



New South Wales

# Work Health and Safety Amendment (Miscellaneous) Regulation 2019

under the

Work Health and Safety Act 2011

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

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## Explanatory note

The object of this Regulation is to amend the *Work Health and Safety Regulation 2017* for the following purposes—

- (a) to provide that the disclosure or use of information or documents for the administration or enforcement of particular NSW and Commonwealth Acts 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,
- (b) 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Health and Safety Regulation 2001* continues to apply until 1 January 2021 (as if that Regulation had not been repealed) to and in respect of the registration of certain items of plant, other than certain mining specific plant and amusement devices that are passenger ropeways or certain water slides,
- (c) to include penalty notice offences for failing to notify the relevant regulator of a notifiable incident and failing to display an improvement notice, prohibition notice or non-disturbance notice in a prominent part of the workplace,
- (d) to make minor law revision amendments.

This Regulation is made under the *Work Health and Safety Act 2011*, including sections 243 and 271(3)(c)(ii) and clause 1 of Schedule 4, and section 276 and Schedule 3 (the general regulation-making powers).

## **Work Health and Safety Amendment (Miscellaneous) Regulation 2019**

under the

Work Health and Safety Act 2011

### **1 Name of Regulation**

This Regulation is the *Work Health and Safety Amendment (Miscellaneous) Regulation 2019*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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

**[1]    Clauses 164 and 166**

Omit “*Electricity (Consumer Safety) Act 2004*” from the notes to the clauses.

Insert instead “*Gas and Electricity (Consumer Safety) Act 2017*”.

**[2]    Clause 417 Return to lead risk work after removal**

Omit clause 417(3)(a)(ii). Insert instead—

(ii) for females of reproductive capacity—5µg/dL (0.24µmol/L), and

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

Insert in appropriate order in clause 702—

(a1) *Building Products (Safety) Act 2017*,

(g1) *Electricity Supply Act 1995*,

(i1) *Fair Trading Act 1987*,

(j1) *Gas and Electricity (Consumer Safety) Act 2017*,

(j2) *Heavy Vehicle National Law (NSW)*,

(j3) *Home Building Act 1989*,

(l1) *Marine Safety Act 1998*,

(l2) *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* of the Commonwealth,

(n1) *Motor Dealers and Repairers Act 2013*,

(o1) *Navigation Act 2012* of the Commonwealth,

(q1) *Occupational Health and Safety (Maritime Industry) Act 1993* of the Commonwealth,

(r1) *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*,

**[4]    Clause 702A Savings**

Omit “2020” wherever occurring in clause 702A(2). Insert instead “2021”.

**[5]    Schedule 18A Penalty notice offences**

Insert in appropriate order in the matter relating to offences under the Act—

Section 38(1)	\$1200	\$6000
---------------	--------	--------

**[6]    Schedule 18A, Table**

Insert “, 210” after “97 (1)” in the matter relating to offences under the Act.