



New South Wales

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

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* to—

- (a) update a reference to the Department of Regional NSW consequent on a recent administrative change, and
- (b) provide that the regulator is to be known as the NSW Resources Regulator, and
- (c) express penalties for offences as penalty units, rather than monetary values, for consistency with the *Work Health and Safety Act 2011*, and
- (d) provide that, when determining whether a person is suitable to be appointed as an industry safety and health representative, the Minister may make enquiries about the person's suitability, including a nationwide criminal record check and other relevant probity checks, and
- (e) provide that the person appointed Chair of the Mining and Petroleum Competence Board must be independent of the entities that may nominate prospective board members, and
- (f) enable the service of documents on a person or a body corporate by email to an email address specified by the person or body corporate.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 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

Schedule 1[1] amends section 5(1) to update the definition of *Department* to mean the Department of Regional NSW as a consequence of recent administrative changes to government departments.

Schedule 1[2] updates the definition of *regulator* to mean the Secretary of the Department, correcting an out-of-date reference to the Head of the Department.

Schedule 1[3] inserts subsection 5(3) to provide the *regulator* is to be known as the NSW Resources Regulator.

Schedule 1[4]–[7] and [10]–[16] amend offence provisions to convert penalties from a monetary value to the equivalent amount in penalty units.

Schedule 1[8] and [9] amend section 28 to provide that the Minister may, when determining whether a person is suitable to be appointed as an industry safety and health representative, make enquiries about the person including a nationwide criminal record check and other relevant probity checks.

Schedule 1[17] and [18] amend section 65 to provide that the person appointed as Chair of the Mining and Petroleum Competence Board must be independent of the entities that may nominate persons to represent the interests of employers or workers.

Schedule 1[19] and [20] amend section 69 to provide that documents may be served on a natural person or a body corporate by email to an email address specified by the person or body corporate.