



**NSW
Resources
Regulator**

COMPLIANCE PRIORITIES

January – June 2020



Document control

Published by NSW Resources Regulator

Title: Compliance priorities January – June 2020

First published: January 2020

Authorised by: Executive Director Resources Regulator

CM9 reference: DOC20/6453

AMENDMENT SCHEDULE

Date	Version	Amendment
January 2020	1.0	First version published
January 2020	2.0	Amended event dates
January 2020	3.0	Add assessment focus to progressive rehabilitation
February 2020	4.0	Compile workshops and events

© State of New South Wales through Department of Planning, Industry and Environment 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 2020) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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

Tailings management

Sector: Coal and metalliferous

Period: January – June 2020

The design, construction, operation and decommissioning of tailings dams poses issues, with a potential to affect the health and safety of people on and off site. There are many cases of tailings dam failures around the world that have resulted in the escape of tailings materials, some flowing off site in huge volumes. Some of these events have had catastrophic consequences with major loss of life.

The Tailings Compliance Priority Project, initiated in 2018, has identified uncertainties and knowledge gaps in relation to the management of tailings dams. We will draw on the insights gained from this project and other assessments to ensure industry has a clear understanding of obligations under the Work Health and Safety Act and Regulation the Work Health and Safety (Mines and Petroleum Sites) Act and Regulation and the Mining Act that relate to tailings management.

Planned inspections will be undertaken at mines that use tailings processing and storage to ensure mine operators are effectively identifying and managing safety and health risks and other risks associated with tailings management.

Key statutory functions at quarries and nomination of statutory positions.

Sector: Small mines

Period: January – June 2020

Recent site inspections and quarry manager applications have indicated that the requirements to have statutory and key statutory positions nominated and notified to us have not been met by some mine operators. These positions include quarry manager, electrical engineer and qualified electrician for quarries.

The Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 clause 129 (4)(g) requires the operator to nominate and notify us of the key statutory functions at the mine and the competency of those people to exercise those functions.

Clause 129 (6A) requires the operator to give notice of any proposed material change to any information provided under subclause (4g) as soon as is reasonably practicable after the mine operator becomes aware that the change is proposed to occur.

We will review the following during planned inspections at quarries:

- the nominated statutory and key statutory positions of the mine
- the site ‘hazard profiling tool for mine eligibility to nominate a quarry manager with a mine specific practising certificate’ to identify the key statutory position required for the mine
- qualifications of the nominated statutory and key statutory function holders
- our records of nominations of key statutory position holders, as supplied by the mine.

Change management (ensuring change management procedures are in place)

Sector: Metals and petroleum

Period: January – June 2020

Inspections and incidents have identified numerous non-compliances with mines’ change management processes and implementation.

A review of incident data has identified that a failure to follow change management processes has been a significant contributor to incidents. Two recent examples of this include the collapse of an engineered structure onto a roadway and the sinking of a large vessel, both of which had been modified after construction and commissioning.

This compliance project will review change management processes and seek to confirm that obligations under Work Health and Safety Regulation 38(2) (review of control measures) are being met by mine operators. It will also consider whether the duty to consult workers under Work Health and Safety Act section 47 and provision of information, training and instruction under Work Health and Safety Regulation 39 are being met.

Autonomous mining systems

Sector: Engineering

Period: January – June 2020

Autonomous mining systems are changing the risk profile of the mines that introduce these systems. When determining whether to implement autonomous or semi-autonomous equipment, mines must undertake a thorough and rigorous review of the effect of the new equipment to the mine’s existing operating systems and methods of work. While many of the immediate changes relate to electrical control systems, the changes will also impact on skills required within other areas of the workforce to ensure appropriate mine planning and that equipment is operated and maintained in a manner that ensures safe interaction of workers with the equipment.

A position paper will be developed in consultation with external stakeholders by June 2020. The paper will outline our expectations for the implementation of autonomous mining systems. The position paper

will focus on both surface and underground operations and will draw extensively from existing material in international standards such as ISO 17757 Earth-moving machinery and mining – Autonomous and semi-autonomous machine system safety and in documents such as the *Guideline for the implementation of autonomous systems in mining* by the Global Mining Guidelines Group (GMG) and the *Code of practice: e Safe mobile autonomous mining in Western Australia* by the Western Australia government. Longer term, a technical reference guide may also be developed and issued.

Self-escape systems in underground mines

Sector: Coal and metalliferous

Period: January – June 2020

This compliance priority project will be coordinated by the inspectorate's emergency management team and will cover both underground coal and metalliferous mines. It will have multiple focus areas including the selection of self-worn breathing apparatus, refill/changeover stations, lifelines and egresses including ladderways and training of workers in self-escape. The project will also examine how mines have determined the suitability of these elements, in consideration of the risks present at the mine, the mine layout and the method of risk assessment.

Progressive rehabilitation

Sector: Mining leases

Period: January – June 2020

Rehabilitation is a critical element of NSW mining operations and is principally regulated under the conditions of the relevant mining leases granted pursuant to 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.

Titleholders of mine sites are required to undertake progressive rehabilitation in accordance with a mining operations plan that is assessed and approved by us. 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. Specifically, assessments will focus on the effectiveness of management practices relating to:

- soil resources (e.g. topsoil and subsoils),
- soil seedbanks, and
- the selective handling of other materials (e.g. overburden/spoils) in order to achieve sustainable rehabilitation outcomes.

Subsidence management

Sector: Mining leases

Period: January - June 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.

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 January to June 2020, assessment programs will include the following:

Coal

- explosion suppression
- fire and explosion surface
- inundation or inrush of any substance

Metalliferous and petroleum

- roads or other vehicle operating areas
- ground or strata failure
- inundation or inrush of any substance
- tailings dam management
- verification of compliance with decommissioning plans and well-workover plans (HRAs)
- health and safety risks at legacy well sites

Small mines

- roads or other vehicle operating areas
- structural integrity
- electrical safety
- ground or strata failure of underground opal workings.

Mining Act inspectorate

Targeted assessments between January and June 2020 will be undertaken in line with our compliance priorities and will be undertaken at identified sites, following a risk profiling review. The assessments will include announced and unannounced inspections and capture high risk sites focusing on:

- progressive rehabilitation
- subsidence management
- tailings management.

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 an authorisation
- failure to rehabilitate 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 the 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 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.

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

February and May

This meeting is held with mechanical engineers at underground coal mines who hold the statutory position of mechanical engineering manager. We organise and run the meeting 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 continual professional development (CPD) requirements for holders of practicing certificates.

Open cut coal mechanical engineers' forum

February and May

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 notifiable incidents for the previous six months. This event is an essential part of meeting CPD requirements for holders of practicing certificates.

Western region metalliferous electrical engineers' forum

February and May

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

February and May

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

February and May

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

March, April and June

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.

Tailings management workshop

June

The one-day workshop with industry and other regulators will discuss best practice methodologies of Tailings Storage Facilities (TSF) management. The workshop will involve presentations by a TSF research expert, discussions of identified risks and knowledge gaps associated with TSF management to help inform the development of specific strategies to address these issues.

Underground coal mining engineering managers' forum

May

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

May

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

May

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

May

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.

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

January to June 2020

COMPLIANCE PRIORITIES	SECTOR	JAN	FEB	MAR	APR	MAY	JUN
Tailings management	coal and metalliferous mines						
Key statutory functions at quarries and nomination of statutory positions	small mines						
Change management (ensuring change management procedures are in place)	metalliferous mines						
Autonomous vehicles	engineering						
Self-escape systems in underground mines	all						
Progressive rehabilitation	Mining Act						
Subsidence management	Mining Act						

WORKSHOPS AND SEMINARS	SECTOR	JAN	FEB	MAR	APR	MAY	JUN
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						
Safety training – Lightning Ridge	opal mines						
Tailings management workshop	industry/regulators						
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						