

WS301*

Occupational Safety and Health Act 1984

Occupational Safety and Health Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Occupational Safety and Health Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Occupational Safety and Health Regulations 1996**.

[* *Reprinted as at 19 July 2002.*

For amendments to 14 May 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 260-61.]

3. Regulation 1.3 amended

Regulation 1.3 is amended by inserting the following definition in the appropriate alphabetical position —

“

“**earthmoving machinery**” has the meaning it has in regulation 4.1;

”.

4. Regulation 3.23 amended

Regulation 3.23(4) is amended by deleting “If a crane other than a non-slewing crane” and inserting instead —

“

If a mobile crane, other than a vehicle loading crane or earthmoving machinery, that is a non-slewing crane with a maximum rated capacity of greater than 20 tonnes or a slewing crane

”.

5. Regulation 3.131 amended

Regulation 3.131(3)(a) is amended by deleting “Medical Examinations of Commercial Vehicle Drivers published by the Federal Office of Road Safety” and inserting instead —

“

Assessing Fitness to Drive 2003 published by Austroads Incorporated

”.

6. Regulation 3.132 amended

Regulation 3.132(3)(b)(ii) is deleted and the following subparagraph is inserted instead —

“

- (ii) in any 7 day period — at least 48 hours of non-work time, which time is not spent in the vehicle while it is moving, includes a period of at least 24 consecutive hours non-work time and does not include a period of non-work time of less than 7 consecutive hours.

”.

7. Regulation 4.54 amended

- (1) Regulation 4.54(8) is amended by deleting “the crane is not used unless”.
- (2) Regulation 4.54(9) is amended by deleting “the crane is not used unless”.
- (3) Regulation 4.54(10) is amended as follows:
 - (a) by deleting “the crane is not used unless”;
 - (b) in paragraph (a) by deleting “of such” and inserting instead —
“ in the ”;
 - (c) in paragraph (b) by deleting “who has experience of such use of such a crane”.

- (4) After subregulation 4.54(10) the following subregulations are inserted —
- “
- (10a) A person does not commit an offence under subregulation (10) where —
- (a) the vehicle loading crane is used to lift a load from the ground onto the vehicle on which the crane is mounted or to lift a load from the vehicle onto the ground; and
 - (b) the operator of the crane is a dogger who has experience in the use of such a crane.
- (10b) A person does not commit an offence under subregulation (10) where —
- (a) the vehicle loading crane is used to lift a load from the ground onto the vehicle on which the crane is mounted or to lift a load from the vehicle onto the ground;
 - (b) part of the load has the purpose of connecting the load to a crane for a lift;
 - (c) that part of the load is used for that purpose;
 - (d) there is involved in the use of the crane at least one crane operator who has experience in the use of such a crane; and
 - (e) an operator of the crane knows the mass of the load.
- (10c) A person does not commit an offence under subregulation (10) before 1 January 2005 where the vehicle loading crane is used to lift a load from the ground onto the vehicle on which the crane is mounted or to lift a load from the vehicle onto the ground.
- ”.
- (5) Regulation 4.54(11) is amended as follows:
- (a) by deleting “the crane is not used unless”;
 - (b) in paragraph (a) by deleting “of such” and inserting instead —
“ in the ”;
 - (c) in paragraph (b) by deleting “who has experience of such use of such a crane”.
- (6) After regulation 4.54(11) the following subregulation is inserted —
- “
- (11a) A person does not commit an offence under subregulation (11) before 1 January 2005 where the crane used is earthmoving machinery.
- ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.