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OCCUPATIONAL SAFETY AND HEALTH ACT 1984

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## OCCUPATIONAL SAFETY AND HEALTH AMENDMENT REGULATIONS (No. 3) 2007



Occupational Safety and Health Act 1984

## **Occupational Safety and Health Amendment Regulations (No. 3) 2007**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 3) 2007*.

**2. Commencement**

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 October 2007.

**3. The regulations amended**

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

**4. Regulation 1.3 amended**

Regulation 1.3 is amended as follows:

- (a) by deleting the definition of “boiler”;
- (b) by inserting in the appropriate alphabetical position —

“

“**high risk work licence**” has the meaning given in regulation 6.1(1);

”.

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**5. Regulation 3.68 amended**

Regulation 3.68 is amended by deleting “A person who is the main contractor at a workplace or, if there is not a main contractor,” and inserting instead —

“ A person who is the main contractor at a workplace, and ”.

**6. Regulation 3.72 amended**

- (1) Regulation 3.72(1) is repealed and the following subregulations are inserted instead —

“

- (1) In this regulation —

“**licensed person**”, in relation to a scaffold, means a person who holds a high risk work licence authorising the person to do scaffolding work involving that type of scaffold.

- (1a) If, at a workplace, there is erected a scaffold from which a person or object could fall more than 4 metres, the person who is the main contractor and the person who caused the scaffold to be erected must ensure that the scaffold is inspected by a licensed person and tagged during the inspection in accordance with subregulation (2) —

- (a) before the scaffold is used; and
- (b) after the scaffold is altered or repaired; and
- (c) at least every 30 days.

Penalty for a person who commits the offence as an employee: the regulation 1.15 penalty.

Penalty in any other case: the regulation 1.16 penalty.

- (1b) A person does not commit an offence under subregulation (1a) in relation to a scaffold if the scaffold, instead of being inspected by a licensed person, is inspected by a person who may, under Part 7

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Division 2, do scaffolding work involving that type of scaffold without holding a high risk work licence.

- (1c) Nothing in subregulation (1b) is to be taken to affect any other requirement under subregulation (1a).

”.

- (2) Regulation 3.72(2) is amended by deleting “For the purposes of subregulation (1), the” and inserting instead —

“ The ”.

**7. Regulation 4.54 amended**

- (1) Regulation 4.54(1) is amended as follows:

- (a) by deleting the definition of “certificate of competency”;
- (b) in the definition of “dogger” by deleting “certificate of competency as a dogger;” and inserting instead —

“

high risk work licence authorising the person to do dogging work;

”;

- (c) in the definition of “rigger” by deleting “certificate of competency as a rigger;” and inserting instead —

“

high risk work licence authorising the person to do rigging work involving cranes;

”.

- (2) Regulation 4.54(2) is repealed and the following subregulation is inserted instead —

“

- (2) Before a person rides in a work box suspended from a crane at a workplace, each responsible person must ensure that the rider has been given a written document, signed by each responsible person and the

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driver of the crane, describing the safety measures that the rider must observe while riding in the box.

”.

(3) Regulation 4.54(7) is amended as follows:

(a) after paragraph (a)(i) by inserting —

“ or ”;

(b) after paragraph (a) by inserting —

“ and ”;

(c) in paragraph (c) by deleting “competent person” and inserting instead —

“

person who holds a high risk work licence authorising the person to do rigging work involving multi-crane hoisting and

”.

(4) After regulation 4.54(12) the following subregulations are inserted —

“

(13) A person does not commit an offence under subregulation (7) in relation to a crane if the hoisting, instead of being supervised by a person who holds the required licence, is supervised by a person who may, under Part 7 Division 2, do rigging work involving multi-crane hoisting without holding a high risk work licence.

(14) A person does not commit an offence under subregulation (8), (9), (10) or (11) —

(a) in relation to a requirement to ensure that one or more doggers are involved — if, instead of a dogger being involved, a person who may, under Part 7 Division 2, do dogging work

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without holding a high risk work licence is involved; and

- (b) in relation to a requirement to ensure that one or more riggers are involved — if, instead of a rigger being involved, a person who may, under Part 7 Division 2, do rigging work involving cranes without holding a high risk work licence is involved.
- (15) The requirement under subregulation (10a)(b) is to be taken to have been met if the operator of the crane, instead of being a dogger, is a person who may, under Part 7 Division 2, do dogging work without holding a high risk work licence.
- (16) Nothing in subregulation (13), (14) or (15) is to be taken to affect any other requirement under subregulation (7), (8), (9), (10), (10a) or (11).

”.

**8. Regulation 4.55 amended**

- (1) Regulation 4.55(1) is repealed.
- (2) Regulation 4.55(2) is amended by deleting paragraph (a) and “and” after it and inserting instead —
- “
- (a) by a person who is trained or being trained in the operation of that type of truck and who has reached 17 years of age; and
- ”.
- (3) Regulation 4.55(3) is repealed.
- (4) Regulation 4.55 is amended by deleting the penalty clause and inserting instead —
- “ Penalty: the regulation 1.16 penalty. ”.

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**9. Part 6 replaced**

Part 6 is repealed and the following Part is inserted instead —

“

**Part 6 — Performance of high risk work**

**Division 1 — Preliminary**

**6.1. Terms used in this Part**

(1) In this Part —

“**assessor**” means a person registered under Division 3;

“**former regulations**” means these regulations as in force immediately before the *Occupational Safety and Health Amendment Regulations (No. 3) 2007* regulation 9 came into operation;

“**high risk work**” means work of a class —

- (a) listed in column 2 of the Table in Schedule 6.3 clause 3, 5, 7, 9 or 11; and
- (b) described in column 3 of the Table;

“**high risk work (interstate) licence**” means a licence granted under a law of another State or a Territory that the Commissioner recognises as corresponding to the law set out in this Part;

“**high risk work (WA) licence**” means a licence granted under Division 2;

“**high risk work licence**” means —

- (a) a high risk work (WA) licence; or
- (b) a high risk work (interstate) licence;

“**notice of satisfactory assessment**” means a document issued by an assessor containing information to the effect that the person named in the document is competent to do high risk work of the class specified in the document;



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**“qualification or statement of attainment”** means a document issued by a registered training organisation containing information to the effect that the person named in the document —

- (a) has received training from the organisation in the performance of high risk work of the class specified in the document; and
- (b) is competent to do that work;

**“registered training organisation”** means an organisation registered by a body established under a law of a State or a Territory to register organisations that provide vocational education and training;

**“vocational education and training”** has the meaning given in the *Vocational Education and Training Act 1996* section 5.

- (2) In this Part, an application is **“finalised”** —
  - (a) when, in the ordinary course of events, notice of the Commissioner’s decision on the application would have been received by the applicant; or
  - (b) when the applicant withdraws or is taken to have withdrawn the application.
- (3) In this Part, a person **“holds”**, and is a **“holder”** of, a high risk work licence for a class of high risk work if the person is authorised under the licence to do high risk work of that class.

**6.2. Requirement to hold high risk work licence to do high risk work**

- (1) A person must not do high risk work of a particular class unless the person holds a high risk work licence for that class of work.

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Penalty: the regulation 1.15 penalty.

- (2) Subregulation (1) does not apply to a person who does high risk work of a particular class if —
- (a) the person —
    - (i) is enrolled with a registered training organisation to do training in the work; and
    - (ii) is being supervised by a person who holds a high risk work licence for that class of work;

or

  - (b) the person's competency to do the work is being assessed by an assessor; or
  - (c) the person has a notice of satisfactory assessment for that class of work which was issued to the person not more than 60 days before; or
  - (d) the person has applied under Division 2 for a licence for that class of work and the application has not been finalised; or
  - (e) the person has applied under Division 2 for variation of a licence seeking authority to do work of that class and the application has not been finalised; or
  - (f) the equipment with which the person is doing the work is being used or operated —
    - (i) in the course of its manufacture, maintenance or repair; and
    - (ii) at the workplace at which it is being manufactured, maintained or repaired; and
    - (iii) without a load.

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- (3) A person who, at a workplace, is an employer, the main contractor, a self-employed person, a person having control of the workplace or a person having control of access to the workplace must not direct or allow another person (the “**worker**”) to do high risk work of a particular class if, by doing the work, the worker would commit an offence under subregulation (1).

Penalty: the regulation 1.16 penalty.

**6.3. Certain equipment not to be left unattended while in use**

- (1) In this regulation —

“**licensed person**”, in relation to a type of prescribed equipment, means a person who holds a high risk work licence authorising the person to do high risk work of a class that involves the use of that type of prescribed equipment;

“**prescribed equipment**” means —

- (a) a crane or a hoist of a type (including a vehicle-mounted concrete placing boom but excluding a boom-type elevating work platform) the use of which constitutes, or is included in, high risk work of a class listed in column 3 of the Table in Schedule 6.3 clause 7; or
- (b) a pressure equipment of a type the use of which constitutes, or is included in, high risk work of a class listed in column 3 of the Table in Schedule 6.3 clause 11;

“**use**” has the same meaning as in Schedule 6.3.

- (2) A licensed person using a type of prescribed equipment must not leave the equipment while it is in use unless another licensed person has taken over control of it.

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Penalty for a person who commits the offence as an employee:

- (a) for a first offence, \$5 000; and
- (b) for a subsequent offence, \$6 250.

Penalty in any other case:

- (a) for a first offence, \$25 000; and
- (b) for a subsequent offence, \$31 250.

**Division 2 — Licences****6.4. Term used in this Division**

In this Division, unless the contrary intention appears —

“**licence**” means a high risk work (WA) licence.

**6.5. Applications for grant of licences**

- (1) An application for a licence for one or more classes of high risk work must be made to the Commissioner in an approved form and be accompanied by the application fee set out in Schedule 6.4.
- (2) After receiving an application the Commissioner may in writing direct the applicant to provide additional information within the period specified in the direction.
- (3) If an applicant fails to comply with a direction under subregulation (2), the applicant is to be taken to have withdrawn the application.

**6.6. Decision to grant licence**

- (1) In this regulation —  
“**certificate of competency**” has the meaning that was given in regulation 6.1(1) of the former regulations and includes a certificate of competency treated

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under regulation 7.10 of those regulations as a certificate of competency for the purposes of Part 6 of those regulations.

- (2) After receiving an application made under regulation 6.5 the Commissioner may grant the licence authorising the applicant to do high risk work of a class to which the application relates if —
  - (a) the applicant has reached 18 years of age; and
  - (b) the Commissioner is satisfied that the applicant is competent to do high risk work of that class.
- (3) Matters to be considered by the Commissioner when determining whether an applicant is competent to do high risk work of a particular class include —
  - (a) whether the applicant has recently been issued a notice of satisfactory assessment for that class of work; and
  - (b) whether the applicant has recently been issued a qualification or statement of attainment for that class of work; and
  - (c) whether the applicant holds a high risk work (interstate) licence for that class of work.
- (4) The Commissioner may refuse to grant the licence if —
  - (a) the applicant previously held a high risk work licence, and —
    - (i) the licence was cancelled; or
    - (ii) the authority under the licence to do high risk work of a class was suspended or cancelled;
  - or
  - (b) the applicant previously held a certificate of competency and the certificate was suspended or cancelled, either wholly or in part; or

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- (c) the applicant was previously convicted of an offence relating to the performance of work of a kind included in a class of high risk work.
- (5) If an applicant for a licence for a class of high risk work is authorised under a high risk work (interstate) licence to do work of that class, the Commissioner must ensure that that authority is cancelled by the State or Territory that granted the interstate licence before a licence is granted under this Division for that class of work.

**6.7. Applications for variation of licences**

- (1) The holder of a licence may apply for variation of the licence seeking authority to do high risk work of one or more additional classes.
- (2) An application for variation of a licence must be made to the Commissioner in an approved form and be accompanied by the application fee set out in Schedule 6.4.
- (3) After receiving an application the Commissioner may in writing direct the applicant to provide additional information within the period specified in the direction.
- (4) If an applicant fails to comply with a direction under subregulation (3), the applicant is to be taken to have withdrawn the application.

**6.8. Decision to vary licence**

- (1) After receiving an application made under regulation 6.7, the Commissioner may vary the licence authorising the applicant to do high risk work of a class to which the application relates if the Commissioner is satisfied that the applicant is competent to do high risk work of that class.

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- (2) Matters to be considered by the Commissioner when determining whether an applicant is competent to do high risk work of a particular class include —
  - (a) whether the applicant has recently been issued a notice of satisfactory assessment for that class of work; and
  - (b) whether the applicant has recently been issued a qualification or statement of attainment for that class of work; and
  - (c) whether the applicant holds a high risk work (interstate) licence for that class of work.
- (3) If an applicant for variation of a licence seeking authority to do high risk work of a particular class is authorised under a high risk work (interstate) licence to do work of that class, the Commissioner must ensure that that authority is cancelled by the State or Territory that granted the interstate licence before the licence is varied under this Division authorising the applicant to do work of that class.
- (4) A variation of a licence under this regulation takes effect on the day the licence is varied.
- (5) Nothing in subregulation (4) is to be taken to affect the period for which the licence is to have effect under regulation 6.11.

**6.9. Applications for renewal of licences**

- (1) The holder of a licence may, at any time no later than 12 months after the licence expires, apply for renewal of a licence.
- (2) An application for renewal of a licence must be made to the Commissioner in an approved form and be accompanied by the application fee set out in Schedule 6.4.

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- (3) After receiving an application the Commissioner may in writing direct the applicant to provide additional information within the period specified in the direction.
- (4) If an applicant fails to comply with a direction under subregulation (3), the applicant is to be taken to have withdrawn the application.

**6.10. Decision to renew licence**

After receiving an application made under regulation 6.9, the Commissioner may renew the licence authorising the applicant to do high risk work of a class to which the application relates if the Commissioner is satisfied that the applicant remains competent to do high risk work of that class.

**6.11. Duration of licence**

- (1) A licence —
  - (a) takes effect on the day it is granted; and
  - (b) expires at the end of the period of 5 years beginning on the day it is granted.
- (2) If the holder of a licence applies for renewal of the licence on or before the day the licence expires (the “**expiry date**”), the following provisions apply —
  - (a) if the application is not finalised on or before the expiry date, the licence continues to have effect until the application is finalised;
  - (b) if the Commissioner decides to renew the licence (whether the decision is made before, on or after the expiry date), the renewed licence —
    - (i) takes effect, or is deemed to have taken effect, on the day after the expiry date; and



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- (ii) expires at the end of the period of 5 years beginning on the day after the expiry date.
- (3) If the holder applies for renewal of the licence after the expiry date, the following provisions apply —
  - (a) the licence has no effect after the expiry date until the holder applies for the renewal and thereafter the licence continues to have effect until the application is finalised;
  - (b) if the Commissioner decides to renew the licence, the renewed licence —
    - (i) is deemed to have taken effect on the day the holder applies for the renewal; and
    - (ii) expires at the end of the period of 5 years beginning on the day after the expiry date.
- (4) Subregulations (2) and (3) also apply to the renewal of a licence renewed under either of those subregulations.

**6.12. Suspension of authority to do high risk work of a particular class**

- (1) The Commissioner may suspend a person's authority under a licence to do high risk work of a particular class if the Commissioner is satisfied that —
  - (a) the person is no longer competent to do work of that class; or
  - (b) information contained in or provided in connection with an application made by the person under regulation 6.5, 6.7 or 6.9 was false or misleading in a material respect.

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- (2) If the Commissioner suspends a person's authority under this regulation, the Commissioner is to give the person written notice of the suspension.
- (3) Suspension under this regulation has effect —
  - (a) from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the person; and
  - (b) for the period or until the happening of the event specified in the written notice.
- (4) If a person's authority to do high risk work of a particular class is suspended under this regulation, the person is to be regarded as not being authorised under the licence to do high risk work of that class during the period of the suspension.
- (5) A person to whom a notice is given under subregulation (2) must return the licence document to the Commissioner within the period specified in the notice unless the person has a reasonable excuse not to do so.

Penalty: the regulation 1.15 penalty.

**6.13. Cancellation of authority to do high risk work of a particular class and cancellation of licence**

- (1) The Commissioner may cancel a person's authority under a licence to do high risk work of a particular class if the Commissioner is satisfied that —
  - (a) the person is no longer competent to do work of that class; or
  - (b) information contained in or provided in connection with an application made by the person under regulation 6.5, 6.7 or 6.9 was false or misleading in a material respect.

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- (2) The Commissioner may cancel a person's authority under a licence to do high risk work of a particular class if the Commissioner is requested in writing to do so by the person.
- (3) If the Commissioner cancels a person's authority under a licence to do high risk work of every class that the person would, but for the cancellation or any suspension under regulation 6.12, be authorised under the licence to do, the licence is cancelled.
- (4) If the Commissioner cancels a person's authority under this regulation, the Commissioner is to give the person written notice of the cancellation.
- (5) Cancellation under this regulation has effect from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the person.
- (6) A person to whom a notice is given under subregulation (4) must return the licence document to the Commissioner within the period specified in the notice unless the person has a reasonable excuse not to do so.

Penalty: the regulation 1.15 penalty.

**6.14 Licence document**

- (1) The Commissioner is to issue a person with a licence document on the grant of a licence to the person under regulation 6.6.
- (2) The Commissioner is to issue a person with a replacement licence document —
  - (a) on the variation of the person's licence under regulation 6.8; and

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- (b) on the renewal of the person's licence under regulation 6.10; and
  - (c) on the suspension of the person's authority to do high risk work of a class under regulation 6.12, if the person has authority under the licence to do high risk work of any other class or classes; and
  - (d) on the cancellation of the person's authority to do high risk work of a class under regulation 6.13, if the person has authority under the licence to do high risk work of any other class or classes.
- (3) If a person's authority to do high risk work of a class is suspended under regulation 6.12 and the person returned to the Commissioner the licence document, the Commissioner is to do either of the following, as appropriate, at the end of that suspension —
  - (a) return to the person the licence document returned to the Commissioner;
  - (b) issue the person with a replacement licence document.
- (4) A licence document or a replacement licence document is to specify —
  - (a) the class or classes of high risk work that the person is authorised to do under the licence; and
  - (b) the day the licence expires under regulation 6.11.

**6.15. Notifying Commissioner of change of address**

The holder of a licence must notify the Commissioner in writing of any change to the holder's residential or postal address within 14 days of the change.

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Penalty: the regulation 1.15 penalty.

**6.16. Duplicate licence document**

If the Commissioner is satisfied that a licence document has been lost, stolen or destroyed, the Commissioner may issue a duplicate licence document to the holder of the licence on payment of the fee set out in Schedule 6.4.

**6.17. Reassessment of competency to do high risk work of a particular class**

- (1) The Commissioner may in writing direct the holder of a licence to —
  - (a) obtain from an assessor an assessment of the holder's competency to do high risk work of a class that the holder is authorised to do under the licence; and
  - (b) provide the Commissioner with a notice of satisfactory assessment for that class of work from the assessor within the period specified in the direction.
- (2) For the purposes of regulations 6.10, 6.12(1)(a) and 6.13(1)(a), a holder who does not provide a notice as required under subregulation (1)(b) may be regarded as being no longer competent to do high risk work of the class to which the direction relates.

**Division 3 — Registration as an assessor****6.18. Term used in this Division**

In this Division, unless the contrary intention appears —

“**registration**” means registration as an assessor under this Division.

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**6.19. Activity authorised by registration**

A person registered as an assessor under this Division is authorised to issue notices of satisfactory assessment for the class or classes of high risk work in respect of which the person is registered.

**6.20. Duties of assessors registered under this Division**

- (1) In this regulation —  
“**assessment instrument**” for high risk work of a particular class, means a written statement of the steps to be taken, and the assessment methods to be used, by an assessor when conducting an assessment of a person’s competency to do high risk work of that class.
- (2) An assessor must not issue a notice of satisfactory assessment in respect of a person’s performance of high risk work of a particular class unless the assessor —
  - (a) is authorised to issue notices of satisfactory assessment for that class of work; and
  - (b) has assessed the person’s competency in accordance with the approved assessment instrument for work of that class; and
  - (c) having regard to the results of the assessment, is satisfied that the person is competent to do work of that class; and
  - (d) is satisfied that the person has sufficient knowledge of the English language, both written and oral, to safely do work of that class.

Penalty: the regulation 1.15 penalty.

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- (1) An application for registration in respect of one or more classes of high risk work must be made to the Commissioner in an approved form and be accompanied by the application fee set out in Schedule 6.4.
- (2) After receiving an application the Commissioner may in writing direct the applicant to do any of the following within the period specified in the direction —
  - (a) provide additional information;
  - (b) undertake an oral test;
  - (c) undertake a written test.
- (3) If an applicant fails to comply with a direction under subregulation (2), the applicant is to be taken to have withdrawn the application.

**6.22. Decision to register an assessor**

- (1) In this regulation —

**“previously registered as an assessor”** means previously registered as an assessor under —

  - (a) this Division; or
  - (b) Part 6 of the former regulations; or
  - (c) a law of another State or a Territory that the Commissioner recognises as being equivalent to the law set out in this Part or in Part 6 of the former regulations.
- (2) After receiving an application made under regulation 6.21, the Commissioner may register the applicant in respect of a class of high risk work to

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which the application relates if the Commissioner is satisfied that the applicant —

- (a) holds a high risk work licence for that class of work; and
  - (b) has acquired, through training and work experience, the skills necessary to assess a person's competency to do high risk work of that class.
- (3) The Commissioner may refuse to register the applicant if the applicant was previously registered as an assessor and that registration was suspended or cancelled, either wholly or in part.

**6.23. Applications for variation of registration**

- (1) An assessor may apply for variation of his or her registration seeking registration in respect of one or more additional classes of high risk work.
- (2) An application for variation of a registration must be made to the Commissioner in an approved form and be accompanied by the application fee set out in Schedule 6.4.
- (3) After receiving an application the Commissioner may in writing direct the applicant to do any of the following within the period specified in the direction —
  - (a) provide additional information;
  - (b) undertake an oral test;
  - (c) undertake a written test.
- (4) If an applicant fails to comply with a direction under subregulation (3), the applicant is to be taken to have withdrawn the application.



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**r. 9****6.24. Decision to vary registration**

- (1) After receiving an application made under regulation 6.23, the Commissioner may vary the applicant's registration registering the applicant in respect of a class of high risk work to which the application relates if the Commissioner is satisfied that the applicant —
  - (a) holds a high risk work licence for that class of work; and
  - (b) has acquired, through training and work experience, the skills necessary to assess a person's competency to do high risk work of that class.
- (2) A variation of a registration under this regulation takes effect on the day the registration is varied.
- (3) Nothing in subregulation (2) is to be taken to affect the period for which the applicant's registration is to have effect under regulation 6.27.

**6.25. Applications for renewal of registration**

- (1) An assessor may, before his or her registration expires, apply for renewal of the registration.
- (2) An application for renewal of registration must be made to the Commissioner in an approved form and be accompanied by the application fee set out in Schedule 6.4.
- (3) After receiving an application the Commissioner may in writing direct the applicant to do any of the following within the period specified in the direction —
  - (a) provide additional information;
  - (b) undertake an oral test;

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- (c) undertake a written test.
- (4) If an applicant fails to comply with a direction under subregulation (3), the applicant is to be taken to have withdrawn the application.

**6.26. Decision to renew registration**

After receiving an application made under regulation 6.25, the Commissioner may renew the applicant's registration registering the applicant in respect of a class of high risk work to which the application relates if the Commissioner is satisfied that the applicant —

- (a) continues to hold a high risk work licence for that class of work; and
- (b) retains the skills necessary to assess a person's competency to do high risk work of that class.

**6.27. Duration of registration**

- (1) The registration of an assessor —
  - (a) takes effect on the day the assessor is registered; and
  - (b) expires at the end of the period of 3 years beginning on the day the assessor is registered.
- (2) If an assessor applies for renewal of his or her registration, the following provisions apply —
  - (a) if the application is not finalised on or before the day the registration expires (the “**expiry date**”), the registration continues to have effect until the application is finalised;

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- (b) if the Commissioner decides to renew the registration (whether the decision is made before, on or after the expiry date) the renewed registration —
  - (i) takes effect, or is deemed to have taken effect, on the day after the expiry date; and
  - (ii) expires at the end of the period of 3 years beginning on the day after the expiry date.
- (3) Subregulation (2) also applies to the renewal of a registration renewed under that subregulation.

**6.28. Suspension of registration in respect of a class of high risk work**

- (1) The Commissioner may suspend an assessor's registration in respect of a particular class of high risk work if the Commissioner is satisfied that —
  - (a) the assessor has breached regulation 6.20; or
  - (b) the assessor no longer holds a high risk work licence for that class; or
  - (c) the assessor no longer has the skills necessary to assess a person's competency to do work of that class; or
  - (d) information contained in or provided in connection with an application made by the assessor under regulation 6.21, 6.23 or 6.25 was false or misleading in a material respect.
- (2) If the Commissioner suspends an assessor's registration under this regulation, the Commissioner is to give the assessor written notice of the suspension.

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- (3) Suspension under this regulation has effect —
  - (a) from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the assessor; and
  - (b) for the period or until the happening of the event specified in the written notice.
- (4) If an assessor's registration in respect of a particular class of high risk work is suspended under this regulation, the person is to be regarded as not being registered in respect of that class of high risk work during the period of the suspension.
- (5) An assessor to whom a notice is given under subregulation (2) must return the certificate of registration to the Commissioner within the period specified in the notice unless the assessor has a reasonable excuse not to do so.

Penalty: the regulation 1.15 penalty.

**6.29. Cancellation of registration in respect of a class of high risk work and cancellation of registration**

- (1) The Commissioner may cancel an assessor's registration in respect of high risk work of a particular class if the Commissioner is satisfied that —
  - (a) the assessor has breached regulation 6.20; or
  - (b) the assessor no longer holds a high risk work licence for that class; or
  - (c) the assessor no longer has the skills necessary to assess a person's competency to do work of that class; or
  - (d) information contained in or provided in connection with an application made by the

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assessor under regulation 6.21, 6.23 or 6.25 was false or misleading in a material respect.

- (2) The Commissioner may cancel an assessor's registration in respect of high risk work of a particular class if requested in writing to do so by the assessor.
- (3) If the Commissioner cancels an assessor's registration in respect of every class of high risk work in respect of which the assessor would, but for the cancellation or any suspension under regulation 6.28, be registered, the registration is cancelled.
- (4) The Commissioner is to give an assessor written notice of cancellation under this regulation.
- (5) Cancellation under this regulation has effect from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the assessor.
- (6) An assessor to whom a notice is given under subregulation (4) must return the certificate of registration to the Commissioner unless the assessor has a reasonable excuse not to do so.

Penalty: the regulation 1.15 penalty.

**6.30 Certificates of registration**

- (1) The Commissioner is to issue a person with a certificate of registration on the registration of the person under regulation 6.22.
- (2) The Commissioner is to issue a person with a replacement certificate of registration —
  - (a) on the variation of the person's registration under regulation 6.24; and
  - (b) on the renewal of the person's registration under regulation 6.26; and

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- (c) on the suspension of the person's registration in respect of a class of high risk work under regulation 6.28, if the person is registered in respect of any other class or classes of high risk work; and
  - (d) on the cancellation of the person's registration in respect of a class of high risk work under regulation 6.29, if the person is registered in respect of any other class or classes of high risk work.
- (3) If a person's registration in respect of a class of high risk work is suspended under regulation 6.28 and the person returned to the Commissioner the certificate of registration, the Commissioner is to do either of the following, as appropriate, at the end of that suspension —
  - (a) return to the person the certificate of registration returned to the Commissioner;
  - (b) issue the person with a replacement certificate of registration.
- (4) A certificate of registration or a replacement certificate of registration is to specify —
  - (a) the class or classes of high risk work in respect of which the person is registered; and
  - (b) the day the registration expires under regulation 6.27.

**6.31. Duplicate certificate of registration**

If the Commissioner is satisfied that a certificate of registration has been lost, stolen or destroyed, the Commissioner may issue a duplicate certificate of registration to the assessor on payment of the fee set out in Schedule 6.4.

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**Division 4 — Miscellaneous****6.32. Registered training organisation to retain records**

- (1) If a registered training organisation provides training in high risk work to a person and the person's competency to do that work is subsequently assessed by an assessor employed or otherwise engaged by the registered training organisation to make that assessment, the registered training organisation must retain all records relating to the training and assessment of the person for 5 years after the assessment is made.
- (2) At the request of an inspector, a registered training organisation must produce records held under subregulation (1).

Penalty: the regulation 1.16 penalty.

”.

**10. Heading to Part 7 Division 1 inserted**

Before regulation 7.1 the following heading is inserted into Part 7 —

“

**Division 1 — Original repeal, savings and transitional provisions**

”.

**11. Regulation 7.1 amended**

Regulation 7.1 is amended by deleting “Part” and inserting instead —

“ Division ”.

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**12. Regulation 7.2 amended**

Regulation 7.2 is amended by deleting “Part” and inserting instead —

“ Division ”.

**13. Regulation 7.6 repealed**

Regulation 7.6 is repealed.

**14. Regulations 7.9, 7.10, 7.11 and 7.12 replaced by Division 2**

Regulations 7.9, 7.10, 7.11 and 7.12 are repealed and the following Division is inserted instead —

“

**Division 2 — Savings and transitional provisions  
relating to the *Occupational Safety and Health  
Amendment Regulations (No. 3) 2007***

**Subdivision 1 — Preliminary**

**7.9. Terms used in this Division**

(1) In this Division —

“**certificate of competency**” has the meaning that was given in regulation 6.1(1) of the former regulations and includes a certificate of competency treated under regulation 7.10 of those regulations as a certificate of competency for the purposes of Part 6 of those regulations;

“**commencement day**” means the day on which the *Occupational Safety and Health Amendment Regulations (No. 3) 2007* regulation 9 came into operation;

“**documentary evidence of forklift competency**”, in relation to a person, means documentary evidence that the person satisfies the competency



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requirements of the *National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment* [NOHSC: 7019 (1992)] for loadshifting equipment;

**“forklift truck”** has the meaning given in Schedule 6.3 clause 8;

**“forklift work”** means high risk work of a class —

- (a) listed in column 2 of the Table in Schedule 6.3 clause 9; and
- (b) described in column 3 of the Table;

**“former regulations”** means these regulations as in force immediately before the commencement day;

**“high risk work”** has the meaning given in regulation 6.1(1);

**“high risk work (interstate) licence”** has the meaning given in regulation 6.1(1);

**“high risk work (WA) licence”** has the meaning given in regulation 6.1(1);

**“industrial equipment”** means equipment to which the national standard applies;

**“national standard”** means the *National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment* [NOHSC: 1006 (2001)];

**“notice of satisfactory assessment”** has the meaning given in regulation 6.1(1);

**“prescribed work”** means work to which the national standard applies;

**“transition period”**, in relation to a certificate of competency, or documentary evidence of forklift

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competency, means the period applying under regulation 7.11;

**“work that the person was authorised to do” —**

- (a) in relation to a certificate of competency, means —
    - (i) the prescribed work specified in the certificate; or
    - (ii) use or operation of industrial equipment specified in the certificate;and
  - (b) in relation to documentary evidence of forklift competency, means operation of a forklift truck of a type specified in the documentary evidence.
- (2) In this Division, an application is **“finalised”** —
- (a) when, in the ordinary course of events, notice of the Commissioner’s decision on the application would have been received by the applicant; or
  - (b) when the applicant withdraws or is taken to have withdrawn the application.
- (3) In this Division, a person **“holds”** a high risk work licence for a class of high risk work if the person is authorised under the licence to do high risk work of that class.

**7.10. Application of the *Interpretation Act 1984***

The provisions of this Division do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeals effected by the *Occupational Safety and Health Amendment Regulations (No. 3) 2007*.

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**Subdivision 2 — Conversion to high risk work licence**

**7.11. Transition period**

- (1) The transition period for a certificate of competency, or for documentary evidence of forklift competency, issued —
  - (a) before 1 January 1996 is the period beginning on the commencement day and ending on 30 September 2008;
  - (b) between 1 January 1996 and 31 December 1998 is the period beginning on the commencement day and ending on 30 June 2009;
  - (c) between 1 January 1999 and 31 December 2001 is the period beginning on the commencement day and ending on 30 June 2010;
  - (d) between 1 January 2002 and 31 December 2004 is the period beginning on the commencement day and ending on 30 June 2011;
  - (e) after 31 December 2004 and before the commencement day is the period beginning on the commencement day and ending on 30 June 2012.
- (2) The Commissioner may, by notice in the *Gazette*, extend a transition period for certificates of competency issued —
  - (a) in another State or a Territory; and
  - (b) during a particular period.

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**7.12. Effect of certificate of competency during transition period**

- (1) During the transition period for a certificate of competency —
  - (a) the holder of the certificate may do the work that the holder was authorised to do under the certificate; and
  - (b) regulation 6.2(1) does not apply to the holder's performance of the work.
- (2) If the holder applies for a high risk work (WA) licence under regulation 7.16(1) and the application is not finalised, regulation 6.2(1) does not apply to the holder's performance of the work that the holder was authorised to do under the certificate.

**7.13. Operation of forklift during transition period**

- (1) During the transition period for documentary evidence of forklift competency —
  - (a) the person who has the documentary evidence may do the work that the person was authorised to do under the documentary evidence; and
  - (b) regulation 6.2(1) does not apply to the person's performance of the work.
- (2) If the person applies for a high risk work (WA) licence under regulation 7.16(2) and the application is not finalised, regulation 6.2(1) does not apply to the person's performance of the work that the person was authorised to do under the documentary evidence.

**7.14. Suspension or cancellation of certificates of competency**

- (1) During the transition period for a certificate of competency issued in this State, the Commissioner

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- may suspend or cancel the certificate, either wholly or in part, in accordance with the national standard.
- (2) If the Commissioner suspends or cancels a certificate of competency under this regulation, the Commissioner is to give the holder of the certificate written notice of the suspension or cancellation, as the case requires.
- (3) Suspension under this regulation has effect —
- (a) from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the holder; and
  - (b) for the period or until the happening of the event specified in the written notice.
- (4) Cancellation under this regulation has effect from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the holder.

**7.15. Prohibition against operation of forklift**

- (1) During the transition period for documentary evidence of forklift competency, the Commissioner may direct that regulation 7.13(1) does not apply to the performance of the work that the person was authorised to do under the documentary evidence if the Commissioner is satisfied that the person no longer satisfies the competency requirements of the *National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment* [NOHSC: 7019 (1992)] for loadshifting equipment.

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- (2) A direction under this regulation has effect —
  - (a) from the time specified by the Commissioner, which is to be no earlier than when, in the ordinary course of events, notice of the direction would have been received by the person; and
  - (b) if so directed by the Commissioner — for the period, or until the happening of the event, specified by the Commissioner.

**7.16. Applications for licences during transition periods**

- (1) During the transition period for a certificate of competency, the holder of the certificate may apply for a licence for the class or classes of high risk work corresponding to the work that the holder was authorised to do under the certificate.
- (2) During the transition period for documentary evidence of forklift competency, the person who has the documentary evidence may apply for a licence for the class or classes of forklift work corresponding to the work that the person was authorised to do under the documentary evidence.
- (3) An application under subregulation (1) or (2) must be made to the Commissioner in an approved form and be accompanied by the application fee set out in Schedule 6.4.
- (4) After receiving an application the Commissioner may in writing direct the applicant to provide additional information within the period specified in the direction.
- (5) If an applicant fails to comply with a direction under subregulation (4), the applicant is to be taken to have withdrawn the application.

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- (1) After receiving an application made under regulation 7.16(1), the Commissioner may grant a licence authorising the applicant to do high risk work of a class to which the application relates if the Commissioner is satisfied that the applicant —
  - (a) does not hold a high risk work (interstate) licence for that class of work; and
  - (b) is competent to do high risk work of that class.
- (2) For the purposes of subregulation (1)(b) —
  - (a) an applicant is to be regarded as being competent to do high risk work of a particular class (other than the class listed and described in item 2 of the Table in Schedule 6.3 clause 7) if the applicant has maintained the competency required, under the national standard, of certificate holders for work corresponding to work of that class; and
  - (b) an applicant is to be regarded as being competent to do high risk work of the class listed and described in item 2 of the Table in Schedule 6.3 clause 7 only if —
    - (i) the applicant has a notice of satisfactory assessment for that class of work; and
    - (ii) the notice was issued to the applicant not more than 60 days before the applicant applies under regulation 7.16(1).
- (3) Despite regulation 7.12(1), if the Commissioner grants or refuses to grant a licence to the applicant under this regulation during the transition period for the certificate, regulation 7.12(1) ceases to apply, when the

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application is finalised, to the applicant's performance of the work that the applicant was authorised to do under the certificate.

- (4) A licence granted under this regulation is to be treated as a licence granted under regulation 6.6.
- (5) For the purposes of applying Part 6 to or in relation to a licence granted under this regulation, a reference in regulation 6.12(1)(b) or 6.13(1)(b) to an application made under regulation 6.5 is to be taken as a reference to an application made under regulation 7.16(1).

**7.18. Decision to grant licence to person who has documentary evidence of forklift competency**

- (1) After receiving an application made under regulation 7.16(2), the Commissioner may grant a licence authorising the applicant to do forklift work of a class to which the application relates if the Commissioner is satisfied that the applicant —
  - (a) does not hold a high risk work (interstate) licence for that class of work; and
  - (b) is competent to do forklift work of that class.
- (2) For the purposes of subregulation (1)(b) —
  - (a) an applicant is to be regarded as being competent to do forklift work of a particular class if —
    - (i) the applicant's documentary evidence of forklift competency was issued by a person who was authorised by the Commissioner to issue the documentary evidence; and
    - (ii) the Commissioner is satisfied that the applicant continues to satisfy the competency requirements of the



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*National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment* [NOHSC: 7019 (1992)] for loadshifting equipment;

and

- (b) an applicant is not to be regarded as being competent to do forklift work of a particular class if the applicant's documentary evidence of forklift competency was not issued by a person who was authorised by the Commissioner to issue the documentary evidence, unless —
  - (i) the applicant has a notice of satisfactory assessment for that class of work; and
  - (ii) the notice was issued to the person not more than 60 days before the person applies under regulation 7.16(2).
- (3) Despite regulation 7.13(1), if the Commissioner grants or refuses to grant a licence to the applicant under this regulation during the transition period, regulation 7.13(1) ceases to apply, when the application is finalised, to the applicant's performance of the work that the applicant was authorised to do under the documentary evidence.
- (4) A licence granted under this regulation is to be treated as a licence granted under regulation 6.6.
- (5) For the purposes of applying Part 6 to or in relation to a licence granted under this regulation, a reference in regulation 6.12(1)(b) or 6.13(1)(b) to an application made under regulation 6.5 is to be taken as a reference to an application made under regulation 7.16(2).

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**7.19. Unfinished applications for certificates of competency**

- (1) This regulation applies to an application for a certificate of competency that was made under Part 6 of the former regulations but was not decided on before the commencement day.
- (2) An application to which this regulation applies is to be dealt with under regulation 6.6 as if it were an application, made under regulation 6.5, for a licence for the class or classes of high risk work corresponding to the work for which the applicant sought the certificate of competency.

**Subdivision 3 — Assessors**

**7.20. Existing assessors**

- (1) In this regulation —  
“**existing assessor**” means a person who, immediately before the commencement day, was an assessor as defined in regulation 6.1(1) of the former regulations and includes a person treated under regulation 7.11 of those regulations as an assessor.
- (2) On and from the commencement day, an existing assessor is to be treated as an assessor registered under regulation 6.22 in respect of the class or classes of high risk work corresponding to the work in relation to which, immediately before the commencement day, the assessor had authority to make assessments.
- (3) For the purposes of applying Part 6 to or in relation to an existing assessor, the following modifications apply —
  - (a) the requirement under regulation 6.26(a) to continue to hold a high risk work licence for a

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- class of high risk work is satisfied if, before the renewal, the assessor is granted a licence for that class of work under regulation 7.17;
- (b) regulation 6.27(1) does not apply and instead the registration of the assessor —
- (i) takes effect on the commencement day; and
  - (ii) expires on the day on which the assessor's registration under the former regulations would have expired had the *Occupational Safety and Health Amendment Regulations (No. 3) 2007* regulation 9 not come into operation;
- (c) until the assessor is granted a high risk work licence under regulation 7.17 —
- (i) regulations 6.28(1)(b) and 6.29(1)(b) do not apply; and
  - (ii) instead the Commissioner may suspend or cancel the assessor's registration in respect of a particular class of high risk work if the Commissioner is satisfied that the assessor no longer holds a certificate of competency for the work corresponding to high risk work of that class;
- (d) a reference in regulation 6.28(1)(d) or 6.29(1)(d) to an application made under regulation 6.21 is to be taken as a reference to an application made under Part 6 of the former regulations in connection with the assessor's registration.

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**7.21. Existing assessors of forklift competency**

- (1) In this regulation —  
**“existing assessor of forklift competency”** means a person who, immediately before the commencement day, was authorised by the Commissioner to issue documentary evidence of forklift competency.
- (2) On and from the commencement day, an existing assessor of forklift competency is to be treated as an assessor registered under regulation 6.22 in respect of the class or classes of forklift work corresponding to the work in relation to which, immediately before the commencement day, the assessor was authorised to issue documentary evidence of forklift competency.
- (3) For the purposes of applying Part 6 to or in relation to an existing assessor of forklift competency, the following modifications apply —
  - (a) the requirement under regulation 6.26(a) to continue to hold a high risk work licence for a class of high risk work is satisfied if, before the renewal, the assessor is granted a licence for that class of work under regulation 7.18;
  - (b) regulation 6.27(1) does not apply and instead the registration of the assessor —
    - (i) takes effect on the commencement day; and
    - (ii) expires on the day specified by the Commissioner, when the assessor was last authorised before the commencement day to issue documentary evidence of forklift competency, as the day on which the authority was to expire;

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- (c) until the assessor is granted a high risk work licence under regulation 7.18 —
  - (i) regulations 6.28(1)(b) and 6.29(1)(b) do not apply; and
  - (ii) instead the Commissioner may suspend or cancel the assessor's registration in respect of a particular class of forklift work if the Commissioner is satisfied that the assessor is no longer competent to do forklift work of that class;
- (d) a reference in regulation 6.28(1)(d) or 6.29(1)(d) to an application made under regulation 6.21 is to be taken as a reference to an application made to the Commissioner in connection with the assessor's authority to issue documentary evidence of forklift competency.

**7.22. Unfinished applications for registration as an assessor**

- (1) This regulation applies to an application for registration as an assessor that was made under Part 6 of the former regulations but was not decided on before the commencement day.
- (2) An application to which this regulation applies is to be dealt with under regulation 6.22 as if it were an application, made under regulation 6.21, for registration as an assessor in respect of the class or classes of high risk work corresponding to the work in relation to which the applicant sought registration under the former regulations.
- (3) For the purposes of deciding on an application to which this regulation applies, the requirement under regulation 6.22(2)(a) to hold a high risk work licence is

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satisfied if the applicant holds a certificate of competency for the work in relation to which the applicant sought registration under the former regulations.

- (4) For the purposes of applying Part 6 to or in relation to an assessor registered in accordance with this regulation, the following modifications apply —
- (a) the requirement under regulation 6.26(a) to continue to hold a high risk work licence for a class of high risk work is satisfied if, before the renewal, the assessor is granted a licence for that class of work under regulation 7.17;
  - (b) until the assessor is granted a high risk work licence under regulation 7.17 —
    - (i) regulations 6.28(1)(b) and 6.29(1)(b) do not apply; and
    - (ii) instead the Commissioner may suspend or cancel the assessor's registration in respect of a particular class of high risk work if the Commissioner is satisfied that the assessor no longer holds a certificate of competency for the work corresponding to high risk work of that class.

”

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**r. 15****15. Schedule 6.3 replaced by Schedules 6.3 and 6.4**

Schedule 6.3 is repealed and the following Schedules are inserted instead —

“

**Schedule 6.3 — High risk work**

[r. 6.1, 6.3, 7.9 and 7.17]

**Division 1 — Preliminary****1. Terms used in this Schedule**

In this Schedule —

“**hung scaffold**” has the meaning given in regulation 3.66;

“**mast climbing work platform**” has the meaning given in regulation 4.1;

“**materials hoist**” means a hoist —

- (a) made up of a car, bucket or platform that is cantilevered from and travels up and down the external face of a building or structure; and
- (b) that carries goods or materials but not people;

“**suspended scaffold**” has the meaning given in regulation 3.66;

“**use**”, in relation to plant, means to work from the plant or to operate the plant.

**Division 2 — Scaffolding work****2. Terms used in this Division**

In this Division —

“**cantilevered scaffold**” has the meaning given in regulation 3.66;

“**gantry**” has the meaning given in regulation 3.66;

“**scaffolding work**” means erecting, altering or dismantling a temporary structure that is or has been erected to

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support a platform and from which a person or object could fall more than 4 metres;

“spur scaffold” has the meaning given in regulation 3.66.

**3. Scaffolding work, classes of high risk work****Table**

<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
1.	Scaffolding work, basic	Scaffolding work involving — <ol style="list-style-type: none"> <li>(a) pre-fabricated scaffolds; or</li> <li>(b) cantilevered materials hoists with a maximum working load of 500 kilograms; or</li> <li>(c) ropes; or</li> <li>(d) gin wheels; or</li> <li>(e) safety nets and static lines; or</li> <li>(f) bracket scaffolds (tank and formwork).</li> </ol>
2.	Scaffolding work, intermediate	<ol style="list-style-type: none"> <li>(1) Scaffolding work included in the class of scaffolding work, basic.</li> <li>(2) Scaffolding work involving —               <ol style="list-style-type: none"> <li>(a) cantilevered crane loading platforms; or</li> <li>(b) cantilevered scaffolds; or</li> <li>(c) spur scaffolds; or</li> <li>(d) barrow ramps and sloping platforms; or</li> <li>(e) scaffolding associated with perimeter safety screens and shutters; or</li> <li>(f) mast climbing work platforms; or</li> </ol> </li> </ol>



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<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
3.	Scaffolding work, advanced	<p>(g) tube and coupler scaffolds (including tube and coupler covered ways and gantries).</p> <p>(1) Scaffolding work included in the class of <i>scaffolding work, intermediate</i>.</p> <p>(2) Scaffolding work involving —</p> <p>(a) hung scaffolds, including scaffolds hung from tubes, wire ropes or chains; or</p> <p>(b) suspended scaffolds.</p>

**Division 3 — Dogging work and rigging work****4. Terms used in this Division**

In this Division —

**“dogging work”** means —

- (a) applying slinging techniques for the purposes of lifting a load, including selecting the method of lifting (by consideration of the nature of the load, its mass and its centre of gravity) and inspecting lifting gear (for suitability and condition); or
- (b) directing the operator of a crane or hoist in the movement of a load when the load is out of the view of the operator;

**“rigging work”** means —

- (a) moving, placing or securing a load (such as plant, equipment or members of a building or structure) using mechanical load shifting equipment but does not include operation of the mechanical load shifting equipment; or
- (b) erecting or dismantling cranes or hoists.

**Occupational Safety and Health Amendment Regulations (No. 3) 2007****r. 15****5. Dogging work and rigging work, classes of high risk work****Table**

<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
1.	Dogging work	Dogging work.
2.	Dogging work and rigging work, basic	<p>(1) Work included in the class of <i>Dogging work</i>.</p> <p>(2) Rigging work involving —</p> <p>(a) steel members of a building or structure, or steel plant; or</p> <p>(b) hoists other than hoists with jibs and self-climbing hoists; or</p> <p>(c) pre-cast concrete members of a building or structure; or</p> <p>(d) safety nets and static lines; or</p> <p>(e) mast climbing work platforms; or</p> <p>(f) perimeter safety screens and shutters; or</p> <p>(g) cantilevered crane loading platforms,</p> <p>but excluding rigging work involving equipment, loads or tasks listed in item 3(2)(a) to (e) and item 4(2)(a) to (d).</p>
3.	Dogging work and rigging work, intermediate	<p>(1) Work included in the class of <i>Dogging work and rigging work, basic</i>.</p> <p>(2) Rigging work involving —</p> <p>(a) hoists with jibs and self-climbing hoists; or</p>

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<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
		(b) cranes, conveyors, dredges and excavators; or
		(c) tilt slabs; or
		(d) demolition of buildings, structures or plant; or
		(e) multi-crane hoisting, but excluding rigging work involving equipment listed in item 4(2)(a) to (d).
4.	Dogging and rigging work, advanced	(1) Work included in the class of <i>Dogging work and rigging work, intermediate</i> .
		(2) Rigging work involving —
		(a) gin poles and shear legs; or
		(b) flying foxes and cable ways; or
		(c) guyed derricks and structures; or
		(d) suspended scaffolds and fabricated hung scaffolds.

**Division 4 — Crane and hoist operation****6. Terms used in this Division**

In this Division —

**“boom-type elevating work platform”** has the meaning given in regulation 4.1;**“bridge crane”** has the meaning given in regulation 4.1;**“derrick crane”** means a slewing strut-boom crane with its boom pivoted at the base of a mast that is —

- (a) guyed (guy-derrick) or held by backstays (stiff-legged derrick); and
- (b) capable of luffing under load;

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**“gantry crane”** has the meaning given in regulation 4.1;

**“mobile crane”** has the meaning given in regulation 4.1;

**“non-slewing mobile crane”** means a mobile crane incorporating a boom or jib that cannot be slewed, and includes —

- (a) an articulated mobile crane; or
- (b) a locomotive crane,

but does not include vehicle tow trucks;

**“personnel and materials hoist”** means a hoist —

- (a) that is a cantilever hoist, a tower hoist or several winches configured to operate as a hoist; and
- (b) that is intended to carry goods, materials or people;

**“portal boom crane”** means a boom crane or a jib crane that is mounted on a portal frame that, in turn, is supported on runways along which the crane travels;

**“self-erecting tower crane”** means a crane —

- (a) that cannot be disassembled into a tower element and a boom or jib element; and
- (b) that is transported between sites as a complete unit; and
- (c) where the erection and dismantling processes are an inherent part of the crane’s function;

**“slewing mobile crane”** means a mobile crane incorporating a boom or jib that can be slewed, but does not include —

- (a) a front-end loader; or
- (b) a backhoe; or
- (c) an excavator; or
- (d) other earth moving equipment, when configured for crane operation;

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**r. 15**

**“tower crane”** means a boom crane or a jib crane mounted on a tower structure and —

- (a) the crane, if a jib crane, may be a horizontal or luffing jib type; and
- (b) the tower structure may be demountable or permanent,

but does not include a self-erecting tower crane;

**“vehicle loading crane”** has the meaning given in regulation 4.54(1);

**“vehicle-mounted concrete placing boom”** means a boom —

- (a) with 2 or more stages; and
- (b) mounted on a vehicle; and
- (c) able to be slewed or luffed; and
- (d) along which concrete is pumped by means of a pipe attached to, or incorporated within, the boom.

**7. Crane and hoist operation, classes of high risk work**

- (1) For the purposes of the Table item 5, the raising and lowering of a hoist is a single powered operation.
- (2) For the purposes of the Table item 14, the length of a boom is the greater of the following —
  - (a) the vertical distance from the surface supporting the boom-type elevating work platform to the floor of the platform, with the platform extended to its maximum height;
  - (b) the horizontal distance from the centre point of the boom’s rotation to the outer edge of the platform, with the platform extended to its maximum distance.

**Occupational Safety and Health Amendment Regulations (No. 3) 2007****r. 15****Table**

<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
1.	Crane and hoist operation, tower crane	The use of a tower crane.
2.	Crane and hoist operation, self-erecting tower crane	The use of a self-erecting tower crane.
3.	Crane and hoist operation, derrick crane	The use of a derrick crane.
4.	Crane and hoist operation, portal boom crane	The use of a portal boom crane.
5.	Crane and hoist operation, bridge crane/gantry crane	The use of a bridge crane or gantry crane that is — <ul style="list-style-type: none"> <li>(a) controlled from a permanent cabin or control station on the crane; or</li> <li>(b) remotely controlled and having more than 3 powered operations.</li> </ul>
6.	Crane and hoist operation, vehicle loading crane	The use of a vehicle loading crane with a capacity of 10 metre tonnes or more.
7.	Crane and hoist operation, non-slewing mobile crane	The use of a non-slewing mobile crane with a capacity of more than 3 tonnes.

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<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
8.	Crane and hoist operation, mobile crane, basic	The use of — <ul style="list-style-type: none"> <li>(a) a vehicle loading crane with a capacity of 10 metre tonnes or more; or</li> <li>(b) a non-slewing mobile crane with a capacity of more than 3 tonnes; or</li> <li>(c) a slewing mobile crane with a capacity of 20 tonnes or less.</li> </ul>
9.	Crane and hoist operation, mobile crane, intermediate	The use of — <ul style="list-style-type: none"> <li>(a) a vehicle loading crane with a capacity of 10 metre tonnes or more; or</li> <li>(b) a non-slewing mobile crane with a capacity of more than 3 tonnes; or</li> <li>(c) a slewing mobile crane with a capacity of 60 tonnes or less.</li> </ul>
10.	Crane and hoist operation, mobile crane, advanced	The use of — <ul style="list-style-type: none"> <li>(a) a vehicle loading crane with a capacity of 10 metre tonnes or more; or</li> <li>(b) a non-slewing mobile crane with a capacity of more than 3 tonnes; or</li> <li>(c) a slewing mobile crane with a capacity of 100 tonnes or less.</li> </ul>

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<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
11.	Crane and hoist operation, mobile crane, open class	The use of — (a) a vehicle loading crane with a capacity of 10 metre tonnes or more; or (b) a non-slewing mobile crane with a capacity of more than 3 tonnes; or (c) a slewing mobile crane.
12.	Crane and hoist operation, materials hoist	The use of a materials hoist where the vertical movement of the hoist's car, bucket or platform is more than 11 metres.
13.	Crane and hoist operation, personnel and materials hoist	The use of a personnel and materials hoist.
14.	Crane and hoist operation, boom-type elevating work platform	The use of a boom-type elevating work platform where the length of the boom is 11 metres or more.
15.	Crane and hoist operation, vehicle-mounted concrete placing boom	The use of a vehicle-mounted concrete placing boom.

**Division 5 — Forklift operation****8. Terms used in this Division**

In this Division —

**“forklift truck”** means a powered industrial truck equipped with lifting media made up of a mast and an elevating load carriage to which is attached a pair of forkarms;



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**“order-picking forklift truck”** means a forklift truck where the operator’s controls are incorporated with the lifting media and elevate with the lifting media.

**9. Forklift operation, classes of high risk work****Table**

<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
1.	Forklift operation, forklift truck	The use of a forklift truck other than an order-picking forklift truck.
2.	Forklift operation, order-picking forklift truck	The use of an order-picking forklift truck.

**Division 6 — Pressure equipment operation****10. Terms used in this Division**

In this Division —

**“boiler”** means —

- (a) a vessel, or an arrangement of vessels and interconnecting parts, in which steam or liquid is heated, at a pressure above that of the atmosphere, by the application of fire, the products of combustion, electrical power or similar means; and
- (b) the valves, gauges, fittings, controls, boiler setting and other equipment directly associated with those vessels,

but does not include —

- (c) a vessel that is able to operate deprived of all liquid and vapour that is intended to be heated; or
- (d) a direct fired process heater;

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**“direct fired process heater”** means an arrangement of coiled tubes, located inside the radiant zone or convection zone of a combustion chamber, through which process material (in the form of liquid, gas or a liquid/gas combination) moves and is heated, bringing about a petrochemical reaction in the process material;

**“reciprocating steam engine”** means equipment that is driven by steam acting on a piston causing the piston to move, and includes an expanding (steam) reciprocating engine;

**“turbine”** means equipment that is driven by steam acting on a turbine or rotor to cause a rotary motion.

**11. Pressure equipment operation, classes of high risk work**

For the purposes of the Table item 2, a boiler is not to be taken as being capable of being fired by multiple fuels simultaneously merely because —

- (a) it changes fuel types during start sequences; or
- (b) it is fired by different grades of the same fuel simultaneously.

**Table**

<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
1.	Pressure equipment operation, basic	The use of a boiler that has an output of more than 500 kilowatts other than a boiler with — <ul style="list-style-type: none"> <li>(a) modulating combustion air supply; or</li> <li>(b) modulating heat source; or</li> <li>(c) superheaters; or</li> <li>(d) economisers.</li> </ul>

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<b>Item</b>	<b>Class of high risk work</b>	<b>Description of class</b>
2.	Pressure equipment operation, intermediate	The use of a boiler that has an output of more than 500 kilowatts other than a boiler with — <ul style="list-style-type: none"> <li>(a) modulating combustion air supply; or</li> <li>(b) modulating heat source; or</li> <li>(c) superheaters; or</li> <li>(d) economisers,</li> </ul> that is capable of being fired by multiple fuels simultaneously.
3.	Pressure equipment operation, advanced	The use of a boiler that has an output of more than 500 kilowatts.
4.	Pressure equipment operation, turbine	The use of a turbine that has an output of 500 kilowatts or more and — <ul style="list-style-type: none"> <li>(a) is multi-wheeled; or</li> <li>(b) is capable of a speed greater than 3600 revolutions per minute; or</li> <li>(c) has attached condensers; or</li> <li>(d) has a multi-staged heat exchange extraction process.</li> </ul>
5.	Pressure equipment operation, reciprocating steam engine	The use of a reciprocating steam engine where the diameter of any piston is more than 250 millimetres.

**Occupational Safety and Health Amendment Regulations (No. 3) 2007****r. 15****Schedule 6.4 — Fees under Part 6**

[r. 6.5, 6.7, 6.9, 6.16, 6.21, 6.23, 6.25, 6.31 and 7.16(1) and (2)]

<b>Item</b>	<b>Type of fee</b>	<b>Fee</b>
1.	Application for licence (r. 6.5)	\$71.00 per class of high risk work to which the application relates
2.	Application for variation of licence (r. 6.7)	\$71.00 per class of high risk work to which the application relates
3.	Application for renewal of licence (r. 6.9)	\$60.00
4.	Application for duplicate licence document (r. 6.16)	\$45.00
5.	Application for registration (r. 6.21)	\$857.00
6.	Application for variation of registration (r. 6.23)	\$142.00
7.	Application for renewal of registration (r. 6.25)	\$428.00
8.	Application for duplicate certificate of registration (r. 6.31)	\$45.00
9.	Application for conversion to licence during transition (r. 7.16(1) and (2))	\$45.00

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By Command of the Governor,

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