

NORTHERN TERRITORY OF AUSTRALIA

**WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION)
IMPLEMENTATION ACT 2011**

As in force at 2 January 2012

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 2 January 2012. Any amendments that commence after that date are not included.

WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION) IMPLEMENTATION ACT 2011

An Act to provide for the implementation of the *Work Health and Safety (National Uniform Legislation) Act 2011*, and for other purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Work Health and Safety (National Uniform Legislation) Implementation Act 2011*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 4 General matters

32 Transitional regulations

- (1) The Administrator may make regulations under this section.
- (2) A regulation may provide for a matter of a transitional nature because of the enactment of:
 - (a) the *Work Health and Safety (National Uniform Legislation) Act*, (including the making of regulations under that Act for the purposes of Schedule 1 to that Act); or
 - (b) the *Work Health Administration Act*, or
 - (c) this Act.
- (3) The regulation may have retrospective operation to a day not earlier than the commencement of this section.

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- (4) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (5) A regulation may modify the transitional provisions in the Acts to make provision in relation to anything that, in the Administrator's opinion, is not, or is not adequately or appropriately, dealt with in the transitional provisions in the Acts.
- (6) In this section:
- transitional provisions in the Acts*** means the following:
- (a) Part 15 of the *Work Health and Safety (National Uniform Legislation) Act*;
 - (b) Part 5 of the *Work Health Administration Act*.

33 Continuation of repealed Act

- (1) While this section remains in force:
- (a) the *Work Health and Safety (National Uniform Legislation) Act* does not apply in relation to mining operations; and
 - (b) the *Workplace Health and Safety Act* continues to have effect in relation to mining operations as if that Act had not been repealed.

Note for subsection (1)

Section 34(3) provides for the expiry of this section.

- (2) In this section:

mining operations means any of the following:

- (a) exploration for minerals;
- (b) mining;
- (c) processing of minerals, tailings, spoil heaps or waste dumps;
- (d) decommissioning or rehabilitation of land, plant or structures used in carrying out an activity mentioned in paragraphs (a) to (c);

- (e) operations incidental or related to an activity mentioned in paragraphs (a) to (d), including:
 - (i) the removal, handling, transport and storage of minerals, substances, contaminants and waste; and
 - (ii) the construction, operation, maintenance and removal of plant and structures;
- (f) operations for the care and maintenance of land, plant and structures used in carrying out an activity mentioned in paragraphs (a) to (e) during a suspension of the activity.

34 Expiry of Act

- (1) This Act, other than Parts 1 and 4, expires on the day after this section commences.
- (2) Section 32 and each regulation made under that section expire 2 years after the commencement of this section.
- (3) Section 33 expires on the expiry date declared under subsection (5).
- (4) Part 1 and this section expire on the later of the expiration of section 32 or the expiration of section 33.
- (5) The Administrator may, by *Gazette* notice, declare an expiry date for subsection (3) if satisfied that the continued operation of section 33 is no longer required.

ENDNOTES

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KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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LIST OF LEGISLATION

Work Health and Safety (National Uniform Legislation) Implementation Act 2011 (Act No. 38, 2011)

Assent date	14 December 2011
Commenced	2 January 2012 (Gaz S78, 30 December 2011)

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LIST OF AMENDMENTS

pt 2 hdg	exp No. 38, 2011, s 34
s 3	exp No. 38, 2011, s 34
pt 3 hdg	exp No. 38, 2011, s 34
pt 3	
div 1 hdg	exp No. 38, 2011, s 34
ss 4 – 28	exp No. 38, 2011, s 34
pt 3	
div 2 hdg	exp No. 38, 2011, s 34
ss 29 – 30	exp No. 38, 2011, s 34
pt 3	
div 3 hdg	exp No. 38, 2011, s 34
s 31	exp No. 38, 2011, s 34