

Date: 6th May 2016



Mine Safety

Mr Simon Turner
8 Brookfield Ave
Fletcher NSW 2287

Aces ID - SAss-2016/00571

Re: Investigation of incident at Mt Arthur Coal 12th December 2015

Dear Simon,

As per our telephone discussion on the 8th March 2016, I wish to inform you that the matter has been fully investigated and confirm the following:-

- On the 12th December 2015 you were an employee of Chandler Mcleod Pty Ltd, which is a labour hire firm supplying casual labour to Mt Arthur Coal.
- On the day shift of the 12th December 2015 you were operating a rear dump truck at Mt Arthur Open Cut coal mine on a rotating shift arrangement.
- At approximately 11:20am on the 12th December 2015 you were injured when the truck you were operating was struck by the bucket of a coal excavator.
- From this impact you experienced pins and needles in the arm and pain in the lower back.
- After receiving first aid treatment at the mine you were taken to Muswellbrook hospital, you were treated by a doctor and given pain killers.
- You returned to work from the hospital, you were given light duties and injury management by the Mt Arthur Paramedic.
- The incident was treated by Chandler McLeod and Mount Arthur Coal as a first aid case and did not report the matter to Department of Industry.
- Your injury deteriorated over the next two weeks despite being treated by a doctor and receiving physiotherapy.
- You went to Lake Macquarie Private hospital because you were in severe pain. An MRI scan confirmed that you had a swollen disk L4 to L5, a pinched nerve and a stress fracture.
- At this point you went on workers compensation which was paid by CGU not Coal Mines Insurance.

From the investigation I can confirm that at the time of the incident that you were a coal mine worker working in a coal mine. This entitles you to workers compensation rates for a coal miner if you get injured. I have discussed this matter with Senior Officials within the Department including the Director Mine Safety Operations, Jenny Nash and the Area Manager, Dave McLean. The Director of Mine Safety Operations has communicated with Mr Bruce Grimshaw, Company Secretary/Legal Counsel for Coal Services, who also confirms that you are entitled to workers compensation for a coal mine worker. I have spoken with Chandler McLeod who assure me that you are being paid workers compensation at this rate. If this is not the case please let me know and the Department will follow up on this matter.

I can confirm that Mt Arthur Coal did not report the incident to the Regulator pursuant to Clause 128 Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 which states:-

The operator of a mine or petroleum site must take all reasonable steps to ensure that the regulator is notified in accordance with this clause after becoming aware of an incident (other than a notifiable incident) arising out of the carrying out of mining operations or petroleum operations at the mine or petroleum site, but only if the incident:

- (a) results in illness or injury that requires medical treatment within the meaning of clause 13 of Schedule 9, or*
- (b) is a high potential incident.*

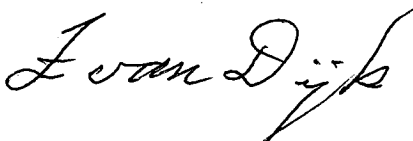
high potential incident means any of the following:

- (a) an injury to a person (supported by a medical certificate) that results in or is likely to result in the person being unfit, for a continuous period of at least 7 days, to perform the person's usual activities at the person's place of work,*

I have taken action regarding this matter and pursuant to Section 271 (3) (c) Work Health and Safety Act 2011 No 10, I enclose a copy of a Section 191 Improvement Notice, served on Mount Arthur Coal, requiring action to be taken to ensure that notifiable incidents prescribed in the legislation are reported to the Regulator.

If you have any further enquiries please contact me on my mobile 0407 042 735 or email at frank.van.dijk@industry.nsw.gov.au.

Regards,



Mr. Frank van Dijk
Inspector of Mines