



**NSW
Resources
Regulator**

COMPLIANCE PRIORITIES

July to December 2021



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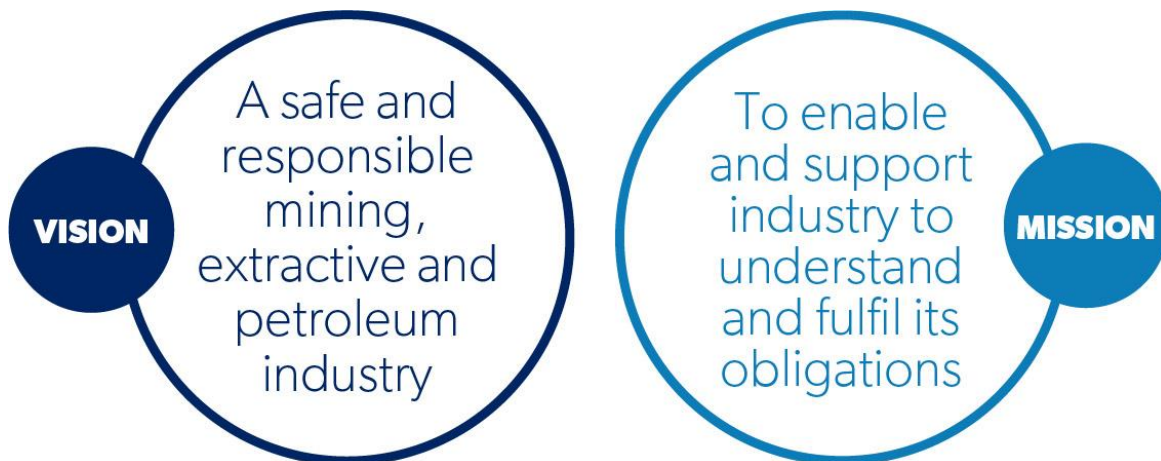
Purpose

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

Respirable dust – revision to exposure standards

Sector: Coal, metalliferous and small mines

Period: July – December 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 second 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 the worker's 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 other guidance material.

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 blast exclusion zones

Sector: Small Mines

Period: July – December 2021

Throughout the mining industry, blasting of material is an important part of the mining process to facilitate the safe and efficient haulage of material. A key control measure within this process is to ensure workers and equipment are evacuated outside an exclusion zone.

Within the quarrying sector there have been numerous incidents that have seen a breakdown in exclusion zone controls, whereby workers have been placed at risk of serious or potentially fatal injuries. Some examples have seen flyrock exceeding exclusion zones, or alternatively, workers being located inside an exclusion zone.

The assessments planned for this project will focus on several key elements which are critical in establishing an appropriate exclusion zone for blasting. These include blast design and conformance to plan, communicating blast activities and exclusion zones, accounting for people, establishing barriers/sentries at exclusion zone entry points, and verification and inspection of blast areas.

Collision avoidance and proximity detection technology

Sector: Coal

Period: July – December 2021

In consideration of the circumstances of incidents reported in the last six months, and our recent targeted awareness campaign at surface mines around heavy vehicle interaction, additional focus will be placed around the supporting technology which can assist with controlling this hazard in the surface coal sector. Collision avoidance and proximity detection are two types of technology which can potentially reduce the risk of collision interaction where other types of controls are not effective.

The planned activities for this project will involve an assessment of each site's implementation of such technologies or alternative engineering controls. As per guidance in [MDG2007](#), these systems are not designed to replace existing administrative controls (e.g. inductions, training). Rather they are an additional layer of support to ensure that the risks associated with mobile plant interactions are as low as reasonably practicable.

Positive communications

Sector: Metalliferous & large quarries

Period: July – December 2021

Various aspects of a mining operation rely on workers communicating with each other effectively to ensure the task is achieved safely. Evidence from several investigations into mobile plant incidents has revealed that positive communication has not been adhered to, or improperly conducted.

For this reason, we will be conducting a project within metalliferous mines and large quarries to assess the standard of positive communication used by workers. Compliance will be measured against associated site policies and procedures, as well as fundamental practices which are necessary to reduce the risk as low as reasonably practicable.

Management of hazardous chemicals

Sector: Coal

Period: July – December 2021

We have 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 fact sheets and other guidance material.

Contractor management

Sector: Coal

Period: July – December 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: Metals and Petroleum, Small Mines

Period: July – December 2021

This project 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.

Rehabilitation reforms

Sector: All mining leases

Period: July – December 2021

We are improving compliance and reporting requirements for rehabilitation through the development of a new regulation under the *Mining Act 1992*. It 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.

Once the new regulations take effect, industry will have 12 months (for large mines¹) and 24 months (for small mines²) to transition and be fully compliant with the reforms.

To assist industry to transition and comply with the new requirements, we will be publishing further guidance material and holding sessions.

Progressive rehabilitation

Sector: Mining leases

Period: July – December 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.

Over the last 18 months, our key focus has included targeted assessment programs focussing on industry's implementation of critical controls associated with tailings management, soils and materials management and landform design. In many instances, this has resulted in additional requirements through either statutory directions and or recommendations to address risks to achieve successful rehabilitation.

Targeted and planned inspections will be undertaken to assess how title holders have responded to statutory directions and recommendations to ensure that mine are assessing key rehabilitation risks and implementing critical controls to achieve rehabilitation obligations in a progressive manner.

¹ Large mine means a mine which operates pursuant to an environment protection licence under the *Protection of the Environment Operations Act 1997*.

² Small mine means a mine that is not a large mine.

Legacy Mines Program

Sector: Legacy mines

Period: July – December 2021

The Legacy Mines Program will continue to improve public safety and the environment through remediation of historic and abandoned mines.

Over the next six months, the program is focusing on the implementation of major remediation works at the historic Ottery Arsenic Mine in the New England Region and is planning for major works at Lake George Mine in Captains Flat.

The program will also focus on business as usual safety and maintenance works across legacy mine sites as well as progressing investigation and planning for works in future years. See more information about the program [here](#).

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 July to December 2021, assessment programs will include the following:

Coal

- Ground or strata failure - secondary extraction (underground)
- Inundation and inrush (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)
- Fire or explosion – Mechanical (underground)
- Fire or explosion – Electrical (underground)
- Electrical Control Plan (underground & surface)
- Mechanical Control Plan (underground & 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 & surface)
- Well safety inspections (petroleum)
- Fire or explosion – Mechanical (underground & surface)
- Fire or explosion – Electrical (underground & surface)
- Electrical Control Plan (underground & surface)
- Mechanical Control Plan (underground & surface)

Small mines

- 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:

- progressively rehabilitating in accordance with obligations included in approved Mining Operations Plans
- complying with statutory Section 240 directions that may have been issued following previous targeted assessment programs in relation to rehabilitation matters

- addressing recommendations identified by the Regulator following previous proactive assessments.

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

Compliance audits

Our compliance audit program assesses specific requirements of the *Mining Act 1992* 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 31000:2018 Risk management – 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.

Mechanical engineers' safety seminar

August

The two-day seminar focuses on mechanical safety and health issues in mines and provides a means for collective communication, discussion and consultation of those issues between engineers and other key stakeholders.

Mining engineering managers' safety seminar

October

The two-day seminar provides an opportunity to share experience, insight and learnings with mining engineering managers (MEMs) from across the NSW mining industry.

Electrical engineers' safety seminar

November

The two-day seminar focuses on electrical safety and health issues in mines and provides a means for collective communication, discussion and consultation of those issues between engineers and other key stakeholders.

Underground coal mechanical engineers' forum

November

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

November

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.

Western region metalliferous electrical engineers' forum

July

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

August

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

August

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.

Safety training – Lightning Ridge

July, August, September, and October

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 Lightning Ridge Mineral Claims District are required to complete this course as part of their application.

Mine Rehabilitation Portal workshops

August to November

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 series of webinars will be held to demonstrate the functionality of the Mine Rehabilitation Portal and requirements for the development of the associated spatial data schemas.

Mine rehabilitation forum

September

This online forum is an opportunity for both the Regulator and industry in NSW to share experiences, lessons learnt and promote leading practice in mine rehabilitation.

This year's forum will complement the implementation of the new compliance and reporting reforms for mine rehabilitation and new regulations under the *Mining Act 1992*. The forum will cover these rehabilitation reforms as well as our Targeted Assessment Programs (TAPs) over the last two years which have focussed on tailings management, soil and material management as well as landform establishment.

Underground coal mining engineering managers' forum

August

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

August

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 safety and health engagement forum

October

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.

Metalliferous Emergency Response Team working group

November

Members of the Metalliferous Emergency Response Team meet 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. This event provides 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.

Safety and health representatives' 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, 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.

Mine safety awareness course

ongoing

This course covers general safety in mining. Persons 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

Metalliferous and extractives mechanical engineers' forum

November

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, mines and specialists. The event 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](#).

July to December 2021 - Workshops and seminars

	JUL	AUG	SEP	OCT	NOV	DEC
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						
Mine Rehabilitation Forum						
Safety training – Lightning Ridge						
Underground coal mining engineering managers' forum						
Open cut coal mining engineering managers' forum						
Metalliferous industry safety and health engagement forum						
Metalliferous Emergency Response Team working group						
Metalliferous and extractives mechanical engineers' forum						
Safety and health representatives' seminar						
Small mines information roadshow						
Mine safety awareness course						
Mechanical engineers' safety seminar						
Electrical engineers' safety seminar						

COMPLIANCE PRIORITIES

July to December 2021

	JUL	AUG	SEP	OCT	NOV	DEC
Mining engineering managers' safety seminar						