

Compliance Priorities

July to December 2024



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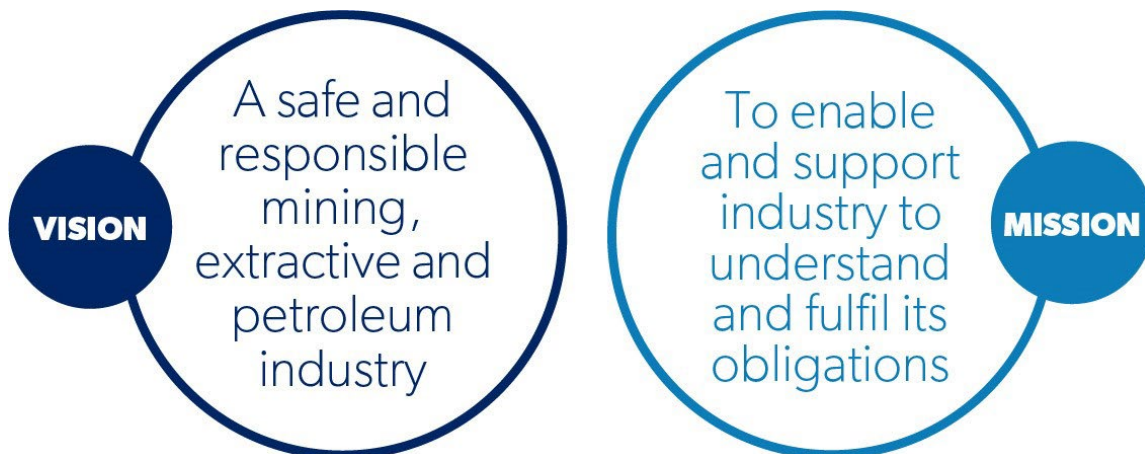
Purpose

This document sets out the Resources Regulator’s key compliance priorities for the next 6 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 plan](#)
- [compliance and enforcement approach](#).

Compliance priorities

Mine safety compliance priorities

Risk management and supervision

Sector: Open cut coal

Between May 2023 and May 2024, 31 incidents in open cut coal mines identified inadequate hazard identification/control or supervision as contributing factors. In the same period, assessments resulted in 80 notices which referenced supervision or risk management.

As part of a targeted assessment activity, inspectors will be attending open cut coal mines with a focus on risk management and supervision. Where appropriate, the assessments will be made unannounced, include work undertaken outside of production areas and target plant or machine shut-down work.

Airborne contaminants (focus on ventilation)

Sector: Metex

A review of how operators of underground metalliferous mines are implementing principal hazard management plans dealing with air quality, dust and other airborne contaminants in underground work environments is to be conducted. A total of 16 underground mines will be targeted in unannounced inspections of underground work areas including works undertaken on backshifts.

The key objective of this program is to ensure that mine operators are taking appropriate action to achieve compliance with the legislation and the mines own safety management system.

Work platform attachments used on multi-purpose mobile plant

Sector: All coal and metex mines

An increase in the number of incidents involving the overturning, or uncontrolled lowering, of work platform attachments on multipurpose mobile plant, including when personnel were in the work baskets or drill platforms has been identified. Multi-purpose mobile plant includes integrated tool carriers, load haul dump machines, all terrain telehandlers, and forklifts.

As part of the planned inspection activities, inspectors will review the controls implemented when personnel are working at heights, or in proximity to raised attachments, on multipurpose mobile plant. Inspectors will focus on fit for purpose equipment, procedures for safe equipment operation, and the competency of workers performing these tasks.

Safety management systems tier 2 quarries

Sector: Small mines

Between May 2023 and May 2024, 6 serious injuries in Tier 2 quarries have had the potential to cause a fatality, with one of the injuries resulting in a permanent disability. In 4 of these incidents, a mechanical control plan was not in place.

As part of a targeted assessment activity, inspectors will be attending Tier 2 quarries focusing on principal hazard management plans and principal control plans. This is to verify that quarry

managers have the correct practicing certificates and completing tier profiles to ensure the quarries are correctly captured for assessment frequency.

Mining Act inspectorate compliance priorities

Continuing program to enable small mines to transition to comply with rehabilitation requirements

Sector: Small mines

On 1 July 2023, the Regulator commenced the implementation of reforms under Schedule 8A of the Mining Regulation 2016 for small mines to comply with the standard conditions for mine rehabilitation. From July to December 2024, the Regulator will continue to assist industry transition to the new requirements. This program will include:

- the continuation of one on one engagement sessions with lease holders to assist with the submission of online forms, including rehabilitation outcome documents, via the Resources Regulator Portal,
- assessment and approval of rehabilitation outcome documents for the small mine sector,
- ensure compliance with small mine submission of annual reports, forward programs and rehabilitation cost estimates.

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 2024, assessment programs will include the following:

Coal

- Below surface outbye ground or strata failure stage 3
- Falling objects-Stage 2
- Surface and CHPP - air quality or dust or other airborne contaminants - stage 1
- Below surface - air quality or dust or other airborne contaminants - stage 1
- Below surface - fire or explosion - explosion suppression
- Roads or other vehicles operating areas
- Fire and explosion – fixed plant
- Mechanical engineering control plan structural collapse

Metalliferous and petroleum

- Surface - slope stability - stage 2
- Surface - electrical engineering CP - stage 1
- Below surface - electrical engineering CP - stage 1
- Fires on mobile plant
- Health control plan stage 1
- Falling objects stage 2
- Exploration drills
- Inrush or inundation

Small mines

- Safety management systems tier 2 quarries
- Safety management systems tier 3 quarries

Engineering

- Coal mines - explosive control plan - stage 2
- HRA verifications

Emergency management

- Below surface coal - emergency management
- Below surface metex - emergency management
- Surface small mines - emergency management

Mining Act assessment programs

Targeted Assessment Program – Revegetation

Revegetation targeted assessments will continue during July to December 2024 and will focus on identified mine sites following risk profiling review. The assessments will include announced inspections of mine sites focusing on how a mine site is undertaking revegetation to achieve sustainable rehabilitation outcomes: The objectives of these targeted assessments include:

- ensuring the range of risks associated with revegetation are identified and appropriate controls are in place to facilitate sustainable rehabilitation outcomes
- ensuring that growth substrates are developed to so that the target revegetation outcomes can be sustained in the long term
- ensuring that seed collection, handling, storage and treatment strategies including procurement of seedlings are effectively implemented to provide that the rehabilitation outcome is commensurate with the required target biodiversity values and or agricultural capability
- ensuring that revegetation methodologies are fit for purpose and effective in establishing the required rehabilitation outcome
- ensuring control measures are validated via monitoring and inspections are recorded to enable risks to be appropriately addressed

- ensuring effective short and long term rehabilitation monitoring programs are in place to track rehabilitation performance and compliance
- ensuring effective management programs are in place to facilitate that rehabilitation areas are on a trajectory towards meeting the final land use outcome as soon as reasonably practicable
- ensuring the mine site has engaged the appropriate skills and experience in relation to revegetation activities
- ensuring rehabilitation is integrated into mine planning systems
- compliance with the regulatory obligation to commence rehabilitation as soon as reasonably practicable and the achievement of the final land use.

Targeted assessment program – surface and groundwater

From July 2024, targeted assessments on identified mines sites following a risk profiling review. The assessment will identify how mine sites are managing surface and groundwater to achieve sustainable rehabilitation outcomes.

The program will select identified mines for the program to ensure the range of risks associated with surface and groundwater management and ongoing monitoring are identified and appropriate controls are in place to facilitate sustainable rehabilitation outcomes.

The program will assess how mines define and implement risk controls to limit the generation of contaminants transported in water (groundwater and surface water) from mining related impacts (both mined areas, mining related activities and emplaced waste/reject material). The scope of activities that may be involved in the developing the groundwater/surface water management strategy include the following:

- the hydrological/hydrogeological regime are assessed
- geochemical characterisation of all residual material and waste/reject material undertaken
- mine sealing requirements are assessed
- water treatment requirements are assessed
- progressive installation of infrastructure associated with strategy.

Targeted assessment program – tailings dam management

From July 2024, targeted assessment will be undertaken on identified mines following a risk profiling review. The assessment will identify how mine sites are managing their obligations under the *Mining Act 1992* to ensure progressive rehabilitation of tailings storage facilities achieve a safe, stable and sustainable pre-determined final land use at mine closure.

The scope of the assessment will include:

- both tailings and tailings storage facility construction materials adequately characterised
- containment of tailings and associated seepage (where appropriate) to manage environmental impacts
- tailings deposition strategies maximise consolidation to facilitate the eventual capping installation and long-term settlement/consolidation properties and known and taken into account in the final landform design

- tailings storage facility capping performance and design takes into the final land use requirements and seepage control where problematic tailings are contained. Identification of capping materials sources.
- final landform design and associated surface water management structures take into account the need to maintain stability of the tailings storage facility including erosion control to contain tailings post closure.

Compliance audits of exploration activities

The Mining Act inspectorate will continue to undertake compliance audits of exploration activities to assess whether title holders are meeting their compliance requirements under the *Mining Act 1992*. The compliance audit program aims to:

- assess the level of compliance with the regulatory instruments
- provide internal feedback to improve title conditions, policies or general regulatory framework (protecting and improving system integrity)
- assess auditee performance and provide feedback to them on how they may be able to improve their performance
- increase stakeholder confidence in regulatory system
- increase the level to which titleholders are actively managing their own compliance.

The compliance audit strategy highlights that the audit schedule and focus for each year will be developed using a risk review process. A risk assessment methodology (broadly based on AS ISO 31000:2018 Risk management - Guidelines) is used to develop a broad risk profile for each title (or group of titles) to facilitate the development of the annual audit program. Risk factors used include:

- whether the Regulator has primary regulatory responsibility
- the type, size and complexity of operations and activities
- the location of activities
- results of previous audits and titleholder compliance history
- stakeholder concerns.

Audits for the 2024 calendar year will be undertaken focusing on the following:

- Full exploration licence compliance audits;
- Exploration community consultation
- Review of rehabilitation sign off for exploration sites.

In early 2025, the Regulator will publish the 2024 annual audit report.

Planned inspection program to review progress of mine rehabilitation obligations

During July to December 2024 the Regulator will be undertaking an inspection program on identified mines following a risk profiling review to review and verify the progress of mine rehabilitation. Clause 13(1) of the Mining Regulation 2016 requires the holder of a mining lease to prepare a forward program for the mining lease that includes:

- a schedule of mining activities for the mining area for the next 3 years,

- a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,
- a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.

The planning inspection program will review forward programs to determine:

- if the program includes a schedule of mining activities and the spatial progression of rehabilitation through its various phases for the next 3 years
- whether the mine lease holder has indicated in the mines annual reports that there has been delay in progressive rehabilitation?
- if there are any reasons to believe that the future rehabilitation commitments set out in the forward program will not result in rehabilitation occurring as soon as reasonably practicable
- Review what progressive rehabilitation has taken place when compared with the commitments in the forward program
- Review progress with rehabilitation research and trials that a listed in the forward program
- Identify if rehabilitation maintenance and corrective action listed in annual reports and forward programs remain on track
- Determine whether any further action is required to ensure progressive rehabilitation is occurring.

Opal mining sector

Opal prospecting takes place pursuant to the conditions of an opal prospecting licence (OPL) or mineral claim and opal mining takes place pursuant to the conditions of a Mineral Claim. Inspections may be announced and will focus on but not limited to:

Work health and safety	Mining Act compliance
<p>Person riding hoists</p> <p>Person riding hoists (winding systems) are an important item of plant in small gemstone mines. They are considered high risk plant, and if they fail, they have the potential for a fatality. The safe design, manufacture, maintenance and operation of the person riding hoist plays a critical role in eliminating hazards and risks when a person riding hoist is introduced to a mine.</p> <p>Inspectors will be inspecting person riding hoists to check that they have been designed, manufactured, installed and maintained safely.</p>	<p>Topsoil and mullock management</p> <p>Topsoil is a valuable resource in the rehabilitation process. It is important to remove the topsoil prior to commencing mining operations and stockpile it to the side for later re-spread across the completed operation. The use of topsoil allows vegetation to re-establish quickly and so reduces the potential for erosion.</p> <p>Mullock must be stockpiled separately to topsoil. Mullock must not be spread across the final landform as this has the potential to inhibit vegetation from re-establishing and so may delay the return of the security held by the Department.</p> <p>A program of planned inspections will be undertaken to assess how effectively title holders are managing mullock stockpiles and soils on their opal mine sites to ensure compliance with the conditions of the mineral claim or opal prospecting licence.</p>

Work health and safety	Mining Act compliance
<p>Working in and around shafts</p> <p>Falls from height are a major cause of serious injuries and fatalities in workplaces across Australia. In October 2020, a miner at Lightning Ridge was fatally injured after a suspected fall from height within a shaft.</p> <p>A subsequent review of incident data from Lightning Ridge has identified several incidents during the past three years due to falls from height.</p> <p>Inspections will focus on access controls around open shafts such as fencing or appropriate shaft covers.</p>	<p>Rehabilitation of expired and cancelled mineral claims</p> <p>Rehabilitation is a critical element of NSW mining operations and is principally regulated under the conditions of the relevant mineral claim or opal prospecting licence granted under the Mining Act 1992. Rehabilitation ensures that areas disturbed by prospecting and mining operations are returned to a condition capable of achieving a subsequent land use.</p> <p>Claim holders are required to undertake rehabilitation in accordance with the conditions of the mineral claim or opal prospecting licence and provide evidence that rehabilitation has occurred.</p> <p>A program of planned inspections will be undertaken to assess how effectively title holders are complying with their conditions of title for rehabilitating mineral claims.</p>
<p>Puddling tank operations</p> <p>Wet puddling operations at Lightning Ridge typically serve between 10 to 20 individual and distinct mining operations, despite being operated as a single title with one title holder and nominated operator. The activities on these sites are usually conducted by other miners with no supervision from the operator. A typical puddling site is made up of an agitator that has been removed from a cement truck, often with a heavily modified drive.</p> <p>Inspections will include those associated with falls from height, entanglement, pedestrian-vehicle interactions and guarding on plant and equipment.</p>	<p>Open cut and restricted operations (trenching)</p> <p>Open cut mining is often seen as the final procedure in the recovery of opal or gemstone from a given location, after underground mining has been completed. It also allows the rehabilitation of the area to an acceptable standard for the landholder's continued use.</p> <p>Open cut mining requires a permit to be issued under the <i>Mining Act 1992</i> (section 175). Activities cannot commence until approval has been granted.</p> <p>Inspections will focus on ensuring open cut and restricted operations are undertaken with the appropriate authorisation and are carried out in accordance with the conditions of their title.</p>

Strategic projects

Mine safety strategic projects

Development of the adverse vehicle interaction technical reference guide

An advisory committee has been formed with key industry stakeholders to assist in the development of a technical reference guide (TRG) that will guide the industry on establishing an effective framework to develop, implement and monitor controls for effective vehicle interaction management.

The committee will continue to meet and develop the TRG with the aim to have it published for consultation with key stakeholders by the end of 2024.

Authorisations and design registration application created in ServiceNow platform

The Regulator is responsible for processing and determining certain applications for authorisations of high risk plant items and designs, licensed activities and exemptions under work health and safety legislation. These processes are proposed to be digitised, to improve customer service and boost efficiency.

The new digital platform to automate the authorisations and design registration business processes will build a suite of new functionality, including online fillable forms to support the Regulator to digitally capture applications for design and item registration, licences and exemptions and support processing, determination and communication of the application.

These changes will commence in August 2024 with a staggered implementation by application type. Targeted webinars with industry stakeholders for each application type will be held to support the implementation of the new digital approach.

Investigation priorities

In addition to the priorities identified within this document, the following are priority areas of investigation:

Work health and safety	Mining Act compliance
Work-related fatalities and serious injuries, or where there are risks of such outcomes	Mining/prospecting without authorisation
Non-compliance with inspectors’ notices or directions	Failure to rehabilitate the land
Offences against inspectors	Providing false and misleading information
Failure to preserve incident scenes	Offences against inspectors
Failure to notify incidents.	Non-compliance with title or statutory conditions
	Failure to pay rehabilitation security deposits
	Non-compliance with statutory notices or directions

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 titleholders are aware of their obligations and how to meet them. Training workshops and information sessions allow us to engage with industry and help maximise compliance.

Our [events page](#) lists specific dates and locations of our workshops and seminars. These may be subject to change.

Underground coal mining engineering managers' forum

July 2024

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

Open cut coal mining engineering managers' forum

July 2024

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.

Metalliferous electrical engineers' forum

July 2024

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.

Mechanical engineers' safety seminar (MESS)

August 2024

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.

Metalliferous industry safety and health engagement forum

August 2024

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.

Mining engineering managers' safety seminar (MEMSS)

October 2024

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 2024

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.

Open cut coal mechanical engineers' forum

December 2024

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.

Underground coal mechanical engineers' forum

December 2024

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.

Metalliferous and extractives mechanical engineers' forum

November 2024

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.

Safety training – opal mining

Ongoing

The Online Opal Mining Safety Workshop is now available and is free of charge and provides a flexible delivery method allowing participants to complete the online course in their own time. The course can be accessed at <https://learning.resourcesregulator.nsw.gov.au>.

July (White Cliffs) and October (Lightning Ridge)

The opal miners' 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.

Workshops and seminars – July to December 2024*

Workshop/Seminar	July	August	September	October	November	December
Underground coal mining engineering managers’ forum						
Open cut coal mining engineering managers’ forum						
Metalliferous electrical engineers’ forum						
Mechanical engineers’ safety seminar (MESS)						
Metalliferous industry safety and health engagement forum						
Mining engineering managers’ safety seminar (MEMSS)						
Electrical engineers’ safety seminar (EESS)						
Open cut coal mechanical engineers’ forum						
Underground coal mechanical engineers’ forum						
Metalliferous and extractives mechanical engineers’ forum						
Safety training – Opal mining (now available online on demand or face to face)	Face to face session White Cliffs			Face to face session Lightning Ridge		

* subject to change

Exam timetable – July to December 2024*

Workshop/Seminar	July	August	September	October	November	December
Cable Repair Signatory - oral	█					
Open cut examiner and mining engineering manager coal mines - oral		█				
Mechanical engineer - written	█					
Mechanical engineer - oral				█		
Deputy - oral					█	
Mining engineering manager underground mines other than coal - oral				█		
Mining engineering manager underground coal mines - oral				█		
Quarry manager – written		█				
Quarry manager - oral					█	
Electrical engineers - written			█			
Electrical engineers - oral					█	
Undermanager - oral					█	
Underground supervisor - oral						█

* subject to change