

Compliance Priorities

January to June 2023



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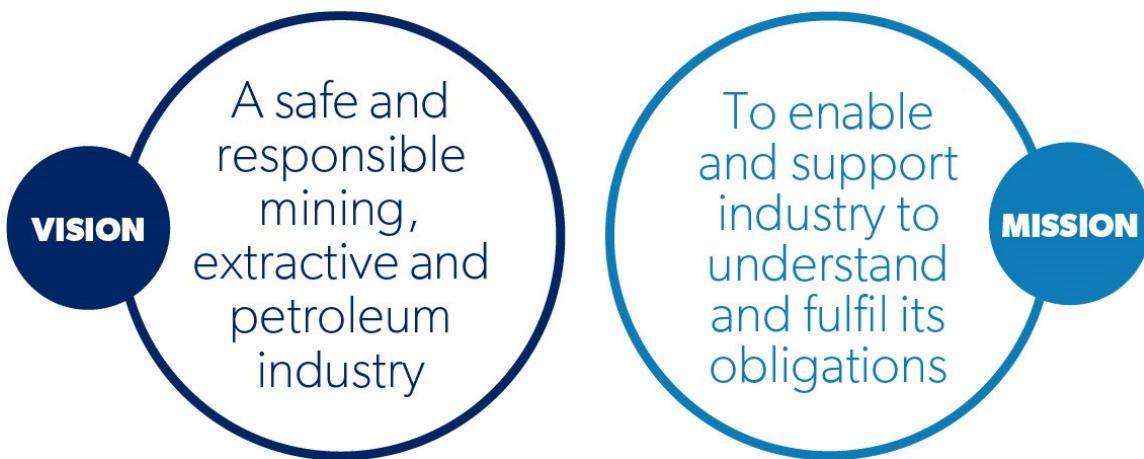
Purpose

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

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

Sector: Coal, metalliferous and small mines

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

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

Amendments to the Work Health and Safety Regulation 2017 – Psychosocial Risk

Sector: Coal, metalliferous and small mines

In October 2022 a significant amendment was made to the WHS Regulation 2017 regarding psychosocial hazards and risks. Division 11 of the regulation states that a PCBU must manage psychosocial risk and implement control measures to eliminate the risk so far as is reasonably practicable. The amendment also requires this risk to be managed in accordance with Part 3.1 of the regulation.

Inspectors will be assessing individual mine operators' progress in achieving compliance with the amendments, focussing on risk assessments and whether appropriate consideration has been given to the *Safework Code of Practice for managing psychosocial hazards at work* in completing the risk assessment and identifying controls.

Again, the key objective of this program is to establish overall industry compliance, however a critical element will also be to establish what impediments to compliance exist, and whether further advice or guidance is required to assist mine operators and others in the workplace to better understand their obligations.

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 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.

Over the period, we will continue to focus 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

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.

active dialogue about our expectations for compliance as well as to enable us to assist industry with meeting the new requirements and to address any identified transitional issues.

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 2016 relates to the submission of rehabilitation outcome documents for approval of the Secretary. In deciding whether to approve a rehabilitation outcome document, the Secretary must consider the extent to which the document is consistent with the final land use for the mining area and any other matters the Secretary considers relevant.

Over the period we will continue to prioritise 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.

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 January to June 2023, assessment programs will include the following:

Coal

- Health Control Plan (surface and underground)
- Outburst (underground)
- Roads and other vehicle operating areas (surface and underground)
- Structural integrity (surface and underground)
- Fire or explosion – mechanical (underground)
- Electrical control plan (surface and underground)

Metalliferous and petroleum

- Health Control Plan (surface mines)
- Roads and Vehicle Operating Areas (underground)
- Ground or strata failure – slope stability (surface)
- Ground or strata failure (underground)
- Well safety inspections (petroleum)
- Exploration drills
- Fire or explosion – mechanical (underground and surface)
- Structural Integrity (surface and underground)
- Electrical Control Plans (surface and underground)

Small mines

- Working at Heights
- Mobile Plant Safety
- Principal Hazard Assessments – low risk Tier 2 and Tier 3 operations

Mining Act assessment programs

Revegetation – Targeted Assessment Program

Between January and December 2023, 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 implementing revegetation practices to achieve sustainable rehabilitation outcomes. The objectives of these targeted assessments include:

- ensuring the range of risks associated with growth medium development and revegetation are identified and appropriate controls are in place to facilitate sustainable rehabilitation outcomes
- identifying potential constraints and opportunities to achieve the approved revegetation outcomes
- identifying any studies required to achieve the intended revegetation outcome
- ensuring control measures are validated via monitoring, inspections are recorded to enable risks to be appropriately addressed
- ensuring the mine site has engaged the appropriate skills and experience in relation to revegetation
- ensuring revegetation and rehabilitation are integrated into mine planning systems
- ensuring techniques and measures have been developed and implemented to achieve the intended revegetation outcome (e.g. native ecosystem and or agricultural land use).

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.

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.

Stage 3 will be undertaken in this period, with the forum planned for the 22 February 2023. More information in this event will be provided prior to the scheduled date.

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.

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

March

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

March

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

March

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

March and June

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

February and June

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

February

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

March

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

March

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

April

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>)

Proximity detection – advancing implementation forum

February

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.

Small mines information roadshows

February and March

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.

Small mines webinars - rehabilitation compliance and reporting reforms

April and May

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

Workshops and seminars – January to July 2023*

Workshop/Seminar	Jan	Feb	March	April	May	June
Underground coal mechanical engineers' forum						
Open cut coal mechanical engineers' forum						
Metalliferous and extractives mechanical engineers' forum						
Western region metalliferous electrical engineers' forum						
Southern and western region coal electrical engineers' forum						
Hunter region coal electrical engineers' forum						
Underground coal mining engineering managers' forum						
Open cut coal mining engineering managers' forum						
Metalliferous mining engineering managers forum						
Safety training – Opal mining						
Environmental awareness course – Lightning Ridge						
Collision avoidance proximity detection forum						
Safety and health representatives' seminar						
Underground Blasting Forum						
Design and Item holder's forum						
Small mines webinar – rehabilitation compliance and reporting reforms						

Figure1: Schedule of workshops and seminars by month

* subject to change

Exam timetable – January to July 2023*

Workshop/Seminar	Jan	Feb	March	April	May	June
Underground Coal Mines						
Mining Engineering Manager – Written						
Mining Engineering Manager - Oral						
Undermanager – Written						
Undermanager - Oral						
Deputy – written						
Electrical engineering manager - oral						
Mechanical Engineering Manager - Oral						
Coal Mines other than Underground						
Mining Engineering Manager – Written						
Open Cut Examiner – Written						
Electrical engineer - oral						
Mechanical engineer - oral						
Underground Mines other than Coal Mines						
Mining Engineering Manager – Written						
Mining Engineering Manager - Oral						
Underground Mine Supervisor – Oral						
Mines other than Underground Mines or Coal Mines						
Quarry Manager – Oral						

Figure2: Schedule of examinations by month

* subject to change