



New South Wales

Coal Industry Amendment (Fees for Rescue Services) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Coal Industry Act 2001* so as to allow the *mines rescue company* (being the company approved of under the Act by the Minister for Industrial Relations to provide mines rescue and other services in accordance with the Act) to charge fees for providing rescue services and facilities to deal with an emergency in an underground coal mine in the State. However, such fees are not chargeable in respect of the first 8 hours (or such longer period as the regulations may prescribe) of its provision of such services and facilities in relation to the emergency.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *Coal Industry Act 2001* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [2] enables the mines rescue company to charge fees for providing rescue services and facilities (including rescue equipment) to deal with an emergency in an underground coal mine in the State. However, the company is not to charge any fee in respect of the first 8 hours (or such longer period as the regulations may prescribe) during which it provides those services and facilities in relation to the emergency.

Schedule 1 [1] makes it clear that the fact that coal mine owners are obliged under section 19 of the Act to pay contributions to the mines rescue company to fund its mines rescue functions does not absolve them of the liability to pay the fees the company is to be permitted to charge in respect of its provision of rescue services and facilities (as referred to above).

Schedule 1 [3] makes an amendment to a note as a consequence of the amendments made by Schedule 1 [1] and [2].

Schedule 1 [4] allows regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

First print



New South Wales

Coal Industry Amendment (Fees for Rescue Services) Bill 2002

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Coal Industry Act 2001 No 107	2
Schedule 1 Amendments	3



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Coal Industry Amendment (Fees for Rescue Services) Bill 2002

No. , 2002

A Bill for

An Act to amend the *Coal Industry Act 2001* with respect to the charging of fees for the provision of underground coal mine rescue services; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Coal Industry Amendment (Fees for Rescue Services) Act 2002</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Coal Industry Act 2001 No 107	7
The <i>Coal Industry Act 2001</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendments	1
(Section 3)	2
[1] Section 19 Owners of coal mines to make contributions to fund mines rescue functions	3
Insert after section 19 (6):	4
(7) Nothing in this section affects the liability of any person to pay any fees charged under section 22 (2).	5
[2] Section 22 No fees for certain services	6
Insert at the end of the section:	7
(2) Despite subsection (1), the mines rescue company may charge fees for providing rescue services and facilities (including rescue equipment) to deal with an emergency in an underground coal mine in the State.	8
(3) However, the mines rescue company is not to charge any fee in respect of the first 8 hours (or such longer period as the regulations may prescribe) during which it provides those services and facilities in relation to the emergency.	9
(4) A reference in this section to the providing of facilities includes a reference to the use of those facilities.	10
[3] Section 22, note	11
Omit "The costs of". Insert instead "Except as provided by section 22 (2), the costs of".	12
[4] Schedule 8 Savings, transitional and other provisions	13
Insert at the end of clause 1 (1):	14
<i>Coal Industry Amendment (Fees for Rescue Services) Act 2002</i>	15