



**NSW
Resources
Regulator**

COMPLIANCE PRIORITIES

July – December 2020



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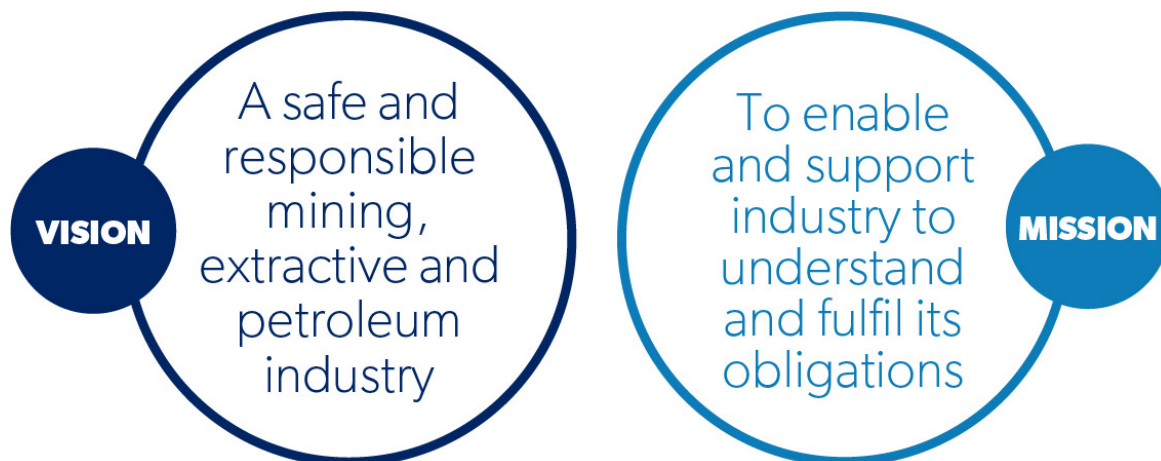
Purpose

This report sets out our 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.

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

Compliance priorities

Respirable dust – revision to exposure standards

Sector: Coal, metalliferous and small mines

Period: July – December 2020

The management of airborne contaminants has been a key focus area over recent years. With the implementation of the revised exposure standards for respirable dust, and a new exposure standard for diesel exhaust emissions, airborne contaminants will be a priority project between July and December 2020. This project will be multi-faceted, incorporating site assessment and engagement with industry through a variety of mediums.

Planned inspection programs

- We will undertake an assessment program across all mining sectors, focussing on the management of respirable dust. This will have both educational and regulatory components.
- Inspectors will provide resource materials to sites to assist workers and supervisors to better understand their obligations and the health impacts of dust.
- Inspectors will also be undertaking spot sampling to highlight potential high-risk areas on mine sites and assess the implementation of controls to protect workers from respirable dust risks.

Industry engagement

Notwithstanding the ongoing impacts of COVID-19, we will be actively engaging with industry during this period. This will include:

- A multimedia campaign informing industry stakeholders of the change to the exposure standard and providing guidance on how to manage the health risks associated with respirable dust.
- Industry roadshows focussing on the extractives sector.
- Presentations at industry forums and seminars, where appropriate.
- Publication of fact sheets and guidance material.
- Regular correspondence to mine operators reminding them of the change in exposure standards and the need to review and modify systems and processes to achieve compliance.
- Sampling and monitoring assistance.

- The Mine Safety Technology Centre, a business unit of the Regulator, has the capability to undertake personal dust sampling and this is offered on a fee-for-service basis.

We are aiming to provide sampling during this period at no cost, or on subsidised or a cost-recovery basis, to assist operators of small quarries to assess potential high exposure areas or activities at their site. The provision of such a service will be subject to meeting eligibility criteria which will be addressed in communication material to operators. It should also be noted this service is resource constrained and any low or no cost option would be for a limited period only.

Progressive rehabilitation

Sector: Mining leases

Period: July – December 2020

Rehabilitation is a critical element of NSW mining operations and is principally regulated under the conditions of the relevant mining leases granted under the *Mining Act 1992*. Progressive rehabilitation ensures that areas disturbed by mining operations are returned to a condition capable of achieving the final land use.

Title holders of mine sites are required to undertake progressive rehabilitation in accordance with an approved mining operations plan. A key component of the mining operations plan is to ensure rehabilitation planning and practices are integrated throughout all phases of mining.

Targeted assessments will be carried out at mine sites to ensure that progressive rehabilitation is being undertaken and that potential risks, which may limit the success of rehabilitation, are being effectively managed.

Subsidence management

Sector: Mining leases (Illawarra and Southern Coalfields)

Period: July – December 2020

We will continue our audit program that began in 2019, focusing on key issues arising from subsidence impacts associated with underground mining operations in the Illawarra and Southern Coalfields. The scope of the audit program includes an assessment of compliance against:

- the subsidence management plan (SMP) or extraction plan
- commitments made in the SMP or extraction plan and any associated management plans
- subsidence monitoring requirements, including a comparison between predicted impacts and actual impacts, as shown by subsidence management results
- remediation action plans for subsidence affected areas.

Non-reporting of incidents

Sector: Coal and metalliferous mines (labour hires companies)

Period: July – October 2020

Notifying us of specified incidents is a regulatory requirement under WHS laws. In addition to incident response and investigation, these notifications can help identify causes of incidents and trends – which in turn can help prevent similar incidents at that workplace and across other mines.

There are two types of incidents that require information to be given to us - notifiable incidents and 'other' incidents. Requirements to notify us may relate to any person - whether an employee, contractor or member of the public. Failure to notify us is an offence and penalties apply. Guidance about the reporting of notifiable incidents is published on the Regulator's website and can be found [here](#).

Our review of workers compensation data across the mining sector over recent years has identified discrepancies between those records and what has been reported to the Regulator.

A targeted audit program will be carried out over the coming period, initially focussing on labour hire companies. We will be conducting both targeted and sample auditing of labour hire companies and comparing those with records held by the mine and those notified to the Regulator.

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 included in a program.

They may be announced or unannounced and may occur on back shifts. From July to December 2020, assessment programs will include the following:

Coal

- explosion suppression
- fire and explosion underground
- ground or strata failure surface
- shafts and winders (mechanical and electrical)

- spontaneous combustion underground
- self-escape underground mines.

Metalliferous and Petroleum

- roads or other vehicle operating areas
- ground or strata failure surface
- fire and explosion (surface and mechanical)
- shaft and winders (electrical, mechanical and mining)
- self-escape underground mines
- petroleum wells general inspections.

Small mines

- airborne contaminants – focussing on silica dust
- roads or other vehicle operating areas
- structural integrity
- electrical safety
- ground or strata failure of underground opal workings.

Mining Act inspectorate

Between July and December 2020, targeted assessments will be undertaken in line with our compliance priorities at identified sites, following a risk profiling review. The assessments will include announced inspections and capture high risk sites focusing on how a mine site is managing materials and soils to achieve sustainable rehabilitation outcomes. The objectives of these targeted assessments include:

- ensuring the range of risks associated with materials and soils are identified and appropriate controls are in place to facilitate sustainable rehabilitation outcomes
- identifying potential constraints/opportunities to maximise the salvage of soil resources for use in rehabilitation
- ensuring an inventory of soil resources and materials (e.g. inert capping material) has been defined to ensure the needs for rehabilitation of the final land use can be met
- ensuring the selective handling and management of mine materials (e.g. overburden, tailings, reject materials) to address potential geochemical and geotechnical constraints for rehabilitation
- ensuring the substrate is suitable to support proposed revegetation outcome (e.g. native or agricultural rehabilitation)
- ensuring control measures are validated via monitoring and inspections are recorded to enable risks to be appropriately addressed
- ensuring the mine site has engaged the appropriate skills and experience in relation to materials and soils management
- ensuring rehabilitation is integrated into mine planning systems

- ensuring techniques and measures have been developed and implemented to salvage, protect and maintain biological resources (e.g. topsoil, subsoil, seed bank, plant material, logs, hollows) for use in rehabilitation.

Planned inspections will also identify best practice examples that will be shared with industry through publications and workshops.

Compliance audits

Our compliance audit program assesses specific requirements of the Mining Act or WHS legislation and examines the operational performance of mining operations to achieve sustainable and safe operations.

The audit program is developed using a risk review process to identify the audit focus. A risk assessment methodology (broadly based on AS/NZS ISO 31000:2009 Risk management – Principles and guidelines) is used to develop a broad risk profile for each sector to assist in the development of an audit program.

The audit program will focus on:

- rehabilitation progress on mine sites
- exploration drilling and compliance with exploration activity approvals
- general dip sampling cross sections of each sector.

Investigation priorities

In addition to the priorities identified within this document, the following circumstances or allegations are priority areas for investigations.

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 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 irresponsible conduct, wrongdoing and failure 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](#).

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.

Due to COVID-19, many of our regular events have been postponed or converted to virtual events where possible. Visit our events calendar for specific dates and locations of our workshops and seminars. These may be subject to change.

Underground coal mechanical engineers' forum

August and November

This meeting is held with mechanical engineers at underground coal mines who hold the statutory position of mechanical engineering manager. Inspectors organise and run the meeting 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.

Open cut coal mechanical engineers' forum

August and November

This meeting is held with mechanical engineers from open cut coal mines and coal processing facilities, who hold the statutory position of mechanical engineer. The meeting 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.

Western region metalliferous electrical engineers' forum

August and November

These meetings 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 meeting will also include a review of recent incidents, site experiences in managing safety and discussions on improving electrical engineering safety. These events are an essential part of meeting CPD requirements for holders of practicing certificates.

Southern and western region coal electrical engineers' forum

August and November

These meetings 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. These events are an essential part of meeting CPD requirements for holders of practicing certificates.

Hunter region coal electrical engineers' forum

August and November

The Hunter region coal electrical engineers' forums are run in conjunction with the MEMMES Hunter Valley Electrical Chapter (HVEC MEMMES).

These meetings 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 meetings will also include a review of recent incidents, site experiences in managing safety and discussions on improving electrical engineering safety. These events are an essential part of meeting CPD requirements for holders of practicing certificates.

Safety training – Lightning Ridge

July, August, September, October and November

The safety awareness course has been combined with the mine operators' 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 Lightning Ridge mineral claims district are required to complete this course as part of their application.

Operational Rehabilitation Reforms

August and September

We are improving compliance and reporting requirements for rehabilitation through the development of a new regulation under the Mining Act 1992, which will replace mining lease conditions relating to rehabilitation and set clear, achievable and enforceable requirements for rehabilitation. This will ensure progressive rehabilitation occurs and sustainable post-mining land use outcomes are achieved.

It is anticipated that a draft regulation will be released for consultation in August 2020. During this consultation period we will be conducting information webinars to outline the objectives and components of the reforms and discuss the transitional arrangements for the mining industry to comply with the new requirements.

Underground coal mining engineering managers' forum

November

This meeting is held with mining personnel at underground coal mines who hold the statutory position of mining engineering manager, undermanager, deputy and ventilation officer. The meeting 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 six months. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

Surface coal mining engineering managers' forum

November

This meeting 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 meeting will discuss 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 safety and health engagement forum

November

This meeting is held with representatives from metalliferous mining operations, who hold the statutory position of mining engineering manager. The meeting 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 Emergency Response Team working group

November

Held in Dubbo, members of the Metalliferous Emergency Response team meet twice a year to collaborate on emergency planning and response capability matters. The working group is made up of emergency response managers from the major metalliferous mines in NSW. These meetings provide an engagement platform for emergency services and other stakeholder groups, with discussions on emergency planning topics and the sharing of key learning information from incidents across NSW.

Metalliferous and extractives mechanical engineers' forum

August and November

This meeting 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, mines and specialists. The meeting will also include a review of recent incidents from inspectors and mine engineers, new developments and emerging trends.

Small mines information roadshows

October, November and December

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 opportunity for 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.

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 *Public comment policy*.

Compliance activities calendar

July to December 2020

COMPLIANCE PRIORITIES	SECTOR	JUL	AUG	SEP	OCT	NOV	DEC
Airborne contaminants	All						
Progressive rehabilitation	Mining leases						
Subsidence management	Mining leases						
Non-reporting of incidents	Labour hire companies -						

July to December 2020

WORKSHOPS AND SEMINARS	SECTOR	JUL	AUG	SEP	OCT	NOV	DEC
Underground coal mechanical engineers' forum	engineering/coal mines						
Open cut coal mechanical engineers' forum	engineering/coal mines						
Western region metalliferous electrical engineers' forum	engineering/metalliferous mines						
Southern and western region coal electrical engineers' forum	engineering/coal mines						
Hunter region coal electrical engineers' forum	engineering/coal mines						
Small mines information roadshows							
Safety training – Lightning Ridge	opal mines						
Operational Rehabilitation Reforms webinar	all						
Underground coal mining engineering managers' forum	engineering/coal mines						
Surface coal mining engineering managers' forum	engineering/coal mines						
Metalliferous industry safety and health engagement forum	engineering/metalliferous mines						
Metalliferous Emergency Response Team working group	engineering/metalliferous mines						
Metalliferous and extractives mechanical engineers' forum							