



New South Wales

Work Health and Safety Amendment (Licence Register) Regulation 2017

under the

Work Health and Safety Act 2011

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety Act 2011*.

MATTHEW KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to require SafeWork NSW, being the regulator under the *Work Health and Safety Act 2011*, to keep a register of the holders of certain licences and general construction induction training cards under that Act.

This Regulation is made under the *Work Health and Safety Act 2011*, including section 276 (the general regulation-making power) and clause 7 of Schedule 3.

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1 Name of Regulation

This Regulation is the *Work Health and Safety Amendment (Licence Register) Regulation 2017*.

2 Commencement

This Regulation commences on 29 January 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Work Health and Safety Regulation 2017

[1] **Clause 527**

Omit the clause. Insert instead:

527 Asbestos removal licence register

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Note. Not adopted in NSW. See clause 702B (Register of certain licences and general construction induction training cards).

[2] **Clause 528**

Omit the clause. Insert instead:

528 Asbestos assessors register

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Note. Not adopted in NSW. See clause 702B (Register of certain licences and general construction induction training cards).

[3] **Clause 702B**

Insert after clause 702A:

702B Register of certain licences and general construction induction training cards

- (1) The regulator must keep a register of each person who is a holder of one or more of the following licences (a *licence*):
 - (a) an asbestos assessor licence,
 - (b) an asbestos removal licence,
 - (c) a demolition licence (being a licence granted under Chapter 10 of the *Occupational Health and Safety Regulation 2001* in respect of demolition work and restricted demolition work within the meaning of that Chapter, which continues in force by the operation of clause 64 of Schedule 18B to the *Work Health and Safety Regulation 2011*),

Note. Clause 64 of Schedule 18B (Savings and transitional provisions) to the *Work Health and Safety Regulation 2011* (repealed) continues to have effect by operation of section 30 (2) (d) of the *Interpretation Act 1987*.
 - (d) a high risk work licence,
 - (e) a general construction induction training card.
- (2) For the purpose of this clause, a general construction induction training card is taken to be a licence.
- (3) The register must include the following particulars in respect of a licence:
 - (a) the name of the licence holder,
 - (b) the licence number and licence class or type,
 - (c) the date of issue and current expiry date of the licence (if any),
 - (d) the conditions imposed on the licence, if any, and the date of any alteration to the conditions,
 - (e) if the licence is an asbestos removal licence—the name of each supervisor named to the regulator in relation to the licence,
 - (f) details of any other licences under the Act held by the licence holder,

- (g) details of any surrender, cancellation or suspension of the licence.
- (4) The register may include the following particulars in respect of a licence:
- (a) the business address, telephone number and business email address of the licence holder,
 - (b) if the licence holder is an individual—the year of birth of the licence holder,
 - (c) the Australian Business Number (ABN) or Australian Company Number (ACN) (if any) of the licence holder,
 - (d) details of any penalty notices issued to the holder in connection with the licence,
 - (e) the results of any prosecutions against the holder under the Act (other than any prosecution that does not result in the holder being found guilty of an offence under the Act),
 - (f) such other particulars as the regulator thinks appropriate for inclusion on the register.
- (5) The regulator may amend the register from time to time to remove any inaccuracies contained in it.
- (6) The regulator must make the following information from the register in respect of each licence publicly available for inspection in the manner and form determined by the regulator:
- (a) the name of the licence holder,
 - (b) the licence number and licence class or type,
 - (c) the date of issue and current expiry date of the licence (if any),
 - (d) details of any surrender, cancellation or suspension of the licence,
 - (e) such other information as the regulator thinks fit.
- (7) Despite subclause (6), the regulator may exclude information in respect of a person who is under the age of 18 years from the information made publicly available for inspection.