Western Australia

Work Health and Safety Act 2020

Work Health and Safety Regulations Amendment Regulations (No. 2) 2026

SL 2026/14 Official Version
Published 18 Feb 2026 on www.legislation.wa.gov.au

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Published 18 Feb 2026 on www.legislation.wa.gov.au

Work Health and Safety Act 2020

Work Health and Safety Regulations Amendment Regulations (No. 2) 2026

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Work Health and Safety Regulations Amendment Regulations (No. 2) 2026*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on the day after that day.

Published 18 Feb 2026 on www.legislation.wa.gov.au

Part 2 — *Work Health and Safety (General) Regulations 2022* amended

3. Regulations amended

This Part amends the *Work Health and Safety (General) Regulations 2022*.

4. Regulation 227 amended

In regulation 227(a) delete "is" and insert:

is, or but for regulation 246(1)(b) would be,

5. Regulation 234 amended

In regulation 234(2) delete the passage that begins with "must" and ends with "Part 5.3." and insert:

commits an offence if —

(a) the person commissions an item of plant that is specified in Schedule 5 Division 2 for use in a workplace; and

(b) the item of plant is not registered under Part 5.3; and

(c) regulation 246(2A) does not apply to the item of plant at the time the person commissions the item of plant.

6. Regulation 237 amended

In regulation 237(1) delete "is" and insert:

is, or but for regulation 246(1)(b) would be,

7. Regulation 246 amended

(1) In regulation 246(1) delete "specified in Schedule 5 Division 2 must be registered under this Part." and insert:

must be registered under this Part if —

(a) it is specified in Schedule 5 Division 2; and

(b) subregulation (2A) does not apply to it.

(2) After regulation 246(2) insert:

(2A) This subregulation applies to an item of plant for the exception period if —

(a) an application for registration of the item of plant is made in accordance with Division 4; and

(b) the application is the first application that has been made in accordance with Division 4 for the item of plant; and

(c) a record of the inspection and assessment of the item of plant referred to in regulation 266(2)(h) is available for inspection under the Act.

(2B) The ***exception period***, in relation to an item of plant referred to in subregulation (2A), is the period —

(a) beginning immediately after the application for registration of the item of plant is made; and

(b) ending on the earliest of the following —

(i) the day that is 30 days after the day on which the application for registration is made;

(ii) the day on which the regulator grants the registration;

(iii) the day on which the application is taken to have been withdrawn under regulation 268(3);

(iv) the day on which the regulator gives the applicant a written notice under regulation 270(1).

Part 3 — *Work Health and Safety (Mines) Regulations 2022* amended

8. Regulations amended

This Part amends the *Work Health and Safety (Mines) Regulations 2022*.

9. Regulation 227 amended

In regulation 227(a) delete "is" and insert:

is, or but for regulation 246(1)(b) would be,

10. Regulation 234 amended

In regulation 234(2) delete the passage that begins with "must" and ends with "Part 5.3." and insert:

commits an offence if —

(a) the person commissions an item of plant that is specified in Schedule 5 Division 2 for use in a workplace; and

(b) the item of plant is not registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3; and

(c) regulation 246(2A) does not apply to the item of plant at the time the person commissions the item of plant.

11. Regulation 237 amended

In regulation 237(1) delete "is" and insert:

is, or but for regulation 246(1)(b) would be,

12. Regulation 246 amended

(1) In regulation 246(1) delete "specified in Schedule 5 Division 2 must be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3." and insert:

must be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3 if —

(a) it is specified in Schedule 5 Division 2; and

(b) subregulation (2A) does not apply to it.

(2) After regulation 246(2) insert:

(2A) This subregulation applies to an item of plant for the exception period if —

(a) an application for registration of the item of plant is made in accordance with the *Work Health and Safety (General) Regulations 2022* Part 5.3 Division 4; and

(b) the application is the first application that has been made in accordance with the *Work Health and Safety (General) Regulations 2022* Part 5.3 Division 4 for the item of plant; and

(c) a record of the inspection and assessment of the item of plant referred to in the *Work Health and Safety (General) Regulations 2022*

regulation 266(2)(h) is available for inspection under the Act.

(2B) The ***exception period***, in relation to an item of plant referred to in subregulation (2A), is the period —

(a) beginning immediately after the application for registration of the item of plant is made; and

(b) ending on the earliest of the following —

(i) the day that is 30 days after the day on which the application for registration is made;

(ii) the day on which the regulator grants the registration;

(iii) the day on which the application is taken to have been withdrawn under the *Work Health and Safety (General) Regulations 2022* regulation 268(3);

(iv) the day on which the regulator gives the applicant a written notice under the *Work Health and Safety (General) Regulations 2022* regulation 270(1).

K. COLLERAN, Clerk of the Executive Council

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