

LEGISLATION UPDATE

No. 1/2001

29 August 2001

GAZETTAL OF OCCUPATIONAL HEALTH AND SAFETY ACT 2000

The *Occupational Health and Safety Act 2000* (OHS Act) was gazetted on 24 August 2001 for commencement on the 1 September 2001. The *Occupational Health and Safety Regulation 2001* (OHS Regulation) commences at the same time as the OHS Act.

The OHS Act 2000 is substantially a re-structure and plain English re-write of the 1983 Act. It also implements a number of the recommendations from the Legislative Council Standing Committee on Law & Justice report of November 1998.

The OHS Act is the primary legislation for the regulation of occupational health and safety in all NSW industry. NSW mines are bound by most of the requirements of the OHS Act.

The new OHS Regulation however is restricted in its application to mines.

The main regulations of relevance to mines are:

- Requirements for workplace consultation (supporting a new duty in the OHS Act) related to the setting up and conduct of arrangements for employers to consult with their employees.
- Requirements on manufacturers and suppliers of hazardous substances used at work, which includes hazardous substances used at a mine.
- The Director-General of the Department of Mineral Resources remains a prescribed officer for the purposes of authorising proceedings for an offence against the OHS Act concerning a mine.

Transitional arrangements exist for OHS consultation arrangements. These arrangements must be implemented within 12 months after commencement of the OHS Act. An OHS committee established under the 1983 Act may be retained but replacement OHS consultation arrangements must be implemented no later than 2 years following commencement of the OHS Regulation.

Action is being taken to hold information sessions for the mining industry so that they understand the requirements under the new Act and Regulation. Further advice will be issued.

Dangerous Goods - Penalty Notice Offences and Penalties

The *Dangerous Goods Amendment (Penalty Notices) Regulation 2001* was gazetted on 24 August 2001, and also commences at the same time as the OHS Act. This regulation makes minor amendments to penalty provisions in the *Dangerous Goods (General) Regulation 1999*.

FURTHER INFORMATION CAN BE OBTAINED FROM MR CHRIS ELLICOTT - (02) 9901 8412
OR YOUR LOCAL DEPARTMENT OF MINERAL RESOURCES OFFICE:

Sydney: 9901 8888 Armidale: 6770 2100 Broken Hill: (08) 8080 0625 Cobar: 6836 4392 Gateshead: 4942 2300
Lightning Ridge: 6829 0678 Lithgow: 6351 3052 Orange: 6392 6333 Singleton: 6572 1899 Wollongong: 4227 1699