

Work Health and Safety (Savings and Transitional) Regulation 2011

[2011-561]



New South Wales

Status Information

Currency of version

Repealed version for 28 October 2011 to 31 December 2011 (accessed 3 July 2024 at 15:40)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

None of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Repeal**

The Regulation was repealed by Sch 1 to the [Work Health and Safety Regulation 2011 \(674\)](#) with effect from 1.1.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 January 2012

Work Health and Safety (Savings and Transitional) Regulation 2011



New South Wales

Contents

1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 General transitional arrangements for OHS offences	3
5 Arrangements for proceedings commenced after WHS Act commencement	3
6 Arrangements for offences committed on or after 7/6/11 and prosecuted in Industrial Court.....	4
7 Requirements for workplace death offence prosecutions	4

Work Health and Safety (Savings and Transitional) Regulation 2011



New South Wales

The Administrator, with the advice of the Executive Council, has made the following Regulation under the [Work Health and Safety Act 2011](#).

GREG PEARCE, MP Minister for Finance and Services

1 Name of Regulation

This Regulation is the [Work Health and Safety \(Savings and Transitional\) Regulation 2011](#).

2 Commencement

This Regulation commences on the commencement of the WHS Act.

3 Definitions

In this Regulation:

OHS Act means the [Occupational Health and Safety Act 2000](#).

OHS offence means an offence against a provision of the OHS Act or the regulations under that Act.

WHS Act means the [Work Health and Safety Act 2011](#).

4 General transitional arrangements for OHS offences

Proceedings for an OHS offence alleged to have been committed before the repeal of the OHS Act are to be dealt with after the repeal of the OHS Act as if that Act had not been repealed, except as otherwise provided by this Regulation.

5 Arrangements for proceedings commenced after WHS Act commencement

Proceedings for an OHS offence that are commenced after the commencement of the WHS Act are to be dealt with as follows:

- (a) proceedings are to be dealt with summarily before the Local Court or the District Court in its summary jurisdiction, except as provided by paragraph (b),

- (b) proceedings for an offence against section 32A (Reckless conduct causing death at workplace by person with OHS duties) of the OHS Act are to be taken on indictment.

6 Arrangements for offences committed on or after 7/6/11 and prosecuted in Industrial Court

Proceedings for an OHS offence alleged to have been committed on or after 7 June 2011 that were commenced in the Industrial Court before the commencement of the WHS Act but not finally determined by the Industrial Court before that commencement are discontinued in the Industrial Court on that commencement and are then to be dealt with:

- (a) summarily before the District Court in its summary jurisdiction, unless paragraph (b) applies, or
- (b) on indictment in the case of proceedings for an offence against section 32A of the OHS Act.

7 Requirements for workplace death offence prosecutions

Proceedings for an offence against section 32A of the OHS Act cannot be instituted after the commencement of the WHS Act except with the written consent of a Minister of the Crown (including such a consent given before the commencement of the WHS Act) or by an inspector under the WHS Act.