



# Mine Safety (Cost Recovery) Regulation 2013

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*.

CHRIS HARTCHER, MP  
Minister for Resources and Energy

## Explanatory note

The object of this Regulation is to remake, with amendments, the provisions of the *Mine Safety (Cost Recovery) Regulation 2005*, which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1992*.

This Regulation:

- (a) authorises the payment from the Mine Safety Fund established under the *Mine Safety (Cost Recovery) Act 2005* (**the Act**) of all amounts required to meet expenditure incurred by the Department of Trade and Investment, Regional Infrastructure and Services (**the Department**) in:
  - (i) carrying out regulatory activities under or in connection with the *Explosives Act 2003*, or in the administration or execution of that Act, or
  - (ii) exercising functions under or in connection with the *Radiation Control Act 1990*, and
- (b) requires the Director-General of the Department to publish on the Department's website a report on payments made from the Mine Safety Fund, and
- (c) specifies members of staff of the WorkCover Authority as a class of persons to whom the Director-General of the Department may delegate his or her functions under the Act.

This Regulation is made under the *Mine Safety (Cost Recovery) Act 2005*, including sections 7 (1) (e), 14 (b) and 17 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1992*, namely matters of a machinery nature.

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## Mine Safety (Cost Recovery) Regulation 2013

under the

Mine Safety (Cost Recovery) Act 2005

### 1 Name of Regulation

This Regulation is the *Mine Safety (Cost Recovery) Regulation 2013*.

### 2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Mine Safety (Cost Recovery) Regulation 2005* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

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

**relevant period** has the same meaning as in section 9 of the Act.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Additional payments authorised to be paid from Fund

For the purposes of section 7 (1) (e) of the Act, the following money is authorised to be paid from the Fund:

- (a) all payments required to meet expenditure incurred by the Department in carrying out regulatory activities under or in connection with the *Explosives Act 2003*,
- (b) all other amounts required to meet expenditure incurred by the Department in the administration or execution of the *Explosives Act 2003*,
- (c) all payments required to meet expenditure incurred by the Department in exercising functions under or in connection with the *Radiation Control Act 1990*.

**Note.** Clause 6 of the *Explosives Regulation 2013* provides that the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services is the “regulatory authority” for coal workplaces and mining workplaces (within the meaning of that Regulation) for the purposes of the *Explosives Act 2003* in relation to certain functions. Section 5A of the

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*Radiation Control Act 1990* provides that the Director-General of the Department of Industry and Investment (now the Department of Trade and Investment, Regional Infrastructure and Services) may exercise certain functions prescribed by regulations made under that Act. For that purpose, clause 47 of the *Radiation Control Regulation 2013* prescribes certain functions of the *Protection of the Environment Operations Act 1997* (being functions that are extended to the exercise of powers in connection with the *Radiation Control Act 1990* and that Regulation by the operation of section 15 of that Act).

### 5 Report

- (1) Within 6 months after the end of each relevant period, the Director-General is to prepare a report containing an overview of payments made from the Fund.
- (2) The report is to be published on the Department's website.

### 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.