
Resources Regulator

Department of Regional NSW



Compliance Priorities

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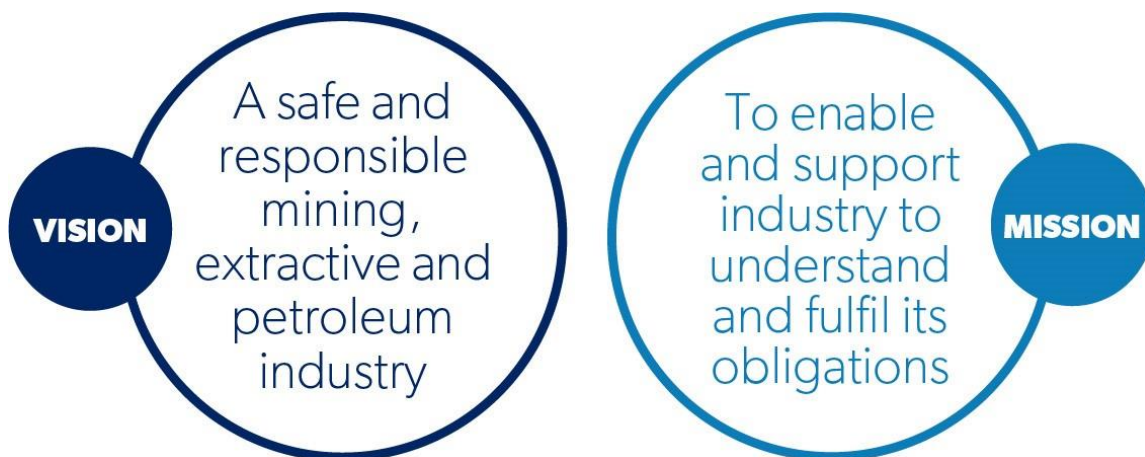
Purpose

This document sets out the NSW Resources Regulator (the Regulator) 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 plan](#)
- [compliance and enforcement approach](#).

Compliance priorities

Mine Safety Compliance Priorities

Fires on mobile plant

Sector: Open cut coal and metalliferous mines

Fires on mobile plant continue to be one of the highest reported incidents in open cut coal mines with an increasing trend in the metalliferous mines.

As part of a targeted assessment activities, inspectors will be attending mines with a focus on defect management, maintenance and the competency of workers performing those activities on mobile plant. This is part of an ongoing effort to decrease the number of fires on mobile plant.

Lifting and craning

Sector: Open cut coal mines

There has recently been an increase in lifting related incidents within the NSW mining industry. Incidents have resulted in the dropping or swinging of loads with workers in proximity.

As a part of a planned inspection activities, inspectors will review the controls implemented in lifting and working around suspended loads. Inspectors focus will be on fit for purpose equipment, task planning and the competency of workers performing those tasks.

Airborne contaminants

Sector: Metex

As a part of planned inspection activities, inspectors will be following up with mine operators to assess progress on complying with new or amended sections of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.

Whilst the key objective of this program is to ensure that mine operators are taking appropriate action to achieve compliance with the Regulation, it will also provide an opportunity for mine operators to give feedback to the Resources Regulator on perceived impediments to compliance, and whether further advice and guidance is required.

Audiometric testing

Sector: Metex

From January 1, 2024, persons conducting a business or undertaking (PCBUs) will be required to provide audiometric testing to workers in accordance with section 58 of the Work Health and Safety Regulation 2017.

As a part of planned inspection activities, inspectors will be following up with mine operators to assess progress on complying with the regulation.

Psychosocial awareness

Sector: Small mines

In October 2022 a significant amendment was made to the Work Health and Safety Regulation 2017 in relation to psychosocial hazards and risks. Division 11 of the Regulation states that a PCBU must manage psychosocial risk and implement control measures to eliminate the risk so far as is reasonably practicable. The amendment also requires this risk to be managed in accordance with Part 3.1 of the Regulation.

Inspectors will be assessing individual mine operators' progress in achieving compliance with the amendments, focussing on risk assessments and whether appropriate consideration has been given to the Safework Code of Practice: Managing psychosocial hazards at work in completing the risk assessment and identifying controls.

The key objective of this program is to establish overall industry compliance, however a critical element will also to be establish what impediments to compliance exist, and whether further advice or guidance is required to assist mine operators and others in the workplace to better understand their obligations.

Blasting (explosive safety)

Sector: Small mines

As a part of planned inspections where blasting is undertaken, inspectors will be assessing the development and implementation of the explosives control plan, including storage, handling, blast design, exclusion zones and misfire procedures.

Continued assessment and determination of Rehabilitation Outcome Documents (Large Mines)

Sector: Large Mines

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. These new rehabilitation conditions will replace existing rehabilitation and environmental management conditions on current leases.

A key requirement of the new mining lease conditions under clause 12 of Schedule 8A of the Mining Regulation 2016 relates to the submission of rehabilitation outcome documents for approval of the Secretary. In deciding whether to approve a rehabilitation outcome document, the Secretary must consider the extent to which the document is consistent with the final land use for the mining area and any other matters the Secretary considers relevant.

Over the period we will continue our assessment and determination of the rehabilitation outcome documents for all large mines¹ to ensure consistency with rehabilitation obligations specified in consent conditions for specific mine sites. Furthermore, we will be undertaking an appraisal of rehabilitation objectives statements and the final landform and rehabilitation plan to ensure all

¹ 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*.

relevant aspects of rehabilitation are identified so that appropriate rehabilitation completion criteria can be set for specific mines. This will provide certainty for industry and the community as to the measured and auditable defined end point for when rehabilitation can be deemed to have reached the point of meeting the approved final land use.

As part of our approach, we will continue to engage with mines to ensure we have an active dialogue about our expectations for compliance as well as to enable us to assist industry with meeting the new requirements and to address any identified transitional issues.

Enabling Small Mines to transition to comply with the new Rehabilitation Requirements

Sector: Small Mines

Schedule 8A of the Mining Regulation 2016 also places obligations for small mines to comply with the new standard conditions for mine rehabilitation. To assist industry with the transition to the new requirements, through the period the Resources Regulator will be undertaking an enabling approach. This will include the following:

- conduct a webinar for lease holders and consultants in late June to explain the new requirements and demonstrate how to register their mine and submit applications and notifications on the Resources Regulator Portal;
- work with the sector over next 12 months to enable compliance with the requirement to submit rehabilitation outcome documents to facilitate and enable compliance;
- launch and demonstrate the application of the new on-line submission form for rehabilitation outcome documents as part of a series of webinars to be conducted in late September;
- conduct one-on-one engagement sessions with lease holders to assist with the submission of on-line form applications, include rehabilitation outcome documents, via the Resources Regulator's portal.

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 2024, assessment programs will include the following:

Coal

- Health Control Plan (open cut and underground)
- Ground and Strata (open cut and underground)

- Roads and Vehicle Operating Areas (open cut)
- Falling objects (open cut and underground)
- Electrical control plan (open cut and underground)

Metalliferous and petroleum

- Health control plan (open cut)
- Falling objects (open cut and processing plants)
- Ground and strata – Slope stability (open cut and processing plants)
- Structural integrity (surface and underground)
- Electrical control plans (surface and underground)
- Well safety inspections (petroleum)
- Exploration drills

Small mines

- Mobile plant safety
- Principal Hazard Assessments – low risk Tier 2 and Tier 3 operations
- Electrical control plan

Engineering

- Explosive control plans (open cut coal)

Emergency management

- First response (Underground coal)

Mining Act assessment programs

Targeted Assessment Program – Revegetation

Between January to June 2024, targeted assessments will be undertaken in line with our compliance priorities at identified sites, following a risk profiling review. The assessments will include announced inspections and capture high risk 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.

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.

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:

Work health and safety

The objectives of these planned inspections will include, but not necessarily be limited to the following:

- Person riding hoists
- Guards on plant equipment
- Open shafts
- Puddling tank operations.

Mining Act compliance

Inspection campaigns will be undertaken through the period with a specific focus on:

- Topsoil and mullock management
- Rehabilitation
- Open cut and trenching operations
- Dogs on Mineral Claims.

Strategic projects

Mine safety strategic projects

Proximity detection

Proximity detection and collision avoidance technology is still in early stages of development across the NSW mining industry. There has been significant advancement in some mines, but little uptake of the technology in other mines.

In that context, the purpose of engaging the NSW mining industry is to advance the knowledge of proximity detection and collision avoidance systems, and collaboratively develop a strategic approach to advance its implementation. The Regulator has consulted with industry on the pathways and positions for implementation of this technology via a discussion paper.

An advisory committee will now be formed with appropriate industry stakeholders to assist the development of a position paper to industry.

Psychosocial awareness campaign

February and March

The NSW Resources Regulator will be conducting a state-wide awareness campaign to ensure the mining industry understands its obligations and the Regulator's expectations in relation to psychosocial hazards and reporting requirements. This will have both educational and regulatory components, and be delivered via workshops and seminars.

Statutory Roles - Maintaining current practising certificate holders

February to June

The NSW Resources Regulator will be conducting an awareness campaign to ensure the mining industry understands its obligations and our expectations to ensure practising certificate holders nominated to exercise statutory functions have a current certificate and satisfying the conditions on it. This will have both educational and regulatory components along with a webinar and presentations at Regulator events, focusing on coal and metalliferous mines.

Investigation priorities

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

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.

Visit our events calendar for specific dates and locations of our workshops and seminars: <https://www.resourcesregulator.nsw.gov.au/events>. These may be subject to change.

Small mines information roadshows

February and March

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.

Underground coal mechanical engineers' forum

March

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

March

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

March and June

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.

Underground coal electrical engineers' forum

February and June

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.

Surface coal electrical engineers' forum

February

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

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

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.

Underground metalliferous industry engineering managers' forum

April

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.

Workshops and seminars – January to June 2024*

Workshop/Seminar	January	February	March	April	May	June
Small Mines Roadshows						
Underground coal mechanical engineers' forum						
Open cut coal mechanical engineers' forum						
Metalliferous and extractives mechanical engineers' forum						
Metalliferous electrical engineers' forum						
Underground coal electrical engineers' forum						
Surface 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 (now available online on demand or face to face)		Face to face				Face to face
Safety and health representatives' seminar						
Underground Blasting Forum						
Surface Blasting Forum						

Figure1: Schedule of workshops and seminars by month

* subject to change

Exam timetable – January to June 2024*

Workshop/Seminar	January	February	March	April	May	June
Cable Repair Signatory - oral	█					
Open cut examiner and mining engineering manager coal mines - oral		█				
Mining engineering manager underground coal mines - written		█				
Mining engineering manager underground mines other than coal - written		█				
Undermanager - written			█			
Mechanical engineer - oral			█			
Deputy - written				█		
Mining engineering manager underground mines other than coal - oral				█		
Mining engineering manager underground coal mines - oral					█	
Quarry manager - oral					█	
Open cut examiner and mining engineering manager coal mines - written					█	
Electrical engineers - oral					█	
Undermanager - oral					█	
Underground supervisor - oral						█

Figure2: Schedule of examinations by month

* subject to change