



Queensland

Workplace Health and Safety Regulation 2008

Explanatory Notes for SL 2008 No. 283

made under the

Building Act 1975

Child Employment Act 2006

Dangerous Goods Safety Management Act 2001

Environmental Protection Act 1994

Explosives Act 1999

Fire and Rescue Service Act 1990

Queensland Building Services Authority Act 1991

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

Workplace Health and Safety Act 1995

General Outline

1 Authorising law

Section 38 of the *Workplace Health and Safety Act 1995*.

Section 165 of the *State Penalties Enforcement Act 1999*.

2 Policy objective of the legislation

The objective of the *Workplace Health and Safety Act 1995* (the “Act”) is to prevent a person’s death, injury or illness being caused by a workplace, work activity, plant or substance at a workplace. It achieves this objective by establishing a framework for preventing or minimising a person’s exposure to the risk of death, injury or illness caused by a workplace, by a relevant workplace area, by work activities or by plant or substances for use at a workplace.

The objective of the *Workplace Health and Safety Regulation 2008* (the “2008 Regulation”) is consistent with this approach and supports the workplace health and safety obligations under the Act. It replaces the *Workplace Health and Safety Regulation 1997* (the “1997 Regulation”), which commenced on 1 February 1998 and will expire on 1 September 2008 under the *Statutory Instruments Act 1992*.

The primary objectives of the 2008 Regulation are to:

- € maintain the continuity of Queensland’s workplace health and safety framework;
- € align Queensland’s workplace health and safety laws with national standards under the Council of Australian Governments’ (COAG) Business Regulation and Competition Reform Agenda;
- € prescribe ways to prevent or minimise exposure to certain risks to a person’s workplace health and safety;
- € prohibit exposure to certain risks to a person’s workplace health and safety; and
- € provide for supporting administrative matters relating to workplace health and safety.

The 2008 Regulation also provides for a consequential amendment to the *State Penalties and Enforcement Regulation 2000* to take into account new numbering and new penalties to ensure consistency across legislation.

3 How policy objectives will be achieved

The 2008 Regulation will achieve its objectives for workplace health and safety primarily by remaking the 1997 Regulation without significant change to ensure the continuity of current workplace health and safety standards. In addition the 2008 Regulation will:

- € remove all remaining rural industry exemptions with the exception of earthmoving and particular crane occupations, progressively over a two year period; and
- € make a number of minor technical and miscellaneous amendments.

4 Consistency with authorising Act and other legislation

The objective of the *Workplace Health and Safety Act 1995* is to prevent a person's death, injury or illness being caused by a workplace, by workplace activities or by plant or substances. This objective is achieved by establishing a framework for preventing or minimising a person's exposure to the risk of death, injury or illness caused by a workplace, by workplace activities or by plant or substances. The 2008 Regulation is consistent with this objective.

5 Possible alternative approach

The majority of parts in the 1997 Regulation have been amended or reviewed within the last 10 years to reflect national standards on occupational health and safety or technical developments. Consequently, the Department of Employment and Industrial Relations conducted a limited review of the 1997 Regulation. Two Regulatory Impact Statements (RISs) were released in relation to:

- € the proposed *Workplace Health and Safety Regulation 2008*; and
- € removal of the rural industry exemption applying to most Parts of the 1997 Regulation.

The proposed *Workplace Health and Safety Regulation 2008*

A RIS was released on 23 November 2007 outlining proposals for the development of the 2008 Regulation. The options considered were:

- € allow the 1997 Regulation to expire; and
- € enact the proposed *Workplace Health and Safety Regulation 2008*.

The preferred option was to enact the 2008 Regulation by remaking the regulation with only minor change to provisions to ensure consistent approach in Queensland's workplace health and safety regulatory framework.

Given that many parts of the 1997 Regulation had undergone recent amendments, the RIS was confined to parts of the regulation which had not been reviewed since enactment of the 1997 Regulation. The RIS reviewed:

- € Part 4 – Workplace health and safety officers;
- € Part 7 – Reporting and recording of injuries, illnesses and dangerous events; and
- € Part 12A – Conducting recreational snorkelling.

Public comment closed on 29 February 2008. Twenty-six submissions were received, the majority of which supported the preferred option.

Removal of the rural industry exemption

Rural industry exemptions have been removed progressively since 1990 in accordance with an agreement between rural industry peak bodies and successive Governments. A RIS proposing the removal of the remaining exemptions on the rural industry except for earthmoving and particular crane occupations from the 1997 Regulation was released on 9 November 2007. The options considered were:

- € Retain the rural industry exemption;
- € Remove the rural industry exemption entirely; and
- € Continue to remove individual aspects of the rural industry exemption over a period of time.

The preferred option was to remove the rural industry exemption, on the basis that it will provide workers in the rural industry with the equivalent protection being given to workers in other industries and other States and Territories.

In relation to Part 3 (high risk work and earthmoving and particular crane operation), the exemption concerning the requirement to hold an occupational licence for operators of certain plant and machinery is being dealt with in two parts. The removal of the exemption will only relate to the 29 occupations which are currently subject to national agreements.

The 9 classes of equipment relating to earthmoving and particular crane occupations which are regulated at a State level will not be subject to the removal of the exemption, as these will be subject to a national review to be undertaken within the next twelve months. The rural exemption in relation to these 9 occupations will be determined by the outcome of the national review.

Public comment closed on 29 February 2008. Twenty-three submissions were received, the majority of which supported the proposal to remove the rural industry exemption, although a number of rural industry groups qualified their support by nominating phase-in periods ranging from one to two years.

6 Benefits and costs of implementing the legislation

As the 2008 Regulation is proposed to be remade without significant change, regulatory burden on Queensland non-rural businesses will not be increased. This is as a result of the new provisions continuing the requirements which already exist under the 1997 Regulation.

Some additional costs will be incurred by persons in the rural industry as a result of the removal of the remaining rural industry exemptions. As a whole, these costs are minimal and were outlined in the RIS.

To assist rural industry operators to meet these additional costs, the Department of Employment and Industrial Relations and relevant stakeholder groups have agreed to phase in periods of up to 2 years for most parts. This will enable persons in the rural industry to obtain a range of training, education, certification and licensing where required.

7 Fundamental legislative principles

The 2008 Regulation has been identified as containing no potential infringements to fundamental legislative principles.

8 Consultation

The following stakeholders were consulted over the 2008 Regulation:

Government

- € Department of Child Safety
- € Department of Communities
- € Department of Education, Training and the Arts
- € Department of Emergency Services
- € Department of Housing
- € Department of Infrastructure and Planning
- € Department of Justice and Attorney-General
- € Department of Local Government, Sport and Recreation
- € Department of Main Roads
- € Department of Mines and Energy
- € Department of Natural Resources and Water
- € Department of Premier and Cabinet
- € Department of Primary Industry and Fisheries
- € Department of Public Works
- € Department of State Development
- € Department of Tourism, Regional Development and Industry
- € Disability Services Queensland
- € Environmental Protection Agency
- € Multicultural Affairs Queensland
- € Office for Women
- € Office of the Queensland Parliamentary Counsel
- € Queensland Corrective Services
- € Queensland Health
- € Queensland Police Service
- € Queensland Transport
- € Queensland Treasury

Others

- € **Workplace Health and Safety Board** – Mr Vince O'Rourke (Chair); Mr John Crittall, Queensland Master Builders Association; Mr Chris Rodwell, Australian Industry Group; Ms Amanda Richards, Queensland Council of Unions; Mr Tony Hawkins, WorkCover Qld; Mr Peter Garske, Queensland Trucking Association; Ms Wendy Erhart, Withcott Seedlings; Mr Tom Jeffers, Australian Workers Union; Mr Glenn Goyen, Safework Qld; Ms Kelli Stallard, Dibbs Abbott Stillman Lawyers.
- € **Construction Sector Standing Committee** – Mr Wallace Trohear (Chair); Mr Sean King, Queensland Master Builders Association; Mr Steve Moehead, Abigroup Contractors Pty Ltd; Ms Shirley Robinson, Bold Class Pty Ltd; Mr Andrew Ramsay, Construction, Forestry & Mining Energy Union (Qld); Mr Dick Williams, CEPU Electrical Division; Ms Melanie Foster, Housing Industry Association Ltd; Mr Bob Unwin-Berrey, The BMD Group, Mr Royce Kupsch, Builders Labourers' Federation; Mr Derek Broanda, Australian Workers' Union; Mr Darren Trask, Australian Manufacturing Workers' Union; Mr Ralph Wilson, Site Safe Health, Safety & Risk Management Consultants Pty Ltd.
- € **Health and Community Services Sector Standing Committee** – Mr Tom Jeffers, Australian Workers' Union (Chair); Mrs Trish Brady, Association of Independent Schools Qld Inc; Mr Glenn Bunney, Aged Care Qld; Mr Geoff Hitchings, Royal Brisbane & Women's Hospital; Dr Keith Adam, Health for Industry; Mr Adam Priest, Caritas Care; Mr James Gilbert, Qld Nurses' Union Employees; Ms Pamela Grassick, representing Qld Trades Union; Mr John Oliver, United Firefighters' Union of Employees; Mr Jeff Slowgrove, Safework Qld; Mr David Bromley, Advantage Safety & Risk Management Services.
- € **Manufacturing Sector Standing Committee** – Mr Tom Schulz, Bacon Factories' Union of Employees (Chair); Mr Philip Glew, Reliance Manufacturing Company Pty Ltd; Mr Wayne Miller, OneSteel Reinforcing; Mr Peter Finn, Berri Ltd; Mr Ben Wilson, Orrcon Operations Pty Ltd; Mr Joe Rees, Australian Industry Group; Mr John Salter, Australian Meat Industry Council; Mr Ian King, Qld Alumina Ltd; Mr Dick Williams, Electrical Trades Union; Mr Craig Buckley, Australasian Meat Industry Employees' Union; Mr Jeff Dawson-Davis, Safework Qld; Mr Brian Devlin, Australian Manufacturing Workers' Union; Ms Marina Williams, Australian Workers' Union; Mr Glenn Goyen, Safework Qld; Dr Margaret Cook, Qld University of Technology.
- € **Retail and Wholesale Sector Standing Committee** – Ms Jillian Hunter, Coles Pty Ltd (Chair); Ms Jennifer Inglis, Qld Retail Traders & Shopkeepers Association; Mr Ted Kowalski, Motor Trades Association of Qld; Ms Casey Dorey, Woolworths Ltd; Mr David Randall, DRA Safety Specialists; Mr Justin O'Connor, Qld Hotels Association; Ms Penny Wilson, Clubs Qld; Ms Maureen Palmer, Shop, Distributive and Allied Employees Association; Mr Graham Walker, Shop Distributive & Allied Employees Association; Mr Chris Simpson, Australian Workers' Union; Mr Glenn Goyen, Safework Qld; Ms Pamela Grassick, Australian Services Union; Jeff Slowgrove, Safework Qld; Mr Nicholas Oughton, Griffith University; Ms Stacey Schinnerl, Australian Workers' Union; Mr Justin O'Sullivan, Ergonomics for Work.

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- € **Rural Sector Standing Committee** – Mr Greg Trost, Canegrowers (Chair); Mr Gary Sansom, Qld Farmers Federation; Ms Jennifer Easlea, Qld Dairyfarmers Association; Mr Mark Panitz, GROWCOM; Mr Robert Green, Agforce Qld; Mr Keith Ballin, Australian Workers' Union; Mr Darryl Rankin, Australian Workers' Union; Mr Tim Sullivan, Australian Workers' Union; Mr Glenn Goyen, Safework Queensland; Ms Tracey Sharpe, Australian Workers' Union; Mr Jamie Cupples, Farmsafe Queensland.
 - € **Transport and Storage Sector Standing Committee** - Mr Peter Garske, Queensland Trucking Association (Chair); Ms Shelley Dale, McAleese Transport,; Mr Greg Muscat, DP World Brisbane; Mr David Machin, Caltex Australia Limited; Mr Peter Thompson, Kagan Logistics Pty Ltd; Mr Alan Doodney, Qld Rail; Mr Glen McGaw, Australian Federated Union of Locomotive Employees; Mr Greg Yates, Australian Institute of Marine & Power Engineers; Ms Karen Bow, Transport Workers' Union of Australia (Qld Branch); Mr Kevin Place, Australian Services Union; Mr Shayne Kummerfeld, Rail, Tram and Bus Union (Qld Branch); Ms Stacey Schinnerl, Australian Workers' Union; Mr Gary Chaplin, University of Queensland.

Unions

- € Australian Workers' Union
- € Queensland Council of Unions

Employers/Industry

- € Aged Care Queensland
- € Agforce
- € Association of Consulting Engineers Australia
- € Australian Industry Group
- € Australian Machinery Sales
- € Australian Prawn Farmers Association
- € Bellerio Constructions
- € Blue Care
- € Brisbane City Council
- € Bundaberg Fruit and Vegetable Growers
- € Canegrowers
- € Chooreechillum Views
- € Civil Contractors Association
- € Commerce Queensland
- € Cotton Australia
- € CS Energy
- € CSR
- € Electrical and Communication Association
- € Elevated Work Platform Assoc Inc
- € FarmSafe
- € Growcom

- € Housing Industry Association
- € JM Kelly Group
- € Local Government Association of Queensland
- € National Retailers Association
- € Project Coordination Qld
- € Queensland Chicken Growers Association
- € Queensland Dairyfarmers' Organisation
- € Queensland Farmers' Federation
- € Queensland Institute of Medical Research
- € Queensland Rail
- € SafeWork Queensland
- € SkyRail Pty Ltd
- € Stanwell Power Station
- € Victims Of Qld (St Vincent de Paul) - Cairns

Individuals

Lyndsay Besgrove; David Randall; Warren Kelly; Michaela Ford; Anthony Knight; G Schmidt; Kay Finnis; Rae Nolen; Wally Peart; William Shannon; Lyn Cook; Ross Hopper and Bill Hayden.

Notes of Provisions

Part 1 Preliminary

This part sets out the short title of the regulation along with its commencement date and various matters to assist in the interpretation of the regulation.

Short title

Clause 1 sets out the short title of the regulation.

Commencement

Clause 2 provides that the regulation commences on 1 September 2008.

Definitions—the dictionary

Clause 3 provides that particular words used in the regulation are defined in schedule 18.

References to standards

Clause 4 provides that a reference to an Australian Standard or a standard published jointly by Standards Australia and Standards New Zealand is taken to refer to the standard as in force at 1 September 2008.

Reference to the doing of work by relevant person who is an employer

Clause 5 clarifies that a reference in the regulation to the doing or performing of work by a relevant person who is an employer is taken to include the doing or performance of the work by a worker of the relevant person.

Part 2 Registrable plant and registrable plant design

This part imposes registration requirements on employers and owners of certain types of plant and equipment. Firstly, those items of plant listed in schedule 3 (registrable plant) are required to be registered before they can be used. Secondly, those items of plant listed in schedule 4 (registrable plant design) are required to have their designs registered before they can be installed or used. Plant registered in another state or territory cannot be used in Queensland unless it is registered in Queensland.

Division 1 Registration of registrable plant**Registrable plant not to be used before registration**

Clause 6 provides that an owner of registrable plant must not use the plant, or allow it to be used, unless it is registered.

Registration of registrable plant

Clause 7 provides that the owner of registrable plant may apply to the chief executive of the Department of Employment and Industrial relations, under part 8, division 2, to register registrable plant. This clause also sets out the following timeframes for registration:

- ∄ for the initial registration of registrable plant—from the date stated in the certificate until 31 January in the following year; and
- ∄ for the renewal of the certificate of registration—from 1 February until 31 January in the following year.

Notification of change of ownership of registered plant

Clause 8 provides that a holder of a plant registration certificate must give the chief executive notice of change of ownership of the plant. The notification must be made in the approved form within 28 days of the change occurring.

Cessation of registration of registered plant

Clause 9 specifies that registration ceases on the day that ownership of the plant changes if the registration certificate holder does not notify the chief executive of the change under clause 8.

Refund of fees because of change of ownership of registrable plant

Clause 10 provides for a refund of fees if the chief executive receives a notice under clause 8.

If the chief executive receives notice of a change of ownership, the chief executive must cancel the registration and refund the unexpired part of the registration fee to the former holder of the certificate. The refund of the registration fee is calculated on a proportional basis and includes the number of whole months from the end of the month when the change occurred to 31 January in the following year.

Division 2 Registration of registrable plant design**Application of div 2**

Clause 11 provides that this division does not apply to manually powered plant.

Plant not to be installed or used unless certificate of registration is in force

Clause 12 provides that a relevant person must not install or use, and an employer must not allow a worker to install or use, schedule 4 plant unless a certificate granted under part 8, division 2 for the design of the plant is in force.

In addition, the owner of specified high risk plant that is an escalator, an LP gas cylinder, a lift or a specified amusement device, must not install or use, or allow anyone else to install or use, the plant unless a certificate granted under part 8, division 2 for the design of the plant is in force.

A person does not commit an offence, however, if the person holds a certificate of registration, approval or notification of the design of the relevant plant in force under the law of the Commonwealth, another State or Territory and the design has not been changed in a way that requires new measures to control the risk.

The clause allows the chief executive to request a copy of a valid certificate issued in another jurisdiction to be provided within 10 days. The notice must also state that it is an offence for the person to fail, without reasonable excuse, to comply with the requirement.

When certificate of registration is in force

Clause 13 specifies that a plant design registration certificate continues in force until the design is changed in a way that requires new control measures to control risk.

Certificate number to be given

Clause 14 requires the holder of a plant design registration certificate to give the certificate number to each manufacturer and each supplier of the plant, who are known to the holder.

This clause also requires the manufacturer or supplier to give the certificate number to each person to whom the plant is supplied.

Certificate number to be marked on plant

Clause 15 places a requirement on:

- ∉ a supplier of schedule 4 plant;
- ∉ a relevant person who installs or uses, or if an employer, who allows a worker to install or use, schedule 4 plant (except for specified high risk plant that is an escalator, an LP gas cylinders, a lift or a specified amusement device); or
- ∉ the owner of specified high risk plant that is an escalator, an LP gas cylinders, a lift or a specified amusement device,

to ensure the number of the plant design registration certificate is permanently marked on the plant and clearly visible.

Part 3 High risk work and operation of earthmoving equipment and particular crane

This part outlines requirements for licensing of the following high risk work listed in the *National Standard for Licensing Persons Performing High Risk Work* (the National Standard):

- € basic scaffolder, intermediate scaffolder, advanced scaffolder;
- € dogger, basic rigger, intermediate rigger, advanced rigger;
- € tower crane operator, self-erecting tower crane operator, derrick crane operator, portal boom crane operator, bridge and gantry crane (open) operator, vehicle loading crane operator, non-slewing mobile crane operator, slewing mobile crane with a capacity of 20t or less operator, slewing mobile crane with a capacity of 60t or less operator, slewing mobile crane with a capacity of 100t or less operator, slewing mobile crane with a capacity of more than 100t operator, materials hoist operator, boom type elevating work platform operator, mobile truck mounted concrete placing boom operator;
- € forklift truck operator, order picking forklift truck operator; and
- € basic boiler operator, intermediate boiler operator, advanced boiler operator, turbine operator, reciprocating steam engine operator.

In addition, this part also applies to operators of the following classes of earthmoving equipment and particular crane occupations (not covered by the National Standard):

- € bridge and gantry crane (remote control only);
- € dozer;
- € excavator having an engine capacity of more than 2L;
- € front-end loader having an engine capacity of more than 2L;
- € front-end loader or backhoe having an engine capacity of more than 2 L;
- € grader;
- € road roller having an engine capacity of more than 2L;
- € skid steer loader having an engine capacity of more than 2 L; and
- € scraper.

Division 1 Definitions

Meaning of assessment instrument

Clause 16 gives effect to the *national assessment instruments* for licensing. While the national assessment instruments are yet to be finalised, this clause allows for dual recognition of the current Queensland mandated assessment instruments and the national assessment instruments when they become available and listed in the National Standard. Both assessment instruments will be recognised until 30 June 2009.

Meaning of unit of competency

Clause 17 gives effect to the *national units of competency* for licensing purposes in Queensland. Schedule 5 currently sets out the units of competency that are recognised for licensing purposes.

The units of competency are embedded in courses that have been accredited with the Department of Education, Training and the Arts.

Division 2 Performing high risk work

Authority to perform high risk work

Clause 18 provides that a person must not employ or otherwise allow another person to perform high risk work, unless the person has appropriate authority to perform the work.

A person is not required to hold the appropriate authority if the person holds an exemption under clause 22 in relation to that class of work. The clause specifies what appropriate authority is to perform high risk work.

The clause prescribes that a person is not eligible to hold a licence until the person is 18 years of age. This does not affect the training of persons such as apprentices or trainees, commencing at an earlier age, but specifies the point at which they can work without supervision.

The clause also outlines requirements for the issue of an assessment summary by a registered training organisation.

This clause allows a person to operate a bridge and gantry crane under an earthmoving or particular crane occupation licence only for the work covered by their authority under the earthmoving or particular crane operation (i.e. operation of a bridge and gantry crane, if the load being lifted by remote control is more than 5t, and the crane has 3 or less powered operations). This is consistent with the requirements of the National Standard.

The clause also exempts a person operating a vehicle loading crane with a capacity of 10 metre tonnes or more, mounted on a vehicle to move a load onto or from the vehicle (i.e. not contributing to the construction of plant or a building) or a person with a licence to operate a bridge and gantry crane controlled from a permanent cabin or control station on the crane from having to hold a dogger's licence. This is also consistent with the requirements of the National Standard.

Work incidental to high risk work

Clause 19 identifies the situations in which a person is taken not to be performing high risk work.

Application for licence to perform a class of high risk work or for a variation of licence

Clause 20 provides that a person may apply to the chief executive, in accordance with part 8, division 2, for a licence to perform a class of high risk work or a variation of a licence to perform a class of high risk work. Variation of a licence includes endorsing another class of high risk work on the licence or removing a class of high risk work from the licence.

Application for exemption from holding licence

Clause 21 provides that employers and self-employed persons may apply to the chief executive for an exemption from holding a licence to perform a class of high risk work in certain limited circumstances.

An application must be made on the approved form and state certain information. If the chief executive requires further information to decide the application, the applicant will be given a reasonable period of at least 28 days to give the information to the chief executive. If an exemption is granted, the chief executive may place restrictions on the performance of high risk work in that class.

Decision on application for exemption

Clause 22 states what the chief executive must do once a decision is made about an application for exemption from holding a licence to perform a class of high risk work. If the chief executive decides to grant an exemption, the chief executive must as soon as practicable issue the exemption to the applicant. If the chief executive decides to refuse an application for exemption, written notice must be given to the applicant of the decision within 10 days after making the decision. The notice must state the reasons for refusal and the person's appeal rights.

Licence holder to notify change of address

Clause 23 provides that the holder of a licence to perform a class of high risk work must notify the chief executive of a change in the holder's postal or residential address within 14 days of the change.

Holder to make licence issued by recognised official available for inspection

Clause 24 provides that the chief executive or an inspector may require the holder of a licence issued by the Commonwealth or another State or Territory that is to be relied on to authorise the performance of high risk work, to make the licence available for inspection by the chief executive or an inspector, or produce it to the chief executive or an inspector, at a reasonable time and place stated by the chief executive or the inspector.

Division 3 Performing work in an earthmoving or particular crane occupation

Authority to perform work in an earthmoving or particular crane occupation

Clause 25 provides that an employer must not employ or otherwise allow a worker to perform work in an earthmoving or particular crane occupation unless the worker has appropriate authority to perform work in the occupation. In addition, a person must not perform work in an earthmoving or particular crane occupation unless the person has appropriate authority to perform work in the occupation.

This clause prescribes what constitutes an appropriate authority to perform work in an earthmoving or particular crane occupation.

The provisions provide an opportunity for employers to assess the suitability of a person to work in an earthmoving or particular crane occupation. The limit of time that a person can undertake a suitability assessment before a training plan must be established is two weeks for this type of work. Such an assessment is to be supported by documentation, and the person undertaking the assessment must be directly supervised by a person who holds the relevant certificate to perform that type of work.

The clause also provides that an assessment summary must be issued by a registered training organisation and state particular information. A person is not required to hold the appropriate authority if the person holds an exemption under clause 29 in relation to performing the work in the earthmoving or particular crane occupation.

The clause also provides for recognition of competencies regulated in other States and Territories. In some States and Territories the competency of persons carrying out the work is regulated but the requirement to hold an 'authority' is not. Training and assessment in these areas is essentially governed by the same competency standards as those in Queensland and the persons that undertake the assessment are in some cases 'authorised' by the respective State or Territory occupational health and safety regulator.

A person is considered to hold authority to carry out work in earthmoving or particular crane operation if the person holds evidence of competency, issued interstate, as set out in schedule 6. This reduces any financial burden that arises from the need for the person to present to a registered training organisation to undergo a 'recognition of prior learning' assessment and if the skill and knowledge development requirement is considered satisfied, must then undergo a mandatory assessment of competency, regardless of whether this has been undertaken previously to obtain the currently held evidence of competency.

The provisions also clarify that a person is not intended to have authority for the work until the person has demonstrated that the person is competent in every aspect of the required assessment. Demonstration of competency requires a minimum of two types of assessments (written and practical) and sometimes up to three types (written, practical and assignment) depending on the particular type of work.

This clause provides that assessment summaries can only be issued after an assessment has been conducted by a person who has been nominated by a registered training organisation with scope of registration for the relevant unit of competency to deliver training and assessment services for the registered training organisation and the person has been 'authorised' by the Department of Employment and Industrial Relations to deliver training and assessment for the registered training organisation following a determination that the person meets the Department's criteria for authorisation.

The clause also provides for an exemption for a person from holding an authority to work for the operation of a bridge and gantry crane if they hold a current high risk work licence for the operation of a bridge and gantry crane.

Work incidental to earthmoving or particular crane operation

Clause 26 identifies the situations where a person is taken not to be performing work in an earthmoving or particular crane occupation.

Application for earthmoving or particular crane work certificate

Clause 27 provides that a person may apply to the chief executive, in accordance with part 8, division 2, for an earthmoving or particular crane occupation certificate.

Application for exemption from holding certificate

Clause 28 provides that employers and self-employed persons may apply to the chief executive for an exemption from holding an earthmoving or particular crane occupation certificate in certain limited circumstances.

The application must be made in the approved form and state certain information. If the chief executive requires further information to decide the application, the chief executive must give the applicant a period of at least 28 days. If the exemption is granted, the chief executive may place restrictions on the performance of work in the earthmoving or particular crane occupation.

Decision on application for exemption

Clause 29 states what the chief executive must do once a decision is made about an application for exemption from holding an earthmoving or particular crane occupation certificate. If the chief executive decides to grant an exemption, the chief executive must as soon as practicable issue the exemption to the applicant. If the chief executive decides to refuse an application for exemption, written notice must be given to the applicant of the decision within 10 days after making the decision. The notice must state the reasons for refusal and the appeal rights of the person.

Holder to make certificate issued by recognised official available for inspection

Clause 30 provides that the chief executive or an inspector may require the holder of a certificate issued by the Commonwealth or another State or Territory that is to be relied on to authorise the performance of work in an earthmoving or particular crane occupation to make the certificate available for inspection by the chief executive or an inspector, or produce it to the chief executive or an inspector, at a reasonable time and place stated by the chief executive or the inspector. Under this clause, the holder must comply with the request unless the holder has a reasonable excuse for not complying. If the holder of the licence is an individual, it is a reasonable excuse for the holder not to comply with the requirement if complying might tend to incriminate the holder.

Division 4 Training in work in an earthmoving or particular crane occupation or high risk work**Meaning of trainee**

Clause 31 deems a person to be a trainee only where the person is receiving training under a training plan, is being supervised by a licensed worker during formal training and workplace experience, and has records of progress of formal and informal training.

The provisions also reflect that training received by a trainee must include *formal training* (training involving theory and practical demonstration of the operation or use of the plant or equipment) and *informal learning* (workplace experience). The formal training must be completed before any relevant workplace experience, i.e. a person can carry out high risk work under supervision but it is not to be recorded as *informal learning* until after all relevant aspects of the formal training has been completed.

Duties of relevant person who is an employer for training

Clause 32 sets out the duties of an employer in relation to training a trainee in a class of high risk work or work in an earthmoving or particular crane occupation. These provisions specify that written records must be kept for both formal training and informal learning given to the trainee and that these records are kept up-to-date.

The provisions also clarify the sequence of learning. Informal learning is intended to follow formal training as a means of demonstrating that the trainee has retained the skills and knowledge developed during the formal training. This prevents lost time and cost to employers who have progressed trainees through informal learning before the formal training and do not become aware of the inadequacy of this until the trainee presents to a registered training organisation for evaluation of the adequacy of the workplace delivered training and the written and practical assessment.

What training plan must state

Clause 33 details the particular information that a training plan must state. For example, the training plan must provide the projected start and end dates so as to ensure a trainee reaches the goal of assessment for suitability to hold the appropriate authority for performing high risk work or working in an earthmoving or particular crane occupation.

Supervisor's duty for training

Clause 34 provides that the trainee's supervisor must directly supervise the trainee performing high risk work or work in an earthmoving or particular crane occupation unless certain conditions can be satisfied.

Trainee's duty for training

Clause 35 states that the trainee must keep a written training record that identifies the trainee and include the elements listed in the clause.

Supervisor to sign entry in training record

Clause 36 states when the trainee's supervisor must sign an entry in the trainee's training record.

Division 5 Obligation of relevant person who is an employer if worker is undergoing assessment for suitability to perform work**Supervision of worker and record keeping**

Clause 37 places an obligation on an employer to ensure that where a worker is undergoing a suitability assessment, the worker is directly supervised by a person who holds the appropriate authority and that a written record of the assessment is kept. Requirements for the written record are prescribed and specifically include the dates for when the assessment is to commence and conclude. This also ensures that the arrangement does not allow for a person to continually be working through a suitability assessment.

Division 6 Other obligations**Relevant person who is an employer must reasonable believe worker is competent**

Clause 38 places an obligation on an employer of a worker who holds an earthmoving or particular crane occupation certificate or a licence to perform a class of high risk work not to allow the worker to perform work involving the use or operation of plant under the certificate or licence unless the relevant person reasonably believes the worker is competent to use or operate the plant. For example, a relevant person must ensure workers are familiar with, and have sufficient experience with particular plant or equipment not to require further training or supervision.

Holder of certificate or licence must reasonable believe he or she is competent

Clause 39 places an obligation on the holder of an earthmoving or particular crane work certificate or a licence to perform a class of high risk work not to perform work involving the use or operation of plant under the certificate or licence unless the holder reasonably believes that he or she is competent to use or operate the plant.

Holder of certificate or licence must take reasonable precautions and exercise proper diligence

Clause 40 places an obligation on the holder of an earthmoving or particular crane work certificate or the holder of a licence to perform a class of high risk work to take reasonable precautions and exercise proper diligence in performing the work for which the certificate or licence was granted. Failure to take reasonable precautions and exercise proper diligence is a ground for the suspension or cancellation of a certificate under clause 116.

Division 7 Revival of authority formerly conferred by certificate of competency for work in an occupation

Revival of authority

Clause 41 provides that if a person held a particular certificate of competency that ended at midnight on 30 June 2008, the person may give notice to the chief executive by midnight on 30 June 2009 that the person wants to revive the authority that was conferred by the certificate. The notice must also contain information about the certificate number and the person's residential address and date of birth.

If the notice given by a person is to revive a certificate that relates to work that corresponds or substantially corresponds to the work to which an earthmoving or particular crane certificate relates, the person is taken to hold an earthmoving or particular crane work certificate for the occupation. The certificate has effect from when the chief executive receives the notice.

If the notice given by a person is to revive a certificate that does not correspond or substantially correspond to the work to which an earthmoving or particular crane occupation relates, the person may apply under clause 43 to convert the certificate to a renewable licence.

This provision also allows for the recognition of *restricted licences* that were issued before 1992 (for example, a restricted licence might be the operation of a front end loader in plant mode only, not including crane mode). Where a person who has notified of a desire to continue to hold a licence and this licence does not translate into an existing licence authority, the person continues to hold an authority for the work provided under the original licence issued.

Division 8 Expiry of licences to perform class of high risk work issued before July 2008 unless holder converts licence to a renewable licence**Pre-July 2008 licence to perform a class of high risk work will end unless converted to a renewable licence**

Clause 42 provides that a licence to perform a class of high risk work issued before 1 July 2008 will end unless converted to a renewable licence and sets out the relevant conversion dates. The renewal process is to occur over a five-year period commencing 2008-09.

How to convert a pre-July 2008 licence to perform a class of high risk work to a renewable licence

Clause 43 sets out the requirements for converting a licence to perform a class of high risk work issued before 1 July 2008 to a renewable licence with a term of five years. If a licence holder holds more than one licence to perform a class of high risk work to be converted to a renewable licence, the holder may apply to convert all licences at once to a renewable licence. All licences previously held by the holder that are converted to a renewable licence will be stated on one licence card with a term of five years.

Decision on application to convert a renewable licence

Clause 44 states that if the chief executive decides to grant the application to convert to a renewable licence, the chief executive must grant the renewable licence in the approved form as soon as practicable after making the decision. If the chief executive decides to refuse an

application to convert to a renewable licence, written notice must be given to the applicant of the decision within 10 days after making the decision. The notice must state the reasons for refusal and the person's appeal rights.

Notice about ending of pre-July 2008 licence to perform a class of high risk work to be given to holder

Clause 45 sets out the process to advise each holder of a licence to perform a class of high risk work issued before 1 July 2008 that the licence is due to end. The chief executive must give each licence holder a notice at least six weeks before the licence ends. The notice must advise the licence holder of the end date and how the licence holder can make an application to convert the licence to a renewable licence.

Part 4 Prescribed activities

This part specifies requirements for persons performing prescribed activities, which are certain types of demolition work and friable asbestos removal work as outlined in schedule 1 of the Act. Under this part, a relevant person must not perform a prescribed activity, unless the person holds a certificate to perform the activity. The part also states how a certificate must be applied for, and prescribes requirements for training and supervision in a prescribed activity.

Division 1 Certificate to perform prescribed activity

Certificate to perform prescribed activity

Clause 46 provides for certificates to be held by certain persons performing prescribed activities. If the prescribed activity is demolition work and there is a principal contractor, a relevant person must not perform the demolition work unless either the relevant person or principal contractor holds a certificate to perform that activity.

If the activity is work to remove friable asbestos containing material, the relevant person must hold a certificate to perform that activity.

Application for certificate to perform prescribed activity

Clause 47 allows a person to apply to the chief executive for a certificate to perform a prescribed activity. The circumstances under which the chief executive may grant the application are specified. This clause also provides for the certificate to be valid for two years from the day it is granted unless suspended or cancelled.

Conditions

Clause 48 provides that a certificate held by a person to perform a prescribed activity is subject to certain conditions. First, the person must take all reasonable steps to ensure he or she continues to satisfy the approved criteria stated in Information Paper D1 for demolition work or

Information Paper AR1 for removal of friable asbestos containing material. Second, if the activity is demolition work, this must be restricted to the particular structures or particular types of structures stated in the certificate.

Division 2 Training and supervision in prescribed activities

Duty of relevant person who is an employer for training in prescribed activity

Clause 49 requires an employer who employs or otherwise allows a worker to perform a prescribed activity to ensure the person has received appropriate training in safe working methods needed to perform the activity.

Supervision of performance of prescribed activity

Clause 50 requires the holder of a certificate to perform a prescribed activity to ensure the performance of the activity is directly supervised by a competent person. This clause also provides the meaning of *competent person* for demolition work and work to remove friable asbestos containing material.

Part 5 Bonded asbestos removal certificate

This part specifies certificate requirements for persons removing more than 10m² of bonded asbestos containing material (ACM).

Application of part 5

Clause 51 specifies that part 5 applies to work to remove 10m² or more of bonded asbestos containing material.

Authority to perform work to remove bonded asbestos containing material

Clause 52 provides that an employer must not employ or otherwise allow a worker to remove 10m² or more of bonded asbestos containing material unless the worker has appropriate authority to perform the work. A person must not remove 10m² or more of bonded asbestos containing material unless the person has appropriate authority to perform the work.

This clause specifies what the appropriate authority is to perform work to remove 10m² or more of bonded asbestos containing material.

Application for bonded asbestos removal certificate

Clause 53 allows a person to apply to the chief executive for a bonded asbestos removal certificate under part 8, division 2, and specifies the circumstances under which the chief executive may grant the application.

Term of certificate

Clause 54 provides that a bonded asbestos removal certificate is for a term of five years.

Certificate holder to notify change of address

Clause 55 provides that a holder of a bonded asbestos removal certificate must notify the chief executive of a change in postal or residential address within 14 days after the change.

Part 6 Workplace health and safety officers

This part describes the process for a person to be appointed as a workplace health and safety officer. Workplace health and safety officers have a number of functions including advising the employer about health and safety at the workplace and assisting in the investigation of all workplace incidents. A person is qualified to become a workplace health and safety officer by undertaking prescribed training.

Workplaces requiring a workplace health and safety officer—Act, s 93

Clause 56 states that workplaces in certain industries are prescribed workplaces for the purpose of section 93 of the Act, and require the appointment of a workplace health and safety officer.

Application for certificate of authority of appointment

Clause 57 provides that a person may apply to the chief executive, under part 8, division 2, for a certificate of appointment of a workplace health and safety officer, and specifies the circumstances under which the chief executive may grant the application. The clause provides that a certificate is valid for the term, of a maximum of five years, stated in the certificate.

Approval of workplace health and safety officer course

Clause 58 provides that the chief executive may approve a workplace health and safety course, or recertification course only if the chief executive is satisfied that the course gives adequate instruction about the functions of a workplace health and safety officer under the Act.

Part 7 Accredited providers, registered training organisations, approvals and related matters

This part specifies what must be done to become an accredited provider and places specific requirements on registered training organisations and accredited providers. An accredited provider must apply to the chief executive for appointment to become an accredited provider, and a registered training organisation must ensure that trainers and assessors comply with the requirements of the *Vocational Education, Training and Employment Act 2000*.

Division 1 Accredited providers**Application for appointment as an accredited provider**

Clause 59 provides that a person may apply to the chief executive, under part 8, division 2, for a certificate of appointment as an accredited provider. An appointment as an accredited provider is valid for the term, of a maximum of five years, stated in the certificate.

Authorised accredited provider to make record of assessment and give a copy to applicant

Clause 60 provides that an authorised accredited provider must, after assessing an applicant's competency for part 4 or 5, make a record of the assessment and give a copy of it to the applicant.

Record of assessment by authorised accredited provider before 1 July 2007

Clause 61 places a requirement on authorised accredited providers who have assessed an applicant's competency for part 3 or 6 as in force at any time before 1 July 2007 and hold a record of the assessment to either give the record of assessment to the chief executive in the way stated in writing by the chief executive or keep the record of the assessment for at least 5 years after the assessment was made.

The records of assessment relate to those that were required to be held by authorised accredited providers in accordance with the Assessor Guidelines, which was a requirement of an accredited provider's certificate of authority.

Division 2 Duties, and monitoring, of registered training organisations**Registered training organisation's duty for assessing competency**

Clause 62 prescribes the requirements on registered training organisations for assessing competency. The clause requires registered training organisations to ensure training and assessment complies with the *Vocational Education, Training and Employment Act 2000* and any agreement (e.g. a licence agreement) for the conduct of that training or assessment.

When registered training organisation must not make practical assessment

Clause 63 clarifies the overall sequence for training and assessment to prevent situations whereby practical assessments have been conducted prior to informal learning occurring. Theory and practical assessments can be delivered progressively by the registered training organisation with the overall sequence for the training and assessment as follows:

1. formal training delivered;
2. option of theory component of assessment;
3. informal learning (workplace experience);
4. theory component of assessment if not delivered before informal learning;
5. practical assessment.

Where a person has not completed formal training and informal learning, the registered training organisation is able to deliver a practical assessment but only after the registered training organisation is satisfied that the person has obtained skill and knowledge for the unit of competency through means other than training.

Registered training organisation's duties before issuing statement of attainment

Clause 64 requires that a registered training organisation must conduct an assessment in accordance with the assessment instrument before a person is issued with a statement of attainment, unless a registered training organisation has determined that the person is eligible for a credit transfer under the translation tables and instructions on their use issued by the department.

Record of assessment by registered training organisation

Clause 65 provides that a registered training organisation must, after assessing an applicant's competency for part 3, 4, 5 or 6, make an assessment summary, issue the statement of attainment if the applicant is competent, and give a copy of both documents to the applicant.

Other duties of registered training organisation

Clause 66 outlines the standards to be applied in the delivery of training and assessment services. Apart from specifying certain duties such as keeping model answers secure, the clause provides for the recognition of training and assessment outcomes achieved in Queensland but delivered by registered training organisations that have been determined by interstate occupational health and safety authorities as appropriate for delivery of services in this area, i.e. the department has not been involved in their authorisation for delivery.

Monitoring of registered training organisation's compliance

Clause 67 allows for monitoring of a registered training organisations' performance against the criteria specified in the previous clause. This enables the department to conduct compliance monitoring activities independently of the Department of Education, Training and the Arts (DETA) with an obligation to report outcomes of scheduled compliance monitoring to DETA.

Division 3 False documents

Person must not sign false assessment summary

Clause 68 provides that a person must not sign an assessment summary that is relied on under the regulation if the person knows that the assessment summary is false.

Making available document purporting to be statement of attainment

Clause 69 makes it an offence for a person falsely presenting a document that is purported to be a statement of attainment but is not.

Division 4 Approval of individual to provide training and assessment

Approval of individual to provide training and assessment

Clause 70 sets out the requirements for an application for approval of persons delivering training and assessment services on behalf of registered training organisations. It is important to note that although the application for training approval must be made by an individual it must also be supported by the appropriate registered training organisation. In addition, the chief executive is entitled to request further information to assist in deciding the application.

Chief executive to decide application for training approval within 28 days

Clause 71 states the timeframes in which the chief executive must decide an application.

Grant of approval

Clause 72 states that the approval by the chief executive must be provided to the applicant within 10 days after deciding the application.

Notice of refusal of application

Clause 73 provides that the chief executive may refuse to grant an application and states the timeframes for making a response and the relevant appeal mechanisms.

Division 5 Suspension and cancellation of training approval

Grounds for suspension or cancellation of approval

Clause 74 states the grounds on which the chief executive may suspend or cancel a training approval.

Procedure for suspension or cancellation

Clause 75 sets out the procedure and related timeframes that must be followed before action is taken to suspend or cancel a training approval under clause 74.

Immediate suspension of approval

Clause 76 establishes a power for the chief executive to immediately suspend an approval where the chief executive holds the reasonable belief that the training approval was issued either in error or on false or misleading information, or in another improper way, and the holder of the

certificate, licence or licence class or someone else may be exposed to substantial risks to health and safety if urgent action to suspend the approval is not taken.

When immediate suspension has effect until

Clause 77 provides further information about what happens if an immediate suspension notice is given to the holder of a training approval.

Part 8 Certificates and licences

This part defines certificates for the purposes of workplace health and safety legislation, outlines how to apply for a certificate and places certain requirements on the chief executive relating to the granting or refusing of an application. This part also contains provisions covering the replacement, surrender, renewal and suspension of certificates. These are administrative procedures only and exist solely to outline the process by which an application for any certificate is dealt with. This helps to create clarity and transparency in administrative processes.

Division 1 Definitions

Definitions for pt 8

Clause 78 provides the definitions for part 8.

Division 2 Applications for certificates, licences and variations of licences

Subdivision 1 Certificates, licences and variations of licences generally

How to apply for a certificate, other than an earthmoving or particular crane work certificate

Clause 79 sets out the requirements for an application for a certificate, other than an earthmoving or particular crane occupation certificate - for example, an application for a bonded asbestos removal certificate or an application for a certificate of authority of appointment of a workplace health and safety officer.

The clause also provides that the chief executive may exempt the applicant from certain requirements to be included in an application for a bonded asbestos removal certificate, or an application for a certificate of authority of appointment of a workplace health and safety officer, if the chief executive is satisfied that the applicant meets certain criteria.

How to apply for an earthmoving or particular crane work certificate

Clause 80 sets out the requirements for an application for an earthmoving or particular crane work certificate.

The clause provides that the chief executive may exempt the applicant from the requirement for an assessment summary and statement of attainment to accompany an application if the chief executive is satisfied that the applicant meets certain criteria.

The clause also allows the chief executive to require the applicant to provide any further information required by the chief executive to decide the application within a reasonable period, of at least 28 days, stated by the chief executive.

Eligibility to obtain particular licence classes

Clause 81 relates to certain licences within the occupational licensing framework that are hierarchical in nature. The clause sets out how a person is required to progress through each of the licence classes within the hierarchy. The classes of work to which the pre-requisites have application are dogging and rigging, scaffolding, and boiler operation.

How to apply for a licence or variation of a licence to endorse another class of high risk work

Clause 82 sets out the requirements for an application for a licence or a variation of a licence to endorse another class of high risk work on the licence. An application that relates to a corresponding authority is also subject to the requirements of this clause.

The clause provides that the chief executive may exempt the applicant from the requirement for an assessment summary and statement of attainment to accompany an application if the chief executive is satisfied that the applicant meets certain criteria.

The clause also allows the chief executive to require the applicant to provide any further information required by the chief executive to decide the application within a reasonable period, of at least 28 days, stated by the chief executive.

If applicant for licence or variation of a licence holds a corresponding authority to licence or licence class

Clause 83 relates to the transfer of licences between other States and Territories. It specifies that the chief executive is not permitted to issue a licence to an applicant who holds a corresponding authority to the licence unless the validity of the licence is confirmed by the relevant corresponding authority. In addition, the application for the purposes of clause 82 is to be accompanied by written approval from the applicant for the licence to be ended in the other state or territory.

How to apply for a variation of a licence to remove a class of high risk work

Clause 84 sets out the requirements for an application for a variation of a licence to remove an endorsement of a class of high risk work.

Refusal to grant licence or variation for applicant's misconduct

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Clause 85 sets out the grounds under which the chief executive may refuse to grant a licence or a variation of a licence to endorse another class of high risk work, if in the two years immediately before the application is made, the applicant had a licence or licence class to which the application relates, or a corresponding authority to the licence or licence class, suspended or cancelled.

Refusal to grant certificate, licence or variation—false assessment summary

Clause 86 provides that the chief executive may refuse to grant a certificate, licence or variation of a licence to endorse another class of high risk work on the licence if a person who performed an assessment summary that is relied on for the application has been charged or convicted of making a false assessment summary within the five years immediately before the application is made. An application will not be refused if the charge is withdrawn or dismissed.

However, the chief executive may decide to grant the certificate, licence or variation if the chief executive reasonably believes that the assessment summary is satisfactory in the particular case.

Refusal to grant earthmoving or particular crane work certificate for applicant's misconduct

Clause 87 sets out the grounds under which the chief executive may refuse to grant an earthmoving or particular crane work certificate if in the two years immediately before the application is made, the applicant had an earthmoving or particular crane work certificate, or a corresponding authority to an earthmoving or particular crane work certificate, suspended or cancelled.

Refusal of application for lack of competence or for misconduct

Clause 88 sets out the grounds under which the chief executive may refuse an application for particular certificates, a licence or a variation of a licence to endorse another class of high risk work. This clause does not apply to an application for a certificate of registration of registrable plant or a certificate of registration of registrable plant design.

Refusal of applications for particular certificates

Clause 89 provides that the chief executive must refuse to grant certain certificates if the applicant already holds a certificate of the same type.

The clause also states that the chief executive may refuse to grant a certificate if a certificate of the same type has been cancelled within the two years immediately before the application is made because the certificate was obtained fraudulently or in another improper way.

Chief executive to decide application within 28 days

Clause 90 states the timeframes in which the chief executive must decide an application for a certificate, licence or licence variation.

Grant of certificate, licence or variation of a licence

Clause 91 provides that the chief executive must grant the certificate, licence or variation of a licence in the approved form to the applicant within 10 days after making the decision. The approval must include any conditions to which the certificate, licence or licence as varied is subject.

Notice of refusal of application

Clause 92 provides that the chief executive must give written notice to the applicant of the decision to refuse an application for a certificate, licence or variation of a licence within 10 days after making the decision. The notice must state the reasons for refusal and the appeal rights of the person.

Grant of certificate, licence or variation of licence on conditions

Clause 93 provides that the chief executive may grant a certificate, licence or variation of a licence, other than a variation of a licence to remove an endorsement of a class of high risk work, on conditions that the chief executive considers appropriate.

Term of licence

Clause 94 provides that a licence to perform a class of high risk work is for a term of five years. All licence classes endorsed on a licence card end at the same time as the first class endorsed on the licence.

Subdivision 2 Renewal of licences**When licence may be renewed**

Clause 95 sets out the timeframes in which an application for renewal of a licence may be made. An application for renewal may be made not more than six months before the licence ends or one year after the licence ends.

How to apply for renewal of a licence

Clause 96 sets out the requirements for an application for renewal of a licence. The clause also states the chief executive may require the applicant to provide further information to help decide the application.

Renewal of licences

Clause 97 provides that the chief executive must renew a licence if the chief executive is satisfied that the applicant has complied with the requirements to renew, unless the chief executive refuses to renew due to lack of competence.

Refusal to renew licence for lack of competence

Clause 98 provides that the chief executive must refuse to renew the licence if the chief executive considers that the applicant is no longer competent to perform the class of high risk work to which the licence relates without exposing the applicant or someone else to risks to his or her health and safety.

Notice of refusal of application

Clause 99 provides that the chief executive must give written notice to the applicant of the decision to refuse an application for renewal of a licence within 10 days after making the decision. The notice must state the reasons for refusal and the appeal rights of the person.

Subdivision 3 Provisions about certificates or registration of registrable plant design

Application of sdiv3

Clause 100 states the application of subdivision 3.

Definitions of sdiv3

Clause 101 provides the definitions for subdivision 3.

Application for certificate of registration of registrable plant design

Clause 102 sets out the requirements for an application for a certificate of registration of registrable plant design.

Prohibitions relating to design verification statements

Clause 103 requires that design verification must not be made by a person who was involved in any part of the design.

Chief executive may ask for additional information for registration

Clause 104 allows for the chief executive to ask for additional specified information before granting the plant design certificate. Applications can be refused if the additional information requested is not provided.

Chief executive may require information from certificate holder

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Clause 105 gives the chief executive the power to request information from a certificate holder as per the additional information requirements mentioned in the previous clause. This information is to be provided within 28 days of the request and be in English.

Subdivision 4 Provisions about certificates of registration of registrable plant that is mobile crane or tower crane

Application of sdiv 4

Clause 106 states the application of subdivision 4.

Definitions for sdiv 4

Clause 107 provides definitions for subdivision 4.

Application for certificate of registration of a mobile crane or tower crane

Clause 108 sets out the requirements for an application for a certificate of registration of a mobile or tower crane.

Application under s 108 if engineer can not inspect because of unforeseeable circumstances

Clause 109 provides for unforeseeable circumstances in relation to the major inspection to be conducted every 10 years on all tower cranes and mobile cranes by a suitably qualified engineer. Where the chief executive is satisfied that an application can not contain a statement about certification by engineer because the crane could not be inspected due to unforeseeable circumstances, the chief executive may accept a statement from a competent person about the certification. This provision expires on 31 January 2011.

Division 3 Renewal of particular certificates

Definition for div 3

Clause 110 provides the definition of *certificate* for division 3.

Renewal of certificate

Clause 111 sets out the requirements for the renewal of certain certificates.

Application for renewal before registration ends

Clause 112 requires all renewals for certificates (other than for a workplace health and safety officer) to be made at least 14 days before the certificate ends.

Div 2 applies to application for renewal

Clause 113 provides that all applications for renewals are treated the same as an application for a certificate in division 2. The chief executive can refuse a renewal application on the basis the certificate was issued in error or obtained in another improper way.

Division 4 Replacement and surrender of certificates and licences

Replacement of certificate or licence

Clause 114 provides that the holder of a lost, damaged, destroyed or stolen certificate or licence may apply to the chief executive for a replacement certificate or licence. The clause sets out the requirements for an application for a replacement certificate or licence.

The clause provides that the chief executive may replace the certificate or licence if satisfied that it has been lost, damaged, destroyed or stolen.

Surrender of certificate or licence

Clause 115 sets out the requirements for the holder of a certificate or licence to surrender his or her certificate or licence.

Division 5 Suspension and cancellation of certificates and licences

Grounds for suspension or cancellation

Clause 116 states the grounds on which the chief executive may suspend or cancel a certificate or licence or licence class, or recommend to a recognised official that a corresponding authority be suspended or cancelled.

Procedure for suspension or cancellation

Clause 117 sets out the procedure and related timeframes that must be followed before action is taken to suspend or cancel a certificate, licence or corresponding authority under clause 116.

Immediate suspension of earthmoving or particular crane work certificate, licence or licence class

Clause 118 establishes the power, and sets out the requirements, for the chief executive to immediately suspend an earth moving and particular crane work certificate, licence or licence class in limited circumstances.

The intent of this provision is to ensure the chief executive is able to take immediate action in circumstances where fraud in relation to the issue of occupational certificates and licences is discovered. The work authorised is by its nature high risk work, and the exposure of workers and other persons to workplace health and safety risks as a result of persons fraudulently obtaining a certificate, licence or licence class justifies exercise of an immediate suspension power.

Further provision about immediate suspension

Clause 119 provides further information about what happens if a notice of suspension is given to the holder of a certificate, licence or licence class under clause 118.

Suspension or cancellation of earthmoving or particular crane work certificate, licence or licence class on recommendation of recognised official

Clause 120 sets out the process to be followed where a recognised official recommends that an earthmoving or particular crane work certificate, licence or licence class be suspended or cancelled.

Ending of licence if application for corresponding authority

Clause 121 allows the chief executive to end a licence, or licence class, if the holder of the licence or licence class has done certain things.

Chief executive may advise recognised official of particular matters

Clause 122 allows for the chief executive to notify a relevant issuing authority of a person's desire to obtain the relevant licence in Queensland and authority given for the licence to be transferred in the issuing State or Territory.

Requirement for retraining

Clause 123 provides that a person whose earthmoving or particular crane occupation certificate, licence or licence class has been suspended may be required to do certain things before the certificate, licence or licence class is reinstated.

Certificate or licence to be returned

Clause 124 sets out the process to be followed with respect to the return of a certificate, licence or licence class that has been suspended or cancelled.

Replacement licence to be issued for remaining licence class

Clause 125 provides that the chief executive must issue a replacement licence to a holder for all remaining licence classes endorsed on a licence that do not relate to the licence class that has been suspended.

Division 6 Obligation of relevant person**Way to prevent or minimise risk prescribed**

Clause 126 prescribes ways of preventing or minimising exposure to risk from lack of precautions or diligence. A relevant person must not induce the holder of a particular certificate, licence or authority not to take reasonable precautions or exercise proper diligence in performing the work, activity or function under the certificate, licence or authority.

Division 7 Miscellaneous

Giving information for administering Act

Clause 127 allows the chief executive to provide information to relevant persons to confirm that a person holds a valid licence and the next date in which a transaction (for example, licence renewal) would be required for the person to continue to hold a valid licence. A relevant person's awareness of the validity of a person's licence is critical to the occupational licensing arrangements.

Particular work encompassed in licence class

Clause 128 provides clarity about the encompassments applicable to occupational licences. The details of the encompassments are provided in schedule 7.

Part 9 Notifiable building and construction work

This part requires certain building and construction work to be notified to the Department of Employment and Industrial Relations, outlines how notification must be made, and provides for a fee, which is set out in schedule 1 of the Regulation. The part also provides circumstances in which exemptions from payments of fees are allowed. The fee is set by way of percentage of work value, currently being 0.125% of the value of work above \$80,000. The information required under this part is provided to Q-Leave (the Building and Construction Industry Portable Long Service Leave Authority) and then passed on to Workplace Health and Safety Queensland. This information is necessary for Workplace Health and Safety Queensland to guide its regulatory and enforcement activities. For example, it is used for forecasting resource allocations on a regional basis, as well as for informing the inspectorate about particular projects.

Notification of building and construction work

Clause 129 provides for the notification of building and construction work if the cost of the work is \$80,000 or more. The person who is liable to pay the levy for building and construction work under section 74 of the *Building and Construction Industry (Portable Long Service Leave) Act 1991* must file an approved form with the Building and Construction Industry (Portable Long Service Leave) Authority, or its agent, and pay the appropriate fee if this is required.

Exemption from payment of fees

Clause 130 specifies when a person is not required to pay a fee for the notification of building and construction work.

Recovering unpaid fees

Clause 131 provides for the Building and Construction Industry (Portable Long Service Leave) Authority to recover unpaid fees if the Authority reasonably suspects that someone is liable to pay a fee for building and construction work. It also specifies the circumstances when the Authority must waive an unpaid fee.

Refund of fees

Clause 132 specifies the particular circumstances in which a person who has paid a fee for building and construction work may apply to the Building and Construction Industry (Portable Long Service Leave) Authority for a proportionate refund.

Start and finish of building and construction work

Clause 133 allows the Building and Construction Industry (Portable Long Service Leave) Authority to decide, for the purpose of this part, the day on which building and construction work starts and finishes.

Part 10 Injuries, illnesses and dangerous events

This part requires certain obligation holders to notify the chief executive when there is an incident resulting in a person suffering either a serious bodily injury or a work caused illness, or a dangerous event occurs at a workplace. In addition, the part also prescribes requirements for accident record keeping and preservation of the accident site.

Notifying of particular workplace incidents

Clause 134 specifies the types of workplace incidents that must be notified to the chief executive.

This clause sets out the procedure and related timeframe for a person to give notice of a workplace incident. The clause also describes the circumstances under which a person does not commit an offence if he or she fails to notify.

Recording particular workplace incidents

Clause 135 requires particular workplace incidents to be recorded, specifies who has responsibility for recording these incidents, and sets out the requirements for making a record. The clause also describes the circumstances under which a person does not commit an offence if he or she fails to make a record.

Scene not to be interfered with

Clause 136 prohibits interference with a scene when a person suffers a serious bodily injury or a work caused illness at a workplace, or a dangerous event happens at a workplace.

The clause specifies that a person must not do certain things without the permission of an inspector, or if an inspector is not available, a police officer. However, a person does not commit an offence if the movement or interference is necessary to save life, relieve suffering, prevent injury to a person or prevent property damage.

Part 11 Access—relevant person who is an employer doing work that is not construction work

This part aims to ensure appropriate, safe and clear access at a workplace other than one where construction work is carried out.

Access

Clause 137 specifies that an employer doing work, other than construction work, must ensure that access for his or her workers to and from the workplace is appropriate, safe and clear for each of the employer's workers when they are working or about to work at the workplace. The employer is also required to ensure that all other means of access at the workplace are safe and clear, for example, for members of the public entering or leaving the workplace.

Part 12 Noise

This part sets out measures which aim to prevent workers being exposed to excessive noise. It stipulates the maximum noise levels to which workers can be exposed. This part is based upon the *National Standard for Occupational Noise [NOHSC:1007 (2000)] 2nd edition* and is consistent with the *National Code of Practice for Noise Management and Protection of Hearing at Work [NOHSC:2009 (2005)]*.

What is excessive noise

Clause 138 defines *excessive noise* for part 12.

Preventing risk from exposure to excessive noise

Clause 139 specifies that an employer not to expose the employer's workers to excessive noise at work.

Part 13 Asbestos management and removal

This part imposes obligations on relevant persons working with asbestos or asbestos containing material, and owners of certain structures. This part requires compliance with the *National Code*

of Practice for the Management and Control of Asbestos [NOHSC:2018 (2005)] and the National Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (2005)].

Division 1 Interpretation

Definitions for pt 13

Clause 140 provides the meaning of *asbestos management code* and *asbestos removal code* for part 13.

Division 2 Prohibitions relating to asbestos

Prohibited substances and prohibited ACM

Clause 141 requires a relevant person not to use a prohibited substance (any of the asbestos mineral group) or a prohibited asbestos containing material (ACM) for a prohibited purpose. The specific prohibitions and exemptions are set out in schedule 9.

The clause also requires an employer not to allow his or her workers to use a prohibited substance or prohibited ACM for a prohibited purpose mentioned in schedule 9.

Performing work on ACM

Clause 142 prohibits a relevant person from performing work on ACM (such as drilling holes) other than in accordance with the asbestos management code.

The clause prohibits an employer from allowing his or her workers to perform work on ACM other than in accordance with the asbestos management code.

Cleaning ACM

Clause 143 provides that a relevant person must not use, or allow a worker to use power tools, power appliances or high pressure water processes to clean ACM. It also prohibits the use of compressed air or abrasive blasting to clean ACM or a surface where ACM is present. The purpose of this clause is to ensure that tools likely to generate airborne asbestos fibres through abrasion or blasting are not used to clean ACM.

Division 3 On-site management of ACM

Application of div 3

Clause 144 specifies that this division applies to structures that are buildings used as a workplace if all or part of the structure was built under an approval given by a local government before 1 January 1990. This division also applies to structures other than buildings, such as fixed plant, for example, if there is ACM fixed or installed in the structure. However, this division does not apply to a structure used for domestic residential purposes.

Compliance with asbestos management code

Clause 145 requires the owner of a structure, or part of a structure, mentioned in clause 144 to comply with the asbestos management code. This code has requirements for matters such as the identification, recording, labelling and management of ACM in structures.

Division 4 Removing ACM**Removing ACM**

Clause 146 requires a relevant person to:

- ☒ comply with the asbestos removal code when removing ACM;
- ☒ comply with the part 9.4 of the asbestos management code when removing ACM from a building used for domestic purposes; and
- ☒ ensure his or her workers comply with the asbestos removal code when removing ACM.

If ACM is being or is to be removed from a structure, other than a building used for domestic residential purposes, the owner of the structure or the person engaged by the owner to supervise or arrange for the work to be performed, must comply with part 7.2 of the asbestos removal code. This part of the code deals with responsibilities such as ensuring a licensed asbestos removalist carries out the asbestos removal work where required, and providing those doing the asbestos removal work with all relevant information about the site and nature of the work required.

Part 14 Underwater diving work

This part requires relevant persons conducting underwater diving work to do certain things to ensure underwater diving work is carried out without risk to any person's health and safety, such as ensure minimum competency levels of divers, conduct risk assessments, ensure medical fitness, keep safety logs and provide site briefs. Underwater diving work includes construction diving, other occupational diving, recreational diving and recreational technical diving.

Division 1 Definitions for part 14**Meaning of *underwater diving work***

Clause 147 provides the meaning of *underwater diving work* for part 14.

Meaning of *construction diving work*

Clause 148 provides the meaning of *construction diving work* for part 14.

Division 2 All underwater diving work—medical fitness to dive**Requirements about certificate of medical fitness to dive**

Clause 149 requires a relevant person not to do underwater diving work, or allow a worker to do underwater diving work, unless the relevant person holds an original or copy of a current certificate of medical fitness to dive for the person performing the underwater diving work. Any limitations on diving stated in the certificate must be complied with. The relevant person must keep the certificate for at least one year after it stops being current.

Contents of certificate of medical fitness to dive

Clause 150 states the information that must be provided in the certificate of medical fitness to dive, including whether the certificate holder is medically fit to dive in accordance with the fitness criteria stated in AS/NZS 2299, part 1, appendix M, paragraph M4. The clause also covers requirements for certificate holders who are over 18 years old, and requirements for those under 18 years old.

Division 3 Underwater diving work other than conducting recreational diving or recreational technical diving

Subdivision 1 Preliminary

Application of div 3

Clause 151 specifies that division 3 does not apply to underwater diving work consisting of conducting recreational diving or recreational technical diving.

Meaning of *competent person* for construction diving work

Clause 152 provides the meaning of *competent person* for construction diving work.

Meaning of *competent person* for other underwater diving work

Clause 153 provides the meaning of *competent person* for all forms of underwater diving work, other than construction diving work. The clause refers to clause 154 to 158 for particular meanings.

Competent person for s 153—holder of ADAS diving certificate for the diving

Clause 154 provides that a person who holds a relevant ADAS diving certificate is a competent person for clause 153.

Competent person for s 153—holder of certification under Australian Qualifications Framework

Clause 155 describes the circumstances in which a holder of a relevant statement of attainment from a registered training organisation is a competent person for clause 153.

Competent person for s 153—holder of certificate for AS 4005.2 subject areas

Clause 156 describes the circumstances in which a holder of certificate showing successful completion of training in AS 4005, part 2 is a competent person for clause 153.

Competent person for s 153—Person doing underwater diving work on no more than 28 days in the last 6 months

Clause 157 describes the circumstances in which a person can be a competent person for clause 153, where the person has done no underwater diving in the six months immediately before the underwater diving work is done, or has done underwater diving work on no more than 28 days in the 6 months immediately before the underwater diving work is done. The clause sets out specific requirements for personal supervision of this person as well as the knowledge and skills the person should have obtained through training, qualifications or experience.

Competent person for s 153—someone who has spent at least 15 hours doing the same type of work as the underwater diving work

Clause 158 describes the circumstances in which a person can be a competent person for clause 153. However, a person who qualifies as a competent person under this clause will no longer qualify as a competent person from 31 October 2008. In the case of these experienced divers, movement to the new competency requirements will be achieved by a combination of recognition of current competencies and training to cover any skills gaps. After 31 October 2008 new divers will be required to have proof of competency under one of the remaining options, before they can do this type of work.

Subdivision 2 Proof of competency for underwater diving work other than construction diving work**Proof of competency**

Clause 159 applies to underwater diving work other than construction diving work.

The clause specifies that a relevant person must not do underwater diving work, or allow a worker to do underwater diving work, unless the relevant person holds proof that the person doing the work is a competent person and that the work to be done is not contrary to any restrictions stated in the proof of competency.

The clause also requires the relevant person keep the proof of competency for at least one year after the work has been done.

Subdivision 3 Risk assessment and control measure process at particular stages**Process to be carried out before work starts**

Clause 160 applies to underwater work to be done by a relevant person. The clause provides that the relevant person must ensure an appropriate risk assessment process is carried out by a competent person before the work starts. The clause sets out the factors that must be taken into account when doing the risk assessment.

Process to be carried out each time there is a significant change

Clause 161 applies if a risk assessment under clause 160(2) has been carried out. The clause provides that a relevant person must stop work immediately if there is a significant change in the way work is to be done or a significant adverse change in environmental conditions affecting the diving from when the assessment was last carried out. The work must not start or restart unless a competent person who is out of the water carries out a new assessment process.

Work not to start or restart unless diver has read, understood and signed record of process

Clause 162 applies if a risk assessment has been carried out under clause 160(2) or clause 161(2). The clause stipulates that a relevant person must not start or restart the underwater diving work unless the relevant person and each worker doing the underwater diving work has read and understood the record of the assessment process. They must also sign an acknowledgement, on the record, that they have read it.

Record to be kept for each time process is carried out

Clause 163 applies if a risk assessment has been carried out under clause 160(2) or clause 161(2). A relevant person must make a record of the assessment process as specified in this clause and keep it for at least one year after it was last used. The written record of the assessment process must also be made available for inspection at the dive site by anyone involved in the underwater diving work.

Control measure to be in place and monitored and reviewed

Clause 164 applies if a control measure is implemented under this subdivision for a risk. A relevant person must keep a control measure for a risk in place while the risk exists, or replace it with a different control measure necessary to prevent or minimise the level of exposure to the risk. The relevant person must also monitor and review the effectiveness of the control measure that has been implemented.

Subdivision 4 Dive safety log

Dive safety log—log must be kept

Clause 165 provides that a relevant person must ensure a dive safety log is kept as specified in clause 166 in relation to each dive undertaken by the relevant person or worker doing the underwater diving work.

Dive safety log—required information about dives

Clause 166 specifies the particular information that must be stated in a dive safety log. This clause also specifies the additional information that the dive safety log must state for underwater diving work using EANx or mixed gas. The required information must be entered into the dive safety log as soon as practicable.

Dive safety log—diver must sign log

Clause 167 states what a diver must do to verify his or her return from each dive, in relation to which a dive safety log must be kept. The diver must as soon as practicable sign the dive safety log entry for the diver or enter the required information into an electronic log.

Dive safety log—further signing of log

Clause 168 provides that the relevant person must ensure a person verifies that the prescribed requirements for completing the dive safety log have been met.

Dive safety log—log to be kept for at least 1 year

Clause 169 provides that the relevant person must keep the dive safety log for at least one year after it is made.

Subdivision 5 Provisions relating only to construction diving work**ADAS diving certificate for the diving is required**

Clause 170 specifies that a relevant person must not do construction diving work, or allow a worker to do construction diving work, unless the relevant person holds an original or copy of an ADAS diving certificate for the person performing the construction diving work. Any restrictions on diving stated in the certificate must be complied with.

The clause also requires the relevant person to keep the certificate for at least one year after the work is finished.

Dive supervisor

Clause 171 specifies that a relevant person must not do construction diving work or allow a worker to do construction diving work, unless an appropriately qualified dive supervisor is appointed for the work or for the dive site where the work is to be done. The appointed dive supervisor must personally supervise the work at the dive site so that they are able to communicate directly with each diver being supervised. A dive supervisor can supervise more than one diver at a time.

Stand-by diver

Clause 172 specifies that a relevant person must not do construction diving work or allow a worker to do construction diving work, unless a stand-by diver is appointed for the work or the dive site. The purpose of the stand-by diver is to perform the rescue of another diver. The clause states the required competency, medical fitness and other responsibilities of a stand-by diver.

Recompression chamber and qualified operator

Clause 173 specifies that a relevant person must not do restricted diving work, or allow a worker to do restricted diving work, unless an operational recompression chamber and a qualified chamber operator are at, or near the dive site where the work is to be done. The clause states the required qualifications of the operator and provides the meaning of restricted diving work.

The clause also clarifies that a recompression chamber is near the dive site if an unconscious diver can be moved to the chamber within five minutes.

Recompression chamber not to be operated without proper qualifications

Clause 174 applies if a relevant person is doing construction diving work and has a recompression chamber under the control of the relevant person. The relevant person must not operate the recompression chamber, or allow a worker to operate the recompression chamber, unless the relevant person holds an original or copy of the appropriate ADAS diving certificate for the person operating the chamber. The relevant person must keep the certificate for at least one year after the recompression chamber is operated.

When using open circuit scuba is prohibited

Clause 175 requires that a relevant person must not do construction diving work using open circuit scuba, or allow a worker to do construction diving work using open circuit scuba in the circumstances specified in this clause.

Work below 50m using SSBA supplying compressed air prohibited

Clause 176 requires that a relevant person must not do construction diving work at a depth of over 50m using SSBA supplying compressed air, or allow a worker to do construction diving work at a depth of over 50m using SSBA supplying compressed air.

Division 4 Conducting recreational diving or recreational technical diving**Ways to prevent or minimise risks prescribed**

Clause 177 provides that division 4 prescribes ways of preventing or minimising exposure to the risk of death, illness or injury associated with conducting recreational diving or recreational technical diving as part of a relevant person's undertaking in certain circumstances.

Count of all persons on board to be made and recorded

Clause 178 states what a relevant person must do when using a boat to transport persons to, or to the vicinity of, a recreational diving or recreational technical diving site, to ensure no persons are left behind at a dive site. It prescribes how the count of all persons on board the boat must be carried out and recorded at certain times. The relevant person must keep each record for at least one year.

Medical conditions of resort divers

Clause 179 provides that a relevant person may allow a person to do resort diving only if the person gives a medical declaration in the approved form about his or her medical fitness to dive, and the relevant person, or someone on his or her behalf, has:

- € read the declaration; and
- € does not know or suspect that the declaration is false or misleading; and
- € has assessed the person's fitness to dive, having regard to the declaration; and
- € decided it is reasonable to allow the person to dive.

Lookout and rescuer

Clause 180 applies if a relevant person is conducting recreational diving or recreational technical diving for one or more persons. The relevant person may allow the persons to do the diving only while there is at least one person acting as lookout for the diving. The clause sets out the responsibilities of the lookout, and outlines the circumstances when a relevant person does not have to provide another person to act as a back-up lookout.

Supervision of resort divers

Clause 181 applies if a relevant person is conducting resort diving for one or more persons. The relevant person must ensure that each person doing resort diving is supervised in the water by a dive instructor or a dive instructor assisted by a certified assistant, and outlines the maximum number of resort divers that these persons can supervise in the water at a time.

Dive safety log

Clause 182 applies if a relevant person intends to conduct recreational diving or recreational technical diving for one or more persons. The relevant person must ensure that a written dive safety log is kept about each dive done by the relevant person or each worker in conducting the dive. The dive safety log must contain certain information about each dive and be verified by the

diver and other certain persons in the way stated in this clause. The relevant person must keep the dive safety log for at least one year.

The purpose of this requirement is to ensure there are details recorded about each dive. These details may be of assistance in case of an incident, to help planning of any future dives so, for example, the likelihood of decompression illness can be minimised and to ensure all divers return after the dive.

Part 15 Conducting recreational snorkelling

This part sets out the requirements for relevant persons who conduct recreational snorkelling. It requires relevant persons to implement systems which focus on the safety of the snorkeller and involve conducting counts of all people on board a vessel, both before leaving port and before leaving a site.

Ways to prevent or minimise risks prescribed

Clause 183 provides that part 15 prescribes ways of preventing or minimising exposure to the risk of death, illness or injury associated with conducting recreational snorkelling as part of a relevant person's undertaking in the circumstances mentioned in this part. Part 15 does not deal with all circumstances that may expose a person to a risk associated with conducting recreational snorkelling as part of a relevant person's undertaking.

Count of all persons on board to be made and recorded

Clause 184 states what a relevant person must do when using a boat to transport persons to, or to the vicinity of, a recreational snorkelling site, to ensure no persons are left behind at the site. It prescribes how the count of all persons on board the boat must be carried out and recorded at certain times. The relevant person must keep each record for at least one year.

Advice about medical conditions

Clause 185 applies if a relevant person intends to conduct recreational snorkelling for one or more persons. The relevant person must ensure that each person who intends to go recreational snorkelling is advised of certain information and tell the lookout, snorkelling supervisor or snorkelling guide if the person has any concerns about a medical condition.

Lookout, guide and rescuer

Clause 186 the relevant person may allow persons to do recreational snorkelling only if there is at least one person acting as lookout for the snorkelling or the snorkelling is done with a guide. The clause specifies when it is appropriate to use a lookout or a guide, and outlines the responsibilities of these persons.

The clause also outlines the circumstances when a relevant person does not have to provide another person to act as a back-up lookout or guide.

Part 16 Hazardous substances

This part details the responsibilities of manufacturers, importers, suppliers and relevant persons in relation to hazardous substances in workplaces. Hazardous substances are either designated as such, or if not designated, a substance that meets certain criteria. Provisions relate to the use of hazardous substances in the workplace, including safe use, labelling, risk assessments, implementation of control measures, health surveillance, training and induction of workers and spray painting.

Division 1 Definitions

Meaning of *exposed*

Clause 187 provides the meaning of the term *exposed*.

Meaning of *hazardous substance*

Clause 188 provides a meaning of the term *hazardous substance* for part 16, other than for division 4.

Division 2 Manufacturers and importers

Who division applies to

Clause 189 provides that division 2 applies to a manufacturer or importer of a hazardous substance for use at a workplace.

Preparing, amending and reviewing MSDS

Clause 190 places a workplace health and safety obligation on a manufacturer or importer of a hazardous substance for use at a workplace to prepare an MSDS for a substance, amend it when changes occur or are discovered, and review the MSDS at least once every five years.

The clause lists the essential information to be included in the MSDS. It also provides, that instead of stating a type 3 ingredient's chemical or generic name, the MSDS may state that the ingredient is not hazardous if the ingredient is not a hazardous substance with a known synergistic effect and the manufacturer or importer reasonably believes disclosure of its chemical or generic name gives insufficient commercial protection.

The MSDS must be written in the English, use units of measure commonly used in Australia, and include the national exposure standard for that substance if there is one.

Providing MSDS

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Clause 191 requires the manufacturer or importer to give a copy of the MSDS to each person to whom the manufacturer or importer supplies the substance when first supplying the substance to the person.

This clause also provides that a manufacturer or importer must, on request, give a copy of a hazardous substance's current MSDS to other persons, such as a relevant person or the chief executive. However, this requirement does not apply if the manufacturer or importer supplies a substance to a retailer or retail warehouse operator and the substance is contained in a consumer package that will not be opened on the premises.

Disclosing ingredient's chemical name

Clause 192 provides that this clause has effect despite the existence of clause 190(3).

The clause places a workplace health and safety obligation on a manufacturer or importer to give the chemical name of an ingredient contained in the substance to a designated doctor who believes a person has been exposed to the substance at a workplace and needs urgent treatment and requests the information for the person's treatment.

Where an ingredient's chemical name is needed to give sufficient protection to the relevant person or a worker at a workplace against exposure, the relevant person or worker or the worker's representative may request in writing, for the substance's manufacturer or importer to give the person the ingredient's chemical name. The request for the ingredient's chemical name must contain both the reason for the request and an undertaking to use the information only for the purpose mentioned above. The manufacturer or importer must give the relevant person the information unless there is a reasonable excuse.

Providing NICNAS summary report and other information

Clause 193 provides that a relevant person at a workplace where a hazardous substance is used, may in writing, ask the substance's manufacturer or importer for certain information that may help with the substance's safe use. The manufacturer or importer must give the relevant person the information within 30 days after receiving the request, unless there is a reasonable excuse.

Division 3 Suppliers

Who division applies to

Clause 194 provides that division 3 applies to a supplier of a hazardous substance for use at a workplace.

Providing MSDS

Clause 195 places a workplace health and safety obligation on a supplier to give a copy of a hazardous substance's current MSDS to the relevant person at a workplace when:

☐ first supplying the substance to the relevant person; and

€ first supplying the substance to the relevant person after an amendment to the MSDS has been made.

However, the above requirement does not apply to a retailer or retail warehouse operator who supplies a hazardous substance contained in a consumer package that will not be opened on the retailer's or operator's premises. The clause also provides that a supplier must, on request, give a copy of a hazardous substance's current MSDS to other persons, such as a relevant person or the chief executive.

Labelling containers

Clause 196 requires a supplier to ensure a label is fixed to a hazardous substance's container when the substance is supplied. The label must be in English, and state certain information.

Division 4 Relevant persons

Who division applies to

Clause 197 provides that division 4 applies to a relevant person at a workplace where a hazardous substance is used.

Meaning of hazardous substance for division

Clause 198 provides the meaning of the term *hazardous substance* for division 4 of part 16.

Obtaining MSDS

Clause 199 requires a relevant person who, when first supplied with a substance in a container labelled under clause 196, does not receive an MSDS for the substance. The relevant person must ask the supplier if the substance is a hazardous substance, and if so, ask the supplier for a copy of its current MSDS.

However, this requirement does not apply to a retailer or retail warehouse operator if the substance has been supplied for subsequent retail sale and the substance is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Recording and displaying MSDS

Clause 200 requires a relevant person to put the copy of a hazardous substance's MSDS in the register immediately after the relevant person prepares or receives it and take reasonable steps to ensure the contents of the MSDS are not changed unless it is changed in accordance with an amendment by the manufacturer or importer.

The clause requires a relevant person who is an employer to keep a copy of the MSDS close to where the substance is being used to allow a worker who may be exposed to the substance to refer to it easily.

However, these requirements do not apply to a retailer or retail warehouse operator if the substance has been supplied for subsequent retail sale and the substance is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Labelling containers

Clause 201 specifies that a relevant person must ensure a label complying with clause 196 is fixed to the container of a hazardous substance used at the workplace, and to take reasonable steps to ensure the label is not interfered with. Also, to ensure a label stating certain information is fixed to a container that has had a hazardous substance transferred into it from another container.

The above requirements do not apply to a container that has been cleaned of the hazardous substance.

Hazardous substances in enclosed systems

Clause 202 specifies that a relevant person to ensure suitable warning of the presence and location of a hazardous substance in an enclosed system at a workplace is given to anyone who may be exposed to the substance if it escapes from the enclosed system.

Risk assessments

Clause 203 provides that a relevant person must assess the risk to the health of the relevant person or a worker from a hazardous substance that is used, or to be used as the workplace. The clause prescribes when the assessment is to be done, and what the assessment must include. The assessment may be a generic risk assessment prepared for workplaces where the substance is used in the same or similar circumstances.

Risk assessment records

Clause 204 provides that the relevant person must, as soon as practicable after doing an assessment, record certain information about the risk assessment.

Controlling exposure

Clause 205 requires a relevant person to control exposure to hazardous substances. If a risk assessment shows a relevant person or worker may be exposed to a hazardous substance, the relevant person has a workplace health and safety obligation to:

- ⊕ prevent the exposure; or
- ⊕ if prevention is not practicable, to reduce the exposure to as low a level as is practicable to ensure the exposure is not more than the relevant national exposure standard for the relevant period for the substance.

If the exposure to a hazardous substance cannot be prevented or reduced other than by using personal protective equipment, the relevant person must ensure that anyone who may be exposed is given personal protective equipment, is properly instructed in its use, and uses it when there is a risk of being exposed to the substance.

The relevant person also has a workplace health and safety obligation to ensure the control measures decided under the risk assessment are implemented as soon as practicable, and effectively maintained.

Monitoring

Clause 206 provides that this clause applies if the risk assessment shows monitoring is needed.

This clause places a workplace health and safety obligation on a relevant person to ensure the monitoring is done at a workplace, and that a record of the monitoring result is made as soon as practicable. The clause also provides that a relevant person who is an employer must ensure a worker who may be exposed to a hazardous substance at the workplace is given a copy of the record, and allow a worker who may be exposed to inspect the record at any reasonable time.

Health surveillance

Clause 207 requires a relevant person to ensure health surveillance is carried out in certain circumstances.

If the health surveillance relates to exposure to a hazardous substance mentioned in schedule 8, column 1, the surveillance must include the things stated in schedule 8, column 2 for the substance.

The clause places another workplace health and safety obligation on a relevant person to arrange for the health surveillance to be done by, or under the supervision of a designated doctor. Under this obligation, the relevant person must ask the designated doctor to provide the relevant person with a health surveillance report, which must be kept as a record at the workplace. Additionally, the relevant person must ask the designated doctor to provide the worker with both a copy of the report and an explanation of that report.

The clause provides that if the health surveillance is of a worker, an employer must consult the worker before choosing a designated doctor to do or supervise the surveillance and the employer must pay for the worker's health surveillance.

Confidentiality of worker's medical record

Clause 208 provides that an employer may only obtain a worker's medical record with the worker's written consent, and must not disclose the contents of the worker's medical record to anyone without the worker's written consent.

Keeping register

Clause 209 provides that a relevant person must keep a register at the workplace containing both a list of all hazardous substances used at the workplace, and the current MSDS for each substance.

The clause also provides that an employer must allow the relevant person's workers who may be exposed to a hazardous substance at the workplace to inspect the register at any reasonable time.

However, these requirements do not apply to a retailer or retail warehouse operator if the hazardous substance is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Keeping records

Clause 210 sets out the requirements and timeframes for a relevant person to keep records associated with the risk assessment, monitoring results, and health surveillance reports.

The clause also provides that an employer must allow a worker who may be exposed to a hazardous substance at the workplace to inspect a document mentioned above. If a person stops being a relevant person in the period a document is required to be kept under the prescribed record keeping requirements, the person must ask for, and comply with, the chief executive's directions about the document's storage.

Induction and training about hazardous substances

Clause 211 requires an employer to provide a worker who may be exposed to a hazardous substance at the workplace with induction and ongoing training about the substance. The induction and training must be appropriate to the level of risk identified in a risk assessment, and the workers who may be exposed to the substance.

The clause provides that the employer must keep a record of the induction and training given to a worker for five years from the date of the last entry in the record. The record must contain certain information as specified in this clause.

Division 5 Spray painting with hazardous substances

Ways to prevent or minimise risks prescribed

Clause 212 states that clauses 213 to 219 prescribe ways of preventing or minimising exposure to the risk of exposure to a hazardous substance used in or for spray painting in certain circumstances. However, these clauses do not deal with all circumstances that expose someone to the risk of exposure to a hazardous substance from spray painting. A person may discharge his or her workplace health and safety obligation for exposure to the risk in the circumstances mentioned in these clauses only by following the prescribed ways.

Manufacturing or importing a spray painting booth

Clause 213 applies to a manufacturer or importer of a spray painting booth for use at a workplace, in which a hazardous substance is likely to be used. The manufacturer or importer

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must ensure the construction of the spray painting booth meets certain requirements as specified in this clause.

Supplying a spray painting booth

Clause 214 applies to a supplier of a spray painting booth for use at a workplace, in which a hazardous substance is likely to be used.

The clause provides that the supplier must take all reasonable steps to ensure the person who is supplied with the booth is given information on the use for which the booth has been designed and tested, how the booth is to be used safely and without risk to health, and the maintenance procedures for the booth and any associated filters.

Protecting persons from spray painting

Clause 215 provides that a relevant person must ensure that the risk of a person's exposure to a hazardous substance used in or for spray painting is prevented. If prevention is not practicable, the risk of exposure must be minimised to as low a level as is practicable, ensuring that the exposure is not more than the relevant national exposure standard for the relevant period for the substance.

Spray painting to be done in a spray painting booth

Clause 216 provides that a relevant person must ensure any spray painting using a hazardous substance is done in a spray painting booth. However, a spray painting booth is not required in the circumstances specified in this clause.

Controlling exposure from spray painting

Clause 217 applies if a relevant person can not prevent or reduce someone's exposure to a hazardous substance used in or for spray painting other than by using personal protective equipment.

The clause provides that the relevant person must ensure that anyone who may be exposed is given the appropriate personal protective equipment, is properly instructed in how to use the equipment, and uses the equipment when there is a risk of being exposed to the substance. The relevant person must also ensure that the personal protective equipment given to someone is effectively maintained.

Maintaining a spray painting booth

Clause 218 applies if a spray painting booth is used by a relevant person for spray painting a hazardous substance.

The clause provides that the relevant person must ensure the booth is regularly inspected by a competent person to ascertain whether the booth can be used safely and without risk to health,

and appropriately maintained by a competent person. The relevant person must consider certain things in determining how often to inspect the booth.

Minimum air movement for booths

Clause 219 applies if a spray painting booth is used by a relevant person for spray painting a hazardous substance. The relevant person must ensure the booth's ventilation system meets the requirements specified in this clause.

Part 17 Lead

This part outlines requirements for manufacturers, importers, suppliers, relevant persons and workers to minimise the risk from exposure to lead. The part provides for the preparation and provision of information about lead, risk assessments to be conducted for lead processes, how exposure to lead is to be controlled, and how the health of people working with lead should be monitored. Where a lead-risk job is being conducted, a relevant person must undertake atmospheric monitoring, health surveillance and remove certain workers from the job. Induction training and ongoing annual training is to be given to workers who may be exposed to lead.

Division 1 Interpretation

Meaning of *exposed*

Clause 220 provides the meaning for *exposed*.

Meaning of *lead hazardous substance*

Clause 221 provides the meaning for *lead hazardous substance*.

Division 2 Manufacturers and importers

Who division applies to

Clause 222 provides that division 2 applies to a manufacturer or importer of lead for use at a workplace.

Preparing, amending and reviewing MSDS

Clause 223 requires a manufacturer or importer to prepare an MSDS for the lead before first manufacturing or importing it, or if that is not practicable, as soon as reasonably practicable after first manufacturing or importing it to amend the MSDS to maintain currency of the information; and review the MSDS at least once in every five years to ensure it contains current information.

The clause states that the MSDS must contain certain information. The MSDS must be written in English, and contain the units of measure commonly used in Australia and the national exposure standard for the lead.

Providing MSDS

Clause 224 requires the manufacturer or importer to:

- € give a copy of the MSDS to each person to whom the manufacturer or importer supplies the lead when first supplying the lead to the person; and
- € give a copy of the amended MSDS to each person to whom the manufacturer or importer first supplied the lead.

This clause also provides that a manufacturer or importer must, on request, give a copy of the lead's current MSDS to other persons, such as a relevant person or the chief executive. However, a manufacturer or importer does not need to give a copy of a current MSDS if:

- € the manufacturer or importer supplies lead to a retailer or retail warehouse operator; and
- € the lead is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Providing NICNAS summary report and other information

Clause 225 provides that a relevant person at a workplace where lead is used may, in writing, ask the lead's manufacturer or importer for certain information that may help with the lead's safe use. The manufacturer or importer must give the relevant person the information within 30 days after receiving the request, unless there is a reasonable excuse.

Division 3 Suppliers**Who division applies to**

Clause 226 provides that division 3 applies to a supplier of lead for use at a workplace.

Providing MSDS

Clause 227 requires a supplier to give a copy of the lead's current MSDS to the relevant person at a workplace when first supplying the substance to the relevant person and when first supplying the substance to the relevant person after preparing or receiving an amended MSDS.

The above requirement does not apply to a retailer or retail warehouse operator who supplies lead in a consumer package that will not be opened on the retailer's or operator's premises. The clause also provides that a supplier must, on request, give a copy of the lead's current MSDS to other persons, such as a relevant person or the chief executive.

Labelling containers

Clause 228 requires a supplier to ensure a label is fixed to the lead's container when the lead is supplied. The label must be in English, and state certain information.

Division 4 Relevant persons

Who division applies to

Clause 229 provides that this division applies to relevant persons at a workplace where the lead is used.

Obtaining MSDS

Clause 230 specifies that a relevant person who, when first supplied with a substance in a container labelled under clause 228, does not receive an MSDS for the lead. The relevant person must ask the supplier if the substance is lead, and if so, ask the supplier for a copy of its current MSDS.

This requirement does not apply to a retailer or retail warehouse operator if the lead has been supplied for subsequent retail sale and the lead is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Keeping registers

Clause 231 provides that a relevant person must keep a register at the workplace containing both a list of the lead used in a lead process at the workplace and the current MSDS for the lead. The clause sets out the requirements for what a relevant person must do with the MSDS.

The clause also provides that an employer must allow his or her workers to inspect the register at any reasonable time.

However, these requirements do not apply to a retailer or retail warehouse operator if the lead has been supplied to the retailer or operator for subsequent retail sale and the lead is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Labelling containers

Clause 232 specifies that a relevant person must ensure

- ∅ a label complying with clause 228 is fixed to the container of lead used at the workplace, and to take reasonable steps to ensure the label is not changed; and
- ∅ a label stating certain information is fixed to a container that has had lead transferred into it from another container.

The above requirements do not apply to a container that has been cleaned of the lead.

Risk assessment

Clause 233 provides that a relevant person must assess the risk to the health of the relevant person or a worker from a lead process at the workplace. The clause prescribes when the assessment is to be done, and what the assessment must include. The assessment may be a generic risk assessment prepared for workplaces where the lead is used in the same or similar circumstances.

Once the risk has been assessed, the relevant person has a workplace health and safety obligation to decide whether the job in a lead process is a lead-risk job. If this is determined, the relevant person has an obligation to decide both the type of atmospheric monitoring needed and the control measures needed.

If the lead process is assessed not to include a lead-risk job, the relevant person has a workplace health and safety obligation to develop a plan to ensure a job in the process does not become a lead-risk job.

If the process is assessed to include a lead-risk job, the clause sets out what a relevant person must do. This includes notifying the chief executive in the approved form within 28 days after the assessment and developing a plan as specified in the clause. The clause also places a workplace health and safety obligation on an employer to ensure the plan is developed in consultation between the employer, worker and workplace health and safety representative. The plan must also contain specific aims and ways of deciding whether the aims are being achieved.

An employer also has a workplace health and safety obligation not to allow a person to start work in a lead-risk job if the employer knows the person either has a medical condition that may be adversely affected by exposure to lead, or is pregnant or breast feeding.

Risk assessment records

Clause 234 provides that the relevant person must, as soon as practicable after doing an assessment, record certain information.

Controlling exposure

Clause 235 requires a relevant person to control exposure to lead. If a risk assessment shows a relevant person or worker may be exposed to lead, the relevant person has a workplace health and safety obligation to:

- ⊘ prevent the exposure; or
- ⊘ if prevention is not practicable, to reduce the exposure to as low a level as is practicable to ensure the exposure is less than the national exposure standard for the lead.

If the exposure to lead cannot be prevented or reduced other than by using personal protective equipment, the relevant person must ensure that anyone who may be exposed is given personal protective equipment, is properly instructed in its use, and uses it when there is a risk of being exposed to lead. Appropriate warning signs must also be erected showing the need to wear personal protective equipment in the lead process area.

The relevant person also has a workplace health and safety obligation to ensure the control measures decided and plans developed under the risk assessment are implemented as soon as practicable, and effectively maintained.

The clause also requires a relevant person to ensure that

- ⊘ lead used in a lead process area does not, as far as is practicable, contaminate other areas of the workplace;

- ⊘ workers are not exposed to the risk from lead in the employer-provided eating and drinking area;
- ⊘ before moving from a lead process area to an area provided for eating and drinking, a worker washes the worker's forearms, hands and face at provided washing facilities;
- ⊘ no one eats, chews gum, smokes or carries anything used for smoking in a lead process area;
- ⊘ no one in a lead process area drinks from anything other than a drinking facility that is made free from lead contamination;
- ⊘ the workplace is, as far as is practicable, cleaned of lead;
- ⊘ a lead process area is not cleaned by compressed gas or dry sweeping;
- ⊘ a worker does not take lead contaminated clothing home for laundering; and
- ⊘ lead contaminated clothing is laundered.

Atmospheric monitoring

Clause 236 requires a relevant person if the risk assessment shows a process includes a lead-risk job. The relevant person must ensure that atmospheric monitoring is done in a lead process area at the workplace, and the result of the monitoring is recorded as soon as practicable.

Health surveillance

Clause 237 specifies that a relevant person to ensure health surveillance is carried out in the circumstances prescribed in this clause. The relevant person must give the chief executive notice of the results of the health surveillance within 6 months of receiving the health surveillance report.

The clause allows anything that must be done by a designated doctor in relation to health surveillance or biological monitoring to be done under the supervision of the designated doctor. An employer must ensure the designated doctor is chosen after consultation with the worker and workplace health and safety representative regarding the health surveillance of a worker. However, if the employer, the worker and the workplace health and safety representative cannot agree on a designated doctor, the designated doctor is to be chosen by the relevant person. The cost of health surveillance for the worker must be met by his or her employer.

Reviewing control measures

Clause 238 specifies that a relevant person, if the atmospheric monitoring shows the level of exposure is equal to or more than the national exposure standard for lead, to review the control measures decided in the risk assessment.

The clause also requires the relevant person, if the designated doctor, in a health surveillance report, recommends the relevant person or worker must be removed from a lead-risk job, or that control measures must be reviewed, to:

- ⊘ identify how the relevant person or worker was exposed to the lead;
- ⊘ review the control measures; and
- ⊘ control the exposure.

Removal of worker from lead-risk job

Clause 239 requires an employer to immediately remove a worker from a lead-risk job to a job that is not a lead-risk job in the circumstances prescribed in this clause. The clause also places a workplace health and safety obligation on the employer to arrange for health surveillance of the worker within seven days after the worker is removed, if the employer or worker considers the worker has been exposed to an excessive level of lead.

Removal of relevant person from a lead-risk job

Clause 240 requires a relevant person to remove himself or herself from a lead-risk job to a job that is not a lead-risk job in the circumstances prescribed in this clause. The clause also places a workplace health and safety obligation on the relevant person to arrange for health surveillance of himself or herself within seven days after the person removes himself or herself from the lead-risk job, if the relevant person considers he or she has been exposed to an excessive level of lead.

Return to a lead-risk job

Clause 241 requires an employer not to allow a worker to return to a lead-risk job from which the worker was removed, unless a designated doctor advises the worker may return. The clause also provides that a relevant person must not return to a lead-risk job from which the person removed himself or herself unless a designated doctor advises the person may return.

Confidentiality of worker's medical record

Clause 242 provides that an employer must not disclose the contents of a worker's medical record, to anyone, other than the worker or someone with the worker's written consent.

Induction and training about lead

Clause 243 requires an employer to give a worker who may be exposed to lead at the workplace induction, and information, ongoing training about lead, including about the worker's obligations under division 5, on at least an annual basis. The clause also lists the issues which must be considered in the induction and training provided to a worker.

Keeping records

Clause 244 sets out the requirements and timeframes for a relevant person to keep records associated with the risk assessment, monitoring results, and a health surveillance report.

The clause also provides that an employer must allow a worker to inspect a document specified in this clause at any reasonable time. If a person stops being an employer in the period a document is required to be kept under the clause, the person must ask for, and comply with, the chief executive's directions about the document's storage.

Division 5 Workers

Who division applies to

Clause 245 states that division 5 applies to a worker at a workplace where a lead process is carried out.

Health surveillance

Clause 246 requires a worker to comply with the request of his or her employer to undergo health surveillance.

Advising of pregnancy or breastfeeding

Clause 247 specifies that a worker must tell the worker's employer if the worker has a medical condition that may be adversely affected by exposure to lead, or if the worker is pregnant or is breast feeding.

Part 18 Confined spaces

This part requires certain obligation holders to comply with particular clauses of *AS/NZS 2865 – Safe working in a confined space*. The parts of the Australian Standard which must be complied with are hazard identification, risk assessment, control measures, training, competence emergency response and record keeping.

Designing, manufacturing or supplying a confined space

Clause 248 requires a designer, manufacturer or supplier of plant that is a confined space to comply with clauses 6.1 to 6.3 of AS/NZS 2865.

Modifying a confined space

Clause 249 requires a person who modifies a confined space to comply with clause 6.4 of AS/NZS 2865.

Using a confined space

Clause 250 specifies that a relevant person at a workplace at which a confined space is used, or is to be used, to comply with the following clauses of AS/NZS 2865:

- € clauses 10.1, 10.5, 10.11, 10.30, 10.41 and 10.46;
- € clauses 11.1, 11.3, 11.6 and 11.9; and
- € clauses 12.2 and 12.2.

The clause also provides that the relevant person must also comply with the following clauses of AS/NZS 2865:

- ∉ clauses 8.1;
- ∉ clauses 9.1 and 9.2;
- ∉ clauses 13.

A risk assessment under clauses 9.1 and 9.2 of AS/NZS 2865 must be carried out by a person who has acquired through training, qualifications or experience, the knowledge and skill enabling the person to perform the assessment.

Part 19 Roll-over protective structures for wheeled tractors

This part requires most wheeled tractors to be fitted with a roll-over protective structure. This part of the regulation is essential to protect operators of tractors from the risk of death and injury caused by tractor accidents. Roll-over protective structures provide a zone of protection for the operator and reduce the risk of the operator being crushed by the tractor in the event of a rollover. This part is based on *AS1636 – Tractors – Roll-over protective structures – Criteria and Test* and is consistent with the *National Standard for Plant [NOHSC:1010 (1994)]*.

Division 1 Interpretation

Definitions for pt 19

Clause 251 provides the definitions of terms used in part 19.

Meaning of tractor

Clause 252 provides the meaning of *tractor* for part 19. It clarifies that a vehicle primarily designed as earthmoving machinery is not a tractor under this part.

Demonstrator tractor is taken to be new

Clause 253 provides that for this part, a demonstrator tractor is a new tractor.

Division 2 Ways to prevent or minimise risk from wheeled tractor rolling over

Ways to prevent or minimise risk prescribed

Clause 254 states that clauses 255 and 256 prescribe ways of preventing or minimising exposure of the operator of a wheeled tractor to the risk of death or injury from the tractor rolling over.

Roll-over protective structure to be fitted to wheeled tractor used by relevant person

Clause 255 provides that this clause does not apply to an exempt tractor, or a tractor manufactured before 1 January 1981. A relevant person must ensure that a wheeled tractor used

by himself or herself, as the operator of the tractor in the conduct of his or her business or undertaking, is fitted with a roll-over protective structure.

Roll-over protective structure to be fitted to wheeled tractor used by worker

Clause 256 provides that a relevant person who is an employer must ensure that wheeled tractor, used by a worker of the employer as the operator of the tractor, is fitted with a roll-over protective structure. This requirement does not apply to an exempt tractor.

Division 3 Obligation of prospective supplier of wheeled tractor not fitted with a roll-over protective structure

Obligation of prospective supplier of wheeled tractor not fitted with a roll-over protective structure

Clause 257 applies to a wheeled tractor that weighs at least 560kg but not more than 15000kg (measured with a full fuel tank, coolant and lubricating oil), and is not fitted with a roll-over protective structure. The clause places a workplace health and safety obligation on the prospective supplier not to supply the tractor.

The clause allows the prospective supplier to supply the tractor without a roll-over protective structure only if the purchaser intends to use the tractor in one of the ways specified in this clause. However, these requirements do not apply if the prospective supplier knows or suspects that the purchaser intends to use the tractor in a way other than one of the ways specified in the clause.

Part 20 Construction work

This part places requirements on principal contractors, relevant persons and workers in relation to construction work. Provisions include those that deal with preparation of construction safety plans and work method statements, workplace health and safety inductions, prescribed occupations and prescribed activities, the erection of signs, the risk of a person falling, excavations and excavation work, safe housekeeping practices, common plant, hazardous substances, underground services, falling objects, ladders and scaffolding, and amenities in construction workplaces. This part is consistent with the *National Standard for Construction Work [NOHSC: 1016 (2005)]*.

Division 1 Definitions

Clause 258 contains the definitions for part 20.

Meaning of high risk construction activity

Clause 259 provides the meaning of high construction activity. The definition incorporates some elements of the definition of *high risk construction work* in the *National Standard for Construction Work*.

Meaning of work method statement for high risk construction activity other than prescribed activity

Clause 260 provides the meaning for *work method statement*, for a high risk construction activity, other than a prescribed activity.

Meaning of work method statement for high risk construction activity that is prescribed activity

Clause 261 provides the meaning for *work method statement*, for a high risk construction activity that is a prescribed activity.

Division 2 Principal contractors

Subdivision 1 Preliminary

Application of div 2

Clause 262 provides that division 2 applies only to a principal contractor performing construction work. However, this clause also states that the principal contractor may also have obligations under division 3 if the principal contractor performs construction work as a relevant person, for example, an employer.

Subdivision 2 Obligation to prepare construction safety plan

Principal contractor must prepare construction safety plan

Clause 263 provides that a principal contractor must prepare a written construction safety plan. The clause provides that the construction safety plan must state certain information, and provides examples of the type of information to be stated. The plan must be signed and dated by the principal contractor, and written in a way that will be understood by the persons likely to be performing the construction work.

When principal contractor not to allow relevant person to start housing construction work

Clause 264 provides that a principal contractor must not allow a relevant person to start construction work that is housing construction work unless the principal contractor, or someone acting for the principal contractor, has:

- € given the person a copy of the current construction safety plan; or
- € discussed with the person the aspects of the construction safety plan relevant to the person's work.

When principal contractor not to allow relevant person to start construction work, other than housing construction work

Clause 265 provides that a principal contractor must not allow a relevant person to start construction work, other than housing construction work, unless the current construction safety plan:

- € is available for inspection at the workplace by any person performing or intending to perform the construction work; or
- € if the principal contractor, or someone acting for the principal contractor, is not present at the workplace—is readily available for inspection by any person performing or intending to perform the construction work.

Availability of current construction safety plan

Clause 266 provides that a principal contractor must ensure the current construction safety plan and current work method statements held by the principal contractor are readily available for inspection while the construction work is being performed.

Amendment of construction safety plan

Clause 267 provides that a principal contractor must ensure the construction safety plan is amended if there is a change in information specified in clause 263(2)(i) to (p). This clause also provides that if the construction safety plan is amended, the principal contractor must ensure that each relevant person affected by the amendment is advised of, or given a copy of the amendment.

Subdivision 3 Principal contractor's obligation for work method statements**Principal contractor not to allow relevant person to start high risk construction activity unless work method statement prepared**

Clause 268 provides that a principal contractor must not allow a relevant person to start a high risk construction activity unless the relevant person has prepared a work method statement for the activity.

Work method statement or amended work method statement to be kept with construction safety plan

Clause 269 provides that if a principal contractor is given a work method statement or amended work method statement for a high risk construction activity, the principal contractor must sign and date the work method statement or amended work method statement and keep the statement or amended statement with the construction safety plan.

Principal contractor not to allow person to perform prescribed activity unless in compliance with work method statement

Clause 270 provides that a principal contractor must not allow a person to perform a high risk construction activity that is a prescribed activity, unless the activity is performed in a way that complies with the current work method statement for the activity.

Principal contractor to monitor use of work method statement

Clause 271 provides that a principal contractor must monitor the use of any work method statement required under this regulation to ensure that all persons to whom the statement applies comply with the statement.

Subdivision 4 Principal contractor's obligation to sight induction evidence and conduct site-specific workplace health and safety inductions**Principal contractor to sight general induction evidence before construction work starts**

Clause 272 provides that a principal contractor must not allow a relevant person to start construction work, unless the principal contractor has sighted general induction evidence for the person.

Site-specific induction to be given

Clause 273 does not apply to construction work that is housing construction work.

The clause places certain requirements on a principal contractor about site-specific induction. A principal contractor must ensure a person has been given site-specific induction for the workplace before allowing the person to start construction work.

A principal contractor must also ensure that a person entering part of the workplace where construction work is being performed has either been given site-specific induction or is accompanied by the principal contractor or someone who has been given site-specific induction.

The clause also specifies that the principal contractor must:

- € ensure that induction given to a person includes certain aspects of the construction safety plan for the workplace;
- € ensure a record is made of the name of each person inducted and the date the induction was given; and
- € keep the record until the construction work ends.

Subdivision 5 Principal contractor's obligation for others**Authority to perform work for prescribed activities, work in an earthmoving or particular crane occupation or high risk work**

Clause 274 provides that a principal contractor must not allow a person to perform high risk work unless the person has the appropriate authority under clause 18 to perform the work, or work in an earthmoving or particular crane occupation, unless the person has the appropriate authority under clause 25 to perform the work, or is exempted from these requirements to hold appropriate authority.

The clause also provides that a principal contractor must not allow a person to perform work that is a prescribed activity, unless the person has the appropriate authority under clause 46 to perform the activity, or clause 46 does not apply to the performance of the work.

Subdivision 6 Principal contractor's obligation to erect signs

Signs

Clause 275 places a workplace health and safety obligation on a principal contractor to ensure that an adequate number of general safety signs, having regard to the size and complexity of the workplace, are erected before construction work starts. The signs must include the information specified in this clause. The principal contractor must keep the signs in good condition.

Subdivision 7 Principal contractor's obligation about safe housekeeping practices

Purpose of sdiv 7

Clause 276 states the purpose of subdivision 7 in relation to an orderly workplace environment.

Safe housekeeping practices

Clause 277 places a workplace health and safety obligation on a principal contractor to ensure that:

- ⊘ safe housekeeping practices are used for the construction work;
- ⊘ the effectiveness of the practices is monitored and reviewed;
- ⊘ the practices are kept up-to-date; and
- ⊘ each relevant person performing the work is instructed to follow the practices to the extent they relate to the relevant person.

The clause also clarifies what safe housekeeping practices include.

Subdivision 8 Principal contractor's obligation for common plant

Common plant

Clause 278 places a workplace health and safety obligation on a principal contractor, if the principal contractor provides common plant, to:

- ⊘ ensure the plant is safe for the purpose for which it is provided when it is provided;
- ⊘ keep the plant effectively maintained while it is provided; and

€ comply with the provisions of the regulation about plant of the same type as the common plant as if the provision applied to the common plant.

Subdivision 9 Principal contractor's obligation for hazardous substances

Register of hazardous substances

Clause 279 provides that a principal contractor must keep a register of all the hazardous substances the principal contractor is aware are at, or are proposed to be used at, the workplace.

The clause specifies that the register must contain certain information. This information must be entered in the register as soon as reasonably practicable after the principal contractor becomes aware that the hazardous substance is at, or is proposed to be at, the workplace. The principal contractor must allow anyone working, or about to work, at the workplace to inspect the register at all reasonable times.

Subdivision 10 Principal contractor's obligation for underground services

Information about underground services

Clause 280 applies if a principal contractor intends to perform construction work that includes excavation work.

The clause places a workplace health and safety obligation on the principal contractor to find out specific information about underground services, and do certain things with that information, before excavation work starts. The principal contractor must keep the information recorded until the construction work ends.

Subdivision 11 Principal contractor's obligation for falling objects

Application of sdiv 11

Clause 281 applies to construction work if an object could fall on or otherwise hit persons during the work.

What is *mesh* for sdiv 11

Clause 282 provides the meaning of *mesh* for subdivision 11, and lists the technical specifications that mesh must meet.

Risk assessment and control measures for civil construction work and housing construction work

Clause 283 applies to construction work that is *civil construction work* or *housing construction work*.

The clause places a workplace health and safety obligation on a principal contractor, before construction work starts, to:

- € assess the risk of death or injury to persons that may result from objects that could fall on or otherwise hit persons during the work; and
- € ensure control measures are used to prevent to minimise the level of exposure to the risk.

The clause also highlights that a hoarding, gantry, closure of the adjoining area, perimeter containment screening or a catch platform must comply with certain technical specifications if any one of these is chosen as a control measure.

Control measures for construction work that is not civil construction work or housing construction work

Clause 284 applies to construction work that is not civil construction work or housing construction work.

The clause places several workplace health and safety obligations on a principal contractor to ensure that a relevant person erects a barricade or hoarding as a control measure for falling objects in the manner specified in this clause.

The clause states the technical specifications for a barricade or hoarding, and specifies where the barricade or hoarding is to be erected under certain circumstances.

Additional control measures if measured angle is 75° or more, other than for demolition work or work erecting or dismantling formwork

Clause 285 applies if the angle measured under clause 284(2)(b) is 75° or more. However, it does not apply to demolition work or work erecting or dismantling formwork on or for a structure.

A principal contractor has a workplace health and safety obligation to ensure that at least one of the control measures prescribed in this clause is used before construction work starts.

Control measures for demolition work or work erecting or dismantling formwork

Clause 286 applies to construction work that is demolition work or work erecting or dismantling formwork.

The clause places a workplace health and safety obligation on a principal contractor to ensure that, either the adjoining area is closed or perimeter screening is erected before construction work starts. The use of either of these control measures must comply with the requirements stated in this clause.

However, if the work is demolition work and neither closing the adjoining area nor erecting perimeter screening can be done, the clause places a workplace health and safety obligation on the principal contractor to ensure that a different control measure is used to prevent objects falling on or otherwise persons.

The clause also places a workplace health and safety obligation on a principal contractor to ensure that where perimeter screening is being erected, extended or reduced as per the

requirements stated in this clause, control measures are used to prevent a component of the screening from falling onto persons while this work is being done.

Perimeter containment screening as control measure

Clause 287 states the technical specifications that each screen of perimeter containment screening must meet in order for it to be used as a control measure for falling objects.

Catch platform as control measure

Clause 288 places a workplace health and safety obligation on a principal contractor to ensure that if a catch platform used or to be used as a control measure is installed, extended or reduced, control measures are used to prevent a component of the platform falling on persons while this work is being done.

Gantry as control measure

Clause 289 states the technical specifications that a gantry must meet in order for it to be used as a control measure for falling objects.

Load lifted over adjoining area

Clause 290 applies to construction work that involves lifting a load over an adjoining area. However, it does not apply to construction work that is housing construction work.

The clause places a workplace health and safety obligation on a principal contractor to ensure that the adjoining area is closed or a gantry is erected before the work starts. The use of either of these control measures must meet the requirements stated in this clause.

Closure of part or all of adjoining area

Clause 291 places a workplace health and safety obligation on a principal contractor to do certain things if an adjoining area is to be closed. The principal contractor must, before construction work starts:

- ⊘ ensure written approval is obtained to close the area is obtained from the authority or other person who controls the area; and
- ⊘ use any measures for the closure as required by the authority.

Subdivision 12 Principal contractor's obligation for amenities

Amenities

Clause 292 provides that the particular duties of a principal contractor about amenities are stated in schedule 11. A principal contractor must ensure that an amenity provided under schedule 11 is maintained in a hygienic, safe and serviceable condition.

Division 3 Relevant persons

Subdivision 1 Preliminary

Application of div3

Clause 293 explains that division 3 applies only to a relevant person performing construction work. However, a relevant person may still have obligations under division 2 if they are performing construction work as a principal contractor.

Subdivision 2 Relevant person's obligation for work method statements

Relevant person to prepare work method statement before starting high risk construction activity

Clause 294 provides that a relevant person must prepare a work method statement for a high risk construction activity before starting construction work for the activity. The work method statement must take into account the current construction safety plan, the requirement of AS 2601 (if demolition work) and circumstances at the workplace that will, or are likely to, affect the way the activity is performed. The work method statement should be written in a way likely to be understood by the relevant workers and appropriately signed and dated, with a copy being given to the principal contractor.

When relevant person not to allow another relevant person to start prescribed activity

Clause 295 applies if a relevant person is the holder of a certificate under clause 46 to perform a prescribed activity and the activity is to be performed by another person.

The clause provides that the relevant person (the holder of the certificate) must not allow the other person to perform the prescribed activity unless the relevant person has properly informed the other person about the work method statement for that activity in the way specified in this clause.

When relevant person who is an employer not to allow a worker to start high risk construction activity

Clause 296 provides that an employer must not allow a worker to perform a high risk construction activity unless the employer has followed the steps outlined in this clause in order make sure the worker is able to comply with the aspects of the current work method statement relevant to the worker's work.

High risk construction activity not to be performed unless in compliance with work method statement

Clause 297 provides that a relevant person must not perform a high risk construction activity unless it is in compliance with the current work method statement for the activity.

The clause also provides that an employer must not allow a worker of the relevant person to perform a high risk construction activity unless it is in compliance with the current work method statement for the activity.

Amendment of work method statement

Clause 298 applies if there is a change in the way the high risk construction activity is to be performed.

The clause provides that a relevant person must:

- € ensure a work method statement for the activity is amended as soon as possible after the change;
- € give the principal contractor a copy of the amended statement if the relevant person is not also the principal contractor
- € ensure each person affected by the amendment is advised of the details of the amendment.

Availability and review of work method statement

Clause 299 provides that a relevant person must ensure the current work method statement is readily available for inspection while the activity is being performed. Furthermore, the clause provides that the relevant person must review the work method statement at intervals of not more than one year, amending if necessary.

Subdivision 3 Relevant persons's obligation for general induction evidence

Definition for sdiv 3

Clause 300 provides the definition of *construction work* for subdivision 3.

Relevant person to hold general induction evidence before starting construction work

Clause 301 provides that a relevant person must not start construction work unless they hold general induction evidence, and have shown the principal contractor this evidence.

Relevant person who is an employer to ensure worker holds general induction evidence before worker starts construction work

Clause 302 provides that an employer must not allow a worker to start construction work unless the employer has sighted general induction evidence for the worker.

Subdivision 4 Relevant person's obligation for safe housekeeping practices

Safe housekeeping practices

Clause 303 places a workplace health and safety obligation on a relevant person performing construction work to ensure safe housekeeping practices are used for the construction work. The effectiveness of these safe practices must be monitored and reviewed to ensure the practices are kept up-to-date. The relevant person must ensure that each of the person's workers at the workplace is instructed to follow the practices. The clause outlines what safe housekeeping practices include.

Subdivision 5 Relevant person's obligation for common plant

Common plant

Clause 304 places a workplace health and safety obligation on a relevant person who is not also the principal contractor for common plant. The relevant person must not use common plant other than in accordance with the provisions of this regulation about plant of the same type as the common plant as if the provisions applied to the common plant. A relevant person also must not alter or otherwise interfere with common plant without the approval of the principal contractor who provided the plant.

Subdivision 6 Relevant person's obligation for hazardous substances

Relevant person to give principal contractor details of hazardous substances to be used

Clause 305 provides that a relevant person may use, and a relevant person who is an employer may allow a worker to use, a hazardous substance during construction work only if the principal contractor has been notified that the substance is proposed to be used and been given a copy of the substance's current MSDS.

Subdivision 7 Relevant person's obligation for underground services

Risk from contact with underground services—construction work for which there is a principal contractor

Clause 306 applies if a relevant person intends to perform construction work that is excavation work and there is a principal contractor for the construction work.

The clause places a workplace health and safety obligation on a relevant person not to start the excavation work unless the principal contractor:

- ☐ has made inquiries and advised the relevant person that there are no underground services at or near the location where the excavation work is to be done; or
- ☐ has given prescribed information about the underground services to the relevant person.

The clause also places a workplace health and safety obligation on the relevant person to:

- ☐ ensure the information obtain about underground services is considered in doing the work;
- ☐ ensure any reasonable restrictions contained in the information are to be followed in doing the work; and

- € decide on and use any control measures necessary to prevent a person's exposure to the risk of death, illness or injury from contact with, or damage to, the service the information is about.

Risk from contact with underground services—construction work for which there is no principal contractor

Clause 307 applies if a relevant person intends to perform construction work that is excavation work and there is no principal contractor for the construction work.

The clause places a workplace health and safety obligation on a relevant person to find out certain information about underground services, and do certain things with that information, before excavation work starts.

The clause also places a workplace health and safety obligation on the relevant person to:

- € ensure the information obtain about underground services is considered in doing the work;
- € ensure any reasonable restrictions contained in the information are to be followed in doing the work;
- € decide on and use any control measures necessary to prevent a person's exposure to the risk of death, illness or injury from contact with, or damage to, the service the information is about; and
- € keep the information recorded until the construction work ends.

Subdivision 8 Relevant person's obligation for excavation work that could reduce the stability of a structure

Obligation before excavation starts

Clause 308 applies if a relevant person intends to do excavation work that could reduce the stability of part or all of a structure.

The clause places a workplace health and safety obligation on a relevant person to use the control measures necessary to prevent a person's exposure to the risk of death, illness or injury from the collapse of part or all of the structure before the work starts.

Obligation during excavation work

Clause 309 applies if a relevant person is doing excavation work that could reduce the stability of part or all of a structure.

The clause places a workplace health and safety obligation on a relevant person to ensure the work proceeds only if the relevant person has used the control measures necessary to prevent a person's exposure to the risk of death, illness or injury from the collapse of part or all of the structure.

Subdivision 9 Relevant person's obligation for risk from excavations

Meaning of competent person for sdiv 9

Clause 310 provides the meaning of *competent person* for subdivision 9.

Risk from all excavations

Clause 311 applies if a relevant person intends to do excavation work or work in an excavation.

The clause places a workplace health and safety obligation on a relevant person to identify each hazard associated with prescribed events, and assess the associated risks from the hazards.

The clause also places a workplace health and safety obligation on a relevant person to use and maintain the control measures for the work in order to prevent, or minimise the level of, exposure to the risk. The control measures to be used are specified in the clause.

Risk from working in trench at least 1m deep

Clause 312 applies if a relevant person is doing work that involves a trench at least 1m deep and is not already required to erect a barricade under clause 311(4).

The clause places a workplace health and safety obligation on a relevant person to erect a barricade at least 900mm high to restrict access by a person to the trench unless the erection of the barricade is impracticable or the only persons likely to be in the vicinity of the trench are persons involved with the trench. However, the relevant person need not erect a barricade around a part of the trench if there already is a barrier beside the part of the trench that restricts access to the trench.

Risk from working in trench more than 1.5m deep

Clause 313 applies if a relevant person intends to do work that will involve a person entering a trench more than 1.5m deep.

The clause places a workplace health and safety obligation on a relevant person to use at least one of the prescribed control measures, as a control measure under clause 311(3) to prevent risk to the person from the collapse of the trench. A combination of control measures may be used if all sides of the trench are to be dealt with. The clause states the technical specifications of the prescribed control measures.

Access by ladders to trench more than 1.5m deep

Clause 314 applies if access to and from a trench more than 1.5m deep is by ladders.

The clause places a workplace health and safety obligation on a relevant person to ensure that at least one ladder giving access to and from the trench is installed in every 9m of the length of the trench in the part of the trench where a person will be.

Events in trench more than 1.5m deep that is not shored, benched or battered

Clause 315 applies if a trench more than 1.5m deep is not shored, benched or battered and something happens that could affect the stability of the trench or place the safety of a person at risk because of the trench.

The clause places a workplace health and safety obligation on a relevant person to ensure that work in the trench stops immediately and does not restart, other than work to shore, bench or batter the trench, until certain actions have occurred. A combination of the prescribed actions may be used if all sides of the trench are to be dealt with.

Subdivision 10 Relevant person's obligation for risk of a person falling

Definition for sdiv 10

Clause 316 provides the meaning of *ladder* for subdivision 10.

Risk of fall of less than 3m in housing construction work or less than 2m in other construction work or construction work on roof with slope not over 26°

Clause 317 applies to:

- ∄ construction work that is housing construction work during which a person could fall less than 3m; or
- ∄ construction work that is not housing construction work during which a person could fall less than 2m; or
- ∄ construction work on a roof, or partly completed roof, surface with a slope not over 26°.

However, the clause does not apply to construction work if a person could fall from:

- ∄ a ladder or fixed ladder; or
- ∄ a platform supported by trestle ladders; or
- ∄ scaffolding which the person is erecting or dismantling; or
- ∄ an area near a ladder that the person needs to use to get on or off the ladder.

The clause places a workplace health and safety obligation on a relevant person who intends to do the construction work to do certain things before the work starts. The relevant person must ensure:

- ∄ each hazard that may result in a fall or cause death or injury if the person were to fall is identified;
- ∄ ensure the risk of death or injury that may result because of the hazard is assessed; and
- ∄ ensure any control measures necessary to prevent or minimise the level of exposure to the risk are used.

The clause provides that if a relevant person uses a control measure mentioned in this subdivision, the relevant person has a workplace health and safety obligation to ensure the control measure and the use of the control measure complies with this subdivision. However, the clause states that a fall arresting platform used to arrest a person's fall need not comply with clause 322 if the fall would be internal within formwork the person is erecting or dismantling.

Risk of fall of at least 3m in housing construction work or at least 2m in other construction work or construction work on roof with a slope over 26°

Clause 318 applies to:

- ☒ construction work that is housing construction work during which a person could fall at least 3m; or
- ☒ construction work that is not housing construction work during which a person could fall at least 2m; or
- ☒ construction work on a roof, or partly completed roof, surface with a slope over 26°.

However, the clause does not apply to work if a person could fall from:

- ☒ a ladder or fixed ladder; or
- ☒ a platform supported by trestle ladders; or
- ☒ scaffolding which the person is erecting or dismantling; or
- ☒ an area near a ladder that the person needs to use to get on or off the ladder.

The clause places a workplace health and safety obligation on a relevant person who intends to do the construction work to use certain control measures before the work starts. The control measures must:

- ☒ prevent the person from falling any distance; or
- ☒ if it is not practicable to prevent the fall—arrest the person's fall and prevent or minimise the risk of death or injury to the person when the fall is arrested.

The clause provides that if a relevant person uses a control measure mentioned in this subdivision, the relevant person has a workplace health and safety obligation to ensure the control measure and the use of the control measure complies with this subdivision. However, a fall arresting platform used to arrest a person's fall need not comply with clause 322 if the fall would be internal within formwork the person is erecting or dismantling.

Edge protection as control measure

Clause 319 provides that edge protection used as a control measure must be erected and used in accordance with the instructions of the edge protection's manufacturer or supplier. If the manufacturer or supplier has not provided instructions, the edge protection must be erected and used in accordance with the instructions of an engineer or competent person.

The clause states the technical specifications that edge protection must meet if it is used as a control measure to prevent a person from falling. A relevant person must not use, or allow another person to use, the edge protection unless it is used in accordance with the instructions of the manufacturer or supplier, or an engineer or competent person.

Fall protection cover as control measure

Clause 320 states the technical specifications that a fall protection cover must meet to be used as a control measure.

Travel restraint system as control measure

Clause 321 provides that a travel restraint system used as a control measure must be installed by a competent person and have an anchorage point with a capacity to withstand any load that could be exerted on it in the normal operation of the system to restrain any person who may reasonably be expected to use the system.

The clause provides that a relevant person must not use, or allow another person to use, the system unless the person who is to use the system has been trained in the safe and correct use of the system. A relevant person must not use, or allow another person to use, a component of the system that shows evidence of wear or weakness to an extent that may affect the system's safety.

The clause also sets out the requirements and timeframes for inspecting a travel restraint system. A relevant person must keep the written record of inspection for the period specified in this clause.

Fall arresting platform as control measure

Clause 322 provides that a fall arresting platform used as a control measure must be able to withstand the impact of a fall onto it of any person who may reasonably be expected to fall onto it.

The clause states the technical specifications that a fall arresting platform must meet if it is to be used as a control measure.

Fall-arrest harness system as control measure

Clause 323 provides that each anchorage point of a fall-arrest harness system used as a control measure must be designed by an engineer for the purpose for which it is intended to be used, or inspected and approved by a competent person before the anchorage point is first used by any person.

The clause states the technical specifications and other conditions that a fall-arrest harness system must meet if it is to be used as a control measure.

The clause places a workplace health and safety obligation on a relevant person to ensure there is enough distance available for a person using the system to fall to prevent the person hitting an object, the ground or another surface, other than a vertical surface. The clause outlines the factors that must be considered when determining whether there is enough distance available.

The clause also provides that the relevant person must meet certain requirements for inspecting the components of the fall-arrest harness system, including keeping the associated inspection records.

If the system has been used to arrest a fall, it must not be used again unless its manufacturer or a competent person has inspected it and decided that it is safe for use. A relevant person must not use, or allow another person to use the system unless it is in accordance with the instructions of the manufacturer or supplier, or an engineer or competent person. Also, a relevant person must not use, or allow another person to use, the system while the person is using the system alone.

Industrial safety net as control measure

Clause 324 states the technical specifications that an industrial safety net must meet if it is to be used as a control measure to arrest a fall.

The clause provides that a relevant person must not use, or allow another person to use, the net unless it is used in accordance with the instructions of the net's manufacturer or supplier, or an engineer or competent person. A relevant person must ensure the net is inspected and maintained in accordance with the instructions of an engineer or competent person or the net's manufacturer or supplier.

Subdivision 11 Relevant person's obligation for ladders**What work may be done from single or extension ladder**

Clause 325 applies if a relevant person intends to perform construction work that involves a single or extension ladder.

The clause places a workplace health and safety obligation on the relevant person not to use, or allow another person to use, the ladder in the circumstances prescribed in this clause.

Work on a ladder

Clause 326 applies if a relevant person intends to perform construction work that involves a ladder.

The clause places a workplace health and safety obligation on a relevant person to do certain things before the work starts. The relevant person must ensure:

- € each hazard that may result in a fall by the person who is to use the ladder, or cause death or injury if the person were to fall from the ladder, is identified;
- € that the risk of death or injury that may result because of the hazard is assessed; and
- € that any control measures required to prevent, or minimise the level of, exposure to the risk are used.

The clause also places a workplace health and safety obligation on a relevant person by specifying how the relevant person must use, or allow another person to use, a single or extension ladder if:

- € the construction work being performed is permitted work; and
- € in doing the work, a person could fall at least 3m for housing construction work, or at least 2m for other work.

The clause also places a workplace health and safety obligation on a relevant person to ensure that a single or extension ladder used against a pole to do construction work has a device that is fitted at or near the top of the ladder between its sides, and helps to ensure the ladder's stability.

Ladders generally

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Clause 327 places a workplace health and safety obligation on a relevant person performing construction work to ensure that a ladder, other than a trestle ladder, used for the work meets the technical specifications stated in this clause.

The clause places additional health and safety obligations on the relevant person to:

- ⊘ ensure that the bottom of the ladder is on a stable surface and the rungs of the ladder are approximately level;
- ⊘ not use, or allow another person to use, the ladder to support a platform;
- ⊘ not use, or allow another person to use a single or extension ladder unless it is used in accordance with the requirements of this clause.

Subdivision 12 Relevant person's obligation for platforms supported by trestle ladders

Work on platform supported by trestle ladders

Clause 328 applies if a relevant person intends to perform construction work that involves a platform supported by trestle ladders.

The clause places a workplace health and safety obligation on a relevant person to do certain things before the work starts. The relevant person must ensure:

- ⊘ each hazard that may result in a fall by the person who is to use the platform, or cause death or injury if the person who is to use the platform were to fall from the platform, is identified;
- ⊘ that the risk of death or injury that may result because of the hazard is assessed; and
- ⊘ that any control measures required to prevent, or minimise the level of, exposure to the risk are used.

The clause also places a workplace health and safety obligation on a relevant person to ensure that the technical specifications stated in this clause for work on a platform are complied with before work starts, if the work is:

- ⊘ housing construction work and the person could fall at least 3m from the platform; or
- ⊘ not housing construction work and the person could fall at least 2m from the platform.

Platform supported by trestle ladders

Clause 329 applies if a relevant person is performing construction work on a platform supported by trestle ladders.

The clause places a workplace health and safety obligation on a relevant person to ensure that the platform meets the technical specifications stated in this clause if the construction work:

- ⊘ is housing construction work and a person doing the work could fall less than 3m from the platform; or
- ⊘ is not housing construction work and a person doing the work could fall less than 2m from the platform.

The clause also places a workplace health and safety obligation on a relevant person to ensure that the platform meets the technical specifications stated in this clause if the construction work:

- € is housing construction work and a person doing the work could fall at least 3m from the platform; or
- € is not housing construction work and a person doing the work could fall at least 2m from the platform.

Subdivision 13 Relevant person's obligation for scaffolding

Obligations before starting to erect or dismantle

Clause 330 places a workplace health and safety obligation on a relevant person to do certain things before construction work that is erecting or dismantling scaffolding, starts. The relevant person must ensure:

- € each hazard that may result in a fall by the person who is to use the scaffolding, or cause death or injury if the person who is to use the scaffolding were to fall from the scaffolding, is identified;
- € that the risk of death or injury that may result because of the hazard is assessed; and
- € that any control measures required to prevent, or minimise the level of, exposure to the risk are used.

Erecting scaffolding

Clause 331 applies if a relevant person intends to perform construction work that is the erecting or dismantling of scaffolding.

The clause places a workplace health and safety obligation on a relevant person not to erect, or allow another person to erect, the scaffolding if the erection of the scaffolding is:

- € housing construction work and a person could fall at least 3m in erecting the scaffolding; or
- € not housing construction work and a person could fall at least 2m in erecting the scaffolding.

However, the above requirement does not apply if:

- € the person erecting the scaffolding is prevented from falling by a control measure or is using a fall-arrest harness system; or
- € the installation of the scaffolding components meets the technical specifications stated in this clause.

Dismantling scaffolding

Clause 332 applies if a relevant person intends to perform construction work that is the dismantling of scaffolding.

The clause places a workplace health and safety obligation on a relevant person not to dismantle, or allow another person to dismantle, the scaffolding if the dismantling of the scaffolding is:

- € housing construction work and a person could fall at least 3m in erecting the scaffolding; or
- € not housing construction work and a person could fall at least 2m in erecting the scaffolding.

However, the above requirement does not apply if:

- € the person dismantling the scaffolding is prevented from falling by a control measure or is using a fall-arrest harness system; or
- € the dismantling of the scaffolding components meets the technical specifications stated in this clause.

Subdivision 14 Relevant person's obligation for falling objects

Application of sdiv 14

Clause 333 states that subdivision 14 applies to construction work if an object could fall on or otherwise hit a person during the work, and there is no principal contractor for the work.

Relevant person's obligation if no principal contractor

Clause 334 places a workplace health and safety obligation on a relevant person and provides that the relevant person has the obligations stated in division 2, subdivision 11 for the construction work if the relevant person is doing the work.

Subdivision 15 Relevant person's obligation for first aid

First aid

Clause 335 provides that a relevant person performing construction work must ensure that first aid equipment is reasonably accessible to the person. If the relevant person is an employer, the first aid equipment must also be reasonably accessible to the relevant person's workers. The clause sets out the requirements for the first aid equipment.

Division 4 Workers

Application of div 4

Clause 336 provides that division 4 applies to a worker performing construction work.

Worker to hold general induction evidence before starting construction work

Clause 337 provides that a worker must not start construction work unless the worker holds general induction evidence and has shown the evidence to the worker's employer.

Division 5 General provision about control measures and plant for pt 17

Control measure to be in place and monitored and reviewed

Clause 338 specifies control measures must be in place, monitored and reviewed by principal contractors and relevant persons.

Plant not to be used as control measure unless it has been maintained

Clause 339 specifies that a principal contractor or relevant person must not use, or allow plant to be used, as a control measure unless it has been maintained.

Plant erected or installed after construction work starts

Clause 340 specifies that if the principal contractor or relevant person erects or installs plant after construction work starts, he or she must comply with the provisions of this part as if the plant were erected or installed before the work started.

Written evidence about plant from engineer or competent person may be relied on

Clause 341 specifies that a principal contractor or relevant person can rely on written evidence about an item of plant from an engineer or competent person.

Division 6 Chief executive may ask for information from Queensland Building Services Authority

Definitions for div 6

Clause 342 provides the relevant definitions for division 6.

Chief executive may ask general manager of Queensland Building Services Authority for relevant information

Clause 343 allows the chief executive to ask for certain information from the Queensland Building Services Authority.

Part 21 Amenities—work that is not construction work

This part specifies provisions for amenities for work other than construction work. Provisions include requirements for toilets, a sheltered area in which to eat meals, hand washing facilities and drinking water. Appropriate amenities for work in a rural industry are outlined in schedule 12. Appropriate amenities for all other work that is not construction work, or work in a rural industry, are outlined in schedule 13.

Amenities for rural industry work

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Clause 344 provides that the particular duties of an employer about amenities for work in a rural industry are stated in clause 346 and schedule 12.

Amenities for work that is not construction work or rural industry work

Clause 345 provides that the particular duties of an employer about amenities for the relevant person's workers performing work that is not construction work or work in a rural industry, are stated in clause 346 and schedule 13.

Maintenance of amenities

Clause 346 provides that an employer who makes an amenity available under schedule 12 or 13 must maintain the amenity in accordance with the requirements stated in this clause.

Part 22 Relevant persons who are employers—requirements for building provided for worker to occupy when performing work that is not construction work

This part provides that employers have particular duties in relation to ventilation, lighting, floor area and air space for the building in which their workers occupy. The part does not apply to construction work or work in the rural industry.

Ventilation, lighting, floor area and air space for building

Clause 347 applies to an employer:

- € whose worker is at a workplace and performing work that is not construction work or work in a rural industry; and
- € who provides a building at the workplace for the worker to occupy when performing work that is not construction work or work in a rural industry.

The clause provides that the particular duties of the employer about ventilation, lighting, floor area and air space for the building are stated in schedule 14.

Part 23 Relevant persons who are employers—atmospheric contaminants

This part deals with atmospheric contaminants generated at a workplace. The part stipulates that atmospheric contaminants generated in a workplace must not exceed the national exposure standard, as stated in the *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC: 1003(1995)]*.

Level of atmospheric contaminants

Clause 348 applies to an atmospheric contaminant, other than a hazardous substance as defined in clause 198, for which the national exposure standard states an exposure level. An employer must ensure that the level of atmospheric contaminant generated from a process carried out in the conduct of their business or undertaking is not more than the relevant exposure standard stated in the national exposure standard.

Part 24 First aid

This part sets out the requirements regarding the provision and maintenance of first aid equipment for employers whose workers perform work other than construction work, and the availability of a person with first aid training for relevant persons whose workers perform rural industry work.

Relevant persons who are employers—work other than construction work

Clause 349 does not apply to construction work.

The clause provides that an employer must ensure that first aid equipment is reasonably accessible to each of his or her workers. The first aid equipment must be appropriate and adequate for the worker and the type of work.

The clause also provides that the employer must ensure first aid equipment is reasonably accessible to the relevant person. The first aid equipment must be appropriate and adequate for the relevant person and his or her work.

An employer must ensure that the first aid equipment, provided for either a worker or the relevant person, is maintained in a hygienic, safe and serviceable condition.

Relevant person who are employers—workers performing rural industry work

Clause 350 provides the employer of a rural worker must ensure that, if practicable, a person with first aid training is available to treat an injury suffered by the worker in performing the work.

Part 25 Workplace health and safety contributions

This part exists to provide for the payment of workplace health and safety contributions by non-scheme employers for part 14, division 1B of the Act. It details how to calculate the amount of the workplace health and safety contribution payable by each non-scheme employer. A *non-scheme employer* is an employer who operates in Queensland, but is insured under the Commonwealth workers' compensation scheme (Comcare), rather than under the Queensland workers' compensation scheme. Its purpose is to establish funding support for activities of the department in order to provide workplace health and safety regulation and related education and prevention services.

Purpose of pt 25

Clause 351 provides the purpose of this part is to prescribe things that are necessary or convenient for establishing and operating arrangements for the payment of workplace health and safety contributions.

Amount of workplace health and safety contribution

Clause 352 provides how the workplace health and safety contribution payable by each non-scheme employer for the current financial year is to be calculated. This is based on the number of workers employed in Queensland. This clause provides that where an amount has been paid for the current financial year under section 81 under the *Workers' Compensation and Rehabilitation Act 2003* no amount is required to be paid for the workplace health and safety contribution.

Part 26 Miscellaneous

This part deals with a number of matters, including the progressive removal of the rural industry exemption from certain parts of the regulation, the time for giving workplace health and safety undertakings, workplace health and safety representative training course and provisions relating to appeals against decisions of QLeave for the purposes of the Regulation.

Rural industry exemption

Clause 353 exempts a relevant person in rural industry from complying with certain provisions of the regulation. The clause specifies that a relevant person in rural industry is exempt from complying with the following parts:

- ∞ part 2, for mobile elevating work platform with a 6m elevation or less until the end of 30 August 2010
- ∞ part 3, for high risk work until the end of 31 August 2010

- € part 3, for work other than high risk work
- € part 4, except in relation to a prescribed activity that is asbestos removal work until the end of 31 August 2009
- € part 6 until the end of 31 August 2010
- € part 16 until the end of 31 August 2009
- € part 18 until the end of 31 August 2010
- € part 20, division 3, subdivision 9 until the end of 31 August 2009
- € part 23 until the end of 31 August 2010.

The clause also exempts a worker in rural industry from complying with part 3 until 30 August 2010.

Time for giving workplace health and safety undertaking

Clause 354 provides that a workplace health and safety undertaking instigated under section 42DA(2) of the Act must be received by the chief executive within 90 days after the identified person for the undertaking is served with a summons in relation to the alleged contravention.

Workplace health and safety representative training course

Clause 355 prescribes that the accredited training course for section 81(1)(o) of the Act is course 30630QLD—Course in functioning as a workplace health and safety representative.

Appeal against decision of Authority

Clause 356 provides that part 9 of the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, applies to a decision, determination, direction or notice made or given by the Authority under this regulation.

Fees

Clause 357 establishes that fees payable under the Act are stated in schedule 1. The clause describes how the registration fee for registrable plant may be calculated on a proportional basis depending on when the plant was first used. The clause also allows the chief executive to use discretion and enter into an agreement with the Authority or another agent for the collection of fees.

Part 27 Repeal

This part provides for the repeal of the *Workplace Health and Safety Regulation 1997*.

Repeal of Workplace Health and Safety Regulation 1997

Clause 358 repeals the *Workplace Health and Safety Regulation 1997* SL No. 409.

Part 28 Transitional provisions

This part sets out any required transitional provisions that are necessary to preserve the operation of any provision of the repealed *Workplace Health and Safety Regulation 1997*.

Division 1 Transitional provision for Workplace Health and Safety Amendment Regulation (No. 1) 2004**Certificate of registration of registrable plant design**

Clause 359 provides that a certificate of registration of registrable plant design for the design of plant that complies with section 15(1)(a) and (b) of the repealed regulation and was in force immediately before 30 July 2004, is taken to be a certificate of registration of registrable plant design in force under part 8, division 2 until the certificate stops having effect under section 13.

The clause also provides that a certificate of registration of registrable plant design for the design of plant that complies with section 15(1)(a) and (b) of the repealed regulation for the design and was granted under section 233 of the repealed regulation, is taken to be a certificate of registration of registrable plant design for the design in force under part 8, division 2 until the certificate stops having effect under section 13.

Division 2 Transitional provisions for Workplace Health and Safety Amendment Regulation (No. 3) 2004

Clauses 360 to 364 allow a relevant person who is an employer to continue to make an amenity that is a lunch room, dressing room or toilet that complied with the requirements of the repealed miscellaneous regulation as in force immediately before 1 January 2005, available for the purpose of complying with the requirements of this regulation.

Division 3 Transitional provisions for Workers' Compensation and Rehabilitation and Other Legislation Amendment Regulation (No. 1) 2005**Construction work—construction safety plans**

Clause 365 provides that certain documents prepared under the repealed regulation, as in force immediately before 16 November 2005, are taken to be current documents under this regulation as follows:

- € a construction workplace plan for construction work is taken to be a construction safety plan for the construction work;

- € a work method statement for a high risk construction activity is taken to be a work method statement for a high risk construction activity, other than a prescribed activity; and
- € a work method statement for a prescribed activity is taken to be a work method statement for a high risk construction activity that is a prescribed activity.

Division 4 Transitional provisions for Workplace Health and Safety and other Legislation Amendment Regulation (No. 1) 2007, part 2, division 2

Application for certificate of authority of appointment of a workplace health and safety officer—assessment made but no application made before 1 July 2007

Clause 366 applies if, before 1 July 2007, an authorised accredited provider has assessed a person under section 31 of the repealed regulation as competent to perform the functions of a workplace health and safety officer and the person has not applied for a certificate or a renewal of a certificate of authority of appointment of a workplace health and safety officer.

The clause provides that on or after 1 July 2007, if a person applies for a certificate or a renewal of a certificate within 3 months after the assessment, then the requirement for the assessment to be done by a registered training organisation will not apply to the application.

Application for certificate of authority of appointment of a workplace health and safety officer—unfinished training or assessment

Clause 367 provides transitional provisions for the training or assessment of a person by an authorised accredited provider, to either obtain or renew a certificate of authority of appointment of a workplace health and safety officer, that has commenced but not finished before 1 July 2007. If the person applies on or after the commencement for a certificate or renewal of a certificate, then the following applies:

- € if, on or after 1 July 2007 the person is assessed by the authorised accredited provider as competent to perform the functions of a workplace health and safety officer, this assessment may be used for an application for a certificate;
- € if, on or after 1 July 2007 the person is assessed by the authorised accredited provider as competent to continue to perform the functions of a workplace health and safety officer, this assessment may be used for renewal of an application for a certificate.

Application for certificate of authority of appointment of a workplace health and safety officer—undecided application made before 1 July 2007

Clause 368 provides transitional provisions for an application to obtain or renew a certificate of authority of appointment of a workplace health and safety officer that has been made but not decided before 1 July 2007. Section 368 provides that if an application is made before the 1 July 2007, it must be decided and otherwise dealt with under this regulation as in force immediately before the 1 July 2007.

Division 5 Transitional provision for Workplace Health and Safety Legislation Amendment Regulation (No. 1) 2007**Application for certificate of registration of mobile crane or tower crane**

Clause 369 provides that section 39I of the repealed regulation continues to apply for an application for a certificate of registration, or a renewal of a certificate of registration of a mobile crane or tower crane made under section 39I of the repealed regulation before 1 February 2008 that either had not been granted or refused before 1 February 2008.

Division 6 Transitional provisions for Workplace Health and Safety and Other Legislation Amendment regulation (No. 1) 2007, part 2, division 3**Applications for certificates to work in a prescribed occupation**

Clause 370 provides that an application for a certificate to work in a prescribed occupation that was made under the repealed regulation before 1 July 2008, but has not been decided by the chief executive, must be decided and otherwise dealt with according to the procedures in place before 1 July 2008.

If the chief executive decides to grant the certificate, the chief executive must instead of granting the proposed certificate, issue either:

- € an earthmoving or particular crane work certificate if the proposed certificate relates to work that corresponds to the work in which an earthmoving or particular crane work certificate relates; or
- € a licence to perform the class of high risk work, that corresponds to the work to which the proposed certificate relates.

Unfinalised proposed action

Clause 371 provides that if proposed action stated in a show cause notice given to a person before 1 July 2008 has not been finalised, then the chief executive may decide whether to take the proposed action, and may otherwise finalise the proposed action under section 46B of the repealed regulation as in force immediately before 1 July 2008.

Division 7 Transitional provision for Workplace Health and Safety and Other Legislation Amendment Regulation (No. 1) 2008**Statement in assessment summary for unit of competency that person is competent**

Clause 372 provides that a person holds an appropriate authority to work under sections 17 and 24 even though the assessment summary was issued before the commencement of the regulation.

**Division 8 Transitional provision for Workplace Health and Safety Regulation 2008
Continuation of converted certificates**

Clause 373 provides that an earthmoving or particular crane work certificate, or a licence to perform a class of high risk work in force under section 28K(2) of the repealed regulation continues in force under this regulation until it ends under section 42 or 43 or is surrendered or cancelled.

References to repealed regulation

Clause 374 provides that in subordinate legislation or another document, a reference to the repealed regulation may, if the context permits, be taken to be a reference in this regulation.

Part 29 Amendment of State Penalties Enforcement Regulation 2000

This part provides for amendment of *the State Penalties Enforcement Regulation 2000* to accommodate provisions that are infringement notice offences under the *Workplace Health and Safety Regulation 2008*.

Regulation amended in pt 29

Clause 375 states that part 29 amends the *State Penalties Enforcement Regulation 2000*.

Amendment of sch 5 (Other legislation)

Clause 376 replaces the existing entry in schedule 5 for section 24(1) under the *Workplace Health and Safety Act 1995*, and the existing entry for the *Workplace Health and Safety Regulation 1997* with new entries.

Part 30 Consequential amendments of regulations

This part provides for consequential amendments to be made to other Queensland regulations due to the enactment of the *Workplace Health and Safety Regulation 2008*.

Amendment of regulations

Clause 377 provides that schedule 17 amends the regulations mentioned in it.

Schedule 1 Fees

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Schedule 1 sets out the fee structure in relation to the following:

- € notification of building and construction work;
- € registration, or renewal of certificate of registration, of registrable plant;
- € application for certificate of registration of registrable plant;
- € certificates of authority of appointment of a workplace health and safety officer;
- € earthmoving or particular crane work certificates;
- € licences to perform a class of high risk work;
- € conversion to renewable licence to perform a class of high risk work;
- € certificates for prescribed activities;
- € certificate of appointment as an accredited provider;
- € bonded asbestos removal certificate; and
- € report about occupational health and safety performance for the purposes of the workers' compensation legislation.

Schedule 2 Accredited courses

Schedule 2 lists the current Queensland accredited courses as mentioned in clause 62.

Schedule 3 Registrable plant

Schedule 3 lists the items of plant that are required to be registered as mentioned in clause 106.

Schedule 4 Registrable plant design

Schedule 4 lists the pieces of plant that are required to be design registered under clause 12, and have the number of the certificate of registration of registrable plant design permanently marked on the plant under clause 15.

Schedule 5 Classes of high risk work and units of competency for the classes

Schedule 5 states the classes of high risk work and units of competency for the classes.

Schedule 6 Earthmoving or particular crane occupations and units of competency for the occupations

Schedule 6 states the earthmoving or particular crane work certificates and units of competency for the occupations.

Schedule 7 Particular work encompassed in licence classes

Schedule 7 states the encompassments applicable to occupational licences as mentioned in clause 128.

Schedule 8 Hazardous substances for which health surveillance must be supplied

Schedule 8 lists the hazardous substances for which health surveillance must be supplied as mentioned in clause 207.

Schedule 9 Prohibited substances, prohibited ACM and prohibited purposes

Schedule 9 lists the prohibited substances and prohibited ACM, and the associated prohibited purpose as mentioned in clause 141.

Schedule 10 Lead hazardous substances

Schedule 10 lists the lead hazardous substances as mentioned in clause 221.

Schedule 11 Principal contractors—particular amenities for construction work

Schedule 11 describes the particular duties of a principal contractor about amenities as mentioned in clause 292.

Schedule 12 Relevant person who are employers—particular amenities for rural industry work

Schedule 12 describes the particular duties of a relevant person who is an employer about amenities for work in a rural industry as mentioned in clause 344.

Schedule 13 Relevant person who are employers—particular amenities for work that is not construction work or rural industry work

Schedule 13 describes the particular duties of a relevant person who is an employer about amenities for work that is not construction work or work in a rural industry as mentioned in clause 345.

Schedule 14 Relevant persons who are employers—requirements for building provided for worker to occupy when performing particular work

Schedule 14 states the particular duties of relevant person who is an employer about ventilation, lighting, floor area and air space for a building provided for workers when performing work that is not construction work or rural industry work as mentioned in clause 347.

Schedule 15 Applied BCA provisions

Schedule 15 lists the BCA provisions that are applied for building amenities and other building requirements as mentioned in schedule 13, clause 3(4)(b).

Schedule 16 Applied QDC provisions

Schedule 16 lists the QDC provisions that are applied for building amenities and other building requirements as mentioned in schedule 13, clause 3(4)(b).

Schedule 17 Consequential amendments

Schedule 17 lists the consequential amendments to be made to the regulations specified in the schedule due to the enactment of the *Workplace Health and Safety Regulation 2008*.

Schedule 18 Dictionary

Schedule 18 contains the dictionary of defined terms used in this regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Employment and Industrial Relations.

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