



New South Wales

# Work Health and Safety (Mines and Petroleum Sites) Amendment Act 2022 No 24

## Contents

---

		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54</b>	<b>3</b>

---



New South Wales

# Work Health and Safety (Mines and Petroleum Sites) Amendment Act 2022 No 24

Act No 24, 2022

---

An Act to make miscellaneous amendments to the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*. [Assented to 6 June 2022]

---

**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Work Health and Safety (Mines and Petroleum Sites) Amendment Act 2022*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

## **Schedule 1      Amendment of Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54**

**[1] Section 5 Definitions**

Omit the definition of *Department* from section 5(1). Insert instead—  
*Department* means the Department of Regional NSW.

**[2] Section 5(1), definition of “regulator”**

Omit “head”. Insert instead “Secretary”.

**[3] Section 5(3)**

Insert after section 5(2)—

(3) The regulator is to be known as the *NSW Resources Regulator*.

**[4] Sections 15(1), (1A) and (2), 16(1), 17(1), 30(3), 34, 35, 45(2) and (3), 46(2), 47(2) and 55**

Omit “\$10,000” wherever occurring. Insert instead “100 penalty units”.

**[5] Sections 15(1), (1A) and (2), 16(1), 17(1), 30(3), 34, 36, 45(2) and (3), 46(2), 47(2), 55 and 58(8)**

Omit “\$50,000” wherever occurring. Insert instead “500 penalty units”.

**[6] Section 25 Offence of failing to comply with requirement of government official**

Omit “\$6,000” from the penalty. Insert instead “60 penalty units”.

**[7] Section 25, penalty**

Omit “\$36,000”. Insert instead “360 penalty units”.

**[8] Section 28 Appointment of industry safety and health representatives**

Insert at the end of section 28(2)(b)—

, and

(c) the person is, in the Minister’s opinion, a suitable person to be appointed as an industry safety and health representative.

**[9] Section 28(2AA)**

Insert after section 28(2)—

(2AA) For the purpose of determining under subclause (2)(c) whether a person is suitable to be appointed as an industry safety and health representative, the Minister may make enquiries about the person the Minister considers appropriate, including—

(a) a nationwide criminal record check, and

(b) other relevant probity checks relating to the person’s previous employment or other activities.

**[10] Section 36 Offence to assault, threaten or intimidate**

Omit “\$250,000” from the penalty. Insert instead “2,500 penalty units”.

**[11] Section 38 Election of mine safety and health representatives**

Omit “\$3,600” from the penalty. Insert instead “36 penalty units”.

- [12] Section 38, penalty**  
Omit “\$18,000”. Insert instead “180 penalty units”.
- [13] Section 46 Reports by mine safety and health representatives**  
Omit “\$500” from section 46(1). Insert instead “5 penalty units”.
- [14] Section 55 Offence—failure to comply with stop work order**  
Omit “\$100,000” from the penalty. Insert instead “1,000 penalty units”.
- [15] Section 55, penalty**  
Omit “\$500,000”. Insert instead “5,000 penalty units”.
- [16] Section 58 Witnesses and evidence at inquiries**  
Omit “\$25,000” from the penalty in section 58(8). Insert instead “250 penalty units”.
- [17] Section 65 Membership of Board**  
Omit “(who is not to be an officer of the Department)” from section 65(1)(a).
- [18] Section 65(3)**  
Insert after section 65(2)—
- (3) The Minister may only appoint a person to be the Chairperson of the Board if the person—
    - (a) is not an officer of the Department, and
    - (b) is, in the Minister’s opinion, independent of any entities prescribed by the regulations as entities that may nominate persons to represent the interests of employers or workers for the purposes of subsection (1).
- [19] Section 69 Service of documents**  
Omit section 69(1)(a)(iv). Insert instead—
- (iv) sending it by email to an email address specified by the person for the giving or service of documents, or
- [20] Section 69(1)(b)(iii)**  
Omit the subparagraph. Insert instead—
- (iii) sending it by email to an email address specified by the body corporate for the giving or service of documents.

[Second reading speech made in—  
Legislative Assembly on 30 March 2022  
Legislative Council on 12 May 2022]