



**NSW
Resources
Regulator**

COMPLIANCE PRIORITIES

January - June 2021



Document control

Published by NSW Resources Regulator

Title: Compliance priorities January - June 2021

First published: December 2020

Authorised by: Executive Director, Resources Regulator

CM9 reference: DOC20/976417

AMENDMENT SCHEDULE

Date	Version	Amendment
December 2020	1.0	First version published

© State of New South Wales through Regional NSW 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute Regional NSW as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2020) and may not be accurate, current or complete. The State of New South Wales (including Regional NSW), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Purpose

This report sets out our 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

Respirable dust – revision to exposure standards

Sector: Coal, metalliferous and small mines

Period: January – July 2021

The management of airborne contaminants has been a key focus area over recent years. With the implementation of the revised exposure standards for silica and respirable dust, and a new exposure standard for diesel exhaust emissions, airborne contaminants was a priority project between July and December in 2020 and will continue to be a focus area for the first half of 2021. The focus for this period will be site assessment activities and follow-up on reported exceedances.

Planned inspections

- As a part of all planned inspection activities, inspectors will assess the effectiveness of dust controls. This will include an assessment of worker understanding of dust control measures.
- Inspectors will provide resource materials to sites to assist workers and supervisors to better understand their obligations and the health impacts of dust.
- Inspectors will also be undertaking spot sampling to highlight potential high-risk areas on mine sites and assess the implementation of controls to protect workers from respirable dust risks.

Industry engagement

We will be actively engaging with industry during this period. This will include:

- presentations at industry forums and seminars, where appropriate
- publication of fact sheets and guidance material
- regular correspondence to mine operators reminding them of the change in exposure standards and the need to review and modify systems and processes to achieve compliance.

Follow-up on exceedances

All notifications of an exceedance of respirable dust and silica will be followed up by an inspector. The focus of these follow up assessments will be on the identification of failed controls, and the steps taken by mine operators to prevent a recurrence.

Management of hazardous chemicals

Sector: Coal, Metals and Petroleum, Small Mines

Period: January – June 2021

The Resources Regulator has completed a wide-scale review of our approach to the regulation of hazardous chemicals in the mining industry and released a [position paper](#) outlining the outcomes of that review, and our approach to regulating hazardous chemicals into the future.

This project will incorporate:

- planned inspection programs across each sector
- presentations at industry engagement forums
- publication of guidance material and fact sheets.

The initial focus of the program will be storage and handling of ammonium nitrate, continuing an assessment program that was initiated in November 2019.

Contractor management

Sector: Metals and Petroleum, Small Mines

Period: January – June 2021

From recent regulatory activities it has been identified that the interaction and communication between mine operators and contractors has been a contributing factor in dangerous or high-potential incidents.

This project will focus on the implementation of contractor safety management systems, the mutual review of the safety management system as required under clause 22 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 and the process of determining which safety management system the contractor will be working under.

The communication and dissemination of safety critical information to contractors including labour hire contractors, project contractors and maintenance contractors will be reviewed.

The assessments will consider contractors and any sub-contractors they may be engaging.

Entanglement around conveyors

Sector: Coal

Period: January – June 2021

This project focuses on the risk of entrapment around conveyor belt systems, particularly at underground operations and coal handling and preparation plants.

Numerous incidents have occurred at mines where persons have been drawn into moving conveyor parts, getting trapped or suffering severe injuries or death. Recent inspections have identified issues

with missing guards, guards lying adjacent to the conveyor after maintenance and guards not fixed properly in place.

A particular hazard has been identified where conveyors ramp up or cross over roadways and are left unprotected on the bottom side.

Operational rehabilitation reforms

Sector: All mining leases

Period: March – June 2021

We are improving compliance and reporting requirements for rehabilitation through the development of a new regulation under the *Mining Act 1992*, which will replace mining lease conditions relating to rehabilitation and set clear, achievable and enforceable requirements for rehabilitation. This will ensure progressive rehabilitation occurs and sustainable post-mining land use outcomes are achieved.

The draft regulation was released for consultation in August 2020. Submissions from the public consultation process are published on the Resources Regulator's [website](#). As part of the next phase of the reforms and subject to the proclamation of the new regulation, we will be publishing further guidance material as well as conducting further information webinars to assist industry transition and comply with the new requirements.

Progressive rehabilitation

Sector: Mining leases

Period: January – June 2021

Rehabilitation is a critical element of NSW mining operations and is principally regulated under the conditions of the relevant mining leases granted under the *Mining Act 1992*. Progressive rehabilitation ensures that areas disturbed by mining operations are returned to a condition capable of achieving the final land use.

Until the implementation under the operational rehabilitation reforms, title holders of mine sites are required to undertake progressive rehabilitation in accordance with an approved mining operations plan. A key component of the mining operations plan is to ensure rehabilitation planning and practices are integrated throughout all phases of mining.

Our focus will be on how a mine site is designing and constructing final landforms to achieve sustainable rehabilitation outcomes. Targeted assessments will be undertaken following a risk profiling review. The assessments will include announced inspections and capture high risk sites. The objectives of these targeted assessments include ensuring:

- the range of short to long-term risks associated with the establishment of final landforms are identified and appropriate controls are in place to facilitate sustainable rehabilitation outcomes

- the selective handling and management of mine materials (e.g. overburden, tailings, reject materials) to address potential geochemical and geotechnical constraints for rehabilitation in the final landform
- emplacement areas are designed and constructed to achieve a long-term stable landform, based on appropriate hydrological and geomorphic assessments
- that potentially adverse waste or reject material are effectively encapsulated within the final landform
- that sufficient quantities of appropriate material required to cover waste rock dumps and tailings management facilities are available to achieve effective rehabilitation outcomes
- that landform construction is executed in accordance with the design and validated by suitably qualified and experienced personnel
- control measures are validated via monitoring and inspections are recorded to enable short to long term risks to be appropriately addressed
- the mine site has engaged the appropriate skills and experience in relation to landform design and construction
- rehabilitation is integrated into mine planning systems.

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 included in a program.

They may be announced or unannounced and may occur on back shifts. From January to June 2021, assessment programs will include the following:

Coal

- Longwall strata management
- Inundation and inrush
- Strata highwall management surface
- Explosives drilling management
- Shafts and winders underground mechanical and electrical
- Airborne Contaminants – diesel underground
- Fire and explosions electrical surface

Metalliferous and petroleum

- Fire and explosion – mechanical
- Shafts and winding systems – mining
- Ground and strata failure – slope stability
- Well safety inspections (petroleum)

Small mines

- Airborne contaminants – focusing on silica dust
- Roads or other vehicle operating areas
- Structural integrity
- Electrical safety

Mine rehabilitation

Targeted proactive assessments will be undertaken in line with our compliance priorities at identified sites focusing on how a mine site is designing and constructing final landforms to achieve sustainable rehabilitation outcomes.

Planned inspections will also identify best practice examples that will be shared with industry through publications and workshops.

Compliance audits

Our compliance audit program assesses specific requirements of the Mining Act or WHS legislation and examines the operational performance of mining operations to achieve sustainable and safe operations.

The audit program is developed using a risk review process to identify the audit focus. A risk assessment methodology (broadly based on *AS/NZS ISO 31000:2009 Risk management – Principles and guidelines*) is used to develop a broad risk profile for each sector to assist in the development of an audit program.

The audit program will focus on:

- rehabilitation progress on mine sites
- exploration drilling and compliance with exploration activity approvals
- general compliance dip sampling cross sections of each sector.

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.

Workshops and seminars

One of our key roles is to ensure all operators and title holders are aware of their obligations and how to meet them. Training workshops and information sessions allow us to engage with industry and help maximise compliance.

Due to COVID-19, many of our regular events have been postponed or converted to virtual events where possible. 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

February and May

This meeting is held with mechanical engineers at underground coal mines who hold the statutory position of mechanical engineering manager. Inspectors organise and run the meeting 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

February and May

This meeting is held with mechanical engineers from open cut coal mines and coal processing facilities, who hold the statutory position of mechanical engineer. The meeting 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.

Western region metalliferous electrical engineers' forum

February and May

These meetings 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 meeting will also include a review of recent incidents, site experiences in managing safety and discussions on improving electrical engineering safety. These events are an essential part of meeting CPD requirements for holders of practicing certificates.

Southern and western region coal electrical engineers' forum

February and May

These meetings 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. These events are an essential part of meeting CPD requirements for holders of practicing certificates.

Hunter region coal electrical engineers' forum

February and May

The Hunter region coal electrical engineers' forums are run in conjunction with the MEMMES Hunter Valley Electrical Chapter (HVEC MEMMES).

These meetings 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 meetings will also include a review of recent incidents, site experiences in managing safety and discussions on improving electrical engineering safety. These events are an essential part of meeting CPD requirements for holders of practicing certificates.

Safety training – Lightning Ridge

March, April and June

The safety awareness course has been combined with the mine operators' 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 Lightning Ridge mineral claims district are required to complete this course as part of their application.

Operational rehabilitation reforms

March to June

As part of the next phase of the operational rehabilitation reforms (refer to compliance priority on page 6) and subject to the proclamation of the new regulation, further guidance material will be published in addition to information webinars to outline the objectives and components of the reforms and discuss the transitional arrangements for the mining industry to comply with the new requirements and assist industry transition.

Dates of proposed information sessions will be communicated early in 2021.

Underground coal mining engineering managers' forum

March and June

This meeting is held with mining personnel at underground coal mines who hold the statutory position of mining engineering manager, undermanager, deputy and ventilation officer. The meeting 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.

Surface coal mining engineering managers' forum

March and June

This meeting 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 meeting will 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.

Metalliferous industry safety and health engagement forum

May

This meeting is held with representatives from metalliferous mining operations, who hold the statutory position of mining engineering manager. The meeting 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.

Metalliferous Emergency Response Team working group

May

Held in Dubbo, members of the Metalliferous Emergency Response Team meet twice a year to collaborate on emergency planning and response capability matters. The working group is made up of emergency response managers from the major metalliferous mines in NSW. These meetings provide an engagement platform for emergency services and other stakeholder groups, with discussions on emergency planning topics and the sharing of key learning information from incidents across NSW.

Metalliferous and extractives mechanical engineers' forum

February and May

This meeting 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, mines and specialists. The meeting will also include a review of recent incidents from inspectors and mine engineers, new developments and emerging trends.

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](#).

January to June 2021 - Workshops and seminars

	JAN	FEB	MAR	APR	MAY	JUN
Underground coal mechanical engineers' forum						
Open cut coal mechanical engineers' forum						
Western region metalliferous electrical engineers' forum						
Southern and western region coal electrical engineers' forum						
Hunter region coal electrical engineers' forum						
Operational rehabilitation reforms information sessions						
Safety training – Lightning Ridge						
Underground coal mining engineering managers' forum						
Surface coal mining engineering managers' forum						
Metalliferous industry safety and health engagement forum						
Metalliferous Emergency Response Team working group						
Metalliferous and extractives mechanical engineers' forum						