

MODEL WORK HEALTH AND SAFETY REGULATIONS

2016 AMENDMENTS (21 MARCH 2016)

Topic	Amended provisions
Definitions	
Definitions— Model Regulation 5(1)—<i>concrete placing boom</i>	<p>In regulation 5(1), in the definition of <i>concrete placing boom</i>, substitute "an articulating boom" for "a knuckle boom", so it reads as follows—</p> <p style="text-align: center;"><i>concrete placing boom</i> means plant incorporating an articulating boom, capable of power operated slewing and luffing to place concrete by way of pumping through a pipeline attached to, or forming part of, the boom of the plant.</p>
Definitions— Model Regulation 5(1)—<i>lift</i>	<p>In regulation 5(1), in the definition of <i>lift</i>, delete "escalator, moving walkway" so it reads as follows—</p> <p style="text-align: center;"><i>lift</i> means plant that is, or is intended to be, permanently installed in or attached to a structure, in which people, goods or materials may be raised or lowered within a car or cage, or on a platform and the movement of which is restricted by a guide or guides, and includes:</p> <ul style="list-style-type: none"> (a) a chairlift and stairway lift; and (b) any supporting structure, machinery, equipment, gear, lift well, enclosures and entrances.
Definitions— Model Regulation 5(1)—<i>pressure piping</i>	<p>In regulation 5(1), in the definition of <i>pressure piping</i>, substitute "fluid" for "liquid" in paragraph (a) so that it reads as follows—</p> <p><i>pressure piping</i>:</p> <ul style="list-style-type: none"> (a) means an assembly of pipes, pipe fittings, valves and pipe accessories subject to internal or external pressure and used to contain or convey fluid or to transmit fluid pressure; and (b) includes distribution headers, bolting, gaskets, pipe supports and pressure containing accessories; but

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	<p>(c) does not include:</p> <ul style="list-style-type: none"> (i) a boiler or pressure vessel; or (ii) any piping that is regulated under [.....]. <p>Note See jurisdictional note in the Appendix</p>
<p>Definitions—Model Regulation 5(1)— <i>tower crane</i></p>	<p>In regulation 5(1), amend the definition of <i>tower crane</i> so that it reads as follows—</p> <p><i>tower crane</i> means:</p> <ul style="list-style-type: none"> (a) a crane that has a boom or a jib mounted on a tower structure; and (b) in Schedule 3: <ul style="list-style-type: none"> (i) the crane, if a jib crane, may be a horizontal or luffing jib type; and (ii) the tower structure may be demountable or permanent, <p>but does not include a self-erecting tower crane.</p>
<p>Definitions—Model Regulation 5(1)— <i>turbine</i></p>	<p>In regulation 5(1), amend the defined term <i>turbine</i> to <i>steam turbine</i> (Note that the definition itself does not change)</p>

<u>HSRs & assistants</u>	
<p>Prescriptions regarding notice under new s68(3B)—Model Regulations, new clause 20A</p>	<p>Insert new clause 20A after clause 20—</p> <p>20A Notice of entry for person assisting health and safety representative</p> <p>(1) A notice of entry given under section 68(3A) of the Act must:</p> <ul style="list-style-type: none"> (a) be written; and (b) include the following: <ul style="list-style-type: none"> (i) the full name of the health and safety representative giving the notice; (ii) the full name of the assistant whose entry is proposed; (iii) the name and address of the workplace proposed to be entered; (iv) the date of proposed entry; (v) a statement of the reasons why the health and safety representative considers it is necessary for the assistant to enter the workplace to assist. <p>(2) If the assistant is or has been a WHS entry permit holder under the Act or a corresponding WHS law, the notice must also include the following:</p> <ul style="list-style-type: none"> (a) the name of the union the assistant represents or represented; (b) a declaration by the assistant stating that— <ul style="list-style-type: none"> (i) a WHS entry permit held by the assistant has not been revoked; and (ii) in relation to a current WHS entry permit, the permit is not suspended; and (iii) the assistant is not disqualified from holding a WHS entry permit.
<p>Training for health and safety representatives—Model regulations, regulation 21</p>	<p>Include the words "up to" in regulation 21(1)(a) and (b) so that it reads as follows—</p> <p>21 Training for health and safety representatives</p> <p>(1) For the purposes of section 72(1) of the Act, a health and safety representative is entitled to attend the</p>

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	<p>following courses of training in work health and safety:</p> <p>(a) an initial course of training of up to 5 days;</p> <p>(b) up to 1 day's refresher training each year, with the entitlement to the first refresher training commencing 1 year after the initial training.</p>
<u>WHS entry permit holders</u>	
<p>Notice of entry (for suspected contravention)—notice before entry—Model Regulations, regulation 28 (re clauses 117 and 119 of the Model Act)</p>	<p>Amend regulation 28 of the Model Regulations to omit the references to section 119 so that it reads as follows—</p> <p>28 Additional requirements—entry under section 117</p> <p>A notice of entry under section 117 of the Act in relation to an entry under that section must also include the following:</p>
<p>Various notifications</p> <p>Notifications no longer required to be in writing—Model Regulations, regulations 96, 98, 127, 288 and 513</p>	<p>Amend the following regulations to remove the requirement for notification to be in writing so they read as follows—</p> <p>96 Notice of change of address</p> <p>The licence holder of a high risk work licence must notify the regulator of a change of residential address, within 14 days of the change occurring.</p> <p>Maximum penalty:</p> <p style="padding-left: 40px;">In the case of an individual—\$1 250.</p> <p style="padding-left: 40px;">In the case of a body corporate—\$6 000.</p> <p>98 Replacement licence document</p> <p>(1) A licence holder must notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.</p> <p>Maximum penalty:</p> <p style="padding-left: 40px;">In the case of an individual—\$1 250.</p> <p style="padding-left: 40px;">In the case of a body corporate—\$6 000.</p> <p>127 Replacement accreditation document</p>

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	<p>(1) An accredited assessor must notify the regulator as soon as practicable if the accreditation document is lost, stolen or destroyed.</p> <p>Maximum penalty:</p> <p style="padding-left: 40px;">In the case of an individual—\$1 250.</p> <p style="padding-left: 40px;">In the case of a body corporate—\$6 000.</p> <p>288 Replacement registration document</p> <p>(1) A registration holder must notify the regulator as soon as practicable if the registration document is lost, stolen or destroyed.</p> <p>Maximum penalty:</p> <p style="padding-left: 40px;">In the case of an individual—\$1 250.</p> <p style="padding-left: 40px;">In the case of a body corporate—\$6 000.</p> <p>513 Replacement licence document</p> <p>(1) A licence holder of an asbestos removal licence or an asbestos assessor licence must notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.</p> <p>Maximum penalty:</p> <p style="padding-left: 40px;">In the case of an individual—\$1 250.</p> <p style="padding-left: 40px;">In the case of a body corporate—\$6 000.</p>
<p>Asbestos removal licences</p> <p>Correction of references—Model Regulations, clause 459, heading to Part 8.8, heading to clause 475</p>	<p>Amend the references in the following provisions from "Class A licence" and "Class B licence" to "Class A asbestos removal licence" or "Class B asbestos removal licence" to read as follows</p> <p>459 Asbestos removal supervisor must be present or readily available</p> <p>A licensed asbestos removalist must ensure that the nominated asbestos removal supervisor for asbestos removal work is:</p> <p>(a) if the asbestos removal work requires a Class A asbestos removal licence—present at the asbestos removal area whenever the asbestos removal work is being carried out; and</p>

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	<p>(b) if the asbestos removal work requires a Class B asbestos removal licence—readily available to a worker carrying out asbestos removal work whenever the work is being carried out.</p> <p>Maximum penalty:</p> <p style="padding-left: 40px;">In the case of an individual—\$6 000.</p> <p style="padding-left: 40px;">In the case of a body corporate—\$30 000.</p> <p>Part 8.8 Asbestos Removal Requiring Class A Asbestos Removal Licence</p> <p>475 Air monitoring—asbestos removal requiring Class A asbestos removal licence</p>	
<u>High risk work</u>		
High risk work— Model regulation Schedule 3, Item 20	<p>Amend the description in column 3 of Item 20 of Schedule 3 so that it reads as follows—</p> <p style="padding-left: 40px;">Use of a personnel and materials hoist Use of a materials hoist</p>	
High risk work— Model regulation Schedule 3, Item 28	<p>Amend Item 28 of Schedule 3 to refer to steam turbines, so that it reads as follows—</p>	
	Steam turbine operation	<p>Operation of a steam turbine that has an output of 500 kilowatts or more and:</p> <p>(a) is multi-wheeled; or</p> <p>(b) is capable of a speed greater than 3600 revolutions per minute; or</p> <p>(c) has attached condensers; or</p> <p>(d) has a multi-staged heat exchange extraction process</p>

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High risk work— Model regulation Schedule 4, Item 22	<p>In Item 22 of Schedule 4 amend the column titled "VET course" so that it reads as follows—</p> <p style="text-align: center;">Licence to operate a concrete placing boom</p>	
High risk work— Model regulation Schedule 4, Item 28	<p>Amend Item 28 of Schedule 4 to refer to steam turbines, so that it reads as follows—</p>	
	Steam turbine operation	Licence to operate a steam turbine
<u>Plant</u>		
Plant— Model regulation Schedule 5, Part 1, Item 1.4	<p>Amend Item 1.4 of Schedule 5 so that reads as follows—</p> <p style="text-align: center;">1.4 Lifts and escalators and moving walkways.</p>	
Plant— Model regulation Schedule 5, Part 1, Item 1.8	<p>Substitute "classified" for "covered" so that Item 1.8 of Schedule 5 reads as follows—</p> <p style="text-align: center;">1.8 Amusement devices classified by Section 2.1 of AS 3533.1:2009 (Amusement rides and devices— Design and construction), except devices specified in clause 2(2).</p>	

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Plant —Model regulation Schedule 5, Part 2, Item 3.4	Amend Item 3.4 of Schedule 5 so that reads as follows— 3.4 Lifts and escalators and moving walkways.
Plant —Model regulation Schedule 5, Part 2, Item 3.6	Substitute "classified" for "covered" so that Item 3.6 of Schedule 5 reads as follows— 3.6 Amusement devices classified by Section 2.1 of AS 3533.1:2009 (Amusement rides and devices—Design and construction), except devices specified in clause 4(2).