



New South Wales

Insurance Premiums Order (July–December) 2005 Amendment (Mine Safety Cost Recovery) Order 2006

under the

Workers Compensation Act 1987

JAMES JACOB SPIGELMAN, Lieutenant-Governor

I, the Honourable James Jacob Spigelman AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and on the recommendation of the WorkCover Authority, and in pursuance of section 168 of the *Workers Compensation Act 1987*, make the following Order.

Dated, this 17th day of May 2006.

By His Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

Under the *Mine Safety (Cost Recovery) Act 2005*, certain mining industry workers compensation insurers are required to make contributions to the Mine Safety Fund administered by the Director-General of the Department of Primary Industries. Section 10 (5) of that Act provides that such an insurer may, subject to and in accordance with any relevant insurance premiums order, adjust the premium payable in respect of a workers compensation insurance policy issued to a mining industry employer so as to include an amount equivalent to such part of the contributions payable by the insurer as relates to that employer and that policy.

The object of this Order is to amend the *Insurance Premiums Order (July–December) 2005* to enable such adjustments of mining industry employers' insurance premiums to take place in relation to policies that are to be or have been issued or renewed so as to take effect on or after 4 pm on 30 June 2005 and before 4 pm on 31 December 2005.

This Order is made under section 168 of the *Workers Compensation Act 1987*.

2006 No 248

Clause 1 Insurance Premiums Order (July–December) 2005 Amendment (Mine Safety Cost Recovery) Order 2006

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Amendment (Mine Safety Cost Recovery) Order 2006**

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1 Name of Order

This Order is the *Insurance Premiums Order (July–December) 2005 Amendment (Mine Safety Cost Recovery) Order 2006*.

2 Amendment of Insurance Premiums Order (July–December) 2005

The *Insurance Premiums Order (July–December) 2005* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 6

Insert after clause 5:

6 Mine Safety Fund Premium Adjustment

- (1) Despite any other provision of this Order, if an employer carries on a business that is covered by any of the classes appearing in Division B of Table A to this Order (that is, classes 120000 to 152000), the premium payable by the employer for the policy of insurance is to be adjusted by the addition of an amount calculated in accordance with the following formula:

$MSF \text{ Amount} = \text{Wages} \times \text{Mine Safety Levy Rate}$

where:

MSF Amount is the additional amount of premium required to be paid by an employer under this clause.

Wages means a part of the total wages payable to workers by the employer in respect of the period of insurance for which the premium is to be calculated, being the part of the total wages attributable to a class appearing in Division B of Table A applicable to the employer.

Mine Safety Levy Rate means 0.462%.

- (2) For the purposes of subclause (1), the calculation of the MSF amount for an employer is to be made using the reasonable estimate of the wages payable by the employer in the notice supplied to the insurer in accordance with clause 130 (1) of the *Workers Compensation Regulation 2003*.