

Resources Regulator annual report

2023–24

*Incorporating the Mine and Petroleum Site
Safety Levy*

resourcesregulator.nsw.gov.au



NSW Resources
Resources Regulator

1300 814 609

For all other enquiries, **PRESS 2** 8.30AM-4.30PM MON-FRI

1 **NOTIFY AN INCIDENT** 24/7
To notify a safety incident, or to enquire about an incident you have already notified, **PRESS 1**

2 **AUTHORISATIONS, PLANT REGISTRATION, LICENCES AND EXEMPTIONS** PRESS 2

3 **COMPETENCE, PRACTISING CERTIFICATES AND MUTUAL RECOGNITION** PRESS 3

4 **MINE SAFETY GENERAL** PRESS 4

5 **MINING ACT COMPLIANCE** PRESS 5

Document control

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2023–24 activities overview

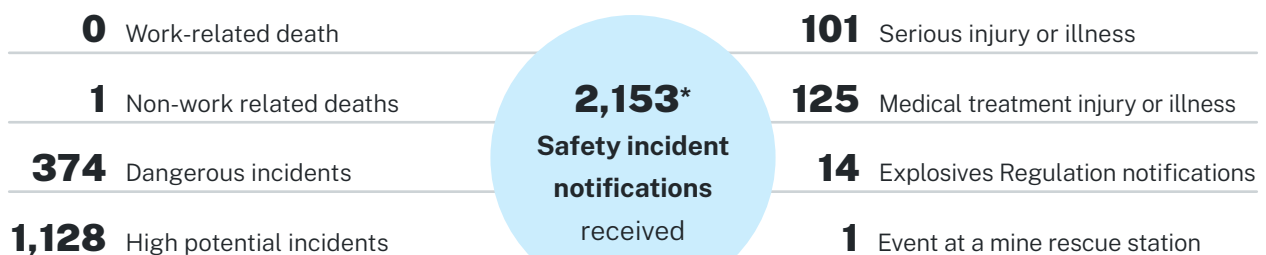
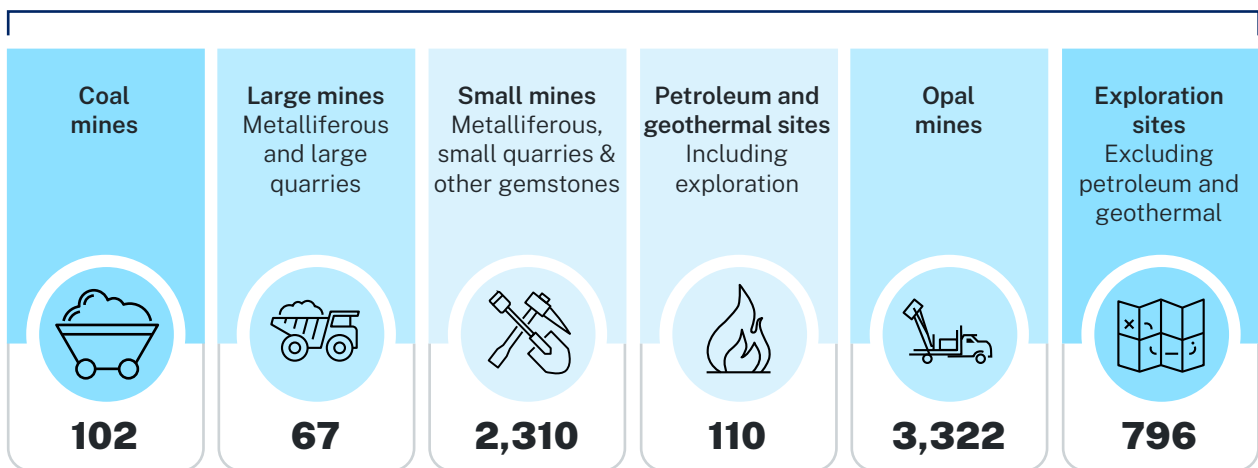
This annual business activities overview shows key compliance and enforcement activities undertaken by the Resources Regulator across NSW’s mining and petroleum sectors. It profiles regulatory activities we performed under work health and safety and Mining Act legislation.

Key safety activities

We are the state’s work health and safety regulator for mines and petroleum sites.

6,707 Active mines (as at 3 July 2024)

The Resources Regulator regulates safety activities in the following industry sectors.



* By requirement to report as notified by mines.

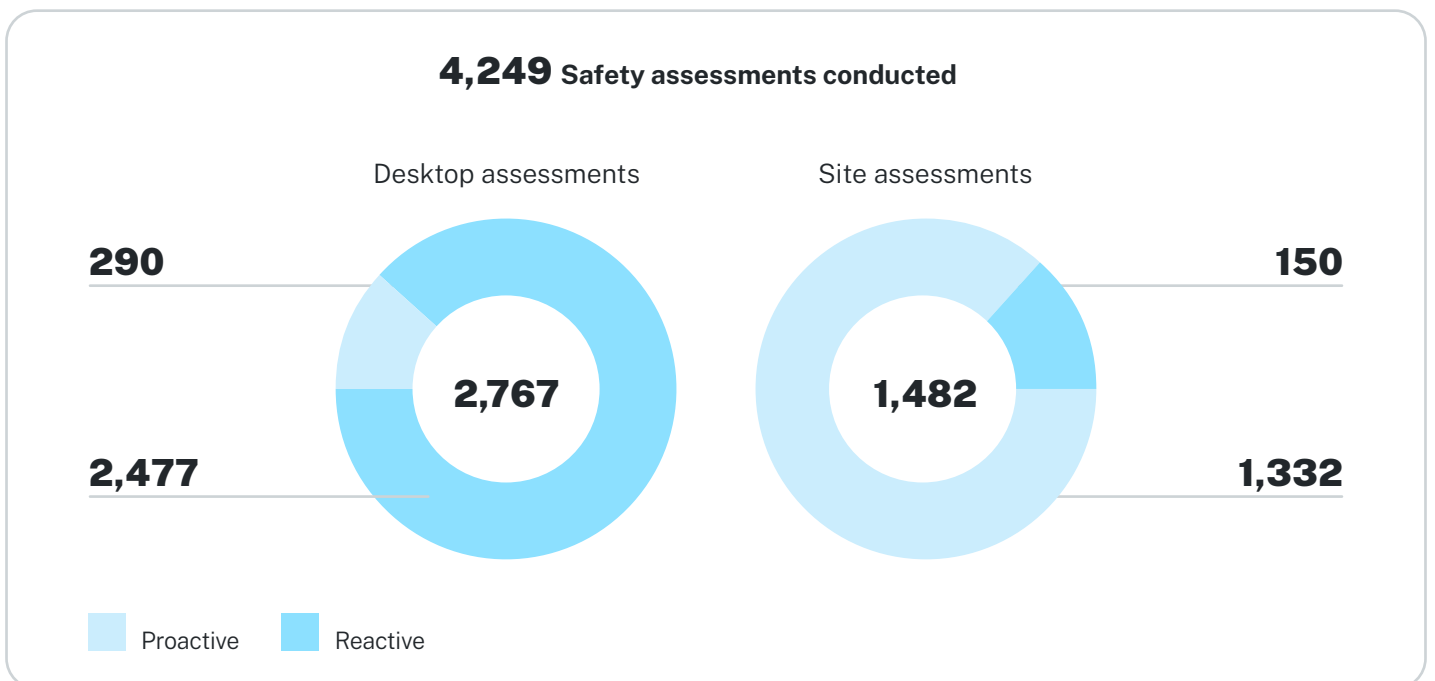
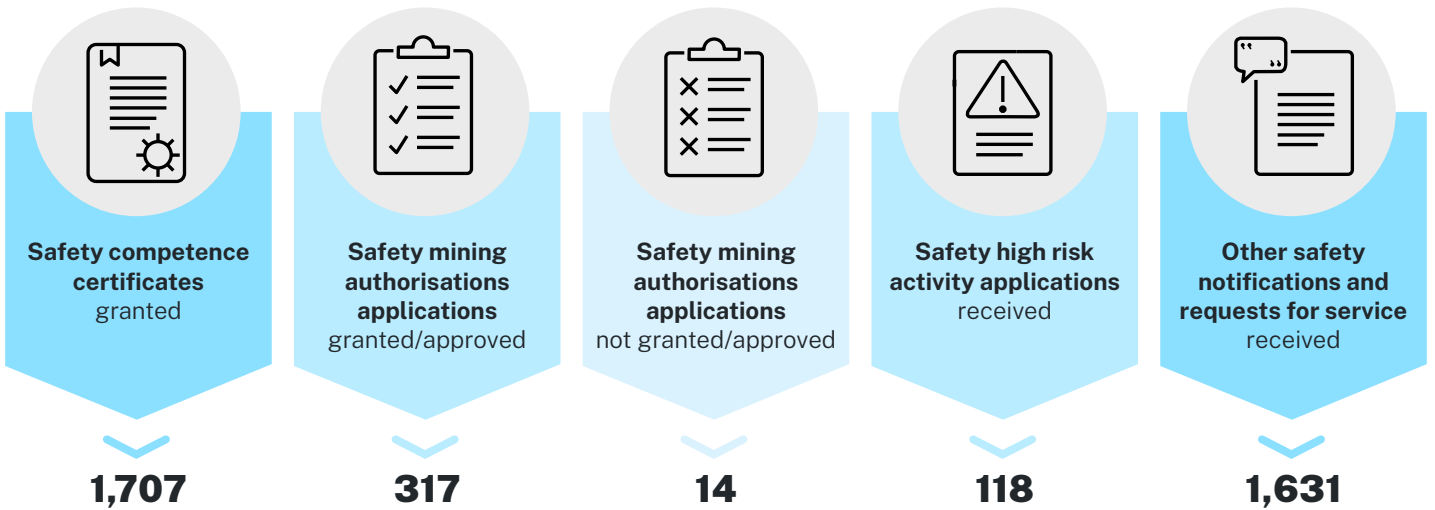
The actual number of incidents, injuries and illnesses recorded may differ from original incident notifications following assessment of the notified event.

Key safety activities



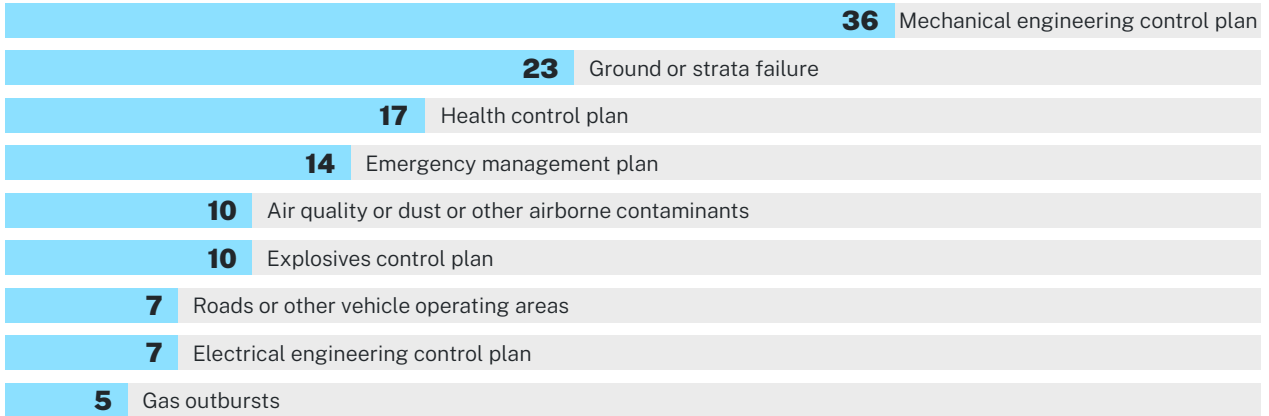
1 Not all potential breaches identified in FY24 are finalised in FY24.

2 Safety compliance concern breaches sustained in FY24 may include potential breaches identified prior to FY24.

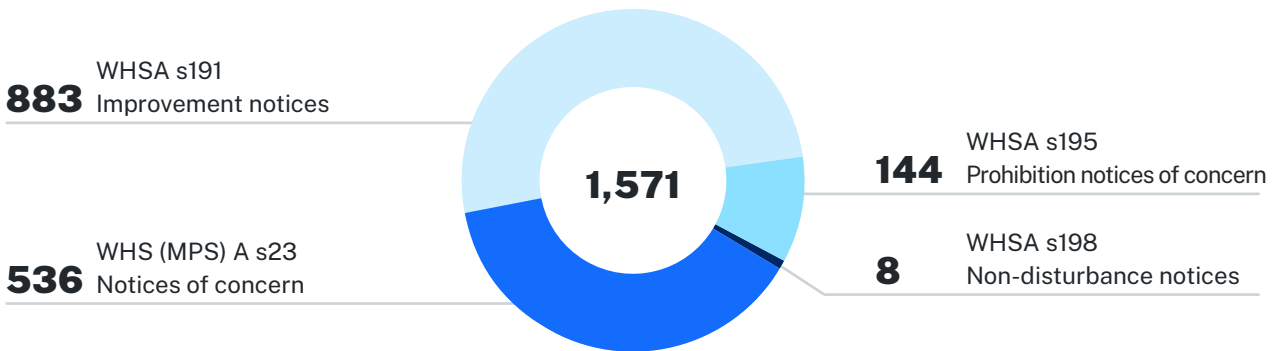


Key safety activities

129 Targeted assessment program – assessments



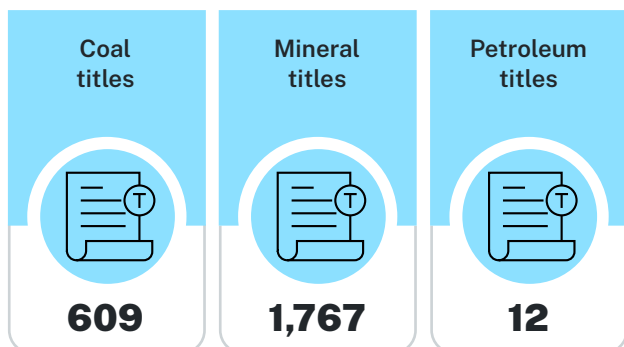
1,571 Safety notices issued



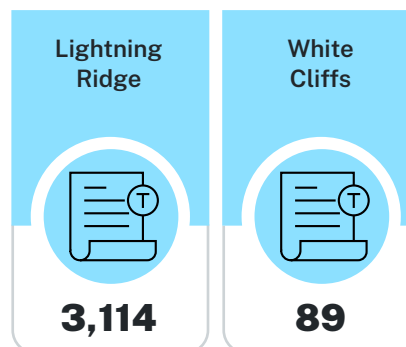
Key Mining Act activities

We conduct compliance and enforcement activities under the Mining Act with a focus on mine rehabilitation sites.

2,388 Current mining titles



3,203 Current small scale titles



Source: Titles Administration System generated 30/06/2024.



263

Mining Act compliance concern allegations received



1,163

Mining Act compliance concern potential breaches identified¹



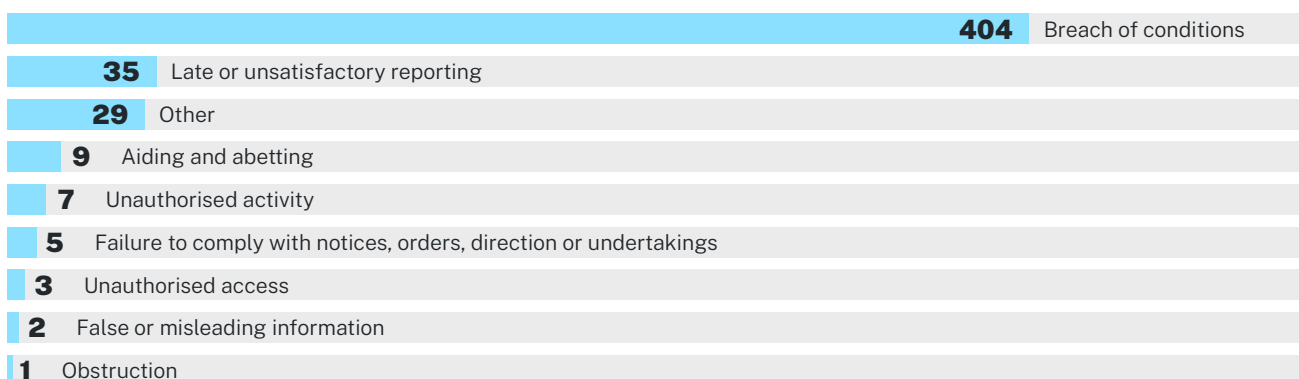
495

Mining Act compliance concern breaches sustained²

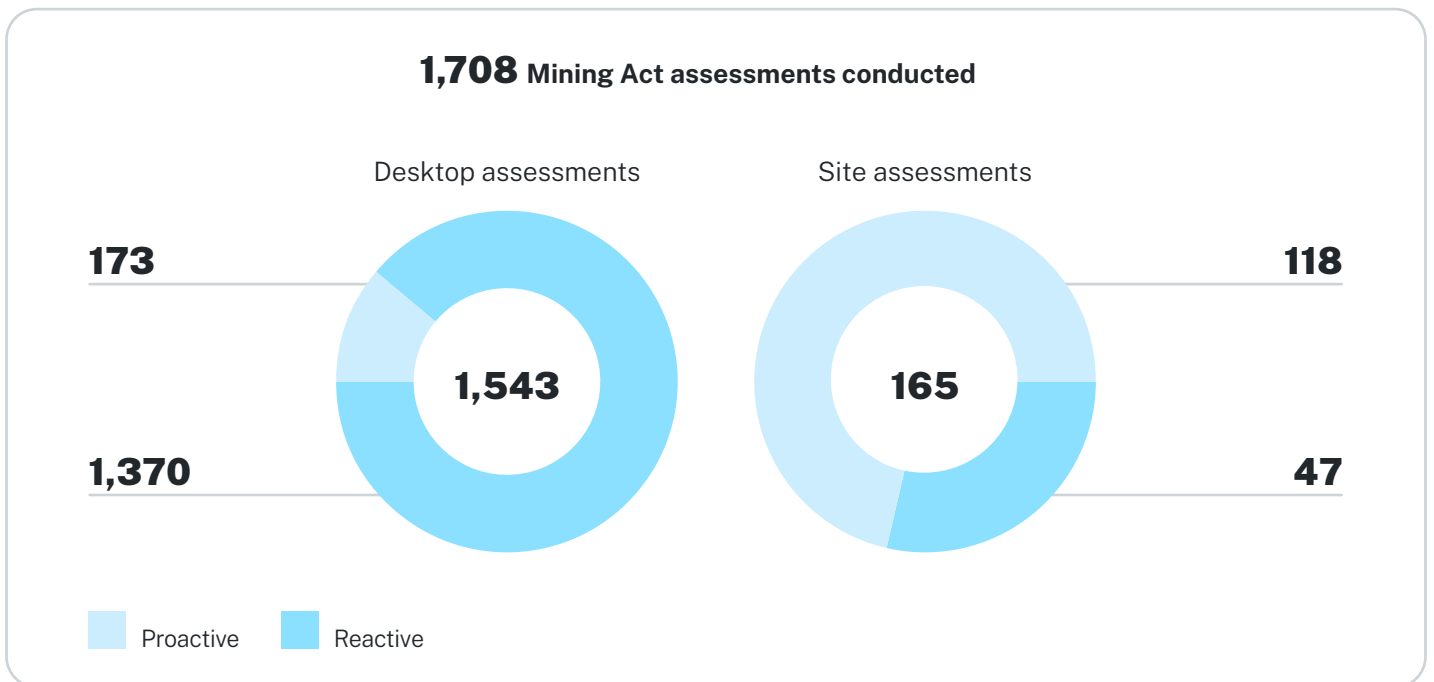
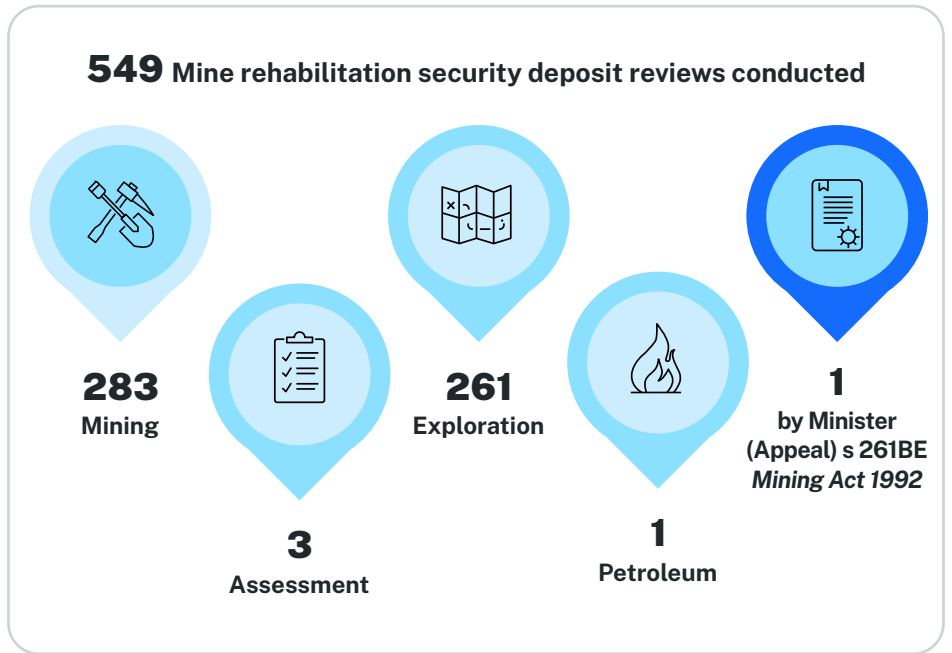
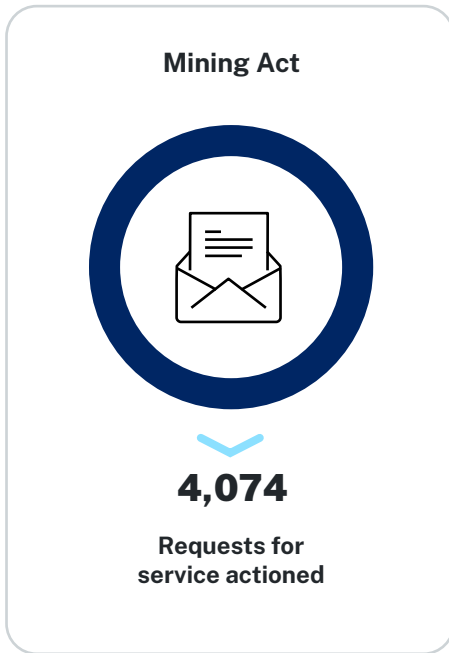
1 Not all Mining Act compliance concern potential breaches identified in FY24 are finalised in FY24.

2 Mining Act compliance concern breaches sustained in FY24 may include potential breaches identified prior to FY24.

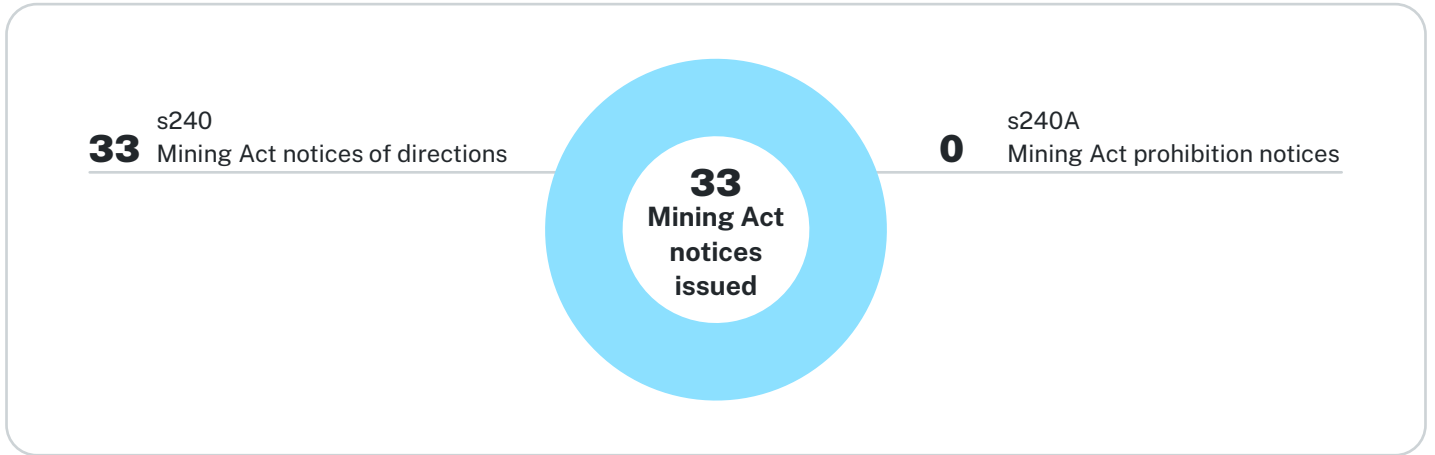
495 Mining Act compliance breaches sustained



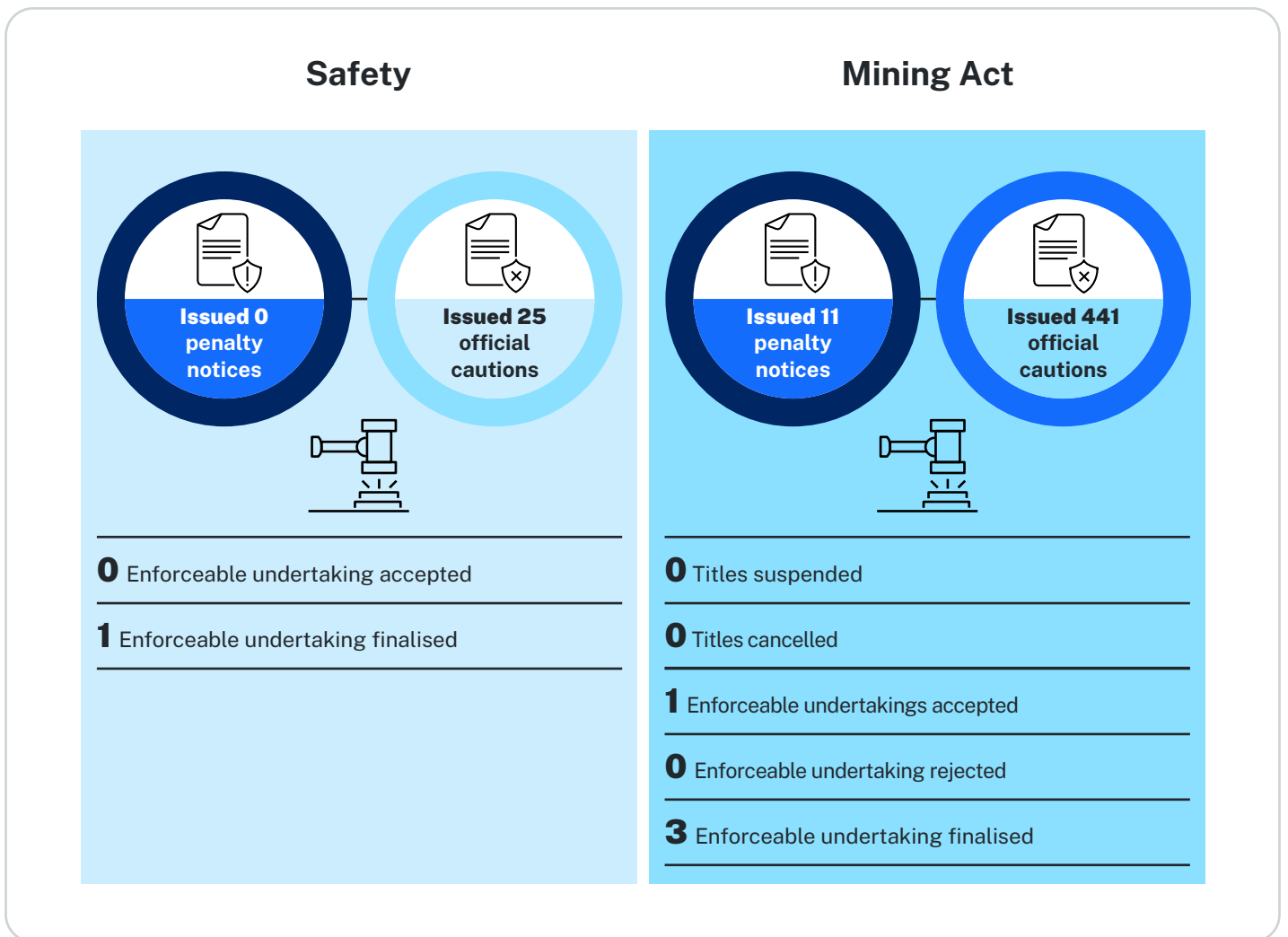
Key Mining Act activities



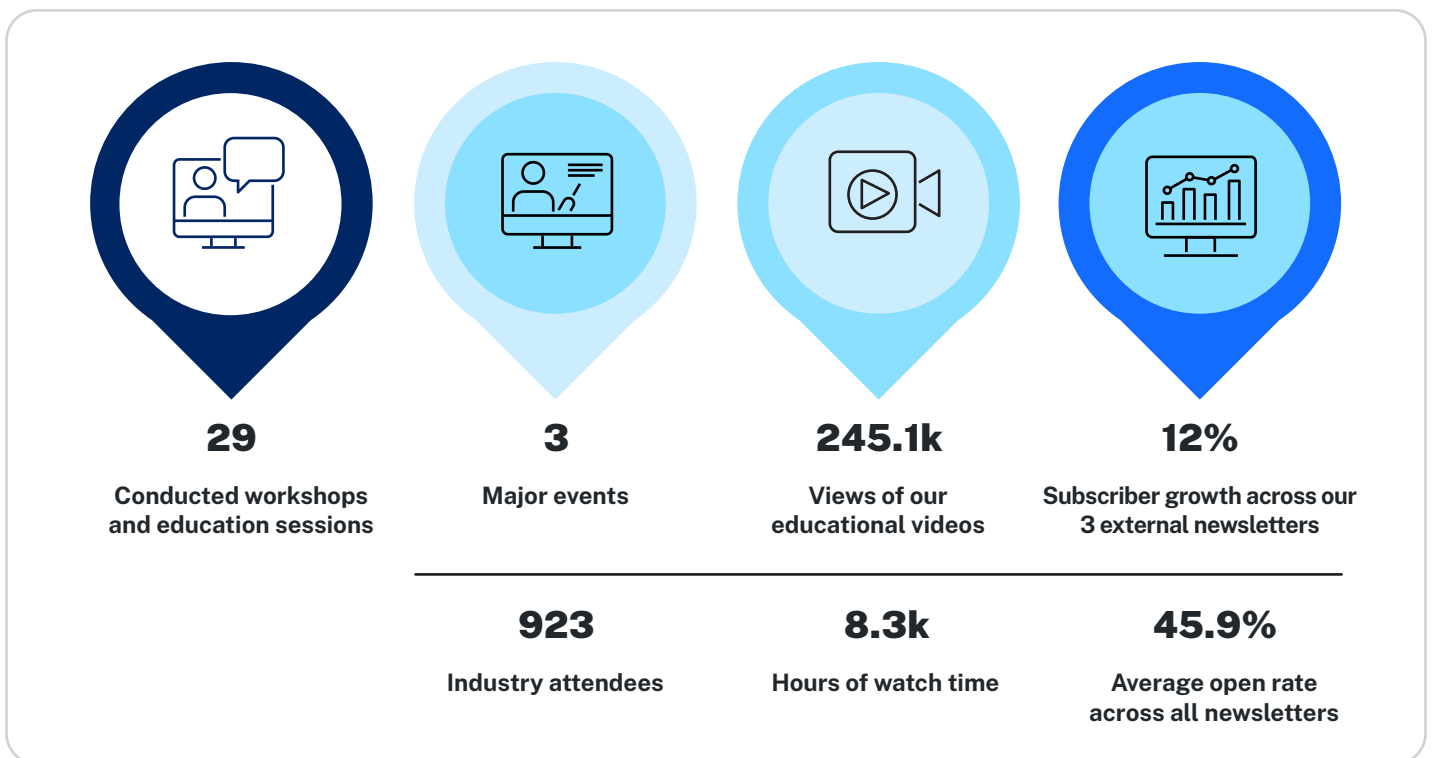
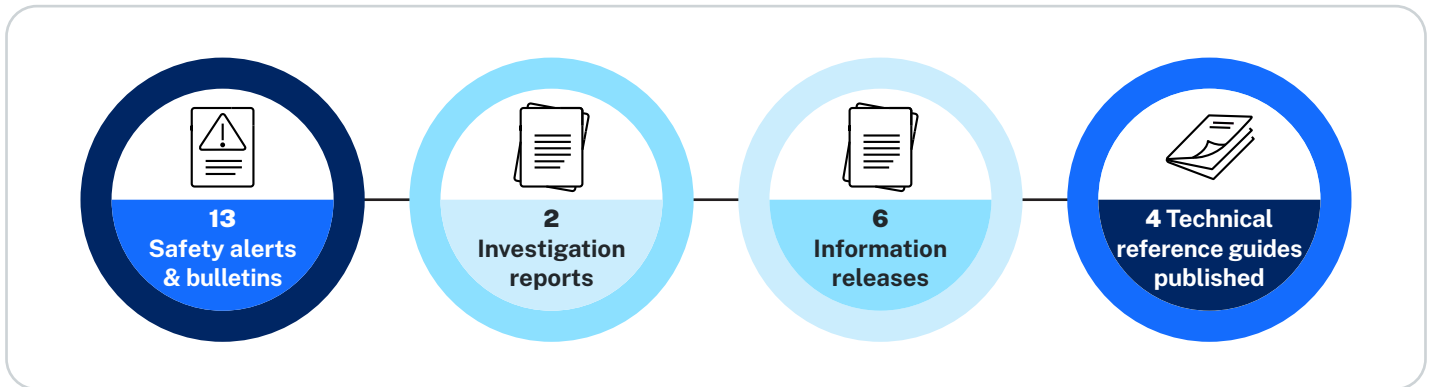
Key Mining Act activities



Our enforcement actions



Engaging with industry



For further information regarding these activities, please refer to [business activities reports](#) on our website.

About us

The NSW Resources Regulator is responsible for regulating work health and safety at NSW mine and petroleum sites and monitoring and enforcing compliance under the *Mining Act 1992*.

Our activities are designed to ensure a consistent and responsive regulatory approach and provide increased transparency and community confidence.

In administering these functions, we undertake various regulatory activities such as:

- receiving and considering complaints, notifications and requests from interested parties
- 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.

Our vision

A safe and responsible mining, extractive and petroleum industry.

Our mission

To enable and support industry to understand and fulfil its obligations.



Key initiatives and outcomes

Compliance and enforcement

The Resources Regulator adopts a risk-based and outcomes-focused approach to compliance and enforcement. While the laws we administer set minimum standards that industry must meet, we seek to encourage a positive compliance culture, where industry demonstrates best practice by actively adopting measures and practices over and above legislative requirements.

Our regulatory activities are guided by our [compliance and enforcement approach](#).

Compliance priorities

By publishing our [compliance priorities](#), we aim to provide increased transparency, maintain community and industry confidence in our regulatory activities and increase levels of voluntary compliance.

During the 2023–24 financial year (the reporting period) the following priorities were identified within our compliance program:

Compliance priorities

Priority	Sector	Period
Adverse vehicle interaction	Open cut coal and metalliferous mines	Jul – Dec 2023
Ventilation management	Underground metalliferous mines	Jul – Dec 2023
Implementation of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022	Small mines	Jul – Dec 2023
Fires on mobile plant	Open cut coal and metalliferous mines	Jan – Jun 2024
Lifting and crantage	Open cut coal mines	Jan – Jun 2024
Airborne contaminants	Metalliferous mines	Jan – Jun 2024
Audiometric testing	Metalliferous mines	Jan – Jun 2024
Psychosocial awareness	Small mines	Jan – Jun 2024
Blasting (explosive safety)	Small mines	Jan – Jun 2024
Continued assessment and determination of Rehabilitation Outcome Documents	Large mines	Jul 2023 – Jun 2024
Enabling small mines to transition to comply with the new rehabilitation requirements	Small mines	Jul 2023 – Jun 2024

Focus on risk controls for work health and safety

Our proactive assessment program includes a clear focus on risk controls. This assessment program fundamentally underpins much of the inspection and assessment work we conduct on mine sites.

Our assessment tools are based upon bowtie analysis workshops. The workshops identify principal mining hazards, including the identification of critical controls using a process aligned with internationally recognised guidelines.

Our assessment program includes 2 assessment levels:

- a desktop assessment to examine how risk controls are identified and defined within the documented safety management system (control definition assessment)
- a site assessment to observe how risk controls are implemented and maintained where workers are exposed (control implementation assessment).

Our assessment tools are not a definitive list of the critical controls that exist at a mine or quarry, but a series of targeted questions designed to assist inspectors in identifying any deficiencies with a site's safety management system. The results of these assessments are recorded, analysed and used to develop constructive advice and feedback to industry.

During the reporting period we conducted 23 proactive assessment programs that focused on the following hazard areas:

Coal

- [Health Control Plan \(open cut and underground\)](#)
- [Fire or explosion \(underground\)](#)
- [Outburst \(underground\)](#)
- Ground and Strata (open cut and underground)
- [Roads and Vehicle Operating Areas \(open cut\)](#)
- Falling objects (open cut and underground)
- [Electrical control plan \(open cut and underground\)](#)

Metalliferous and petroleum

- Roads and Vehicle Operating Areas (underground)
- Ventilation control plan
- Health control plan (open cut)
- Falling objects (open cut and processing plants)
- Ground and strata – Slope stability (open cut and processing plants)
- [Structural integrity \(surface and underground\)](#)
- Electrical control plans (surface and underground)
- Well safety inspections (petroleum)

Small mines

- Working at heights
- Mobile plant safety
- Principal Hazard Assessments – low risk Tier 2 and Tier 3 operations
- Electrical control plan

Engineering

- Explosive control plans (open cut coal)

Emergency management

- [First response \(open cut and underground coal\)](#)
- [First response \(open cut and underground metalliferous\)](#)

Targeted assessments help achieve sustainable rehabilitation

The [targeted assessment program](#) (TAP) proactively assesses how effectively a mine is controlling risks and managing compliance with the preventative and mitigating controls that are critical in planning for and implementing mine site rehabilitation. Each TAP focuses on the implementation of a specific critical control or compliance priority. During the reporting period, the Regulator has focused on development of the following rehabilitation TAPs:

- decommissioning
- material and soils management
- landform establishment
- [revegetation](#)
- surface and groundwater management
- tailings facilities storage management

Further information on rehabilitation TAPs is available on our [website](#).

Planned Inspection Program

During the reporting period the Regulator undertook site inspections of 95 mines in response to matters previously identified for further assessment. Matters identified for further assessment include, but are not limited to:

- the result of a TAP which has identified the need for a more detailed focus on critical controls for significant risks
- determining compliance (or otherwise) with a section 240 direction
- inspecting a site to check compliance after closing out a compliance concern investigation
- progress of rehabilitation activities including sites approaching mine closure.

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 31000:2009 Risk management – Principles and guidelines) is used to develop a broad risk profile for each sector to assist in the development of an audit program.

During the reporting period, the Mining Act Inspectorate undertook compliance audits of mining operations and exploration activities to assess whether title holders are meeting their compliance requirements under the Mining Act 1992.

We published findings of 16 compliance audits during the reporting period.

Compliance priorities

Audit	Date
CMOC Mining Pty Ltd	July 2023
Australian Consolidated Gold Holdings Pty Ltd	July 2023
Nimrod Resources Pty Ltd	September 2023
Oxley Exploration Pty Ltd	October 2023
Haverford Holdings Pty Ltd	December 2023
Tastex Pty Ltd	December 2023
Stannum Pty Ltd	February 2024
Godolphin Tenements Pty Ltd	February 2024
Legacy Minerals Pty Ltd	February 2024
Wattle Resources Pty Ltd	March 2024
Newmont Exploration Holdings Pty Ltd	March 2024
United Stone Industries Pty Ltd	March 2024
Wildcat Gold Pty Ltd	March 2024
Bowdens Silver Pty Ltd	April 2024
AU Exploration Pty Ltd	April 2024
NBH Resources Pty Ltd	April 2024

Small Mine Rehabilitation Reform Desktop Audit

The Regulator commenced a desktop audit of small mine compliance with obligations of mining lease conditions prescribed by Schedule 8A of the Mining Regulation 2016 was commenced in the reporting, with 56 mines audited in the reporting period noting the audit of remaining small mines will continue throughout FY24/25.

Compliance operations – opal mining sector

Opal prospecting takes place pursuant to the conditions of an opal prospecting licence (OPL) or mineral claim. Opal mining takes place pursuant to the conditions of a mineral claim. Inspection campaigns undertaken during the period focused on:

- compliance with conditions of OPLs and mineral claims
- performance of rehabilitation
- topsoil and mullock management, including prevention of erosion
- vegetation clearance
- waste management
- use of chemicals, fuels and lubricants
- subsidence management.

Site inspections targeting current and expired mineral claims were undertaken in both Lightning Ridge and White Cliffs Mineral Claims Districts prior to December 2022. Further activities were planned post January 2023 however validity issues of the current mineral claims resulted in the program being suspended. In May 2023, the Regulator established a new team dedicated to opal mining. The focus of the team is to monitor compliance of the opal industry against both WHS laws and the Mining Act, creating operational efficiencies for the sector. The team will have ongoing carriage of both compliance and enforcement matters related to opal mining, working closely with other teams in both the Regulator and MEG to improve the outcomes of the opal mining industry.

Major investigations

Major investigations are often initiated for complex, serious and high-risk matters, including workplace fatalities and serious injuries. This includes facilitating and coordinating escalated enforcement actions, such as prosecutions and enforceable undertakings, and administrative sanctions such as a cancellation or suspension of authorities.

Detailed reports are published on incidents early as a useful resource for industry to provide information that may assist with risk assessments including the cause and circumstance of the incident, findings, best practice examples and action taken. As part of the lessons learned from some of the incidents, we have developed detailed animations to share and better engage with industry stakeholders.

During the reporting period, we published 6 investigation information releases and one full investigation report.

Investigation information releases, reports and animations

Reference	Title
IIR23-06	Serious injury of a Jumbo offsider during drilling work
IIR23-07	Serious injury of a worker performing maintenance work on a mobile screen
IIR24-01	Two workers injured when truck tyre explodes
IIR24-02	Worker injured when struck by a forklift attachment
IIR24-03	Driller's assistant seriously injured at CSA mine
IIR24-04	Two workers injured at Western Riverina Quarry
Report	Near collision between haul truck and light vehicle at Maules Creek Mine

Causal investigations

A causal investigation is an investigation into a safety incident notified to us under work health and safety laws, not to obtain evidence for a prosecution but rather to identify the causal factors of safety incidents, the effectiveness of the controls being used and what factors may have contributed to the failure of the controls.

Under our [causal investigation policy](#) we may refer an incident for a causal investigation when the safety incident:

- did not involve the death or serious injury of any person, or
- did not involve any reckless conduct by persons that resulted in the safety incident, or
- did not involve the provision of false or misleading information to the Regulator about the safety incident.

The purpose of this approach is to ensure transparency and that vital information is disseminated to industry as soon as possible regarding significant or high potential safety events.

No causal investigation reports were published during the reporting period.

Enforcement measures

The enforcement options embodied in our [compliance and enforcement approach](#) allow for a balanced approach which, rather than simply being a punishment, stops improper conduct, promotes behavioural change and is remedial and focused on future compliance. This means that we may, and often, simultaneously apply multiple enforcement tools to achieve the desired compliance outcome.

While prosecutions are the final tool in our enforcement approach, they are usually reserved for matters particularly grave in nature (such as fatalities) or matters of negligence and disregard that require a strong regulatory response. However, the most common enforcement measures employed to encourage and guide industry to better practice include increased intensity of regulatory engagement, warning letters, directions or notices.

Enforcement action taken during reporting period

Enforcement measure	Work health and safety	Mining Act
Compliance breaches sustained	81	495
Notices issued	1,571	45
Official cautions issued	25	441
Penalty notices issued	0	11

Prosecutions

The most serious breaches under the legislation we regulate require appropriately elevated regulatory responses.

During the reporting period, we launched proceedings against three companies and one director for failing to meet duties under the *Work Health and Safety Act 2011* and finalised 4 proceedings against mine operators and individuals for failures to meet duties under the *Mining Act 1992*.

Prosecutions commenced and ongoing

Defendant	Details	Legislation	Status
Regional Quarries Australia Pty Ltd	On 24 May 2021, a worker was fatally struck by a light vehicle whilst working at West Wyalong Quarry	<i>Work Health and Safety Act 2011</i>	Commenced 17 May 2021
Robert Tucker	On 24 May 2021, a worker was fatally struck by a light vehicle whilst working at West Wyalong Quarry	<i>Work Health and Safety Act 2011</i>	Commenced 17 May 2021
Broula King Joint Venture	Failure to provide rehabilitation objectives statement by 1 August 2022 (court elected penalty notice)	<i>Mining Act 1992</i>	Commenced 23 May 2023
Broula King Joint Venture	Failure to provide final landform and rehabilitation plan by 1 August 2022 (court elected penalty notice)	<i>Mining Act 1992</i>	Commenced 23 May 2023
Broula King Joint Venture	Failure to provide forward program by 1 August 2022 (court elected penalty notice)	<i>Mining Act 1992</i>	Commenced 23 May 2023
Young Mining Company Pty Ltd	On 10 August 2021, a worker fell onto a conveyor and be-came trapped by feeding product at Thuddungra Mine	<i>Work Health and Safety Act 2011</i>	Commenced 4 Aug 2023
Aditya Jhunjunwala	On 10 August 2021, a worker fell onto a conveyor and be-came trapped by feeding product at Thuddungra Mine	<i>Work Health and Safety Act 2011</i>	Commenced 4 Aug 2023
Maules Creek Coal Pty Ltd	On 6 December 2021, a Hitachi truck narrowly avoided a collision with a light vehicle which was stopped at an intersection	<i>Work Health and Safety Act 2011</i>	Commenced 19 Sep 2023
Clarence Coal Pty Ltd	On 2 November 2021, a roof ply of rock fell onto two worers resulting in neck and chest injuries	<i>Work Health and Safety Act 2011</i>	Commenced 31 Oct 2023
NBH Resources Pty Ltd	Failure to provide 2022 annual report (court elected penalty notice)	<i>Mining Act 1992</i>	Commenced 20 Nov 2023 and subsequently withdrawn by the Regulator

Prosecutions finalised

Defendant	Details	Legislation	Commencement date	Decision date	Fines
Rockwoods Investment Group Pty Ltd (formerly Milbrae Quarries Pty Ltd)	On 8 April 2021, a blast was fired at the Cootamundra Quarry causing flyrock to eject. The flyrock landed in the vicinity of two individuals in the Exclusion Zone whose properties adjoined the Quarry.	<i>Work Health and Safety Act 2011</i>	4 Apr 2023	28 Feb 2024	Guilty plea – Convicted and fined \$150,000 and ordered to pay the Regulator’s costs of \$84,500
Tritton Resources Pty Ltd	On 23 June 2018 at Tritton Copper Mine in Hermidale, 19 workers were trapped un-derground when a haul truck caught fire on the decline. All workers retreated to refuge chambers until the fire was extinguished about 6 hours later.	<i>Work Health and Safety Act 2011</i>	15 Jun 2020	21 Jul 2023	Not guilty –defendant acquitted
Garry Grimes	Date of incident: Between about 26 May 2019 and about 4 August 2021, a complaint was received that Garry Grimes was under-taking mining activities in the White Cliffs Mineral Claims District without authorisation.	<i>Mining Act 1992</i>	18 Jul 2023	18 Jul 2023	Grimes was convicted in Wilcannia Local Court of section 5 of the min-ing act 1992 and fined \$2,000 and ordered to pay prose-cutors costs to the amount of \$66,744.
Moolarben Coal Operations Pty Ltd	At about 12.07pm on 17 May 2017, Mr Fitzgerald, a shotfirer employed by MCO, detonated a blast at the open cut mine operated by MCO in Ulan. The blast crew were observing the blast from a position about 246m south of where the explosives were set and within a 500m personnel exclusion zone and a 300m equipment exclusion zone specified in the Charging and Firing of Explosives Procedure issued in about February 2017. A piece of clay about the size of a football (flyrock), projected by the blast struck one of the vehicles being used by the blast crew, causing it to be damaged and forcing the workers to take evasive action. Immediately afterwards, the fumes from the blast travelled in the direction of the blast crew requiring them to get into the vehicles and move further away until the fumes dissipated. At this time, the blast crew were within the fume management zone, which was identified and marked on a map created during the planning of the blast.	<i>Work Health and Safety Act 2011</i>	10 May 2019	13 Jul 2023	Not guilty –defendant acquitted
Total fines					\$152,000
Total prosecutor costs					\$151,244

Enforceable undertakings

Enforceable undertakings are legally binding agreements proposed by a company or person which are accepted by the Regulator, following an alleged contravention of the Act, as an alternative to prosecution. We publish accepted [enforceable undertakings](#) on our website.

An enforceable undertaking is a commitment by a company or person to implement initiatives designed to deliver tangible benefits for the industry and broader community. The initiatives are intended to resolve both the behaviour of concern that has led to the alleged contravention and rectify the consequences of the conduct.

During the reporting period, one enforceable undertaking was accepted (to a total value of \$141,964) and another was varied with no change to total value).

Enforceable undertakings

Enforceable undertaking	Legislation	Status	Amount (\$)
Catalina Resources Pty Ltd	<i>Mining Act 1992</i>	Accepted	141,964
Winder Controls Australia Pty Ltd	<i>Work Health and Safety Act 2011</i>	Varied	No change
Total			141,964

Suspension, variation and cancellation of mining authorisations

Suspension and cancellation of an authority is sought where serious contraventions have occurred or where the authority holder is unwilling or unable to return to compliance. Variation of a mining authorisation is sought as an alternative to suspension or cancellation with a view to addressing identified risks.

No mining authorisations were suspended or cancelled (following alleged contraventions of the *Mining Act 1992*) in the reporting period. One variation of exploration licence conditions was approved.

Notice	Issued to	Date
Decision to vary (omit) Mandatory Audit Condition	NBH Resources Pty Ltd	16 October 2023

Penalty notices issued

Penalty notices are issued to mine operators and authority holders who have breached the legislation and where sanction is warranted, but the breaches are not considered serious enough to warrant formal prosecution action.

In this period, 11 penalty notices under the Mining Act were issued, although 2 were subsequently changed to official cautions. No penalty notices were issued under WHS legislation.

Date	Entity	Authority	Amount	Allegation
3 Jul 2023	Cobar Management Pty Ltd	CML 5 (1992)	\$5,000	Unauthorised activity – Mining or prospecting without authorisation
5 Jul 2023	Lorraine Lewis (Mine Operator – Warrego Gyp-sum)	Warrego Gypsum	\$1,250	Other
6 Jul 2023	Minto Glen Pas-toral Co Pty Ltd	EL 8702 (1992)	\$2,500	Breach of conditions
6 Jul 2023	Stoneco Pty Ltd	ML 1660 (1992)	\$2,500	Breach of conditions
12 Jul 2023	Tooloom Creek Pty Ltd	ML 1385 (1992)	\$2,500	Breach of conditions
12 Jul 2023	Tooloom Creek Pty Ltd	ML 1237 (1973)	\$2,500	Breach of conditions
12 Jul 2023	Tooloom Creek Pty Ltd	ML 1238 (1973)	\$2,500	Breach of conditions
30 Aug 2023	NBH Resources Pty Ltd	EL 1805 (1992)	\$2,500	Late or unsatisfactory reporting
30 Aug 2023	Pinnacle Mines Pty Ltd	ML 5849 (1906)	\$2,500	Breach of conditions

Rehabilitation security deposit reviews

All exploration and mining title holders are required to lodge a security deposit that covers the full rehabilitation costs. As of July 2024, the NSW Government held about \$3.93 billion in security bonds for rehabilitation of exploration and mining impacts.

We regularly access the surface disturbance (or proposed disturbance) of a mine or exploration site to calculate the security deposit, this is known as the assessed deposit. Before partial or full security bonds are returned, evidence must be provided to demonstrate rehabilitation objectives have been met and final approved landform has been implemented.

During the reporting period, we reviewed 549 assessed deposits. Of these, 261 were for exploration licences, 283 for mining leases, 3 for assessment leases, 1 for petroleum operations and 1 was determined by the Minister on appeal.

Engagement

We are committed to ensuring that the mining industry knows and understands its obligations. During the reporting period we continued with our engagement strategy to inform our stakeholders about our programs, legislative changes and newly developed resources and guidance.

We actively strive to improve our communications channels, approach and messaging.

Guidance for industry

Guidelines

- [Brochure: Psychosocial hazards in the workplace](#)
- [Fact sheet: Assessment program – coal surface – roads or other vehicle operating areas – stage 2](#)
- [Fact sheet: Audiometric testing requirements](#)
- [Fact sheet: Dealing with psychosocial hazards in the workplace](#)
- [Fact sheet: Facial hair and respiratory protective equipment](#)
- [Fact sheet: Human and organisational factors data review](#)
- [Fact sheet: Mining Amendment \(Mineral Claims – Opal\) Act 2023](#)
- [Fact sheet: Request to the NSW Resources Regulator to commence a prosecution under the Work Health and Safety Act 2011 in relation to a mine or petroleum site](#)
- [Fact sheet: Schedule of fees for licences, plant design and item of plant registrations](#)
- [Fact sheet: Sexual harassment](#)
- [Fact sheet: Sharing private medical information](#)
- [Fact sheet: Understanding exposure monitoring](#)
- [Guidance note: Targeted assessment program - Revegetation](#)
- Health control plan resources:
 - [Diesel particulate matter/exhaust](#)
 - [Fitness for work – drugs and alcohol](#)
 - [Hazardous substances](#)
 - [Heat stress](#)
 - [Ionising radiation](#)
 - [Lead](#)
 - [Noise](#)
 - [Ultraviolet \(UV\) radiation](#)
 - [Vibration](#)
- [Policy: Compliance publication](#)
- [Portfolio requirements: Certificate of competence examination process](#)

Technical reference guides

[TRG: Airblast management in non-coal underground mines](#)

[TRG: Windblast management in underground coal mines](#)

[TRG: Pillar extraction in NSW underground coal mines](#)

[TRG: Strata support bolting plant in underground coal mines](#)

[TRG: Coal dust explosion suppression and prevention](#)

[TRG: Raiseboring operations](#)

Practising certificates

Guidance and forms about [practising certificates](#) and [quarry manager practising certificates](#) have been updated regularly on our website.

Reports

We publish a range of reports on business activities and industry performance to ensure transparency of our regulatory activities and assist industry improve maintain compliance. These include:

- [Annual activity reports](#) report on the activities of the Regulator each financial year
- [Business activity reports](#) provide information on key regulatory activities carried out and are produced each quarter
- [Quarterly safety reports](#) provide information relating to hazard management and are prepared to assist mine and petroleum site operators meet obligations under WHS laws
- [Exploration and mining compliance and rehabilitation reports](#) provide information about our regulatory activities under the Mining Act
- [Annual safety performance report](#) provide information and analysis on industry safety data.

Improved communication

Established engagement

Transparency and engagement remain a high priority for the Regulator. To ensure open and ongoing dialogue with industry we have continued regular and bi-monthly forums with several key representative bodies, including:

- NSW Minerals Council
- Cement Concrete and Aggregates Australia
- Construction Forestry Maritime Mining Energy Union
- Australian Workers Union
- Association of Mining and Exploration Companies
- Coal Services
- Lock the Gate
- Mine Managers Association Australia.

Mine Safety News

[Mine Safety News](#) is an online newsletter regularly published by the Regulator designed to inform, educate and promote the enhancement of the health and safety culture of NSW mining.

Weekly incident summary

The Regulator publishes a reportable incidents summary each week. The [weekly incident summary](#) shows the total number of reportable incidents in a seven-day period and summarises incidents of note, including those from other mining jurisdictions, nationally and internationally.

Safety alerts and bulletins

[Safety alerts](#) are an important communication tool between the Regulator and the NSW mining industry, suppliers, unions and industry organisations. Safety alerts are issued following the occurrence of an event such as a fatal accident, dangerous occurrence or any incident which is of significance to the industry, with the aim of preventing a similar occurrence.

[Safety bulletins](#) contain information relating to specific mine safety issues.

We published 7 safety alerts and 6 safety bulletins during the 2023-24 reporting period.

Rehabilitation resources

The Regulator produced a range of new rehabilitation resources including [rehabilitation information releases](#) and [mine rehabilitation newsletters](#).

YouTube channel

Effective stakeholder engagement is crucial to improving the safety culture in the mining industry in NSW. To increase engagement around investigation reports and important topics, which at times are lengthy and technical in nature, we have developed high quality animations, which can be found on our Resources Regulator [YouTube channel](#).

Our efforts to diversify our methods used to inform industry have returned promising outcomes and we will continue to develop innovative delivery solutions.

Industry and community feedback

Feedback from the mining industry and community is important in guiding and developing our regulatory approach to deliver improved outcomes to the NSW community. Public consultations give the mining industry and community an opportunity to provide feedback to the Regulator on a range of issues.

In the reporting period, two public consultations were conducted:

- Vehicle interaction controls in NSW mines and the formation of the Adverse Vehicle Interaction Advisory Committee
- Statutory function for practising certificate maintenance of competence scheme requirements

Industry events

Small Mines and Quarries Health and Safety Roadshow

Roadshows were held across NSW to deliver key health and safety messages directly to the small mines and quarrying sector. They provide an opportunity to communicate contemporary and pertinent issues and help maintain the Regulator's visibility in the sector. The Small Mines and Quarries Health and Safety Roadshow engaged with 14 regional areas and 513 industry participants to provide information about health, safety and current issues affecting this industry sector. Topics included effective supervision, quarry manager practising certificates, on-site management of vehicles and plant, dust management and several other topics relevant to the sector.

Information Sessions – Councils, Forests NSW and National Parks and Wildlife Services

The Regulator held 11 face-to-face information sessions specifically designed to engage with mine operators who operate multiple small quarries. They provided information on health, safety, and other topics, such as quarry manager practising certificates, legislation updates and current exemptions, the requirements for identifying and managing respirable crystalline silica (RCS) in accordance with schedule 6 Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 and learnings from a dangerous incident where other persons (children) were injured after entering an active quarry. The sessions were attended by 179 participants.

Opal Mine Safety Workshop – Lightning Ridge

The safety awareness course for Lightning Ridge 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. In the reporting period, the Regulator held 2 face-to-face courses in July 2023 and March 2024.

Engineering events and safety seminars

One of our key roles is to ensure all operators and title holders are aware of their obligations and how to meet them. Workshops and information sessions allow us to engage with industry and help maximise compliance. These events and seminars, including the Electrical Engineering safety seminar and Mechanical Engineering safety seminar, allow participants to discuss emerging issues and trends, recent incidents, site experiences in managing safety and discussions on improving engineering safety. These events are an essential part of meeting CPD requirements for holders of practicing certificates and occurred throughout NSW.

Metalliferous Emergency Response Team working group

Members of the Metalliferous Emergency Response team collaborate on emergency planning and response capability matters. The working group, made up of emergency response managers from the major metalliferous mines in NSW, emergency services and other stakeholder groups, discuss emergency planning topics and share key learning information from incidents across NSW.

Committees, boards and working groups

As secretariat, the Regulator oversees the coordination and administration of 2 collaborative advisory bodies:

- NSW Mine Safety Advisory Council (MSAC) – is a tripartite forum established to provide the Minister with advice on strategic health and safety issues in the mining and extractives industry
- Mining and Petroleum Competence Board (MPCB) – advises the Minister and oversees the development of competence standards and the assessment of people who have a role at a mine that may affect health and safety.

We also actively participate in several other committees and working groups including:

- Standing Dust Committee – formed under Coal Services with the purpose of offering expert advice to industry (and government) to ensure reduced exposure to airborne contaminants and improvements to occupational hygiene.
- Australian Standards – our electrical and mechanical engineering inspectors sit on several standards committees and working groups. These committees are tasked with reviewing, updating and ratifying current standards and developing new standards. This work sees our inspectors travel across Australia to collaborate and contribute their technical expertise, up to a dozen times a year. Examples of the electrical and mechanical standards committees we have representation on include:
 - **Electrotechnology and energy**
 - EL-043 – High Voltage systems
 - **Mining**
 - EL-023 – Electrical technical committee for mining and quarrying
 - ME-018 – Mining equipment
 - ME-063 – Earthmoving equipment
- Mines Rescue working group – formed under Coal Services to deal with the specific issue of training mine employees to respond to emergencies using compressed air breathing apparatus (CABA).
- Central West Mine and Extractive Environment Team (MEET) – to bring together on-site environmental personnel from mines and quarries in the Central West region.
- Hunter Coal and Environment Group (HCEG) – a forum for environmental professionals to exchange developments in mine rehabilitation and environmental management in the coal mining industry of the Hunter Region.
- Upper Hunter Mining Dialogue (UHMD) – an initiative of several Hunter Region mines in coordination with the NSW Minerals Council. It was formed to create opportunities to respond to community concerns regarding mining impacts including mine rehabilitation, water impacts and air quality.

Mine and petroleum site levy

The *Mine and Petroleum Site Safety (Cost Recovery) Act 2005* establishes the Mine Safety Fund. The contributions to the fund by mining industry employers are commonly referred to as the mine safety levy.

The Mine Safety Fund is a levy charged by the NSW Government to pay for health and safety regulation of the state's mining workplaces. The levy applies to employers in the mining industry who have obligations under mine safety legislation for the health and safety of workers. The levy is collected by the worker's compensation insurers of mining industry employers and transferred to the Regulator.

Under the legislation, the fund may only be used to meet specified expenses incurred by the Regulator in carrying out:

- regulatory activities connected with mine safety legislation, the *Explosives Act 2003* and *Radiation Control Act 1990*
- expenses incurred in the administration or execution of the mine safety legislation
- administrative expenses related to the fund.

In accordance with the recommendations of the 2017 Independent Review of the Mine and Petroleum Site Safety Levy, we engaged an external party to conduct an audit of the 2018–19 mine safety levy expenditure. The final audit report acknowledged our efforts to improve the control environment and implement the 2017 review recommendations, whilst managing various challenges. All recommendations within our realm of responsibility have been considered, actioned and implemented.

Financial reports

Mine Safety Levy 2023–24

Payments made from the Mine and Petroleum Site Safety Fund for the 2023–24 financial year

Note	Description	Amount (\$,000)
Total payments		34,339
Employee related		26,501
1	Salaries and wages –direct	22,296
	Salaries and wages –on costs	4,205
Operating expenses		4,685
2	Advertising and promotion	2
3	Boards and committees	133
4	Consultants and professional services	747
5	Events	497
6	Legal	496
7	Information and communications technology (ICT)	555
8	Training	416
9	Travel	1,047
10	Motor vehicles	355
11	Other costs –general	203
12	Other costs –audit fees	-
13	Other costs –clothing –uniforms	32
14	Other costs –equipment –minor purchase	9
15	Other costs –professional memberships and subscriptions	65
16	Other costs –medical exam costs	8
17	Other costs –industry safety and health representative (ISHR) contribution	121
Internal department service charges		2,817

Note	Description	Amount (\$,000)
18	Accommodation costs	936
19	Legal Branch services	348
20	Other corporate costs	1,533
Capital		336
Operating revenue		36,005
Levy contributions for 2023–24		34,745
21	Legal costs recovered and fines	4
22	Moieties	102
23	Costs recovered under enforceable undertakings	-
24	Other revenue	1,121
25	Interest	33



Summary of movements in the Mine and Petroleum Site Safety Fund for the 2023–24 financial year

Description	Amount (\$)
Opening balance @ 1 July 2022	162
Plus: Mine Safety Levy 2022-23	34,486
Plus: Miscellaneous other revenue 2022-23	1,057
Less: Expenditure for 2021-22	36,150
Opening balance @ 1 July 2023	445
Plus: Mine Safety Levy 2023-24	34,745
Plus: Miscellaneous other revenue 2023-24	1,260
Less: Expenditure for 2023-24	34,340
Opening balance @ 1 July 2024	1,220
Plus: Mine Safety Levy 2024-25	37,901
Plus: Budgeted miscellaneous other revenue 2024-25	1,300
Less: Budgeted expenditure for 2024-25	38,701
Forecasted opening balance @ 1 July 2025	1,720

Comments on financial report

Note	Category	Description
Employee related		
1	Salaries and wages – direct	Includes ongoing, temporary and contingent staff costs
Operating expenses		
2	Advertising and promotion	Includes mine safety video production including animations and other mine safety promotion material
3	Boards and committees	Payments to board and committee members – Mine Safety Advisory Council, Mining and Petroleum Competence Board and Mine Safety Assessment and Review Committee
4	Consultants and professional services	<p>Includes professional and consultancy fees for:</p> <ul style="list-style-type: none"> • Specialist consultants to assist investigations into serious or fatal injuries • Administrative costs associated with the collection of the levy • Audit of practicing certificates • Integrity Screening Program • Records archiving and digitisation including certificates of competency • Legislative Reform Project including the Regulatory Impact Statement for the remake of the Work Health & Safety (Mines and Petroleum Sites) Regulation • Review and analysis of collected HOF data plus HOF training • Review of Resources Regulator’s Governance Panel • Risk Management and Bowtie Review • Prohibition Notice Review

Note	Category	Description
5	Events	<p>Costs for internal and external mine safety events hosted by Resources Regulator including:</p> <ul style="list-style-type: none"> • Safety seminars <ul style="list-style-type: none"> – Mechanical Engineering Safety Seminar – Electrical Engineering Safety Seminar – Mining Engineering Manager Safety Seminar • Quarterly forums <ul style="list-style-type: none"> – Metalliferous mechanical engineers’ forum – Open cut coal mechanical engineers’ forum – Underground coal mechanical engineers’ forum – Southern and western region coal electrical engineers’ forum – Hunter region coal electrical engineers’ forum – Western region metalliferous electrical engineers’ forum – Open cut mining engineering managers’ forum – Underground mining engineering manager’s forum • Other <ul style="list-style-type: none"> – Safety and health representatives seminar – Small mines roadshows – Metalliferous industry safety and health engagement forum – NSW proximity detection forum – Open cut drill and blast forum – Underground drill and blast forum – Opal mine safety workshop – Licence and registration forum – Ex overhaul and repair facility forum – Info session – Councils, Forests NSW, National Parks and Wildlife Services – Implementation strategy for small mines rehabilitation reforms – Collision Avoidance forum
6	Legal	<p>Legal advice obtained from Crown Solicitors Office and external providers in relation to major incident investigations and prosecutions. Matters Include:</p> <ul style="list-style-type: none"> • Fatality at Regional Hardrock Quarry West Wyalong • Serious incident at Moolarben Coal Mine, Serious incident at Tritton Copper Mine, Crystalline silica exposure at Peppertree Quarry, WHS contraventions at Thuddungra Mine, Serious injury at Thuddungra Mine, Serious injury at Appin North Mine, Serious injury at Appin East Mine, Serious incident at Appin East Mine (Drift Winder), Serious incident at Cadia East Mine, WHS contraventions at Cootamundra Quarry, WHS contraventions at Young Mining, WHS contraventions at Centennial Mandalong, WHS contraventions at Clarence Colliery, WHS contraventions at Russell Vale Colliery, Serious incident at Maules Creek Mine, Cobar Management Seizure of Electronic Devices • Legal costs include adjustment related to Hunter Quarries matter. Final settlement paid Aug 22 was lower than the provision entered in FY22. Also includes a provision for other potential legal cost settlements.
7	ICT	<p>Includes mobile and data charges and software licencing fees, including the Resources Regulator’s database – ACES. Includes the purchase of computer hardware, phones and accessories. Also includes website development, digitisation of mine survey plans, ACES enhancements and penetration testing.</p>

Note	Category	Description
8	Training	Training for regulatory staff. Topics include incident management, human & organisational factors investigation, first aid, self-escape, safe working at heights, confined space, driver training levels 1 & 2, 4WD training, Certificate 4 in Gov Investigations, Diploma in Gov Investigations. Also training in capabilities such as leadership development, critical thinking and decision making, project management, communications including media, ministerial and policy writing, industry familiarisation, ICAM Lead Investigator and learning from disasters.
9	Travel	Includes domestic travel undertaken by mine safety personnel. Nil overseas travel in 2023-24.
10	Motor vehicles	Operational costs (fuel, maintenance and lease) of fleet vehicles.
11	Other costs – general	General expenses including courier and freight, printing, photocopying, stationery/office consumables, postage, office and field equipment and minor office maintenance, Roadway Dust Analysis
12	Audit fees	Includes internal audit practices.
13	Clothing – uniforms	Provision of uniform and PPE for mine safety staff.
14	Equipment minor purchase	Purchase of other low value assets and equipment including drones and banners.
15	Professional memberships and subscriptions	Membership and subscription fees including Australian Standards, Australian Mining Essentials, OHS Alert, Shootsta, Swift Digital, CCH Parliament.
16	Medical exam costs	Medical examination costs for mine safety staff.
17	ISHR contribution	Yearly contribution to trade union for industry safety and health representatives appointed by the Minister under part 5 of the <i>Work Health and Safety (Mine and Petroleum Sites) Act 2013</i> .
18	Accommodation costs	Costs associated with providing office accommodation to mine safety personnel in Maitland, Sydney, Wollongong, Lithgow, Orange, Cobar, Broken Hill, Lightning Ridge and Armidale
19	Legal branch services	Legal services provided by departmental in-house legal team
Internal department service charges		
20	Other corporate costs	Costs associated with providing corporate services such as finance, payroll, human resources, records and asset management for mine safety personnel in Maitland, Sydney, Wollongong, Lithgow, Orange, Cobar, Broken Hill, Lightning Ridge and Armidale.
21	Capital	Development of ACES Application
Operating revenue		
22	Legal Costs recovered	Cost settlements and fines. Includes correction for prior year.
23	Moieties	Moieties received in relation to prosecutions of Young Mining Company, Rockwoods Investment Group.
24	Costs recovered under WHS undertakings	Recovery of legal, investigation and compliance monitoring costs.
25	Other revenue	Fees collected in relation to certificates of competence, licence and registration, opal safety courses, workshops and conferences.
28	Interest	Interest earned on Levy bank balance.

Other expenses 2023–24

Administrative levy – Resources Regulator only

Note	Description	Amount (\$,000)
Total payments		7,341
Employee related		6,488
1	Salaries and wages – direct	5,507
	Salaries and wages – on costs	981
Operating expenses		853
2	Advertising and promotion	-
3	Consultants and professional services	241
4	Events	2
5	Legal	140
6	ICT	87
7	Training	48
8	Travel	196
9	Motor vehicles	17
10	Other costs – general	96
11	Other costs – clothing – uniforms	8
12	Other costs – professional memberships and subscriptions	18
13	Other costs – medical exam costs	-
Capital		-
Operating revenue		325
14	Legal costs recovered	168
15	Fines	24
16	Other revenue	133
Total Resources Regulator impact on Administration Levy 2023–24		7,016

Comments

Note	Category	Description
Employee related		
1	Salaries and wages-direct	Includes ongoing, temporary and contingent staff costs
Operating expenses		
2	Advertising and promotion	Not applicable in 2023–24
3	Consultants and professional services	Includes professional fees for: <ul style="list-style-type: none"> • Independent Review – Berrima Coal Mine • Assistance with GIS technologies • Rehab Outcomes advice • Expert Geotechnical advice • Governance Review • Search and processing fees, staff integrity screening program
4	Events	Costs for internal and external events
5	Legal	Legal advice obtained from Crown Solicitors Office and external providers in relation to investigations and prosecutions (Mining Act). Matters include Young Mining Company, Macquarie Marble and Lime, Grimes, Crawford, McKinnon, Glen Hope.
6	ICT	Includes mobile and data charges and software licensing fees. Includes the purchase of computer hardware, phones and accessories. Also includes website development.
7	Training	Training for regulatory staff. Topics include Certificate IV in Government Investigations, first aid, self-escape, 4WD driving, drone operating. Also training in capabilities such as auditing, critical thinking and decision making, project management, leadership development and industry familiarisation.
8	Travel	Domestic travel undertaken for inspections and audits
9	Motor vehicles	Operational costs (fuel, maintenance and lease) of fleet vehicles
10	Other costs – general	General expenses including courier and freight, printing, photocopying, stationery/office consumables, postage, office and field equipment and minor office maintenance
11	Clothing – uniforms	Provision of uniform and PPE
12	Professional memberships and subscriptions	Membership fees for standards access, ArcGIS and other subscriptions
13	Medical exam costs	Medical examination costs for staff
Total operating revenue		
14	Legal costs recovered	Cost settlements and Mining Act Undertakings in relation to Catalina Resources, Robert and Jedediah Walburn. Includes correction for prior year.
15	Fines	Penalty Infringement Notices issued for breaches under the <i>Mining Act 1992</i> .

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