

## Compliance priority report

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

Coal mines

**January 2023 to May 2023**



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## More information

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## Executive summary

A crucial part of the NSW Resources Regulator’s Incident prevention strategy involves compliance priority programs for mines and petroleum sites. This involves proactively assessing a topic which is an emerging risk across the industry, predominantly determined from incident data or other evolving industry trends. Although these topics may also be contained within the Regulator’s planned inspection programs, the aim of compliance priority programs is to gather further information and knowledge about how the industry is managing and controlling an issue which may not be related to a specific principal hazard.

This particular program was initiated in response to how operators of coal mines were responding to the updated WHS (Mines and Petroleum Sites) Regulation 2022.

The updated Regulation replaced the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014, which was repealed on 1 September 2022.

This report summarises the assessment findings from the compliance priority program which targeted mine operator’s implementation of the updated legislation between January 2023 and May 2023:

- 22 surface coal mines,
- 18 underground coal mines

## Assessment criteria

Several key elements (referred to as criteria) were assessed as part of this program and included:

Table 1. Compliance priority program criteria legislation gap analysis for coal mines

Criteria number	Criteria
1	Has the mine reviewed site safety management systems with consideration for the updated WHS (Mines and Petroleum Sites) Regulation 2022?
2	Have changes to the mines SMS been communicated to workers?
3	Duty to notify the Resources Regulator of certain incidents (Section 124) Has the mine updated reporting arrangements for exceedances of certain airborne contaminants? Or exposure of a person to atmospheric concentrations exceeding allowable limits?
4	Additional matters to be considered in a principal hazard management plan for ground or strata failure (Schedule 1) Have principal hazard management plans relating to ground or strata failure been revised to include the risk of rock, coal or related pressure bursts?
5	Matters to be included in emergency management plans (Schedule 7) Does the mines SMS include requirements to provide personal protection equipment (PPE)?
6	Statutory functions of electrical engineers (Schedule 10)

Criteria number	Criteria
	<p>Has the mine defined monitoring by the electrical engineering manager in terms of electrical supervision?</p> <p>How is the site electrical engineer satisfying their statutory obligations?</p>
7	<p>Exhaust emissions and fuel standards in underground mines (section 56)</p> <p>Does the mine have a process to ensure diesel engines located underground are regularly sampled and analysed every 6 months?</p>
8	<p>Use of plant in hazardous zones such as coal faces in underground coal mines (section 81)</p> <p>Does the mine have transitional arrangements in place to replace departmental approved plant with new items?</p>
9	<p>Use of cables in hazardous zones (Section 83)</p> <p>Is the mine aware that cables that are determined as fit for use by the mine operator, in consultation with the individual nominated to exercise the statutory functions of electrical engineering manager at the mine can be used for installations other than I.S circuits and cap lamps where the methane concentration is &lt;1.25%/vol?</p>
10	<p>Qualified mechanical tradespeople (Schedule 10 Part 2)</p> <p>Is the mine aware of the experience requirement changes for the statutory function of qualified mechanical tradespersons?</p>

## Findings

Overall, the findings were:

- 40 site assessments reviewed for this report
- 400 individual findings
- 2 notices issued specific to the program, other notices were issued for other matters

The overall assessment compliance % rating (refer Figure 1) for the 10 assessed criteria range from:

- Criteria 4 finding was assessed at 82% compliance (lowest compliance finding)
- Criteria 7 finding was assessed at 98% compliance (highest compliance finding)

There were no assessed criteria questions rating in the ‘orange colour category’ between 65% and 80% compliance.

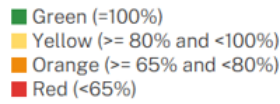
All criteria were assessed to be within the ‘yellow colour category’ compliance % rating between 80% and less than 100%.

The lowest assessed compliance % rating was:

- Question 4: Additional matters to be considered in a principal hazard management plan for ground or strata failure (Schedule 1). Have principal hazard management plans relating to ground or strata failure been revised to include the risk of rock, coal or related pressure bursts, assessed at 82% compliance.

The assessment compliance % rating for each assessed criteria is summarised in Figure 1:

Figure 1. Summary assessment findings overall results by element



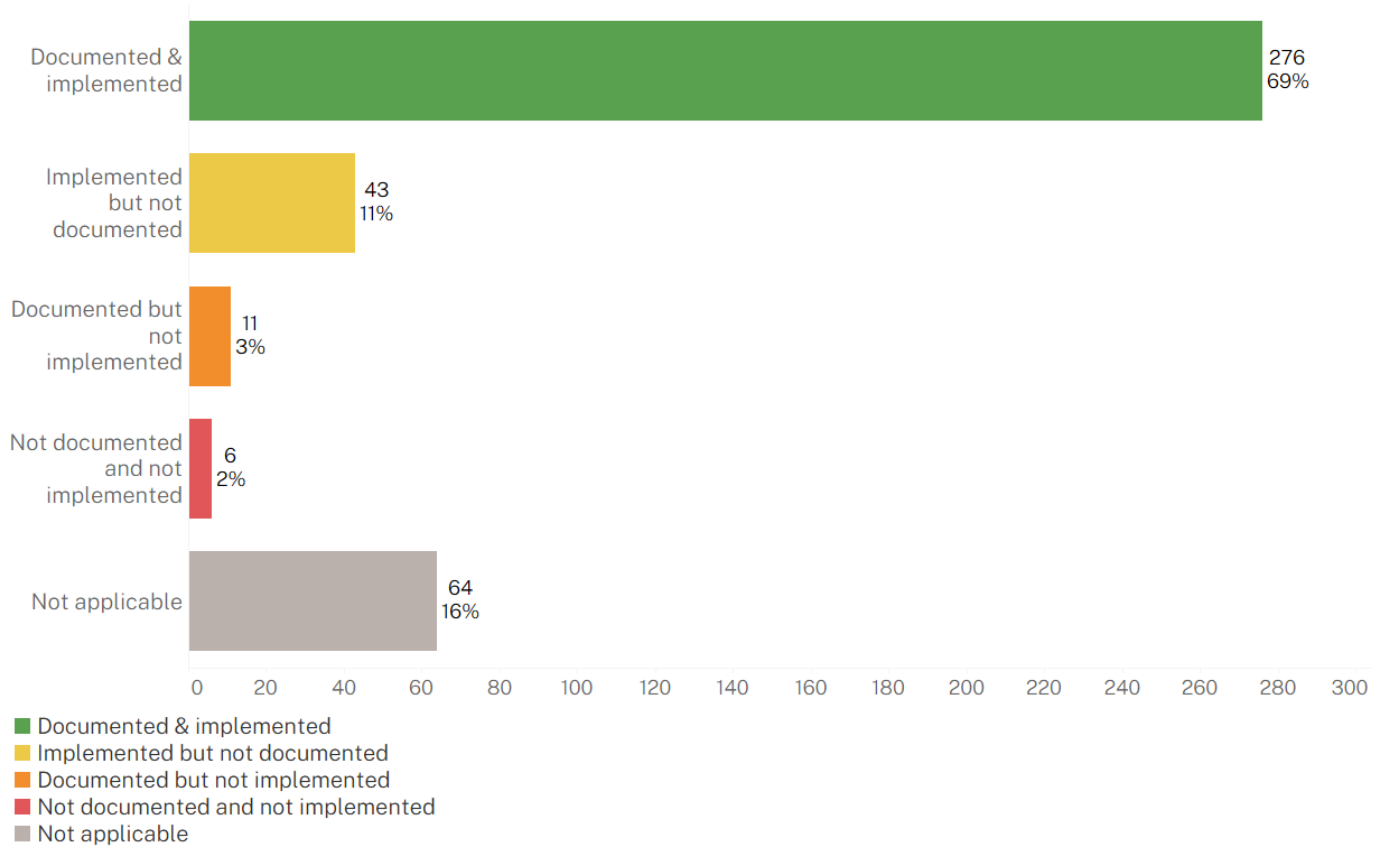
Assessment compliance % rating colour code =

Legislation gap analysis	01	Has the mine reviewed site Safety Management systems with consideration for the updated WHS (Mines and Petroleum Sites) Regulation 2022?	90%
	02	Have changes to the mines SMS been communicated to workers?	91%
	03	Duty to notify the Resources Regulator of certain incidents (Section 124) Has the mine updated reporting arrangements for exceedances of certain airborne contaminants? Or exposure of a person to atmospheric concentrations exceeding allowable limits?	94%
	04	Additional matters to be considered in a principal hazard management plan for ground or strata failure (Schedule 1) Have principal hazard management plans relating to ground or strata failure been revised to include the risk of rock, coal or related pressure bursts?	82%
	05	Matters to be included in emergency management plans (Schedule 7) Does the mines SMS include requirements to provide personal protection equipment (PPE)?	90%
	06	Statutory functions of electrical engineers (Schedule 10) Has the mine defined monitoring by the Electrical Engineering Manager in terms of electrical supervision? How is the site electrical engineer satisfying their statutory obligations?	89%
	07	Exhaust emissions and fuel standards in underground mines (section 56) Does the mine have a process to ensure diesel engines located underground are regularly sampled and analysed every 6 months?	98%
	08	Use of plant in hazardous zones such as coal faces in underground coal mines (section 81) Does the mine have transitional arrangements in place to replace departmental approved plant with new items?	91%
	09	Use of cables in hazardous zones (Section 83) Is the mine aware that cables that are determined as fit for use by the mine operator, in consultation with the individual nominated to exercise the statutory functions of electrical engineering manager at the mine can be used for installations other than I.S circuits and caplamps where the methane concentration is <1.25%/vol?	85%
	10	Qualified mechanical tradespeople (Schedule 10 Part 2) Is the mine aware of the experience requirement changes for the statutory function of qualified mechanical tradespersons?	87%

The overall analysis of assessment findings ratings were found to be documented and implemented assessed at 69%. Implemented but not documented assessed at 11%. The lowest category not documented and not implemented was found to be 2% (Figure 2).

The analysis of the assessed criteria documentation and implementation is summarised in Figure 2:

Figure 2. Overall assessment findings ratings



## Notices issued

Of the **40** sites assessed under the inspection program, **2** separate mines were given **2** notices relating to compliance with new legislation, while some mines were given notices in relation to other matters.

The notices issued for compliance with new legislation were examined in detail and Table 3 below lists the notices issued by type.

Table 3: Notices issued for the planned inspection program – compliance with new legislation

NOTICE TYPE	TOTAL ISSUED	NUMBER OF MINES
s.23 notice of concerns	2	2
<b>Total</b>	<b>2</b>	<b>2</b>

Of the combined 2 notices issued, there were some common themes that were apparent throughout the program plan.

- Review of site safety management systems in relation to updated legislation
- Review of the strata management plan in relation to updated legislation
- Review of the electrical engineering control plan in relation to updated legislation
- Review of statutory functions in relation to updated legislation

## Recommendations

Based on the findings outlined, mine operators should consider the following recommendations:

- Review the actions the mine has undertaken in relation to site safety management systems complying with updated legislation requirements,
- Review the actions the mine has undertaken in relation to the strata management plan complying with updated legislation requirements,
- Review the actions the mine has undertaken in relation to the electrical engineering control plan complying with updated legislation requirements,
- Review the actions the mine has undertaken in relation to statutory functions complying with updated legislation requirements.

## Further information

For more information on safety assessment programs, the findings outlined in this report, or other mine safety information, please contact the Regulator:

CONTACT TYPE	CONTACT DETAILS
Email	<a href="mailto:cau@regional.nsw.gov.au">cau@regional.nsw.gov.au</a>
Incident reporting	To report an incident or injury call 1300 814 609 or log in to the <a href="#">Regulator Portal</a>
Website	<a href="http://www.resourcesregulator.nsw.gov.au">www.resourcesregulator.nsw.gov.au</a>
Address	NSW Resources Regulator 516 High Street Maitland NSW 2320



## Appendix A – Assessment criteria rating

Each assessed criteria is rated from 1 through 4 based on evidence supporting the expected control supports identified at the mine site:

Evidence supporting expected control supports

Expected control supports	Rating	Evidence supporting rating / comments				
	<table border="1"> <tr> <td>4</td> <td>3</td> </tr> <tr> <td>2</td> <td>1</td> </tr> </table>	4	3	2	1	
4	3					
2	1					

Assessment findings results are calculated based on the total points allocated to the assessed ratings as a percentage of the maximum possible points for each criteria group, and any findings rated as ‘Not applicable’ were excluded from the calculation.

Criteria assessed ratings and points

Assessed as	Rating	Points
Documented & implemented	4	4
Implemented but not documented	3	2
Documented but not implemented	2	1
Not documented and not implemented	1	0
Not applicable		

Findings results (points) with colours assigned as follows:

- Green (=100%)
- Yellow (>= 80% and <100%)
- Orange (>= 65% and <80%)
- Red (<65%)