



New South Wales

# Work Health and Safety (Mines and Petroleum Sites) Amendment Regulation (No 2) 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

The object of this Regulation is to make minor amendments to the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*, including—

- (a) to specify dollar amounts instead of penalty units for the amounts payable for penalty notices issued for offences against the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* or the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*, and
- (b) to make amendments of a law revision nature.

This Regulation is made under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, including sections 4 and 76, the general regulation-making power. See also the *Work Health and Safety Act 2011*, including sections 243 and 276, the general regulation-making power.

## **Work Health and Safety (Mines and Petroleum Sites) Amendment Regulation (No 2) 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 (No 2) 2022*.

### **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 (Mines and Petroleum Sites) Regulation 2022

### [1] Section 74 Ventilation

Omit section 74(2)(d). Insert instead—

- (d) the percentage by volume of methane in the general body of the air is no greater than 0.25% at any point on the intake side that is 100m outbye of—
  - (i) the most inbye completed line of cut-throughs, or
  - (ii) any longwall or shortwall face, but only to the extent the intake airway is on the intake side of that face, but not if the longwall face is an installation face at which the development of the face, and mining for development coal, have been completed and at which longwall mining has yet to commence,

### [2] Section 178 Exemptions for certain gemstone mines, tourist mines and tier-3 quarries

Omit “Divisions 2 and 3” from section 178(2)(a). Insert instead “Division 2”.

### [3] Section 178(2)(b)

Omit the paragraph. Insert instead—

- (b) sections 19(2)(c), 31, 58, 62(3), 63, 65–67, 103 and 126.

### [4] Schedule 13 Penalty notice offences

Omit the tables. Insert instead—

Column 1	Column 2	Column 3
Provision	Penalty— individuals	Penalty— corporations
<b>Offences under the WHS (MPS) Act</b>		
Sections 15(1), (1A) and (2), 16(1), 17(1), 30(3)(b), 45(2) and (3), 46(2) and 47(2)	\$600	\$3,000
Section 38(5)	\$300	\$1,000
<b>Offences under this Regulation</b>		
Sections 5(5) and (6), 9(2), 10(5) and (6), 13(2), 15(3), 16(2) and (3), 17(3) and (4), 18(1), (2) and (7), 22(1) and (2), 24, 25, 26(1), 27(1) and (2), 28(1) and (5), 29(1) and (2), 30(1), 31, 35(3), 36, 37(1), (2) and (4), 39(1), 41(1) and (2), 43, 48(1) and (6), 49(1) and (2), 50(1), (3) and (4), 51(1) and (2), 52(1)–(5), 54, 55, 56(1)–(3), 57(1), 58(1) and (2), 60(2)–(4), 62(1)–(3), 63(1) and (2), 64(1), 65(1), 66, 67(1) and (3), 68(5), 74(3), (4) and (6), 76(1)–(8), 77(1) and (2), 78(1), 80(1), 81(1), (4) and (6), 83(1), 84, 85(1), 86, 87, 88(1), (8), (9) and (11), 89(2), 90(3), 91(1), 93, 95, 96(1), 97(1) and (3), 98, 99(1) and (5), 100(1)–(4) and (6)–(8), 103(1)–(3), 104(2)–(4), 105, 106(1)–(4), 107(2) and (3), 108, 110, 112(6), 113(2), 114, 115, 116(4), 117(1), (2) and (7)–(9), 118(1) and (2), 119(2), 120, 122(2), 133(1)–(4), 136(1) and (2), 154(1) and (2), 155, 187(9) and 188 and Schedule 5, section 1	\$600	\$3,000

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty— individuals</b>	<b>Penalty— corporations</b>
Sections 6(1), 8(6) and (7), 11(1), 14(2), 23, 38(1) and (2), 61(5), 94(1) and (2), 109, 119(1), 129(1) and 174(1) and (2)	\$432	\$2,160
Sections 7, 12 and 63(5)	\$300	\$1,000
Sections 44, 101 and 102	\$180	\$900
Sections 61(1) and (4), 63(3), 83(7), 111, 130(1)–(3), 142(4), 145(8), 159(6) and 160(4)	\$125	\$600
Section 63(4)	\$150	\$600
Sections 121(1), 123, 124(1), 125(14), 126(1), 127(2) and 128	\$720	\$3,660
Sections 134 and 137	\$600	—