
WORKSAFE

WS301*

Occupational Safety and Health Act 1984

**Occupational Safety and Health Amendment
Regulations (No. 2) 2005**

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 2) 2005*.

2. The regulations amended

The amendment in these regulations is to the *Occupational Safety and Health Regulations 1996**.

[* Reprint 3 as at 9 July 2004.

For amendments to 28 June 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 271 and Gazette 7 January, 4 March and 1 April 2005.*]

3. Part 3 Division 11 inserted

After regulation 3.134 the following Division is inserted —

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**Division 11 — Construction industry safety awareness
training obligations****3.135. Definitions**

In this Division —

“approved safety awareness training course”

means —

- (a) a safety awareness training course accredited under section 27 of the *Vocational Education and Training Act 1996*; or
- (b) a course accredited by the Commission under section 14(1)(h) of the Act for the purposes of this Division;

“current”, in relation to a safety awareness training certificate, has the meaning given in regulation 3.136(5);

“employee” includes a person who, under section 23D, 23E or 23F of the Act, is treated as an employee for purposes set out in the section;

“**employer**” includes a person who, under section 23D, 23E or 23F of the Act, is treated as an employer for purposes set out in the section;

“**safety awareness training certificate**” means a certificate that —

- (a) was issued by the provider of an approved safety awareness training course to a person named in the certificate; and
- (b) certifies that on the date specified in the certificate the person satisfactorily completed the approved safety awareness training course;

“**safety awareness training course**” means a training course that includes at least 4 hours of instruction in —

- (a) the rights and responsibilities under the Act and these regulations of persons who do construction work or employ persons who do such work;
- (b) the hazards to which a person is likely to be exposed while doing construction work at a workplace; and
- (c) how to apply risk control principles when doing construction work at the workplace;

“**safety training induction certificate**” means a certificate showing that, before 31 December 2005, the holder of the certificate completed an induction course in safety awareness for construction work.

3.136. Safety awareness training requirements

- (1) During the period beginning on 1 January 2007 and ending on 31 December 2007, an employee or a self-employed person must not do construction work at the workplace unless the employee or self-employed person holds —

- (a) a safety training induction certificate; or
- (b) a current safety awareness training certificate.

Penalty: the regulation 1.15 penalty.

- (2) During the period beginning on 1 January 2007 and ending on 31 December 2007, an employer, a main contractor or a person having control of the workplace must not permit an employee or a self-employed person to do construction work at the workplace unless the employee or self-employed person holds —

- (a) a safety training induction certificate; or
- (b) a current safety awareness training certificate.

Penalty: the regulation 1.15 penalty.

- (3) On or after 1 January 2008, an employee or a self-employed person must not do construction work at the workplace unless the employee or self-employed person holds a current safety awareness training certificate.

Penalty: the regulation 1.15 penalty.

- (4) On or after 1 January 2008, an employer, a main contractor or a person having control of the workplace must not permit an employee or a self-employed person to do construction work at the workplace unless the employee or self-employed person holds a current safety awareness training certificate.

Penalty: the regulation 1.16 penalty.

- (5) For the purposes of this Division —
- (a) a safety awareness training certificate issued for an approved safety awareness training course that was completed by the holder of the certificate after the commencement of this Division but before 1 January 2007 remains current until 31 December 2009; and
 - (b) a safety awareness training certificate issued for an approved safety awareness training course that was completed by the holder of the certificate on or after 1 January 2007 remains current for 3 years after the day on which the course was completed.

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By Command of the deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.
