

1 September 2025

Public consultation – Feedback summary and response

Proposed Mine and Petroleum Site Safety (Cost Recovery) Regulation 2025

Introduction and background

The NSW Government has undertaken consultation on the Mine and Petroleum Site Safety (Cost Recovery) Regulation 2025.

The Regulation is made under the *Mine and Petroleum Site Safety (Cost Recovery) Act 2005* (the Act).

The Act establishes the Mine and Petroleum Site Safety Fund (the Fund) which is used by the Resources Regulator in NSW to pay for health and safety regulation of the state's mining workplaces. The contributions paid to the Fund are referred to as the Mine and Petroleum Site Safety Levy (the Mine Safety Levy). The Mine Safety Levy is applied to employers in the mining industry who have obligations under mine safety legislation for the health and safety of workers. The Mine Safety Levy is collected by the worker's compensation insurers of mining industry employers and transferred to the NSW Resources Regulator.

In support of the Act, the Regulation contains three substantive provisions:

- to authorise payments from the Fund to meet expenditure incurred by the Department in:
 - carrying out regulatory activities under, or administering or executing, the *Explosives Act 2003*; and
 - exercising functions under or in connection with the *Protection from Harmful Radiation Act 1990*
 - to require the Secretary to prepare and publish a report containing an overview of payments made from the Fund during the financial year
 - to authorise members of staff of the State Insurance Regulatory Authority (SIRA) as a class of persons to whom the Secretary may delegate their functions under the Act.
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Consultation

The public were invited to comment on the proposed Regulation through a consultation process which took place from Thursday 22 May 2025 to Wednesday 18 June 2025.

Summary of feedback and response

One submission was received during the public consultation period.

The submission proposed that Tier 3 quarries be exempt from paying contributions for regulatory activities conducted under the *Explosives Act 2003*.

Tier 3 quarries are defined under the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 as a mine, other than an underground mine or a coal mine, where the mine:

- a) has 5 or fewer full-time equivalent workers, including the quarry manager and contractors, and
- b) does not carry out dredging or blasting activities, and
- c) does not extract more than 30,000m³ of extractive material for sale or reuse in a year.

It was recommended that as Tier 3 quarries are not permitted to carry out blasting, no regulatory activities are conducted at these quarries under the *Explosives Act 2003*, and hence the operators of such quarries should not be required to pay for a regulatory service they do not receive.

NSW Resources closely considered the submission.

The Mine Safety Levy is used to fund regulatory and administrative activities performed under the mine safety legislation. This includes the *Mine and Petroleum Site Safety (Cost Recovery) Act 2005*, *Work Health and Safety Act 2011*, and *Work Health and Safety (Mines and Petroleum Sites) Act 2013*. In addition, the Regulation provides that the Fund may be used to pay for regulatory activities required under the *Explosives Act 2003* and the *Protection from Harmful Radiation Act 1990*.

The regulatory and administrative activities conducted under the *Explosives Act 2003* are a relatively small component of all activities funded by the Mine Safety Levy. Identifying costs incurred by the Resources Regulator relating to functions performed under the *Explosives Act 2003* specifically and subsequently reducing the levy for Tier 3 quarries is not considered practicable.
