

CM301

Building Act 2011
Electricity Act 1945
Plumbers Licensing Act 1995

Commerce Regulations Amendment (Work Health and Safety) Regulations 2022

SL 2022/26

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Commerce Regulations Amendment (Work Health and Safety) Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Work Health and Safety Act 2020* Part 15 comes into operation.

Part 2 — *Building Regulations 2012* amended

3. Regulations amended

This Part amends the *Building Regulations 2012*.

4. Regulation 14A amended

- (1) In regulation 14A(1) delete the definition of *Commissioner*.
- (2) In regulation 14A(1) insert in alphabetical order:

WorkSafe Commissioner means the person appointed under the *Work Health and Safety Act 2020* Schedule 1 Division 1.

- (3) In regulation 14A(1) in the definition of *Statistician* delete “section 3.” and insert:

section 3;

- (4) In regulation 14A(3) delete “*Occupational Safety and Health Regulations 1996* regulation 2.10 may be disclosed to the Commissioner.” and insert:

Work Health and Safety (General) Regulations 2022 regulation 315A may be disclosed to the regulator.

5. Regulation 19 amended

In regulation 19(2)(b) delete “*Occupational Safety and Health Regulations 1996* regulation 3.119;” and insert:

Work Health and Safety (General) Regulations 2022 regulation 142F;

6. Regulation 22 amended

In regulation 22(b) delete “*Occupational Safety and Health Regulations 1996* regulation 3.116(2),” and insert:

Work Health and Safety (General) Regulations 2022
regulation 142R(3) —

7. Regulation 31BA amended

- (1) In regulation 31BA(1A) in the definition of ***relevant building*** paragraph (c) delete “relocated.” and insert:

relocated;

- (2) In regulation 31BA(1A) in the definition of ***renovation, alteration, extension, improvement or repair*** delete “building;” and insert:

building.

**Part 3 — *Electricity (Licensing) Regulations 1991*
amended**

8. Regulations amended

This Part amends the *Electricity (Licensing) Regulations 1991*.

9. Regulation 3 amended

In regulation 3(1) delete the definition of ***mine*** and insert:

mine has the meaning given in the *Work Health and Safety (Mines) Regulations 2022* regulation 5A;

10. Regulation 50AA amended

- (1) In regulation 50AA(1) delete the definition of ***agent*** and insert:

agent —

- (a) means a person who carries on a business of providing workers to carry out work for clients of the person; and
- (b) includes a group training organisation as defined in the *Industrial Relations Act 1979* section 7(1);

- (2) In regulation 50AA(1) in the definition of **labour hire arrangement** delete “same meaning as in the *Occupational Safety and Health Act 1984* section 23F;” and insert:

meaning given in subregulation (1A);

- (3) After regulation 50AA(1) insert:

(1A) A **labour hire arrangement** exists if —

- (a) an agent has for remuneration agreed with a client to provide an electrical worker to carry out electrical work for the client; and
- (b) there is no contract of employment between the electrical worker and the client in relation to the electrical work; and
- (c) there is an agreement (which may be a contract of employment) between the electrical worker and the agent as to the carrying out of electrical work including in respect of remuneration and other entitlements; and
- (d) that agreement applies to the carrying out of the electrical work by the electrical worker for the client.

- (4) In regulation 50AA(2) delete “is to” and insert:

must

- (5) In regulation 50AA(3):

- (a) delete “is to” and insert:

must

- (b) delete “his or her” and insert:

their

11. Regulation 54A amended

In regulation 54A(1) in the definition of **competent person** delete “*Occupational Safety and Health Regulations 1996* regulation 1.3;” and insert:

Work Health and Safety (General) Regulations 2022
regulation 5;

12. Regulation 55 amended

- (1) In regulation 55(2)(c):
- (a) delete “*Occupational Safety and Health Regulations 1996* regulation 3.143 does not apply to the work,” and insert:

Work Health and Safety (General) Regulations 2022
regulation 299 does not apply to the work —

- (b) delete “regulation 3.143(4) of those regulations, as” and insert:

regulation 299(2) and (3) of those regulations as

- (2) In regulation 55(4)(a) delete “*Occupational Safety and Health Regulations 1996* regulation 3.143” and insert:

Work Health and Safety (General) Regulations 2022
regulation 299

Part 4 — *Plumbers Licensing and Plumbing Standards Regulations 2000* amended

13. Regulations amended

This Part amends the *Plumbers Licensing and Plumbing Standards Regulations 2000*.

14. Regulation 39 amended

In regulation 39(3) delete “occupational safety and health” and insert:

work health and safety

V. MOLAN, Clerk of the Executive Council.