

REMAKE OF THE WORK HEALTH AND SAFETY REGULATION 2011 - TABLE OF AMENDMENTS

<p style="text-align: center;">Work Health and Safety Regulation 2011</p> <p style="text-align: center;">(2011 Regulation)</p>	<p style="text-align: center;">Work Health and Safety Regulation 2017</p> <p style="text-align: center;">(2017 Regulation)</p>
<p>1 Name of Regulation</p> <p><i>“This Regulation is the Work Health and Safety Regulation 2011.”</i></p>	<p>1 Name of Regulation</p> <p><i>“This Regulation is the Work Health and Safety Regulation 2017.”</i></p>
<p>2 Commencement</p> <p><i>“(1) This Regulation (subject to subclause (2)) commences on 1 January 2012 and is required to be published on the NSW legislation website.</i></p> <p><i>(2) Clause 164 commences on 1 January 2013.”</i></p>	<p>2 Commencement</p> <p><i>“This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.</i></p> <p><i>Note: This Regulation replaces the Work Health and Safety Regulation 2011, which is repealed on 1 September 2017 under section 10(2) of the Subordinate Legislation Act 1989.”</i></p>
<p>5 Definitions</p> <p><i>“UN number has the same meaning as it has in Attachment 2 of the ADG Code.”</i></p>	<p>5 Definitions</p> <p><i>“UN number has the same meaning as it has in the ADG Code.”</i></p>

<p style="text-align: center;">Work Health and Safety Regulation 2011</p> <p style="text-align: center;">(2011 Regulation)</p>	<p style="text-align: center;">Work Health and Safety Regulation 2017</p> <p style="text-align: center;">(2017 Regulation)</p>
<p>143 Demolition work required to be licensed</p> <p><i>“Note. Not adopted in NSW. See clause 64 of Schedule 18B (Savings and transitional provisions).”</i></p>	<p>143 Demolition work required to be licensed</p> <p><i>“Note. Not adopted in NSW. See clause 64 of Schedule 18B (Savings and transitional provisions) to the Work Health and Safety Regulation 2011 (repealed) that continues to have effect by operation of section 30(2)(d) of the Interpretation Act 1987.”</i></p>
<p>702 Confidentiality of information —exception relating to administration or enforcement of other laws</p> <p>The provision lists the Acts that are prescribed for the purposes of section 271 (3) (c) (ii) of the Act.</p>	<p>702 Confidentiality of information — exception relating to administration or enforcement of other laws</p> <p>The provision remains the same, except that the format of the numbering (a), (b), (c) has been changed slightly.</p>
<p>702A Penalty notice offences and penalties</p> <p>The provision relates to “Penalty notice offences and penalties”. Clause 702A(1) relocated to Schedule 18A under the heading, “Schedule 18A Penalty notice offences” with slight changes in wording to be consistent with the <i>Fines Act 1996</i> regarding penalty notices being “issued” rather than being “served”. Clause 702A(2) to be deleted.</p> <p>The provision in 2011 Regulation reads as follows:</p>	<p>702A Savings</p> <p>Clause 702A contains the following savings note:</p> <p><i>“Any act, matter or thing that, immediately before the repeal of the Work Health and Safety Regulation 2011, had effect under that regulation continues to have effect under this Regulation.</i></p> <p><i>Note. Schedule 18B to the Work Health and Safety Regulation 2011 contained a number of savings and transitional provisions consequent on the enactment of the Work Health and Safety Act 2011 and its repeal of the Occupational Health and Safety Act 2000. Section 30 (2) (d) of the Interpretation Act 1987 provides that the repeal of a</i></p>

**Work Health and Safety
Regulation 2011**
(2011 Regulation)

“(1) For the purposes of section 243 of the Act:

each offence created by a provision specified in Column 1 of Schedule 18A is an offence for which a penalty notice may be served, and

(b) the penalty prescribed for each such offence is:

(i) in the case of a penalty payable by an individual—the amount specified in relation to the offence in Column 2 of that Schedule, and

(ii) in the case of a penalty payable by a corporation—the amount specified in relation to the offence in Column 3 of that Schedule.

(2) If the reference to a provision in Column 1 of Schedule 18A is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.”

Work Health and Safety Regulation 2017
(2017 Regulation)

regulation does not affect the operation of any savings or transitional provision contained in the regulation.”

<p style="text-align: center;">Work Health and Safety Regulation 2011</p> <p style="text-align: center;">(2011 Regulation)</p>	<p style="text-align: center;">Work Health and Safety Regulation 2017</p> <p style="text-align: center;">(2017 Regulation)</p>
<p>Schedule 18A Penalty notice offences</p> <p>Schedule 18A contains the table of offences and penalty amounts.</p>	<p>Schedule 18A Penalty notice offences</p> <p>As noted above in clause 702A (2011 Regulation column), the penalty notice provision in clause 702A(1) of the 2011 Regulation relocated to Schedule 18A under the heading “Schedule 18A Penalty notice offences” and contains slight changes in wording to be consistent with the <i>Fines Act 1996</i> regarding penalty notices being “issued” rather than being “served”.</p> <p>The penalty provision of clause 702A(1) of the 2011 Regulation is relocated to Schedule 18A, before the Table in Schedule 18A, reads:</p> <p><i>“For the purposes of section 243 of the Act:</i></p> <p><i>each offence specified in Column 1 of this Schedule is an offence for which a penalty notice may be issued, and</i></p> <p><i>the amount payable under any such penalty notice is:</i></p> <p><i>in the case of an amount payable by an individual—the amount specified in relation to the offence in Column 2 of this Schedule, and</i></p> <p><i>in the case of an amount payable by a corporation—the amount specified in relation to the offence in Column 3 of this Schedule.”</i></p>

<p style="text-align: center;">Work Health and Safety Regulation 2011</p> <p style="text-align: center;">(2011 Regulation)</p>	<p style="text-align: center;">Work Health and Safety Regulation 2017</p> <p style="text-align: center;">(2017 Regulation)</p>
<p>Schedule 18B Savings and transitional provisions</p>	<p>Schedule 18B Savings and transitional provisions</p> <p>Entire Schedule 18B Schedule has been removed.</p> <p>Savings notes have been inserted in clauses 143 and 702A, which refer to the Schedule 18B Savings and transitional provisions in the <i>WHS Regulation 2011</i>, and provide that Schedule 18B continues to have effect by operation of section 30(2)(d) of the <i>Interpretation Act 1987</i>.</p>

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*Table does not list minor formatting and corrections to typographical errors.