



New South Wales

# Work Health and Safety (Mines and Petroleum Sites) Amendment Regulation 2022

under the

Work Health and Safety (Mines and Petroleum Sites) Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

PAUL TOOLE, MP  
Minister for Regional New South Wales

## Explanatory note

This Regulation replaces existing penalty amounts, which are expressed as a monetary value, with the equivalent penalty expressed in penalty units to adopt an approach to expressing penalty amounts that is consistent with the *Work Health and Safety Act 2011*.

This Regulation is made under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, including section 76, the general regulation-making power.

## **Work Health and Safety (Mines and Petroleum Sites) Amendment Regulation 2022**

under the

Work Health and Safety (Mines and Petroleum Sites) Act 2013

### **1 Name of Regulation**

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

### **2 Commencement**

This Regulation commences on 1 August 2022.

## Schedule 1 Amendment of Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

### [1] Whole Regulation, except where otherwise amended by this Schedule

Omit each amount specified in Column 1 of the following table wherever occurring.

Insert instead the penalty units specified in Column 2.

Column 1	Column 2
\$1,250	12.5 penalty units
\$3,600	36 penalty units
\$6,000	60 penalty units
\$18,000	180 penalty units
\$30,000	300 penalty units

### [2] Schedule 13 Penalty notice offences

Omit the table. Insert instead—

#### Offences under the WHS (Mines and Petroleum Sites) Act

Column 1	Column 2	Column 3
Provision	Penalty— Individuals	Penalty— Corporations
Sections 15(1), (1A) and (2), 16(1), 17(1), 30(3)(b), 45(2) and (3), 46(2) and 47(2)	6 penalty units	30 penalty units
Section 38(5)	3 penalty units	10 penalty units

#### Offences under this Regulation

Column 1	Column 2	Column 3
Provision	Penalty— Individuals	Penalty— Corporations
Clauses 6(4) and (5), 8(2), 8A(4) and (5), 8C(2), 10(3), 11(2) and (3), 12(2) and (3), 13(1)–(3), 16, 17(1) and (2), 20, 21, 22(1), 23(1) and (2), 24(1) and (5), 25(1) and (2), 26(1), 27, 33(3), 34, 35(1), (2) and (4), 37(1), 39(1), 41, 45(1) and (6), 46(1) and (2), 47(1)–(3), 48, 49(2)–(6), 51, 52, 53(1)–(3), 54(1), 55(1) and (2), 57(2)–(4), 59(1)–(3), 60(1) and (2), 61(1), 62(1), 63, 64(1) and (3), 65(5), 71(3), (4) and (6), 72(1)–(8), 73(1) and (2), 74(1), 75, 77(1), 78(1), (4) and (7), 80(1), 81, 82(1), 83, 84, 85(1), (8), (9) and (11), 86, 87(3), 88(1), 90, 92, 93, 94(1) and (3), 95, 96(1) and (5), 97(1)–(7), 100(1), (2) and (6), 101(2)–(4), 102, 103(1)–(4), 104(2) and (3), 105, 107, 109(6), 110, 120, 121, 122(2), (4), (4A) and (8)–(10), 123(2), 124(1), 125(2), 126, 137(1)–(4), 138B(1) and (2), 153(1) and (2), 153A, 177(9) and 177A and Schedule 5, clause 1	6 penalty units	30 penalty units

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty— Individuals</b>	<b>Penalty— Corporations</b>
Clauses 7(1), 7B(5) and (6), 8B(1), 9(2), 18(1), 36(1) and (1A), 58(5), 91(1) and (2), 106, 125(1), 133(1) and 170(1) and (2)	4.32 penalty units	21.6 penalty units
Clauses 7A, 8BA and 60(5)	3 penalty units	10 penalty units
Clauses 42, 98 and 99	1.8 penalty units	9 penalty units
Clauses 58(1) and (4), 60(3), 108, 134(1)–(3), 143(3A), 144(13), 157(5A) and 158(4)	1.25 penalty units	6 penalty units
Clause 60(4)	1.5 penalty units	6 penalty units
Clauses 127(1), 127A, 128(1), 129(12), 130(1), 131(2) and 132	7.2 penalty units	36.6 penalty units
Clauses 138 and 138C	6 penalty units	—