

FACT SHEET

Notifying the regulator of reportable events

April 2018

Note: This fact sheet is not relevant to opal mines.

Clause 129 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (the Regulation) sets out requirements on the mine or petroleum site operator to notify the regulator of certain events referred to as 'reportable events'.

In respect of a mine, these are:

- commencement of mining activities
- any significant interruption to, or suspension of, mining activities at the mine
- recommencement of normal mining operations at the mine following any significant interruption or suspension of mining activities (as stated above)
- commencement of intermittent mining operations at the mine
- the connection of an electricity supply to the mine (but not if a person is nominated to exercise the statutory functions of electrical engineering manager or electrical engineer at the mine)
- closure of the mine.

In respect of a petroleum site, these are:

- commencement of petroleum operations at the petroleum site
- the connection of an electricity supply to the petroleum site.

The operator of a mine must also give notice of any proposed material change to the identification details of people nominated to exercise statutory functions at the mine and the competency of those people to exercise those functions.

In addition, the operator of a coal mine must give notice of any proposed material change to any information provided in relation to commencement of operations including:

- changes to the positions or contact details of people within the management structure that have responsibility for the management of work health and safety at the mine
- the principal mining hazards at the mine
- the outline of the contents of the safety management system for the mine
- the outline of each principal mining hazard management plan and principal control plan.

Penalties apply if the operator of a mine or petroleum site does not comply with clause 129 of the Regulation.

How much notice must be given?

The mine or petroleum site operator must notify the regulator no later than **one month before the reportable event occurs** except:

- if the mine or petroleum site operator did not intend for the event to occur and could not have foreseen the event occurring notice must be given **as soon as practicable after the event occurs**
- in respect of the recommencement of normal mining operations at the mine following significant interruption to, or suspension of, mining activities as soon as is reasonably practicable after the mine operator becomes aware that the mining operations are to recommence
- in relation to a coal mine providing updated details, as soon as is reasonably practicable after the mine operator becomes aware that the change is proposed to occur.

Duty to provide further information

The regulator may request further information from a mine or petroleum site operator in relation to:

- any of the matters referred to in the *Notification of reportable events form*, or
- in relation to the performance of duties by the mine operator.

How to notify reportable events

Use the [Notification of other matters including reportable events](#) form, available on the NSW Resources Regulator's website, to notify the regulator of reportable events.

Coal mines must provide a copy of the notification, including attachments, to an industry safety and health representative.

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This publication provides a general summary of some of the provisions under the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* (WHS laws) as interpreted by the Department of Planning and Environment at the time of writing (April 2018). Compliance with the WHS laws is a legal requirement. This publication does not provide or purport to provide legal advice. Users are reminded of the need to ensure that the information upon which they rely is up to date by checking the currency of the information at the Department of Planning and Environment website or with the user's independent legal advisor.

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