

EXPLANATORY MEMORANDUM –SAFETY LEVIES AMENDMENT BILL 2019

Background

The Safety Levies Amendment Bill 2019 (the SLA Bill) amends the *Mines Safety and Inspection Act 1994* (MSIA) and the *Petroleum and Geothermal Energy Safety Levies Act 2011* (PGESLA) to ensure the levies raised in these acts are correctly imposed after amendments made as a consequence of the Work Health and Safety Bill 2019 (WHS Bill 2019).

The MSIA and petroleum legislation such as the *Petroleum and Geothermal Energy Resources Act 1967* are being amended to remove elements related to work health and safety (WHS) as they will be covered by the WHS Bill 2019 once it commences operation. This has required some consequential amendments that impinge on aspects of the MSIA and PGESLA relating to liability for their respective levies. These amendments are not intended to make any changes to liability for the levy, and provision has been made in the WHS Bill 2019 for transition of the administration of these levies.

Consequently, to satisfy the requirements of the *Constitution Acts Amendment Act 1899* in relation to bills in the nature of taxation, the SLA Bill reimposes the levies.

Part 1 - Preliminary

Clause 1 – Short Title

1. The short title of the act is the *Safety Levies Amendment Act 2019*.

Clause 2 – Commencement

2. The SLA Bill is timed to commence when the WHS Bill 2019 commences operation, which will be on proclamation after the development of related regulations.

Part 2 – *Mines Safety and Inspection Act 1994* amended

Clause 3 – Act Amended

3. Section 105A of the MSIA permits regulations to be made to provide for a levy, which may be in the nature of a tax, to be payable to the State for cost of administering “this Act”. Section 105A is amended by the WHS Bill 2019 to change the reference “this Act” to a reference to the *Work Health and Safety Act 2019*. The Mines Safety and Inspection Levy Regulations 2010 will continue to operate.

Clause 4 – Section 105A amended

4. Clause 4 acts to impose the levy consequentially to changes made by the WHS Bill 2019.

Part 3 - *Petroleum and Geothermal Energy Safety Levies Act 2011* amended

Clause 5 – Act amended

5. Section 4 of the PGESLA creates the safety management system levy. The WHS Bill 2019 includes amendments to section 4 to streamline the various safety levies, and consequential amendments to some definitions due to the repeal or amendment of petroleum safety regulations.

Clause 6 – Section 4 amended

6. Clause 6 acts to impose the levy consequentially to changes made by the WHS Bill 2019.

Clause 7 – Section 7 amended

7. Section 7 of the PGSA creates a levy in relation to diving safety management systems (DSMS). The WHS Bill 2019 includes amendments to section 7 in relation to consequential amendments to some definitions due to the repeal or amendment of petroleum safety regulations.