



New South Wales

Occupational Health and Safety Amendment (Certificates of Competency) Regulation 2006

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Regulation is to amend the *Occupational Health and Safety Regulation 2001*:

- (a) so that applications for certificates of competency may be lodged with an organisation nominated by WorkCover, and
- (b) to allow WorkCover to issue a certificate of competency to a person who has previously held a certificate of competency in relation to the same kind of work as that applied for (in addition to a person who has previously held the same type of certificate) even if the person does not hold a notice of satisfactory assessment issued not more than 60 days before the application, and
- (c) to provide that persons may only apply for the conversion of certain recognised qualifications to certificates of competency if the application is made before 1 September 2006, and
- (d) to allow for the expiry of a certificate of competency on the day that the holder of the certificate surrenders that certificate to an organisation nominated by WorkCover, or on the day that a new certificate is issued to the person authorising the same kind of work as the existing certificate, and
- (e) to make other minor amendments.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including sections 33 (the general regulation-making power) and 35.

2006 No 520

Clause 1 Occupational Health and Safety Amendment (Certificates of Competency)
Regulation 2006

**Occupational Health and Safety Amendment
(Certificates of Competency) Regulation 2006**

under the

Occupational Health and Safety Act 2000

1 Name of Regulation

This Regulation is the *Occupational Health and Safety Amendment (Certificates of Competency) Regulation 2006*.

2 Amendment of Occupational Health and Safety Regulation 2001

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 289 Applications for certificates

Insert “the issue of or renewal of” after “application for”.

[2] Clause 289 (a)

Omit “WorkCover”.

Insert instead “an organisation nominated by WorkCover to accept such applications (including WorkCover itself if nominated)”.

[3] Clause 290 Issue of certificates

Insert “, or relating to the same kind of work as will be authorised by the certificate applied for” after “applied for” in clause 290 (5).

[4] Clause 291 Conversion of recognised qualifications to certificates of competency

Insert at the end of clause 291 (2) (c):

, and

(d) must be made before 1 September 2006.

[5] Clause 293

Omit the clause. Insert instead:

293 Term of certificates

- (1) Unless sooner cancelled, a certificate of competency expires on the earlier of:
 - (a) the day specified in subclause (2) for the expiry of a certificate of competency, or
 - (b) the day that the certificate is surrendered to an organisation nominated by WorkCover to accept surrendered certificates (including WorkCover itself if nominated), or
 - (c) the day that the holder of the certificate is issued a new certificate of competency authorising the holder to do the same kind of work as the holder is authorised to do under the existing certificate.

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Schedule 1 Amendments

- (2) For the purposes of subclause (1) (a), the day specified for the expiry of a certificate of competency is:
 - (a) the day that is 5 years after its date of issue, or
 - (b) in the case of a certificate issued before 29 March 2004—
at the end of 29 March 2009 or such later date as is specified in an order made under subclause (3).
- (3) The Minister may, by order published in the Gazette, postpone the expiry date of a certificate of competency referred to in subclause (2) (b), or of any class of such certificates, to such later date as is specified in the order.
- (4) A certificate of competency is of no effect while it is suspended.
- (5) Despite subclause (1), if the holder of a certificate of competency has applied under this Division for the issue or renewal of a certificate of competency authorising the holder to do that same kind of work as the holder is authorised to do under the certificate referred to in that subclause that is in force, the existing certificate does not expire until WorkCover:
 - (a) issues the certificate applied for, or
 - (b) gives the notice referred to in clause 290 (3).

[6] Clause 293A

Omit the clause. Insert instead:

293A Renewal of certificates

- (1) WorkCover may, on the application of the holder of a certificate of competency, renew a certificate of competency.
- (2) Clause 290 applies to an application for the renewal of a certificate of competency in the same way as it applies to an application for the issue of a certificate of competency.

BY AUTHORITY