

Western Australia

**Mines Safety and Inspection Amendment
Act 2009**

As at 03 Dec 2009

No. 45 of 2009

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Mines Safety and Inspection Amendment Act 2009

CONTENTS

Part 1 — Preliminary

1.	Short title	2
2.	Commencement	2
3.	Act amended	2

Part 2 — Mines safety levy

4.	Section 105A inserted	3
	105A. Regulations for cost recovery	3
	105AB. Mines Safety Account	4

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Mines Safety and Inspection Amendment Act 2009

No. 45 of 2009

An Act to amend the *Mines Safety and Inspection Act 1994* to enable regulations to make provision for a levy.

[Assented to 3 December 2009]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Mines Safety and Inspection Amendment Act 2009*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Mines Safety and Inspection Act 1994*.

Part 2 — Mines safety levy

4. Section 105A inserted

After section 104 insert:

105A. Regulations for cost recovery

- (1) Regulations may be made under section 104 to provide for a levy, which may be of the nature of a tax, to be payable to the State for the costs of administering this Act.
- (2) To the extent that the regulations provide for a levy that is a tax, the regulations may impose the tax.
- (3) The regulations may deal with —
 - (a) the circumstances in which liability to pay the levy is imposed;
 - (b) how the amount of the liability is to be assessed;
 - (c) on whom liability is imposed to pay the amount assessed, when payment becomes due, and how payment is to be made;
 - (d) who is exempt or partially exempt from liability to pay the amount assessed and the conditions to which an exemption, or partial exemption, is subject;
 - (e) rights to object to an assessment and how the objection is to be dealt with;
 - (f) the consequences of failure to pay an amount in accordance with the regulations, which may include the imposition of an increase in the amount of an outstanding liability and may include interest;
 - (g) how an amount outstanding may be recovered.

- (4) The regulations may —
- (a) provide for the keeping of records and the provision of information to facilitate the administration of the provisions for the levy;
 - (b) provide for the authorisation of persons to perform functions for the purpose of investigating and enforcing compliance with the provisions for the levy and, for those purposes, give authorised persons functions, which may include functions of a kind comparable to a kind of functions that this Act gives to an inspector.

105AB. Mines Safety Account

- (1) An agency special purpose account under the *Financial Management Act 2006* section 16 is to be established for the department and called the Mines Safety Account.
- (2) The Mines Safety Account is to be credited with any levy paid under regulations mentioned in section 105A(1) including any additional outstanding liability and interest as mentioned in section 105A(3)(f).
- (3) Moneys held in the Mines Safety Account are to be applied in payment of the costs of administering this Act.

