

1992—No. 82

**\*OCCUPATIONAL HEALTH AND SAFETY ACT 1983—  
REGULATION**

(Relating to administrative matters and licence fees)

NEW SOUTH WALES



*[Published in Gazette No. 26 of 21 February 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Occupational Health and Safety Act 1983, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY  
Minister for Industrial Relations and  
Minister for Further Education,  
Training and Employment.

**Commencement**

1. This Regulation commences on 16th March, 1992.

**Amendments**

2. The Occupational Health and Safety (Pest Control) Regulation 1988 is amended:

(a) by inserting in clause 3 (1), in alphabetical order, the following definition:

**“authorised medical officer”** means a registered medical practitioner who is for the time being authorised by the Authority to carry out medical examinations for the purposes of this Regulation;

(b) by omitting from the definition of “appointed member” in clause 3 (1) the word “Director” and by inserting instead the words “Chairperson of the Committee”;

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\* Replaces 1992—No. 48 published in Gazette No. 18 of 7.2.1992, p. 687.

- (c) by omitting from clause 3 (1) the definition of "Director";
- (d) by omitting from clauses 4, 12, 30 and 33 the word "Director" wherever occurring and by inserting instead the words "Chairperson of the Committee";
- (e) by omitting clause 6 and by inserting instead the following clause:  
**Committee**
  - 6. (1) The Committee is to consist of 10 members of whom:
    - (a) 2 are to be officers of the Authority appointed by the Minister; and
    - (b) 1 is to be appointed by the Minister on the nomination of the Labor Council of New South Wales; and
    - (c) 2 are to be appointed by the Minister to represent the pest control industry, of whom:
      - (i) 1 is to be nominated by the Australian Environmental Pest Managers Association Limited; and
      - (ii) 1 is to be jointly nominated by pest control associations and other organisations connected with the pest control industry who are requested by the Minister to nominate a person, or is to be chosen by the Minister from a panel of persons nominated by those associations or organisations; and
    - (d) 1 is to be an officer of the Technical and Further Education Commission appointed by the Minister; and
    - (e) 1 is to be an officer of the Department of Agriculture appointed by the Minister on the nomination of the Minister for Agriculture and Rural Affairs; and
    - (f) 1 is to be an officer of the Department of Health appointed by the Minister on the nomination of the Minister for Health and Community Services; and
    - (g) 1 is to be an officer of the State Pollution Control Commission appointed by the Minister on the nomination of the Minister for the Environment; and
    - (h) 1 is to be an officer of the Department of Consumer Affairs appointed by the Minister for Consumer Affairs.
  - (2) The Minister is to appoint 1 of the members referred to in subclause (1) (a) as Chairperson of the Committee.

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- (f) by omitting from clause 18 (2) (a) (iii) the word “or” and by inserting instead the following word and sub-paragraph:
  - and
  - (iv) is a fit and proper person to hold a licence; or
- (g) by omitting clause 18 (2) (b) and by inserting instead the following paragraph:
  - (b) in the case of an applicant for a licence renewal who does not satisfy the requirements of subclause (2) (a) (i)–(iii), the applicant:
    - (i) has had experience in the use of pesticides for the destruction or control of pests in the course of a pest control business for a period of at least 2 years prior to the commencement of this Regulation; and
    - (ii) is competent to use pesticides in a safe and effective manner; and
    - (iii) is a fit and proper person to hold a licence.
- (h) by inserting after clause 31 (1) the following subclause:
  - (1A) The holder of a certificate of registration must produce any records the holder is required to keep under this Regulation for inspection by an inspector when requested to do so by the inspector.

Penalty: \$200.

  - (i) by omitting from clause 33 (1) the words “medical examinations and tests” and by inserting instead the words “reasonable medical examinations and tests by an authorised medical officer”;
  - (j) by omitting from Schedule 1 the matter “\$120” and by inserting instead the matter “\$250”;
  - (k) by omitting from Schedule 1 the matter “\$30” and by inserting instead the matter “\$200”;
  - (l) by omitting from Schedule 1 the matter “\$10” and by inserting instead the matter “\$25”.

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**EXPLANATORY NOTE**

The object of this Regulation is to amend the Occupational Health and Safety (Pest Control) Regulation 1988:

- (a) to increase the membership of the Pest Control Licensing Committee from 8 to 10 members so as to provide it with environmental and consumer representation; and

- (b) to transfer certain functions under the Regulation from the office of the Director of the Division of Occupational Health of the Department of Industrial Relations and Employment (now defunct) to the office of Chairperson of the Pest Control Licensing Committee; and
- (c) to require that an applicant for the grant or renewal of a licence be a fit and proper person to hold a licence; and
- (d) to require holders of certificates of registration to produce certain records when requested to do so by an inspector; and
- (e) to provide that medical examinations and tests required to be carried out under the Regulation are to be carried out by a medical practitioner authorised to do so by the WorkCover Authority of New South Wales; and
- (f) to increase the application fees for certificates, licences and permits.

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