

NORTHERN TERRITORY OF AUSTRALIA

PETROLEUM (OCCUPATIONAL HEALTH AND SAFETY) REGULATIONS

As in force at 16 September 2009

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ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 September 2009

PETROLEUM (OCCUPATIONAL HEALTH AND SAFETY) REGULATIONS

Regulations under the *Petroleum Act*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Petroleum (Occupational Health and Safety) Regulations*.

2 Interpretation

(1) In these Regulations:

abrasive blasting means the cleaning, smoothing, roughing or removing of part of the surface of an object by the use of abrasive material propelled by a blast of compressed air, water or steam or by a wheel.

abrasive material means a substance, including sand, metal shot, metal grit or slag, used or intended to be used as an abrasive for abrasive blasting.

access platform means a platform used or intended to be used only to provide access to a person or material, or both, to or from a place of work.

airborne contaminant means a substance that is not a normal constituent in air, or any substance which is present at a level greater than that normally occurring in air.

AS followed by a designation means the standard having that designation approved for publication on behalf of Standards Australia International Limited (A.C.N. 087 326 690) or the Standards Association of Australia as constituted before 1 July 1999.

asbestos means the fibrous form of mineral silicates belonging to the serpentine and amphibole groups of rock forming minerals and includes actinolite, amosite (brown asbestos), anthophyllite, crocidolite (blue asbestos), chrysotile (white asbestos), tremolite

and any substance containing one or more of these.

biological monitoring means the measurement and evaluation of hazardous substances or their metabolites in the body tissues, fluids or exhaled air of an exposed person.

blasting chamber means a structure in which at least one person is present while engaged in abrasive blasting.

blasting enclosure means a structure used for abrasive blasting into which entry is not required during blasting.

boiler means a vessel or arrangement of vessels and interconnecting parts, in which steam or other vapour is generated, or water or other liquid is heated at a pressure above that of the atmosphere, by the application of fire, the products of combustion, electrical power or similar means, and includes valves, gauges, fittings, controls, the boiler setting and directly associated equipment, but does not include a fully flooded or pressurised system where water or other liquid is heated to a temperature lower than the normal atmospheric boiling temperature of the water or other liquid, and, for the purposes of Part 3 and Schedule 2, does not include those parts after the first connection point after the first valve or valve assembly, a vessel where the design is such that it may operate deprived of all liquid or vapour that is intended to be heated without affecting the structure or operation of the vessel and a direct-fired process vessel.

BS followed by a designation refers to the British Standard having that designation that is published by the British Standards Institute.

building maintenance equipment means a suspended platform and associated equipment that incorporates permanently installed overhead supports to provide access to the faces of a building for maintenance and includes a building maintenance unit and a swing stage but does not include a suspended scaffold.

building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance.

caisson means a casing or similar structure used to provide a passageway below ground level or through water.

certificate of inspection means a certificate of inspection issued under regulation 89 and includes a current certificate of inspection (by whatever name called) for an item of designated plant issued under a law of the Commonwealth, a State or another Territory of the Commonwealth relating to occupational health and safety.

cofferdam means a temporary wall structure erected for the purpose of excluding water from a workplace which is normally under water.

competent person means a person who is suitably qualified (whether by experience, training or both) to perform the work or function described in the relevant regulation.

confined space means an enclosed or partially enclosed space that:

- (a) is at atmospheric pressure during occupancy;
- (b) is not intended or designed primarily as a place of work;
- (c) may have restricted means for entry and exit; and
- (d) may:
 - (i) have an atmosphere that contains potentially harmful levels of contaminants;
 - (ii) not have safe oxygen levels; or
 - (iii) cause engulfment.

construction work means construction, digging, filling, erection, installation, addition to, alteration, forming up, repair, maintenance, cleaning, painting, renewal, removal, dismantling or demolition of a building, structure or excavation.

crane means an appliance intended for raising or lowering a load and moving it horizontally and includes the supporting structure of the appliance and its foundations but does not include an industrial lift truck, earthmoving machinery, a tractor, an industrial robot, a conveyor, building maintenance equipment, a suspended scaffold or a lift.

demolition means the complete or partial dismantling of a building or structure by pre-planned and controlled methods and procedures.

designated plant means plant specified in Schedule 1.

design verifier means the Work Health Authority or a competent person registered by the Authority, or by a body acceptable to the Authority, for the purpose of verifying the design of designated plant.

direct-fired process vessel means an arrangement of tubes comprising one or more coils located in the radiant zone or convection zone (or both) of a combustion chamber, the prime purpose of which is to raise the temperature of a process fluid that is circulated through the coils, to allow distillation, fractionation, reaction or other petrochemical process of that process fluid.

dry abrasive blasting means abrasive blasting conducted without the addition of water to the abrasive material or its propellant.

employer means the employer of a worker working at a workplace.

escalator means a power-driven inclined continuous stairway used for raising or lowering passengers.

excavation includes a trench, hole, tunnel and shaft.

formwork means the surface, supports and framing used to define the shape of concrete until it is self supporting.

gantry means a structure having a platform to provide overhead protection.

gas cylinder means a gas cylinder as defined in AS 2030.

hazard means an agent or situation capable of potentially injuring or compromising the health and safety of a person or causing damage to plant or premises.

hazardous substance means a substance that:

- (a) is listed in NOHSC:10005; or
- (b) has been classified as a hazardous substance by the manufacturer or importer in accordance with NOHSC:1008.

health surveillance means the monitoring of persons for the purpose of identifying changes in health status due to occupational exposure to a hazard, and includes biological monitoring.

hoist means a machine intended for raising, lowering or moving a guided load.

industrial truck means an item of mobile plant equipped with an elevating load carriage to which is normally attached fork arms or other load-holding attachments.

inspector of designated plant means the Work Health Authority or a person or an organisation, registered under regulation 33 of the *Workplace Health and Safety Regulations*.

label means a set of information on a container that identifies the substance in the container, identifies whether the substance is hazardous and provides basic information about the safe use and handling of the substance.

licence means a licence granted under regulation 17 of the *Workplace Health and Safety Regulations* or a licence (by whatever name called) issued in accordance with NOHSC: 1006 under a law in force in the Commonwealth, a State or another Territory of the Commonwealth relating to occupational health and safety.

lift means an apparatus or contrivance within or attached to a building or structure comprising a platform or car in which the direction of movement is restricted by a guide or guides, and which is used for the purpose of raising or lowering passengers, goods or materials, and includes the supporting structure, machinery, equipment and gear used in connection with such an apparatus or contrivance.

lifting gear includes a rope, chain, coupling, fastening, fitting, hoist, block, stay, pulley, hanger, sling, brace and moveable contrivance of a similar kind used or intended to be used in connection with lifting or moving a load.

manual handling means an activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain an animate or inanimate object.

material safety data sheet means a document that describes the properties and uses of a hazardous substance and includes its identity, chemical and physical properties, health hazard information and precautions for its use and safe handling.

monitoring means to survey regularly all measures used to control hazards in a workplace and includes the measurement of airborne contaminants but does not include biological monitoring.

moving walk means a power driven device on which passengers may stand or walk and of which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted.

NICNAS summary report means a summary report as defined in the *Industrial Chemicals (Notification and Assessment) Act 1989* of the Commonwealth.

NOHSC followed by a designation refers to a publication of the National Occupational Health and Safety Commission having that designation.

owner, in relation to:

- (a) a workplace or other premises, means the person or persons whose property it is, whether jointly or severally; or
- (b) plant or a substance, means the person whose property it is, or, if some other person has control, charge or management of it, that other person.

portable electrical equipment means electrical equipment (including a cord extension lead) that is intended to be carried or moved while connected to an electricity supply.

pressure equipment means a boiler, pressure vessel, pressure piping or gas cylinder.

pressure piping means an assembly of pipes, pipe fittings, valves and pipe accessories subject to internal or external pressure and used to contain or convey fluid or to transmit fluid pressure and includes a distribution header, bolting, gasket and a pressure-retaining accessory.

pressure vessel means a vessel subject to internal or external pressure and includes interconnecting parts and components, valves, gauges and other fittings up to the first point of connection to connected piping, but does not include a boiler or a gas cylinder.

public place means a place to which the public has its own right to resort whether or not on payment of money or other consideration and includes a public roadway.

radiation means energy emitted or transmitted as particles or electromagnetic waves.

record means a collection of information in a permanent form and includes written information or information stored in a computerised database.

registered, in relation to:

- (a) a design, means registered under regulation 90 of the *Workplace Health and Safety Regulations*; or
- (b) designated plant, means registered under regulation 95 *Workplace Health and Safety Regulations*.

repair, in relation to plant, means the work necessary to restore the plant to a safe and satisfactory operating condition, providing there is no deviation from the original design or the registered design, as the case may be, but does not include normal maintenance.

residual current device means a device, as specified in AS 3190, intended to isolate supply to protected circuits, socket outlets or equipment in the event of a current flow to earth which exceeds a predetermined value.

retailer means a person who sells articles or substances to the public who themselves are not engaged in any further resale of the article or substance.

retail warehouse operator means a person who operates a warehouse in which unopened packaged goods, intended for retail sale, are held.

rigging means work involving the movement, placing or securing of plant, equipment or members of a building or structure, to ensure stability, using mechanical load shifting equipment and associated gear.

risk means the probability that a hazard's potential to cause injury or compromise the health and safety of a person or to cause damage to plant or premises may become actual.

scaffold means a temporary structure specifically erected to support an access platform or working platform and includes a public stand constructed of scaffold components.

spray painting means a process in which:

- (a) powdered metal;
- (b) paint, enamel, varnish, shellac or liquid containing nitrocellulose, or a mixture of those materials; or
- (c) flammable, injurious or toxic substance,

is applied to an object by spraying.

supplier, in relation to a substance used at a workplace, means a person who imports, manufactures, wholesales or distributes the substance, but does not include a retailer.

training provider means a person or organisation registered under regulation 27 of the *Workplace Health and Safety Regulations*.

use, in relation to a substance, includes the production, handling, storage, transport or disposal of the substance.

wet abrasive blasting means abrasive blasting conducted with the addition of water to the abrasive material or its propellant or cleaning of an object using water that is pressurized.

wet blasting inhibitor means a substance added to water used in wet abrasive blasting to reduce the susceptibility of the cleaned surface to flash corrosion.

work means work performed at a workplace.

work box means a personnel carrying device designed to be suspended from a crane and to provide a working area for persons elevated in and working from the box.

Work Health Authority means the Work Health Authority that continues under section 7 of the *Workplace Health and Safety Act*.

worker has the meaning in section 89A of the Act.

working platform, in relation to scaffold, means a platform to support a person or materials, or equipment to be used by the person.

workplace has the meaning in section 89A of the Act.

- (2) If a document, standard, rule or specification adopted by these Regulations adopts by way of reference any other document, standard, rule or specification or any part thereof, then that document, standard, rule or specification or part thereof, is to be taken to be adopted by these Regulations to the extent necessary to give full force and effect to the first-mentioned document, standard, rule or specification.
- (3) A reference in a document, standard, rule or specification referred to in these Regulations to the **statutory authority** or a **regulatory authority**, or to a similar body, is to be construed as a reference to the Minister.
- (4) If a document, standard, rule or specification adopted by these Regulations is inconsistent with these Regulations, the Regulations prevail and the document, standard, rule or specification is, to the extent of the inconsistency, of no force or effect.
- (5) If a document, standard, rule or specification adopted by these Regulations is inconsistent with another document, standard, rule or specification so adopted, the document, standard, rule or specification that prevails is to be determined by the Minister.

- (6) If the design of plant is required to comply with a document, standard, rule or specification at the time of manufacture of the plant, the document, standard, rule or specification continues to apply, without amendment to the plant, until:
- (a) the plant requires alteration, repair or relocation at which time the Work Health Authority may direct the owner that the plant be modified to comply with the document, standard, rule or specification as then in force; or
 - (b) directed by the Work Health Authority:
 - (i) by notice in the *Gazette*; or
 - (ii) by written notice to the owner of the plant.

Part 2 Responsibilities under Regulations

3 Employers

An employer must ensure that these Regulations are complied with in respect of the health and safety of the workers of the employer and of any other person who could be adversely affected by the performance of work by workers at the workplace.

4 Workers

A worker must, as far as practicable, when performing work at a workplace:

- (a) do all things required to ensure compliance with these Regulations;
- (b) before starting to perform work, ensure that neither the worker nor any other person will be endangered by the work performed by the worker;
- (c) report to a person in charge at the workplace or the worker's employer a situation which the worker has reason to believe may present a risk to the health and safety of workers or other persons at the workplace;
- (d) report to a person in charge at the workplace or the worker's employer an accident or occurrence affecting the health and safety of workers or other persons at the workplace; and
- (e) not tamper with a valve, fitting, control, guard, safety device or system of plant so as to interfere with its proper, safe and efficient working.

5 Self-employed persons

A self-employed person at a workplace must, in respect of his or her own health and safety and the health and safety of any other person who could be adversely affected by work performed by the self-employed person, ensure compliance with these Regulations.

6 Occupiers of workplaces

The occupier of a workplace must, insofar as is relevant to the health and safety of workers and other persons at the workplace, ensure compliance with a regulation that relates to:

- (a) the condition of;
 - (b) the condition of a building or structure at; and
 - (c) access to and egress from,
- the workplace.

7 Owners of workplaces

The owner of a workplace must, insofar as is relevant to the health and safety of workers and other persons at the workplace, ensure compliance with a regulation that relates to:

- (a) the condition of the workplace; and
- (b) to the extent that a fixture or fitting in the workplace is under the control of the owner, the provision and maintenance of the fixture or fitting at the workplace.

8 Designers of plant or structures

A person who designs plant or structures for use at a workplace must:

- (a) insofar as is relevant to the health and safety of workers and other persons at the workplace, ensure that the design of the plant or structure complies with these Regulations; and
- (b) ensure the plant or structure is designed to minimise the risk to the health and safety of workers and other persons at or in proximity to the workplace.

9 Manufacturers

- (1) A person who manufactures plant, substances or materials for use at a workplace, or material to be used for the purpose of a structure to be erected at a workplace, must, insofar as is relevant to the

plant, substance or material, ensure compliance with a regulation that relates to:

- (a) the manufacture of the plant, substance or material;
- (b) the testing of the plant, substance or material; and
- (c) the provision of information relating to the plant, substance or material.

(2) If:

- (a) a person manufactures plant for use in a workplace; and
- (b) the plant was designed by a person outside the Territory,

the responsibilities placed on the designer by these Regulations are to be taken to be the responsibilities of the person who manufactures the plant.

10 Importers and suppliers

(1) A person who imports or supplies plant, substances or materials for use at a workplace, or material to be used for the purpose of a structure to be erected at a workplace, must, insofar as is relevant to the plant, substance or material, ensure compliance with a regulation that relates to:

- (a) the requirements to be complied with in relation to the importing or supply of the plant, substance or material;
- (b) the testing requirements for the plant, substance or material; and
- (c) the provision of information with the plant, substance or material.

(2) If:

- (a) a person imports or supplies plant, substances or materials for use at a workplace; and
- (b) the plant, substances or materials were designed or manufactured by a person outside the Territory,

the responsibilities placed on the designer or manufacturer by these Regulations are to be taken to be the responsibilities of the person who imports or supplies the plant substances or materials.

- (3) If a person supplies plant for use at a workplace under a hiring or leasing arrangement, the responsibilities placed on the owner of such plant by these Regulations are to be taken to be placed on the person who supplies the plant.

11 Installers and erectors of plant or structures

A person who installs or erects plant or a structure at a workplace must:

- (a) insofar as is relevant to the plant or structure, ensure compliance with a regulation that relates to the integrity of the plant or structure; and
- (b) ensure that the erection or installation is performed in a manner that avoids damage to the plant that may create a risk to the health and safety of workers and other persons at the workplace.

12 Owners of plant

The owner of plant at a workplace must, insofar as is relevant to the plant, ensure compliance with a regulation that relates to:

- (a) the condition, inspection or testing of the plant;
- (b) the layout and location of the plant; and
- (c) the provision of information relating to the installation, commissioning, use, maintenance, repair, testing, de-commissioning, dismantling or disposal of the plant.

13 Joint responsibilities

If more than one person is under an obligation to comply with a regulation, each person must comply with the regulation to its full extent and without regard to the fact that another person is also under an obligation to comply with the regulation.

Part 3 Licences

14 Licence required to perform certain work

Subject to regulation 15, a person must not:

- (a) perform work; or
- (b) cause, permit or employ another person to perform work,

of a type specified in column 1 of Schedule 2 unless the person is the holder of a licence specified opposite in column 2 of the Schedule.

15 Trainees and unlicensed persons

- (1) Subject to this regulation:
 - (a) a person may employ another person to; or
 - (b) a person may,

perform work for which a licence is required if that person is performing the work under the supervision of a person who is the holder of a licence to perform the work.
- (2) Subregulation (1) does not permit a person whose licence has been cancelled or suspended to perform work for which the licence was required.
- (3) A person supervising a person under subregulation (1) is directly responsible for the actions of the person while the person is performing work under the subregulation.
- (4) Despite subregulation (1), a person is not to perform work, or be employed to perform work, of a type for which a licence specified in Part 1 or 2 of Schedule 3 is required for longer than is reasonably necessary for the person to gain training sufficient to obtain a licence to perform the type of work.
- (5) A person who performs work under this regulation for the purpose of gaining training in that type of work must keep a record containing:
 - (a) the name and licence number of each person under whose supervision the person performs work under subregulation (1); and
 - (b) details of all work performed and the length of time spent performing the work as verified by the person under whose supervision the work was performed.
- (6) When a person who performs work under subregulation (1) applies for a licence to perform that type of work, the record maintained under subregulation (5) is to accompany the person's application for the licence.

16 Number of people who may be supervised

- (1) A person who is the holder of a licence specified in:
 - (a) Part 1 of Schedule 3, must not supervise more than one person; or
 - (b) Part 2 or 3 of Schedule 3, must not supervise more than 4 persons,performing work under regulation 15 to which the licence relates.
- (2) Subregulation (1) does not apply to a training provider providing approved training.

Part 4 Certain work to be notified

17 Work to be notified

- (1) A person must not commence work of a type specified in Schedule 4 or permit such work to be commenced unless the Minister is notified.
- (2) Notification under subregulation (1) is to be:
 - (a) in the approved form; and
 - (b) given not later than 7 days before the date on which the work is to commence.

Part 5 General obligations

Division 1 General obligations in relation to workplace hazards

18 Compliance with codes of practice

A person who is required to comply with a provision of these Regulations must have regard to any codes of practice that are approved, adopted or issued under a law in force in the Territory and that relate to the person's obligation under the provision.

19 Monitoring of workers

For the purposes of section 89B(3) of the Act, all employers are prescribed employers and must comply with a regulation that relates to a matter specified in that subsection.

20 Hazard identification and risk assessment

- (1) An employer, in implementing these Regulations, must ensure that appropriate measures are undertaken to identify all hazards from work that may affect the health and safety of workers and any other person who could be affected by the work.
- (2) If a hazard is identified under subregulation (1), an employer must ensure that an assessment is made of the risk associated with the hazard.
- (3) Without limiting subregulations (1) and (2), the identification of hazards and the assessment of risks is to be undertaken:
 - (a) before the introduction of any plant or substance for the first time at a workplace;
 - (b) before work of a type not previously performed at a workplace is commenced;
 - (c) when there is a change in the type of work, work practices or plant at a workplace that may result in an increased risk to the health and safety of a worker or other person at the workplace; or
 - (d) when information becomes available concerning work, work practices, plant or substances at a workplace that may impact on the health and safety of a worker or other person at the workplace.
- (4) An assessment by an employer of a representative example of specific work or circumstances constitutes an assessment under this regulation for all similar work or circumstances which occur at the workplace or other workplaces at which a worker of the employer works.
- (5) If an assessment under this regulation indicates that there is a significant risk to the health and safety of a worker or other person, steps to be taken to meet the requirements of these Regulations are to be identified.
- (6) An assessment under this regulation is to be revised when there is evidence to indicate that it is no longer valid or, in any case, at intervals not longer than 5 years.
- (7) An employer must keep a record of an assessment made under this regulation:
 - (a) if the assessment relates to exposure of a worker to a hazardous substance and the assessment indicates a

requirement for health surveillance or for monitoring of the worker's exposure to the substance – for a period of 30 years after the last review; and

(b) in any other case – for a period of 5 years after the last review.

- (8) An employer must make a record kept under subregulation (7) available, on request, to a worker who is or may be exposed to a risk to which the record relates.

21 Control of risk

- (1) An employer must ensure that a worker's exposure to a hazard at a workplace is controlled to minimise the risk to the health and safety of the worker.

- (2) If there is a need under subregulation (1) to control a worker's exposure to a hazard, the control is to be achieved, as far as practicable, through the progressive application of one or more of the following measures:

- (a) the elimination of the hazard from the workplace;
- (b) the substitution of the hazard with something that is a lesser hazard;
- (c) the isolation of the hazard from the worker;
- (d) the control of the hazard by engineering means;
- (e) the control of the hazard by administrative means, including the adoption of safe working practices;
- (f) the use of personal protective equipment.

22 Maintenance of control measures

An employer must ensure that a measure applied under regulation 21 is properly used, maintained and supervised.

23 Monitoring

- (1) An employer must ensure that monitoring of a hazard at a workplace is undertaken:
- (a) if an assessment under regulation 20 indicates that monitoring of a worker's exposure to the hazard is required; and
 - (b) to ensure that measures applied under regulation 21 are operating effectively and providing an appropriate level of control.

- (2) Monitoring under subregulation (1) is to be undertaken by a competent person.
- (3) An employer must keep a record of the results of monitoring under this regulation:
 - (a) relating to the exposure of a worker to a hazardous substance – for a period of 30 years from the date of the last monitoring; or
 - (b) in any other case – for a period of 5 years from the date of the last monitoring unless otherwise specified in these Regulations.
- (4) An employer must ensure that a worker with the potential for exposure to a hazardous substance, which is subject to monitoring, is provided with the results of the monitoring and that records of the monitoring are readily accessible to the worker.

24 Health surveillance

- (1) An employer must provide health surveillance of a worker:
 - (a) if an assessment under regulation 20 indicates that health surveillance of the worker is required; or
 - (b) if required by these Regulations.
- (2) Health surveillance under subregulation (1) is to be provided, at the expense of the employer, by a competent person trained to test and examine persons exposed to the hazard to which the worker is exposed.
- (3) As soon as practicable after a worker is tested or examined under this regulation, the competent person must:
 - (a) notify the employer and the worker of the results of the health surveillance and, if necessary, provide an explanation of those results; and
 - (b) advise the employer of any remedial action to be taken.
- (4) An employer advised under subregulation (3)(b) must, as soon as practicable, revise an assessment of the worker's exposure to the hazard and implement control measures required under regulation 21.

- (5) An employer must keep a record of health surveillance results obtained under this regulation:
 - (a) in relation to exposure to a hazardous substance – for a period of 30 years; or
 - (b) in any other case – for the period that the worker remains employed by the employer.
- (6) The results of health surveillance provided under this regulation are not to be disclosed to another person without the written permission of the worker.

25 Information, instruction and training

- (1) An employer must ensure that a worker receives sufficient information, instruction and training in the work that the worker may be required to perform to enable the worker to perform the work without risk to the health and safety of the worker or any other person.
- (2) The information, instruction and training to be provided under subregulation (1) is to be determined according to the nature of the risk associated with the work to be performed by the worker and the competency of the worker, and is to be provided in a manner appropriate to the workplace.
- (3) An employer must ensure that:
 - (a) information, instruction and training provided under subregulation (1) is reviewed and revised at regular intervals; and
 - (b) a record is kept of the information, instruction and training provided to a worker.

26 Consultation

- (1) An employer must, in implementing these Regulations at a workplace, consult with:
 - (a) the health and safety committee, if any, established under the Act for the workplace; and
 - (b) so far as is practicable, all workers of the employer at the workplace.

- (2) For the purposes of subregulation (1), consultation is to:
- (a) address the identification, assessment and control of risks to the health and safety of the workers at the workplace; and
 - (b) involve the sharing of information and the exchange of views between the employer and the workers at the workplace so as to provide a genuine opportunity for the workers to contribute to the decision making process.

27 Records

- (1) A person required to keep a record under these Regulations must, on request, make the record available to the Minister for inspection.
- (2) A person must not make a false or misleading entry in a record required to be kept under these Regulations.

Division 2 Accidents and occurrences

28 Accidents and occurrences requiring notification

- (1) The following accidents and occurrences at a workplace are prescribed accidents and occurrences for the purposes of section 89ZF of the Act:
 - (a) an accident or occurrence causing the death of a person;
 - (b) an accident or occurrence that causes or, on the basis of medical advice, appears likely to cause a worker to be absent from work for 5 or more working days;
 - (c) an accident or occurrence where a worker receives an electric shock;
 - (d) an accident or occurrence where a worker is injured and admitted to hospital as an in-patient following exposure to a hazardous substance;
 - (e) an accident or occurrence where a person, other than a worker, is injured as a result of a workplace activity or by designated plant;
 - (f) an accident or occurrence involving the collapse, overturning or failure of a load bearing part of a lift, crane, hoist, lifting gear or scaffolding;
 - (g) an accident or occurrence involving the failure of pressure equipment;

- (h) an accident or occurrence involving the collapse of shoring or an excavation that is more than 1.5 metres deep;
 - (i) an accident or occurrence involving the unplanned collapse of a building or structure or part of a building or structure;
 - (j) an accident or occurrence involving an explosion or fire that results in designated plant being inoperative, or normal work being suspended, for more than 24 hours;
 - (k) an accident or occurrence involving an unplanned contact between plant and a live electrical conductor;
 - (l) an accident or occurrence involving a malfunction or failure of personal protective equipment that affects the health and safety of a person.
- (2) Notice of an accident or occurrence referred to in:
- (a) subregulation (1)(a), (b), (c), (d), (h), (k) and (l) is to be given by the employer at the workplace;
 - (b) subregulation (1)(e), (i) and (j) is to be given by the occupier of the workplace; and
 - (c) subregulation (1)(f) and (g) is to be given by the owner of the scaffolding, lift, crane, hoist, gear or pressure equipment involved in the occurrence.
- (3) Notice of an accident or occurrence referred to in subregulation (1) is to be given:
- (a) to an inspector by the most expeditious means available:
 - (i) in the case of an accident referred to in subregulation (1)(b) – as soon as practicable after the employer is aware the worker will be absent from work for 5 or more working days; or
 - (ii) in any other case – immediately after the accident or occurrence; and
 - (b) to the Minister in writing, not later than 7 days after the accident or occurrence.
- (4) Notice under subregulation (3)(b) is to contain the following details:
- (a) the full name and work address of the person giving the notice;

- (b) the date, time and place of the accident or occurrence;
- (c) the name, date of birth and occupation of all persons who were killed or injured;
- (d) the work being performed by persons who were killed or injured;
- (e) the cause, nature and extent of injuries sustained by persons who were injured;
- (f) a brief description of the circumstances of the accident or occurrence;
- (g) a brief explanation of the cause of the accident or occurrence, if known;
- (h) particulars of plant involved in the accident or occurrence and the damage, if any, to the plant;
- (i) the names of witnesses to the accident or occurrence;
- (j) details of action taken or proposed to be taken to prevent a similar accident or occurrence.

Part 6 Workplace

Division 1 Work areas

29 Access and egress

- (1) The owner or occupier of a workplace must provide and maintain a means of access to and egress from the workplace that:
 - (a) enables a worker at the workplace to move safely throughout the workplace in the performance of the worker's normal duties;
 - (b) allows safe and rapid egress from the workplace in an emergency; and
 - (c) gives safe access to plant at the workplace.
- (2) An employer must ensure that the means of access to a place at a workplace where a worker is likely to pass through or be required to work in is kept free of obstructions so that access is readily available at all times.

- (3) The owner or occupier of a workplace must ensure that the location of emergency means of access to and egress from the workplace are identified with appropriate signs in accordance with AS 1319.
- (4) An employer must develop an evacuation procedure to be followed in the event of a fire or emergency at a workplace and must ensure that the evacuation procedure is practised at reasonable intervals and a record is kept of the practices.

30 Prevention of falls

- (1) If a worker is required to work:
 - (a) in or on an elevated area from which he or she could fall;
 - (b) in the vicinity of an opening through which he or she could fall;
 - (c) in the vicinity of an enclosure or container into which he or she could fall;
 - (d) on a surface through which he or she could fall; or
 - (e) in any other place from which he or she could fall,and there is a reasonable likelihood that the worker could be injured if he or she were to fall, then protection against the fall is to be provided:
 - (f) by the provision of a safe means of access to the area;
 - (g) by the provision of secure fences, edge protection, working platforms, covers or other forms of safeguarding; or
 - (h) if the protection provided by paragraphs (f) or (g) is not practicable – by the provision and maintenance of safe systems of work.
- (2) Safeguarding provided for the purposes of subregulation (1)(g) is to be kept in good condition and is not to be removed while work is being performed except, so far as is necessary, to allow access or egress of a person or the shifting of plant or material.

31 Work space

An employer must, as far as is practicable, provide a worker with sufficient space in which to work so that the health and safety of the worker or any other person at the workplace is not at risk.

32 Housekeeping

A workplace is to be kept in a clean condition, free from accumulation of debris and maintained in a condition so as to avoid any hazard to the health and safety of a worker at the workplace.

33 Safety signs

- (1) An employer must ensure safety signs are displayed at a workplace where an area at the workplace contains a hazard which may not be readily apparent to a worker working in or entering the area.
- (2) A sign referred to in subregulation (1) is to comply with AS 1319.

34 Floors

A floor at a workplace is, as far as is practicable, to be slip resistant and free from an obstruction that may cause a worker to trip or fall.

35 First aid

- (1) An employer must provide and maintain at a workplace first aid equipment and first aid amenities for use by workers at the workplace.
- (2) In determining first aid equipment and amenities to be provided under subregulation (1), an employer must have regard to the location of, the number of workers at, and the type of work performed at, the workplace.
- (3) An employer must ensure, where practicable, that a person trained in first aid treatment is present at a workplace at all times when work is being performed.
- (4) The level of training that a person referred to in subregulation (3) is to have is to be determined by the equipment and amenities provided under subregulation (1).
- (5) First aid equipment and amenities provided under subregulation (1) are to be located where they are readily accessible and available for use, and the location is to be identified by signs complying with AS 1319.

36 Fire control

- (1) If, because of the work being performed by a worker at a workplace, there is a risk of fire, the employer must ensure that fire control equipment is provided of a type and capacity suitable to control any fire that may occur at the workplace.

- (2) An employer who provides fire control equipment under subregulation (1) must ensure that it is regularly inspected and maintained and a record is kept of each inspection and any maintenance performed on the equipment.

37 Workplace amenities

An employer must:

- (a) ensure that a supply of drinkable water is available at a workplace for use by a worker;
- (b) provide sanitary, washing, changing, rest and eating amenities and facilities at a workplace if the health and safety of a worker is at risk if such facilities are not provided; and
- (c) ensure that the amenities and facilities provided under paragraph (b) are maintained in a clean condition at all times.

Division 2 Work environment

38 Airborne contaminants

An employer must ensure that a worker is not exposed to concentrations of airborne contaminants at a workplace:

- (a) that exceed those set out and explained in NOHSC:1003; or
- (b) such that there is a risk to the health and safety of the worker.

39 Noise

- (1) An employer must ensure that a worker is not exposed at a workplace to noise exceeding:

- (a) an 8 hour equivalent continuous A-weighted sound pressure level, $L_{Aeq,8h}$, of 85 dB(A) as determined; or
- (b) a peak sound pressure level, L_{peak} , of 140 dB(lin) as measured,

in accordance with AS 1269.

- (2) For the purposes of subregulation (1), exposure to noise is taken to be that measured at the worker's ear position without taking into account any protection that may be afforded by hearing protection equipment.

40 Lighting

- (1) An employer must ensure that an area at a workplace where a worker is required to perform work or to pass through has a level of lighting that permits the work to be performed or the worker to pass through without risk to the health and safety of the worker.
- (2) The occupier of a workplace in which emergency lighting is installed must ensure that the emergency lighting is maintained in accordance with AS 2293.

41 Exposure to certain risks

If a worker at a workplace is exposed to:

- (a) heat or cold;
- (b) whole body vibration;
- (c) radiation; or
- (d) a biological hazard,

such that there is a risk to the health and safety of the worker, the employer must ensure that measures are taken to protect the health and safety of the worker.

Division 3 Work practices

42 Manual handling

An employer must ensure that, as far as practicable:

- (a) work practices at a workplace involving manual handling are designed and implemented to be without risk to the health and safety of a worker;
- (b) a workplace is designed to ensure that manual handling tasks can be undertaken without risk to the health and safety of a worker; and
- (c) plant, equipment, containers or material required to be manually handled at a workplace are designed, constructed and maintained so as to be manually handled without risk to the health and safety of a worker required to do so.

43 Ergonomics

- (1) An employer must ensure that, as far as practicable, a workplace where a worker is required to perform work is designed, arranged and maintained so that there is no risk to the health and safety of the worker, taking into consideration:
 - (a) the postural requirements of the worker;
 - (b) the visual requirements of the worker;
 - (c) the capacity of the worker in relation to the demands of the work being performed;
 - (d) the layout and height of the work being performed;
 - (e) the layout and operation of plant and controls used by the worker; and
 - (f) the standard of seating provided for the worker, if applicable.
- (2) An employer must ensure, if a worker is required to perform repetitive work involving a static component, that the worker is given:
 - (a) some alternative duties which do not have a static nature; or
 - (b) periods of rest from the work.

Division 4 Confined space

44 Design, manufacture and supply in respect of confined space

If a person designs, manufactures or supplies a building, structure, plant or equipment that is or contains a confined space, the person must ensure that:

- (a) as far as practicable, the design eliminates the need for a person to enter the confined space; and
- (b) if a person may be required to enter the confined space:
 - (i) the design minimises, as far as practicable, the risk to the person entering or working in the confined space; and
 - (ii) the confined space is provided with a safe means of entry and exit.

45 Control of risks resulting from entry to a confined space

- (1) An employer must ensure, as far as practicable, that before a person enters a confined space all potentially hazardous services, including process services, normally connected to the confined space are positively isolated in order to prevent:
 - (a) the introduction of any material, contaminant, agent or condition harmful to a person in the confined space; and
 - (b) the activation or energising of any equipment or service which may pose a risk to the health and safety of a person in the confined space.
- (2) An employer must ensure, as far as practicable, that before a person enters a confined space:
 - (a) the confined space contains a safe oxygen level;
 - (b) any atmospheric contaminant is below the level specified in regulation 38;
 - (c) the concentration of any flammable contaminant in the atmosphere of the confined space is below 5% of its lower explosive level; and
 - (d) the confined space is free of extremes of temperature.
- (3) If it is not practicable to comply with subregulation (2), an employer must ensure appropriate controls are in place so that there is no risk to the health and safety of a worker entering the confined space.
- (4) If a worker is required to enter a confined space an assessment under regulation 20 is to be undertaken before the worker enters the confined space and the employer must provide, maintain and have in place procedures for the use of equipment that is appropriate to the work to be performed, including equipment for:
 - (a) personal protection;
 - (b) rescue;
 - (c) first aid; and
 - (d) fire suppression.

- (5) If an employer is satisfied that work in a confined space can be performed in a safe manner, the employer must, before permitting a worker to enter the confined space, issue an entry permit to the worker.
- (6) An entry permit is to be in writing and is to include the precautions and instructions necessary for entry to the confined space and the performance of the work in the confined space.

Division 5 Electrical

46 Electrical installations and equipment

- (1) Electrical installations, materials, equipment and apparatus at a workplace are to be protected and maintained to minimize the risk of electrical shock or fire.
- (2) Electrical installations, materials, equipment and apparatus at a workplace are to comply with AS 3000 and AS 3100.
- (3) Maintenance work on an electrical installation at a workplace is to be performed by a competent person.

47 Work in proximity to exposed live equipment

- (1) A worker must not:
 - (a) perform work; or
 - (b) cause, permit or employ a worker to perform work,in proximity to exposed live electrical equipment or apparatus unless:
 - (c) the supply of electricity to the equipment or apparatus is disconnected; or
 - (d) if compliance with paragraph (c) is not practicable – barriers are put in place that will prevent the worker coming into contact with the equipment or apparatus.
- (2) If it is not practicable to comply with subregulation (1), work referred to in that subregulation may be performed if a safe system of work is used when the work is performed.
- (3) The employer of a worker performing work under subregulation (2) must ensure that the worker is trained in and competent to perform the work.

48 Electrical installations on construction sites

Electrical installations at a workplace where construction work is being performed are to comply with AS 3012.

49 Residual current devices

- (1) If electricity is supplied through a socket outlet at a workplace to:
- (a) hand-held electrical equipment;
 - (b) portable electrical equipment; or
 - (c) electrical equipment where there is a risk that a worker may receive an electric shock due to the manner of use of the equipment or the place in which the equipment is to be used,
- then:
- (d) the socket outlet final sub-circuit is to be protected by a residual current device permanently installed in the switchboard at which the circuit originates or in a socket outlet located on the circuit so that the equipment is protected; or
 - (e) the equipment is to be protected by a portable residual current device connected directly to the socket outlet.
- (2) A residual current device installed at a workplace is to be kept in a safe working condition and tested on a regular basis by a competent person to ensure its continued effective operation.
- (3) The owner of a residual current device tested under subregulation (2) must keep a record of the test while the device remains in operation at the workplace.
- (4) This regulation does not apply if the supply of electricity:
- (a) does not exceed 32 volts alternating current;
 - (b) is direct current;
 - (c) is provided through an isolating transformer complying with AS 3108; or
 - (d) is provided from the unearthed outlet of a portable generator.

Division 6 Hazardous substances

50 Classification of hazardous substances

- (1) A person who manufactures or imports a substance for use at a workplace must determine whether the substance is a hazardous substance in accordance with:
 - (a) the National Occupational Health and Safety Commission's List of Designated Hazardous Substances; or
 - (b) the National Occupational Health and Safety Commission's Approved Criteria for Classifying Hazardous Substances.
- (2) If a person determines under subregulation (1) that a substance meets the National Occupational Health and Safety Commission's Approved Criteria for Classifying Hazardous Substances and that the substance is not already included in the List of Designated Hazardous Substances, the person must notify the National Occupational Health and Safety Commission.

51 Provision of information – supplier's duties

- (1) A supplier of a hazardous substance for use at a work place must:
 - (a) produce a material safety data sheet for the hazardous substance;
 - (b) review and revise the material safety data sheet to keep it up to date at intervals not exceeding 5 years from the date of last issue of the sheet; and
 - (c) provide a current material safety data sheet to the Australian National Material Safety Data Sheet Repository.
- (2) A supplier of a hazardous substance for use at a workplace must ensure that the current material safety data sheet is provided to a person:
 - (a) on the first occasion that the hazardous substance is supplied to the person; or
 - (b) on request.
- (3) A supplier is exempt from subregulation (2)(a) in relation to a hazardous substance that is supplied to a retailer or retail warehouse operator in a consumer package that:
 - (a) is intended for retail sale;

- (b) will not be opened on the retailer's or retail warehouse operator's premises; and
 - (c) holds less than 30 kilograms or 30 litres of the substance.
- (4) A supplier of a hazardous substance for use at a workplace must ensure that all containers of the substance are appropriately labelled.
- (5) A supplier of a hazardous substance for use at a workplace must provide to an employer, on request:
- (a) the relevant NICNAS summary report that has been prepared; and
 - (b) any other relevant information, in addition to that contained in the material safety data sheet, which will assist in the safe use of the substance.

52 Disclosure of ingredients of hazardous substances

A supplier of a hazardous substance for use at a workplace must disclose information in relation to the ingredients of the hazardous substance in accordance with Schedule 5.

53 Provision of information – employer's duties

- (1) An employer at a workplace where a hazardous substance is used must:
- (a) obtain a material safety data sheet on the first supply of the hazardous substance to the workplace;
 - (b) ensure that a material safety data sheet provided by the supplier is available for each hazardous substance used in the workplace and is readily accessible to a worker with potential for exposure to those substances; and
 - (c) ensure that a material safety data sheet is not altered.
- (2) An employer must ensure that:
- (a) all containers of substances used at a workplace, including those delivered to and those produced at the workplace, are appropriately labelled; and
 - (b) no person removes, defaces, modifies or alters a label of a substance used at a workplace.

- (3) An employer must ensure that:
 - (a) a register is kept and maintained for all hazardous substances used or produced at a workplace;
 - (b) the register contains, as a minimum, a list of all hazardous substances used or produced at the workplace and the material safety data sheet for those substance; and
 - (c) the register is readily accessible to all workers with the potential for exposure to hazardous substances.
- (4) If a hazardous substance is decanted into another container for use at a workplace and:
 - (a) is not used immediately – an employer must ensure that the container is labelled with the product name, and the relevant risk and safety phrases; or
 - (b) is used immediately – the container does not require labelling.
- (5) Containers are to remain correctly labelled until cleaned and free of the substance that was placed in them.
- (6) An employer must ensure that a hazardous substance contained in an enclosed system, such as a pipe or a piping system or a process or reactor vessel, is identified to persons liable to exposure to the hazardous substance.

54 Prohibition of scheduled substances for specified purposes

- (1) A substance specified in column 1 of Schedule 6 is not to be used at a workplace for a purpose specified opposite the substance in column 2 of the Schedule.
- (2) An employer may apply to the Minister for an exemption from all or part of the requirements of subregulation (1) and the Minister may, as he or she thinks fit, grant or refuse the application.

55 Health surveillance

An employer must provide health surveillance for a worker who has been identified in an assessment process as being exposed to a hazardous substance if:

- (a) there is a risk to the health and safety of the worker from one of the hazardous substances specified in Schedule 7;

- (b) the exposure of the worker to a hazardous substance is such that:
 - (i) an identifiable disease or health effect may be related to the exposure;
 - (ii) there is a reasonable likelihood that the disease or health effect may occur under the particular conditions of work; and
 - (iii) there are valid techniques for detecting indications of the disease or health effect; or
- (c) there is a valid biological monitoring procedure available and a reasonable likelihood that accepted values might be exceeded.

56 Use of carcinogenic substances

- (1) A carcinogenic substance specified in column 1 of Schedule 8 is not to be used at a workplace for a purpose specified opposite the substance in column 2 of the Schedule unless:
 - (a) the relevant provisions of regulation 57 have been complied with;
 - (b) a suitable and sufficient risk assessment of the substance has been carried out; and
 - (c) the conditions specified by the Minister for the supply or use of the substance are complied with.
- (2) Despite regulation 20, a suitable and sufficient assessment of a carcinogenic substance under subregulation (1) is to include:
 - (a) a review of the current material safety data sheet and other relevant supplementary information which is available; and
 - (b) an assessment of the specific work involving potential exposure to the substance.

57 Notification of and consent to use carcinogenic substances

- (1) A person who intends to use a carcinogenic substance specified in Schedule 8 for the purpose of bona fide research or analysis in a laboratory must, before using the substance, notify the Minister in writing and provide the Minister with the following information in respect of the intended use:
 - (a) the person's business address;

- (b) the address where the carcinogenic substance will be used;
 - (c) the name of the carcinogenic substance;
 - (d) the name and address of the supplier of the carcinogenic substance;
 - (e) the quantity of the carcinogenic substance to be used per annum;
 - (f) a statement that the carcinogenic substance will be used for bona fide research or analysis;
 - (g) justification that elimination and substitution of the substance is not practicable and that the controls in place are the best practicable;
 - (h) a description of the measures taken to prevent or minimise exposure of persons to the substance and to protect the health of persons.
- (2) A person who intends to use a carcinogenic substance specified in Part 2 of Schedule 8 for a purpose other than in a laboratory for bona fide research or analysis must, before using the substance, notify the Minister in writing and provide the Minister with the following information in respect of the intended use:
- (a) the person's business address;
 - (b) the address of any place where the carcinogenic substance will be used;
 - (c) the name of the carcinogenic substance;
 - (d) the name and address of the supplier of the carcinogenic substance;
 - (e) details of the activity or process using the substance and the reasons for the use;
 - (f) the quantity of the carcinogenic substance to be used per annum;
 - (g) the number of workers who may be exposed to the carcinogenic substance;
 - (h) the name and business address of the person carrying out the assessment required by regulation 56;

- (i) justification that elimination and substitution of the substance is not practicable and that the controls in place are the best practicable;
 - (j) a description of the measures taken to prevent or minimise exposure of persons to the substance and to protect the health of persons.
- (3) The Minister may, not later than 60 days after being notified under subregulation (1) or (2), specify in writing the conditions to be complied with by the person in relation to the use of the carcinogenic substance in respect of which notification was given.
- (4) A person who intends to use a carcinogenic substance specified in Part 1 of Schedule 8 other than for the purpose of bona fide research or analysis in a laboratory must apply to the Minister in writing for his or her consent to use the substance and provide the Minister with the following information in respect of the intended use:
 - (a) the information required to be provided under subregulation (2);
 - (b) justification for use of the carcinogenic substance.
- (5) The Minister, on receiving an application under subregulation (4), may:
 - (a) consent to the use of the carcinogenic substance subject to the conditions, if any, that he or she thinks fit; or
 - (b) refuse to consent to the use of the substance.
- (6) Any significant changes made to information provided under subregulation (1), (2) or (4) are to be notified to the Minister.
- (7) A notification or consent under this regulation is to be revised if:
 - (a) there is evidence to indicate that it is no longer valid;
 - (b) there has been a significant change in the use of the carcinogenic substance; or
 - (c) an assessment of the carcinogenic substance has been reviewed.
- (8) A notification or consent under this regulation remains in force for the period, not exceeding 5 years, determined by the Minister.

- (9) A supplier must not supply a carcinogenic substance specified in Schedule 8 to a person unless the person provides to the supplier evidence that the Minister has been notified, or has consented to the use of the substance, in accordance with this regulation.

58 Records

- (1) An employer must maintain a record of the following information for not less than 30 years after the date of last entry in the record:
- (a) a list of each worker (including the full name, date of birth and address while working for the employer) identified as a result of an assessment as having a likelihood of exposure to a carcinogenic substance specified in Schedule 8;
 - (b) a copy of each notification made to, and each consent granted by, the Minister under regulation 57;
 - (c) a copy of any conditions for use of a carcinogenic substance as specified by the Minister under regulation 57.
- (2) A supplier must maintain a record for not less than 5 years of the following information in respect of the supply of each carcinogenic substance specified in Schedule 8:
- (a) the name of the person to whom the substance was supplied;
 - (b) the name and quantity of the substance supplied.

59 Advice and reporting

- (1) An employer must notify the Minister as soon as practicable of:
- (a) a spill or incident that has or is likely to have resulted in a person being exposed to a carcinogenic substance specified in Schedule 8; or
 - (b) monitoring or health surveillance results which indicate excessive exposure to a carcinogenic substance specified in Schedule 8.
- (2) If accidental exposure of a person to a carcinogenic substance specified in Schedule 8 may have occurred, an employer must notify the person as soon as practicable after becoming aware of the possible exposure.

- (3) An employer must provide to a worker to whom regulation 57(2)(g) or subregulation (1) or (2) apply, on the worker ceasing employment with the employer, a written statement containing:
- (a) the names of the carcinogenic substances specified in Schedule 8 that the worker was potentially exposed to;
 - (b) the period of the potential exposure;
 - (c) details of how and where records of the exposure can be obtained; and
 - (d) information relating to the advisability of having periodical health assessments and the type of tests which are available.

Division 7 Ventilation

60 Ventilation

- (1) If a workplace is in a building, and the lack of ventilation is such that there may be a risk to the health and safety of a worker at the workplace, the employer must ensure that ventilation is provided.
- (2) If mechanical ventilation or air conditioning is installed at a workplace, it is to be operated and maintained in accordance with AS 1668.

Division 8 Personal protective equipment

61 Personal protective equipment

- (1) An employer must ensure that personal protective equipment is worn by a worker if the equipment is the means by which the worker's exposure to a hazard is to be controlled under regulation 21.
- (2) Personal protective equipment worn under subregulation (1) is to be such that, when used correctly, the health and safety of the worker is not at risk because of the hazard.

62 Use, maintenance and replacement of personal protective equipment

An employer who provides a worker with personal protective equipment under regulation 61 must ensure that:

- (a) the worker is instructed in the correct fitting, use and maintenance of the equipment;

- (b) the worker is provided with information on the limitations of the use of the equipment;
- (c) the equipment is maintained in good working order; and
- (d) the equipment is replaced when it:
 - (i) no longer provides the level of protection required under regulation 61;
 - (ii) has exceeded its working life as specified by the manufacturer; or
 - (iii) is damaged.

63 Areas to be signposted

An employer must ensure that an area at a workplace where personal protective equipment is required to be worn is identified in accordance with AS 1319.

64 Duties of workers using personal protective equipment

- (1) A worker provided with personal protective equipment under regulation 61:
 - (a) must wear the equipment at all times and in all areas as required by the worker's employer; and
 - (b) must not wilfully damage or misuse the equipment.
- (2) If personal protective equipment provided to a worker under regulation 61 is damaged or does not function as intended, the worker must notify his or her employer immediately on becoming aware of the damage or defect.

65 Head protection

If a worker may be exposed to a hazard at a workplace that may pose a risk of head injury, the employer must provide the worker:

- (a) with head protection complying with AS 1801; or
- (b) if head protection referred to in paragraph (a) may not protect the worker from the risk of head injury – with other head protection that will protect the worker.

66 Eye protection

If a worker may be exposed to a hazard at a workplace which may pose a risk of eye injury, the employer must provide the worker:

- (a) with eye protection complying with AS 1337 or AS 1338; or
- (b) if eye protection referred to in paragraph (a) may not protect the worker from the risk of eye injury – with other eye protection that will protect the worker.

67 Hearing protection

If a worker may be exposed at a workplace to a noise level exceeding that allowed in regulation 39, the employer must provide the worker with hearing protection equipment complying with AS 1270.

68 Respiratory protection

- (1) If a worker may be exposed at a workplace:
 - (a) to a concentration of airborne contaminants that may:
 - (i) pose a risk to the health and safety of the worker; or
 - (ii) produce unsafe working conditions at the workplace; or
 - (b) to an atmosphere containing less than 18% oxygen,

the employer must provide the worker with respiratory protective equipment complying with AS 1716 if no other means of controlling the worker's exposure is practicable.
- (2) An employer who provides supplied air respiratory protection equipment under subregulation (1) must ensure that the quality of air supplied in the equipment, and the equipment used to provide the air, complies with AS 1715 and AS 1716.

69 Hand protection

If a worker may be exposed at a workplace to a hazard that may pose a risk of hand injury, the employer must provide the worker with hand protection that will protect the worker from the risk.

70 Foot protection

If a worker may be exposed at a workplace to a hazard that may pose a risk of foot injury, the employer must ensure that foot protection is worn by the worker that is appropriate for the work being performed and, if appropriate, complies with AS 2210.

71 Protective clothing

If a worker may be exposed at a workplace to a hazard that may pose a risk to the health and safety of the worker if the hazard were to come in contact with the worker's skin, the employer must ensure suitable protective clothing is worn by the worker.

72 Safety belts and anchorages

- (1) If a worker at a workplace is required to perform work on a part of a building or structure where there is a risk to the health and safety of the worker if the worker were to fall from the building or structure, the employer must provide a safety belt, harness and lanyard complying with AS 1891, and a safe anchorage to which the safety belt can be attached, if no other means of protecting the worker is practicable.
- (2) If cleaning or maintenance work on a building or structure is performed by a worker using equipment referred to in subregulation (1), the employer must ensure that the building or structure has safety belt anchorages complying with BS 5845 fixed permanently to it.
- (3) Safety belt anchorages referred to in subregulation (2) are to be positioned on a building or structure so that a worker is able to attach a lifeline or safety belt to an anchorage before proceeding to a position where the worker may fall.
- (4) If it is not practicable, due to the nature of the work to be performed, for an employer to comply with this regulation, a worker may perform the work without the equipment required by this regulation if the worker is competent to perform the work.

73 Flotation devices

An employer must provide flotation devices at a workplace for use by a worker if there is a risk that the worker may be injured or drown if the worker were to fall into water situated on or adjacent to the workplace.

Part 7 Plant**74 Design of plant**

- (1) Plant is to be designed according to the requirements of these Regulations and, if applicable, the relevant standards specified in Schedule 9.

- (2) A designer of plant must ensure that a manufacturer of the plant is provided with information in respect of the plant in accordance with the design specifications and, as far as practicable, relating to the following:
- (a) the purpose for which the plant is designed;
 - (b) testing or inspections to be carried out on the plant;
 - (c) installation, commissioning, operation, maintenance, cleaning, transport, storage and, if the plant is capable of being dismantled, dismantling of the plant;
 - (d) systems of work necessary for the safe use of the plant;
 - (e) knowledge, training or skill necessary for persons undertaking inspection and testing of the plant;
 - (f) emergency procedures.

75 Manufacture of plant

- (1) Plant is to be manufactured, inspected and, if required, tested according to the requirements of these Regulations and, if applicable, the relevant standards specified in Schedule 9 and having regard to the design specifications.
- (2) A manufacturer of plant must ensure that a supplier of the plant is provided with the information provided by the designer to the manufacturer in accordance with regulation 74 and all documents relating to the testing of the plant.

76 Importation and supply of plant

- (1) A supplier of plant must ensure that:
- (a) if the plant is under the management and control of the supplier – risks to health and safety from the plant are minimised; and
 - (b) if the plant is not under the management and control of the supplier – all faults, as far as practicable, are identified and the purchaser or owner is advised of those faults in writing before the plant is supplied and, as appropriate, that the plant is not to be used until the faults are rectified.

- (2) A supplier of plant must ensure that, in respect of new plant, the purchaser or owner is provided with:
 - (a) health and safety information provided to the supplier by the manufacturer; and
 - (b) if applicable, any available information, data or certificate specified by the relevant standards in Schedule 9.
- (3) An importer or supplier of plant must ensure that, in respect of used plant, the purchaser or owner is provided with relevant health and safety information provided by the designer and manufacturer that is available and any additional available information required to enable the plant to be used safely.
- (4) Despite subregulation (3), if applicable, a supplier must, in respect of used plant, provide the purchaser or owner with any available record kept by the previous owner of the plant and any available information, data or certificate specified by the relevant standards in Schedule 9.
- (5) An importer or supplier of plant that is to be used for the purpose of scrap or spare parts must advise the purchaser or owner either in writing or by marking the plant, before the plant is supplied, that the plant in its current form is not to be placed in service but is to be used only as scrap or for spare parts.

77 Erection, installation and commissioning of plant

- (1) Plant is to be erected, installed or commissioned at a workplace so that risks to health and safety arising during the erection, installation or commissioning are minimised.
- (2) Without limiting subregulation (1), the erection or installation of plant is to be performed:
 - (a) having regard to the instructions of the designer and manufacturer, or to instructions developed by a competent person, in so far as they relate to health and safety;
 - (b) by a competent person who is provided with the information that is necessary to enable the plant to be erected, installed or commissioned so as to minimise risks to health and safety;
 - (c) so that the plant is installed or erected in a location that is suitable for the operation being undertaken and the type of plant being used;

- (d) so that there is sufficient clear space around the plant to allow the plant to be used and repaired so as to minimise risks to health and safety;
- (e) so that proper layout of the workplace and safe access and egress is provided;
- (f) so that plant that is designed to be operated in a fixed position is positioned on and, if necessary, fixed to a secure base in order to prevent inadvertent movement when power is applied or while the plant is in operation;
- (g) so that during testing and start-up, if the final means of safeguarding are not in place, interim safeguards are used; and
- (h) so that, as far as can be determined by commissioning, the plant can be transferred into active service.

78 Use of plant

- (1) An employer must ensure that plant used at a workplace, so far as is practicable, does not pose a risk to the health and safety of a worker or any other person.
- (2) Without limiting subregulation (1), an employer must ensure that:
 - (a) plant is operated having regard to the manufacturer's instructions;
 - (b) plant is operated only by persons who have received adequate information and training and who are supervised to the extent necessary to minimise risks to health and safety;
 - (c) if the function or condition of plant is impaired or damaged to the extent that it presents an immediate risk to health and safety, the plant is withdrawn from use until the risk is controlled or the plant is repaired in accordance with regulation 80;
 - (d) plant is used only for the purpose for which it was designed unless a competent person has assessed that the change in use does not present an increased risk to health and safety;
 - (e) plant is subject to the checks, tests, inspections, maintenance and cleaning by a competent person that are necessary to minimise risks to health and safety;

- (f) measures are provided to prevent, as far as practicable, unauthorised interference with or alteration or use of plant that is capable of making the plant a risk to health and safety;
- (g) a person is not allowed to work between the fixed and traversing parts of plant if there is a risk to health and safety;
- (h) if safety features or warning devices are incorporated into plant, they are used as intended; and
- (i) all safety features and warning devices of plant are maintained and tested.

79 Inspection, maintenance and cleaning of plant

- (1) If plant is inspected, maintained or cleaned:
 - (a) facilities and systems of work are to be provided and maintained that minimise risks to the health and safety of persons maintaining, inspecting, repairing or cleaning the plant;
 - (b) the inspections, maintenance and cleaning are to be performed having regard to procedures recommended by the designer and manufacturer, or those developed by a competent person; and
 - (c) the plant is to be stopped if access is required and one or a combination of the following is to be used to minimise risks to health and safety:
 - (i) lockout or isolation devices;
 - (ii) danger tags;
 - (iii) permit to work systems;
 - (iv) other control measures.
- (2) If it is not practicable to perform cleaning or maintenance with plant stopped as required by subregulation (1)(c), operational controls that permit controlled movement of the plant are to be fitted and safe systems of work are to be used.
- (3) Despite subregulation (1), if plant is hired or leased, the owner must ensure that:
 - (a) the plant is inspected between hirings or leaseings so as to minimise risks to health and safety;

- (b) an assessment is carried out to determine the need for testing plant to check whether new or increased risks to health and safety have developed and the frequency of such testing; and
- (c) the testing identified in paragraph (b) is carried out and recorded and those records are maintained for the operating life of the plant.

80 Repair of plant

If plant has been damaged to the extent that its function or condition is impaired so as to increase risks to health and safety:

- (a) the damage is to be assessed by a competent person to determine:
 - (i) the nature of the damage; and
 - (ii) whether the plant is able to be repaired and, if so, what repairs are required to minimise risks to health and safety;
- (b) the repairs and the inspection and, if necessary, testing of the plant are to be performed by competent persons; and
- (c) the repairs are to be performed so as to retain the plant within its design limits.

81 Alteration of plant

If plant is altered:

- (a) the design of the alteration is to be such that the risk to health and safety from the alteration is minimised;
- (b) if applicable, the design of the alteration is to be according to the relevant standard specified in Schedule 9; and
- (c) it is to be altered, inspected and tested by a competent person, having regard to the design specifications for the altered design, before being returned to service.

82 Dismantling, storage and disposal of plant

(1) If plant is dismantled:

- (a) the dismantling is to be performed by a competent person; and

- (b) if available, information provided by the designer and manufacturer relevant to dismantling is to be made available to the competent person.
- (2) If plant (including plant that is dismantled) is to be stored, the storage is to be performed by a competent person.
- (3) If plant containing materials or substances that present a risk to health and safety is to be disposed of, the disposal is to be performed by a competent person.

83 Record keeping

- (1) An employer or owner must, while plant is operable and under his or her control, make and keep records of tests, maintenance, inspections, commissionings and alterations of the plant.
- (2) Records relating to health and safety are to be transferred to the purchaser on the sale of plant unless the plant is sold for scrap or as spare parts for other plant.

84 Provision of information

An owner of plant must ensure that, if available, relevant health and safety information is provided to persons involved in the erection, installation, commissioning, use, testing, maintenance, cleaning, de-commissioning, dismantling or disposal of the plant.

Part 8 Designated plant

Division 1 Design verification and registration of designated plant

85 Design of designated plant to be verified and registered

- (1) Designated plant is not to be installed or used at a workplace unless:
 - (a) the design of the plant has been verified by a design verifier; and
 - (b) the design of the plant is registered under the *Workplace Health and Safety Regulations* or under a law of the Commonwealth, a State or another Territory of the Commonwealth relating to occupational health and safety.

- (2) For the purposes of this Part:
- (a) a design verifier must not verify the design of plant if the design verifier has been involved in the design of the plant; and
 - (b) the designer and design verifier of plant are not to be employed or engaged by the same person unless the person uses a quality system to undertake the design of items of plant and the system has been certified by a body accredited or approved by the Joint Accreditation System of Australia and New Zealand (commonly known as "JAS-ANZ").

Division 2 Registration and inspection of items of designated plant

86 Definition

In this Division, **designated plant** means plant specified in Part 2 of Schedule 1.

87 Items of designated plant to be registered

- (1) A person having the control or management of any plant specified in Part 2 of Schedule 1 must not use the plant at a workplace or permit or cause it to be used at a workplace unless it is registered.
- (2) If an item of plant, other than that of the normally fixed type, is registered under a law of the Commonwealth or of a State or another Territory of the Commonwealth relating to occupational health and safety, the plant is to be taken to be registered for the purposes of this Part.

88 Certificate of inspection required

- (1) Designated plant is not to be used at a workplace unless a certificate of inspection is in force in respect of the plant.
- (2) Subregulation (1) does not apply to the testing or commissioning of designated plant before being used at a workplace.

89 Inspection of designated plant

- (1) An owner of designated plant must ensure that it is inspected by an inspector of designated plant:
 - (a) before it is first used at a workplace;
 - (b) after repairs, alterations or additions are made to a load bearing part of the plant; and

- (c) at intervals as specified by:
 - (i) a standard specified in these Regulations;
 - (ii) the manufacturer of the designated plant; or
 - (iii) the Work Health Authority.
- (2) If, following an inspection under subregulation (1), an inspector of designated plant:
 - (a) is satisfied that the plant complies with these Regulations, the inspector must:
 - (i) not later than 14 days after the date of the inspection, issue to the owner of the plant a certificate of inspection; and
 - (ii) if the plant is registered – not later than 28 days after the date of the inspection, notify the Work Health Authority and provide the Authority with the details of the inspection that the Authority requires; or
 - (b) is not satisfied that the plant complies with these Regulations – the inspector must notify the owner in writing of the reasons why the plant does not comply.
- (3) An inspector of designated plant to whom subregulation (1)(a) applies must, in the manner approved by the Work Health Authority, legibly mark on the plant the identification number allocated to the plant under regulation 95 of the *Workplace Health and Safety Regulations*.
- (4) If an inspection under subregulation (1) is carried out by the Work Health Authority, it may require the owner of the designated plant to pay to the Authority the costs of and incidental to the carrying out of the inspection.
- (5) A person must not knowingly conceal from an inspector of designated plant carrying out an inspection under this regulation any defect in, defective controls or fittings of, or any damage to, the plant.
- (6) An owner of designated plant aggrieved by a decision of an inspector of designated plant (other than the Work Health Authority) not to issue a certificate of inspection may apply to the Authority for the issue of a certificate of inspection.

90 Certificate of inspection

A certificate of inspection is to be in the form approved by the Work Health Authority and remains in force for the period specified in the certificate.

91 Cancellation of certificate of inspection

- (1) A certificate of inspection is, by force of this regulation, cancelled if there is:
 - (a) a change to the plant that results in the plant no longer complying to the design to which it was manufactured;
 - (b) in the case of normally fixed plant – a change of location at which the plant is used; or
 - (c) a change in the condition of the plant such that it cannot be operated, or cannot be repaired to enable it to operate, to the standard to which it was designed.
- (2) The Work Health Authority may, on the grounds of safety, by notice served on the owner of designated plant in respect of which a certificate of inspection is in force, cancel the certificate of inspection.
- (3) If a certificate of inspection is cancelled under subregulation (2), the owner of the designated plant must, not later than 7 days after notice of the cancellation or suspension is served on the owner, deliver the certificate to the Work Health Authority.

92 Identification marks to be maintained

An owner of designated plant must ensure that the identification number allocated under regulation 95 of the *Workplace Health and Safety Regulations*, if the plant is registered, and all other identification or inspection marks on the plant are kept clean and distinct at all times.

93 Repair and maintenance of designated plant

If repairs are to be performed on a load bearing part of designated plant, the owner of the plant must ensure that:

- (a) an inspector is notified before the repairs are performed;
- (b) the repairs are performed in a manner approved by the manufacturer of the plant or a competent person; and

- (c) the plant is inspected by an inspector of designated plant after the repairs have been performed and before the plant is used.

94 Record to be kept

- (1) An owner of designated plant must ensure that a record is kept containing:
 - (a) the data and operating instructions for the plant as provided by the manufacturer of the plant;
 - (b) if applicable, the certificate of registration of the plant issued under regulation 95 of the *Workplace Health and Safety Regulations*;
 - (c) details of all inspections carried out on the plant;
 - (d) copies of all the certificates of inspection issued following the inspection of the plant; and
 - (e) details of all repairs and maintenance to the plant, including:
 - (i) the date when repairs or maintenance were performed;
 - (ii) details of the repairs or maintenance performed; and
 - (iii) details of the person who performed the repairs or maintenance; and
 - (f) if the repair is of a nature that requires a design verification to be undertaken – details of the design registration.
- (2) The record referred to in subregulation (1) is to be kept while the designated plant to which it relates continues to be used at a workplace.
- (3) If an owner of designated plant sells or disposes of the plant to another person, the owner must deliver to the person, at the time of the sale or disposal, the record of the plant kept under subregulation (1).

Part 9 Specific requirements for controlling risks from plant

Division 1 Plant under pressure

95 Application

This Division does not apply to pressure equipment that:

- (a) forms part of a ship or aircraft; or
- (b) is a pipeline used for the transmission of gas, water, sewerage or a petroleum product.

96 Plant under pressure

- (1) Pressure equipment covered by AS 1200 (other than gas cylinders) that is in use is to be inspected, operated and maintained in accordance with AS 3788, AS 3873 or, where applicable, AS 2593 or the Australian Miniature Boiler Safety Committee Code.
- (2) Gas cylinders are to comply with and are to be inspected and maintained in accordance with AS 2030.
- (3) A person operating a gas cylinder test station must ensure that when gas cylinders are presented for inspection and testing they are inspected and tested in accordance with AS 2030 and AS 2337.
- (4) A person operating a gas cylinder filling station must ensure that when gas cylinders are presented for filling:
 - (a) only those that bear a current inspection mark in accordance with AS 2030 and are in a good condition are filled;
 - (b) the filling is in accordance with AS 2030; and
 - (c) the fluid to be introduced into the gas cylinders is compatible with the cylinders.

Division 2 Plant designed to lift or move

97 Plant designed to lift or move persons, equipment or materials

- (1) Plant designed to lift or move persons, equipment or materials is to be used so that:
 - (a) as far as practicable, a load is not suspended over or does not travel over a person; and

- (b) a person is not lifted or suspended by the plant or its attachment (other than plant specifically designed for the lifting or suspending of persons) unless:
 - (i) the use of another method is impracticable;
 - (ii) a suitable and adequate work box or carrier designed for the purpose is used and securely attached to the plant;
 - (iii) if practicable, the plant is fitted with a means by which the work box or carrier may be safely lowered in the event of an emergency or the failure of the power supply;
 - (iv) the plant is suitably stabilised at all times while the work box or carrier is in use;
 - (v) a suitable safety belt or harness complying with AS 1891, securely attached to a suitable point, is provided to and worn by all persons in a suspended work box or carrier except where the box or carrier is fully enclosed; and
 - (vi) in the case of a crane – it has drive-up and drive-down controls on both the hoisting and luffing motions and these controls are used.
- (2) Plant is not to be used to lift or move a load which may become unstable unless the load is appropriately restrained.
- (3) A crane, hoist or building maintenance unit is to be operated and maintained in accordance with AS 2550 and AS 1418 and having regard to the instructions of the designer and manufacturer or those developed by a competent person.
- (4) Plant other than a crane or hoist is not to be used to suspend a load except where the use of a crane or hoist is impracticable and:
 - (a) the load is only travelled with the lifting arm of the plant fully retracted;
 - (b) stabilisers are provided and used wherever necessary in order to achieve stability of the plant;
 - (c) no person is permitted under the suspended load;
 - (d) a welded lug is provided on the plant as the lifting point;
 - (e) if buckets operated by trip-type catches are used for lifting – the catch is bolted or otherwise positively engaged;

- (f) an appropriate load chart is provided and all lifting is performed within the safe working load limits of the plant;
 - (g) safe working load limits are displayed on the plant; and
 - (h) loads are lifted only by using attachments suitable to the task to be performed.
- (5) As far as practicable, a load is not to be simultaneously lifted by more than one item of plant.
- (6) An industrial lift truck is to be:
- (a) fitted with warning devices that are appropriate to effectively warn persons who are at risk from the movement of the industrial lift truck;
 - (b) used in a way that minimises the exposure of the operator to risks arising from work practices or systems and the particular environment in which the industrial lift truck is used; and
 - (c) equipped with appropriate lifting attachments specifically designed for the load to be lifted or moved.
- (7) A person must not ride on an industrial lift truck or tractor as a passenger unless the person is seated in a seat that is:
- (a) specifically designed for carrying a passenger;
 - (b) fitted with appropriate seat restraints; and
 - (c) located within the zone of protection afforded by the operator protective devices on the truck or tractor.

98 Lifting gear

- (1) Lifting gear at a workplace is to comply with the standards specified in Schedule 10.
- (2) Lifting gear is not to be used at a workplace to lift a load greater than its safe working load for the particular configuration in which it is being used.

99 Repairs and maintenance

An owner of a crane or hoist at a workplace must ensure that repairs and maintenance are performed on it in accordance with the appropriate standards specified in Schedule 9.

Division 3 Lifts, escalators and moving walks

100 Lifts, escalators and moving walks

- (1) A lift, escalator or moving walk at a workplace is to be installed, inspected and tested in accordance with AS 1735 and having regard to the instructions of the designer and manufacturer.
- (2) If a worker is required to work in a lift well and his or her health and safety is at risk if he or she were to fall or if objects were to fall on him or her, or from the movement of the lift car, the employer must provide protection of the worker including:
 - (a) a safe working platform;
 - (b) adequate protection decking; and
 - (c) suitable access to the lift well, safe working platform and protection decking.

101 Maintenance of control measures

- (1) An owner of a lift, escalator or moving walk at a workplace must ensure that:
 - (a) machine rooms, wells and pits are kept clean and free of rubbish, dirt, dust or impediments;
 - (b) pits are kept dry; and
 - (c) all parts of the lift, escalator or moving walk are maintained in a safe working condition and are correctly adjusted.
- (2) An owner of a lift at a workplace must ensure, after the installation of new ropes and before the lift commences to be operated, that the Minister is provided with a copy of the rope certificate relating to the ropes used on the lift, as provided by the manufacturer of the rope.
- (3) A copy of the rope certificate referred to in subregulation (2) is to be kept in the record for the lift.

102 Provision of information

An owner of a lift must ensure that there is affixed, in a conspicuous place in the car of the lift:

- (a) a notice stating:
 - (i) the maximum load carrying capacity of the lift;

- (ii) the identification number of the lift allocated under regulation 95 of the *Workplace Health and Safety Regulations*;
 - (iii) the name, address and telephone number of a person who may be contacted in the event of stoppage of, or accident involving, the lift; and
 - (iv) the name of the owner of the lift; and
- (b) a sign prohibiting smoking in the lift.

103 Use

- (1) A person (other than a person competent to work on a lift) must not operate the lift except:
 - (a) from within the car of the lift;
 - (b) by a floor control switch; or
 - (c) from a security panel.
- (2) A person (other than a person competent to work on a lift) must not ride in a service lift or a lift not specifically designed for the carriage of persons.
- (3) A person must not smoke or carry a lighted pipe, cigar, cigarette or naked flame inside the car of a lift.

Division 4 Powered mobile plant

104 Powered mobile plant

- (1) Powered mobile plant is to be used so as to minimise the risk of overturning or of an object falling on the operator.
- (2) If there is a risk of:
 - (a) powered mobile plant overturning;
 - (b) an object falling on the operator of powered mobile plant; or
 - (c) the operator being ejected from the seat of powered mobile plant,

operator protective devices are, as far as is practicable, to be provided, maintained and, as appropriate, used.

- (3) Controls are to be implemented to eliminate or minimise the risk of powered mobile plant colliding with pedestrians or other powered mobile plant.
- (4) A protective structure that is fitted to powered mobile plant is, subject to subregulation (5), to comply with AS 1636 or AS 2294.
- (5) A protective structure that does not comply with subregulation (4) may be fitted to powered mobile plant if the structure is designed by a suitably qualified engineer in accordance with the following:
 - (a) the performance requirements of AS 2294 are used as design criteria;
 - (b) where the engineer is satisfied deformation testing is not required, calculated deformations are substituted;
 - (c) the protective structure is identified with the information required by AS 2294, as appropriate.
- (6) An employer must ensure that powered mobile plant is fitted with appropriate seat restraints if:
 - (a) attaching points for the seat restraints have been incorporated in the original design of the powered mobile plant; or
 - (b) the powered mobile plant is fitted with a rollover protective structure or a falling object protective structure.

Division 5 Plant with hot or cold parts

105 Plant with hot or cold parts

If there is a risk to health and safety arising from plant with hot or cold parts, the following apply:

- (a) if workers are exposed to hot or cold plant – the exposure is to be monitored and appropriately managed to minimise risks to health and safety;
- (b) if molten metal is transported – arrangements are to be made to prevent access to any part of the transport route while the metal is being transported;
- (c) pipes and other parts associated with the plant are to be adequately guarded or insulated so as to minimise risks to health and safety.

Division 6 Plant with moving parts

106 Plant with moving parts

If there is a risk to health and safety arising from moving parts of plant:

- (a) cleaning, maintenance and repair of the plant is not to be performed while it is operating unless there is no practicable alternative approach; and
- (b) if guarding of moving parts does not completely eliminate the risk of entanglement – a person is not permitted to operate or pass in close proximity to the plant unless a safe system of work is introduced to minimise the risk of entanglement.

Division 7 Electrical plant and plant exposed to electrical hazards

107 Electrical plant and plant exposed to electrical hazards

- (1) If electrical plant is damaged resulting in an electrical hazard or plant is exposed to an electrical hazard:
 - (a) the plant is to be disconnected from the electricity supply and is not to be used until the damaged part is repaired or replaced;
 - (b) the plant is not to be used under conditions likely to give rise to the electrical hazard; and
 - (c) if the plant has been isolated but not physically disconnected from the electrical supply – a permit to work system is to be provided to avoid inadvertently energising the plant.
- (2) If excavations are to be carried out, all available information relating to the position of underground electrical cables within the area where the excavation is to be carried out is to be obtained.

Division 8 Industrial robots and other remotely or automatically energised equipment

108 Industrial robots and other remotely or automatically energised equipment

- (1) If industrial robots or other remotely or automatically energised equipment are used at a workplace, a worker is not permitted to work in the immediate vicinity of an item of plant which could start without warning and cause a risk to health and safety unless

appropriate controls and systems of work are put in place.

- (2) If an industrial robot at a workplace can be remotely or automatically energised and that could lead to a risk to health and safety, access to the immediate area around the robot is to be controlled at all times by a permit to work system and:
 - (a) positive isolation;
 - (b) the provision of interlocked guards; or
 - (c) a presence sensing device.

Division 9 Compressed air nailing tools

109 Design and manufacture

A compressed air nailing tool at a workplace is to be designed and manufactured so that the tool is not able to be discharged by the application of a force less than 50 Newtons or 1.5 times the mass of the tool, whichever is the greater.

110 Use

A person must not use a compressed air nailing tool at a workplace:

- (a) in a manner that may cause a nail to fly free; or
- (b) unless a sign clearly and legibly marked with the words "CAUTION – NAILING TOOL IN USE" is displayed at or near the place where the tool is being used.

Division 10 Lasers

111 Lasers

- (1) A laser or laser product is not to be operated at a workplace unless it has been classified and labelled in accordance with AS 2211.
- (2) A Class 3B or Class 4 laser or laser product, as defined in AS 2211, is not to be used in construction work.

Division 11 Scaffolding

112 Scaffolding, access platforms and working platforms

- (1) Scaffolding, access platforms and working platforms at a workplace are to be designed, manufactured, supplied, erected, used and dismantled in accordance with AS 1576.

- (2) Planks used with scaffolding at a workplace are to comply with AS 1577.
- (3) Scaffolding at a workplace is to be inspected by a competent person:
 - (a) on erection or installation and before it is first used to ensure it is in a safe condition; and
 - (b) at regular intervals while it is being used to ensure it remains in a safe condition.

Part 10 Construction work

Division 1 General

113 Overloading

At a workplace, a load is not to be placed on a part of a building or structure that is being constructed that exceeds the safe loading of the part as specified in the design of the building or structure.

114 Crane landing platforms

- (1) A crane landing platform is not to be erected at a workplace unless it has been designed by a competent person and the design submitted to the Minister.
- (2) The safe working load of a crane landing platform at a workplace is to be:
 - (a) determined before the platform is used; and
 - (b) clearly and legibly marked on the platform.
- (3) A crane landing platform at a workplace is to:
 - (a) be erected to carry the safe working load of the platform as determined under subregulation (2); and
 - (b) have hinged gates that open inwards.
- (4) The gates referred to in subregulation (3)(b) are to be kept closed, whenever practicable.

115 Fencing of construction work

- (1) Before construction work at a workplace is commenced, fencing is to be erected around the work area in accordance with this regulation.
- (2) Fencing is to be erected at a workplace where a person other than a worker performing the construction work may have access to:
 - (a) the area where the construction work is to be performed; or
 - (b) an area adjacent to the area where the construction work is to be performed,if there is a risk to the health and safety of the person from the construction work.
- (3) Fencing referred to in subregulation (1) is to:
 - (a) be designed, erected and maintained to be self supporting under normal conditions;
 - (b) provide sufficient protection taking into account the location and nature of the construction work; and
 - (c) withstand normal loading requirements placed on it having regard to the construction work to be performed.
- (4) Fencing required by subregulation (1) is to be kept in place until the construction work is completed.

116 Prevention of fall of material

- (1) If there is a reasonable likelihood that a person could be injured by the fall of an object or material at a workplace, measures are to be put in place to prevent the fall of the object or material or the person being injured by the fall of the object or material.
- (2) Despite subregulation (1), a gantry is to be erected over an area where a person (other than a worker performing construction work) has access, if the health and safety of the person may be at risk if an object or material:
 - (a) used in the construction work; or
 - (b) being lifted by a crane for use in the construction work,were to fall into the area.

- (3) In addition to subregulation (2), if a load is to be raised, lowered or otherwise moved by a crane over part of a road, measures are to be taken to prevent a person or vehicle entering that part of the road while the load is being raised, lowered or moved.
- (4) Gantries referred to in subregulation (2) are to be designed, erected and maintained to be self supporting under normal conditions and to withstand normal loading requirements placed on them, having regard to the construction work to be performed.
- (5) Measures under subregulation (3) may include the use of warning signs, flashing lights, barriers and flagmen, as is appropriate, given the nature of the load and the need to cause a minimum of disruption to persons and traffic on the road.
- (6) Gantries are to be kept in place until the need for overhead protection no longer exists.

117 Formwork

- (1) The design, construction, use and dismantling of formwork used in construction work is to comply with AS 3610.
- (2) If formwork is installed at a workplace, material is to be placed around the formwork to contain, or deflect into the workplace, any objects that may emanate from the formwork.

Division 2 Erection and alteration of buildings and structures

118 Flooring

If a skeletal steel building or structure is being constructed, temporary flooring is to be provided to a tier of beams on which work is being performed as soon as practicable after the work commences.

119 Stairs

- (1) Stairs are to be installed to a floor on which work is being performed in a building or structure under construction as soon as practicable after work commences on the floor.
- (2) If temporary stairs are installed in a building or structure under subregulation (1), they are not to be removed until permanent stairs are installed in the building or structure.

120 Precautions for prestressing and poststressing operations

- (1) If a stressing jack is used in prestressing or poststressing operations during construction work, the stressing jack is to be restrained so that, in the event of it becoming dislodged from an anchorage point, it cannot move into free flight.
- (2) If a worker operating stressing equipment is supported by scaffolding, the working platform on the scaffolding is to be large enough to permit the worker to have free access around the equipment.
- (3) The area surrounding the anchorages used in prestressing and poststressing operations is to be guarded during those operations.

121 Bricks

Bricks or blocks at a workplace to be used in construction work:

- (a) are to be stored not more than 2 pallets high if they are stored on pallets; and
- (b) are to be raised, lowered or moved by a method where the bricks or blocks are not able to be dislodged while being raised, lowered or moved.

Division 3 Excavations, earthworks, caissons and cofferdams

122 Shoring

- (1) Shoring is to be provided at a workplace:
 - (a) if an excavation or earthwork is being performed and there is a risk to the health and safety of a person from the fall or dislodgement of earth, rock or other material that forms the side of the excavation or earthwork or is adjacent to the excavation or earthwork; or
 - (b) if a worker is required to work in an excavation or opening in the ground that is 1.5 metres or more in depth.
- (2) Shoring provided under subregulation (1) is to be of a standard that will prevent the collapse of the excavation or the movement of the earthwork.
- (3) Shoring is not required under this regulation if the sides of the excavation or earthwork are self supporting by virtue of the angle of the slope of the sides or the stability of the material that comprises the sides.

123 Access and egress

If a worker is performing work in an excavation, caisson or cofferdam, the worker's employer must ensure a means of safe access and egress is provided at all times while the worker is performing the work.

124 Positioning of equipment and material

Equipment or excavated material is not to be placed near the edge of an excavation, caisson or cofferdam at a workplace if there is a likelihood of:

- (a) the collapse of a side of; or
 - (b) material falling into,
- the excavation, caisson or cofferdam.

125 Prevention of collapse of structures etc.

Excavation work or earthwork at a workplace that is likely to endanger the stability of a building, structure, road or way is not to be commenced or continued unless sheet piling, shoring, bracing, guying or other means of ensuring the stability of the building, structure, road or way, or any part thereof, is provided and used.

126 Caissons and cofferdams

- (1) If a caisson or cofferdam is used at a workplace, it is to be secured in position to prevent its movement in a way that may pose a risk to the health and safety of workers at the workplace.
- (2) If a worker is working in a caisson, the employer of the worker must provide a safety line to the worker.

Division 4 Demolition work

127 Demolition work

The demolition of a building or structure is to be performed in such a way that the risk to the health and safety of a person who may be affected by the work is minimised.

128 Asbestos in buildings or structures

Before a building or structure is demolished the person performing the demolition must:

- (a) examine the building or structure to determine whether asbestos is present in the building or structure; and
- (b) if asbestos is present – ensure that it is removed in accordance with these Regulations.

129 Explosive demolition

The demolition of a building or structure by the use of explosives is not to be performed without the written approval of the Minister.

Part 11 Specific work processes

Division 1 Abrasive blasting

130 Blasting equipment

- (1) Abrasive blasting equipment used at a workplace is to have:
 - (a) a positive fast acting mechanism or system to prevent the flow of abrasive material and air when the mechanism or system is activated or the abrasive blasting nozzle is released in an emergency;
 - (b) hose whip checks or hose coupling safety locks, or both;
 - (c) in the case of dry abrasive blasting – an efficient means for discharging static electrical charge from the abrasive blasting nozzle; and
 - (d) in the case of wet abrasive blasting – a water flow rate sufficient to prevent dust being generated.
- (2) A mechanism or system referred to in subregulation (1)(a) is to be under the direct control of the person operating the abrasive blasting equipment.

131 Blasting chamber or enclosure

A blasting chamber or blasting enclosure used for abrasive blasting at a workplace:

- (a) is to be designed to:
 - (i) prevent the escape of dust into the workplace surrounding the chamber or enclosure; and
 - (ii) provide protection to a worker performing abrasive blasting so that the health and safety of the worker is not at risk; and
- (b) is to be constructed of hard wearing non-combustible material.

132 Blasting outside blasting chamber or enclosure

- (1) If abrasive blasting is performed at a workplace otherwise than in a blasting enclosure or blasting chamber, it is to be performed in a way that dust from the process:
 - (a) does not cause a risk to the health and safety of a person at the workplace; and
 - (b) is contained in an area that will substantially reduce the incidence of airborne dust in the workplace.
- (2) If abrasive blasting at a workplace is performed near a public place, the employer of the worker performing the blasting must ensure that means are provided to prevent abrasive overspray into, and the general pollution of the air in, the public place.
- (3) If abrasive blasting is performed at a workplace otherwise than in a blasting chamber or blasting enclosure, the employer of the worker performing the blasting must ensure that any residue is cleaned from all surfaces as soon as practicable after the blasting ceases.

133 Protective equipment

The employer of a worker performing abrasive blasting at a workplace must provide the worker with:

- (a) an airline respirator of the hood or helmet type, complying with AS 1716, fitted with an inner bib and a shoulder cape, jacket or protective suit; and
- (b) skin and foot protection to the extent that such protection is not provided by the equipment referred to in paragraph (a).

Division 2 Asbestos

134 Prohibited processes

Compressed air, dry brushing or dry sweeping is not to be used in work involving the use or handling of asbestos or a substance containing asbestos.

135 Control of airborne asbestos

If as a result of work being performed asbestos dust may be given off, the work is to be performed in a way that minimises:

- (a) the release of the asbestos dust to the atmosphere; and
- (b) the exposure of persons to the asbestos dust.

136 Control of exposure to asbestos dust

- (1) If asbestos dust may be given off during the course of work being performed at a workplace, an employer must ensure that exhaust ventilation equipment that will prevent the dust being released into the air is provided, maintained and used.
- (2) If it is not practicable to comply with subregulation (1), an employer must provide:
 - (a) effective screening to isolate the area where the work is being performed; and
 - (b) respiratory protective equipment and protective clothing to a worker performing the work and to workers in a part of the workplace into which asbestos dust from the work may escape.
- (3) Exhaust ventilation equipment provided under subregulation (1) is to be kept in use while plant used in connection with a process or work to which this Division applies is being repaired or maintained.
- (4) If ventilation equipment referred to subregulation (1) is provided, an employer must ensure that:
 - (a) it is inspected and tested at regular intervals by a competent person to ensure its effective operation; and
 - (b) the results of an inspection or test performed under paragraph (a) are recorded and kept for 2 years after they are recorded.

137 Cleaning

- (1) The employer of a worker at a workplace:
 - (a) where a process or work to which this Division applies is carried out or performed; or
 - (b) into which asbestos from such work is likely to escape,must ensure that all exposed surfaces at the workplace are kept clean and free of asbestos.
- (2) Cleaning under subregulation (1) is to be performed using:
 - (a) vacuum cleaning equipment complying with AS 3544; or
 - (b) a method that ensures asbestos is not discharged into the air.
- (3) An employer of a worker performing cleaning under this regulation must provide the worker with protective clothing and respiratory protective equipment.

138 Manufacture etc of asbestos products

- (1) Unless approved, a person must not carry out a process at a workplace involving:
 - (a) the manufacture of a product containing asbestos if asbestos dust is given off in the process; or
 - (b) the preparation of asbestos material for use in a product or in the manufacture of a product.
- (2) An application for approval under subregulation (1) is to be in writing and contain details of the procedures and systems to control the exposure of persons to airborne asbestos and the safe use and handling of the asbestos material.

139 Storage and disposal of asbestos

- (1) If asbestos is stored in or moved or removed from a workplace for disposal, it is to be contained in a receptacle designed to prevent the escape of the asbestos into the air.
- (2) Asbestos moved or removed from a workplace for disposal is to be disposed of by burying it at an approved site.

140 Health surveillance

- (1) An employer of a worker:
- (a) removing asbestos for which an Asbestos Removalist's licence is required; or
 - (b) engaged in a process required to be approved under regulation 138,
- must ensure that the worker undergoes health surveillance:
- (c) not later than 90 days after the date on which the worker commences the work or process;
 - (d) at intervals not longer than 3 years for so long as the worker continues to be engaged in such work or process; and
 - (e) not later than 30 days after the termination of the worker's employment unless the worker has undergone health surveillance within the previous 12 months in accordance with this regulation.
- (2) Health surveillance under subregulation (1) is to include:
- (a) an occupational history of the worker relating to asbestos;
 - (b) a clinical examination of the worker;
 - (c) a chest radiograph of the worker; and
 - (d) a lung function test of the worker.
- (3) If a worker fails to undergo health surveillance as required under this regulation the worker's employer must not knowingly permit the worker to perform work or carry out a process to which this regulation applies.

Division 3 Spray painting

141 Booth required

- (1) Spray painting is to be performed at a workplace in a booth complying with regulation 142 unless the painting:
- (a) consists of minor spotting or touching up operations; or
 - (b) is performed on any plant, item or structure that is fixed or, by reason of its shape, size or weight, cannot be readily moved or fit into a booth.

- (2) If spray painting is not performed in a booth, as allowed by subregulation (1)(a) or (b), it is to be performed so that:
- (a) there is not a risk to the health and safety of any person as a result of:
 - (i) the substance being used;
 - (ii) the vicinity of the spraying operation to ignition sources including electrical equipment and fittings; and
 - (iii) the work practices used;
 - (b) overspray into adjacent areas is eliminated or minimised; and
 - (c) a person who is exposed to the spray wears appropriate personal protective equipment.

142 Specifications for booths

A booth referred to in regulation 141 is to:

- (a) be constructed of non-combustible material that is easy to clean;
- (b) have emergency exits, consisting of a door or panel capable of being easily opened in an outward direction, permitting rapid egress, situated as far as practicable from the normal means of entry to the booth; and
- (c) be fitted with a mechanical ventilation system capable of maintaining the level of airborne contaminants within the breathing zone of the spray operator at the level specified in regulation 38.

Division 4 Underwater work

143 Underwater work

The employer of a worker who performs work underwater must ensure that:

- (a) the worker is competent to perform the work;
- (b) the worker has been examined and certified as fit for diving by a medical practitioner within 12 months before performing the work;

- (c) the diving equipment, including the air breathing apparatus, used by the worker to perform the work is safe and without risk to the health and safety of the worker;
- (d) the purity of the air used by the worker when performing the work complies with regulation 68(2);
- (e) an operations manual addressing:
 - (i) pre-diving planning;
 - (ii) preparations to be carried out at the dive site;
 - (iii) procedures to be followed during the dive; and
 - (iv) procedures to be followed out in the event of an emergency,is provided at the workplace where the work is to be performed;
- (f) when the worker is performing the work, a recompression chamber is available for use; and
- (g) a procedure for transporting the worker to the recompression chamber referred to in paragraph (f) is set out in the operations manual referred to in paragraph (e) and communicated to all workers involved in the work before the commencement of the work.

Part 12 Miscellaneous

144 Reference to certain standards

The standards specified in Schedule 11 are standards referred to in these Regulations that are in addition to those specifically referred to in any other Schedule.

145 Offences

A person who contravenes or fails to comply with these Regulations is guilty of an offence and is liable, on a finding of guilt, to a penalty not exceeding 20 penalty units.

Schedule 1 Designated plant

regulation 2(1)

Part 1 – Plant requiring registration of design

Pressure equipment other than pressure piping and categorised as hazard level A, B, C or D according to the criteria identified in AS 3920.1

Gas cylinders covered by AS 2030

Tower cranes

Mobile cranes with a safe working load greater than 10 tonnes

Gantry cranes with a safe working load greater than 5 tonnes or bridge cranes with a safe working load greater than 10 tonnes, or any gantry crane or bridge crane that is designed to handle molten metal or dangerous goods

Vehicle hoists

Boom type elevating work platforms

Building maintenance units

Hoists with a platform movement in excess of 2.4 metres, designed to lift people

Mast climbing work platforms

All lifts, escalators and moving walks

Prefabricated scaffolding

Work boxes suspended from cranes

Part 2 – Items of plant that are to be registered and inspected by an inspector of designated plant

Boilers categorised as hazard level A, B or C according to the criteria identified in AS 3920.1

Pressure vessels categorised as hazard level A, B or C according to the criteria identified in AS 3920.1, other than gas cylinders covered by AS 2030, LP gas fuel vessels for automotive use covered by AS 3509 and serially produced vessels covered by AS 2971

Tower cranes

Mobile cranes with a safe working load greater than 10 tonnes

Vehicle hoists

Building maintenance units

Truck-mounted concrete placing units with booms

All lifts, escalators and moving walks

Schedule 2 Licences

regulation 14

| Column 1 | Column 2 |
|--|--------------------------------------|
| Type of work | Type of licence |
| Pressure equipment operation | |
| Operation of a boiler with a single fixed combustion air supply, a non-modulating single heat source and fixed firing rate (other than an unattended boiler) | Basic Boiler Operation |
| Operation of a boiler with any or all of a modulating combustion air supply, superheaters and economisers (other than an unattended boiler) | Intermediate Boiler Operation |
| Operation of a boiler with any of the same features as Intermediate Boiler Operation and with multiple fuel type which may be fired simultaneously during normal operation (other than an unattended boiler) | Advanced Boiler Operation |
| Operation of a turbine with any or all of the following features: | Turbine Operation |
| (a) attached condensers | |
| (b) multi-wheeled | |
| (c) a multi-staged heat extraction process | |
| (d) a speed greater than 3600 rpm | |
| Operation of all expanding (steam) reciprocating engines with any piston diameter greater than 250mm | Reciprocating Steam Engine Operation |

| Column 1 | Column 2 |
|---|---|
| Type of work | Type of licence |
| Crane and hoist operation | |
| Operation and additionally, in the case of a crane referred to in paragraphs (a), (f), (g), (h), (i) and (j), the setting up and dismantling of any of the following: | |
| (a) tower crane | Tower Crane Operation |
| (b) derrick crane | Derrick Crane Operation |
| (c) portal boom crane | Portal Boom Crane Operation |
| (d) bridge or gantry crane (all cabin operated cranes and all remote over 3 operations) | Bridge and Gantry Crane Operation |
| (e) vehicle loading crane (capacity 10 tonne metres and above) | Vehicle Loading Crane Operation |
| (f) non-slewing mobile crane (capacity 3 tonnes and above) | Non-slewing Mobile Crane Operation |
| (g) slewing mobile crane (up to 20 tonnes) | Slewing Mobile Crane Operation (up to 20 tonnes) |
| (h) slewing mobile crane (up to 60 tonnes) | Slewing Mobile Crane Operation (up to 60 tonnes) |
| (i) slewing mobile crane (up to 100 tonnes) | Slewing Mobile Crane Operation (up to 100 tonnes) |
| (j) slewing mobile crane (open/over 100 tonnes) | Slewing Mobile Crane Operation (open) |
| (k) elevating work platform (with a boom length of 11 metres or more) | Elevating Work Platform Operation |
| (l) hoist (cantilever platform) | Hoist Operation (Cantilever Platform) |

| Column 1 | Column 2 |
|--|---|
| Type of work | Type of licence |
| (m) hoist (personnel or material) | Hoist Operation (Personnel and Materials) |
| (n) concrete placing boom | Concrete Placing Boom Operation |
| Industrial Truck Operation | |
| Operation of a forklift truck (excluding manual powered and pedestrian operated machine) | Forklift Truck Operation |
| Scaffolding | |
| Erection, alteration or dismantling, at a height greater than 4 metres, of any of the following: | Basic Scaffolding |
| (a) standing prefabricated scaffold | |
| (b) cantilevered hoist with a working load limit not exceeding 500kg (material only) | |
| (c) ropes | |
| (d) gin wheel | |
| (e) safety net and static line | |
| (f) bracket scaffold (tank and formwork) | |
| Erection, alteration or dismantling of scaffold requiring a Basic Scaffolding licence, plus work at a height greater than 4 metres or 2 lifts which would require ties including any of the following: | Intermediate Scaffolding |
| (a) prefabricated scaffold | |
| (b) cantilevered crane loading platform | |

| Column 1 | Column 2 |
|--|----------------------|
| Type of work | Type of licence |
| (c) cantilevered and spurred scaffold | |
| (d) barrow ramp and sloping platform | |
| (e) scaffolding associated with perimeter safety screens and shutters | |
| (f) mast climber | |
| (g) tube and coupler scaffold (including tube and coupler covered ways and gantries) | |
| Erection, alteration or dismantling of scaffold requiring an Intermediate Scaffolding licence, plus all other scaffolding work including any of the following: | Advanced Scaffolding |
| (a) cantilevered hoist | |
| (b) hung scaffold, including scaffold hanging from tubes, wire rope or chain | |
| (c) suspended scaffold | |
| Rigging | |
| Work requiring any of the following: | Dogging |
| (a) the application of slinging techniques and the selection and inspection of lifting gear | |
| (b) directing of crane or hoist operator in the movement of a load when the load is out of view of operator | |

| Column 1 | Column 2 |
|---|----------------------|
| Type of work | Type of licence |
| <p>Rigging work requiring a Dogging licence, plus work associated with any of the following:</p> <ul style="list-style-type: none"> (a) movement of plant or equipment (b) steel erection (c) particular hoists (d) placement of pre-cast concrete (e) safety net and static line (f) mast climber (g) perimeter safety screens and shutters (h) cantilevered crane loading platforms | Basic Rigging |
| <p>Rigging work requiring a Basic Rigging licence, plus rigging work associated with any of the following:</p> <ul style="list-style-type: none"> (a) all hoists (b) rigging of cranes, conveyors, dredges and excavators (c) tilt slabs (d) demolition (e) dual lifts | Intermediate Rigging |
| <p>Rigging work requiring an Intermediate Rigging licence, plus rigging worker associated with any of the following:</p> <ul style="list-style-type: none"> (a) rigging of gin poles and shear legs | Advanced Rigging |

| Column 1 | Column 2 |
|---|---------------------|
| Type of work | Type of licence |
| (b) flying foxes and cable ways | |
| (c) guyed derricks and structures | |
| (d) suspended scaffolds and fabricated hung scaffolds | |
| Asbestos removal | |
| Work involving any of the following: | Asbestos Removalist |
| (a) the removal of thermal or acoustic insulation materials that consist of or contain asbestos | |
| (b) the removal of asbestos-cement products or other asbestos containing materials | |
| (c) the removal of decorative materials that consist of or contain asbestos | |
| but does not include any of the following: | |
| (d) the removal of asbestos-cement product or other non-friable asbestos containing material (such as that bonded to vinyl or resin) that covers less than 10 square metres | |
| (e) the removal of a sample of material for the purposes of identifying the material | |
| (f) the removal of insulation material that consists of or contains asbestos for the purposes of performing maintenance or repair work, if the material removed does | |

| Column 1 | Column 2 |
|---|-----------------|
| Type of work | Type of licence |
| not extend more than one metre in any direction from the place of maintenance or repair | |

Schedule 3 Trainees performing work

regulations 15 and 16

Part 1

Basic Boiler Operation

Intermediate Boiler Operation

Advanced Boiler Operation

Turbine Operation

Reciprocating Steam Engine Operation

Tower Crane Operation

Derrick Crane Operation

Portal Boom Crane Operation

Bridge and Gantry Crane Operation

Vehicle Loading Crane Operation

Non-slewing Mobile Crane Operation

Slewing Mobile Crane Operation (20 tonnes)

Slewing Mobile Crane Operation (60 tonnes)

Slewing Mobile Crane Operation (100 tonnes)

Slewing Mobile Crane Operation (open)

Elevating Work Platform Operation

Hoist Operation (Cantilever Platform)

Hoist Operation (Personnel and Materials)

Concrete Placing Boom Operation

Forklift Truck Operation

Part 2

Dogging

Basic Rigging

Intermediate Rigging

Advanced Rigging

Part 3

Basic Scaffolding

Intermediate Scaffolding

Advanced Scaffolding

Schedule 4 Type of work required to be notified

regulation 17

Excavation work requiring shoring under regulation 122

Demolition of a building or structure using explosives

Demolition of a building or structure of a height greater than 6 metres

Removal of asbestos or a substance containing asbestos that is required to be performed by a person who is the holder of an Asbestos Removalist's licence

Work involving the use of suspended scaffolding

Erection of a public stand constructed of scaffold components

Schedule 5 Disclosure of ingredients of hazardous substance

regulation 52

1. Definitions

In this Schedule, unless the contrary intention appears:

type 1 ingredient means an ingredient or harmful substance that is present in a hazardous substance in a quantity that exceeds the lowest relevant concentration cut-off level under NOHSC:1008 and that:

- (a) according to NOHSC:1008 is carcinogenic, mutagenic, teratogenic, a skin or respiratory sensitiser, very corrosive, corrosive, toxic or very toxic, can cause irreversible effects after acute exposure or can cause serious damage to health after repeated or prolonged exposure; or
- (b) is listed in NOHSC:1003.

type 2 ingredient means an ingredient that is, according to NOHSC:1008, a harmful substance, but not of a type 1 ingredient, which is present in a hazardous substance in a quantity that exceeds the lowest relevant concentration cut-off level under NOHSC:1008.

type 3 ingredient means an ingredient that is not a type 1 ingredient or a type 2 ingredient.

2. Ingredient disclosure

- (1) Subject to this clause, a material safety data sheet is to disclose the following information in relation to the ingredients of a hazardous substance:
 - (a) for each type 1 ingredient – its chemical name;
 - (b) for each type 2 ingredient:
 - (i) its chemical name; or
 - (ii) if the identity of the ingredient is commercially confidential – its generic name;
 - (c) for each type 3 ingredient:
 - (i) its chemical name; or

- (ii) its generic name.
- (2) If the manufacturer or importer of a hazardous substance considers that compliance with subclause (1)(c) would not provide sufficient commercial protection for a type 3 ingredient, other than an ingredient that has a known synergistic effect or that is a hazardous substance, the material safety data sheet may indicate that the ingredient has been determined not to be hazardous by the use of the phrase "Other ingredients determined not to be hazardous".
 - (3) Subject to this clause, a label is to disclose the following information in relation to the ingredients of a hazardous substance:
 - (a) for each type 1 ingredient – its chemical name;
 - (b) for each type 2 ingredient:
 - (i) its chemical name; or
 - (ii) if the identity of the ingredients is commercially confidential – its generic name.
 - (4) A label is not required to disclose any information in relation to a type 3 ingredient.
 - (5) If a generic name is used to identify a type 2 ingredient, the manufacturer or importer must notify Worksafe Australia of the use of the generic name in a manner and form determined by Worksafe Australia.
 - (6) If a material safety data sheet or label does not disclose the chemical name of an ingredient of a hazardous substance, the manufacturer or importer of the hazardous substance must disclose the chemical identity of the ingredient:
 - (a) to a medical practitioner who applies to the manufacturer or importer for the disclosure of that information on the basis that the information is necessary for the purposes of treating a person in an emergency situation; or
 - (b) to an employer or worker, or to a person authorised by the Minister, who has applied to the manufacturer or importer for the disclosure of that information on the basis that the information is necessary to provide for, or protect, the health and safety of a person who may be exposed to the hazardous substance through its use at a workplace.
 - (7) A manufacturer or importer of a hazardous substance must, as soon as practicable after receiving an application under subclause (6)(a), respond to the application but may, on or after

supplying the information, require the medical practitioner to whom it is supplied to sign, within a reasonable time, a written undertaking that he or she will only use the information for the purpose for which it is provided.

- (8) A manufacturer or importer of a hazardous substance may require an application made under subclause (6)(b) to be in writing and provide details of the grounds on which the application is made.
- (9) A manufacturer or importer of a hazardous substance must respond to an application under subclause (6)(b) not later than 30 days after its receipt.
- (10) A manufacturer or importer of a hazardous substance may make it a condition of providing information on an application under subclause (6)(b) that the applicant sign a written undertaking that he or she will use the information only for the purpose for which it is provided.
- (11) If a manufacturer or importer of a hazardous substance rejects an application under this clause, the manufacturer or importer must:
 - (a) provide the applicant with reasonable written reasons for rejecting the application; and
 - (b) provide the information that is necessary to satisfy the grounds on which the application is made without disclosing the chemical identity of the ingredient.

Schedule 6 Substances prohibited for specified uses

regulation 54

| Column 1 Substance | Column 2 Use for which substance is prohibited |
|---|---|
| Actinolite | any new application, any spraying process, reuse of second hand products |
| Amosite (brown asbestos) | any new application, any spraying process, reuse of second hand products |
| Anthophyllite | any new application, any spraying process, reuse of second hand products |
| Arsenic and arsenic compounds | spray painting |
| Benzene and substances containing greater than 1% benzene by volume | spray painting |
| Carbon disulphide | spray painting |
| Carbon tetrachloride | spray painting |
| Chrysotile (white asbestos) | any spraying process, reuse of second-hand products |
| Crocidolite (blue asbestos) | any new application, any spraying process, reuse of second hand products |
| Methanol and substances containing greater than 1% methanol by volume | spray painting |
| Polychlorinated biphenyls (PCBs) | all uses except when handled for storage awaiting disposal, for removal and disposal, when contained in existing electrical equipment and construction materials or for repairs |
| Tetrachloroethane | spray painting |

| Column 1 Substance | Column 2 Use for which substance is prohibited |
|--|--|
| Tremolite | any new application, any spraying process, reuse of second hand painting |
| Tributyl tin | spray painting |
| A substance containing more than 2% arsenic, beryllium, lead, cadmium, nickel, antimony, cobalt, chromium or tin | abrasive blasting |
| A substance containing a radioactive substance | abrasive blasting |
| A substance containing more than 5% free silica (crystalline silicon dioxide) | abrasive blasting |
| A recycled substance that has not been treated to remove respirable dust or other substance that may affect the health and safety of a worker at the workplace | abrasive blasting |
| A wet blasting inhibitor containing chromate, nitrate or nitrite | wet abrasive blasting |

Schedule 7 Hazardous substances for which health surveillance is required

regulation 55

| Column 1 | Column 2 |
|---------------------|---|
| Hazardous Substance | Type of Health Surveillance |
| Acrylonitrile | <p>occupational and medical history</p> <p>demographic data</p> <p>records of personal exposure</p> |
| Asbestos | <p>occupational and medical history</p> <p>demographic data</p> <p>records of personal exposure</p> |
| Cadmium | <p>demography, occupational and medical history</p> <p>health advice, including counselling on additional cadmium burden from smoking</p> <p>physical examination with emphasis on the respiratory system</p> <p>completion of a standardised respiratory questionnaire</p> <p>standardised respiratory function tests FEV1, FVC and FEV1/FVC</p> <p>urinary cadmium and β_2 – microglobulin</p> <p>records of personal exposure</p> |
| Crystalline silica | <p>occupational and medical history</p> <p>demographic data</p> <p>completion of a standardised respiratory questionnaire</p> |

| Column 1 | Column 2 |
|--|---|
| Hazardous Substance | Type of Health Surveillance |
| Inorganic arsenic | <p>standardised respiratory function tests FEV1, FVC and FEV1/FVC</p> <p>chest X-ray, full size PA view</p> <p>demography, occupational and medical history and health advice</p> <p>physical examination with emphasis on the peripheral nervous system</p> <p>urinary total arsenic</p> <p>records of personal exposure</p> |
| Inorganic lead | <p>demography, occupational and medical history and health advice</p> <p>lead in whole blood</p> |
| Inorganic mercury | <p>demography, occupational and medical history and health advice</p> <p>physical examination with emphasis on neurological, renal, gastrointestinal and dermatological systems</p> <p>urinary inorganic mercury</p> |
| Isocyanates | <p>occupational and medical history</p> <p>completion of a standardised respiratory questionnaire</p> <p>physical examination of the respiratory system and skin</p> <p>standardised respiratory function tests FEV1, FVC and FEV1/FVC</p> |
| 4,4' methylenebis (2-chloroaniline) (MOCA) | <p>urinary total MOCA</p> <p>dipstick analysis of urine for haematuria</p> <p>urine cytology</p> |

| Column 1 | Column 2 |
|----------------------------------|---|
| Hazardous Substance | Type of Health Surveillance |
| Organophosphate pesticides | occupational and medical history physical examination baseline estimation of red cell and plasma cholinesterase activity levels estimation of red cell and plasma cholinesterase activity towards the end of the working day |
| Polycyclic aromatic hydrocarbons | demography, occupational and medical history health advice, including recognition of photochemical skin burns and skin changes records of personal exposure, including photo-chemical skin burns |
| Thallium | demography, occupational and medical history and health advice physical examination if indicated urinary thallium |
| Vinyl chloride | occupational and medical history demographic data records of personal exposure |

Schedule 8 Carcinogenic substances

regulations 56, 57, 58 and 59

Part 1

| Column 1 | Column 2 |
|--|--|
| 2-Acetylaminofluorene [53-96-3] | all uses |
| Aflatoxins | all uses |
| 4-Aminodiphenyl [92-67-1] | all uses |
| Amosite [12172-73-5] (brown asbestos) | except for removal and disposal purposes, and situations here amosite occurs naturally and is not used for any new application |
| Crocidolite [12001-29-5] (blue asbestos) | except for removal and disposal purposes and situations where crocidolite occurs naturally and is not used for any new application |
| Benzidine [92-87-5] and its salts (including benzidine dihydrochloride [531-85-1]) | all uses |
| Bis(chloromethyl) methyl ether [542-88-1] (technical grade which contains bis(chloromethyl) ether) | all uses |
| Chloromethyl methyl ether [107-30-2] (technical grade which contains bis(chloromethyl) ether) | all uses |
| 4-Dimethylaminoazobenzene [60-11-7] | all uses |
| 2-Naphthylamine [91-59-8] and its salts | all uses |
| 4-Nitrodiphenyl [92-93-3] | all uses |

Part 2

| | |
|--|---|
| Acrylonitrile [107-13-1] | all uses |
| Benzene [71-43-2] | when used as a feedstock containing more than 50% of benzene by volume |
| Chrysotile [12001-28-4] (white asbestos) | when used for the manufacture of asbestos products |
| Cyclophosphamine [50-18-0] (cytotoxic drug) | when used in preparation for the therapeutic use in hospitals and oncological treatment facilities, and in manufacturing operations |
| 3,3'-Dichlorobenzidine [91-94-1] and its salts (including 3,3'-dichlorobenzidine dihydrochloride [612-83-9]) | all uses |
| Diethyl sulfate [64-67-5] | all uses |
| Dimethyl sulfate [77-78-1] | all uses |
| Ethylene dibromide [106-93-4] | when used as a fumigant |
| 4,4'-Methylene bis (2-chloroaniline) [101-14-4] - MOCA | all uses |
| Beta-Propiolactone [57-57-8] (2-propiolactone) | all uses |
| o-Toluidine [95-53-4] | all uses |
| o-Toluidine hydrochloride [636-21-5] | all uses |
| Vinyl chloride monomer [75-01-4] | all uses |

Schedule 9 Standards covering design and manufacture of plant

regulations 74, 75 and 76

| | |
|---------|---|
| AS 1200 | Pressure equipment |
| AS 1418 | Cranes (including hoists and winches) |
| 1418.1 | General requirements |
| 1418.2 | Serial hoists and winches |
| 1418.3 | Bridge, gantry and portal cranes (including container cranes) |
| 1418.4 | Tower cranes |
| 1418.5 | Mobile and vehicle-loading cranes |
| 1418.6 | Guided storing and retrieving appliances |
| 1418.7 | Builders' hoists and equipment |
| 1418.8 | Special purpose appliances |
| 1418.9 | Vehicle hoists |
| 1418.10 | Elevating work platforms |
| 1418.12 | Crane collector systems |
| 1418.15 | Concrete placing equipment |
| AS 1576 | Scaffolding |
| 1576.1 | General requirements |
| 1576.2 | Couplers and accessories |
| 1576.3 | Prefabricated and tube and coupler scaffolding |
| 1576.4 | Suspended scaffolding |
| 1575.5 | Prefabricated splitheads and trestles |
| AS 1735 | Lifts, escalators and moving walks |
| 1735.1 | General requirements |
| 1735.2 | Passenger and goods lifts – Electric |
| 1735.3 | Passenger and goods lifts – Electrohydraulic |
| 1735.4 | Service lifts – Power-operated |
| 1735.5 | Escalators |
| 1735.6 | Moving walks |
| 1735.7 | Stairway lifts |
| 1735.8 | Inclined lifts |

| | |
|---------|---|
| 1735.9 | Special purpose industrial lifts |
| 1735.10 | Tests |
| 1735.11 | Fire-rated landing doors |
| 1735.12 | Facilities for person with disabilities |
| 1735.13 | Lifts for persons with limited mobility – Manually powered |
| 1735.14 | Lifts for persons with limited mobility – Restricted use – Low-rise platforms |
| 1735.15 | Lifts for persons with limited mobility – Restricted use – Non-automatically controlled |
| 1735.16 | Lifts for persons with limited mobility – Restricted use – Automatically controlled |
| 1735.17 | Lifts for people with limited mobility – Restricted use – Water-Drive |
| AS 2030 | The approval, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases |
| 2030.1 | Cylinders for compressed gases other than acetylene |
| 2030.2 | Cylinders for dissolved acetylene |
| 2030.3 | Non-refillable cylinders for compressed gases |
| 2030.4 | Welded cylinders – Insulated |
| AS 3509 | LP gas fuel vessels for automotive use |
| AS 3920 | Assurance of product quality |
| 3920.1 | Pressure equipment manufacture |

Schedule 10 Standards applying to lifting gear

regulation 98

| | |
|---------|--|
| AS B291 | Lifting rings and links |
| AS 1138 | Thimbles for use with wire rope or fibre (natural or synthetic) rope |
| AS 1353 | Flat synthetic-webbing slings |
| 1353.1 | Product specification |
| 1353.2 | Care and use |
| AS 1380 | Fibre-rope slings (of natural or synthetic rope) |
| AS 1394 | Round steel wire for ropes |
| AS 1418 | Cranes (including hoists and winches) |
| 1418.2 | Serial hoists and winches |
| AS 1438 | Wire-coil flat slings |
| AS 1504 | Fibre rope – Three strand, hawser laid |
| AS 1666 | Wire-rope slings |
| AS 2076 | Wire rope grips |
| AS 2089 | Sheave blocks (including ships' cargo blocks) of maximum lift 60t |
| AS 2317 | Collared eyebolts |
| AS 2318 | Swivels for hoists |
| AS 2319 | Rigging screws and turnbuckles |
| AS 2321 | Short-link chain for lifting purposes (non-calibrated) |
| AS 2740 | Wedge-type sockets |
| AS 2741 | Shackles |
| AS 2759 | Steel wire rope – Application guide |
| AS 3569 | Steel wire ropes |

| | |
|---------|---|
| AS 3775 | Chain slings – Grade T |
| AS 3776 | Lifting components for Grade T chain slings |
| AS 3777 | Shank hooks and large-eye hooks – Maximum 25t |
| BS 463 | Part 1 – Specification for sockets for wire ropes |
| BS 1692 | Specification for gin blocks |
| BS 2902 | Specification for higher tensile steel chain slings and rings, links alternative to rings, egg links and intermediate links |
| BS 2903 | Specification for higher tensile steel hooks for chains, slings, blocks and general engineering purposes |
| BS 3458 | Specification for alloy steel chain slings |

Schedule 11 Other standards

regulation 144

| | |
|---------|--|
| AS 1269 | Acoustics – Hearing conservation |
| AS 1270 | Acoustics – Hearing protectors |
| AS 1319 | Safety signs for the occupational environment |
| AS 1337 | Eye protectors for industrial applications |
| AS 1338 | Filters for eye protectors |
| 1338.1 | Filters for protection against radiation generated in welding and allied operations |
| 1338.2 | Filters for protection against ultraviolet radiation |
| 1338.3 | Filters for protection against infrared radiation |
| AS 1577 | Scaffold planks |
| AS 1636 | Agricultural wheeled tractors – Roll-over protective structures – Criteria and tests |
| AS 1668 | The use of mechanical ventilation and air-conditioning in buildings |
| 1668.1 | Fire and smoke control |
| 1668.2 | Mechanical ventilation for acceptable indoor air quality |
| AS 1715 | Selection, use and maintenance of respiratory protective devices |
| AS 1716 | Respiratory protection devices |
| AS 1801 | Industrial safety helmets |
| AS 1891 | Industrial fall-arrest systems and devices |
| 1891.1 | Safety belts and harnesses |
| AS 2210 | Occupational protective footwear |
| 2210.2 | Specification |
| AS 2211 | Laser safety |

| | |
|---------|--|
| AS 2293 | Emergency evacuation lighting for buildings |
| 2293.1 | System design, installation and operation |
| 2293.2 | Inspection and maintenance |
| 2293.3 | Emergency luminaries and exit signs |
| AS 2294 | Earthmoving machinery – Protective structures |
| AS 2337 | Gas cylinder test stations |
| 2337.1 | General requirements and tests – Gas cylinders |
| 2337.2 | LP gas fuel vessels for automotive use |
| 2337.3 | Inspection and testing of fibre reinforced plastics (FRP) aluminium alloy gas cylinders – Hoop overwrapped |
| AS 2550 | Cranes – Safe use |
| 2550.1 | General requirements |
| 2550.4 | Tower cranes |
| 2550.5 | Mobile and vehicle loading cranes |
| 2550.10 | Elevating work platforms |
| 2550.15 | Concrete placing equipment |
| AS 2593 | Boilers – Unattended and limited attendance |
| AS 2971 | Serially produced pressure vessels |
| AS 3000 | Electrical installations – Buildings, structures and premises |
| AS 3012 | Electrical installations – Construction and demolition sites |
| AS 3100 | Approval and test specification – General requirements for electrical equipment |
| AS 3108 | Approval and test specification – Particular requirements for isolating transformers and safety isolating transformers |
| AS 3190 | Approval and test specification – Residual current devices (current operated earth-leakage devices) |

| | |
|----------------|--|
| AS 3544 | Industrial vacuum cleaners for particulates hazardous to health |
| AS 3610 | Formwork for concrete |
| AS 3788 | Boiler and pressure vessels – In-service inspection |
| AS 3873 | Pressure equipment – Operation and maintenance |
| AMBSC (Part 1) | Australian Miniature Boiler Safety Committee Code for copper boilers |
| AMBSC (Part 2) | Australian Miniature Boiler Safety Committee Code for steel boilers |
| BS 5845 | Permanent anchors for industrial safety belts and harnesses |
| NOHSC:1003: | Exposure standards for atmospheric contaminants in the occupational environment |
| NOHSC:10005 | List of designated hazardous substances |
| NOHSC:1006: | National occupational health and safety certification standard for users and operators of industrial equipment |
| NOHSC:1008 | Approved criteria for classifying hazardous substances |

ENDNOTES
1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = Gazette | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION***Petroleum (Occupational Health and Safety) Regulations (SL No. 25, 2001)***

| | |
|-----------|-------------|
| Notified | 16 May 2001 |
| Commenced | 16 May 2001 |

Law Reform (Work Health) Amendment Act 2007 (Act No. 30, 2007)

| | |
|-------------|--|
| Assent date | 12 December 2007 |
| Commenced | 1 July 2008 (<i>Gaz S29</i> , 25 June 2008) |

Statute Law Revision Act 2009 (Act No. 25, 2009)

| | |
|-------------|--|
| Assent date | 1 September 2009 |
| Commenced | 16 September 2009 (<i>Gaz G37</i> , 16 September 2009, p 3) |

3 LIST OF AMENDMENTS

| | |
|-------|--|
| r 2 | amd Act No. 30, 2007, s 59; Act No. 25, 2009, s 11 |
| r 85 | amd Act No. 30, 2007, s 59 |
| r 89 | amd Act No. 30, 2007, s 59 |
| r 92 | amd Act No. 30, 2007, s 59 |
| r 94 | amd Act No. 30, 2007, s 59 |
| r 102 | amd Act No. 30, 2007, s 59 |