



New South Wales

# Work Health and Safety Amendment (Miscellaneous) Regulation 2017

under the

Work Health and Safety Act 2011

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

MATTHEW KEAN, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to amend the *Work Health and Safety Regulation 2017*:

- (a) to update the definition of the **ADG Code** (the *Australian Code for the Transport of Dangerous Goods by Road and Rail*) to the latest version of that Code and to provide that it applies as in force from time to time, and
- (b) to provide that the disclosure or use of information or documents for the administration or enforcement of the *Rail Safety National Law (NSW)* is excluded from the application of section 271 of the *Work Health and Safety Act 2011*, which would otherwise prevent a person who obtains information or gains access to a document in exercising any power or function under certain provisions of that Act from disclosing, giving access to or using the information or document, and
- (c) to provide that Subdivision 2 of Division 3 of Part 5.2 of the *Occupational Health and Safety Regulation 2001* continues to apply until 1 January 2020 (as if that Regulation had not been repealed) to and in respect of the registration of certain items of plant, other than certain mining specific plant and amusement devices that are passenger ropeways or water slides, and
- (d) to amend a reference to an Australian Standard in the context of outer warning placard requirements.

This Regulation is made under the *Work Health and Safety Act 2011*, including section 271 (3) (c) (ii), section 276, Schedule 3 (the general regulation-making powers) and clause 1 of Schedule 4.

## **Work Health and Safety Amendment (Miscellaneous) Regulation 2017**

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Work Health and Safety Act 2011

### **1 Name of Regulation**

This Regulation is the *Work Health and Safety Amendment (Miscellaneous) Regulation 2017*.

### **2 Commencement**

This Regulation commences on 1 January 2018 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Work Health and Safety Regulation 2017

### [1] Clause 5 Definitions

Omit the definition of *ADG Code* from clause 5 (1) (including the note). Insert instead:

*ADG Code* means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, approved by the Transport and Infrastructure Council, as in force or remade from time to time. If that document is amended or remade, a reference in this Regulation to a provision of that document extends to the corresponding provision (if any) of the amended or remade document.

**Note.** The ADG Code is accessible at [www.ntc.gov.au](http://www.ntc.gov.au).

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

Insert after clause 702 (u):

(ua) *Rail Safety National Law (NSW)*,

### [3] Clause 702A Savings

Insert at the end of the clause before the note:

(2) Division 2 of Part 5.3 does not apply until 1 January 2020 and Subdivision 2 of Division 3 of Part 5.2 of the *Occupational Health and Safety Regulation 2001* (as in force immediately before its repeal) continues to apply to any item of plant until 1 January 2020 as if that Regulation had not been repealed.

(3) However, subclause (2) does not extend to the following:

(a) an item of plant specified in Part 2 of the Table to clause 113 of the *Occupational Health and Safety Regulation 2001*,

(b) amusement devices that are:

(i) passenger ropeways, or

(ii) water slides where water facilitates patrons to slide easily, predominantly under gravity, along a static structure.

### [4] Schedule 13 Placard requirements

Omit “2007S” from clause 3 (3). Insert instead “2700S”.