

Compliance priorities

July to December 2022



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Purpose

This report 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.

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

Lifting and Craneage

Sector: Coal, metalliferous and small mines

There has recently been an increase in craneage and lifting related incidents within the NSW mining industry. Incidents have resulted in cranes overturning and unplanned movement of suspended loads, which have exposed workers to significant hazards.

This assessment will review the controls implemented across NSW mines associated with lifting of suspended loads and mobile crane operations. The assessment will include a review of the crane selection process, introduction to site adequacy, mobility with suspended loads, OEM controls implementation, complex lifts, operator competency and other lifting and craneage activities and key safety controls.

Hazard Reporting

Sector: Coal and metalliferous mines

A recent survey conducted by the Mine Safety Advisory Council (MSAC) in association with the Regulator has highlighted a range of issues related to hazard reporting in the NSW coal mining industry. The issues highlighted by the survey include a fear of reporting hazards, reluctance by casual labour to report hazards, reprisals when hazards are reported and less than adequate hazard reporting and processing systems.

This assessment will gain insights into the reporting culture at NSW mine sites and assess sites hazard reporting, actioning and feedback processes.

Working at heights safety

Sector: Small mines

Recently while conducting assessments at quarries across NSW, the Regulator has observed a concerning trend regarding the inadequate implementation of safety critical controls for working at heights.

This assessment will review and raise awareness of the working at heights critical controls that must be implemented to ensure the safety of workers. The review will include risk assessment processes, site procedures in place, worker training and competency, fall prevention and arrest systems, inspection programs and other critical controls.

Determining compliance against the new standard rehabilitation conditions on mining leases

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 Regulation commenced on 2 July 2021. The new standard rehabilitation conditions will apply to all new mining leases issued from this date. For mining leases that were in force before this date, the conditions apply for large mines¹ on 2 July 2022 and for small mines² on 2 July 2023. These new rehabilitation conditions will replace existing rehabilitation and environmental management conditions on current leases.

¹ **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*.

² **Small mine** means a mine that is not a large mine.

Over the period we will be focusing on the large mines to assess compliance against the new conditions. As part of our approach, we will continue to engage with mines to ensure we have an active dialog about our expectations for compliance as well as to enable us to assist industry with meeting the new requirements and to address potential transitional issues.

Assessment and determination of Rehabilitation Outcome Documents

A key requirement of the new mining lease conditions under clause 12 of Schedule 8A of the Mining Regulation 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 be prioritising our assessment and determination of the rehabilitation outcome documents for all large mines 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 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.

Assessment of mine rehabilitation performance

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*. Targeted proactive assessments will be undertaken to determine compliance with obligations as well as performance of on the-ground rehabilitation. Key focus areas will include how a mine is:

- progressively rehabilitating in accordance with statutory obligations
- complying with statutory Section 240 directions that may have been issued following rehabilitation targeted assessment programs
- addressing recommendations identified by the Regulator following previous proactive assessments
- identifying risks and implementing appropriate controls to achieve effective rehabilitation outcomes.

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 2022, assessment programs will include the following:

Coal

- Ground or strata failure - secondary extraction (underground)
- Spontaneous combustion (underground)
- Outburst (underground)
- Ground or strata failure - slope stability (surface)
- Explosives management (surface)
- Shafts and winding systems - mechanical and electrical (underground)
- Air quality or dust or other airborne contaminants (underground)
- Air quality or dust or other airborne contaminants (surface)
- Roads or other vehicle operating areas (underground)
- Roads or other vehicle operating areas (surface)
- Structural collapse
- Falling objects
- Unplanned movement (electrical)
- Fire or explosion – mechanical (underground)
- Electrical control plan (underground and surface).

Metalliferous and petroleum

- Fire and explosion – mechanical
- Shafts and winding systems – mechanical and electrical
- Ground or strata failure – slope stability (surface)
- Ground or strata failure (underground)
- Subsidence
- Roads or other vehicle operating areas (underground)
- Explosives management (underground and surface)
- Well safety inspections (petroleum)
- Exploration drills
- Fire or explosion – mechanical (underground and surface)
- Unplanned movement (electrical)
- Fire or explosion – electrical (underground and surface).

Small mines

- Roads or other vehicle operating areas
- Slope stability
- Airborne contaminants
- Mechanical safety
- Electrical safety.

Mining Act assessment programs

Compliance audits

Our compliance audit program assesses specific requirements of the *Mining Act 1992* and examines the operational performance of mining and prospecting operations and compliance with legislated requirements and conditions of authorisation. 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 31000:2018 Risk management – Guidelines) is used to develop a broad risk profile for each sector to assist in the development of the audit program. The audit program will focus on:

- general compliance with the *Mining Act 1992* and Regulation; and conditions of authorisation
- community consultation in exploration
- exploration environmental management and rehabilitation
- New Frontiers cooperative drilling grant program.

Mining Act compliance inspections - opal mining sector

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:

- compliance with conditions of OPLs and mineral claims
- performance of rehabilitation
- topsoil and mullock management, including prevention of erosion
- vegetation clearance
- waste management
- use of chemicals, fuels and lubricants
- subsidence management.

Review of quarries sector to ensure compliance with Mining Act authorisations

In recent years a number of quarries operating in NSW have been investigated for failing to have required authorisations under the *Mining Act 1992*. Whilst many quarries will not require a mining authorisation, a review of the quarry sector will be undertaken to determine compliance. The aim of the review is to:

- identify any quarries operating without an authorisation
- assess the quarry owner/operator's awareness of legislative requirements
- identify any pending applications that are mining without a current authorisation
- engage with the title holders to initiate regulator enforcement action to achieve compliance.

Strategic projects

Proximity detection

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

Thus, 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.

- Stage 1: Knowledge and Experience Forum
- Stage 2: Online Discussion Board
- Stage 3: Advancing Implementation Forum
- Stage 4: Develop discussion paper for consultation.

Design registration simplification

The Regulator has developed a position paper with five recommendations on how to simplify plant registration requirements.

Some aspects of the recommendations can be implemented within the current legislative framework and some will require amendments to the WHS (MPS) Regulation 2014.

The implementation of these recommendations will:

- provide more certainty to industry and reduce delays in the registration process through a more tailored approach for winding systems and booster fans
- clarify the meaning of the terms 'commission' and 'commissioning' to ensure stakeholders understand the intent of these references as used in the WHS (MPS) Regulation
- provide a more appropriate regulatory approach for small gemstone mine operators regarding the safe design of person-riding and material hoists by removing design and item registration requirements for person-riding hoists and instead specify fundamental safety requirements for hoists
- address issues regarding design alterations by including new provisions allowing alterations to parts of the plant without the need to bring the entire plant up to the current design requirements.

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 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.

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.

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

Mechanical engineers' safety seminar (MESS)

August

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.

Mining engineering managers' safety seminar (MEMSS)

October

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

Electrical engineers' safety seminar (EESS)

November

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

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.

Open cut coal mechanical engineers' forum

December

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.

Metalliferous and extractives mechanical engineers' forum

December

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.

Western region metalliferous electrical engineers' forum

July

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.

Southern and western region coal electrical engineers' forum

August

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.

Hunter region coal electrical engineers' forum

August

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.

Underground coal mining engineering managers' forum

July

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

Open cut coal mining engineering managers' forum

July

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.

Underground metalliferous industry engineering managers' forum

August

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.

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>)

Compliance Management in Exploration forum

October

This event is an education and awareness session for explorers in NSW. The event will focus on compliance obligations and will include a summary of the Regulator's findings from audits and other investigations. This event will provide an opportunity to discuss and highlight good practice in exploration.

Mine rehabilitation webinar

November

This half-day online forum is an opportunity for both the Regulator and industry in NSW to share experiences, lessons learnt and promote leading practice in mine rehabilitation.

This year's forum will complement the implementation of the new compliance and reporting reforms for mine rehabilitation and new regulations under the *Mining Act 1992*. The forum will cover the implementation of the rehabilitation reforms including progress and key findings with the assessment and approval of rehabilitation outcome documents. In addition, the forum will also include discussions on key regulatory initiatives to address the findings coming out of our Targeted Assessment Programs (TAPs) over the last three years which have focussed on tailings management, soil and material management as well as landform establishment.

Proximity detection – advancing implementation forum

November

The Regulator and the NSW Minerals Council are jointly hosting a one-day forum on collision avoidance and proximity detection. The forum will provide an avenue for the NSW Mining Industry to come together to workshop issues/barriers to implementation of collision avoidance systems and strategy development.

Metalliferous industry safety and health engagement forum

October

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.

Small mines information roadshows

October, November, 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.

Workshops and seminars - July to December 2022*

Workshop/Seminar	Jul	Aug	Sept	Oct	Nov	Dec
Mechanical engineering safety seminar						
Mining engineering managers' safety seminar						
Electrical engineering safety seminar						
Underground coal mechanical engineers' forum						
Southern and western region coal electrical engineers' forum						
Hunter region coal electrical engineers' forum						
Underground coal mining engineering managers' forum						
Underground metalliferous industry engineering managers' forum						
Safety training – opal mining						
Environmental awareness course – Lightning Ridge						
Compliance Management in Exploration forum						
Mine rehabilitation webinar						
Proximity detection – advancing implementation forum						
Design registration forum						
Metalliferous industry safety and health engagement forum						
Small mines information roadshows						

Figure 1 Table showing workshops and seminars for July to December 2022.

*subject to change.

Exam timetable - July to December 2022*

Exam	Jul	Aug	Sept	Oct	Nov	Dec
Underground Coal Mines						
Mining Engineering Manager - Oral						
Undermanager - Oral						
Deputy - Oral						
Electrical Engineering Manager - Written						
Mechanical Engineering Manager - Written						
Coal Mines other than Underground						
Mining Engineering Manager - Oral						
Open Cut Examiner - Oral						
Electrical Engineer - Written						
Electrical Engineer - Oral						
Mechanical Engineer - Written						
Mechanical Engineer - Oral						
Underground Mines other than Coal Mines						
Mining Engineering Manager - Oral						
Underground Mine Supervisor - Oral						
Mines other than Underground Mines or Coal Mines						
Quarry Manager - Written						
Quarry Manager - Oral						
Licensed Activities at Coal Mines						
Cable Repair Signatory - Oral						

Figure 2 Table showing exam schedule for July to December 2022.

*subject to change.