

NORTHERN TERRITORY OF AUSTRALIA

WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION)
AMENDMENT REGULATIONS (NO. 2) 2014

Subordinate Legislation No. 40 of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 40 of 2014*

***Work Health and Safety (National Uniform Legislation) Amendment
Regulations (No. 2) 2014***

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Work Health and Safety (National Uniform Legislation) Act*.

Dated 17 December 2014

J. L. HARDY
Administrator

By His Honour's Command

P. D. STYLES
Minister for Business

* Notified in the *Northern Territory Government Gazette* on 24 December 2014.

1 Citation

These Regulations may be cited as the *Work Health and Safety (National Uniform Legislation) Amendment Regulations (No. 2) 2014*.

2 Regulations amended

These Regulations amend the *Work Health and Safety (National Uniform Legislation) Regulations*.

3 Regulation 5 amended

- (1) Regulation 5(1), definitions ***appropriate training in underwater medicine, combustible liquid, concrete placement unit with delivery boom*** and ***hazardous area***

omit

- (2) Regulation 5(1)

insert (in alphabetical order)

combustible dust means finely divided solid particles (including dust, fibres or flyings) that are:

- (a) suspended in air or settle out of the atmosphere under their own weight; and
- (b) able to burn or glow in air; and
- (c) able to form an explosive mixture with air at atmospheric pressure and normal temperature.

combustible liquid means a flammable liquid with a flash point greater than 60°C but not more than 93°C.

flash point means the lowest temperature (corrected to a standard pressure of 101.3 kPA) at which the application of an ignition source causes the vapours of a liquid to ignite under specified test conditions.

hazardous area means an area in which:

- (a) an explosive gas is present in the atmosphere in a quantity that requires special precautions to be taken for the construction, installation and use of plant; or

-
- (b) a combustible dust is present, or could reasonably be expected to be present, in the atmosphere in a quantity that requires special precautions to be taken for the construction, installation and use of plant.

inflatable device (continuously blown) means an amusement device that is an inflatable device that relies on a continuous supply of air pressure to maintain its shape.

passenger ropeway means a powered ropeway used for transporting, in a horizontal or inclined plane, passengers moved by a carrier that is:

- (a) attached to or supported by a moving rope; or
- (b) attached to a moving rope but supported by a standing rope or other overhead structure;

including, in relation to the powered ropeway, the prime mover, any associated transmission machinery and any supporting structure and equipment, but does not include any of the following:

- (c) a cog railway;
- (d) a cable car running on rails;
- (e) a flying fox or similar device;
- (f) an elevating system for vehicles or boat style carriers associated with amusement devices.

*Example for definition **passenger ropeway**, paragraph (f)*

An elevating system for a log ride or boat flume ride.

platform height, in relation to an inflatable device (continuously blown), means the height of the highest part of the device designed to support persons using it (the ***platform***), as measured from the surface supporting the device to the top surface of the platform when the device is inflated but unloaded.

- (3) Regulation 5(1), definition ***amusement device***

omit

travel

insert

or other users travel or move

-
- (4) Regulation 5(1), definition **boiler**, paragraph (d)(ii)
- omit*
- Boilers; or*
- insert*
- Boilers;*
- (5) Regulation 5(1), definition **boiler**, after paragraph (d)(ii)
- insert*
- (iii) AMBSC Part 3 – *Australian Miniature Boiler Safety Committee Code for Sub-miniature Boilers*;
- (iv) AMBSC Part 4 – *Australian Miniature Boiler Safety Committee Code for Duplex Steel Boilers*; or
- (6) Regulation 5(1), definition **competent person**, paragraph (c)
- omit, insert*
- (c) for a major inspection of a mobile crane or a tower crane under regulation 235 – see regulation 235;
- (7) Regulation 5(1), definition **competent person**, paragraph (d), after "devices"
- insert*
- and passenger ropeways
- (8) Regulation 5(1), definition **gantry crane**, paragraph (a)
- omit, insert*
- (a) consists of a bridge beam or beams supported at one or both ends by legs mounted to end carriages; and
- (9) Regulation 5(1), definition **general construction induction training card**, paragraph (b)
- omit*
- under

-
- (10) Regulation 5(1), definition ***incidental diving work***, paragraph (b)
omit
diving; and
insert
diving.
- (11) Regulation 5(1), definition ***incidental diving work***, paragraph (c)
omit
- (12) Regulation 5(1), definition ***primary emergency services organisation***
omit
services
insert
service
- (13) Regulation 5(1), definition ***safe oxygen level***
omit
in
insert
of
- (14) Regulation 5(1), definition ***specified VET course***, paragraph (b)
omit, insert
(b) in relation to Class A asbestos removal work – the VET course
Remove friable asbestos; or
- (15) Regulation 5(1), definition ***specified VET course***, paragraph (e)
omit
removal.
insert
removal; or

-
- (16) Regulation 5(1), definition **specified VET course**, after paragraph (e)

insert

- (f) in relation to high risk work – the relevant VET course specified in Schedule 4.

4 Regulation 6A amended

- (1) Regulation 6A, before "For"

insert

(1)

- (2) Regulation 6A, paragraph (d)

omit

(Qld).

insert

(Qld);

- (3) After regulation 6A(d)

insert

(e) *Work Health and Safety Act 2012 (SA)*;

(f) *Work Health and Safety Act 2012 (Tas)*.

- (4) Regulation 6A, at the end

insert

- (2) For section 4 of the Act, definition **corresponding WHS law**, the following laws are prescribed to be corresponding WHS laws in relation to Parts 4.5, 5.3 and 8.10 and regulation 318:

(a) *Occupational Health and Safety Act 2004 (Vic)*;

(b) *Occupational Health and Safety Act 1984 (WA)*.

5 Regulation 82 amended

(1) Regulation 82(1)

omit, insert

- (1) A person who carries out high risk work is not required to be licensed to carry out the work if the work is carried out:
- (a) in the course of training towards a certification in order to be licensed to carry out the high risk work; and
 - (b) under the supervision of a person who is licensed to carry out the high risk work.
- (1A) A person who holds a certification in relation to a specified VET course for high risk work is not required to be licensed to carry out the work:
- (a) for 60 days after the certification is issued; and
 - (b) if the person applies for the relevant high risk work licence within that 60 day period, until:
 - (i) the person is granted the licence; or
 - (ii) the expiry of 28 days after the person is given written notice under regulation 91(2) of a decision to refuse to grant the licence.
- (1B) A person who carries out high risk work is not required to be licensed to carry out the work if the work is carried out while an accredited assessor is conducting an assessment of the person's competency in relation to the work.

(2) Regulation 82(3)

omit, insert

- (3) For the purposes of subregulation (2)(a), **moving** includes operating the plant in order to load the plant onto, or unload it from, a vehicle or equipment used to move it.

6 Regulation 85 amended

(1) Regulation 85(2), after "work"

insert

in the circumstances

(2) Regulation 85(2)

omit

worker:

insert

worker is undertaking the course of training referred to in regulation 82(1)(a).

(3) Regulation 85(2)(a) and (b)

omit

(4) After regulation 85(2)

insert

(2A) A person conducting a business or undertaking at a workplace must not direct or allow a worker to carry out high risk work in the circumstances referred to in regulation 82(1A) unless the person sees written evidence provided by the worker that the worker:

(a) in the circumstances referred to in regulation 82(1A)(a) – holds a certification referred to in regulation 82(1A); and

(b) in the circumstances referred to in section 82(1A)(b):

(i) holds a certification referred to in regulation 82(1A); and

(ii) has applied for the relevant licence within the period referred to in regulation 82(1A)(b).

Maximum penalty:

(a) in the case of an individual – \$3 600.

(b) in the case of a body corporate – \$18 000.

Note for subregulation (2A)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

(5) Regulation 85(3)

omit

82(1)(a)

insert

82(1)

(6) Regulation 85(4)

omit

the written evidence given to the person

insert

a record of the written evidence provided

7 Regulation 91A inserted

After regulation 91

insert

91A Conditions of licence

- (1) The regulator may impose any conditions it considers appropriate on a high risk work licence.
- (2) Without limiting subregulation (1), the regulator may impose conditions in relation to one or more of the following:
 - (a) control measures that must be implemented in relation to the carrying out of work or activities under the licence;
 - (b) the circumstances in which work or activities authorised by the licence may be carried out.
- (3) The regulator must give the licence holder written notice of any conditions imposed on the licence.

Notes for regulation 91A

1 *A person must comply with the conditions of a licence (see section 45 of the Act).*

2 *A decision to impose a condition on a licence is a reviewable decision (see regulation 676).*

8 Regulation 93 amended

(1) Regulation 93(2)(b)

omit

recent

(2) Regulation 93(2)(g)
renumber as paragraph (f)

(3) Regulation 93(2)(h)
renumber as paragraph (g)

9 Regulation 106 amended

(1) After regulation 106(1)(a)
insert

(ab) the licence holder has failed to comply with a condition of the licence;

(2) After regulation 106(2)
insert

(3) If the regulator suspends a licence, the regulator may vary the conditions of the licence, including by imposing different or additional conditions.

(4) A variation of conditions under subregulation (3) takes effect when the suspension of the licence ends.

(3) Regulation 106, note
omit

Note

insert

Notes

(4) Regulation 106, note, before "A"
insert

1

(5) Regulation 106, note, at the end
insert

2 A variation of licence conditions is a reviewable decision (see regulation 676).

10 Regulation 108 replaced

Regulation 108

repeal, insert

108 Notice to and submissions by licence holder

- (1) Before suspending or cancelling a high risk work licence, the regulator must give the licence holder a written notice of:
 - (a) the proposed suspension or cancellation; and
 - (b) any proposed disqualification; and
 - (c) any proposed variation of licence conditions.
- (2) A notice under subregulation (1) must:
 - (a) outline all relevant allegations, facts and circumstances known to the regulator; and
 - (b) advise the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission in relation to the proposed suspension or cancellation, any proposed disqualification and any proposed variation of licence conditions.

11 Regulation 109 amended

After regulation 109(2)(b)(iv)

insert

- (v) if licence conditions are to be varied – the variation; and
- (vi) if licence conditions are to be varied – that the variation will take effect when the suspension ends; and

12 Regulation 152 replaced

Regulation 152

repeal, insert

152 Application of Division 4

This Division does not apply to work carried out by or on behalf of an electricity supply authority on the electrical equipment, including electric line-associated equipment, controlled or operated by the authority to transform, transmit or supply electricity.

13 Regulation 171 replaced

Regulation 171

repeal, insert

171 Competence of worker – general diving work – general qualifications

- (1) A person must not carry out any type of general diving work unless the person holds a certificate for general diving work, issued by a training organisation, that demonstrates that the person has acquired the relevant competencies for that type of general diving work.
- (2) This regulation does not apply in relation to incidental diving work or limited diving work.
- (3) In subregulation (1):

relevant competencies means the competencies specified in AS/NZS 4005.2: 2000 (Training and certification of recreational divers) or AS/NZS 2815 (Training and certification of occupational divers) that are relevant to the type of general diving work to which subregulation (1) applies.

Note for regulation 171

See section 44 of the Act.

171A Competence of worker – general diving work – additional knowledge and skill

- (1) In addition to regulation 171, a person must not carry out general diving work unless the person has, through training, qualification or experience, acquired sound knowledge and skill in relation to the following:
 - (a) the application of diving physics;
 - (b) the use, inspection and maintenance of diving equipment (including emergency equipment) and air supply of the type to be used in the proposed general diving work;
 - (c) the use of decompression tables or dive computers;
 - (d) dive planning;
 - (e) ways of communicating with another diver and with persons at the surface during general diving work;

(f) how to safely carry out general diving work of the type proposed to be carried out;

(g) diving physiology, emergency procedures and first aid.

Note for subregulation (1)

See section 44 of the Act.

(2) This regulation does not apply in relation to incidental diving work or limited scientific diving work.

14 Regulation 172 amended

(1) Regulation 172(1)

omit

has

(2) Regulation 172(1)(a) and (b)

omit, insert

(a) has the knowledge and skill referred to in regulation 171A; and

(b) has relevant diving experience; and

(c) is accompanied and supervised in the water by a person who has the competencies referred to in regulation 171.

15 Regulation 215 amended

Regulation 215(1)

omit

conducting a business or undertaking

16 Regulation 217 repealed

Regulation 217

repeal

17 Regulation 235 amended

(1) Regulation 235(2) to (4)

omit, insert

- (2) The person must ensure that a major inspection of the crane is carried out by, or under the supervision of, a competent person:
- (a) at the end of the design life recommended by the manufacturer for the crane; or
 - (b) if there are no manufacturer's recommendations, in accordance with the recommendations of a competent person; or
 - (c) if it is not reasonably practicable to comply with paragraph (a) or (b), every 10 years from the date that the crane was first commissioned or first registered, whichever occurred first.

Maximum penalty:

- (a) in the case of an individual – \$3 600.
- (b) in the case of a body corporate – \$18 000.

Note for subregulation (2)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

- (3) A major inspection carried out under and in accordance with an equivalent provision of a corresponding WHS law is taken to be a major inspection for the purposes of this regulation.
- (4) In this regulation, a **competent person** is a person who:
- (a) complies with both of the following:
 - (i) has acquired through training, qualification or experience the knowledge and skills to carry out a major inspection of the plant; and
 - (ii) is, or is eligible to be:
 - (A) registered on the National Professional Engineers Register administered by Engineers Australia; or
 - (B) a member of Engineers Australia with the status of Chartered Professional Engineer; or

-
- (b) is determined by the regulator to be a competent person.
- (2) After regulation 235(5)
- insert*
- (6) In this regulation:
- major inspection** means:
- (a) an examination of all critical components of the crane, if necessary by stripping down the crane and removing paint, grease and corrosion to allow a thorough examination of each critical component; and
- (b) a check of the effective and safe operation of the crane.

18 Part 5.2, Division 4, Subdivision 2, heading amended

Part 5.2, Division 4, Subdivision 2, heading, at the end

insert

and passenger ropeways

19 Regulations 238 to 241 replaced

Regulations 238 to 241

repeal, insert

238 Operation of amusement devices and passenger ropeways

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that the device or ropeway is operated only by a person who has been provided with instruction and training in its proper operation.

Maximum penalty:

- (a) in the case of an individual – \$6 000.
- (b) in the case of a body corporate – \$30 000.

Note for subregulation (1)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

-
- (2) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that:
- (a) the amusement device or passenger ropeway is checked before it is operated on each day on which it is to be operated; and
 - (b) the amusement device or passenger ropeway is operated without passengers before it is operated with passengers on each day on which it is to be operated; and
 - (c) the daily checks and operation of the amusement device or passenger ropeway without passengers are properly and accurately recorded in a log book for the device or ropeway.

Maximum penalty:

- (a) in the case of an individual – \$6 000.
- (b) in the case of a body corporate – \$30 000.

Note for subregulation (2)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

239 Storage of amusement devices and passenger ropeways

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that the device or ropeway is stored so as to be without risk to health and safety.

Maximum penalty:

- (a) in the case of an individual – \$3 600.
- (b) in the case of a body corporate – \$18 000.

Note for subregulation (1)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

- (2) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that a person who stores the device or ropeway is a competent person or is under the supervision of a competent person.

Maximum penalty:

- (a) in the case of an individual – \$3 600.

-
- (b) in the case of a body corporate – \$18 000.

Note for subregulation (2)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

240 Maintenance, inspection and testing of amusement devices and passenger ropeways

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that the maintenance, inspection and, if necessary, testing of the device or ropeway is carried out:
- (a) by a competent person; and
 - (b) in accordance with:
 - (i) the recommendations of the designer or manufacturer or designer and manufacturer; or
 - (ii) if a maintenance manual for the device or ropeway has been prepared by a competent person, the requirements of the maintenance manual.

Maximum penalty:

- (a) in the case of an individual – \$6 000.
- (b) in the case of a body corporate – \$30 000.

Note for subregulation (1)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

- (2) A person is not a competent person to carry out a detailed inspection of an amusement device or passenger ropeway that includes an electrical installation unless the person is qualified, or is assisted by a person who is qualified, to inspect electrical installations.

241 Annual inspection of amusement devices and passenger ropeways

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that a detailed inspection of the device or ropeway is carried out at least once every 12 months by a competent person.

Maximum penalty:

- (a) in the case of an individual – \$6 000.
(b) in the case of a body corporate – \$30 000.

Note for subregulation (1)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

- (2) An annual inspection must include the following:
- (a) a check of information about the operational history of the amusement device or passenger ropeway since the last detailed inspection;
- (b) a check of the log book for the amusement device or passenger ropeway;
- (c) a check that maintenance and inspections of the amusement device or passenger ropeway have been undertaken under regulation 240;
- (d) a check that any required tests have been carried out, and that appropriate records have been maintained;
- (e) a detailed inspection of the amusement device or passenger ropeway to ensure compliance with the Act and these Regulations (including a specific inspection of the critical components of the amusement device or passenger ropeway).
- (3) The regulator may extend the date for an inspection by up to 35 days if an inspection is scheduled to coincide with the same event each year.
- (4) If the date is extended under subregulation (3), the new date is the date from which future annual inspections of the amusement device or passenger ropeway are determined.

-
- (5) In this regulation, a **competent person** is a person who:
- (a) in the case of an inflatable device (continuously blown) with a platform height less than 9 metres – has acquired through training, qualification or experience the knowledge and skills to inspect the device; or
 - (b) in the case of any other amusement device or a passenger ropeway:
 - (i) has acquired through training, qualification or experience the knowledge and skills to inspect the plant; and
 - (ii) is, or is eligible to be:
 - (A) registered on the National Professional Engineers Register administered by Engineers Australia; or
 - (B) a member of Engineers Australia with the status of Chartered Professional Engineer; or
 - (c) in the case of any amusement device or passenger ropeway – is determined by the regulator to be a competent person.
- (6) The regulator may, on the application of a person, make a determination in relation to the person for the purposes of subregulation (5)(c) if the regulator considers that exceptional circumstances exist.
- (7) An annual inspection carried out under and in accordance with an equivalent provision of a corresponding WHS law is taken to be an annual inspection for the purposes of this regulation.

20 Regulation 244 amended

After regulation 244(2)

insert

- (3) This regulation does not apply in relation to a tower crane or a gantry crane if:
- (a) the crane is relocated for use in a different workplace; and
 - (b) the design of the supporting structure or foundations of the crane is altered in accordance with a site-specific design prepared for the purpose of the safe operation of the crane at the new location; and
 - (c) the design of the crane is not altered in any other way.

21 Regulation 252 amended

Regulation 252(2) and (3)

omit, insert

- (2) Despite subregulation (1), a person is not eligible to be a design verifier for the design of an item of plant if the person was involved in the production of the design.

22 Part 5.3, Division 6 inserted

After section 288

insert

Division 6 Cancellation of registration**288A Application of Division**

This Division applies to:

- (a) the registration of a design of an item of plant; and
- (b) the registration of an item of plant.

288B Regulator may cancel registration

The regulator may cancel a registration if satisfied that:

- (a) the registration holder, in applying for the registration:
 - (i) gave information that was false or misleading in a material particular; or
 - (ii) failed to give any material information that should have been given; or
- (b) the design of the item of plant, or the item of plant (as applicable), is unsafe.

Note for regulation 288B

A decision to cancel a registration is a reviewable decision (see regulation 676).

288C Cancellation process

- (1) Before cancelling a registration, the regulator must give the registration holder written notice:
- (a) setting out the proposal to cancel the registration and the reasons for it; and

-
- (b) advising the registration holder that the registration holder may make a submission to the regulator in relation to the proposed cancellation within a specified period (being not less than 28 days from the date of the notice).
- (2) After the date specified in a notice under subregulation (1), the regulator must:
- (a) if the registration holder has made a submission in relation to the proposed cancellation – consider that submission; and
 - (b) whether or not the registration holder has made a submission, decide:
 - (i) to cancel the registration; or
 - (ii) not to cancel the registration; and
 - (c) within 14 days after making that decision, give the registration holder written notice that:
 - (i) states whether or not the registration is cancelled; and
 - (ii) if a submission was made in relation to the proposed cancellation – sets out the regulator's reasons for cancelling the registration; and
 - (iii) specifies the date on which the cancellation, if any, takes effect.

288D Registration holder to return registration document

A registration holder who receives a cancellation notice under regulation 288C must return the registration document to the regulator at the written request of the regulator within the time specified in the request.

Maximum penalty:

- (a) in the case of an individual – \$1 250.
- (b) in the case of a body corporate – \$6 000.

Note for regulation 288D

Strict liability applies to each physical element of this offence. See section 12B of the Act.

23 Regulation 318 replaced

Regulation 318

repeal, insert

318 Recognition of general construction induction training cards issued in other jurisdictions

- (1) In this Part (other than Division 2), a reference to a general construction induction training card includes a reference to a similar card issued under a corresponding WHS law.
- (2) Subregulation (1) does not apply to a card that is cancelled in the corresponding jurisdiction.

24 Regulation 342 amended

Regulation 342(2), at the end

insert

Maximum penalty:

- (a) in the case of an individual – \$6 000.
- (b) in the case of a body corporate – \$30 000.

Note for subregulation (2)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

25 Regulation 348 amended

- (1) Regulation 348(2)(b)

omit

earlier); and

insert

earlier).

- (2) Regulation 348(2)(c)

omit

26 Regulation 418 amended

- (1) Regulation 418(1), at the end

insert

Maximum penalty:

- (a) in the case of an individual – \$1 250.
(b) in the case of a body corporate – \$6 000.

Note for subregulation (1)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

- (2) Regulation 418(2), at the end

insert

Maximum penalty:

- (a) in the case of an individual – \$1 250.
(b) in the case of a body corporate – \$6 000.

Note for subregulation (2)

Strict liability applies to each physical element of this offence. See section 12B of the Act.

- (3) Regulation 418(3), penalty provision

omit

27 Regulation 421 amended

- (1) Regulation 421, before "This"

insert

- (1)

- (2) Regulation 421, at the end

insert

- (2) Regulations 425, 426, 427, 428, 429 and 430 do not apply to any part of residential premises that is used only for residential purposes.

28 Regulation 492 amended

Regulation 492(2)(a)

omit, insert

- (a) the name and address of the applicant;
- (ab) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;

29 Regulation 547 amended

Regulation 547(1)(c)

omit, insert

- (c) in relation to which the regulator:
 - (i) has not conducted an inquiry under this Division; or
 - (ii) on conducting an inquiry, has not determined the facility or proposed facility to be a major hazard facility under regulation 541.

30 Regulation 676 amended

(1) Regulation 676, table

insert (in numerical order)

2A	regulation 91A (Imposition of a condition when granting licence)	Applicant
2B	regulation 91A (Imposition of a condition when renewing licence)	Applicant
7A	regulation 106 (Variation of licence conditions)	Licence holder
27A	regulation 288B (Decision to cancel registration)	Registration holder The person with management or control of the item of plant

-
- (2) Regulation 676, table, item 3
omit
Applicant
insert
Licence holder
- (3) Regulation 676, table, item 23
omit
Applicant
insert
Registration holder
- (4) Regulation 676, table, item 29
omit
323
insert
322
- (5) Regulation 676, table, item 30
omit
322
insert
323
- (6) Regulation 676, table, item 41
omit
Applicant
insert
Licence holder

31 Schedule 2 amended

(1) Schedule 2, table 2.1, item for regulation 492(3)

omit, insert

492(3)	Application for grant of asbestos removal licence	\$3 276
	Application for grant of asbestos assessor licence	\$268

(2) Schedule 2, table 2.1, item for regulation 516(3)

omit, insert

516(3)	Application for renewal of asbestos removal licence	\$3 276
	Application for renewal of asbestos assessor licence	\$114

32 Schedule 3 amended

(1) Schedule 3, table 3.1, items 15 to 18

omit, insert

15 Slewing mobile crane – with a capacity up to 20 t Use of a slewing mobile crane with a capacity of 20 t or less

Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load

Use of a non-slewing mobile crane with a capacity exceeding 3 t

Use of a reach stacker

16 Slewing mobile crane – with a capacity up to 60 t Use of a slewing mobile crane with a capacity of 60 t or less

Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load

Use of a non-slewing mobile crane with a capacity exceeding 3 t

Use of a reach stacker

17	Slewing mobile crane – with a capacity up to 100 t	<p>Use of a slewing mobile crane with a capacity of 100 t or less</p> <p>Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load</p> <p>Use of a non-slewing mobile crane with a capacity exceeding 3 t</p> <p>Use of a reach stacker</p>
18	Slewing mobile crane – with a capacity over 100 t	<p>Use of a slewing mobile crane with a capacity exceeding 100 t</p> <p>Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load</p> <p>Use of a non-slewing mobile crane with a capacity exceeding 3 t</p> <p>Use of a reach stacker</p>
(2)	Schedule 3, table 3.1, item 20	<i>omit, insert</i>
20	Personnel and materials hoist	Use of a personnel and materials hoist and of a materials hoist

33 Schedule 5 amended

- (1) Schedule 5, clause 1.2
- omit*
- 1.1
- insert*
- 1

-
- (2) Schedule 5, clauses 1.9 and 1.10
omit, insert
- 1.8A Passenger ropeways.
- 1.9 Concrete placing booms.
- 1.10 Prefabricated scaffolding.
- (3) Schedule 5, after clause 2(1)(a)
insert
- (ab) any pressure equipment (other than a gas cylinder) excluded from the scope of AS 1200:2000 (Pressure equipment); or
- (4) Schedule 5, after clause 2(1)(b)
insert
- (ba) a reach stacker; or
- (5) Schedule 5, clause 2(1), at the end
insert
- Note for subclause (1)(ab)*
See section A1 of Appendix A to AS/NZS 1200:2000.
- (6) Schedule 5, clause 2(2)(e) and (f)
omit, insert
- (e) inflatable devices, other than inflatable devices (continuously blown) with a platform height of 3 metres or more.
- (7) Schedule 5, clause 3.7
omit
- placement units with delivery
insert
- placing

(8) Schedule 5, clause 4(1)

omit, insert

(1) The items of plant listed in clause 3 do not include:

(a) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2000 (Pressure equipment);
or

(b) a crane or hoist that is manually powered; or

(c) a reach stacker.

Note for subclause (1)(a)

See section A1 of Appendix A to AS/NZS 1200:2000.

(9) Schedule 5, clause 4(2)(e) and (f)

omit, insert

(e) inflatable devices, other than inflatable devices (continuously blown) with a platform height of 3 metres or more.

34 Schedule 6 amended

(1) Schedule 6, Table 6.1, after "**Skin sensitiser**"

insert

Category 1

(2) Schedule 6, Table 6.1, after "**Respiratory sensitiser**"

insert

Category 1

35 Schedule 10 amended

Schedule 10, table 10.3, item 10

omit

0.1%

For spray painting

insert

1%

36 Schedule 15 amended

- (1) Schedule 15, clause 1, definitions ***LD₅₀ (median lethal dose) for acute oral toxicity, LD₅₀ for acute dermal toxicity and LC₅₀ for acute toxicity on inhalation***

omit

- (2) Schedule 15, clause 5(1), after "listed"

insert

in table 15.1

- (3) Schedule 15, table 15.3, item for "Toxic"

omit

≤ 40

insert

≤ 50

37 Regulations further amended

The Schedule has effect.

38 Expiry of Regulations

These Regulations expire on the day after they commence.

Schedule Regulations further amended

regulation 37

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 21(2)	all	any
regulation 25(3)	must have regard to all	may have regard to any
regulation 43(3)	consider	have regard to
regulation 84(1)	82(1)(a)	82(1)
regulation 87(2)(b)	whole paragraph	(b) a photograph of the applicant in the form required by the regulator;
regulation 87(2)(f)(i)	whole subparagraph	(i) that is held by the applicant in relation to the specified VET course or each of the specified VET courses, for the high risk work licence applied for; and
regulation 101(2)(b) and (c)	whole paragraph	(b) if required by the regulator, a photograph of the applicant in the form required by the regulator; (c) any other evidence of the applicant's identity required by the regulator;

regulation 104(1)(b), after "90"		, 91A
regulation 104(1)(b)	regulation 89	those regulations
regulation 104, note	<i>high risk work</i>	
regulation 158(2), note	<i>for a</i>	<i>in relation to a</i>
regulation 161(4)(a)(ii), after "rescue"		and resuscitate
regulation 167	carrying out	conducting
regulation 169(a)	appropriate	
regulation 173(1)(a)	171(b)	171A
regulation 174(a)	171(a)	171
regulation 175(2)	as	a
regulation 242, heading	device	devices
regulation 257, note	<i>regulations 256 and</i>	<i>regulation</i>
regulation 266(2)(f)	whole paragraph	
regulation 266(2)(i)	plant registered,	item of plant registered, if known,
regulation 269(2)(b) and (c), after "the		item of
regulation 359(1)(b)	services	service
regulation 491(2)	493, 494 or 495 (as applicable)	495
regulation 498(a)(ii)(B)	and Class B asbestos removal work	

regulation 516(2)(b) and (c)	whole paragraph	(b) if required by the regulator of an applicant who is an individual – a photograph of the applicant in the form required by the regulator; (c) any other evidence of the applicant's identity required by the regulator;
regulation 517(1)(b)	(5)	(5))
regulation 517(3)	unless	if
regulation 598(b)	regulation 580	those regulations
regulation 689(2)	(1)	(1)(d)
regulation 700(a)	of the size, and in the form,	in the form
Schedule 13, clause 1(2)(e)	services authority	service organisation
Schedule 16, clauses 1.2(c), 2.3, 2.5, 3.1 and 3.4	emergency services	emergency service organisations
