



New South Wales

Occupational Health and Safety Amendment (Certificates of Competency) Regulation 2010

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*.

MICHAEL DALEY, MP
Minister for Finance

Explanatory note

The object of this Regulation is to remove the requirement for certificates of competency for concrete formwork and the operation and use of explosive-powered tools (by omitting Part 9.2 of the *Occupational Health and Safety Regulation 2001*). The Regulation also makes provision with respect to the refund of fees, on a pro rata basis, to persons who are no longer required to hold a certificate of competency as a result of the repeal of Part 9.2.

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

2010 No 2

Clause 1

Occupational Health and Safety Amendment (Certificates of Competency)
Regulation 2010

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(Certificates of Competency) Regulation 2010**

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 2010*.

2 Commencement

This Regulation commences on 1 February 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Occupational Health and Safety Regulation 2001

**[1] Part 9.2 Certificates of competency for formwork and the operation and
use of explosive-powered tools**

Omit the Part.

[2] Schedule 3 Savings and transitional provisions

Insert after clause 5:

**6 Refund of fees for certificates of competency for formwork and
operation and use of explosive-powered tools**

- (1) This clause applies to a fee paid by or on behalf of a person for a certificate of competency issued under Part 9.2 that the person is no longer required to hold because of the repeal of that Part by the *Occupational Health and Safety Amendment (Certificates of Competency) Regulation 2010*.
- (2) A person may apply to WorkCover for a refund of a fee to which this clause applies if the person:
 - (a) paid the fee, or
 - (b) is applying for or on behalf of the person who paid the fee.
- (3) The fee is to be refunded, on a pro rata basis, to a person who makes an application under subclause (2).
- (4) In this clause, *fee* means any of the following:
 - (a) a fee for the grant of a new certificate of competency,
 - (b) a fee for the renewal of a certificate of competency.

7 Construction of certain references

A reference in any other statutory instrument to an explosive-powered tool within the meaning of Part 9.2 of this Regulation is to be construed as a reference to an explosive-powered tool within the meaning of that Part as in force immediately before its repeal by the *Occupational Health and Safety Amendment (Certificates of Competency) Regulation 2010*.