

General

- 54. **Records:** In the absence of manifest error, our records are conclusive of the matters to which they relate.
- 55. **Enquiries, complaints and disputes:** You may raise enquiries, complaints or disputes by calling 13 67 25 (13 OPAL) or completing and sending us the enquiry form available on the Opal Website.
- 56. **Customer instructions:** Whenever you provide information or an instruction in connection with an Opal Card or the Opal Ticketing System to us, we are entitled to assume that you have the right and authority to provide that information or instruction to us and that we are entitled to rely on the information or instruction.
- 57. **Intellectual property rights:** The Opal Card, the Opal Ticketing System (including related software, architecture, data or other information) and their operation are protected by copyright and other intellectual property rights that are owned by us and our licensors.
- 58. **Assignment:** If we assign our functions under the Opal Ticketing System or cease to be responsible for the operation of the Opal Ticketing System, the reference to “TfNSW”, “we”, “us” and “our” in these Opal Terms of Use will refer to our assignee or the entity that has taken over the responsibility, as the case may be.

Interpretation

- 59. **Proper law:** These Opal Terms of Use are governed by the laws of New South Wales and we and you submit to the exclusive jurisdiction of the courts of New South Wales.
- 60. **Unenforceability:** If any part of these Opal Terms of Use is held to be unenforceable, the unenforceable part is to be given effect to the fullest extent possible and the remainder will remain in full force and effect.
- 61. **Including:** The words “including”, “such as”, “for example” and similar expressions are not intended as terms of limitation.

Liability

- 62. **Delays:** To the maximum extent permitted by law, we are not responsible for any delays in performing any of our obligations under these Opal Terms of Use and any of our functions under the Opal Ticketing System. To the maximum extent permitted by law, we will not be liable for any loss, damage, costs or expenses incurred as a result of the failure or delay in processing any transaction including a refund, balance transfer, balance adjustment or transaction to add value.
- 63. **Exclusion of representations and warranties:** All express or implied guarantees, warranties, representations or other terms and conditions not contained in these Opal Terms of Use are excluded from these Opal Terms of Use to the maximum extent permitted by law.
- 64. **Lawful remedies:** Nothing in these Opal Terms of Use excludes anything imposed by any legislation (such as the Australian Consumer Law which contains guarantees that protect the purchasers of goods and services in certain circumstances) that cannot be lawfully excluded or limited (**Non-Excludable Provision**). If we are able to limit your remedy for a breach of a Non-Excludable

Provision, then our liability for such a breach is limited to one or more of the following at our option:

- a. in the case of goods, the replacement of the goods or the supply of equivalent goods, the repair of the goods, the payment of the cost of replacing the goods or of acquiring equivalent goods; or
 - b. in the case of services, the supplying of the services again, or the payment of the cost of having the services supplied again.
65. **Maximum liability:** Subject to our obligations under any Non-Excludable Provision and to the maximum extent permitted by law:
- a. our maximum aggregate liability to you for all claims under these Opal Terms of Use is limited to \$250; and
 - b. we are not liable for, and no measure of damages will, under any circumstances, include special, indirect, consequential, incidental or punitive damages or damages for loss of profits, revenue, goodwill or anticipated savings.

The limitations and exclusions under this clause apply regardless of whether the claim or liability arises in contract, tort (including, without limitation, negligence), equity, under statute, based on fundamental breach or breach of a fundamental term or on any other basis, whether or not such claim, liability or damage was foreseeable.

- 66. **Contribution:** Our liability to you (if any) is reduced to the extent that your acts or omissions (or those of a third party) contribute to or caused the loss or liability.

**WORK HEALTH AND SAFETY (MINES)
REGULATION 2014**

Ancillary Reports – Fire Related to Mobile Plant

I, MARK I PATERSON, AO, Secretary of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to clause 131 of the *Work Health and Safety (Mines) Regulation 2014* (‘the Regulation’) specify that an ancillary report, using the form below, must be provided to the regulator in respect of:

- Any incident described in clause 179 (a) (ii) of the Regulation;
- Any incident described in clause 128 (5) (a), being an event referred to in clause 179 (a) (ii) of the Regulation;
- Any incident within the meaning of clause 179 (b) of the Regulation.

However, ancillary reports are only required in respect of such incidents that relate to mobile plant fires.

Dated this day of 21 January 2015

Mark I PATERSON, AO
Secretary
Department of Trade and Investment,
Regional Infrastructure and Services

FORM | WHS (MINES) LEGISLATION

Ancillary report: fire related to mobile plant

Pursuant to clause 131 of the Work Health and Safety (Mines) Regulation 2014 the regulator has specified, by notice published in the Gazette, certain classes of incidents that require an ancillary report to be made to the regulator, the information that must be included in the ancillary report and the form of the report.

The mine operator must provide an ancillary report, using this form, in respect of any dangerous incident or high potential incident within the meaning of clause 179(a)(ii) of the Regulation (and notifiable under clause 128(5)(a)), and any dangerous incident within the meaning of clause 179(b) of the Regulation, but only in respect of mobile plant fires. That is:

- an uncontrolled implosion, explosion or fire in relation to mobile plant that either:
 - exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to the incident (a dangerous incident)
 - would have been a dangerous incident if a person were reasonably in the vicinity at the time when the incident occurred and in usual circumstances a person could have been in the vicinity at that time (a high potential incident)
- a fire in relation to mobile plant in the underground parts of a mine, including where the fire is in the form of an oxidation that releases heat and light (a dangerous incident).

This ancillary report is a separate and additional requirement to the initial notification of the incident using the *Notification of incident and injury form*. This report must be completed and submitted to NSW Trade & Investment Mine Safety no later than 30 days after the incident was required to be reported to the regulator. See the *Notification of incident and injury guide* for more information about the initial notification of incidents.

1. About the mine where the incident occurred

| | | | |
|---|--|---------------------------------------|---|
| Name of mine | | | |
| Date of incident | | <input type="checkbox"/> Surface mine | <input type="checkbox"/> Underground mine |
| Location of incident (e.g. workshop, transport road) | | | |
| Person filling in this form | | | |
| Best contact number | | | |

2. Machine particulars

| | |
|---|----------------------|
| Machine type (eg haul truck, excavator) | Machine manufacturer |
| Machine model | Machine build year |
| Machine serial number | Machine owner |
| Length of time machine has been on site (years/months, excluding any time off site) | |

3. Last inspection

| | | |
|--|--|--|
| Date of last pre-start check | | Were fire risk defects noted? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Date machine last serviced | | Were fire risk defects noted? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Has the machine ever left site? (eg for engine overhaul) <input type="checkbox"/> Yes <input type="checkbox"/> No | | If yes, how long was the machine off site? |
| (Comments) | | |

4. Fire protection system details

What type of permanent fire protection system was installed? (check all that apply)
The categories below are from section 6.3 of AS 5062-2006 Fire protection for mobile and transportable equipment.
 Note:
 1. Engineered systems are generally custom designed for a particular item of plant as a one-off installation.
 2. Pre-engineered systems are generally available off-the-shelf and are normally fitted to particular sizes of machines up to a maximum permitted design.

| | | |
|---|--|---|
| Engineered <input type="checkbox"/> Foam <input type="checkbox"/> Water mist <input type="checkbox"/> Gaseous agent | Pre-engineered <input type="checkbox"/> Foam water spray <input type="checkbox"/> Powder <input type="checkbox"/> Dual agent <input type="checkbox"/> Aerosol | <input type="checkbox"/> No permanent fire suppression system installed |
| <input type="checkbox"/> Other permanently installed system (please provide details) | | |
| Who is the manufacturer of the fire suppression system? | | |
| Who was the installer? (company) | | |
| Date the fire suppression system was last serviced | | |
| Are there portable fire extinguishers fitted to this machine? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If yes, how many, and what type and size? | | |
| When were the portable fire extinguisher(s) last serviced? | | |

5. Failure mode of machine components

| For fires initiated by combustible fluid | | |
|---|---|--|
| Which machine component failed? <i>(tick one, initial cause only)</i> | How did the component fail? <i>(tick one)</i> | What caused the component failure? <i>(tick one, initial cause only)</i> |
| <input type="checkbox"/> Hose <input type="checkbox"/> Pipe <input type="checkbox"/> Fitting <input type="checkbox"/> Seal <input type="checkbox"/> Other (provide details) | <input type="checkbox"/> Rupture (burst) <input type="checkbox"/> Leak from loose fittings <input type="checkbox"/> Hose/fitting separation <input type="checkbox"/> Other (provide details) | <input type="checkbox"/> Corrosion <input type="checkbox"/> Fatigue <input type="checkbox"/> Physical damage <input type="checkbox"/> Loose fitting <input type="checkbox"/> Wear and tear <input type="checkbox"/> Other (provide details) |
| Details | | |
| For other fires <i>(tick one, initial cause only)</i> | | |
| <input type="checkbox"/> Any part of the braking system <input type="checkbox"/> Any part of the starter motor <input type="checkbox"/> Cooling system failure | <input type="checkbox"/> Any part of the turbo <input type="checkbox"/> Any electrical cable/wiring <input type="checkbox"/> Any part of the engine not already listed specifically <input type="checkbox"/> Transmission or drive chain | |
| <input type="checkbox"/> Other <i>(please specify the component and the failure mode)</i> | | |

6. Fuel sources

| What was the fuel source of the fire? <i>(tick all applicable)</i> | |
|--|--|
| <input type="checkbox"/> Hydraulic oil <input type="checkbox"/> Grease <input type="checkbox"/> Electrical wiring <input type="checkbox"/> Lubricating gear oil | <input type="checkbox"/> Tyre <input type="checkbox"/> Engine oil <input type="checkbox"/> Diesel/petrol <input type="checkbox"/> Rags, cartons or other debris |
| <input type="checkbox"/> Other (please specify) | |

7. Heat sources

| | |
|--|---|
| What was the heat source? (tick all applicable) | |
| <input type="checkbox"/> Turbo <input type="checkbox"/> Electrical component <input type="checkbox"/> Engine <input type="checkbox"/> Battery <input type="checkbox"/> Bearing failure | <input type="checkbox"/> Exhaust system <input type="checkbox"/> Friction (eg brakes) <input type="checkbox"/> Tyre (pyrolysis) <input type="checkbox"/> Electrical wiring <input type="checkbox"/> Hot work (welding/grinding) |
| <input type="checkbox"/> Other (please specify) | |
| <i>Note: Lagging can sometimes become impregnated with the fuel source and may cause or 'feed' the fire.</i> | |
| Was the heat source lagged? <input type="checkbox"/> Yes <input type="checkbox"/> No | Comments |
| Did lagging cause or help 'feed' the fire? <input type="checkbox"/> Yes <input type="checkbox"/> No | |

8. Method of extinguishment

| | |
|---|--|
| How was the fire extinguished? (Tick all that apply) | |
| <input type="checkbox"/> Fire protection system (automatically deployed) <input type="checkbox"/> Fire protection system (manually deployed) <input type="checkbox"/> Hand-held fire extinguisher | <input type="checkbox"/> Water tanker <input type="checkbox"/> Self-extinguished <input type="checkbox"/> Did not extinguish |
| <input type="checkbox"/> Other (please provide details) | |

9. Risk assessment

| |
|--|
| Was an 'introduction to site' type assessment completed prior to the machine being placed into service? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If 'YES', what type of assessment was undertaken? (eg mine specific assessment, MDG15 Assessment) |

| | |
|---|---|
| If 'NO' what steps if any were taken to ensure the machine was fit for service? | |
| Was fire identified as a risk in any risk assessment relating to the plant <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes | Did the risk assessment identify the hazards that related to this incident? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Was the risk assessment conducted in accordance with <i>AS5062 Fire protection for mobile and transportable equipment</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No |

10. Recommendations for prevention

| |
|---|
| Comments on causal factors: |
| Would a design change prevent or minimise the risk of failure? <input type="checkbox"/> Yes (<i>describe how</i>) <input type="checkbox"/> No |
| Would a maintenance/testing/signoff change prevent or minimise the failure? <input type="checkbox"/> Yes (<i>describe how</i>) <input type="checkbox"/> No |
| Have you informed the original equipment manufacturer of this failure? <input type="checkbox"/> Yes <input type="checkbox"/> No |

11. Other comments

| |
|--|
| |
|--|

12. Statement by competent person

This statement must be made by:

- In the case of a coal mine - the person nominated to exercise the function of the mechanical engineering manager or mechanical engineer at the mine;
- In all other cases – a competent person (such as the person who develops and periodically reviews the mechanical engineering control plan).

I certify that I have reviewed the content of this report and that to the best of my knowledge the information supplied in this report is true and correct in every particular.

| | | | |
|-------------------|--|----------|--|
| Name | | Position | |
| Contact telephone | | Mobile | |
| Signature | | Date | |

13. Declaration

This declaration must be completed, even if the person completing this form is also the person completing the statement under question 12 above.

I declare that:

- I have authority from the mine operator to complete and submit this form on their behalf, and
- to the best of my knowledge, the information provided in this form, and any attachment to this form, is true and correct in every detail.

Note: Giving false or misleading information is a serious offence under section 268 of the *Work Health and Safety Act 2011*, and Part 5A of the *Crimes Act 1900*

| | | | |
|---------------------------|--|----------|--|
| Name of authorised person | | Position | |
| Contact telephone | | Mobile | |
| Signature | | Date | |

Submitting the form

- Mail, fax or email this form to your local office of NSW Trade & Investment Mine Safety from the list below.
- Email notification is preferred.

This form may not be submitted to other offices of NSW Trade & Investment

Coal mines must provide a copy of this notification, including attachments to an Industry Safety and Health Representative.

| | | | |
|------------------------|--------------------|---|--|
| Hunter region: | Maitland | NSW Trade & Investment Mine Safety PO Box 344 Hunter Region MC, NSW 2321 | Phone: (02) 4931 6666 Fax: (02) 4931 6790 maitland.notification@trade.nsw.gov.au |
| | Singleton | NSW Trade & Investment Mine Safety PO Box 51 Singleton NSW 2330 | Phone: (02) 6571 8788 Fax: (02) 6572 1201 singleton.notification@trade.nsw.gov.au |
| Northern region | Armidale | No postal submission of forms. Email only | armidale.notification@trade.nsw.gov.au |
| Central Western region | Orange | NSW Trade & Investment Mine Safety Locked Bag 21 Orange NSW 2800 Phone: (02) 6360 5333 | Fax: (02) 6360 5363 After-hours emergencies only: (02) 6360 5343 orange.notification@trade.nsw.gov.au |
| Western region | Broken Hill | NSW Trade & Investment Mine Safety PO Box 696 Broken Hill NSW 2880 | Phone: (08) 8088 9300 Fax: (08) 8087 8005 brokenhill.notification@trade.nsw.gov.au |
| Cobar | Cobar | No postal submission of forms. Email only | cobar.notification@trade.nsw.gov.au |

| | | | |
|----------------------------|------------------------|--|--|
| South Eastern region | Wollongong | NSW Trade & Investment - Mine Safety PO Box 674 Wollongong NSW 2500 | Phone: (02) 4222 8333 Fax: (02) 4226 3851 wollongong.notification@trade.nsw.gov.au |
| | Lithgow | No postal submission of forms. Email only | lithgow.notification@trade.nsw.gov.au |
| | Lightning Ridge | NSW Trade & Investment Mine Safety PO Box 314 Lightning Ridge NSW 2834 | Phone: (02) 6829 9200 Fax: (02) 6829 0825 lightningridge.notification@trade.nsw.gov.au |

Privacy statement

Information from this form is collected for the purpose of regulating work health and safety in mines. The supply of this information is required by law. Failure of a mine operator to provide this information is an offence under clause 131 of the *Work Health and Safety (Mines) Regulation 2014*. Information will be stored and managed in accordance with provisions under the *Privacy and Personal Information Protection Act 1998*. It will not be given to any other third party except as authorised by law. You may access or correct your personal information by contacting Governance & Information Requests Unit on (02) 9995 0911 or privacy@trade.nsw.gov.au. Further information regarding privacy can be obtained from the NSW Trade & Investment website at www.trade.nsw.gov.au/legal/privacy.

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Disclaimer: This publication was current as at February 2015. Users are reminded of the need to ensure that they use the current version of this form. Users may check currency of this form at the Department of Trade and Investment, Regional Infrastructure and Services website. This publication does not provide or purport to provide legal advice.

PUB15/13

WORK HEALTH AND SAFETY (MINES) REGULATION 2014

Ancillary Reports – In-service Failure of Explosion-protected Diesel Engine Systems

I, MARK I PATERSON, AO, Secretary of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to clause 131 of the *Work Health and Safety (Mines) Regulation 2014* specify that an ancillary report, using the form below, must be provided to the regulator in respect of any incident described in clause 128 (5) (i) of the *Work Health and Safety (Mines) Regulation 2014*, but only in respect of diesel engine systems.

Dated this day of 21 January 2015

Mark I PATERSON, AO
Secretary
Department of Trade and
Investment, Regional Infrastructure
and Services