

2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Industrial Relations and Workplace Safety)

# Workplace Legislation Amendment Bill 2024

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
2	Commencement	2
3	Legislation amended	2
<b>Part 2</b>	<b>Long Service Leave (Portable Schemes) Amendment Act 2023</b>	
4	Commencement Section 2 (3)	3

---

J2022-1254

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

	Page	
<b>Part 3</b>		
<b>Public Sector Management Act 1994</b>		
5	New section 143A	4
6	New section 149A	4
<b>Part 4</b>		
<b>Work Health and Safety Act 2011</b>		
7	Offences against Act—application of Criminal Code etc New section 12B (2)	5
8	Negligence or reckless conduct—category 1 Section 31 (1) (b)	5
9	Section 31 (1), penalty, except note	5
10	Failure to comply with health and safety duty—category 2 Section 32, penalty, except note	6
11	Failure to comply with health and safety duty—category 3 Section 33, penalty, except note	6
12	Industrial manslaughter Section 34A (1), penalty, except note	6
13	Contravening WHS entry permit conditions Section 123, penalty	6
14	Unauthorised use or disclosure of information or documents Section 148 (d)	7
15	Return of WHS entry permits Section 149 (1), penalty	7
16	Union to provide information to regulator Section 150, penalty	7
17	Abrogation of privilege against self-incrimination Section 172 (2)	7
18	Power to require name and address Section 185 (4), penalty, except note	8
19	Offence to impersonate inspector Section 189, penalty	8
20	Offence to assault, threaten or intimidate inspector Section 190, penalty	8
21	Division 13.4	8
22	When is a provision a <i>WHS civil penalty provision</i> Section 254 (1) (a) and (2) (a)	12

	Page	
23	Additional ways that regulator may use and share information Section 271A (3) (b)	12
24	Liability of officers for offences by body corporate under s 272A Section 272B (1), penalty, except note	13
25	Regulation-making powers Section 276 (3) (g)	13
26	New schedule 4	14
27	Dictionary, new definitions	21
28	Further amendments, penalties	22
29	Further amendments, penalties	23
30	Further amendments, penalties	23
31	Further amendments, penalties	24
32	Further amendments, penalties	25
33	Further amendments, penalties	25
34	Further amendments, penalties	26
35	Further amendments, penalties	26
<b>Part 5</b>	<b>Work Health and Safety Regulation 2011</b>	
36	Section 55C	27
37	Psychosocial risks—control measures Section 55D (3), note	27
38	Section 702 heading	27
39	Section 702	27
40	Further amendments, penalties	28
41	Further amendments, penalties	30
42	Further amendments, penalties	33



2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Industrial Relations and Workplace Safety)

# Workplace Legislation Amendment Bill 2024

---

## A Bill for

An Act to amend workplace legislation, and for other purposes

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Workplace Legislation Amendment Act 2024*.

4 **2 Commencement**

5 (1) This Act (other than parts 4 and 5) commences on the day after its  
6 notification day.

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

9 (2) Parts 4 and 5 commence 4 months after this Act's notification day.

10 **3 Legislation amended**

11 This Act amends the following legislation:

- 12 • [Long Service Leave \(Portable Schemes\) Amendment Act 2023](#)
- 13 • [Public Sector Management Act 1994](#)
- 14 • [Work Health and Safety Act 2011](#)
- 15 • [Work Health and Safety Regulation 2011](#).

1  
2  
3  
4  
5  
6

**Part 2**

**Long Service Leave (Portable Schemes) Amendment Act 2023**

**4 Commencement**  
**Section 2 (3)**

*substitute*

(3) The remaining provisions commence on 1 April 2025.

1 **Part 3** **Public Sector Management**  
2 **Act 1994**

3 **5** **New section 143A**

4 *insert*

5 **143A** **Independence of commissioner**

6 Subject to this Act and to other territory laws, the commissioner has  
7 complete discretion in the exercise of the commissioner's functions.

8 **6** **New section 149A**

9 *in division 8.1, insert*

10 **149A** **Independence of public employees exercising**  
11 **commissioner functions**

12 A public employee exercising a function of the commissioner is not  
13 subject to direction from anyone other than the following people in  
14 relation to the exercise of the function:

- 15 (a) the commissioner;
- 16 (b) another public employee authorised by the commissioner to give  
17 directions.



---

## 1 Part 4 Work Health and Safety Act 2011

### 2 **7 Offences against Act—application of Criminal Code etc** 3 **New section 12B (2)**

4 *after the note, insert*

- 5 (2) However, the [Criminal Code](#), part 2.5 (Corporate criminal  
6 responsibility) does not apply to an offence against this Act.

7 *Note* For this Act, corporate criminal responsibility is dealt with by div 13.4.

### 8 **8 Negligence or reckless conduct—category 1** 9 **Section 31 (1) (b)**

10 *substitute*

- 11 (b) the person, without reasonable excuse, engages in conduct  
12 that—
- 13 (i) exposes an individual to whom the duty is owed to a risk  
14 of death or serious injury or illness; or
  - 15 (ii) if the person is an officer of a person conducting a business  
16 or undertaking—exposes an individual, to whom the  
17 person conducting a business or undertaking owes a health  
18 and safety duty, to a risk of death or serious injury or  
19 illness; and

### 20 **9 Section 31 (1), penalty, except note**

21 *substitute*

22 Maximum penalty:

- 23 (a) for an individual—category 1 monetary penalty or  
24 imprisonment for 10 years or both; or
- 25 (b) for a body corporate—category 1 monetary penalty.

1 **10 Failure to comply with health and safety duty—category 2**  
2 **Section 32, penalty, except note**

3 *substitute*

4 Maximum penalty: category 2 monetary penalty.

5 **11 Failure to comply with health and safety duty—category 3**  
6 **Section 33, penalty, except note**

7 *substitute*

8 Maximum penalty: category 3 monetary penalty.

9 **12 Industrial manslaughter**  
10 **Section 34A (1), penalty, except note**

11 *substitute*

12 Maximum penalty:

13 (a) for an individual—imprisonment for 20 years; or

14 (b) for a body corporate—industrial manslaughter monetary  
15 penalty.

16 **13 Contravening WHS entry permit conditions**  
17 **Section 123, penalty**

18 *substitute*

19 Maximum penalty: WHS civil penalty provision tier 1.

1 **14** **Unauthorised use or disclosure of information or**  
2 **documents**  
3 **Section 148 (d)**

4 *omit*

5 (Cwlth)

6 *insert*

7 (Cwlth))

8 **15** **Return of WHS entry permits**  
9 **Section 149 (1), penalty**

10 *substitute*

11 Maximum penalty: WHS civil penalty provision tier 4.

12 **16** **Union to provide information to regulator**  
13 **Section 150, penalty**

14 *substitute*

15 Maximum penalty: WHS civil penalty provision tier 3.

16 **17** **Abrogation of privilege against self-incrimination**  
17 **Section 172 (2)**

18 *substitute*

19 (2) However, if the person is an individual, any information, document  
20 or thing obtained, directly or indirectly, because of the giving of the  
21 answer or the production of the document is not admissible in  
22 evidence against the individual in a civil or criminal proceeding, other  
23 than a proceeding for an offence arising out of the false or misleading  
24 nature of the answer, information or document.

1 **18 Power to require name and address**  
2 **Section 185 (4), penalty, except note**

3 *substitute*

4 Maximum penalty: tier D monetary penalty.

5 **19 Offence to impersonate inspector**  
6 **Section 189, penalty**

7 *substitute*

8 Maximum penalty: tier D monetary penalty.

9 **20 Offence to assault, threaten or intimidate inspector**  
10 **Section 190, penalty**

11 *substitute*

12 Maximum penalty:

13 (a) for an individual—tier B monetary penalty or imprisonment for  
14 2 years or both; or

15 (b) for a body corporate—tier B monetary penalty.

16 **21 Division 13.4**

17 *substitute*

18 **Division 13.4 Offences by bodies corporate**

19 **244 Definitions—div 13.4**

20 In this division:

21 *authorised person*, for a body corporate, means an officer, employee  
22 or agent of the body corporate acting within their actual or apparent  
23 authority.

24 *board of directors*, of a body corporate, means the body, whatever it  
25 is called, exercising the executive authority of the body corporate.

1     **244A     Physical elements**

2             The conduct constituting the physical element of an offence is taken  
3             to have been engaged in by a body corporate if the conduct is engaged  
4             in by—

- 5             (a) the body corporate’s board of directors; or  
6             (b) 1 or more authorised people for the body corporate; or  
7             (c) 1 or more people acting at the direction of or with the express or  
8             implied agreement or consent of—  
9                 (i) an authorised person for the body corporate; or  
10              (ii) the body corporate’s board of directors.

11     **244B     Fault elements other than negligence**

12             (1) If it is necessary to establish that a body corporate had a state of mind  
13             in relation to a physical element of an offence, it is sufficient to show  
14             that—

- 15             (a) the body corporate’s board of directors—  
16                 (i) engaged in the conduct constituting the offence and had  
17                 that state of mind in relation to the physical element of the  
18                 offence; or  
19                 (ii) expressly, tacitly or impliedly authorised or permitted the  
20                 conduct constituting the offence; or  
21             (b) an authorised person for the body corporate—  
22                 (i) engaged in the conduct constituting the offence and had  
23                 that state of mind in relation to the physical element of the  
24                 offence; or  
25                 (ii) expressly, tacitly or impliedly authorised or permitted the  
26                 conduct constituting the offence; or

Section 21

---

- 1 (c) a corporate culture existed within the body corporate that  
2 directed, encouraged, tolerated or led to the conduct constituting  
3 the offence.
- 4 (1A) For subsection (1), having a state of mind in relation to a physical  
5 element of an offence does not include being negligent in relation to  
6 that physical element.
- 7 *Note* For how negligence applies in relation to a body corporate, see s 244BA.
- 8 (2) Also—
- 9 (a) subsection (1) (b) and (c) do not apply if the body corporate  
10 proves it took reasonable precautions to prevent the conduct  
11 constituting the offence; and
- 12 (b) subsection (1) (b) (ii) does not apply if the body corporate proves  
13 it took reasonable precautions to prevent the authorised person  
14 from authorising or permitting the conduct constituting the  
15 offence.
- 16 (3) Factors relevant to the application of subsection (1) (c) include—
- 17 (a) whether authority or permission to engage in the conduct  
18 constituting an offence, of the same or a similar character, had  
19 previously been given by a corporate officer of the body  
20 corporate; and
- 21 (b) whether the person who engaged in the conduct constituting the  
22 offence believed on reasonable grounds, or had a reasonable  
23 expectation, that a corporate officer of the body corporate would  
24 have authorised or permitted the conduct.
- 25 (4) In this section:
- 26 ***corporate culture***, within a body corporate, means 1 or more  
27 attitudes, policies, rules, courses of conduct or practices existing  
28 within the body corporate generally or in the part of the body  
29 corporate in which the relevant activity takes place.

1            *corporate officer*, of a body corporate, means an officer within the  
2            meaning of the [Corporations Act](#), section 9AD.

### 3            **244BA    Negligence**

4            (1) If negligence is a fault element in relation to a physical element of an  
5            offence, the fault element may exist on the part of a body corporate,  
6            despite no individual authorised person for the body corporate having  
7            the fault element, if the body corporate's conduct is negligent when  
8            viewed as a whole, determined by aggregating the conduct of more  
9            than 1 authorised person.

10           *Note*        The test of negligence for a body corporate is that set out in the [Criminal](#)  
11           [Code](#), s 21.

12           (2) Negligence may be evidenced by the fact that the prohibited conduct  
13           was substantially attributable to—

14           (a) inadequate corporate management, control or supervision of the  
15           conduct of 1 or more authorised people; or

16           (b) failure to provide adequate systems for conveying relevant  
17           information to relevant people in the body corporate.

### 18           **244C    Mistake of fact**

19           If mistake of fact is relevant to determining liability for an offence, a  
20           body corporate may rely on mistake of fact only if—

21           (a) the employee, agent or officer of the body corporate who  
22           engaged in the conduct constituting the offence was under a  
23           mistaken but reasonable belief about facts that, had they existed,  
24           would have meant the conduct would not have constituted the  
25           offence; and

26           (b) the body corporate proves it took reasonable precautions to  
27           prevent the conduct.

1 **244D Failure to take reasonable precautions**

2 For sections 244B (2) and 244C (b), a failure to take reasonable  
3 precautions may be evidenced by the fact that the conduct  
4 constituting the offence was substantially attributable to—

5 (a) inadequate management, control or supervision of the conduct  
6 of 1 or more of the body corporate's employees, agents or  
7 officers; or

8 (b) failure to provide adequate systems for conveying relevant  
9 information to relevant persons in the body corporate.

10 **244E How this division applies to public authorities**

11 If a body corporate is a public authority, this division applies in  
12 relation to the body corporate in accordance with section 251.

13 **22 When is a provision a WHS civil penalty provision**  
14 **Section 254 (1) (a) and (2) (a)**

15 *omit*

16 1 or more amounts by way of monetary penalty

17 *substitute*

18 a maximum penalty, expressed as a WHS civil penalty provision tier,

19 **23 Additional ways that regulator may use and share**  
20 **information**  
21 **Section 271A (3) (b)**

22 *omit*

23 territory



1 **24 Liability of officers for offences by body corporate under**  
2 **s 272A**  
3 **Section 272B (1), penalty, except note**

4 *substitute*

5 Maximum penalty: tier B monetary penalty.

6 **25 Regulation-making powers**  
7 **Section 276 (3) (g)**

8 *substitute*

9 (g) prescribe the following penalties for an offence under a  
10 regulation:

11 (i) a tier E monetary penalty;

12 (ii) a tier F monetary penalty;

13 (iii) a tier G monetary penalty;

14 (iv) a tier H monetary penalty;

15 (v) a tier I monetary penalty.

**26 New schedule 4***insert***Schedule 4 Penalty amounts****4.1 Monetary penalties—categories 1 to 3**

In this Act:

*category 1 monetary penalty means the following amounts as indexed under section 4.4 and rounded under section 4.5:*

- (a) for an offence committed by an individual as a person conducting a business or undertaking or as an officer of a person conducting a business or undertaking—the amount mentioned in table 4.1, item 1, column 3; or
- (b) for an offence committed by any other individual—the amount mentioned in table 4.1, item 1, column 4; or
- (c) for an offence committed by a body corporate—the amount mentioned in table 4.1, item 1, column 5.

*category 2 monetary penalty means the following amounts as indexed under section 4.4 and rounded under section 4.5:*

- (a) for an offence committed by an individual as a person conducting a business or undertaking or as an officer of a person conducting a business or undertaking—the amount mentioned in table 4.1, item 2, column 3; or
- (b) for an offence committed by any other individual—the amount mentioned in table 4.1, item 2, column 4; or
- (c) for an offence committed by a body corporate—the amount mentioned in table 4.1, item 2, column 5.

1 *category 3 monetary penalty* means the following amounts as  
2 indexed under section 4.4 and rounded under section 4.5:

- 3 (a) for an offence committed by an individual as a person  
4 conducting a business or undertaking or as an officer of a person  
5 conducting a business or undertaking—the amount mentioned  
6 in table 4.1, item 3, column 3; or
- 7 (b) for an offence committed by any other individual—the amount  
8 mentioned in table 4.1, item 3, column 4; or
- 9 (c) for an offence committed by a body corporate—the amount  
10 mentioned in table 4.1, item 3, column 5.

11 **Table 4.1 Monetary penalties—categories 1 to 3**

column 1 item	column 2 monetary penalty category	column 3 monetary penalty— individual conducting business or undertaking etc	column 4 monetary penalty—other individual	column 5 monetary penalty— body corporate
1	category 1	\$2 085 000	\$1 042 000	\$10 425 000
2	category 2	\$418 000	\$209 000	\$2 090 000
3	category 3	\$140 000	\$70 000	\$700 000

12 **4.1A Monetary penalties—industrial manslaughter**

13 In this Act:

14 *industrial manslaughter monetary penalty* means \$18 000 000.

- 1     **4.2     Monetary penalties—tiers A to I**
- 2     In this Act:
- 3     *tier A monetary penalty* means the following amounts as indexed  
4     under section 4.4 and rounded under section 4.5:
- 5     (a) for an offence committed by an individual—the amount  
6     mentioned in table 4.2, item 1, column 3; or
- 7     (b) for an offence committed by a body corporate—the amount  
8     mentioned in table 4.2, item 1, column 4.
- 9     *tier B monetary penalty* means the following amounts as indexed  
10    under section 4.4 and rounded under section 4.5:
- 11    (a) for an offence committed by an individual—the amount  
12    mentioned in table 4.2, item 2, column 3; or
- 13    (b) for an offence committed by a body corporate—the amount  
14    mentioned in table 4.2, item 2, column 4.
- 15    *tier C monetary penalty* means the following amounts as indexed  
16    under section 4.4 and rounded under section 4.5:
- 17    (a) for an offence committed by an individual—the amount  
18    mentioned in table 4.2, item 3, column 3; or
- 19    (b) for an offence committed by a body corporate—the amount  
20    mentioned in table 4.2, item 3, column 4.
- 21    *tier D monetary penalty* means the following amounts as indexed  
22    under section 4.4 and rounded under section 4.5:
- 23    (a) for an offence committed by an individual—the amount  
24    mentioned in table 4.2, item 4, column 3; or
- 25    (b) for an offence committed by a body corporate—the amount  
26    mentioned in table 4.2, item 4, column 4.

1            ***tier E monetary penalty*** means the following amounts as indexed  
2            under section 4.4 and rounded under section 4.5:

3            (a) for an offence committed by an individual—the amount  
4            mentioned in table 4.2, item 5, column 3; or

5            (b) for an offence committed by a body corporate—the amount  
6            mentioned in table 4.2, item 5, column 4.

7            ***tier F monetary penalty*** means the following amounts as indexed  
8            under section 4.4 and rounded under section 4.5:

9            (a) for an offence committed by an individual—the amount  
10           mentioned in table 4.2, item 6, column 3; or

11           (b) for an offence committed by a body corporate—the amount  
12           mentioned in table 4.2, item 6, column 4.

13           ***tier G monetary penalty*** means the following amounts as indexed  
14           under section 4.4 and rounded under section 4.5:

15           (a) for an offence committed by an individual—the amount  
16           mentioned in table 4.2, item 7, column 3; or

17           (b) for an offence committed by a body corporate—the amount  
18           mentioned in table 4.2, item 7, column 4.

19           ***tier H monetary penalty*** means the following amounts as indexed  
20           under section 4.4 and rounded under section 4.5:

21           (a) for an offence committed by an individual—the amount  
22           mentioned in table 4.2, item 8, column 3; or

23           (b) for an offence committed by a body corporate—the amount  
24           mentioned in table 4.2, item 8, column 4.

25           ***tier I monetary penalty*** means the following amounts as indexed  
26           under section 4.4 and rounded under section 4.5:

27           (a) for an offence committed by an individual—the amount  
28           mentioned in table 4.2, item 9, column 3; or

- 1 (b) for an offence committed by a body corporate—the amount  
2 mentioned in table 4.2, item 9, column 4.

3 **Table 4.2 Monetary penalties—tiers A to I**

column 1 item	column 2 monetary penalty tier	column 3 monetary penalty— individual	column 4 monetary penalty— body corporate
1	tier A	\$139 000	\$695 000
2	tier B	\$70 000	\$350 000
3	tier C	\$28 000	\$140 000
4	tier D	\$14 000	\$70 000
5	tier E	\$8 400	\$42 000
6	tier F	\$7 000	\$35 000
7	tier G	\$5 000	\$25 000
8	tier H	\$2 800	\$14 000
9	tier I	\$1 700	\$8 500

4 **4.3 Monetary penalties—WHS civil penalty tiers 1 to 4**

5 In this Act:

6 ***WHS civil penalty provision tier 1*** means the following amounts as  
7 indexed under section 4.4 and rounded under section 4.5:

- 8 (a) for an offence committed by an individual—the amount  
9 mentioned in table 4.3, item 1, column 3; or  
10 (b) for an offence committed by a body corporate—the amount  
11 mentioned in table 4.3, item 1, column 4.

12 ***WHS civil penalty provision tier 2*** means the following amounts as  
13 indexed under section 4.4 and rounded under section 4.5:

- 14 (a) for an offence committed by an individual—the amount  
15 mentioned in table 4.3, item 2, column 3; or

1 (b) for an offence committed by a body corporate—the amount  
2 mentioned in table 4.3, item 2, column 4.

3 ***WHS civil penalty provision tier 3*** means the following amounts as  
4 indexed under section 4.4 and rounded under section 4.5:

5 (a) for an offence committed by an individual—the amount  
6 mentioned in table 4.3, item 3, column 3; or

7 (b) for an offence committed by a body corporate—the amount  
8 mentioned in table 4.3, item 3, column 4.

9 ***WHS civil penalty provision tier 4*** means the following amounts as  
10 indexed under section 4.4 and rounded under section 4.5:

11 (a) for an offence committed by an individual—the amount  
12 mentioned in table 4.3, item 4, column 3; or

13 (b) for an offence committed by a body corporate—the amount  
14 mentioned in table 4.3, item 4, column 4.

15 **Table 4.3 WHS civil penalty provision—tiers 1 to 4**

column 1 item	column 2 monetary penalty tier	column 3 monetary penalty— individual	column 4 monetary penalty— body corporate
1	tier 1	\$28 000	\$140 000
2	tier 2	\$14 000	\$70 000
3	tier 3	\$7 000	\$35 000
4	tier 4	\$2 800	\$14 000

16 **4.4 Indexation of penalty amounts**

17 (1) The amount of each monetary penalty set out in sections 4.1 to 4.3  
18 must be indexed for the year starting on 1 July 2024, and for each  
19 subsequent year, in accordance with this section.

- 1 (2) The amount of a monetary penalty applying in a year is worked out  
2 as follows:

3 
$$A \times \frac{B}{C}$$

4 *A* means the amount of a monetary penalty set out in sections 4.1  
5 to 4.3.

6 *B* means the CPI number for the March quarter in the year  
7 immediately preceding the year for which the amount is worked out.

8 *C* means the CPI number for the March quarter of 2022.

- 9 (3) If the amount of a monetary penalty worked out for a year is less than  
10 the amount that applied in the previous year, then the amount for the  
11 previous year continues to apply.

- 12 (4) In this section:

13 *CPI number* means the All Groups Consumer Price Index number,  
14 that is, the weighted average of the 8 Australian capital cities,  
15 published by the Australian statistician.

16 *year* means 12 months starting on 1 July.

#### 17 **4.5 Rounding of maximum penalty amounts**

18 If, after indexation under section 4.4, the amount of a monetary  
19 penalty is—

- 20 (a) less than \$10 000 and not a multiple of \$100—  
21 (i) the amount must be rounded to the nearest \$100; and  
22 (ii) an amount of \$50 is rounded down; or  
23 (b) more than \$10 000 and not a multiple of \$1 000—  
24 (i) the amount must be rounded to the nearest \$1 000; and  
25 (ii) an amount of \$500 is rounded down.



---

## 1 4.6 Notification of adjusted maximum penalty amounts

- 2 (1) As soon as practicable after publication by the Australian statistician  
3 of the CPI number for the March quarter each year, the regulator must  
4 give notice of the amount of each monetary penalty worked out under  
5 this schedule.
- 6 (2) A notice is a notifiable instrument.

## 7 27 Dictionary, new definitions

8 *insert*

9 *authorised person*, for a body corporate, for division 13.4 (Offences  
10 by bodies corporate)—see section 244.

11 *board of directors*, for a body corporate, for division 13.4 (Offences  
12 by bodies corporate)—see section 244.

13 *category 1 monetary penalty*—see schedule 4, section 4.1.

14 *category 2 monetary penalty*—see schedule 4, section 4.1.

15 *category 3 monetary penalty*—see schedule 4, section 4.1.

16 *fault element*—see the [Criminal Code](#), section 17.

17 *industrial manslaughter monetary penalty*—see schedule 4,  
18 section 4.1A.

19 *physical element*—see the [Criminal Code](#), section 14.

20 *tier A monetary penalty*—see schedule 4, section 4.2.

21 *tier B monetary penalty*—see schedule 4, section 4.2.

22 *tier C monetary penalty*—see schedule 4, section 4.2.

23 *tier D monetary penalty*—see schedule 4, section 4.2.

24 *tier E monetary penalty*—see schedule 4, section 4.2.

25 *tier F monetary penalty*—see schedule 4, section 4.2.

- 1            *tier G monetary penalty*—see schedule 4, section 4.2.  
2            *tier H monetary penalty*—see schedule 4, section 4.2.  
3            *tier I monetary penalty*—see schedule 4, section 4.2.  
4            *WHS civil penalty provision tier 1*—see schedule 4, section 4.3.  
5            *WHS civil penalty provision tier 2*—see schedule 4, section 4.3.  
6            *WHS civil penalty provision tier 3*—see schedule 4, section 4.3.  
7            *WHS civil penalty provision tier 4*—see schedule 4, section 4.3.

## 28 Further amendments, penalties

9            *omit*

10           Maximum penalty:

- 11           (a) in the case of an individual—\$100 000; or  
12           (b) in the case of a body corporate—\$500 000.

13           *substitute*

14           Maximum penalty: tier A monetary penalty.

15           *in*

- 16           • section 104  
17           • sections 107 to 109  
18           • section 197  
19           • section 197D

**29 Further amendments, penalties**

1  
2 *omit*

3 Maximum penalty:

- 4 (a) in the case of an individual—\$50 000; or  
5 (b) in the case of a body corporate—\$250 000.

6 *substitute*

7 Maximum penalty: tier B monetary penalty.

8 *in*

- 9 • section 41  
10 • section 99  
11 • section 193  
12 • section 200  
13 • section 219  
14 • section 242  
15 • section 272A

**30 Further amendments, penalties**

16  
17 *omit*

18 Maximum penalty:

- 19 (a) in the case of an individual—\$20 000; or  
20 (b) in the case of a body corporate—\$100 000.

21 *substitute*

22 Maximum penalty: tier C monetary penalty.

23 *in*

- 24 • sections 42 to 47

1 **31 Further amendments, penalties**

2 *omit*

3 Maximum penalty:

- 4 (a) in the case of an individual—\$10 000; or  
5 (b) in the case of a body corporate—\$50 000.

6 *substitute*

7 Maximum penalty: tier D monetary penalty.

8 *in*

- 9 • sections 38 and 39  
10 • section 50A  
11 • section 52  
12 • section 56  
13 • section 61  
14 • sections 70 to 72A  
15 • sections 79 and 79A  
16 • section 155  
17 • section 165  
18 • section 171  
19 • section 177  
20 • section 188  
21 • section 271

**32 Further amendments, penalties**

1

*omit*

2

Maximum penalty:

3

(a) in the case of an individual—\$5 000; or

4

(b) in the case of a body corporate—\$25 000.

5

*substitute*

6

Maximum penalty: tier F monetary penalty.

7

*in*

8

• section 38

9

• section 75

10

• section 97

11

• section 210

12

• section 273

13

**33 Further amendments, penalties**

14

*omit*

15

Maximum penalty:

16

(a) in the case of an individual—\$2 000; or

17

(b) in the case of a body corporate—\$10 000.

18

*substitute*

19

Maximum penalty: tier H monetary penalty.

20

*in*

21

• section 53

22

• section 57

23

• section 74

24

**34 Further amendments, penalties**

2 *omit*

3 Maximum penalty:

- 4 (a) in the case of an individual—\$10 000; or  
5 (b) in the case of a body corporate—\$50 000.

6 *substitute*

7 Maximum penalty: WHS civil penalty provision tier 2.

8 *in*

- 9 • section 118  
10 • sections 143 to 145  
11 • sections 147 and 148

**35 Further amendments, penalties**

13 *omit*

14 Maximum penalty: \$10 000.

15 *substitute*

16 Maximum penalty: WHS civil penalty provision tier 2.

17 *in*

- 18 • sections 124 to 126  
19 • sections 128 and 129  
20 • section 146

---

1 **Part 5** **Work Health and Safety**  
2 **Regulation 2011**

3 **36 Section 55C**

4 *substitute*

5 **55C Managing psychosocial risks**

6 A person conducting a business or undertaking must—

7 (a) manage psychosocial risks in accordance with part 3.1  
8 (Managing risks to health and safety); and

9 (b) implement the control measures required by section 55D.

10 *Note* WHS Act—s 19 (see s 9).

11 **37 Psychosocial risks—control measures**  
12 **Section 55D (3), note**

13 *omit*

14 **38 Section 702 heading**

15 *substitute*

16 **702 Confidentiality of information—exception relating to**  
17 **administration or enforcement of other laws**

18 **39 Section 702**

19 *omit*

20 section 271 (3) (c) (ii)

21 *insert*

22 section 271A (3) (b)

**40 Further amendments, penalties**

1

*omit*

2

Maximum penalty:

3

(a) in the case of an individual—\$3 600; or

4

(b) in the case of a body corporate—\$18 000.

5

*substitute*

6

Maximum penalty: tier G monetary penalty.

7

*in*

8

• section 19

9

• section 22

10

• sections 46 and 47

11

• section 50

12

• section 66

13

• section 68

14

• section 70

15

• section 77

16

• section 85

17

• sections 149 to 151

18

• section 162

19

• section 165

20

• section 176

21

• section 182

22

• sections 187 and 188

23

• sections 195 and 196

24

• section 198

25

• section 200

26

• section 213

27

• section 224

28



- 1 • sections 235 and 236
- 2 • section 239
- 3 • sections 253 and 254
- 4 • sections 294 to 296
- 5 • section 298
- 6 • sections 301 to 304
- 7 • section 308
- 8 • sections 310 to 313
- 9 • sections 316 and 317
- 10 • section 327
- 11 • sections 336 to 338
- 12 • section 344
- 13 • sections 346 and 347
- 14 • section 369
- 15 • sections 371 to 373
- 16 • section 385
- 17 • sections 387 and 388
- 18 • section 398
- 19 • section 401
- 20 • section 403
- 21 • sections 409 and 410
- 22 • section 415
- 23 • sections 425 to 430
- 24 • sections 432 and 433
- 25 • sections 438 and 439
- 26 • section 446
- 27 • section 448
- 28 • section 451
- 29 • sections 454 and 455

Section 41

---

- 1 • sections 464 to 466
- 2 • section 482
- 3 • section 529
- 4 • sections 547 and 548
- 5 • section 551
- 6 • section 553
- 7 • section 555
- 8 • section 557
- 9 • section 560
- 10 • sections 562 and 563
- 11 • section 567
- 12 • section 570
- 13 • section 576

**41 Further amendments, penalties**

15 *omit*

16 Maximum penalty:

- 17 (a) in the case of an individual—\$6 000; or
- 18 (b) in the case of a body corporate—\$30 000.

19 *substitute*

20 Maximum penalty: tier E monetary penalty.

21 *in*

- 22 • sections 39 to 45
- 23 • sections 48 to 50
- 24 • section 53
- 25 • section 55
- 26 • sections 57 to 59
- 27 • section 61

- 1 • sections 64 and 65
- 2 • section 67
- 3 • section 69
- 4 • sections 71 to 76
- 5 • sections 78 to 80
- 6 • section 84
- 7 • sections 154 to 161
- 8 • sections 163 and 164
- 9 • section 166
- 10 • section 168
- 11 • sections 177 to 179
- 12 • section 183
- 13 • sections 189 to 194
- 14 • section 197
- 15 • section 199
- 16 • sections 201 and 202
- 17 • sections 204 to 212
- 18 • sections 215 to 219
- 19 • sections 222 and 223
- 20 • section 225
- 21 • sections 231 to 234
- 22 • section 238
- 23 • sections 240 and 241
- 24 • sections 299 and 300
- 25 • section 306
- 26 • section 309
- 27 • section 314
- 28 • sections 329 to 335
- 29 • sections 339 to 350

Section 41

---

- 1 • sections 352 to 363
- 2 • sections 365 to 368
- 3 • sections 370 and 371
- 4 • sections 374 to 377
- 5 • section 379
- 6 • section 389
- 7 • section 391
- 8 • sections 395 to 400
- 9 • section 402
- 10 • sections 405 to 408
- 11 • sections 411 to 417
- 12 • sections 418B to 420
- 13 • section 422
- 14 • section 424
- 15 • section 429
- 16 • section 432
- 17 • sections 434 to 437
- 18 • sections 440 to 443
- 19 • section 445
- 20 • sections 449 to 453
- 21 • sections 456 to 460
- 22 • sections 462 to 464
- 23 • sections 467 to 477
- 24 • sections 479 to 484
- 25 • section 536
- 26 • sections 554 to 559
- 27 • sections 564 to 569
- 28 • sections 571 to 575

**42 Further amendments, penalties**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*omit*

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

*substitute*

Maximum penalty: tier I monetary penalty.

*in*

- section 50
- section 66
- sections 76 and 77
- section 85
- section 94
- sections 96 to 98
- section 111
- section 142
- section 150
- section 162
- section 165
- section 170
- sections 175 and 176
- sections 180 to 182
- section 226
- sections 228 to 230
- section 237
- section 242
- section 260
- section 262

- 1 • section 273
- 2 • section 275
- 3 • section 282
- 4 • sections 287 and 288
- 5 • section 288D
- 6 • sections 303 and 304
- 7 • section 313
- 8 • section 326
- 9 • section 340
- 10 • section 364
- 11 • section 378
- 12 • sections 390 and 391
- 13 • section 404
- 14 • section 418
- 15 • section 418D
- 16 • section 423
- 17 • sections 444 to 445A
- 18 • section 461
- 19 • sections 505 to 507
- 20 • sections 512 and 513
- 21 • section 525
- 22 • section 572
- 23 • sections 587 and 588
- 24 • sections 593 and 594
- 25 • section 607

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 8 February 2024.

**2 Notification**

Notified under the [Legislation Act](#) on 2024.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

© Australian Capital Territory 2024