



Queensland

Mining and Other Legislation (Safety and Health Fee) Amendment Act 2008

Act No. 43 of 2008



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Mining and Other Legislation (Safety and Health Fee) Amendment Act 2008

Act No. 43 of 2008

An Act to amend the Coal Mining Safety and Health Act 1999, the Explosives Act 1999 and the Mining and Quarrying Safety and Health Act 1999 for particular purposes

[Assented to 8 September 2008]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Mining and Other Legislation (Safety and Health Fee) Amendment Act 2008*.

Part 2 Amendment of Coal Mining Safety And Health Act 1999

2 Act amended in pt 2

This part amends the *Coal Mining Safety And Health Act 1999*.

3 Amendment of s 129D (Functions of authorised officers)

Section 129D—

insert—

‘(h) to investigate whether persons required to provide information to the chief executive under this Act have provided the information and whether the information is correct.’.

4 Amendment of s 282 (Regulation-making power)

Section 282, after subsection (2)—

insert—

-
- ‘(3) Without limiting subsection (1) or schedule 2, part 1, item 6, a regulation may be made about assessing, charging and recovering fees payable to cover the cost of the department’s activities carried out for the purposes of safety and health for coal mining operations.
- ‘(4) Without limiting subsection (3), a regulation may provide for any of the following—
- (a) the types of activities for which fees may be charged and recovered;
 - (b) the fees to be charged;
 - (c) the way the fees are calculated including, for the first time the fees are charged, prescribing the way based on criteria in place before the commencement of the regulation;
 - (d) who must pay the fees;
 - (e) how, when, where, and to whom, the fees must be paid;
 - (f) the calculation of interest payable on unpaid fees;
 - (g) the information that must be provided to the chief executive by the persons who must pay the fees;
 - (h) how, when, where, and to whom, the information is to be provided;
 - (i) investigations by authorised officers to obtain and check the information.
- ‘(5) However, a regulation must not be made under subsection (3) or (4) for the purpose or effect of funding the development or demonstration of technology which will assist in reducing the production or emission of Greenhouse Gas from the use of coal.

Note—

See the *Clean Coal Technology Special Agreement Act 2007*, schedule, section 2.5.’.

[s 5]

Part 3 **Amendment of Explosives Act 1999**

5 Act amended in pt 3

This part amends the *Explosives Act 1999*.

6 Insertion of new s 80A

After section 80—

insert—

‘80A Function of inspector

‘An inspector has the function to investigate whether persons required to provide information to the chief executive under this Act have provided the information and whether the information is correct.’

7 Amendment of s 135 (Regulation-making power)

(1) Section 135(3)—

renumber as section 135(6).

(2) Section 135, after subsection (2)—

insert—

‘(3) Without limiting subsection (1) or (2)(a), a regulation may be made about assessing, charging and recovering fees payable to cover the cost of the department’s activities carried out for the purposes of safety and health for explosives.

‘(4) Without limiting subsection (3), a regulation may provide for any of the following—

(a) the types of activities for which fees may be charged and recovered;

(b) the fees to be charged;

(c) the way the fees are calculated including, for the first time the fees are charged, prescribing the way based on

[s 10]

insert—

‘(h) to investigate whether persons required to provide information to the chief executive under this Act have provided the information and whether the information is correct.’.

10 Amendment of s 262 (Regulation-making power)

(1) Section 262(5)—

renumber as section 262(8).

(2) Section 262, after subsection (4)—

insert—

‘(5) Without limiting subsection (1) or (4), a regulation may be made about assessing, charging and recovering fees payable to cover the cost of the department’s activities carried out for the purposes of safety and health for operations.

‘(6) Without limiting subsection (5), a regulation may provide for any of the following—

(a) the types of activities for which fees may be charged and recovered;

(b) the fees to be charged;

(c) the way the fees are calculated including, for the first time the fees are charged, prescribing the way based on criteria in place before the commencement of the regulation;

(d) who must pay the fees;

(e) how, when, where, and to whom, the fees must be paid;

(f) the calculation of interest payable on unpaid fees;

(g) the information that must be provided to the chief executive by the persons who must pay the fees;

(h) how, when, where, and to whom, the information is to be provided;

- (i) investigations by authorised officers to obtain and check the information.
- ‘(7) However, a regulation must not be made under subsection (5) or (6) for the purpose or effect of funding the development or demonstration of technology which will assist in reducing the production or emission of Greenhouse Gas from the use of coal.

Note—

See the *Clean Coal Technology Special Agreement Act 2007*, schedule, section 2.5.’.

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