

Dangerous Goods Safety Act 2004
Mines Safety and Inspection Act 1994

Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020

SL 2020/197

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

***Mines and Petroleum Regulations Amendment (COVID-19 Response)
Regulations (No. 2) 2020***

Part 2 Dangerous Goods Safety (Explosives) Regulations
2007 amended

r. 3

**Part 2 — *Dangerous Goods Safety (Explosives)
Regulations 2007* amended**

3. Regulations amended

This Part amends the *Dangerous Goods Safety (Explosives) Regulations 2007*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

designated period means the period —

- (a) beginning on the day on which the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 7 comes into operation; and
- (b) ending on 31 March 2021;

5. Regulation 30 amended

Delete regulation 30(2)(j) and insert:

- (j) if the application is made under subregulation (1)(a) — be accompanied by the fee.

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Regulations (No. 2) 2020

Dangerous Goods Safety (Explosives) Regulations
2007 amended

Part 2

r. 6

6. Regulation 197A inserted

At the end of Part 17 insert:

197A. Waiver and refund of fees in response to COVID-19 pandemic

- (1) In this regulation —

commencement day means the day on which the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 7 comes into operation;

designated fee means a fee set out in Schedule 1 as in force on 1 April 2020;

reduced fee means a fee set out in Column 2 of Schedule 1;

waived fee means a fee in regulation 172(3)(c), 188, 189 or 190(2).

- (2) Despite any other provision of these regulations, the waived fees are waived during the period beginning on commencement day and ending on 31 March 2021.
- (3) If a person paid a waived fee during the period beginning on 1 April 2020 and ending on the day before commencement day, the Chief Officer must refund the fee to the person.
- (4) Subregulation (5) applies if —
- (a) a person paid a designated fee during the period beginning on 1 April 2020 and ending on the day before commencement day; and
 - (b) the designated fee is greater than the corresponding reduced fee.

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- (5) The Chief Officer must refund to the person an amount equal to the difference between the designated fee and the corresponding reduced fee.
- (6) However, subregulations (3) and (5) do not require the Chief Officer to refund an amount in respect of a fee that has been refunded under regulation 17(5), 31(2), 150(3), 162(3) or 164(8) or a part of a fee that has been refunded under regulation 172(10).

7. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 3 and 197A]

Item	Column 1 Matter	Column 2 Fee during designated period \$	Column 3 Fee after designated period \$
1.	Application for a security card (r. 17(3)(d))	140.00	176.00
2.	Application to extend period for which a security card is valid (r. 21A(2)(c))	39.50	49.50
3.	Application for a test permit for an unauthorised explosive (r. 27(2)(d))	—	186.00
4.	Application to have an explosive authorised (r. 30(2)(j)) —		
	(a) if the explosive is authorised under an interstate law (as defined in r. 30(1A))	—	150.00
	(b) otherwise	—	605.00

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Item	Column 1 Matter	Column 2 Fee during designated period \$	Column 3 Fee after designated period \$
5.	Application for a berth to be declared a special berth (explosives) (r. 111L(2)(e)(iii))	4 424.00	4 424.00
6.	Application for a fireworks event permit (r. 149(1)(e)) —		
	(a) if the event fireworks include a ground display but no aerial shells	150.00	150.00
	(b) if the event fireworks include aerial shells but not more than 3 000 aerial shells	303.00	303.00
	(c) if the event fireworks include more than 3 000 aerial shells	4 537.00	4 537.00
7.	Application for a licence (other than a trading licence) (r. 157(1)(c)) —		
	(a) explosives driver licence	94.00	117.50
	(b) shotfiring licence	94.00	117.50
	(c) fireworks contractor licence	374.00	467.50
	(d) fireworks operator licence	94.00	117.50
	(e) pyrotechnics (special use) licence	94.00	117.50
8.	Annual fee for a trading licence (r. 157(1)(da)(i) and 179A) —		
	(a) explosives import/export licence	—	190.00
	(b) explosives manufacture licence	—	403.00
	(c) explosives manufacture (MPU) licence	—	931.00

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Item	Column 1 Matter	Column 2 Fee during designated period \$	Column 3 Fee after designated period \$
	(d) explosives storage licence —		
	(i) for less than 1 t of explosives	—	119.00
	(ii) for 1 t or more but less than 5 t of explosives	—	142.00
	(iii) for 5 t or more of explosives	—	381.00
	(e) explosives transport licence	—	950.00
	(f) explosives supply licence	—	64.50
9.	Application for renewal of a licence (other than a trading licence) (r. 173(3)(i))	The fee in item 7 for the licence	The fee in item 7 for the licence

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Dangerous Goods Safety (Road and Rail Transport of
Non-explosives) Regulations 2007 amended **Part 3**

r. 8

**Part 3 — *Dangerous Goods Safety (Road and Rail
Transport of Non-explosives) Regulations 2007*
amended**

8. Regulations amended

This Part amends the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*.

9. Regulation 272 replaced

Delete regulation 272 and insert:

272. Fees prescribed

(1) In this regulation —

designated period means the period —

- (a) beginning on the day on which the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 9 comes into operation; and
- (b) ending on 31 March 2021.

(2) The fees payable under these regulations are prescribed in the Table.

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Part 3 Dangerous Goods Safety (Road and Rail Transport of
Non-explosives) Regulations 2007 amended

r. 9

Table

Item	Column 1 Application	Column 2 Fee during designated period \$	Column 3 Fee after designated period \$
1.	Application for approval or variation of approval (r. 194(1)(b))	—	294.00
2.	Application for, or for renewal of—		
	(a) a dangerous goods driver licence (r. 218(2)(e) and 223(2)(e)) —		
	(i) for the first year or part of a year of the term of the licence	—	23.50
	(ii) for each subsequent year or part of a year of the term of the licence	23.50	23.50

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Dangerous Goods Safety (Road and Rail Transport of
Non-explosives) Regulations 2007 amended **Part 3**

r. 10

Item	Column 1 Application	Column 2 Fee during designated period \$	Column 3 Fee after designated period \$
	(b) a dangerous goods vehicle licence (r. 230(4) and 233(3)) —		
	(i) for the first year or part of a year of the term of the licence	—	148.00
	(ii) for each subsequent year or part of a year of the term of the licence	148.00	148.00

10. Regulation 272AA inserted

At the end of Part 22 insert:

272AA. Refund of fees in response to COVID-19 pandemic

(1) In this regulation —

commencement day means the day on which the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 9 comes into operation;

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Non-explosives) Regulations 2007 amended

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designated fee means a fee set out in the Table to regulation 272 as in force on 1 April 2020;

reduced fee means a fee set out in Column 2 of the Table to regulation 272(2).

- (2) This regulation applies if —
 - (a) a person paid a designated fee during the period beginning on 1 April 2020 and ending on the day before commencement day; and
 - (b) the designated fee is greater than the corresponding reduced fee.
- (3) The Chief Officer must refund to the person an amount equal to the difference between the designated fee and the corresponding reduced fee.
- (4) However, subregulation (3) does not require the Chief Officer to refund an amount in respect of a fee that has been refunded under regulation 194(4).

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Dangerous Goods Safety (Security Sensitive
Ammonium Nitrate) Regulations 2007 amended **Part 4**

r. 11

**Part 4 — *Dangerous Goods Safety (Security Sensitive
Ammonium Nitrate) Regulations 2007* amended**

11. Regulations amended

This Part amends the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007*.

12. Regulation 52 inserted

After regulation 51 insert:

52. Waiver and refund of fees in response to COVID-19 pandemic

- (1) In this regulation —
commencement day means the day on which the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 12 comes into operation.
- (2) Despite regulations 30(1)(c) and 46A(3), the annual fees are waived during the period beginning on commencement day and ending on 31 March 2021.
- (3) If a person paid an annual fee during the period beginning on 1 April 2020 and ending on the day before commencement day, the Chief Officer must refund the fee to the person.
- (4) However, subregulation (3) does not require the Chief Officer to refund a fee that has been refunded under regulation 32(3).

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Part 5 Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 amended

r. 13

Part 5 — *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* amended

13. Regulations amended

This Part amends the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*.

14. Regulation 44B inserted

After regulation 44A insert:

44B. Waiver and refund of fees in response to COVID-19 pandemic

- (1) In this regulation —
commencement day means the day on which the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 14 comes into operation.
- (2) Despite any other provision of these regulations, the annual fees are waived during the period beginning on commencement day and ending on 31 March 2021.
- (3) If a person paid an annual fee during the period beginning on 1 April 2020 and ending on the day before commencement day, the Chief Officer must refund the fee to the person.
- (4) However, subregulation (3) does not require the Chief Officer to refund a fee that has been refunded under regulation 30(2) or part of a fee that has been refunded under regulation 29(7) or 48A.

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Dangerous Goods Safety (Storage and Handling of
Non-explosives) Regulations 2007 amended **Part 5**

r. 15

15. Schedule 5 amended

Delete the reference after the heading to Schedule 5 and insert:

[r. 26, 27, 29, 44A, 89, 90 and 92]

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Part 6 Mines Safety and Inspection Regulations 1995
amended

r. 16

**Part 6 — *Mines Safety and Inspection Regulations 1995*
amended**

16. Regulations amended

This Part amends the *Mines Safety and Inspection Regulations 1995*.

17. Regulation 2.33A inserted

At the end of Part 2 Division 3 Subdivision C insert:

2.33A. Waiver and refund of fees in response to COVID-19 pandemic

- (1) In this regulation —
commencement day means the day on which the *Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 17 comes into operation.
- (2) Despite regulations 2.31 and 2.33, the fees specified in Schedule 2 are waived during the period beginning on commencement day and ending on 31 March 2021.
- (3) If a person paid a fee specified in Schedule 2 during the period beginning on 1 April 2020 and ending on the day before commencement day, the Board must refund the fee to the person.

V. MOLAN, Clerk of the Executive Council.
