

1996—No. 28

OCCUPATIONAL HEALTH AND SAFETY ACT 1983— REGULATION

(Consequential on amendments to the Act)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Occupational Health and Safety Act 1983, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.,
Minister for Industrial Relations.

Commencement

1. This Regulation commences on 2 February 1996.

Amendments

- 2 The Occupational Health and Safety (Inspectors' Notices and Penalty Notices) Regulation 1988 is amended:

- (a) by inserting before clause 5 the following clause:

Expiry of Part

4A. An improvement notice or prohibition notice may not be issued under this Part after the commencement of section 3 IR of the Act (as inserted by Schedule 2 [28] to the Workcover Legislation Amendment Act 1995).

- (b) by omitting from clause 11 (a) the words "any inspector appointed under the associated occupational health and safety legislation" and by inserting instead the words "any inspector appointed under the Act or under section 6 of the Dangerous Goods Act 1975";
 - (c) by omitting from Schedule 1 from the matter relating to the Occupational Health and Safety Act 1983 the matter "20 and 27 (1)" and by inserting instead the matter "20, 27 (1) and 3 IR (5)".
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EXPLANATORY NOTE

Schedule 2 [28] to the Workcover Legislation Amendment Act 1995 amended the Occupational Health and Safety Act 1983 (“the Principal Act”) so as to include in the Act provisions that are at present located in Part 2 (clauses 5–10) of the Occupational Health and Safety (Inspectors’ Notices and Penalty Notices) Regulation 1988. The provisions concerned empower inspectors to require a contravention or likely contravention of the Principal Act (or of regulations made under it) to be remedied, or to prohibit any activity which is an immediate risk to health and safety.

The object of this Regulation is to make consequential amendments to the occupational Health and Safety (Inspectors’ Notices and Penalty Notices) Regulation 1988 as a result of the amendments referred to above.

This Regulation also makes consequential amendments to the description of the persons who are authorised to issue penalty notices for offences under the Principal Act and associated legislation.

This Regulation is made under the Principal Act and, in particular, under sections 45 (the general regulation-making power) and 51B (Penalty notices for certain offences) and clause 1 (1) of Schedule 8 (Savings and Transitional Provisions).
