PRODUCTIVITY COMMISSION INQUIRY RESOURCES SECTOR REGULATION

RESPONSE TO DRAFT REPORT

21 August 2020

NSW MINERALS COUNCIL

NSW Minerals Council

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About the NSW Minerals Council

The NSW Minerals Council (NSWMC) represents the State's $31 billion minerals industry.

NSWMC provides a single, united voice on behalf of our more than 90 members, who range from junior exploration companies to international mining companies, as well as associated service providers.

About this submission

The NSW Minerals Council (NSWMC) made a submission to the inquiry on 31 October 2019. NSWMC also contributed to the submission of the Minerals Council of Australia (MCA).

This submission should be read in conjunction with those earlier submissions. This submission:

- Responds to requests for further information.
- Provides comment on draft findings that will be helpful to the Productivity Commission.
- Provides additional information regarding draft leading practices and draft recommendations where this is considered helpful.

Response to the draft report

The NSW Minerals Council welcomes the opportunity to provide comments on the Productivity Commission's inquiry into resources sector regulation draft report. Our responses are set out in the table below.

Draft Finding/Leading Practice or Information Request	Page	NSWMC Response
Draft finding 4.1 There is no case for a major reform of the Australian pre-competitive geoscience arrangements given the quality of the information is generally highly regarded. However, the coverage of geoscience databases could be further improved, for instance, by all jurisdictions adopting sunset confidentiality periods for public release of private exploration and production reports prior to the end of the tenure of a project. **Draft leading practice 4.1** To promote data access, confidentiality periods before public release of private exploration and production reports generally should be shorter than the tenure of a project. New South Wales new regulations are one example of this practice. Many other jurisdictions have similar arrangements in place.	108	*Geological databases* NSWMC agrees that the quality of pre-competitive geoscience information is good. However, there is some room for improvement. There are opportunities for better alignment between pre-competitive work and industry priorities, which can be achieved through broader industry engagement during the setting of geological survey strategies. *Sunset provisions* NSWMC understands the appeal to governments of publicly releasing private exploration data before the relinquishment of tenure. However, this needs to be balanced with the interests of titleholders, who in many cases have invested significant amounts of private capital undertaking exploration, applying interpretative analysis and building specialist knowledge of local and regional geology. This interpretative information is commercially sensitive and can be contained within reports submitted to the government. If this work is publicly released, shareholder value could be diminished. For these reasons, NSWMC has not supported the NSW 'sunset' provisions for the public release of private exploration data before a title is relinquished. The NSW provisions were introduced before there was clarity around exactly what data would be published and what the opportunities for redaction of commercially sensitive information would be. These issues have still not been settled, and therefore NSWMC is not in a position to support the proposals. NSWMC is engaged in ongoing discussions with the NSW Government regarding the provisions in the lead up to the intended public release of reports from 1 June 2021.

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Information Request 4.1 The Commission is seeking information on whether there are aspects of mining and petroleum licensing systems that pose a material impediment to investment.	114	The titles application and renewals system in NSW has posed a material impediment to investment. While there have been some recent improvements, the system has been complex and uncertain with considerable delays. *Fit and proper person tests* The Draft Report contains discussion around 'fit and proper person', compliance history and financial capability checks. While NSWMC understands the justification for these provisions, their implementation in NSW has been poor. Issues have included: • Information requirements have been onerous, with up to 10 years of historical information required for each director across potentially numerous companies from multiple jurisdictions, some of which has questionable materiality. • The requirements have been continually revised since the provisions were first introduced, instead of having an adequate consultation process to ensure practical requirements from the beginning • In some cases, particularly in relation to coal titles, the title application and renewal process takes so long that applicants are asked to re-submit information because the original information submitted is now out of date. For one company in NSW, an application for a minor increase in ownership of an existing asset required just under 700 pages of supporting evidence. NSWMC understands that other jurisdictions have similar requirements without the need for as much background detail. For example, where an applicant has existing tenements within the jurisdiction there are reduced application requirements given their known history. It is important these requirements are fit for purpose and seek only that information which is reasonable and necessary to assess applicants. *Other impediments to investment* Other issues with the title application and renewal process that have posed a material impediment to investment include:

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		• Coal titles - In NSW, investment in coal exploration and development has been significantly limited by the lack of a fully functioning process to allocate new exploration licences. The Government's policy of competitively allocating any new resources capable of hosting a standalone mine prevents mines from pegging new ground. However, there have been no areas released for competitive allocation since the policy was announced in 2014. This has prevented some mines accessing resources to plan mine extensions. While the NSW Government's recent announcements should address this, the full details still need to be developed and therefore any movement is still likely to be some way off. • Complex regulatory framework - there are more than 50 guidelines, codes, policies and forms that explorers need to be familiar with to meet licence application and renewal requirements and to gain other necessary approvals to undertake exploration in NSW. These documents are spread across multiple web pages across two different agencies. It is an extremely complicated framework that is excessive for the nature of exploration activities and is highly likely to deter investment, particularly by junior explorers, and at the very least divert resources from exploring to administration. • Significant backlog in titles processing - There is a large backlog of outstanding coal title renewals that creates significant uncertainty and administrative burden for titleholders. While there are KPIs for licence applications and renewals in NSW which have been showing good performance in titles processing, they do not reflect the actual user experience. They do not measure the full end-to-end process until the title document is issued, and they do not capture the significant backlog of outstanding applications. • Mineral Allocation Areas - the introduction of Mineral Allocation Areas in some parts of NSW for metals prevents explorers pegging ground in these areas. They must instead apply for exploration licences at specified times through a competitive process. This adds more bureaucracy to the title application process. The Mineral Allocation Areas are likely to be in place for close to a decade since the Government's proposed exploration in these areas as part of the MinEx CRC is not immediate.
Draft finding 6.6 Project approvals are often conditional on the preparation of management plans that	176	It is acknowledged there are significant issues associated with post-approval requirements at both the State (NSW) and Commonwealth levels. Worst case examples include post-approval requirements being used to revisit issues which were dealt with as part of the primary

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also need to be approved by regulators ('post-approvals'). The process and timelines for securing post-approvals are often unpredictable, and over-reliance on management plans is not a first-best approach to achieving environmental outcomes.		assessment. This clearly results in uncertainty and delay for the proponent. However, post-approval requirements can also be used as a practical means for the regulator and proponent to sensibly resolve operational details associated with certain aspects of the project once the high level environmental parameters have been agreed to. Furthermore, some of this detail is better located in more robust management plans that can evolve and be easily adapted over the life of a resources project. A sensible balance needs to be struck that includes: • Removal of superfluous or redundant post approval requirements. If the detailed environmental impact assessment has adequately considered a matter, there should not be a need for further post approval requirements. • Post-approval requirements should be limited to resolving details associated with the operation of a project and should not provide an opportunity for an authority to revisit environmental assessment issues. • Benchmark time frames should be identified for dealing with post approval requirements, and the performance of the regulator should be monitored and reported in a transparent manner. • There should be improved coordination between regulatory authorities (including between State and Commonwealth governments) to ensure issues are resolved in a timely manner. • Where agreement on post-approval detail cannot be reached, there should be an ability for the proponent to have the matter resolved by some time of coordination authority in an efficient manner. • Regulators should have sufficient resources to administer any post approval requirements in a timely and certain manner.
Draft leading practice 6.9	176	This is agreed with. The NSW Government has recently (early 2020) implemented a holistic web

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Regulator decisions in the post-approval stage should be subject to timelines — statutory or otherwise — and regulator performance against those timelines should be publicly reported. The New South Wales Department of Planning, Industry and Environment has recently announced its intention to report on performance against timelines for post-approvals		based portal that is used to administer post-approval requirements. The web based portal includes benchmark time frames for assessment, as well as the ability for the proponent to be able to track exactly where and what stage the post-approval requirement is up to. This system provides the ability for the Government to monitor and report on post-approval performance in a transparent manner. Whilst it is still relatively early to gauge improvements in performance, it has provided the NSW Government for the first time with the ability to understand the scale/numbers of post-approval requirements, which will ultimately influence the approach to resourcing the process, as well as focusing attention on what post-approval requirements are relevant or not.
Draft leading practice 7.3 Regular public-facing statements describing regulators' compliance activities and lessons learned from them, such as the New South Wales Resource Regulator's Compliance Priorities Outcomes reports, or NOPSEMA's The Regulator magazine, help to improve community confidence in the sector's regulation. Regulators should also inform the community of any contraventions that may have put the environment or community at significant risk, and any actions they have taken in response**. The New South Wales Resource Regulator's investigation information reports, and its publication of enforceable undertakings, are good examples.**	200	NSWMC supports an open and transparent relationship and communication with the Resources Regulator. It is important for Regulators to be clear about their focus and approach to give clear expectations to industry and other stakeholders. Regulators should be focused on delivering good outcomes instead of a strict compliance and enforcement approach that seeks to 'catch companies out'. Documents such as the Resources Regulator's Compliance Priorities go some way to achieving this and provide an indication of their focus for the coming period. The compliance priorities are broad and provide industry a general sense of where the Regulator might focus its attention. It is also important that learnings from incidents and inspections are published and shared across the industry. The NSW Resources Regulator publishes a quarterly report and various inspection, assessment and investigation reports that are useful to assist in sharing learnings. In particular, the Causal Investigation process and associated reports are extremely beneficial as it allows for the earliest possible sharing of learnings from incidents in an environment that encourages openness rather than protective legal approaches.
Draft finding 7.5	214	Please see comments on Draft Leading Practice 7.9.

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Rehabilitation pools can reduce incentives for companies to rehabilitate their sites and there are risks that the pool will be insufficient to cover the cost of rehabilitation if a large company does not fulfil their rehabilitation requirements. These pools should be used with caution, and must be paired with effective compliance and enforcement arrangements. State and Territory Governments that use pooled arrangements for rehabilitation surety should ensure that levies reflect the risk of the company passing their liabilities to the government. Larger companies should be separate to the pool, and covered using rehabilitation bonds. Queensland's rehabilitation pool is a good example of this model.		
Draft leading practice 7.9 Rehabilitation bonds that cover the full cost of providing rehabilitation offer the highest level of financial assurance for governments, and provide companies with full incentives to complete rehabilitation in a timely way.	213	NSW mine operators take their rehabilitation responsibilities seriously. This is demonstrated through the commitment to progressive and high quality rehabilitation throughout NSW. Rehabilitation security bonds are the last line of assurance in a comprehensive and proven regulatory framework in NSW. Such is the rigor of the system in NSW, a security deposit has not been required to be accessed by the Government to fulfil rehabilitation obligations. NSW currently has a rehabilitation bond framework that covers the virtually impossible risk of all operations defaulting on their rehabilitation obligations simultaneously and the remaining operations having no asset value with which rehabilitation activities could be paid for or the asset sold to another company. The framework to cover this level of assurance is extremely burdensome on industry. This extreme degree of assurance provides no tangible benefit to the Government or community and actually prevents other benefits or opportunities being derived from alternative frameworks.

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		Under the NSW framework, industry incurs significant annual costs to hold the $3.1 billion in security bonds, and where cash is not provided as assurance, also has a commensurate amount of assets secured against these bonds. This ties up capital that could otherwise be used for investment and development purposes to generate further revenue and jobs for NSW. Further, there are examples in NSW of exploration companies having to provide financial assurance to Government prior to a works plan being agreed. Provision of assurance prior to any disturbance and without an agreement on what the actual on-ground works will look like is counter productive and burdens industry unnecessarily. The assurance should be in place before disturbance takes place but at a stage where there is agreement from both Government and the explorer on what the works program will be. Other assurance schemes can offer greater benefits to government, industry and community and these should be considered. For example, a contributions based scheme, when it grows to a sufficient size, may be able to be utilised to fund the rehabilitation of legacy mine sites or to fund other proactive programs or regulatory efforts. Alternatively, the QLD risk based model to financial assurance also offers significant benefits over a model that is excessively conservative. The model suggested by the Productivity Commission, while offering some benefits to Government, does not facilitate improved productivity and constrains investment. The Commission should consider the benefits of alternative models that provide broader benefits while managing the rehabilitation liability risk.
Information Request 7.1 Is there evidence of any systematic deficiencies in the compliance monitoring and enforcement effort of regulators overseeing resources projects? In particular: Are regulators adequately resourced to carry out effective monitoring and enforcement programs? Do the monitoring and enforcement approaches of regulators represent good risk-based	195	There are two concerns about enforcement in NSW that stem from multiple regulators and regulatory instruments applying to mining: • That a single incident can result in multiple enforcement actions and penalties. • That a single incident can attract multiple investigations, with duplication of requests for information, site visits etc, which are time consuming and should be streamlined. Overlap between regulators does not create better environmental or safety outcomes.

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regulation?		
Information Request 7.2 To what extent are post-relinquishment obligations on resources companies a barrier to investment? What are leading-practice ways of managing the residual risk to the Government following the relinquishment of a mining tenement?	216	In NSW, in the case of a mining lease that has ceased to be in force, the responsible person is the holder of the authorisation immediately before it ceased to be in force (section 240 of the Mining Act). While there may be circumstances where this provision may be genuinely used, it exposes industry to liability for poor land management practices of future land holders. This is a potentially considerable risk to industry and protections should be provided to protect a former tenement holder from undue liabilities. With the provisions noted above, and the comprehensive regulatory framework in NSW to ensure the highest quality rehabilitation prior to tenement relinquishment, rehabilitation does not present a considerable residual risk to Government or the community and further instruments and controls are not warranted.
Draft leading practice 7.5 Schemes that allow companies to meet their offset obligations by paying into a fund can reduce costs for both companies and governments, and can create opportunities for better environmental outcomes. New South Wales, Queensland, South Australia, and Western Australia's Pilbara Fund all offer examples of this	207	NSWMC has been a long term advocate of centralising offsets through a biodiversity offsets fund. A centralised fund can provide better environmental outcomes through acting strategically, gaining economies of scale. Because of the mechanism for pricing offsets produces unrealistically high prices, the NSW fund does not provide a usable alternative to securing and managing offsets. The advantages of an offsetting fund are that it allows for offsetting to be centralised and for strategic regional priorities to be met by the fund. The Report provides guidance on what constitutes a good offsets fund. NSWMC agree with the characteristics outlined. In addition, a good fund should also be accessible. A fund will not be accessible if the pricing mechanism does not provide prices that are competitive with other mechanisms for securing offsets. A fund that provides only a premium offset mechanism will not provide benefits to the environment as cannot support a more strategic approach to offsets. In setting up a fund there needs to be consideration of ensuring that the fund is commercially competitive with developers securing and managing offsets. Developers will pay a premium above their own costs, but that premium needs to have a relationship to the risk that is being

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		taken on by the fund, and not be arbitrary.
Draft finding 7.5 The major resources states are in the process of reviewing or reforming their workplace health and safety frameworks for resources extraction, making identifying a leading practice in this area difficult. Recent safety incidents raise concerns about the effectiveness of existing frameworks.	220	The NSW mining industry has an enviable safety record which is supported by a comprehensive regulatory framework and dedicated regulatory agency, the Resources Regulator. Recently, NSWMC and other stakeholders contributed to the independently lead, statutory review of the NSW Work Health and Safety (Mines and Petroleum Sites) laws. The stakeholders that participated in the review did not indicate that significant reforms were required to the legislation. This is a reflection that the existing laws strike a good balance and do not require material change. Central to NSWMC's submission on the WHS laws review was the position that industrial manslaughter remains an ineffective and inappropriate offence to be introduced into WHS laws.
Information Request 7.3 The Commission is seeking further information about the effectiveness of resources health and safety legislation across Australian jurisdictions, including: whether there would be benefits in greater consistency across jurisdictions approaches that represent leading practice health and safety legislation for resources how health and safety approaches in each jurisdiction could be improved.	220	It is important to note that each jurisdiction has its own unique industries, history, cultures, practices and risk profiles that inform the current regulatory frameworks. While harmonisation of regulatory frameworks can appear to be an enviable objective, it carries great risk and costs to all stakeholders. NSWMC recently provided a submission on the statutory review of the NSW Work Health and Safety (Mines and Petroleum Sites) laws. The stakeholders that participated in the review did not indicate that significant reforms were required to the legislation. This is a reflection that the existing laws strike a good balance and do not require material change. While NSWMC's submission does not call for wholesale changes to the WHS laws, several areas were highlighted for consideration of the independent reviewer. Central to NSWMC's submission was support for an outcomes based, collaborative regulatory approach that is underpinned by the tripartite body, the Mine Safety Advisory Council (MSAC). MSAC brings together the Regulator, industry, and unions to provide advice on mine safety matters to the Minister.

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		NSWMC also highlighted its view that industrial manslaughter remains an ineffective and inappropriate offence to be introduced into WHS laws. Given the introduction of this offence in other jurisdictions, NSWMC would not consider it appropriate to harmonise with these laws.
Draft finding 9.1 States that companies should be required to pay for negative externalities - ie dust noise etc. Companies should not be required to fund or construct infrastructure that is not associated with their project (although they may do this voluntarily).	251	NSWMC agrees with Draft Finding 9.1. Negative externalities should be identified in the assessment of a mining project, and ameliorated in accordance with government policy through commitments made in the approval instrument (ie development consent/licence etc.) Other contributions by mining projects to infrastructure or services in mining communities should be associated with an actual increased demand for community services and facilities because of a resources project. If there is not an association, contributions should be genuinely voluntary. Given the demonstrable benefits resources projects contribute to local and regional communities, there should not be further requirement for arbitrary payments to be made (unless genuinely voluntary) without sufficient basis or justification. In NSW the planning legislation provides for development proponents to make “voluntary” planning contributions. For several reasons, these payments are not genuinely voluntary but instead have evolved into an expected payment that must be made to local government for a project to proceed.
Draft finding 9.2 Resources are owned by the Crown on behalf of all Australians. Although negative externalities of resource projects on local communities should be efficiently addressed, these communities should not benefit over and above other regional communities from resource royalties as a matter of right.	252	The NSW Government commenced the NSW Resources for Regions program in 2012. This is not a royalties for regions program as the funding is not determined by royalties, but rather a fixed amount set in the NSW budget annually that is then available to fund projects in resources LGAs. The aim of the fund is to ensure adequate infrastructure funding in mining areas, rather than provide a windfall to those communities based on royalties. NSWMC supports this program and the recently implemented changes to the program which increased certainty of the availability of funds for the mining related councils. Mining communities deserve to have clear and predictable revenues from this type of program.

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		The final recommendations of the Commission should not rule out royalties/resources for regions programs. The historical inadequacy of funding for infrastructure and services in mining areas illustrates that there is a need for dedicated funding programs from existing revenue streams. Mining communities do not benefit over and above other parts of the communities from these programs, rather they bring funding up to levels comparable with other local government areas. The circumstances of the program should define whether it is acceptable.
Draft leading practice 11.2 Regular independent review and evaluation of regulatory frameworks and objectives drives continuous improvement and ensures they remain fit for purpose … The Independent Review of the New South Wales Regulatory Policy Framework has highlighted that a 'lifecycle' approach for managing regulation over time ensures that frameworks remain fit for purpose.	315	Reviews of regulatory frameworks are only useful if the recommendations once accepted are implemented in a timely way. The Independent Review of the NSW Regulatory System also made recommendations about the independent review of proposed government policy and regulation. This is a recommendation that NSWMC would support. While the lifecycle approach to managing regulation will be difficult to operationalise, a better gatekeeper process to ensure that unnecessary regulation or policy is not made in the first place has the potential to reduce unnecessary regulatory burden.
Information Request 11.1 The Commission is seeking views on the advantages and disadvantages of institutionally separating regulatory and policy functions in jurisdictions where separation does not already exist, and the effectiveness of other approaches to ensuring regulator accountability	318	NSW has several examples of independent or partially independent regulators. In NSWMC's experience, the separation of regulatory and policy functions has created additional complexity, confusion and inefficiency in the administration of the regulatory framework. Recent examples of independent regulators established in NSW include the Natural Resources Access Regulator (NRAR), which is the independent water regulator, and the Resources Regulator, which is the regulator of mining legislation. Issues that have arisen include: • The split of compliance, approvals and policy functions between independent regulators and policy branches is unclear. For example, the Division of Mining, Exploration and Geoscience and the Resources Regulator each have roles in assessing different types of applications relating to exploration licences and environmental approvals. • Agencies still require information to flow between the agencies, however their systems appear to be separate. For example, the Division of Mining, Exploration and Geoscience and the

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		Resources Regulator have developed separate online portals for applications. They have separate responsibilities in relation to title applications and titleholders now must use two separate systems for a single title application, as well as other approvals that are required. • Independent regulators and policy functions still rely on each other for information and resources, however this has been implemented poorly. For example, the Natural Resources Access Regulator is responsible for water licensing and approvals for mining projects but does not have in-house hydrogeologists. This necessitates applications having to pass from NRAR to the water policy branch of the Department of Planning, Infrastructure and Environment (DPIE). There are no common application tracking systems and no agency is accountable for the overall process. There are extensive delays in processing applications. • Independent regulators in some cases maintain responsibility for at least some areas of policy. For example the Resources Regulator is responsible for workplace health and safety policy in NSW as it relates to the mining industry. While there may be benefits in having independent regulators, it is crucial that the implementation of this approach is undertaken effectively. This would include clear delineation of responsibilities, integrated and effective systems for information sharing, and ensuring 'one-stop-shop' approaches to approvals are maintained.
Draft recommendation 11.2 Regulators in each jurisdiction should consult with industry, including peak bodies (such as the Minerals Council of Australia and the Australian Petroleum Production and Exploration Association), on developing a program of site visits in order to enhance technical expertise. The program should be ongoing and part of induction training provided to new staff.	324	NSWMC supports the development of a program of site visits for government staff to enhance technical expertise. Programs of this type can help build a real world understanding of operations and the regulatory and policy challenges faced by industry. For example, NSWMC has undertaken site visits with NSW and Commonwealth staff to better understand the value that ecological mine rehabilitation can provide. These visits have been beneficial in building understanding for both agencies and industry. Additionally, there should be some roles where experience working in industry should be essential. For example, applicants for Health and Safety inspector roles in the NSW Resources Regulator need to have a statutory qualification of Mine Manager. This requirement means that staff in these very important positions have had experience working in a mine.
Draft finding 11.2 The ability for regulators to operate	322	NSWMC's view is that there is an enormous amount of data provided by industry through regulatory processes including the development approval process and ongoing regulatory activity.

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effectively and efficiently is constrained by capability challenges, including limited technical expertise and inadequate use of data and technology. In addition, a lack of clarity and regulator transparency inhibits accountability, leads to unnecessary costs for industry and risks a loss of public confidence in the regulatory system. Not least, regulators collect a wealth of data but relatively little is made available to the public.		This data is not well used by government, either internally or externally. Better utilising data within government should be the priority. For example, the NSW Biodiversity Conservation Trust recently contacted a mine operator in NSW to advise that as a landholder, land owned by the mine contained valuable biodiversity that could be conserved through a Biodiversity Stewardship Agreement. The areas referred to included multiple landowners, and where the areas were within the mine operator's ownership this area had been approved and mined many years previously. In another example, the NSW Government committed in 2012 to set up an offsets database. This information is available to the government and could easily be provided publicly. This database is not available. Mines already provide a significant amount of information to the public through environmental impact assessments, annual reports, and an array of other regulatory commitments. This information is generally available on company websites. Data from Environmental Impact Assessments (EIS's) while accepted by government is not collated and used to augment government databases. Rather than vast projects to digitise information, government would be better served by identifying areas of need for information sharing and making sure that these projects are well resourced and funded. Examples include the biodiversity offsets database mentioned above, a map of areas where native title has been extinguished which would assist explorers and Indigenous parties, sharing of information about biodiversity values of land gained through the assessment and approvals process. Governments should focus on continuing to resource, update and build on information sharing projects, rather than commence new projects. For example the Common Ground website in NSW provides information and mapping in relation to mining titles and approvals in NSW and is a valuable resource that could be added to.
Draft recommendation 11.1	315	The NSW minerals industry does not support models of cost recovery being adopted across the

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Governments should assess whether regulators are appropriately funded, and consider opportunities for enhanced cost recovery.		board. There are many issues that arise with cost recovery including transparency of spending, whether costs are spread equitably across participants, the cost burden on industry and whether industry fees and levies actually deliver improvements. The NSW Mining and Petroleum Administrative Levy was introduced in 2012 without any industry consultation. Exploration and mining titleholders pay a levy equivalent to 1% of their mine rehabilitation security deposit. The levy was introduced to provide supplementary funding to deliver improved regulation of a growing mining and coal seam gas industry. In line with increases in mine rehabilitation security deposits that are partly due to changes in calculation methodologies rather than industry growth, levy revenue has increased from $13 million in 2012 to $31 million per annum. And rather than providing supplementary funding as intended, it now appears to be the primary funding mechanism for the regulators of exploration and mining in NSW. In the industry's view, the significant amounts of industry funding have not delivered anywhere near corresponding improvements in the regulatory and administrative framework, while details around levy expenditure have been opaque. While there may be some legitimate opportunities for cost recovery, any proposals must be developed in consultation with industry. The precise purpose of levies should be clearly articulated and ongoing transparency and accountability regarding effective use of industry levies is crucial.
Information request 11.2 The Commission is seeking feedback on leading practices that it has overlooked. Information on how these practices have contributed to improved regulatory outcomes would also be appreciated	322	In NSW, industry advocated for an investigation approach where learnings from certain incidents could be shared rapidly with industry. In response, the Resources Regulator developed the Causal Investigation Policy. The purpose of the causal investigation policy is to establish a framework where, in appropriate circumstances, a causal investigation is conducted to enable the quick and full understanding of the causes of safety incidents, and publication of corresponding lessons to reduce the likelihood of recurrence.

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		This Policy has been well utilised by the Resources Regulator to date and welcomed by industry which has benefited through the sharing of the learnings from incidents at the earliest possible stage in an environment that encourages openness rather than protective legal approaches. Such a policy should be considered in all jurisdictions.