Western Australia

Work Health and Safety Act 2020

Work Health and Safety Regulations Amendment Regulations (No. 2) 2023

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Work Health and Safety Act 2020

Work Health and Safety Regulations Amendment Regulations (No. 2) 2023

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) 2023*.

##### 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.

## 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 5 amended

In regulation 5 in the definition of ***crane*** in the note delete “and Schedule 3 clause 2 apply” and insert:

applies

##### 5. Regulation 142C amended

In regulation 142C(2) and (3) delete “Class 2” (2nd occurrence).

Note: The heading to amended regulation 142C is to read:

Requirement to hold demolition licence to carry out Class 2 demolition work

##### 6. Regulation 225 amended

In regulation 225(1A) in the definition of ***AS/NZS 1576 Parts 1 to 6*** paragraph (b) delete “AS 1576.2:1991” and insert:

AS 1576.2:2016

##### 7. Regulation 252 amended

In regulation 252(1A)(a)(i) delete “inspect the plant; and” and insert:

design the plant or verify the design of the plant; and

##### 8. Part 11.4 heading amended

In the heading to Part 11.4 after “**provisions**” insert:

**for *Work Health and Safety (General) Regulations 2022***

##### 9. Part 11.5 inserted

After regulation 732 insert:

Part 11.5 — Transitional and savings provisions for *Work Health and Safety Regulations Amendment Regulations (No. 2) 2023*

733. Delayed application of Schedule 3 items 14A and 15A

During the period of 2 years beginning on the day on which the *Work Health and Safety Regulations Amendment Regulations (No. 2) 2023* regulation 9 comes into operation, Schedule 3 items 14A and 15A do not apply.

##### 10. Schedule 3 amended

(1) In Schedule 3 in Table 3.1 after item 14 insert:

|  |  |  |
| --- | --- | --- |
| 14A. | Non‑slewing mobile crane | Use of non‑slewing earthmoving machinery with a safe working load greater than 3 tonnes as a crane |

(2) In Schedule 3 in Table 3.1 after item 15 insert:

|  |  |  |
| --- | --- | --- |
| 15A. | Slewing mobile crane — with a capacity up to 20 tonnes | Use of slewing earthmoving machinery with a safe working load greater than 3 tonnes as a crane |

(3) Delete Schedule 3 clause 2.

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

##### 11. Regulations amended

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

##### 12. Regulation 5 amended

(1) In regulation 5 delete the definition of ***card holder*** and insert:

card holder has the meaning given in the *Work Health and Safety (General) Regulations 2022* regulation 5;

(2) In regulation 5 in the definition of ***crane*** in the note delete “and Schedule 3 clause 2 apply” and insert:

applies

##### 13. Regulation 94 amended

In regulation 94(2)(a) and (b) after “*Safety*” insert:

*(General)*

##### 14. Regulation 142C amended

In regulation 142C(2) and (3) delete “Class 2” (2nd occurrence).

Note: The heading to amended regulation 142C is to read:

Requirement to hold demolition licence to carry out Class 2 demolition work

##### 15. Regulation 225 amended

In regulation 225(1A) in the definition of ***AS/NZS 1576 Parts 1 to 6*** paragraph (b) delete “AS 1576.2:1991” and insert:

AS 1576.2:2016

##### 16. Regulation 675TA amended

(1) In regulation 675TA(1) delete the definition of ***map coordinates***.

(2) In regulation 675TA(1) insert in alphabetical order:

Geocentric Datum of Australia 2020 means the Reference Frame as defined in the *National Measurement (Recognized‑Value Standard of Measurement of Position) Determination 2017* (Commonwealth) Schedule 1;

map coordinates means the Map Grid of Australia 2020 rectangular coordinates derived from a Universal Transverse Mercator projection of latitudes and longitudes based on the Geocentric Datum of Australia 2020.

##### 17. Regulation 675ZZJ amended

In regulation 675ZZJ(1)(a)(ii) delete “the national register as defined in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3;” and insert:

the National Register established under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth);

##### 18. Part 11.4 heading amended

In the heading to Part 11.4 after “**provisions**” insert:

**for *Work Health and Safety (Mines) Regulations 2022***

##### 19. Part 11.5 inserted

After regulation 749 insert:

Part 11.5 — Transitional and savings provisions for *Work Health and Safety Regulations Amendment Regulations (No. 2) 2023*

750. Delayed application of Schedule 3 items 14A and 15A

During the period of 2 years beginning on the day on which the *Work Health and Safety Regulations Amendment Regulations (No. 2) 2023* regulation 19 comes into operation, Schedule 3 items 14A and 15A do not apply.

##### 20. Schedule 3 amended

(1) In Schedule 3 in Table 3.1 after item 14 insert:

|  |  |  |
| --- | --- | --- |
| 14A. | Non‑slewing mobile crane | Use of non‑slewing earthmoving machinery with a safe working load greater than 3 tonnes as a crane |

(2) In Schedule 3 in Table 3.1 after item 15 insert:

|  |  |  |
| --- | --- | --- |
| 15A. | Slewing mobile crane — with a capacity up to 20 tonnes | Use of slewing earthmoving machinery with a safe working load greater than 3 tonnes as a crane |

(3) Delete Schedule 3 clause 2.

##### 21. Schedule 27 clause 6 amended

(1) Delete Schedule 27 clause 6(1).

(2) Delete Schedule 27 clause 6(2)(d)(i) and insert:

(i) carrying out mine transport and services in relation to quarry operations for at least 3 months; and

(ia) if the person will work at a mine where drilling and use of explosives is carried out at the mine — carrying out drilling and use of explosives in relation to quarry operations for at least 3 months; and

V. MOLAN, Clerk of the Executive Council

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