



New South Wales

Occupational Health and Safety Amendment (Certificates of Competency) Regulation 2007

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 Assisting the Minister for Finance

Explanatory note

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

- (a) so that written notices that are required to be given to, or served on, a person under Part 9.1 of the Regulation are, if posted, to be sent to the person's last known address, and
- (b) to allow WorkCover to direct a person who has lodged an application for the issue or renewal of a certificate of competency to have his or her competency assessed, and
- (c) to allow WorkCover to specify a date earlier than 29 March 2009 as the date for the expiry of a certificate of competency issued before 29 March 2004 by written notice given to the holder of such a certificate, and
- (d) 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), 34 and 35.

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Clause 1 Occupational Health and Safety Amendment (Certificates of Competency)
Regulation 2007

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(Certificates of Competency) Regulation 2007**

under the

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1 Name of Regulation

This Regulation is the *Occupational Health and Safety Amendment (Certificates of Competency) Regulation 2007*.

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 267A

Insert after clause 267:

267A Manner of giving written notice

If any provision of this Part requires a written notice to be given to a person or served on a person, it may be:

- (a) given to the person personally, or
- (b) sent to the person by post to the person's last known address which, if the person has provided WorkCover with his or her address, may be the address so provided.

[2] Clause 269 Recognised qualifications

Insert "or after it has been cancelled" after "suspended" in clause 269 (4).

[3] Clause 283A

Insert after clause 283:

283A Assessment of competency at direction of WorkCover

- (1) A written notice directing a person to have his or her competency assessed may be given, at any time, by WorkCover:
 - (a) to a person who is the holder of a certificate of competency, or
 - (b) to a person whose certificate of competency is suspended, or
 - (c) to a person who has lodged an application for the issue or renewal of a certificate of competency.
- (2) WorkCover may suspend, cancel or refuse to issue or renew the certificate of competency if the person refuses or fails to comply, without reasonable excuse, with the requirements set out in the notice.
- (3) If WorkCover decides to suspend, cancel or refuse to issue or renew a certificate of competency under this clause, WorkCover must give the person written notice:
 - (a) stating that the certificate has been suspended or cancelled, or that the application for the issue or renewal of a certificate has been refused, and

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Schedule 1 Amendments

- (b) giving reasons for the suspension, cancellation or refusal, and
 - (c) in the case of a suspension, stating the period for which the certificate is suspended.
- (4) The suspension or cancellation of a certificate of competency takes effect on the date on which notice of the suspension or cancellation is given to the holder of the certificate or on such later date as may be specified in the notice.

[4] **Clause 293 Term of certificates**

Omit clause 293 (2) (b). Insert instead:

- (b) in the case of a certificate issued before 29 March 2004—
29 March 2009 or such earlier date as may be specified by WorkCover by means of a written notice given to the holder of the certificate.

[5] **Clause 293 (3)**

Omit clause 293 (3). Insert instead:

- (3) The date specified in a notice referred to in subclause (2) (b) must not be a date less than 60 days after the date that the notice was given.

[6] **Clause 296 Suspension or cancellation of certificates**

Omit clause 296 (2A) and (2B).

BY AUTHORITY
