

# Compliance Priorities

## July to December 2023



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## Purpose

This document sets out the NSW Resources Regulator (the Regulator) key compliance priorities for the next six months. By publishing our compliance priorities, we aim to increase transparency, community and industry confidence in our regulatory activities, and increase levels of voluntary compliance.

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## Our objectives

We aim to:

- ensure a safe, sustainable and innovative mining, extractive and petroleum industry in NSW
- provide information and guidance about safety, environmental and other regulatory obligations to protect and support industry, workers, the community and the state
- promote confidence in how the industry is regulated
- make regulation transparent
- engage with and educate both industry and the community about best practice
- support industry to meet its regulatory obligations.



Our regulatory activities are guided by our:

- [strategic plan](#)
- [compliance and enforcement approach](#).

## Compliance priorities

### Heavy vehicle interaction

#### Sector: Open cut coal and metalliferous mines

As a part of a Targeted Assessment Campaign, inspectors will be attending mines training days and pre-shift briefings to present to workers recent incidents and highlight the importance of the role they play in helping reduce the number of collision and near misses. This is part of an effort to decrease the number of collisions and near misses involving heavy mining equipment.

### Ventilation management

#### Sector: Underground metalliferous mines

As a part of planned inspection activities, inspectors will be following up with mine operators to assess the quality of ventilation in underground mining operations. During routine assessments and responding to reportable incidents inspectors have seen an increase in the number of areas not being ventilated effectively and not compliant to the mine operators documented ventilation control plans and engineering standards.

### Implementation of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022

#### Sector: Small mines

As a part of planned inspection activities, inspectors will be following up with mine operators to assess progress on complying with new or amended sections of the regulation.

Whilst the key objective of this program is to ensure that mine operators are taking appropriate action to achieve compliance with the regulations, it will also provide an opportunity for mine operators to give feedback to the Resources Regulator on perceived impediments to compliance, and whether further advice and guidance is required.

### Continued assessment and determination of Rehabilitation Outcome Documents (Large Mines)

We are improving compliance and reporting requirements for rehabilitation through an amendment to the Regulation under the Mining Act 1992, which prescribes new mining lease conditions relating to rehabilitation and sets clear, achievable and enforceable requirements for rehabilitation. These new rehabilitation conditions will replace existing rehabilitation and environmental management conditions on current leases.

A key requirement of the new mining lease conditions under clause 12 of Schedule 8A of the Mining Regulation 2016 relates to the submission of rehabilitation outcome documents for approval of the Secretary. In deciding whether to approve a rehabilitation outcome document, the Secretary must consider the extent to which the document is consistent with the final land use for the mining area and any other matters the Secretary considers relevant.

Over the period we will continue our assessment and determination of the rehabilitation outcome documents for all large mines<sup>1</sup> to ensure consistency with rehabilitation obligations specified in consent conditions for specific mine sites. Furthermore, we will be undertaking an appraisal of rehabilitation objectives statements and the final landform and rehabilitation plan to ensure all relevant aspects of rehabilitation are identified so that appropriate rehabilitation completion

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<sup>1</sup> **Large mine** means a mine the subject of one or more mining leases, the carrying out of activities under at least one of which requires an environment protection licence (EPL) under the *Protection of the Environment Operations Act 1997*.

criteria can be set for specific mines. This will provide certainty for industry and the community as to the measured and auditable defined end point for when rehabilitation can be deemed to have reached the point of meeting the approved final land use.

As part of our approach, we will continue to engage with mines to ensure we have an active dialogue about our expectations for compliance as well as to enable us to assist industry with meeting the new requirements and to address any identified transitional issues.

## Enabling Small Mines to transition to comply with the new Rehabilitation Requirements

Schedule 8A of the Mining Regulation 2016 also places obligations for small mines to comply with the new standard conditions for mine rehabilitation. To assist industry with the transition to the new requirements, through the period the Resources Regulator will be undertaking an enabling approach. This will include the following:

- conduct a webinar for lease holders and consultants in late June to explain the new requirements and demonstrate how to register their mine and submit applications and notifications on the Resources Regulator Portal;
- Work with the sector over next 12 months to enable compliance with the requirement to submit rehabilitation outcome documents to facilitate and enable compliance;
- Launch and demonstrate the application of the new on-line submission form for rehabilitation outcome documents as part of a series of webinars to be conducted in late September;
- Conduct one-on-one engagement sessions with lease holders to assist with the submission of on-line form applications, include rehabilitation outcome documents, via the Resources Regulator's portal.

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## Proactive assessment programs

### Mine safety assessment programs

Our planned assessment programs are a structured approach to assessing how effectively a mine or petroleum site is controlling risks associated with principal hazards. Planned assessment programs are coordinated based on industry and sector risk profiles.

These assessment programs will include both targeted assessments and planned inspections. Targeted assessments may not necessarily be undertaken at every mine.

They may be announced or unannounced and may occur on back shifts.

From July to December 2023, assessment programs will include the following:

#### Coal

- Health Control Plan (open cut and underground)
- Fire or explosion (underground)
- Outburst (underground)
- Ground and Strata (open cut and underground)
- Roads and Vehicle Operating Areas (open cut)
- Falling objects (open cut and underground)
- Electrical control plan (open cut and underground)

#### Metalliferous and petroleum

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<sup>2</sup> **Small mine** means a mine that is not a large mine.

- Roads and Vehicle Operating Areas (underground)
- Ventilation control plan
- Health control plan (open cut)
- Falling objects (open cut and processing plants)
- Ground and strata – Slope stability (open cut and processing plants)
- Structural integrity (surface and underground)
- Electrical control plans (surface and underground)
- Well safety inspections (petroleum)
- Exploration drills

### **Small mines**

- Working at heights
- Mobile plant safety
- Principal Hazard Assessments – low risk Tier 2 and Tier 3 operations
- Electrical control plan

### **Engineering**

- Explosive control plans (open cut coal)

### **Emergency management**

- First response (open cut and underground coal)
- First response (open cut and underground metalliferous)

## **Mining Act assessment programs**

### **Rehabilitation – Planned Inspection Programs**

Between July and December 2023, planned inspections will be undertaken to determine how rehabilitation is being implemented across a range of mining operations. The objectives of these planned inspections will include, but not necessarily be limited to the following:

- assessing progress on the implementation of recommendations identified for specific mining operations from previous targeted assessment programs relating to landform establishment, tailings management as well as soils and materials management;
- assessing whether lease holders are undertaking rehabilitation as soon as reasonably practicable in accordance with Clause 5 of Schedule 8A;
- assessing compliance with Clause 7 of Schedule 8A in terms of conducting a rehabilitation risk assessment and implementing measures to eliminate, minimise or mitigate the risks;
- assessing compliance with the implementation of the Rehabilitation Management Plan as required by Clause 10 of Schedule 8A; and
- assessing compliance with the implementation of specific actions required by Section 240 statutory directions that have been issued to rectify specific risks of achieving sustainable rehabilitation outcomes.

### **Compliance audits of exploration activities**

The Mining Act Inspectorate will continue to undertake compliance audits of exploration activities to assess whether title holders are meeting their compliance requirements under the *Mining Act 1992*. The compliance audit program aims to:

- assess the level of compliance with the regulatory instruments;

- provide internal feedback to improve title conditions, policies or general regulatory framework (protecting and improving system integrity);
- assess auditee performance and provide feedback to them on how they may be able to improve their performance;
- increase stakeholder confidence in regulatory system;
- increase the level to which titleholders are actively managing their own compliance.

The compliance audit strategy highlights that the audit schedule and focus for each year will be developed using a risk review process. A risk assessment methodology (broadly based on AS ISO 31000:2018 Risk management – Guidelines) is used to develop a broad risk profile for each title (or group of titles) to facilitate the development of the annual audit program. Risk factors used include:

- whether the Regulator has primary regulatory responsibility;
- the type, size and complexity of operations and activities;
- the location of activities;
- results of previous audits and titleholder compliance history;
- stakeholder concerns.

## Opal mining sector

### Work health and safety

Planned inspection programs are a structured approach to assessing how effectively opal miners are at controlling risks associated with hazards. Inspection programs will include both targeted assessments and planned inspections. The objectives of these planned inspections will include, but not necessarily be limited to the following:

- Fall from heights/working in shafts
- Guards on plant equipment
- Open shafts
- Puddling tank safety.

### Mining Act compliance

Opal prospecting takes place pursuant to the conditions of an Opal Prospecting Licence (OPL) or Mineral Claim. Opal mining takes place pursuant to the conditions of a Mineral Claim. Inspection campaigns will be undertaken through the period with a specific focus on:

- Topsoil and mullock management
- Rehabilitation
- Structures
- Dogs on Mineral Claims.

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## Strategic projects

### Proximity detection

Proximity detection and collision avoidance technology is still in early stages of development across the NSW mining industry. There has been significant advancement in some mines, but little uptake of the technology in other mines.



In that context, the purpose of engaging the NSW mining industry is to advance the knowledge of proximity detection and collision avoidance systems, and collaboratively develop a strategic approach to advance its implementation.

This project will be completed in partnership with the NSW Minerals Council and includes the following stages.

- Stage 1: Knowledge and Experience Forum (complete)
- Stage 2: Online Discussion Board (complete)
- Stage 3: Advancing Implementation Forum (complete)
- Stage 4: Develop discussion paper for consultation with key stakeholders
- Stage 5: Review consultation feedback and release NSW Resources Regulator position paper.

## **Airborne / Diesel Contaminants**

### **October**

As a part of an ongoing focus, we will be conducting an awareness campaign to ensure the mining industry understands its obligation and our expectations of reducing the potential risk of airborne and diesel contaminants to workers. This will have both educational and regulatory components along with workshops and seminars.

## **Coal Supervision**

### **September and November**

We will be running workshops and webinars to further educate supervisors in their roles and responsibilities within the industry.

## **Metalliferous Statutory Roles**

### **September and November**

We will be running a series of webinars to engage with metalliferous statutory role holders to ensure understanding and alignment of statutory accountabilities within the metalliferous industry.

## Investigation priorities

In addition to the priorities identified within this document, the following are priority areas of investigation:

### Work health and safety obligations

- Work-related fatalities and serious injuries, or where there are risks of such outcomes
- Non-compliance with inspectors' notices or directions
- Offences against inspectors
- Offences against health and safety representatives and matters relating to entry permit holders
- Discrimination against workers based on their work health and safety activities
- Failure to notify incidents.

### Mining Act obligations

- Mining/prospecting without authorisation
- Failure to rehabilitate the land
- Providing false and misleading information
- Non-compliance with statutory notices or directions
- Offences against inspectors
- Non-compliance with title or statutory conditions
- Failure to pay rehabilitation security deposits.

We promote voluntary compliance and good practice while applying escalating enforcement action that targets those who demonstrate more serious, repeated or sustained contraventions or other misconduct inconsistent with community expectations and public interest.

All allegations of conduct that fail to meet regulatory obligations reported to, or identified by us, will be assessed to determine what action is taken, including whether we investigate an alleged offence. Further information can be found in our [Compliance and Enforcement Approach](#) on our website.

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## Reporting and compliance activities outcomes

We have a strong policy of transparency and are committed to communicating publicly about our regulatory activities. Regular reports on our activities are published to:

- ensure a consistent and responsive regulatory approach
- provide increased transparency and confidence in our compliance and enforcement activities.

Reports on compliance activities and programs, targeted assessment programs and compliance auditing can be found on our [compliance activities and reports webpage](#). Further information can also be found in our [Public comment policy](#).

## Workshops and seminars

One of our key roles is to ensure all operators and title holders are aware of their obligations and how to meet them. Training workshops and information sessions allow us to engage with industry and help maximise compliance.

Visit our events calendar for specific dates and locations of our workshops and seminars. These may be subject to change.

### Metalliferous electrical engineers' forum

#### July 2023

This event, of electrical engineers and electrical supervisors from metalliferous mines with electrical engineering inspectors, will discuss emerging issues and trends in the application of electrical engineering in mining. The event will also include a review of recent incidents, site experiences in managing safety and discussions on improving electrical engineering safety. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

### Ex Overhaul and Repair Facility Forum

#### July 2023

This event is to discuss key learnings from their experiences and participate in constructive technical discussion.

### Mechanical engineers' safety seminar (MESS)

#### August 2023

The two-day seminar focuses on mechanical safety and health issues in mines and provides a means for collective communication, discussion and consultation of those issues between engineers and other key stakeholders.

### Metalliferous industry safety and health engagement forum

#### August 2023

This event is held with representatives from metalliferous mining operations, who hold the statutory position of mining engineering manager. The event addresses topical issues, provides updates on guidelines and standards, and discusses published safety alerts, bulletins, investigation releases and relevant notifiable incidents from the previous six months. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

### Underground region coal electrical engineers' forum

#### September 2023

This event, of electrical engineering managers and electrical engineers from coal mines with electrical engineering inspectors, will discuss emerging issues and trends in the application of electrical engineering in mining. It will also include a review of recent incidents, site experiences in managing safety and discussions on improving electrical engineering safety. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

## Surface coal electrical engineers' forum

### September 2023

This event is run in conjunction with the MEMMES Hunter Valley Electrical Chapter (HVEC MEMMES). This event, of electrical engineering managers and electrical engineers from coal mines with electrical engineering inspectors, will discuss emerging issues and trends in the application of electrical engineering in mining. The event will also include a review of recent incidents, site experiences in managing safety and discussions on improving electrical engineering safety. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

## Mining engineering managers' safety seminar (MEMSS)

### October 2023

The two-day seminar provides an opportunity to share experience, insight and learnings with mining engineering managers (MEMs) from across the NSW mining industry.

## Metalliferous and extractives mechanical engineers' forum

### November 2023

This event is held with mechanical engineers from metalliferous mines, processing plants and large quarries. A range of topics will be discussed, including presentations from mechanical inspectors, mine engineers and specialists. The event will also include a review of recent, new developments and emerging trends.

## Electrical engineers' safety seminar (EESS)

### November 2023

The two-day seminar focuses on electrical safety and health issues in mines and provides a means for collective communication, discussion and consultation of those issues between engineers and other key stakeholders.

## Underground coal mechanical engineers' forum

### December 2023

This event is held with mechanical engineers at underground coal mines who hold the statutory position of mechanical engineering manager. Inspectors organise and run the event to discuss topical issues, give updates on guidelines and standards, discuss published safety alerts, bulletins, investigation releases and relevant incidents and events at mines for the previous three months. This event is an essential part of meeting continual professional development (CPD) requirements for holders of practicing certificates.

## Small mines information update

### December 2023

The webinar is a part of a communication and engagement strategy with small mine stakeholders. They provide an update of information and resources to the small mines sector, assisting to develop and maintain safe mining practices.

## Open cut coal mechanical engineers' forum

### December 2023

This event is held with mechanical engineers from open cut coal mines and coal processing facilities, who hold the statutory position of mechanical engineer. The event will discuss topical issues, give updates on guidelines and standards, discuss published safety alerts, bulletins, investigation releases and relevant incidents and events at mines for the previous three months. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

## Safety training – opal mining

### Ongoing

The safety awareness course has been combined with the mine operator's workshop. It covers the knowledge and skills required to be a mine operator at an opal mine, including safety policy, hazard identification, maintenance, risk management, people management, emergency response plans and contractors. Individuals wanting to apply for a mineral claim in the opal mining claims districts of NSW are required to complete this course as part of their application.

## Environmental awareness course – Lightning Ridge

### Ongoing

Before being able to hold a mineral claim in Opal Prospecting Area 4 or on the property 'Wyoming', the Environmental Awareness Course must also be completed in addition to the Opal Mining Safety Workshop. The course gives an overview on how to minimise damage to the environment whilst conducting exploration and mining activities, and covers many issues including:

- impacts on flora and fauna
- prevention of soil erosion
- subsidence impacts
- mullock management
- Aboriginal or historic sites
- puddling operations.

The course is free and is available online via our website

(<https://www.resourcesregulator.nsw.gov.au/safety-and-health/events/opal-mining-safety-courses>)

## Small mines webinars - rehabilitation compliance and reporting reforms

### Ongoing

We are improving compliance and reporting requirements for rehabilitation through an amendment to the Regulation under the *Mining Act 1992*, which prescribes new mining lease conditions relating to rehabilitation and sets clear, achievable and enforceable requirements for rehabilitation. The new standard rehabilitation conditions will apply to small mines (those that have not have an Environment Protection Licence under the POEO Act 1997) from 2 July 2023 and will replace existing rehabilitation and environmental management conditions on current leases. The webinars provide an opportunity for active dialogue with industry about our expectations for compliance and enable us to assist industry with meeting the new requirements.

## Workshops and seminars – July to December 2023\*

Workshop/Seminar	Jul	Aug	Sep	Oct	Nov	Dec
Mechanical Engineering Safety Seminar - MESS						
Underground coal mechanical engineers' forum						
Open cut coal mechanical engineers' forum						
Metalliferous and extractives mechanical engineers' forum						
Electrical Engineering Safety Seminar - EESS						
Metalliferous electrical engineers' forum						
Underground coal electrical engineers' forum						
Open cut coal electrical engineers' forum						
Mining Engineering Managers Safety Seminar - MEMSS						
Metalliferous industry safety and health engagement forum						
Safety training – Opal mining						
Environmental awareness course – Lightning Ridge						
Small Mines Information Session						
Supervision Workshop						
Airborne/Diesel Containment Workshop						
Ex Overhaul & Repair Facility Forum						
Small mines webinar – rehabilitation compliance and reporting reforms						

Figure1: Schedule of workshops and seminars by month

\* subject to change

## Exam timetable – July to December 2023\*

Workshop/Seminar	July	August	September	October	November	December
<b>Underground Coal Mines</b>						
Mining Engineering Manager - oral						
Undermanager - oral						
Deputy – orals						
Electrical engineering manager - written						
Electrical engineering manager - oral						
Mechanical Engineering Manager - written						
Mechanical Engineering Manager - oral						
Cable Repair Signatory - oral						
<b>Coal Mines other than Underground</b>						
Mining Engineering Manager - oral						
Open Cut Examiner – oral						
Electrical engineer - written						
Electrical engineer - oral						
Mechanical engineer - written						
Mechanical engineer - oral						
<b>Underground Mines other than Coal Mines</b>						
Mining Engineering Manager - oral						
Underground Mine Supervisor – oral						
<b>Mines other than Underground Mines or Coal Mines</b>						
Quarry Manager – written						
Quarry Manager – oral						

Figure2: Schedule of examinations by month

\* subject to change