July 2023

Form

# Mining self-audit checklist

## Background

This checklist has been developed by the NSW Resources Regulator (the regulator) to assist people who hold mining leases and carry out mining operations to understand their regulatory responsibilities. This checklist is self-directed and helps you to consider many aspects of your regulatory responsibilities under both the [*Mining Act 1992*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1992-029) (the Act) and the [Mining Regulation 2016](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2016-0498) (the Regulation).

### Legislation

The Act outlines the way mineral resources can be explored and mined in NSW. It also provides a licencing system for people who want to undertake exploration or mining. In general, a valid authorisation is required, and the type of authorisation required depends on the type of activity you are undertaking. For mining, this authorisation is a mining lease (ML).

Authorisations are granted with a series of conditions you must follow. The regulator will audit the performance of the systems and processes that support your compliance, as well as auditing how you meet your specific obligations under:

* the Act and the Regulation
* the conditions of your authorisation
* any approvals for assessable prospecting operations.

### Scope of this checklist

This document is comprised of several checklists based on those used by the regulator’s audit team. The checklists provide an indication of some of the issues the regulator’s auditors consider when undertaking audits on-site.

If you hold an authorisation, you may use these checklists to assist you in identifying requirements that apply to your authorisation and help you to ensure you are meeting your statutory obligations. This document is designed for small-scale miners, as larger companies generally develop their own internal compliance processes.

Note: These checklists are of a general, advisory nature only. Using them does not limit or otherwise reduce your responsibility to ensure you meet your statutory requirements. This document does not provide guidance or advice on other legislation or legislative frameworks that may apply to you. There may be additional obligations relating to your authorisation, or the activities occurring in relation to the authorisation that are not covered by this document.

### Who should use this checklist?

This document is based on the prescribed standard conditions listed in the Mining Regulation 2016, Schedule 8A, Part 2, and the mining lease conditions. If you hold an authorisation with other sets of conditions, certain specific conditions may not be covered. You should perform your own review of your authorisation conditions to ensure the checklist is consistent with the conditions that apply to you.

Regular self-auditing (once a year at a minimum) will help to ensure you maintain your compliance. You should also complete a self-audit at other times, such as following:

* major structural change in your business resulting in changes in staffing or business systems
* major change in operations, for example, extended periods of shutdown, commencing new operations or re-entering previously operated areas
* an alleged or proven non-compliance with the Act, the Regulation or authorisation conditions.

### Further information

For more information about how to use this checklist, contact the NSW Resources Regulator.

* Website: [resourcesregulator.nsw.gov.au](https://www.resourcesregulator.nsw.gov.au/)
* Email: [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com)
* Phone: 1300 814 609

## Your mining lease details

|  |  |
| --- | --- |
| **Details** |  |
| Authorisation number (ML) |  |
| Project/mine name |  |
| Titleholder |  |
| Grant date |  |
| Last renewal date |  |
| Expiry date |  |
| Audit period | to |
| Checklist completed by |  |
| Date checklist completed |  |

# Part 1: Standard conditions of title

## Condition 1 - Notice to landholders

You must provide notification to landholders within your mining lease area when your lease is granted or renewed.

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| --- | --- | --- | --- | --- |
| **Condition 1** |  |  |  |  |
| 1. Was your mining lease granted or renewed within the period covered by this audit? | Yes | No | n/a | Comment: |
| 1. Do you have 10 or more landholders within your mining lease area? | Yes | No | n/a | Comment: |
| 1. Have you served notification of grant or renewal on each landholder, either by letter or newspaper advertisement as required? | Yes | No | n/a | Comment: |
| 1. Was notification provided to landholders within 90 days of the grant or renewal of the lease? | Yes | No | n/a | Comment: |

## Condition 2 - Security

You must provide a security deposit to secure funding for the fulfilment of your obligations under your authorisation, including obligations that may arise in the future.

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| **Condition 2** |  | | | | |
| What is the current security amount required? | $ | | | | |
| Date of your last security review | DD/MM/YYYY | | | | |
| 1. Have you paid the required security deposit? | | Yes | No | n/a | Comment: |
| 1. Have you prepared and submitted rehabilitation cost estimates when required? | | Yes | No | n/a | Comment: |

## Condition 3 - Co-operation agreement

If your lease overlaps with any other authorisations issued under either the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, you must make attempts to enter into a co-operation agreement with the holders of those overlapping authorisations.

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| **Condition 3** |  |  |  |  |
| 1. Have you identified if there are any titles that overlap your mining lease/s. | Yes | No | n/a | Comment: |
| 1. If there are overlapping titles, have  you contacted the holder of those overlapping titles and made attempts  to negotiate a co-operation agreement with those holders? | Yes | No | n/a | Comment: |

## Condition 4 - Assessable prospecting operations

You must not conduct assessable prospecting operations within your licence area unless you have development consent to do so, or you have obtained an activity approval for that assessable prospecting operation.

For further guidance on prospecting on mining leases, see [Fact sheet: Prospecting on a mining lease](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-10/fact-sheet-prospecting-on-a-mining.pdf).

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| **Condition 4** |  |  |  |  |
| 1. Have you undertaken any assessable prospecting operations within your mining lease area? | Yes | No | n/a | Comment: |
| 1. If yes, do you have development consent for those assessable prospecting operations? | Yes | No | n/a | Comment: |
| 1. If development consent is not required  or the development consent does not otherwise refer to assessable prospecting operations, did you submit  an application for assessable prospecting operations to the regulator and receive approval? | Yes | No | n/a | Comment: |
| 1. Do you have systems and processes in place to make sure that your assessable prospecting operations are being undertaken in accordance with your application for assessable prospecting operations and the conditions specified  in the approval? | Yes | No | n/a | Comment: |
| 1. Have you undertaken your exploration operations in accordance with the approval? | Yes | No | n/a | Comment: |

# Part 2: Mining Regulation 2016 Schedule 8A, Prescribed standard conditions

## Clause 3 - Assessments and documents may relate to more than one mining lease

If your mine comprises more than one mining lease, you may make application to the Secretary of the Department of Regional NSW (the Secretary) to have your leases treated as a single lease for the purposes of the Mining Regulation 2016, Schedule 8A, Part 2.

*Please note: It is not mandatory to have multiple leases treated as a single lease. Without an approved application, you will need to comply with all of the Part 2 conditions for each individual lease.*

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| **Schedule 8A Clause 3** |  |  |  |  |
| 1. Does your mining operation include  more than 1 mining lease? | Yes | No | n/a | Comment: |
| 1. If yes, have you made application to  have your multiple leases treated as a single lease for the purposes of the Mining Regulation 2016, Schedule 8A, Part 2? | Yes | No | n/a | Comment: |
| 1. Has your application to have your leases treated as a single lease been approved? | Yes | No | n/a | Comment: |

## Clause 4 - Must prevent or minimise harm to environment

You must prevent or, if that is not reasonably practicable, reasonably minimise, any harm to the environment arising from activities carried out under your authorisation.

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| **Schedule 8A Clause 4** |  |  |  |  |
| 1. Have you identified and implemented controls to minimise environmental impacts arising from exploration and mining activities? | Yes | No | n/a | Comment: |

## Clause 5 - Rehabilitation to occur as soon as reasonably practicable after disturbance

You must rehabilitate land and water within your mining area that is disturbed by your mining operations as soon as reasonably practicable.

For further guidance on what reasonably practicable means in the context of mine rehabilitation, see [Fact Sheet: ‘Reasonably practicable’ for mine rehabilitation](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2021-09/Fact-sheet-reasonably-practicable.pdf).

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| **Schedule 8A Clause 5** |  |  |  |  |
| 1. Have you mapped all land that is disturbed by your mining operations? | Yes | No | n/a | Comment: |
| 1. Do you have plans in place to rehabilitate that disturbed land as soon as possible when mining activities in that area are completed? | Yes | No | n/a | Comment: |
| 1. Have you commenced rehabilitation  of lands disturbed by your mining operations? | Yes | No | n/a | Comment: |

## Clause 6 - Rehabilitation must achieve final land use

You must ensure that rehabilitation of your mining area achieves the approved final land use for the area. You must also identify and record any reasonably foreseeable hazard that would prevent you from achieving your final land use.

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| **Schedule 8A Clause 6** |  |  |  |  |
| 1. Do you have an approved final land use for your mining area? | Yes | No | n/a | Comment: |
| 1. Have you identified and documented  any reasonably foreseeable hazards  that present a risk to achieving the  final land use? | Yes | No | n/a | Comment: |
| 1. Do you have systems and processes in place for monitoring rehabilitation to check progress towards achieving final land use? | Yes | No | n/a | Comment: |
| 1. Where rehabilitation is not on track to achieve final land use, have you identified and implemented appropriate corrective actions? | Yes | No | n/a | Comment: |

## Clause 7 - Rehabilitation risk assessment

You must conduct a rehabilitation risk assessment that identifies, assesses and evaluates the risks that would prevent you from achieving your rehabilitation objectives and completion criteria. You must identify and implement the measures needed to eliminate, minimise or mitigate the risks.

For large mines, you must conduct a rehabilitation risk assessment before preparing a rehabilitation management plan.

For small mines, you must conduct a rehabilitation risk assessment before preparing the rehabilitation outcome documents for the mine.

For further guidance on how to conduct and document your risk assessment [Guideline: Rehabilitation Risk Assessment](https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/guideline-rehabilitation-risk-assessment.pdf).

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| --- | --- | --- | --- | --- |
| **Schedule 8A Clause 7** |  |  |  |  |
| 1. Have you conducted a rehabilitation risk assessment? | Yes | No | n/a | Comment: |
| 1. Was your risk assessment conducted before the preparation of the rehabilitation management plan or the rehabilitation outcomes documents? | Yes | No | n/a | Comment: |
| 1. Does your risk assessment identify  and assess the risks associated with achieving the rehabilitation objectives, completion criteria and/or the final  land use? | Yes | No | n/a | Comment: |
| 1. Does your risk assessment identify the control measures required to address  the risks identified? | Yes | No | n/a | Comment: |
| 1. Do you have systems and processes in place to monitor the implementation  and effectiveness of the risk controls? | Yes | No | n/a | Comment: |
| 1. Where monitoring identifies that controls are not effective in addressing the risk, have you re-assessed the risks and identified and implemented additional  or amended controls? | Yes | No | n/a | Comment: |
| 1. Have you implemented a schedule for review and update of the rehabilitation risk assessment | Yes | No | n/a | Comment: |
| 1. Has the Rehabilitation Management Plan been updated to reflect any changes to the risk assessment | Yes | No | n/a | Comment: |

## Clause 8 – Application of clauses 9 to 16

Clauses 9 to 16 of Schedule 8A, Part 2 will only apply if the security deposit required for any of your mining leases is greater than the minimum deposit required for a mining lease under the Act (typically $10,000). Conditions 9 to 16 can also apply if you are directed by the Secretary to apply them.

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| **Schedule 8A Clause 8** |  |  |  |  |
| 1. Is the security deposit required for any  of your mining leases greater than the minimum deposit required under the  Act (ie. is your security deposit greater than $10,000)? | Yes | No | n/a | Comment: |
| 1. Have you been directed in writing by the Secretary to apply clauses 9 to 16 to your mining operation? | Yes | No | n/a | Comment: |
| 1. If you answered no to both question 1 and 2 above, then mark clauses 9 to 16 as Not Applicable, and continue to clause 17. |  |  |  |  |
| 1. If you answered yes to either question 1 or 2 above, then continue to Clause 9 and complete the checklist questions for clauses 9 to 16. |  |  |  |  |

## Clause 9 – General requirements for documents

Any documents required by these conditions must be prepared in the approved form and submitted in a way approved by the Secretary.

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| **Schedule 8A Clause 9** |  |  |  |  |
| 1. Have you prepared any documents required in the approved form? | Yes | No | n/a | Comment: |
| 1. Where documents are required to be submitted, have you submitted them via approved online form on the Resources Regulator Portal? | Yes | No | n/a | Comment: |

## Clause 10 – Rehabilitation management plans for large mines

If your mine is classified by the regulator as a large mine, you must prepare a rehabilitation management plan to describe how you are going to manage the rehabilitation of the mining area. This plan must include:

* A summary of the rehabilitation risk assessments
* The risk control measures identified in the risk assessments
* The rehabilitation outcome documents for the mine.

[Form and Way: Rehabilitation Management Plan for large mines](https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/form-and-way-rehabilitation-management-plan-for-large-mines.pdf) provides details on the way that documents must be prepared and given to the Secretary.

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| **Schedule 8A Clause 10** |  |  |  |  |
| 1. Is your mine classified by the regulator  as a large mine? If you answered no to this question, go to Clause 12. | Yes | No | n/a | Comment: |
| 1. Have you prepared a rehabilitation management plan for your mine? | Yes | No | n/a | Comment: |
| 1. Has your plan been developed in accordance with the Form and Way document? | Yes | No | n/a | Comment: |
| 1. Does your plan address the requirements for a rehabilitation management plan identified in subclause 1 (a) to (f) as outlined below: | Yes | No | n/a | Comment: |
| 1. a description of how the holder proposes to manage all aspects of  the rehabilitation of the mining area | Yes | No | n/a | Comment: |
| 1. a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation | Yes | No | n/a | Comment: |
| 1. a summary of rehabilitation risk assessments conducted by the holder | Yes | No | n/a | Comment: |
| 1. the risk control measures identified in the rehabilitation risk assessments | Yes | No | n/a | Comment: |
| 1. the rehabilitation outcome documents for the mining lease | Yes | No | n/a | Comment: |
| 1. a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored. | Yes | No | n/a | Comment: |
| 1. Have you implemented your rehabilitation management plan? | Yes | No | n/a | Comment: |
| 1. Do you have systems and processes in place to monitor the implementation of the rehabilitation management plan? | Yes | No | n/a | Comment: |
| 1. Have you met any timeframes for implementation if any are specified in your forward program | Yes | No | n/a | Comment: |

## Clause 11 – Amendment of rehabilitation management plans

You must amend your rehabilitation management plan at certain times, including:

* If you change your rehabilitation outcome documents
* When you make changes to the risk control measures identified in your risk assessment
* If you are directed to do so.

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| **Schedule 8A Clause 11** |  |  |  |  |
| 1. Have you changed your rehabilitation outcome documents, or changed your risk control measures? | Yes | No | n/a | Comment: |
| 1. If yes, have you amended your rehabilitation management plan? | Yes | No | n/a | Comment: |

## Clause 12 – Rehabilitation outcome documents

You must prepare and submit for approval:

* a rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area
* a rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives.
* If your mine is classified as a large mine, you must also prepare and submit a final landform and rehabilitation plan.

The Form and Way documents below provide the way that documents must be prepared and given to the Secretary:

[Form and Way: Rehabilitation objectives and rehabilitation completion criteria for small mines](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-10/form-and-way-rehabilitation-objectives-rehabilitation-completion-criteria-for-small-mines.pdf)

[Form and Way: Rehabilitation objectives, rehabilitation completion criteria and final landform and rehabilitation plan for large mines](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-10/form-and-way-rehabilitation-objectives-rehabilitation-completion-criteria-and-final-landform-and-rehabilitation-plan-for-large-mines.pdf)

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| --- | --- | --- | --- | --- |
| **Schedule 8A Clause 12** |  |  |  |  |
| 1. Have you prepared and submitted your rehabilitation objectives statement? | Yes | No | n/a | Comment: |
| 1. Have you prepared and submitted your rehabilitation completion criteria statement? | Yes | No | n/a | Comment: |
| 1. If your mine is a large mine, have you prepared and submitted your final landform and rehabilitation plan? | Yes | No | n/a | Comment: |

## Clause 13 – Forward program and annual rehabilitation report

You must prepare a forward program for your mining lease that includes:

* a schedule of mining activities for the next 3 years
* a summary of the progression of rehabilitation for the next 3 years
* a requirement that rehabilitation will be commenced as soon as reasonably practicable after the disturbance occurs.

You must prepare an annual rehabilitation report that includes:

* a description of the rehabilitation undertaken over the annual reporting period
* a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period
* a report demonstrating progress made towards the achievement of the following:
* the objectives set out in the rehabilitation objectives statement,
* the criteria set out in the rehabilitation completion criteria statement,
* for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.

You must submit your forward program and annual rehabilitation report to the Secretary.

The Form and Way documents below provide the way that documents must be prepared and given to the Secretary.

[Form and Way: Annual Rehabilitation Report and Forward Program (small mines)](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2022-10/form-and-way-annual-rehabilitation-report-and-forward-program-for-small-mines.pdf)

[Form and Way: Annual Rehabilitation Report and Forward Program (large mines)](https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/form-and-way-annual-rehabilitation-report-and-forward-program-for-large-mines.pdf)

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| --- | --- | --- | --- | --- |
| **Schedule 8A Clause 13** |  |  |  |  |
| 1. Have you prepared a forward program? | Yes | No | n/a | Comment: |
| 1. Does your forward program include a schedule of mining activities for the next 3 years and a summary of the progression of rehabilitation for the next 3 years? | Yes | No | n/a | Comment: |
| 1. Have you prepared and submitted a rehabilitation cost estimate as part of your forward program? | Yes | No | n/a | Comment: |
| 1. Have you prepared an annual rehabilitation report? | Yes | No | n/a | Comment: |
| 1. Does it include: |  |  |  |  |
| 1. a description of the rehabilitation undertaken over the annual reporting period? | Yes | No | n/a | Comment: |
| 1. a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period? | Yes | No | n/a | Comment: |
| 1. a report demonstrating progress made towards the achievement of the rehabilitation objectives and completion criteria? | Yes | No | n/a | Comment: |
| 1. for a large mine, the final land use as spatially depicted in the final landform and rehabilitation plan? | Yes | No | n/a | Comment: |
| 1. Have you submitted your forward program and annual rehabilitation report to the Secretary? | Yes | No | n/a | Comment: |
| 1. For a large mine, have you submitted your spatial data through the Regulator’s Mine Rehabilitation Portal? | Yes | No | n/a | Comment: |

## Clause 14 – Amendment of rehabilitation outcome documents and forward program

You must not amend your approved rehabilitation outcome document or your submitted forward program unless you have been directed to do so by the Secretary, or you have made written application to the Secretary to amend the document and your application has been approved.

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| **Schedule 8A Clause 14** |  |  |  |  |
| 1. Have you amended your approved rehabilitation outcome document or  your submitted forward program? | Yes | No | n/a | Comment: |
| 1. If yes, did you receive written approval from the Secretary to do so, or were you directed to do so by the Secretary? | Yes | No | n/a | Comment: |

## Clause 15 – Times at which documents must be prepared and given

There are certain times at which documents need to be prepared or submitted to the Secretary.

* Before the end of the initial period, you must prepare rehabilitation outcome documents for your mine and submit them to the Secretary for approval. You must prepare a forward program and submit it to the Secretary. For a large mine, you must also prepare a rehabilitation management plan.
* You must prepare a forward program and annual rehabilitation report and submit them to the Secretary within 60 days of the last day of each annual reporting period, or a later date if approval is given by the Secretary.
* You must prepare and submit to the Secretary a rehabilitation completion criteria statement relating to completion of rehabilitation during the period covered by your forward program.
* If you modify your development consent, you must prepare updated rehabilitation outcome documents and submit them to the Secretary for approval within 60 days of the development consent modification.
* In some cases, you may be directed by the Secretary by written notice to prepare a document and submit it to the Secretary at times other than the times identified above. If you are directed by the Secretary to prepare and submit a document, you must comply with the direction.

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| --- | --- | --- | --- | --- |
| **Schedule 8A Clause 15** |  |  |  |  |
| 1. Have you prepared your rehabilitation outcome documents and submitted them to the Secretary for approval? | Yes | No | n/a | Comment: |
| 1. Have you prepared your forward program and submitted it to the Secretary? | Yes | No | n/a | Comment: |
| 1. If you are a large mine, have you prepared your rehabilitation management plan? | Yes | No | n/a | Comment: |
| 1. Were your documents prepared and submitted to the Secretary (where required) within 30 days after this requirement first applied to your  mining lease? | Yes | No | n/a | Comment: |
| 1. Have you prepared a forward program and annual rehabilitation report each year and submitted them to the Secretary within 60 days of the end of your reporting period, or an alternative period approved by the Secretary? | Yes | No | n/a | Comment: |
| 1. Where the completion of rehabilitation is covered by the forward program for either a part or the entirey of the mine , have you prepared a rehabilitation completion criteria statement and submitted it to the Secretary with your forward program? | Yes | No | n/a | Comment: |
| 1. Have you modified your development consent that modifies a condition relating to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area? | Yes | No | n/a | Comment: |
| 1. If yes, have you prepared or updated your rehabilitation outcome documents and submitted them to the Secretary for approval within 60 days of the consent being modified? | Yes | No | n/a | Comment: |
| 1. Have you been directed in writing by the Secretary to prepare and/or submit any documents? | Yes | No | n/a | Comment: |
| 1. If yes, have you complied with that direction? | Yes | No | n/a | Comment: |

## Clause 16 – Certain documents to be publicly available

You must make certain documents publicly available by either publishing them in a prominent position on your website or providing them without charge within 14 days of receiving a written request from a person.

The documents you must make publicly available include:

* a rehabilitation management plan (for a large mine)
* a forward program
* an annual rehabilitation report.

If you are publishing them on your website, they must be published:

* for a rehabilitation management plan – within 14 days after it is prepared or amended
* for a forward program or an annual rehabilitation report – within 14 days after you have given it to the Secretary or amended it.

You must make sure that personal information within the meaning of the *Privacy and Personal Information Protection Act 1998* is not included within the documents you make public.

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| **Schedule 8A Clause 16** |  |  |  |  |
| 1. Have you been required to prepare:  * a rehabilitation management plan * a forward program * an annual rehabilitation report?   If No, then proceed to Clause 17 below. | Yes | No | n/a | Comment: |
| 1. Do you have a company or project website?   If yes, proceed to question 3.  If no, proceed to question 5 | Yes | No | n/a | Comment: |
| 1. Have you published your documents in  a prominent position on your website? | Yes | No | n/a | Comment: |
| 1. Did you publish them withn 14 days after it was prepared or amended or 14 days after you submitted it to the Secretary? | Yes | No | n/a | Comment: |
| 1. If you don’t have a website, has any person requested a copy of a publicly available document? | Yes | No | n/a | Comment: |
| 1. If yes, did you provide the document requested free of charge and within  14 days of receiving the request? | Yes | No | n/a | Comment: |

Clause 17 – Records demonstrating compliance

You must create and maintain records of actions you take that will demonstrate compliance with these conditions.

For guidance material on the types of rehabilitation records that should be kept and maintained, see [Guideline: Rehabilitation Records](https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/guideline-rehabilitation-records.pdf).

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| **Schedule 8A Clause 17** |  |  |  |  |
| 1. Have you identified your compliance requirements under Schedule 8A Part 2? | Yes | No | n/a | Comment: |
| 1. Have you established what records you need to create and maintain so that you can demonstrate compliance with these requirements? | Yes | No | n/a | Comment: |
| 1. Are you maintaining the records required to demonstrate compliance? | Yes | No | n/a | Comment: |

Clause 18 – Report on non-compliance

You must provide a written report to the Minister if you identify any non-compliances against:

* a condition of your mining lease
* a requirement of the Act or the Regulation

The report must be submitted within 7 days of the time you become aware of the non-compliance, and it must contain:

* the condition of title or the requirement of the Act or the Regulation against which the non-compliance was identified
* a description of the non-compliance and the date or dates, or the period during which, the non-compliance occurred
* a description of the causes or likely causes of the non-compliance
* details of the action that you have taken to mitigate the effect of the non-compliance, and the prevent any reoccurrence.

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| **Schedule 8A Clause 18** |  |  |  |  |
| 1. Do you have systems and processes  in place to detect and action non-compliances? | Yes | No | n/a | Comment: |
| 1. Have you identified any non-compliances against your lease conditions or the Act or the Regulation? | Yes | No | n/a | Comment: |
| 1. If yes, have you reported those non-compliances? | Yes | No | n/a | Comment: |
| 1. Did you submit those reports within 7 days of identifying the non-compliance? | Yes | No | n/a | Comment: |
| 1. Do your reports identify the actions you will take (or have taken) to address the non-compliance and prevent a recurrence? | Yes | No | n/a | Comment: |

Clause 19 – Nominated contact person

You must nominate a contact person for the mining lease and provide the full name and contact details (including the person’s phone number and email address) of the nominated person to the Secretary. You must notify the Secretary within 28 days if you change the nominated person or their contact details.

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| **Schedule 8A Clause 19** |  |  |  |  |
| 1. Have you nominated a contact person for your mining lease and provided contact details to the Secretary? | Yes | No | n/a | Comment: |
| 1. Have you provided the full name, phone number, postal and email addresses for your nominated contact person? | Yes | No | n/a | Comment: |
| 1. Has your nominated contact person changed since you submitted your nomination to the Secretary? | Yes | No | n/a | Comment: |
| 1. If yes, did you provide amended details  to the Secretary within 28 days? | Yes | No | n/a | Comment: |

Clause 20 – Additional requirements – application for or to modify development consent (for non-state significant developments only)

You must give written notice to the Secretary within 10 days of:

* making an application for development consent that relates to the mining area
* making an application to modify your development consent if that modification will modify a condition relating to rehabilitation of the mining area.

You don’t need to notify the Secretary if your development is state significant development.

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| **Schedule 8A Clause 20** |  |  |  |  |
| 1. Is your development a state significant development? If yes, go to Part 3 of this checklist. | Yes | No | n/a | Comment: |
| 1. If no, have you applied for development consent, or applied to modify your development consent in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area? | Yes | No | n/a | Comment: |
| 1. If yes, have you provided written notice  to the Secretary within 10 days of your application? | Yes | No | n/a | Comment: |

# Part 3: *Mining Act 1992* and Mining Regulation 2016

The Act and the Regulation also impose obligations on titleholders which must be complied with. This section outlines these requirements.

## *Mining Act 1992* Section 5 - Mining or prospecting without authorisation

You must not prospect or mine any mineral except in accordance with the conditions of your authorisation.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Mining Act Section 5** |  |  |  |  |
| 1. Are your mining operations being undertaken within the boundaries of your mining lease? | Yes | No | n/a | Comment: |
| 1. Are your mining operations being undertaken in accordance with all conditions of your mining lease? | Yes | No | n/a | Comment: |

## Mining Act Section 113 - Applications for renewal of mining lease

Section 113 of the Act specifies the timeframes for renewal of a mining lease. Clause 28 of the Regulation prescribes the information that needs to be submitted with an application for renewal.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Mining Act Section 113** |  |  |  |  |
| 1. Have you renewed your mining lease/s during the audit scope period? | Yes | No | n/a | Comment: |
| 1. Was the renewal application made on  the standard departmental form? | Yes | No | n/a | Comment: |
| 1. Was a renewal justification statement included with the application? | Yes | No | n/a | Comment: |
| 1. Was a rehabilitation cost estimate provided with the application? | Yes | No | n/a | Comment: |
| 1. Was a statement of corporate compliance, environmental performance history and financial capability provided with the application? | Yes | No | n/a | Comment: |
| 1. Was a copy of the development consent included with the application? | Yes | No | n/a | Comment: |

## *Mining Act 1992* Section 163C – Reports

You must prepare and lodge reports of all operations carried out under the authorisation.

Clauses 59, 60, 61 and 63 of the Mining Regulation 2016 contain specific requirements for reports, maps, plans and data.

For guidance on preparing reports, see [Exploration reporting: A guide for reporting on exploration and prospecting in New South Wales (January 2022)](https://meg.resourcesregulator.nsw.gov.au/sites/default/files/2022-12/exploration-reporting-a-guide-for-reporting-on-exploration-and-prospecting-in-New-South-Wales.pdf)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Mining Act 1992* Section 163C** |  |  |  |  |
| 1. Have you prepared and submitted annual reports for your mining leases? | Yes | No | n/a | Comment: |
| 1. If you have relinquished parts of your lease area, have you prepared and submitted partial relinquishment reports? | Yes | No | n/a | Comment: |
| 1. If you are cancelling or not renewing your mining leases, have you prepared and submitted a final report? | Yes | No | n/a | Comment: |
| 1. Have you submitted all required maps, plans and data in the required formats? | Yes | No | n/a | Comment: |

## *Mining Act 1992* Section 163D – Record-keeping

You must keep records about your authorisation:

* in a legible form, or in a form that can readily be reduced to a legible form for production to any inspector, and
* for four years following the expiry or termination of your authorisation.

Note: Please refer to other parts of this checklist to determine the type of records which need to be maintained.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Mining Act 1992* Section 163D** |  |  |  |  |
| 1. Do you have systems and processes in place to capture and maintain records required under this licence and all relevant codes of practice? (for example, inspection checklists, drilling logs, risk assessments, others) | Yes | No | n/a | Comment: |
| 1. Are your records well-organised and stored (either electronically or physically)? | Yes | No | n/a | Comment: |
| 1. Are your records readily retrievable? | Yes | No | n/a | Comment: |
| 1. Have you provided all data to the department in accordance with the guideline requirements? | Yes | No | n/a | Comment: |

## *Mining Act 1992* Section 282 Liability to pay royalty

You are required to pay royalty on any minerals you recover from your lease. Clauses 73 and 74 of the Mining Regulation 2016 provide the formulae for calculating the rates of royalty. Clauses 76 and 77 provide the requirements for royalty returns and payments.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Mining Act 1992* Section 282** |  |  |  |  |
| 1. Do you have systems and processes in place to remind you when your royalty returns and payments are due? | Yes | No | n/a | Comment: |
| 1. Have you provided royalty returns as required? | Yes | No | n/a | Comment: |
| 1. Have your royalty payments been made by the due dates? | Yes | No | n/a | Comment: |

## *Mining Act 1992* Sections 292E and 292I – Liability for annual rental fee and annual administrative levy

You are required to pay an annual rental fee and an annual administrative levy for each title.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Mining Act 1992* Section 292** |  |  |  |  |
| 1. Do you have systems and processes in place to track when your rents and  levies are due? | Yes | No | n/a | Comment: |
| 1. Have you paid all rents and levies by  the due dates on the invoices? | Yes | No | n/a | Comment: |

## *Mining Act 1992* Schedule 1B Clause 7A Suspension of mining operations

You must not suspend mining operations on your authorisation/s unless you have obtained written approval from the regulator.

For more information about suspending your mining operations, see [Mining Exploration and Geoscience Suspension of mining operations webpage.](https://www.resourcesregulator.nsw.gov.au/meg.site/mining-and-exploration/applying-to-explore-and-mine-nsw/mining-act-1992-forms/suspension)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Mining Act Schedule 1B Clause 7A** |  |  |  |  |
| 1. Have you suspended your mining operations? | Yes | No | n/a | Comment: |
| 1. If yes, was approval applied for and granted for the suspension of operations | Yes | No | n/a | Comment: |
| 1. Were any conditions attached to the approval to suspend operations? | Yes | No | n/a | Comment: |
| 1. Have you complied with those conditions? | Yes | No | n/a | Comment: |

## Mining Regulation 2016 Clause 65 – Collection of cores and samples

You must take, properly label and store for the duration of your authorisation:

* core samples of the strata encountered in any drilling carried out under this licence, and
* cuttings of the strata encountered when carrying out any non-core drilling prospecting operations.

For information of collecting and maintaining core and samples, see [Guidelines for acceptable drillcore trays, chip samples and specifications for pallets and stacking](https://www.resourcesregulator.nsw.gov.au/sites/default/files/2023-03/guidelines-for-acceptable-drillcore-trays-chip%20samples.pdf).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Mining Regulation 2016 Clause 65** |  |  |  |  |
| 1. Have you collected core or cuttings during drilling activities? | Yes | No | n/a | Comment: |
| 1. Are your core samples stored in  standard metal or plastic core trays? | Yes | No | n/a | Comment: |
| 1. Are all core trays labelled with tray number, hole number, start and finish depths, indicators of downhole direction, and any other relevant details? | Yes | No | n/a | Comment: |
| 1. Are any zones of core loss identified? | Yes | No | n/a | Comment: |
| 1. Is core securely stored and maintained (covered, stacked in depth sequence, labelling maintained)? | Yes | No | n/a | Comment: |
| 1. Where chip samples are collected, have all samples been stored in plastic vials or chip trays? | Yes | No | n/a | Comment: |
| 1. Are all chip samples properly labelled (tray number, hole number, start and finish depths, and any other relevant details)? | Yes | No | n/a | Comment: |
| 1. Are all chip sample trays adequately stored to maintain the integrity of samples? | Yes | No | n/a | Comment: |
| 1. Have you disposed of any core or samples? | Yes | No | n/a | Comment: |
| 1. If yes, were those core or samples  first offered to the department? | Yes | No | n/a | Comment: |
| 1. Have core, cuttings, samples or data been provided to the department if requested? | Yes | No | n/a | Comment: |

# Part 4: Operational performance assessment

Questions in this section are intended to help you consider how effectively you are managing compliance with your obligations.

## Compliance management

Identifying compliance obligations is a critical step in the development of an effective compliance management system. Compliance obligations for a mining operation can include:

* regulatory requirements (for example, the *Mining Act 1992,* or any notices issued under the Act)
* conditions imposed on the grant, renewal, or transfer of mining leases
* exploration activity approvals for exploration operations on mining leases
* specific commitments made by the organisation (for example, commitments made in the rehabilitation management or other rehabilitation outcome documents).

Once identified, compliance obligations should be reviewed periodically to identify any changes in those obligations (for example, changes in legislation).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Compliance management** |  |  |  |  |
| 1. Have you identified all of your compliance requirements? | Yes | No | n/a | Comment: |
| 1. Have you undertaken any analysis of  your compliance risks in relation to possible causes and sources of non-compliance? | Yes | No | n/a | Comment: |
| 1. Are there any systems in place to  monitor and track compliance requirements? | Yes | No | n/a | Comment: |
| 1. Is there a system in place to manage  non-compliances that are identified? | Yes | No | n/a | Comment: |
| 1. Is there a system in place to identify and manage change (for example, a change to drilling locations may require a new activity approval)? | Yes | No | n/a | Comment: |
| 1. Are changes to compliance requirements and controls communicated to operational personnel (for example, is there a toolbox talk process or similar)? | Yes | No | n/a | Comment: |
| 1. Are there effective mechanisms in place for internal communication? | Yes | No | n/a | Comment: |
| 1. Do you evaluate your compliance with  a view to continual improvement of performance? | Yes | No | n/a | Comment: |

## Risk identification and assessment

Risk identification and assessment involves identifying hazards, assessing risks, controlling risks, and reviewing control measures. In addition to the rehabilitation risk assessment required under Schedule 8A, a risk assessment can help you work out:

* how severe a risk is
* what action you should take to control the risk
* if your control measures are effective
* how urgently you need to take action.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Risk identification and assessment** |  |  |  |  |
| 1. Have you undertaken any process-mapping and risk assessments to  identify key issues for your operations? | Yes | No | n/a | Comment: |
| 1. Where key issues are identified, have appropriate controls been put in place  to manage those risks? | Yes | No | n/a | Comment: |
| 1. Does the risk identification and assessment address operational and environmental risks as well as safety risks? | Yes | No | n/a | Comment: |
| 1. Is the risk assessment regularly  reviewed and updated as necessary? | Yes | No | n/a | Comment: |

## Managing your subcontractors

Contractors are often used to undertake specialist tasks, for example, exploration drilling. Whilst the responsibility for compliance or the implementation of environmental controls is often passed to the contractor, the lease holder will retain accountability for compliance with its licence conditions and other compliance obligations. It is important that the lease holder exercises management control of its contractors by specifying contract requirements, providing oversight of contracted works, and evaluating the performance of the contractor during the contracted works.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Managing your subcontractors** |  |  |  |  |
| 1. Do you use any subcontracted services (for example, drillers, trucking or other services)? | Yes | No | n/a | Comment: |
| 1. Do you communicate any relevant  key issues and controls to your subcontractors (for example, performance specifications, induction processes, or other controls)? | Yes | No | n/a | Comment: |
| 1. Do you monitor the activities of your subcontractors (for example, surveillance, audits, inspection or through other means)? | Yes | No | n/a | Comment: |
| 1. Do you obtain copies of key records generated by subcontractors to verify compliance with your obligations as a titleholder (for example, borehole sealing records, drilling records or other records)? | Yes | No | n/a | Comment: |

## Inspection, monitoring and evaluation

An effective inspection, monitoring and evaluation process is required to:

* monitor the implementation of the risk controls
* evaluate the effectiveness of those controls based on an assessment of inspection and monitoring data
* implement an adaptive management approach if monitoring shows that controls may be ineffective.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Inspection, monitoring and evaluation** |  |  |  |  |
| 1. Do you have systems in place for the inspection, monitoring and evaluation  of key risk controls? | Yes | No | n/a | Comment: |
| 1. Are inspections documented? | Yes | No | n/a | Comment: |
| 1. Is there a closeout loop to ensure any non-compliances or defects identified can be tracked, addressed and closed out? | Yes | No | n/a | Comment: |
| 1. Is there periodic review and evaluation of monitoring and inspection results to verify controls are effective, or identify any trends in particular issues? | Yes | No | n/a | Comment: |
| 1. Where incidents occur, are there adequate processes in place for  reporting these? | Yes | No | n/a | Comment: |
| 1. Are there any internal reporting systems, and is information from these systems and processes used in the decision-making process? | Yes | No | n/a | Comment: |
| 1. Is there any form of management review? | Yes | No | n/a | Comment: |

## Training and competency

Having appropriately trained and competent staff implementing your compliance management activities and other operations will reduce the risk of non-compliance.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Training and competency** |  |  |  |  |
| 1. Have you identified core competencies required for positions? | Yes | No | n/a | Comment: |
| 1. Is there a skills matrix or other similar tool used to identify any training gaps? | Yes | No | n/a | Comment: |
| 1. Are training records documented? | Yes | No | n/a | Comment: |
| 1. Is there a system in place to monitor training expiry dates and program any required re-training? | Yes | No | n/a | Comment: |
| 1. Is there an induction program and does it address key operational, environmental, and safety risks? | Yes | No | n/a | Comment: |
| 1. Is there any form of management review? | Yes | No | n/a | Comment: |

# Part 5: Other compliance obligations

Use this section of the checklist to record and review any conditions or compliance requirements not already covered in the earlier parts of the document.

## Other licence conditions

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Other licence conditions** |  |  |  |  |
|  | Yes | No | n/a | Comment: |
|  | Yes | No | n/a | Comment: |

## Any other compliance requirements

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Any other compliance requirements** |  |  |  |  |
|  | Yes | No | n/a | Comment: |
|  | Yes | No | n/a | Comment: |

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