

Guidance Note QGN 07

Guidance to coal mines in reporting serious accidents and high potential incidents to an inspector of mines or an industry safety and health representative

Coal Mining Safety and Health Act 1999

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Department of Employment, Economic Development and Innovation – Queensland Mines and Energy

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1 Introduction

This guidance note has been issued by the Mines Inspectorate, Department of Employment, Economic Development and Innovation, to assist coal mines in reporting serious accidents and high potential incidents to an Inspector of Mines or an Industry Safety and Health Representative.

A guidance note is neither a guideline as defined in the *Mining and Quarrying Safety and Health Act 1999*, nor a Recognised Standard as defined in the *Coal Mining Safety and Health Act 1999*. In some circumstances, compliance with the guidance note may not be sufficient to ensure compliance with the requirements in the legislation.

Guidance notes may be updated from time to time, so to ensure you have the latest version, either check the Department of Employment, Economic Development and Innovation website at www.dme.qld.gov.au/mines/guide_notes.cfm or contact your local inspector of mines.

2 Scope

This Guidance Note applies to reporting of accidents incidents and diseases as required under Sections 198, 200 and 201 of the *Coal Mining Safety and Health Act 1999*. It also contains a table and notes to clarify what has to be reported and by when.

3 Application

3.1 General

Reporting serious accidents and high potential incidents occurring on coal mines is required in legislation. As well, accidents are costly, both in human and commercial terms, and it is important the data which can be used to prevent a recurrence, is not lost. However, contemporary safety management practice recognises that measuring 'lost time injuries' alone is reactive, and not the best indication of safety and health performance.

Incidents where things have gone wrong, and injuries could have resulted but didn't, must also be reported. These **high potential incidents** can alert management to a problem and strategies for managing the risks can be implemented, often before actual injuries occur. Supplying data on these "free lessons" benefits industry as a whole, and indicates a mature and effective accident and incident reporting system at the coal mine.

3.2 Legal requirements

Site senior executives must be fully aware of their legal obligations relating to accident and incident reporting.

The *Coal Mining Safety and Health Act 1999*, requires that incidents and accidents be reported under the following sections:

- **Section 198 Notice of accidents, incidents or diseases**, imposes obligations on the site senior executive to notify an inspector and an industry safety and health representative in the event of accidents, incidents or diseases.

- **Section 200 Site not to be interfered with without permission**, requires that the site of a serious accident or high potential incident of a type prescribed by regulation, is not interfered with without the permission of an inspector.
- **Section 201 Action to be taken in relation to site of accident or incident**, requires that in the event of a serious accident or a high potential incident at a mine of a type prescribed by regulation, the site senior executive must forward the report to an inspector within 1 month.

The *Coal Mining Safety and Health Regulation 2001*, **Section 16 Giving notice of incidents, (1)** requires that the Queensland Mining Industry Incident Report form must be used when reporting high potential incidents, lost time injuries or fatalities to an Inspector of Mines. The compilation and legitimacy of the data in the annual *Queensland Mines and Quarries Safety Performance and Health Report* is dependent on the timely submission of these forms.

The *Coal Mining Safety and Health Regulation 2001*, **Section 16 Giving notice of incidents, (2)** requires that the mine's safety and health management system must include procedures for giving notice to an inspector and industry safety and health of such incidents and accidents.

Details of injured persons, hours worked and time off due to lost time accidents are reported on a monthly basis under the *Coal Mining Safety and Health Act 1999*, **279 Notices about coal industry statistics or information.**

4 Guidance

4.1 Guide to reporting requirements

The following table sets out reporting requirements for serious accidents and high potential incidents under the *Coal Mining Safety and Health Act 1999*. The 1st step is to identify that the event or series of events constitutes, or is likely to constitute, a high potential incident and or a serious accident.

Table 1 begins on the next page to enable its 2 pages to be used on a noticeboard.

Table 1 - Legislative requirements for reporting High Potential Incidents & Serious Accidents

Any of the following High Potential Incidents or Serious Accidents	Coal Mining Safety and Health Act 1999 Coal Mining Safety and Health Regulation 2001				
	Act - 198(1)	Act - 198(5)	Act - 198(4)	Act - 200(1)	Act - 201(1)(c) or Reg – 16(1)
	Notify Inspector & ISHR immediately	Oral report confirmed by notice within 24 hrs	Oral report confirmed by notice within 48 hrs	Site not to be interfered with without permission	Report to be submitted within 1 month
An accident causing the death of a person	✓	✓	✗	✓	✓
An accident causing admission to hospital as an in-patient for an injury endangering, or likely to endanger life.	✓	✗	✓	✓	✓
An accident causing an injury causing, or likely to cause, permanent injury to health.	✓	✗	✓	✓	✓
An unplanned ignition of gas, dust, or a combination of gas and dust	✓	✗	✓	✓	✓
The spontaneous combustion of coal or other material in an underground mine	✓	✗	✓	✗	✓
The entrapment of a person	✓	✗	✓	✗	✓
An electric shock to a person	✓	✗	✓	✗	✓
An event causing the withdrawal of a person from the mine or part of the mine	✓	✗	✓	✗	✓
An abnormal circumstances declaration	✓	✗	✓	✗	✓
An event that causes only 1 escapeway from the mine to be available for use	✓	✗	✓	✗	✓
A fire on a vehicle or plant	✓	✗	✓	✗	✓
An incident involving an explosive	✓	✗	✓	✗	✓
A following incident that endangers the safety or health of a person *					
A fire	✓	✗	✓	✗	✓
A ventilation failure causing a dangerous accumulation of methane or other gas	✓	✗	✓	✗	✓
An inrush	✓	✗	✓	✗	✓

Table 1 (contd.) - Legislative requirements for reporting High Potential Incidents & Serious Accidents

Any of the following High Potential Incidents or Serious Accidents	Coal Mining Safety and Health Act 1999 Coal Mining Safety and Health Regulation 2001				
	Act - 198(1)	Act - 198(5)	Act - 198(4)	Act - 200(1)	Act - 201(1)(c) or Reg – 16(1)
	Notify Inspector & ISHR immediately	Oral report confirmed by notice within 24 hrs	Oral report confirmed by notice within 48 hrs	Site not to be interfered with without permission	Report to be submitted within 1 month
A following incident that endangers the safety or health of a person *					
A coal or rock outburst	✓	✗	✓	✗	✓
Damage to, or failure of, haulage equipment used to transport a person in a shaft or slope	✓	✗	✓	✓	✓
An unplanned movement of, or failure to stop, a vehicle	✓	✗	✓	✗	✓
The failure in service of explosion protection of explosion protected equipment	✓	✗	✓	✓	✓
A failure of electrical equipment or an electrical installation	✓	✗	✓	✓	✓
An unplanned ignition or explosion of a blasting agent or explosive	✓	✗	✓	✓	✓
A failure of strata control	✓	✗	✓	✗	✓
The exposure of a person to a hazardous substance	✓	✗	✓	✗	✓
An unforeseen hazard requiring a review of the mine's safety and health management system	✓	✗	✓	✗	✓
The unplanned immersion of a person in liquid	✓	✗	✓	✗	✓
A unplanned movement of earth or coal	✓	✗	✓	✗	✓
A structural failure of equipment	✓	✗	✓	✓	✓
A collision involving a vehicle or plant	✓	✗	✓	✗	✓

* Note the incidents listed in the section of the table prefaced by 'A following incident that endangers the safety or health of a person' eg. not every fire, or failure of electric equipment, etc need be reported – only where it endangers the safety or health of a person.

Not every serious accident or high potential incident can be listed in this table. Other accidents, if they cause admission to a hospital as an in-patient, are serious accidents. Other incidents, if they cause or have the potential to cause a significant adverse effect on the safety or health of a person, are high potential incidents. In either case, as soon as practicable after becoming aware of such an event at a mine, the site senior executive for the mine must notify an inspector and an industry safety and health representative either orally or by notice.

4.2 High potential incidents

The legislative definition, schedules and Table 1 attempt to clarify what is a high potential incident, and in most cases there is little doubt. However, on some mines the definition and lists are being interpreted too narrowly, or they might conflict with an 'in house' definition used for internal reporting. The result is some genuine high potential incidents are not being notified to an inspector of mines. These have included an underground rock fall of tens of tonnes which fell on a mobile machine, fires on underground mobile equipment; and uncontrolled movement of vehicles.

All of these incidents had the potential to cause very serious injury. Just because nobody was injured or present at the time does not mean the incident wasn't high potential. **In general, a 'high potential incident' includes that which could have caused a serious adverse effect on safety and health if in usual circumstances a person could have been in the vicinity at the time.**

Exhaustively listing every type of reportable high potential incident is not possible. There may still be some incidents where there is reasonable doubt about whether it should be reported.

In this case, consider aspects including:

- level of potentially damaging energy released by the incident,
- the potential for this energy to injure a person,
- accessibility by personnel to the area where the incident occurred,
- failure of control measures to predict or prevent release of potentially damaging energy, and
- the value of information on this incident to the mining industry as a whole.

Would you, as a Site Senior Executive, require that such a safety and health incident to be reported to you on your mine?

If there remains any doubt about the status of an incident, then it is suggested that the incident be reported to an inspector of mines.

Table 1 is a guide which can supplement the legislation. It is not as a replacement for it. Sections 198, 200 and 201, the definitions and schedules are set out in full in **4.3 Legislation**, or in the *Coal Mining Safety and Health Act 1999* and the *Coal Mining Safety and Health Regulation 2001* which can be found at www.legislation.qld.gov.au/Legislation/Docs/CurrentC.htm

4.3 Relevant legislation

Coal Mining Safety and Health Act 1999

198 Notice of accidents, incidents or diseases

(1) Subject to subsections (2) and (3), as soon as practicable after becoming aware of a serious accident, high potential incident or a death at a coal mine, the site senior executive for the coal mine must notify an inspector and an industry safety and health representative about the accident, incident or death either orally or by notice.

Maximum penalty—40 penalty units.

(2) Subsection (3) applies to—

- (a) a serious accident at a coal mine resulting in a person receiving—
 - (i) a bodily injury endangering, or likely to endanger, the person's life; or
 - (ii) an injury causing, or likely to cause, a permanent injury to the person's health; or
- (b) a high potential incident at a coal mine of a type prescribed under a regulation; or
- (c) a death at a coal mine, whether or not caused by an accident at the coal mine.

(3) The site senior executive must, as soon as possible after becoming aware of the accident, incident or death, by notice or orally notify an inspector and an industry safety and health representative about the accident, incident or death in terms that include the information (the **primary information**) stated in subsection (3A).

Maximum penalty—40 penalty units.

(3A) For subsection (3), the primary information is all of the following—

- (a) the precise location where the accident, incident or death happened;
- (b) when the accident, incident or death happened;
- (c) the number of persons involved in the accident, incident or death;
- (d) if the notification is about a death, whether or not caused by an accident—the name of the person who died;
- (e) if the notification is about a serious accident or high potential incident—
 - (i) the name of any person who saw the accident or incident, or who was present when the accident or incident happened; and
 - (ii) the name of any person who was injured as a result of the accident or incident;
- (f) if no one was present when the person mentioned in paragraph (d) died or the person mentioned in paragraph (e)(ii) was injured—the name of the person who found the deceased or injured person;
- (g) a brief description of how the accident, incident or death happened.
 - Examples of types of descriptions that may be given under paragraph (g)—*
 - 'A light vehicle fell into the pit after the light vehicle collided with a truck on a ramp leading into the pit.'
 - 'A worker fell from the top of a storage bin into the wash plant.'

(3B) If the site senior executive does not know the primary information at the time the notification is made under subsection (3), the site senior executive must—

- (a) take all reasonable steps to find out the primary information as soon as possible; and
- (b) as soon as possible after the primary information becomes known to the site senior executive, give the primary information to the inspector and representative.

Maximum penalty—40 penalty units.

(3C) It is not a defence in a proceeding under subsection (3) or (3B) that the giving of the primary information might tend to incriminate the site senior executive.

(3D) The primary information is not admissible in evidence against the site senior executive in any criminal proceeding.

(3E) Subsection (3D) does not prevent the primary information being admitted in evidence in criminal proceedings about the falsity or misleading nature of the primary information.

(4) If the site senior executive makes an oral report under subsection (1) or (3), the executive must confirm the report by notice within 48 hours.

Maximum penalty—40 penalty units.

(5) However, if the oral report relates to a death, the site senior executive must confirm the oral report by notice within 24 hours.

Maximum penalty—80 penalty units.

(6) As soon as practicable after receiving a report of a disease prescribed under a regulation as a disease that must be reported under this section, the site senior executive must give an inspector and an industry safety and health representative notice about the disease.

Maximum penalty—40 penalty units.

200 Site not to be interfered with without permission

(1) A person must not interfere with a place at a coal mine that is the site of a serious accident or high potential incident of a type prescribed by regulation, without the permission of an inspector.

Maximum penalty—200 penalty units.

(2) Permission under subsection (1) must not be unreasonably withheld.

(3) For this division, action taken to save life or prevent further injury at a place is not interference with the place.

201 Action to be taken in relation to site of accident or incident

(1) If there is a serious accident or high potential incident, the site senior executive must—

- (a) carry out an investigation to decide the causes of the accident or incident; and
- (b) prepare a report about the accident or incident that includes recommendations to prevent the accident or incident happening again; and

(c) if the accident or incident is a type prescribed by regulation—forward the report to an inspector within 1 month after the accident or incident.

Maximum penalty—100 penalty units.

(2) The site senior executive must ensure that the place of the accident or incident is not interfered with until—

(a) all relevant details about the accident or incident have been recorded and, if possible, photographed; and

(b) sufficient measurements have been taken to allow the development of an accurate plan of the site; and

(c) a list of witnesses to the accident or incident has been compiled.

Maximum penalty—100 penalty units.

The terms ‘serious accident’ and ‘high potential incident’ are defined in sections 16 and 17 below:

16 Meaning of *serious accident*

A ***serious accident*** at a coal mine is an accident at a coal mine that causes—

(a) the death of a person; or

(b) a person to be admitted to a hospital as an in-patient for treatment for the injury.

17 Meaning of *high potential incident*

A ***high potential incident*** at a coal mine is an event, or a series of events, that causes or has the potential to cause a significant adverse effect on the safety or health of a person.

The Coal Mining Safety and Health Regulation 2001

13 Prescribed types of high potential incidents—Act, s 198

A type of high potential incident mentioned in schedule 1 is prescribed for section 198(2)(b) of the Act.

14 Prescribed types of serious accidents and high potential incidents—Act, ss 200 and 201

- (1) A type of serious accident or high potential incident mentioned in schedule 2, part 1, is prescribed for section 200(1) of the Act.
- (2) A type of serious accident or high potential incident mentioned in schedule 2, part 2, is prescribed for section 201(1)(c) of the Act.

16 Giving notice of incidents

- (1) The site senior executive must give an inspector notice, in the approved form, about a following incident at the mine within 1 month after it happens—
 - (a) a person suffers an injury—
 - (i) of a severity that requires treatment by a doctor, or a nurse, or a person qualified to give first aid; or
 - (ii) preventing the person from carrying out the person's normal duties at the mine;
 - (b) a high potential incident not mentioned in paragraph (a).
- (2) A mine's safety and health management system must include procedures for—
 - (a) telling a site safety and health representative about the things mentioned in section 106 of the Act; and
 - (b) giving notice to an inspector and industry safety and health representative under section 198 of the Act.
- (3) In this section—

nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse, other than as a student.

Schedule 1 Types of high potential incidents for section 198 of the Act

section 13

- 1 An unplanned ignition of gas, dust, or a combination of gas and dust.
- 2 The spontaneous combustion of coal or other material in an underground mine.
- 3 The entrapment of a person.
- 4 An electric shock to a person.
- 5 An unplanned event causing the withdrawal of a person from the mine or part of the mine.
- 6 An abnormal circumstances declaration.
- 7 An unplanned event that causes only 1 escapeway from the mine to be available for use.
- 8 A fire on a vehicle or plant.
- 9 An incident involving an explosive.
- 10 A following incident that endangers the safety or health of a person—
 - (a) a fire;
 - (b) a ventilation failure causing a dangerous accumulation of methane or other gas;
 - (c) an inrush;
 - (d) a coal or rock outburst;
 - (e) damage to, or failure of, haulage equipment used to transport a person in a shaft or slope;
 - (f) an unplanned movement of, or failure to stop, a vehicle or plant;
 - (g) the failure in service of explosion protection of explosion protected equipment;
 - (h) a failure of electrical equipment or an electrical installation;
 - (i) an unplanned ignition or explosion of a blasting agent or explosive;
 - (j) a failure of strata control;
 - (k) the exposure of a person to a hazardous substance;
 - (l) an unforeseen hazard requiring a review of the mine's safety and health management system;
 - (m) the unplanned immersion of a person in liquid;

- (n) an unplanned movement of earth or coal;
- (o) a structural failure of equipment;
- (p) a collision involving a vehicle or plant.

Schedule 2 Types of serious accidents and high potential incidents for sections 200(1) and 201(1) of the Act

section 14

Part 1 Types for section 200(1)

- 1 an incident causing the death of, or a serious bodily injury to, a person
- 2 an unplanned ignition of gas, dust, or a combination of gas and dust
- 3 damage to, or failure of, haulage equipment used to transport a person in a shaft or slope, if the damage or failure causes a hazard
- 4 the failure in service of explosion protection of explosion protected equipment
- 5 a failure of electrical equipment or an electrical installation causing an electric shock to a person
- 6 an unplanned ignition or explosion of a blasting agent or explosive
- 7 a major structural failure of equipment, if the failure causes a hazard

Part 2 Types for section 201(1)

- 1 an unplanned ignition of gas, dust, or a combination of gas and dust
- 2 the spontaneous combustion of coal or other material in an underground mine
- 3 an inrush
- 4 the failure in service of explosion protection of explosion protected equipment
- 5 an electric shock to a person
- 6 an unplanned ignition or explosion of a blasting agent or explosive
- 7 a major failure of strata control
- 8 the entrapment of a person
- 9 an abnormal circumstances declaration
- 10 a major structural failure of equipment

References

Coal Mining Safety and Health Act 1999

Coal Mining Safety and Health Regulation 2001