



# Notification of incidents

## *Mine Health and Safety Act 2004 and Mine Health and Safety Regulation 2007*

### Preamble

#### What the MHS Act 2004 and MHS Regulation 2007 require

In accordance with the MHS Act Section 88, the [operator](#) of a [mine](#) must give the [Chief Inspector](#) notice of any "notifiable incidents". These are set out in detail in MHS Regulations

It also requires notifications to be made

- **in writing,**
- as **soon as practicable (but not later than 7 days)** after the [operator](#) becomes aware of the notifiable incident and
- in the form prescribed by the regulations.

For some types of incident, notice "must **also** be given", "**immediately** the [operator](#) becomes aware of the incident, and **by the quickest available means.**" This notification is in addition to written notice.

#### What this means in practice

##### Notifications to the Chief Inspector

Notifications should be made to mines inspectors and Mine Safety Officers employed by the Safety Operations Branch of the NSW DPI. These officers are authorised to receive notifications on behalf of the Chief Inspector.

##### Written notification

Written notification must be made as soon as practicable (but not later than 7 days) after the [operator](#) becomes aware of the notifiable incident.



This means that written notifications must be made **as soon as practicable** however **under no circumstances can they be made later than 7 days.**

“Mine Notification of Incident Form” is a standard form which should be used for all incident notifications. Use of this form satisfies the requirements of MHS Regulation 148 and 149. Copies of this form can be downloaded from the NSW DPI mine safety website at:  
[www.dpi.nsw.gov.au/minerals/safety/resources/notifications](http://www.dpi.nsw.gov.au/minerals/safety/resources/notifications)

### **Immediate notification**

Notification of incidents listed in MH&S Act Section 88 (1) (a) or (b) must also be made “**immediately** the [operator](#) becomes aware of the incident, and **by the quickest available means.**”

In practice what this will usually mean is that you must **verbally** notify an inspector or MSO of the incident.

It is **not** sufficient to send a text message, e mail, fax or to leave a message on an office answering machine because the notification may not be **received** by an inspector or MSO for some time.

You should note that while “immediate notification” can be made verbally, written notification is still required.



## Incidents resulting in personal injury

### Where death occurs

| Act Section number | Section  | Notification period           |   | Non disturbance period |
|--------------------|--|-------------------------------|---|------------------------|
|                    |  | “By quickest available means” | Written   |                        |
| 88 (1)             | (a) any incident at the <a href="#">mine</a> that has resulted in a person being killed, | Immediate                     | As soon as practicable but no later than 7 days | 24 hours               |

### Where specified types of injury occur

| Regulation clause number | Clause  | Notification period           |   | Non disturbance period |
|--------------------------|---|-------------------------------|---|------------------------|
|                          |   | “By quickest available means” | Written   |                        |
| 145 (a)                  | (a) an injury to a person that results (at any time after the injury) in any of the following<br>(i) the amputation of one or more fingers or toes or any other part of a hand or foot,<br>(ii) any fracture other than a fracture of a finger, toe, hand or foot,<br>(iii) loss of sight of an eye,<br>(iv) an internal haemorrhage requiring hospital treatment,<br>(v) the injection of fluid under pressure,<br>(vi) asphyxia,<br>(vii) loss of consciousness caused by impact of physical force, exposure to hazardous substances, electric shock or lack of oxygen, | Immediate                     | As soon as practicable but no later than 7 days | 24 hours               |
| 145 (c)                  | any of the following events or circumstances that present an immediate threat to life or of permanent incapacitating injury:<br>(iv) serious burns to a person,   | Immediate                     | As soon as practicable but no later than 7 days | 24 hours               |



### Where specified outcomes occur

| Regulation clause number | Clause   | Notification period           |   | Non disturbance period |
|--------------------------|--|-------------------------------|---|------------------------|
|                          |  | “By quickest available means” | Written   |                        |
| 145 (b)                  | an event that results (at any time after the injury) in the admission of a person to hospital as an in-patient,  | Immediate                     | As soon as practicable but no later than 7 days | 24 hours               |
| 146 (1) (a)              | an injury to a person that results in the person being unfit, for a continuous period of at least 7 days, to attend the person’s usual place of work, to perform his or her usual duties at his or her place of work or, in the case of a non-employee, to carry out his or her usual activities (where that unfitness is supported by a medical certificate), | Not required                  | As soon as practicable but no later than 7 days | n/a                    |
| 146 (1) (b)              | an illness of a person that is related to work processes and results in the person being unfit, for a continuous period of at least 7 days, to attend the person’s usual place of work or to perform his or her usual duties at that place of work (where that unfitness is supported by a medical certificate),   | Not required                  | As soon as practicable but no later than 7 days | n/a                    |
| 146 (1) (c)              | any incidence of violence at a place of work that results in an employee being unfit, for a continuous period of at least 7 days, to attend the employee’s usual place of work or to perform his or her usual duties at that place of work (where that unfitness is supported by a medical certificate)  | Not required                  | As soon as practicable but no later than 7 days | n/a                    |



## Incidents involving a threat to life or of permanent incapacitating injury - but no actual injury

| Regulation clause number | Clause  | Notification period           |   | Non disturbance period |
|--------------------------|---|-------------------------------|---|------------------------|
|                          |   | “By quickest available means” | Written   |                        |
| 145 (c)                  | any of the following events or circumstances that present an immediate threat to life or of permanent incapacitating injury:<br>(i) damage to any plant, equipment, building or structure,<br>(ii) imminent risk of explosion or fire,<br>(iii) entrapment of a person,<br>(v) the unintended activation or movement of vehicles or machinery,<br>:   | Immediate                     | As soon as practicable but no later than 7 days | 24 hours               |
| 145 (d)                  | any incident involving electricity<br>(i) as a consequence of which a person suffers injury, receives medical treatment or is unable (on medical advice) to attend work for any period of time, or<br>(ii) where a vehicle, machinery or other plant makes contact with an energised high voltage source involving a risk to any person, or<br>(iii) where a person receives an electric shock from a source operating above extra low voltage (as defined by <i>AS/NZS 3000</i> ), | Immediate                     | As soon as practicable but no later than 7 days | 24 hours               |
| 145(e)                   | an uncontrolled explosion or fire   | Immediate                     | As soon as practicable but no later than 7 days | 24 hours               |



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|               |   |           |   |          |
|---------------|---|-----------|---|----------|
| <b>145(f)</b> | an escape of fluid under high pressure that endangers a person,   | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(g)</b> | an uncontrolled issue of gas or fluids,   | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(h)</b> | an abnormal inrush of fluid materials,  | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(i)</b> | a collision involving a vehicle or other machinery that results in substantial damage, or impedes safe operations, at the mine,   | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(j)</b> | the loss of control of a vehicle or other machinery at the mine,  | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(k)</b> | the overturning of a vehicle or other machinery at the mine,  | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(l)</b> | ejection of fly rock so that it falls outside a blast exclusion zone (being the area below, at or above ground level from which all unauthorised persons are excluded during blasting), | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(m)</b> | failure of any part of a powered winding system or damage to a shaft or shaft equipment,  | Immediate | As soon as practicable but no later than 7 days | 24 hours |
| <b>145(n)</b> | an unplanned fall of ground that impedes passage, disrupts production or ventilation or involves failure of ground support where persons could be present                               | Immediate | As soon as practicable but no later than 7 days | 24 hours |



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|                    |  |              |   |          |
|--------------------|--|--------------|---|----------|
| <b>145(o)</b>      | an airblast,   | Immediate    | As soon as practicable but no later than 7 days   | 24 hours |
| <b>145(p)</b>      | the burial of machinery such that it cannot be recovered under its own tractive effort.  | Immediate    | As soon as practicable but no later than 7 days   | 24 hours |
| <b>146 (1) (d)</b> | a spill or incident resulting in exposure or potential exposure of a person to a notifiable carcinogenic substance or a prohibited carcinogenic substance, | Not required | As soon as practicable but no later than 24 hours | n/a      |
| <b>146 (1) (e)</b> | a significant misfire of explosives,   | Not required | As soon as practicable but no later than 24 hours | n/a      |
| <b>146 (1) (f)</b> | a progressive stope or progressive pillar collapse   | Not required | As soon as practicable but no later than 24 hours | n/a      |
| <b>146 (1) (g)</b> | a problem or fault in an explosive product or accessory  | Not required | As soon as practicable but no later than 24 hours | n/a      |



## Other notifications

### Notification of certain exploration drilling activities

| Act Section number | Notification by “persons” of commencement of certain exploration drilling activities   | Notification                       |
|--------------------|--|------------------------------------|
| 68                 | the commencement of drilling activities carried out from the surface in the course of searching for <a href="#">minerals</a> or <a href="#">quarry products</a> , and includes the preparation and restoration of drill sites. Also refer MH&S Regulation 143. | 7 days <b>prior</b> written notice |

### Notification of certain activities and operations

| Regulation clause number | The operator of a mine must give notice to the Chief Inspector of the following  | Notification                                 |
|--------------------------|--|--|
| 144 (1) (a)              | the commencement of operations or activities at a mine   | Written within 14 days of the commencement   |
| 144 (1) (b)              | the suspension of mining work (for a period of 6 months or longer),  | Written within 14 days of the suspension     |
| 144 (1) (c)              | any discontinuance of all work at the mine (where mining work is suspended but the mine is kept on a care and maintenance basis),          | Written within 14 days of the discontinuance |
| 144 (1) (d)              | any abandonment of the mine (where the mining title, mining licence or other right to extract minerals or quarry product is relinquished), | Written within 14 days of the abandonment    |
| 144 (1) (e)              | the recommencement of mining work after any discontinuation or abandonment for a period exceeding 2 months                                 | Written within 14 days of the recommencement |
| 144 (1) (f)              | an intention to introduce an electricity supply to the mine before such a supply is introduced.  | Written within 14 days of the intention      |