

Work Health and Safety (Fees) Determination 2018 (No 2)

Disallowable instrument DI2018-227

made under the

Work Health and Safety Act 2011, s 278 (Determination of fees)

EXPLANATORY STATEMENT

The Minister has power to determine fees for the *Work Health and Safety Act 2011* (WHS Act).

This determination replicates the previous fees determination for fees that commenced on 1 July 2018 under the *Work Health and Safety (Fees) Determination 2018* that it revokes and replaces.

The purpose of this fee determination is to add four new fees, item numbers 372.1-372.4. The new fees follow the adoption and commencement of chapters 7 and 9 in the *Work Health and Safety Regulation 2011*.

Prior to 29 March 2018, dangerous substances were regulated under the *Dangerous Substances Act 2004*. Since then, the adoption of chapters 7 and 9 into the *Work Health and Safety Regulation 2011* now means they are largely regulated as hazardous chemicals under the WHS Act. As such, the new fees relate to recently inserted provisions adopting chapters 7 and 9 as agreed by Government and passed by the Legislative Assembly.

In particular, the new chapters include provisions in relation to the new fees that:

- require persons conducting a business or undertaking where manifest quantities of hazardous chemicals are handled and stored to notify the regulator of the fact;
- provide for applications and exemptions for persons conducting a business or undertaking who store and/or handle prohibited or restricted carcinogens; and
- require major hazard facilities (determined or otherwise) to be licensed.

The new fees are a cost recovery model based on the administrative burden to Access Canberra in regulating the newly inserted provisions in relation to the storage and handling of hazardous chemicals and at major hazard facilities.

Item numbers, included in the schedule, column 2, enable the comparison of past fees set under the Act with those set by this instrument.

The instrument contains further explanatory notes about the fee for various items in the past Financial Year.