



New South Wales

Mine Safety (Cost Recovery) Regulation 2005

under the

Mine Safety (Cost Recovery) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mine Safety (Cost Recovery) Act 2005*.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

Explanatory note

The objects of this Regulation are as follows:

- (a) to make it clear that the assets of the Mine Safety Fund established under the *Mine Safety (Cost Recovery) Act 2005 (the Act)* are not required to be applied to meet the expenditure incurred by the Department of Primary Industries in carrying out its regulatory activities under the mine safety legislation (or in administering the mine safety legislation) before the first relevant period under the Act begins (which is when the Fund becomes operational and contributions become payable by insurers),
- (b) to enable certain amounts of expenditure incurred in relation to the administration of the Act before the first relevant period begins to be included in a later estimate by the Director-General of the Department of the amount to be contributed to the Fund,
- (c) to give the Director-General the discretion to waive the liability to pay contributions to the Fund,
- (d) to specify members of staff of the WorkCover Authority as a class of persons to whom the Director-General may delegate his or her functions under the Act.

This Regulation is made under the *Mine Safety (Cost Recovery) Act 2005*, including sections 6 (d), 14 (b) and 17 (the general regulation-making power and regulations of a savings or transitional nature).

This Regulation comprises or relates to matters of a machinery nature and to matters of a transitional nature.

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1 Name of Regulation

This Regulation is the *Mine Safety (Cost Recovery) Regulation 2005*.

2 Definitions

In this Regulation:

implementation period means the period between the commencement of the Act and the date on which the first relevant period (as determined by the Director-General under section 9 of the Act) begins.

the Act means the *Mine Safety (Cost Recovery) Act 2005*.

3 Phasing-in of application of Fund to meet Department's expenditure

Any expenditure incurred by the Department during the implementation period:

- (a) in carrying out regulatory activities under or in connection with the mine safety legislation, or
- (b) in the administration or execution of the mine safety legislation (other than the Act),

is not required to be paid from the Fund.

4 Expenditure incurred during implementation period

The amount estimated by the Director-General under section 9 of the Act for a relevant period (whether the first relevant period as determined by the Director-General under that section or any subsequent relevant period) may include any one or more of the following amounts that are incurred during the implementation period:

- (a) any expenditure incurred by the Department in the administration or execution of the Act,
- (b) any expenses incurred by the WorkCover Authority in connection with its functions under the Act,
- (c) any expenses incurred in relation to the administration of the Fund,
- (d) any expenses incurred by insurers in connection with the Act that are payable in accordance with arrangements referred to in section 12 (1) (f) of the Act.

5 Waiver of liability to pay contributions

- (1) The Director-General may, on such grounds or in such circumstances as the Director-General may determine, waive an insurer's liability (or the liability of specified class of insurers) to pay a contribution under section 10 of the Act.

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- (2) Any decision by the Director-General to waive the liability to pay a contribution under section 10 of the Act is to have effect according to its tenor.

6 Delegation of functions—prescribed persons

For the purposes of section 14 (b) of the Act, members of staff of the WorkCover Authority are authorised as a class of persons to whom the functions of the Director-General under the Act may be delegated.

BY AUTHORITY
