

MP302

Mines Safety and Inspection Act 1994

## Mines Safety and Inspection Levy Amendment Regulations 2022

SL 2022/20

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Mines Safety and Inspection Levy Amendment Regulations 2022*.

### 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*;
- (b) the rest of the regulations — on the day on which the *Work Health and Safety Act 2020* Part 15 Division 2 Subdivision 1 comes into operation.

### 3. Regulations amended

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

### 4. Regulation 3A inserted

At the end of Part 1 insert:

#### 3A. Transitional provisions relating to *Mines Safety and Inspection Levy Amendment Regulations 2022*

- (1) In this regulation —  
*amendment day* means the day on which the *Mines Safety and Inspection Levy Amendment Regulations 2022* regulation 4 comes into operation.
- (2) On and after amendment day, these regulations apply in relation to quarters ending before that day as if these regulations had not been amended by the *Mines Safety and Inspection Levy Amendment Regulations 2022* regulations 5 to 10.

- (3) Subregulation (4) applies on and after amendment day to a person who, immediately before that day, is the principal employer at a mine under section 32(4) of the Act.
- (4) In relation to quarters commencing on or after amendment day, the person continues to be the principal employer at the mine for the purposes of these regulations as if section 32(4) of the Act were still in force.
- (5) If amendment day is before 1 April 2022, despite the definition of *quarter* in regulation 3(1), for the purposes of these regulations (including this regulation) —
  - (a) the quarter commencing on 1 January 2022 is taken to have ended on the day before amendment day; and
  - (b) a new quarter is taken —
    - (i) to commence on amendment day; and
    - (ii) to end on 30 June 2022.
- (6) In regulation 30B(3), the reference to information that has been provided to the CEO under regulation 30A includes information that has been provided to a district inspector under section 32 or 32A of the Act before amendment day.

Note for this regulation:

See the *Work Health and Safety Act 2020* Part 16 Division 12 Subdivision 1 for transitional provisions relevant to these regulations.

## 5. Regulation 12 amended

In regulation 12(a) delete “monthly reports” and insert:

report

## 6. Regulations 30A to 30C inserted

At the beginning of Part 6 Division 2 insert:

### 30A. Information relating to principal employer at mine

- (1) This regulation applies on and after the day on which the *Mines Safety and Inspection Levy Amendment Regulations 2022* regulation 6 comes into operation.

- (2) Before mining operations begin at a mine, the following information must be provided to the CEO in accordance with regulation 30C(3) —
- (a) the date on which the mining operations will begin;
  - (b) the name and address of the person who will be the principal employer at the mine when the mining operations begin;
  - (c) any other information relating to that person required by the CEO.

- (3) If mining operations begin at a mine and subregulation (2) has not been complied with, the person who is the principal employer at the mine when the mining operations begin commits an offence.

Penalty for this subregulation:

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

- (4) If mining operations are to be carried out by a syndicate or other association of persons in such a way that no person is employed at the mine, the following information must be provided to the CEO, in accordance with regulation 30C(3), before the mining operations begin —

- (a) the date on which the mining operations will begin;
- (b) the name and address of the person who is to assume the duties and responsibilities of principal employer in respect of the mining operations;
- (c) any other information relating to that person required by the CEO.

- (5) Once the mining operations begin, the person whose name and address is provided under subregulation (4)(b) is taken to be the principal employer at the mine for the purposes of these regulations.

- (6) If mining operations begin at a mine and subregulation (4) has not been complied with, each person who is a member of the syndicate or other association of persons commits an offence.

Penalty for this subregulation:

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

**30B. Changes to information relating to principal employer**

- (1) This regulation applies on and after the day on which the *Mines Safety and Inspection Levy Amendment Regulations 2022* regulation 6 comes into operation.
- (2) If there is a change in the identity of the principal employer at a mine, the new principal employer must, no later than 7 days after the date of the change, provide the following information to the CEO in accordance with regulation 30C(3) —
  - (a) the date of the change;
  - (b) the name and address of the new principal employer;
  - (c) any other information relating to the new principal employer required by the CEO.

Penalty for this subregulation:

- (a) for an individual — a fine of \$5 000;
  - (b) for a body corporate — a fine of \$25 000.
- (3) Subregulation (4) applies to a person who is the principal employer at a mine if there is a change in any of the information that has been provided to the CEO in relation to the person under regulation 30A or this regulation (including subregulation (4)).

Examples for this subregulation:

1. A change in a principal employer's name or address.
  2. If information has been provided in relation to a principal employer as referred to in regulation 30C(1), a change in —
    - (a) the membership of the association; or
    - (b) the name or address of any member of the association.
- (4) No later than 7 days after the date of the change, the person must provide the updated information to the CEO in accordance with regulation 30C(3).

Penalty for this subregulation:

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

**30C. Supplementary provisions for regulations 30A and 30B**

- (1) If a person whose name and address is required to be provided to the CEO under regulation 30A(2)(b) or (4)(b) or 30B(2)(b) is a partnership, syndicate or other association of persons (the *association*), the requirement to provide the person's name and address includes a requirement also to provide the name and address of each member of the association.

- (2) The CEO may require information to be provided under regulation 30A(2)(c) or (4)(c) or 30B(2)(c) only for the purpose of facilitating the administration of these regulations.
- (3) Information that is required to be provided to the CEO under regulation 30A or 30B must be provided using a form, and must be provided in a manner, approved by the CEO.
- (4) The CEO must ensure that the following are published on the department's website —
  - (a) details of any information required by the CEO under regulation 30A(2)(c) or (4)(c) or 30B(2)(c);
  - (b) any form approved by the CEO under subregulation (3);
  - (c) details of any manner of providing information approved by the CEO under subregulation (3).

**7. Regulation 31 amended**

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

quarter

**8. Regulation 32 replaced**

Delete regulation 32 and insert:

**32. Quarterly report in relation to workers**

- (1) This regulation applies on and after the day on which the *Mines Safety and Inspection Levy Amendment Regulations 2022* regulation 8 comes into operation.
- (2) A person who is the principal employer at a mine at the end of a quarter must, within 15 days after the end of the quarter, give a report to the CEO specifying the total number of hours worked at the mine by workers in the quarter.

Penalty for this subregulation:

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

- (3) If there is no principal employer at the mine at the end of the quarter, the person who was the last principal employer in the quarter must comply with subregulation (2).

Penalty for this subregulation:

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

**9. Regulation 40 amended**

In regulation 40 after “32” insert:

or in providing information under regulation 30A or 30B

**10. Regulation 41 amended**

In regulation 41:

- (a) after “32,” insert:

or any information provided by an individual under regulation 30A or 30B,

- (b) after “report,” insert:

provided the information or

V. MOLAN, Clerk of the Executive Council.