

Fact sheet

Consultation requirements for mines in emergency planning

January 2023

NSW Resources Regulator

In NSW, mine safety is regulated by the NSW Resources Regulator. The NSW Resources Regulator is responsible for compliance and enforcement functions across NSW's mining and energy sectors.

Consultation during emergency planning

Consultation between the entities involved is an essential process in the development of an effective emergency plan.

In NSW, certain mines are required by law to consult with emergency services and other stakeholders to ensure that emergency plans are:

- understood by responding agencies
- developed in a collaborative and integrated manner consistent with the NSW emergency and rescue management arrangements.

Consultation in the planning stage ensures that responses to incidents and emergencies are conducted in a timely, safe, and effective manner.

Obligations for mines

In addition to maintaining a principal control plan for emergencies within the mine's safety management system, Section 92 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 requires all coal mines and underground mines with five or more workers (other than opal mines) to consult with several stakeholders in the development of the emergency plan. Some mines and petroleum sites may have additional emergency planning requirements relating to hazardous chemicals and explosives.

The law requires these mines to consult, so far as reasonably practicable, with the following:

- The primary emergency services with responsibility for the area in which the mine is located.
- The NSW Mines Rescue Brigade (coal mines only).
- The local authority (council) where principal mining hazards may cause or contribute to an incident that may adversely affect the health and safety of anyone in the area surrounding the mine.

The code of practice [Emergency planning for mines](#) details which primary emergency services should be included as a minimum:

- NSW Police
- Ambulance Service NSW
- Fire Service responsible for the area (NSW Rural Fire Service or Fire Rescue NSW).

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- Any accredited rescue unit for the area (if different to those already included such as State Emergency Service or Volunteer Rescue Association)
- Fire Rescue NSW (if the mine uses, handles or stores hazardous chemicals)
- Any other emergency service identified as participating in the emergency plan.

Image 1 - Emergency services working at a mine



The code of practice also includes advice on planning the consultation, initial and ongoing consultation, and matters that should be included in the consultation process.

Information exchange

During the consultation process, the information relevant to the emergency services may reside across a number of plans or procedures within the mine's safety management system. To assist consolidating relevant information for use during the consultation process, we recommend that mines use the [Mine emergency plan summary template](#) and the [Mine emergency plan consultation record form template](#) and provide it to the agencies consulted. It provides a snapshot of essential information from the plan and can be reviewed quickly.

The full emergency management plan must be kept on site at all times, as required by law.

Ongoing consultation

Consultation doesn't finish when the emergency management plan is finalised. It's an ongoing requirement. Ideally the consultation and engagement process should be ongoing and should be reviewed where significant changes to the mining operation, emergency plan or key staff within the plan occurs.

This is highlighted in the code of practice [Emergency planning for mines](#).

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“Lessons from mine emergencies have highlighted the need to establish and maintain relationships with emergency response and management agencies to achieve interoperability between the mining sector and emergency services.

Without this, roles and responsibilities can become unclear and confusing at a time when effective outcomes count on it.”

Opportunities to improve

The emergency planning benefits gained in the consultation process apply to both the mining industry and emergency response and management agencies. Active participation is needed by all parties for the process to work.

The law requires that mine operators must ensure the emergency plan addresses recommendations made by emergency services in relation to:

- the testing of the emergency plan, including the way in which it will be tested, the frequency of testing and whether the emergency service organisations will participate in the testing
- the incidents or events at the mine that should be notified to the emergency service organisations.

Image 2 - Mine workers and emergency services in a training simulation



The law also requires mine operators must have regard to any other recommendation or advice by a person consulted.

This follows the emergency planning requirements for mine operators, which must address matters such as:

- Notifying emergency service organisations at the earliest opportunity¹
- Statement of potential triggers for the activation of the plan².

¹ Work Health and Safety Regulation 2017, Clause 43.

² Work Health and Safety (Mines and Petroleum Sites) Regulation 2022, Section 91

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- Resources, equipment, and procedures for responding to emergencies at the mine³.

It's important these are included in the consultation process to clearly identify the:

- matters required to be notified to emergency services
- types of events that may occur at the site
- site-based capabilities
- arrangements for attending emergency services at the mine

Individual mining operations are unique, so including these elements will help emergency services and mine response teams to clearly understand the arrangements, roles, and any potential limitations that may exist.

Integration within the plan

The consultation process is also an opportunity to review the integration of NSW emergency and rescue management arrangements within the mine emergency plan.

Not only does this include properly recognising the roles and responsibilities of the individual agencies consulted, but the overall integration of the:

- NSW Emergency Management Plan (EMPLAN)
- Mine Sub Plan
- *State Emergency and Rescue Management Act 1989*.

This will ensure consistency and interoperability across the range of potential events that may occur at the mine.

The following crucial elements have been highlighted in reports regarding mining disasters and cannot be understated, they include:

- ensuring management structure compatibility with that used by emergency services
- mine operators providing liaison officers
- understanding across the private and public sector regarding the emergency response team roles.

Record keeping

It is important to note that records should be kept by all parties involved outlining the outcomes and actions required. A consultation record template is available on the Regulator website.

Local emergency management committees

In areas where there are high concentrations of large-scale mining activities, getting access to the agencies that need to be consulted with can be competitive. The agencies and organisations may have high volumes of requests to consult from mining operations.

Local Emergency Management Committees have been established in every part of NSW, meeting three to four times each year with a membership generally consisting of all the consultation parties required.

This makes them an ideal point of contact and starting point for the consultation process. They are chaired by local council representatives, so contact your local council for details.

³ Work Health and Safety (Mines and Petroleum Sites) Regulation 2022, Schedule 7

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The consultation process must be comprehensive to be effective. Consultation needs to be more than an overview presentation or just supplying a copy of an emergency plan. It must involve active discussion and feedback between those involved, and directly address the matters outlined in this fact sheet and other relevant matters in the mine's emergency plan.

Contacts

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