



New South Wales

Occupational Health and Safety Amendment (Licensing) 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

Part 10.2 of the *Occupational Health and Safety Regulation 2001* prohibits the carrying on of demolition or asbestos removal work without a licence. Part 10.3 of that Regulation provides for the granting of such a licence. One of the eligibility criteria under clause 320 (1) is that the applicant for the licence (or an individual engaged in the management of a corporate applicant) has appropriate qualifications in relation to the relevant licensed work. Clause 320 (2) provides that a person holds appropriate qualifications in relation to licensed work if the person has demonstrated his or her knowledge of safe working methods in relation to the licensed work or has completed a course of training approved by WorkCover in relation to the licensed work or has, in the opinion of WorkCover, appropriate experience or training in the carrying out of licensed work.

The object of this Regulation is to provide that a person holds appropriate qualifications in relation to licensed work only if the person has demonstrated his or her knowledge of safe working methods in relation to the licensed work and has completed a course of training recognised (rather than approved) by WorkCover in relation to the licensed work and has, in the opinion of WorkCover, appropriate experience or training relevant to the carrying out of licensed work (so that both actual experience in the carrying out of licensed work and other relevant experience may be considered).

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

2006 No 664

Clause 1 Occupational Health and Safety Amendment (Licensing) Regulation 2006

Occupational Health and Safety Amendment (Licensing) Regulation 2006

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Occupational Health and Safety Act 2000

1 Name of Regulation

This Regulation is the *Occupational Health and Safety Amendment (Licensing) 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 320 Eligibility for licence

Omit clause 320 (2). Insert instead:

- (2) For the purposes of this Chapter, a person holds appropriate qualifications in relation to licensed work if the person:
 - (a) has demonstrated his or her knowledge of safe working methods in relation to the licensed work, and
 - (b) has completed a course of training recognised by WorkCover in relation to the licensed work, and
 - (c) has, in the opinion of WorkCover, appropriate experience or training relevant to the carrying out of the licensed work.

[2] Clause 320 (3)

Insert after clause 320 (2):

- (3) Subclause (2), as re-made by the *Occupational Health and Safety Amendment (Licensing) Regulation 2006*, applies to an applicant for a licence where the application for the licence was lodged but not finally determined before the commencement of that Regulation.