



Planning &
Environment
Resources Regulator

NSW Resources Regulator

Monthly business activity
report: May 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 May 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.

The Resources Regulator took action against South32's Appin coal mine near Wollongong, prohibiting the mine from operating after methane gas levels exceeded legislated limits, triggering a withdrawal of workers. This regulatory intervention resulted in normal operations being stopped for 16 days. The Resources Regulator met with mine management to review and discuss actions taken by the mine. The mine implemented additional control measures, including real time gas monitoring with a trigger to switch off the longwall shearer and additional pressure monitors.

An investigation was commenced into a fatality at Perilya Southern Operations, near Broken Hill. A worker was found unconscious near a light vehicle in an underground section of the mine. The worker died despite the efforts of his co-workers and ambulance officers to resuscitate him.

The Resources Regulator welcomed the successful appeal against the inadequate conviction of Silver City Drilling, a company whose employee was left a quadriplegic in a workplace accident at a Hunter Valley coal mine. Silver City Drilling was fined \$212,500 and must now pay the regulator's court costs.

More than 20 Resources Regulator staff participated in the first two-day human and organisational factors training course on the assessment tool developed specifically for use as a regulatory tool.

The regulator also implemented a [new web form](#) to enable members of the public to report any alleged breaches of the Mining Act to the regulator.

The Resources Regulator's [Public comment policy](#) was published on the website. The regulator has a strong policy of transparency, and is committed to communicating publicly about regulatory activities.

Activities

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

Date	What	Where	Detail
11 May	Workshop	Mudgee Police Station	The regulator participated in a security-related forum for Ulan mining district in conjunction with the local Police Commander and the Regional Emergency Management Officer.
15-16 May	Safety awareness course	Lightning Ridge	The regulator held an opal miners' safety awareness course, with 25 attendees.
16 May	Presentation	Perth	Staff members from the Resources Regulator presented at a West Australian mining forum on human and organisational factors.
17 May	Mine operators course	Lightning Ridge	The regulator held an opal mine operators' workshop, with 23 attendees.
19 May	Briefing session	Thornton	The regulator held a briefing session on the mechanical engineer certificate of competence.
31 May	Education program	Clarence Colliery	The regulator held an associated non-technical skills program for mining deputies.
31 May	Meeting	Singleton	The regulator held a meeting to discuss the formation of an emergency services and council sub-committee to facilitate the Hunter Valley consultation forum.



Targeted assessments and audits

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

The regulator has also published a compliance audit program, which assesses operators' level of compliance with their obligations under the Mining Act and in relation to dam safety. Download the [Compliance audit program report](#).

Targeted assessments and audits in May 2017

Mine	Type	Topic
Northparkes mines, near Parkes	Site assessment and report prepared	Diesel exhaust emissions
Myuna colliery, Lake Macquarie	Site assessment	Explosion suppression (underground coal)
Mt Arthur Coal, Muswellbrook	Site assessment	Fatigue (open cut coal)
Liddell Coal, near Muswellbrook	Site assessment	
Mandalong mine, Mandalong	Site assessment	Respirable dust (underground coal)
Tahmoor Coal, Tahmoor	Site assessment	
Ulan Coal, near Mudgee	Site briefing meeting	
CSA mine, Cobar	Site assessment and report prepared	Emergency management
Hera mine, Orange	Report prepared	Ground / strata failure (underground metalliferous)
EL5693 and EL6223, near Cobar	Audit	Compliance with the Mining Act
EL7714, near Cobar	Audit	
CML12	Audit	
Russell Vale, near Wollongong	Audit	Dam safety management systems, slope stability, hazardous substances and Mining Act compliance
Clarence, near Lithgow	Audit	Dam safety management systems

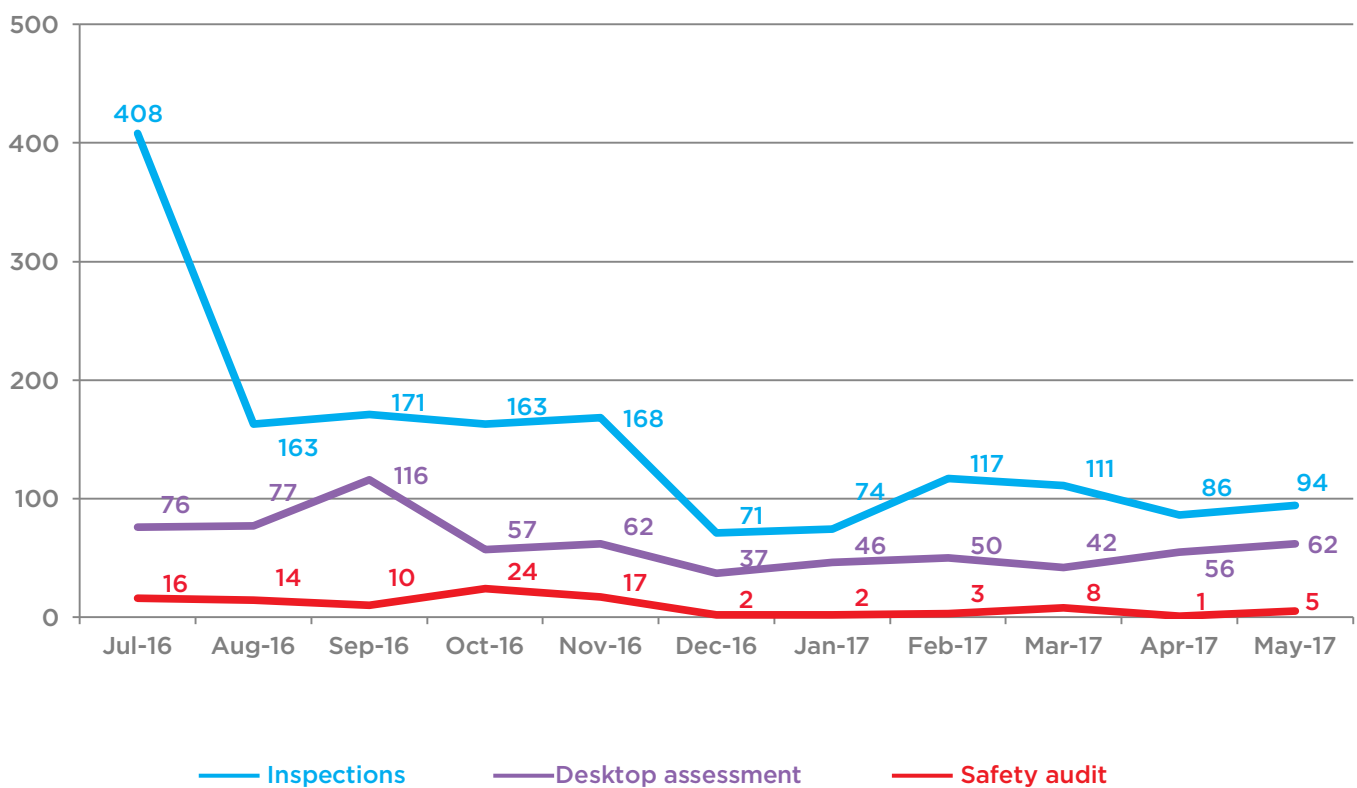
Proactive compliance programs

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Reports on the outcomes of targeted assessments are published on the [NSW Resources Regulator's website](#) after the program has been completed.

As well as detailed targeted assessment programs, 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 May 2017.

Mine safety compliance activity



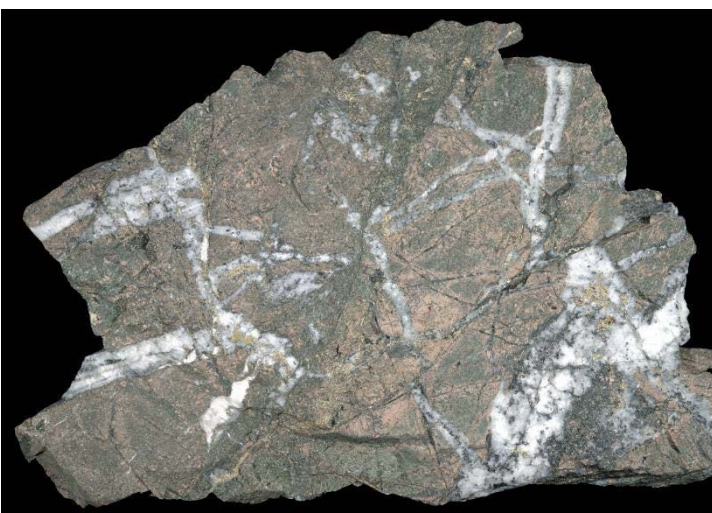
* July saw a spike in inspection activity due to the Lightning Ridge compliance operation. The reduction in the number of inspections in December and January is partially attributable to the Christmas shutdown period, but the primary factor is the change in the way inspectors are deployed to more targeted 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
87	Failure to report
9	Failure to comply with condition(s)
5	Failure to make payment
3	Environmental incident
3	Failure to comply with direction(s)
3	Other Mining Act compensation
1	Provision of false and misleading information
1	Illegal mining or prospecting
1	Illegal fossicking

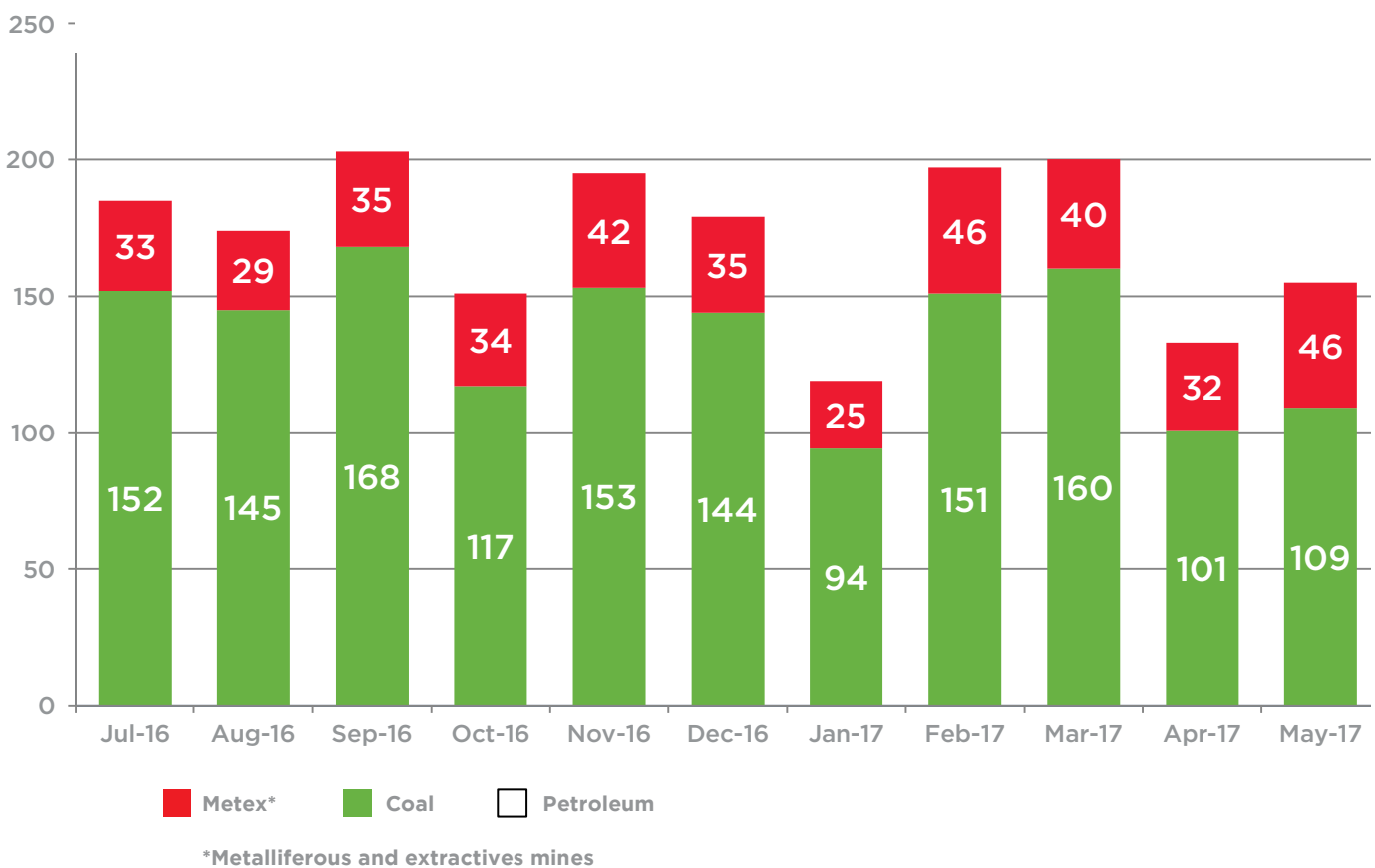
Mine safety incident notifications

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](http://resourcesandenergy.nsw.gov.au/safety)



Significant safety incidents

Date: 14 May 2017

Location: Perilya Broken Hill Southern, Broken Hill

Incident: A worker collapsed underground. He was transported to the surface by mines rescue and attended by ambulance officers before being transported to hospital. The worker died despite the efforts of his co-workers and ambulance officers to resuscitate him.

Date: 31 May 2017

Location: Peak Gold Mine, Cobar

Incident: A worker was hit on his hard hat by a rock that had fallen through strata mesh. The worker was transported by ambulance to hospital for assessment.

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 May 2017

Mine	WHS (M&PS) Regs provision	Type of notification	Activity
Ashton Coal Mine (Underground)	Schedule 3, clause 10	Sealing	1
Ashton Coal Mine (Underground)	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres	1
Chain Valley Colliery	Schedule 3, clause 8	Roadway or drift without intersection for 250 metres	1
Charbon Colliery	Schedule 3, clause 27	Emplacement areas	2
Clarence Colliery	Schedule 3, clause 27	Emplacement areas	1
Clarence Colliery	Schedule 3, clause 16(1)(b)	Pillar extraction	1
Metropolitan Colliery	Schedule 3, clause 4	Development of new mine entry	1
Metropolitan Colliery	Schedule 3, clause 14	Use of high voltage plant and cables in a hazardous zone	1
Moolarben Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres	2
Myuna Colliery	Schedule 3, clause 9	Shotfiring	1
Myuna Colliery	Schedule 3, clause 20(3)(a)	Use of explosives designed for use in coal mines	1
Narrabri Colliery	Schedule 3, clause 13	Widening underground roadway to more than 5.5 metres	1
North Wambo Underground	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 May 2017

No exemptions were granted during May 2017.

Investigations into major accidents and incidents

This month investigators responded to a fatality at Perilya Southern Operations, near Broken Hill, in far western NSW. A worker was found unconscious near a light vehicle in an underground section of the mine. The worker died despite the efforts of his co-workers and ambulance officers to resuscitate him.

NSW Resources Regulator investigators formed part of a team, which included other government agencies, that responded to the incident. An investigation has commenced to determine the cause and circumstances of the incident and whether the death was mining-related.

The regulator also finalised 18 investigations under the Mining Act, which related to failure to comply with conditions, illegal mining, and provision of false and misleading information. Of these investigations, eight resulted in enforcement actions, ranging from an official caution to penalty notices.



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.

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.

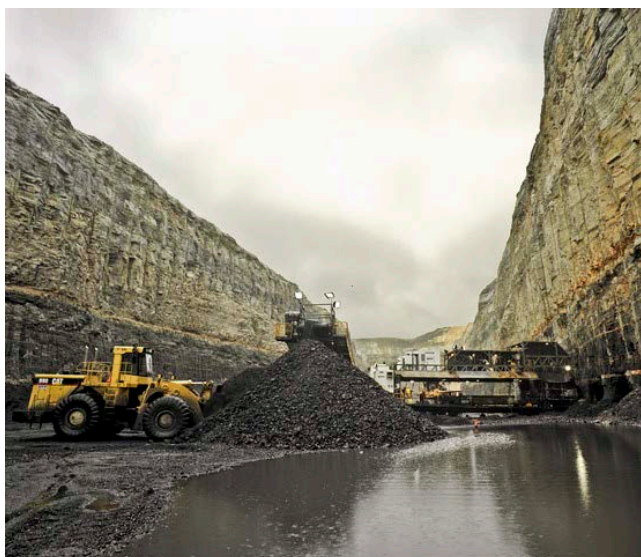
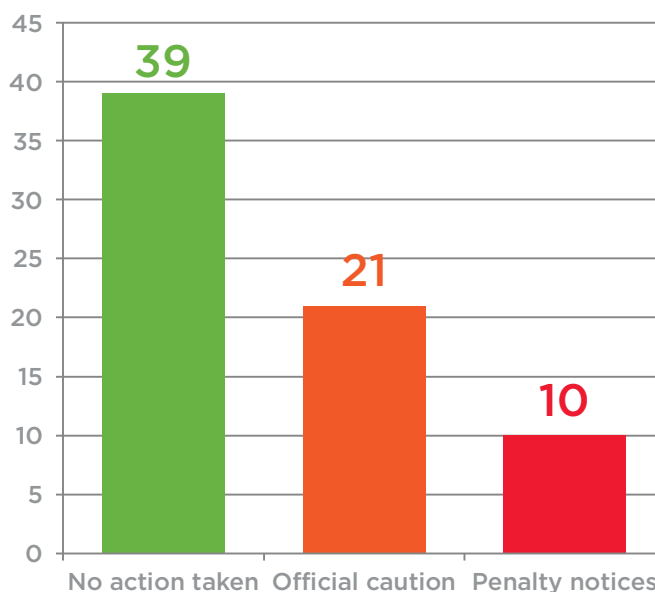
Date	Entity	Details	Penalty notice amount
8 May 2017	Awati Resources Pty Ltd EL7437	Failure to pay annual rental fee or administrative fee (corporation).	\$1,000
23 May 2017	Nimrod Resources Limited EL6971	Failure to pay annual rental fee or administrative fee (corporation).	\$1,000
23 May 2017	Marble Aggregates Holdings Pty Ltd PLL159	Failure to pay annual rental fee or administrative fee (corporation).	\$1,000
23 May 2017	Balranald Gypsum Pty Ltd ML1174 and ML1619	Failure to prepare or lodge report as prescribed (corporation).	\$5,000
23 May 2017	Hillgrove Mining Pty Ltd ML755	Failure to provide Annual Environmental Management report (corporation).	\$2,500
23 May 2017	HTT Huntley Heritage Pty Ltd CCL700	Failure to pay annual rental fee or administrative fee (corporation).	\$1,000
23 May 2017	Individual (name withheld)	Mining for minerals without authorisation under section 5 of the Mining Act (individual).	\$2,500

Penalty notices (continued)

Date	Entity	Details	Penalty notice amount
23 May 2017	Individual (name withheld)	Mining for minerals without authorisation under section 5 of the Mining Act (individual).	\$2,500
24 May 2017	Molyneux Rush Pty Ltd OPL 59439	Breach of condition of authorisation: drilling within 200 metres of a dam on OPB 193.	\$2,500
24 May 2017	Molyneux Rush Pty Ltd OPL 59439	Breach of condition of authorisation: use of road marked "no access" on OPB 193.	\$2,500



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 May 2017

PCBU	Mine	Details	Prohibited activity
Endeavour Coal Pty Ltd	Appin Colliery, Appin	The regulator carried out desktop assessments at 'outburst prone' mines. An assessment at Appin identified some gas content coring is insufficient.	Mining activities beyond the reference mark 960m is prohibited until further gas content coring near the projected structure alignment is carried out.
Newcrest Mining Limited	Cadia East Project, near Orange	The regulator carried out an investigation at the site following a significant seismic event/earthquake in the area.	This notice replaces 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 third parties with geotechnical engineering.
Endeavour Coal Pty Ltd	Appin Colliery, Appin	The regulator conducted an unannounced investigation following report of a gas exceedance.	Workers are prohibited from entering the underground workings of the mine to carry out any work that is not related to the safe operation of the mine. Entry into the underground workings is prohibited except for safety-related inspections and maintenance work until satisfactory controls are in place.
Ulan West Operations Pty Ltd	Ulan West Operations, near Mudgee	An operator became caught between a quick detach system pod on a miner and the chain pillar side rib during a pod change out. The regulator undertook an investigation into the incident.	Use of the pod racker is prohibited.
Richard Buckley	MC49938, Lightning Ridge	The regulator undertook a planned inspection at the site and found that the mine had large unsupported areas with no secondary support in place.	Entry past the installed barrier mesh is prohibited, except for the purposes of installing secondary support.

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

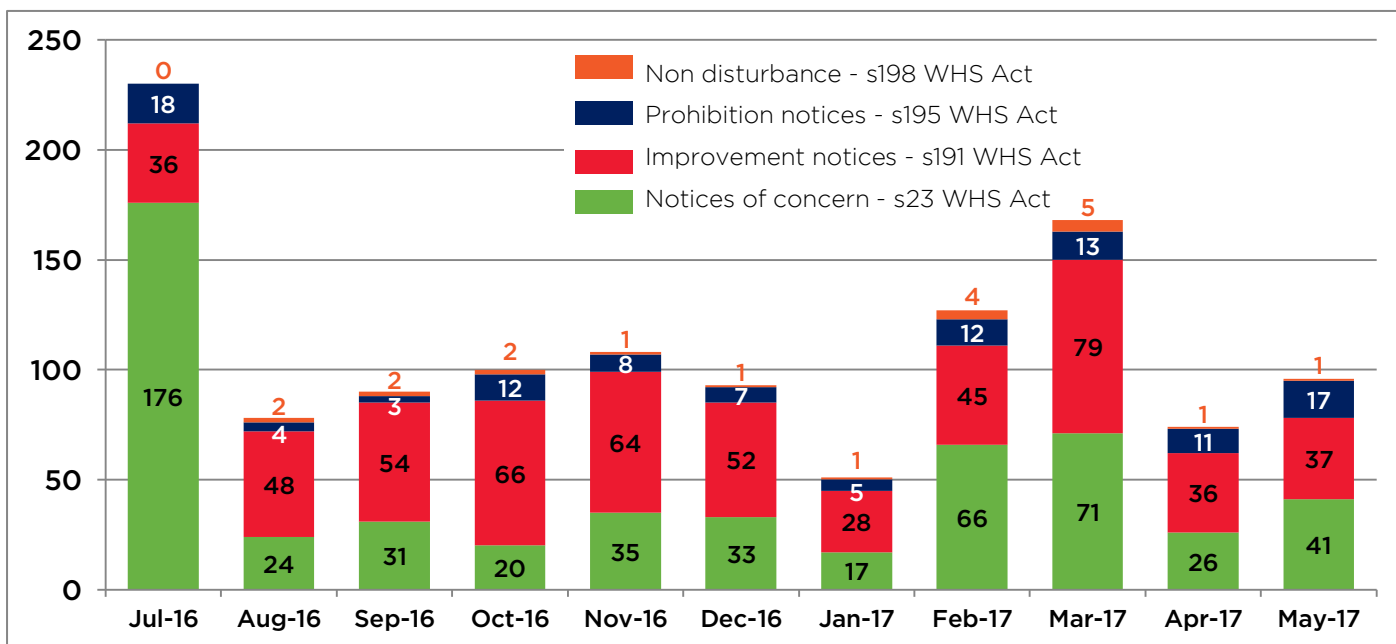
PCBU	Mine	Details	Prohibited activity
Yancoal Mining Services Pty Ltd	Austar coal mine - CHPP, near Cessnock	The regulator carried out a planned inspection of the coal handling preparation plant for structural integrity. A significant issue was discovered with conveyor pulley guarding in that it was allowing access to high tension nip points at drive and lift and transport unit (LTU) pulleys.	<p>Operation of mine conveyors OL1, R6, R4B and R4D is prohibited until guarding of the conveyor pulley is rectified in accordance with standards.</p> <p>The operation of washery and product conveyors W2, S1 and CC1 is prohibited until guarding of the conveyor pulley is rectified in accordance with standards.</p>
Endeavour Operations Pty Ltd	Endeavour mine, Cobar	The regulator undertook an investigation following an incident where a shaft cage skip hit the plat and stopped during maintenance work. Two workers were in the cage at the time.	The use of the shaft cage for carrying persons is prohibited except for the undertaking of inspections, assessments and maintenance activities of the cage.
Centennial Myuna Pty Ltd	Myuna colliery, Lake Macquarie	The regulator carried out a planned inspection of the coal handling preparation plant for structural integrity. Significant issues were found with guarding missing on three accessible pulleys and two others with non-compliant guarding.	The operation of the drift conveyor is prohibited until guarding of the conveyor pulley is rectified in accordance with standards.
Alek Hajdarevic	MC38349, Lightning Ridge	The regulator undertook an unannounced inspection of plant and mobile equipment at the site. The investigation found that a man-riding hoist was in use but unregistered.	Use of the man riding hoist is prohibited.
Hanson Construction Materials Pty Ltd	Molong Basalt quarries, Molong	An unannounced inspection to review the status of the operation was undertaken at the site where dangerous stockpile heights were identified.	The use of any front end loader for removing material within 10m of the western and south-western face on level 1 of the pit is prohibited. The removal of blasted material from the blasted muck piles on the western and south-western section of level 1 of the pit using a front end loader is prohibited.

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

PCBU	Mine	Details	Prohibited activity
Cleary Bros (Bombo) Pty Ltd	Cleary Bros Albion Park, Albion Park	A planned inspection of roads and vehicle operating areas at the site was undertaken. The inspection highlighted poor standards of site supervision regarding the safe use of heavy plant and poor control of the interaction hazards of heavy plant with light vehicles and pedestrians and poor operator training standards.	The use of mobile plant for the purpose of sorting of rock, loading and hauling operations and overburden stripping is prohibited.
Ronald Canlin	MC29874, Lightning Ridge	An unannounced follow up inspection took place at the site to determine if secondary support had been installed. Reports from the public had also been received that cracks in roof / walls had begun to open up and secondary support was beginning to fail.	Visitors are prohibited from going underground until the principal mining hazard of ground or strata failure has been controlled. No other person is to go underground except to install secondary roof support or to complete the survey after the roof support is completed. No person who is installing secondary roof support is to be in advance of where the secondary roof support is being installed unless that roof is adequately supported.



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
3 May 2017	Incident information release: Fatality in underground metalliferous mine
4 May 2017	Causal investigation policy
5 May 2017	Mine safety update: New maintenance of competence scheme
10 May 2017	Safety alert: Synthetic fibre sling fails
11 May 2017	Safety bulletin: Uninterruptible power supply (UPS) installations at mines
12 May 2017	Safety alert: Hand injured by fall of drill rods
17 May 2017	Media release: Resources Regulator welcomes appeals court ruling
24 May 2017	Public comment policy

Contact the NSW Resources Regulator



Phone: 1300 814 609



Website: resourcesandenergy.nsw.gov.au



Email: resources.regulator@industry.nsw.gov.au



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