



Work Health and Safety Amendment (Fees and Transitional Provisions) Regulation 2013

under the

Work Health and Safety Act 2011

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety Act 2011*.

ANDREW CONSTANCE, MP
Acting Minister for Finance and Services

Explanatory note

The objects of this Regulation are as follows:

- (a) to increase certain fees and decrease certain other fees payable under the *Work Health and Safety Regulation 2011* with respect to licences, accreditation and registration and to introduce new fees for replacement registration documents and general construction induction training cards,
- (b) to extend the period of operation of certain transitional provisions relating to certification required for licences for reach stacker work, registration of plant and notification of the use, handling or storage of hazardous chemicals that exceed manifest quantities,
- (c) to remove redundant references to certain legislation.

This Regulation is made under the *Work Health and Safety Act 2011*, including section 276 (the general regulation-making power), Schedule 3 and clause 1 of Schedule 4.

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Work Health and Safety Amendment (Fees and Transitional Provisions)
Clause 1 Regulation 2013

**Work Health and Safety Amendment (Fees and
Transitional Provisions) Regulation 2013**

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Work Health and Safety Act 2011

1 Name of Regulation

This Regulation is the *Work Health and Safety Amendment (Fees and Transitional Provisions) Regulation 2013*.

2 Commencement

This Regulation commences on 1 July 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Work Health and Safety Regulation 2011

[1] Clause 702 Confidentiality of information—exception relating to administration or enforcement of other laws

Omit clause 702 (k) and (r).

[2] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

Type of fee	Fee
Application for high risk work licence (clause 87 (3))	\$67 per class of licence
Application for replacement licence document (clause 98 (4) (b))	\$31
Application for renewal of high risk work licence (clause 101 (3))	\$62
Application for accreditation as assessor (clause 116 (3))	For 3 year accreditation \$1538 for the first application \$500 for a subsequent application
Application for replacement accreditation document (clause 127 (4) (b))	Nil
Application for renewal of accreditation (clause 130 (2) (b))	For 3 year renewal \$1025 for the first application \$500 for a subsequent application
Application for registration of design of plant (clause 250 (4))	\$258 per design
Application for registration of item of plant (clause 266 (3))	\$65 for first item and \$2 for each additional item at the same address and owned by the same applicant
Application for renewal of registration of item of plant (clause 277 (3))	\$65 for first item and \$2 for each additional item at the same address and owned by the same applicant

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Type of fee	Fee
Application for replacement registration document (clause 288 (4) (b))	\$31
Issue of general construction induction training card (clause 319 (4))	\$21
Application for replacement general construction induction training card (clause 321 (3) (b))	\$31
Administration fee for notice in relation to manifest quantities of Schedule 11 hazardous chemicals (clause 348)	\$100
Application for asbestos removal licence or asbestos assessor licence (clause 492 (3))	\$5125 for Class A asbestos removal licence \$930 for Class B asbestos removal licence \$500 for asbestos assessor licence
Application for replacement licence document (clause 513 (4) (b))	\$31
Application for renewal of asbestos removal licences and asbestos assessor licences (clause 516 (3))	\$5125 for Class A asbestos removal licence \$513 for Class B asbestos removal licence \$500 for asbestos assessor licence
Notification fee to be paid by operators of facilities at which Schedule 15 chemicals are present or likely to be present in a quantity that exceeds 10% of their threshold quantity (clause 538 (4))	Nil
Administration fee for determined major hazard facilities (clause 544A)	For 2011–2012 financial year—\$40,800 plus \$101 per hour of the regulator’s time in connection with the administration of Chapter 9 in relation to the facility For 2012–2013 financial year—\$41,400 plus \$101 per hour of the regulator’s time in connection with the administration of Chapter 9 in relation to the facility Or, in relation to any financial year, such lesser fee determined by the regulator

Type of fee	Fee
Application for a major hazard facility licence (clause 578 (3))	Nil
Administration fee for licensed major hazard facilities (clause 585A)	For 2011–2012 financial year—\$40,800 plus \$101 per hour of the regulator’s time administering the licence For 2012–2013 financial year—\$41,400 plus \$101 per hour of the regulator’s time administering the licence Or, in relation to any financial year, such lesser fee determined by the regulator
Application for replacement licence document (clause 594 (4) (b))	Nil
Application for renewal of a major hazard facility licence (clause 596 (3))	Nil
Application for transfer of major hazard facility licence (clause 600 (2) (b))	Nil
Administration fee in relation to transfer of major hazard facility licence (clause 600 (4A))	\$101 per hour of the regulator’s time administering the licence Or such lesser fee determined by the regulator
Application for cancellation of major hazard facility licence (clause 601 (2) (b))	Nil
Administration fee in relation to cancellation of major hazard facility licence on operator’s application (clause 601 (5A))	\$101 per hour of the regulator’s time administering the licence Or such lesser fee determined by the regulator

[3] Schedule 18B Savings and transitional provisions

Omit “during the 18-month period after the commencement of the WHS Act” from clause 22 (9).

Insert instead “before 1 July 2014”.

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[4] Schedule 18B, clause 31

Omit the clause. Insert instead:

31 Registration of plant

Division 2 of Part 5.3 of the WHS Regulation does not apply until 1 July 2015, and Subdivision 2 of Division 3 of Part 5.2 of the OHS Regulation continues to apply until 1 July 2015 as if it had not been repealed.

[5] Schedule 18B, clause 37

Omit the clause. Insert instead:

37 Notification if manifest quantities exceeded

Clause 348 of the WHS Regulation does not apply until 1 January 2015, and clause 174ZS of the OHS Regulation continues to apply until 1 January 2015 as if it had not been repealed.