

3. Interpretation

(1) In this Act unless the contrary intention appears —

“appointed member” means a member of the Commission referred to in section 6(2)(a) or (d);

“apprentice” —

- (a) means an apprentice under the *Industrial Training Act 1975*; or
- (b) if Part 7 of the *Vocational Education and Training Act 1996* comes into operation, means a person who, as an employee, has entered into an apprenticeship within the meaning of that term in section 58 of that Act;

“Australian Standard” means a document having that title published by Standards Australia International Limited (ACN 087 326 690);

“Australian/New Zealand Standard” means a document having that title published jointly by —

- (a) Standards Australia International Limited (ACN 087 326 690); and
- (b) the Standards Council of New Zealand;

“chairperson” means the chairperson of the Commission;

“code of practice” means a code of practice approved by the Minister under Part VIII;

“Commission” means the Commission for Occupational Safety and Health established under this Act;

“Commissioner” means the person holding office as WorkSafe Western Australia Commissioner under section 9;

“Commissioner of Police” means the person holding the office of Commissioner of Police under the *Police Act 1892*;

“department” means the department of the Public Service of the State principally assisting the Minister in the administration of this Act;

“employee” means —

- (a) a person by whom work is done under a contract of employment; or
- (b) an apprentice or trainee;

“employer” means —

- (a) a person that employs an employee under a contract of employment; and
- (b) in relation to an apprentice or trainee, the person that employs the apprentice or trainee under an apprenticeship or traineeship scheme under the *Industrial Training Act 1975*;

“hazard”, in relation to a person, means anything that may result in —

- (a) injury to the person; or
- (b) harm to the health of the person;

“import” means to bring into the State, whether from outside Australia or otherwise;

“improvement notice” means an improvement notice issued under Part VI;

“inspector” means an inspector appointed under section 42, and subject to section 42B(3), includes a restricted inspector appointed under section 42A;

“plant” includes any machinery, equipment, appliance, implement, or tool and any component or fitting thereof or accessory thereto;

“police officer” means a person appointed —

- (a) under Part I of the *Police Act 1892* to be a member of the Police Force of Western Australia;
- (b) under Part III of the *Police Act 1892* to be a special constable; or
- (c) under Part IIIA of the *Police Act 1892* to be an aboriginal aide;

“practicable” means reasonably practicable having regard, where the context permits, to —

- (a) the severity of any potential injury or harm to health that may be involved, and the degree of risk of it occurring;
 - (b) the state of knowledge about —
 - (i) the injury or harm to health referred to in paragraph (a);
 - (ii) the risk of that injury or harm to health occurring; and
 - (iii) means of removing or mitigating the risk or mitigating the potential injury or harm to health;
- and
- (c) the availability, suitability, and cost of the means referred to in paragraph (b)(iii);

“prescribed law” means a law prescribed for the purposes of section 14(1)(b);

“prohibition notice” means a prohibition notice issued under Part VI;

“provisional improvement notice” means a provisional improvement notice issued under Part VI Division 2;

“risk”, in relation to any injury or harm, means the probability of that injury or harm occurring;

“safety and health committee” means a safety and health committee established under Part IV Division 2;

“safety and health magistrate” means a person holding office as a safety and health magistrate under section 51B;

“safety and health representative” means a safety and health representative elected under Part IV Division 1;

“self-employed person” means an individual who works for gain or reward otherwise than —

- (a) under a contract of employment; or
 - (b) as an apprentice or trainee,
- whether or not the individual is an employer;

“supply”, in relation to any plant or substance, includes supply and re-supply by way of —

- (a) sale (including by auction), exchange, lease, hire, or hire-purchase, whether as principal or agent;

- (b) the disposal in a manner referred to in paragraph (a) of assets of a business that include any plant or substance; and
- (c) the disposal of all of the shares in a company that owns any plant or substance;

“trade union” means —

- (a) an organisation registered under section 53 of the *Industrial Relations Act 1979*; or
- (b) an organisation registered under the *Industrial Relations Act 1988*² of the Parliament of the Commonwealth and having employees as its members, or a branch of any such organisation;

“trainee” means a person belonging to a class of persons defined by the regulations as trainees for the purposes of this Act;

“transferred law” means a law or a provision of a law transferred to the administration of the Minister pursuant to an order under this Act;

“Tribunal” has the meaning given to that term in section 51G(2);

“WA Police” means the Police Force of Western Australia provided for by the *Police Act 1892*;

“workplace” means a place, whether or not in an aircraft, ship, vehicle, building, or other structure, where employees or self-employed persons work or are likely to be in the course of their work.

- (2) Anything that, under this Act, is required to be served on, or otherwise done in relation to, an employer in relation to a workplace or a matter related to a workplace, is deemed to have been so served or done if it is served on, or done in relation to, a person at the workplace who has or reasonably appears to have responsibility for the management or control of the workplace.
- (3) For the purposes of sections 18A, 19A(2), 20A(2), 21A(2), 21C(2), 22A(2), 23AA(2), 23B(2) and 23H(2), a contravention causes serious harm to a person if it causes any bodily injury to the person, or causes the person to have a disease, of such a nature as to —
 - (a) endanger, or be likely to endanger, the person’s life; or
 - (b) result, or be likely to result, in permanent injury or harm to the person’s health.
- (4) For the purposes of this Act, a police officer is to be treated as an employee of the Crown.
- (5) Without limiting any other provision of this Act, a police officer is at work during any period of time when the officer is performing a function of a police officer, whether or not the officer is rostered on duty and, in relation to a police officer, the expressions “work” and “at work” are to be construed accordingly.

[Section 3 amended by No. 43 of 1987 s. 5; No. 30 of 1995 s. 6; No. 79 of 1995 s. 67(5); No. 54 of 2002 s. 4; No. 74 of 2003 s. 87(3); No. 51 of 2004 s. 14, 38, 63, 73 and 104.]