



# Work Health and Safety Legislation Amendment Regulation 2012 (No. 1)<sup>1</sup>

**Select Legislative Instrument 2012 No. 218**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Work Health and Safety Act 2011* and the *Fair Work Act 2009*.

Dated 13 September 2012

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

WILLIAM RICHARD SHORTEN  
Minister for Employment and Workplace Relations

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**1 Name of regulation**

This regulation is the *Work Health and Safety Legislation Amendment Regulation 2012 (No. 1)*.

**2 Commencement**

This regulation commences on the day after it is registered.

**3 Amendment of *Work Health and Safety Regulations 2011***

Schedule 1 amends the *Work Health and Safety Regulations 2011*.

**4 Amendment of *Fair Work Regulations 2009***

Schedule 2 amends the *Fair Work Regulations 2009*.

## Schedule 1 **Amendment of *Work Health and Safety Regulations 2011***

(section 3)

### [1] **Subregulation 21 (1)**

*substitute*

- (1) For subsection 72 (1) of the Act, the table sets out courses of training in work health and safety which a health and safety representative is entitled to attend.

Item	Representative	Courses
1	<p>A representative who:</p> <p>(a) is taken to hold the office of health and safety representative in accordance with item 9 of Schedule 2 to the <i>Work Health and Safety (Transitional and Consequential Provisions) Act 2011</i>; and</p> <p>(b) before 1 January 2012, completed a course of training accredited by the Commission for section 27 of the OHS Act</p>	<p>(a) either:</p> <p>(i) a bridging course; or</p> <p>(ii) an initial course of training of 5 days; and</p> <p>(b) one day's refresher training each year, with the entitlement to the first refresher training commencing 1 year after the training mentioned in paragraph (a)</p>
2	Any other representative	<p>(a) an initial course of training of 5 days; and</p> <p>(b) one day's refresher training each year, with the entitlement to the first refresher training commencing 1 year after the initial training</p>

- (1A) For subregulation (1), the regulator must approve a course of training in work health and safety as a bridging course.

*Note* A bridging course is intended to be an alternative to a full initial course of training in work health and safety, and is suitable for certain health and safety representatives who have previously received training in work health and safety under the OHS Act.

## Schedule 2      **Amendments of *Fair Work Regulations 2009***

(section 4)

### [1]      **Regulation 1.03**

*insert*

**WHS entry permit** has the same meaning as in the *Work Health and Safety Act 2011*.

### [2]      **Regulation 3.25, table**

*substitute*

Item	Law
1	<i>Work Health and Safety Act 2011</i> of New South Wales
2	<i>Occupational Health and Safety Act 2004</i> of Victoria
3	<i>Work Health and Safety Act 2011</i> of Queensland
4	Sections 49G and 49I to 49O of the <i>Industrial Relations Act 1979</i> of Western Australia, but only to the extent to which those provisions provide for, or relate to, a right of entry to investigate a suspected contravention of: <ul style="list-style-type: none"> <li>(a) the <i>Occupational Safety and Health Act 1984</i> of Western Australia; or</li> <li>(b) the <i>Mines Safety and Inspection Act 1994</i> of Western Australia</li> </ul>
5	<i>Work Health and Safety Act 2012</i> of Tasmania
6	<i>Work Health and Safety Act 2011</i> of the Australian Capital Territory
7	<i>Work Health and Safety (National Uniform Legislation) Act 2011</i> of the Northern Territory

**[3] Regulation 5.01, heading***substitute***5.01 Delegation by President of functions and powers of FWA****[4] After subregulation 5.01 (2)***insert*

- (3) For paragraph 625 (2) (i) of the Act, the power to issue a WHS entry permit to a person under section 134 of the *Work Health and Safety Act 2011* is a prescribed power.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au).