

Passed by both Houses



New South Wales

Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022

Act No _____, 2022

An Act to make miscellaneous amendments to the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54

[1] Section 5 Definitions

Omit the definition of *Department* from section 5(1). Insert instead—
Department means the Department of Regional NSW.

[2] Section 5(1), definition of “regulator”

Omit “head”. Insert instead “Secretary”.

[3] Section 5(3)

Insert after section 5(2)—

(3) The regulator is to be known as the *NSW Resources Regulator*.

[4] Sections 15(1), (1A) and (2), 16(1), 17(1), 30(3), 34, 35, 45(2) and (3), 46(2), 47(2) and 55

Omit “\$10,000” wherever occurring. Insert instead “100 penalty units”.

[5] Sections 15(1), (1A) and (2), 16(1), 17(1), 30(3), 34, 36, 45(2) and (3), 46(2), 47(2), 55 and 58(8)

Omit “\$50,000” wherever occurring. Insert instead “500 penalty units”.

[6] Section 25 Offence of failing to comply with requirement of government official

Omit “\$6,000” from the penalty. Insert instead “60 penalty units”.

[7] Section 25, penalty

Omit “\$36,000”. Insert instead “360 penalty units”.

[8] Section 28 Appointment of industry safety and health representatives

Insert at the end of section 28(2)(b)—

, and

(c) the person is, in the Minister’s opinion, a suitable person to be appointed as an industry safety and health representative.

[9] Section 28(2AA)

Insert after section 28(2)—

(2AA) For the purpose of determining under subclause (2)(c) whether a person is suitable to be appointed as an industry safety and health representative, the Minister may make enquiries about the person the Minister considers appropriate, including—

(a) a nationwide criminal record check, and

(b) other relevant probity checks relating to the person’s previous employment or other activities.

[10] Section 36 Offence to assault, threaten or intimidate

Omit “\$250,000” from the penalty. Insert instead “2,500 penalty units”.

[11] Section 38 Election of mine safety and health representatives

Omit “\$3,600” from the penalty. Insert instead “36 penalty units”.

[12] Section 38, penalty

Omit “\$18,000”. Insert instead “180 penalty units”.

[13] Section 46 Reports by mine safety and health representatives

Omit “\$500” from section 46(1). Insert instead “5 penalty units”.

[14] Section 55 Offence—failure to comply with stop work order

Omit “\$100,000” from the penalty. Insert instead “1,000 penalty units”.

[15] Section 55, penalty

Omit “\$500,000”. Insert instead “5,000 penalty units”.

[16] Section 58 Witnesses and evidence at inquiries

Omit “\$25,000” from the penalty in section 58(8). Insert instead “250 penalty units”.

[17] Section 65 Membership of Board

Omit “(who is not to be an officer of the Department)” from section 65(1)(a).

[18] Section 65(3)

Insert after section 65(2)—

(3) The Minister may only appoint a person to be the Chairperson of the Board if the person—

- (a) is not an officer of the Department, and
- (b) is, in the Minister’s opinion, independent of any entities prescribed by the regulations as entities that may nominate persons to represent the interests of employers or workers for the purposes of subsection (1).

[19] Section 69 Service of documents

Omit section 69(1)(a)(iv). Insert instead—

- (iv) sending it by email to an email address specified by the person for the giving or service of documents, or

[20] Section 69(1)(b)(iii)

Omit the subparagraph. Insert instead—

- (iii) sending it by email to an email address specified by the body corporate for the giving or service of documents.