

**NSW  
Resources  
Regulator**

# ○ Monthly business activity report

AUGUST 2018



## Document control

Published by NSW Department of Planning and Environment, NSW Resources Regulator

Title: Monthly business activity report – August 2018

First published: November 2018; data current at 5 September 2018

Authorised by: Chief Compliance Officer

CM9 reference: DOC18/831389-01

Amendment schedule		
Date	Version	Amendment

© State of New South Wales through the NSW Department of Planning and Environment 2018.

This publication is copyright. You may download, display, print and reproduce this material in an unaltered form only (retaining this notice) for your personal use or for non-commercial use within your organisation. To copy, adapt, publish, distribute or commercialise any of this publication you will need to seek permission from the NSW Department of Planning and Environment.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 2018). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Planning and Environment or the user's independent advisor.

NSW Planning and Environment 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.

## VISION

A safe and responsible mining extractive and petroleum industry

## MISSION

To enable and support industry to understand and fulfil its obligations

# NSW Resources Regulator

## SECTOR REPORTING

### Coal mines

Opencut, underground and coal preparation plants

### Large mines

METALLIFEROUS AND QUARRIES

Quarries that produce >900,000 tonnes pa and large opencut or underground metalliferous mines

### Small mines

METALLIFEROUS, QUARRIES AND OTHER GEMSTONES

Quarries and other mine types (eg sand, clay, lime) that produce <900,000 tonnes pa, opencut or underground metalliferous mines and gemstone mines

### Petroleum and Geothermal

Onshore petroleum and geothermal productions and exploration sites

### Opal Mines

Opal mines at Lightning Ridge and White Cliffs

### Exploration

Exploration sites (excluding petroleum)

### Non-mine

Includes many manufacturers (including OEMs), suppliers, designers, importers, licence holders and registration holders

## Key activities and events

### Enforcement actions

In August 2018, the Resources Regulator commenced prosecutions under the *Mining Act 1992* against Abterra Australia Pty Ltd and its Director for failing to comply with a security deposit condition and an executive liability offence. See prosecutions summaries on our [website](#) for more details.

The regulator commenced seven investigations under the *Mining Act 1992* in August 2018. An investigation information release ([IIR18-08](#)) was published on one matter where the regulator, in collaboration with NSW Fisheries and the NSW Police Force, investigated an incident of alleged illegal fossicking using a power-operated dredge in the Meroo River near Mudgee. Investigations are continuing into a second alleged incident.

Enforcement action was taken against two claim holders for failure to comply with improvement notices issued under s 191 of the *Work Health and Safety Act 2011* (WHS Act) within the specified period. One claim holder was issued a penalty notice and the other an official caution.

### Safety incidents

The regulator is investigating a new case of [dust disease in the coal industry](#). The case relates to an 89-year-old coal worker diagnosed with mixed dust pneumoconiosis. The worker retired in the late 1980's after spending much of their career working in the coal fields in Southern NSW. The worker was detected through health surveillance screening, which is provided to all current and retired coal workers, as part of the NSW regulatory framework. The regulator's investigation seeks to determine whether there were any breaches of work health and safety requirements.

For August 2018, none of the safety incidents notified to the regulator were classified as critical or severe. Weekly incident summaries available on our [website](#) provide further details of notified dangerous and serious incidents.

### Communication

A report outlining the findings of an investigation into a reported case of [mixed dust pneumoconiosis](#) was published in August 2018. It was reported that following the worker's death, the autopsy did not find evidence of coal worker pneumoconiosis. The investigation also found no evidence of the worker having been exposed to hazardous levels of atmospheric contaminants in any of the workplaces concerned.

Other investigation reports published in August 2018 include:

- a serious injury which occurred in a nose-to-tail collision between two dump haul trucks ([IIR18-07](#)) and
- death of a worker at Wongawilli coal mine found not to be work related ([Investigation report](#)).

On 1 August the regulator issued a media release indicating that it had lifted a prohibition notice issued under s195 of the WHS Act at Austar mine. The notice prohibiting all underground longwall production,

was lifted on 30 July 2018 after the mine implemented additional controls, including de-stress drilling and the training of staff in pressure bump identification and coal burst trigger action response plans.

In early August, the regulator published a [discussion paper](#) on the use and possible regulation of mobile plant fire mitigation strategies. Submissions closed on 14 September 2018. Further updates will be published on our [website](#). The [Fires on mobile plant](#) quarterly report was published on 30 August 2018. The report presented information gathered from the fires ancillary report.

A safety bulletin ([SB18-13](#)) published on 15 August 2018, alerted industry to concerns regarding flameproof alternators installed on mobile diesel equipment intended for use in hazardous zones in underground coal mines.

A redesigned [Safety management kit for small mines](#) was published in August 2018. The kit is intended to facilitate a structured approach to managing risk and contains general advice as well as templates to assist mines to develop a safety management system.

## Activity summary

Below is a snapshot of the NSW Resources Regulator's activities for August 2018.

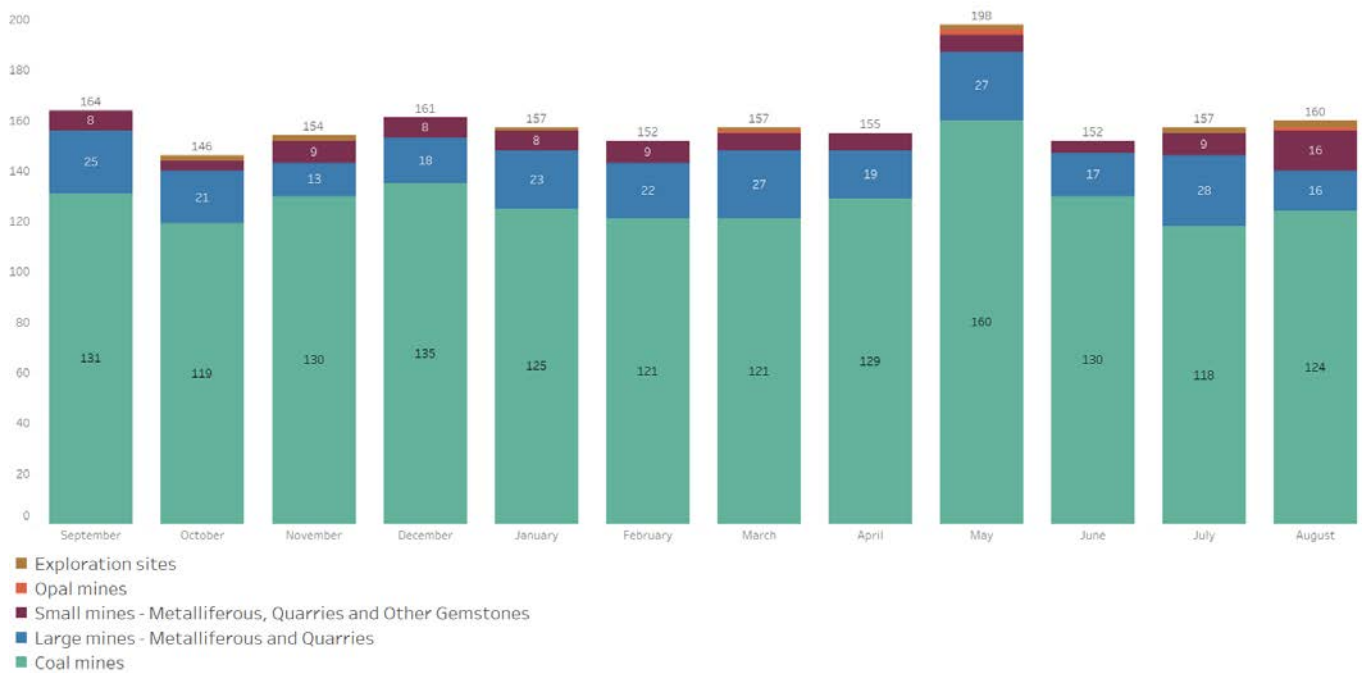


# WHS legislation

## Incidents notified

In August 2018, 160 safety incidents were notified to the regulator. The numbers of incidents notified in each sector are shown below.

### Safety incident notifications by sector - September 2017 to August 2018



## WHS legislation – compliance overview

### Targeted assessment program (TAPs)

In August 2018, the regulator conducted five TAP site assessments. As a result, six s191 notices were issued in relation to the hazard assessed. Three consolidated summary reports were also published:

- [Emergency management in underground mines](#)
- [Airborne contaminants in underground metalliferous mines](#)
- [Dust and other airborne contaminants in open cut coal mines.](#)

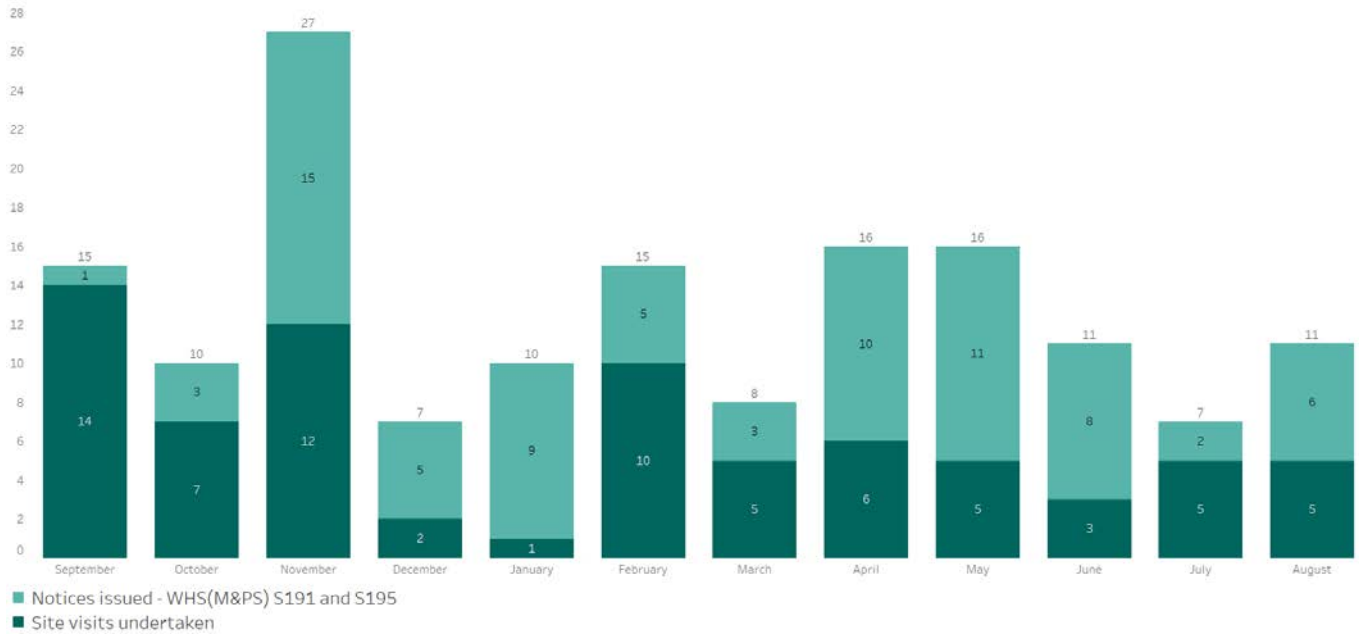
### Targeted assessments and notices issued - August 2018

Hazard	Mine	Date	Activity
Fire and explosion	Myuna	7-8 Aug 2018	Site assessment
	Perilya	28 Aug 2018	Site assessment
	Rasp	29 Aug 2018	Site assessment
Airborne contaminants - diesel exhaust emission	North Wambo	21-22 Aug 2018	Site assessment
Airborne contaminants	Tarrawonga	15-16 Aug 2018	Site assessment



For the previous 12 months, the number of site visits conducted by the regulator and related notices issued is shown below.

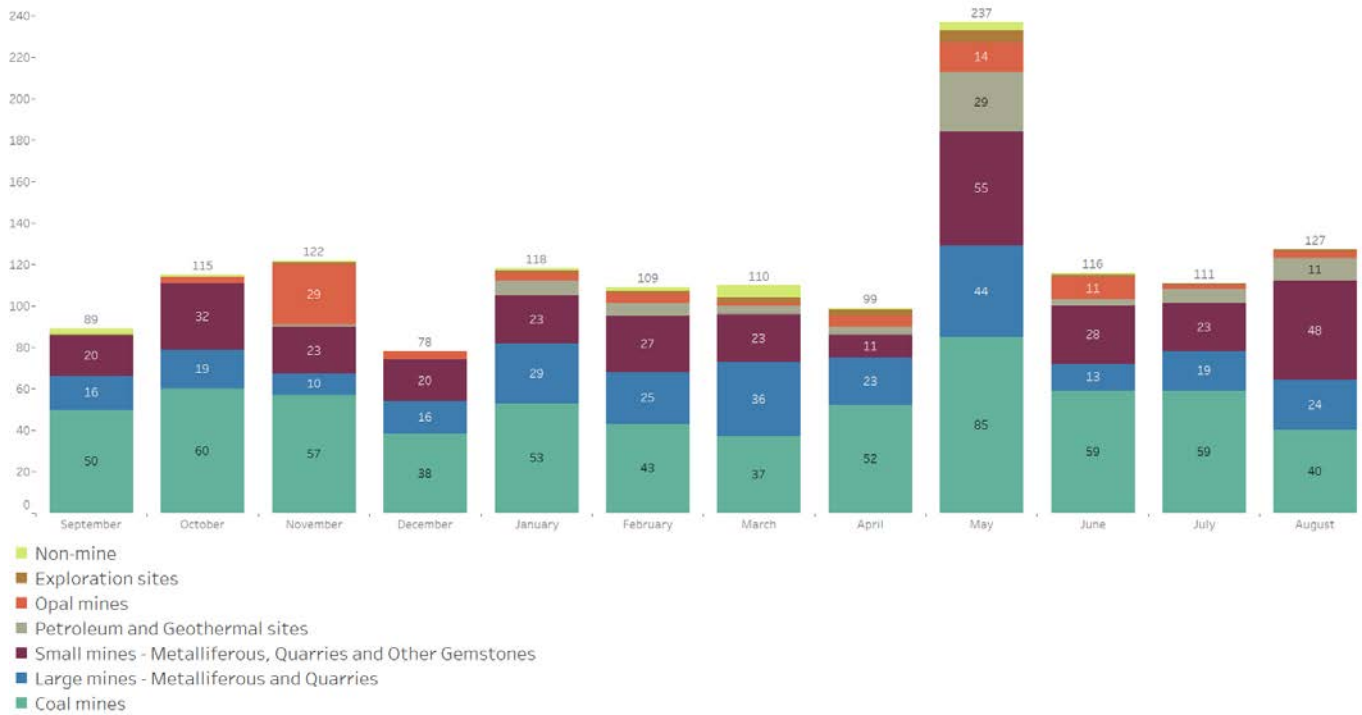
**Targeted site assessments and notices issued - September 2017 to August 2018**



## Safety assessments

In August 2018, the regulator conducted 127 mine safety site assessments.

### Site assessments by sector - September 2017 to August 2018



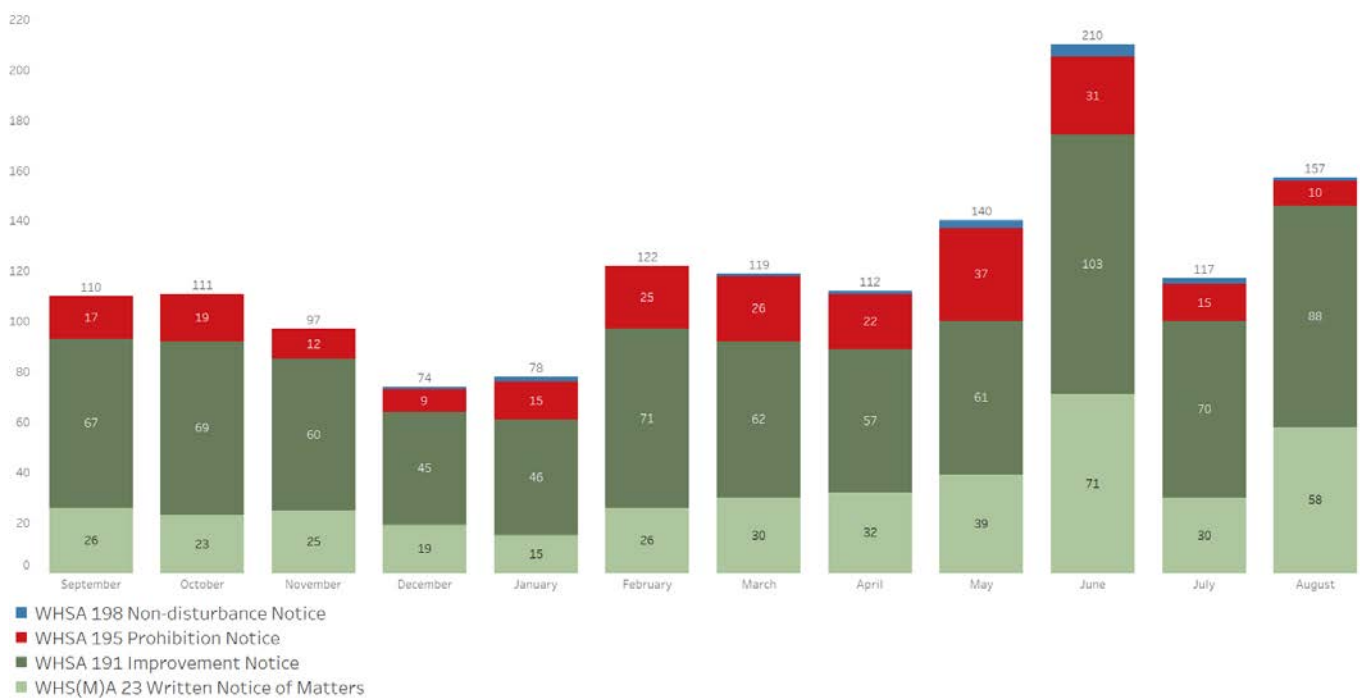
## WHS enforcement actions

Our [Compliance and enforcement approach](#) is available on our website.

### Safety notices issued

In August 2018, the regulator issued 157 mine safety notices. This is slightly higher than the monthly average for the previous 12 months - 120 notices issued per month.

#### Safety notices issued by section of the *Work Health and Safety Act 2011* - September 2017 to August 2018



## Prohibition notices issued

In August 2018, the regulator issued 10 prohibition notices. Five were related to falls from heights / accessing plant.

### Prohibition notices issued (s 195 WHS Act 2011) - August 2018

PCBU	Mine	Prohibited activity
Bald Hill Quarry Pty Ltd (ACN: 003764725)	Bald Hill Jugiong Quarry	Entering or exiting to the Komatsu dump truck from the driver's side is prohibited until the identified fall from height risk (gap in guardrail) is addressed.
Bald Hill Quarry Pty Ltd (ACN: 003764725)	Bald Hill Jugiong Quarry	Proceeding beyond the door (drivers side) unless it is to enter cabin.
Hunter Quarries Pty Limited (ACN: 093914937)	Hunter Quarry (Karuah Quarry)	Accessing the top of the engine bay covers on the Ingersoll Rand drill rig is prohibited unless a fit for purpose ladder way and platform is provided.
Cobar Management Pty Ltd (ACN: 083171546)	CSA Mine	Using No 2 Shaft winder for persons to descale the shaft and access the tail rope limit switch.
Tahmoor Coal Pty Ltd (ACN: 076663968)	Tahmoor Colliery	The transport of longwall roof supports in any roadway where energised high voltage cables are installed until the circumstances of the incident, where the high voltage cable was struck on 26 August 2018, have been investigated and the risks that gave rise to the incident have been eliminated or mitigated so far as reasonably practicable.
Wilpinjong Coal Pty Ltd (ACN: 104594694)	Wilpinjong Coal Mine	Using Dozers in 'remote control' mode.
Yancoal Mining Services Pty Ltd (ACN: 609452039)	Austar Coal Mine - Underground Operation	Longwall extraction in LWB4 beyond 280m chainage. Longwall extraction in LWB4 unless in accordance with the directions in Part E of this notice.
Hanson Construction Materials Pty Ltd (ACN: 009679734)	East Guyong Quarry	This notice relates to the Volvo A 40D articulated dump truck on site and requires the mine operator to ensure: 1. No person to proceed beyond the door (drivers side) unless it is to enter cabin when operating the truck or undertaking maintenance/pre-start activities. 2. No person to use the access ladder or platform (opposite side of cabin) when operating the truck or undertaking maintenance/pre-start activities.
Hanson Construction Materials Pty Ltd (ACN: 009679734)	East Guyong Quarry	Entering or exiting the Komatsu dump truck from the driver's side is prohibited until the identified fall from heights risk (gap in guardrail) is addressed.
Ulan West Operations Pty Ltd (ACN: 143383377)	Ulan West Operations	Operating Komatsu 10SC42 Shuttle Cars that are affected by the Komatsu Global Safety Alert (GSA0028) in the underground workings (see the attached machine serial number list in GSA0028).

## WHS Statutory notifications

Information about WHS statutory [notifications](#) and [exemptions](#) is available on our website.

In August 2018, the regulator received 16 notifications of high risk activities (HRAs).

### High risk activity notifications received - August 2018

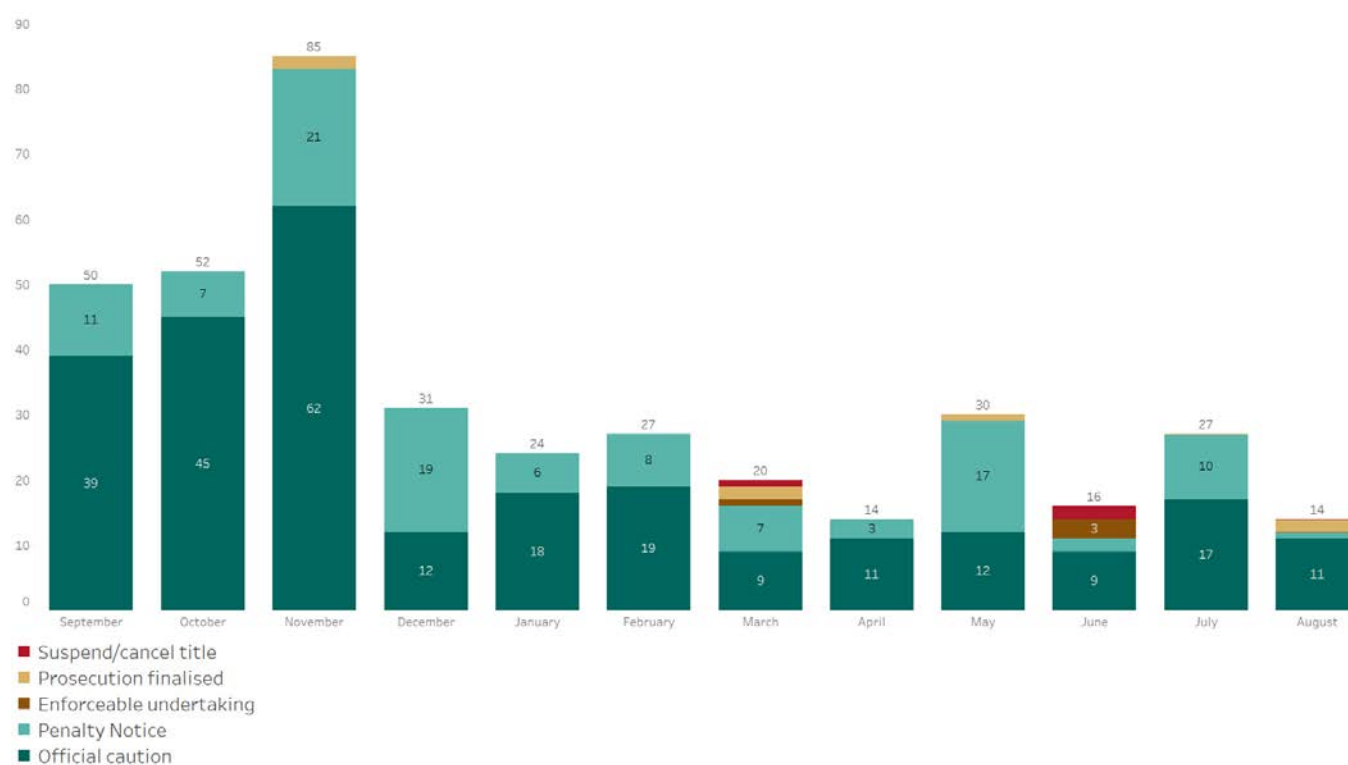
Mine	Work Health and Safety (Mine and Petroleum Sites) Regulation 2014 provision	Type of notification	No.
Appin colliery	Schedule 3cl 16(1)(a)	Secondary extraction	1
Bargo 1	Schedule 3cl 32	Decommissioning a well	1
Chain Valley colliery	Schedule 3cl 08	Roadway drift without intersection for 250 metres	1
Clarence colliery	Schedule 3cl 15	Formation of non-conforming pillar	1
Mandalong mine	Schedule 3cl 15	Formation of non-conforming pillar	1
Metropolitan colliery	Schedule 3cl 18	Mining in an outburst zone	1
North Wambo underground	Schedule 3cl 16(1)(a)	Secondary extraction	1
PEL0002 Wandinong 1	Schedule 3cl 32	Decommissioning a well	1
PEL0002 Wandinong 3	Schedule 3cl 31	Well workover	1
PEL0002 Wandinong 5	Schedule 3cl 32	Decommissioning a well	1
PEL0005 Hawkesbury Bunnerong 1	Schedule 3cl 32	Decommissioning a well	1
PPL0001 Elizabeth Macarthur 32	Schedule 3cl 32	Decommissioning a well	1
PPL0001 Elizabeth Macarthur 32	Schedule 3cl 33	Suspending a well	1
PPL0005 Razor Back 6	Schedule 3cl 31	Well workover	1
Ulan underground mine	Schedule 3cl 16(1)(a)	Secondary extraction	1
Wilpinjong coal mine	Schedule 3cl 27	Emplacement areas	1

# Mining Act – compliance and enforcement

## Enforcement actions under the *Mining Act 1992*

The regulator employs a range of enforcement tools for ensuring compliance with the Mining Act including official cautions, penalty notices, enforceable undertakings and suspending/cancelling titles. The figure below provides a summary of key enforcement actions taken under the Mining Act in August 2018 and for the previous 12 months.

### Enforcement actions by type - September 2017 to August 2018



## Penalty notices issued

### Penalty notices issued under NSW *Mining Act 1992* - August 2018

Date	Entity	Authority	Action	Amount	Details / Direction
27 Aug 2018	Ezy Lime Pty Ltd	ML 1568	Penalty notice	\$5,000.00	Failure to submit annual exploration report

## Workshops and education activities

In August 2018, the regulator delivered six industry engagement activities. Details are outlined below. Information about upcoming events is available on our [website](#).

### Industry engagement activities - August 2018

Date	Type of activity	Location	Detail
6 - 7 Aug 2018	NSW Minerals Council HSEC conference	Lovedale	Conference delegates and staff Resources Regulator exhibitor's booth.
7 Aug 2018	Roadway dust course	Thornton	Presentation from investigators.
14 Aug 2018	Media event	Northparkes mine	Involved with WIN News and Northparkes personnel whilst undertaking planned inspection.
22 Aug 2018	Presentation	ANZ Stadium	Presentation to multi-agency committee (REMC) on role of regulator, and how we can work with the group on emergency planning arrangements at mines.
13 - 15 Aug 2018	Opal Mining Operators and safety awareness course	Lightning Ridge	Regular education program
27 - 29 Aug 2018	Opal Mining Operators and safety awareness course	Lightning Ridge	Regular education program

# Publications and alerts

Our [public comment policy](#) is available on our website.

## Mine safety publications - August 2018

Date	Type	Summary
1 Aug 2018	Media release	<a href="#">Limited activity allowed to resume at Austar mine</a>
10 Aug 2018	Mine safety news	<ul style="list-style-type: none"> <li>• <a href="#">Bulga Coal investigation information release</a></li> <li>• <a href="#">Wongawilli Colliery investigation report</a></li> <li>• <a href="#">NSW Mining Health, Safety and Environment and Community Conference and awards</a></li> <li>• <a href="#">Preventing fires on mobile plant</a></li> <li>• <a href="#">Airborne contaminants – new guidance material available</a></li> <li>• <a href="#">Call for expressions of interest – MSAC Chairperson</a></li> <li>• NSW Resources Regulator now recruiting</li> </ul>
10 Aug 2018	Weekly incident summary	<a href="#">Weekly incident summary week ending 22 August 2018</a>
17 Aug 2018	Mine safety news	<ul style="list-style-type: none"> <li>• <a href="#">Investigation report – mixed dust pneumoconiosis</a></li> <li>• <a href="#">Call for expressions of interest MSAC Chairperson</a></li> </ul>
17 Aug 2018	Media release	<a href="#">New case of mixed dust pneumoconiosis identified in NSW</a>
21 Aug 2018	Weekly incident summary	<a href="#">Weekly incident summary week ending 15 August 2018</a>
24 Aug 2018	Weekly incident summary	<a href="#">Weekly incident summary week ending 22 August 2018</a>
30 Aug 2018	Mine Safety news	<ul style="list-style-type: none"> <li>• <a href="#">Practising certificates – stage 5 applications now open</a></li> <li>• <a href="#">New dangerous incident type</a></li> <li>• <a href="#">Quarterly report – fires on mobile plant April to June 2018</a></li> <li>• <a href="#">Small mines health and safety roadshow</a></li> <li>• <a href="#">Safety management kit for small mines</a></li> <li>• <a href="#">Illegal mining Meroo River</a></li> <li>• <a href="#">New options when contacting the Resources Regulator</a></li> </ul>
30 Aug 2018	Media release	<a href="#">Lightning Ridge man convicted and fined for unlawfully entering mineral claim</a>
31 Aug 2018	Weekly incident summary	<a href="#">Weekly incident summary week ending 29 August 2018</a>