

1996—No. 133

**FACTORIES, SHOPS AND INDUSTRIES ACT 1962—  
REGULATION**

(Relating to certificates of competency)

NEW SOUTH WALES



*[Published in Gazette No. 49 of 19 April 1996]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Factories, Shops and Industries Act 1962, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.,  
Minister for Industrial Relations.

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**Commencement**

1. This Regulation commences on 22 April 1996.

**Amendments**

2. The Engine Drivers and Boiler Attendants Certification Regulations are amended by inserting after Regulation 21 the following Regulations:

**Prescribed qualifications for certificates of competency issued after the commencement of the Occupational Health and Safety (Certificates of Competency) Regulation 1996**

22. (1) This clause applies to all certificates of competency issued under these Regulations after the commencement of the Occupational Health and Safety (Certificates of Competency) Regulation 1996 and has effect despite any other provision of these Regulations.

(2) The qualification for a certificate of competency in respect of any activity for which such a certificate is required by these Regulations is a certificate of competency in force under the Occupational Health and Safety (Certificates of Competency) Regulation 1996 in relation to work of the kind involved in the carrying out of that activity.

**Exemption from requirements of these Regulations for holders of certificates of competency issued under the Occupational Health and Safety (Certificates of Competency) Regulation 1996**

23. A person does not commit an offence under Regulation 17 in relation to any activity referred to in paragraph (1) of that Regulation if the person carrying out that activity is the holder of a certificate of competency in force under the Occupational Health and Safety (Certificates of Competency) Regulation 1996 in relation to work of the kind involved in the carrying out of that activity.

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**EXPLANATORY NOTE**

The objects of this Regulation are:

- (a) to provide that the qualification for a certificate of competency under the Engine Drivers and Boiler Attendants Certification Regulations in respect of any activity requiring such a certificate is the corresponding certificate of competency under the Occupational Health and Safety (Certificates of Competency) Regulation 1996; and
- (b) to exempt the holder of a certificate of competency under the Occupational Health and Safety (Certificates of Competency) Regulation 1996 from the requirement to hold the corresponding certificate of competency under the Engine Drivers and Boiler Attendants Certification Regulations.

This Regulation is made under the Factories, Shops and Industries Act 1962, including section 144 (the general regulation making power).

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