

NORTHERN TERRITORY OF AUSTRALIA

WORK HEALTH (OCCUPATIONAL HEALTH AND SAFETY) REGULATIONS

As in force at 26 November 2003

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 26 November 2003

WORK HEALTH (OCCUPATIONAL HEALTH AND SAFETY) REGULATIONS

Regulations under the *Work Health Act*

Part 1 Preliminary

1 Citation

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

2 Interpretation

(1) In these Regulations, unless the contrary intention appears:

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, steam or by a wheel.

abrasive material means any 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 a person and material to or from a place of work.

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

amusement device means an arrangement of equipment that is not an amusement ride through or on which a passenger moves where the desired effect (thrill) is primarily achieved by virtue of the passenger's self powered motion.

amusement ride means an arrangement of structural or mechanical elements (or both) which has as its prime function the provision of movement of passengers who are not necessarily required to move themselves to obtain the desired effect (thrill).

amusement structure means plant operated for hire or reward which provides entertainment or amusement to passengers through movement of the plant or a part of the plant or when passengers travel on, around or along the plant and includes an amusement device and an amusement ride.

approved means approved by the Authority.

AS followed by a designation refers to the Australian Standard having that designation that is published by the Standards Association of Australia.

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.

assessor means the Authority or a person registered by the Authority under regulation 28.

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 3, 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 heater.

boom type elevating work platform means a telescoping device or hinged or articulated device, or a combination of those devices, used to support a platform on which a person and/or material may be elevated.

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 which 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 100 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.

certificate of registration means a certificate of registration issued under regulation 95.

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 carry out the work or function described in the relevant regulation.

confined space means an enclosed or partially enclosed space which:

- (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 which 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, an amusement structure, 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 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, whose prime purpose is to raise the temperature of a process fluid which is circulated through the coils, to allow distillation, fractionation, reaction, 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.

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 any 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 which:

- (a) is listed in NOHSC:0005; or
- (b) has been classified as a hazardous substance by the manufacturer or importer in accordance with NOHSC:008.

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 Authority or a person or an organisation, registered under regulation 33.

label means a set of information on a container which 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.

lead risk work means work in which the concentration of lead in whole blood of the worker might reasonably be expected to rise, or which does rise, above 30 µg/dL (1.4 µmol/L) or the levels specified in regulation 168B(1), whichever is the lesser.

licence means a licence granted under regulation 17 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 or 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, where 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; or
- (b) designated plant, means registered under regulation 95.

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.

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 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.

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

- (2) Where 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 such document, standard, rule or specification or part thereof, shall be deemed 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 Authority.
- (4) Where a document, standard, rule or specification adopted by these Regulations is inconsistent with these Regulations, the Regulations shall prevail and the document, standard, rule or specification shall, to the extent of the inconsistency, be of no force or effect.
- (5) Where 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 shall be determined by the Authority.
- (6) Where 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 shall continue to apply, without amendment to the plant, until:
 - (a) the plant requires alteration, repair or relocation at which time the 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 Authority:
 - (i) by notice in the *Gazette*; or
 - (ii) by written notice to the owner of the plant.
- (7) Where a document, standard, rule or specification is adopted by these Regulations, the Authority may approve the use of another document, standard, rule or specification where it is satisfied that compliance with the document, standard, rule or specification will meet the requirements of these Regulations.

3 Regulations not to apply to mining site or mining activity

These Regulations do not apply in relation to:

- (a) a mining site within the meaning of the *Mining Management Act*; or
- (b) work or services performed in relation to a mining activity within the meaning of the *Mining Management Act*.

3A Regulations not to apply to workplace etc. under *Petroleum Act*

These Regulations do not apply in relation to:

- (a) a workplace; or
- (b) work or service of any kind performed at a workplace, to which Part IIIA of the *Petroleum Act* applies.

Part 2 Responsibilities under Regulations**4 Employers**

Subject to these Regulations, an employer shall ensure that these Regulations are complied with in respect of the health and safety of a worker and of any other person who could be adversely affected by the performance of work by the worker at a workplace.

5 Workers

Subject to these Regulations, a worker shall, 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 any valve, fitting, control, guard, safety device or system of plant so as to interfere with its proper, safe and efficient working.

6 Self employed persons

Subject to these Regulations, a self employed person shall, 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.

7 Occupiers of workplaces

Subject to these Regulations, the occupier of a workplace shall, 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.

8 Owners of buildings

Subject to these Regulations, the owner of a workplace shall, 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.

9 Designers of plant or structures

Subject to these Regulations, a person who designs plant or structures for use at a workplace shall:

- (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.

10 Manufacturers

- (1) Subject to these Regulations, 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, shall, 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) Where a person manufactures plant for use in a workplace that is designed by a person outside the Territory, the responsibilities placed on a designer of such plant by these Regulations shall be deemed to be the responsibilities of the person who manufactures the plant.

11 Importers and suppliers

- (1) Subject to these Regulations, 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, shall, 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) Where a person imports or supplies plant, substances or materials for use at a workplace that is designed or manufactured by a person outside the Territory, the responsibilities placed on the designer or manufacturer of such plant, substances or material by these Regulations shall be deemed to be the responsibilities of the person who imports or supplies the plant, substances or materials.
- (3) Where 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 shall be deemed to be placed on the person who supplies the plant.

12 Installers and erectors of plant or structures

Subject to these Regulations, a person who installs or erects plant or a structure at a workplace shall:

- (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 carried out 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.

13 Owners of plant

Subject to these Regulations, the owner of plant at a workplace shall, 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, decommissioning, dismantling or disposal of the plant.

14 Joint responsibilities

If more than one person is under an obligation to comply with a regulation, each person shall 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**15 Licence required to perform certain work**

Subject to regulation 23, a person shall not:

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

of a type specified in column 1 of Schedule 3 unless the person is the holder of a licence specified opposite in column 2 of the Schedule.

16 Application for licence

- (1) A person may apply to the Authority for a licence.
- (2) An application under subregulation (1) shall be in the approved form and accompanied by:
 - (a) such proof of identity of the applicant as the Authority may require; and
 - (b) the fee of \$50.

17 Grant of licence

- (1) The Authority, on receiving an application under regulation 16, may:
 - (a) grant the applicant a licence; or
 - (b) refuse to grant the applicant a licence.
- (2) A person shall not be granted a licence under this regulation unless the person has such experience, training and qualifications as the Authority may, from time to time, determine.
- (3) A licence granted under this regulation may be subject to such conditions as the Authority thinks fit and specifies in the licence.
- (4) A licence shall:
 - (a) be in the approved form; and
 - (b) remains in force, unless cancelled or suspended under regulation 21, for such period as is determined by the Authority and specified in the licence.
- (5) Where the Authority refuses to grant a licence under this regulation it shall notify the applicant in writing of the reason for the refusal.
- (6) For the purposes of subregulation (2), experience, training and qualifications may include successful completion of:
 - (a) approved training by a training provider; and
 - (b) assessment by an assessor.

18 Change of name or address

The holder of a licence shall, not later than 28 days after changing his or her name or address, notify the Authority of his or her new name or address.

19 Renewal of licence

- (1) The holder of a licence may, before the licence expires, apply to the Authority to renew the licence.
- (2) An application under subregulation (1) shall be in the approved form and accompanied by:
 - (a) the licence; and
 - (b) the fee of \$50.
- (3) The Authority, on receiving an application under subregulation (1), may renew or refuse to renew the licence.
- (4) The Authority may, before renewing a licence under this regulation, require the applicant to successfully complete such assessment by an assessor as it thinks fit.

20 Replacement of licence

- (1) The holder of a licence whose licence is lost, defaced or destroyed, may apply to the Authority for a replacement licence.
- (2) An application under subregulation (1) shall be in the approved form and accompanied by:
 - (a) a statutory declaration by the holder of the licence setting out the particulars of the loss, defacing or destruction of the licence;
 - (b) such proof of identity of the holder of the licence as the Authority requires; and
 - (c) the fee of \$10.
- (3) The Authority, on receiving an application under subregulation (1), shall issue a replacement licence to the applicant.

21 Cancellation, suspension or variation of licence

- (1) Where the Authority is satisfied that:
 - (a) the holder of a licence:
 - (i) has been convicted of an offence against the Act or these Regulations;
 - (ii) has contravened or failed to comply with the written directions of a work health officer; or

(iii) has contravened or failed to comply with a condition of the licence; or

(b) in the interest of safety, the licence should be cancelled or suspended, or a further condition should be imposed or a condition revoked or varied,

the Authority may, by notice served on the holder of the licence:

(c) cancel or suspend the licence;

(d) vary or revoke a condition of the licence; or

(e) specify a new condition that shall apply to the licence.

(2) A notice under subregulation (1) shall

(a) contain the reasons for the decision;

(b) where the licence is suspended, the period of the suspension;

(c) where a condition of the licence is revoked or varied, particulars of the revocation or variation; or

(d) where a new condition is imposed on to the licence, the new condition.

(3) The holder of a licence on whom a notice under subregulation (1) is served shall, not later than 7 days after being served with the notice, deliver the licence to the Authority.

(4) The Authority, on receiving a licence under subregulation (3) shall:

(a) where the licence is suspended, retain the licence for the period of the suspension and then return it to the holder; or

(b) where a condition of the licence is varied or revoked, or a new condition is imposed on the licence, amend the licence accordingly and return it to the holder.

22 False or misleading statement in application

A person shall not make, in an application for the grant, renewal or replacement of a licence under these Regulations, a statement that is false or misleading.

23 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) Notwithstanding subregulation (1), a person shall not be employed to perform work, or perform work, of a type for which a licence specified in Part 1 or 2 of Schedule 4 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 the type of work shall 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) Where a person who performs work under subregulation (1) applies for a licence to perform that type of work, the record maintained under subregulation (5) shall accompany the person's application for the licence.

24 Number of people who may be supervised

- (1) A person who is the holder of a licence specified in:
 - (a) Part 1 of Schedule 4, shall not supervise more than one person; or
 - (b) Part 2 or 3 of Schedule 4, shall not supervise more than 4 persons,performing work under regulation 23 to which the licence relates.

- (2) Subregulation (1) does not apply to a training provider providing approved training.

25 Approval to perform work

The Authority may approve a person to perform work at a specified workplace without a licence notwithstanding that the work is work for which a licence is required.

Part 4 Certain work to be notified

26 Work to be notified

- (1) A person shall not commence work of a type specified in Schedule 5 or permit such work to be commenced unless the Authority is notified.
- (2) Notification under subregulation (1) shall 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 Registered agencies

27 Training providers

- (1) The Authority may register a person or organisation to provide approved training to a person wishing to obtain a licence.
- (2) The Authority shall not register a person or organisation under subregulation (1) unless it is satisfied that the person or organisation meets such requirements as it, from time to time, determines.

28 Assessors

- (1) The Authority may register a person to assess the competence of a person wishing to obtain a licence.
- (2) The Authority shall not register a person under subregulation (1) unless it is satisfied that the person is competent and has appropriate knowledge and experience to undertake the type of assessment that the person proposes to undertake and meets such requirements as the Authority, from time to time, determines.

29 Design verifier

- (1) The Authority may register a person to be a design verifier to undertake the verification of the design of designated plant.
- (2) The Authority shall not register a person under subregulation (1) unless it is satisfied that the person has such qualifications and experience as it, from time to time, determines.

33 Inspector of designated plant

- (1) The Authority may register a person or organisation to undertake inspections of designated plant.
- (2) The Authority shall not register a person or organisation under subregulation (1) unless it is satisfied that the person or organisation has such qualifications and experience as it, from time to time, determines.

34 Application for registration

An application for registration under this Part shall be made to the Authority in the approved form.

35 Registration

- (1) The registration of a person or organisation under this Part shall be in writing and may be subject to such conditions, if any, as the Authority thinks fit and specifies in the approval.
- (2) The Authority may, by notice in writing, served on a person or organisation registered under this Part withdraw the registration where the Authority is satisfied that the person or organisation has failed to maintain a satisfactory level of standard of service or no longer has the qualifications or experience required under this Part.

Part 6 General obligations

Division 1 General obligations in relation to workplace hazards

36 Compliance with codes of practice

A person who is required to comply with a provision of these Regulations shall have regard to the codes of practice, if any, approved under the Act that relate to the person's obligation under the provision.

37 Monitoring of workers

For the purposes of section 29(3) of the Act, all employers are prescribed employers and shall comply with a regulation that relates to a matter specified in that subsection.

38 Hazard identification and risk assessment

- (1) An employer, in implementing these Regulations, shall ensure that appropriate measures are undertaken to identify all hazards from work which may affect the health and safety of a worker and any other person who could be affected by the work.
- (1A) Where a hazard is identified under subregulation (1), an employer shall ensure that an assessment is made of the risk associated with the hazard.
- (2) Without limiting subregulations (1) and (1A), the identification of hazards and the assessment of risks shall 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.
- (2A) An assessment by an employer of a representative example of specific work or circumstances shall constitute 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.
- (3) Where an assessment under subregulation (1) 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 shall be identified.
- (4) An assessment under subregulation (1) shall 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.

- (5) An employer shall keep a record of all assessments made under this regulation:
 - (a) for a period of 30 years after the last review, where 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 a worker's exposure to the substance; and
 - (b) for a period of 5 years after the last review, for all other assessments.
- (6) An employer shall make a record kept under subregulation (5) available, on request, to a worker who is or may be exposed to a risk to which the record relates.

39 Control of risk

- (1) An employer shall 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) Where there is a need under subregulation (1) to control a worker's exposure to a hazard, the control shall 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.

40 Maintenance of control measures

An employer shall ensure that a measure applied under regulation 39 is properly used, maintained and supervised.

41 Monitoring

- (1) An employer shall ensure that monitoring of a hazard at a workplace is undertaken:
 - (a) where an assessment under regulation 38 indicates that monitoring of a worker's exposure to the hazard is required; and
 - (b) to ensure that measures applied under regulation 39 are operating effectively and providing an appropriate level of control.
- (2) Monitoring under subregulation (1) shall be undertaken by a competent person.
- (3) An employer shall keep a record of the results of all monitoring undertaken under this regulation:
 - (a) for a period of 30 years, from the date of the last monitoring, for monitoring that relates to the exposure of a worker to a hazardous substance; or
 - (b) for a period of 5 years from the date of the last monitoring, for all other monitoring, unless otherwise specified in these Regulations.
- (4) An employer shall 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.

42 Health surveillance

- (1) An employer shall provide health surveillance of a worker:
 - (a) where an assessment under regulation 38 indicates that health surveillance of the worker is required; or
 - (b) where required by these Regulations.
- (2) Health surveillance under subregulation (1) shall 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 shall:
 - (a) notify the employer and the worker of the results of the health surveillance and, where 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) shall, as soon as practicable, revise an assessment of the worker's exposure to the hazard and implement control measures required under regulation 39.
- (5) An employer shall keep a record of all health surveillance results obtained under this regulation:
 - (a) for a period of 30 years, where the health surveillance was in relation to exposure to a hazardous substance; or
 - (b) for the period that the worker remains employed by the employer, for any other health surveillance.
- (6) The results of a health surveillance carried out on a worker under this regulation shall not be disclosed to another person without the written permission of the worker.

43 Information, instruction and training

- (1) An employer shall 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) shall 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 shall be provided in a manner appropriate to the workplace.
- (3) An employer shall 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.

44 Consultation

- (1) An employer shall, 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 shall:
 - (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.

45 Records

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

Division 2 Accidents and occurrences

46 Accidents and occurrences requiring notification

- (1) The following accidents and occurrences at a workplace are prescribed accidents and occurrences for the purposes of section 48A of the Act:
 - (a) an accident or occurrence causing the death of a person;
 - (b) an accident or occurrence causing 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 inpatient 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 which is more than 1.5 metres deep;
 - (j) an accident or occurrence involving the unplanned collapse of a building or structure or part of a building or structure;
 - (k) 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;
 - (m) an accident or occurrence involving an unplanned contact between plant and a live electrical conductor;
 - (n) an accident or occurrence involving a malfunction or failure of personal protective equipment which 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), (m) and (n) shall be given by the employer at the workplace;
 - (b) subregulation (1)(e), (j) and (k) shall be given by the occupier of the workplace; and
 - (c) subregulation (1)(f) and (g) shall 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) shall be given:
- (a) by the most expeditious means available to a work health officer:
 - (i) immediately after the accident or occurrence; or

- (ii) 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; and
 - (b) to the Authority in writing , not later than 7 days after the accident or occurrence.
- (4) Notice under subregulation (3)(b) shall 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 undertaken 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;
 - (j) the names of witnesses to the accident or occurrence;
 - (k) details of action taken or proposed to be taken to prevent a similar accident or occurrence.

Part 7 Workplace

Division 1 Work areas

47 Access and egress

- (1) The owner or occupier of a workplace shall provide and maintain a means of access to and egress from the workplace which:
 - (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 shall 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 shall 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 shall develop an evacuation procedure to be followed in the event of a fire or emergency at a workplace and shall ensure that the evacuation procedure is practised at reasonable intervals and a record is kept of the practices.

47A Prevention of falls

- (1) Where a worker is required to work:
 - (a) in or on an elevated workplace 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 shall be provided:

- (f) by the provision of a safe means of access to the workplace;
 - (g) by the provision of secure fences, edge protection, working platforms, covers or other forms of safeguarding; or
 - (h) where 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) shall be kept in good condition and shall not be removed while the 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.

48 Work space

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

49 Housekeeping

A workplace shall 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.

50 Safety signs

- (1) An employer shall 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) shall comply with AS 1319.

51 Floors

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

52 First aid

- (1) An employer shall provide and maintain at a workplace first aid equipment and first aid amenities for use by a worker at the workplace.

- (2) In determining first aid equipment and amenities to be provided under subregulation (1), an employer shall have regard to the location of, the number of workers at, and the type of work performed at, the workplace.
- (3) An employer shall 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) shall have shall be determined by the equipment and amenities provided under subregulation (1).
- (5) First aid equipment and amenities provided under subregulation (1) shall be located at a workplace where they are readily accessible and available for use, and the location shall be identified by signs complying with AS 1319.

53 Fire control

- (1) Where, because of the work being performed by a worker at a workplace, there is a risk of fire, an employer shall 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) shall ensure that it is regularly inspected and maintained and a record is kept of each inspection and any maintenance carried out on the equipment.

54 Workplace amenities

An employer shall:

- (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 where 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

55 Airborne contaminants

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

- (a) that exceed those set forth and explained in NOHSC:03; or
- (b) such that there is a risk to the health and safety of the worker.

56 Noise

- (1) An employer shall ensure that the 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_{Cpeak} , 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 which may be afforded by hearing protection equipment.

57 Lighting

- (1) An employer shall 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 the area without risk to the health and safety of the worker.
- (2) The occupier of a workplace in which emergency lighting is installed shall ensure that the emergency lighting is maintained in accordance with AS 2293.

58 Exposure to certain risks

Where 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, an employer shall ensure that measures are taken to protect the health and safety of the worker.

Division 3 Work practices

59 Manual handling

An employer shall ensure that, as far as practicable:

- (a) work practices carried out 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.

60 Ergonomics

- (1) An employer shall 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, where applicable.
- (2) An employer shall ensure, where 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 3A Confined space

61 Design, manufacture and supply of confined space

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

- (a) as far as practicable, the design eliminates the need for a person to enter the confined space; and
- (b) where 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.

61A Control of risks resulting from entry to a confined space

- (1) An employer shall 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 shall 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 55;
 - (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) Where it is not practicable to comply with subregulation (2), an employer shall ensure appropriate controls are in place such that there is not a risk to the health and safety of a worker entering the confined space.
- (4) Where a worker is required to enter a confined space an assessment under regulation 38 shall be undertaken before the worker enters the place and the employer shall provide, maintain and have in place procedures for the use of equipment that is appropriate to the work to be carried out, including equipment for:
 - (a) personal protection;
 - (b) rescue;
 - (c) first aid; and
 - (d) fire suppression.
- (5) Where an employer is satisfied that work in a confined space can be carried out in a safe manner, the employer shall, before permitting a worker to enter the confined space, issue an entry permit to the worker.
- (6) An entry permit issued under subregulation (5) shall:
 - (a) be in writing; and
 - (b) include the precautions and instructions necessary for entry to the confined space and the performance of the work in the confined space.

Division 4 Electrical

62 Electrical installations and equipment

- (1) Electrical installations, materials, equipment and apparatus at a workplace shall be protected and maintained to minimize the risk of electrical shock or fire.
- (2) Subject to these Regulations, all electrical installations, materials, equipment and apparatus at a workplace shall comply with AS 3000 and AS 3100.
- (3) All maintenance work performed on an electrical installation at a workplace shall be carried out by a competent person.

63 Work in proximity to exposed live equipment

- (1) Subject to subregulation (2), a worker shall 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) Where 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) An employer of a worker performing work under subregulation (2) shall ensure that the worker is trained in and competent to perform the work.

64 Electrical installations on construction sites

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

65 Residual current devices

- (1) Where 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 subcircuit shall 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 shall be protected by a portable residual current device connected directly to the socket outlet.
- (3) A residual current device installed at a workplace shall be kept in a safe working condition and tested on a regular basis by a competent person to ensure its continued effective operation.
- (4) The owner of a residual current device tested under subregulation (3) shall keep a record of the test while the device remains in operation at the workplace.
- (5) This regulation does not apply where 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 5 Hazardous substances

66 Classification of hazardous substances

- (1) A person who manufactures or imports a substance for use at a workplace shall 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) Where a person determines under subregulation (1) that a substance meets the National Occupational Health and Safety Commission's Criteria for Classifying Hazardous Substances and that the substance is not already included in the List of Designated Hazardous Substances, the person shall notify the National Occupational Health and Safety Commission.

67 Provision of information – supplier's duties

- (1) A supplier of a hazardous substance for use at a work place shall:
 - (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, and in any case, 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 shall 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 which is supplied to a retailer or retail warehouse operator in a consumer package which is intended for retail sale, will not be opened on the retailer's or retail warehouse operator's premises and holds less than 30 kilograms or 30 litres of the substance.
- (4) A supplier of a hazardous substance for use at a workplace shall ensure that all containers of the substance are appropriately labelled.
- (5) A supplier of a hazardous substance shall 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.

67A Disclosure of ingredients of hazardous substances

A supplier of a hazardous substance for use at a workplace shall disclose information in relation to the ingredients of the hazardous substance in accordance with Schedule 6.

68 Provision of information – employer's duties

- (1) Subject to subregulation (2), an employer at a workplace where a hazardous substance is used shall:
 - (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) Retailers and retail warehouse operators are exempt from the subregulation (1)(a) and (b) for consumer packages which are not opened on their premises, which hold less than 30 kilograms or 30 litres and which are intended for retail sale.
- (3) An employer shall 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.
- (4) An employer shall 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.
- (5) In their capacity as employers, retailers and retail warehouse operators are exempt from subregulation (4) for consumer packages which are not opened on their premises, which hold less than 30 kilograms or 30 litres and are intended for retail sale.
- (6) Where a hazardous substance is decanted into another container for use at a workplace, and is:
 - (b) not consumed immediately, an employer shall ensure that the container is labelled with the product name, and the relevant risk and safety phrases; or
 - (c) used immediately, the container does not require labelling.
- (7) Containers shall remain correctly labelled until cleaned and free of the substance that was placed in them.

- (8) An employer shall 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.

69 Prohibition of scheduled substances for specified purposes

- (1) Subject to this regulation, a substance specified in column 1 of Schedule 7 shall not 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 Authority for an exemption from all or part of the requirements of subregulation (1) and the Authority may, as it thinks fit, grant or refuse the application.

69A Health surveillance

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

- (a) there is a risk to the health and safety of the worker from one of the hazardous substances specified in Schedule 8;
- (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.

69B Use of carcinogenic substances

- (1) A carcinogenic substance specified in column 1 of Schedule 9 shall not be used at a workplace for a purpose specified opposite the substance in column 2 unless:
 - (a) the use is in accordance with regulation 69C;

- (b) a suitable and sufficient risk assessment of the substance has been carried out; and
 - (c) the conditions specified by the Authority for the supply or use of the substance are complied with.
- (2) Notwithstanding regulation 38, a suitable and sufficient assessment of a carcinogenic substance under subregulation (1) shall 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.

69C Notification of and consent to use carcinogenic substances

- (1) A person who intends to use a carcinogenic substance specified in Schedule 9 for the purpose of bona fide research or analysis in a laboratory shall, before using the substance, notify the Authority in writing and provide the Authority 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 9 for a purpose other than in a laboratory for bona fide research or analysis shall, before using the substance, notify the Authority in writing and provide the Authority 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 will be exposed to the carcinogenic substance;
 - (h) the name and business address of the person carrying out the assessment required by regulation 69B;
 - (j) justification that elimination and substitution of the substance is not practicable and that the controls in place are the best practicable;
 - (k) 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 Authority 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 9 other than for the purpose of bona fide research or analysis in a laboratory shall apply to the Authority in writing for its consent to use the substance and provide the Authority 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 Authority, on receiving an application under subregulation (4), may:
 - (a) consent to the use of the carcinogenic substance subject to such conditions, if any, as it 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) shall be notified to the Authority.
- (7) A notification or consent under this regulation shall be revised:
 - (a) where there is evidence to indicate that it is no longer valid;
 - (b) where there has been a significant change in the use of the carcinogenic substance; or
 - (c) where an assessment has been reviewed.
- (8) A notification or consent under this regulation remains in force for such period, not exceeding 5 years, as the Authority determines.
- (9) A supplier shall not supply a carcinogenic substance specified in Schedule 9 to a person unless the person provides to the supplier evidence that the Authority has been notified, or has consented to the use of the substance, in accordance with this regulation.

69D Records

- (1) An employer shall 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 workers (including their full name, date of birth and addresses 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 9;
 - (b) a copy of any notification made to, and any consent granted by, the Authority;
 - (c) a copy of any conditions for use of a carcinogenic substance specified in Schedule 9 as specified by the Authority.
- (2) A supplier shall maintain a record for not less than 5 years of the following information for each carcinogenic substance specified in Schedule 9 supplied:
 - (a) the name of the person to whom the substance was supplied;
 - (b) the name and quantity of the substance supplied.

69E Advice and reporting

- (1) An employer shall notify the Authority as soon as practicable of:
 - (a) a spill or incident which has or is likely to have resulted in a person being exposed to a carcinogenic substance specified in Schedule 9; or
 - (b) monitoring or health surveillance results which indicate excessive exposure to a carcinogenic substance specified in Schedule 9.
- (2) Where accidental exposure of a person to a carcinogenic substance specified in Schedule 9 may have occurred, an employer shall notify the person as soon as practicable after becoming aware of the possible exposure.
- (3) An employer shall provide to a worker to whom regulation 69C(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 9 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 6 Ventilation

70 Ventilation

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

Division 7 Personal protective equipment

71 Personal protective equipment

- (1) An employer shall ensure that personal protective equipment is worn by a worker where the equipment is the means by which the worker's exposure to a hazard is to be controlled under regulation 39.
- (2) Personal protective equipment worn under subregulation (1) shall be such that, when used correctly, the health and safety of the worker is not at risk because of the hazard.

72 Use, maintenance and replacement of personal protective equipment

An employer who provides a worker with personal protective equipment under regulation 71 shall 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 71;
 - (ii) has exceeded its working life as specified by the manufacturer; or
 - (iii) is damaged.

73 Areas to be signposted

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

74 Duties of workers using personal protective equipment

- (1) A worker provided with personal protective equipment under regulation 71 shall:
 - (a) wear the equipment at all times and in all areas as required by the worker's employer; and

(b) not wilfully damage or misuse the equipment.

- (2) Where personal protective equipment provided to a worker under regulation 71 is damaged or does not function as intended, the worker shall, on becoming aware of the damage or defect, immediately notify his or her employer.

75 Head protection

Where a worker may be exposed to a hazard at a workplace which may pose a risk of head injury, an employer shall provide the worker:

- (a) with head protection complying with AS 1801; or
- (b) where head protection specified in paragraph (a) may not protect the worker from the risk of head injury, such other head protection that will protect the worker.

76 Eye protection

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

- (a) with eye protection complying with AS 1337 or AS 1338; or
- (b) where eye protection provided by paragraph (a) may not protect the worker from the risk of eye injury, such other eye protection that will protect the worker.

77 Hearing protection

Where a worker may be exposed at a workplace to a noise level exceeding that allowed in regulation 56, an employer shall provide the worker with hearing protection equipment complying with AS 1270.

78 Respiratory protection

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

and no other means of controlling the worker's exposure is practicable, an employer shall provide the worker with respiratory protective equipment complying with AS 1716.

- (2) An employer who provides supplied air respiratory protection equipment under subregulation (1) shall 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.

79 Hand protection

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

80 Foot protection

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

81 Protective clothing

Where a worker may be exposed at a workplace to a hazard which 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, an employer shall ensure suitable protective clothing is worn by the worker.

82 Safety belts and anchorages

- (1) Subject to subregulation (4), where 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, and no other means of protecting the worker is practicable, an employer shall provide a safety belt, harness and lanyard complying with AS 1891, and a safe anchorage to which the safety belt can be attached.
- (2) Where cleaning or maintenance work on a building or structure is performed by a worker using equipment referred to in subregulation (1), an employer shall 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) shall 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) Where 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.

83 Flotation devices

An employer shall provide flotation devices at a workplace for use by a worker where 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 8 Plant

84 Design of plant

- (1) Plant shall be designed according to the requirements of these Regulations and, where applicable, the relevant standards specified in Schedule 10.
- (2) A designer of plant shall 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, main-tenance, cleaning, transport, storage and, where 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.

85 Manufacture of plant

- (1) Plant shall be manufactured, inspected and, where required, tested according to the requirements of these Regulations and, where applicable, the relevant standards specified in Schedule 10 and having regard to the design specifications.

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- (2) A manufacturer of plant shall ensure that a supplier of the plant is provided with the information provided by the designer to the manufacturer in accordance with regulation 84 and all documents relating to the testing of the plant.

86 Importation and supply of plant

- (1) A supplier of plant shall ensure that:
- (a) where the plant is under the management and control of the supplier, risks to health and safety from the plant are minimised; and
 - (b) where 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 in writing before the plant is supplied of those faults and, as appropriate, that the plant is not to be used until the faults are rectified.
- (2) A supplier of plant shall 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) where applicable, any available information, data or certificate specified by the relevant standards in Schedule 10.
- (3) An importer or supplier of plant shall 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) Notwithstanding subregulation (3), where applicable, a supplier shall, 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 10.
- (5) An importer or supplier of plant that is to be used for the purpose of scrap or spare parts shall 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.

87 Erection, installation and commissioning of plant

- (1) Plant shall be erected, installed and commissioned at a workplace so that risks to health and safety arising during the erection, installation and commissioning are minimised.
- (2) Without limiting the generality of subregulation (1), the erection or installation of plant shall be carried out:
 - (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 such information as is necessary to enable the plant to be erected, installed or commissioned so as to minimise the risk 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, where 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.

87A Use of plant

- (1) An employer shall ensure that plant used at a workplace, so far as practicable, does not pose a risk to the health and safety of a worker or any other person.

- (2) Without limiting the generality of subregulation (1), an employer shall ensure that:
- (a) plant is operated having regard to the manufacturer's instructions;
 - (b) plant, other than lifts and amusement structures operated by members of the public, is operated only by persons who have received adequate information and training and who are supervised to the extent necessary to minimise the risks to health and safety;
 - (c) where the function or condition of plant is impaired or damaged to the extent that it presents an immediate risk to health or safety, the plant is withdrawn from use until the risk is controlled or the plant is repaired in accordance with regulation 87C;
 - (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 or safety;
 - (e) plant is subject to such checks, tests, inspections, maintenance and cleaning by a competent person as are necessary to minimise risks to health and safety;
 - (f) measures are provided to prevent, as far as practicable, unauthorised interference, alteration or use of plant which 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 where there is a risk to health and safety;
 - (h) where safety features or warning devices are incorporated into plant they are used as intended; and
 - (j) all safety features and warning devices of plant are maintained and tested.

87B Inspection, maintenance and cleaning of plant

- (1) Where plant is inspected, maintained or cleaned:
- (a) facilities and systems of work shall be provided and maintained that minimise the risks to health and safety of persons maintaining, inspecting, repairing or cleaning the plant;

- (b) the inspections, maintenance and cleaning shall be carried out having regard to procedures recommended by the designer and manufacturer, or those developed by a competent person; and
- (c) subject to subregulation (2), the plant shall be stopped where access is required and one or a combination of the following shall 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) Where it is not practicable to carry out cleaning or maintenance with plant stopped as required by subregulation (1)(c), operational controls which permit controlled movement of the plant shall be fitted and safe systems of work shall be used.
- (3) Notwithstanding subregulation (1), where plant is hired or leased, the owner shall ensure that:
 - (a) the plant is inspected between hirings or leaseings so as to minimise the 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 for 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.

87C Repair of plant

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

- (a) the damage shall 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 to the plant are, and the inspection and, where necessary, testing of the plant is, carried out by a competent person; and
- (c) the repairs to the plant are carried out so as to retain the plant within its design limits.

87D Alteration of plant

Where plant is altered:

- (a) the design of the alteration shall be such that the risk to health and safety from the alteration is minimised;
- (b) where applicable, the design of the alteration is according to the relevant standard specified in Schedule 10; and
- (c) the plant is altered, inspected and tested by a competent person having regard to the design specifications for the altered design before the plant is returned to service.

87E Dismantling, storage and disposal of plant

(1) Where plant is dismantled:

- (a) the dismantling shall be carried out by a competent person; and
- (b) where available, information provided by the designer and manufacturer relevant to dismantling is made available to the competent person.

(2) Where plant, including plant which is dismantled, is to be stored, the storage shall be carried out by a competent person.

(3) Where plant contains materials or substances that present a risk to health or safety and the plant is to be disposed of, the disposal shall be carried out by a competent person.

87F Record keeping

- (1) An employer or owner shall, 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 shall be transferred on sale of the plant unless the plant is to be sold for scrap or as spare parts for other plant.

87G Provision of information

An owner of plant shall ensure that, where available, relevant health and safety information is provided to persons involved in the erection, installation, commissioning, use, testing, maintenance, cleaning, decommissioning, dismantling and disposal of the plant.

Part 9 Designated plant

Division 1 Design verification and registration of designated plant

88 Design of designated plant to be verified and registered

- (1) Designated plant shall not be installed or used at a workplace unless:
 - (a) the design of the plant has been verified by a design verifier; or
 - (b) the design of the plant is registered under these 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 shall 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 shall not 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").

89 Verification of plant design

Where an application is made to the Authority to carry out a verification of the design of plant, the Authority may require the applicant to pay to the Authority the reasonable costs of and incidental to the Authority in determining the application.

90 Registration of plant design

- (1) A person may apply to the Authority to register the design of designated plant.

- (2) A person who applies for registration of a plant design under this regulation shall ensure that:
 - (a) verification that the design complies with relevant standards specified in Schedule 10 is undertaken and documented by a design verifier; and
 - (b) in the case of pressure equipment, verification of the design is carried out in accordance with AS 3920.
- (3) An application under subregulation (1) shall be in the approved form and accompanied by:
 - (a) a compliance statement signed by the designer which states compliance with the designer's responsibilities under these Regulations;
 - (b) a verification statement in accordance with subregulation (2)(a) which includes the name, business address and qualification of the design verifier and, where applicable, the name and business address of the organisation employing the design verifier;
 - (c) representational drawings of the plant design; and
 - (d) the fee of \$50.
- (4) On request from the Authority, an applicant under this regulation shall supply any of the following information at the time of the application for design registration or any time afterwards:
 - (a) detailed drawings of the plant design;
 - (b) design calculations;
 - (c) details of operating instructions;
 - (d) diagrams of control systems, including the sequence of operating the controls;
 - (e) details of maintenance requirements;
 - (f) a statement of limitations of use.
- (5) On receiving an application under this regulation, the Authority shall:
 - (a) register the plant design subject to such conditions, if any, as the Authority thinks fit and issue a design registration number to the applicant;

- (b) seek additional information; or
 - (c) refuse to register the plant design.
- (6) Where the Authority refuses to register a plant design, the reasons for the refusal shall be provided in writing to the applicant.
- (7) On receiving a design registration number under subregulation (5)(a), the applicant shall provide the number to the manufacturer, importer or supplier of the plant.
- (8) Where a plant design is registered, any proposed alteration to the design shall be registered under this regulation and, for that purpose, a person may apply to the Authority in accordance with this regulation.

91 Cancellation &c., of registration of design

- (1) The Authority may, where it is satisfied that the design of designated plant that is registered under these Regulations is not safe or does not comply with these Regulations:
- (a) cancel the registration; or
 - (b) amend a condition of the registration or impose a new condition to which the registration is subject.
- (2) The Authority shall, as soon as practicable after exercising its powers under subregulation (1), notify:
- (a) the person to whom the registration number was issued;
 - (b) the design verifying body who verified the design of the plant; or
 - (c) where the design is registered under a law of the Commonwealth, a State or another Territory of the Commonwealth, the person or body that registered the design under that law,
- of the action taken.

92 Confidentiality

- (1) A person shall not provide to another person any documentation supplied to the Authority under this Division except:
- (a) to a body or organisation having responsibility for administering a law relating to the registration of the design of designated plant;

- (b) for the purposes of the administration of the Act or these Regulations;
 - (c) with the written approval of the person who supplied the information; or
 - (d) as required by law.
- (2) Notwithstanding subregulation (1), where the person who initially supplied the information has died, cannot be located or, in the case of a corporation, no longer exists, the Authority may make available to an owner or an inspector of designated plant such documentation as may be required by the owner or inspector to ensure the continued safe operation of the plant.

Division 2 Registration and inspection of items of designated plant

93 Definition

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

94 Items of designated plant to be registered

- (1) Subject to subregulation (2), a person having the control or management of any plant specified in Part 2 of Schedule 1 shall not use the plant at a workplace or permit or cause it to be used at a workplace unless it is registered.
- (2) Where 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 shall be deemed to be registered for the purposes of this Part.

95 Registration

- (1) An application to register an item of designated plant may be made to the Authority.
- (2) An application under subregulation (1) shall be in the approved form and accompanied by:
 - (a) the design registration number and the name of the body or organisation with which the plant design is registered;
 - (b) where the designated plant is pressure equipment, a copy of the manufacturer's data report;

- (c) such other information as the Authority may require; and
 - (d) the fee of \$20.
- (3) The Authority, on receiving an application under subregulation (1), may register or refuse to register the designated plant.
- (4) The Authority, on registering designated plant under subregulation (3), shall:
- (a) issue to the applicant a certificate of registration in the approved form; and
 - (b) where the designated plant has not previously been registered, allocate an identification number to the plant.
- (5) The registration of designated plant under this regulation may be subject to such conditions, if any, as the Authority thinks fit and specifies in the certificate of registration.

96 Cancellation or suspension of registration

- (1) The registration of designated plant is, by force of this regulation, cancelled where there is:
- (a) a change in ownership of the plant;
 - (b) a change to the plant that results in the plant no longer complying to the design to which it was manufactured;
 - (c) in the case of normally fixed plant, a change of location at which the plant is operated; or
 - (d) 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 Authority may, on the grounds of safety, by notice served on the owner of designated plant that is registered:
- (a) cancel; or
 - (b) suspend, for the period specified in the notice,
- the registration of the plant.
- (3) A notice under subregulation (2) shall contain the reasons for the decision to cancel or suspend the registration of the designated plant.

- (4) Where the registration of designated plant is cancelled or suspended under subregulation (2), the owner of the plant shall, not later than 7 days after notice of the cancellation or suspension is served on the owner, deliver the certificate of registration to the Authority.

97 Sale or disposal

An owner of registered plant who sells or disposes of the plant shall, not later than 28 days after the sale or disposal, notify the Authority in writing of the sale or disposal and provide such details of the sale or disposal as the Authority may require.

99 Certificate of inspection required

- (1) Subject to subregulation (2), designated plant shall not be used at a workplace unless there is in force in respect of the plant a certificate of inspection.
- (2) Subregulation (1) does not apply to the testing or commissioning of designated plant prior to it being used at a workplace.

100 Inspection of designated plant

- (1) An owner of designated plant shall ensure that it is inspected by an inspector of designated plant:
- (a) before it is first used at a workplace;
 - (b) after repairs are carried out, or 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 Authority.
- (2) Where, following an inspection under subregulation (1), an inspector of designated plant is:
- (a) satisfied that the plant complies with these Regulations, the inspector shall;
 - (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 Authority and provide the Authority with such details of the inspection as the Authority may require; or
- (b) not satisfied that the plant complies with these Regulations, the inspector shall notify the owner in writing with the reasons why the plant does not comply.
- (3) An inspector of designated plant who carries out an inspection under subregulation (1)(a) shall, in the approved manner, legibly mark on the plant the identification number allocated to the plant under regulation 95.
- (4) Where an inspection under subregulation (1) is carried out by the Authority, the Authority may require the owner of the designated plant to pay to the Authority the costs of and incidental to the Authority in carrying out the inspection.
- (5) A person shall not knowingly conceal from an inspector of designated plant carrying out an inspection of designated plant 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 Authority) not to issue a certificate of inspection may apply to the Authority for the issue of a certificate of inspection.

101 Certificate of inspection

A certificate of inspection shall be in the approved form and remains in force for the period specified in the certificate.

102 Cancellation of certificate of inspection

- (1) A certificate of inspection is, by force of this regulation, cancelled where 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 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) Where a certificate of inspection is cancelled under subregulation (2), the owner of the designated plant shall, not later than 7 days after notice of the cancellation or suspension is served on the owner, deliver the certificate to the Authority.

103 Identification marks to be maintained

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

104 Repair and maintenance of designated plant

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

- (a) an inspector is notified before the repairs are performed;
- (b) the repairs are carried out 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 are performed and before the plant is used.

105 Record to be kept

- (1) An owner of designated plant shall 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) where applicable, the certificate of registration of the plant;
 - (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;
 - (e) details of all repairs and maintenance carried out on the plant, including:
 - (i) the date when repairs or maintenance were carried out;
 - (ii) details of the repairs or maintenance carried out; and

- (iii) details of the person who carried out the repairs or maintenance; and
- (f) details of the design registration, where the repair is of a nature that requires a design verification to be undertaken.
- (2) The record referred to in subregulation (1) shall be kept while the designated plant to which it relates continues to be used at a workplace.
- (3) Where an owner of designated plant sells or disposes of the plant to another person, the owner shall deliver to the person, at the time of the sale or disposal, the record of the plant kept under subregulation (1).

Part 10 Specific requirements for controlling risks from plant

Division 1 Plant under pressure

106 Application

This Division does not apply to pressure equipment which:

- (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.

107 Plant under pressure

- (1) Pressure equipment covered by AS 1200, other than gas cylinders, which is in use shall 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 shall comply with and shall be inspected and maintained in accordance with AS 2030.
- (3) A person operating a gas cylinder test station shall 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 shall ensure that when gas cylinders are presented for filling:
 - (a) only those which bear a current inspection mark in accordance with AS 2030 and are in a good condition are filled;

- (b) the filling is carried out 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

110 Plant designed to lift or move people, equipment or materials

- (1) Plant designed to lift or move persons, equipment or materials shall be used so that:
 - (a) as far as practicable, a load is not suspended over and does not travel over a person;
 - (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 personnel box or carrier designed for the purpose is used and securely attached to the plant;
 - (iii) where practicable, the plant is fitted with a means by which the personnel 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 personnel 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 personnel 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 shall not be used to lift or move a load which may become unstable unless the load is appropriately restrained.
- (3) A crane or hoist shall not be used as an amusement structure.

- (4) A crane, hoist or building maintenance unit shall 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.
- (5) Plant, other than a crane or hoist, shall not 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) where 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 carried out within the safe working load limits of the plant;
 - (g) safe working load limits are displayed on the plant; and
 - (h) loads are only lifted using attachments suitable to the task to be performed.
- (6) As far as practicable, a load shall not be simultaneously lifted by more than one item of plant.
- (7) An industrial lift truck shall be:
 - (a) fitted with warning devices which are appropriate to effectively warn persons who are at risk from the movement of the industrial lift truck;
 - (b) used in a way which minimises 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.
- (8) A person shall not ride on an industrial lift truck or tractor as a passenger unless the person is seated in a seat specifically designed for carrying a passenger and the seat is fitted with appropriate seat restraints and is located within the zone of protection afforded by the operator protective devices on the truck

or tractor.

111 Lifting gear

- (1) Lifting gear at a workplace shall comply with the standards specified in Schedule 12.
- (2) Lifting gear shall not 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.

115 Repairs and maintenance

An owner of a crane or hoist at a workplace shall ensure that repairs and maintenance are carried out on it in accordance with the appropriate standards specified in Schedule 10.

Division 3 Lifts, escalators and moving walks

116 Lifts, escalators and moving walks

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

117 Maintenance of control measures

- (1) An owner of a lift, escalator or moving walk at a workplace shall 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 shall ensure, after the installation of new ropes and before the lift commences to be operated, that the Authority 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) shall be kept in the record for the lift.

118 Provision of information

An owner of a lift shall 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;
 - (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.

119 Use

- (1) A person (other than a person competent to work on a lift) shall 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) shall not ride in a service lift or a lift not specifically designed for the carriage of persons.
- (3) A person shall not smoke or carry a lighted pipe, cigar, cigarette or naked flame inside the car of a lift.

120 Amusement structures

Amusement structures shall be designed, manufactured, operated and maintained, and records shall be kept, in accordance with

AS 3533 or, where applicable, the Code for Miniature Railways and having regard to the instructions of the designer and manufacturer or those developed by a competent person.

Division 5 Powered mobile plant

123 Powered mobile plant

- (1) Mobile plant shall be used so as to minimise the risk of overturning or of an object falling on the operator.
- (2) Where there is a risk of:
 - (a) powered mobile plant overturning;
 - (b) an object falling on the operator of mobile plant; or
 - (c) the operator being ejected from the seat of mobile plant,operator protective devices shall, as far as is practicable, be provided, maintained and, as appropriate, used.
- (3) Controls shall 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 shall, subject to subregulation (5), 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 is substituted;
 - (c) the protective structure is identified with the information required by AS 2294, as appropriate.
- (6) An employer shall ensure that powered mobile plant is fitted with appropriate seat restraints where:
 - (a) attaching points for the seat restraints have been incorporated in the original design of the plant; or
 - (b) the plant is fitted with a rollover protective structure or a falling object protective structure.

Division 6 Plant with hot or cold parts

124 Plant with hot or cold parts

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

- (a) where workers are exposed to hot or cold plant, the exposure is monitored and appropriately managed to minimise risks to health and safety;
- (b) where molten metal is transported, arrangements shall 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 shall be adequately guarded or insulated so as to minimise risks to health and safety.

Division 7 Plant with moving parts

125 Plant with moving parts

Where there is a risk to health or safety arising from moving parts of plant:

- (a) cleaning, maintenance and repair of the plant shall not be undertaken while it is operating unless there is no practicable alternative approach; and
- (b) where guarding of moving parts does not completely eliminate the risk of entanglement, a person shall not be 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 8 Electrical plant and plant exposed to electrical hazards

126 Electrical plant and plant exposed to electrical hazards

- (1) Where electrical plant is damaged resulting in an electrical hazard or plant is exposed to an electrical hazard:
 - (a) the plant shall be disconnected from the electricity supply and not used until the damaged part is repaired or replaced;
 - (b) the plant shall not be used under conditions likely to give rise to the electrical hazard; and

- (c) where the plant has been isolated but not physically disconnected from the electrical supply, a permit to work system shall be provided to avoid inadvertent energising of the plant.
- (2) Where an excavation is 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 shall be obtained.

Division 9 Industrial robots and other remotely or automatically energised equipment

127 Industrial robots and other remotely or automatically energised equipment

- (1) Where industrial robots or other remotely or automatically energised equipment are used, a worker shall not be 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) Where an industrial robot 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 shall 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 10 Compressed air nailing tools

129 Design and manufacture

A compressed air nailing tool at a workplace shall 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.

130 Use

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

- (a) in a manner which 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 12 Lasers

132 Lasers

- (1) A laser or laser product shall not 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, shall not be used in construction work.

Division 13 Scaffold

133 Scaffolding, access platforms and working platforms

- (1) Subject to these Regulations, scaffolding, access platforms and working platforms at a workplace shall be designed, manufactured, supplied, erected, used and dismantled in accordance with AS 1576.
- (2) Planks used with scaffolding at a workplace shall comply with AS 1577.
- (3) Scaffold shall be inspected by a competent person on erection or installation and before it is first used to ensure it is in a safe condition and at regular intervals, while it is being used, to ensure it remains in a safe condition.

Part 11 Construction work

Division 1 General

134 Overloading

A load shall not 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.

136 Crane landing platforms

- (1) A crane landing platform shall not be erected at a workplace unless it has been designed by a competent person and the design submitted to the Authority.

- (2) The safe working load of a crane landing platform at a workplace shall 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 shall:
 - (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) shall be kept closed, whenever practicable.

137 Fencing of construction work

- (1) Before construction work is commenced, fencing shall be erected around the work area in accordance with this regulation.
- (2) Fencing shall be erected 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) shall:
 - (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) shall be kept in place until the construction work is completed.

138 Prevention of falls of material

- (1) Where there is a reasonable likelihood that a person could be injured by the fall of an object or material at a workplace, measures shall 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) Notwithstanding subregulation (1), a gantry shall be erected over an area where a person, other than a worker performing construction work, has access, where 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), where a load is to be raised, lowered or otherwise moved by a crane over part of a road, measures shall be taken to prevent a person or vehicle entering the part of the road while the load is being raised, lowered or moved.
- (4) Gantries referred to in subregulation (2) shall 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 shall be kept in place until the need for overhead protection no longer exists.

139 Formwork

- (1) The design, construction, use and dismantling of formwork used in construction work shall comply with AS 3610.
- (2) Where formwork is installed at a workplace, material shall 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

140 Flooring

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

141 Stairs

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

143 Precautions for prestressing and poststressing operations

- (1) Where a stressing jack is used in prestressing or poststressing operations during construction work, the stressing jack shall be restrained so that, in the event of it becoming dislodged from an anchorage point, it cannot move into free flight.
- (2) Where a worker operating stressing equipment is supported by scaffolding, the working platform on the scaffolding shall 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 shall be guarded during those operations.

144 Bricks

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

- (a) if stored on pallets, be stored not more than 2 pallets high; and
- (b) 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

145 Shoring

- (1) Subject to this regulation, shoring shall be provided at a workplace:
 - (a) where any 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) shall 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 where 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.

146 Access and egress

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

147 Positioning of equipment and material

Equipment or excavated material shall not be placed near the edge of an excavation, caisson or cofferdam at a workplace where there is a likelihood of the collapse of a side of, or of material falling into, the excavation, caisson or cofferdam.

148 Prevention of collapse of structures, &c.

Excavation work or earthwork at a workplace which is likely to endanger the stability of a building, structure, road or way shall not 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.

149 Caissons and cofferdams

- (1) Where a caisson or cofferdam is used at a workplace, it shall 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) Where a worker is working in a caisson, the employer of the worker shall provide a safety line to the worker.

Division 4 Demolition work

150 Demolition work

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

151 Asbestos in buildings or structures

Before a building or structure is demolished the person carrying out the demolition shall:

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

152 Explosive demolition

The demolition of a building or structure by the use of explosives shall not be performed without the written approval of the Authority.

Part 12 Specific work processes

Division 1 Abrasive blasting

154 Blasting equipment

- (1) Abrasive blasting equipment used at a workplace shall 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 blasting, an efficient means for discharging static electrical charge from the abrasive blasting nozzle; and
 - (d) in the case of wet blasting, a water flow rate sufficient to prevent dust being generated.
- (2) A mechanism or system referred to in subregulation (1)(a) shall be under the direct control of the person operating the abrasive blasting equipment.

155 Blasting chambers and enclosures

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

- (a) 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) be constructed of hard wearing noncombustible material.

156 Blasting outside blasting chamber or enclosure

- (1) Where abrasive blasting is performed at a workplace, other than in a blasting enclosure or blasting chamber, it shall 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) Where abrasive blasting at a workplace is carried out near a public place, an employer of a worker performing the blasting shall ensure that means are provided to prevent any abrasive over spray into, and to prevent the general pollution of the air in, the public place.
- (3) Where abrasive blasting is performed at a workplace, other than in a blasting chamber or blasting enclosure, the employer of the worker performing the blasting shall ensure that any residue is cleaned from all surfaces as soon as practicable after the blasting ceases.

157 Protective equipment

An employer of a worker engaged in abrasive blasting at a workplace shall 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

158 Prohibited processes

- (3) Compressed air, dry brushing or dry sweeping shall not be used in work involving the use or handling of asbestos or a substance containing asbestos.

159 Control of airborne asbestos

Where as a result of work being performed asbestos dust may be given off, the work shall 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.

160 Control of exposure to asbestos dust

- (1) Subject to subregulation (2), an employer shall ensure that exhaust ventilation equipment that will prevent asbestos dust being released into the air is provided, maintained and used, where dust may be given off during the course of work being performed at a workplace.
- (2) Where it is not practicable to comply with subregulation (1), an employer shall 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) shall 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) Where ventilation equipment referred to subregulation (1) is provided, an employer shall 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 carried out under paragraph (a) are recorded and kept for 2 years after they are recorded.

161 Cleaning

- (1) An employer of a worker at a workplace:
 - (a) where a process or work to which this Division applies is carried out; or
 - (b) into which asbestos from such a process or work is likely to escape,shall ensure that all exposed surfaces at the workplace are kept clean and free of asbestos.
- (2) Cleaning under subregulation (1) shall 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 shall provide the worker with protective clothing and respiratory protective equipment.

162 Manufacture &c., of asbestos products

- (1) Unless approved, a person shall not carry out a process at a workplace involving:
 - (a) the manufacture of a product containing asbestos, where 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) shall 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.

163 Storage and disposal of asbestos

- (1) Where asbestos is stored in, or moved or removed from, a workplace for disposal, it shall 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 shall be disposed of by burying it at an approved site.

164 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 162,shall 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 his or her employment unless, within the previous 12 months, the worker has undergone health surveillance in accordance with this regulation.
- (2) Health surveillance under subregulation (1) shall 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) Where a worker fails to undergo health surveillance as required under this regulation an employer shall not knowingly permit the worker to perform work or a process to which this regulation applies.

Division 3 Spray painting

166 Booth required

- (1) Spray painting shall be carried out at a workplace in a booth complying with regulation 167 unless the painting:
 - (a) consists of minor spotting or touching up operations; or
 - (b) is carried out 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) Where spray painting cannot be carried out in a booth as allowed in subregulation (1)(a) and (b), it shall be carried out such 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) any person who is exposed to the spray wears appropriate personal protective equipment.

167 Specifications for booths

A booth referred to in regulation 166 shall:

- (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 55.

Division 4 Underwater work

168 Underwater work

An employer of a worker who performs work underwater shall 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 prior to carrying out the work;
- (c) the diving equipment, including the air breathing apparatus, used by the worker to carry out 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 78(2);
- (e) an operations manual addressing:
 - (i) prediving planning;
 - (ii) preparations to be carried out at the dive site;
 - (iii) procedures to be carried out during the dive; and
 - (iv) procedures to be carried 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 prior to the commencement of the work.

Division 5 Lead

168A Biological monitoring

- (1) An employer shall provide for biological monitoring consisting of the measurement of the concentration of lead in whole blood of a worker who is employed in lead risk work:
 - (a) not later than one month of being so employed;
 - (b) not later than 2 months after monitoring is conducted under paragraph (a); and
 - (c) thereafter at intervals not longer than those specified in subregulation (2) while the worker continues to be employed in lead risk work.
- (2) For the purposes of subregulation (1)(c), further biological monitoring shall be carried out:
 - (a) once every 6 months, if the most recent of measurement of the concentration of lead in whole blood of a worker is less than 30µg/dL for males and females (where females are not of reproductive capacity); or
 - (b) once every 3 months, if the most recent of measurement of the concentration of lead in whole blood of a worker is in the range:
 - (i) 30 to 39µg/dL for males and females (where females are not of reproductive capacity); or
 - (ii) less than 10µg/dL for females of reproductive capacity; and
 - (c) once every 6 weeks if the most recent of measurement of the concentration of lead in whole blood of a worker is at or above:
 - (i) 40µg/dL for males and females (where females are not of reproductive capacity); or
 - (ii) 10µg/dL for females of reproductive capacity.

168B Removal from work

- (1) If the results of measurement of the concentration of lead in whole blood of a worker is at or above:
 - (a) 50µg/dL for males and females (where females are not of reproductive capacity);
 - (b) 20µg/dL for females of reproductive capacity; or
 - (c) 15µg/dL for pregnant or breast feeding females,or the employer or worker considers that an excessive exposure to lead has occurred, the employer shall:
 - (d) immediately remove the worker from the lead risk work to work that is not lead risk work; and
 - (e) within 7 days, arrange for the worker to have a medical examination and tests for the concentration of lead in whole blood by a medical practitioner.
- (2) If a worker advises an employer that she is pregnant or is breast feeding, the employer shall immediately remove the worker from lead risk work to work that is not lead risk work.
- (3) An employer shall ensure that a worker does not return to lead risk work until:
 - (a) the measurement of the concentration of lead in whole blood of the worker is less than:
 - (i) 40µg/dL for males and females (where females are not of reproductive capacity); or
 - (ii) 10µg/dL for females of reproductive capacity, including females who have ceased their pregnancy and breast feeding; and
 - (b) the worker is certified as fit to return to lead risk work by a medical practitioner.

Part 12A Infringement notices

168C Definitions

In this Part, unless the contrary intention appears:

infringement notice means an infringement notice issued under this Part.

officer means a work health officer appointed under section 35 of the Act.

offence means an offence against the Act or these Regulations.

offender means a person who an officer believes has committed an offence.

168D Service of infringement notice

- (1) An officer may serve on an offender an infringement notice by:
 - (a) personally handing it to the offender;
 - (b) posting it to the offender at the offender's last known postal address or place of residence or business; or
 - (c) leaving it for the offender at the offender's last known place of residence or business with some other person apparently resident or employed there and apparently not less than 16 years of age.
- (2) In addition to subregulation (1), where an offender is a worker, an infringement notice may be served by posting it to or leaving it at the office of the worker's employer.

168E Particulars to be shown on infringement notice

- (1) An infringement notice shall have clearly shown on it:
 - (a) the name of the offender (if known);
 - (b) the date, time and place of the offence;
 - (c) the nature of the offence or offences and the penalty or penalties payable;
 - (d) the place or places at which a penalty may be paid;

- (e) the date of the infringement notice and a statement that the penalty or penalties may be paid within 28 days after that date;
 - (f) a summary of the provisions relating to the withdrawal of an infringement notice;
 - (g) a statement to the effect that, if the appropriate amount specified in the infringement notice as the penalty for the offence is tendered at the place referred to in the notice within the time specified in the notice, no further action will be taken; and
 - (h) such other particulars and instructions as the Authority may approve.
- (2) It is sufficient compliance with subregulation (1)(b) if the officer giving the infringement notice makes a mark on that notice against the particular offence and against the penalty applicable to that offence to clearly indicate the offence and the corresponding penalty.

168F Withdrawal of notice

- (1) An infringement notice may be withdrawn, at any time within 28 days after the service of the notice, by addressing to the offender a notice of withdrawal:
- (a) signed by the officer who served the notice or an officer authorized for that purpose by the Authority; and
 - (b) stating that the infringement notice is withdrawn and any money paid as a consequence of the service of the notice will be refunded.
- (2) A notice of withdrawal under subregulation (1) may be served on the offender by:
- (a) personally handing it to the offender;
 - (b) posting it to the offender at the offender's last known postal address or place of residence or business; or
 - (c) leaving it for the offender at the offender's last known place of residence or business with some other person apparently resident or employed there and apparently not less than 16 years of age.

- (3) In addition to subregulation (1), where an offender is a worker, a notice of withdrawal may be served by posting it to or leaving it at the office of the worker's employer.
- (4) In a prosecution against an offender, the production of a certificate signed by an officer stating that:
 - (a) the officer is authorized by the Authority to sign notices of withdrawal; and
 - (b) on a specified date the officer signed a notice of withdrawal of a specified infringement notice,

is evidence of the matters stated in the certificate.

168G Penalty for offence

The penalty payable for the purposes of this Part for an offence is \$50 or, where the offender is a body corporate, \$250.

168H Payment before expiry date of infringement notice

- (1) Subject to regulation 168J, where, before the expiration of the period specified in an infringement notice for the payment of a penalty, the amount of the penalty shown on the notice is paid at a place specified in the notice the offender shall be deemed to have expiated the offence by payment of the penalty and no further proceedings shall be taken in relation to the offence, unless the notice is, in accordance with regulation 168F, withdrawn.
- (2) Where a person tenders a cheque in payment of a penalty under this regulation at, or sends it by post to, a place specified in an infringement notice where the penalty may be paid, payment shall be deemed not to be made unless the cheque is honoured on presentation.

168J General

Nothing in this Part:

- (a) prevents the service of more than one infringement notice in relation to the same offence but it is sufficient for the application of regulation 168H to a person on whom more than one such notice has been served for that person to pay the amount of the penalty in accordance with any one notice so served on that person;

- (b) prejudices or affects (except as provided by regulation 168H) the institution or prosecution of proceedings, or limits the amount of the fine that may be imposed by a court, in relation to an offence; or
- (c) shall be construed as requiring the serving of an infringement notice or as affecting the liability of a person to be prosecuted in a court in relation to an offence in respect of which an infringement notice has not been served.

168K Work health officer may require information

- (1) Where an officer has reason to believe that a person has committed an offence, the officer may require the person:
 - (a) to state the person's name and address;
 - (b) to provide such other information as the officer considers necessary to determine the identity of the person; and/or
 - (c) to provide a specimen of the person's signature.
- (2) A person shall not:
 - (a) refuse or fail to comply with a request made by an officer under subregulation (1); or
 - (b) make a false statement in response to a request under subregulation (1).

Part 13 Miscellaneous

169 Review by Court

For the purposes of section 111(1) of the Act, a person aggrieved by a decision of the Authority under Part 3 or 9 has a right to apply to the Court for the Court to review the decision.

170 Reference to certain standards

The standards specified in Schedule 13 are standards referred to in these Regulations that are in addition to those specifically referred to in any other Schedule.

171 Offences

A person who contravenes or fails to comply with these Regulations is guilty of an offence and is liable, on conviction, to a penalty not exceeding \$2,000.

173 Transitional

- (3) Where the Chief Inspector, within the meaning of the *Inspection of Machinery Act* (as in force before the commencement of these Regulations), had approved the design of plant under that Act, and the approval was in force immediately before that commencement, the plant shall, on that commencement, be deemed to comply with regulation 88.

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 which 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

Amusement structures covered by AS 3533, with the exception of class 1 structures

Prefabricated scaffolding

Work boxes suspended from cranes

Part 2 Items of plant which 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

Amusement structures covered by AS 3533, with the exception of class 1 structures

Schedule 3 Licences

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 250 mm:	Reciprocating Steam Engine Operation
Crane and Hoist Operation	
Operation and additionally, in the case of a crane referred to in paragraphs (a), (f), (g), (h), (j) and (k), the setting up and dismantling of a:	
(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 tonne and above)	Non-slewing Mobile Crane Operation
(g)	slewing mobile crane (up to 20 tonnes):	Slewing Mobile Crane Operation (up to 20 tonne)
(h)	slewing mobile crane (up to 60 tonnes):	Slewing Mobile Crane Operation (up to 60 tonne)
(j)	slewing mobile crane (up to 100 tonnes):	Slewing Mobile Crane Operation (up to 100 tonne)
(k)	slewing mobile crane (open/over 100 tonnes):	Slewing Mobile Crane Operation (open)
(m)	elevating work platform (with a boom length of 11 metres or more):	Elevating Work Platform Operation
(n)	hoist (cantilever platform):	Hoist Operation (Cantilever Platform)
(p)	hoist (personnel or material):	Hoist Operation (Personnel and Materials)
(q)	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
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Scaffolding

Erection, alteration or dismantling, at a height greater than 4 metres, of:

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; or
- (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:

Intermediate Scaffolding

- (a) prefabricated scaffold;
- (b) cantilevered crane loading platform;
- (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:

Advanced Scaffolding

- (a) cantilevered hoist;
- (b) hung scaffold, including scaffold hanging from tubes, wire rope or chain;
- (c) suspended scaffold

Rigging

Work requiring:

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

Rigging work requiring a Dogging licence, plus work associated with:

Basic Rigging

- (a) movement of plant or equipment;
- (b) steel erection;
- (c) particular hoists;
- (d) placement of precast concrete;
- (e) safety net and static line;
- (f) mast climber;
- (g) perimeter safety screens and shutters;
- (h) cantilevered crane loading platforms

Rigging work requiring a Basic Rigging licence, plus rigging work associated with:

Intermediate Rigging

- (a) all hoists;
- (b) rigging of cranes, conveyors, dredges and excavators;
- (c) tilt slabs;
- (d) demolition; or
- (e) dual lifts

Rigging work requiring an Intermediate Rigging licence, plus rigging worker associated with:

Advanced Rigging

- (a) rigging of gin poles and shear legs;
- (b) flying foxes and cable ways;

- (c) guyed derricks and structures;
- (d) suspended scaffolds and fabricated hung scaffolds:

Asbestos Removal

Work involving:

Asbestos Removalist

- (a) the removal of thermal or acoustic insulation materials which consist of or contain asbestos;
- (b) the removal of asbestos – cement products or other asbestos containing materials; or
- (c) the removal of decorative materials which consists of or contain asbestos,

but does not include:

- (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; or
- (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 carrying out maintenance or repair work, where the material removed does not extend more than one metre in any direction from the place of maintenance or repair.

Schedule 4 Trainees performing work

regulations 23 and 24

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 tonne)

Slewing Mobile Crane Operation (60 tonne)

Slewing Mobile Crane Operation (100 tonne)

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 5 Type of work required to be notified

regulation 26

Excavation work requiring shoring under regulation 145

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 6 Disclosure of ingredients of hazardous substance

regulation 67A

1. Definitions

In this Schedule, unless the contrary intention appears:

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

- (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 which 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 which exceeds the lowest relevant concentration cut off level under NOHSC:1008.

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

2. Ingredient disclosure

- (1) Subject to this clause, a material safety data sheet shall 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) Where 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 such an ingredient which has a known synergistic effect or which 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 shall 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) Where a generic name is used to identify a type 2 ingredient, the manufacturer or importer shall notify Worksafe Australia of the use of the generic name in a manner and form determined by Worksafe Australia.
- (6) Where 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 shall 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 Authority, 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 shall, 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 shall 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 only use the information 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 shall:
 - (a) provide the applicant with reasonable written reasons for rejecting the application; and
 - (b) provide such information as is necessary to satisfy the grounds on which the application is made without disclosing the chemical identity of the ingredient.

Schedule 7 Substances prohibited for specified uses

regulation 69

Substance	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 new application, 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

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 which 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 nitrate	wet abrasive blasting

Schedule 8 Hazardous substances for which health surveillance is required

regulation 69A

Hazardous Substance	Type of health surveillance
acrylonitrile	occupational and medical history. demographic data. records of personal exposure.
asbestos	occupational and medical history. demographic data. records of personal exposure.
cadmium	demography, occupational and medical history. health advice, including counselling on additional cadmium burden from smoking. physical examination with emphasis on the respiratory system. completion of a standardised respiratory questionnaire. standardised respiratory function tests FEV1, FVC and FEV1/FVC. urinary cadmium and 2 – microglobulin. records of personal exposure.
crystalline silica	occupational and medical history demographic data. completion of a standardised respiratory questionnaire. standardised respiratory function tests FEV1, FVC and FEV1/FVC. chest Xray, full size PA view.
inorganic arsenic	demography, occupational and medical history and health advice. physical examination with emphasis on the peripheral nervous system. urinary total arsenic. records of personal exposure.
inorganic lead	demography, occupational and medical history and health advice. lead in whole blood.

inorganic mercury	demography, occupational and medical history and health advice. physical examination with emphasis on neurological, renal, gastrointestinal and dermatological systems. urinary inorganic mercury.
isocyanates	occupational and medical history. completion of a standardised respiratory questionnaire. physical examination of the respiratory system and skin. standardised respiratory function tests FEV1, FVC and FEV1/FVC.
4,4' methylenebis(2 chloroaniline) (MOCA)	urinary total MOCA. dipstick analysis of urine for haematuria. urine cytology.
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 9 Carcinogenic substances

regulations 69B, 69C, 69D and 69E

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 where 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 10 Standards covering design and manufacture of plant

regulations 84, 85 and 86

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	3533	Amusement rides and devices
AS	3920	Assurance of product quality
	3920.1	Pressure equipment manufacture

Schedule 12 Standards applying to lifting gear

regulation 111

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 60 t
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 13 Other standards

regulation 170

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 Pt 1		Australian Miniature Boiler Safety Committee Code for copper boilers
AMBSC Pt 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
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2**LIST OF LEGISLATION*****Work Health (Occupational Health and Safety) Regulations 1992 (SL No. 71, 1992)***

Notified	24 December 1992
Commenced	24 December 1992

Amendments of Work Health (Occupational Health and Safety) Regulations 1996 (SL No. 4, 1996)

Notified	14 February 1996
Commenced	r 67: 14 May 1996 (r 2(2)); rem: 14 February 1996 (r 2(1))

Amendment of Work Health (Occupational Health and Safety) Regulations 2001 (SL No. 24, 2001)

Notified	16 May 2001
Commenced	16 May 2001

Mining Management (Consequential Amendments) Act 2001 (Act No. 42, 2001)

Assent date	19 July 2001
Commenced	1 January 2002 (s 2, s 2 <i>Mining Management Act 2001</i> (Act No. 43, 2001) and Gaz G46, 21 November 2001, p 2)

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date	11 December 2001
Commenced	11 December 2001 (s 2)

Amendment of Work Health (Occupational Health and Safety) Regulations 2003 (SL No. 53, 2003)

Notified	26 November 2003
Commenced	26 November 2003

3**LIST OF AMENDMENTS**

r 2	amd No. 4, 1996, r 3; Act No. 62, 2001, s 17
r 3	sub Act No. 42, 2001, s 4

r 3A	ins No. 24, 2001
r 10	amd No. 4, 1996, r 4
r 11	amd No. 4, 1996, r 5
r 12	amd No. 4, 1996, r 6
r 13	amd No. 4, 1996, r 7
r 23	amd Act No. 62, 2001, s 17
pt 5 hdg	amd No. 4, 1996, r 8
r 27	amd No. 4, 1996, r 9
r 28	amd No. 4, 1996, r 10
r 29	sub No. 4, 1996, r 11
rr 30 – 32	rep No. 4, 1996, r 11
r 33	amd No. 4, 1996, r 12
r 34	amd No. 4, 1996, r 13
r 35	amd No. 4, 1996, r 14
r 38	amd No. 4, 1996, r 15
rr 46 – 47	amd Act No. 62, 2001, s 17
r 47A	ins No. 4, 1996, r 16
r 52	amd No. 4, 1996, r 17
r 59	sub No. 4, 1996, r 18
pt 7	
div 3A hdg	ins No. 4, 1996, r 19
r 61	sub No. 4, 1996, r 20
r 61A	ins No. 4, 1996, r 20
r 63	amd Act No. 62, 2001, s 17
r 65	amd No. 4, 1996, r 21
r 67	amd No. 4, 1996, r 22
r 67A	ins No. 4, 1996, r 23
r 68	amd No. 4, 1996, r 24; Act No. 62, 2001, s 17
r 69	sub No. 4, 1996, r 25
r 69A	ins No. 4, 1996, r 25
	amd Act No. 62, 2001, s 17
rr 69B – 69E	ins No. 4, 1996, r 25
r 71	amd No. 4, 1996, r 26
r 75	sub No. 4, 1996, r 27
rr 84 – 87	sub No. 4, 1996, r 28
rr 87A – 87G	ins No. 4, 1996, r 28
r 88	amd No. 4, 1996, r 29; Act No. 62, 2001, s 17
rr 89 – 90	sub No. 4, 1996, r 30
r 91	amd No. 4, 1996, r 31
r 92	sub No. 4, 1996, r 32
pt 9	
div 2 hdg	amd No. 4, 1996, r 33
r 93	amd No. 4, 1996, r 34
r 94	sub No. 4, 1996, r 35
r 95	amd No. 4, 1996, r 36
pt 9	
div 3 hdg	rep No. 4, 1996, r 37
r 98	rep No. 4, 1996, r 38
r 100	amd No. 4, 1996, r 39
r 104	amd No. 4, 1996, r 40
r 105	amd No. 4, 1996, r 41; Act No. 62, 2001, s 17
pt 10 hdg	amd No. 4, 1996, r 42
pt 10	
div 1 hdg	amd No. 4, 1996, r 43
r 107	sub No. 4, 1996, r 44
rr 108 – 109	rep No. 4, 1996, r 44
pt 10	
div 2 hdg	amd No. 4, 1996, r 45

r 110	sub No. 4, 1996, r 46 amd Act No. 62, 2001, s 17
r 111	sub No. 4, 1996, r 46
rr 112 – 114	rep No. 4, 1996, r 46
r 115	amd Act No. 62, 2001, s 17
r 116	sub No. 4, 1996, r 47
r 118	amd Act No. 62, 2001, s 17
r 119	amd No. 4, 1996, r 48
r 120	sub No. 4, 1996, r 49
r 121	rep No. 4, 1996, r 49
pt 10	
div 4 hdg	rep No. 4, 1996, r 49
r 122	rep No. 4, 1996, r 49
pt 10	
div 5 hdg	amd No. 4, 1996, r 50
r 123	sub No. 4, 1996, r 51
pt 10	
div 6 hdg	sub No. 4, 1996, r 52
r 124	sub No. 4, 1996, r 52
pt 10	
div 7 hdg	sub No. 4, 1996, r 52
r 125	sub No. 4, 1996, r 52
pt 10	
div 8 hdg	sub No. 4, 1996, r 52
r 126	sub No. 4, 1996, r 52 amd Act No. 62, 2001, s 17
pt 10	
div 9 hdg	sub No. 4, 1996, r 52
r 127	sub No. 4, 1996, r 52
r 128	rep No. 4, 1996, r 52
pt 10	
div 11 hdg	rep No. 4, 1996, r 53
r 131	rep No. 4, 1996, r 53
r 132	sub No. 4, 1996, r 54
r 133	amd No. 4, 1996, r 55
r 135	rep No. 4, 1996, r 56
r 137	amd No. 4, 1996, r 57
r 138	sub No. 4, 1996, r 58
r 142	rep No. 4, 1996, r 59
r 150	amd No. 4, 1996, r 60
r 151	amd No. 4, 1996, r 61
r 153	rep No. 4, 1996, r 62
r 158	amd No. 4, 1996, r 63
rr 160 – 161	amd Act No. 62, 2001, s 17
r 165	rep No. 4, 1996, r 64
r 166	amd No. 4, 1996, r 65
pt 12	
div 5 hdg	ins No. 4, 1996, r 66
rr 168A –	
168B	ins No. 4, 1996, r 66
pt 12A hdg	ins No. 4, 1996, r 67
rr 168C –	
168K	ins No. 4, 1996, r 67
r 172	rep No. 4, 1996, r 68
r 173	amd No. 4, 1996, r 69
sch 1	sub No. 4, 1996, r 70
sch 2	rep No. 4, 1996, r 71
sch 3	amd No. 4, 1996, r 72

ENDNOTES

sch 6	sub No. 4, 1996, r 73
sch 7	sub No. 4, 1996, r 73 amd No. 53, 2003
sch 8 – 10	sub No. 4, 1996, r 73
sch 11	rep No. 4, 1996, r 73
sch 12	amd Act No. 62, 2001, s 17
sch 13	sub No. 4, 1996, r 74 amd Act No. 62, 2001, s 17