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**WORKSAFE**

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WS301\*

Occupational Safety and Health Act 1984

**Occupational Safety and Health Amendment  
Regulations (No. 3) 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 3) 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 22 February 2005 see Gazette 22 October and 14 December 2004.]*

**3. Regulation 2.2 amended**

- (1) Regulation 2.2(1) is repealed and the following subregulation is inserted instead —

“

- (1) This regulation applies where, under section 14(1)(h) of the Act, the Commission —
- (a) accredits a training course designed for safety and health representatives to attend, subject to course availability, during the first year of holding office; or
  - (b) accredits a training course designed to update the knowledge of safety and health representatives who have completed an introductory course.

”

- (2) Regulation 2.2(2) is amended as follows:
- (a) by deleting the definition of “introductory course” and inserting instead —
 

“

**“introductory course”** means a course of a kind referred to in subregulation (1)(a) accredited as referred to in that provision;

”;
  - (b) by deleting the full stop at the end of the definition of “representative” and inserting instead a semicolon;
  - (c) by inserting after the definition of “representative” the following definition —
 

“

**“transitional course”** means a course of a kind referred to in subregulation (1)(b) accredited as referred to in that provision.

”.
- (3) Regulation 2.2(4) is amended as follows:
- (a) by deleting “, not less than 21 days, or such shorter period as has been agreed between the representative and his or her employer, before the commencement of an introductory course,”;
  - (b) by inserting after “in writing” —
 

“ in accordance with subregulation (4b) ”;
  - (c) by deleting “the course.” and inserting instead —
 

“ an introductory course. ”.
- (4) After regulation 2.2(4) the following subregulations are inserted —
- “
- (4a) A representative who has previously attended an introductory course but completed it before March 2005 may, if the representative has not completed a transitional course after February 2005, give to his or her employer notice in writing in accordance with subregulation (4b) that the representative wishes to attend a transitional course.
  - (4b) Notice under subregulation (4) or (4a) that a representative wishes to attend a course has to be given not less than 21 days, or a shorter period agreed between the representative and the employer, before the commencement of the course.
- ”.
- (5) Regulation 2.2(5) is amended as follows:
- (a) by deleting “in accordance with subregulation (4)” and inserting instead —
 

“ under subregulation (4) or (4a) ”;

- (b) by deleting “an introductory” and inserting instead —  
“ a ”.
- (6) Regulation 2.2(6) is amended as follows:
  - (a) by inserting after “subregulation (4)” —  
“ or (4a) ”;
  - (b) by deleting “an introductory” and inserting instead —  
“ a ”.
- (7) Regulation 2.2(7) is amended as follows:
  - (a) by deleting “introductory”;
  - (b) by deleting “such course” and inserting instead —  
“ course of the same kind ”.
- (8) Regulation 2.2(8) is amended by inserting after “introductory course” —  
“ or a transitional course ”.
- (9) Regulation 2.2(10) is amended by inserting after “introductory course” —  
“ or a transitional course ”.

#### 4. **Regulation 2.8B inserted**

After regulation 2.8A, the following regulation is inserted —

“

##### **2.8B. Training courses for “qualified representative” under section 51AB**

- (1) Each course of training described in subregulation (2) is prescribed for the purposes of the definition of “qualified representative” in section 51AB.
- (2) The prescribed courses are —
  - (a) a course that was an introductory course, as defined in regulation 2.2(2), and that the safety and health representative completed after February 2005; and
  - (b) a course that was a transitional course, as defined in regulation 2.2(2), and that the safety and health representative completed after February 2005 after having, before March 2005, completed a course that was an introductory course, as defined in regulation 2.2(2).

”.

By Command of the Governor,

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