



New South Wales

Work Health and Safety Amendment (Digital Induction Training Cards) Regulation 2020

under the

Work Health and Safety Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety Act 2011*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The object of this Regulation is to amend the *Work Health and Safety Regulation 2017* to enable the issue, use and cancellation of digital versions of general construction induction training cards.

This Regulation is made under the *Work Health and Safety Act 2011*, including section 276 (the general regulation-making power) and Schedule 3, clauses 1 and 7.

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1 Name of Regulation

This Regulation is the *Work Health and Safety Amendment (Digital Induction Training Cards) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Work Health and Safety Regulation 2017

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5(1)—

digital general construction induction training card means a general construction induction training card in electronic form that—

- (a) is displayed on a mobile phone or other electronic device by way of software approved for that purpose by the regulator, and
- (b) includes the information required by this Regulation to be shown on a digital general construction induction training card.

[2] Clause 5(1), definition of “general construction induction training card”

Omit the definition. Insert instead—

general construction induction training card means—

- (a) in Part 6.5, Division 2—a general construction induction training card issued under that Division, or
- (b) otherwise—
 - (i) a general construction induction training card issued under Part 6.5, Division 2 or a similar card issued under a corresponding WHS law, or
 - (ii) a general construction induction training card issued by an RTO under an agreement between the regulator and an RTO or a corresponding regulator and an RTO, or
 - (iii) a digital general construction induction training card issued under Part 6.5, Division 2A.

[3] Part 6.5, Division 2A

Insert after Division 2—

Division 2A Digital general construction induction training cards

325A Issue

- (1) The holder of a general construction induction training card issued under Part 6.5, Division 2 may apply to the regulator for a digital general construction induction training card.
- (2) The application must be made in the manner and form required by the regulator.
- (3) The regulator may issue a digital general construction induction training card if the regulator is satisfied the applicant meets the requirements, approved by the regulator, of holding a digital general construction induction training card.

325B Content

A digital general construction induction training card must contain the following information—

- (a) a statement that the card holder has completed general construction induction training,
- (b) the name of the card holder,

- (c) the date on which the card was issued,
- (d) a unique identifying number,
- (e) the State in which the card was issued,
- (f) other additional information, including a photograph, if required by the regulator.

325C Use

- (1) The holder of a digital general construction induction training card may use the card by displaying it on a mobile phone or other electronic device in accordance with this clause.
- (2) Despite other provisions of this Part, a person who uses a digital general construction induction training card may be required to produce a general construction induction training card issued under Part 6.5, Division 2 for the purpose of satisfying a requirement under the Act or this Regulation, or another Act or law, to hold, produce or display, however described, a general construction induction training card.
- (3) A person who displays or purports to display a digital general construction induction training card is not required to give or hand over, to the person who is requiring the general construction induction training card to be produced or handed over, the mobile phone or other electronic device on which the digital general construction induction training card is displayed or purported to be displayed.
- (4) A digital general construction induction training card is not displayed for the purposes of this clause if—
 - (a) the screen of the mobile phone or other electronic device on which it is purportedly displayed is unable to be read by the person to whom it is displayed due to cracking, dimming, dirt or other fault, damage or obstruction, or
 - (b) the holder of the card fails or refuses to comply with a reasonable request by the person to whom it is purported to be displayed to facilitate the reading, copying or scanning of the whole or a part of the card, or
 - (c) the holder of the card refuses to comply with a reasonable direction to refresh the display of the card.
- (5) In this clause—

use of a digital general construction induction training card means displaying the card, in accordance with this clause, to a person for a purpose, including for the purpose of demonstrating that a person is the holder of a general construction induction training card.

325D Retention or seizure of general construction induction training card

An authority under the Act or this Regulation to retain or seize a general construction induction training card does not extend to a mobile phone or other electronic device on which a digital general construction induction training card is capable of being displayed.

325E Cancellation

- (1) The regulator must, in the written notice referred to in clause 324(2), give the card holder information on how the digital general construction induction training card is to be removed if—

- (a) the regulator cancels a general construction induction training card in accordance with clause 324, and
 - (b) the card holder also holds a digital general construction induction training card, and
 - (c) the regulator requires the card holder to remove the digital general construction induction training card from a mobile phone or other electronic device on which the card is capable of being displayed.
- (2) The regulator may cancel a digital general construction induction training card if the regulator is satisfied the card holder does not meet the requirements, approved by the regulator, of holding a digital general construction induction training card.