

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**” means an apprentice under the *Industrial Training Act 1975*;

“**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;

“**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 industrial trainee;

“**employer**” means —

- (a) a person by whom an employee is employed under a contract of employment; and
- (b) in relation to an apprentice, or industrial trainee, the person by whom the apprentice or industrial trainee is employed under an apprenticeship or industrial training agreement;

“**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;

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

“**industrial trainee**” means an industrial trainee under the *Industrial Training Act 1975*;

“**inspector**” means an inspector appointed under Part V;

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

“**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;

“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;

“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;

“self-employed person” means a person who works for gain or reward otherwise than under a contract of employment or an apprenticeship or industrial training agreement, whether or not he employs any other person;

“supply”, in relation to any plant or substance, includes supply and re-supply by way of sale, exchange, lease, hire, or hire-purchase, whether as principal or agent;

“trade union” means —

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

“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;

“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 19(7), 20(5), 21(3), 22(5), 23(5) and 23A(3), 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.

[Section 3 amended by No. 43 of 1987 s.5; No. 30 of 1995 s.6; No. 79 of 1995 s.67(5); No. 74 of 2003 s. 87(3).]