



Australian Capital Territory

Work Health and Safety Amendment Regulation 2020 (No 1)

Subordinate Law SL2020-27

The Australian Capital Territory Executive makes the following regulation under the *Work Health and Safety Act 2011*.

Dated 30 June 2020.

SUZANNE ORR
Minister

RACHEL STEPHEN-SMITH
Minister



Australian Capital Territory

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[Work Health and Safety Act 2011](#)

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1 Name of regulation

This regulation is the *Work Health and Safety Amendment Regulation 2020 (No 1)*.

2 Commencement

- (1) This regulation (other than sections 3 to 5 and sections 27 to 30) commences on 3 August 2020.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Sections 3, 4 and 30 commence on 1 July 2020.
- (3) Section 5 and sections 27 to 29 commence on 1 February 2021.

3 Legislation amended

This regulation amends the *Work Health and Safety Regulation 2011*.

4 New section 48A

in division 3.2.7, insert

48A Exposure standards

- (1) The Minister may declare exposure standards in the Workplace Exposure Standard for Airborne Contaminants for this regulation (other than part 4.1 (Noise)).

Note The Workplace Exposure Standard for Airborne Contaminants does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 15 and [Legislation Act](#), s 47 (7)). The Standard is available at www.safeworkaustralia.gov.au.

- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

5 New section 91A (2A)

insert

- (2A) A licence under this division includes a condition that, if the licensee is issued with an infringement notice under the *Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011*, information about the infringement notice be included in a public register in accordance with section 698A.

6 Section 171 heading

substitute

**171 Competence of worker—general diving work—
qualifications—Act, s 44**

7 Section 171 (2)

omit

limited diving work

substitute

limited scientific diving work

8 Section 171 (3)

omit

AS/NZS 4005.2-2000 (Training and certification of recreational divers) or

9 Section 171 (3), note

substitute

Note AS/NZS 2815 does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 15 and [Legislation Act](#), s 47 (7)). The standard may be purchased at www.standards.org.au.

10 Section 171A heading

substitute

171A Competence of worker—general diving work—knowledge and skill—Act, s 44

11 Section 171A (1)

omit

In addition to section 171, a person

substitute

A person

12 Section 171A (2)

omit

13 Section 173 (1) and note

substitute

- (1) A person must not carry out limited scientific diving work unless the person has—
- (a) the training, qualification or experience referred to in section 171A; and
 - (b) if the person is not permanently resident in Australia—relevant diving experience, including relevant diving experience obtained outside Australia.

14 Sections 183 and 184

omit

AS/NZS 2299.1:2007

substitute

AS/NZS 2299.1:2015

15 Section 319 (4) (b)

omit

subsection (2) (b) (ii)

substitute

subsection (3) (b) (ii)

16 Section 394 (a)

omit

10µg/dL (0.48µmol/L)

substitute

5µg/dL (0.24µmol/L)

17 Section 394 (b)

omit

30µg/dL (1.45µmol/L)

substitute

20µg/dL (0.97µmol/L)

18 Section 407 (1) (a) (i)

omit

30µg/dL (1.45µmol/L)

substitute

10µg/dL (0.48µmol/L)

19 Section 407 (1) (a) (ii)

omit

30µg/dL (1.45µmol/L) or more but less than 40µg/dL (1.93µmol/L)

substitute

10µg/dL (0.48µmol/L) or more but less than 20µg/dL (0.97µmol/L)

20 Section 407 (1) (a) (iii)

omit

40µg/dL (1.93µmol/L)

substitute

20µg/dL (0.97µmol/L)

21 Section 407 (1) (b) (i)

omit

10µg/dL (0.48µmol/L)

substitute

5µg/dL (0.24µmol/L)

22 Section 407 (1) (b) (ii)

omit

10µg/dL (0.48µmol/L) or more

substitute

5µg/dL (0.24µmol/L) or more but less than 10µg/dL (0.48µmol/L)

23 Section 415 (1) (a) (i)

omit

50µg/dL (2.42µmol/L)

substitute

30µg/dL (1.45µmol/L)

24 Section 415 (1) (a) (ii) and (iii)

substitute

(ii) for females of reproductive capacity—10µg/dL (0.48µmol/L); or

25 Section 417 (3) (a) (i)

omit

40µg/dL (1.93µmol/L)

substitute

20µg/dL (0.97µmol/L)

26 Section 417 (3) (a) (ii)

omit

10µg/dL (0.48µmol/L)

substitute

5µg/dL (0.24µmol/L)

27 New section 502 (3)

before the notes, insert

- (3) A licence under this part includes a condition that, if the licensee is issued with an infringement notice under the *Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011*, information about the infringement notice be included in a public register in accordance with section 698A.

28 New section 584 (3)

before the notes, insert

- (3) A licence under this part includes a condition that, if the licensee is issued with an infringement notice under the *Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011*, information about the infringement notice be included in a public register in accordance with section 698A.

29 **New part 11.2A**

insert

Part 11.2A Licence register

698A Licence register

- (1) The regulator must keep a register for the following kinds of licence:
 - (a) high risk work licence;
 - (b) asbestos assessor licence;
 - (c) major hazard facility licence.
- (2) The register must include the following:
 - (a) the licensee's registered business name;
 - (b) if the licensee operates the business under another name—the business's trading name;
 - (c) the licensee's ABN or ACN;
 - (d) the expiry date for the licence;
 - (e) if the licensee has been given an infringement notice—information about the infringement notice in accordance with a guideline determined by the Minister.
- (3) A guideline determined by the Minister is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).
- (4) The information mentioned in subsection (2) must be available for public inspection.
- (5) The regulator may correct a mistake, error or omission in the register.

(6) In this section:

infringement notice means a notice issued under the *Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011*.

30 Dictionary, definition of *exposure standard* and note

substitute

exposure standard, except in part 4.1 (Noise), means an exposure standard declared by the Minister under section 48A.

31 Dictionary, definition of *fitness criteria* and note

omit

AS/NZS 2299.1:2007

substitute

AS/NZS 2299.1:2015

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 30 June 2020.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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