

Compliance Priorities

January to June 2025



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Table of Contents

Purpose	4
Our objectives	4
Compliance Priorities.....	5
Proactive assessment programs.....	6
Investigation priorities	13
Reporting and compliance activities outcomes.....	14
Workshops and seminars.....	14

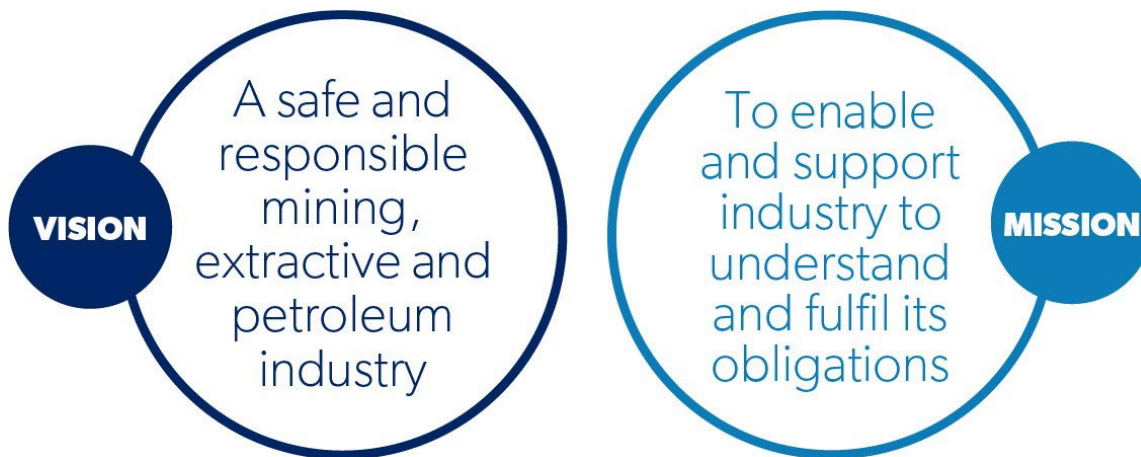
Purpose

This document sets out the Resources Regulator’s key compliance priorities for the next 6 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.

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

Mine Safety Compliance Priorities

Risk management and supervision

Sector: Coal and metalliferous mines

Between May 2023 and May 2024, 31 incidents across open cut and underground mines identified inadequate hazard identification/control or supervision as contributing factors. In the same period, assessments resulted in 80 notices which referenced supervision or risk management.

Following an initial focus on open cut activities, in 2025 inspectors will be attending both coal and metalliferous mines with a focus on risk management and supervision. The assessments will be made unannounced on backshifts and weekends to include work undertaken outside of production areas and target plant or machine shut-down work.

Tailings dam

Sector: All coal and metalliferous

Three tailings failures have occurred internationally in the past 12 months to November 2024. One incident, the liquefaction of the Copley heap leach failure in Turkey on 13 February 2024, unleashed 10 million cubic metres, killing 9 workers. The risk of catastrophic failure is still a credible risk to NSW workers. A safe tailings dam is dependent on effective critical controls, maintained to an adequate standard.

As part of the planned inspection activities on tailings storage facilities and emplacement areas, inspectors will review the critical controls that maintain dam wall integrity. This will ensure the control verification monitoring and emergency response plans are sufficient to identify signs of early failure and to protect workers on and below dam walls. Inspectors will be attending tailings dams and emplacement areas focusing on principal hazard management plans, dam break studies, failure mode analysis and monitoring system effectiveness in installation, maintenance and escalation.

Safety management systems tier 2 quarries

Sector: Small mines

Between May 2023 and November 2024, 8 serious injuries in tier 2 quarries had the potential to cause a fatality, with one of the injuries resulting in a permanent disability and 2 with serious burns. In 4 of these incidents, a mechanical control plan was not in place.

As part of a targeted assessment activity, inspectors will be attending tier 2 quarries focusing on principal hazard management plans and principal control plans. This program will also verify that quarry managers have the correct practicing certificates and complete tier profiles to ensure quarries are assessed at the appropriate frequency.

Mining Act Inspectorate Compliance Priorities

Continuing program to enable small mines to transition to comply with rehabilitation requirements

Sector: Small mines

On 1 July 2023, the Regulator commenced the implementation of reforms under Schedule 8A of the Mining Regulation 2016 for small mines to comply with the standard conditions for mine rehabilitation. From January to June 2025, the Regulator will continue to assist industry transition to the new requirements. This program will include:

- the continuation of one on one engagement sessions with lease holders to assist with the submission of online forms, including rehabilitation outcome documents, via the Resources Regulator Portal
- assessment and approval of rehabilitation outcome documents for the small mine sector
- ensure compliance with small mine submission of annual reports, forward programs and rehabilitation cost estimates.

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 and weekends. From January to June 2025, assessment programs will include the following:

Coal

- Surface and coal handling preparation plant (CHPP) – air quality or dust or other airborne contaminants – stage 1
- Below surface – fire or explosion – explosion suppression
- Roads or other vehicles operating areas (surface and underground)
- Fire and explosion – fixed plant
- Fire and explosion – Uncontrolled gas or dust explosion
- Mechanical engineering control plan structural collapse.

Metalliferous and petroleum

- Surface – slope stability – stage 2
- Surface – electrical engineering control plan – stage 1

- Below surface – electrical engineering control plan – stage 1
- Health control plan stage 1
- Falling objects stage 2
- Exploration drills
- Inrush or inundation

Small mines

- Safety management systems tier 2 quarries
- Safety management systems tier 3 quarries

Engineering

- Coal mines – explosive control plan – stage 2
- HRA verifications
- High risk mine sites – air quality or dust or other airborne contaminants
- Tailings storage facilities.

Emergency management

- Below surface metalliferous – emergency management

Mining Act assessment programs

Targeted assessment program – revegetation

Revegetation targeted assessments will continue during January to December 2025 and will focus on identified mine sites following risk profiling review. The assessments will include announced inspections of mine sites focusing on how a mine site is undertaking revegetation to achieve sustainable rehabilitation outcomes:

The objectives of these targeted assessments include:

- ensuring the range of risks associated with revegetation are identified and appropriate controls are in place to facilitate sustainable rehabilitation outcomes
- ensuring that growth substrates are developed to so that the target revegetation outcomes can be sustained in the long term
- ensuring that seed collection, handling, storage and treatment strategies including procurement of seedlings are effectively implemented to provide that the rehabilitation outcome is commensurate with the required target biodiversity values and or agricultural capability
- ensuring that revegetation methodologies are fit for purpose and effective in establishing the required rehabilitation outcome
- ensuring control measures are validated via monitoring and inspections are recorded to enable risks to be appropriately addressed
- ensuring effective short and long term rehabilitation monitoring programs are in place to track rehabilitation performance and compliance

- ensuring effective management programs are in place to facilitate that rehabilitation areas are on a trajectory towards meeting the final land use outcome as soon as reasonably practicable
- ensuring the mine site has engaged the appropriate skills and experience in relation to revegetation activities
- ensuring rehabilitation is integrated into mine planning systems
- compliance with the regulatory obligation to commence rehabilitation as soon as reasonably practicable and the achievement of the final land use.

Targeted assessment program – landform establishment

Landform establishment targeted assessments will be conducted between January to December 2025 on identified mines sites following a risk profiling review. The program will select identified mines for the program to ensure the range of risks associated with landform establishment and ongoing monitoring and modelling are identified and appropriate controls are in place to facilitate sustainable rehabilitation outcomes.

The objectives of the program include:

- ensuring the range of risks associated with establishing the approved final landform are identified and appropriate controls are in place identifying potential constraints and opportunities to achieve the approved final landform, including geotechnical/geochemical issues, incorporation of surrounding landforms (for example macro and micro-relief) and visual amenity
- ensuring the location, treatment and/or rehabilitation of water management infrastructure is integrated into the final landform
- ensuring design and management measures to construct the final landform over reject emplacement areas and tailings dams will be to a condition/capability that supports the final land use
- identifying the key design features for final voids, highwalls and low walls and ensuring the design minimises impacts to public safety and reduces the sterilisation of land available for future final land uses
- ensuring the construction of any creek or river diversion works that will form part of the final landform will be sustainable in the long term
- ensuring control measures that are validated via monitoring, inspections are recorded to enable risks to be appropriately addressed
- ensuring the mine site has engaged workers with the appropriate skills and experience related to landform establishment
- ensuring landform establishment and rehabilitation are integrated into mine planning systems
- ensuring techniques and measures have been developed and implemented to achieve the final landform.

Targeted assessment program – decommissioning

From January to June 2025, targeted assessments will be undertaken on identified mines following a risk profiling review. The assessment will identify how mine sites are managing the key processes and activities required as part of the decommissioning and or retention of built infrastructure. The activities include:

- removal, demolition and/or dismantling buildings and infrastructure
- structural works to make retained buildings and infrastructure safe
- heritage assessment and management
- sealing mine openings and boreholes
- identification and remediation of hazardous areas.

The objectives of the program will include:

- ensuring the range of risks and opportunities associated with demolition and decommissioning are identified and appropriate controls are in place
- ensuring the effective environmental management, including removal, of any contaminated materials and hazardous items (for example radioactive density gauges) or materials (such as asbestos)
- ensuring the effective decommissioning, removal and/or augmentation of the mine water management system including any dams prescribed by the Dams Safety Act 2015
- identifying the potential timing of decommissioning and demolition activities
- ensuring that obligations under the Heritage Act 1977 are identified and met by the titleholder
- ensuring underground mine workings are rendered safe and sealed for public safety
- ensuring the substrate following decommissioning is suitable to support the proposed revegetation outcome (e.g. native or agricultural rehabilitation)
- where buildings and infrastructure are to be retained as part of the post-mining land use, measures are implemented to ensure they are fit for purpose and risks to public safety are minimised
- ensuring control measures are validated via monitoring, inspections are recorded to enable risks to be appropriately addressed
- ensuring the mine site has engaged workers with the appropriate skills and experience in relation to decommissioning
- ensuring decommissioning and rehabilitation is integrated into mine planning systems.

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 highlighted 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 develop 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.

Audits for the 2025 calendar year will be undertaken focusing on the following:

- Full exploration licence compliance audits.
- Compliance with the mandatory requirements of the community consultation code of practice.
- Compliance with risk assessment requirements under the mandatory codes for exploration.
- Review of rehabilitation sign-off for exploration sites.

Planned inspection program to review progress of mine rehabilitation obligations

During January to June 2025, the Regulator will be undertaking an inspection program on identified mines following risk profiling to review and verify the progress of mine rehabilitation. Clause 13(1) of the Mining Regulation 2016 requires the holder of a mining lease to prepare a forward program for the mining lease that includes:

- a schedule of mining activities for the mining area for the next 3 years
- a summary of the spatial progression of rehabilitation through its various phases for the next 3 years
- a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.

The planning inspection program will review forward programs to determine:

- if the program includes a schedule of mining activities and the spatial progression of rehabilitation through its various phases for the next 3 years
- whether the mine lease holder has indicated in the mines annual reports that there has been delay in progressive rehabilitation

- if there are any reasons to believe that the future rehabilitation commitments set out in the forward program will not result in rehabilitation occurring as soon as reasonably practicable
- review what progressive rehabilitation has taken place when compared with the commitments in the forward program
- review progress with rehabilitation research and trials that a listed in the forward program
- identify if rehabilitation maintenance and corrective action listed in annual reports and forward programs remain on track
- determine whether any further action is required to ensure progressive rehabilitation is occurring.

Opal mining sector

Opal prospecting takes place pursuant to the conditions of an opal prospecting licence (OPL) or mineral claim and opal mining takes place pursuant to the conditions of a mineral claim. Inspections may be announced and will focus on but not limited to:

Work health and safety	Mining Act compliance
<p>Person riding hoists</p> <p>Person riding hoists (winding systems) are an important item of plant in small gemstone mines. They are considered high risk plant, and if they fail, they have the potential for a fatality. The safe design, manufacture, maintenance and operation of the person riding hoist plays a critical role in eliminating hazards and risks when a person riding hoist is introduced to a mine.</p> <p>Inspectors will be checking person riding hoists to ensure they have been designed, manufactured, installed and maintained safely.</p>	<p>Topsoil and mullock management</p> <p>Topsoil is a valuable resource in the rehabilitation process. It is important to remove the topsoil before commencing mining operations and stockpile it to the side to be later spread across the completed operation. Using topsoil allows vegetation to re-establish quickly and reduces the potential for erosion.</p> <p>Mullock must be stockpiled separately to topsoil. Mullock must not be spread across the final landform as this has the potential to inhibit vegetation from re-establishing and so may delay the return of the security held by the department.</p> <p>A program of planned inspections will be undertaken to assess how effectively titleholders are managing mullock stockpiles and soil on their opal mine sites to ensure compliance with the conditions of the mineral claim or opal prospecting licence.</p>
<p>Working in and around shafts</p> <p>Falls from height are a major cause of serious injuries and fatalities in workplaces across Australia. In October 2020, a miner at Lightning Ridge was fatally injured after a suspected fall from height within a shaft.</p> <p>A subsequent review of incident data from Lightning Ridge has identified several incidents during the past 3 years due to falls from height.</p>	<p>Rehabilitation of expired and cancelled mineral claims</p> <p>Rehabilitation is a critical element of NSW mining operations and is principally regulated under the conditions of the relevant mineral claim or opal prospecting licence granted under the <i>Mining Act 1992</i>. Rehabilitation ensures that areas disturbed by prospecting and mining operations are returned to a condition capable of achieving a subsequent land use.</p>

Work health and safety	Mining Act compliance
<p>Inspections will focus on access controls around open shafts such as fencing or appropriate shaft covers.</p>	<p>Claim holders are required to undertake rehabilitation in accordance with the conditions of the mineral claim or opal prospecting licence and provide evidence that rehabilitation has occurred.</p> <p>A program of planned inspections will be undertaken to assess how effectively titleholders are complying with their conditions of title for rehabilitating mineral claims.</p>
<p>Puddling tank operations</p> <p>Wet puddling operations at Lightning Ridge typically serve between 10 and 20 individual and distinct mining operations, despite being operated as a single title with one titleholder and nominated operator. The activities on these sites are usually conducted by other miners with no supervision from the operator. A typical puddling site is made up of an agitator that has been removed from a cement truck, often with a heavily modified drive.</p> <p>Inspections will include those associated with falls from height, entanglement, pedestrian-vehicle interactions and guarding on plant and equipment.</p>	<p>Open cut and restricted operations (trenching)</p> <p>Open cut mining is often seen as the final procedure in the recovery of opal or gemstone from a given location, after underground mining has been completed. It also allows the rehabilitation of the area to an acceptable standard for the landholder’s continued use.</p> <p>Open cut mining requires a permit to be issued under the <i>Mining Act 1992</i> (section 175). Activities cannot commence until approval has been granted.</p> <p>Inspections will focus on ensuring open cut and restricted operations are undertaken with the appropriate authorisation and are carried out in accordance with the conditions of their title.</p>

Strategic projects

Mine safety strategic projects

Development of the Adverse vehicle interaction technical reference guide

An advisory committee has been formed in quarter one of 2024 with key industry stakeholders to assist in the development of a technical reference guide (TRG) that will guide the industry on establishing an effective framework to develop, implement and monitor controls for safe vehicle interaction management.

The TRG will be released for public consultation in quarter one of 2025 and will be published in quarter 2 of 2025, accompanied by a comprehensive communication and implementation plan.

Plant registration and licencing regime under the WHS (MPS) Regulation

The Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 includes administrative requirements to verify that safety critical and high-risk plant is fit-for-purpose, and that competent people are carrying out safety critical maintenance, inspection, and operation activities. The Regulator specifies design registration technical requirements in the NSW Government Gazette, and the licensing requirements in licence application documentation.

The Regulator will review the plant registration and activity licensing regime under the WHS (MPS) Regulation. The Regulator has identified opportunities to streamline the existing regime to reduce administrative burden. Several Australian and international standards and national accreditation schemes provide an equivalent level of safety assurance to the existing regime. These could be codified in the WHS (MPS) Regulation as a substitute for the registration and licensing processes in some instances.

Review of NSW mining competency system

The processes used in support of the NSW mining competency and management of competency obligations for the Regulator were developed in the 1990s and have not undergone significant changes in response to a review since inception. A functional review will begin in quarter one of 2025 that will make recommendations to improve the efficiency and reliability of the competency system.

Investigation priorities

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

Work health and safety	Mining Act compliance
Work-related fatalities and serious injuries, or where there are risks of such outcomes	Mining/prospecting without authorisation
Non-compliance with inspectors’ notices or directions	Failure to rehabilitate the land
Offences against inspectors	Providing false and misleading information
Failure to preserve incident scenes	Offences against inspectors
Failure to notify incidents.	Non-compliance with title or statutory conditions
	Failure to pay rehabilitation security deposits
	Non-compliance with statutory notices or directions

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.

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 web page](#). Further information can also be found in our [compliance publication policy](#).

Workshops and seminars

One of our key roles is to ensure all operators and titleholders 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.

Our [events page](#) lists specific dates and locations of our workshops and seminars. These may be subject to change.

Small mines information roadshows

February and April 2025

These roadshows are conducted around the state annually as part of a communication and engagement strategy with small mine stakeholders. They provide information and resources to the small mines sector, assisting to develop and maintain safe mining practices. These roadshows also, provide opportunities to engagement with the Regulator. The small mines information roadshows further promote work, health and safety to small mines and quarries stakeholders, communicate contemporary and pertinent issues and help maintain the Regulator's visibility in the sector.

Safety and health representatives' seminar

February 2025

Safety and health representatives (SHR) congregate annually in an agreed coal mining region to attend a state-wide seminar. The day-long event is recognised as an important professional development opportunity. It brings together industry safety and health representatives (ISHR) and site safety health representatives (SSHR). The day includes several technical knowledge sessions, presentations by representatives from the Regulator, investigators and elected keynote speakers.

Underground coal mining engineering managers' forum

April 2025

This event is held with mining personnel at underground coal mines who hold the statutory position of mining engineering manager, undermanager, deputy and ventilation officer. The event is organised and run to discuss topical issues, give updates on guidelines and standards, discuss published safety alerts, bulletins, investigation releases and relevant notifiable incidents from the

previous 6 months. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

Open cut coal mining engineering managers' forum

April 2025

This event is held with mining personnel at open cut coal mines and coal processing facilities, who hold the statutory position of mining engineering manager and open cut examiner. The event addresses topical issues, give updates on guidelines and standards, discuss 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.

Metalliferous industry engineering managers' forum

April 2025

This event is held with mining personnel at underground metalliferous mines 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.

Open cut coal mechanical engineers' forum

March 2025

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.

Underground coal mechanical engineers' forum

March 2025

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.

Metalliferous and extractives mechanical engineers' forum

March 2025

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.

Underground coal electrical engineers' forum

March 2025

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

March 2025

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.

Western region metalliferous electrical engineers' forum

March 2025

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.

Drill and blast forum

June 2025

This forum will review emerging issues and trends from relevant program plans, legislative accountabilities, Safe Work licence requirements (understanding of the process and what is required) and topical incidents and/or new explosives developments (both from the mines and the explosives industry). The event will be for all industry and 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.

Safety training – opal mining

Ongoing 2025

The Online Opal Mining Safety Workshop is now available and is free of charge and provides a flexible delivery method allowing participants to complete the online course in their own time. The

course can be accessed at <https://learning.resourcesregulator.nsw.gov.au>. 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.

Workshop/Seminar	Jan	Feb	Mar	Apr	May	Jun
Small Mines Roadshows						
Safety and health representatives' seminar						
Open cut coal mining engineering managers' forum						
Underground coal mining engineering managers' forum						
Metalliferous and extractives mining engineers' forum						
Open cut coal electrical engineers' forum						
Underground coal electrical engineers' forum						
Metalliferous electrical engineers' forum						
Underground coal mechanical engineers' forum						
Open cut coal mechanical engineers' forum						
Metalliferous and extractives mechanical engineers' forum						
Drill and blast forum						
Safety training – Opal mining (online)						

Exam timetable – January to June 2025*

Certificate of competence	Jan	Feb	Mar	Apr	May	Jun
Open cut examiner and mining engineering manager coal mines - oral		19 & 20				
Mining engineering manager underground coal mines - written			4 & 5			
Mechanical engineer - oral			12			
Mining engineering manager underground mines other than coal - written			19			
Undermanager - written				9		
Quarry manager - oral					8	
Deputy - written					14	
Electrical engineers - oral					28	
Underground mine supervisor – oral						3 & 4
Open cut examiner and mining engineering manager coal mines - written						18 & 19
Mining engineering manager underground coal mines - oral						25

* subject to change