

COMPLIANCE BLITZ

High Visibility Operation - June 2019

Overview

The NSW Resources Regulator ran a state-wide, high-visibility compliance blitz during the week of 17 June 2019. A [media release](#) was issued on 17 June, advising industry of the initiative.

In addition to examining general compliance with site safety management systems, the operation focussed on the standard of supervision and its impact on the implementation of key risk controls, with a particular focus on the behaviours and effectiveness of supervisors in dealing with non-compliances to the mine's own safety management system.

During the blitz, 85 inspectors were deployed to coal, metalliferous and quarrying operations across the state, visiting a total of 112 mine sites, petroleum sites and exploration programs.

We observed high levels of compliance. On balance, the majority of compliance issues identified were considered minor.

However, of the sites inspected, eight were identified as being potentially non-compliant with the mining laws and six were issued prohibition notices under the work health and safety laws.

In comparison, the [2018 state-wide compliance operation](#) resulted in 26 prohibition notices being issued and eight potential breaches under the Mining Act.

Work health and safety inspections

Of the 112 sites visited during the blitz, 76 were WHS inspections, completed at mines from the following sectors:

- 35 coal mines
- 20 large mines – metalliferous and quarries (Metex)
- 19 small mines – metalliferous and quarries
- 2 petroleum and geothermal sites

Mine Safety Outcomes

Although compliance rates were observed to be high, the following statutory notices were issued during the blitz.

Coal

- Twenty-one s23 notices of concern were issued in relation to:
 - attendance of contractors at pre-start meetings
 - damaged ground and strata support
 - disposal of diesel particulate filters
 - emergency communications
 - fundamental stability of parked mobile plant
 - incomplete mobile plant pre-starts
 - preventative maintenance
 - worker consultation arrangements.
- Seventeen s191 improvement notices were issued in relation to:
 - communication between shifts
 - compliance with the mine's own safety management system
 - direct supervision for inexperienced mine workers
 - failure of systems regarding appointment and confirmation of worker competencies
 - general strata support
 - inspection of open faces in surface operations
 - supervision of hot work permits
 - surface road design
 - timely review of systems following changes to the organisation's structure
 - training regarding respirable dust exposure
 - up to date organisational charts.

- No significant issues warranting prohibition notices were identified.

Large metalliferous mines and quarries (Metex)

- Nine s23 notices of concern were issued in relation to:
 - emergency procedures
 - high risk work applications
 - location of firefighting equipment
 - overlapping work areas for mobile plant and supervision
 - supervision arrangements for inexperienced workers
 - use of out-of-service tags
 - workers knowledge of emergency procedures
 - workers knowledge of supervisory arrangements.
- Twenty-two s191 improvement notices were issued in relation to:
 - communication between shifts
 - damaged hydraulic hoses
 - electrical wiring and enclosure issues
 - housekeeping
 - managing responsibilities of statutory functions
 - managing statutory position vacancies
 - mechanical guarding
 - respirable dust mitigation.
- One s195 prohibition notice was issued to a contractor at RASP Mine in relation to parking excavators under powerlines.
- One s195 prohibition notice was issued to RASP Mine to prohibit a tailings dam from being filled above its current capacity. Works are being undertaken to increase its capacity (refer to Appendix A).

Small mines

- Five s23 notices of concern were issued in relation to:
 - appropriate storage of personal protective equipment (PPE)
 - inappropriate use of front-end loader
 - lack of dust extraction
 - out of date organisational charts
 - statutory position leave arrangements
 - use of compressed air to clean dusty surfaces.
- Fourteen s191 improvement notices were issued in relation to:
 - compliance with the mine's electrical engineering control plans
 - compliance with the mine's mechanical engineering control plans
 - contractor management and appropriate supervision
 - inadequate dangerous goods storage
 - mechanical guarding
 - pre-start inspections
 - statutory position holder absence arrangements
 - training workers in the emergency response plan
 - updating organisational charts to reflect supervisory structures
 - use of seat belts in mobile plant.
- One s195 prohibition notice was issued to Petersons Quarry in relation to a fall from height risk on mobile plant.
- One s195 prohibition notice was issued to Northern Rivers Quarry in relation to defective guarding, visible structural damage to hopper bins supports and electrical cable damage.
- One s195 prohibition notice was issued to Northern Rivers Quarry in relation to a fall from height risk on mobile plant.

- One s195 prohibition notice was issued to Bald Hill Jugiong in relation to a fall from height risk on mobile plant.
- One s195 prohibition notice was issued to Coastal Quarry Products Pty Ltd in relation to significant failures of lifting equipment including:
 - absence of current compliance tags to confirm that devices have been tested by a competent person
 - chains modified with non-rated fixtures (bolts)
 - lifting hooks missing safety latches
 - missing safe working load (SWL) tags to indicate the safe working limit of the device
 - slings damaged and not discarded.

Petroleum

- One s23 notice of concern was issued in relation to out of date organisational charts.
- One s191 improvement notice was issued in relation to statutory position holders.

WHS inspections by region

Figure 1: WHS inspections by region

REGION	INSPECTIONS	N191	N195	N23	TOTAL NOTICES
Central West	8	6	1	4	11
Cobar	5	8	0	2	10
Far West	6	11	2	5	18
Hunter Valley	24	10	0	14	24
North Region	11	9	4	1	14
South East	22	10	0	10	20
Totals	76	54	7	36	97

Mining Act inspections

Of the 112 sites visited during the blitz, 36 were Mining Act inspections, completed at mines and exploration programs from the following sectors:

- 10 coal mines
- 13 metalliferous mines and quarries
- 13 exploration programs (covering 22 exploration licences)

Mining Act Outcomes

Although compliance rates were observed to be high regarding progressive rehabilitation and general requirements under the *Mining Act 1992*, the following compliance concerns were identified.

Coal Mines

- Six s240 notices were issued to Mt Thorley Warkworth, Muswellbrook, Ravensworth and Rix's Creek coal mines to ensure compliance with environmental management and rehabilitation obligations (refer to Attachment B).
- Further inquiries are being made in relation to Russell Vale Mine about information supplied to the Regulator and the status of rehabilitation and bunding around chemical storage areas.

Small Mines

- Four s240 notices were issued to Byers Pit, Bald Hill Gold Mine, Nelungaloo Limestone Mine and Macquarie Marble and Lime Mine to ensure compliance with environmental management and rehabilitation obligations (refer to Attachment B).
- Further inquiries are being made in relation to:
 - Ulan Stone Quarry regarding its Mining Operations Plan and the location of certain stockpiles.

- ❑ Bald Hill Gold Mine regarding water and sediment controls and adherence to its Mining Operations Plan.
- ❑ Byers Pit in the Central West region regarding water and sediment controls and adherence to its Mining Operations Plan.
- ❑ Swan Bay Kaolin Mine regarding the status of rehabilitation activities and compliance with a previous s240 Direction.

Exploration Sites

- Two s240 notices were issued to exploration programs near Broken Hill to address compliance with environmental management and rehabilitation obligations.
- Further inquiries are being made in relation to:
 - ❑ EL8475 Broken Hill regarding adherence to activity approvals and rehabilitation requirements
 - ❑ EL7390 Broken Hill regarding the status of authorisations and drilling activities
 - ❑ EL6243 Narrabri exploration operations regarding adherence to rehabilitation requirements and activity approvals.

Mining Act inspections by region

Figure 2: Mining Act inspections by region

REGION	INSPECTIONS	S240 NOTICE	TOTAL NOTICES
Central West	6	3	3
Cobar	0	0	0
Far West	10	2	2
Hunter Valley	11	6	6
North Region	5	1	1
South East	4	0	0
Totals	36	12	12

Appendix A

Prohibition notices issued (s195 WHS Act 2011)

Mine	Issued to	Details	Prohibited activity
Bald Hill Jugiong Quarry	Bald Hill Quarry Pty Ltd	<p>A site inspection identified a Komatsu face loader on site did not have handrails around the back-inspection point to prevent falls when undertaking pre-start or maintenance activities on the machine.</p> <p>Operators were operating the Komatsu face loader with the window down, exposing workers to airborne dust and other contaminants.</p>	<p>No person to access the platform areas on the back of the Komatsu face loader where pre-starts and maintenance activities occur without the mine operator taking reasonably practicable steps to ensure no person is exposed to a risk of fall.</p> <p>Discuss with employees at pre-shift toolbox meeting the site/company's dust and airborne contaminants control plan to ensure all plant operators are fully aware of the controls in place for managing dust while operating mobile plant on site.</p>
Coastal Quarry Products	Coastal Quarry Products Pty Ltd	<p>A site inspection identified the use of lifting devices (chains, slings and endless chains) that have defects, were not tagged with a current compliance tag and did not identify safe working limits.</p>	<p>Prior to the use of any non-compliant lifting device the following is to occur:</p> <ol style="list-style-type: none"> 1. All lifting devices must be inspected by a suitably competent person and fixed with a compliance tag to confirm that they meet industry inspection standards. 2. All non-compliant lifting devices are to be removed from site. 3. The mine operator will implement a system to manage the testing and use of all lifting devices on site including a register of lifting devices that records testing dates and results method of storage.
Lismore City Council - Northern Rivers Quarry and Asphalt Plant	Lismore City Council	<p>An inspection of a precision screen scorpion pugmill and screen identified that:</p> <ul style="list-style-type: none"> • guarding had been removed on the hopper bin exposing a nip point on the tail drum and the conveyor tail drum was not guarded 	<p>The precision screen scorpion pugmill and screen is not to be operated until it is fitted with adequate guards to prevent access to all nip points, has been inspected by a structural engineer to confirm its structural integrity and electrical cables are protected by a cover.</p>

		<ul style="list-style-type: none"> • visible structural damage to the hopper bin supports • damage to the protective cover on the electrical cable. 	
Lismore City Council - Northern Rivers Quarry and Asphalt Plant	Lismore City Council	A site inspection identified a Komatsu front end loader was missing handrails on both sides of the operator's cabin which exposes a worker to a fall from height hazard when undertaking maintenance tasks.	No tasks to be undertaken on the Komatsu front end loader without the mine operator taking reasonably practicable steps to ensure that no person is exposed to a risk of fall.
Petersons Quarry	Quarry Solutions Pty Ltd	A site inspection identified a Caterpillar 930G front end loader with missing handrails on both sides of the operator's cabin which exposes a worker to a fall from height hazard when undertaking maintenance tasks.	No tasks to be undertaken on the Caterpillar 930G front end loader without the mine operator taking reasonably practicable steps to ensure that no person is exposed to a risk of fall from height.
Rasp Mine	Broken Hill Operations Pty Ltd	A site inspection identified an excavator and articulated rock truck parked underneath a live powerline placing workers at risk of electrocution.	Remove the go line from the power line corridor. Audit the mines electrical engineering control plan and associated high voltage code of practice in relation to overhead powerlines.
Rasp Mine	Broken Hill Operations Pty Ltd	The preparation of the inundation and inrush principal hazard management plan has not considered all aspects of the risks to underground workers with reference to the design and construction of the Blackwood pit tailings storage facility raise.	<p>The Blackwood in-pit tailings storage facility is not to be filled above the top lip until:</p> <ul style="list-style-type: none"> • an inundation and inrush risk assessment has been completed. • a review of the Principal Hazard Management Plan for inundation and inrush has occurred.
Total			7

Appendix B

Mining Act notices issued (s 240 Mining Act 1992)

Mine / Exploration Licence	Assessment details	Action taken
Mt Thorley Warkworth	An inspection identified: <ul style="list-style-type: none"> • ongoing delays in the progression of rehabilitation areas. • limited documented records to address the risks to rehabilitation. • limited documented measures or actions to improve progressive rehabilitation performance. 	Two s 240 Notices were issued which requires the mine to: <ul style="list-style-type: none"> • engage a suitably qualified independent person to assess the adequacy of progressive rehabilitation strategies carried out and performance against the implementation of those progressive rehabilitation strategies to date. • outline the proposed measures or actions to improve progressive rehabilitation performance • provide a timeline and outline of the implementation of works for the proposed measures/actions.
Muswellbrook Coal	An inspection identified several risks to the successful rehabilitation of the mine that may require considerable time and resources to mitigate/rectify. The risks are of concern given how close the site is to mine closure.	A s 240 Notice was issued which requires the mine to: <ul style="list-style-type: none"> • undertake an assessment of the risks to the rehabilitation of the mine. • prepare a Mine Rehabilitation Risk Assessment Report. • revise the Rehabilitation Cost Estimate for the mine.
Ravensworth Operations	An inspection identified erosion features on the lower slopes of the Western Emplacement Area, including scours and gully features, had not been repaired in accordance with the commitments in the approved Mining Operations Plan.	A s 240 Notice was issued to carry out a program of works to backfill or otherwise repair all scours and gullies on the Western Emplacement Area.
Rix's Creek North Coal Mine	An inspection identified: <ul style="list-style-type: none"> • areas of high weed density. • unexplained areas of low species diversity within pasture rehabilitation areas. 	A s 240 Notice was issued to update the current Mining Operation Plan to address the risks to satisfactory rehabilitation progress identified during the review of rehabilitation monitoring against completion criteria.

Mine / Exploration Licence	Assessment details	Action taken
Rix's Creek South Coal Mine	<p>An inspection identified:</p> <ul style="list-style-type: none"> • areas of high weed density. • unexplained areas of low species diversity within pasture rehabilitation areas. • a disconnect between monitoring records for rehabilitation areas against completion criteria and rehabilitation maintenance activities. 	<p>A s 240 Notice was issued to update the current Mining Operation Plan to address the risks to satisfactory rehabilitation progress identified during the review of rehabilitation monitoring against completion criteria.</p>
Byers Pit	<p>An inspection identified various issues relating to soil and water management including:</p> <ul style="list-style-type: none"> • poorly maintained and failed sediment fences. • earthen bund walls that had breached and not been reinstated. • check dams that had been de-silted and the silt deposited immediately above the check dam. • truck tyres that had been used to construct check dams as a substitute for rock ballast. • large amounts of sediment that had been released into a previously undisturbed native vegetation gully. 	<p>A s 240 Notice was issued to remediate and rectify the soil and water management issues identified on site.</p>
Bald Hill Gold Mine	<p>An inspection identified:</p> <ul style="list-style-type: none"> • a large stockpile of waste material placed on a working platform outside an active adit, most of which had spilled down a steep sloping hillside and towards a first order stream. • the waste material was dispersive in texture and eroding following rainfall. • no sediment and erosion measures had been put in place to prevent sediment laden 	<p>A s 240 Notice was issued to remediate and rectify the issues identified on site.</p>

Mine / Exploration Licence	Assessment details	Action taken
	<p>water entering drainage lines at the base of the slope.</p> <ul style="list-style-type: none"> • a corrugated iron flume designed to direct sediment and water downslope to a sediment dam, was not sound and sediment and water were actively leaking from the flume. 	
<p>Nelungaloo Limestone Mine</p>	<p>An inspection identified the potential for off-site movement of surface water. The construction of the pit bund, access road and placement of the temporary topsoil stockpiles had changed the drainage of the site, with water from this area no longer reporting to the sediment basin.</p>	<p>A s 240 was issued to undertake works to ensure sediment laden water is managed appropriately and does not leave the site.</p>
<p>Macquarie Marble and Lime Mine</p>	<p>An inspection identified:</p> <ul style="list-style-type: none"> • unstable ore stockpiles, overburden and product. • wastes, including drums of lubricant (some partially filled with liquid), rubber, oil filters, oily rags, domestic waste, wood pallets, demolition material, unserviceable equipment, cleaning fluid containers. • sediment controls in disrepair. 	<p>A s 240 was issued to:</p> <ul style="list-style-type: none"> • stabilise disturbed areas to minimise erosion and dust. • remove all rubbish and unserviceable equipment. • engage a suitably qualified independent person(s) to undertake a rehabilitation cost estimate. • report back to the Regulator regarding the above.
<p>EL 8475 Alloy Minerals Pty Ltd</p>	<p>An inspection identified:</p> <ul style="list-style-type: none"> • excess spoils remaining at different drill sites. • sample bags left at various drill sites. 	<p>A s 240 was issued to remove excess spoil material and sample bags and to complete rehabilitation of all drill sites.</p>
<p>EL 7390 Siouville Pty Ltd</p>	<p>An inspection identified that rehabilitation has not been completed in accordance with the conditions of the exploration activity approvals, including:</p> <ul style="list-style-type: none"> • drill pads that had not been ripped and recontoured to match the original landform. 	<p>A s 240 was issued to rehabilitate the site in accordance with the requirements of the exploration activity approvals.</p>

Mine / Exploration Licence	Assessment details	Action taken
	<ul style="list-style-type: none"> tracks to various drill pads had not been recontoured to original slope angles or ripped. 	
Total		12

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