

Guide to reporting an explosives incident

July 2017

This guide applies to licence holders under the *Explosives Act 2003* and Explosives Regulation 2013 at mining workplaces. How you fill out this form will depend on which of the following applies to your incident:

- it involves loss, theft or suspicious activity (see below), **or**
- it is a serious incident (refer to page 2).

Loss, theft or other suspicious activity

Who must notify

A licence holder under the *Explosives Act 2003* must notify the NSW Resources Regulator, within the Department of Planning and Environment, of the loss or theft (including attempted theft or any suspicious activity that threatens security) of explosives or explosive precursors at a mining workplace. This is a requirement under clause 102 of the Explosives Regulation 2013.

What is notifiable

Notification must be given if any explosive or explosive precursor in the licence holder's possession, custody or control is lost or stolen or the subject of an attempted theft or any suspicious activity that threatens the security of the explosive or explosive precursor.

When to notify

You must **immediately** notify the NSW Resources Regulator.

How to notify

To report the loss, theft, suspicious activity that threatens security, or serious incidents involving explosives or explosive precursors, you must:

- notify us immediately by calling 1300 814 609 (24 hours a day, 7 days a week)
- provide further details to us using the notification form
- preserve the area within a 4-metre radius of where the serious incident occurred
- not use, interfere or disturb the place(s) affected by the serious incident for a period of 36 hours after you have notified us.

However, the above requirements do not prevent any action:

- to help or remove a trapped or injured person, or to remove a body

- to avoid injury to a person
- to avoid damage to property
- for the purpose of any police investigation
- in accordance with a direction or permission of an inspector.

Other notifications

You are also required to notify other relevant authorities, including NSW Police and WorkCover NSW. This is a requirement under clause 102 of the Explosives Regulation 2013.

Serious incidents

Who must notify

A licence holder under the *Explosives Act 2003* must notify the NSW Resources Regulator of any serious incident involving the handling of any explosives or explosive precursors at a mining workplace. This is a requirement under clause 103 of the Explosives Regulation 2013.

You do not need to give notice under clause 103 if you have notified the NSW Resources Regulator of the work-related death of a person, a serious injury or illness of a person, or a dangerous incident under the *Work Health and Safety (Mines) Act 2013*.

If you are a person conducting a business or undertaking at a mining workplace, you should consult, cooperate and coordinate activities with the mine operator about the arrangements for responding to incidents and notifying the NSW Resources Regulator.

What is notifiable

Notification must be given for any serious incident relating to the handling of any explosive or explosive precursor at a mining workplace. Serious incident means:

- an uncontrolled explosion or fire, **or**
- an incident resulting in the death of, or serious injury to, a person, **or**
- an incident resulting in substantial damage to property, **or**
- any other incident involving risk of an uncontrolled explosion or fire or any such death, injury or damage.

If a serious incident occurs outside a mining workplace, notification must be given if the incident arises out of the handling of any explosives or explosive precursors at the mine. For example, fumes from blasting causing injury to a person adjacent to the mine, or a chemical spill at the mine exposes nearby residents to health and safety risks.

When to notify

You must notify the NSW Resources Regulator as soon as practicable after becoming aware of any serious incident.

How to notify

You should give notice by providing full particulars of the incident by:

- immediately by calling 1300 814 609 (24 hours a day, 7 days a week)
- providing further details to us using the notification form.

Preserving the site of the incident

You must ensure that the areas within a 4 metre radius of where the serious incident occurred and the place(s) affected by the serious incident are not be used, interfered with or disturbed for a period of 36 hours after this notification is given.

These requirements do not prevent any action:

- to help or remove a trapped or injured person or to remove a body
- to avoid injury to a person
- to avoid damage to property
- for the purpose of any police investigation
- in accordance with a direction or permission of an inspector.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 2017). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Planning and Environment or the user's independent advisor.

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