

From: Neill, May <May.Neill@workcover.nsw.gov.au>
Sent: Tuesday, 10 September 2013 1:45 PM
To: glenn@termite.com
Subject: Extract from WHS Regulation & OHS Regulation 2001
Attachments: Extract from WHS Regulation & OHS Regulation 2001.pdf

Extract from WHS Regulation, Schedule 18B Savings and transitional provisions

65 Pesticide operators and fumigators

- (1) Part 9.1 of the OHS Regulation continues to apply as if it had not been repealed to and in respect of the scheduled work to which that Part applies comprising the application of pesticides and use of fumigants.
 - (2) Part 9.1 of the OHS Regulation, as continued in force by subclause (1), may be enforced under the OHS Act as if that Act and the regulations under that Act had not been repealed.
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Below in is an extract from the Occupational Health and Safety Regulation 2001 which is referred to in the above extract

270 Requirement to be qualified to do scheduled work

- (1) A person must not do any kind of scheduled work unless the person holds a certificate of competency or recognised qualification in relation to work of that kind.

Maximum penalty: Level 3.
- (2) A person must not employ, direct or allow another person to do any kind of scheduled work unless the person doing the work holds a certificate of competency or recognised qualification in relation to work of that kind.

273 Responsible person's obligations

- (1) The person responsible for a trainee doing scheduled work must ensure that the following requirements are complied with:
 - (a) the trainee must at all times be directly supervised by a supervisor designated by the person in accordance with subclause (2), unless the responsible person or supervisor has established:
 - (i) that the trainee's competency makes direct supervision unnecessary, and
 - (ii) that a lesser degree of supervision would not endanger the health or safety of the trainee or any other person,
 - (b) the trainee must receive directions, demonstrations, training and monitoring appropriate to the work and commensurate with the competence of the trainee,
 - (c) it must be possible for immediate remedial action to be taken in the event of an emergency arising out of the trainee's doing the work.

274 Supervisor's obligations

- (1) The supervisor of a trainee doing scheduled work must directly supervise the trainee while the trainee is doing the work, unless the employer of the trainee or the supervisor has established:
 - (a) that the trainee's competency makes direct supervision unnecessary