

WS301\*

Occupational Safety and Health Act 1984

## Occupational Safety and Health Amendment Regulations (No. 6) 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 6) 2005*.

### 2. The regulations amended

The amendments in these regulations are to the *Occupational Safety and Health Regulations 1996\**.

[\* Reprint 3 as at 9 July 2004.

For amendments to 10 August 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 271, and Gazette 7 January, 4 March, 4 April and 1 July 2005.*]

### 3. Regulation 2.7 repealed

Regulation 2.7 is repealed.

### 4. Regulation 3.108 amended

Regulation 3.108 is amended as follows:

- (a) by deleting “or persons” and inserting instead —

“

, persons in an excavated area or persons otherwise

”;

- (b) by inserting after paragraph (b) the following paragraph —

“

(ba) benching;

”.

**5. Regulation 3.109 replaced**

Regulation 3.109 is repealed and the following regulation is inserted instead —

“

**3.109. Where person at risk due to excavation**

- (1) If, at a workplace where excavation work is to be done, any person is at risk of injury because of the excavation work then a person who, at the workplace, is an employer, the main contractor or a self-employed person must ensure that —
- (a) suitable barriers are erected between the person at risk and the likely cause of the danger; and
  - (b) suitable signs that warn of the risk are erected at the place where the excavation work is to be done.
- (2) If, at a workplace, there is an excavated area in, around, or across the top of, which persons can move or plant can be moved then a person who, at the workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure, as far as is practicable, that —
- (a) persons can move safely in, around, and across the top of, the area; and
  - (b) plant can be moved safely in, around, and across the top of, the area.

Penalty applicable to subregulations (1) and (2): the regulation 1.16 penalty.

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**6. Regulation 3.111 amended**

- (1) Regulation 3.111(1) is amended by deleting “excavation or earthwork, the excavation or earthwork” and inserting instead —

“

work, area or opening, the work, area or opening

”.

- (2) Regulation 3.111(2) is amended by deleting “excavation or earthwork” and inserting instead —

“ work, area or opening ”.

**7. Schedule 2 amended**

Schedule 2 is amended by deleting Form 3.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.