

# COMPLIANCE PRIORITIES

January to June 2022



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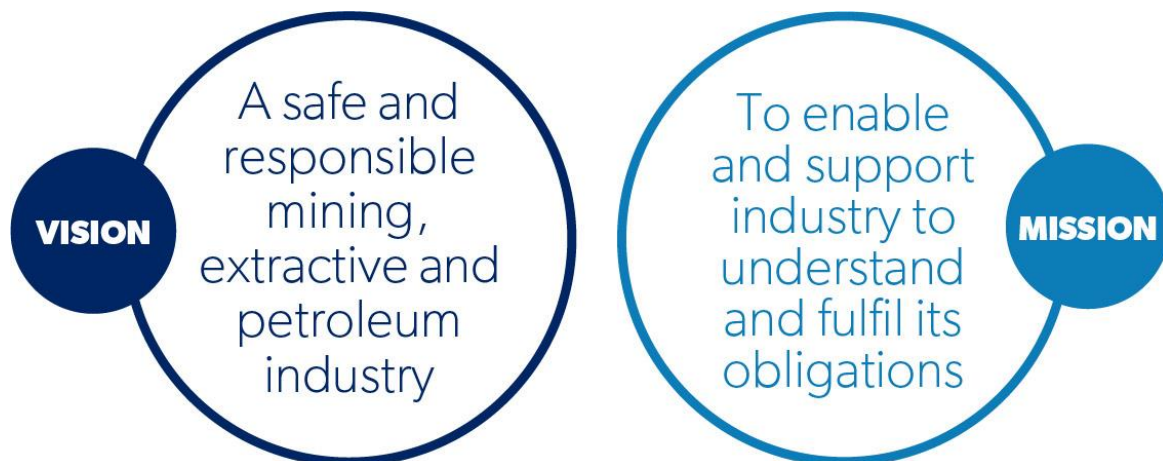
## Purpose

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

### Onboarding training for new workers

**Sector:** Coal, metalliferous and small mines

**Period:** January – June 2022

There is a constant flow of new workers into the mining industry and moving between mining operations. A vital step in maintaining a safe workplace is the training, assessment and supervision of workers to ensure they are trained and competent. New workers at a mine can range from those new to the industry who are unfamiliar with mining equipment, operation and processes to experienced workers moving to a new mine.

The focus of this assessment will be on the processes in place and supervision arrangements for new workers. This assessment will be conducted across all sectors reviewing the standards mines have in place.

### Ignition of methane

**Sector:** Coal

**Period:** January – June 2022

The risks and potential catastrophic consequences associated with methane in the underground mine environment are well understood. It is vital that mines have effective controls established and implemented to prevent the accumulation of methane and ignition sources.

This assessment will review the controls implemented across NSW underground coal mines. The assessment will review the identification and quantifying of the risk of methane ignition, the determination of extraction and dilution requirements and monitoring and reporting arrangements that mines have in place.

### Entanglement around conveyors

**Sector:** Metals and petroleum

**Period:** January – June 2022

This assessment will focus on the risk of entrapment around conveyor belt systems, particularly at underground operations, mills, and crushing and screening 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.

This assessment commenced in July 2021, however COVID lockdowns and restrictions prevented this program from being completed.

## Rehabilitation reforms

**Sector:** All mining leases

**Period:** January – June 2022

We are improving compliance and reporting requirements for rehabilitation through an amendment to the Regulation under the *Mining Act 1992*, which prescribes new mining lease conditions relating to rehabilitation and sets clear, achievable and enforceable requirements for rehabilitation.

The Regulation commenced on 2 July 2021. The new standard rehabilitation conditions will apply to all new mining leases issued from this date. For mining leases that were in force before this date, the conditions apply for large mines<sup>1</sup> on 2 July 2022 and for small mines<sup>2</sup> on 2 July 2023. These new rehabilitation conditions will replace existing rehabilitation and environmental management conditions on current leases.

Over the period we will be engaging with mines to ensure we have active dialog with industry about our expectations for compliance and enable us to assist industry with meeting the new requirements. If you would like to arrange an engagement session please email us at [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com).

## Review of quarries sector to ensure compliance with Mining Act authorisations

**Sector:** quarries in NSW

**Period:** January – June 2022

In recent years a number of quarries operating in NSW have been investigated for failing to have required authorisations under the *Mining Act 1992* (the Act). Whilst many quarries will not require a mining authorisation, a review of the quarry sector will be undertaken to determine compliance. The aim of the review is to:

- identify any quarries operating without an authorisation
- assess the quarry owner/operator's awareness of legislative requirements
- identify any pending applications that are mining without a current authorisation
- engage with the title holders
- initiate regulator enforcement action to achieve compliance.

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<sup>1</sup> **Large mine** means a mine the subject of one or more mining leases, the carrying out of activities under at least one of which requires an environment protection licence (EPL) under the *Protection of the Environment Operations Act 1997*.

<sup>2</sup> **Small mine** means a mine that is not a large mine.

## 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 January to June 2022, assessment programs will include the following:

#### Coal

- Ground or strata failure - secondary extraction (underground)
- Spontaneous combustion (underground)
- Outburst (underground)
- Ground or strata failure - slope stability (surface)
- Explosives management (surface)
- Shafts and winding systems - mechanical and electrical (underground)
- Air quality or dust or other airborne contaminants (underground)
- Air quality or dust or other airborne contaminants (surface)
- Roads or other vehicle operating areas (underground)
- Roads or other vehicle operating areas (surface)
- Structural collapse
- Falling objects
- Unplanned movement (electrical)
- Fire or explosion – mechanical (underground)
- Electrical control plan (underground and surface)

## Metalliferous and petroleum

- Fire and explosion – mechanical
- Shafts and winding systems – mechanical and electrical
- Ground or strata failure – slope stability (surface)
- Ground or strata failure (underground)
- Subsidence
- Roads or other vehicle operating areas (underground)
- Explosives management (underground and surface)
- Well safety inspections (petroleum)
- Exploration drills
- Fire or explosion – mechanical (underground and surface)
- Unplanned movement (electrical)
- Fire or explosion – electrical (underground and surface)

## Small mines

- Roads or other vehicle operating areas
- Slope stability
- Airborne contaminants
- Mechanical safety
- Electrical safety



## Mine rehabilitation

### Mine rehabilitation

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*. Targeted proactive assessments will be undertaken to determine compliance with obligations as well as performance of on-the-ground rehabilitation. Key focus areas will include how a mine is:

- progressively rehabilitating in accordance with statutory obligations
- complying with statutory Section 240 directions that may have been issued following rehabilitation targeted assessment programs
- addressing recommendations identified by the Regulator following previous proactive assessments
- identifying risks and implementing appropriate controls to achieve effective rehabilitation outcomes.

### Compliance audits

Our compliance audit program assesses specific requirements of the *Mining Act 1992* and examines the operational performance of mining and prospecting operations and compliance with legislated requirements and conditions of authorisation.

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 31000:2018 Risk management – Guidelines*) is used to develop a broad risk profile for each sector to assist in the development of the audit program.

The audit program will focus on:

- general compliance with the *Mining Act 1992* and Regulation; and conditions of authorisation
- community consultation in exploration
- exploration environmental management and rehabilitation
- New Frontiers cooperative drilling grant program.

## Mining Act compliance campaigns – opal mining sector

Opal prospecting takes place pursuant to the conditions of an Opal Prospecting Licence (OPL) or Mineral Claim. Opal mining takes place pursuant to the conditions of a Mineral Claim. Inspection campaigns will be undertaken through the period with a specific focus on:

- compliance with conditions of OPLs and mineral claims
- performance of rehabilitation
- topsoil and mullock management, including prevention of erosion
- vegetation clearance
- waste management
- use of chemicals, fuels and lubricants
- subsidence management.

## 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.

## 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 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

**April**

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.

## Open cut coal mechanical engineers' forum

**April**

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.

## Metalliferous and extractives mechanical engineers' forum

**March**

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.

## **Western region metalliferous electrical engineers' forum**

**February/March**

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.

## **Southern and western region coal electrical engineers' forum**

**February/March**

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

## **Hunter region coal electrical engineers' forum**

**February/March**

This event is run in conjunction with the MEMMES Hunter Valley Electrical Chapter (HVEC MEMMES).

This event, 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 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.

## **Underground coal mining engineering managers' forum**

**February/March**

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

## **Open cut coal mining engineering managers' forum**

**February/March**

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 industry engineering managers' forum**

**May**

This event is held with mining personnel at underground metalliferous mines 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.

## **Safety training – opal mining**

**Ongoing**

The 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.

## **Environmental awareness course – Lightning Ridge**

**Ongoing**

Before being able to hold a mineral claim in [Opal Prospecting Area 4](#) or on the property 'Wyoming', the Environmental Awareness Course must also be completed in addition to the Opal Mining Safety Workshop.

The course gives an overview on how to minimise damage to the environment whilst conducting exploration and mining activities, and covers many issues including:

- impacts on flora and fauna
- prevention of soil erosion
- subsidence impacts
- mullock management
- Aboriginal or historic sites
- puddling operations

The course is free and is available online via our website

(<https://www.resourcesregulator.nsw.gov.au/safety-and-health/events/opal-mining-safety-courses>)

## Mine rehabilitation portal workshop

### April

The mine rehabilitation portal has been developed to streamline the collection of rehabilitation geographical information system (GIS) spatial data from industry as a requirement of the operational rehabilitation reforms. The mine rehabilitation portal is an online portal that can be accessed via the internet after account registration and approval. This will allow for collection of the spatial data into a centralised geodatabase, which will be used by the Regulator to monitor and regulate the rehabilitation of mining activities.

To assist industry to transition to the reforms and ensure the compatibility of rehabilitation spatial data, a webinar will be held to demonstrate the functionality of the Mine Rehabilitation Portal and requirements for the development of the associated spatial data schemas.

## Collision avoidance proximity detection forum

### March

The NSW Resources Regulator and the NSW Minerals Council are jointly hosting a one-day forum on collision avoidance and proximity detection. The forum will address issues and technology relevant to surface and underground mines in NSW. Presentations will cover a broad range of topics including new technology, field trials and experience, human and organisational factors and the regulatory position to this topic.



## **Metalliferous industry safety and health engagement forum**

**May**

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.

## **Safety and health representatives' seminar**

**March**

Safety and health representatives (SHR) congregate annually in an agreed coal mining region to attend a state-wide seminar. The day-long event is recognised as an important professional development opportunity. It brings together industry safety and health representatives (ISHR) and site safety health representatives (SSHR). The day includes several technical knowledge sessions, presentations by representatives from the Regulator, investigators and selected keynote speakers.

## **Small mines information roadshows**

**February, March, April**

These roadshows are conducted around the state annually as part of a communication and engagement strategy with small mine stakeholders. They provide information and resources to the small mines sector, assisting to develop and maintain safe mining practices. These roadshows also, provide opportunity for engagement with the Regulator. The small mines information roadshows further promote work, health and safety to small mines and quarries stakeholders, communicate contemporary and pertinent issues and help maintain the Regulator's visibility in the sector.

## Workshops and seminars - January to June 2022

	JAN	FEB	MAR	APR	MAY	JUN
Underground coal mechanical engineers' forum						
Open cut coal mechanical engineers' forum						
Metalliferous and extractives mechanical engineers' forum						
Western region metalliferous electrical engineers' forum						
Southern and western region coal electrical engineers' forum						
Hunter region coal electrical engineers' forum						
Underground coal mining engineering managers' forum						
Open cut coal mining engineering managers' forum						
Metalliferous mining engineering managers forum						
Safety training – Opal mining						
Environmental awareness course – Lightning Ridge						
Mine rehabilitation portal workshop						
Collision avoidance proximity detection forum						
Metalliferous industry safety and health engagement forum						
Safety and health representatives' seminar						
Small mines roadshow						

## Exam timetable - January to June 2022\*

	JAN	FEB	MAR	APR	MAY	JUN
Open cut examiner and mining engineering manager coal mines post orals						
Mining engineering manager underground mines other than coal written exam						
Deputy post orals						
Mining engineering manager underground coal mines written exam						
Mechanical engineers' oral exam						
Quarry manager oral exam						
Electrical engineers' oral exam						
Undermanager written exam						
Mining engineering manager underground mines other than coal oral exam						
Mining engineering manager underground coal mines oral exam						
Deputy written exam						
Underground supervisor oral exam						
Open cut examiner written exam						
Mining engineering manager coal mines written exam						
Undermanager oral exam						

\*subject to change