



# Commonwealth Consolidated Acts

[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Act\]](#) [\[Notes\]](#) [\[Noteup\]](#) [\[Download\]](#) [\[Help\]](#)

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## WORK HEALTH AND SAFETY ACT 2011 - NOTES

No. 137, 2011

### Compilation No. 15

**Compilation date:** 15 December 2023

**Includes amendments:** Act No. 120, 2023

**Registered:** 21 December 2023

## About this compilation

### This compilation

This is a compilation of the [Work Health and Safety Act 2011](#) that shows the text of the law as amended and in force on 15 December 2023 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

## Contents

### Part 1--Preliminary

#### Division 1--Introduction

- 1 Short title
- 2 Commencement

#### Division 2--Object

- 3 Object

#### Division 3--Interpretation

##### Subdivision 1--Definitions

## 4 [Definitions](#)

### Subdivision 2--Other important terms

5 Meaning of *person conducting a business or undertaking*

6 Meaning of *supply*

7 Meaning of *worker*

8 Meaning of *workplace*

9 Examples and notes

### Division 4--Application of Act

10 Act binds the Commonwealth

11 Extraterritorial application

12 Scope

12A Act does not apply to certain vessels, structures and facilities

12B Duty to consult etc. where law of more than one jurisdiction applies to the same matter

12C Act not to prejudice national security

12D Act not to prejudice Australia's defence

12E Act not to prejudice certain police operations

12F Interaction with Commonwealth criminal law

### Part 2--Health and safety duties

#### Division 1--Introductory

##### Subdivision 1--Principles that apply to duties

13 Principles that apply to duties

14 Duties not transferrable

15 Person may have more than 1 duty

16 More than 1 person can have a duty

17 Management of risks

##### Subdivision 2--What is reasonably practicable

18 What is *reasonably practicable* in ensuring health and safety

#### Division 2--Primary duty of care

19 Primary duty of care

#### Division 3--Further duties of persons conducting businesses or undertakings

- 20 Duty of persons conducting businesses or undertakings involving management or control of workplaces
- 21 Duty of persons conducting businesses or undertakings involving management or control of fixtures, fittings or plant at workplaces
- 22 Duties of persons conducting businesses or undertakings that design plant, substances or structures
- 23 Duties of persons conducting businesses or undertakings that manufacture plant, substances or structures
- 24 Duties of persons conducting businesses or undertakings that import plant, substances or structures
- 25 Duties of persons conducting businesses or undertakings that supply plant, substances or structures
- 26 Duty of persons conducting businesses or undertakings that install, construct or commission plant or structures

#### Division 4--Duty of [officers](#), workers and other persons

- 27 Duty of [officers](#)
- 28 Duties of workers
- 29 Duties of other persons at the workplace

#### Division 5--Offences and penalties

- 30 Health and safety duty
- 31 Negligence or reckless conduct--Category 1
- 32 Failure to comply with health and safety duty--Category 2
- 33 Failure to comply with health and safety duty--Category 3
- 34 Exceptions

#### Part 3--Incident notification

- 35 What is a *notifiable incident*
- 36 What is a *serious injury or illness*
- 37 What is a *dangerous incident*
- 38 Duty to notify of notifiable incidents
- 39 Duty to preserve incident sites

#### Part 4--Authorisations

- 40 Meaning of *authorised*
- 41 Requirements for authorisation of workplaces
- 42 Requirements for authorisation of plant or substance
- 43 Requirements for authorisation of work
- 44 Requirements for prescribed qualifications or experience

45 Requirement to comply with conditions of authorisation

## Part 5--Consultation, representation and participation

### Division 1--Consultation, co-operation and co-ordination between duty holders

46 Duty to consult with other duty holders

### Division 2--Consultation with workers

47 Duty to consult workers

48 Nature of consultation

49 When consultation is required

### Division 3--Health and safety representatives

#### Subdivision 1--Request for election of health and safety representatives

50 Request for election of health and safety representative

#### Subdivision 2--Determination of work groups

51 Determination of work groups

52 Negotiations for agreement for work group

53 Notice to workers

54 Failure of negotiations

#### Subdivision 3--Multiple-business work groups

55 Determination of work groups of multiple businesses

56 Negotiation of agreement for work groups of multiple businesses

57 Notice to workers

58 Withdrawal from negotiations or agreement involving multiple businesses

59 Effect of Subdivision on other arrangements

#### Subdivision 4--Election of health and safety representatives

60 Eligibility to be elected

61 Procedure for election of health and safety representatives

62 Eligibility to vote

63 When election not required

64 Term of office of health and safety representative

65 Disqualification of health and safety representatives

66 Immunity of health and safety representatives

67 Deputy health and safety representatives

## Subdivision 5--Powers and functions of health and safety representatives

68 Powers and functions of health and safety representatives

69 Powers and functions generally limited to the particular work group

## Subdivision 6--Obligations of person conducting business or undertaking to health and safety representatives

70 General obligations of person conducting business or undertaking

71 Exceptions from obligations under section [70\(1\)](#)

72 Obligation to train health and safety representatives

73 Obligation to share costs if multiple businesses or undertakings

74 List of health and safety representatives

## Division 4--Health and safety committees

75 Health and safety committees

76 Constitution of committee

77 Functions of committee

78 Meetings of committee

79 Duties of person conducting business or undertaking

## Division 5--Issue resolution

80 Parties to an issue

81 Resolution of health and safety issues

82 Referral of issue to regulator for resolution by inspector

## Division 6--Right to cease or direct cessation of unsafe work

83 [Definition](#) of *cease work under this Division*

84 Right of worker to cease unsafe work

85 Health and safety representative may direct that unsafe work cease

86 Worker to notify if ceases work

87 Alternative work

88 Continuity of engagement of worker

89 Request to regulator to appoint inspector to assist

## Division 7--Provisional improvement notices

90 Provisional improvement notices

91 Provisional improvement notice to be in writing

92 Contents of provisional improvement notice

93 Provisional improvement notice may give directions to remedy contravention

94 Minor changes to provisional improvement notice

95 Issue of provisional improvement notice

96 Health and safety representative may cancel notice

97 Display of provisional improvement notice

98 Formal irregularities or defects in notice

99 Offence to contravene a provisional improvement notice

100 Request for review of provisional improvement notice

101 Regulator to appoint inspector to review notice

102 Decision of inspector on review of provisional improvement notice

Division 8--Part not to apply to prisoners

103 Part does not apply to prisoners

Part 6--Discriminatory, coercive and misleading conduct

Division 1--Prohibition of discriminatory, coercive or misleading conduct

104 Prohibition of discriminatory conduct

105 What is *discriminatory conduct*

106 What is a *prohibited reason*

107 Prohibition of requesting, instructing, inducing, encouraging, authorising or assisting discriminatory conduct

108 Prohibition of coercion or inducement

109 Misrepresentation

Division 2--Criminal proceedings in relation to discriminatory conduct

110 Proof of discriminatory conduct

111 Order for compensation or reinstatement

Division 3--Civil proceedings in relation to discriminatory or coercive conduct

112 Civil proceedings in relation to engaging in or inducing discriminatory or coercive conduct

113 Procedure for civil actions for discriminatory conduct

Division 4--General

114 General provisions relating to orders

115 Prohibition of multiple actions

Part 7--Workplace entry by WHS entry permit holders

## Division 1--Introductory

### 116 [Definitions](#)

## Division 2--Entry to inquire into suspected contraventions

117 Entry to inquire into suspected contraventions

118 Rights that may be exercised while at workplace

119 Notice of entry

120 Entry to inspect employee records or information held by another person

## Division 3--Entry to consult and advise workers

121 Entry to consult and advise workers

122 Notice of entry

## Division 4--Requirements for WHS entry permit holders

123 Contravening WHS entry permit conditions

124 WHS entry permit holder must also hold permit under other law

125 WHS entry permit to be available for inspection

126 When right may be exercised

127 Where the right may be exercised

128 Work health and safety requirements

129 Residential premises

130 WHS entry permit holder not required to disclose names of workers

## Division 5--WHS entry permits

131 Application for WHS entry permit

132 Consideration of application

133 Eligibility criteria

134 Issue of WHS entry permit

135 Conditions on WHS entry permit

136 Term of WHS entry permit

137 Expiry of WHS entry permit

138 Application to revoke WHS entry permit

139 Authorising authority must permit WHS entry permit holder to show cause

140 Determination of application

## Division 6--Dealing with disputes



- 141 Application for assistance of inspector to resolve dispute
- 142 Authorising authority may deal with a dispute about a right of entry under this Act
- 143 Contravening order made to deal with dispute

#### Division 7--Prohibitions

- 144 Person must not refuse or delay entry of WHS entry permit holder
- 145 Person must not hinder or obstruct WHS entry permit holder
- 146 WHS entry permit holder must not delay, hinder or obstruct any person or disrupt work at workplace
- 147 Misrepresentations about things authorised by this Part
- 148 Unauthorised use or disclosure of information or documents

#### Division 8--General

- 149 Return of WHS entry permits
- 150 Union to provide information to authorising authority
- 151 Register of WHS entry permit holders

#### Part 8--The regulator

##### Division 1--Functions of regulator

- 152 Functions of regulator
- 153 Powers of regulator
- 154 Delegation by regulator

##### Division 2--Powers of regulator to obtain information

- 155 Powers of regulator to obtain information

#### Part 9--Securing compliance

##### Division 1--Appointment of inspectors

- 156 Appointment of inspectors
- 157 Identity cards
- 158 Accountability of inspectors
- 159 Suspension and ending of appointment of inspectors

##### Division 2--Functions and powers of inspectors

- 160 Functions and powers of inspectors
- 161 Conditions on inspectors' compliance powers
- 162 Inspectors subject to regulator's directions

## Division 3--Powers relating to entry

### Subdivision 1--General powers of entry

- 163 Powers of entry
- 164 Notification of entry
- 165 General powers on entry
- 165A Powers relating to electronic equipment
- 165B Expert assistance to operate electronic equipment
- 166 Persons assisting inspectors

### Subdivision 2--Search warrants

- 167 Search warrants
- 168 Announcement before entry on warrant
- 169 Copy of warrant to be given to person with management or control of place

### Subdivision 3--Limitation on entry powers

- 170 Places used for residential purposes

### Subdivision 4--Specific powers on entry

- 171 Power to require production of documents and answers to questions
- 172 Abrogation of privilege against self-incrimination
- 173 Warning to be given
- 174 Powers to copy and retain documents
- 175 Power to seize evidence etc.
- 176 Inspector's power to seize dangerous workplaces and things
- 177 Powers supporting seizure
- 178 Receipt for seized things
- 179 Forfeiture of seized things
- 180 Return of seized things
- 181 Access to seized things

## Division 4--Damage and compensation

- 182 Damage etc. to be minimised
- 183 Inspector to give notice of damage
- 184 Compensation

## Division 5--Other matters

185 Power to require name and address

186 Inspector may take affidavits

187 Attendance of inspector at coronial inquests

#### Division 6--Offences in relation to inspectors

188 Offence to hinder or obstruct inspector

189 Offence to impersonate inspector

190 Offence to assault, threaten or intimidate inspector

#### Part 10--Enforcement measures

##### Division 1--Improvement notices

191 Issue of improvement notices

192 Contents of improvement notices

193 Compliance with improvement notice

194 Extension of time for compliance with improvement notices

##### Division 2--Prohibition notices

195 Power to issue prohibition notice

196 Contents of prohibition notice

197 Compliance with prohibition notice

##### Division 3--Non-disturbance notices

198 Issue of non-disturbance notice

199 Contents of non-disturbance notice

200 Compliance with non-disturbance notice

201 Issue of subsequent notices

##### Division 4--General requirements applying to notices

202 Application of Division

203 Notice to be in writing

204 Directions in notices

205 Recommendations in notice

206 Changes to notice by inspector

207 Regulator may vary or cancel notice

208 Formal irregularities or defects in notice

209 Issue and giving of notice

## 210 Display of notice

### Division 5--Remedial action

## 211 When regulator may carry out action

## 212 Power of the regulator to take other remedial action

## 213 Costs of remedial or other action

### Division 6--Injunctions

## 214 Application of Division

## 215 Injunctions for noncompliance with notices

### Part 11--Enforceable undertakings

## 216 Regulator may accept WHS undertakings

## 217 Notice of decision and reasons for decision

## 218 When a WHS undertaking is enforceable

## 219 Compliance with WHS undertaking

## 220 Contravention of WHS undertaking

## 221 Withdrawal or variation of WHS undertaking

## 222 Proceeding for alleged contravention

### Part 12--Review of decisions

#### Division 1--Reviewable decisions

## 223 Which decisions are reviewable

#### Division 2--Internal review

## 224 Application for internal review

## 225 Internal reviewer

## 226 Decision of internal reviewer

## 227 Decision on internal review

## 228 Stays of reviewable decisions on internal review

#### Division 3--External review

## 229 Application for external review

### Part 13--Legal proceedings

#### Division 1--General matters

## 230 Prosecutions

## 231 Procedure if prosecution is not brought

232 Limitation period for prosecutions

233 Multiple contraventions of health and safety duty provision

#### Division 2--Sentencing for offences

234 Application of this Division

235 Orders generally

236 Adverse publicity orders

237 Orders for restoration

238 Work health and safety project orders

239 Release on the giving of a court-ordered WHS undertaking

240 Injunctions

241 Training orders

242 Offence to fail to comply with order

#### Division 3--Infringement notices

243 Infringement notices

243A Matters to be included in an infringement notice

243B Extension of time to pay amount

243C Withdrawal of an infringement notice

243D Effect of payment of amount

243E Effect of this Division

#### Division 4--Offences by bodies corporate

244 [Definitions](#)

244A Physical elements

244B Fault elements other than negligence

244BA Negligence

244C Mistake of fact

244D Failure to take reasonable precautions

244E How this Division applies to public authorities

#### Division 5--The Commonwealth

245 [Definitions](#)

245A Offences and the Commonwealth--physical elements

245B Offences and the Commonwealth--fault elements other than negligence

245BA Offences and the Commonwealth--negligence

245C Offences and the Commonwealth--mistake of fact

245D Offences and the Commonwealth--failure to take reasonable precautions

245E Offences and the Commonwealth--penalties

246 WHS civil [penalty](#) provisions and the Commonwealth

247 [Officers](#)

248 Responsible agency for the Commonwealth

#### Division 6--Public authorities

249 Application to public authorities that are bodies corporate

250 Proceedings against public authorities

251 Offences and public authorities

252 [Officer](#) of public authority

253 Proceedings against successors to public authorities

#### Division 7--WHS civil [penalty](#) provisions

254 When is a provision a WHS civil [penalty](#) provision

255 Proceedings for contravention of WHS civil [penalty](#) provision

256 Involvement in contravention treated in same way as actual contravention

257 Contravening a civil [penalty](#) provision is not an offence

258 Civil proceeding rules and procedure to apply

259 Proceeding for a contravention of a WHS civil [penalty](#) provision

260 Proceeding may be brought by the regulator or an inspector

261 Limitation period for WHS civil [penalty](#) proceedings

262 Recovery of a monetary [penalty](#)

263 Civil double jeopardy

264 Criminal proceedings during civil proceedings

265 Criminal proceedings after civil proceedings

266 Evidence given in proceedings for contravention of WHS civil [penalty](#) provision not admissible in criminal proceedings

#### Division 8--Civil liability not affected by this Act

267 Civil liability not affected by this Act

#### Part 14--General

## Division 1--General provisions

- 268 Offence to give false or misleading information
- 269 Act does not affect legal professional privilege
- 270 Immunity from liability
- 271 Confidentiality of information
- 271A Additional ways that regulator may use and share information
- 272 No contracting out
- 272A No insurance or other indemnity against penalties
- 272B Liability of [officers](#) for offences by body corporate under [s 272A](#)
- 273 Person not to levy workers
- 273A Conferral of jurisdiction
- 273B Application of the [Legislation Act 2003](#)

## Division 2--Codes of practice

- 274 Approved codes of practice
- 275 Use of codes of practice in proceedings

## Division 3--Regulation-making powers

- 276 Regulation-making powers

## Schedule 1--Application of Act to dangerous goods and high risk plant

## Schedule 2--The regulator and local tripartite consultation arrangements and other local arrangements

## Part 1--Preliminary

- 1 [Definitions](#)

## Part 2--The Commission

- 2 Functions

## Part 3--Comcare

- 3 Annual reports

## Part 3A--Family and Injured Workers Advisory Committee

- 3A [Definitions](#) for this Part
- 3B Establishment of the Family and Injured Workers Advisory Committee
- 3C Functions of the Advisory Committee
- 3D Membership of the Advisory Committee
- 3E Appointment of Advisory Committee members

- 3F Invited participants
- 3G Acting appointments
- 3H Remuneration and allowances
- 3J Leave of absence
- 3K Disclosure of interests to the Minister
- 3L Disclosure of interests to the Advisory Committee
- 3M Resignation
- 3N Termination of appointment
- 3P Other terms and conditions
- 3Q Meetings and procedures
- 3R Administrative support

#### Part 4--Other persons

- 4 Annual reports

#### Schedule 3--Regulation-making powers

- 1 Duties
- 2 Incidents
- 3 Plant, substances or structures
- 4 Protection and welfare of workers
- 5 Hazards and risks
- 6 Records and notices
- 7 Authorisations
- 8 Work groups
- 9 Health and safety committees and health and safety representatives
- 10 Issue resolution
- 11 WHS entry permits
- 12 Identity cards
- 13 Forfeiture
- 14 Review of decisions

#### Schedule 4--Penalty amounts

- 1 Monetary penalties--categories 1 to 3
- 2 Monetary penalties--tiers A to I



- 3 Monetary penalties--WHS civil [penalty](#) provision--tiers 1 to 4
- 4 Indexation of [penalty](#) amounts
- 5 Rounding of [penalty](#) amounts
- 6 Public notification of adjusted [penalty](#) amounts
- 7 [Definitions](#)

## Endnotes

Endnote 1--About the endnotes

Endnote 2--Abbreviation key

Endnote 3--Legislation history

Endnote 4--Amendment history

## Endnotes

### Endnote 1--About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

### Endnote 1--About the endnotes

### Endnote 2--Abbreviation key

### Endnote 3--Legislation history

### Endnote 4--Amendment history

## Abbreviation key--Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

## Legislation history and amendment history--Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

## Editorial changes

The [Legislation Act 2003](#) authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

## Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section [15V](#) of the [Legislation Act 2003](#).

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

## Endnote 2--Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = <a href="#">paragraph</a> (s)/subparagraph(s)
C[x] = Compilation No. x	/sub-subparagraph(s)
Ch = Chapter(s)	pres = present
def = <a href="#">definition</a> (s)	prev = previous
Dict = Dictionary	(prev ... ) = previously
disallowed = disallowed by Parliament	Pt = Part(s)
Div = Division(s)	r = regulation(s)/rule(s)
ed = editorial change	reloc = relocated
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislation	rep = repealed
gaz = gazette	rs = repealed and substituted
LA = <a href="#">Legislation Act 2003</a>	s = section(s)/subsection(s)
LIA = <a href="#">Legislative Instruments Act 2003</a>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	SLI = Select Legislative Instrument
	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be commenced
No. = Number(s)	

## Endnote 3--Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
<a href="#">Work Health and Safety Act 2011</a>	137, 2011	29 Nov 2011	1 Jan 2012 ( <a href="#">s 2</a> ).	
<a href="#">Fair Work Amendment Act 2012</a>	174, 2012	4 Dec 2012	Sch 9 (items 1333-1338): 1 Jan 2013 ( <a href="#">s 2(1)</a> item 5)	--
<a href="#">Federal Circuit Court of Australia (Consequential Amendments) Act 2013</a>	13, 2013	14 Mar 2013	Sch 1 (item 560) and Sch 2 (item 2): 12 Apr 2013 ( <a href="#">s 2(1)</a> items 2, 3)	--
<a href="#">Foreign Affairs Portfolio Miscellaneous Measures Act 2013</a>	54, 2013	28 May 2013	Sch 1 (items 3-6): 28 May 2013 ( <a href="#">s 2</a> ).	--
<a href="#">Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014</a> as amended by <a href="#">Public Governance and Resources Legislation Amendment Act (No. 1) 2015</a> as amended by <a href="#">Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015</a>	62, 2014	30 June 2014	Sch 12 (items 283-289) and Sch 14: 1 July 2014 ( <a href="#">s 2(1)</a> items 6, 14)	Sch 14
<a href="#">Public Governance and Resources Legislation Amendment Act (No. 1) 2015</a> as amended by <a href="#">Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015</a>	36, 2015	13 Apr 2015	Sch 2 (item 7) and Sch 7: 14 Apr 2015 ( <a href="#">s 2</a> ).	Sch 7
<a href="#">Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015</a>	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 ( <a href="#">s 2(1)</a> item 2)	--
<a href="#">Acts and Instruments (Framework Reform) (Consequential</a>	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 ( <a href="#">s 2(1)</a> item 2)	--

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
<a href="#"><u>Provisions) Act 2015</u></a>				
<a href="#"><u>Customs and Other Legislation Amendment (Australian Border Force) Act 2015</u></a>	41, 2015	20 May 2015	Sch 4 and 9: 1 July 2015 ( <a href="#"><u>s 2(1)</u></a> items 2, 7)	Sch 9
as amended by <a href="#"><u>Australian Border Force Amendment (Protected Information) Act 2017</u></a>	115, 2017	30 Oct 2017	Sch 1 (item 26): 1 July 2015 ( <a href="#"><u>s 2(1)</u></a> item 2)	--
<a href="#"><u>Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015</u></a>	126, 2015	10 Sept 2015	Sch 1 (items 668, 669): 5 Mar 2016 ( <a href="#"><u>s 2(1)</u></a> item 2)	--
<a href="#"><u>Defence Legislation Amendment (First Principles) Act 2015</u></a>	164, 2015	2 Dec 2015	Sch 2 (items 79, 80): 1 July 2016 ( <a href="#"><u>s 2(1)</u></a> item 2)	Sch 2 (item 80)
<a href="#"><u>Statute Update (Winter 2017) Act 2017</u></a>	93, 2017	23 Aug 2017	Sch 1 (items 22-26): 20 Sept 2017 ( <a href="#"><u>s 2(1)</u></a> item 2)	--
Intelligence Services Amendment (Establishment of the Australian Signals Directorate) Act 2018	25, 2018	11 Apr 2018	Sch 1 (items 95-108): 1 July 2018 ( <a href="#"><u>s 2(1)</u></a> item 2)	Sch 1 (items 100-108)
<a href="#"><u>Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021</u></a>	13, 2021	1 Mar 2021	Sch 2 (items 803-811): 1 Sept 2021 ( <a href="#"><u>s 2(1)</u></a> item 5)	--
<a href="#"><u>Work Health and Safety Amendment</u></a>	105, 2021	10 Sept 2021	10 Sept 2021 ( <a href="#"><u>s 2(1)</u></a> item 1)	--

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
<a href="#">(Norfolk Island) Act 2021</a>				
Parliamentary Workplace Reform (Set the Standard Measures No. 1) Act 2022	7, 2022	22 Feb 2022	Sch 2: 23 Feb 2022 ( <a href="#">s 2(1)</a> item 1)	--
<a href="#">Work Health and Safety Amendment Act 2023</a>	9, 2023	21 Mar 2023	Sch 1 (items 2-25): 21 Sept 2023 ( <a href="#">s 2(1)</a> item 1)	--
<a href="#">Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023</a>	74, 2023	20 Sept 2023	Sch 3 (item 31): 18 Oct 2023 ( <a href="#">s 2(1)</a> item 3)	--
<a href="#">Fair Work Legislation Amendment (Closing Loopholes) Act 2023</a>	120, 2023	14 Dec 2023	Sch 4 (items 1-9): 1 July 2024 ( <a href="#">s 2(1)</a> item 27). Sch 4 (items 10-74): 15 Dec 2023 ( <a href="#">s 2(1)</a> items 28-30)	<a href="#">Sch 4 (item 9)</a> and Sch 4 (items 69, 71)

## Endnote 4--Amendment history

Provision affected	How affected
<b>Part 1</b>	
<b>Division 3</b>	
<b>Subdivision 1</b>	
<a href="#">s 4</a>	am No 174, 2012; No 13, 2013; No 62, 2014; No 41, 2015; No 93, 2017; No 25, 2018; No 13, 2021
.....	ed C10
	am No 105, 2021; No 7, 2022; No 9, 2023; No 74, 2023; No 120, 2023
<b>Subdivision 2</b>	
<a href="#">s 7</a>	am No 105, 2021
.....	
<b>Division 4</b>	
<a href="#">s 12</a>	am No 105, 2021
.....	
<a href="#">s 12C</a>	am No 54, 2013; No 41, 2015; No 25, 2018
.....	
<a href="#">s 12D</a>	am No 41, 2015
.....	
<a href="#">s 12F</a>	am No 120, 2023
.....	
<b>Part 2</b>	
<b>Division 5</b>	
s 30A	ad <u>No 120, 2023</u>
.....	
<a href="#">s 31</a>	am No 9, 2023; No 120, 2023
.....	
<a href="#">s 32</a>	am No 120, 2023
.....	
<a href="#">s 33</a>	am No 120, 2023
.....	
<b>Part 3</b>	
<a href="#">s 38</a>	am No 120, 2023
.....	
<a href="#">s 39</a>	am No 120, 2023
.....	
<b>Part 4</b>	
<a href="#">s 41</a>	am No 120, 2023
.....	
<a href="#">s 42</a>	am No 120, 2023
.....	
<a href="#">s 43</a>	am No 120, 2023
.....	
<a href="#">s 44</a>	am No 120, 2023
.....	
<a href="#">s 45</a>	am No 120, 2023
.....	
<b>Part 5</b>	
<b>Division 1</b>	
<a href="#">s 46</a>	am No 120, 2023
.....	
<b>Division 2</b>	
<a href="#">s 47</a>	am No 120, 2023
.....	
<b>Division 3</b>	

Provision affected	How affected
<b>Subdivision 2</b>	
<a href="#">s 52</a>	am No 9, 2023; No 120, 2023
.....	
<a href="#">s 53</a>	am No 120, 2023
.....	
<b>Subdivision 3</b>	
<a href="#">s 56</a>	am No 120, 2023
.....	
<a href="#">s 57</a>	am No 120, 2023
.....	
<b>Subdivision 4</b>	
<a href="#">s 61</a>	am No 120, 2023
.....	
<b>Subdivision 6</b>	
<a href="#">s 70</a>	am No 120, 2023
.....	
<a href="#">s 71</a>	am No 120, 2023
.....	
<a href="#">s 72</a>	am No 9, 2023; No 120, 2023
.....	
<a href="#">s 74</a>	am No 120, 2023
.....	
<b>Division 4</b>	
<a href="#">s 75</a>	am No 120, 2023
.....	
<a href="#">s 79</a>	am No 120, 2023
.....	
<b>Division 7</b>	
<a href="#">s 97</a>	am No 120, 2023
.....	
<a href="#">s 99</a>	am No 120, 2023
.....	
<b>Part 6</b>	
<b>Division 1</b>	
<a href="#">s 104</a>	am No 120, 2023
.....	
<a href="#">s 107</a>	am No 120, 2023
.....	
<a href="#">s 108</a>	am No 120, 2023
.....	
<a href="#">s 109</a>	am No 120, 2023
.....	
<b>Part 7</b>	
<b>Division 2</b>	
<a href="#">s 118</a>	am No 120, 2023
.....	
<b>Division 4</b>	
<a href="#">s 123</a>	am No 120, 2023
.....	
<a href="#">s 124</a>	am No 120, 2023
.....	
<a href="#">s 125</a>	am No 120, 2023
.....	
<a href="#">s 126</a>	am No 120, 2023
.....	
<a href="#">s 128</a>	am No 120, 2023
.....	
<a href="#">s 129</a>	am No 120, 2023
.....	



Provision affected	How affected
<b>Division 6</b>	
<a href="#">s 143</a>	am No 120, 2023
.....	
<b>Division 7</b>	
<a href="#">s 144</a>	am No 120, 2023
.....	
<a href="#">s 145</a>	am No 120, 2023
.....	
<a href="#">s 146</a>	am No 120, 2023
.....	
<a href="#">s 147</a>	am No 120, 2023
.....	
<a href="#">s 148</a>	am No 120, 2023
.....	
<b>Division 8</b>	
<a href="#">s 149</a>	am No 120, 2023
.....	
<a href="#">s 150</a>	am No 120, 2023
.....	
<b>Part 8</b>	
<b>Division 2</b>	
<a href="#">s 155</a>	am No 9, 2023; No 120, 2023
.....	
<b>Part 9</b>	
<b>Division 3</b>	
<b>Subdivision 1</b>	
<a href="#">s 165</a>	am No 120, 2023
.....	
<b>Subdivision 4</b>	
<a href="#">s 171</a>	am No 9, 2023; No 120, 2023
.....	
<a href="#">s 172</a>	am No 9, 2023
.....	
<a href="#">s 173</a>	am No 9, 2023
.....	
<a href="#">s 177</a>	am No 120, 2023
.....	
<b>Division 5</b>	
<a href="#">s 185</a>	am No 120, 2023
.....	
<b>Division 6</b>	
<a href="#">s 188</a>	am No 120, 2023
.....	
<a href="#">s 189</a>	am No 120, 2023
.....	
<a href="#">s 190</a>	am No 120, 2023
.....	
<b>Part 10</b>	
<b>Division 1</b>	
<a href="#">s 193</a>	am No 120, 2023
.....	
<b>Division 2</b>	
<a href="#">s 197</a>	am No 120, 2023
.....	
<b>Division 3</b>	
<a href="#">s 200</a>	am No 120, 2023
.....	
<b>Division 4</b>	

Provision affected	How affected
<a href="#">s 210</a>	am No 120, 2023
.....	
<b>Part 11</b>	
<a href="#">s 216</a>	am <u>No 120, 2023</u>
.....	
<a href="#">s 219</a>	am No 120, 2023
.....	
<b>Part 12</b>	
<b>Division 3</b>	
<a href="#">s 229</a>	am No 174, 2012
.....	
<b>Part 13</b>	
<b>Division 1</b>	
<a href="#">s 231</a>	am No 9, 2023; <u>No 120, 2023</u>
.....	
<a href="#">s 232</a>	am No 164, 2015; <u>No 120, 2023</u>
.....	
<b>Division 2</b>	
<a href="#">s 242</a>	am No 120, 2023
.....	
<b>Division 4</b>	
<a href="#">s 244</a>	rs No 120, 2023
.....	
<a href="#">s 244A</a>	ad No 120, 2023
.....	
<a href="#">s 244B</a>	ad No 120, 2023
.....	
<a href="#">s 244BA</a>	ad No 120, 2023
.....	
<a href="#">s 244C</a>	ad No 120, 2023
.....	
<a href="#">s 244D</a>	ad No 120, 2023
.....	
<a href="#">s 244E</a>	ad No 120, 2023
.....	
<b>Division 5</b>	
<a href="#">s 245</a>	rs No 120, 2023
.....	
<a href="#">s 245A</a>	ad No 120, 2023
.....	
<a href="#">s 245B</a>	ad No 120, 2023
.....	
<a href="#">s 245BA</a>	ad No 120, 2023
.....	
<a href="#">s 245C</a>	ad No 120, 2023
.....	
<a href="#">s 245D</a>	ad No 120, 2023
.....	
<a href="#">s 245E</a>	ad No 120, 2023
.....	
<a href="#">s 247</a>	am No 7, 2022
.....	
<b>Division 6</b>	
<a href="#">s 251</a>	rs No 120, 2023
.....	
<b>Division 7</b>	
<a href="#">s 254</a>	am No 120, 2023
.....	

Provision affected	How affected
<a href="#">s 259</a>	am No 120, 2023
.....	
<b>Part 14</b>	
<b>Division 1</b>	
<a href="#">s 271</a>	am No 9, 2023; No 120, 2023
.....	
<a href="#">s 271A</a>	ad No 9, 2023
.....	
<a href="#">s 272A</a>	ad No 9, 2023
.....	
<a href="#">s 272B</a>	am No 120, 2023 ad No 9, 2023
.....	
<a href="#">s 273</a>	am No 120, 2023 am No 120, 2023
.....	
<a href="#">s 273A</a>	am No 13, 2013; No 13, 2021
.....	
<a href="#">s 273B</a>	am No 54, 2013; No 41, 2015; No 126, 2015; No 25, 2018
.....	
<b>Division 2</b>	
<a href="#">s 274</a>	am No 126, 2015
.....	
<b>Division 3</b>	
<a href="#">s 276</a>	am No 120, 2023
.....	
<b>Schedule 2</b>	
<b>Part 3</b>	
c 3	am No 62, 2014
.....	
<b>Part 3A</b>	
Part 3A	ad No 120, 2023
.....	
c 3A	ad No 120, 2023
.....	
c 3B	ad No 120, 2023
.....	
c 3C	ad No 120, 2023
.....	
c 3D	ad No 120, 2023
.....	
c 3E	ad No 120, 2023
.....	
c 3F	ad No 120, 2023
.....	
c 3G	ad No 120, 2023
.....	
c 3H	ad No 120, 2023
.....	
c 3J	ad No 120, 2023
.....	
c 3K	ad No 120, 2023
.....	
c 3L	ad No 120, 2023
.....	
c 3M	ad No 120, 2023
.....	
c 3N	ad No 120, 2023
.....	

Provision affected	How affected
c 3P	ad No 120, 2023
.....	
c 3Q	ad No 120, 2023
.....	
c 3R	ad No 120, 2023
.....	
<b>Part 4</b>	
c 4	am No 62, 2014
.....	
<b>Schedule 3</b>	
c 14	am No 174, 2012
.....	
<b>Schedule 4</b>	
Schedule 4	ad No 120, 2023
.....	
c 1	ad No 120, 2023
.....	
c 2	ad No 120, 2023
.....	
c 3	ad No 120, 2023
.....	
c 4	ad No 120, 2023
.....	
c 5	ad No 120, 2023
.....	
c 6	ad No 120, 2023
.....	
c 7	ad No 120, 2023
.....	