



# ○ *NSW Resources Regulator*

○ 2019



## ○ **NSW Resources Regulator**

The NSW Resources Regulator was created on 1 July 2016 as a standalone regulator responsible for compliance and enforcement functions across NSW's mining sector.

Our primary focus is on compliance activities within the NSW mining sector including:

- compliance with the Mining Act, including mine rehabilitation obligations
- regulating safety and health performance at NSW mines and petroleum sites.

Our creation ensures a consistent and responsive regulatory approach and provides increased transparency and community confidence.

## ○ *NSW Resources Regulator*

### VISION

A safe and responsible mining extractive and petroleum industry

### MISSION

To enable and support industry to understand and fulfil its obligations

## Compliance Approach



Increase

stakeholder and community confidence in our compliance programs



Support

the responsible operation and development of regulated industries



Minimise

harm to workers, the environment and the community

## • *Legislation administered*

- *Mining Act 1992 or the Petroleum (Onshore) Act 1991 and associated regulations*
- Work health and safety obligations contained in the following Acts (and associated regulations):
  - *Work Health and Safety (Mines and Petroleum Sites) Act 2013*
  - *Work Health and Safety Act 2011*
  - *Explosives Act 2003*
  - *Radiation Control Act 1990*

The Environmental Protection Authority (EPA) is the lead regulator for all onshore petroleum exploration and production activities and is responsible for all compliance and enforcement activities under the *Petroleum (Onshore) Act 1991*, with the exception of work health and safety.

## Secretary and Minister

The NSW Resources Regulator is a Division of the Department of Planning and Environment and comes under the responsibility of the Minister for Resources.



Carolyn McNally

### **Secretary**

- 'Decision maker' under Mining Act
- 'Regulator' under WHS (M&PS) Act



**The Hon. Don Harwin**

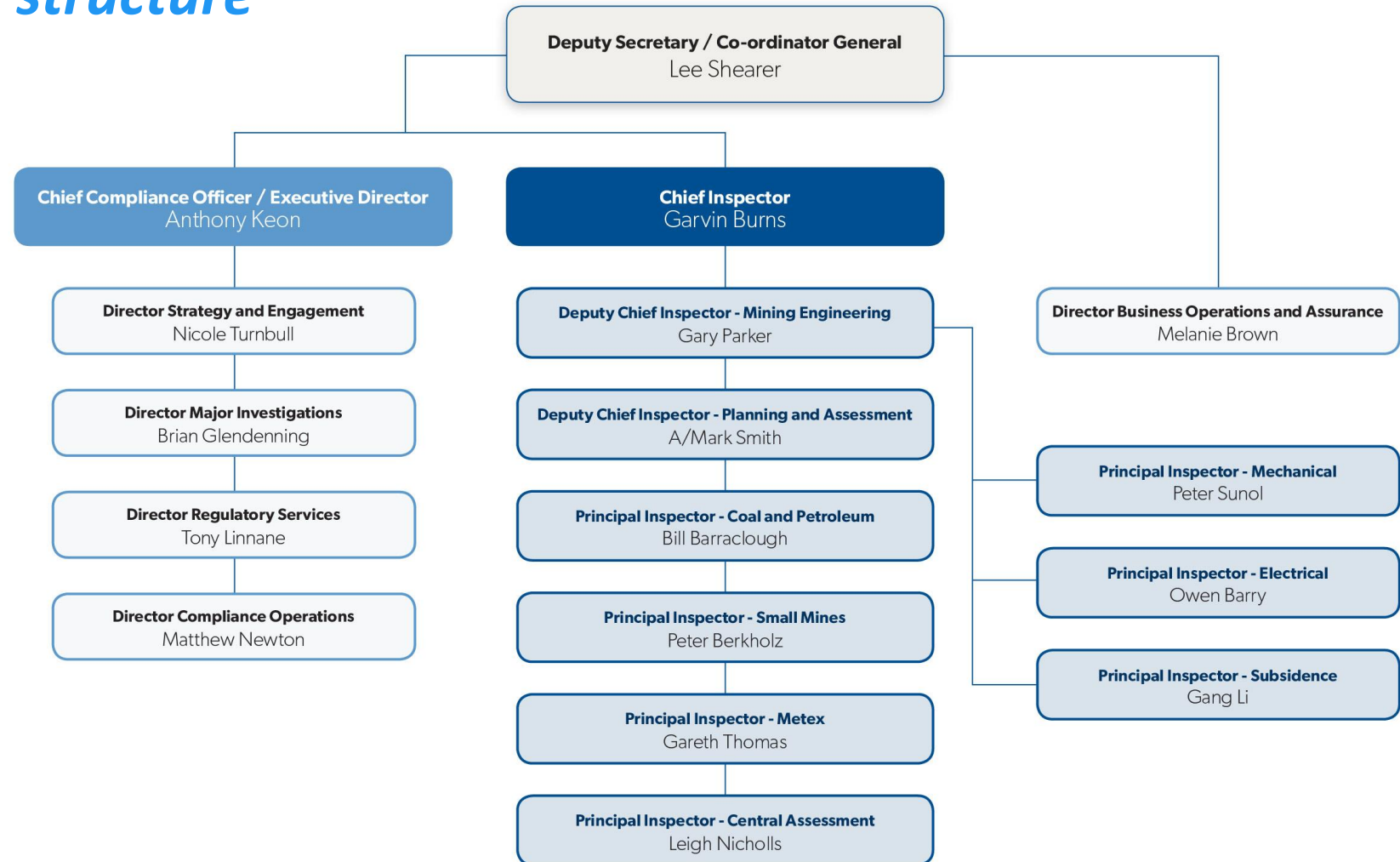
### **Minister for Resources**

Minister for Energy and Utilities

Minister for the Arts

- 'Decision Maker' under the Mining Act

## Organisational structure



## ○ *Major Investigations*

The Major Investigations Branch undertakes investigations into complex, serious and high-risk matters, including workplace fatalities and serious injuries.

The branch is also responsible for facilitating and coordinating escalated enforcement actions, such as prosecutions and enforceable undertakings, and administrative sanctions such as a cancellation or suspension of authorities.



## *Role in Mine Safety*

## How we segment the industry



## ○ *Mine Safety Inspectorate*

The Mine Safety Inspectorate is made up of two key functional streams:

- Operational teams which undertake frontline compliance and enforcement activities
- Engineering Branch which provides expert technical advice and support.

## ○ *Mine Safety Inspectorate*

### **Key responsibilities include:**

- Monitoring and enforcing compliance with the legislation.
- Providing advice and information on work health and safety matters.
- Supporting effective risk management.
- Promoting and supporting education and training on matters relating to work health and safety to duty holders and to the community.
- Engaging in, promoting and coordinating the sharing of information to enhance health and safety outcomes.

# *Compliance Operations*

## ○ *Compliance Operations*

The Compliance Operations branch undertakes risk-based compliance and enforcement activities in relation to obligations under the Mining Act and Petroleum (Onshore) Act. This includes conducting assessment and compliance activities in relation the mine rehabilitation activities and security deposits.

## ◉ *Range of activities*

- Conduct probity and compliance checks on applicants for grant/renewal/transfer title applications
- Regulated exploration activities including the issuing of Activity Approvals and ensuring compliance with title conditions and Codes of Practice (e.g. Rehabilitation and Environmental Management)
- Provide advice to appropriate development consent authority (e.g. DPE on SSD proposals and Local Councils on integrated development) in regards to the appropriateness of rehabilitation strategies included in development applications. This includes advice on conditioning
- Undertake compliance and enforcement activities in relation to Mining Act and Petroleum (Onshore) Act
- Specific focus on mine rehabilitation
- Undertake investigations
- Conduct audits and site inspections/compliance programs



Best Practice Rehabilitation is Achievable!



Rehabilitated Minerals Sand Mine – NSW Mid North Coast





21 03 2018

# *Regulatory Activities*

## ○ ***Key regulatory activities***

Regulatory activities include:

- receiving and considering complaints, safety/environment notifications and requests
- conducting inspections, audits and investigations
- assessing licensing and registration applications
- issuing prohibition and other statutory notices
- taking enforcement action, such as issuing penalty infringement notices or commencing prosecution proceedings
- taking other administrative actions such as suspension or cancellation of authorities.

## Snapshot of our activities in 2017/18



*How can you access information about the  
Resources Regulator?*

## *Resources Regulator website*

Visit our website: [resourcesregulator.nsw.gov.au](https://resourcesregulator.nsw.gov.au)

The Resources Regulator's website includes a range of information / publications for the benefit of industry and community. These include:

- Compliance activities and reports
- Enforceable undertakings
- Prosecution summaries
- Investigation reports
- Safety and health information
- Environmental information
- News and events





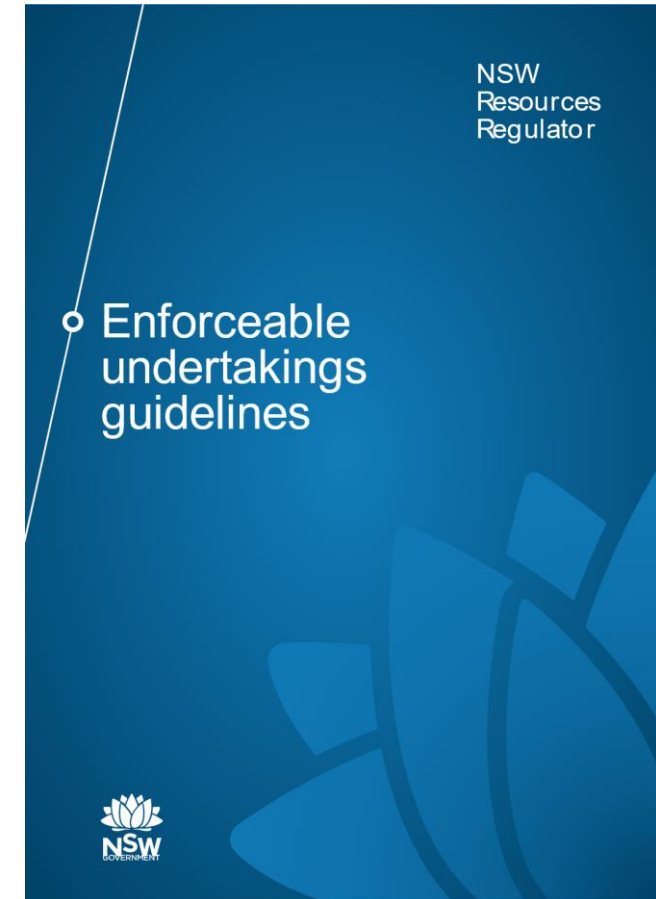
# Reporting



## *Compliance and enforcement approach*

The Compliance and enforcement approach:

- Embeds the risk-based and outcomes-focussed approach to compliance and enforcement
- Provides guidance on high-level compliance expectations, enforcement processes and regulatory methods used to ensure obligations are met



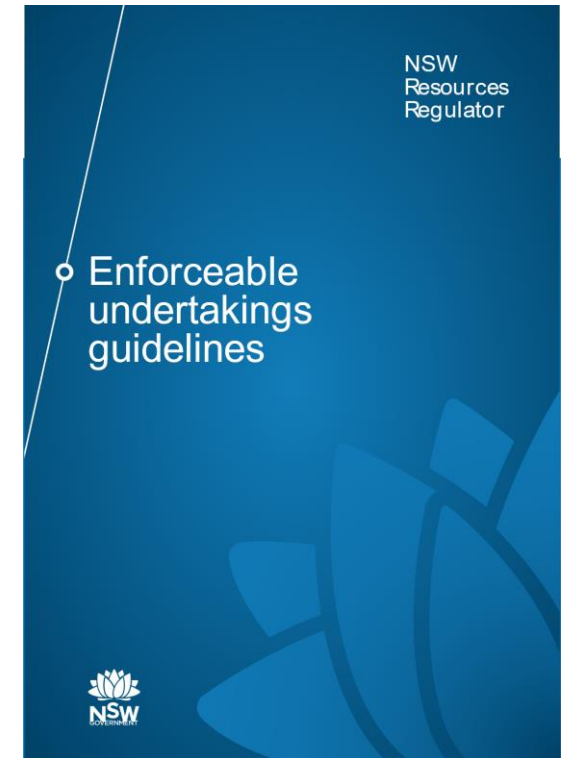
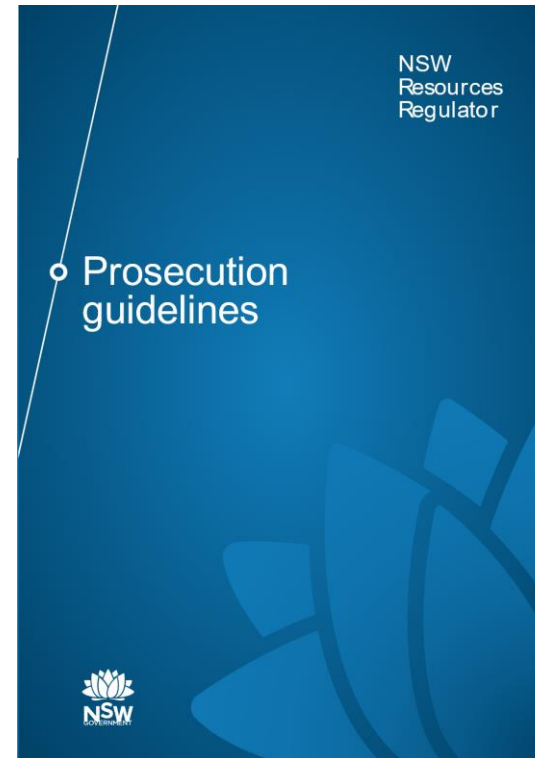


## ○ **Enforcement actions**

Guidance material has been prepared for some of the more rigorous enforcement options including:

- A prosecutions guideline
- Enforceable undertakings guideline

This ensure a consistent and transparent approach to all enforcement actions.





# ○ *Questions*