

Mine Safety (Cost Recovery) Regulation 2005 (2006 SI 10)

[2006-10]



New South Wales

Status Information

Currency of version

Repealed version for 9 July 2010 to 31 August 2013 (accessed 22 November 2024 at 23:58)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2013.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Mine Safety (Cost Recovery) Regulation 2005 (2006 SI 10)



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1 Name of Regulation

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

2 Definitions

(1) 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*.

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

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.

4A 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*.

Note—

Clause 6 of the *Explosives Regulation 2005* provides that the Director-General of the Department of Industry and Investment 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.

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.
- (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.