
MINERALS AND PETROLEUM

MP301*

Mines Safety and Inspection Act 1994

Mines Safety and Inspection Levy Amendment Regulations 2011

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Mines Safety and Inspection Levy Amendment Regulations 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (*gazettal day*);
- (b) regulations 4, 12 and 13 — on 1 July 2011;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Mines Safety and Inspection Levy Regulations 2010*.

4. Regulation 3 amended

- (1) In regulation 3(1) insert in alphabetical order:

its port has the meaning given in the *Port Authorities Act 1999* section 3(1) in the definition of *port*;

port authority has the meaning given in the *Port Authorities Act 1999* section 3(1);

- (2) In regulation 3(1) in the definition of *worker* delete “include a student gaining work experience.” and insert:

include —

- (a) in relation to a month — an individual who has worked less than 40 hours in the month; and
- (b) a student gaining work experience.

(3) After regulation 3(2) insert:

- (3) In the definition of *worker*, the reference to mining operations does not include mining operations carried on by a port authority at its port.

5. Regulation 14 amended

- (1) Delete regulation 14(3).
(2) In regulation 14(5) delete “5” and insert:

2

6. Regulation 15 amended

Delete regulation 15(3)(d) and (e) and insert:

- (d) if the amount of the levy payable is increased —
- (i) any amount of levy payable in accordance with the original assessment or any earlier reassessment, that is unpaid; and
 - (ii) any additional amount of levy payable as a consequence of the reassessment, and the day on which the amount is payable; and
 - (iii) any amount of penalty payable under regulation 18 that is owing;
- (e) if the amount of the levy payable is decreased —
- (i) any amount of levy payable in accordance with the original assessment or any earlier reassessment, that is unpaid (after taking into account the reassessment); and
 - (ii) the amount of any refund; and
 - (iii) any amount of penalty payable under regulation 18 that is owing (after taking into account the reassessment).

7. Regulation 18 replaced

Delete regulation 18 and insert:

18. Penalty for overdue amounts

- (1) If an amount of levy imposed in respect of a period that ended before 1 July 2011 remains unpaid after the due date, there is payable to the State by way of penalty, in addition to the amount of levy, an amount equal to 20% of the amount of levy outstanding on the day after the due date.
- (2) If an amount of levy imposed in respect of a quarter that commenced on or after 1 July 2011 remains unpaid after the due date, there is payable to the State by way of penalty, in addition to the amount of levy, an amount equal to 20% per annum (pro rata) of the amount of the levy outstanding.

8. Heading to Part 5 amended

In the heading to Part 5 after “**Objections**” insert:

and reviews

9. Regulation 24 amended

In regulation 24(3) delete “give” and insert:

serve on

10. Regulation 25 amended

Delete regulation 25(3)(d) and (e) and insert:

- (d) if the amount of the levy payable is increased —
 - (i) any amount of levy payable in accordance with the original assessment or any earlier reassessment, that is unpaid; and
 - (ii) any additional amount of levy payable as a consequence of the reassessment, and the day on which the amount is payable; and
 - (iii) any amount of penalty payable under regulation 18 that is owing;

- (e) if the amount of the levy payable is decreased —
 - (i) any amount of levy payable in accordance with the original assessment or any earlier reassessment, that is unpaid (after taking into account the reassessment); and
 - (ii) the amount of any refund; and
 - (iii) any amount of penalty payable under regulation 18 that is owing (after taking into account the reassessment).

11. Regulation 28 replaced

Delete regulation 28 and insert:

28. Review of determinations of objections

- (1) A person who is liable to pay a levy in respect of a mine for a period and is dissatisfied with a determination under regulation 24 may apply to the State Administrative Tribunal for a review of the determination.
- (2) An application for review cannot be made more than 42 days after the day on which notice of the determination under regulation 24 is served on the person.
- (3) The State Administrative Tribunal may extend the period referred to in subregulation (2), before or after it has expired, if the person shows that there are reasonable grounds for doing so.
- (4) Regulations 25 and 26 apply in relation to a decision of the State Administrative Tribunal under the *State Administrative Tribunal Act 2004* section 29(3)(b) or (c)(i), to the extent relevant and to the extent consistent with the decision.
- (5) Subregulation (4) does not limit the *State Administrative Tribunal Act 2004* section 29.

12. Regulation 29 amended

- (1) Delete regulation 29(3) and (4).
- (2) In regulation 29(5):
 - (a) in paragraph (a) delete “makes” and insert:

made

(b) delete paragraph (b) and insert:

(b) obtained a copy of a record under subregulation (3) or (4), as in force before 1 July 2011,

(c) delete “period.” and insert:

period, whether or not the person remains the principal employer at the mine.

13. Regulation 31 amended

(1) Delete regulation 31(2) and insert:

(2) The principal employer at a mine must keep records, which may be records created for another purpose, sufficient to show the total number of hours worked at the mine by workers in each month.

Penalty:

- (a) for an individual — a fine of \$5 000;
- (b) for a body corporate — a fine of \$25 000.

(2) In regulation 31(3) delete “under” and insert:

created for the purposes of

(3) Delete regulation 31(4), (5) and (6) and insert:

(4) A person obliged to keep records under subregulation (2) must keep the records or copies for at least 5 years after the end of the quarter to which they relate, whether or not the person remains the principal employer at the mine.

Penalty:

- (a) for an individual — a fine of \$5 000;
- (b) for a body corporate — a fine of \$25 000.

By Command of the Lieutenant-Governor and Administrator,

G. MOORE, Clerk of the Executive Council.