

Small Mines Legislation Updates

Small Mines Roadshow 2023

February to March 2023



Topics for discussion

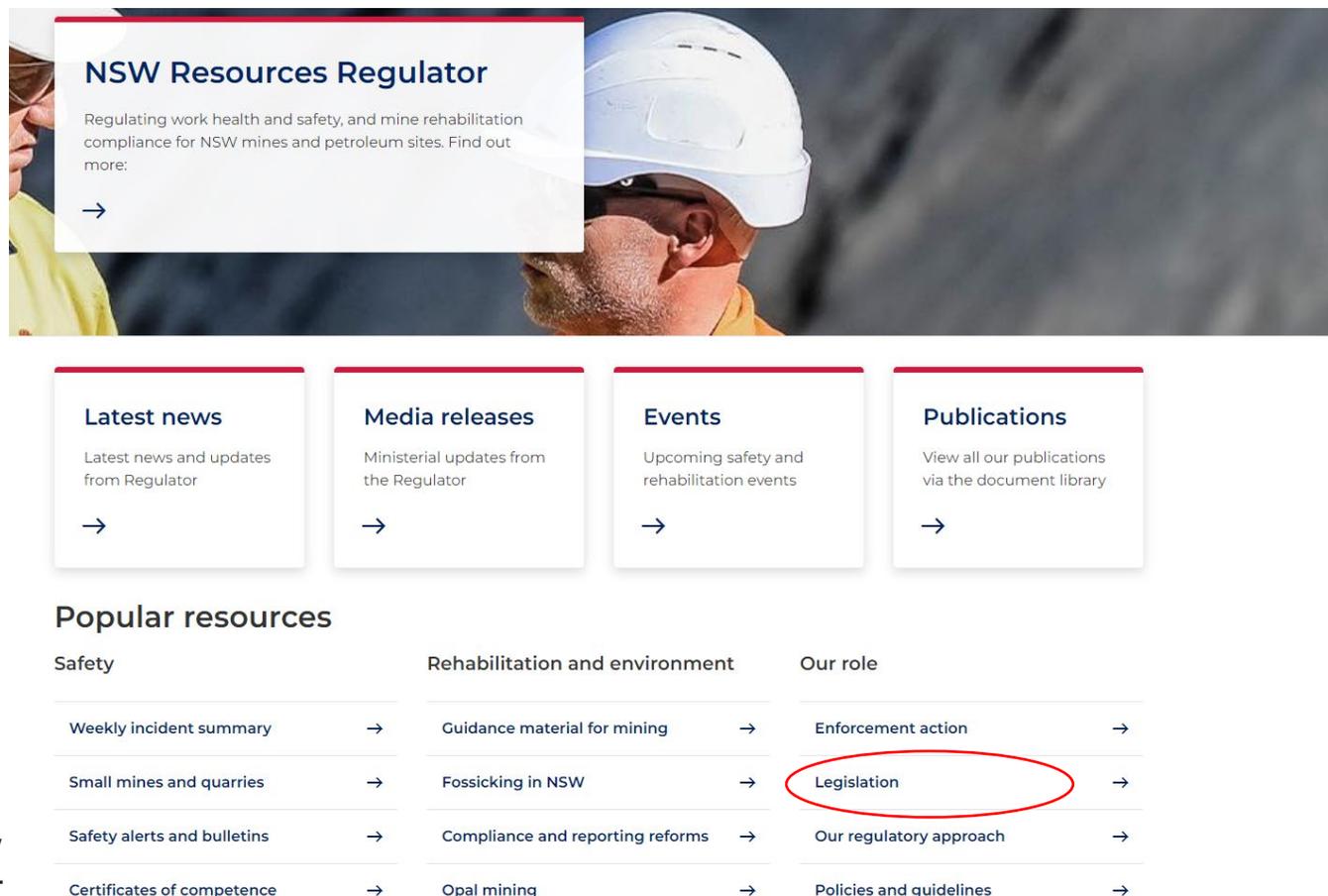
- How to access mining legislation.
- New WH&S(M&PS)R 2022
- Additional measures for managing respirable silica.
- Tier 3 exemptions and what it means.



How to access mining specific legislation.

- Visit the Resources Regulators website.
- On the home page there is a link to legislation.
- The Work Health and safety (Mines & Petroleum Sites) Act and Regulation can be accessed from this link.
- There is also plenty of other useful and handy information available from here.

<https://www.resourcesregulator.nsw.gov.au/>



The screenshot shows the NSW Resources Regulator website. At the top, there is a banner with the text "NSW Resources Regulator" and a description: "Regulating work health and safety, and mine rehabilitation compliance for NSW mines and petroleum sites. Find out more:" followed by a right-pointing arrow. Below the banner are four main navigation boxes: "Latest news" (with subtext "Latest news and updates from Regulator"), "Media releases" (with subtext "Ministerial updates from the Regulator"), "Events" (with subtext "Upcoming safety and rehabilitation events"), and "Publications" (with subtext "View all our publications via the document library"). Each of these boxes has a right-pointing arrow. Below these is a section titled "Popular resources" which is organized into three columns: "Safety", "Rehabilitation and environment", and "Our role". Each column contains a list of links with right-pointing arrows. The "Legislation" link in the "Our role" column is circled in red.

Popular resources		
Safety	Rehabilitation and environment	Our role
Weekly incident summary →	Guidance material for mining →	Enforcement action →
Small mines and quarries →	Fossicking in NSW →	Legislation →
Safety alerts and bulletins →	Compliance and reporting reforms →	Our regulatory approach →
Certificates of competence →	Opal mining →	Policies and guidelines →

WH&S(M&Ps)R 2022. What's New for small mines?

- The Work Health and Safety (Mines & Petroleum Sites) Regulation 2022 came into effect on the 1st of September 2022.
- The new regulation contains sections rather than clauses and contains additional sections, so the numbering convention is altered from the previous regulation.
- For any quarry or small mine that has identified respirable silica as a hazard, there are additional monitoring requirements which will come into effect on the 1st of September 2023.
- New exemptions for tier 3 quarries apply.

Additional Monitoring Requirements

From 1 September 2023, operators of mines other than coal mines (excluding opal mines) where respirable crystalline silica has been identified as a hazard, will be required to undertake compliance sampling and analysis of airborne dust in accordance with Schedule 6 of the regulation.

- Compliance sampling is required at least once every 12 months.
- Requirements for how samples are collected apply.
- Only licenced (Resources Regulator issued) entities can provide this compliance monitoring service.
- There is a fact sheet available on our website.



To apply for a license, the applicant will need to complete an application form (which is found on the website).

<https://www.resourcesregulator.nsw.gov.au/safety/licences-and-registrations/licensed-activities#anchor-further-resources>

Application forms by licensed activity

Sampling or analysing airborne dust under Schedule 6 of WHS (Mines and Petroleum Sites) Regulation 2022

Applicable mine type: Coal

[Application form \(DOCX, 109.75 KB\)](#) | [List of current licences \(PDF, 121.49 KB\)](#)

List of providers that have been granted a licence so far

 Regional NSW		Register of licences for sampling and analysing airborne dust (Current as of 23 September 2022)			
Licence holder	Licence holder ACN	Licence holder address	Licence number	Issue date	Expiry date
AECOM Australia Pty Ltd	093 846 925	17 Warabrook Boulevard WARABROOK NSW 2304	MLA 101736	25 November 2020	24 November 2025
Australian Laboratory Services Pty Ltd	009 936 029	5/585 Maitland Road MAYFIELD WEST NSW 2304	MLA 201800893	2 October 2018	1 October 2023
Coal Services Pty Ltd	099 078 234	Level 21, 44 Market Street SYDNEY NSW 2000	MLA 0016064	16 September 2022	15 September 2027
Pickford & Rhyder Consulting Pty Ltd	105 546 076	3/41-43 Higginbotham Road GLADESVILLE NSW 2111	MLA 101889-2	4 July 2018	25 October 2022
Green Consulting Group Pty Ltd	114 988 751	Unit 7/34 Navigator Place HENDRA Qld 4011	MLA 125872	3 March 2021	2 March 2026

Identifying respirable silica as a hazard.

When identifying respirable dust and respirable crystalline silica (RCS) hazards at mines and quarries, operators should consider:

- whether the material extracted at site contains crystalline silica
- whether other materials and products used at the site contain crystalline silica
- operations at the site that may cause dust to be released into the air, such as drilling and blasting, digging or excavating, loading, transporting or conveying, crushing or screening, maintenance and housekeeping processes.
- the duration of worker exposure during operations.
- If you are uncertain, monitoring is an obligation under the WH&SR 2017 Cl 50.
- Engage hygienist to assist with determining if RCS is a hazard based on their observations on site and results from the monitoring.

Exemptions for tier 3 quarry operators.

WH&S(M&Ps)R 2022 section 178 exempts operators of certain classes of mines. This includes tier 3 quarry operators. Operators of tier 3 quarries are exempt from the requirements of section 19 (2) (c) in relation to contents of the safety management system.

What does this mean?

- No requirement for principal hazard management plans.
- No requirement for principal control plans.

Tier 3 Quarries can still have principal hazard management plans & principal control plans – so if you have these in place don't go changing

What risks does a tier 3 quarry have to manage?



However, WH&S(M&Ps)R 2022 section 178(3), requires operators of tier 3 quarries are to set out the systems, procedures, plans and other control measures that will be used to control risks to health and safety at the mine associated with the following –

- ground or strata failure,
- inundation or inrush of a substance,
- roads or other vehicle operating areas,
- air quality or dust or other airborne contaminants,
- the mechanical aspects of plant or structures,
- electricity,
- a hazard identified by the mine operator under the WHS Regulations, clause 34 that has a reasonable potential to result in multiple deaths in a single incident or a series of recurring incidents.

How can a small-scale quarry/mine develop a safety system to manage those risks?

We will cover how to establish the systems, procedures and plans for managing these hazards in the small mines safety management system kit presentation a little later today.





Any questions?