



**NSW  
Resources  
Regulator**

# **NSW Resources Regulator Strategic Plan**

2021 - 2024



## Document control

### Published by NSW Resources Regulator

Title: NSW Resources Regulator Strategic Plan 2021 - 2024

First published: August 2021

Authorised by: Executive Director, NSW Resources Regulator

CM9 Reference: DOC20/1064172

Date	Version	Amendment
August 2021	1	First published

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# Foreword

**The mining, petroleum and extractive industries play a pivotal role in helping to deliver on the NSW Priorities, by helping to grow the economy and contributing to employment generation – especially in regional areas.**

The annual value of NSW's mining production is about \$20 billion, with about \$2 billion paid in royalties each year, which is used to fund infrastructure and services for the benefit of all the people of NSW. The industry is also a significant employer both directly and indirectly through the provision of both mining and non-mining related services, with more than 100,000 people indirectly and more 30,000 directly employed.

The coal industry supports more than 70 per cent of the State's electricity supply requirements and the extractive and quarrying industry contributes greatly to construction and infrastructure projects. The strength and growth of the State relies heavily upon the continued development of the mining industry, particularly at a time when energy supply and security is a key concern and delivering infrastructure and rejuvenating the economy are priorities for the State.

Despite its economic and social importance, it is an industry with equally significant risks and responsibilities. Each year the NSW Resources Regulator receives and investigates hundreds of allegations of mining related non-compliance. About 2000 reports of safety incidents at mines are also received annually. Of these, a small percentage relate to serious injuries or illness of workers with the even smaller number (1-2) of work-related deaths which occur at NSW mine sites of ongoing concern.

Globally there is a long history of catastrophic mining incidents caused by complacency, carelessness corner cutting and lack of due diligence, both on the part of industry and those tasked with regulating it. Pike River, Upper Big Branch, Gretley, Northparkes and Moura No 2 are all stark reminders of the need for industry and the regulator to stay vigilant and responsive. There are also many examples of the environmental harm that mining can cause if not appropriately managed or controlled.

In the past, cases of people or companies who were not fit to hold mining licences have tarnished the State's reputation. The Government and the community demand a strong regulator that will take decisive action to ensure the integrity of the industry and those who operate within it. Importantly these concerns extend to postmining activities, and the appropriate rehabilitation of the land, which is of significance as many more mines, including very large ones, approach the end of their operations.

The regulation of the industry can be particularly challenging. The mix of worker health, environmental accidents and rare but potentially catastrophic major accidents such as explosions must be regulated effectively. Dust diseases may have extremely long latency periods (measured in years or decades) and similarly mine rehabilitation may take decades to achieve, adding additional complexity. Further, resource recovery is becoming more complex, new technologies are emerging, the profile of the workforce is changing and there are new and renewed economic pressures on industry.

Accordingly, our regulatory approach must be targeted towards the specific characteristics and risk profiles of the mining, petroleum and extractive industries and specific sectors within. We must also strive to challenge historical ways of thinking, the status quo and the normalisation of risks. We must ensure that industry does not become a victim of its own success - as catastrophic and fatal events become rarer, we must ensure that past lessons are not forgotten, and industry and the regulator is not lulled into a false sense of security.

NSW has a strong regulatory framework and through an integrated and holistic regulatory approach the regulator will seek to promote, and where necessary, enforce compliance. To this end, this Strategic Plan serves as a roadmap and forms the foundation for the activities of the NSW Resources Regulator during the coming years. Importantly, it sets the basis for how we will optimise our human and financial resources to most effectively protect the environment, mine worker and public health and safety over the coming years.

In simple terms, the Strategic Plan is meant to clearly communicate, both internally and externally, what the Regulator is doing, why we are doing it, and how our activities contribute to our success. By focusing on the strategic goals set out within this plan, we will seek to deliver on our mission to enable and support industry to understand and fulfil its obligations. Working collaboratively with our stakeholders, we will make a difference.



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## Our vision

A safe and responsible mining, extractive and petroleum industry.

## Our mission

To enable and support industry to understand and fulfil its obligations.

## Our values

Integrity, Trust, Service and Accountability <sup>1</sup>

## Our strategic objectives



**Increase** stakeholder and community confidence in our compliance programs.



**Support** the responsible operation and development of regulated industries.



**Minimise** harm to workers, the environment and the community.

<sup>1</sup> The core values that apply to all public servants as contained in section 7 of the *Government Sector Employment Act 2013*.

# Our strategic context

Our regulatory activities are conducted within a broader strategic context as set by:

## POLICY

### Government Priorities and Premier's Priorities

### State outcomes

### Deputy Premier's Priorities

## STRATEGIC ALIGNMENT

World-class public service - implement best-practice productivity and digital capability in the NSW public sector.

Government Made Easy - "Tell Us Once".

Supporting and growing responsible mining and exploration across regional New South Wales. This is critical for regional employment, export earnings and royalties.

To make the State the number one destination for mining investment, whilst ensuring safety and environmental outcomes.

# Our approach - high hazard regulator

We undertake our regulatory activities in an industry sector with known extreme risks to workers and the environment. These risks must be managed appropriately. Historically, mining has been one of the most dangerous occupations and the record of contamination and environmental harm from past mining practices is still readily observed around the world.

While the NSW mining industry is at the forefront of health, safety and environmental leading practice, the process of mining remains an inherently hazardous one. Instances of multiple worker fatalities arising from a single event and large-scale environmental degradation continue to occur in other jurisdictions, even in countries with well-developed mining industries. Notably, NSW has its own specific mine safety laws which specifically call out the existence of these risks as ‘principal hazards’.

A principal hazard is an activity, process, procedure, plant, structure, substance, situation or other circumstance relating to mining operations that has a **reasonable potential to result in multiple deaths in a single incident or a series of recurring incidents**<sup>2</sup>.

Principal hazards have been identified in legislation for special consideration because they are hazards that have the potential to cause an incident with very serious consequences, even when the likelihood of that incident occurring may be low.

As well as hazards that may result in large-scale disasters, other hazards that have a reasonable potential to result in multiple deaths in a series of recurring incidents, are also principal hazards.

The existence of a specialist regulator for mining in NSW acknowledges the level of risk and highly technical aspects of NSW’s modern mining sector.

We therefore carry out our activities with a special emphasis on the hazards and risks which are specific to the mining industry and which may pose an unacceptable risk to large numbers of people if not appropriately managed. Accordingly, the strategies adopted, and techniques used by the NSW Resources Regulator are different from more generalist regulators and are targeted towards the specific characteristics and risk profiles of the mining industry and its industry constituent sectors.

The identification of targeted intervention strategies and activities is therefore prioritised by the need to prevent catastrophic, multiple fatality events, reduce occurrences of serious injury; and reduce occurrences of significant environmental harm (including failure to rehabilitate mined land).

<sup>2</sup> Clause 5 of the Work Health and Safety (Mine and Petroleum Sites) Regulation 2014



# Our strategic goals



**Promote confidence in the way industry is regulated**



**Make it easier to comply and help industry to get it right**



**Provide excellence in regulatory services**



**Be an employer of choice**

## Enabling approach

**Foster a culture of innovation and continuous improvement** by looking at what we do with fresh eyes, challenging the status quo and exploring new approaches to achieve goals.

**Prioritise stakeholder engagement** to better understand stakeholder needs, viewpoints, operations and challenges and increase opportunities for collaboration and partnerships.

**Operate as OneTeam** by taking an integrated, whole-of-organisation approach and making best use of available expertise and experience.



## Promote confidence in how industry is regulated

Strategies:

- Position ourselves as a specialist high hazard regulator.
- Make sure our activities and decisions are transparent and visible.
- Recognise and share good practice, as well as bad practice.
- Intervene decisively to address serious risk and harm.
- Reform when regulation is no longer relevant, practical or does not address emerging issues.
- Adopt robust governance frameworks to support regulatory decision-making .



## Make it easier to comply and help industry to get it right

Strategies:

- Provide targeted, user-friendly and accessible information and education.
- Seek and share information and outcomes with industry and stakeholders.
- Improve our understanding of industry and stakeholder needs, operations and challenges.
- Make sure lessons are learnt, shared, and not forgotten.
- Develop collaborative and tailored compliance programs.
- Make expectations clear and focus on working with industry to achieve objectives - not just trying to 'catch them out'.



## Provide excellence in regulatory services

Strategies:

- Adopt a 'tell us once' approach.
- Streamline regulatory processes and remove unnecessary red tape.
- Invest in systems and technology to improve customer and staff experience.
- Deliver quality services within specified timeframes.
- Foster a responsive and innovative culture.
- Focus on quality data collection and analysis.



## Be an employer of choice

Strategies:

- Build talent and leadership capability.
- Promote a culture where flexible working is expected, not just accepted.
- Improve diversity profile, particularly in leadership positions.
- Develop capabilities to achieve individual role and organisational success.
- Make sure our systems and processes help, not hinder, staff to do their jobs.
- Focus on expertise and capabilities rather than reporting lines.



# Industry performance goals



**Reduce the risk of serious injuries and fatalities to mine workers**



**Reduce the risk of occupational illness arising from airborne contaminants**



**Reduce the risk of mine disasters and improve first response capabilities**



**Increase the amount and quality of progressive rehabilitation undertaken over mine life**



**Reduce incidence of serious non-compliance across WHS laws and the Mining Act**





## Reduce the risk of injuries and fatalities to mine workers

### Strategies:

- Focus on principal mining hazards and validation of critical controls.
- Maintain high levels of proactive inspection and assessment activities.
- Concentrate on the root causes and maximum reasonable consequence of an incident, not being distracted by surface causes and the severity of any resulting injuries.
- Examine human and organisational factors.
- Focus on quality data collection and analysis.
- Promote a culture of chronic unease about risk control effectiveness.



## Reduce the risk of occupational illness arising from airborne contaminants

### Strategies:

- Constantly review the regulatory framework for managing airborne contaminants.
- Maintain high levels of proactive inspection and assessment activities.
- Assess and validate critical controls.
- Improve awareness among workers, supervisors and mine operators.
- Examine human and organisational factors.
- Focus on quality data collection and analysis.



## Reduce the risk of mine disasters and improve first response capabilities

### Strategies:

- Focus on principal mining hazards and validation of critical controls.
- Maintain high levels of proactive inspection and assessment activities.
- Focus on first response preparedness, as opposed to protracted rescue.
- Examine issues occurring internationally and across Australia, not just in NSW.
- Facilitate a collaborative approach with industry and emergency services.
- Promote a culture of chronic unease about risk control effectiveness.



## Increase the amount and quality of progressive rehabilitation undertaken over mine life

Strategies:

- Improve the regulatory framework for mine rehabilitation.
- Focus on security deposits returned, as opposed to total securities held.
- Improve the sharing of information, learnings and expectations.
- Increase proactive assessments of critical controls and rehabilitation management.
- Focus on quality data collection and analysis.
- Focus on whole-of-mine life (including planning stage), not just pre-closure.



## Reduce the incidence of serious non-compliance across WHS laws and the Mining Act

Strategies:

- Embed an outcomes and risk-based focus in all regulatory activities.
- Proactively share information, resources and learnings.
- Develop collaborative and tailored compliance programs.
- Act decisively to take targeted and escalated action for incidences of non-compliance.
- Publicise compliance actions to maximise deterrent effects.
- Consider the full suite and combination of enforcement tools when determining enforcement actions.



