the confines of the rams' frame which moved and pinned his leg.
7 December	Coal mines	A significant gas push from an active longwall goaf tripped power and forced the evacuation of an underground coal mine (under trigger action response plans [TARP] conditions). The gas appeared to come from a roof break in the goaf. Peak gas readings were 3.7% in the tailgate and 1.9% in the bleeder return heading. The longwall had pre- and post-drainage and the mine increased its post drainage suction after the event to manage the gas levels. The mine followed all withdrawal TARPs at the time of the event.

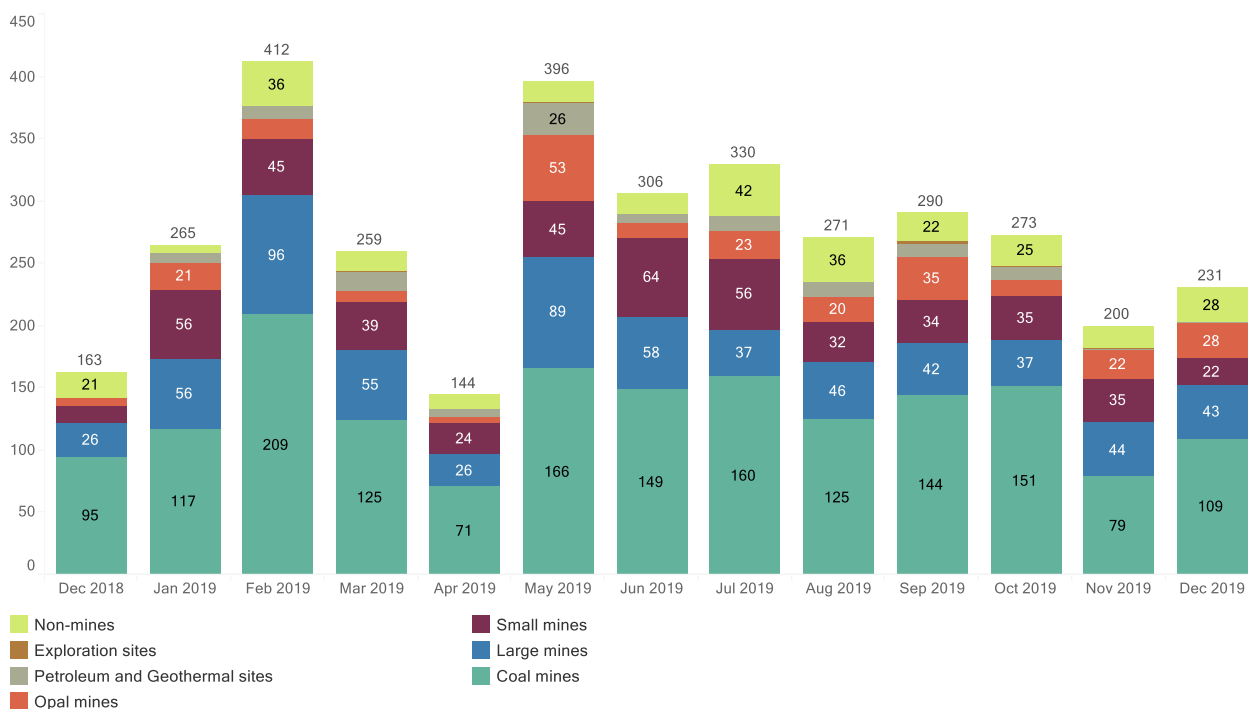
Date notified	Sector	Incident
7 December	Coal mines	<p>A contract fitter received a serious crush injury to lower leg and foot. The maintenance crew were in the process of temporarily storing a roof support leg on shield 43 on LW W5. The intended purpose was to change out a damaged support leg on shield 44. The support leg had been lowered from the shearer onto the pontoon and the support had been partly brought in. As the shearer moved away from the area, the face shield (which still had a prime set) advanced forward, which caused the 6 inch pump line located on the back of the pan line to make contact with the roof support leg which rolled on to the workers foot trapping it.</p> <p>Workers were able to free the injured worker from the area. The worker's injuries include a severe laceration and obvious deformation to the lower leg and foot.</p>
9 December	Coal mines	<p>Personal dust monitoring testing results have shown that a blast crew member has been exposed to a respirable quartz level of 0.45mg/m<sup>3</sup> which exceeds the Occupational Exposure Limit (OEL) of 0.1mg/m<sup>3</sup>.</p>
10 December	Large mines – Metalliferous and Quarries	<p>An underground operator was in the process of unblocking a shotcrete machine. When disconnected a 100mm diameter hose it has swung around and struck the operator on the lower right leg. Operator was brought to the surface and transported to hospital by ambulance with a severe laceration &amp; a suspected fracture.</p>
10 December	Small mines – Metalliferous, Quarries and Other Gemstones	<p>An operator has failed a dust sampling due to too much dust in the cabin of an excavator and an operator has failed a dust sampling while using a 9-inch angle grinder produced too much dust.</p>
11 December	Coal mines	<p>Respirable Quartz exceedance. Sampling conducted by Coal Mines Technical Services. A total of three exceedances were sampled on afternoon shift in longwall west 1 on 26th November 2019.</p>
<b>Total</b>		<b>7</b>

## Safety assessments

### Safety assessments commenced

In December 2019, a total of 231 safety assessments had been commenced across all mining sectors, an increase of 31 on the previous month. Of the 231 assessments, 109 (47%) occurred in the coal mines sector.

FIGURE 2. SAFETY ASSESSMENT ACTIVITIES COMMENCED BY SECTOR - DECEMBER 2018 TO DECEMBER 2019

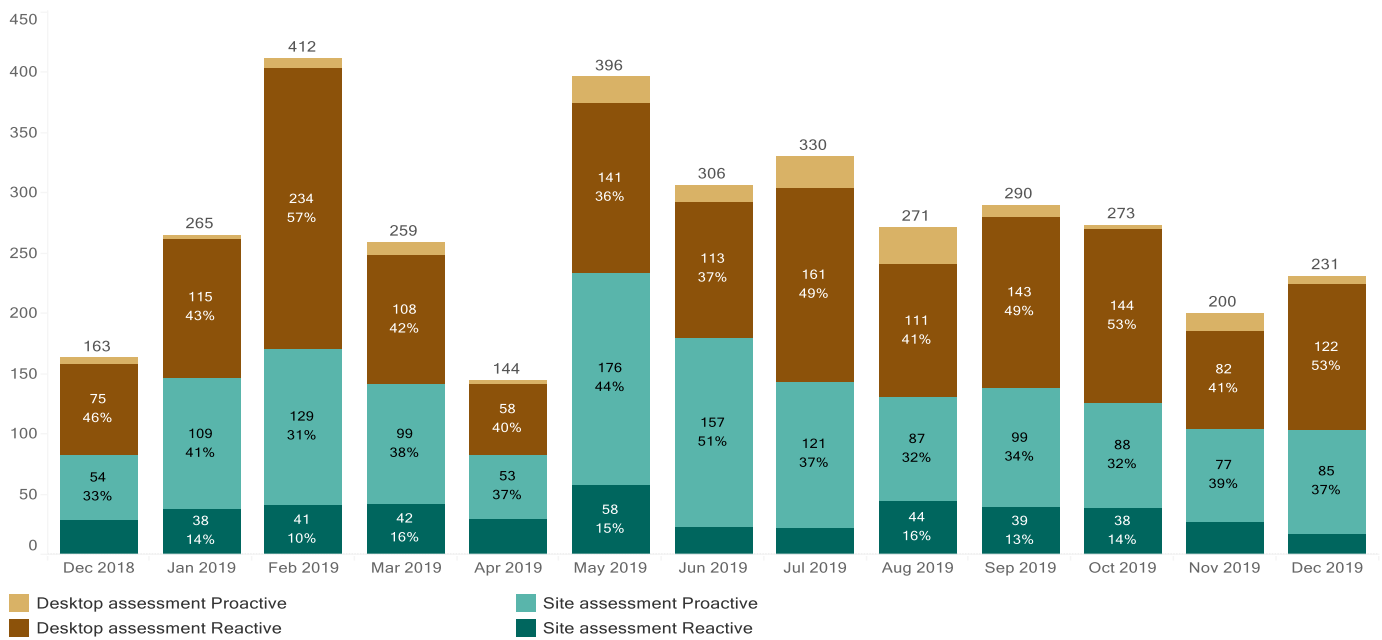




## Proactive and reactive safety assessments

In December 2019, 40% (91) of the 231 safety assessments were proactive. Proactive assessments include targeted assessments and planned inspections. Reactive assessments include assessments conducted in response to incident notifications, targeted interventions, high risk activity notifications and action requests. During December 7% of all assessments were proactive.

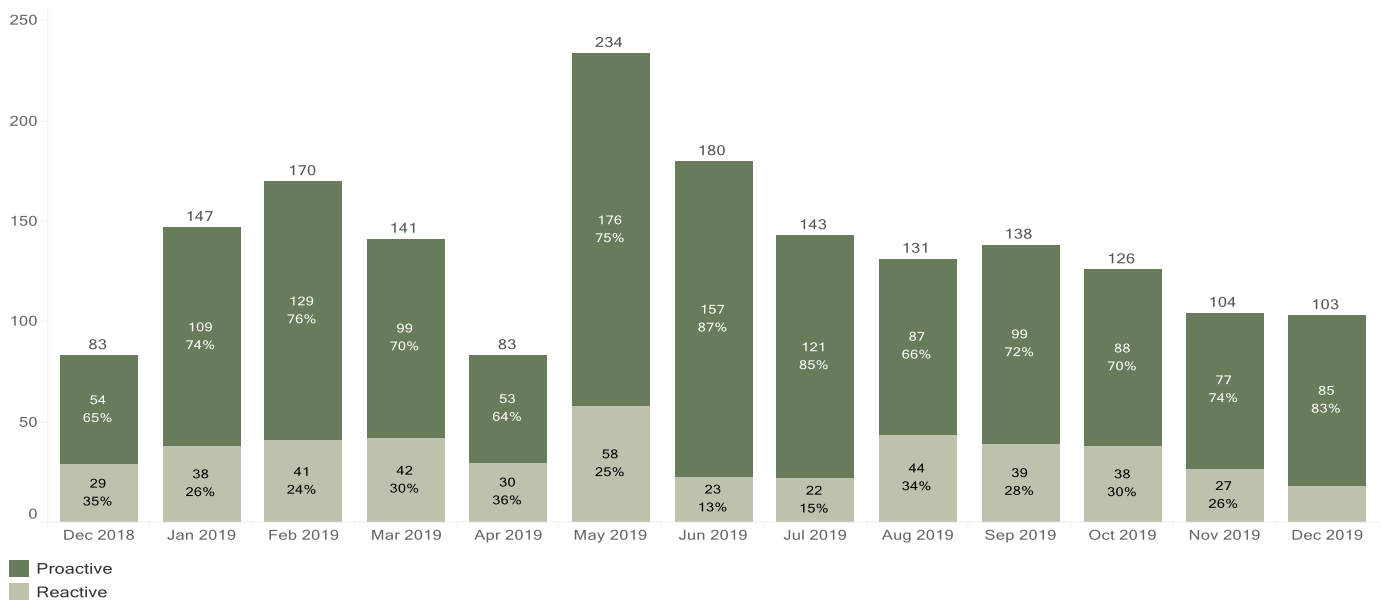
FIGURE 3. SAFETY ASSESSMENT ACTIVITIES BY CATEGORY AND NATURE - DECEMBER 2018 TO DECEMBER 2019



## Safety site assessments conducted

In December 2019, 103 site visits were conducted with 83% (85 of the 103) of site visits were proactive.

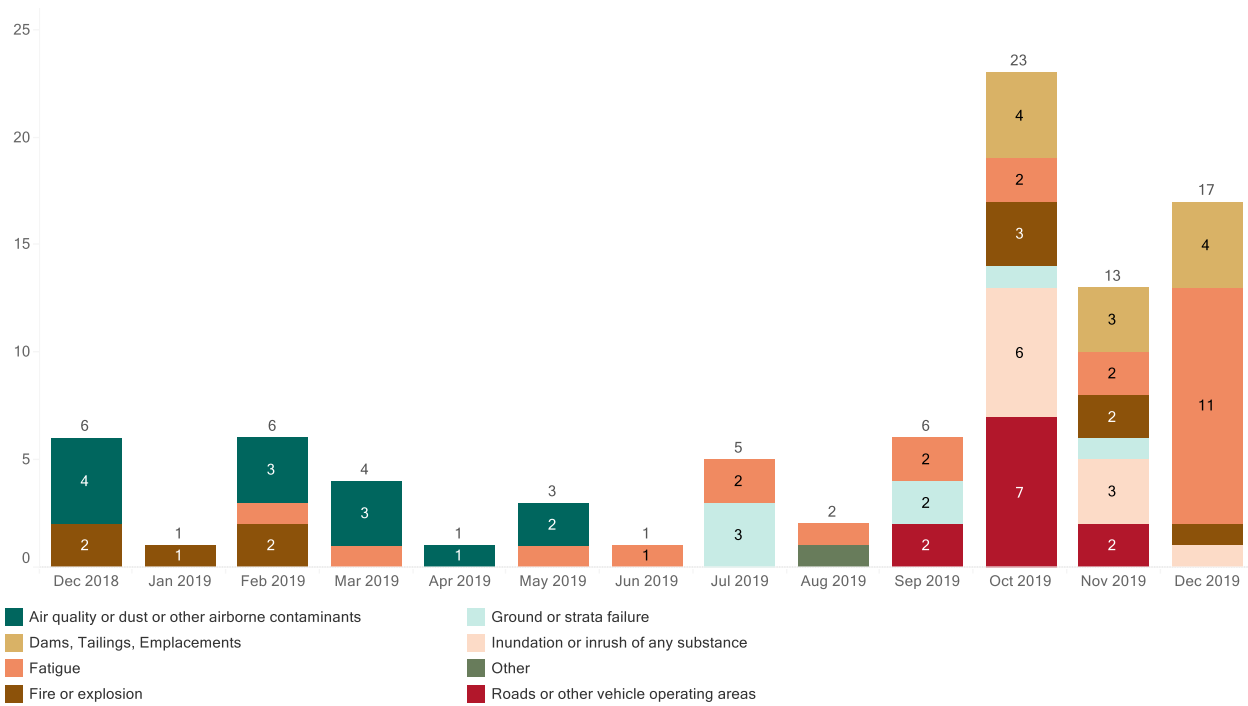
FIGURE 4. SAFETY SITE ASSESSMENTS CONDUCTED DECEMBER 2018 TO DECEMBER 2019



## Targeted assessment program

Under the safety targeted assessment program, in December 2019 the NSW Resources Regulator conducted 17 site-based targeted assessments (TAP). Details are in the table below.

**FIGURE 5. SAFETY SITE TARGETED ASSESSMENTS - DECEMBER 2018 TO DECEMBER 2019**



**TABLE 2. DETAILS OF SAFETY TARGETED ASSESSMENT PROGRAMS - DECEMBER 2019**

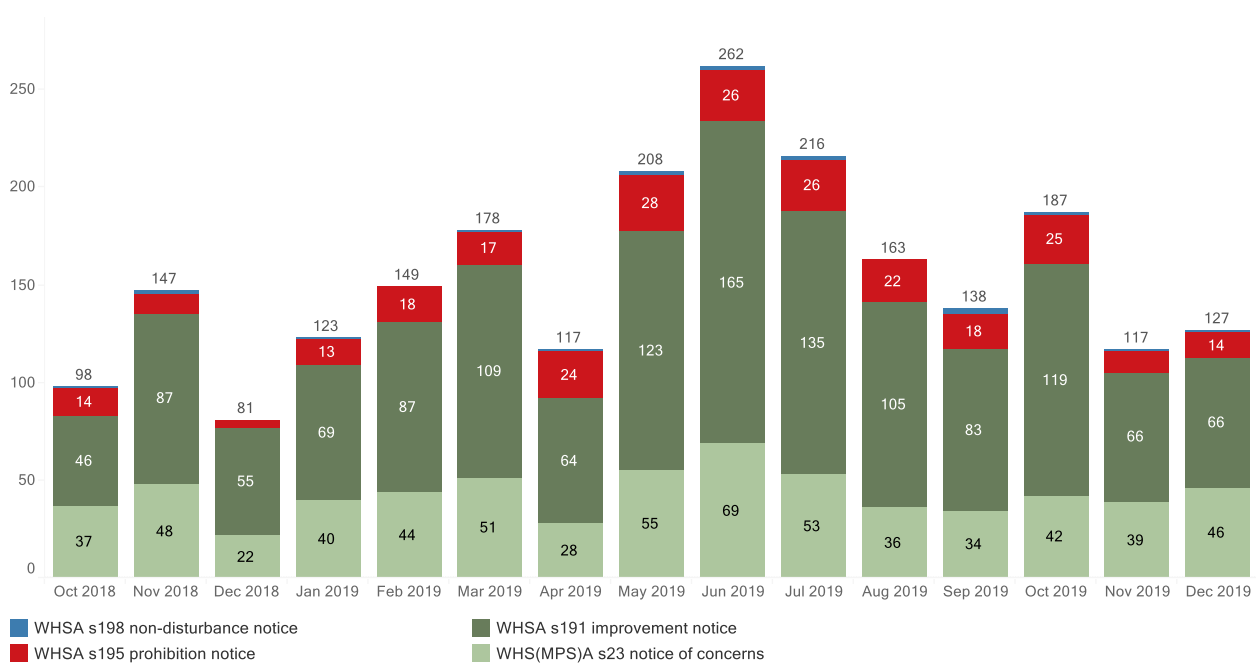
Hazard	Sector	Mine
Tailings dams	Coal and Large mines	Peak Gold mine
		CSA Mine
		Liddell Coal Operations
		Ravensworth Central Coal Processing
Inundation or inrush of any substance	Coal	Clarence Colliery
Fire or explosion	Coal	Ashton Coal Mine
Fatigue	Large mines	Potosi Operations
		Endeavor Mine
		CSA Mine
		Peak Gold Mine
		North Mine
		Murrawombie Copper Mine
		New Cobar & Chesney
		Rasp Mine
		Hera Mine
		Northparkes Mines
		Southern Operations
<b>Total</b>		<b>17</b>

## Safety compliance activities

### Safety notices issued

In December 2019, 127 safety notices were issued, an increase of 10 compared to 117 safety notices issued in the previous month.

FIGURE 6. SAFETY NOTICES ISSUED BY NOTICE TYPE - DECEMBER 2018 TO DECEMBER 2019



### Details of prohibition notices issued

In December 2019, 14 prohibition notices were issued under s.195 of the *Work Health and Safety Act 2011*.

TABLE 3. PROHIBITION NOTICES ISSUED - DECEMBER 2019

Issued to PCBU	Mine Location	Prohibited activity
Tronox Mining Australia Limited	Snapper Mineral Sands Mine	Operation of the CAT 785B dump truck unit number 783.
Coal & Allied (NSW) Pty Limited	Mount Thorley Warkworth Operations	The movement or recovery of large sections of poly pipe. This notice does not prevent movement for the purpose of making safe, stabilizing or preventing potential unplanned movements of poly pipe.
Marulan South Limestone Mine	Marulan South Limestone Mine	The task involving the removal and reinstallation of the hydraulic cylinder on the 'pushers' located on the pre-heater.
David Sanders	MC59142	Use of the existing ladder in the access shaft as it is not secured at surface of shaft, therefore not suitable for use.
Ulan Coal Mines Limited	Ulan Underground Mine	The transporting, storing or changing of LW roof support legs on the LW face without specific isolation plans for the tasks being carried out.
Peter Aggio	MC60748	Not to operate hoist.

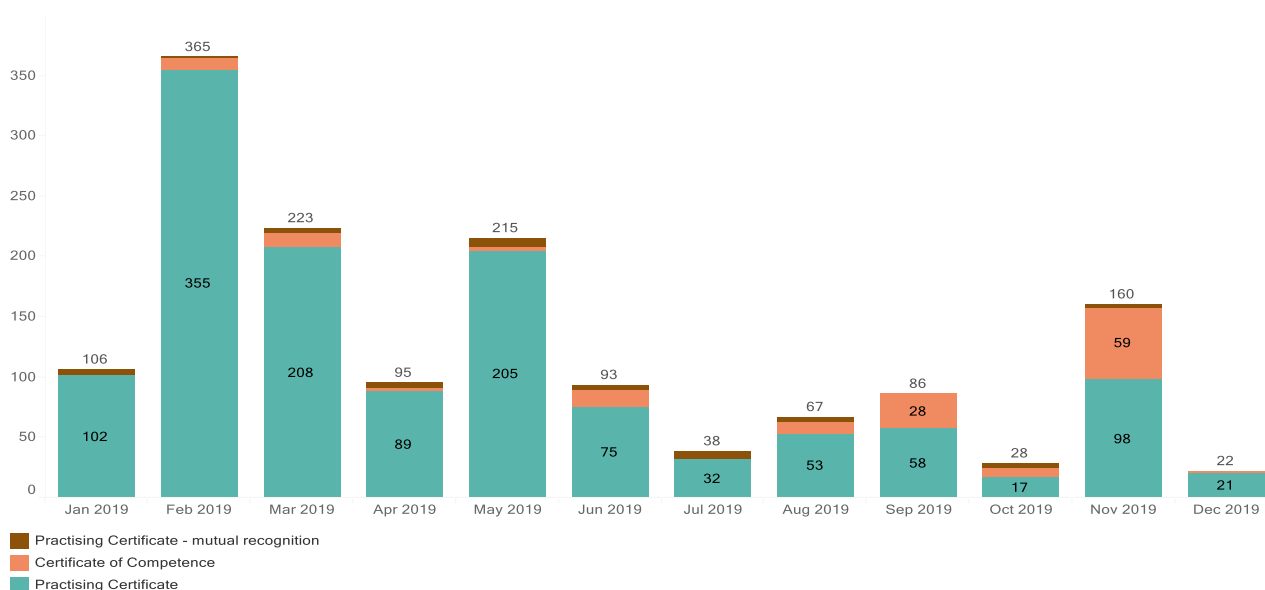
Issued to PCBU	Mine Location	Prohibited activity
Tarago Operations Pty Ltd (wholly owned subsidiary of Heron Resources Limited)	Woodlawn Mine S(C&PL)L 20	The application of shotcrete rock face stabilisation.
Wollongong Coal Limited	Russell Vale Colliery	[Minor variation 20 December 2019] Access by personnel into the Bulli Seam roads between all Russell Vale portals and P Mains track end, other than a limited number of persons to (1) complete statutory inspections to assist the geotechnical engineer to c
Centennial Mandalong Pty Limited	Mandalong Mine	Installing roof support on the install face (LW26B) where the workers are located within the confines of the roof support. The mine is to use suitable pendant controls that keep the workers out of the roof support confines.
Wollongong Coal Limited	Russell Vale Colliery	Powering of the HT cable and transformers in the Bulli Seam.
Bjoern Scheel	MC45435	No personnel to enter current underground workings.
Newcrest Mining Limited	Cadia East Project	Any use of the Cat R3000 identified as loader 109 except for use directly related to the causal investigation of Incident IncNot0036345, being the s179(a)(ii) Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 reportable fire on mobile plant
Cobar Management Pty Ltd	CSA Mine	Any use of the Sandvik DD420 Jumbo, designated Jumbo 331, except for use directly related to the causal investigation of the incident, and the subsequent repair of Jumbo 331.
Boral Cement Limited	Marulan South Limestone Mine	Any use of the CAT993, designated Loader 10, except for use directly related to the causal investigation of the incident, and the subsequent repair of Loader 10.
<b>Total</b>		<b>14</b>

\*Person Conducting Business or Undertaking

## Mining safety competencies

Activities relating to mine safety competencies include certificate of competence, practising certificate and practising certificate (mutual recognition). In December 2019, one certificate of competence and 21 practising certificates were granted.

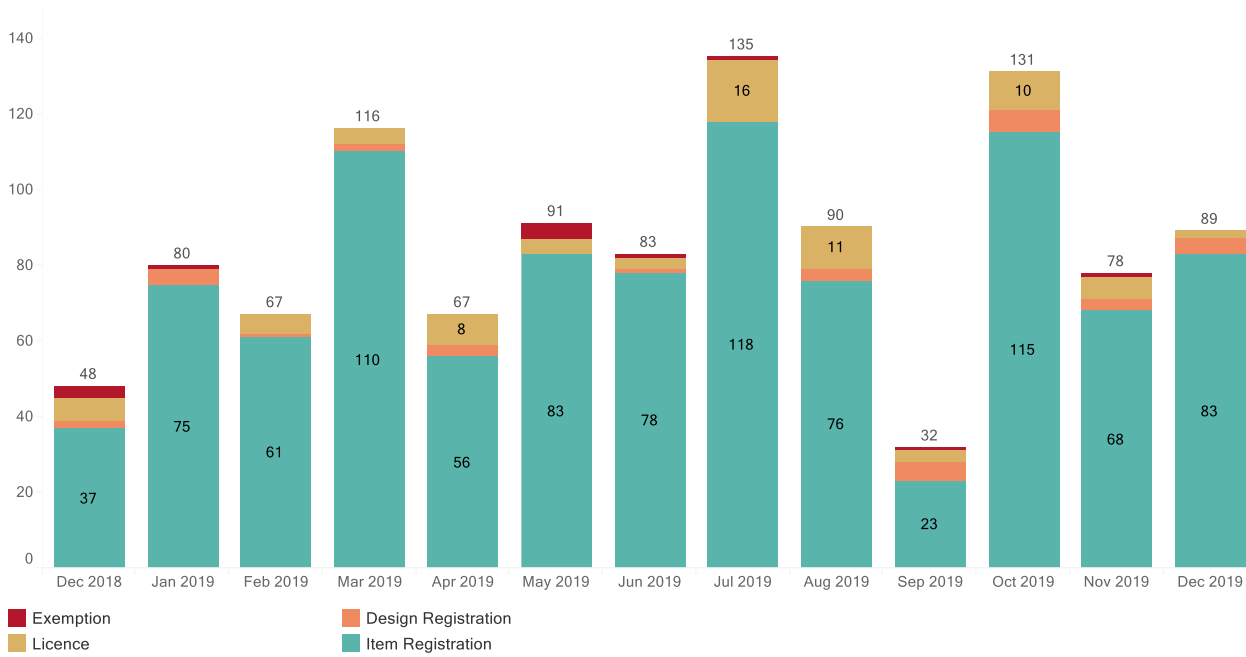
FIGURE 7. COMPETENCE AND PRACTISING CERTIFICATES GRANTED - DECEMBER 2018 TO DECEMBER 2019



## Mining safety authorisation activities

Mining authorisations include licence applications to carry out prescribed high-risk activities, plant item registration and plant design registration. During December 2019, two licences, four design registrations and 83 item registrations were granted.

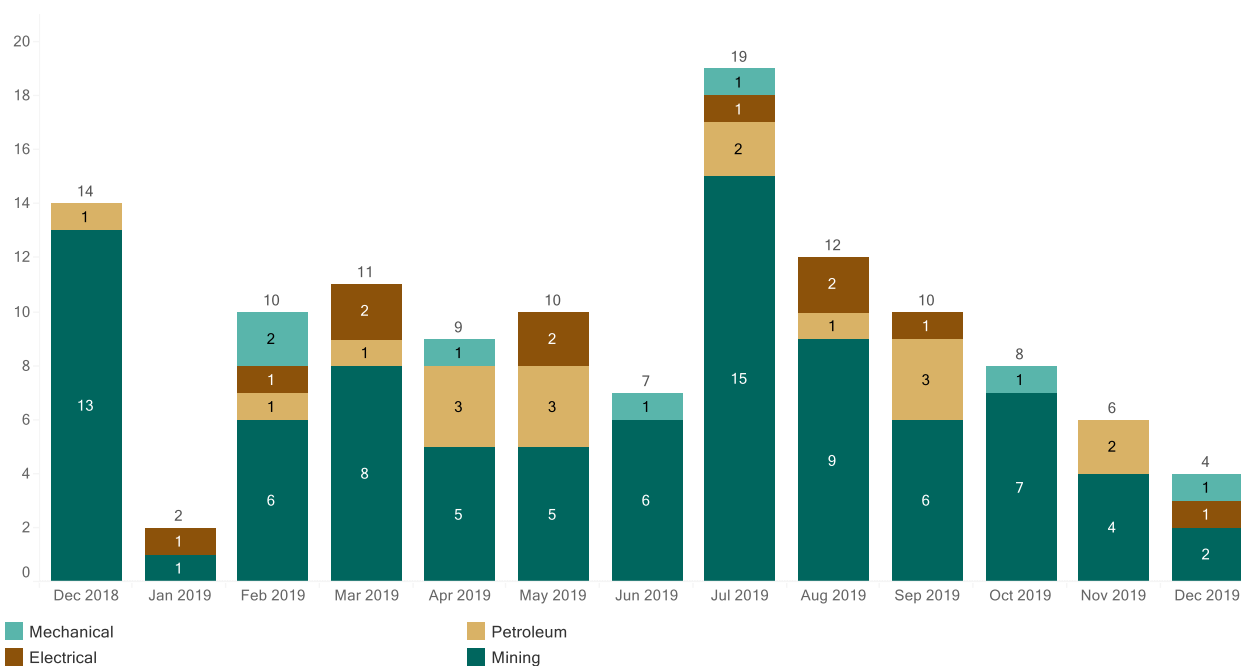
**FIGURE 8. EXEMPTIONS, LICENCE, DESIGN & ITEM REGISTRATIONS GRANTED - DECEMBER 2018 TO DECEMBER 2019**



## High risk notifications

In December 2019, the NSW Resources Regulator received four high risk activity notifications under clause 33 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

**FIGURE 9. HIGH RISK ACTIVITY BY ENGINEERING DISCIPLINE - DECEMBER 2018 TO DECEMBER 2019**



**TABLE 4. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED - DECEMBER 2019**

Mine	Legislation*	Type of notification	No
Metropolitan Colliery	Schedule 3 Clause 16(1)(a)	Secondary extraction by longwall mining, shortwall mining or miniwall mining.	1
Chain Valley Colliery	Schedule 3 Clause 19(1)(b)	The first application on any mine roadway of a coal dust explosion inhibitor other than dry stone dust.	1
Bulga Surface Operations	Schedule 3 Clause 27	The establishment, operation or decommissioning of an emplacement area.	1
Narrabri Colliery	Schedule 3 Clause 11	The conduct of hot work in a hazardous zone.	1
<b>Total</b>			<b>4</b>

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

## Mining Act regulatory activities

### Compliance activities

#### Statutory notices

In December 2019, the NSW Resources Regulator issued four statutory notices under the *Mining Act 1992*.

FIGURE 10. MINING ACT STATUTORY NOTICES ISSUED BY NOTICE TYPE - DECEMBER 2018 TO DECEMBER 2019

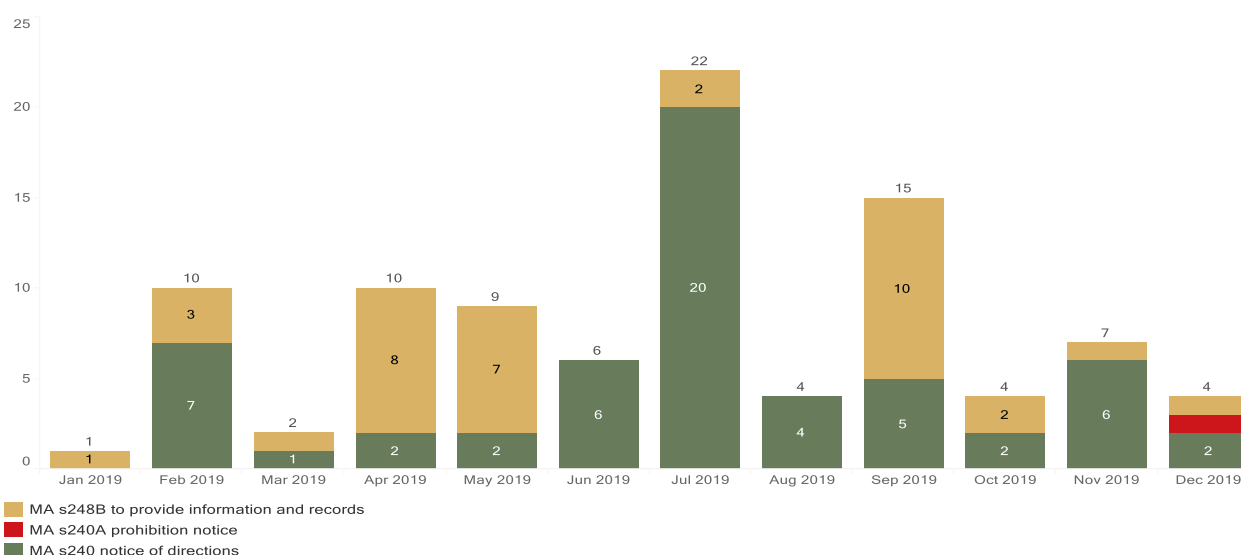


TABLE 5. NOTICES OF DIRECTIONS ISSUED DETAILS - DECEMBER 2019

Issued to	Location	Section 240 of the <i>Mining Act 1992</i> Direction
Individual	Mineral Claim 57685	Remove all infrastructure, plant and rehabilitate all disturbed areas on the claim area to the satisfaction of the Department.
Hi-Quality Quarry (NSW) Pty Ltd	Mining Leases 887 and 888 Oallen Gold Mine operation	Prepare and submit a Mining Operations Plan (MOP) for the Oallen Gold Mine to fix errors and inconsistencies associated with rehabilitation status and scheduling. The MOP must be prepared in accordance with the ESG3 Mining Operations Plan Guidelines. September 2013 and include scheduling of the rehabilitation so that the completion criteria are completed by no later than 30 September 2020. The MOP must be submitted to the Regulator by 7 February 2020.
<b>Total</b>		<b>2</b>

TABLE 6. PROHIBITION NOTICE ISSUED DETAILS - DECEMBER 2019

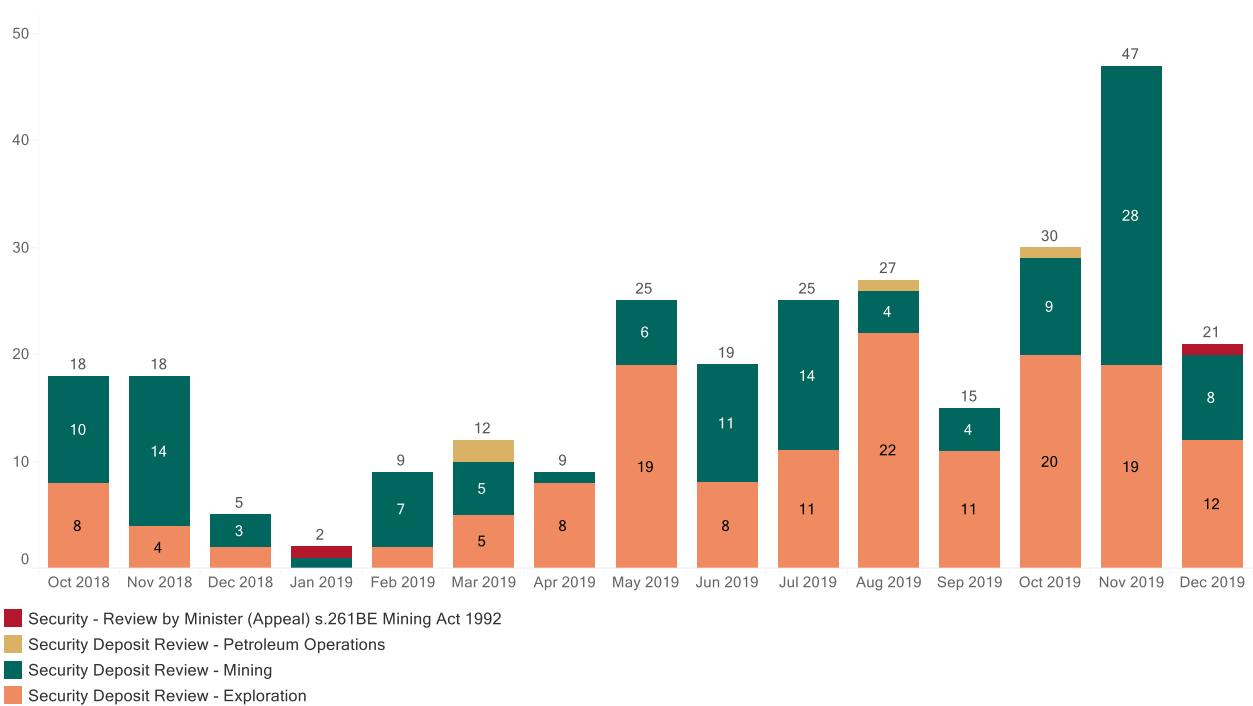
Issued to	Location	Section 240 of the <i>Mining Act 1992</i> Direction
Individual	Lot 5829 in Deposited Plan 768727	Prohibits any mining operations that involve the mining of any scheduled mineral, as prescribed by the Mining Regulations 2016 (the Activity) on the land at Lot 5829 in Deposited Plan 768727 (the Land), in the Wentworth Local Government Area, unless these mining operations are authorised by an authorisation, pursuant to the Mining Act.
<b>Total</b>		<b>1</b>



## Security deposit reviews

In December 2019, the NSW Resources Regulator completed 21 exploration and mining security deposit reviews under the *Mining Act 1992*. A review of held security deposits is undertaken when an authorisation holder applies to vary approved activities.

**FIGURE 11. SECURITY REVIEWS COMPLETED - December 2018 to December 2019**



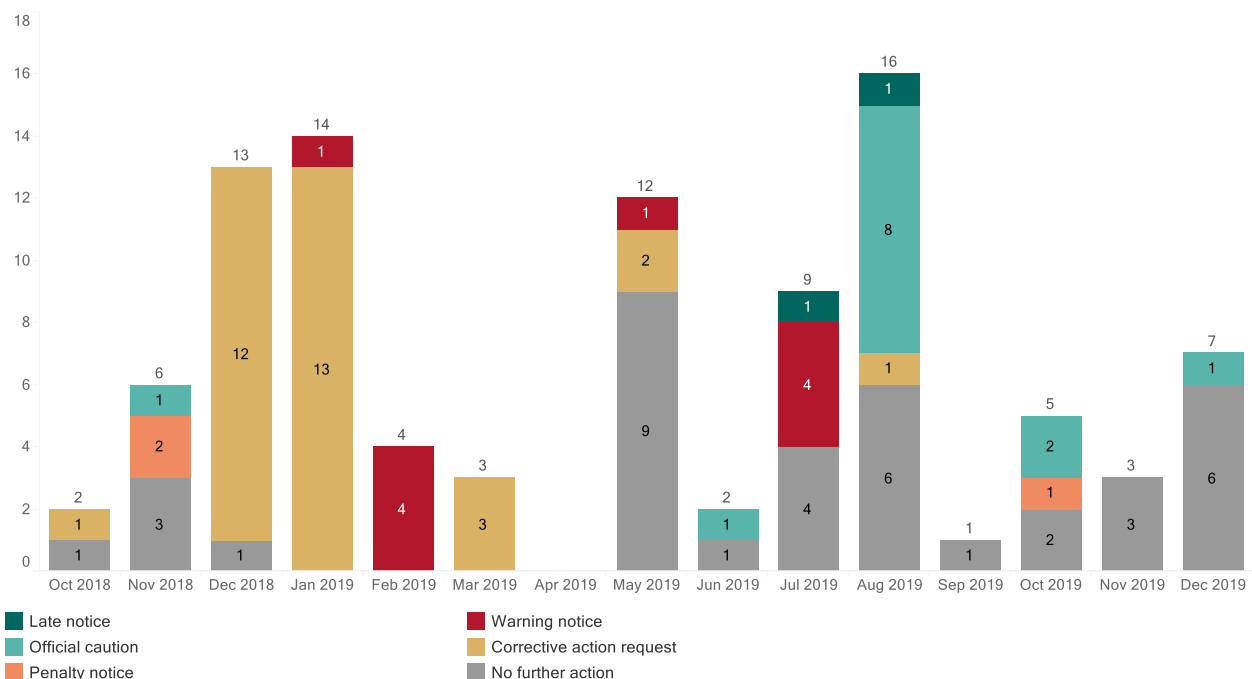
## Safety legislation and *Mining Act* notified compliance concerns

The NSW Resources Regulator uses a variety of enforcement tools under both the Mining Act and WHS laws to ensure compliance. The approach taken depends on the significance and impacts of the breach, the tools available under the legislation and the NSW Resources Regulator’s [compliance and enforcement approach](#).

### Safety non-compliances breaches by regulatory response

In December 2019, in response to the seven sustained non-compliance breaches under the Work Health and Safety (Mines and Petroleum Sites) legislation, the NSW Resources Regulator issued one official caution and determined no further action for six sustained breaches.

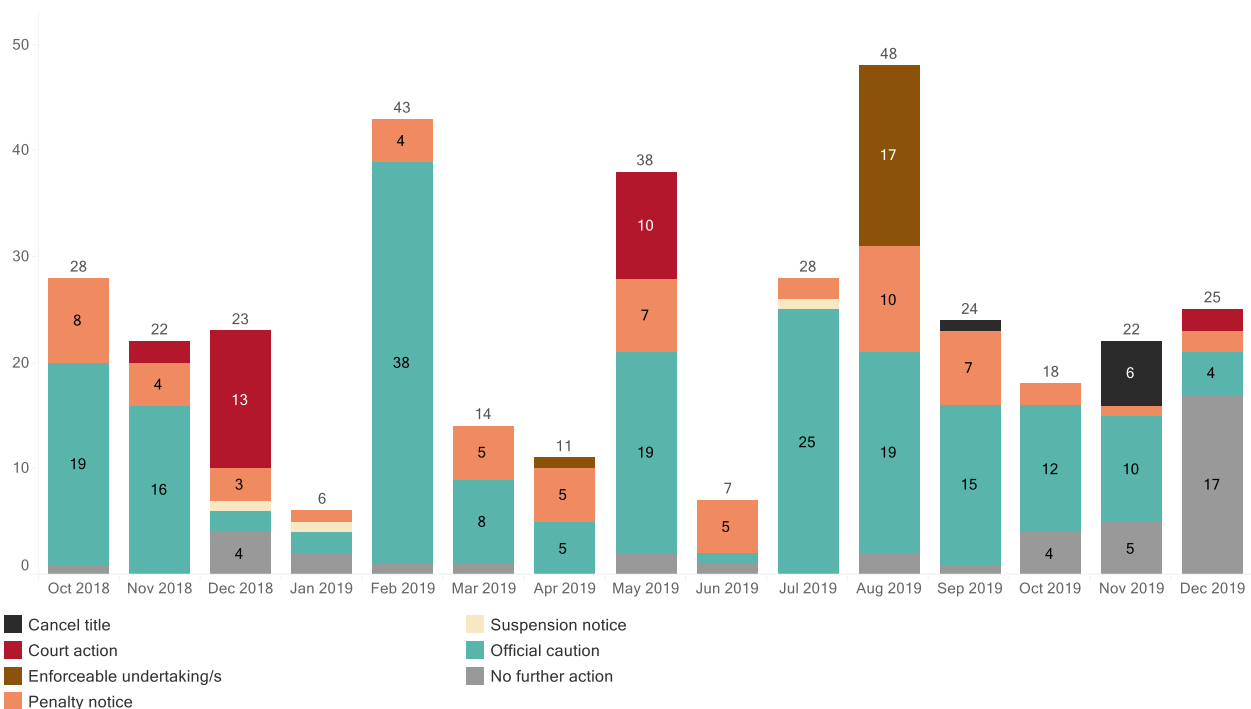
**FIGURE 12. SAFETY NON-COMPLIANCES BREACHES SUSTAINED BY REGULATORY RESPONSE  
DECEMBER 2018 TO DECEMBER 2019**



## Mining Act non-compliance breaches by regulatory response

In December 2019, the NSW Resources Regulator finalised 25 breaches which resulted in two court actions commenced, two penalty infringement notices issued, four official cautions and determined no further action for 17 sustained non-compliance breaches under the *Mining Act 1992*. Details are listed below under key enforcement actions.

**FIGURE 13. MINING ACT 1992 SUSTAINED NON-COMPLIANCE BREACHES BY REGULATORY RESPONSE  
DECEMBER 2018 TO DECEMBER 2019**



**TABLE 7. KEY MINING ACT 1992 ENFORCEMENT ACTIONS – DECEMBER 2019**

Date	Entity	Authority	Action	Amount	Details / Direction
10 December	Macquarie Marble and Lime Pty Ltd	ML 1446	Penalty Notice	\$5,000	Failure to lodge Annual Exploration Report by due date.
13 December	Toooloom Creek Pty Limited	ML 1237	Penalty Notice	\$5,000	Failure to comply with s240 direction.
13 December	Individual	PLL 3630	Withdrawal of penalty notice*	N/A	Penalty notice issued for the failure to submit an AEMR on 8 August 2019 was withdrawn following a review and replaced with an official caution.
18 December	Young Mining Company Pty Ltd	CML 15	Court action	N/A	Failed to comply with a condition of mining authorisation CML 15 in relation to the payment of rehabilitation security under the Mining Act.
					Failed to comply with a statutory notice issued under the Mining Act for CML 15.
<b>Total</b>					<b>5</b>

\* Note: Past penalty notices affected and not shown in December's figures.

## Industry engagement activities

The NSW Resources Regulator's industry engagement activities for December 2019 are outlined below.

### Committees and other industry body involvement

In December 2019, the NSW Resources Regulator participated in the following committees and working groups.

**TABLE 8. COMMITTEES AND OTHER INDUSTRY BODY INVOLVEMENT - DECEMBER 2019**

Date	Committee / Body	Detail
5 December	Hunter Industry Electrical Safety Network	Meeting held at Bayswater Power Station with 14 attendees. Discussion on electrical incidents that occurred in the last month for all sectors of industry.
5 December	Combined Singleton and Muswellbrook Local Emergency Management Committee	Emergency management meeting.
5 December	Mine Safety Advisory Council	Quarterly Meeting - Sydney
10 December	Mines Rescue working group with Coal Services Mine Rescue	Quarterly Meeting - Argenton
<b>Total</b>		<b>4</b>

### External education and engagement activities

**TABLE 9. WORKSHOPS AND INFORMATION SESSIONS - DECEMBER 2019**

Date	Type of activity	Location	Detail
2- 4 December	Annual Conference	Perth WA	Australian Institute of Occupational Hygienists Annual Conference. Theme – Stepping Safely into the future.
3 – 4 December	Seminar	Sydney	Inaugural Mining Engineering Manager Safety Seminar (MEMSS 2019).
5 December	Workshop	Argenton	Practising certificate and maintenance of competence
10 December	Information Session	University of Sydney	Two senior Mining Act Inspectorate staff presented to a Chinese delegation of mine regulators regarding the regulation of rehabilitation in NSW.
10 December	Roadshow	Ballina	Small mines and quarries health and safety roadshow
11 December	Roadshow	Wentworth	Inspectors delivered the Learning from Disasters training package and other presentations on safety subjects relevant to the quarries sector.
12 December	Roadshow	Port Macquarie	Inspectors delivered the Learning from Disasters training package and other presentations on safety subjects relevant to the quarries sector.

Date	Type of activity	Location	Detail
20 December	Community engagement	Maitland	The Resource Regulator met with Bee Innovative Pty Ltd regarding a honey bee project on mine lands.
<b>Total</b>			<b>8</b>

## Publications and alerts

In December 2019, the NSW Resources Regulator published five media releases and two mine safety news on our website.

**TABLE 10. MEDIA RELEASES, SAFETY BULLETINS AND PUBLICATIONS - DECEMBER 2019**

Date	Type	Summary
3 December	Webpage	Updates to mining competence page and published Certificates of competence 2020 examination calendar.
6 December	Report	Quarterly safety report July-September 2019.
6 December	Weekly summary	Weekly incident summary (ISR19-47).
7 December	Investigation information release	Ulan Underground Mine - Worker injured on longwall support (IIR19-14).
9 December	Media release	LD Operations Pty Ltd fined \$136,000 for safety breach.
9 December	Media release	Incident at Ulan Underground Mine.
9 December	Gazette	Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 exemption notification of other matters for exploration.
10 December	Investigation information release	Woodlawn Mine - Worker hit by shotcrete delivery line (IIR19-13).
10 December	Webpage	Report an incident or injury, your privacy – updated.
11 December	Media release	Incident at Woodlawn Mine.
11 December	Forms	Design registrations forms updated to include new email address to submit forms and new payment information.
11 December	Forms	Application forms for licences activities and new items of plant updated.
12 December	Newsletter	Mine Safety News.
13 December	Form	Revision - Application to resit examinations and statutory function certificates in 2020.
13 December	Weekly summary	Weekly incident summary (ISR19-48).
16 December	Minutes	MSAC minutes from September meeting.
16 December	Examiners report	Cable repair signatory
16 December	Examiners report	Mechanical engineering manager underground coal.
16 December	Examiners report	Mechanical engineering manager of coal mines other than underground.
16 December	Examiners report	Quarry manager certificate of competency.
16 December	Examiners report	Electrical engineering manager of underground mines.

Date	Type	Summary
16 December	Examiners report	Open cut examiner coal mines other than underground.
16 December	Examiners report	Electrical engineer of coal mines other than underground.
16 December	Registers	Updated lists of those who hold licences for undertaking high risk activities.
17 December	Gazette	Registration of design of plant to determine or monitor presence of gas.
19 December	Factsheet	Prospecting on a mining lease December 2019.
19 December	Weekly summary	Weekly incident summary week ending 13 December 2019 (ISR19-49).
19 December	Webpage/videos/presentations	Electrical Engineering Safety Seminar presentations 2019.
19 December	Webpage/videos/presentations	Mining Engineering Managers Safety Seminar presentations 2019.
20 December	Media release	Class exemption for new respirable crystalline silica exposure standard.
20 December	Media release	Amendments to Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.
20 December	Newsletter	Mine Safety News.
<b>Total</b>		

32