



New South Wales

# Mine and Petroleum Site Safety (Cost Recovery) Regulation 2019

under the

Mine and Petroleum Site Safety (Cost Recovery) Act 2005

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

JOHN BARILARO, MP

Deputy Premier, Minister for Regional New South Wales, Industry and Trade

## Explanatory note

The object of this Regulation is to repeal and remake, without any significant changes, the provisions of the *Mine Safety (Cost Recovery) Regulation 2013*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) authorises the payment from the Mine and Petroleum Site Safety Fund established under the *Mine and Petroleum Site Safety (Cost Recovery) Act 2005* (the *Act*) of all amounts required to meet expenditure incurred by the Department of Planning, Industry and Environment (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 Secretary of the Department to publish on the Department's website a report on payments made from the Mine and Petroleum Site Safety Fund, and
- (c) specifies members of staff of the State Insurance Regulatory Authority as a class of persons to whom the Secretary of the Department may delegate his or her functions under the Act.

This Regulation is made under the *Mine and Petroleum Site 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 1989*, namely matters of a machinery nature.

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## Mine and Petroleum Site Safety (Cost Recovery) Regulation 2019

under the

Mine and Petroleum Site Safety (Cost Recovery) Act 2005

### 1 Name of Regulation

This Regulation is the *Mine and Petroleum Site Safety (Cost Recovery) Regulation 2019*.

### 2 Commencement

This Regulation commences on 1 August 2019 and is required to be published on the NSW legislation website.

**Note.** This Regulation repeals and replaces the *Mine Safety (Cost Recovery) Regulation 2013*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

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

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

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(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 Secretary of the Department of Planning, Industry and Environment is the “regulatory authority” for 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 *Radiation Control Act 1990* provides that the Secretary of the Department of Planning, Industry and Environment may exercise certain functions prescribed by regulations made under that Act. For that purpose, clause 47 of the *Radiation Control Regulation 2013* prescribes (among other things) 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 the *Radiation Control Act 1990*).

**5 Report**

- (1) Within 6 months after the end of each relevant period, the Secretary 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 State Insurance Regulatory Authority are authorised as a class of persons to whom the functions of the Secretary under the Act may be delegated.

**7 Repeal**

The *Mine Safety (Cost Recovery) Regulation 2013* is repealed.

**8 Savings**

Any act, matter or thing that, immediately before the repeal of the *Mine Safety (Cost Recovery) Regulation 2013*, had effect under that Regulation continues to have effect under this Regulation.