



**NSW
Resources
Regulator**

Monthly business activity report

NOVEMBER 2018



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Disclaimer: The data in this report was extracted from the NSW Resources Regulator's compliance database on 29 November 2018. Apart from mining related compliance activities data that was updated 24 February 2019. However, because of receipt of new information, users are reminded of the need to ensure that information upon which they rely is up to date. If you are concerned about the currency of any of the information in the report, please check with the appropriate officer of the NSW Department of Planning and Environment.



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Activities snapshot

Activities at a glance

SUMMARY OF REGULATORY ACTIVITIES - NOVEMBER 2018



Key enforcement actions

On 2 November 2018, the NSW Resources Regulator commenced prosecution proceedings against Tony Glenn Cummings, for allegedly failing to comply with work health and safety requirements which resulted in the death of a miner. The incident occurred on 4 November 2016, at opal mineral claim MC 44507 located in the Mulga Rush Opal Fields, about 40 km southwest of Lightning Ridge. It is alleged that a bucket from a hoisting system fell down a mine shaft, striking a miner who was in the sump of the mine, some 13 metres below ground level. The miner suffered fatal injuries.

On 5 November 2018, Rigent Pty Limited was convicted in Orange Local Court of an offence under section 378D(1) of the Mining Act 1992 for contravening a condition of its mining authorisation. Rigent Pty Limited was fined \$1,100 and ordered to pay \$500 in professional costs.

On 14 November 2018, the NSW Resources Regulator accepted an enforceable undertaking from Sibelco Australia Limited following the Regulator's investigation into the serious injury of a worker at Sibelco's Salt Ash site. The undertaking requires Sibelco to develop an educational video on articulated dump truck safety, present learnings from the incident at five industry events and fund two internships for university students studying work health and safety. The undertaking also requires Sibelco to donate \$190,000 to the Hunter Brain Injury Service Centre. Sibelco has also committed to pay the Regulator's costs of \$171,752 making the total value of the undertaking \$513,449.

Safety incidents under investigation

As at 4 November 2018, the NSW Resources Regulator is investigating a fatality at Bengalla coal mine in the Hunter Valley. As investigations are ongoing, no further comment will be provided.

As at 7 November 2018, the NSW Resources Regulator is investigating a number of incidents involving heavy vehicles at Maules Creek mine in the Gunnedah Basin. As a result of inspections on 26 and 27 November, a notice was issued prohibiting the use and operation of heavy vehicles until a number of remedial measures are carried out. As investigations are ongoing further comment will not be provided.

The regulator's published [weekly incident summaries](#), referenced in the table following, provides details of the dangerous and serious incident notifications received in November 2018.

Communication highlights

The NSW Resources Regulator's 28th annual Electrical Engineering Safety Seminar was held in Sydney on 7-8 November 2018. Mine workers, manufacturers, contractors and industry specialists from across the State attended and discussed electrical hazards, how these hazards become an unacceptable risk to the health and safety of people, and how to best control the risks associated with the sector.

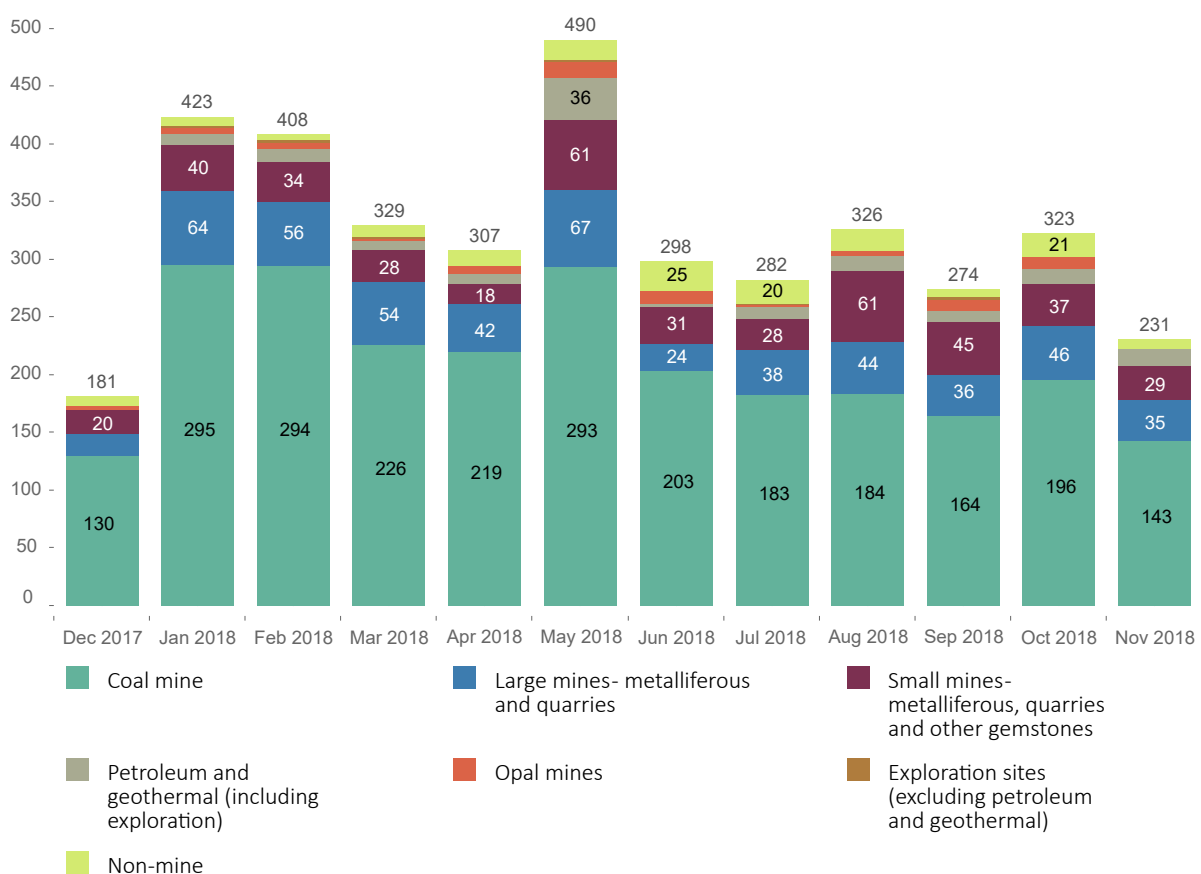
In November 2018, the NSW Resources Regulator held health and safety roadshows in Tamworth (1 November 2018), Ballina (13 November 2018), Port Macquarie (15 November 2018), Dubbo (20 November 2018) and Orange (21 November 2018).

Safety activities

Safety assessments

In November 2018, the NSW Resources Regulator conducted a total of 231 assessment activities across all mining sectors, down 92 compared to the previous month. Of the 231 assessments, 143 of them (or 62%) occurred in the coal sector.

FIGURE 1. ASSESSMENT ACTIVITIES BY SECTOR - DECEMBER 2017 TO NOVEMBER 2018

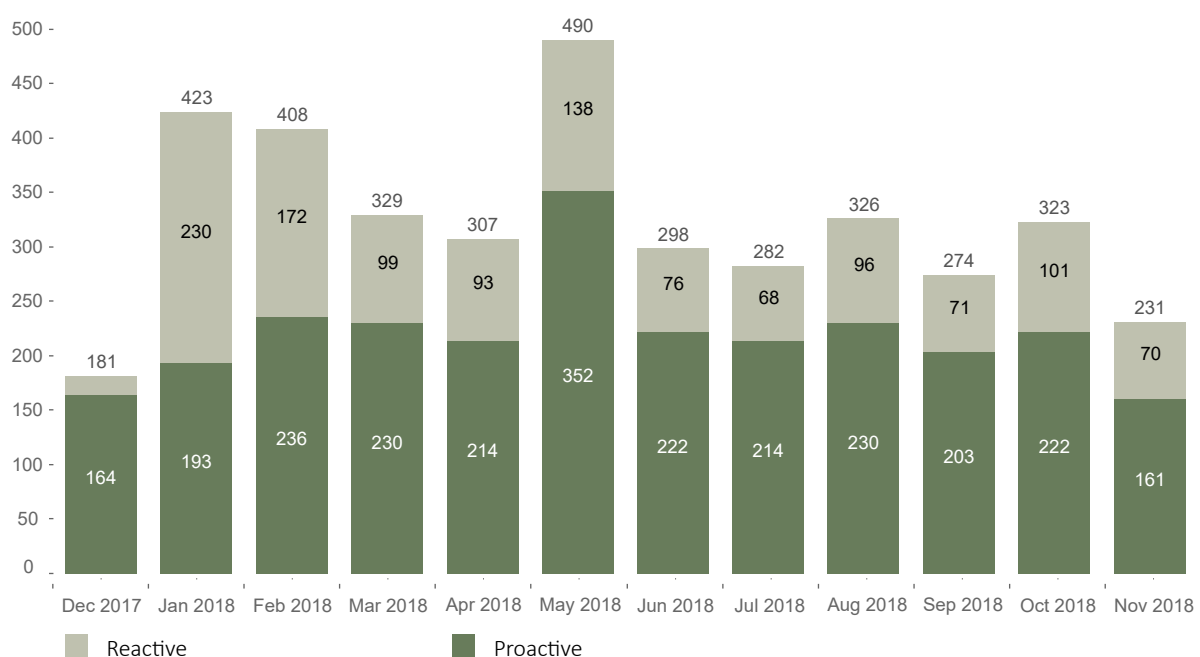


Proactive and reactive safety assessments

In November 2018, 161 of the 231 assessments (approximately 70%) conducted by the NSW Resources Regulator were proactive, that is unrelated to an incident or complaint. Proactive assessments include both targeted assessments and planned inspections.

Of note, the [NSW mining dredges planned inspection program report](#) was published this month. This report outlined the result of the NSW Resources Regulator's review of all dredges operating at NSW mines following several incidents involving dredges.

FIGURE 2. ASSESSMENT ACTIVITIES BY NATURE - DECEMBER 2017 TO NOVEMBER 2018



Targeted assessment programs

Under the proactive assessment program, the NSW Resources Regulator conducted five targeted assessments (intensive onsite assessments) in November 2018 on four principal mining hazards. As a result, five notices were issued.

TABLE 1. TARGETED ASSESSMENT PROGRAMS - NOVEMBER 2018

Hazard	Mine	Date of activity	Notice detail
Diesel exhaust emissions	Austar	13-14 November 2018	Nil notices issued
Airborne contaminants	Boggabri	13-14 November 2018	One improvement notice issued
Fire or explosion	Airly	20-21 November 2018	Nil notices issued
Fire or explosion	CSA	20-21 November 2018	Three improvement notices issued
Fatigue	Moolarben UG	6-7 November 2018	One improvement notice issued



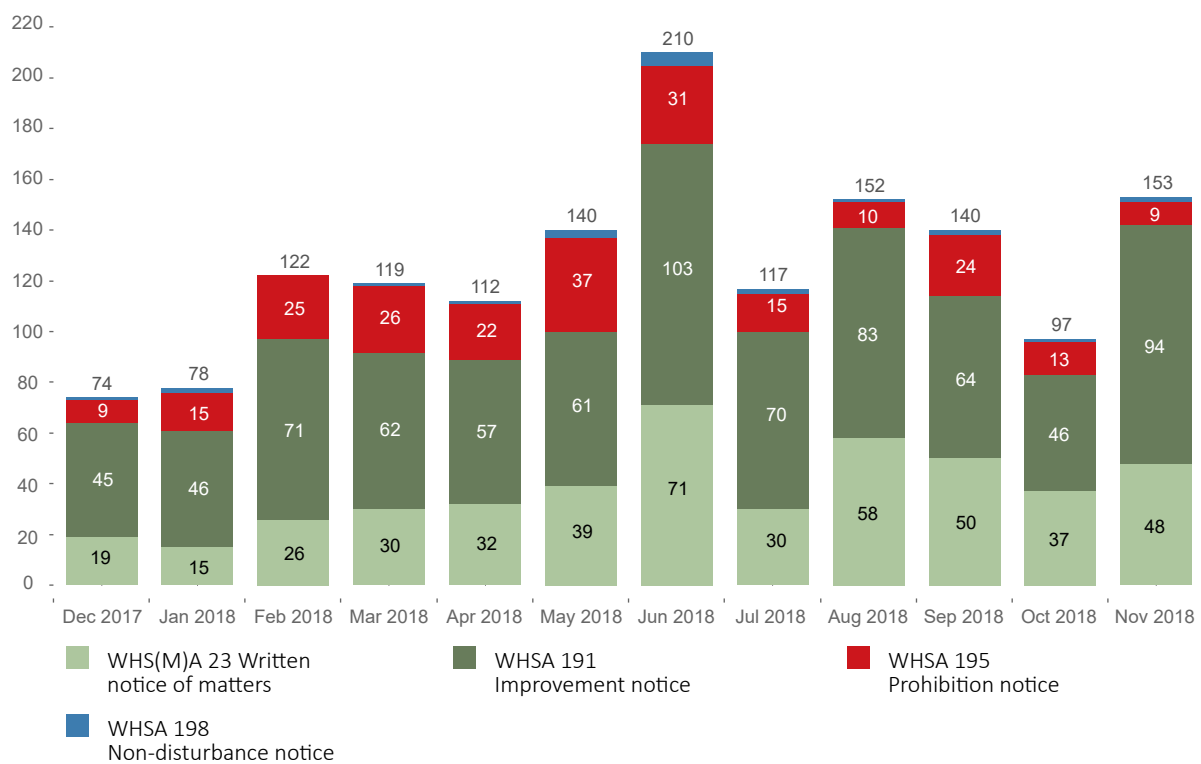
Safety notices

Safety notices issued

In November 2018, the NSW Resources Regulator issued 153 notices, up 56 compared to the previous month.

For more information about notices our Compliance and enforcement approach is available on our [website](#).

FIGURE 3. NOTICES ISSUED BY TYPE - DECEMBER 2017 TO NOVEMBER 2018



Prohibition notices issued

In November 2018, the NSW Resources Regulator issued nine safety related prohibition notices.

TABLE 2. PROHIBITION NOTICES ISSUED (S195 WORK HEALTH AND SAFETY ACT 2011) - NOVEMBER 2018

Issued to PCBU	Mine	Prohibited activity
Peak Gold Mines Pty Limited ACN: 001533777	Peak Gold Mine	The underground core exploration drilling sites must not be operated until work, health and safety requirements are met.
Smith Plant (Lismore) Pty Ltd ACN: none	Smith Plant (Lismore) P/L - Corndale Quarry	This notice relates to Caterpillar 740 articulated truck NSW conditional registration 49002D and Caterpillar 740 articulated truck NSW conditional registration 75847D on site and requires the mine operator to allow: No person is to use the cabin platform on the identified truck (driver's access side of cabin) to proceed up for any task unless suitable fall from height controls are used.
Mt Arthur Coal Pty Limited (ACN: 000181902)	Mt Arthur Coal - Mine Operation Area	All tipping operations at waste dump tip heads.
Sebastian Deisenberger	MC43813	No persons to access the mining operation due to primary underground strata failure.
Sebastian Deisenberger	MC43815	No persons to access the mining operation due to primary underground strata failure.
Burgess Earthmoving Pty Ltd (ACN: 002974496)	Albury Quarry	Storage, transport or the use of explosives or explosive pre-cursors is prohibited on site until required actions listed in Part E Directions have been completed
Cobar Management Pty Ltd (ACN: 083171546)	CSA Mine	Surface trucks passing under the low and sagging powerlines.
Endeavor Operations Pty Ltd (ACN: 103555862)	Endeavor Mine	Excavation and reclamation of tailings at the Sector 5 In Pit Tailings Facility.
Burgess Earthmoving Pty Ltd (ACN: 002974496)	Albury Quarry	The storage, transport and use of explosives or explosive pre-cursors is prohibited on the Kapooka site until required actions listed in Part E Directions have been completed.

* PCBU – Person Conducting a Business or Undertaking

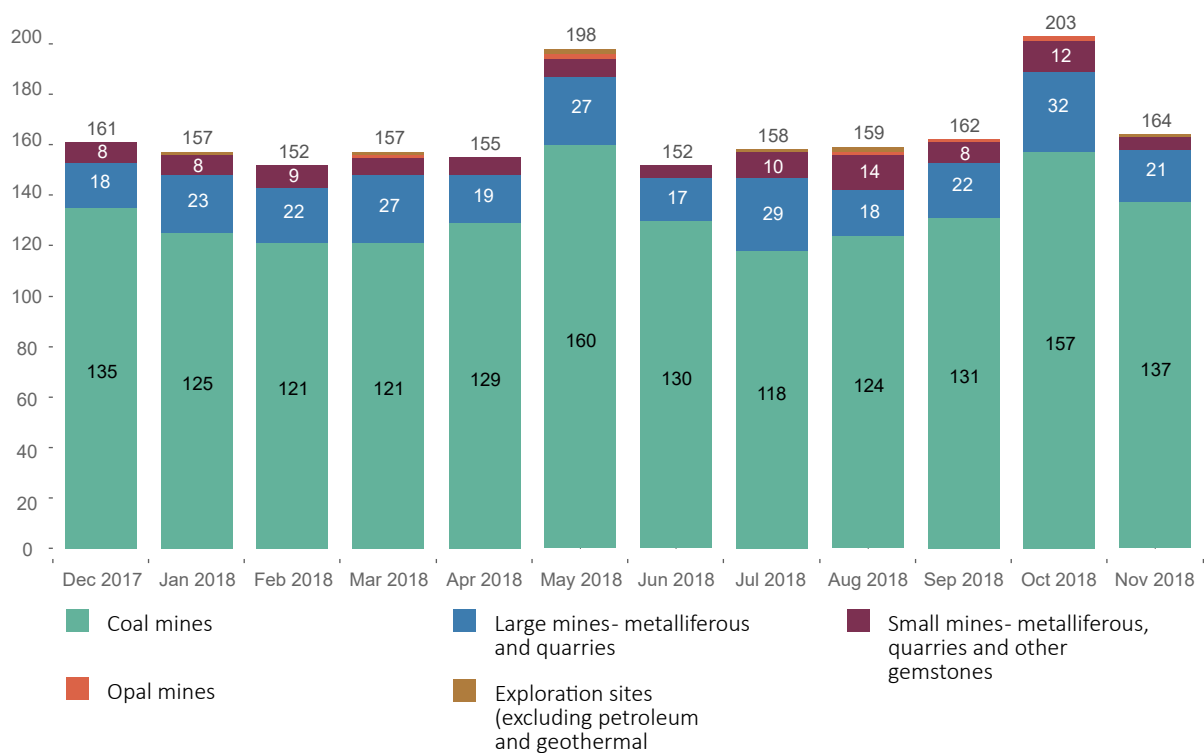


Safety notifications

Safety incident notifications

In November 2018, 164 incidents were notified to the NSW Resources Regulator, down 39 compared to the previous month.

FIGURE 4. SAFETY INCIDENT NOTIFICATIONS BY SECTOR - DECEMBER 2017 TO NOVEMBER 2018



Safety statutory notifications

TABLE 3. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED UNDER THE WORK, HEALTH AND SAFETY (MINES & PETROLEUM SITES) REGULATION 2014 - NOVEMBER 2018

Mine	Legislation	Type of notification	No.
Appin Colliery	Schedule 3 Clause 15	Formation of non-conforming pillars	2
Hunter Valley Operations	Schedule 3 Clause 27	Emplacement areas	1
Integra Underground	Schedule 3 Clause 15	Formation of non-conforming pillars	1
Mount Thorley Warkworth Operations	Schedule 3 Clause 29	Barrier mining	1
Narrabri Colliery	Schedule 3 Clause 8	Roadway or drift without intersection for 250 metres	1
PPL0001 Elizabeth Macarthur 28	Schedule 3 Clause 32	Decommissioning a well	1
Woodlawn Mine S(C&PL) L 20	Schedule 3 Clause 4	Development of new mine entry	1

In November 2018, the NSW Resources Regulator received one application from Ulan Coal Mines requesting an exemption from compliance with clause 96 (1) of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014. The request was granted.



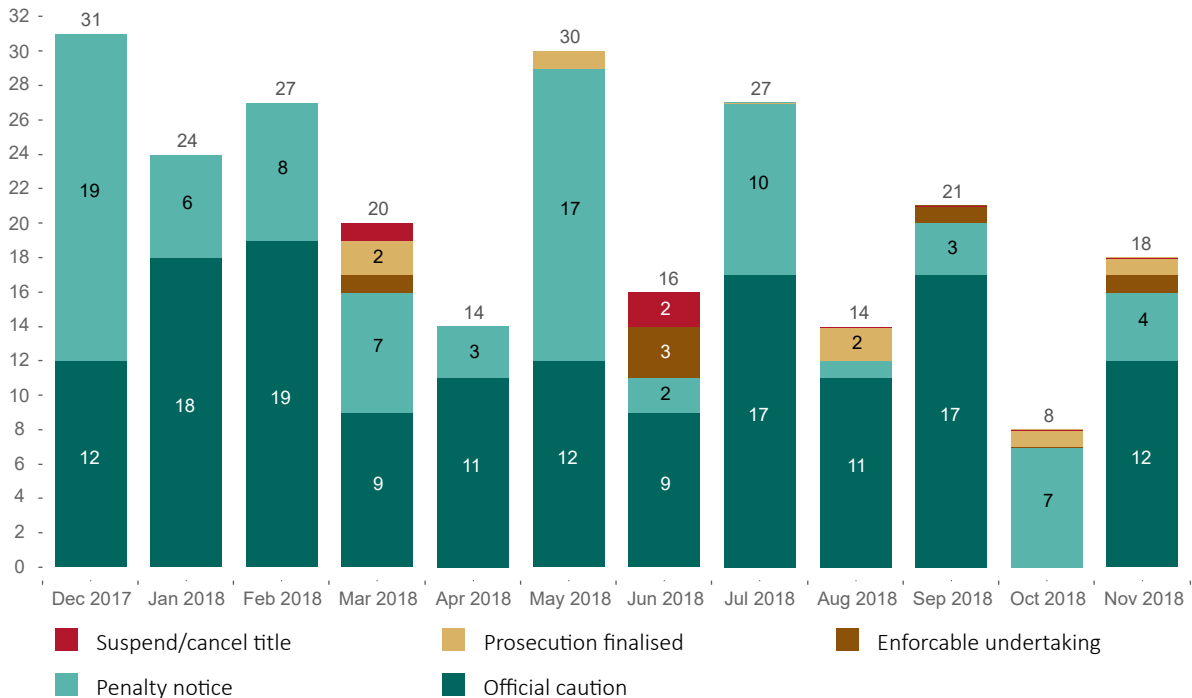
Mining related compliance activities

Key enforcement actions under the *Mining Act 1992*

The NSW Resources Regulator employs a range of enforcement tools for ensuring mining operations comply with the *Mining Act 1992*. These include official cautions, penalty notices, enforceable undertaking and suspending/cancelling titles.

In November 2018, the NSW Resources Regulator finalised a total of 18 enforcement actions, this is up ten on the previous month.

FIGURE 5. ENFORCEMENT ACTIONS UNDER THE *MINING ACT 1992* - DECEMBER 2017 TO NOVEMBER 2018



In November 2018, the NSW Resources Regulator issued four penalty infringement notices under the *Mining Act 1992*. The reasons for their issue is detailed below.

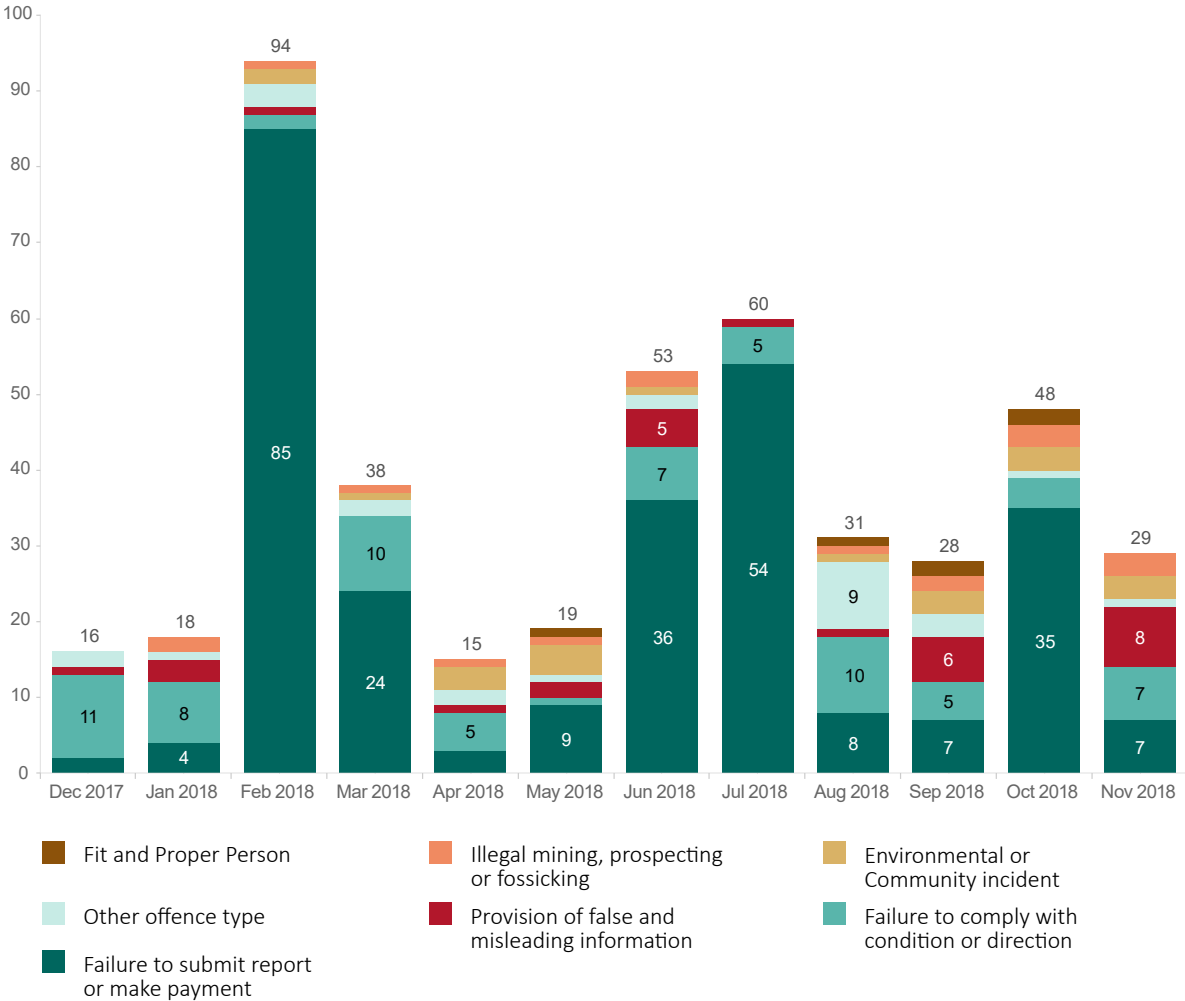
TABLE 4. KEY ENFORCEMENT ACTIONS - NOVEMBER 2018

Date	Entity	Authority	Action	Amount	Details / Direction
23 Nov 2018	Titleholder	EL8388	Penalty notice	\$2,500	Section 5 of the <i>Mining Act 1992</i> Prospecting for a mineral using auger drilling without a mining authorisation
23 Nov 2018	Titleholder	EL8388	Penalty notice	\$1,250	Section 378D of the <i>Mining Act 1992</i> Breach of condition of authorisation – drilled 48 holes to 10.5 metres, approval for 20 only at 3.0 metre
23 Nov 2018	Titleholder	EL8388	Penalty notice	\$2,500	Section 5 <i>Mining Act 1992</i> Prospecting for Group 3 minerals without authorisation
23 Nov 2018	Telluric Explorations 2 Pty Ltd	EL8388	Penalty notice	\$2,500	Section 378C of the <i>Mining Act 1992</i> Knowing information provided is false and misleading



For November 2018, the NSW Resources Regulator lodged 29 non-compliance events under the *Mining Act 1992*. Provision of false and misleading information was the most common non-compliance event for the month. The list below is not exhaustive as there are additional offence types included in the *Mining Act 1992*.

FIGURE 6. NON-COMPLIANCE EVENTS BY TYPE - NOVEMBER 2018



Education and engagement activities

In November 2018, the NSW Resources Regulator conducted 13 compliance and industry training workshops and roadshows across the state. Details are outlined below.

TABLE 5. WORKSHOPS AND INFORMATION SESSIONS - NOVEMBER 2018

Date	Type of activity	Location	Details
01 Nov 2018	Industry training	Tamworth	Small mines roadshow
01 Nov 2018	Oral examinations	Nyngan	For underground mine supervisor candidates (run by one mining inspector)
5 Nov 2018 to 7 Nov 2018	Industry training	Lightning Ridge	Mine safety awareness course
7 Nov 2018 to 8 Nov 2018	Electrical Engineering Safety Seminar	Sydney	The Electrical Engineering Safety Seminar (EESS2018) was held in Sydney on November 7 and 8. This year's theme was Electrical Engineering Safety – Back to Basics. There were 248 registered attendees at this event across the two days.
13 Nov 2018	Industry training	Ballina	Small mines roadshow
15 Nov 2018	Industry training	Port Macquarie	Small mines roadshow
15 Nov 2018	Communications session with service facility certification bodies	Sydney	Industry performance update for certification bodies that assess and certify electrical hazardous area repair facilities
20 Nov 2018	Industry training	Dubbo	Small mines roadshow
21 Nov 2018	Seminar	Wollongong	Outburst Seminar
21 Nov 2018	Industry training	Orange	Small mines roadshow
21 Nov 2018	Workshop	Total	Engagement with OEM's in relation to access systems and design issues

Date	Type of activity	Location	Details
21 Nov 2018	Meeting	Dubbo	Metalliferous Industry Safety Advisory Committee
22 Nov 2018	Working Group/ Forum	Dubbo	Metalliferous Emergency Response Team Working Group – industry engagement forum with ERT and management staff from metalliferous sector. Presentations by Ambulance Service, NSW Police Rescue and the NSW Resources Regulator on emergency planning requirements



Publications and alerts

For November 2018, the NSW Resources Regulator published 11 media releases, news articles and safety alerts on our website. For more information about what we publish, our [public comment policy](#) is available on our website.

TABLE 6. MEDIA RELEASES, SAFETY NEWS AND PUBLICATIONS - NOVEMBER 2018

Date	Type	Summary
1 Nov 2018	Media release	Safety the focus at electrical engineering summit in Sydney
4 Nov 2018	Media release	Resources Regulator investigating fatality at Bengalla coal mine
6 Nov 2018	Mine Safety News	Safety Alert – Legionnaires disease Safety Bulletin Welding fume safety Safety Bulletin Drill rig safety Noetic review Appointment of Chief Inspector Coming soon new portal Ballina next stop for small mines roadshow
12 Nov 2018	Weekly summary	Weekly summary week ending 7 Nov 2018
16 Nov 2018	Weekly summary	Weekly summary week ending 14 Nov 2018
22 Nov 2018	Mine Safety News	Investigation Information Release worker suffers serious head injuries New online portal Quarterly report fires on mobile plant August Monthly Report Planned inspection consolidated report – fires on mobile plant Electrical Engineering Safety Seminar Small Mines Roadshow
22 Nov 2018	Media release	Enforceable undertaking accepted following Salt Ash incident

Date	Type	Summary
23 Nov 2018	Weekly summary	Weekly incident summary week ending 21 Nov 2018
27 Nov 2018	Media release	Resources Regulator issues prohibition notice to Maules Creek Mine near Boggabri
28 Nov 2018	Mine Safety News	New online portal Investigation report – death of worker at Rix’s Creek Small Mines Roadshow
28 Nov 2018	Media release	Resources Regulator commences prosecution action over an opal mine fatality



