



New South Wales

# Occupational Health and Safety Amendment (Penalty Notices) Regulation 2002

under the

Occupational Health and Safety Act 2000

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Regulation is to amend Schedule 2 to the *Occupational Health and Safety Regulation 2001* to prescribe additional offences in respect of which penalty notices may be served and to correct an incorrect cross-reference. In particular, the Regulation provides that a penalty notice may be served:

- (a) on an employer for an offence of failing to ensure the health, safety or welfare at work of the employer's employees, and
- (b) on an employer for an offence of failing to ensure the health or safety of persons other than employees while they are at the employer's place of work, and
- (c) on a self-employed person for an offence of failing to ensure the health or safety of persons other than employees while they are at the self-employed person's place of work.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including sections 33 (the general regulation-making power) and 108 (Penalty notices for certain offences).

## **2002 No 5**

Clause 1 Occupational Health and Safety Amendment (Penalty Notices) Regulation 2002

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# **Occupational Health and Safety Amendment (Penalty Notices) Regulation 2002**

### **1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment (Penalty Notices) Regulation 2002*.

### **2 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

### **3 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 2)

### [1] Schedule 2 Penalty notices

Insert in appropriate order in the part of Schedule 2 relating to offences under the Act:

Section 8 (1)	1000	9450	Employer fails to ensure health/safety/welfare of employees
Section 8 (2)	1000	9451	Employer allows risk to health/safety of non-employees
Section 9	1000	9452	Self-employer allows risk to health/safety of non-employees

### [2] Schedule 2

Omit "Clause 171 (1)" where firstly occurring.  
Insert instead "Clause 170 (1)".