
WORKSAFE

WS301*

Occupational Safety and Health Act 1984

**Occupational Safety and Health Amendment
Regulations (No. 4) 2009**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 4) 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Occupational Safety and Health Regulations 1996*.

4. Regulation 1.3 amended

In regulation 1.3 insert in alphabetical order:

registered training organisation means an organisation registered by a body established under a law of a State or a Territory to register organisations that provide vocational education and training as defined in the *Vocational Education and Training Act 1996* section 5;

5. Part 3 Division 11 replaced

Delete Part 3 Division 11 and insert:

Division 11 — Construction industry induction training**3.135. Terms used**

In this Division —

employee includes a person taken to be an employee by operation of section 23D, 23E or 23F of the Act;

employer includes a person taken to be an employer by operation of section 23D, 23E or 23F of the Act;

construction induction training certificate means a certificate, card or other document that —

- (a) was issued by the provider of a construction induction training course that is, or was at the time the document was issued, a recognised construction induction training course; and
- (b) contains information to the effect that the person named in the document satisfactorily completed the course on the date specified in the document;

construction induction training course means a course or training programme that includes instruction in —

- (a) the rights and responsibilities under the Act and these regulations of persons who do construction work or employ persons who do such work; and
- (b) the hazards to which a person is likely to be exposed while doing construction work at a workplace; and
- (c) how to apply risk management principles when doing construction work at the workplace;

recognised construction induction training course means a construction induction training course that —

- (a) is accredited by a body established under a law of a State or a Territory to accredit vocational education and training courses and programmes; and
- (b) is provided by a registered training organisation.

3.136. Construction induction training requirements

- (1) An employee or self-employed person must not do construction work at a workplace unless he or she holds a construction induction training certificate.

Penalty: the regulation 1.15 penalty.

- (2) A person who is an employer, the main contractor or a person having control of the workplace must not permit an employee or self-employed person to do construction work at the workplace unless that other employee or self-employed person holds a construction induction training certificate.

Penalty: the regulation 1.16 penalty.

- (3) For the purposes of this regulation, a person who, immediately before this regulation came into operation, held a current safety awareness training certificate (as

defined in regulation 3.135 as in force at that time) is to be taken to hold a construction induction training certificate.

6. Regulation 6.1 amended

- (1) In regulation 6.1(1) delete the definitions of:
registered training organisation
vocational education and training
- (2) In regulation 6.1(1) in the definition of *qualification or statement of attainment* in paragraph (b) delete “that work;” and insert:

that work.

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.
