



**NSW
Resources
Regulator**

COMPLIANCE PRIORITIES

July – December 2019



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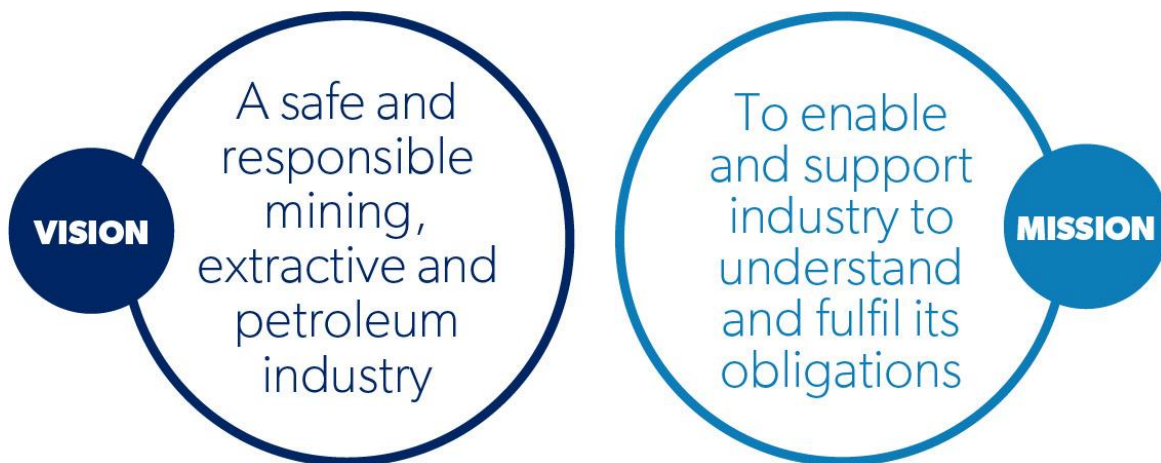
Purpose

This report sets out our key priorities for the next six months. By publishing our compliance priorities, we aim to provide increased 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

Dust – worker exposure, monitoring and reporting

Sector: Small mines and metalliferous mines

Period: July - December 2019

Long-term exposure to high concentrations of dust generated by mining and quarrying activities can cause disabling lung diseases such as silicosis (caused by respirable silica dust).

It is not uncommon to have many years between the first exposure to dust and the appearance of symptoms. In some cases, very high exposure to dust may bring on symptoms of disease at a faster rate.

Dust and airborne contaminants are a principal mining hazard. Over the past three years, the Regulator has undertaken numerous targeted assessments and planned inspections in the coal and non-coal sectors assessing the quality of the mine's management and control of the hazards associated with dust.

Recent amendments (13 April 2018) to the *Work Health and Safety (Mines and Petroleum Sites) Regulations 2014* require mines to report under clause 128 (q) respirable dust specified in clause 39(1)(a) & under clause 128(r) respirable silica dust that exceeds the exposure standard specified in the *Workplace Exposure Standards for Airborne Contaminants*. At the time of publishing, reporting appears to be arbitrary, with some mines indicating a lack of awareness of the reporting requirements.

We will undertake the following activities:

- Results of the targeted assessment programs (TAPs) and planned inspections (PIs) for dust and airborne contaminants will be reviewed. A program to revisit those mines that were identified as requiring improvement in worker health monitoring, management and control of dust will be implemented.
- An analysis will be carried out to identify mines operating in high silica environments. These mines will undergo further planned inspections to verify that suitable strategies have been implemented to control the risks associated with dust.
- Develop an awareness package covering worker monitoring and reporting requirements and communicate this to mines in the non-coal sector.

Conveyor belts - lifeline standards and fire risk

Sector: Underground coal

Period: July - December 2019

Targeted assessment programs have identified significant variance in emergency egress delineation standards in underground coal mines. These programs highlighted issues with emergency egress delineation, in cases where the lifeline entered areas not accessible by foot. In some cases, the lifeline rose to a height beyond being readily accessible to workers.

Additional planned inspections found that some mines' conveyor belts were in poor condition with respect to coal fines generation and accumulation, unserviceable rollers and poorly maintained belt scrapers. The condition of some of the conveyors warranted issuing prohibition notices to rectify issues identified.

The Regulator will undertake planned inspections focussing on these particular issues over the next six months.

Roadway and intersection design standards

Sector: Surface coal

Period: July - December 2019

Inspections and incident investigations have identified numerous non-compliances with the mines' standards for their onsite roadway and intersection design. In some cases, berms were missing or at an incorrect height. In one case, the height of the berm on an approach to an intersection, caused visibility problems and was found to have contributed to a near miss incident.

It was observed that roadway widths and roadway delineations within an intersection were outside the mine's design parameters, leading to several near misses. Effective supervision is a key control in identifying and rectifying these issues and was the subject of a recent high visibility campaign.

The Regulator will undertake planned inspections focussing on these particular issues over the next six months.

Tailings management

Sector: Large metalliferous and coal mines

Period: July - December 2019

The construction, operation and decommissioning of tailings dams poses key issues that have the potential to affect the sustainable development of the mining industry. There are many cases of tailings dam failures across the world resulting in significant landform instability issues, as well as the escape of tailings materials off site. Consequences range from the displacement of downstream communities through to significant injuries or the death of mine workers and the public. Environmental impacts have included pollution of downstream rivers and land, contamination of groundwater and poisoning of

native wildlife. More issues include the exposure of adverse tailings as well as generation of dust from exposed tailings material.

The Tailings Compliance Priority Project initiated in 2018 identified uncertainties and knowledge gaps in relation to the management of tailings dams. The Regulator will draw on the insights gained from this project to ensure industry has a clear understanding of obligations under the *Work Health and Safety (Mine & Petroleum Sites) Act 2013* as well as the *Mining Act 1992* that relate to tailings management.

Targeted assessments will be undertaken at mines that use tailings processing and storage (both coal and metalliferous mines) to ensure mine operators are effectively identifying and managing risks associated with tailings management and fulfilling their statutory compliance obligations under relevant legislation.

Compliance management and systems

Sector: Mining leases

Period: July - December 2019

Operators of mine sites have an obligation to comply with the conditions of the relevant mining lease(s) granted pursuant to the *Mining Act 1992*. Operators should have a clear understanding of these requirements, including the commitments included in their management and monitoring plans that have been approved by the Regulator under the mining lease conditions.

Targeted assessments will be carried out at various mine sites to ensure that operators are effectively managing their statutory compliance obligations, including whether operators:

- have identified their compliance obligations, including the commitments made in approved mining operations plans and subsidence management plans
- have systems that track their compliance requirements, including monitoring and reporting of rehabilitation requirements
- have procedures and systems in place to deal with identified non-compliances.

Progressive rehabilitation

Sector: Mining leases

Period: July - December 2019

Rehabilitation is a critical element of NSW mining operations and is principally regulated under the conditions of the relevant mining lease(s) granted pursuant to 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.

Operators of mine sites have a requirement to undertake progressive rehabilitation in accordance with a mining operations plan that is assessed and approved by the Regulator. A key component of the mining operations plan is to ensure rehabilitation planning and practices are integrated throughout all phases of mining.

Targeted assessments will be carried out at mine sites to ensure that operators are effectively undertaking progressive rehabilitation in accordance with the obligations set out in their approved plans.

Exploration activities

Sector: Exploration licences

Period: July - December 2019

Exploration licence holders are required to obtain approval from the Regulator before undertaking exploration drilling or bulk sampling activities. All exploration activities are required to be undertaken pursuant to the conditions of an exploration licence, the conditions of the exploration activity approval and the mandatory requirements of the *Exploration codes of practice* published by the Regulator.

Targeted inspections and audits will be carried out across exploration sites to ensure that explorers are complying with their statutory obligations, including:

- complying with the conditions of their exploration licences
- complying with the environmental and rehabilitation commitments set out in their applications
- complying with the conditions of the exploration activity approvals granted by the Regulator
- complying with the *Exploration code of practice: Rehabilitation*
- complying with the *Exploration code of practice: Environmental management*
- implementing management systems and controls for sustainable management of exploration activities.

Proactive assessment programs

The Regulator has executed its proactive assessments through two distinct and separately co-ordinated programs since March 2016 - the planned inspection programs and the targeted assessment programs.

Both programs focused on the principal mining hazards, with the planned inspection programs also addressing other industry hazards identified from incident data trends and community concern.

Moving forward, our proactive assessments will be executed as a single program, and in response to the recommendations from the *Regulatory Reform Review*, we will have a clearer focus on the risk controls.

In developing the assessment tools for the new program, the Regulator has initiated internal bowtie workshops to identify the principal mining hazards, including the identification of critical controls using a process aligned with the guidance provided within the *ICMM Critical Control Management* documents.

The program is developed with two assessment levels:

- a desktop assessment to examine how risk controls are identified and defined within the documented safety management system (control definition assessment),
- a site assessment to observe how risk controls are implemented and maintained where workers are exposed (control implementation assessment).

All sites within a program will have the control implementation assessment and a select number of sites will additionally have the control definition assessment.

The Regulator's assessment tools are not a definitive list of the critical controls that exist at a mine or quarry, but a series of targeted questions designed to assist inspectors to identify deficiencies within a site's safety management system and the management of principal hazards.

The results of these assessments are recorded in a format for reliable data analysis, which will inform and assist with constructive feedback to industry. The approach still recognises that a mine or quarry may have identified different controls to manage certain risks, based on their own unique risk profile.

Between July and December 2019, the Regulator will progressively roll out the new program across all sectors, with the existing targeted assessment programs for fatigue and fire or explosion, to be completed concurrently during this period.

Targeted assessments

These safety assessment programs focus on assessing the mine operator's control of critical risks and evaluating the effectiveness of control measures in the operator's safety management system. The assessment typically involves sampling specific elements of the safety management system, rather than a holistic, audit-based approach. For more information visit our website to read the targeted assessment program overview and fact sheets.

Fatigue

Fatigue can be a significant hazard in the mining industry due to the 24-hour nature of mining operations and long shift work. The scheduled targeted assessments on the management of fatigue and focusing on how worker exposure to fatigue can be prevented, will be completed during July-December 2019. This program will transition to the new proactive assessment program, outlined above.

The existing targeted assessment program will continue to completion in the metalliferous sector, running into August 2019.

For more information visit our webpage on fatigue.

Fire and explosion

A fire or explosion at any workplace can have catastrophic consequences, which may result in serious injuries or the death of workers. It can also create substantial damage to property and result in significant business disruption. History has shown that mine and petroleum sites are not immune to this risk and legislation has identified fire or explosion as a principal hazard.

The existing targeted assessments will continue to completion in underground coal mines throughout the remainder of 2019.

For more information visit our webpage on the prevention of underground fires.

Compliance audits

Our audit program is a planned approach to assessing compliance against selected requirements of the Mining Act or WHS legislation. In addition, compliance audits assess the operational performance of mining operations and the ability of operators to implement management systems and controls to provide for sustainable and safe management of 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 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 without authorisation
- failure to rehabilitate land
- providing false and misleading information
- non-compliance with statutory notices or directions
- offences against inspectors
- non-compliance with title conditions
- failure to pay rehabilitation security deposits

The Regulator promotes 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 the public interest.

All allegations of irresponsible conduct, wrongdoing and failure to meet regulatory obligations reported to, or identified by, the Regulator 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 Policy by visiting our website.

Workshops and seminars

One of our key roles is to ensure all operators and titleholders are aware of their obligations and how to meet them. Training workshops and information sessions are a valuable way to engage with industry and help maximise compliance.

Visit our events calendar for specific dates and locations of workshops and seminars as they may be subject to change.

Safety training – Lightning Ridge

July, August, September and October

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.

Western NSW electrical engineers' meeting

August

Electrical engineers from metalliferous and extractive mines will meet with inspectors of electrical engineering to review emerging issues and trends in the application of electrical engineering in metalliferous and extractive mines. The meeting includes a review of recent incidents, site experiences in managing safety and discussions on improving electrical safety.

Mechanical engineering safety seminar

August

Now in its 29th year, the Regulator's mechanical engineering safety seminar is a well-established and respected forum for mechanical engineers involved in mining activities in NSW. The two-day seminar focuses on mechanical safety and health issues in mines and provides a venue for communication, discussion and consultation of those issues between engineers and other key stakeholders.

Southern and western electrical engineers' and EHSR meeting

August

Electrical engineers and electrical health and safety representatives (EHSR) from coal mines will meet with the Regulator's electrical engineering inspectors to review emerging issues and trends in the application of electrical engineering practice in coal mines. This meeting includes a review of recent incidents, site experiences in managing safety and discussions on improving electrical safety.

Safety and health representative's seminar

September

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

October, November and December

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.

Electrical engineering safety seminar

November

The Electrical Engineering Safety Seminar is an annual seminar presented by the Regulator. The seminar provides information about managing risk associated with the use of electricity by providing information relating to health, safety and engineering standards, while keeping participants abreast of legislative requirements.

Metalliferous industry safety and health engagement forum

October

The Metalliferous Industry Safety Advisory Committee (MISAC) was established by the Regulator to share information and provide advice on safety issues within the metalliferous mining sector. Its name has been a misnomer as it does not have any mandate to provide advice, and in consultation with the Chief Inspector and others, it has been rebadged as the Metalliferous Industry Safety and Health Engagement Forum (MISHEF). This forum is attended by representatives from industry and the Regulator and meets biannually.

Metex mine emergency response team working group

October

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 speakers from emergency services and other stakeholder groups, discussion on emergency planning topics and the sharing of key learning information from incidents across NSW.

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 web page. Further information can also be found in our public comment policy.

Compliance activities calendar

July – December 2019

COMPLIANCE PRIORITIES	SECTOR	JUL	AUG	SEP	OCT	NOV	DEC
Dust – worker exposure, monitoring and reporting	Small mines and metalliferous mines						
Conveyor belts - lifeline standards and fire risk	Underground coal						
Roadway and intersection design standards	Surface coal						
Compliance management	Mines						
Tailings management	Mines						
Exploration activities	Exploration sites						

TARGETED ASSESSMENTS	SECTOR	JUL	AUG	SEP	OCT	NOV	DEC
Fatigue	Metex						
Fire and explosion	Underground coal						
Compliance audits	Mining and exploration						

WORKSHOPS AND SEMINARS	SECTOR	JUL	AUG	SEP	OCT	NOV	DEC
Safety training – Lightning Ridge	Opal mines	█	█	█	█		
Metalliferous Industry Safety and Health Engagement forum	Metalliferous mines				█		
Southern Region Electrical Engineers meeting	All		█				
Hunter Region Electrical Engineers meeting	All		█				
Metex mines emergency response team working group	Metex				█		
Mechanical engineering safety seminar	All		█				
Electrical engineering safety seminar						█	
Small mines information roadshow	Small mines				█	█	█
Safety and health representative’s seminar	Coal			█			
Western NSW electrical engineers meeting	Metex		█				
Southern and Western NSW electrical engineers and electrical safety and health reps meeting	Coal			█			