



New South Wales

Work Health and Safety Amendment (Standalone Regulator) Bill 2025

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 Act 2011* (***the Act***) as follows—

- (a) to establish the SafeWork Advisory Council (the ***Advisory Council***),
- (b) to provide for the functions, membership and procedures of the Advisory Council,
- (c) to require the SafeWork Commissioner to take into account the advice of the Advisory Council when exercising certain functions,
- (d) to establish the SafeWork Commissioner as regulator under the Act.

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.

Schedule 1 **Amendment of Work Health and Safety Act 2011 No 10**

Schedule 1[3] inserts proposed Division 3 into the Act, Part 8. The proposed division establishes the Advisory Council and sets out certain functions of the Advisory Council, including functions in relation to advising the SafeWork Commissioner. Proposed section 155E(2) requires the SafeWork Commissioner to take into account the advice of the Advisory Council when determining the strategic direction and priorities of SafeWork NSW. Proposed section 155F

requires the Minister to review the operation of the proposed division after 3 years of the commencement of the division.

Schedule 1[4] inserts proposed Schedule 1A. The proposed schedule provides for the procedures and membership of the Advisory Council. Proposed clause 2 provides that the Advisory Council consists of the SafeWork Commissioner and certain other persons to be appointed by the Minister (*appointed members*). The proposed clause also sets out certain representative requirements in relation to appointed members.

Schedule 1[5] establishes the SafeWork Commissioner as the regulator for the Act by replacing references to the existing regulator in Schedule 2, clause 1 with references to the SafeWork Commissioner.

Schedule 1[1] and [2] make consequential amendments.