Western Australia

Work Health and Safety (Mines) Regulations 2022

Compare between:

[10 Aug 2023, 00-e0-01] and [26 Mar 2024, 01-a0-00]

Work Health and Safety (Mines) Regulations 2022

Chapter 1 — Preliminary

Part 1.1 — Introductory matters

1. Citation

These regulations are the *Work Health and Safety (Mines) Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

(a) the regulations (other than regulations 58, 460(1), 473(2A), 475(2A), 477(1A) and 489(2) — on the day on which the *Work Health and Safety Act 2020* section 276 comes into operation;

(b) regulations 58, 460(1), 473(2A) and 475(2A) — on the day after the period of 2 years beginning on the day referred to in paragraph (a);

(c) regulations 477(1A) and 489(2) — on the day after the period of 12 months beginning on the day referred to in paragraph (a).

[Regulation 2 amended: SL 2023/22 r. 10.]

3. Not used

4. Not used

Notes for regulations 3 and 4:

1. These regulations are based on the *Model Work Health and Safety Regulations* (15 January 2019 version) published by the Parliamentary Counsel's Committee and the draft *Model Work Health and Safety (Mines) Regulations*. These regulations contain modifications of those model regulations for this State and for the mining industry.
2. The numbering of Chapters, Parts, Divisions and regulations in these regulations generally (but not always) corresponds to the numbering of Chapters, Parts, Divisions and regulations in those model regulations and the *Work Health and Safety (General) Regulations 2022*. To facilitate this correspondence —
   (a) some Chapter, Part, Division and regulation numbers are included in these regulations although they are not used for this State or for the mining industry; and
   (b) alphanumeric numbers are used in these regulations for some provisions that are inserted for this State.
3. Alphanumeric numbering used in those model regulations is also used in these regulations.

5. Terms used

In these regulations —

abrasive blasting means propelling a stream of abrasive material at high speed against a surface using compressed air, liquid, steam, centrifugal wheels or paddles to clean, abrade, etch or otherwise change the original appearance or condition of the surface;

ADG Code means the Australian Code for the Transport of Dangerous Goods by Road and Rail, approved by the Transport and Infrastructure Council, as in force or remade from time to time;

Notes for this definition:

1. If the ADG Code is amended or remade, a reference in these regulations to a provision of that document extends to the corresponding provision (if any) of the amended or remade document.
2. The ADG Code is accessible at www.ntc.gov.au.

administrative control —

(a) means a method of work, a process or a procedure designed to minimise risk; but

(b) does not include —

(i) an engineering control; or

(ii) the use of personal protective equipment;

Agvet Code, in Part 7.1, means the Agvet Code of Western Australia as defined in the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995* section 3;

airborne contaminant —

(a) means a contaminant in the form of a fume, mist, gas, vapour or dust; and

(b) includes micro-organisms;

alternate, for a key statutory position, means a person appointed to be an alternate for the position under regulation 675ZR;

applicable legislation examination, in relation to a statutory position or statutory certificate, means an examination conducted under regulation 675ZZH;

appropriate person, in relation to a statutory position, means a person who, subject to regulation 675ZS, meets the eligibility requirements for the position;

approved form means a form approved by the regulator and published on the regulator's website;

approved WHS risk management unit, for a statutory certificate or statutory position, has the meaning given in regulation 675ZZJ(1);

article means a manufactured item, other than a fluid or particle, that —

(a) is formed into a particular shape or design during manufacture; and

(b) has hazard properties and a function that are wholly or partly dependent on the shape or design;

AS 2601 means AS 2601-2001 (The demolition of structures);

AS 3850, in Part 6.3 Division 4, has the meaning given in regulation 306A;

asbestos —

(a) means the asbestiform variety of any mineral silicate belonging to the serpentine or amphibole group of rock-forming minerals; and

(b) includes the asbestiform variety of the following —

(i) actinolite;

(ii) grunerite or amosite (known as brown asbestos);

(iii) anthophyllite;

(iv) chrysotile (known as white asbestos);

(v) crocidolite (known as blue asbestos);

(vi) tremolite;

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos;

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos;

asbestos management plan has the meaning given in regulation 429 or 432;

asbestos register has the meaning given in regulation 425;

asbestos-related work means work involving asbestos (other than asbestos removal work to which Part 8.7 applies) that is permitted under the exceptions set out in regulation 419(3), (4) and (5);

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence;

asbestos removal work means —

(a) work involving the removal of asbestos or ACM; or

(b) in Part 8.10, Class A asbestos removal work or Class B asbestos removal work;

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work;

asbestos waste means asbestos or ACM removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools;

Australian university has the meaning given in the *Higher Education Act 2004* section 3;

authorised mine surveyor's certificate (grade 1) means the statutory certificate referred to in Schedule 27 clause 7;

authorised mine surveyor's certificate (grade 2) means the statutory certificate referred to in Schedule 27 clause 8;

authorised mine surveyor (quarry operation) means a person appointed to the statutory position set out in Schedule 26 clause 15 for a mine;

authorised mine surveyor (underground) means a person appointed to the statutory position set out in Schedule 26 clause 12 for a mine;

biological monitoring means —

(a) the measurement and evaluation of a substance, or its metabolites, in the body tissue, fluids or exhaled air of a person exposed to the substance; or

(b) blood lead level monitoring;

blood lead level means the concentration of lead in whole blood expressed in micromoles per litre (μmol/L) or micrograms per decilitre (μg/dL);

blood lead level monitoring means the testing of the venous or capillary blood of a person by a laboratory accredited by NATA, under the supervision of a registered medical practitioner, to determine the blood lead level;

boiler —

(a) means —

(i) a vessel, or an arrangement of vessels and interconnecting parts, in which steam or vapour is generated or in which water or other liquid is heated at a pressure above that of the atmosphere by the application of fire, the products of combustion, electrical power or similar high temperature means; and

(ii) the superheaters, reheaters, economisers, boiler piping, supports, mountings, valves, gauges, fittings, controls, boiler setting and other equipment directly associated with those vessels;

but

(b) does not include —

(i) except in Schedules 3 and 4, a fully flooded or pressurised system where water or another liquid is heated to a temperature lower than the normal atmospheric boiling temperature of the liquid; or

(ii) for the purposes of Parts 5.2 and 5.3 and in Schedules 3 and 4, a boiler designed or manufactured to the codes specified in the Table;

Table

1.	AMBSC Part 1 — Australian Miniature Boiler Safety Committee Code for Copper Boilers
2.	AMBSC Part 2 — Australian Miniature Boiler Safety Committee Code for Steel Boilers
3.	AMBSC Part 3 — Australian Miniature Boiler Safety Committee Code for Sub-Miniature Boilers

4.	AMBSC Part 4 — Australian Miniature Boiler Safety Committee Code for Duplex Steel Boilers; or

or

(iii) in Schedules 3 and 4 — a heater or boiler specified in the Table;

Table

1.	direct fired process heater
2.	boiler with less than 500 kW output
3.	unattended boiler certified in compliance with AS 2593:2004 (Boilers — Safety management and supervision systems)

boom-type elevating work platform means a telescoping device, hinged device, or articulated device, or any combination of these, used to support a platform on which personnel, equipment and materials may be elevated;

bridge crane means a crane that —

(a) consists of a bridge beam or beams, that are mounted to end carriages at each end; and

(b) is capable of travelling along elevated runways; and

(c) has 1 or more hoisting mechanisms arranged to traverse across the bridge;

building maintenance equipment —

(a) means a suspended platform and associated equipment, including a building maintenance unit or a swing stage, that incorporates permanently installed overhead supports to provide access to the faces of a building for maintenance; but

(b) does not include a suspended scaffold;

building maintenance unit means a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance;

capacity, of a container (in Chapter 7), means the internal volume of the container at a temperature of 15°C expressed in litres;

card holder has the meaning given in the *Work Health and Safety (General) Regulations 2022* regulation 5;

certificate of medical fitness means a certificate of medical fitness that complies with regulation 169;

certification, in relation to a specified VET course, means —

(a) in the case of high risk work —

(i) a notice of satisfactory assessment stating that the person to whom it is issued has successfully completed the specified VET course; or

(ii) an equivalent notice issued by a corresponding RTO;

and

(b) in every case —

(i) a statement of attainment issued by an RTO stating that the person to whom it is issued has successfully completed the specified VET course; or

(ii) an equivalent statement issued by a corresponding RTO;

chemical identity means a name, in accordance with the nomenclature systems of the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service, or a technical name, that gives a chemical a unique identity;

class means —

(a) in relation to high risk work — a class of work specified in Schedule 3;

(b) in relation to demolition work — Class 1 demolition work or Class 2 demolition work;

(c) in relation to asbestos removal work — Class A asbestos removal work or Class B asbestos removal work;

Class 1 demolition licence means a licence that authorises the carrying out of Class 1 demolition work by or on behalf of the licence holder, granted under the *Work Health and Safety (General) Regulations 2022* regulation 142R;

Class 1 demolition work has the meaning given in regulation 142B(1);

Class 2 demolition licence means a licence that authorises the carrying out of Class 2 demolition work by or on behalf of the licence holder, granted under the *Work Health and Safety (General) Regulations 2022* regulation 142R;

Class 2 demolition work has the meaning given in regulation 142C(1);

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder, granted under the *Work Health and Safety (General) Regulations 2022* regulation 497;

Class A asbestos removal work means work that is required to be licensed under regulation 485;

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder, granted under the *Work Health and Safety (General) Regulations 2022* regulation 497;

Class B asbestos removal work —

(a) means work that is required to be licensed under regulation 487; but

(b) does not include Class A asbestos removal work;

clearance certificate has the meaning given in regulation 474(2);

clearance inspection has the meaning given in regulation 473(1A);

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

(a) suspended in air or settle out of the atmosphere under their own weight; and

(b) able to burn or glow in air; and

(c) able to form an explosive mixture with air at atmospheric pressure and normal temperature;

combustible substance means a substance that is combustible, and includes dust, fibres, fumes, mists or vapours produced by the substance;

Examples for this definition:

Wood, paper, oil, iron filings.

competent person —

(a) for inspection and testing of electrical equipment — means a person who has satisfactorily completed a competency-assessed training course on testing and tagging using the pass-fail type of electrical instrument known as a portable appliance tester;

(b) for demolition work — means a person who —

(i) has been trained by an RTO in safe methods of demolition work; and

(ii) in the case of supervision of the work — has appropriate experience in the conduct or supervision of demolition work authorised by the relevant demolition licence;

(c) for general diving work — has the meaning given in regulations 174 and 177;

(d) for a major inspection of a mobile crane or a tower crane under regulation 235 — has the meaning given in regulation 235(1B);

(e) *[not used]*

(f) *[not used]*

(g) for a clearance inspection under regulation 473 — a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds —

(i) a certification in relation to the specified VET course for asbestos assessor work; or

(ii) a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health;

(h) for any other case — a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task;

concrete panel, in Part 6.3 Division 4, has the meaning given in regulation 306A;

concrete placing boom 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;

confined space —

(a) means an enclosed or partially enclosed space that —

(i) is not designed or intended primarily to be occupied by a person; and

(ii) is, or is designed or intended to be, at normal atmospheric pressure while any person is in the space; and

(iii) is or is likely to be a risk to health and safety from anything specified in the Table;

Table

1.	an atmosphere that does not have a safe oxygen level

2.	contaminants, including airborne gases, vapours and dusts, that may cause injury from fire or explosion
3.	harmful concentrations of any airborne contaminants
4.	engulfment

but

(b) does not include a space in which excavation work is carried out in an underground mine;

confined space entry permit means a confined space entry permit issued under regulation 67;

construction project has the meaning given in regulation 292;

construction site means a workplace where construction work is being carried out;

construction work has the meaning given in regulation 289;

consumer product means a thing that —

(a) is packed or repacked primarily for use by a household consumer or for use in an office; and

(b) if the thing is packed or repacked primarily for use by a household consumer — is packed in the way and quantity in which it is intended to be used by a household consumer; and

(c) if the thing is packed or repacked primarily for use in an office — is packed in the way and quantity in which it is intended to be used for office work;

container, in relation to a hazardous chemical, means anything —

(a) in or by which a hazardous chemical is, or has been, wholly or partly covered, enclosed or packed, including anything necessary for the container to perform its function as a container; and

(b) which is a receptacle with a capacity —

(i) if the receptacle holds a solid — of less than 500 kilograms; or

(ii) if the receptacle holds a liquid — of less than 500 litres;

contaminant means any substance that may be harmful to health or safety;

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk;

conveyor —

(a) means equipment or apparatus operated by power other than manual power and by which loads are raised, lowered or transported or capable of being raised, lowered, transported, or continuously driven, by any of the following —

(i) an endless belt, rope or chain or other similar means;

(ii) buckets, trays or other containers or fittings moved by an endless belt, rope, chain or similar means;

(iii) a rotating screw;

(iv) a vibration or walking beam;

(v) a powered roller conveyor if the rollers are driven by an endless belt, rope or chain or other similar means;

and

(b) includes the superstructure, gear and auxiliary equipment used in connection with that equipment or apparatus;

correct classification means the set of hazard classes and hazard categories assigned to a hazardous chemical when it is correctly classified;

Note for this definition:

Schedule 9 Division 1 sets out when a hazardous chemical is correctly classified.

crane —

(a) means an appliance intended for raising or lowering a load and moving it horizontally; and

(b) includes the supporting structure of the crane and its foundations; but

(c) does not include any of the following —

(i) an industrial lift truck;

(ii) earthmoving machinery;

(iii) *[not used]*

(iv) a tractor;

(v) an industrial robot;

(vi) a conveyor;

(vii) building maintenance equipment;

(viii) a suspended scaffold;

(ix) a lift;

Note for this definition:

Regulation 81 applies to require high risk work licences when earthmoving machinery is used as a crane.

current certificate of medical fitness means a certificate of medical fitness that —

(a) was issued within the past 12 months; and

(b) has not expired or been revoked;

de-energised, in relation to a part of an electrical installation, has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

demolition licence means a Class 1 demolition licence or a Class 2 demolition licence;

demolition work —

(a) means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure; but

(b) does not include —

(i) the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work; or

(ii) the removal of power, light or telecommunication poles; or

(iii) the demolition of geotechnical structures at a mine;

deputy's certificate for underground coal mines means the statutory certificate referred to in Schedule 27 clause 5;

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;

designer, in relation to plant, a substance or a structure, has the same meaning as it has in section 22 of the Act;

direct fired process heater means an arrangement of 1 or more coils, located in the radiant zone or convection zone, or both, of a combustion chamber, the primary purpose of which is to raise the temperature of a process fluid circulated through the coils, to allow distillation, fractionalism, reaction or other petrochemical processing of the process fluid, whether that fluid is liquid or gas, or a combination of liquid and gas;

dogging work means —

(a) the application of slinging techniques, including the selection and inspection of lifting gear, to safely sling a load; or

(b) the directing of a plant operator in the movement of a load when the load is out of the operator's view;

duty holder, in Part 3.1, means a person referred to in regulation 32;

EANx, in Part 4.8, means a mixture of oxygen and nitrogen in which the volume of oxygen is at least 22%;

earthmoving machinery —

(a) means operator controlled plant used to excavate, load, transport, compact or spread earth, overburden, rubble, spoil, aggregate or similar material; but

(b) does not include a tractor or industrial lift truck;

electrical equipment has the meaning given in regulation 144 (and regulation 148 for Part 4.7 Division 3);

electrical installation has the meaning given in regulation 145 (and regulation 148 for Part 4.7 Division 3);

electrical risk means risk to a person of death, shock or other injury caused directly or indirectly by electricity;

electrical supervisor means a person appointed to the statutory position set out in Schedule 26 clause 5 for a mine;

electrical work has the meaning given in regulation 146;

eligibility requirements —

(a) for a site senior executive — means the eligibility requirements set out in regulation 675ZI(1); and

(b) for an exploration manager — means the eligibility requirements set out in regulation 675ZM(1); and

(c) for an alternate to a site senior executive — means the eligibility requirements set out in regulation 675ZR(1); and

(d) for a Schedule 26 position — means the eligibility requirements for the position set out in Schedule 26; and

(e) for a Schedule 27 certificate — means the eligibility requirements for the certificate set out in Schedule 27;

emergency service organisation means —

(a) a bush fire brigade established under the *Bush Fires Act 1954* section 41(1);

(b) a permanent or volunteer fire brigade formed under the *Fire Brigades Act 1942* section 26(a);

(c) an SES Unit approved under the *Fire and Emergency Services Act 1998* section 18C(1);

(d) a VMRS Group approved under the *Fire and Emergency Services Act 1998* section 18H(1);

(e) an FES Unit approved under the *Fire and Emergency Services Act 1998* section 18M(1);

emergency service worker means —

(a) an officer or member of an emergency service organisation; or

(b) a person employed or engaged as an operational staff member under the *Fire and Emergency Services Act 1998* section 20(1)(b);

enclosed workplace, in Part 3.2 Division 7A, has the meaning given in regulation 50B;

energised, in relation to a part of an electrical installation, has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

engineering control means a control measure that is physical in nature, including a mechanical device or process;

entry, by a person into a confined space, means the person's head or upper body is in the confined space or within the boundary of the confined space;

essential services means the supply of —

(a) gas, water, sewerage, telecommunications, electricity and similar services; or

(b) chemicals, fuel and refrigerant in pipes or lines;

excavation —

(a) means a trench, tunnel or shaft; but

(b) does not include —

(i) a mine; or

(ii) a bore to which the *Water Services Act 2012* applies; or

(iii) a trench for use as a place of interment;

excavation work means work to —

(a) make an excavation; or

(b) fill or partly fill an excavation;

exploration manager means a person appointed under regulation 675ZM;

exploration operations —

(a) means any exploration activity, whether offshore or on land; but

(b) does not include the following —

(i) any work involving underground operations;

(ii) removing of any material from trial pits beyond the extent permitted under the tenement conditions;

(iii) remote sensing activity carried out using airborne or satellite mounted equipment (except for ground based activity in support of the remote sensing activity);

exposure standard, except in Part 4.1, means an exposure standard in the Workplace Exposure Standards for Airborne Contaminants;

exposure standard for noise has the meaning given in regulation 56;

externally-controlled plant —

(a) means plant that is controlled or operated other than by an operator located on or touching the plant; and

(b) includes autonomous, semi-autonomous and remote-controlled plant;

external review means an external review under Part 11.1;

fall arrest system means plant or material designed to arrest a fall;

Examples for this definition:

An industrial safety net, a catch platform, a safety harness system (other than a system that relies entirely on a restraint technique system).

fault, in relation to plant, means a break or defect that may cause the plant to present a risk to health and safety;

female of reproductive capacity, in Part 7.2, means a female other than a female who provides information stating that she is not of reproductive capacity;

first class mine manager's certificate for coal mines means the statutory certificate referred to in Schedule 27 clause 1;

first class mine manager's certificate for non-coal mines means the statutory certificate referred to in Schedule 27 clause 2;

fitness criteria, in relation to diving work, means the fitness criteria specified in clause M4 of Appendix M to AS/NZS 2299.1:2015 (Occupational diving operations — Standard operational practice);

flammable gas has the same meaning as it has in the GHS;

forklift truck, in Schedules 3 and 4 —

(a) 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 fork arms or other arms that can be raised 900 mm or more above the ground; but

(b) does not include a pedestrian-operated truck or a pallet truck;

friable asbestos means material that —

(a) is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry; and

(b) contains asbestos;

gantry crane means a crane that —

(a) consists of a bridge beam or beams supported at 1 or both ends by legs mounted to end carriages; and

(b) is capable of travelling on supporting surfaces or deck levels, whether fixed or not; and

(c) has a crab with 1 or more hoisting units arranged to travel across the bridge;

gas cylinder means a rigid vessel —

(a) that does not exceed 3 000 litres water capacity and is without openings or integral attachments on the shell other than at the ends; and

(b) that is designed for the storage and transport of gas under pressure; and

(c) that is covered by AS 2030.1:2009 (Gas cylinders — General requirements);

general construction induction training means training delivered in Australia by an RTO for the specified VET course for general construction induction training;

general construction induction training card has the meaning given in the *Work Health and Safety (General) Regulations 2022* regulation 5;

general construction induction training certification means a certification for the completion of the specified VET course for general construction induction training;

general diving work —

(a) means work carried out in or under water while breathing compressed gas; and

(b) includes —

(i) incidental diving work; and

(ii) limited scientific diving work;

but

(c) does not include high risk diving work;

genuine research means systematic investigative or experimental activities that are carried out for either acquiring new knowledge (whether or not the knowledge will have a specific practical application) or creating new or improved materials, products, devices, processes or services;

geotechnical structure —

(a) means a structure at a mine constructed by excavating, using or placing 1 or more of the following —

(i) rocks;

(ii) soil;

(iii) mine waste;

(iv) back-filling material;

(v) tailings;

and

(b) includes the following —

(i) embankments;

(ii) foundations;

(iii) mine waste dumps;

(iv) ore stock piles;

(v) trenches;

(vi) tailings storage facilities;

(vii) underground and surface openings;

GHS means the *Globally Harmonised System of Classification and Labelling of Chemicals*, Seventh revised edition, published by the United Nations as modified under Schedule 6;

Note for this definition:

The Schedule 6 Tables replace some tables in the GHS.

hazard category means a division of criteria within a hazard class in the GHS;

hazard class means the nature of a physical, health or environmental hazard under the GHS;

hazardous area means an area in which —

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

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

hazardous chemical means a substance, mixture or article that satisfies the criteria for any 1 or more hazard classes in the GHS (including a classification referred to in Schedule 6), unless the only hazard class or classes for which the substance, mixture or article satisfies the criteria are any 1 or more of the following —

(a) acute toxicity — oral — category 5;

(b) acute toxicity — dermal — category 5;

(c) acute toxicity — inhalation — category 5;

(d) skin corrosion/irritation — category 3;

(e) aspiration hazard — category 2;

(f) flammable gas — category 2;

(g) acute hazard to the aquatic environment — category 1, 2 or 3;

(h) chronic hazard to the aquatic environment — category 1, 2, 3 or 4;

(i) hazardous to the ozone layer;

Note for this definition:

The Schedule 6 Tables replace some tables in the GHS.

hazardous manual task means a task that requires a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any person, animal or thing that involves 1 or more of the following —

(a) repetitive or sustained force;

(b) high or sudden force;

(c) repetitive movement;

(d) sustained or awkward posture;

(e) exposure to vibration;

Examples for this definition:

1. A task requiring a person to restrain live animals.
2. A task requiring a person to lift or move loads that are unstable or unbalanced or are difficult to grasp or hold.
3. A task requiring a person to sort objects on a conveyor belt.

hazard pictogram means a graphical composition, including a symbol plus other graphical elements, that is assigned in the GHS to a hazard class or hazard category;

hazard statement means a statement assigned in the GHS to a hazard class or hazard category describing the nature of the hazards of a hazardous chemical including, if appropriate, the degree of hazard;

head or upper body means the area of a person's body at or above the person's shoulders;

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances;

heritage boiler means a boiler that —

(a) was manufactured before 1952; and

(b) is used for a historical purpose or activity, including an activity that is ancillary to a historical activity;

Examples for this paragraph:

1. Historical activity: a historical display, parade, demonstration or re-enactment.
2. Activity ancillary to a historical activity: restoring, maintaining, modifying, servicing, repairing or housing a boiler used, or to be used, for a historical activity.

high risk construction work has the meaning given in regulation 291;

high risk diving work —

(a) means work —

(i) carried out in or under water or any other liquid while breathing compressed gas; and

(ii) involving 1 or more of the types of work specified in the Table;

Table

1.	construction work
2.	work of the kind described in regulation 289(3)(d)
3.	inspection work carried out in order to determine whether or not work described in item 1 or 2 is necessary
4.	the recovery or salvage of a large structure or large item of plant for commercial purposes

Notes for this Table:

1. Work referred to in item 2 includes some additional construction-related activities.
2. For construction work generally, see Chapter 6. For the meaning of construction work, see regulation 289.

but

(b) does not include minor work carried out in the sea or the waters of a bay or inlet or a marina that involves cleaning, inspecting, maintaining or searching for a vessel or mooring;

high risk mining activity means an activity specified in Schedule 23 column 2;

high risk work means any work set out in Schedule 3 as being within the scope of a high risk work licence;

high risk work licence means any of the licences listed in Schedule 3 granted under the *Work Health and Safety (General) Regulations 2022* regulation 89;

high voltage means voltage exceeding 1 000 V a.c. or 1 500 V d.c.;

high voltage operator means a person appointed to the statutory position set out in Schedule 26 clause 6 for a mine;

high voltage vicinity permit has the meaning given in Schedule 26 clause 6(2)(a);

hoist —

(a) means an appliance intended for raising or lowering a load or people; and

(b) includes an elevating work platform, a mast climbing work platform, personnel and materials hoist, scaffolding hoist and serial hoist; but

(c) does not include a lift or building maintenance equipment;

ignition source means a source of energy capable of igniting flammable or combustible substances;

importer, in relation to plant, a substance or a structure, has the same meaning as it has in section 24 of the Act;

incidental diving work means general diving work that —

(a) is incidental to the conduct of the business or undertaking in which the diving work is carried out; and

Example for this paragraph:

Acting underwater is incidental to the business or undertaking of filming.

(b) involves limited diving;

independent, in relation to clearance inspections and air monitoring under Chapter 8, means —

(a) not involved in the removal of the asbestos in relation to which the inspection or monitoring is conducted; and

(b) not involved in a business or undertaking involved in the removal of the asbestos in relation to which the inspection or monitoring is conducted;

industrial lift truck —

(a) means powered mobile plant, designed to move goods, materials or equipment that is equipped with an elevating load carriage and is in the normal course of use equipped with a load-holding attachment; but

(b) does not include a mobile crane or earthmoving machinery;

industrial robot means plant that is a multifunctional manipulator and its controllers, capable of handling materials, parts or tools, or specialised devices, through variable programmed motions for the performance of a variety of tasks;

inrush means the rushing into a place of water, slurry, rocks, gases or other substances at a rate that is fast enough to cause harm to persons;

in situ asbestos —

(a) means asbestos or ACM fixed or installed in a structure, equipment or plant; but

(b) does not include naturally occurring asbestos;

internal review means internal review under Part 11.1;

in transit, in relation to a thing, means that the thing —

(a) is supplied to, or stored at, a workplace in containers that are not opened at the workplace; and

(b) is not used at the workplace; and

(c) is kept at the workplace for not more than 5 consecutive days;

key statutory position means —

(a) a site senior executive; or

(b) an exploration manager; or

(c) if the mine is an underground non-coal mine — an underground manager (non-coal); or

(d) if the mine is an underground coal mine — an underground manager (coal); or

(e) if the mine is a mine for which a quarry manager must be appointed under Schedule 26 clause 14 — a quarry manager;

lead means lead metal, lead alloys, inorganic lead compounds and lead salts of organic acids;

lead process has the meaning given in regulation 392;

lead process area means a workplace or part of a workplace where a lead process is carried out;

lead risk work has the meaning given in regulation 394;

licence holder means —

(a) in the case of a high risk work licence — the person who is licensed under the *Work Health and Safety (General) Regulations 2022* regulation 89 to carry out the work; or

(b) in the case of demolition work — the person who is licensed under the *Work Health and Safety (General) Regulations 2022* regulation 142R to carry out the demolition work; or

(c) in the case of an asbestos assessor licence — the person who is licensed under the *Work Health and Safety (General) Regulations 2022* regulation 497 —

(i) to carry out air monitoring during Class A asbestos removal work; and

(ii) to carry out clearance inspections of Class A asbestos removal work; and

(iii) to issue clearance certificates in relation to Class A asbestos removal work;

or

(d) in the case of an asbestos removal licence — the person conducting the business or undertaking to whom the licence is granted under the *Work Health and Safety (General) Regulations 2022* regulation 497;

licensed asbestos assessor means a person who holds an asbestos assessor licence granted under the *Work Health and Safety (General) Regulations 2022* regulation 497;

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety (General) Regulations 2022* to carry out Class A asbestos removal work or Class B asbestos removal work;

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required;

licensed surveyor has the meaning given in the *Licensed Surveyors Act 1909* section 3(1);

lift —

(a) 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

(b) includes —

(i) a chairlift and stairway lift; and

(ii) any supporting structure, machinery, equipment, gear, lift well, enclosures and entrances;

but

(c) does not include a winder;

limited diving means diving that does not involve any of the following —

(a) diving to a depth below 30 metres;

(b) the need for a decompression stop;

(c) the use of mechanical lifting equipment or a buoyancy lifting device;

(d) diving beneath anything that would require the diver to move sideways before being able to ascend;

(e) the use of plant that is powered from the surface;

(f) diving for more than 28 days during a period of 6 months;

limited scientific diving work means general diving work that —

(a) is carried out for the purpose of professional scientific research, natural resource management or scientific research as an educational activity; and

(b) involves only limited diving;

lower explosive limit (LEL), in relation to a flammable gas, vapour or mist, means the concentration of the gas, vapour or mist in air below which the propagation of a flame does not occur on contact with an ignition source;

maintain, in relation to plant or a structure in Chapter 5, includes repair or servicing of plant or a structure;

manufacturer, in relation to plant, a substance or a structure, has meaning given in section 23(1) of the Act;

mast climbing work platform means a hoist with a working platform used for temporary purposes to raise personnel and materials to the working position by means of a drive system mounted on an extendable mast that may be tied to a structure;

materials hoist means a hoist that —

(a) consists of a car, bucket or platform cantilevered from, and travelling up and down outside, a face of the support of a structure; and

(b) is used for hoisting things and substances but not persons;

medical examination notice, in Part 3.2 Division 12, has the meaning given in regulation 55E;

medical treatment —

(a) means the management or care of a patient; and

(b) includes the following —

(i) the suturing of a wound;

(ii) the treatment of fractures;

(iii) the treatment of bruises by drainage of blood;

(iv) the treatment of second- and third-degree burns;

but

(c) does not include diagnostic procedures, observation, counselling, first aid or therapeutic measures taken solely for preventative purposes;

membrane filter method means the membrane filter method described in the *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres [NOHSC:3003 (2005)]*;

mine has the meaning given in regulation 5A;

mine air quality officer means a person appointed to the statutory position set out in Schedule 26 clause 4 for a mine;

mine emergency worker means a person appointed under regulation 670B;

mine operator has the meaning given in regulation 5C;

mineral does not include natural gas or mineral oil in a free state;

mine safety management system, for a mine, means a mine safety management system established for the mine under regulation 621(1);

mine shaft means a partially or fully completed vertical or steeply inclined way or opening into or within a mine —

(a) through which a person or object is lowered; or

(b) that is used for ventilation or similar purposes;

mine shaft conveyance means a conveyance that is connected to a winding system;

Mining Competence Advisory Committee means the Mining Competence Advisory Committee established under regulation 698B(1);

mining operations has the meaning given in regulation 5B;

mining practice examination, for a statutory certificate, means an examination conducted under regulation 675ZZN;

mining safety legislation means —

(a) the Act; and

(b) the *Dangerous Goods Safety Act 2004* to the extent that it relates to the storage and use of explosives at mines;

mixture, in Part 7.1, means a combination of, or a solution composed of, 2 or more substances that do not react with each other;

mobile crane means a crane capable of travelling over a supporting surface without the need for fixed runways and relying only on gravity for stability;

musculoskeletal disorder —

(a) means an injury to, or disease of, the musculoskeletal system, whether occurring suddenly or over time; but

(b) does not include an injury caused by crushing, entrapment or cutting resulting principally from the mechanical operation of plant;

NATA means the National Association of Testing Authorities, Australia;

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else;

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil;

network operator has the meaning given in the *Electricity Act 1945* section 5(1);

noise officer means a person appointed to the statutory position set out in Schedule 26 clause 2 for a mine;

non-friable asbestos —

(a) means material containing asbestos that is not friable asbestos; and

(b) includes material containing asbestos fibres reinforced with a bonding compound;

Note for this definition:

Non-friable asbestos may become friable asbestos through deterioration (see the definition of ***friable asbestos***).

non-slewing mobile crane —

(a) means a mobile crane incorporating a boom or jib that cannot be slewed; and

(b) includes —

(i) an articulated mobile crane; or

(ii) a locomotive crane;

but

(c) does not include vehicle tow trucks;

notice of satisfactory assessment means a notice stating that the person to whom it is issued has successfully completed a specified VET course;

operator protective device includes a roll-over protective structure, falling object protective structure, operator restraining device and seat belt;

order-picking forklift truck, in Schedules 3 and 4, means a forklift truck where the operator's controls are incorporated with the lifting media and elevate with the lifting media;

passenger ropeway —

(a) means a powered ropeway used for transporting, in a horizontal or inclined plane, passengers moved by a carrier that is —

(i) attached to or supported by a moving rope; or

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

and

(b) includes, in relation to the powered ropeway, the prime mover, any associated transmission machinery and any supporting structure and equipment; but

(c) does not include any of the following —

(i) a cog railway;

(ii) a cable car running on rails;

(iii) a flying fox or similar device;

(iv) *[not used]*

Examples for this paragraph:

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

personal protective equipment —

(a) means anything used or worn by a person to minimise risk to the person's health and safety; and

(b) includes air supplied respiratory equipment;

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;

person with management or control of plant at a workplace means a person with management or control of fixtures, fittings or plant at a workplace as defined in section 21(1) of the Act;

person with management or control of a workplace has the meaning given in section 20(1) of the Act;

pipeline means pipe work that crosses a boundary of a workplace, beginning or ending at the nearest fluid or slurry control point (along the axis of the pipeline) to the boundary;

pipe work means a pipe or assembly of pipes, pipe fittings, valves and pipe accessories used to convey a hazardous chemical;

plant, in Parts 5.2 and 5.3, includes a structure;

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;

powered mobile plant means plant that is provided with some form of self-propulsion that is ordinarily under the direct control of an operator;

precautionary statement means a phrase prescribed by the GHS that describes measures that are recommended to be taken to prevent or minimise —

(a) the adverse effects of exposure to a hazardous chemical; or

(b) improper handling of a hazardous chemical;

presence-sensing safeguarding system includes —

(a) a sensing system that uses 1 or more forms of radiation either self-generated or otherwise generated by pressure; and

(b) the interface between the final switching devices of the sensing system and the machine primary control elements; and

(c) the machine stopping capabilities, by which the presence of a person or part of a person within the sensing field will cause the dangerous parts of a machine to be brought to a safe state;

pressure equipment means boilers, pressure vessels and pressure piping;

pressure piping —

(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

(c) does not include —

(i) a boiler or pressure vessel; or

(ii) piping to which another written law applies;

pressure vessel —

(a) means a vessel subject to internal or external pressure; and

(b) includes —

(i) interconnected parts and components, valves, gauges and other fittings up to the first point of connection to connecting piping; and

(ii) fired heaters; and

(iii) gas cylinders;

but

(c) does not include a boiler or pressure piping;

principal contractor, in relation to a construction project, has the meaning given in regulation 293;

product identifier means the name or number used to identify a product on a label or in a safety data sheet;

prohibited carcinogen means a substance —

(a) listed in Schedule 10 Table 10.1 column 2; and

(b) present in a concentration of —

(i) for a solid or liquid — 0.1% or more, determined as a weight/weight (w/w) concentration; and

(ii) for a gas — 0.1% or more, determined as a volume/volume (v/v) concentration;

psychosocial hazard has the meaning given in regulation 55A;

psychosocial risk has the meaning given in regulation 55B;

quantity, in Chapter 7, means —

(a) for a hazardous chemical that is not a liquid or a gas or a gas under pressure and is in a container or storage or handling system — the mass in kilograms of the hazardous chemical in the container or storage or handling system; and

(b) for a hazardous chemical that is a liquid and is not a gas under pressure and is in a container or storage or handling system — the net capacity in litres of the container or storage or handling system; and

(c) for a hazardous chemical that is a gas or gas under pressure in a container or storage or handling system — the water capacity in litres of the container or storage or handling system; and

(d) for a hazardous chemical that is a thing and is not a gas — the net capacity of the part of the thing that comprises a hazardous chemical;

quarry —

(a) means a surface mining operation in which mineral, rock or soil is extracted from the earth by excavating into a natural surface gradient; and

(b) includes —

(i) harvesting evaporites; and

(ii) strip mining; and

(iii) extraction of sand, clay and gravel; and

(iv) hydraulic mining;

quarry manager means a person appointed to the statutory position set out in Schedule 26 clause 14 for a mine;

quarry manager's certificate means the statutory certificate referred to in Schedule 27 clause 3;

quarry operation —

(a) includes —

(i) activities associated with the extraction of soil, minerals or rock from a quarry; and

(ii) roads and waste dumps associated with a quarry;

but

(b) does not include administrative or engineering services or the operation of a treatment plant;

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October;

radiation safety officer means a person appointed to the statutory position set out in Schedule 26 clause 1 for a mine;

reach stacker means a powered reach stacker that incorporates an attachment for lifting and lowering a shipping container;

reciprocating steam engine —

(a) means equipment that is driven by steam acting on a piston causing the piston to move; and

(b) includes an expanding (steam) reciprocating engine;

registered medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

registered training organisation (RTO) means a training organisation listed as a registered training organisation on the National Register established under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth);

relevant competence committee means —

(a) in relation to a statutory surveyor certificate or statutory surveyor position — the Surveyors Competence Advisory Committee; or

(b) otherwise — the Mining Competence Advisory Committee;

reportable incident means any of the following that is not a notifiable incident —

(a) an incident that results in illness or injury that requires medical treatment;

(b) a significant seismic event;

(c) extensive subsidence;

(d) an air blast in an underground mine;

(e) an unplanned event that causes only 1 exit from an underground mine to be available for use;

(f) damage to any plant, building or structure so as to impede its safe operations;

(g) damage to, or failure of, any part of a winding system, mine shaft conveyance, mine shaft or shaft plant;

(h) control is lost over a vehicle or other plant, or it unintentionally activates, moves or fails to stop;

(i) plant makes contact with an energised high voltage source;

(j) an accidental ignition or detonation of explosives;

(k) a delayed or fast ignition of explosives;

(l) fly rock from a blast —

(i) is ejected outside the area cleared of people during the blast; or

(ii) lands near a person;

(m) an unplanned immersion of a person in liquid;

(n) a thing in an underground mine spontaneously combusts;

(o) a person is adversely affected by an exposure to a toxic substance, including a gas, fumes, a vapour or poison;

(p) a person loses consciousness because of a workplace incident;

(q) a person attempts suicide at a mine or a place associated with a mine, including at accommodation for a worker at the mine;

(r) a workplace incident that could have caused serious harm to a person, plant or structure;

research chemical means a substance or mixture that —

(a) is manufactured in a laboratory for genuine research; and

(b) is not for use or supply for a purpose other than analysis or genuine research;

respirable asbestos fibre means an asbestos fibre that —

(a) is less than 3 micrometres wide; and

(b) more than 5 micrometres long; and

(c) has a length to width ratio of more than 3:1;

restricted carcinogen means a substance —

(a) listed in Schedule 10 Table 10.2 column 2 for a use listed in column 3; and

(b) present in a concentration of —

(i) for a solid or liquid — 0.1% or more, determined as a weight/weight (w/w) concentration; and

(ii) for a gas — 0.1% or more, determined as a volume/volume (v/v) concentration;

restricted quarry manager's certificate means the statutory certificate referred to in Schedule 27 clause 6;

retailer means a person whose principal business is supplying consumer products to members of the public who are not engaged in the further supply of those products;

rigging work means —

(a) the use of mechanical load shifting equipment and associated gear to move, place or secure a load using plant, equipment or members of a structure to ensure the stability of those members; or

(b) the setting up or dismantling of cranes or hoists;

roof, in Part 3.2 Division 7A, has the meaning given in regulation 50A;

safe oxygen level means a minimum oxygen content of air of 19.5% by volume under normal atmospheric pressure and a maximum oxygen content of air of 23.5% by volume under normal atmospheric pressure;

safety data sheet means a safety data sheet prepared under regulation 330 or 331;

Safe Work Australia means Safe Work Australia as established under the *Safe Work Australia Act 2008* (Commonwealth) section 5;

safe work method statement, in relation to high risk construction work, means a safe work method statement referred to in regulation 299 (as revised under regulation 302);

scaffold means a temporary structure specifically erected to support access or working platforms;

scaffolding work means erecting, altering or dismantling a temporary structure that is or has been erected to support a platform and from which a person or object could fall more than 4 metres from the platform or the structure;

Schedule 26 position has the meaning given in regulation 675ZP(a);

self-erecting tower crane means a crane —

(a) that is not disassembled into a tower element and a boom or jib element in the normal course of use; and

(b) where the erection and dismantling processes are an inherent part of the crane's function;

shaft means a vertical or inclined way or opening, from the surface downwards or from any underground working, the dimensions of which (apart from the perimeter) are less than its depth;

signal word means the word "danger" or "warning" used on a label to indicate to a label reader the relative severity level of a hazard, and to alert the reader to a potential hazard, under the GHS;

site senior executive, in relation to a mine, means the person appointed to be the site senior executive of the mine under regulation 675ZI;

slewing mobile crane —

(a) means a mobile crane incorporating a boom or jib that can be slewed; but

(b) does not include any of the following when configured for crane operation —

(i) a front-end loader;

(ii) a backhoe;

(iii) an excavator;

(iv) other earth moving equipment;

slinging techniques means the exercising of judgment in relation to the suitability and condition of lifting gear and the method of slinging, by consideration of the nature of the load, its mass and its centre of gravity;

smoke, in Part 3.2 Division 7A, has the meaning given in regulation 50A;

specified VET course means —

(a) in relation to general construction induction training — the VET course *Work Safely in the Construction Industry* or a corresponding subsequent VET accredited course; or

(b) in relation to Class A asbestos removal work — the VET course *Remove friable asbestos*; or

(c) in relation to Class B asbestos removal work — the VET course *Remove non-friable asbestos*; or

(d) in relation to the supervision of asbestos removal work — the VET course *Supervise asbestos removal*; or

(e) in relation to asbestos assessor work — the VET course *Conduct asbestos assessment associated with removal*; or

(f) in relation to high risk work — the relevant VET course specified in Schedule 4; or

(g) in relation to the supervision of tilt-up work in construction — the VET course *Supervise tilt-up work*; or

(h) in relation to tilt-up work in manufacturing and construction — the VET course *Identify requirements for safe precast and tilt-up work*;

statutory certificate has the meaning given in regulation 675ZZA(a);

statutory position means —

(a) a site senior executive; or

(b) an exploration manager; or

(c) a Schedule 26 position;

statutory supervisor means a person appointed to the statutory position set out in Schedule 26 clause 3 for a place at a mine;

statutory surveyor certificate means 1 of the following statutory certificates —

(a) authorised mine surveyor's certificate (grade 1);

(b) authorised mine surveyor's certificate (grade 2);

statutory surveyor position means 1 of the following statutory positions —

(a) authorised mine surveyor (underground);

(b) authorised mine surveyor (quarry operation);

steam turbine means equipment that is driven by steam acting on a turbine or rotor to cause a rotary motion;

structure, in Chapter 6, has the meaning given in regulation 290;

substance, in Part 7.1, means a chemical element or compound in its natural state or obtained or generated by a process —

(a) including any additive necessary to preserve the stability of the element or compound and any impurities deriving from the process; but

(b) excluding any solvent that may be separated without affecting the stability of the element or compound, or changing its composition;

supplier, in relation to plant, a substance or a structure, has the meaning given in section 25(1) of the Act;

Surveyors Competence Advisory Committee means the Surveyors Competence Advisory Committee established under regulation 698B(2);

suspended scaffold means a scaffold incorporating a suspended platform that is capable of being raised or lowered when in use;

suspension, in relation to a mine or part of a mine, means —

(a) all mining operations at the mine or part stop; and

(b) persons are not allowed to enter the mine or part;

TAFE means a college established under the *Vocational Education and Training Act 1996* section 35;

technical name, in the definition of ***chemical identity***, means a name that is —

(a) ordinarily used in commerce, regulations and codes to identify a substance or mixture, other than an International Union of Pure and Applied Chemistry or Chemical Abstracts Service name; and

(b) recognised by the scientific community;

temporary work platform means —

(a) a fixed, mobile or suspended scaffold; or

(b) an elevating work platform; or

(c) a mast climbing work platform; or

(d) a work box supported by a crane, hoist, forklift truck or other form of mechanical plant; or

(e) building maintenance equipment, including a building maintenance unit; or

(f) a portable or mobile fabricated platform; or

(g) any other temporary platform that —

(i) provides a working area; and

(ii) is designed to prevent a fall;

theatrical performance means acting, singing, playing a musical instrument, dancing or otherwise performing literary or artistic works or expressions of traditional custom or folklore;

tilt-up work, in Part 6.3 Division 4, has the meaning given in regulation 306A;

tobacco product, in Part 3.2 Division 7A, has the meaning given in regulation 50A;

tower crane —

(a) means a crane that —

(i) has a boom or a jib mounted on a tower structure; and

(ii) if a jib crane, is of a horizontal or luffing jib type; and

(iii) has a tower structure that is demountable or permanent;

but

(b) does not include a self-erecting tower crane;

tractor —

(a) means a motor vehicle, whether wheeled or track mounted, designed to provide power and movement to any attached machine or implement by a transmission shaft, belt or linkage system; but

(b) does not include earthmoving machinery;

trench means a horizontal or inclined way or opening —

(a) the length of which is greater than its width and greater than or equal to its depth; and

(b) that commences at and extends below the surface of the ground; and

(c) that is open to the surface along its length;

tunnel means an underground passage or opening that —

(a) is approximately horizontal; and

(b) commences at the surface of the ground or at an excavation;

underground —

(a) means a void a person can enter that is beneath the natural surface of the earth; and

(b) includes a mine shaft or winze that connects the void to the surface;

underground coal mine means an underground mine where mining operations are carried out in relation to coal;

underground manager (coal) means a person appointed to the statutory position set out in Schedule 26 clause 8 for a mine;

underground manager (non-coal) means a person appointed to the statutory position set out in Schedule 26 clause 7 for a mine;

underground mine means a mine where underground operations are carried out;

underground non-coal mine means an underground mine that is not an underground coal mine;

underground operations means mining operations that are carried out underground;

underground supervisor (coal) means a person appointed to the statutory position set out in Schedule 26 clause 10 for a mine;

underground supervisor (non-coal) means a person appointed to the statutory position set out in Schedule 26 clause 9 for a mine;

underground supervisor's certificate means the statutory certificate referred to in Schedule 27 clause 4;

underground ventilation officer means a person appointed to the statutory position set out in Schedule 26 clause 11 for a mine;

UN number has the same meaning as it has in Attachment 2 of the ADG Code;

vehicle hoist means a device to hoist vehicles designed to provide access for under-chassis examination or service;

vehicle loading crane means a crane mounted on a vehicle for the purpose of loading and unloading the vehicle;

VET course has the meaning given in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3;

wall, in Part 3.2 Division 7A, has the meaning given in regulation 50A;

WHS management plan, in relation to a construction project, means a management plan prepared or revised under Part 6.4;

winder —

(a) means plant, other than manually-powered plant, that is used for winding; but

(b) does not include a lift;

winding means moving, by way of a rope, a mine shaft conveyance to transport a person, object or plant;

winding engine driver means a person appointed to the statutory position set out in Schedule 26 clause 13 for a mine;

winding system —

(a) means a winder and other plant used for winding; and

(b) includes a mine shaft conveyance, ropes, headframe, mine shaft and fittings for the mine shaft conveyance; but

(c) does not include a lift;

work box means a personnel carrying device, designed to be suspended from a crane, to provide a working area for a person elevated by and working from the device;

work positioning system means any plant or structure, other than a temporary work platform, that enables a person to be positioned and safely supported at a location for the duration of the relevant work being carried out.

[Regulation 5 amended: SL 2022/214 r. 8; SL 2023/134 r. 12.]

5A. Meaning of mine

(1) In these regulations, a ***mine*** is a place at which mining operations are carried out.

(2) If mining operations are being carried out in conjunction with one another at 2 or more places, those places constitute 1 ***mine***.

(3) However, the regulator may notify the mine operator in writing that each of those places, or places specified in the notice, are separate mines, and these regulations apply to the places as separate mines accordingly.

5B. Meaning of mining operations

In these regulations —

mining operations —

(a) means any method of working by which the earth or any rock structure, coal seam, stone, fluid, or mineral bearing substance is disturbed, removed, washed, sifted, crushed, leached, roasted, floated, distilled, evaporated, smelted, refined, sintered, pelletised, or dealt with for the purpose of obtaining any mineral or rock from it for commercial purposes or for subsequent use in industry, whether it has been previously disturbed or not; and

(b) includes the following —

(i) exploration operations;

(ii) developmental and construction work associated with opening up or operating a mine;

(iii) the removal and disposal of overburden or waste or residues by mechanical or other means and the stacking, depositing, storage, and treatment of any substance considered to contain any mineral;

(iv) the operation of blast furnaces and direct reduction furnaces;

(v) the operation of privately-owned railways (other than a railway to which the *Rail Safety National Law (WA) Act 2015* applies) to transport ore or other mining products, or to provide related services;

(vi) the transport of ore or other mining products that takes place on a road that is not a road as defined in the *Road Traffic (Administration) Act 2008* section 4;

(vii) the crushing, screening, sorting, stacking, loading and handling of ore or other mining products at any rail or road terminal or any

loading or transhipment points, including seaports;

(viii) the operation of any support facilities on the minesite, including mine administration offices, workshops and services buildings;

(ix) borefields remote from the minesite but an integral part of the mining operation;

(x) operations by means of which salt or other evaporites are harvested;

(xi) operations by means of which any mineral is recovered from the sea or sea bed or a natural water supply;

(xii) the operation of residential facilities and recreational facilities and the ground used for that purpose, if those facilities are located on a mining tenement and are used solely in connection with mining operations;

(xiii) the operation of any project which is declared by the Governor to be a mining operation under the *Mines Safety and Inspection Act 1994* section 6(1);

(xiv) operations undertaken for the environmental rehabilitation of the minesite during production operations and after their completion;

(xv) operations for the care, security and maintenance of a mine and plant at the mine undertaken during any period when production or development operations at the mine are suspended;

(xvi) operations undertaken to leave a mine safe to be closed;

but

(c) does not include the following —

(i) an operation that would otherwise fall within paragraph (b)(vii) if the operation is carried out by a port authority at the port (as those terms are defined in the *Port Authorities Act 1999* section 3(1)) that the authority controls or manages;

(ii) steel making plants;

(iii) rolling mills;

(iv) facilities for the manufacture of goods from mining products;

(v) residential facilities or recreational facilities and the ground used for that purpose, if those facilities are not located on a mining tenement and directly associated with mining operations;

(vi) sand, gravel, limestone or rock excavation carried out by or for any State agency or instrumentality or any local government for the use or disposition by that agency, instrumentality or local government;

(vii) excavation activities on private land by and for the use of the owner of the land;

(viii) a place that is not at a mine where externally-controlled plant at the mine is operated.

5C. Meaning of mine operator

In these regulations, a ***mine operator*** is a person (including a partnership, syndicate or other association of persons) who —

(a) in relation to a mine where only exploration operations are being carried out — has overall control and supervision of the exploration operations at the mine and the exploration manager appointed for those operations; and

(b) otherwise — is the proprietor, lessee, or occupier of a mine and who has overall control and supervision of the mine and mining operations at the mine.

6. Not used

6A. Corresponding WHS laws prescribed

For the purposes of the definition of ***corresponding WHS law*** in section 4 of the Act, the following are prescribed —

(a) the *Work Health and Safety Act 2011* (Commonwealth);

(b) the *Work Health and Safety Act 2011* (New South Wales);

(c) the *Work Health and Safety Act 2011* (Queensland);

(d) the *Work Health and Safety Act 2012* (South Australia);

(e) the *Work Health and Safety (National Uniform Legislation) Act 2011* (Northern Territory);

(f) the *Work Health and Safety Act 2012* (Tasmania);

(g) the *Work Health and Safety Act 2011* (Australian Capital Territory);

(h) the *Occupational Health and Safety Act 2004* (Victoria);

(i) the *Occupational Health and Safety (Maritime Industry) Act 1993* (Commonwealth);

(j) the *Coal Mining Safety and Health Act 1999* (Queensland);

(k) the *Mining and Quarrying Safety and Health Act 1999* (Queensland);

(l) the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (New South Wales).

7. Meaning of person conducting a business or undertaking: persons excluded

For the purposes of section 5(6) of the Act, an incorporated association may be taken not to be a ***person conducting a***

business or undertaking if the incorporated association consists of a group of volunteers working together for 1 or more community purposes where —

(a) the incorporated association, either alone or jointly with any other similar incorporated association, does not employ any person to carry out work for the incorporated association; and

(b) none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the incorporated association.

7A. References to person conducting a business or undertaking include references to mine operators

A reference in these regulations to a person conducting a business or undertaking at a mine includes a reference to the mine operator of the mine.

Notes for this regulation:

1. See section 5 of the Act and regulation 7 for the meaning of ***person conducting a business or undertaking***.
2. The mine operator might also have duties under sections 19, 20 and 21 of the Act.

8. Meaning of supply

For the purposes of section 6(3)(b) of the Act, a ***supply*** of a thing does not include the supply of a thing by a person who does not control the supply and has no authority to make decisions about the supply.

Examples for this regulation:

1. An auctioneer who auctions a thing without having possession of the thing.
2. A real estate agent acting in their capacity as a real estate agent.

9. Provisions linked to health and safety duties in Act

If a note at the foot of a provision of these regulations states "WHS Act" followed by a reference to a section number, the

regulation provision sets out the way in which a person's duty or obligation under that section of the Act must be performed in relation to the matters and to the extent set out in the regulation provision.

Note for this regulation:

A failure to comply with a duty or obligation under a section of the Act referred to in a "WHS Act" note is an offence to which a Penalty applies.

Part 1.2 — Application

10. Regulations generally apply to mines

(1) These regulations, other than Part 11.2B, apply to a workplace at a mine.

(2) Regulation 631E(2) also applies to a workplace that is not at a mine, but only to the extent that externally-controlled plant at the mine is controlled or operated at the workplace.

(3) Part 11.2B applies in relation to the appointment of members to, and the functions of, the Mining and Petroleum Advisory Committee.

(4) However, these regulations do not apply to —

(a) a workplace to which the *Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022* regulation 3 applies; and

(b) a workplace —

(i) that is a railway to which the *Rail Safety National Law (WA) Act 2015* applies; and

(ii) where railway operations as defined in the *Rail Safety National Law (WA)* section 4(1) are carried out.

Notes for this regulation:

1. In relation to railway operations at a mine on a railway to which the *Rail Safety National Law (WA)* applies, see the *Rail Safety National Law*

(WA) Act 2015 and the *Work Health and Safety (General) Regulations 2022*.

2. The *Work Health and Safety (General) Regulations 2022* apply to workplaces to which these regulations and the *Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022* do not apply.

11. Application of regulations

A duty imposed on a person under a provision of these regulations in relation to health and safety does not limit or affect any duty the person has under the Act or, unless otherwise expressly provided, any other provision of these regulations.

12. Assessment of risk in relation to a class of hazards, tasks, circumstances or things

If these regulations require an assessment of risks to health and safety associated with a hazard, task, thing or circumstance, an assessment of risks associated with a class of hazards, tasks, things or circumstances may be conducted if —

(a) all hazards, tasks, things or circumstances in the class are the same; and

(b) the assessment of risks for the class does not result in any worker or other person being exposed to a greater, additional or different risk to health and safety than if the risk assessment were carried out in relation to each individual hazard, task, thing or circumstance.

Part 1.3 — Incorporated documents

13. Documents incorporated as in force when incorporated

A reference to any document applied, adopted or incorporated by, or referred to in, these regulations is to be read as a reference to that document as in force at the time the document is applied, adopted, incorporated or referred to unless express provision is made to the contrary.

14. Inconsistencies between provisions

If a provision of any document applied, adopted or incorporated by, or referred to in, these regulations is inconsistent with any provision in these regulations, the provision of these regulations prevails.

15. References to standards

(1) In these regulations, a reference consisting of the words "Australian Standard" or the letters "AS" followed in either case by a number or a number accompanied by a reference to a calendar year is a reference to the standard so numbered published by or on behalf of Standards Australia.

(2) In these regulations, a reference consisting of the expression "Australian/New Zealand Standard" or "AS/NZS" followed in either case by a number or a number accompanied by a reference to a calendar year is a reference to the standard so numbered published jointly by or on behalf of Standards Australia and the Standards Council of New Zealand.

Chapter 2 — Representation and participation

Part 2.1 — Representation

Division 1 — Work groups

16. Negotiations for and determination of work groups

Negotiations for and determination of work groups and variations of work groups must be directed at ensuring that the workers are grouped in a way that —

(a) most effectively and conveniently enables the interests of the workers, in relation to work health and safety, to be represented; and

(b) has regard to the need for a health and safety representative for the work group to be readily accessible to each worker in the work group.

Note for this regulation:

Under the Act, a work group may be determined for workers at more than 1 workplace (section 51(3)) or for workers carrying out work for 2 or more persons conducting businesses or undertakings at 1 or more workplaces (Part 5 Division 3 Subdivision 3 of the Act).

17. Matters to be taken into account in negotiations

For the purposes of sections 52(6) and 56(4) of the Act, negotiations for and determination of work groups and variation of agreements concerning work groups must take into account all relevant matters, including the following —

(a) the number of workers;

(b) the views of workers in relation to the determination and variation of work groups;

(c) the nature of each type of work carried out by the workers;

(d) the number and grouping of workers who carry out the same or similar types of work;

(e) the areas or places where each type of work is carried out;

(f) the extent to which any worker must move from place to place while at work;

(g) the diversity of workers and their work;

(h) the nature of any hazards at the workplace or workplaces;

(i) the nature of any risks to health and safety at the workplace or workplaces;

(j) the nature of the engagement of each worker, for example as an employee or as a contractor;

(k) the pattern of work carried out by workers, for example whether the work is full-time, part-time, casual or short-term;

(l) the times at which work is carried out;

(m) any arrangements at the workplace or workplaces relating to overtime or shift work.

Division 2 — Health and safety representatives

18. Procedures for election of health and safety representatives

(1) This regulation sets out minimum procedural requirements for the election of a health and safety representative for a work group for the purposes of section 61(2) of the Act.

(2) The person conducting the election must take all reasonable steps to ensure that the following procedures are complied with —

(a) each person conducting a business or undertaking in which a worker in the work group works is informed of the date on which the election is to be held as soon as practicable after the date is determined;

(b) all workers in the work group are given an opportunity to —

(i) nominate for the position of health and safety representative; and

(ii) vote in the election;

(c) all workers in the work group and all relevant persons conducting a business or undertaking are informed of the outcome of the election.

19. Person conducting business or undertaking must not delay election

A person conducting a business or undertaking at a workplace must not unreasonably delay the election of a health and safety representative.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

20. Removal of health and safety representatives

(1) For the purposes of section 64(2)(d) of the Act, the majority of the members of a work group may remove a health and safety representative for the work group if the members sign a written declaration that the health and safety representative should no longer represent the work group.

(2) A member of the work group nominated by the members who signed the declaration must, as soon as practicable —

(a) inform the following persons of the removal of the health and safety representative —

(i) the health and safety representative who has been removed;

(ii) each person conducting a business or undertaking in which a worker in the work group works;

and

(b) take all reasonable steps to inform all members of the work group of the removal.

(3) The removal of the health and safety representative takes effect when the persons referred to in subregulation (2)(a) and the majority of members of the work group have been informed of the removal.

20A. Notice of entry for person assisting health and safety representative

(1) A notice under section 68(3A) of the Act must —

(a) be written; and

(b) include the following —

(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.

(2) If the assistant is or has been the holder of an IR entry authority or a WHS entry permit under a corresponding WHS law, the notice must also include the following —

(a) the name of the union the assistant represents or represented;

(b) a declaration by the assistant stating that —

(i) an IR entry authority or WHS entry permit held by the assistant has not been revoked; and

(ii) in relation to a current IR entry authority or WHS entry permit, the authority or permit is not suspended; and

(iii) the assistant is not disqualified from holding an IR entry authority or WHS entry permit.

21. Training for health and safety representatives

(1) For the purposes of section 72(1) of the Act, a health and safety representative is required to attend the following courses of training in work health and safety —

(a) an initial course of training of up to 5 days;

(b) up to 1 day's refresher training each year, with the requirement to attend the first refresher training commencing 1 year after the initial training.

(2) In approving a course of training in work health and safety for the purposes of section 72(1) of the Act, the Work Health and Safety Commission may have regard to any relevant matters, including —

(a) the content and quality of the curriculum, including its relevance to the powers and functions of a health and safety representative; and

(b) the qualifications, knowledge and experience of the person who is to provide the course.

Notes for this regulation:

1. This regulation prescribes courses of training which a health and safety representative is required to attend. In addition to these courses, the health and safety representative and the person conducting the business or undertaking may agree that the representative will attend or receive further training.

2. Under the *Interpretation Act 1984* section 50(2)(c), the power to approve a course of training includes a power to withdraw the approval.

Part 2.2 — Issue resolution

22. Agreed procedure: minimum requirements

(1) This regulation sets out minimum requirements for an agreed procedure for issue resolution at a workplace.

(2) The agreed procedure for issue resolution at a workplace must include the steps set out in regulation 23.

(3) A person conducting a business or undertaking at a workplace must ensure that the agreed procedure for issue resolution at the workplace —

(a) complies with subregulation (2); and

(b) is set out in writing; and

(c) is communicated to all workers to whom the agreed procedure applies.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

23. Default procedure

(1) This regulation sets out the default procedure for issue resolution for the purposes of section 81(2) of the Act.

(2) Any party to the issue may commence the procedure by informing each other party —

(a) that there is an issue to be resolved; and

(b) of the nature and scope of the issue.

(3) As soon as parties are informed of the issue, all parties must meet or communicate with each other to attempt to resolve the issue.

(4) The parties must have regard to all relevant matters, including the following —

(a) the degree and immediacy of risk to workers or other persons affected by the issue;

(b) the number and location of workers and other persons affected by the issue;

(c) the measures (both temporary and permanent) that must be implemented to resolve the issue;

(d) who will be responsible for implementing the resolution measures.

(5) A party may, in resolving the issue, be assisted or represented by a person nominated by the party.

(6) If the issue is resolved, details of the issue and its resolution must be set out in a written agreement if any party to the issue requests this.

Note for this subregulation:

Under the Act, parties to an issue include not only a person conducting a business or undertaking and a worker, but also representatives of these persons (see section 80 of the Act).

(7) If a written agreement is prepared all parties to the issue must be satisfied that the agreement reflects the resolution of the issue.

(8) A copy of the written agreement must be given to —

(a) all parties to the issue; and

(b) if requested, the health and safety committee for the workplace.

(9) To avoid doubt, nothing in this procedure prevents a worker from bringing a work health and safety issue to the attention of the worker's health and safety representative.

Part 2.3 — Cessation of unsafe work

24. Continuity of engagement of worker

For the purposes of section 88 of the Act, the prescribed purposes are the assessment of eligibility for, or the calculation of benefits for, any benefit or entitlement associated with the worker's engagement, including 1 or more of the following —

(a) remuneration and promotion, as affected by seniority;

(b) superannuation benefits;

(c) leave entitlements;

(d) any entitlement to notice of termination of the engagement.

Part 2.4 — Not used

25. Not used

26. Not used

27. Not used

28. Not used

29. Not used

30. Not used

31. Not used

Chapter 3 — General risk and workplace management

Part 3.1 — Managing risks to health and safety

Note for this Part:

Managing risks to health and safety is also covered in Part 10.2, in particular in regulations 617 to 620.

32. Application of Part

This Part applies to a person conducting a business or undertaking who has a duty under these regulations to manage risks to health and safety.

33. Specific requirements must be complied with

Any specific requirements under these regulations for the management of risk must be complied with when implementing the requirements of this Part.

Examples for this regulation:

1. A requirement not to exceed an exposure standard.
2. A duty to implement a specific control measure.
3. A duty to assess risk.

34. Duty to identify hazards

A duty holder, in managing risks to health and safety, must identify reasonably foreseeable hazards that could give rise to risks to health and safety.

35. Managing risks to health and safety

A duty holder, in managing risks to health and safety, must —

(a) eliminate risks to health and safety so far as is reasonably practicable; and

(b) if it is not reasonably practicable to eliminate risks to health and safety — minimise those risks so far as is reasonably practicable.

36. Hierarchy of control measures

(1) This regulation applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.

(2) A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this regulation.

(3) The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following —

(a) substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk;

(b) isolating the hazard from any person exposed to it;

(c) implementing engineering controls.

(4) If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.

(5) If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of suitable personal protective equipment.

Note for this regulation:

A combination of the controls set out in this regulation may be used to minimise risks, so far as is reasonably practicable, if a single control is not sufficient for the purpose.

37. Maintenance of control measures

A duty holder who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is, and is maintained so that it remains, effective, including by ensuring that the control measure is and remains —

(a) fit for purpose; and

(b) suitable for the nature and duration of the work; and

(c) installed, set up and used correctly.

38. Review of control measures

(1) A duty holder must review and as necessary revise control measures implemented under these regulations so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety.

(2) Without limiting subregulation (1), the duty holder must review and as necessary revise a control measure in the following circumstances —

(a) the control measure does not control the risk it was implemented to control so far as is reasonably practicable;

Examples for this paragraph:

1. The results of monitoring show that the control measure does not control the risk.
2. A notifiable incident occurs because of the risk.

(b) before a change at the workplace that is likely to give rise to a new or different risk to health or safety that the measure may not effectively control;

(c) a new relevant hazard or risk is identified;

(d) the results of consultation by the duty holder under the Act or these regulations indicate that a review is necessary;

(e) a health and safety representative requests a review under subregulation (4).

(3) Without limiting subregulation (2)(b), a change at the workplace includes —

(a) a change to the workplace itself or any aspect of the work environment; or

(b) a change to a system of work, a process or a procedure.

(4) A health and safety representative for workers at a workplace may request a review of a control measure if the representative reasonably believes that —

(a) a circumstance referred to in subregulation (2)(a), (b), (c) or (d) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and

(b) the duty holder has not adequately reviewed the control measure in response to the circumstance.

Part 3.2 — General workplace management

Division 1 — Information, training and instruction

39. Provision of information, training and instruction

(1) This regulation applies for the purposes of section 19 of the Act to a person conducting a business or undertaking.

(2) The person must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to —

(a) the nature of the work carried out by the worker; and

(b) the nature of the risks associated with the work at the time the information, training or instruction is provided; and

(c) the control measures implemented.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must ensure, so far as is reasonably practicable, that the information, training and instruction provided under this

regulation is provided in a way that is readily understandable by any person to whom it is provided.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) A person conducting a business or undertaking must ensure that records are kept for a period of 7 years of all information, training and instruction provided to a worker in relation to a hazardous chemical to which the worker is likely to be exposed.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

Provision of information, training and instruction is also covered in Part 10.2 Division 6 and by the mine safety management system.

Division 2 — General working environment

40. Duty in relation to general workplace facilities

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, the following —

(a) the layout of the workplace allows, and the workplace is maintained so as to allow, for persons to enter and exit and to move about without risk to health and safety, both under normal working conditions and in an emergency;

(b) work areas have space for work to be carried out without risk to health and safety;

(c) floors and other surfaces are designed, installed and maintained to allow work to be carried out without risk to health and safety;

(d) lighting enables —

(i) each worker to carry out work without risk to health and safety; and

(ii) persons to move within the workplace without risk to health and safety; and

(iii) safe evacuation in an emergency;

(e) ventilation enables workers to carry out work without risk to health and safety;

(f) workers carrying out work in extremes of heat or cold are able to carry out work without risk to health and safety;

(g) work in relation to or near essential services does not give rise to a risk to the health and safety of persons at the workplace.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

41. Duty to provide and maintain adequate and accessible facilities

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, the provision of adequate facilities for workers, including toilets, drinking water, washing facilities and eating facilities.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that the

facilities provided under subregulation (1) are maintained so as to be —

(a) in good working order; and

(b) clean, safe and accessible.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) For the purposes of this regulation, a person conducting a business or undertaking must have regard to all relevant matters, including the following —

(a) the nature of the work being carried out at the workplace;

(b) the nature of the hazards at the workplace;

(c) the size, location and nature of the workplace;

(d) the number and composition of the workers at the workplace.

41A. Duty to protect from extremes of heat and cold

A person conducting a business or undertaking must ensure —

(a) that work practices are arranged so that workers are protected from extremes of heat and cold; and

(b) if the workplace is in a structure that, so far as is reasonably practicable, heating and cooling are provided to enable workers to work in a comfortable environment.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

See also regulation 635.

41B. Duty to provide adequate seating

(1) If a worker's work is done from a sitting position or is of a kind that can be satisfactorily done from a sitting position then the person conducting the business or undertaking must provide and maintain seating —

(a) that is designed having regard to the nature of the work to be performed and the characteristics of the work station; and

(b) that is strongly constructed, stable, comfortable and of suitable size and height for the worker; and

(c) that, if practicable, has a backrest or is otherwise designed to provide back support.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If a worker's work is done from a standing position and the worker's work allows the worker to sit from time to time then, so far as is reasonably practicable, the person conducting the business or undertaking must provide and maintain seating so that the worker may sit for the periods when the worker is not working.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 3 — First aid

42. Duty to provide first aid

(1) A person conducting a business or undertaking at a workplace must ensure —

(a) the provision of first aid equipment for the workplace; and

(b) that each worker at the workplace has access to the equipment; and

(c) access to facilities for the administration of first aid.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A person conducting a business or undertaking at a workplace must ensure that —

(a) an adequate number of workers are trained to administer first aid at the workplace; or

(b) workers have access to an adequate number of other persons who have been trained to administer first aid.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) For the purposes of this regulation, the person conducting the business or undertaking must have regard to all relevant matters, including the following —

(a) the nature of the work being carried out at the workplace;

(b) the nature of the hazards at the workplace;

(c) the size and location of the workplace;

(d) the number and composition of the workers and other persons at the workplace.

Division 4 — Emergency plans

Note for this Part:

Emergency plans are also covered in Part 10.2 Division 5 and by the mine safety management system.

43. Duty to prepare, maintain and implement emergency plan

(1) The mine operator of a mine must ensure that an emergency plan is prepared for the mine, that provides for the following —

(a) emergency procedures, including —

(i) an effective response to an emergency; and

(ii) evacuation procedures; and

(iii) notifying emergency service organisations at the earliest opportunity; and

(iv) medical assistance and intervention; and

(v) effective communication between the person authorised by the mine operator to coordinate the emergency response and all persons at the mine;

(b) testing of the emergency procedures, including the frequency of testing;

(c) information, training and instruction to relevant workers in relation to implementing the emergency procedures.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of a mine must maintain the emergency plan for the mine so that it remains effective.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) For the purposes of subregulations (1) and (2), the mine operator of the mine must have regard to all relevant matters, including the following —

(a) the nature of the work being carried out at the mine;

(b) the nature of the hazards at the mine;

(c) the size and location of the mine;

(d) the number and composition of the workers and other persons at the mine.

(4) The mine operator of a mine must implement the emergency plan for the mine in the event of an emergency.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

See also Part 10.2 Division 5 Subdivision 1.

Division 5 — Personal protective equipment

44. Provision to workers and use of personal protective equipment

(1) This regulation applies if personal protective equipment must be used to minimise a risk to health and safety in relation to work at a workplace in accordance with regulation 36.

(2) The person conducting a business or undertaking who directs the carrying out of work must provide the personal protective equipment to workers at the workplace, unless the personal protective equipment has been provided by another person conducting a business or undertaking.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Example for this subregulation:

Equipment that has been provided by a labour hire company.

(3) The person conducting the business or undertaking who directs the carrying out of work must ensure that personal protective equipment provided under subregulation (2) is —

(a) selected to minimise risk to health and safety, including by ensuring that the equipment is —

(i) suitable having regard to the nature of the work and any hazard associated with the work; and

(ii) a suitable size and fit and reasonably comfortable for the worker who must use or wear it;

and

(b) maintained, repaired or replaced so that it continues to minimise risk to the worker who uses it, including by ensuring that the equipment is —

(i) clean and hygienic; and

(ii) in good working order;

and

(c) used or worn by the worker, so far as is reasonably practicable.

(4) The person conducting a business or undertaking who directs the carrying out of work must provide the worker with information, training and instruction in —

(a) the proper use and wearing of personal protective equipment; and

(b) the storage and maintenance of personal protective equipment.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

A person conducting a business or undertaking must not charge or impose a levy on a worker for the provision of personal protective equipment (see section 273 of the Act).

45. Personal protective equipment used by other persons

The person conducting a business or undertaking who directs the carrying out of work must ensure, so far as is reasonably practicable, that —

(a) personal protective equipment to be used or worn by any person other than a worker at the workplace is capable of minimising risk to the person's health and safety; and

(b) the person uses or wears the equipment.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

46. Duties of worker

(1) This regulation applies if a person conducting a business or undertaking provides a worker with personal protective equipment.

(2) The worker must, so far as the worker is reasonably able, use or wear the equipment in accordance with any information, training or reasonable instruction by the person conducting the business or undertaking.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The worker must not intentionally misuse or damage the equipment.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) The worker must inform the person conducting the business or undertaking of any damage to, defect in or need to clean or decontaminate any of the equipment of which the worker becomes aware.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

47. Duty of person other than worker

A person other than a worker must wear personal protective equipment at a workplace in accordance with any information, training or reasonable instruction provided by the person conducting the business or undertaking at the workplace.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Division 6 — Remote or isolated work

48. Remote or isolated work

(1A) In this regulation —

assistance includes rescue, medical assistance and the attendance of emergency service workers or mine emergency workers;

remote or isolated work, in relation to a worker, means work that is isolated from the assistance of other persons because of location, time or the nature of the work.

(1) A person conducting a business or undertaking must manage risks to the health and safety of a worker associated with remote or isolated work, in accordance with Part 3.1.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) In minimising risks to the health and safety of a worker associated with remote or isolated work, a person conducting a business or undertaking must provide a system of work that includes effective communication with the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) *[not used]*

Division 7 — Managing risks from airborne contaminants

Note for this Part:

Managing risks from airborne contaminants is also covered in Part 10.2 Division 3 Subdivisions 2 and 3B and Division 4 Subdivisions 2 and 3 and by the underground ventilation control plan and the health management plan that form part of the mine safety management system.

49. Ensuring exposure standards for substances and mixtures not exceeded

(1) The mine operator of a mine must ensure that no person at the mine is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If there is no exposure standard for a particular substance or mixture, the mine operator of a mine must ensure that no person

at the mine is exposed to 8-hour time-weighted average atmospheric concentrations of airborne dust comprising that substance or mixture that exceed —

(a) for respirable dust — 3.0 mg per cubic metre of air;

(b) for inhalable dust — 10.0 mg per cubic metre of air.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The Workplace Exposure Standards for Airborne Contaminants apply in relation to a concentration referred to in subregulation (2)(a) or (b) as if that concentration were an exposure standard referred to in those Standards.

(4) In subregulation (2) —

8-hour time-weighted average has the same meaning as in the Workplace Exposure Standards for Airborne Contaminants;

inhalable has the same meaning as in the Workplace Exposure Standards for Airborne Contaminants;

respirable has the same meaning as in the Workplace Exposure Standards for Airborne Contaminants.

50. Monitoring airborne contaminant levels

(1) The mine operator of a mine must ensure that air monitoring is carried out to determine the airborne concentration of a substance or mixture at the mine to which an exposure standard applies if —

(a) the mine operator is not certain on reasonable grounds whether or not the airborne concentration of the substance or mixture at the mine exceeds the relevant exposure standard; or

(b) monitoring is necessary to determine whether there is a risk to health.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of a mine must ensure that the results of air monitoring carried out under subregulation (1) are recorded, and kept for 30 years after the date the record is made.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) The mine operator of a mine must ensure that the results of air monitoring carried out under subregulation (1) are readily accessible to persons at the mine who may be exposed to the substance or mixture.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this regulation:

See also regulation 637.

Division 7A — Protection from tobacco smoke

50A. Terms used

In this Division —

enclosed workplace has the meaning given in regulation 50B;

roof includes a ceiling, and any material —

(a) through which air cannot flow; and

(b) that is used for the same purpose as a ceiling or roof;

smoke has the meaning given in the *Tobacco Products Control Act 2006* Glossary;

tobacco product has the meaning given to that term in the *Tobacco Products Control Act 2006* glossary;

wall means a wall or any other vertical structure, covering or device, whether fixed or moveable, but does not include a balustrade —

(a) that is 1 metre or less in height; and

(b) of which more than 50% of its total vertical surface is open.

50B. Meaning of enclosed workplace

(1) A workplace or a part of a workplace that has the features mentioned in subregulations (2) and (3) is an ***enclosed workplace*** for the purposes of this Division.

(2) An ***enclosed workplace*** is covered by a roof or a part of a roof.

(3) An ***enclosed workplace*** is configured so that the total vertical surface area of the solid material in the walls is more than 50% of the notional vertical surface area of the place as assessed in accordance with regulation 50C.

(4) The total vertical surface area of the solid material in the walls must be assessed by —

(a) multiplying the following —

(i) the length of each wall under the roof or the part of a roof plus the length of each wall and each section of a wall that is 1 metre or less beyond the perimeter of the roof or the part of a roof when measured horizontally from the perimeter of the roof or the part of the roof;

(ii) the actual height of the walls and wall sections mentioned in subparagraph (i);

and

(b) deducting the total vertical surface area of the open parts of the walls or wall sections mentioned in paragraph (a)(i).

(5) The total vertical surface area of solid material in a wall must be assessed as if each window, door or vertical retractable covering in or adjacent to the wall —

(a) is closed; and

(b) forms part of the wall.

(6) A place is not an ***enclosed workplace*** for the purposes of this Division if it is covered by a roof or a part of a roof and is bounded by only —

(a) 1 straight wall; or

(b) 2 straight walls that are set in an angle of 90 degrees or more.

(7) A part of a workplace may be an enclosed workplace even though —

(a) it is part of a workplace that is not an enclosed workplace; or

(b) it is part of another part of a workplace that is not an enclosed workplace.

50C. Assessment of notional vertical surface area

(1) The notional vertical surface area of a workplace must be assessed by multiplying the following —

(a) the length of the perimeter of the roof, or the part of a roof, covering the workplace;

(b) the average height of the roof, or the part of a roof, covering the workplace.

(2) The notional vertical surface area of a part of a workplace must be assessed by multiplying the following —

(a) the length of the perimeter of the roof, or the part of a roof, covering the part of the workplace;

(b) the average height of the roof, or the part of a roof, covering the part of the workplace.

50D. Persons not to smoke in enclosed workplace

(1) An individual must not smoke in an enclosed workplace.

Penalty for this subregulation: a fine of $7 000.

(2) A person conducting a business or undertaking at an enclosed workplace or a worker at the workplace must not allow an individual to smoke in the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

50E. Defence to r. 50D: smoking in private vehicle or residence

It is a defence to a charge of an offence under regulation 50D for the person charged to prove that —

(a) the enclosed workplace is —

(i) a vehicle supplied by the person; or

(ii) the person's residence (not including, in the case of a worker, accommodation provided to the worker by the person conducting a business or undertaking);

and

(b) no other person is present —

(i) who, in the case of a person conducting a business or undertaking, is that person's employee; or

(ii) who, in the case of a worker, is also a worker at the workplace.

50F. Defence to r. 50D: smoking by actor in a performance

It is a defence to a charge of an offence under regulation 50D for the person charged to prove that the person smoking is an actor, artist or other performer who smokes for the purposes of a performance.

50G. Certain persons to give notice of smoking restrictions

A person conducting a business or undertaking at, or a person with management or control of, an enclosed workplace, must ensure that notice is given or displayed to workers at the workplace to the effect that smoking is prohibited in the workplace.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

50H. Inspectors may require certain persons to extinguish tobacco products

(1) If an inspector has reasonable cause to believe that an individual is smoking in contravention of regulation 50D(1) the inspector may require the person to extinguish the tobacco product that the individual is smoking.

(2) A person must comply with an inspector's requirement under subregulation (1).

Penalty for this subregulation: a fine of $7 000.

50I. Exposure to secondhand smoke

A person conducting a business or undertaking at, or a person with management or control of, an enclosed workplace, must ensure, so far as is reasonably practicable, that persons at the

workplace are not exposed to secondhand smoke or any other tobacco or nicotine by-product.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 8 — Hazardous atmospheres

51. Managing risks to health and safety

(1A) An atmosphere is a ***hazardous atmosphere*** if —

(a) the atmosphere does not have a safe oxygen level; or

(b) the concentration of oxygen in the atmosphere increases the fire risk; or

(c) the concentration of flammable gas, vapour, mist or fumes exceeds 5% of the LEL for the gas, vapour, mist or fumes; or

(d) combustible dust is present in a quantity and form that would result in a hazardous area.

(1) A person conducting a business or undertaking at a workplace must manage risks to health and safety associated with a hazardous atmosphere at the workplace, in accordance with Part 3.1.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) *[not used]*

52. Ignition sources

(1) A person conducting a business or undertaking at a workplace must manage risks to health and safety associated with an ignition source in a hazardous atmosphere (as defined in

regulation 51(1A)) at the workplace, in accordance with Part 3.1.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) This regulation does not apply if the ignition source is part of a deliberate process or activity at the workplace.

Division 9 — Storage of flammable or combustible substances

53. Flammable and combustible material not to be accumulated

(1A) In this regulation —

flammable or combustible substances includes —

(a) flammable and combustible liquids, including waste liquids, in containers, whether empty or full; and

(b) gas cylinders, whether empty or full.

(1) A person conducting a business or undertaking at a workplace must ensure that, if flammable or combustible substances are kept at the workplace, the substances are kept at the lowest practicable quantity for the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) *[not used]*

Division 10 — Falling objects

54. Management of risk of falling objects

A person conducting a business or undertaking at a workplace must manage, in accordance with Part 3.1, risks to health and

safety associated with an object falling on a person if the falling object is reasonably likely to injure the person.

Note for this regulation:

WHS Act — section 19 (see regulation 9).

55. Minimising risk associated with falling objects

(1) This regulation applies if it is not reasonably practicable to eliminate the risk referred to in regulation 54.

(2) The person conducting the business or undertaking at a workplace must minimise the risk of an object falling on a person by providing adequate protection against the risk in accordance with this regulation.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person provides adequate protection against the risk if the person provides and maintains a safe system of work, including —

(a) preventing an object from falling freely, so far as is reasonably practicable; or

(b) if it is not reasonably practicable to prevent an object from falling freely — providing, so far as is reasonably practicable, a system to arrest the fall of a falling object.

Examples for this regulation:

1. Providing a secure barrier.
2. Providing a safe means of raising and lowering objects.
3. Providing an exclusion zone persons are prohibited from entering.

Division 11 — Psychosocial risks

[Heading inserted: SL 2022/214 r. 9.]

55A. Meaning of psychosocial hazard

A ***psychosocial hazard*** is a hazard that —

(a) arises from, or relates to —

(i) the design or management of work; or

(ii) a work environment; or

(iii) plant at a workplace; or

(iv) workplace interactions or behaviours;

and

(b) may cause psychological harm (whether or not it may also cause physical harm).

[Regulation 55A inserted: SL 2022/214 r. 9.]

55B. Meaning of psychosocial risk

A ***psychosocial risk*** is a risk to the health or safety of a worker or other person arising from a psychosocial hazard.

[Regulation 55B inserted: SL 2022/214 r. 9.]

55C. Managing psychosocial risks

A person conducting a business or undertaking must manage psychosocial risks in accordance with Part 3.1 other than regulation 36.

[Regulation 55C inserted: SL 2022/214 r. 9.]

55D. Control measures

(1A) In this regulation —

workers' accommodation means premises to which section 19(4) of the Act applies.

(1) A person conducting a business or undertaking must implement control measures —

(a) to eliminate psychosocial risks so far as is reasonably practicable; and

(b) if it is not reasonably practicable to eliminate psychosocial risks — to minimise the risks so far as is reasonably practicable.

(2) In determining the control measures to implement, the person must have regard to all relevant matters, including —

(a) the duration, frequency and severity of the exposure of workers and other persons to the psychosocial hazards; and

(b) how the psychosocial hazards may interact or combine; and

(c) the design of work, including job demands and tasks; and

(d) the systems of work, including how work is managed, organised and supported; and

(e) the design and layout, and environmental conditions, of the workplace, including the provision of —

(i) safe means of entering and exiting the workplace; and

(ii) facilities for the welfare of workers;

and

(f) the design and layout, and environmental conditions, of workers' accommodation; and

(g) the plant, substances and structures at the workplace; and

(h) workplace interactions or behaviours; and

(i) the information, training, instruction and supervision provided to workers.

(3) *[not used]*

Note for this regulation:

WHS Act — section 19 (see regulation 9).

[Regulation 55D inserted: SL 2022/214 r. 9.]

Division 12 — Directed medical examinations

[Heading inserted: SL 2022/214 r. 9.]

55E. Meaning of medical examination notice

In this Division —

medical examination notice has the meaning given in regulation 55F(1).

[Regulation 55E inserted: SL 2022/214 r. 9.]

55F. Regulator may direct medical examination of workers

(1) The regulator may, by written notice (a ***medical examination notice***), direct a person conducting a business or undertaking to arrange, at the expense of the person and within the time specified in the notice, a medical examination of a worker whose name is specified in the notice.

(2) The medical examination notice must specify the purpose of the proposed medical examination.

Note for this regulation:

A decision to issue a medical examination notice is a reviewable decision (see regulation 676).

[Regulation 55F inserted: SL 2022/214 r. 9.]

55G. Worker to choose registered medical practitioner

(1) The regulator must ensure that, before the medical examination is conducted, the worker is advised of the nature of, and the reasons for, the medical examination so that the worker is

sufficiently informed for the purposes of making a choice in the selection of a registered medical practitioner.

(2) For the purposes of selecting a registered medical practitioner to conduct the medical examination, the person conducting the business or undertaking must consult with the worker and give the worker a reasonable choice in the selection of the registered medical practitioner.

[Regulation 55G inserted: SL 2022/214 r. 9.]

55H. Person conducting business or undertaking must comply with medical examination notice

(1) A person conducting a business or undertaking must comply with a medical examination notice.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) It is a defence to a charge of an offence under subregulation (1) to prove that the worker who is the subject of the medical examination notice does not —

(a) agree to the selection of the registered medical practitioner; or

(b) consent to undergoing the examination.

[Regulation 55H inserted: SL 2022/214 r. 9.]

55I. Duties of registered medical practitioner conducting examination

(1) A registered medical practitioner who conducts a medical examination for the purposes of a medical examination notice must explain any test results to the worker and give a copy of the test results to the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) A registered medical practitioner who conducts a medical examination for the purposes of a medical examination notice must give a copy of any medical report based on the test results or medical examination to the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) A registered medical practitioner who conducts a medical examination for the purposes of a medical examination notice must give a copy of the test results to the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) A registered medical practitioner who conducts a medical examination for the purposes of a medical examination notice must, on the written request of the examined worker, give the registered medical practitioner's findings on the examination to another registered medical practitioner who has been nominated by the examined worker.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

[Regulation 55I inserted: SL 2022/214 r. 9.]

55J. Regulator must inform person conducting business or undertaking

The regulator must inform the person conducting a business or undertaking who arranged a medical examination for the purposes of a medical examination notice of —

(a) the outcome of the medical examination; and

(b) any need for remedial action.

[Regulation 55J inserted: SL 2022/214 r. 9.]

55JA. Person conducting business or undertaking must inform mine operator

(1) This regulation applies if —

(a) the person conducting a business or undertaking at a mine arranged a medical examination for the purposes of a medical examination notice; and

(b) the person conducting the business or undertaking is not the mine operator of the mine.

(2) The person conducting the business or undertaking must inform the mine operator of the mine of —

(a) the outcome of the medical examination; and

(b) any need for remedial action.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

[Regulation 55JA inserted: SL 2022/214 r. 9.]

55K. Person conducting business or undertaking must ensure confidentiality of medical examination results

Subject to regulation 55JA, a person conducting a business or undertaking must ensure that the results of a medical examination conducted for the purposes of a medical examination notice are treated as confidential records.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

[Regulation 55K inserted: SL 2022/214 r. 9.]

Chapter 4 — Hazardous work

Part 4.1 — Noise

Note for this Part:

See also regulation 675ZZK(1)(b) and Schedule 26 clause 2(3)(a) relating to noise officers.

56. Meaning of exposure standard for noise

(1) In this Part —

exposure standard for noise, in relation to a person, means —

(a) $L_{Aeq,8h}$ of 85 dB(A); or

(b) $L_{C,peak}$ of 140 dB(C).

(2) In subregulation (1) —

$\boldsymbol{L_{Aeq,8h}}$ means the eight-hour equivalent continuous A-weighted sound pressure level in decibels (dB(A)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005 (Occupational noise management — Measurement and assessment of noise immission and exposure);

$\boldsymbol{L_{C,peak}}$ means the C-weighted peak sound pressure level in decibels (dB(C)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005 (Occupational noise management — Measurement and assessment of noise immission and exposure).

57. Managing risk of hearing loss from noise

(1) A person conducting a business or undertaking at a workplace must manage, in accordance with Part 3.1, risks to health and safety relating to hearing loss associated with noise.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) A person conducting a business or undertaking at a workplace must, so far as is reasonably practicable, ensure that the noise

that a worker is exposed to at the workplace does not exceed the exposure standard for noise.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

*[**58.** has not come into operation.]*

59. Duties of designers, manufacturers, importers and suppliers of plant

(1) A designer of plant must ensure that the plant is designed so that its noise emission is as low as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A designer of plant must give to each person who is provided with the design for the purpose of giving effect to it adequate information about —

(a) the noise emission values of the plant; and

(b) the operating conditions of the plant when noise emission is to be measured; and

(c) the methods the designer has used to measure the noise emission of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A manufacturer of plant must ensure that the plant is manufactured so that its noise emission is as low as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) A manufacturer of plant must give to each person to whom the manufacturer provides the plant adequate information about —

(a) the noise emission values of the plant; and

(b) the operating conditions of the plant when noise emission is to be measured; and

(c) the methods the manufacturer has used to measure the noise emission of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) An importer of plant must take all reasonable steps to —

(a) obtain information about —

(i) the noise emission values of the plant; and

(ii) the operating conditions of the plant when noise emission is to be measured; and

(iii) the methods the designer or manufacturer has used to measure the noise emission of the plant;

and

(b) give that information to any person to whom the importer supplies the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) A supplier of plant must take all reasonable steps to —

(a) obtain the information the designer, manufacturer or importer is required to give a supplier under subregulation (2), (4) or (5); and

(b) give that information to any person to whom the supplier supplies the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 4.2 — Hazardous manual tasks

60. Managing risks to health and safety

(1) A person conducting a business or undertaking must manage risks to health and safety relating to a musculoskeletal disorder associated with a hazardous manual task, in accordance with Part 3.1.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) In determining the control measures to implement under subregulation (1), the person conducting the business or undertaking must have regard to all relevant matters that may contribute to a musculoskeletal disorder, including —

(a) postures, movements, forces and vibration relating to the hazardous manual task; and

(b) the duration and frequency of the hazardous manual task; and

(c) workplace environmental conditions that may affect the hazardous manual task or the worker performing it; and

(d) the design of the work area; and

(e) the layout of the workplace; and

(f) the systems of work used; and

(g) the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual task.

61. Duties of designers, manufacturers, importers and suppliers of plant or structures

(1) A designer of plant or a structure must ensure that the plant or structure is designed so as to eliminate the need for any hazardous manual task to be carried out in connection with the plant or structure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If it is not reasonably practicable to comply with subregulation (1), the designer must ensure that the plant or structure is designed so that the need for any hazardous manual task to be carried out in connection with the plant or structure is minimised so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The designer must give to each person who is provided with the design for the purpose of giving effect to it adequate information about the features of the plant or structure that eliminate or minimise the need for any hazardous manual task to be carried out in connection with the plant or structure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) A manufacturer of plant or a structure must ensure that the plant or structure is manufactured so as to eliminate the need for any hazardous manual task to be carried out in connection with the plant or structure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) If it is not reasonably practicable to comply with subregulation (4), the manufacturer must ensure that the plant or structure is manufactured so that the need for any hazardous manual task to be carried out in connection with the plant or structure is minimised so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) The manufacturer must give to each person to whom the manufacturer provides the plant or structure adequate information about the features of the plant or structure that eliminate or minimise the need for any hazardous manual task to be carried out in connection with the plant or structure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(7) An importer of plant or a structure must take all reasonable steps to —

(a) obtain the information the designer or manufacturer is required to give under subregulation (3) or (6); and

(b) give that information to any person to whom the importer supplies the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(8) A supplier of plant or a structure must take all reasonable steps to —

(a) obtain the information the designer, manufacturer or importer is required to give a supplier under subregulation (3), (6) or (7); and

(b) give that information to any person to whom the supplier supplies the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 4.3 — Confined spaces

Division 1 — Preliminary

62. Confined spaces to which Part applies

(1) This Part applies to confined spaces that —

(a) are entered by any person; or

(b) are intended or likely to be entered by any person; or

(c) could be entered inadvertently by any person.

(2) In this Part, a reference to a confined space in relation to a person conducting a business or undertaking is a reference to a confined space that is under the person's management or control.

63. Application to emergency service workers

Regulations 67 and 68 do not apply to the entry into a confined space by an emergency service worker if, at the direction of the emergency service organisation, the worker is —

(a) rescuing a person from the space; or

(b) providing first aid to a person in the space.

63A. Application to mine emergency workers

Regulations 67 and 68 do not apply to the entry into a confined space at a mine by a mine emergency worker if, at the direction of the site senior executive, the worker is —

(a) rescuing a person from the space; or

(b) providing first aid to a person in the space.

Division 2 — Duties of designer, manufacturer, importer, supplier, installer and constructor of plant or structure

64. Duty to eliminate or minimise risk

(1) This regulation applies in relation to plant or a structure that includes a space that is, or is intended to be, a confined space.

(2) A designer, manufacturer, importer or supplier of the plant or structure, and a person who installs or constructs the plant or structure, must ensure that —

(a) the need for any person to enter the space and the risk of a person inadvertently entering the space are eliminated, so far as is reasonably practicable; or

(b) if it is not reasonably practicable to eliminate the need to enter the space or the risk of a person inadvertently entering the space —

(i) the need or risk is minimised so far as is reasonably practicable; and

(ii) the space is designed with a safe means of entry and exit; and

(iii) the risk to the health and safety of any person who enters the space is eliminated so far as is reasonably practicable or, if it is not reasonably practicable to eliminate the risk, the risk is minimised so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 3 — Duties of person conducting business or undertaking

65. Entry into confined space must comply with Division

A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that a worker does not enter a confined space before this Division has been complied with in relation to that space.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

66. Managing risks to health and safety

(1) A person conducting a business or undertaking must manage, in accordance with Part 3.1, risks to health and safety associated with a confined space at a workplace including risks associated with entering, working in, on or in the vicinity of the confined space (including a risk of a person inadvertently entering the confined space).

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) A person conducting a business or undertaking must ensure that a risk assessment is conducted by a competent person for the purposes of subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The person conducting the business or undertaking must ensure that a risk assessment conducted under subregulation (2) is recorded in writing.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) For the purposes of subregulations (1) and (2), the person conducting a business or undertaking must have regard to all relevant matters, including the following —

(a) whether the work can be carried out without the need to enter the confined space;

(b) the nature of the confined space;

(c) if the hazard is associated with the concentration of oxygen or the concentration of airborne contaminants in the confined space — any change that may occur in that concentration;

(d) the work required to be carried out in the confined space, the range of methods by which the work can be carried out and the proposed method of working;

(e) the type of emergency procedures, including rescue procedures, required.

(5) The person conducting a business or undertaking must ensure that a risk assessment under this regulation is reviewed and as necessary revised by a competent person to reflect any review and revision of control measures under Part 3.1.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

67. Confined space entry permit

(1) A person conducting a business or undertaking at a workplace must not direct a worker to enter a confined space to carry out work unless the person has issued a confined space entry permit for the work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A confined space entry permit must —

(a) be completed by a competent person; and

(b) be in writing; and

(c) specify the following —

(i) the confined space to which the permit relates;

(ii) the names of persons permitted to enter the space;

(iii) the period of time during which the work in the space will be carried out;

(iv) measures to control risk associated with the proposed work in the space;

and

(d) contain space for an acknowledgement that work in the confined space has been completed and that all persons have left the confined space.

(3) The control measures specified in a confined space permit must —

(a) be based on a risk assessment conducted under regulation 66; and

(b) include —

(i) control measures to be implemented for safe entry; and

(ii) details of the system of work provided under regulation 69.

(4) The person conducting a business or undertaking must ensure that, when the work for which the entry permit was issued is completed —

(a) all workers leave the confined space; and

(b) the acknowledgement referred to in subregulation (2)(d) is completed by the competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

68. Signage

(1) A person conducting a business or undertaking must ensure that signs that comply with subregulation (2) are erected —

(a) immediately before work in a confined space commences and while the work is being carried out; and

(b) while work is being carried out in preparation for, and in the completion of, work in a confined space.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The signs must —

(a) identify the confined space; and

(b) inform workers that they must not enter the space unless they have a confined space entry permit; and

(c) be clear and prominently located next to each entry to the space.

69. Communication and safety monitoring

A person conducting a business or undertaking must ensure that a worker does not enter a confined space to carry out work unless the person provides a system of work that includes —

(a) continuous communication with the worker from outside the space; and

(b) monitoring of conditions within the space by a standby person who is in the vicinity of the space and, if practicable, observing the work being carried out.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

70. Specific control: connected plant and services

(1) A person conducting a business or undertaking must, so far as is reasonably practicable, eliminate any risk associated with work in a confined space in either of the following circumstances —

(a) the introduction of any substance or condition into the space from or by any plant or services connected to the space;

(b) the activation or energising in any way of any plant or services connected to the space.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If it is not reasonably practicable for the person to eliminate risk under subregulation (1), the person must minimise that risk so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

71. Specific control: atmosphere

(1A) In this regulation —

purging means the method used to displace any contaminant from a confined space.

(1) A person conducting a business or undertaking must ensure, in relation to work in a confined space, that —

(a) purging or ventilation of any contaminant in the atmosphere of the space is carried out, so far as is reasonably practicable; and

(b) pure oxygen or gas mixtures with oxygen in a concentration exceeding 21% by volume are not used for purging or ventilation of any airborne contaminant in the space.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that, while work is being carried out in a confined space —

(a) the atmosphere of the space has a safe oxygen level; or

(b) if it is not reasonably practicable to comply with paragraph (a) and the atmosphere in the space has an oxygen level less than 19.5% by volume — any worker carrying out work in the space is provided with air supplied respiratory equipment.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Notes for this regulation:

1. Regulation 44 applies to the use of personal protective equipment, including the equipment provided under subregulation (2).
2. Regulation 50 applies to airborne contaminants.

(3) *[not used]*

72. Specific control: flammable gases and vapours

(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that while work is being carried

out in a confined space, the concentration of any flammable gas, vapour or mist in the atmosphere of the space is less than 5% of its LEL.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If it is not reasonably practicable to limit the atmospheric concentration of a flammable gas, vapour or mist in a confined space to less than 5% of its LEL and the atmospheric concentration of the flammable gas, vapour or mist in the space is —

(a) equal to or greater than 5% but less than 10% of its LEL — the person must ensure that any worker is immediately removed from the space unless a suitably calibrated, continuous-monitoring flammable gas detector is used in the space; or

(b) equal to or greater than 10% of its LEL — the person must ensure that any worker is immediately removed from the space.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

73. Specific control: fire and explosion

A person conducting a business or undertaking must ensure that an ignition source is not introduced into a confined space (from outside or within the space) if there is a possibility of the ignition source causing a fire or explosion in the space.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

74. Emergency procedures

(1) A person conducting a business or undertaking must —

(a) establish first aid procedures and rescue procedures to be followed in the event of an emergency in a confined space; and

(b) ensure that the procedures are practised as necessary to ensure that they are efficient and effective.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that first aid and rescue procedures are initiated from outside the confined space as soon as practicable in an emergency.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must ensure, in relation to any confined space, that —

(a) the entry and exit openings of the confined space are large enough to allow emergency access; and

(b) the entry and exit openings of the space are not obstructed; and

(c) plant, equipment and personal protective equipment provided for first aid or emergency rescue are maintained in good working order.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

See Part 3.2 for general provisions relating to first aid, personal protective equipment and emergency plans.

75. Personal protective equipment in emergencies

(1) This regulation applies in relation to a worker who is to enter a confined space in order to carry out first aid or rescue procedures in an emergency.

(2) The person conducting the business or undertaking for which the worker is carrying out work must ensure that air supplied respiratory equipment is available for use by, and is provided to, the worker in an emergency in which —

(a) the atmosphere in the confined space does not have a safe oxygen level; or

(b) the atmosphere in the space has a harmful concentration of an airborne contaminant; or

(c) there is a serious risk of the atmosphere in the space becoming affected in the way referred to in paragraph (a) or (b) while the worker is in the space.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person conducting the business or undertaking for which the worker is carrying out work must ensure that suitable personal protective equipment is available for use by, and is provided to, the worker in an emergency in which —

(a) an engulfment has occurred inside the confined space; or

(b) there is a serious risk of an engulfment occurring while the worker is in the space.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

Regulation 44 applies to the use of personal protective equipment, including the equipment provided under this regulation.

76. Information, training and instruction for workers

(1A) In this regulation —

relevant worker means —

(a) a worker who, in carrying out work for the business or undertaking, could —

(i) enter or work in a confined space; or

(ii) carry out any function in relation to work in a confined space or the emergency procedures established under regulation 74, but who is not required to enter the space;

or

(b) any person supervising a worker referred to in paragraph (a).

(1) A person conducting a business or undertaking must ensure that relevant workers are provided with suitable and adequate information, training and instruction in relation to the following —

(a) the nature of all hazards relating to a confined space;

(b) the need for, and the appropriate use of, control measures to control risks to health and safety associated with those hazards;

(c) the selection, fit, use, wearing, testing, storage and maintenance of any personal protective equipment;

(d) the contents of any confined space entry permit that may be issued in relation to work carried out by the worker in a confined space;

(e) emergency procedures.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that a record of all training provided to a relevant worker under this regulation is kept for 2 years.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) *[not used]*

77. Confined space entry permit and risk assessment must be kept

(1) This regulation applies if a person conducting a business or undertaking —

(a) prepares a risk assessment under regulation 66; or

(b) issues a confined space entry permit under regulation 67.

(2) Subject to subregulation (3), the person must keep —

(a) a copy of the risk assessment until at least 28 days after the work to which it relates is completed; and

(b) a copy of the confined space entry permit at least until the work to which it relates is completed.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) If a notifiable incident occurs in connection with the work to which the assessment or permit relates, the person must keep the copy of the assessment or permit (as applicable) for at least 2 years after the incident occurs.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) The person must ensure that, for the period for which the assessment or permit must be kept under this regulation, a copy is available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(5) The person must ensure that, for the period for which the assessment or permit must be kept under this regulation, a copy is available to any relevant worker on request.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Part 4.4 — Falls

78. Management of risk of fall

(1A) In this regulation —

solid construction means an area that has —

(a) a surface that is structurally capable of supporting all persons and things that may be located or placed on it; and

(b) barriers around its perimeter and any openings to prevent a fall; and

(c) an even and readily negotiable surface and gradient; and

(d) a safe means of entry and exit.

(1) A person conducting a business or undertaking at a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with a fall by a person from one level to another that is reasonably likely to cause injury to the person or any other person.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) Subregulation (1) includes the risk of a fall —

(a) in or on an elevated workplace from which a person could fall; or

(b) in the vicinity of an opening through which a person could fall; or

(c) in the vicinity of an edge over which a person could fall; or

(d) on a surface through which a person could fall; or

(e) in any other place from which a person could fall.

(3) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that any work that involves the risk of a fall to which subregulation (1) applies is carried out on the ground or on a solid construction.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) A person conducting a business or undertaking must provide safe means of access to and exit from —

(a) the workplace; and

(b) any area within the workplace referred to in subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) *[not used]*

79. Specific requirements to minimise risk of fall

(1A) In this regulation —

fall prevention device includes —

(a) a secure fence; and

(b) edge protection; and

(c) working platforms; and

(d) covers.

(1) This regulation applies if it is not reasonably practicable for the person conducting a business or undertaking at a workplace to eliminate the risk of a fall to which regulation 78 applies.

(2) The person must minimise the risk of a fall by providing adequate protection against the risk in accordance with this regulation.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person provides adequate protection against the risk if the person provides and maintains a safe system of work, including by —

(a) providing a fall prevention device if it is reasonably practicable to do so; or

(b) if it is not reasonably practicable to provide a fall prevention device, providing a work positioning system; or

(c) if it is not reasonably practicable to comply with either paragraph (a) or (b), providing a fall arrest system, so far as is reasonably practicable.

Notes for this subregulation:

1. See regulation 5 for definitions of fall arrest system and work positioning system.
2. A combination of the controls set out in this subregulation may be used to minimise risks, so far as is practicable, if a single control is not sufficient for the purpose.

Examples for this subregulation:

1. Providing temporary work platforms.
2. Providing training in relation to the risks involved in working at the workplace.

3. Providing safe work procedures, safe sequencing of work, safe use of ladders, permit systems and appropriate signs.

(4) This regulation does not apply in relation to the following work —

(a) the performance of stunt work;

(b) the performance of acrobatics;

(c) a theatrical performance;

(d) a sporting or athletic activity;

(e) horse riding.

Note for this subregulation:

Regulation 36 applies to the management of risk in relation to this work.

79A. Duties of certain persons as to holes or openings in floors

(1) A person conducting a business or undertaking or a principal contractor at, or a person with management or control of, a workplace must ensure that any hole or opening (other than a blast hole at a mine, lift well, ore or waste pass with a grizzly at a mine, stairwell or vehicle inspection pit) with dimensions of more than 200 mm x 200 mm but less than 2 metres x 2 metres or with a diameter greater than 200 mm but less than 2 metres —

(a) in a floor, other than a concrete floor, of a structure at the workplace is covered with a material that is securely fixed to the floor and is strong enough to prevent persons or things entering or falling through or into the hole or opening; or

(b) in a concrete floor of a structure at the workplace —

(i) has, if reasonably practicable, wire mesh that meets the requirements of subregulation (2); and

(ii) is covered with a material that is securely fixed to the floor and is strong enough to prevent

persons or things entering or falling through or into the hole or opening.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The wire in the wire mesh referred to in subregulation (1)(b)(i) must —

(a) be at least 4 mm in diameter; and

(b) have maximum apertures of 75 mm x 75 mm; and

(c) be embedded, at least 200 mm in the edges of the surrounding concrete; and

(d) be embedded either —

(i) in the upper half of the slab with a minimum concrete cover of 20 mm; or

(ii) in the lower half of the slab with a minimum cover of 30 mm.

(3) A person to whom subregulation (1) applies must ensure that —

(a) wire mesh referred to in subregulation (1)(b)(i) —

(i) is not used as a working platform; and

(ii) is only removed for the purposes of installing services in circumstances where the removal takes place immediately before the installation of a service and the only portion removed is the minimum portion required to be removed for the installation;

and

(b) any cover referred to in subregulation (1)(a) or (b)(ii) —

(i) is marked in clearly legible lettering with the words “DANGER — HOLE BENEATH”; and

(ii) is only removed for the purposes of installing services in circumstances where the removal takes place immediately before the installation of a service.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

80. Emergency and rescue procedures

(1A) In this regulation —

relevant worker means —

(a) a worker who, in carrying out work in the business or undertaking, uses or is to use a fall arrest system; and

(b) a worker who may be involved in initiating or implementing the emergency procedures.

(1) This regulation applies if a person conducting a business or undertaking provides a fall arrest system as a control measure.

(2) Without limiting regulation 79, the person must establish emergency procedures, including rescue procedures, in relation to the use of the fall arrest system.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must ensure that the emergency procedures are tested so that they are effective.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The person must provide relevant workers with suitable and adequate information, training and instruction in relation to the emergency procedures.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) *[not used]*

Part 4.5 — High risk work

Division 1 — Licensing of high risk work

Subdivision 1 — Requirement to be licensed

81. Licence required to carry out high risk work

A person must not carry out a class of high risk work unless the person holds a high risk work licence for that class of high risk work, except as provided in regulation 82.

Notes for this regulation:

1. See section 43 of the Act.
2. Schedule 3 sets out the high risk work licences and classes of high risk work that are within the scope of each licence. Schedule 4 sets out the qualifications required for a high risk work licence.

82. Exceptions

(1) A person who carries out high risk work is not required to be licensed to carry out the work if the work is carried out —

(a) in the course of training towards a certification in order to be licensed to carry out the high risk work; and

(b) under the supervision of a person who is licensed to carry out the high risk work.

(1A) A person who holds a certification in relation to a specified VET course for high risk work is not required to be licensed to carry out the work —

(a) for 60 days after the certification is issued; and

(b) if the person applies for the relevant high risk work licence within that 60 day period, until —

(i) the person is granted the licence; or

(ii) the expiry of 28 days after the person is given written notice under the *Work Health and Safety (General) Regulations 2022* regulation 91(2) of a decision to refuse to grant the licence.

(1B) A person who carries out high risk work is not required to be licensed to carry out the work if the work is carried out while an accredited assessor as defined in the *Work Health and Safety (General) Regulations 2022* regulation 5 is conducting an assessment of the person's competency in relation to the work.

(2) A person who carries out high risk work involving plant is not required to be licensed if —

(a) the work is carried out at a workplace solely for the purpose of the manufacture, testing, trialling, installation, commissioning, maintenance, servicing, repair, alteration, demolition or disposal of the plant at that workplace or moving the plant within the workplace; and

(b) the plant is operated or used without a load except when standard weight loads with predetermined fixing points are used for calibration of the plant.

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

(4) A person who carries out high risk work with a crane or hoist is not required to be licensed as a crane operator if —

(a) the work is limited to setting up or dismantling the crane or hoist; and

(b) the person carrying out the work holds a licence in relation to rigging, which qualifies the person to carry out the work.

Note for this subregulation:

See Schedule 3 for the classes of crane operator licence.

(5) A person who carries out high risk work with a heritage boiler is not required to be licensed as a boiler operator.

83. Recognition of high risk work licences in other jurisdictions

(1) In this Subdivision, a reference to a high risk work licence includes a reference to an equivalent licence —

(a) granted under a corresponding WHS law; and

(b) that is being used in accordance with the terms and conditions under which it was granted.

(2) Subregulation (1) does not apply to a licence that is suspended or cancelled or has expired in the corresponding jurisdiction.

84. Duty of person conducting business or undertaking to ensure direct supervision

(1A) In this regulation —

direct supervision, of a person, means the oversight by the supervising person of the work of that person for the purposes of —

(a) directing, demonstrating, monitoring and checking the person's work in a way that is appropriate to the person's level of competency; and

(b) ensuring a capacity to respond in an emergency situation.

(1) A person conducting a business or undertaking must ensure that a person supervising the work of a person carrying out high risk work as required by regulation 82(1) provides direct supervision of the person except in the circumstances set out in subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Direct supervision of a person is not required if —

(a) the nature or circumstances of a particular task make direct supervision impracticable or unnecessary; and

(b) the reduced level of supervision will not place the health or safety of the supervised person or any other person at risk.

(3) *[not used]*

85. Evidence of licence: duty of person conducting business or undertaking

(1) A person conducting a business or undertaking at a workplace must not direct or allow a worker to carry out high risk work for which a high risk work licence is required unless the person sees written evidence provided by the worker that the worker has the relevant high risk work licence for that work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

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

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

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

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

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

(b) in the circumstances referred to in regulation 82(1A)(b) —

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

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

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) A person conducting a business or undertaking at a workplace must not direct or allow a worker to supervise high risk work as referred to in regulations 82(1) and 84 unless the person sees written evidence that the worker holds the relevant high risk work licence for that high risk work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) A person conducting a business or undertaking at a workplace must keep a record of the written evidence provided —

(a) under subregulation (1) or (2) — for at least 1 year after the high risk work is carried out;

(b) under subregulation (3) — for at least 1 year after the last occasion on which the worker performs the supervision work.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Subdivision 2 — Licensing process

86. Not used

87. Not used

88. Not used

89. Not used

90. Not used

91. Not used

91A. Not used

92. Not used

93. Not used

94. Licence document to be available

(1) A licence holder must keep the licence document available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) Subregulation (1) does not apply if the licence document is not in the licence holder's possession because —

(a) it has been returned to the regulator under the *Work Health and Safety (General) Regulations 2022* regulation 97; or

(b) the licence holder has applied for, but has not received, a replacement licence document under the *Work Health and Safety (General) Regulations 2022* regulation 98.

[Regulation 94 amended: SL 2023/134 r. 13.]

95. Not used

Subdivision 3 — Not used

96. Not used

97. Not used

98. Not used

99. Not used

Subdivision 4 — Not used

100. Not used

101. Not used

102. Not used

103. Not used

104. Not used

105. Not used

Subdivision 5 — Not used

106. Not used

107. Not used

108. Not used

109. Not used

110. Not used

111. Not used

112. Not used

Division 2 — Not used

113. Not used

114. Not used

115. Not used

116. Not used

117. Not used

118. Not used

119. Not used

120. Not used

121. Not used

122. Not used

123. Not used

124. Not used

125. Not used

126. Not used

127. Not used

128. Not used

129. Not used

130. Not used

131. Not used

132. Not used

133. Not used

134. Not used

135. Not used

136. Not used

137. Not used

138. Not used

139. Not used

140. Not used

141. Not used

141A. Not used

Part 4.6 — Demolition work

Division 1 — Not used

142. Not used

Division 2 — Conduct of demolition work

142A. Application of Division

(1) This Division does not apply to demolition work on a structure by a person in the metal fabrication or engineering industry in the course of maintaining, refurbishing, upgrading, modifying or decommissioning plant.

(2) This Division does not apply to demolition work on —

(a) a fence or wall less than 1.8 metres in height; or

(b) a structure less than 2 metres in height.

142B. Requirement to hold Class 1 demolition licence

(1) A person carries out ***Class 1 demolition work*** if the person carries out any of the following kinds of demolition work —

(a) work comprising the total demolition or dismantling of a structure that is 10 metres or more in height when measured from the lowest ground level of the structure to the highest part of the structure;

(b) work —

(i) comprising the partial demolition or dismantling of a structure that is 10 metres or more in height when measured from the lowest ground level of the structure to the highest part of the structure; and

(ii) affecting the structural integrity of the structure;

(c) work —

(i) comprising demolition work on a structure; and

(ii) involving the use of load shifting equipment on a suspended floor;

(d) work comprising demolition work on pre-tensioned or post-tensioned structural components of a structure;

(e) work comprising demolition work on a structure containing precast concrete elements erected by the tilt-up method of construction;

(f) work involving the removal of key structural members of a structure so that the whole or a part of the structure collapses;

(g) work done to a structure involving explosives;

(h) work comprising demolition work on a structure that involves the use of a tower crane or any crane with a safe working load greater than 100 tonnes;

(i) work involving the removal of an area of brittle or fragile roofing material in excess of 200 m^2 from a structure if any part of the area to be removed is 10 metres or more above the lowest ground level of the structure.

(2) A person must not carry out Class 1 demolition work unless the person, or the person on whose behalf the work is carried out, holds a Class 1 demolition licence.

Note for this subregulation:

See section 43(1) of the Act.

(3) A person who conducts a business or undertaking must not direct or allow a worker to carry out Class 1 demolition work unless the person holds a Class 1 demolition licence.

Note for this subregulation:

See section 43(2) of the Act.

142C. Requirement to hold demolition licence to carry out Class 2 demolition work

(1) A person carries out ***Class 2 demolition work*** if the person carries out demolition work comprising demolition work involving a structure that is less than 10 metres in height when measured from the lowest ground level of the structure to the highest part of the structure, excluding —

(a) demolition work involving a single storey dwelling; or

(b) work of a kind referred to in regulation 142B(1)(c), (d), (e), (f), (g) or (h).

(2) A person must not carry out Class 2 demolition work unless the person, or the person on whose behalf the work is carried out, holds a demolition licence.

Note for this subregulation:

See section 43(1) of the Act.

(3) A person who conducts a business or undertaking must not direct or allow a worker to carry out Class 2 demolition work unless the person holds a demolition licence.

Note for this subregulation:

See section 43(2) of the Act.

[Regulation 142C amended: SL 2023/134 r. 14.]

142D. Demolition work must be conducted by competent persons

A person who holds a demolition licence must ensure that every person carrying out demolition work authorised by the licence is a competent person.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

142E. Demolition work must be supervised by nominated supervisor

(1) A person who holds a demolition licence must ensure that demolition work authorised by the licence is supervised by a supervisor who —

(a) is a competent person; and

(b) is nominated to the regulator by the person who holds the demolition licence; and

(c) is approved by the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The regulator may approve a nominated supervisor only if the person is a competent person.

(3) The person who holds the demolition licence may be the supervisor if the person is an individual.

142F. Regulator to be notified of proposed Class 1 or 2 demolition work in accordance with standard

(1) A person who proposes to carry out Class 1 demolition work or Class 2 demolition work in a manner that would be in accordance with AS 2601 must notify the regulator at least 5 working days before the work is intended to begin.

(2) The notification must be made in the approved form and in the manner approved by the regulator and must be accompanied —

(a) by written confirmation of the nominated supervisor that another person will not be allowed to carry out the demolition work unless that person is a competent person; and

(b) by written confirmation of the person who holds a demolition licence —

(i) that the demolition work will be directly supervised by a competent person at all times when the demolition work is being carried out; and

(ii) of the name and qualifications or experience of the person who will conduct the supervision.

(3) If an emergency service worker carries out, or proposes to carry out, demolition work at the direction of an emergency service organisation in responding to an emergency, the emergency service organisation must give notice under subregulation (1) as soon as practicable (whether before or after the work is carried out).

(4) If a mine emergency worker carries out, or proposes to carry out, demolition work at the direction of the site senior executive in responding to an emergency, the site senior executive must give notice under subregulation (1) as soon as practicable (whether before or after the work is carried out).

142G. Application for approval of regulator for proposed Class 1 or 2 demolition work not in accordance with standard

(1) A person who proposes to carry out Class 1 demolition work or Class 2 demolition work but to carry out the work in a manner that would not be in accordance with AS 2601 must, at least 10 working days before the work is intended to begin, apply to the regulator for approval to carry out the work.

(2) The application must be made in the approved form and in the manner approved by the regulator and must be accompanied by —

(a) the work plan referred to in AS 2601 in respect of the demolition work; and

(b) such other information as the regulator requires to consider the application.

142H. Regulator's functions as to application under r. 142G

(1) The regulator must acknowledge the receipt of an application under regulation 142G within 10 days of receiving the application.

(2) The acknowledgment must be given to the applicant in writing and must include 1 of the following —

(a) advice to the effect that the demolition work has not been approved by the regulator;

(b) advice to the effect that the demolition work has been approved by the regulator without conditions;

(c) advice to the effect that the demolition work has been approved by the regulator on conditions imposed or to be imposed by the regulator.

(3) The regulator may impose any condition that the regulator thinks is necessary in relation to any work health and safety matter in respect of demolition work that is the subject of an application under regulation 142G.

(4) However, if the regulator imposes a condition then it must be communicated to the applicant within 50 days from the day of the acknowledgment.

(5) If the regulator does not make a decision in relation to the application within 120 days after receiving the application, the regulator is taken to have refused to approve the demolition work.

Notes for this regulation:

1. A decision to approve demolition work subject to conditions (see subregulation (2)(c)) is a reviewable decision (see regulation 676).
2. A refusal to approve demolition work (including under subregulation (5)) is a reviewable decision (see regulation 676).

142I. Class 1 or 2 demolition work not to be done without notification or approval or until conditions set

A person must not carry out Class 1 demolition work or Class 2 demolition work unless —

(a) in the case of work to be carried out in accordance with AS 2601, the regulator has been notified in accordance with regulation 142F; or

(b) in the case of work that is not to be carried out in accordance with AS 2601, the regulator has approved the work under regulation 142H and conditions imposed or to be imposed by the regulator have been communicated to the person who applied for the approval.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

142J. Demolition work other than Class 1 or 2 demolition work to be in accordance with standard

(1) A person who, at a workplace where demolition work other than Class 1 demolition work or Class 2 demolition work is being carried out, is a person conducting a business or undertaking or a principal contractor must ensure, subject to subregulation (2), that the work is carried out in accordance with AS 2601.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1) it is not necessary for a person referred to in that subregulation to ensure that the work plan required to be prepared under AS 2601 is submitted to the regulator for approval.

142K. Class 1 or 2 demolition work to be in accordance with standard or approval

(1) A person who holds a demolition licence must ensure, subject to subregulation (2), that any Class 1 demolition work or Class 2 demolition work that is to be carried out in accordance with AS 2601 and which is carried out by the person is done in accordance with AS 2601.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1) it is not necessary for a person referred to in that subregulation to ensure that the work plan required to be prepared under AS 2601 is submitted to the regulator for approval.

(3) A person who holds a demolition licence must ensure, in relation to any Class 1 demolition work or Class 2 demolition work that is not to be carried out in accordance with AS 2601 and which is carried out by the person, that —

(a) the work is carried out in accordance with the regulator's approval to carry out the work under regulation 142H; and

(b) there is compliance with each condition (if any) imposed by the regulator in relation to the approval to carry out the work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

142L. Documents to be kept at demolition workplace

(1) A person who holds a demolition licence must ensure that at all times when Class 1 demolition work or Class 2 demolition work

is being carried out under the demolition licence at a workplace, there is kept at the workplace —

(a) a copy of the notification or approval, as the case requires, and each condition (if any) imposed by the regulator, in relation to the work; and

(b) a copy of AS 2601; and

(c) a copy of the work plan referred to in AS 2601.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) A person who, at a workplace where demolition work other than Class 1 demolition work or Class 2 demolition work is being carried out, is a person conducting a business or undertaking or a principal contractor must ensure that at all times when the work is being carried out, there is kept at the workplace —

(a) a copy of AS 2601; and

(b) a copy of the work plan referred to in AS 2601.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

142M. Requirements for scaffold used in demolition work

(1) A person conducting a business or undertaking or a principal contractor at, or a person with management or control of, a workplace must ensure that any scaffold involved in demolition work, other than Class 1 demolition work or Class 2 demolition work, at the workplace —

(a) is a heavy duty scaffold that meets the requirements of AS/NZS 1576.1:2019 (Scaffolding — General Requirements); and

(b) is erected to the full height of the structure; and

(c) has a closely boarded platform with a minimum width of 1 metre that abuts on the face of the structure at the working level; and

(d) has a fender board not less than 900 mm high fitted on the outer edge and on the ends of the working platform; and

(e) has the external face and ends sheathed with a fire retardant material and wire mesh that has wires that are at least 3 mm in diameter and with apertures not greater than 50 mm x 50 mm; and

(f) is maintained in position and in an effective state up to the working level of the scaffold for the whole of the period during which the demolition work is being carried out; and

(g) is progressively dismantled so that the unsupported part of the scaffold does not exceed by more than 4 metres the height of the last row of ties that secure the scaffold to the structure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A licence holder must ensure that any scaffold involved in Class 1 demolition work or Class 2 demolition work that the person is carrying out at a workplace complies with subregulation (1)(a) to (g).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A person does not commit an offence under subregulation (1) or (2) if, proof of which is on the person, the scaffold is otherwise in accordance with any approval of, or a condition imposed by, the regulator in relation to the demolition work.

Part 4.6A — Licensing of demolition work

Division 1 — Licensing process

142N. Application for demolition licence

(1) An application for a demolition licence must be made under the *Work Health and Safety (General) Regulations 2022* regulation 142N.

(2) *[not used]*

(3) *[not used]*

(4) *[not used]*

142O. Not used

142P. Not used

142Q. Not used

142R. Not used

142S. Not used

142T. Not used

142U. Not used

142V. Not used

142W. Not used

142X. Licence document to be available

(1) A licence holder must keep the licence document issued under the *Work Health and Safety (General) Regulations 2022* regulation 142W available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) Subregulation (1) does not apply if the licence document is not in the licence holder's possession because —

(a) it has been returned to the regulator under the *Work Health and Safety (General) Regulations 2022* regulation 143F; and

(b) the licence holder has applied for, but has not received, a replacement licence document under the *Work Health and Safety (General) Regulations 2022* regulation 143G.

Division 2 — Not used

143. Not used

143A. Not used

143B. Not used

143C. Not used

143D. Not used

143E. Not used

143F. Not used

143G. Not used

143H. Not used

Division 3 — Not used

143I. Not used

143J. Not used

143K. Not used

143L. Not used

143M. Not used

Division 4 — Not used

143N. Not used

143O. Not used

143P. Not used

143Q. Not used

143R. Not used

143S. Not used

143T. Not used

Part 4.7 — General electrical safety in workplaces and energised electrical work

Note for this Part:

General electrical safety in workplaces and energised electrical work is also covered in Part 10.2 Division 3 Subdivision 3A.

Division 1 — Preliminary

144. Meaning of electrical equipment

In this Part —

electrical equipment includes any component or part of an electrical installation.

145. Meaning of electrical installation

In this Part —

electrical installation has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1).

146. Meaning of electrical work

In this Part —

electrical work has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 4A.

146A. References to electricity distributor in AS/NZS 3012:2010

For the purposes of this Part, a reference in AS/NZS 3012:2010 (Electrical installations — Construction and demolition sites) to an electricity distributor is to be treated as a reference to a person who is a network operator under the *Electricity (Network Safety) Regulations 2015* regulation 4(1)(a), (b), (c), (d), (e), (f) or (g).

Division 2 — General risk management

147. Risk management

A person conducting a business or undertaking at a workplace must manage risks to health and safety associated with electrical risks at the workplace, in accordance with Part 3.1.

Example for this regulation:

Electrical risks associated with the design, construction, installation, protection, maintenance and testing of electrical equipment and electrical installations at a workplace.

Note for this regulation:

WHS Act — section 19 (see regulation 9).

Division 3 — Electrical equipment and electrical installations

148. Electrical equipment and electrical installations to which Division applies

In this Division, a reference to ***electrical equipment*** or an ***electrical installation*** in relation to a person conducting a business or undertaking is a reference to electrical equipment or an electrical installation that is under the person's management or control.

149. Unsafe electrical equipment

(1A) For the purposes of this regulation, electrical equipment or a component of electrical equipment is ***unsafe*** if there are reasonable grounds for believing it to be unsafe.

(1) A person conducting a business or undertaking at a workplace must ensure that any unsafe electrical equipment at the workplace —

(a) is disconnected (or isolated) from its electricity supply; and

(b) once disconnected (or isolated) —

(i) is not reconnected until it is repaired or tested and found to be safe; or

(ii) is replaced or permanently removed from use.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) *[not used]*

150. Inspection and testing of electrical equipment

(1) A person conducting a business or undertaking at a workplace must ensure that electrical equipment is regularly inspected and tested by a competent person if the electrical equipment is —

(a) supplied with electricity through an electrical socket outlet; and

(b) used in an environment in which the normal use of electrical equipment exposes the equipment to operating conditions that are likely to result in damage to the equipment or a reduction in its expected life span, including conditions that involve exposure to moisture, heat, vibration, mechanical damage, corrosive chemicals or dust.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) In the case of electrical equipment that is new and unused at the workplace, the person conducting the business or undertaking —

(a) is not required to comply with subregulation (1); and

(b) must ensure that the equipment is inspected for obvious damage before being used.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this subregulation:

However, electrical equipment that is unsafe must not be used (see regulation 149).

(3) The person must ensure that a record of any testing carried out under subregulation (1) is kept until the electrical equipment is —

(a) next tested; or

(b) permanently removed from the workplace or disposed of.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) The record of testing —

(a) must specify the following —

(i) the name of the person who carried out the testing;

(ii) the date of the testing;

(iii) the outcome of the testing;

(iv) the date on which the next testing must be carried out;

and

(b) may be in the form of a tag attached to the electrical equipment tested.

151. Untested electrical equipment not to be used

A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that electrical equipment is not used if the equipment —

(a) is required to be tested under regulation 150; and

(b) has not been tested.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Division 4 — Electrical work on energised electrical equipment

152. Electrical work

(1) A person who, at a workplace, is a person conducting a business or undertaking at, or a person with management or control of, the workplace must ensure that, before electrical work is carried out on a part of an electrical installation at the workplace, the part —

(a) is tested by a competent person to ascertain whether or not it is energised; and

(b) if it is found to be energised, is de-energised by a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1)(b) does not apply to electrical work carried out under the *Electricity (Licensing) Regulations 1991* regulation 55(2).

153. Work in roof spaces

(1) In this regulation —

building means a Class 1, Class 2 or Class 10a building as referred to in the *Building Regulations 2012*;

roof space, of a building —

(a) means the space in the building that is —

(i) immediately under the roof; or

(ii) if there is a ceiling under the roof, or a part of the roof, the space between the roof, or that part of the roof, and the ceiling;

but

(b) does not include a habitable room in the roof space;

service apparatus has the meaning given in the *Electricity Act 1945* section 5(1).

(2) A person who, at a workplace, is a person conducting a business or undertaking at, or a person with management or control of, the workplace must ensure that, before work is done in a roof space of a building at the workplace, the building's electrical installation is de-energised by a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A worker must not do work in a roof space of a building at a workplace unless the building's electrical installation is de-energised by a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) If the roof space of a building to which subregulation (2) or (3) applies is divided into separate parts, such that a person cannot

move from 1 part of the roof space to another, and each part relates to a separate dwelling, the requirement to de-energise the building's electrical installation only applies to the dwelling that relates to the part of the roof space in which the work is to be done.

(5) Subregulations (2) and (3) do not apply to work done by a competent person to test, service or commission an appliance or other equipment in or accessible by means of the roof space (for example, a gas appliance, air conditioner or antenna), to the extent necessary to energise the appliance or equipment, if —

(a) it is necessary to energise the appliance or equipment for the purpose of testing, servicing or commissioning the appliance or equipment; and

(b) a risk assessment has been undertaken in accordance with Part 3.1 by a competent person; and

(c) the competent person referred to in paragraph (b) is satisfied that —

(i) the risks identified by the risk assessment are or can be reduced to as low as reasonably practicable; and

(ii) the work can be carried out safely;

and

(d) if regulation 299 does not apply to the work — a safe work method statement for the work has been prepared in accordance with regulation 299, as if the work were high risk construction work and the place where the work is to be carried out were a construction site.

(6) Subregulations (2) and (3) do not require the de-energisation of —

(a) service apparatus that is part of a building's electrical installation; or

(b) a supply cable that is part of a building's electrical installation if —

(i) the cable is from a solar power system, wind turbine or battery; and

(ii) it is not reasonably practicable to de-energise the cable;

or

(c) any other part of a building's electrical installation if it is not reasonably practicable to de-energise that part.

(7) Subregulations (2) and (3) do not apply to electrical work carried out under the *Electricity (Licensing) Regulations 1991* regulation 55(2).

154. Not used

155. Not used

156. Not used

157. Not used

158. Not used

159. Not used

160. Not used

161. Not used

162. Not used

Division 5 — Electrical equipment and installations and construction work: additional duties

163. Duty of person conducting business or undertaking

(1) A person conducting a business or undertaking that includes the carrying out of construction work must comply with AS/NZS 3012:2010 (Electrical installations — Construction and demolition sites).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1), AS/NZS 3012:2010 (Electrical installations — Construction and demolition sites) applies as if any term that is defined in that standard and that is also defined in the Act or these regulations has the same meaning as it has in the Act or these regulations.

(3) If any requirement in AS/NZS 3012:2010 (Electrical installations — Construction and demolition sites) deals with the same matter as a requirement under this Part, it is sufficient that the person conducting the business or undertaking complies with the requirement in AS/NZS 3012:2010 as modified by subregulation (2).

Division 6 — Residual current devices

164. Use of socket outlets in hostile operating environment

(1) This regulation applies in the following circumstances —

(a) electrical equipment is used in an environment in which the normal use of electrical equipment exposes the equipment to operating conditions that are likely to result in damage to the equipment or a reduction in its expected life span, including conditions that involve

exposure to moisture, heat, vibration, mechanical damage, corrosive chemicals or dust;

(b) electrical equipment is moved between different locations in circumstances where damage to the equipment or to a flexible electricity supply cord is reasonably likely;

(c) electrical equipment is frequently moved during its normal use.

(d) *[not used]*

(2) In a circumstance set out in subregulation (1), a person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that any electrical risk associated with the supply of electricity to the electrical equipment through a socket outlet is minimised by the use of an appropriate residual current device.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) Without limiting subregulation (2), the residual current device must have a tripping current that does not exceed 30 milliamps if electricity is supplied to the equipment through a socket outlet not exceeding 20 amps.

(4) Subregulation (2) does not apply if the supply of electricity to the electrical equipment —

(a) does not exceed 50 volts alternating current; or

(b) is direct current; or

(c) is provided through an isolating transformer that provides at least an equivalent level of protection; or

(d) is provided from a non-earthed socket outlet supplied by an isolated winding portable generator that provides at least an equivalent level of protection.

165. Testing of residual current devices

(1) A person with management or control of a workplace must take all reasonable steps to ensure that residual current devices used at the workplace are tested regularly by a competent person to ensure that the devices are operating effectively.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The person must keep a record of all testing of a residual current device (other than any testing conducted daily) until the earlier of the following occurs —

(a) the device is next tested;

(b) the device is permanently removed from use.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 7 — Overhead and underground electric lines

166. Duty of person conducting a business or undertaking: underground electric lines

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that no person, plant or thing at the workplace comes within an unsafe distance of an underground electric line.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If it is not reasonably practicable to ensure the safe distance of a person, plant or thing from an underground electric line, the

person conducting the business or undertaking at the workplace must ensure that —

(a) a risk assessment is conducted in relation to the proposed work; and

(b) control measures implemented are consistent with —

(i) the risk assessment; and

(ii) if a network operator is responsible for the electric line, any requirements of the network operator.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

The *Electricity Act 1945* also applies to the person conducting the business or undertaking.

166A. Duty of person conducting a business or undertaking: overhead electric lines

(1) In this regulation —

danger zone means anywhere that —

(a) is within 0.5 metres of a live insulated overhead electric line or aerial bundled conductor line of a voltage of not more than 1 000 volts; or

(b) is within 1.0 metre of a live uninsulated overhead electric line of a voltage of not more than 1 000 volts; or

(c) is within 3.0 metres of a live overhead electric line, whether insulated or not, of a voltage exceeding 1 000 volts but not more than 33 000 volts; or

(d) is within 6.0 metres of a live overhead electric line, whether insulated or not, of a voltage exceeding 33 000 volts.

(2) Subject to subregulation (3), without limiting clause 2.5.6 of AS/NZS 3012:2010 (Electrical installations — Construction and demolition sites), a person conducting a business or undertaking at, or a person with management or control of, a workplace must ensure that a worker or any plant or material used or controlled by a worker does not enter the danger zone of an overhead electric line or aerial bundled conductor line.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A person does not commit an offence under subregulation (2) if, proof of which is on the person —

(a) the overhead electric line has been adequately insulated and effectively cordoned off to protect the safety of persons or otherwise made safe, as the case requires; or

(b) the worker is authorised to carry out electrical work under the *Electricity Act 1945*.

Part 4.8 — Diving work

Division 1 — Preliminary

167. Purpose of Part

The purpose of this Part is to impose duties on a person conducting a business or undertaking at a workplace to ensure —

(a) the fitness and competence of persons who carry out general diving work and high risk diving work; and

(b) the health and safety of persons who carry out general diving work and high risk diving work; and

(c) the health and safety of other persons at workplaces where general diving work or high risk diving work is carried out.

Division 2 — General diving work: fitness and competence of worker

168. Person conducting business or undertaking must ensure fitness of workers

(1) A person conducting a business or undertaking at a workplace must not direct or allow a worker to carry out general diving work or undergo training for general diving work unless the worker holds a current certificate of medical fitness.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must not direct or allow a worker to carry out general diving work or undergo training for diving work unless the work or training complies with any conditions on the current certificate of medical fitness of the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

169. Certificate of medical fitness

A certificate of medical fitness must —

(a) be issued by a registered medical practitioner with training in underwater medicine; and

(b) state the following —

(i) the name of the person to whom it is issued;

(ii) its date of issue and its expiry date;

(iii) whether or not the person to whom it is issued is, in accordance with the fitness criteria, medically fit to carry out diving work;

(iv) any conditions in relation to the type of diving work the person to whom it is issued is fit to carry out, or the circumstances in which the

person is fit to carry out general diving work, including, in the case of a person who is under 18 years of age, any particular conditions applicable to the age of the person.

170. Duty to keep certificate of medical fitness

A person conducting a business or undertaking at a workplace must keep the certificate of medical fitness of a worker who carries out general diving work for 1 year after the work is carried out.

Penalty:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

171. Competence of worker: general diving work: qualifications

(1A) In this regulation —

AS/NZS 2815 means the following —

(a) AS 2815.1:2021 Training and certification of occupational divers, Part 1: Occupational SCUBA diver;

(b) AS 2815.2:2021 Training and certification of occupational divers, Part 2: Surface supplied diver to 30 m;

(c) AS 2815.3:2021 Training and certification of occupational divers, Part 3: Surface supplied diving to 50 m;

(d) AS 2815.4:2021 Training and certification of occupational divers, Part 4: Closed bell diving;

(e) AS/NZS 2815.5:2013 Training and certification of occupational divers, Part 5: Dive supervisor;

(f) AS/NZS 2815.6:2013 Training and certification of occupational divers, Part 6: Restricted occupational SCUBA;

relevant competencies means the competencies specified in AS/NZS 2815 that are relevant to the type of general diving work to which subregulation (1) applies.

(1) A person must not carry out any type of general diving work unless the person holds a certificate for general diving work, issued by a training organisation, that demonstrates that the person has acquired the relevant competencies for that type of general diving work.

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

(3) *[not used]*

Note for this regulation:

See section 44 of the Act.

171A. Competence of worker: general diving work: knowledge and skill

(1) A person must not carry out general diving work unless the person has, through training, qualification or experience, acquired sound knowledge and skill in relation to the following —

(a) the application of diving physics;

(b) the use, inspection and maintenance of diving equipment (including emergency equipment) and air supply of the type to be used in the proposed general diving work;

(c) the use of decompression tables or dive computers;

(d) dive planning;

(e) ways of communicating with another diver and with persons at the surface during general diving work;

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

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

(2) *[not used]*

Note for this regulation:

See section 44 of the Act.

172. Competence of worker: incidental diving work

(1A) In this regulation, a person has ***relevant diving experience*** if the person has logged at least 15 hours of diving, of which at least 8 hours and 20 minutes were spent diving between 10 metres above and any depth below the maximum depth at which the diving work is to be carried out.

(1) A person must not carry out incidental diving work unless the person —

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

(b) has relevant diving experience; and

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

Note for this subregulation:

See section 44 of the Act.

(2) *[not used]*

173. Competence of worker: limited scientific diving work

(1A) In this regulation, a person has ***relevant diving experience*** if the person has logged at least 60 hours of diving of which at least 8 hours and 20 minutes were spent diving between 10 metres above and any depth below the maximum depth at which the limited scientific diving work is to be carried out.

(1) A person must not carry out limited scientific diving work unless the person has —

(a) the training, qualification or experience referred to in regulation 171A; and

(b) if the person is not permanently resident in Australia — relevant diving experience, including relevant diving experience obtained outside Australia.

Note for this subregulation:

See section 44 of the Act.

(2) *[not used]*

174. Competence of competent person supervising general diving work

A person appointed under regulation 177 must not perform any function associated with that appointment unless the person has —

(a) the qualification specified in regulation 171; and

(b) experience in the type of diving work to be supervised.

Note for this regulation:

See section 44 of the Act.

175. Evidence of competence: duty of person conducting business or undertaking

(1) A person conducting a business or undertaking at a workplace must not direct or allow a worker to carry out general diving work unless the person sees written evidence provided by the worker that the worker has the relevant competence required under this Division.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) A person conducting a business or undertaking at a workplace must not direct or allow a person appointed under regulation 177 to perform any of the functions associated with that appointment unless the person conducting the business or undertaking sees written evidence provided by the person

appointed that the person appointed has the competence required under regulation 174.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) A person conducting a business or undertaking must keep the written evidence given to the person —

(a) under subregulation (1) — for at least 1 year after the diving work is carried out;

(b) under subregulation (2) — for at least 1 year after the last occasion on which the person performs a function associated with the appointment.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 3 — Managing risks: general diving work

176. Management of risks to health and safety

(1) A person conducting a business or undertaking at a workplace must manage risks to health and safety associated with general diving work, in accordance with Part 3.1.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) A person conducting a business or undertaking must ensure that a risk assessment is conducted by a competent person for the purposes of subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The person must ensure that a risk assessment conducted under subregulation (2) is recorded in writing.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

177. Appointment of competent person to supervise diving work

A person conducting a business or undertaking at a workplace must appoint 1 or more competent persons to —

(a) supervise general diving work carried out in the business or undertaking; and

(b) perform other functions under this Division.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

See regulation 174 for the qualifications of the competent person.

178. Additional control: dive plan

(1) A person conducting a business or undertaking at a workplace must not direct or allow general diving work to be carried out unless a dive plan for the dive —

(a) is prepared by a competent person appointed under regulation 177; or

(b) has been prepared by a competent person appointed under regulation 177 on an earlier occasion for a similar dive.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A dive plan must state the following —

(a) the method of carrying out the diving work to which it relates;

(b) the tasks and duties of each person involved in the dive;

(c) the diving equipment, breathing gases and procedures to be used in the dive;

(d) as applicable, dive times, bottom times and decompression profiles;

(e) hazards relating to the dive and measures to be implemented in the control of risks associated with those hazards;

(f) emergency procedures.

179. Dive plan must be complied with

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that general diving work is carried out in accordance with the dive plan prepared for it.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A person conducting a business or undertaking must ensure that a competent person appointed by the person under regulation 177 gives workers instruction in relation to the dive plan before commencing the diving work to which the plan relates.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

180. Additional control: dive safety log to be kept

A person conducting a business or undertaking at a workplace where general diving work is carried out must keep a dive safety log that contains the following information about each dive carried out by a worker —

(a) the name of the worker who carries out the dive;

(b) the name of any other person with whom the dive is carried out;

(c) the name of the competent person appointed under regulation 177 to supervise the diving work;

(d) the date and location of the dive;

(e) the time each diver enters and leaves the water;

(f) the maximum depth of the dive;

(g) any incident, difficulty, discomfort or injury that occurs or is experienced during the dive;

(h) if the dive was carried out using a dive computer — the dive time;

(i) if the dive was carried out using dive tables — the repetitive dive group, if available, and either the bottom time or the dive time;

(j) if the repetitive group and surface interval result in a repetitive factor — the surface interval and the repetitive factor;

(k) if the dive is carried out using EANx —

(i) the oxygen content of the EANx; and

(ii) the maximum operating depth of the EANx;

(l) if the dive is carried out using mixed gas —

(i) the oxygen content and the nitrogen content (if any) of the gas; and

(ii) the maximum operating depth of the mixed gas; and

(iii) the minimum operating depth of the bottom mix.

Penalty:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

181. Use of dive safety log

(1A) In this regulation, an event is ***verified*** in the dive safety log —

(a) by signing; or

(b) if the log is electronic, by entering the verifier's unique identifier.

(1) This regulation applies to a person conducting a business or undertaking at a workplace where general diving work is carried out.

(2) The person conducting the business or undertaking must ensure that, after each dive carried out in connection with the general diving work is completed, the return of each diver is verified in the dive safety log, as soon as practicable after the return, by —

(a) the diver; and

(b) a competent person appointed under regulation 177 to supervise the diving work.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) If workers are carrying out general diving work from a vessel, the person conducting the business or undertaking must ensure that a competent person appointed under regulation 177 to supervise the diving work makes and verifies entries in the dive safety log of the number of workers and other persons on board the vessel —

(a) before the diving work commences; and

(b) before the vessel leaves the location after the diving work is completed.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) The person conducting the business or undertaking must ensure that the dive safety log is kept for at least 1 year after the last entry is made.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(5) *[not used]*

182. Record keeping

(1) This regulation applies if a person conducting a business or undertaking prepares —

(a) a risk assessment under regulation 176; or

(b) a dive plan under regulation 178.

(2) Subject to subregulation (3), the person must keep —

(a) a copy of the risk assessment until at least 28 days after the work to which it relates is completed; and

(b) a copy of the dive plan until the work to which it relates is completed.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) If a notifiable incident occurs in connection with the work to which the assessment or dive plan relates, the person must keep

the assessment or dive plan (as applicable) for at least 2 years after the incident occurs.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) The person must ensure that, for the period for which the assessment or dive plan must be kept under this regulation, a copy is readily accessible to any worker engaged by the person to carry out the work to which the assessment or dive plan relates.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(5) The person must ensure that, for the period for which the assessment or dive plan must be kept under this regulation, a copy is available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 4 — High risk diving work

183. Duties of person conducting business or undertaking

A person conducting a business or undertaking at a workplace where high risk diving work is carried out must ensure that the following are in accordance with AS/NZS 2299.1:2015 (Occupational diving operations — Standard operational practice) —

(a) the fitness of persons carrying out the work;

(b) the competence of persons carrying out the work;

Note for this paragraph:

See section 44 of the Act.

(c) the carrying out of the work.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

184. Duty of worker: competence

A person must not carry out high risk diving work unless the person has the qualifications, knowledge, skills and experience required by AS/NZS 2299.1:2015 (Occupational diving operations — Standard operational practice) for work of the kind to be carried out by the person.

Note for this regulation:

See section 44 of the Act.

Part 4.9 — Use of power tools on engineered stone products

184A. Use of power tools on engineered stone products

(1) A person conducting a business or undertaking at, or a person with management or control of, a workplace must ensure that a power tool is not used for cutting, grinding or abrasive polishing of engineered stone at the workplace unless the use is controlled.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1), the use of a power tool is ***controlled*** if —

(a) it is used with —

(i) an integrated water delivery system that supplies a continuous feed of water; or

(ii) a commercially available on tool extraction system connected to a Dust Class H Vacuum or

other suitable system that captures the dust generated; or

(iii) if subparagraphs (i) and (ii) are not reasonably practicable, local exhaust ventilation;

and

(b) the person who is cutting, grinding or undertaking abrasive polishing of engineered stone is provided with respiratory protective equipment.

(3) For the purposes of subregulation (2)(b), ***respiratory protective equipment*** is personal protective equipment that —

(a) is designed to protect the wearer from the inhalation of airborne contaminants entering the nose, mouth and lungs; and

(b) complies with AS/NZS 1716:2012 (Respiratory protective devices).

(4) A person conducting a business or undertaking at, or a person with management or control of, a workplace must ensure that any controls used in accordance with subregulation (2) are properly designed, installed, used and maintained so that the controls are effective in reducing exposure to airborne crystalline silica dust generated as a result of the cutting, grinding or abrasive polishing of engineered stone.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 4.10 — Not used

184B. Not used

184C. Not used

184D. Not used

184E. Not used

184F. Not used

184G. Not used

Chapter 5 — Plant and structures

Part 5.1 — General duties for plant and structures

Division 1 — Preliminary

185. Application of Part to plant

(1) Subject to this regulation, this Part applies to all plant.

(2) Subject to subregulation (3), this Part does not apply to plant that —

(a) relies exclusively on manual power for its operation; and

(b) is designed to be primarily supported by hand.

(3) This Part applies to explosive power tools that are designed to be supported by hand.

186. Application of Part to structures

This Part applies to structures as provided in this Part.

Division 2 — Duties of persons conducting businesses or undertakings that design plant

187. Provision of information to manufacturer

A designer of plant must ensure, when the design of the plant is made available to the manufacturer of the plant, that the manufacturer is provided with —

(a) information to enable the plant to be manufactured in accordance with the design specifications; and

(b) if applicable, information about —

(i) the installation, commissioning, decommissioning, use, handling, storage and, if the plant is capable of being dismantled, dismantling of the plant; and

(ii) the hazards and risks associated with the use of the plant that the designer has identified; and

(iii) testing or inspections to be carried out on the plant; and

(iv) the systems of work and competency of operators that are necessary for the safe use of the plant; and

(v) the emergency procedures (if any) that are required to be implemented if there is a malfunction of the plant.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this regulation:

A designer also has duties under section 22 of the Act.

188. Hazard identified in design during manufacture

If a manufacturer of plant informs the designer of the plant that there is a hazard in the design of the plant for which the designer has not provided a control measure, the designer must —

(a) revise the information originally supplied to the manufacturer to ensure that —

(i) the risk is eliminated so far as is reasonably practicable; or

(ii) if it is not reasonably practicable to eliminate the risk, the risk is minimised so far as is reasonably practicable;

or

(b) notify the manufacturer, in writing, that the designer is of the opinion that it is not necessary to revise the

information originally supplied to the manufacturer to ensure compliance with this Part.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this regulation:

A designer also has duties under section 22 of the Act.

189. Guarding

(1) This regulation applies if a designer of plant uses guarding as a control measure.

(2) The designer must ensure, so far as is reasonably practicable, that the guarding designed for that purpose will prevent access to the danger point or danger area of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The designer must ensure that —

(a) if access to the area of the plant requiring guarding is not necessary during operation, maintenance or cleaning of the plant — the guarding is a permanently fixed physical barrier; or

(b) if access to the area of the plant requiring guarding is necessary during operation, maintenance or cleaning of the plant — the guarding is an interlocked physical barrier that allows access to the area being guarded at times when that area does not present a risk and prevents access to that area at any other time; or

(c) if it is not reasonably practicable to use guarding referred to in paragraph (a) or (b) — the guarding used is a physical barrier that can only be altered or removed by the use of tools; or

(d) if it is not reasonably practicable to use guarding referred to in paragraph (a), (b) or (c) — the design includes a presence-sensing safeguarding system that eliminates any risk arising from the area of the plant requiring guarding while a person or any part of a person is in the area being guarded.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The designer must ensure that the guarding is designed —

(a) to be of solid construction and securely mounted so as to resist impact or shock; and

(b) to make bypassing or disabling of the guarding, whether deliberately or by accident, as difficult as is reasonably practicable; and

(c) so as not to cause a risk in itself.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) If the plant to be guarded contains moving parts and those parts may break or cause workpieces to be ejected from the plant, the designer must ensure, so far as is reasonably practicable, that the guarding will control any risk from those broken or ejected parts and workpieces.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) Despite anything to the contrary in this regulation, the designer must ensure —

(a) that the guarding is of a kind that can be removed to allow maintenance and cleaning of the plant at any time that the plant is not in normal operation; and

(b) if the guarding is removed, that, so far as is reasonably practicable, the plant cannot be restarted unless the guarding is replaced.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

190. Operational controls

(1) A designer of plant must ensure that the design provides for any operator's controls for the plant to be —

(a) identified on the plant so as to indicate their nature and function and direction of operation; and

(b) located so as to be readily and conveniently operated by each person using the plant; and

(c) located or guarded to prevent unintentional activation; and

(d) able to be locked into the "off" position to enable the disconnection of all motive power.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the need for plant to be operated during maintenance or cleaning cannot be eliminated, the designer of the plant must ensure that the design provides for operator's controls that —

(a) permit operation of the plant while a person is undertaking the maintenance or cleaning of the plant; and

(b) while the plant is being maintained or cleaned, cannot be operated by any person other than the person who is carrying out the maintenance or cleaning of the plant; and

(c) will allow operation of the plant in such a way that any risk associated with the activities in relation to any person who is carrying out the maintenance or cleaning —

(i) is eliminated so far as is reasonably practicable; or

(ii) if it is not reasonably practicable to eliminate the risk, is minimised so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

191. Emergency stop controls

(1) If plant is designed to be operated or attended by more than 1 person and more than 1 emergency stop control is fitted, the designer of the plant must ensure that the design provides for the multiple emergency stop controls to be of the "stop and lock-off" type so that the plant cannot be restarted after an emergency stop control has been used unless that emergency stop control is reset.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the design of the plant includes an emergency stop control for the plant, the designer of the plant must ensure that the design provides —

(a) for the stop control to be prominent, clearly and durably marked and immediately accessible to each operator of the plant; and

(b) for any handle, bar or push button associated with the stop control to be coloured red; and

(c) that the stop control cannot be adversely affected by electrical or electronic circuit malfunction.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

192. Warning devices

(1) This regulation applies if the design of plant includes an emergency warning device or it is necessary to include an emergency warning device to minimise risk.

(2) The designer of the plant must ensure that the design provides for the device to be positioned on the plant to ensure the device will work to best effect.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 3 — Duties of persons conducting businesses or undertakings that manufacture plant

193. Control of risk

(1) A manufacturer of plant must ensure the following —

(a) that the plant is manufactured and inspected having regard to the information provided to the manufacturer

by the designer of the plant under the Act and these regulations;

(b) if the information provided to the manufacturer by the designer of the plant under the Act and these regulations requires the plant to be tested — that the plant is tested in accordance with that information;

(c) if, during the manufacturing process, any hazard is identified in the design of the plant for which the designer has not provided a control measure —

(i) that the hazard is not incorporated into the manufacture of the plant; and

(ii) that the designer of the plant is given written notice of the hazard as soon as practicable; and

(iii) that all reasonable steps are taken to consult with the designer of the plant in relation to the alteration of the design to rectify the hazard.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A manufacturer of plant must ensure that, if it is not possible to inform the designer about the hazard in accordance with subregulation (1) —

(a) the risk is eliminated, so far as is reasonably practicable; or

(b) if it is not reasonably practicable to eliminate the risk, the risk is minimised so far as is reasonably practicable.

Note for this subregulation:

WHS Act — section 23 (see regulation 9).

(3) A manufacturer to whom subregulation (1)(c) applies must not manufacture the plant until —

(a) the designer gives the manufacturer the revised information or written instruction under regulation 188; or

(b) the manufacturer eliminates or minimises the risk under subregulation (2).

Note for this subregulation:

WHS Act — section 23 (see regulation 9).

(4) If the designer notifies a manufacturer of plant under regulation 188, the manufacturer may proceed in accordance with the designer's original information.

194. Guarding

(1) A manufacturer of plant must ensure that guarding used as a control measure is of solid construction and securely mounted so as to resist impact or shock.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A manufacturer of plant must ensure —

(a) that any guarding used as a control measure in relation to plant is of a kind that can be removed to allow maintenance and cleaning of the plant at any time that the plant is not in normal operation; and

(b) if the guarding is removed — that, so far as is reasonably practicable, the plant cannot be restarted unless the guarding is replaced.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

195. Information must be obtained and provided

A manufacturer of plant must —

(a) take all reasonable steps to obtain the information required to be provided to the manufacturer by the designer of the plant under section 22(4)(a) and (c) of the Act and regulations 187 and 188; and

(b) ensure that a person to whom the manufacturer supplies the plant is, at the time of supply, provided with the information provided to the manufacturer by the designer under section 22(4)(a) and (c) of the Act and regulation 187; and

(c) if the manufacturer acts in accordance with regulation 193(1)(c), ensure that a person to whom the manufacturer supplies the plant is provided with the information, applicable to the plant, that is required to be provided by the designer under section 22(4)(a) and (c) of the Act and regulation 188.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Division 4 — Duties of persons conducting businesses or undertakings that import plant

196. Information to be obtained and provided by importer

An importer of plant must —

(a) take all reasonable steps to obtain —

(i) the information that would be required to be provided by a manufacturer under section 23(4)(a) and (c) of the Act; and

(ii) the information that would be required to be provided by the designer of the plant to the manufacturer under regulations 187 and 188;

and

(b) give that information to any person to whom the importer supplies the plant.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

197. Control of risk

An importer of plant must —

(a) ensure that the plant is inspected having regard to the information provided by the manufacturer; and

(b) if the information provided by the manufacturer requires the plant to be tested — ensure that the plant is tested in accordance with that information; and

(c) if any hazards are identified —

(i) ensure that the plant is not supplied until the risks have been eliminated so far as is reasonably practicable; and

(ii) if it is not reasonably practicable to eliminate the risks, inform the person to whom the plant is supplied about the risks;

and

(d) take all reasonable steps to ensure that the designer and manufacturer of the plant are consulted in relation to any alteration made to the plant to control the risk.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 5 — Duties of persons conducting businesses or undertakings that supply plant

198. Information to be obtained and provided by supplier

A supplier of plant must —

(a) take all reasonable steps to obtain the information required to be provided by the manufacturer under section 23(4)(a) and (c) of the Act and these regulations; and

(b) ensure that, when the plant is supplied, the person to whom the plant is supplied is given the information obtained by the supplier under paragraph (a).

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

199. Supply of second-hand plant: duties of supplier

(1) A supplier of second-hand plant must ensure, so far as is reasonably practicable, that any faults in the plant are identified.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A supplier of second-hand plant must ensure that the person to whom the plant is supplied is, before the plant is supplied, given written notice —

(a) of the condition of the plant; and

(b) of any faults identified under subregulation (1); and

(c) if appropriate, that the plant should not be used until the faults are rectified.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) This regulation does not apply to plant to be used for scrap or spare parts.

200. Second-hand plant to be used for scrap or spare parts

A supplier of plant to be used for scrap or spare parts must, before the plant is supplied, inform the person to whom the plant is supplied, either in writing or by marking the plant, that the plant is being supplied for scrap or spare parts and that the plant in its current form is not to be used as plant.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Division 6 — Duties of persons conducting businesses or undertakings that install, construct or commission plant or structures

201. Duties of persons conducting businesses or undertakings that install, construct or commission plant

(1) This regulation applies to a person who conducts a business or undertaking that installs, constructs or commissions plant that is to be used, or could reasonably be expected to be used, as, or at, a workplace.

(2) The person must ensure that the plant is installed, constructed or commissioned having regard to —

(a) the information provided by the designer, manufacturer, importer or supplier of the plant under the Act and these regulations; or

(b) the instructions provided by a competent person to the extent that those instructions relate to health and safety.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

202. Duties of persons conducting businesses or undertakings that install, construct or commission structures

(1) This regulation applies to a person who conducts a business or undertaking that installs, constructs or commissions a structure that is to be used, or could reasonably be expected to be used, as or at, a workplace.

(2) The person must ensure that the structure is installed, constructed or commissioned having regard to —

(a) the information provided by the designer, manufacturer, importer or supplier of the structure under the Act and these regulations; or

(b) the instructions provided by a competent person to the extent that those instructions relate to health and safety.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 7 — General duties of a person conducting a business or undertaking involving the management or control of plant

Note for this Division:

A person with management or control of plant at a workplace is the person conducting a business or undertaking at the workplace to the extent that the business or undertaking involves the management or control of plant in whole or in part at the workplace. See the definition of ***person with management or control of plant at a workplace*** in regulation 5 and section 21 of the Act.

Subdivision 1 — Management of risks

203. Management of risks to health and safety

A person with management or control of plant at a workplace must manage risks to health and safety associated with plant, in accordance with Part 3.1.

Note for this regulation:

WHS Act — section 21 (see regulation 9).

Subdivision 2 — Additional control measures for general plant

204. Control of risks arising from installation or commissioning

(1) A person with management or control of plant at a workplace must not commission the plant unless the person has established that the plant is, so far as is reasonably practicable, without risks to the health and safety of any person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A person with management or control of plant at a workplace must not decommission or dismantle the plant unless the decommissioning or dismantling can be carried out, so far as is reasonably practicable, without risks to the health and safety of any person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A person with management or control of plant at a workplace must ensure that a person who installs, assembles, constructs,

commissions or decommissions or dismantles the plant is a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) A person with management or control of plant at a workplace must ensure that a person who installs, assembles, constructs, commissions or decommissions or dismantles the plant is provided with the available information for eliminating or minimising risks to health or safety.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) A person with management or control of plant at a workplace must ensure that the processes for the installation, construction, commissioning, decommissioning and dismantling of plant include inspections that ensure, so far as is reasonably practicable, that risks associated with these activities are monitored.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

205. Preventing unauthorised alterations to or interference with plant

The person with management or control of plant at a workplace must, so far as is reasonably practicable, prevent alterations to or interference with the plant that are not authorised by the person.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

206. Proper use of plant and controls

(1) The person with management or control of plant at a workplace must take all reasonable steps to ensure that plant is used only for the purpose for which it was designed, unless the person has determined that the proposed use does not increase the risk to health or safety.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) In determining whether or not a proposed use of plant increases the risk to health or safety, the person with management or control of the plant must ensure that the risk associated with the proposed use is assessed by a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person with management or control of plant at a workplace must take all reasonable steps to ensure that all health and safety features and warning devices (including guarding, operational controls, emergency stops and warning devices) are used in accordance with the instructions and information provided by that person under regulation 39.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

207. Plant not in use

The person with management or control of plant at a workplace must ensure, so far as is reasonably practicable, that plant that is not in use is left in a state that does not create a risk to the health or safety of any person.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

208. Guarding

(1) This regulation applies if guarding is used as a control measure in relation to plant at a workplace.

(2) The person with management or control of the plant must ensure that —

(a) if access to the area of the plant requiring guarding is not necessary during operation, maintenance or cleaning of the plant, the guarding is a permanently fixed physical barrier; or

(b) if access to the area of the plant requiring guarding is necessary during operation, maintenance or cleaning of the plant, the guarding is an interlocked physical barrier that allows access to the area being guarded at times when that area does not present a risk and prevents access to that area at any other time; or

(c) if it is not reasonably practicable to use guarding referred to in paragraph (a) or (b), the guarding used is a physical barrier that can only be altered or removed by the use of tools; or

(d) if it is not reasonably practicable to use guarding referred to in paragraph (a), (b) or (c), the guarding includes a presence-sensing safeguarding system that eliminates any risk arising from the area of the plant

requiring guarding while a person or any part of a person is in the area being guarded.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person with management or control of the plant must ensure that the guarding —

(a) is of solid construction and securely mounted so as to resist impact or shock; and

(b) makes bypassing or disabling of the guarding, whether deliberately or by accident, as difficult as is reasonably practicable; and

(c) does not create a risk in itself; and

(d) is properly maintained.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) If the plant to be guarded contains moving parts that may break or cause workpieces to be ejected from the plant, the person with management or control of the plant must ensure, so far as is reasonably practicable, that the guarding will control any risk from those broken or ejected parts and workpieces.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) Despite anything to the contrary in this regulation, the person with management or control of the plant must ensure —

(a) that the guarding is of a kind that can be removed to allow maintenance and cleaning of the plant at any time that the plant is not in normal operation; and

(b) if guarding is removed, that, so far as is reasonably practicable, the plant cannot be restarted unless the guarding is replaced.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

209. Guarding and insulation from heat and cold

The person with management or control of plant at a workplace must ensure, so far as is reasonably practicable, that any pipe or other part of the plant associated with heat or cold is guarded or insulated so that the plant is without risks to the health and safety of any person.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

210. Operational controls

(1) The person with management or control of plant at a workplace must ensure that any operator's controls are —

(a) identified on the plant so as to indicate their nature and function and direction of operation; and

(b) located so as to be readily and conveniently operated by each person using the plant; and

(c) located or guarded to prevent unintentional activation; and

(d) able to be locked into the "off" position to enable the disconnection of all motive power.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the need for plant to be operated during maintenance or cleaning cannot be eliminated, the person with management or control of the plant at a workplace must ensure that the operator's controls —

(a) permit operation of the plant while a person is undertaking the maintenance or cleaning of the plant; and

(b) while the plant is being maintained or cleaned, either —

(i) cannot be operated by any person other than the person who is carrying out the maintenance or cleaning of the plant; or

(ii) if subparagraph (i) cannot be complied with because the plant must be operated by a person other than the person who is carrying out the maintenance or cleaning of the plant, cannot be operated except by a person authorised by the person with management or control of the plant for that purpose;

and

(c) will allow operation of the plant in such a way that any risk associated with the activities in relation to any person who is carrying out the maintenance or cleaning —

(i) is eliminated so far as is reasonably practicable; or

(ii) if it is not reasonably practicable to eliminate the risk, is minimised so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

211. Emergency stops

(1) If plant at a workplace is designed to be operated or attended by more than 1 person and more than 1 emergency stop control is fitted, the person with management or control of plant at the workplace must ensure that the multiple emergency stop controls are of the "stop and lock-off" type so that the plant cannot be restarted after an emergency stop control has been used unless that emergency stop control is reset.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the design of plant at a workplace includes an emergency stop control, the person with management or control of the plant at the workplace must ensure that —

(a) the stop control is prominent, clearly and durably marked and immediately accessible to each operator of the plant; and

(b) any handle, bar or push button associated with the stop control is coloured red; and

(c) the stop control cannot be adversely affected by electrical or electronic circuit malfunction.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

212. Warning devices

(1) This regulation applies if the design of plant includes an emergency warning device or it is necessary to include an emergency warning device to minimise risk.

(2) The person with management or control of the plant must ensure that the device is positioned on the plant to ensure that the device will work to best effect.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

213. Maintenance and inspection of plant

(1) The person with management or control of plant at a workplace must ensure that the maintenance, inspection and, if necessary, testing of the plant is carried out by a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The maintenance, inspection and testing must be carried out —

(a) in accordance with the manufacturer's recommendations, if any; or

(b) if there are no manufacturer's recommendations, in accordance with the recommendations of a competent person; or

(c) in relation to inspection, if it is not reasonably practicable to comply with paragraph (a) or (b), annually.

Subdivision 3 — Additional control measures for certain plant

Note for this Subdivision:

The person with management or control of plant at a workplace is the person conducting a business or undertaking at a workplace to the extent that the business or undertaking involves the management or control of plant in whole or in part at the workplace. See the definition of ***person with management or control of plant at a workplace*** in regulation 5 and section 21 of the Act.

214. Powered mobile plant: general control of risk

The person with management or control of powered mobile plant at a workplace must in accordance with Part 3.1, manage risks to health and safety associated with the following —

(a) the plant overturning;

(b) things falling on the operator of the plant;

(c) the operator being ejected from the plant;

(d) the plant colliding with any person or thing;

(e) mechanical failure of pressurised elements of plant that may release fluids that pose a risk to health and safety.

Note for this regulation:

WHS Act — section 21 (see regulation 9).

215. Powered mobile plant: specific control measures

(1) This regulation applies to a person with management or control of powered mobile plant at a workplace.

(2) The person must ensure, so far as is reasonably practicable, that a suitable combination of operator protective devices for the plant is provided, maintained and used.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must ensure, so far as is reasonably practicable, that no person other than the operator rides on the plant unless the person is provided with a level of protection that is equivalent to that provided to the operator.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The person must ensure that the plant does not collide with pedestrians or other powered mobile plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) Without limiting subregulation (4), if there is a possibility of the plant colliding with pedestrians or other powered mobile plant, the person must ensure that the plant has a warning device that will warn persons who may be at risk from the movement of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

216. Roll-over protection on tractors

(1A) In this regulation —

historical purpose or activity, in relation to the use of a tractor, includes an activity ancillary to a historical activity;

Examples for this definition:

1. Historical activity: a historical display, parade, demonstration or re-enactment.
2. Activity ancillary to a historical activity: restoring, maintaining, modifying or housing a tractor used, or to be used, for a historical activity.

roll-over protective structure means a structure designed to protect a tractor operator from injury if the tractor rolls over in any direction.

(1) The person with management or control of a tractor at a workplace must ensure that the tractor is not used unless it is securely fitted with a roll-over protective structure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If a tractor is used in a place that is too low for the tractor to work while it is fitted with a roll-over protective structure, the structure may be lowered or removed for the period during which the tractor is used in such a situation (but only if other measures to minimise the risk of roll-over are in place).

(3) This regulation does not apply if the tractor is —

(a) installed in a fixed position, and in a manner, which would no longer permit it to be used as powered mobile plant; or

(b) a tractor with a mass of less than 560 kilograms or a mass of 15 000 kilograms or more; or

(c) a tractor with a mass of more than 800 kilograms and less than 15 000 kilograms manufactured, imported or originally purchased before 2 January 1981; or

(d) being used for a historical purpose or activity.

Note for this regulation:

Regulations 214 and 215 also apply to a tractor.

217. Not used

218. Industrial lift trucks

(1) The person with management or control of an industrial lift truck at a workplace must ensure that the truck is —

(a) equipped with lifting attachments that are suitable for the load to be lifted or moved by the truck; and

(b) operated in a manner that ensures that the risks to the operator of the truck and other persons at or near the workplace that arise from systems of work and the environment in which the truck is used —

(i) are eliminated so far as is reasonably practicable; or

(ii) if it is not reasonably practicable to eliminate the risks, are minimised so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person with management or control of an industrial lift truck at a workplace must ensure that the truck is not used to carry a passenger unless —

(a) the truck is designed to carry a seated passenger; and

(b) the passenger seat is —

(i) fitted with suitable seat restraints; and

(ii) located within the zone of protection that is provided by the operator protective device required to be fitted to the industrial lift truck.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person with management or control of an industrial lift truck at a workplace must take all reasonable steps to ensure that a passenger in an industrial lift truck is seated in a seat that complies with subregulation (2)(b).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

Regulations 214 and 215 also apply to an industrial lift truck.

219. Plant that lifts or suspends loads

(1) This regulation applies in relation to plant that is used to lift or suspend persons or things.

(2) The person with management or control of plant at a workplace must ensure, so far as is reasonably practicable, that the plant used is specifically designed to lift or suspend the load.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) If it is not reasonably practicable to use plant that is specifically designed to lift or suspend the load, the person must ensure that —

(a) the plant does not cause a greater risk to health and safety than if specifically designed plant were used; and

(b) if the plant is lifting or suspending persons, the use of the plant complies with regulation 220.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The person must ensure that the lifting and suspending is carried out —

(a) with lifting attachments that are suitable for the load being lifted or suspended; and

(b) within the safe working limits of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) The person must ensure, so far as is reasonably practicable, that no loads are suspended or travel over a person unless the plant is specifically designed for that purpose.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) The person must ensure, so far as is reasonably practicable, that loads are lifted or suspended in a way that ensures that the load remains under control during the activity.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(7) The person must ensure, so far as is reasonably practicable, that no load is lifted simultaneously by more than 1 item of plant unless the method of lifting ensures that the load placed on each item of plant does not exceed the design capacity of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

220. Exception: plant not specifically designed to lift or suspend a person

(1) For the purposes of regulation 219(3)(b), the person with management or control of the plant at a workplace must ensure that —

(a) the persons are lifted or suspended in a work box that is securely attached to the plant; and

(b) the persons in the work box remain substantially within the work box while they are being lifted or suspended; and

(c) if there is a risk of a person falling from a height, a safety harness is provided and worn by the person in order to prevent, so far as is reasonably practicable, injury to the person as a result of the fall; and

(d) means are provided by which the persons being lifted or suspended can safely exit from the plant in the event of a failure in its normal operation.

(2) This regulation does not apply to plant used in connection with —

(a) the performance of stunt work; or

(b) the performance of acrobatics; or

(c) theatrical performances.

Note for this regulation:

Part 4.4 (except regulation 79) applies to the matters in subregulation (2).

221. Plant used in connection with tree lopping

(1A) In this regulation —

harness means a work positioning harness that is designed and certified, in accordance with AS/NZS 1891.1:2007 (Industrial fall-arrest systems and devices — Harnesses and ancillary equipment), for the purpose of lifting and suspending a person.

(1) Regulation 220(1)(a) and (b) do not apply in connection with tree lopping if —

(a) a risk assessment shows that lifting or suspending a person in a harness with a crane to place the person in a tree to carry out tree lopping does not create a greater risk to health or safety than using plant specifically designed to lift a person or climbing a tree; and

(b) the tree lopping is carried out by a person who is a competent person in the use of the harness referred to in paragraph (a); and

(c) a crane is used to put the competent person in the tree to lop it; and

(d) the crane has safety mechanisms that would prevent the competent person from inadvertently falling; and

(e) while attached to the crane, the competent person is in visual, audio or radio communication with the crane operator.

(2) *[not used]*

222. Industrial robots

(1) This regulation applies to a person with management or control of an industrial robot or other remotely or automatically energised plant at a workplace.

(2) The person must not direct or allow a worker to work in the immediate vicinity of the plant if it could start without warning and cause a hazard, unless suitable control measures are in place to control the risks to health and safety.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) If the remote or automatic energising of the plant could lead to risks to health and safety, the person must ensure that access to the area in the immediate vicinity of the plant is controlled at all times —

(a) by isolating the area; or

(b) by —

(i) providing interlocked guards; or

(ii) if a risk remains, providing presence-sensing devices; or

(iii) if a risk then remains, providing permit to work systems.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) Regulation 631E prevails to the extent of any inconsistency with this regulation.

223. Lasers

(1) This regulation applies to the person with management or control, at a workplace, of laser equipment that may create a risk to health and safety.

(2) The person must ensure that laser equipment intended for use on plant is designed, constructed and installed so as to prevent accidental irradiation of any person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must ensure that laser equipment on plant is protected so that any operator of the plant or other person is not exposed to direct radiation, radiation produced by reflection or diffusion or secondary radiation.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The person must ensure that the visual equipment used for the observation or adjustment of laser equipment on plant does not create a risk to health or safety from laser rays.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) The person must ensure that the workers operating the laser equipment are trained in the proper operation of the equipment.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) The person must ensure that Class 3B and Class 4 lasers (within the meaning of AS 2397:2015 (Safe use of lasers in the building and construction industry)) are not used in construction work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

224. Pressure equipment

(1) The person with management or control of pressure equipment at a workplace must ensure that —

(a) the equipment is inspected on a regular basis by a competent person; and

(b) any gas cylinder that is inspected is marked with a current inspection mark showing the date of the most recent inspection.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The person with management or control of gas cylinders at a workplace that is a gas cylinder filling station must ensure that —

(a) a gas cylinder is not filled with gas unless it bears a current inspection mark; and

(b) a gas cylinder is only filled with gas for which that cylinder is designed.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

225. Scaffolds

(1A) In this regulation —

AS/NZS 1576 Parts 1 to 6 means the following —

(a) AS/NZS 1576.1:2019 (General requirements);

(b) AS 1576.2:2016 (Couplers and accessories);

(c) AS 1576.3:2015 (Prefabricated and tube-and-coupler scaffolding);

(d) AS/NZS 1576.4:2013 (Suspended scaffolding);

(e) AS/NZS 1576.5:1995 (Prefabricated splitheads and trestles);

(f) AS 1576.6:2020 (Scaffolding Metal tube-and-coupler scaffolding — Deemed to conform to AS/NZS 1576.1).

(1) This regulation applies in relation to —

(a) a suspended scaffold; and

(b) a cantilevered scaffold; and

(c) a spur scaffold; and

(d) a hung scaffold; and

(e) any other scaffold from which a person or thing could fall more than 4 metres.

(2) The person with management or control of a scaffold at a workplace must ensure that the scaffold is not used unless the person receives written confirmation from a competent person, who has inspected the scaffold, that construction of the scaffold has been completed.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person with management or control of a scaffold at a workplace must ensure that the scaffold and its supporting structure are inspected by a competent person —

(a) before use of the scaffold is resumed after an incident occurs that may reasonably be expected to affect the stability of the scaffold; and

(b) before use of the scaffold is resumed after repairs; and

(c) at least every 30 days.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) If an inspection indicates that a scaffold at a workplace or its supporting structure creates a risk to health or safety, the person with management or control of the scaffold must ensure that —

(a) any necessary repairs, alterations and additions are made or carried out; and

(b) the scaffold and its supporting structure are inspected again by a competent person before use of the scaffold is resumed.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) The person with management or control of a scaffold at a workplace must ensure that unauthorised access to the scaffold is prevented while the scaffold is incomplete or unattended.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Examples for this subregulation:

Danger tags and other warning signs.

(6) A person who erects or dismantles a scaffold at a workplace must ensure that the erection or dismantling, as the case may be, is done in accordance with the relevant requirements of AS/NZS 1576 Parts 1 to 6.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(7) A person who designs, manufactures, imports or supplies scaffolding equipment for use at a workplace must ensure that it complies with the relevant requirements of AS/NZS 1576 Parts 1 to 6.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(8) In subregulation (7) —

scaffolding equipment means any component, assembly or machine used or intended to be used in the construction of a scaffold.

[Regulation 225 amended: SL 2023/134 r. 15.]

226. Plant with presence-sensing safeguarding system: records

(1) The person with management or control of plant with a presence-sensing safeguarding system at a workplace must keep a record of safety integrity tests, inspections, maintenance, commissioning, decommissioning, dismantling and alterations of the plant for the period set out in subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) The record must be kept for —

(a) 5 years unless paragraph (b) applies; or

(b) the life of the plant or until the person relinquishes control of the plant if the plant is registered plant or has been altered.

(3) The person must keep the record available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) The person must make the record available to any person to whom the person relinquishes control of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Part 5.2 — Additional duties relating to registered plant and plant designs

Notes for this Part:

1. The person with management or control of plant at a workplace is the person conducting a business or undertaking at a workplace to the extent that the business or undertaking involves the management or control of plant in whole or in part at the workplace. See the definition of ***person with management or control of plant at a workplace*** in regulation 5 and section 21 of the Act.
2. This Part applies in addition to Part 5.1.
3. In this Part, plant includes a structure (see the definition of ***plant*** in regulation 5).

Division 1 — Application of Part

227. Application of Part

This Part applies to —

(a) plant that is required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3; or

(b) plant the design of which is required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

Division 2 — Duty of person conducting a business or undertaking who designs plant to record plant design

228. Records and information

If the design of plant is required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3, the designer of that plant must make a record that contains —

(a) the method used to determine the control measures for the plant and the control measures that result from that determination; and

(b) a copy of the information provided to a manufacturer under section 22 of the Act in relation to that plant; and

(c) a copy of the information provided to a manufacturer under regulation 187 in relation to that plant; and

(d) if applicable, a copy of the information provided to a manufacturer under regulation 188 in relation to that plant.

Penalty:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

229. Record of standards or engineering principles used

(1) If the design of plant is required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3, the designer of the plant must record any published technical standard, including any part of a published technical standard, that was used to design the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) If the designer of the plant has not used published technical standards to design the plant, the designer must record any engineering principles used to design the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

230. Records to be available for inspection

(1) A designer of plant must ensure that the records made under regulations 228 and 229 are kept available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) A designer of plant must ensure that the records made under regulations 228 and 229 are made available for inspection by the design verifier of the plant design.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) A designer of plant must keep the records made under regulations 228 and 229 for the design life of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 3 — Duties of a person conducting a business or undertaking

231. Duty of persons conducting businesses or undertakings that manufacture plant

A manufacturer must not supply plant specified in Schedule 5 Division 1 unless the design of that plant is registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

232. Duty of persons conducting businesses or undertakings that import plant

An importer must not supply plant specified in Schedule 5 Division 1 unless the design of that plant is registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

233. Duty of persons conducting businesses or undertakings that supply plant

A supplier must not supply plant specified in Schedule 5 Division 1 unless the design of that plant is registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

234. Duty of persons conducting businesses or undertakings that commission plant

(1) This regulation applies to a person who conducts a business or undertaking that commissions plant.

(2) The person must not commission an item of plant that is specified in Schedule 5 Division 2 for use in a workplace unless that item of plant is registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) Nothing in subregulation (2) prevents a person from performing any necessary adjustments, tests or inspections as part of the commissioning process before the plant is commissioned at a workplace.

Division 4 — Duties of a person conducting a business or undertaking involving the management or control of plant

Subdivision 1 — Control measures for registered plant

235. Major inspection of registered mobile cranes and tower cranes

(1A) In this regulation —

major inspection means —

(a) an examination of all critical components of the crane, if necessary by stripping down the crane and removing paint, grease and corrosion to allow a thorough examination of each critical component; and

(b) a check of the effective and safe operation of the crane.

(1B) In this regulation, a ***competent person*** is a person who —

(a) complies with both of the following —

(i) has acquired through training, qualification or experience the knowledge and skills to carry out a major inspection of the plant; and

(ii) is eligible for professional engineer membership of Engineers Australia;

or

(b) is determined by the regulator to be a competent person under the *Work Health and Safety (General) Regulations 2022* regulation 235(5) for the purposes of regulation 235(1B)(b) of those regulations.

(1) This regulation applies to the person with management or control of a registered mobile crane or tower crane at a workplace.

(2) The person must ensure that a major inspection of the crane is carried out by, or under the supervision of, a competent person —

(a) at the end of the design life recommended by the manufacturer for the crane; or

(b) if there are no manufacturer's recommendations — in accordance with the recommendations of a competent person; or

(c) if it is not reasonably practicable to comply with paragraph (a) or (b) — every 10 years from the date that the crane was first commissioned or first registered, whichever occurred first.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) A major inspection carried out under and in accordance with an equivalent provision of a corresponding WHS law is taken to be a major inspection for the purposes of this regulation.

(4) *[not used]*

(5) *[not used]*

(6) *[not used]*

(7) *[not used]*

236. Lifts

(1) The person with management or control of a lift at a workplace (including a person with management or control of maintenance of a lift) must ensure that —

(a) if there is a risk of a person falling down a lift well —

(i) secure barriers are provided to prevent access to openings into the lift well by someone other than a person who is performing work in the lift well; and

(ii) secure working platforms or equivalent arrangements are provided for a person who is working in the lift well to prevent a fall from height;

and

(b) if there is a risk to a person working in a lift well from objects falling onto that person — a secure barrier is provided to prevent, so far as is reasonably practicable, falling objects from striking the person or otherwise causing a risk.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The person must ensure that there is a safe means of entry to and exit from the base of the lift well.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The person must ensure that there is fixed, in a prominent place in the lift, a sign that states the safe working load specified in the design of the lift.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

237. Records of plant

(1) This regulation applies in relation to plant that is required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

(2) The person with management or control of the plant at a workplace must keep a record of all tests, inspections, maintenance, commissioning, decommissioning, dismantling and alterations of the plant for the period set out in subregulation (3).

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) The record must be kept for the period that the plant is used or until the person relinquishes control of the plant.

(4) The person must keep the record available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(5) The person must make the record available to any person to whom the person relinquishes control of the plant.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Subdivision 2 — Not used

238. Not used

239. Not used

240. Not used

241. Not used

242. Not used

Part 5.3 — Registration of plant designs and items of plant

Note for this Part:

In this Part, plant includes a structure (see the definition of ***plant*** in regulation 5).

Division 1 — Plant designs to be registered

243. Plant design to be registered under *Work Health and Safety (General) Regulations 2022* Part 5.3

The design of an item of plant specified in Schedule 5 Division 1 must be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

Note for this regulation:

See section 42 of the Act.

244. Altered plant designs to be registered

(1A) In this regulation a design is ***altered*** if the altered design may affect health or safety.

(1) If the design of an item of plant specified in Schedule 5 Division 1 that is registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3 is altered, the altered design must be registered under that Part.

Note for this subregulation:

See section 42 of the Act.

(2) *[not used]*

(3) This regulation does not apply in relation to a gantry crane if —

(a) the crane is relocated for use in a different workplace; and

(b) the design of the supporting structure or foundations of the crane is altered in accordance with a site-specific design prepared for the purpose of the safe operation of the crane at the new location; and

(c) the design of the crane is not altered in any other way.

245. Recognition of designs registered by corresponding regulator

(1) A design of an item of plant is not required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3 if the design is registered under a corresponding WHS law.

(2) A design referred to in subregulation (1) that is altered is not required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3 if the altered design is registered by the corresponding regulator that registered the original design.

Division 2 — Items of plant to be registered

246. Items of plant to be registered

(1) An item of plant specified in Schedule 5 Division 2 must be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3.

Note for this subregulation:

See section 42 of the Act.

(2) The purpose of registering an item of plant is to ensure that it is inspected by a competent person and is safe to operate.

247. Recognition of plant registered by corresponding regulator

An item of plant is not required to be registered under the *Work Health and Safety (General) Regulations 2022* Part 5.3 if the plant is registered under a corresponding WHS law.

Division 3 — Registration process for plant designs

248. Application of Division

This Division applies to the registration of a design of an item of plant specified in Schedule 5 Division 1.

249. Who can apply to register a plant design

(1) A person conducting a business or undertaking that designs an item of plant may apply to the regulator under the *Work Health and Safety (General) Regulations 2022* regulation 250 for the registration of the design of that item of plant.

(2) A person with management or control of an item of plant may apply to the regulator under the *Work Health and Safety (General) Regulations 2022* regulation 250 for the registration of the design of that item of plant.

250. Not used

251. Not used

252. Not used

253. Not used

254. Not used

255. Not used

256. Not used

257. Not used

258. Not used

259. Not used

260. Not used

261. Not used

262. Registration document to be available

(1) A registration holder must keep the registration document issued under the *Work Health and Safety (General) Regulations 2022* regulation 261 available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) Subregulation (1) does not apply if the registration document is not in the registration holder's possession because —

(a) it has been returned to the regulator under the *Work Health and Safety (General) Regulations 2022* regulation 287; or

(b) the registration holder has applied for, but has not received, a replacement registration document under the *Work Health and Safety (General) Regulations 2022* regulation 288.

263. Not used

Division 4 — Registration process for an item of plant

264. Application of Division

This Division applies in relation to the registration of an item of plant specified in Schedule 5 Division 2 as requiring registration.

265. Not used

266. Not used

267. Not used

268. Not used

269. Not used

270. Not used

271. Not used

272. Not used

273. Not used

274. Not used

275. Registration document to be available

(1) The holder of the registration of an item of plant must keep the registration document issued under the *Work Health and Safety*

(General) Regulations 2022 regulation 274 available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) Subregulation (1) does not apply if the registration document is not in the registration holder's possession because —

(a) it has been returned to the regulator under the *Work Health and Safety (General) Regulations 2022* regulation 287; or

(b) the registration holder has applied for, but has not received, a replacement registration document under the *Work Health and Safety (General) Regulations 2022* regulation 288.

276. Not used

277. Not used

278. Not used

279. Not used

280. Not used

Division 5 — Not used

281. Not used

282. Not used

283. Not used

284. Not used

285. Not used

286. Not used

287. Not used

288. Not used

Division 6 — Not used

288A. Not used

288B. Not used

288C. Not used

288D. Not used

Chapter 6 — Construction work

Part 6.1 — Preliminary

289. Meaning of construction work

(1) In this Chapter —

construction work means any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure.

(2) Without limiting subregulation (1), ***construction work*** includes the following —

(a) any installation or testing carried out in connection with an activity referred to in subregulation (1);

(b) the removal from the workplace of any product or waste resulting from demolition;

(c) the prefabrication or testing of elements, at a place specifically established for the construction work, for use in construction work;

(d) the assembly of prefabricated elements to form a structure, or the disassembly of prefabricated elements forming part of a structure;

(e) the installation, testing or maintenance of an essential service in relation to a structure;

(f) any work connected with an excavation;

(g) any work connected with any preparatory work or site preparation (including landscaping as part of site preparation) carried out in connection with an activity referred to in subregulation (1);

(h) an activity referred to in subregulation (1), that is carried out on, under or near water, including work on buoys and obstructions to navigation.

(3) In this Chapter, ***construction work*** does not include any of the following —

(a) the manufacture of plant;

(b) the prefabrication of elements, other than at a place specifically established for the construction work, for use in construction work;

(c) the construction or assembly of a structure that once constructed or assembled is intended to be transported to another place;

(d) testing, maintenance or repair work of a minor nature carried out in connection with a structure;

(e) the construction of geotechnical structures at a mine.

290. Meaning of structure

(1) In this Chapter —

structure has the same meaning as it has in the Act.

Examples for this definition:

1. A roadway or pathway.
2. A ship or submarine.
3. Foundations, earth retention works and other earthworks, including river works and sea defence works.
4. Formwork, falsework or any other structure designed or used to provide support, access or containment during construction work.
5. An airfield.
6. A dock, harbour, channel, bridge, viaduct, lagoon or dam.
7. A sewer or sewerage or drainage works.

(2) This Chapter does not apply to plant unless —

(a) the plant is —

(i) a ship or submarine; or

(ii) a pipe or pipeline; or

(iii) an underground tank; or

(iv) designed or used to provide support, access or containment during work in connection with construction work;

or

(b) work on the plant relates to work that is carried out in connection with construction work; or

(c) the plant is fixed plant on which outage work or overhaul work that involves or may involve work being carried out by 5 or more persons conducting businesses or undertakings at any point in time.

Note for this subregulation:

This Chapter does not apply to the manufacture of plant (see regulation 289(3)(a)).

291. Meaning of high risk construction work

In this Chapter —

high risk construction work means construction work that —

(a) involves a risk of a person falling more than 2 metres; or

(b) is carried out on a telecommunication tower; or

(c) involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure; or

(d) involves, or is likely to involve, the disturbance of asbestos; or

(e) involves structural alterations or repairs that require temporary support to prevent collapse; or

(f) is carried out in or near a confined space; or

(g) is carried out in or near —

(i) a shaft or trench with an excavated depth greater than 1.5 metres; or

(ii) a tunnel;

or

(h) involves the use of explosives; or

(i) is carried out on or near pressurised gas distribution mains or piping; or

(j) is carried out on or near chemical, fuel or refrigerant lines; or

(k) is carried out on or near energised electrical installations or services; or

(l) is carried out in an area that may have a contaminated or flammable atmosphere; or

(m) involves tilt-up or precast concrete; or

(n) is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians; or

(o) is carried out in an area at a workplace in which there is any movement of powered mobile plant; or

(p) is carried out in an area in which there are artificial extremes of temperature; or

(q) is carried out in or near water or other liquid that involves a risk of drowning; or

(r) involves diving work.

292. Meaning of construction project

In this Chapter, a ***construction project*** is a project that involves construction work where 5 or more persons are, or are likely to be, working at the same time at a construction site.

293. Meaning of principal contractor

(1) In this Chapter, a person conducting a business or undertaking that commissions a construction project is, subject to this regulation, the ***principal contractor*** for the project.

(2) If the person referred to in subregulation (1) engages another person conducting a business or undertaking as principal

contractor for the construction project and authorises the person to have management or control of the workplace and to discharge the duties of a principal contractor under this Chapter, the person so engaged is the principal contractor for the project.

(3) If the owner of residential premises is an individual who directly or indirectly engages a person conducting a business or undertaking to undertake a construction project in relation to the premises, the person so engaged is the principal contractor for the project if the person has management or control of the workplace.

(4) A construction project has only 1 principal contractor at any specific time.

Note for this regulation:

A person with management or control of a workplace must comply with section 20 of the Act.

Part 6.2 — Duties of designer of structure and person who commissions construction work

294. Person who commissions work must consult with designer

(1) A person conducting a business or undertaking that commissions construction work in relation to a structure must, so far as is reasonably practicable, consult with the designer of the whole or any part of the structure about how to ensure that risks to health and safety arising from the design during the construction work are —

(a) eliminated, so far as is reasonably practicable; or

(b) if it is not reasonably practicable to eliminate the risks, minimised so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) Consultation must include giving the designer any information that the person who commissions the construction work has in relation to the hazards and risks at the workplace where the construction work is to be carried out.

295. Designer must give safety report to person who commissions design

(1) The designer of a structure or any part of a structure that is to be constructed must give the person conducting a business or undertaking who commissioned the design a written report that specifies the hazards relating to the design of the structure that, so far as the designer is reasonably aware —

(a) create a risk to the health or safety of persons who are to carry out any construction work on the structure or part; and

(b) are associated only with the particular design and not with other designs of the same type of structure.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If the person conducting a business or undertaking who commissions a construction project did not commission the design of the construction project, the person must take all reasonable steps to obtain a copy of the written report referred to in subregulation (1) in relation to that design.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

296. Person who commissions project must give information to principal contractor

If a person conducting a business or undertaking that commissions a construction project engages a principal

contractor for the project, the person must give the principal contractor any information the person has in relation to hazards and risks at or in the vicinity of the workplace where the construction work is to be carried out.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Part 6.3 — Duties of person conducting business or undertaking

Note for this Part:

As a principal contractor is a person conducting a business or undertaking, this Part also applies to a principal contractor.

Division 1 — General

297. Management of risks to health and safety

A person conducting a business or undertaking must manage risks associated with the carrying out of construction work in accordance with Part 3.1.

Note for this regulation:

WHS Act — section 19 (see regulation 9).

298. Security of workplace

(1) A person with management or control of a workplace at which construction work is carried out must ensure, so far as is reasonably practicable, that the workplace is secured from unauthorised access.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) In complying with subregulation (1), the person must have regard to all relevant matters, including —

(a) risks to health and safety arising from unauthorised access to the workplace; and

(b) the likelihood of unauthorised access occurring; and

Example for this paragraph:

The proximity of the workplace to places frequented by children, including schools, parks and shopping precincts.

(c) to the extent that unauthorised access to the workplace cannot be prevented — how to isolate hazards within the workplace.

Division 2 — High risk construction work: safe work method statements

299. Safe work method statement required for high risk construction work

(1) A person conducting a business or undertaking that includes the carrying out of high risk construction work must, before high risk construction work commences, ensure that a safe work method statement for the proposed work —

(a) is prepared; or

(b) has already been prepared by another person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A safe work method statement must —

(a) identify the work that is high risk construction work; and

(b) specify hazards relating to the high risk construction work and risks to health and safety associated with those hazards; and

(c) describe the measures to be implemented to control the risks; and

(d) describe how the control measures are to be implemented, monitored and reviewed.

(3) A safe work method statement must —

(a) be prepared taking into account all relevant matters, including —

(i) circumstances at the workplace that may affect the way in which the high risk construction work is carried out; and

(ii) if the high risk construction work is carried out in connection with a construction project — the WHS management plan that has been prepared for the workplace;

and

(b) be set out and expressed in a way that is readily accessible and understandable to persons who use it.

300. Compliance with safe work method statement

(1) A person conducting a business or undertaking that includes the carrying out of high risk construction work must put in place arrangements for ensuring that high risk construction work is carried out in accordance with the safe work method statement for the work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If high risk construction work is not carried out in accordance with the safe work method statement for the work, the person must ensure that the work —

(a) is stopped immediately or as soon as it is safe to do so; and

(b) resumed only in accordance with the statement.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

301. Safe work method statement: copy to be given to principal contractor

A person conducting a business or undertaking that includes carrying out high risk construction work in connection with a construction project must, before the high risk construction work commences, ensure that a copy of the safe work method statement for the work is given to the principal contractor.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

302. Review of safe work method statement

A person conducting a business or undertaking must ensure that a safe work method statement is reviewed and as necessary revised if relevant control measures are revised under regulation 38.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

303. Safe work method statement must be kept

(1) Subject to subregulation (2), a person conducting a business or undertaking must keep a copy of the safe work method statement until the high risk construction work to which it relates is completed.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) If a notifiable incident occurs in connection with the high risk construction work to which the statement relates, the person must keep the statement for at least 2 years after the incident occurs.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) The person must ensure that for the period for which the statement must be kept under this regulation, a copy is readily accessible to any worker engaged by the person to carry out the high risk construction work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) The person must ensure that for the period for which the statement must be kept under this regulation, a copy is available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 3 — Excavation work

304. Excavation work: underground essential services information

(1A) In this regulation —

underground essential services means essential services that use pipes, cables or other associated plant located underground;

underground essential services information, in relation to proposed excavation work, means the following information about underground essential services that may be affected by the excavation —

(a) the essential services that may be affected;

(b) the location, including the depth, of any pipes, cables or other plant associated with the affected essential services;

(c) any conditions on the proposed excavation work.

(1) This regulation applies in relation to a part of a workplace where excavation work is being carried out and any adjacent areas.

(2) A person with management or control of the workplace must take all reasonable steps to obtain current underground essential services information about the areas referred to in subregulation (1) before directing or allowing the excavation work to commence.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The person with management or control of the workplace must provide the information obtained under subregulation (2) to any person engaged by the person to carry out the excavation work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) The person with management or control of the workplace and any person conducting a business or undertaking who is given information under subregulation (3) must have regard to the

information referred to in subregulation (2) in carrying out or directing or allowing the carrying out of the excavation work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this subregulation:

Legislation relating to the essential services may also impose duties on the person conducting the business or undertaking and the persons carrying out the work.

(5) The person with control or management of the workplace must ensure that the information referred to in subregulation (2) is available for inspection under the Act for the period specified in subregulation (6).

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(6) The information must be available —

(a) if a notifiable incident occurs in connection with the excavation work to which the information relates — for at least 2 years after the incident occurs; and

(b) in every other case — until the excavation work is completed.

(7) *[not used]*

305. Management of risks to health and safety associated with excavation work

(1) A person conducting a business or undertaking must manage risks to health and safety associated with excavation work, in accordance with Part 3.1.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(1A) In addition, a person conducting a business or undertaking or a principal contractor at, or a person with management or control of, a workplace where excavation work is to be carried out must ensure that suitable signs that warn of risks to health and safety associated with the excavation work are erected at the place where the excavation work is to be carried out.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The risks this regulation applies to include the following —

(a) a person falling into an excavation;

(b) a person being trapped by the collapse of an excavation;

(c) a person working in an excavation being struck by a falling thing;

(d) a person working in an excavation being exposed to an airborne contaminant.

(3) In complying with subregulation (1) or (1A), the person must have regard to all relevant matters, including the following —

(a) the nature of the excavation;

(b) the nature of the excavation work, including the range of possible methods of carrying out the work;

(c) the means of entry into and exit from the excavation, if applicable.

306. Additional controls: trenches

(1) A person conducting a business or undertaking, who proposes to excavate a trench at least 1.5 metres deep must ensure, so far as is reasonably practicable, that the work area is secured from unauthorised access (including inadvertent entry).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) In complying with subregulation (1), the person must have regard to all relevant matters, including —

(a) risks to health and safety arising from unauthorised access to the work area; and

(b) the likelihood of unauthorised access occurring.

(3) In addition, the person must minimise the risk to any person arising from the collapse of the trench by ensuring that all sides of the trench are adequately supported by doing 1 or more of the following —

(a) shoring by shielding or other comparable means;

(b) benching;

(c) battering.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) Subregulation (3) does not apply if the person receives written advice from a geotechnical engineer that all sides of the trench are safe from collapse.

(5) An advice under subregulation (4) —

(a) may be subject to a condition that specified natural occurrences may create a risk of collapse; and

(b) must state the period of time to which the advice applies.

Division 4 — Tilt-up concrete and precast concrete elements

306A. Terms used

(1) In this Division —

AS 3850 means AS 3850-2003 (Tilt-up concrete construction);

concrete panel —

(a) means a concrete panel that is manufactured as a separate and movable panel for the purpose of being incorporated as a wall (including a retaining wall) once the process by which the panel is manufactured is complete; but

(b) does not include a column, beam or paving slab or a panel that is for decorative purposes only;

tilt-up work means any of the following —

(a) the manufacture, transport, cranage, temporary storage, erection or temporary bracing of a concrete panel;

(b) the fixing of a concrete panel for the incorporation of the panel as a wall (including a retaining wall);

(c) the removal of temporary bracing of a concrete panel.

(2) For the purposes of this Division, a reference in AS 3850 to a tilt-up panel is to be treated as a reference to a concrete panel as defined in subregulation (1).

306B. Regulator to be notified of proposed manufacture of concrete panel

(1) A person who, at a workplace (other than a construction site) where a concrete panel is proposed to be manufactured, is a person conducting a business or undertaking must ensure that the regulator is notified of the proposed work at least 10 working days before the panel is proposed to be cast.

(2) A person who, at a construction site where a concrete panel is proposed to be manufactured, is the principal contractor must

ensure that the regulator is notified of the proposed work at least 10 working days before the panel is proposed to be cast.

(3) A notice under subregulation (1) or (2) must be made in the approved form and in the manner approved by the regulator and must specify —

(a) the construction site or other workplace at which the proposed manufacturing work is to take place; and

(b) the construction site at which the panel is to be incorporated as a wall (including a retaining wall) once the process by which the panel is manufactured is complete.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) A person referred to in subregulation (1) (other than the regulator) must ensure that a copy of the notice is given to the principal contractor at the construction site referred to in subregulation (3)(b) within the period referred to in subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

306C. Concrete panels to be designed and made in accordance with standard

(1) A person who, at a workplace (other than a construction site) where a concrete panel is proposed to be manufactured, is a person conducting a business or undertaking must ensure that —

(a) the design and shop drawings of the panel are in accordance with AS 3850 section 3; and

(b) the materials, components and equipment used in the manufacture of the panel are in accordance, or used in accordance, with AS 3850 section 2; and

(c) the manufacture of the panel is in accordance with AS 3850 section 4; and

(d) a competent person who is not involved in the original form set-up conducts an inspection referred to in AS 3850 section 4.10 and provides a written report setting out the inspection results.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A person who, at a construction site where a concrete panel is proposed to be manufactured, is the principal contractor must ensure that —

(a) the design and shop drawings of the panel are in accordance with AS 3850 section 3; and

(b) the materials, components and equipment used in the manufacture of the panel are in accordance, or used in accordance, with AS 3850 section 2; and

(c) the manufacture of the panel is in accordance with AS 3850 section 4; and

(d) a competent person who is not involved in the original form set-up conducts an inspection referred to in AS 3850 section 4.10 and provides a written report setting out the inspection results.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

306D. Concrete panel at construction site to be transported, craned, stored and erected in accordance with standard

(1) A person who, at a construction site, is the principal contractor or a person conducting a business or undertaking must ensure that —

(a) the transport of a concrete panel at or adjacent to the construction site is in accordance with AS 3850 section 5; and

(b) the cranage, temporary storage and erection of a concrete panel at the construction site is in accordance with AS 3850 section 5.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1), a reference in AS 3850 —

(a) section 5.1 to a delivery vehicle is to be treated as a reference to a vehicle that transports a concrete panel at or adjacent to the construction site; and

(b) section 5.1.3 to the specification of particular requirements for the unloading of panels is to be treated as a reference to the specification of such matters by a qualified practising engineer; and

(c) section 5.2 to a designated area is to be treated as a reference to an area that is —

(i) well-drained and consolidated; and

(ii) located where there is little chance of damage to the panels to be stored; and

(iii) adequate to support the weight of the panels to be stored and any necessary stacking frames; and

(iv) unlikely to settle unevenly;

and

(d) section 5.4.3 to a suitably qualified person is to be treated as a reference to a qualified practising engineer.

306E. Concrete panel at construction site to be temporarily braced in accordance with standard

(1) A person who, at a construction site, is the principal contractor or a person conducting a business or undertaking must ensure that —

(a) the design of temporary bracing for a concrete panel at the construction site is in accordance with AS 3850 section 6; and

(b) the temporary bracing of a concrete panel at the construction site is in accordance with AS 3850 section 6.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1), a reference in AS 3850 section 6.2 to written approval for a variation is to be treated as a reference to the written approval of a qualified practising engineer.

306F. Concrete panel to be fixed and temporary bracing to be removed in accordance with standard

A person who, at a construction site, is the principal contractor or a person conducting a business or undertaking must ensure that —

(a) the fixing of a concrete panel for the incorporation of the panel as a wall (including a retaining wall) at the construction site is in accordance with AS 3850 section 7; and

(b) the removal of temporary bracing of a concrete panel at the construction site is in accordance with AS 3850 section 7.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

306G. Tilt-up work at construction site not to be done unless regulator notified under r. 306B

A person must not do any kind of tilt-up work in relation to a concrete panel (other than work relating to the manufacture of a concrete panel at a stage before the panel is cast) at a construction site unless the regulator has been notified of the intention to manufacture the panel under regulation 306B(1) or (2), as is relevant to the case.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

306H. Documents required at construction site where tilt-up work done

The principal contractor at a construction site must ensure that at all times when tilt-up work is being done at the site there is kept at the site —

(a) if a concrete panel that is, or is to be, involved in the work was manufactured at a place other than the construction site, the copy of the notification to the regulator given under regulation 306B(4) to the principal contractor in respect of the panel; and

(b) if a concrete panel that is, or is to be, involved in the work was manufactured at the construction site, a copy of the notification under regulation 306B(2) given to the regulator in respect of the panel; and

(c) a copy of any exemption under Part 11.2 relating to the work; and

(d) a copy of the shop drawings of each concrete panel that is, or is to be, involved in the work; and

(e) a current plan setting out details of the proposed execution of the work; and

(f) a copy of any written or diagrammatic advice, from a qualified practising engineer, received by the principal contractor, that sets out the manner in which an aspect of the work should be executed; and

(g) in relation to each concrete panel that is, or is to be, involved in the work, a copy of the inspection report for that panel referred to in regulation 306C(1)(d) or (2)(d), as is relevant to the case.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

306I. Duty of principal contractor etc. to limit entry to construction site area where tilt-up work being done

A person who, at a construction site where tilt-up work is being done, is the principal contractor, a person conducting a business or undertaking or a person with management or control of the workplace (a ***responsible person***) must not allow any person to enter or remain in an area of the site where tilt-up work is being done except —

(a) a person doing the work; or

(b) a person who has the written authority of a responsible person to enter the area for a purpose connected with the work; or

(c) a person authorised under a written law to enter the area.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

306J. Certain persons to ensure only trained persons manufacture concrete panels

A person who, at a workplace where a concrete panel is proposed to be manufactured, is a person with management or control of the workplace must ensure that —

(a) the manufacture is directly supervised by a person who is a competent person concerning the manufacture of concrete panels; and

(b) each person involved in the manufacture has completed —

(i) any specified VET course concerning the aspect of the work in which the person is involved; or

(ii) a course that was, immediately before the commencement of this regulation, approved by the Commissioner under the *Occupational Safety and Health Regulations 1996* regulation 3.88I(1)(b).

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

306K. Certain persons to ensure only trained persons do tilt-up work other than manufacturing concrete panels

A person who, at a construction site where tilt-up work (other than work relating to the manufacture of a concrete panel) is proposed to be done, is a person with management or control of the workplace must ensure that —

(a) the work is directly supervised by a person who is a competent person concerning the tilt-up work; and

(b) each person involved in the tilt-up work has completed —

(i) a specified VET course concerning the aspect of the work in which the person is involved; or

(ii) a course that was, immediately before the commencement of this regulation, approved by the Commissioner under the *Occupational Safety and Health Regulations 1996* regulation 3.88I(1)(b).

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 6.4 — Additional duties of principal contractor

307. Application of Part

This Part —

(a) applies in relation to a construction project; and

(b) imposes duties on the principal contractor for the project that are additional to the duties imposed under Part 6.3.

Note for this regulation:

As a principal contractor has management or control of a workplace, the principal contractor is also subject to duties imposed by the Act and these regulations on a person with management or control of a workplace.

308. Not used

309. WHS management plan: preparation

(1) The principal contractor for a construction project must prepare a written WHS management plan for the workplace before work on the project commences.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A WHS management plan must include the following —

(a) the names, positions and health and safety responsibilities of all persons at the workplace whose positions or roles involve specific health and safety responsibilities in connection with the project;

(b) the arrangements in place, between any persons conducting a business or undertaking at the workplace where the construction project is being undertaken, for consultation, cooperation and the coordination of activities in relation to compliance with their duties under the Act and these regulations;

(c) the arrangements in place for managing any work health and safety incidents that occur;

(d) any site-specific health and safety rules, and the arrangements for ensuring that all persons at the workplace are informed of these rules;

(e) the arrangements for the collection and any assessment, monitoring and review of safe work method statements at the workplace.

(3) However, if a principal contractor prepares a contractor's health and safety management plan under regulation 625D(1)(a) that deals with a matter referred to in subregulation (2), the contractor's WHS management plan is not required to include that matter.

310. WHS management plan: duty to inform

The principal contractor for a construction project must ensure, so far as is reasonably practicable, that each person who is to carry out construction work in connection with the project is, before commencing work, made aware of —

(a) the content of the WHS management plan for the workplace; and

(b) the person's right to inspect the WHS management plan under regulation 313.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

311. WHS management plan: review

(1) The principal contractor for a construction project must review and as necessary revise the WHS management plan to ensure that it remains up to date.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The principal contractor for a construction project must ensure, so far as is reasonably practicable, that each person carrying out construction work in connection with the project is made aware of any revision to the WHS management plan.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

312. High risk construction work: safe work method statements

The principal contractor for a construction project must take all reasonable steps to obtain a copy of the safe work method statement relating to high risk construction work before the high risk construction work commences.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this regulation:

The WHS management plan contains arrangements for cooperation between persons conducting a business or undertaking at the

construction project workplace, including in relation to the preparation of safe work method statements (see regulation 309(2)(b) and (e)).

313. Copy of WHS management plan must be kept

(1A) In this regulation —

WHS management plan means the initial plan and all revised versions of the plan.

(1) Subject to subregulation (2), the principal contractor for a construction project must ensure that a copy of the WHS management plan for the project is kept until the project to which it relates is completed.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) If a notifiable incident occurs in connection with the construction project to which the statement relates, the person must keep the WHS management plan for at least 2 years after the incident occurs.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) The person must ensure that, for the period for which the WHS management plan must be kept under this regulation, a copy is readily accessible to any person who is to carry out construction work in connection with the construction project.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) The person must ensure that for the period for which the WHS management plan must be kept under this regulation, a copy is available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(5) *[not used]*

314. Further health and safety duties: specific regulations

The principal contractor for a construction project must put in place arrangements for ensuring compliance at the workplace with the following —

(a) Part 3.2 Division 2;

(b) Part 3.2 Division 3;

(c) Part 3.2 Division 4;

(d) Part 3.2 Division 5;

(e) Part 3.2 Division 7;

(f) Part 3.2 Division 8;

(g) Part 3.2 Division 9;

(h) Part 3.2 Division 10;

(i) Part 4.4;

(j) Part 6.3 Division 4.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

All persons conducting a business or undertaking at the construction project workplace have these same duties (see Part 3.2 of these regulations and section 19 of the Act). Section 16 of the Act provides for situations in which more than 1 person has the same duty.

315. Further health and safety duties: specific risks

The principal contractor for a construction project must in accordance with Part 3.1 manage risks to health and safety associated with the following —

(a) the storage, movement and disposal of construction materials and waste at the workplace;

(b) the storage at the workplace of plant that is not in use;

(c) traffic in the vicinity of the workplace that may be affected by construction work carried out in connection with the construction project;

(d) essential services at the workplace.

Note for this regulation:

WHS Act — section 19 (see regulation 9).

Part 6.4A — Duties of local government

315A. Local government to notify regulator of construction work permits

(1) Each local government must notify the regulator within the first week of each month of all permits issued by the local government within the previous month in relation to the commencement of construction work in the local government's district.

Penalty for this subregulation: a fine of $21 000.

(2) The notification must be made in the approved form and in the manner approved by the regulator.

Part 6.5 — General construction induction training

Division 1 — General construction induction training requirements

316. Duty to provide general construction induction training

A person conducting a business or undertaking must ensure that general construction induction training is provided to a worker engaged by the person who is to carry out construction work, if the worker —

(a) has not successfully completed general construction induction training; or

(b) successfully completed general construction induction training more than 2 years previously and has not carried out construction work in the preceding 2 years.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

317. Duty to ensure worker has been trained

(1) A person conducting a business or undertaking must not direct or allow a worker to carry out construction work unless —

(a) the worker has successfully completed general construction induction training; and

(b) if the worker completed the training more than 2 years previously — the worker has carried out construction work in the preceding 2 years.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The person conducting the business or undertaking must ensure that —

(a) the worker holds a general construction induction training card; or

(b) if the worker has applied for but not yet been issued with a general construction induction training card, the worker holds a general construction induction training certification, issued within the preceding 60 days.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

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

(1) In this Part (other than Division 2), a reference to a ***general construction induction training card*** includes a reference to a similar card issued under a corresponding WHS law.

(2) Subregulation (1) does not apply to a card that is cancelled in the corresponding jurisdiction.

Division 2 — Not used

318A. Not used

319. Not used

320. Not used

321. Not used

322. Not used

323. Not used

324. Not used

325. Not used

Division 3 — Duties of workers

326. Duties of workers

(1A) In this regulation —

authorised RTO has the meaning given in the *Work Health and Safety (General) Regulations 2022* regulation 318A.

(1) A worker carrying out construction work must keep available for inspection under the Act —

(a) the worker's general construction induction training card; or

(b) within 60 days of it being issued by the authorised RTO — the general construction induction training certification.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) A card holder, on receiving a cancellation notice under the *Work Health and Safety (General) Regulations 2022* regulation 324(2), must return the card in accordance with the notice.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) Subregulation (1)(a) does not apply if the card is not in the possession of the worker (***card holder***) because —

(a) it has been lost, stolen or destroyed; and

(b) the card holder has applied for, but has not received, a replacement card under the *Work Health and Safety (General) Regulations 2022* regulation 325.

327. Alteration of general construction induction training card

A person who holds a general construction induction training card must not intentionally or recklessly alter the card.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Chapter 7 — Hazardous chemicals

Part 7.1 — Hazardous chemicals

Note for this Part:

Most of the obligations in this Part apply to persons conducting businesses or undertakings at a workplace. However, some obligations apply to persons in different capacities, for example importers and suppliers of hazardous chemicals.

Division 1 — Application

328. Application

(1) This Part applies to —

(a) the use, handling and storage of hazardous chemicals at a workplace and the generation of hazardous substances at a workplace; and

(b) a pipeline used to convey a hazardous chemical.

(2) *[not used]*

(3) This Part does not apply to hazardous chemicals and explosives being transported by road, rail, sea or air if the transport is regulated under another written law.

(4) This Part does not apply to the following hazardous chemicals in the circumstances described —

(a) hazardous chemicals in batteries when incorporated in plant;

(b) fuel, oils or coolants in a container fitted to a vehicle, vessel, aircraft, mobile plant, appliance or other device, if the fuel, oil or coolant is intended for use in the operation of the device;

(c) fuel in the fuel container of a domestic or portable fuel burning appliance, if the quantity of fuel does not exceed 25 kilograms or 25 litres;

(d) hazardous chemicals in portable firefighting or medical equipment for use in a workplace;

(e) hazardous chemicals that form part of the integrated refrigeration system of refrigerated freight containers;

(f) potable liquids that are consumer products at retail premises.

(5) This Part, other than the following regulations and Schedule 7, does not apply to substances, mixtures or articles categorised only as explosives under the GHS —

(a) regulation 329;

(b) regulation 330;

(c) regulation 339;

(d) regulation 344;

(e) regulation 345.

Note for this subregulation:

The *Dangerous Goods Safety Act 2004* may have application to matters covered by this Part.

(6) This Part does not apply to the following —

(a) food and beverages within the meaning of the Food Standards Australia New Zealand Food Standards Code that are in a package and form intended for human consumption;

(b) tobacco or products made of tobacco;

(c) therapeutic goods within the meaning of the *Therapeutic Goods Act 1989* (Commonwealth) at the point of intentional intake by or administration to humans;

(d) veterinary chemical products within the meaning of the Agvet Code at the point of intentional administration to animals.

Division 2 — Obligations relating to safety data sheets and other matters

Subdivision 1 — Obligations of manufacturers and importers

Notes for this Division:

1. A manufacturer or importer of hazardous chemicals may also be a person conducting a business or undertaking at a workplace.
2. A manufacturer or importer is defined in section 23 or 24 of the Act as a person conducting a business or undertaking of manufacturing or importing.

329. Classification of hazardous chemicals

The manufacturer or importer of a substance, mixture or article must, before first supplying it to a workplace —

(a) determine whether the substance, mixture or article is a hazardous chemical; and

(b) if the substance, mixture or article is a hazardous chemical — ensure that the hazardous chemical is correctly classified in accordance with Schedule 9 Division 1.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

330. Manufacturer or importer to prepare and provide safety data sheets

(1) A manufacturer or importer of a hazardous chemical must prepare a safety data sheet for the hazardous chemical —

(a) before first manufacturing or importing the hazardous chemical; or

(b) if that is not practicable — as soon as practicable after first manufacturing or importing the hazardous chemical and before first supplying it to a workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The safety data sheet must comply with Schedule 7 clause 1 unless regulation 331 applies.

(3) The manufacturer or importer of the hazardous chemical must —

(a) review the safety data sheet at least once every 5 years; and

(b) amend the safety data sheet whenever necessary to ensure that it contains correct, current information.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The manufacturer or importer of the hazardous chemical must provide the current safety data sheet for the hazardous chemical to any person, if the person —

(a) is likely to be affected by the hazardous chemical; and

(b) asks for the safety data sheet.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) Subregulations (3) and (4) do not apply to a manufacturer or importer of a hazardous chemical who has not manufactured or imported the hazardous chemical in the past 5 years.

331. Safety data sheets: research chemical, waste product or sample for analysis

(1) This regulation applies if —

(a) a hazardous chemical is a research chemical, waste product or sample for analysis; and

(b) it is not reasonably practicable for a manufacturer or importer of the hazardous chemical to comply with Schedule 7 clause 1.

(2) The manufacturer or importer must prepare a safety data sheet for the hazardous chemical that complies with Schedule 7 clause 2.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

332. Emergency disclosure of chemical identities to registered medical practitioner

(1) This regulation applies if a registered medical practitioner —

(a) reasonably believes that knowing the chemical identity of an ingredient of a hazardous chemical may help to treat a patient; and

(b) requests the manufacturer or importer of the hazardous chemical to give the registered medical practitioner the chemical identity of the ingredient; and

(c) gives an undertaking to the manufacturer or importer that the chemical identity of the ingredient will be used only to help treat the patient; and

(d) gives an undertaking to the manufacturer or importer to give the manufacturer or importer as soon as practicable a written statement about the need to obtain the chemical identity of the ingredient.

(2) The manufacturer or importer of a hazardous chemical must give the registered medical practitioner the chemical identity of an ingredient of the hazardous chemical as soon as practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

333. Emergency disclosure of chemical identities to emergency workers

The manufacturer or importer of a hazardous chemical must give an emergency service worker or mine emergency worker the chemical identity of an ingredient of the hazardous chemical as soon as practicable after the worker requests it.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

334. Packing hazardous chemicals

The manufacturer or importer of a hazardous chemical must ensure that the hazardous chemical is correctly packed, in accordance with Schedule 9 Division 2, as soon as practicable after manufacturing or importing the hazardous chemical.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

335. Labelling hazardous chemicals

(1A) In this regulation —

Poisons Standard means the Standard for the Uniform Scheduling of Medicines and Poisons November 2016 published by the Commonwealth, as in force or remade from time to time.

(1) The manufacturer or importer of a hazardous chemical must ensure that the hazardous chemical is correctly labelled as soon as practicable after manufacturing or importing the hazardous chemical.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A hazardous chemical is ***correctly labelled*** if —

(a) the selection and use of label elements is in accordance with the GHS and it complies with Schedule 9 Division 3; or

(b) the label includes content that complies with another labelling requirement imposed by these regulations or by another written law or a law of the Commonwealth and the content is the same, or substantially the same, as the content that is required by Schedule 9 Division 3.

(3) This regulation does not apply to a hazardous chemical if —

(a) the hazardous chemical is a consumer product that is labelled in accordance with the Poisons Standard; and

(b) the container for the hazardous chemical has its original label; and

(c) it is reasonably foreseeable that the hazardous chemical will be used in a workplace only in —

(i) a quantity that is consistent with household use; and

(ii) a way that is consistent with household use; and

(iii) a way that is incidental to the nature of the work carried out by a worker using the hazardous chemical.

(4) This regulation does not apply to hazardous chemicals in transit.

(5) This regulation does not apply to a hazardous chemical that —

(a) is therapeutic goods within the meaning of the *Therapeutic Goods Act 1989* (Commonwealth); and

(b) is in a form intended for human consumption, for administration to or by a person or use by a person for therapeutic purposes; and

(c) is labelled in accordance with that Act or an order made under that Act.

(6) This regulation does not apply to cosmetics and toiletries.

(7) This regulation does not apply to a hazardous chemical that is —

(a) a veterinary chemical product within the meaning of the Agvet Code; and

(b) listed in —

(i) the Poisons Standard Part 4 Schedule 4, if the chemical product is packaged and supplied in a form intended for direct administration to an animal for therapeutic purposes; or

(ii) the Poisons Standard Part 4 Schedule 8.

(8) *[not used]*

Subdivision 2 — Obligations of suppliers

Notes for this Subdivision:

1. A supplier of hazardous chemicals may also be a person conducting a business or undertaking at a workplace.
2. A supplier is defined in section 25 of the Act as a person who conducts a business or undertaking of supplying.

336. Restriction on age of person who can supply hazardous chemicals

A person conducting a business or undertaking must not direct or allow a worker to supply a hazardous chemical that is a flammable gas or flammable liquid to another person into any

container or vehicle provided by that other person unless the worker is at least 16 years of age.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Examples for this regulation:

1. Decanting fuel into a fuel container.
2. Refuelling a car.

337. Retailer or supplier packing hazardous chemicals

(1) The supplier of a hazardous chemical must not supply the hazardous chemical for use at another workplace if the supplier knows or ought reasonably to know that the hazardous chemical is not correctly packed.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) A retailer who supplies a hazardous chemical in a container provided by the person supplied with the chemical must ensure that the hazardous chemical is correctly packed.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

338. Supplier labelling hazardous chemicals

The supplier of a hazardous chemical must not supply the hazardous chemical to another workplace if the supplier knows or ought reasonably to know that the hazardous chemical is not correctly labelled in accordance with regulation 335.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

339. Supplier to provide safety data sheets

(1A) A hazardous chemical is taken to be ***first supplied*** to a workplace if the supply is the first supply of the hazardous chemical to the workplace for 5 years.

(1) The supplier of a hazardous chemical to a workplace must ensure that the current safety data sheet for the hazardous chemical is provided with the hazardous chemical —

(a) when the hazardous chemical is first supplied to the workplace; and

(b) if the safety data sheet for the hazardous chemical is amended — when the hazardous chemical is first supplied to the workplace after the safety data sheet is amended.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) *[not used]*

(3) The supplier of a hazardous chemical to a workplace must ensure that the current safety data sheet for the hazardous chemical is provided to a person at the workplace if the person asks for the safety data sheet.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) This regulation does not apply to a supplier of a hazardous chemical if —

(a) the hazardous chemical is a consumer product; or

(b) the supplier is a retailer.

Note for this subregulation:

A manufacturer or importer is required to prepare a safety data sheet under regulation 330.

340. Supply of prohibited and restricted carcinogens

(1) The supplier of a prohibited carcinogen referred to in an item in Schedule 10 Table 10.1 must not supply the substance unless the person to be supplied with the substance gives the supplier evidence that —

(a) the substance is to be used, handled or stored for genuine research or analysis; and

(b) either —

(i) the regulator has authorised the person to use, handle or store the substance under regulation 384; or

(ii) the regulator has granted an exemption under Part 11.2 to the person to use, handle or store the substance.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The supplier of a restricted carcinogen referred to in an item in Schedule 10 Table 10.2 column 2 must not supply the substance for a use referred to in column 3 for the item unless the person to be supplied with the substance gives the supplier evidence that —

(a) the regulator has authorised the person to use, handle or store the substance under regulation 384; or

(b) the regulator has granted an exemption to the person under Part 11.2 to use, handle or store the substance.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A supplier under subregulation (1) or (2) must keep a record of —

(a) the name of the person supplied; and

(b) the name and quantity of the substance supplied.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) The supplier must keep the record for 5 years after the substance was last supplied to the person.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Subdivision 3 — Obligations of persons conducting businesses or undertakings

341. Labelling hazardous chemicals: general requirement

(1) A person conducting a business or undertaking at a workplace must ensure that a hazardous chemical used, handled or stored at the workplace is correctly labelled in accordance with regulation 335.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1) does not apply to a hazardous chemical if the chemical —

(a) was supplied before 1 January 2017; and

(b) was, at the time it was supplied, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]* as in force at that time.

Note for this regulation:

Regulation 338 applies if the chemical is being supplied to another workplace.

342. Labelling hazardous chemicals: containers

(1) A person conducting a business or undertaking at a workplace must ensure that a hazardous chemical is correctly labelled in accordance with regulation 335 if the hazardous chemical is —

(a) manufactured at the workplace; or

(b) transferred or decanted from its original container at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(1A) Subregulation (1) does not apply to a hazardous chemical if the chemical —

(a) was manufactured, or transferred or decanted from its original container at the workplace, before 1 January 2017; and

(b) was, at the time it was manufactured, or transferred or decanted from its original container at the workplace, labelled in accordance with the *National Code of*

Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)] as in force at that time.

Note for this subregulation:

Regulation 338 applies if the chemical is being supplied to another workplace.

(2) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that a container that stores a hazardous chemical is correctly labelled in accordance with regulation 335 while the container contains the hazardous chemical.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2A) Subregulation (2) does not apply to a container if the container —

(a) was supplied before 1 January 2017; and

(b) was, at the time it was supplied, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]* as in force at that time.

Note for this subregulation:

Regulation 338 applies if the chemical is being supplied to another workplace.

(3) A person conducting a business or undertaking at a workplace must ensure that a container labelled for a hazardous chemical is used only for the use, handling or storage of the hazardous chemical.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) This regulation does not apply to a container if —

(a) the hazardous chemical in the container is used immediately after it is put in the container; and

(b) the container is thoroughly cleaned immediately after the hazardous chemical is used, handled or stored so that the container is in the condition it would be in if it had never contained the hazardous chemical.

343. Labelling hazardous chemicals: pipe work

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that a hazardous chemical in pipe work is identified by a label, sign or another way on or near the pipe work.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

344. Person conducting business or undertaking to obtain and give access to safety data sheets

(1A) A hazardous chemical is taken to be ***first supplied*** to a workplace if the supply is the first supply of the hazardous chemical to the workplace for 5 years.

(1) A person conducting a business or undertaking at a workplace must obtain the current safety data sheet for a hazardous chemical prepared in accordance with these regulations from the manufacturer, importer or supplier of the hazardous chemical in the following circumstances —

(a) either —

(i) not later than when the hazardous chemical is first supplied for use at the workplace; or

(ii) if the person is not able to obtain the safety data sheet under subparagraph (i) — as soon as practicable after the hazardous chemical is first

supplied to the workplace but before the hazardous chemical is used at the workplace;

(b) if the safety data sheet for the hazardous chemical is amended either —

(i) not later than when the hazardous chemical is first supplied to the workplace after the safety data sheet is amended; or

(ii) if the person is not able to obtain the amended safety data sheet under subparagraph (i) — as soon as practicable after the hazardous chemical is first supplied to the workplace after the safety data sheet is amended and before the hazardous chemical supplied is used at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) *[not used]*

(3) The person must ensure that the current safety data sheet for the hazardous chemical is readily accessible to —

(a) a worker who is involved in using, handling or storing the hazardous chemical at the workplace; and

(b) an emergency service worker, a mine emergency worker, or anyone else, who is likely to be exposed to the hazardous chemical at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) Subregulations (1) and (3) do not apply to a hazardous chemical that —

(a) is in transit; or

(b) if the person conducting the business or undertaking at the workplace is a retailer — is —

(i) a consumer product; and

(ii) intended for supply to other premises;

or

(c) is a consumer product and it is reasonably foreseeable that the hazardous chemical will be used at the workplace only in —

(i) quantities that are consistent with household use; and

(ii) a way that is consistent with household use; and

(iii) a way that is incidental to the nature of the work carried out by a worker using the hazardous chemical.

(5) In the circumstances referred to in subregulation (4), the person must ensure that sufficient information about the safe use, handling and storage of the hazardous chemical is readily accessible to —

(a) a worker at the workplace; and

(b) an emergency service worker, a mine emergency worker, or anyone else, who is likely to be exposed to the hazardous chemical at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(6) The person must ensure that the current safety data sheet for the hazardous chemical is readily accessible to a person at the workplace if the person —

(a) is likely to be affected by the hazardous chemical; and

(b) asks for the safety data sheet.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

345. Changes to safety data sheets

A person conducting a business or undertaking at a workplace may change a safety data sheet for a hazardous chemical only if —

(a) the person —

(i) is an importer or manufacturer of the hazardous chemical; and

(ii) changes the safety data sheet in a way that is consistent with the duties of the importer or manufacturer under regulation 330;

or

(b) the change is only the attachment of a translation of the safety data sheet, and clearly states that the translation is not part of the original safety data sheet.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

The manufacturer or importer of a hazardous chemical must amend a safety data sheet as necessary to ensure the information is correct and current (see regulation 330(3)(b)).

Division 3 — Register of hazardous chemicals

Subdivision 1 — Hazardous chemicals register

346. Hazardous chemicals register

(1) A person conducting a business or undertaking at a workplace must ensure that —

(a) a register of hazardous chemicals used, handled or stored at the workplace is prepared and kept at the workplace; and

(b) the register is maintained to ensure the information in the register is up to date.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The register must include —

(a) a list of hazardous chemicals used, handled or stored; and

(b) the current safety data sheet for each hazardous chemical listed.

(3) The person must ensure that the register is readily accessible to —

(a) a worker involved in using, handling or storing a hazardous chemical; and

(b) anyone else who is likely to be affected by a hazardous chemical at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) This regulation does not apply to a hazardous chemical if —

(a) the hazardous chemical is in transit, unless there is a significant or frequent presence of the hazardous chemical in transit at the workplace; or

(b) the hazardous chemical is a consumer product and the person is not required to obtain a safety data sheet for the hazardous chemical under regulation 344.

Note for this regulation:

See regulation 344(4).

Subdivision 2 — Not used

347. Not used

348. Not used

Division 4 — Not used

349. Not used

350. Not used

Division 5 — Control of risk: obligations of persons conducting businesses or undertakings

Subdivision 1 — General obligations relating to management of risk

351. Management of risks to health or safety

(1) A person conducting a business or undertaking must manage, in accordance with Part 3.1, risks to health and safety associated with using, handling, generating or storing a hazardous chemical at a workplace.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) In managing risks the person must have regard to the following —

(a) the hazardous properties of the hazardous chemical;

(b) any potentially hazardous chemical or physical reaction between the hazardous chemical and another substance or mixture, including a substance that may be generated by the reaction;

(c) the nature of the work to be carried out with the hazardous chemical;

(d) any structure, plant or system of work —

(i) that is used in the use, handling, generation or storage of the hazardous chemical; or

(ii) that could interact with the hazardous chemical at the workplace.

352. Review of control measures

In addition to the circumstances in regulation 38, a person conducting a business or undertaking at a workplace must ensure that any measures implemented to control risks in relation to a hazardous chemical at the workplace are reviewed and as necessary revised in any of the following circumstances —

(a) following any change to the safety data sheet for the hazardous chemical or the register of hazardous chemicals;

(b) if the person obtains a health monitoring report for a worker under Division 6 that contains —

(i) test results that indicate that the worker has been exposed to the hazardous chemical and has an elevated level of metabolites in the person's body for that hazardous chemical; or

(ii) any advice that test results indicate that the worker may have contracted a disease, injury or

illness as a result of carrying out the work using, handling, generating or storing the hazardous chemical that triggered the requirement for health monitoring; or

(iii) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work using, handling, generating or storing the hazardous chemical that triggered the requirement for health monitoring;

(c) if monitoring carried out under regulation 50 determines that the airborne concentration of the hazardous chemical at the workplace exceeds the relevant exposure standard;

(d) at least once every 5 years.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

353. Safety signs

(1A) In this regulation —

safety sign does not include a placard.

(1) This regulation applies if a safety sign is required to control an identified risk in relation to using, handling, generating or storing hazardous chemicals at a workplace.

(2) A person conducting a business or undertaking at the workplace must display a safety sign at the workplace to —

(a) warn of a particular hazard associated with the hazardous chemicals; or

(b) state the responsibilities of a particular person in relation to the hazardous chemicals.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must ensure that the safety sign is —

(a) located next to the hazard; and

(b) clearly visible to a person approaching the hazard.

(4) *[not used]*

354. Identification of risk of physical or chemical reaction

(1) A person conducting a business or undertaking at a workplace must identify any risk of a physical or chemical reaction in relation to a hazardous chemical used, handled, generated or stored at a workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1) does not apply if the hazardous chemical undergoes the physical or chemical reaction in a manufacturing process or as part of a deliberate process or activity at the workplace.

(3) A person conducting a business or undertaking at a workplace must take all reasonable steps to ensure that a hazardous chemical is used, handled, generated or stored so as not to contaminate food, food packaging or personal use products.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Examples for this subregulation:

Personal use products —

(a) cosmetics;

(b) face washer.

(4) Subregulation (3) does not apply to the use of a hazardous chemical for agricultural purposes when used in accordance with the Agvet Code.

355. Specific control: fire and explosion

A person conducting a business or undertaking at a workplace must, if there is a possibility of fire or explosion in a hazardous area being caused by an ignition source being introduced into the area, ensure that the ignition source is not introduced into the area (from outside or within the space).

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

356. Keeping hazardous chemicals stable

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that a hazardous chemical used, handled or stored at the workplace does not become unstable, decompose or change so as to —

(a) create a hazard that is different from the hazard originally created by the hazardous chemical; or

(b) significantly increase the risk associated with any hazard in relation to the hazardous chemical.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A person conducting a business or undertaking at a workplace must ensure that —

(a) if the stability of a hazardous chemical used, handled or stored at the workplace is dependent on the maintenance of the proportions of the ingredients of the hazardous chemical — the proportions are maintained as stated in the safety data sheet for the chemical or by the manufacturer of the hazardous chemical; and

(b) if a hazardous chemical used, handled or stored at the workplace is known to be unstable above a particular temperature — the hazardous chemical is used, handled or stored at or below that temperature.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) This regulation does not apply if —

(a) the hazardous chemical is changed or allowed to become unstable, without risk to health or safety, as part of a deliberate process or activity at the workplace; or

(b) the hazardous chemical undergoes a chemical reaction in a manufacturing process or as part of a deliberate process or activity at the workplace.

Subdivision 2 — Spills and damage

357. Containing and managing spills

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that where there is a risk from a spill or leak of a hazardous chemical in a solid or liquid form, provision is made in each part of the workplace where the hazardous chemical is used, handled, generated or stored for a spill containment system that contains within the

workplace any part of the hazardous chemical that spills or leaks, and any resulting effluent.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that the spill containment system does not create a hazard by bringing together different hazardous chemicals that are not compatible.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2A) In subregulation (2) —

compatible, for 2 or more substances, mixtures or items, means that the substances, mixtures or items do not react together to cause a fire, explosion, harmful reaction or evolution of flammable, toxic or corrosive vapour.

(3) The person must ensure that the spill containment system provides for the cleanup and disposal of a hazardous chemical that spills or leaks, and any resulting effluent.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) *[not used]*

358. Protecting hazardous chemicals from damage

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that containers of hazardous chemicals and any associated pipe work or

attachments are protected against damage caused by an impact or excessive loads.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Subdivision 3 — Emergency plans and safety equipment

359. Fire protection and firefighting equipment

(1) A person conducting a business or undertaking at a workplace must ensure the following —

(a) the workplace is provided with fire protection and firefighting equipment that is designed and built for the types of hazardous chemicals at the workplace in the quantities in which they are used, handled, generated or stored at the workplace, and the conditions under which they are used, handled, generated or stored, having regard to —

(i) the fire load of the hazardous chemicals; and

(ii) the fire load from other sources; and

(iii) the compatibility of the hazardous chemicals with other substances and mixtures at the workplace;

(b) the fire protection and firefighting equipment is compatible with firefighting equipment used by the primary emergency service organisation;

(c) the fire protection and firefighting equipment is properly installed, tested and maintained;

(d) a dated record is kept of the latest testing results and maintenance until the next test is conducted.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If a part of the fire protection and firefighting equipment provided at the workplace becomes unserviceable or inoperative, the person must ensure that —

(a) the implications of the equipment being unserviceable or inoperative are assessed; and

(b) for risks that were controlled by the equipment when functioning fully, alternative measures are taken to manage the risks.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must ensure that the fire protection and firefighting equipment is returned to full operation as soon as practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

360. Emergency equipment

A person conducting a business or undertaking at a workplace that uses, handles, generates or stores hazardous chemicals must ensure that equipment is always available at the workplace for use in an emergency.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

A person conducting a business or undertaking must comply with Part 3.2 Division 4.

361. Not used

362. Safety equipment

(1) This regulation applies if safety equipment is required to control an identified risk in relation to using, handling, generating or storing hazardous chemicals at a workplace.

(2) A person conducting a business or undertaking at the workplace must ensure that the safety equipment is provided, maintained and readily accessible to persons at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Subdivision 4 — Not used

363. Not used

364. Not used

365. Not used

366. Not used

367. Not used

Division 6 — Health monitoring

368. Duty to provide health monitoring

A person conducting a business or undertaking must ensure that health monitoring is provided to a worker carrying out work for the business or undertaking if —

(a) the worker is carrying out ongoing work at a workplace using, handling, generating or storing hazardous chemicals and there is a risk to the worker's health because of exposure to a hazardous chemical referred to in Schedule 14 Table 14.1 column 2; or

(b) the person identifies that because of ongoing work carried out by a worker using, handling, generating or storing hazardous chemicals there is a risk that the worker will be exposed to a hazardous chemical (other than a hazardous chemical referred to in Schedule 14 Table 14.1) and either —

(i) valid techniques are available to detect the effect on the worker's health; or

(ii) a valid way of determining biological exposure to the hazardous chemical is available and it is uncertain, on reasonable grounds, whether the exposure to the hazardous chemical has resulted in the biological exposure standard being exceeded.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

The biological exposure standard is published by Safe Work Australia.

369. Duty to inform of health monitoring

A person conducting a business or undertaking who is required to provide health monitoring to a worker must give information about the health monitoring requirements to —

(a) a person who is likely to be engaged to carry out work using, handling, generating or storing a hazardous chemical; and

(b) a worker for the business or undertaking, before the worker commences work using, handling, generating or storing a hazardous chemical.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

370. Duty to ensure that appropriate health monitoring is provided

A person conducting a business or undertaking must ensure that health monitoring of a worker referred to in regulation 368 includes health monitoring of a type referred to in an item in Schedule 14 Table 14.1 column 3 in relation to a hazardous chemical referred to in column 2 for the item, unless —

(a) an equal or better type of health monitoring is available; and

(b) the use of that other type of monitoring is recommended by a registered medical practitioner with experience in health monitoring.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

371. Duty to ensure health monitoring is supervised by registered medical practitioner with experience

(1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 368 is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

372. Duty to pay costs of health monitoring

(1) A person conducting a business or undertaking must pay all expenses relating to health monitoring referred to in regulation 368.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring, the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

373. Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring —

(a) the name and address of the person conducting the business or undertaking;

(b) the name and date of birth of the worker;

(c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;

(d) if the worker has started that work — how long the worker has been carrying out that work.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

374. Duty to obtain health monitoring report

(1) A person conducting a business or undertaking who commissions health monitoring referred to in regulation 368 must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The health monitoring report must include the following —

(a) the name and date of birth of the worker;

(b) the name and registration number of the registered medical practitioner;

(c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;

(d) the date of the health monitoring;

(e) any test results that indicate whether or not the worker has been exposed to a hazardous chemical;

(f) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;

(g) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;

(h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

375. Duty to give health monitoring report to worker

The person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

376. Duty to give health monitoring report to regulator

The registered medical practitioner who prepares the health monitoring report must give a copy of the report to the regulator as soon as practicable if the report contains monitoring results that are consistent with exposure to a hazardous chemical.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

377. Duty to give health monitoring report to relevant persons conducting businesses or undertakings

The person who commissioned health monitoring for a worker under regulation 368 must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

378. Health monitoring records

(1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out

work for the business or undertaking are kept as a confidential record —

(a) identified as a record in relation to the worker; and

(b) for at least 30 years after the record is made.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) Subregulation (2) does not apply if the record is disclosed under regulation 376 or 377 or to a person who must keep the record confidential under a duty of professional confidentiality.

Division 7 — Induction, information, training and supervision

379. Duty to provide supervision

(1) A person conducting a business or undertaking at a workplace must provide any supervision to a worker that is necessary to protect the worker from risks to the worker's health and safety arising from the work if, at the workplace, the worker —

(a) uses, handles, generates or stores a hazardous chemical; or

(b) operates, tests, maintains, repairs or decommissions a storage or handling system for a hazardous chemical; or

(c) is likely to be exposed to a hazardous chemical.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that the supervision of the worker is suitable and adequate having regard to —

(a) the nature of the risks associated with the hazardous chemical; and

(b) the information, training and instruction required under regulation 39.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

In addition, section 19(3)(f) of the Act requires the provision of information, training, instruction and supervision.

Division 8 — Prohibition, authorisation and restricted use

380. Using, handling and storing prohibited carcinogens

A person conducting a business or undertaking at a workplace must not use, handle or store, or direct or allow a worker at the workplace to use, handle or store, a prohibited carcinogen referred to in Schedule 10 Table 10.1 column 2 unless —

(a) the prohibited carcinogen is used, handled or stored for genuine research or analysis; and

(b) the regulator has authorised the use, handling or storage of the prohibited carcinogen under regulation 384.

Note for this regulation:

See section 43 of the Act.

381. Using, handling and storing restricted carcinogens

A person conducting a business or undertaking at a workplace must not use, handle or store, or direct or allow a worker at the workplace to use, handle or store, a restricted carcinogen referred to in an item in Schedule 10 Table 10.2 column 2 for a

purpose referred to in column 3 for the item unless the regulator has authorised the use, handling or storage of the restricted carcinogen under regulation 384.

Note for this regulation:

See section 43 of the Act.

382. Using, handling and storing restricted hazardous chemicals

(1) A person conducting a business or undertaking at a workplace must not use, handle or store, or direct or allow a worker at the workplace to use, handle or store, a restricted hazardous chemical referred to in an item in Schedule 10 Table 10.3 column 2 for a purpose referred to in column 3 for the item.

Note for this subregulation:

See section 43 of the Act.

(2) A person conducting a business or undertaking at a workplace must not use, handle or store, or direct or allow a worker at the workplace to use, handle or store, polychlorinated biphenyls (PCBs) unless the use, handling or storage is —

(a) in relation to existing electrical equipment or construction material; or

(b) for disposal purposes; or

(c) for genuine research and analysis.

Note for this subregulation:

See section 43 of the Act.

383. Application for authorisation to use, handle or store prohibited and restricted carcinogens

(1) A person conducting a business or undertaking at a workplace may apply in writing to the regulator for authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen referred to in Schedule 10 at the workplace.

(2) The application must include the following information —

(a) the applicant's name and business address;

(b) if the applicant conducts the business or undertaking under a business name, that business name;

(c) the name and address of the supplier of the carcinogen;

(d) the address where the carcinogen will be used, handled or stored;

(e) the name of the carcinogen;

(f) the quantity of the carcinogen to be used, handled or stored at the workplace each year;

(g) the purpose and activity for which the carcinogen will be used, handled or stored;

(h) the number of workers that may be exposed to the carcinogen;

(i) information about how the person will manage risks to health and safety, including a summary of the steps taken, or to be taken, by the person in relation to the following —

(i) hazard identification;

(ii) control measures;

(iii) if elimination or substitution of the carcinogen is not reasonably practicable — why the elimination or substitution is not reasonably practicable;

(j) any other information requested by the regulator.

384. Authorisation to use, handle or store prohibited carcinogens and restricted carcinogens

(1) If a person applies under regulation 383, the regulator may grant an authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen under this regulation.

(2) The regulator may authorise the person to use, handle or store a prohibited carcinogen referred to in an item in Schedule 10 Table 10.1 at the workplace only if the carcinogen will be used, handled or stored only for genuine research or analysis.

(3) The regulator may authorise the person to use, handle or store a restricted carcinogen referred to in an item in Schedule 10 Table 10.2 at the workplace only if the carcinogen will be used, handled or stored only for a use referred to in column 3 for the item.

(4) The regulator may impose any conditions on the authorisation that the regulator considers necessary to achieve the objectives of the Act or these regulations.

(5) The regulator must refuse to authorise the use, handling or storage of the carcinogen for a use not referred to in this regulation.

Note for this subregulation:

A decision to refuse an authorisation is a reviewable decision (see regulation 676).

385. Changes to information in application to be reported

A person who applies under regulation 383 for authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen must give the regulator written notice of any change in the information given in the application before the change or as soon as practicable after the person becomes aware of the change.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

386. Regulator may cancel authorisation

The regulator may cancel an authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen given under regulation 384 if satisfied that —

(a) the person granted the authorisation has not complied with a condition on the authorisation; or

(b) the risk to the health or safety of a worker that may be affected by using, handling or storing the carcinogen has changed since the authorisation was granted.

Note for this regulation:

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

387. Statement of exposure to be given to workers

(1) This regulation applies if —

(a) a person conducting a business or undertaking at a workplace is authorised under regulation 384 to use, handle or store a prohibited carcinogen or restricted carcinogen at the workplace; and

(b) a worker uses, handles or stores the prohibited carcinogen or restricted carcinogen at the workplace.

(2) The person must give to the worker, at the end of the worker's engagement by the person, a written statement of the following —

(a) the name of the prohibited or restricted carcinogen to which the worker may have been exposed during the engagement;

(b) the time the worker may have been exposed;

(c) how and where the worker may obtain records of the possible exposure;

(d) whether the worker should undertake regular health assessments, and the relevant tests to undertake.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

388. Records to be kept

(1) This regulation applies if a person conducting a business or undertaking at a workplace is authorised under regulation 384 to use, handle or store a prohibited carcinogen or restricted carcinogen at the workplace.

(2) The person must —

(a) record the full name, date of birth and address of each worker likely to be exposed to the prohibited carcinogen or restricted carcinogen during the period of authorisation; and

(b) keep a copy of each authorisation given to the person including any conditions imposed on the authorisation.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The person must keep the records for 30 years after the authorisation ends.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Division 9 — Not used

389. Not used

390. Not used

391. Not used

Part 7.2 — Lead

Note for this Part:

In workplaces where lead processes are carried out, this Part applies in addition to Part 7.1.

Division 1 — Lead process

392. Meaning of lead process

In this Part, a ***lead process*** consists of any of the following carried out at a workplace —

(a) work that exposes a person to lead dust or lead fumes arising from the manufacture or handling of dry lead compounds;

(b) work in connection with the manufacture, assembly, handling or repair of, or parts of, batteries containing lead that involves the manipulation of dry lead compounds, or pasting or casting lead;

(c) breaking up or dismantling batteries containing lead, or sorting, packing and handling plates or other parts containing lead that are removed or recovered from the batteries;

(d) spraying molten lead metal or alloys containing more than 5% by weight of lead metal;

(e) melting or casting lead alloys containing more than 5% by weight of lead metal in which the temperature of the molten material exceeds 450°C;

(f) recovering lead from its ores, oxides or other compounds by thermal reduction process;

(g) dry machine grinding, discing, buffing or cutting by power tools alloys containing more than 5% by weight of lead metal;

(h) machine sanding or buffing surfaces coated with paint containing more than 1% by dry weight of lead;

(i) a process by which electric arc, oxyacetylene, oxy gas, plasma arc or a flame is applied for welding, cutting or cleaning, to the surface of metal coated with lead or paint containing more than 1% by dry weight of lead metal;

(j) radiator repairs that may cause exposure to lead dust or lead fumes;

(k) fire assays if lead, lead compounds or lead alloys are used;

(l) hand grinding and finishing lead or alloys containing more than 50% by dry weight of lead;

(m) spray painting with lead paint containing more than 1% by dry weight of lead;

(n) melting lead metal or alloys containing more than 50% by weight of lead metal if the exposed surface area of the molten material exceeds 0.1 square metre and the temperature of the molten material does not exceed 450°C;

(o) using a power tool, including abrasive blasting and high pressure water jets, to remove a surface coated with paint containing more than 1% by dry weight of lead and handling waste containing lead resulting from the removal;

(p) a process that exposes a person to lead dust or lead fumes arising from manufacturing or testing detonators or other explosives that contain lead;

(q) a process that exposes a person to lead dust or lead fumes arising from firing weapons at an indoor firing range;

(r) foundry processes involving —

(i) melting or casting lead alloys containing more than 1% by weight of lead metal in which the temperature of the molten material exceeds 450°C; or

(ii) dry machine grinding, discing, buffing or cutting by power tools lead alloys containing more than 1% by weight of lead metal;

(s) a process decided by the regulator to be a lead process under regulation 393.

393. Regulator may decide lead process

(1) The regulator may decide that a process to be carried out at a workplace is a lead process.

(2) The regulator must not decide that the process is a lead process unless the regulator is satisfied on reasonable grounds that the process creates a risk to the health of a worker at the workplace having regard to blood lead levels of workers, or airborne lead levels, at the workplace.

Note for this subregulation:

A decision that a process is a lead process is a reviewable decision (see regulation 676).

(3) The regulator must, within 14 days after a decision is made under subregulation (1), give written notice of the decision to the person conducting a business or undertaking at the workplace.

394. Meaning of lead risk work

In this Part —

lead risk work means work carried out in a lead process that is likely to cause the blood lead level of a worker carrying out the work to exceed —

(a) for a female of reproductive capacity — 5μg/dL (0.24μmol/L); or

(b) in any other case — 20μg/dL (0.97μmol/L).

395. Duty to give information about health risks of lead process

(1) A person conducting a business or undertaking that carries out a lead process must give information about the lead process to —

(a) a person who is likely to be engaged to carry out the lead process — before the person is engaged; and

(b) a worker for the business or undertaking — before the worker commences the lead process.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If work is identified as lead risk work after a worker commences the work, the person conducting a business or undertaking must give information about the lead process to the worker as soon as practicable after it is identified as lead risk work and before health monitoring of the worker is provided under Division 4.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The information that must be given is —

(a) information about the health risks and toxic effects associated with exposure to lead; and

(b) if the lead process involves lead risk work — the need for, and details of, health monitoring under Division 4.

Division 2 — Control of risk

396. Containment of lead contamination

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that contamination by lead is confined to a lead process area at the workplace.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

397. Cleaning methods

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that a lead process area at the workplace is kept clean.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that the methods used to clean a lead process area —

(a) do not create a risk to the health of persons in the immediate vicinity of the area; and

(b) do not have the potential to spread the contamination of lead.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

398. Prohibition on eating, drinking and smoking

(1) A person conducting a business or undertaking at a workplace must take all reasonable steps to ensure that a person does not eat, drink, chew gum, smoke or carry materials used for smoking in a lead process area at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A person conducting a business or undertaking at a workplace must provide workers with an eating and drinking area that, so far as is reasonably practicable, cannot be contaminated with lead from a lead process.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

399. Provision of changing and washing facilities

(1) A person conducting a business or undertaking at a workplace must provide and maintain in good working order changing rooms and washing, showering and toilet facilities at the workplace so as to —

(a) minimise secondary lead exposure from contaminated clothing; and

(b) minimise ingestion of lead; and

(c) avoid the spread of lead contamination.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure, so far as is reasonably practicable, that workers at the workplace remove clothing and equipment that is or is likely to be contaminated with lead, and wash their hands

and faces, before entering an eating or drinking area at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

400. Laundering, disposal and removal of personal protective equipment

(1) A person conducting a business or undertaking at a workplace must ensure that personal protective equipment that is likely to be contaminated with lead dust —

(a) is sealed in a container before being removed from the lead process area; and

(b) so far as is reasonably practicable, is disposed of on the completion of the lead process work at a site equipped to accept lead-contaminated equipment; and

(c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing —

(i) is laundered at a laundry, whether on-site or off-site, equipped to launder lead-contaminated clothing; or

(ii) if it is not practicable to launder the clothing — is kept in the sealed container until it is re-used for lead process work;

and

(d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing —

(i) is decontaminated before it is removed from the lead process area; or

(ii) if it is not practicable to decontaminate the equipment in the lead process area — is kept in

the sealed container until it is re-used for lead process work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Example for this subregulation:

Work boots.

(2) The person must ensure that a sealed container referred to in subregulation (1) is decontaminated before being removed from the lead process area.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

Regulation 335 also requires the container to be labelled to indicate the presence of lead.

(3) The person must take all reasonable steps to ensure that clothing contaminated with lead-dust is not removed from the workplace unless it is to be —

(a) laundered in accordance with this regulation; or

(b) disposed of.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

401. Review of control measures

(1) A person conducting a business or undertaking at a workplace must ensure that any measures implemented to control health

risks from exposure to lead at the workplace are reviewed and as necessary revised in the following circumstances —

(a) a worker is removed from carrying out lead risk work at the workplace under regulation 415;

(b) the person obtains a health monitoring report for a worker under Division 4 that contains —

(i) test results that indicate that the worker has reached or exceeded the relevant blood lead level for that worker under regulation 415; and

(ii) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the lead risk work that triggered the requirement for health monitoring; and

(iii) any recommendation that the person conducting the business or undertaking take remedial measures, including a recommendation that the worker be removed from carrying out lead risk work at the workplace;

(c) the control measure does not control the risk it was implemented to control so far as is reasonably practicable;

Examples for this paragraph:

1. Results of any monitoring.
2. A notifiable incident occurs because of the risk.

(d) before a change at the workplace that is likely to give rise to a new or different risk to health or safety that the measure may not effectively control;

(e) a new relevant hazard or risk is identified;

(f) the results of consultation by the person under the Act or these regulations indicate that a review is necessary;

(g) a health and safety representative requests a review under subregulation (3);

(h) the regulator requires the review;

(i) at least once every 5 years.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) Without limiting subregulation (1)(d), a change at the workplace includes —

(a) a change to the workplace itself or any aspect of the work environment; or

(b) a change to a system of work, a process or a procedure.

(3) A health and safety representative for workers at a workplace may request a review of a control measure if the representative reasonably believes that —

(a) a circumstance referred to in subregulation (1)(a), (b), (c), (d), (e) or (f) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and

(b) the duty holder has not adequately reviewed the control measure in response to the circumstance.

Division 3 — Lead risk work

402. Identifying lead risk work

(1) A person conducting a business or undertaking at a workplace must assess each lead process carried out by the business or undertaking at the workplace to determine if lead risk work is carried out in the process.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) In assessing a lead process, the person must have regard to the following —

(a) past biological monitoring results of workers;

(b) airborne lead levels;

(c) the form of lead used;

(d) the tasks and processes required to be undertaken with lead;

(e) the likely duration and frequency of exposure to lead;

(f) possible routes of exposure to lead;

(g) any information about incidents, illnesses or diseases in relation to the use of lead at the workplace.

(3) In assessing a lead process, the person must not have regard to the effect of using personal protective equipment on the health and safety of workers at the workplace.

(4) If a person conducting a business or undertaking at a workplace is unable to determine whether lead risk work is carried out in a lead process at the workplace, the process is taken to include lead risk work until the person determines that lead risk work is not carried out in the process.

403. Notification of lead risk work

(1) Subject to subregulations (5) and (7), if a person conducting a business or undertaking at a workplace determines that work at the workplace is lead risk work, the person must give the regulator written notice within 7 days that the work is lead risk work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) A notice under this regulation must state the kind of lead process being carried out that includes the lead risk work.

(3) The person must —

(a) keep a copy of the notice given to the regulator while the lead risk work is carried out at the workplace; and

(b) ensure that a copy of the notice is readily accessible to a worker who is likely to be exposed to lead, and the worker's health and safety representative.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) Subregulation (5) applies to an emergency service organisation in relation to work carried out by an emergency service worker who, at the direction of the emergency service organisation, is —

(a) rescuing a person; or

(b) providing first aid to a person.

(5) The emergency service organisation must give notice under subregulation (1) as soon as practicable after determining that the work is lead risk work.

(6) Subregulation (7) applies to the site senior executive of a mine in relation to work carried out by a mine emergency worker who, at the direction of the site senior executive, is —

(a) rescuing a person; or

(b) providing first aid to a person.

(7) The site senior executive must give notice under subregulation (1) as soon as practicable after determining that the work is lead risk work.

404. Changes to information in notification of lead risk work

(1) A person conducting a business or undertaking at a workplace must give the regulator written notice of any change in the information given in a notice under regulation 403 before the

change or as soon as practicable after the person becomes aware of the change.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) The person must —

(a) keep a copy of the notice given to the regulator while the lead risk work is carried out at the workplace; and

(b) ensure that a copy of the notice is readily accessible to a worker who is likely to be exposed to lead, and the worker's health and safety representative.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 4 — Health monitoring

405. Duty to provide health monitoring before first commencing lead risk work

(1) A person conducting a business or undertaking at a workplace must ensure that health monitoring is provided to a worker —

(a) before the worker first commences lead risk work for the person; and

(b) 1 month after the worker first commences lead risk work for the person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If work is identified as lead risk work after a worker commences the work, the person conducting the business or undertaking must ensure that health monitoring of the worker is provided —

(a) as soon as practicable after the lead risk work is identified; and

(b) 1 month after the first monitoring of the worker under paragraph (a).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

406. Duty to ensure that appropriate health monitoring is provided

Subject to regulation 407, a person conducting a business or undertaking must ensure that health monitoring of a worker referred to in regulation 405 includes health monitoring of a type referred to in an item in Schedule 14 Table 14.2 unless —

(a) an equal or better type of health monitoring is available; and

(b) the use of that other type of monitoring is recommended by a registered medical practitioner with experience in health monitoring.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

407. Frequency of biological monitoring

(1) A person conducting a business or undertaking at a workplace must arrange for biological monitoring of each worker who

carries out lead risk work for the person to be carried out at the following times —

(a) for workers who are not females of reproductive capacity —

(i) if the last monitoring shows a blood lead level of less than 10μg/dL (0.48μmol/L) — 6 months after the last biological monitoring of the worker; or

(ii) if the last monitoring shows a blood lead level of 10μg/dL (0.48μmol/L) or more but less than 20μg/dL (0.97μmol/L) — 3 months after the last biological monitoring of the worker; or

(iii) if the last monitoring shows a blood lead level of 20μg/dL (0.97μmol/L) or more — 6 weeks after the last biological monitoring of the worker;

(b) for females of reproductive capacity —

(i) if the last monitoring shows a blood lead level of less than 5μg/dL (0.24μmol/L) — 3 months after the last biological monitoring of the worker; or

(ii) if the last monitoring shows a blood lead level of 5μg/dL (0.24μmol/L) or more but less than 10μg/dL (0.48μmol/L) — 6 weeks after the last biological monitoring of the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must increase the frequency of biological monitoring of a worker who carries out lead risk work if the worker carries out an activity that is likely to significantly change the nature or increase the duration or frequency of the worker's lead exposure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The regulator may determine a different frequency for biological monitoring of workers at a workplace, or a class of workers, carrying out lead risk work having regard to —

(a) the nature of the work and the likely duration and frequency of the workers' lead exposure; and

(b) the likelihood that the blood lead level of the workers will significantly increase.

Note for this subregulation:

A determination of a different frequency for biological monitoring is a reviewable decision (see regulation 676).

(4) The regulator must give a person conducting a business or undertaking written notice of a determination under subregulation (3) within 14 days after making the determination.

(5) The person conducting a business or undertaking at the workplace must arrange for biological monitoring to be carried out at the frequency stated in a determination notified to the person under subregulation (4).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

408. Duty to ensure health monitoring is supervised by registered medical practitioner with relevant experience

(1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in this Division is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

409. Duty to pay costs of health monitoring

(1) A person conducting a business or undertaking must pay all expenses relating to health monitoring referred to in this Division.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring, the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

410. Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring —

(a) the name and address of the person conducting the business or undertaking;

(b) the name and date of birth of the worker;

(c) the lead risk work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;

(d) if the worker has started that work, how long the worker has been carrying out that work.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

411. Duty to obtain health monitoring report

(1) A person conducting a business or undertaking who commissioned health monitoring referred to in this Division must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The health monitoring report must include the following —

(a) the name and date of birth of the worker;

(b) the name and registration number of the registered medical practitioner;

(c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;

(d) the date of health monitoring;

(e) if a blood sample is taken — the date the blood sample is taken;

(f) the results of biological monitoring that indicate blood lead levels in the worker's body;

(g) the name of the pathology service used to carry out tests;

(h) any test results that indicate that the worker has reached or exceeded the relevant blood lead level for that worker under regulation 415;

(i) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the lead risk work that triggered the requirement for health monitoring;

(j) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;

Note for this paragraph:

The duty under regulation 415 to remove a worker from carrying out lead risk work applies even if there is no recommendation of a registered medical practitioner to do so.

(k) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

412. Duty to give health monitoring report to worker

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

413. Duty to give health monitoring report to regulator

The registered medical practitioner who prepares the health monitoring report must give a copy of the health monitoring

report to the regulator as soon as practicable after preparing the report if the report contains —

(a) test results that indicate that the worker has reached or exceeded the relevant blood lead level for that person under regulation 415; or

(b) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring; or

(c) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work that triggered the requirement for health monitoring.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

414. Duty to give health monitoring report to relevant persons conducting businesses or undertakings

A person conducting a business or undertaking who commissioned health monitoring for a worker under this Division must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

415. Removal of worker from lead risk work

(1) A person conducting a business or undertaking for which a worker is carrying out work must immediately remove the

worker from carrying out lead risk work if following health monitoring —

(a) biological monitoring of the worker shows that the worker's blood lead level is, or is more than —

(i) for workers who are not females of reproductive capacity — 30μg/dL (1.45μmol/L); or

(ii) for females of reproductive capacity — 10μg/dL (0.48μmol/L);

or

(b) the registered medical practitioner who supervised the health monitoring recommends that the worker be removed from carrying out the lead risk work; or

(c) there is an indication that a risk control measure has failed and, as a result, the worker's blood lead level is likely to reach the relevant level for the worker referred to in paragraph (a).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must notify the regulator as soon as practicable if a worker is removed from carrying out lead risk work under subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

416. Duty to ensure medical examination if worker removed from lead risk work

(1) This regulation applies if a worker is removed from carrying out lead risk work under regulation 415.

(2) The person conducting the business or undertaking who removes the worker from carrying out lead risk work must

arrange for the worker to be medically examined by a registered medical practitioner with experience in health monitoring within 7 days after the day the worker is removed.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must consult the worker in the selection of the registered medical practitioner.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

417. Return to lead risk work after removal

(1) This regulation applies if —

(a) a worker is removed from carrying out lead risk work under regulation 415; and

(b) the person conducting a business or undertaking at the workplace who removed the worker expects the worker to return to carrying out lead risk work at the workplace.

(2) The person conducting the business or undertaking must arrange for health monitoring under the supervision of a registered medical practitioner with experience in health monitoring at a frequency decided by the practitioner to determine whether the worker's blood lead level is low enough for the worker to return to carrying out lead risk work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person conducting the business or undertaking must ensure that the worker does not return to carrying out lead risk work until —

(a) the worker's blood lead level is less than —

(i) for workers who are not females of reproductive capacity — 20µg/dL (0.97µmol/L); or

(ii) for females of reproductive capacity — 5µg/dL (0.24µmol/L);

and

(b) a registered medical practitioner with experience in health monitoring is satisfied that the worker is fit to return to carrying out lead risk work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

418. Health monitoring records

(1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record —

(a) identified as a record in relation to the worker; and

(b) for at least 30 years after the record is made.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) Subregulation (2) does not apply if the record is disclosed under regulation 412, 413 or 414 or to a person who must keep the record confidential under a duty of professional confidentiality.

Chapter 8 — Asbestos

Part 8.1 — Prohibitions and authorised conduct

419. Work involving asbestos or ACM: prohibitions and exceptions

(1A) In this regulation, work ***involves asbestos*** if the work involves manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of or disturbing asbestos or ACM.

(1) A person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, work if it involves asbestos.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) *[not used]*

(3) Subregulation (1) does not apply if the work involving asbestos is any of the following —

(a) genuine research and analysis;

(b) sampling and identification in accordance with these regulations;

(c) maintenance of, or service work on, non-friable asbestos or ACM, fixed or installed before 31 December 2003, in accordance with these regulations;

(d) removal or disposal of asbestos or ACM, including demolition, in accordance with these regulations;

(e) the transport and disposal of asbestos or asbestos waste in accordance with the *Environmental Protection Act 1986*;

(f) demonstrations, education or practical training in relation to asbestos or ACM;

(g) display, or preparation or maintenance for display, of an artefact or thing that is, or includes, asbestos or ACM;

(h) management in accordance with these regulations of in situ asbestos that was installed or fixed before 31 December 2003;

(i) work that disturbs asbestos during mining operations that involve the extraction of, or exploration for, a mineral other than asbestos;

(j) laundering asbestos contaminated clothing in accordance with these regulations.

(4) Subregulation (1) does not apply if the regulator approves the method adopted for managing risk associated with asbestos.

(5) Subregulation (1) does not apply to the following —

(a) soil that a competent person has determined —

(i) does not contain any visible ACM or friable asbestos; or

(ii) if friable asbestos is visible — does not contain more than trace levels of asbestos determined in accordance with AS 4964:2004 (Method for the qualitative identification of asbestos in bulk samples);

(b) naturally occurring asbestos managed in accordance with an asbestos management plan prepared under regulation 432.

Part 8.2 — General duty

420. Exposure to airborne asbestos at workplace

(1) A person conducting a business or undertaking at a workplace must ensure that —

(a) exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable; and

(b) if it is not reasonably practicable to eliminate exposure to airborne asbestos — exposure is minimised so far as is reasonably practicable.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) A person conducting a business or undertaking at a workplace must ensure that the exposure standard for asbestos is not exceeded at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) Subregulations (1)(a) and (2) do not apply in relation to an asbestos removal area —

(a) that is enclosed to prevent the release of respirable asbestos fibres in accordance with regulation 477; and

(b) in which negative pressure is used in accordance with that regulation.

Part 8.3 — Management of asbestos and associated risks

421. Application of Part

(1) This Part does not apply to naturally occurring asbestos.

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

421A. Regulator may direct tests for, or removal of, asbestos at workplace

(1) The regulator may issue a written notice to a person who is a person conducting a business or undertaking at a workplace, directing the person —

(a) to conduct tests to ascertain if asbestos is present in the workplace in such manner set out in the direction; or

(b) to cause any ACM at the workplace to be removed if it was installed on or after 31 December 2003.

(2) A person must comply with each direction issued to the person under subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The regulator is not liable for any costs in relation to the tests or asbestos removal work.

422. Asbestos to be identified or assumed at workplace

(1) A person with management or control of a workplace must ensure, so far as is reasonably practicable, that all asbestos or ACM at the workplace is identified by a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A person with management or control of a workplace must —

(a) if material at the workplace cannot be identified but a competent person reasonably believes that the material is asbestos or ACM — assume that the material is asbestos; and

(b) if part of the workplace is inaccessible to workers and likely to contain asbestos or ACM — assume that asbestos is present in the part of the workplace.

(3) Subregulation (1) does not apply if the person —

(a) assumes that asbestos or ACM is present; or

(b) has reasonable grounds to believe that asbestos or ACM is not present.

(4) If asbestos or ACM is assumed to be present at a workplace, it is taken to be identified at the workplace.

423. Analysis of sample

(1) A person with management or control of a workplace may identify asbestos or ACM by arranging for a sample of material at the workplace to be analysed for the presence of asbestos or ACM.

(2) If a person with management or control of a workplace arranges for an analysis, the person must ensure that the sample is analysed only by a NATA-accredited laboratory accredited for the relevant test method.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

424. Presence and location of asbestos to be indicated

A person with management or control of a workplace must ensure that —

(a) the presence and location of asbestos or ACM identified at the workplace under regulation 422 is clearly indicated; and

(b) if it is reasonably practicable to do so, indicate the presence and location of the asbestos or ACM by a label.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

425. Asbestos register

(1) A person with management or control of a workplace must ensure that a register (an ***asbestos register***) is prepared and kept at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The person must ensure that the asbestos register is maintained to ensure the information in the register is up to date.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The asbestos register must —

(a) record any asbestos or ACM identified at the workplace under regulation 422, or likely to be present at the workplace from time to time including —

(i) the date on which the asbestos or ACM was identified; and

(ii) the location, type and condition of the asbestos or ACM;

or

(b) state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace.

(4) The person is not required to prepare an asbestos register for a workplace if a register has already been prepared for that workplace.

(5) Subject to subregulation (6), this regulation applies to buildings whenever constructed.

(6) This regulation does not apply to a workplace if —

(a) the workplace is a building that was constructed on or after 31 December 2003; and

(b) no asbestos has been identified at the workplace; and

(c) no asbestos is likely to be present at the workplace from time to time.

426. Review of asbestos register

A person with management or control of a workplace where an asbestos register is kept must ensure that the register is reviewed and as necessary revised if —

(a) the asbestos management plan is reviewed under regulation 430; or

(b) further asbestos or ACM is identified at the workplace; or

(c) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

427. Access to asbestos register

(1) A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to —

(a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

(b) a health and safety representative who represents a worker referred to in paragraph (a); and

(c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

(d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If a person conducting a business or undertaking carries out, or intends to carry out, work at a workplace that involves a risk of exposure to airborne asbestos, the person with management or control of the workplace must ensure that the person is given a copy of the asbestos register.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

428. Transfer of asbestos register by person relinquishing management or control

If a person with management or control of a workplace plans to relinquish management or control of the workplace, the person must ensure, so far as is reasonably practicable, that the asbestos register is given to the person, if any, assuming management or control of the workplace.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

429. Asbestos management plan

(1) This regulation applies if asbestos or ACM is —

(a) identified at a workplace under regulation 422; or

(b) likely to be present at a workplace from time to time.

(2) A person with management or control of the workplace must ensure that a written plan (an ***asbestos management plan***) for the workplace is prepared.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) An asbestos management plan must include information about the following —

(a) the identification of asbestos or ACM;

Examples for this paragraph:

A reference or link to the asbestos register for the workplace and signage and labelling.

(b) decisions, and reasons for decisions, about the management of asbestos at the workplace;

Examples for this paragraph:

Safe work procedures and control measures.

(c) procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace;

(d) workers carrying out work involving asbestos.

Examples for this paragraph:

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to —

(a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

(b) a health and safety representative who represents a worker referred to in paragraph (a); and

(c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

(d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

430. Review of asbestos management plan

(1) A person with management or control of a workplace that has an asbestos management plan must ensure that the plan is reviewed and as necessary revised in the following circumstances —

(a) there is a review of the asbestos register or a control measure;

(b) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace;

(c) the plan is no longer adequate for managing asbestos or ACM at the workplace;

(d) a health and safety representative requests a review under subregulation (2);

(e) at least once every 5 years.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) A health and safety representative for workers at a workplace may request a review of an asbestos management plan if the representative reasonably believes that —

(a) a circumstance referred to in subregulation (1)(a), (b) or (c) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and

(b) the person with management and control of the workplace has not adequately reviewed the asbestos management plan in response to the circumstance.

Part 8.4 — Management of naturally occurring asbestos

431. Naturally occurring asbestos

The person with management or control of a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with naturally occurring asbestos at the workplace.

Note for this regulation:

WHS Act — section 20 (see regulation 9).

432. Asbestos management plan

(1) This regulation applies if naturally occurring asbestos is —

(a) identified at a workplace; or

(b) likely to be present at a workplace.

(2) A person with management or control of the workplace must ensure that a written plan (an ***asbestos management plan***) for

the workplace is prepared in relation to the naturally occurring asbestos.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) An asbestos management plan must include information about the following —

(a) the identification of naturally occurring asbestos;

(b) decisions, and reasons for decisions, about the management of naturally occurring asbestos at the workplace;

Examples for this paragraph:

Safe work procedures and control measures.

(c) procedures for detailing incidents or emergencies involving naturally occurring asbestos at the workplace;

(d) workers carrying out work involving naturally occurring asbestos.

Examples for this paragraph:

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for naturally occurring asbestos at the workplace is readily accessible to —

(a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

(b) a health and safety representative who represents a worker referred to in paragraph (a); and

(c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

(d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

433. Review of asbestos management plan

A person with management or control of a workplace that has an asbestos management plan for naturally occurring asbestos must ensure that the plan is reviewed and as necessary revised if the plan is no longer adequate for managing naturally occurring asbestos at the workplace.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Example for this regulation:

A control measure is revised under regulation 38.

434. Training in relation to naturally occurring asbestos

A person conducting a business or undertaking must ensure that the training required under regulation 445 includes training in the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 8.5 — Asbestos at the workplace

Division 1 — Health monitoring

435. Duty to provide health monitoring

(1) A person conducting a business or undertaking must ensure that health monitoring is provided, in accordance with regulation 436, to a worker carrying out work for the business or undertaking if the worker is —

(a) carrying out licensed asbestos removal work at a workplace and is at risk of exposure to asbestos when carrying out the work; or

(b) carrying out other ongoing asbestos removal work or asbestos-related work and is at risk of exposure to asbestos when carrying out the work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1)(a), the person must ensure that the health monitoring of the worker commences before the worker carries out licensed asbestos removal work.

(3) The person must ensure that the worker is informed of any health monitoring requirements before the worker carries out any work that may expose the worker to asbestos.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

436. Duty to ensure that appropriate health monitoring is provided

(1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 435 includes —

(a) consideration of —

(i) the worker's demographic, medical and occupational history; and

(ii) records of the worker's personal exposure;

and

(b) a physical examination of the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1) applies unless another type of health monitoring is recommended by a registered medical practitioner.

437. Duty to ensure health monitoring is supervised by registered medical practitioner with relevant experience

(1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 435 is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

438. Duty to pay costs of health monitoring

(1) A person conducting a business or undertaking must pay all expenses relating to health monitoring referred to in regulation 435.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring, the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

439. Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring —

(a) the name and address of the person conducting the business or undertaking;

(b) the name and date of birth of the worker;

(c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;

(d) if the worker has started that work, how long the worker has been carrying out that work.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

440. Duty to obtain health monitoring report

(1) A person conducting a business or undertaking who commissioned health monitoring referred to in regulation 435 must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The health monitoring report must include the following —

(a) the name and date of birth of the worker;

(b) the name and registration number of the registered medical practitioner;

(c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;

(d) the date of health monitoring;

(e) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;

(f) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out

the type of work that triggered the requirement for health monitoring;

(g) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

441. Duty to give health monitoring report to worker

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

442. Duty to give health monitoring report to regulator

The registered medical practitioner who prepares the health monitoring report must give a copy of the health monitoring report to the regulator as soon as practicable after preparing the report if the report contains —

(a) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring; or

(b) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work referred to in regulation 435.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

443. Duty to give health monitoring report to relevant persons conducting businesses or undertakings

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

444. Health monitoring records

(1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record —

(a) identified as a record in relation to the worker; and

(b) for at least 40 years after the record is made.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) Subregulation (2) does not apply if the record is disclosed under regulation 442 or 443 or to a person who must keep the record confidential under a duty of professional confidentiality.

Division 2 — Training

445. Duty to train workers about asbestos

(1) In addition to the training required by Part 3.2 Division 1, a person conducting a business or undertaking must ensure that workers engaged by the person, whom the person reasonably believes may be involved in asbestos removal work or in the carrying out of asbestos-related work, are trained in the identification and safe handling of, and suitable control measures for, asbestos and ACM.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) This regulation does not apply in relation to a worker referred to in regulation 460.

(3) The person must ensure that a record is kept of the training undertaken by the worker —

(a) while the worker is carrying out the work; and

(b) for 5 years after the day the worker ceases working for the person.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(4) The person must keep the record available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 3 — Control on use of certain equipment

446. Duty to limit use of equipment

(1) A person conducting a business or undertaking must not use, or direct or allow a worker to use, either of the following on asbestos or ACM —

(a) high-pressure water spray;

(b) compressed air.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) Subregulation (1)(a) does not apply to the use of a high-pressure water spray for firefighting or fire protection purposes.

(3) A person conducting a business or undertaking must not use, or direct or allow a worker to use, any of the following equipment on asbestos or ACM unless the use of the equipment is controlled —

(a) power tools;

(b) brooms;

(c) any other implements that cause the release of airborne asbestos into the atmosphere.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) In subregulation (3), the use of equipment is ***controlled*** if —

(a) the equipment is enclosed during its use; or

(b) the equipment is designed to capture or suppress airborne asbestos and is used in accordance with its design; or

(c) the equipment is used in a way that is designed to capture or suppress airborne asbestos safely; or

(d) any combination of paragraphs (a), (b) and (c) applies.

Part 8.6 — Demolition and refurbishment

447. Application of Part

(1A) In this regulation —

demolition or refurbishment does not include minor or routine maintenance work, or other minor work.

(1) This Part —

(a) applies to the demolition or refurbishment of a structure or plant constructed or installed before 31 December 2003; but

(b) does not apply to geotechnical structures constructed at a mine.

(2) *[not used]*

448. Review of asbestos register

The person with management or control of a workplace must ensure that, before demolition or refurbishment is carried out at the workplace, the asbestos register for the workplace is —

(a) reviewed; and

(b) if the register is inadequate having regard to the proposed demolition or refurbishment — revised.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Example for this regulation:

The register identifies an inaccessible area that is likely to contain asbestos and the area is likely to be accessible because of demolition.

449. Duty to give asbestos register to person conducting business or undertaking of demolition or refurbishment

The person with management or control of a workplace must ensure that the person conducting a business or undertaking who carries out the demolition or refurbishment is given a copy of the asbestos register before the demolition or refurbishment is commenced.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

450. Duty to obtain asbestos register

A person conducting a business or undertaking who carries out demolition or refurbishment at a workplace must obtain a copy of the asbestos register from the person with management or control of the workplace, before the person commences the demolition or refurbishment.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

451. Determining presence of asbestos or ACM

(1) This regulation applies if —

(a) demolition or refurbishment is to be carried out at a workplace; and

(b) there is no asbestos register for the structure or plant to be demolished or refurbished at the workplace.

(2) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must not carry out the demolition or refurbishment until the structure or plant has been

inspected to determine whether asbestos or ACM is fixed to or installed in the structure or plant.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must ensure that the determination is undertaken by a competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must assume that asbestos or ACM is fixed to or installed in the structure or plant if —

(a) the competent person is, on reasonable grounds, uncertain whether or not asbestos is fixed to or installed in the structure or plant; or

(b) part of the structure or plant is inaccessible and likely to be disturbed.

(5) If asbestos or ACM is determined or assumed to be fixed to or installed in the structure or plant, the person conducting a business or undertaking who is to carry out the demolition or refurbishment must inform —

(a) if the workplace is residential premises —

(i) the occupier of the premises; and

(ii) the owner of the premises;

and

(b) in any other case — the person with management or control of the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

452. Identification and removal of asbestos before demolition

(1) This regulation applies if a structure or plant at a workplace is to be demolished.

(2) This regulation does not apply —

(a) in an emergency to which regulation 454 applies; or

(b) to residential premises.

(3) The person with management or control of the workplace, or of the structure or plant, must ensure —

(a) that all asbestos that is likely to be disturbed by the demolition is identified; and

(b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) Subregulation (3)(b) does not apply if the purpose of the demolition is to gain access to the asbestos.

453. Identification and removal of asbestos before demolition of residential premises

(1) A person conducting a business or undertaking that is to carry out the demolition of residential premises must ensure —

(a) that all asbestos that is likely to be disturbed by the demolition is identified; and

(b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) This regulation does not apply in an emergency to which regulation 455 applies.

(3) Subregulation (1)(b) does not apply if the purpose of the demolition is to gain access to the asbestos.

454. Emergency procedure

(1A) For the purposes of this regulation, an ***emergency*** occurs if —

(a) a structure or plant is structurally unsound; or

(b) collapse of the structure or plant is imminent.

(1) This regulation applies if —

(a) an emergency occurs at a workplace other than residential premises; and

(b) a structure or plant at the workplace must be demolished; and

(c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.

(2) The person with management or control of the workplace must ensure, so far as is reasonably practicable, that —

(a) before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard; and

(b) the asbestos register for the workplace is considered in the development of the procedure.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The person must ensure that the regulator is given written notice about the emergency —

(a) immediately after the person becomes aware of the emergency; and

(b) before the demolition is commenced.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) *[not used]*

455. Emergency procedure: residential premises

(1A) For the purposes of this regulation, an ***emergency*** occurs if —

(a) a structure or plant is structurally unsound; or

(b) collapse of the structure or plant is imminent.

(1) This regulation applies if —

(a) an emergency occurs at residential premises; and

(b) a structure or plant at the premises must be demolished; and

(c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.

(2) A person conducting a business or undertaking who is to carry out the demolition of the residential premises must ensure so far as is reasonably practicable, that, before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The person must ensure that the regulator is given written notice about the emergency —

(a) immediately after the person becomes aware of the emergency; and

(b) before the demolition is commenced.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) *[not used]*

456. Identification and removal of asbestos before refurbishment

(1) This regulation applies if a structure or plant at a workplace is to be refurbished.

(2) This regulation does not apply to residential premises.

(3) The person with management or control of the workplace, or of the structure or plant, must ensure —

(a) that all asbestos that is likely to be disturbed by the refurbishment is identified; and

(b) so far as is reasonably practicable, that the asbestos is removed before the refurbishment is commenced.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

457. Refurbishment of residential premises

A person conducting a business or undertaking who is to carry out refurbishment of residential premises must ensure —

(a) that all asbestos that is likely to be disturbed by the refurbishment is identified; and

(b) so far as is reasonably practicable, that the asbestos is removed before the refurbishment is commenced.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 8.7 — Asbestos removal work

Note for this Part:

In this Part some duties are placed on licensed asbestos removalists and some on asbestos removalists generally.

457A. Application of Part

This Part does not apply to naturally occurring asbestos.

458. Duty to ensure asbestos removalist is licensed

(1) A person conducting a business or undertaking that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is licensed to carry out the work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1) does not apply if the asbestos to be removed is —

(a) 10 square metres or less of non-friable asbestos or ACD associated with the removal of that amount of non-friable asbestos; or

(b) ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

(3) If subregulation (2) applies, the person conducting the business or undertaking that commissions the asbestos removal work

must ensure that the work is carried out by a competent person who has been trained in accordance with regulation 445.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

459. Asbestos removal supervisor must be present or readily available

A licensed asbestos removalist must ensure that the nominated asbestos removal supervisor for asbestos removal work is —

(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

(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.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

460. Asbestos removal worker must be trained

(1A) In this regulation —

appropriate training means training designed specifically for the workplace where the licensed asbestos removal work is carried out and the work to be carried out at the workplace.

(1) A licensed asbestos removalist must not direct or allow a worker to carry out licensed asbestos removal work unless the removalist is satisfied that the worker holds a certification in relation to the specified VET course for asbestos removal

relevant to the class of licensed asbestos removal work to be carried out by the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A licensed asbestos removalist must provide appropriate training to a worker carrying out licensed asbestos removal work at a workplace to ensure that the work is carried out in accordance with the asbestos removal control plan for the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) *[not used]*

Note for this regulation:

Unless this regulation applies, the obligation to provide training to workers carrying out unlicensed asbestos removal work is set out in regulation 445.

461. Licensed asbestos removalist must keep training records

(1) A licensed asbestos removalist must keep a record of the training undertaken by a worker carrying out licensed asbestos removal work —

(a) while the worker is carrying out licensed asbestos removal work; and

(b) for 5 years after the day the worker stopped carrying out licensed asbestos removal work for the removalist.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) The licensed asbestos removalist must ensure that the training record is readily accessible at the asbestos removal area and available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

462. Duty to give information about health risks of licensed asbestos removal work

A licensed asbestos removalist must give the following information to a person likely to be engaged to carry out licensed asbestos removal work before the person is engaged to carry out the work —

(a) the health risks and health effects associated with exposure to asbestos;

(b) the need for, and details of, health monitoring of a worker carrying out licensed asbestos removal work.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

463. Asbestos removalist must obtain register

(1) A licensed asbestos removalist must obtain a copy of the asbestos register for a workplace before the removalist carries out asbestos removal work at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1) does not apply if the asbestos removal work is to be carried out at residential premises.

464. Asbestos removal control plan

(1) A licensed asbestos removalist must prepare an asbestos removal control plan for any licensed asbestos removal work the removalist is commissioned to undertake.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) An asbestos removal control plan must include —

(a) details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used; and

(b) details of the asbestos to be removed, including the location, type and condition of the asbestos.

(3) The licensed asbestos removalist must give a copy of the asbestos removal control plan to the person who commissioned the licensed asbestos removal work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

465. Asbestos removal control plan to be kept and available

(1) Subject to subregulation (2), a licensed asbestos removalist must ensure that a copy of the asbestos removal control plan prepared under regulation 464 is kept until the asbestos removal work to which it relates is completed.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If a notifiable incident occurs in connection with the asbestos removal work to which the asbestos removal control plan

relates, the licensed asbestos removalist must keep the asbestos removal control plan for at least 2 years after the incident occurs.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The licensed asbestos removalist must ensure that, for the period for which the asbestos removal control plan must be kept under this regulation, a copy is —

(a) readily accessible to —

(i) a person conducting a business or undertaking at the workplace; and

(ii) the person's workers at the workplace, or a health and safety representative who represents the workers; and

(iii) if the asbestos removal work is to be carried out in residential premises — the occupants of the premises;

and

(b) available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

466. Regulator must be notified of asbestos removal

(1) A licensed asbestos removalist must give written notice to the regulator at least 5 days before the removalist commences licensed asbestos removal work.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) Despite subregulation (1), licensed asbestos removal work may be commenced immediately if there is —

(a) a sudden and unexpected event, including a failure of equipment, that may cause persons to be exposed to respirable asbestos fibres; or

(b) an unexpected breakdown of an essential service that requires immediate rectification to enable the service to continue.

(3) If the asbestos must be removed immediately, the licensed asbestos removalist must give notice to the regulator —

(a) immediately by telephone; and

(b) in writing within 24 hours after notice is given under paragraph (a).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) A notice under subregulation (1) or (3) must include the following —

(a) the following in relation to the licensed asbestos removalist —

(i) name;

(ii) registered business name;

(iii) Australian Business Number;

(iv) licence number;

(v) business contact details;

(b) the name and business contact details of the supervisor of the licensed asbestos removal work;

(c) the name of the competent person engaged to carry out a clearance inspection and issue a clearance certificate for the work;

(d) the name and contact details of the person for whom the work is to be carried out;

(e) the following in relation to the workplace where the asbestos is to be removed —

(i) the name, including the registered business or company name, of the person with management or control of the workplace;

(ii) the address and, if the workplace is large, the specific location of the asbestos removal;

(iii) the kind of workplace;

(f) the date of the notice;

(g) the date when the asbestos removal work is to commence and the estimated duration of the work;

(h) whether the asbestos to be removed is friable or non-friable;

(i) if the asbestos to be removed is friable — the way the area of removal will be enclosed;

(j) the estimated quantity of asbestos to be removed;

(k) the number of workers who are to carry out the asbestos removal work;

(l) for each worker who is to carry out asbestos removal work — details of the worker's competency to carry out asbestos removal work.

467. Licensed asbestos removalist must inform certain persons about intended asbestos removal work

(1) This regulation applies if a licensed asbestos removalist is to carry out licensed asbestos removal work at a workplace.

(2) The licensed asbestos removalist must, before commencing the licensed asbestos removal work, inform the person with management or control of the workplace —

(a) that licensed asbestos removal work is to be carried out at the workplace; and

(b) when the work is to commence.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) If the workplace is residential premises, the licensed asbestos removalist must, so far as is reasonably practicable, before commencing the licensed asbestos removal work, inform the following persons that asbestos removal work is to be carried out at the workplace, and when the work is to commence —

(a) the person who commissioned the asbestos removal work;

(b) a person conducting a business or undertaking at the workplace;

(c) the occupier of the residential premises;

(d) the owner of the residential premises;

(e) anyone occupying premises in the immediate vicinity of the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

468. Person with management or control of workplace must inform persons about asbestos removal work

(1) This regulation applies if the person with management or control of a workplace is informed that asbestos removal work is to be carried out at the workplace.

(2) The person must ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences —

(a) the person's workers and any other persons at the workplace;

(b) the person who commissioned the asbestos removal work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person must take all reasonable steps to ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences —

(a) anyone conducting a business or undertaking at, or in the immediate vicinity of, the workplace;

(b) anyone occupying premises in the immediate vicinity of the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

469. Signage and barricades for asbestos removal work

An asbestos removalist must ensure that —

(a) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos removal work is being carried out; and

(b) barricades are erected to delineate the asbestos removal area.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

470. Limiting access to asbestos removal area

(1) This regulation applies to —

(a) a person conducting a business or undertaking at a workplace who commissions a person to carry out licensed asbestos removal work at the workplace; and

(b) a person with management or control of a workplace who is aware that licensed asbestos removal work is being carried out at the workplace.

(2) Subject to subregulation (4), the person must ensure, so far as is reasonably practicable, that no-one other than the following has access to an asbestos removal area —

(a) workers engaged in the asbestos removal work;

(b) other persons associated with the asbestos removal work;

(c) anyone allowed under these regulations or another law to be in the asbestos removal area.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person may refuse to allow access to an asbestos removal area at the workplace to anyone who does not comply with —

(a) a control measure implemented for the workplace in relation to asbestos; or

(b) a direction of the licensed asbestos removalist.

(4) A person referred to in subregulation (2)(a), (b) or (c) has access to an asbestos removal area subject to any direction of the licensed asbestos removalist.

(5) If a person referred to in subregulation (2)(a), (b) or (c) has access to an asbestos removal area, the person must comply with any direction of the licensed asbestos removalist.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

471. Decontamination facilities

(1) An asbestos removalist must ensure that facilities are available to decontaminate the following —

(a) the asbestos removal area;

(b) any plant used in the asbestos removal area;

(c) workers carrying out asbestos removal work;

(d) other persons who have access to the asbestos removal area under regulation 470(2)(b).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) An asbestos removalist must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos removal area unless the thing —

(a) is decontaminated before being removed; or

(b) is sealed in a container, and the exterior of the container is, before being removed —

(i) decontaminated; and

(ii) labelled in accordance with Schedule 9 clause 8.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

472. Disposing of asbestos waste and contaminated personal protective equipment

(1) Subject to subregulations (2) and (3), an asbestos removalist must ensure that asbestos waste —

(a) is contained and labelled in accordance with Schedule 9 clause 8 before the waste is removed from an asbestos removal area; and

(b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) An asbestos removalist must ensure that personal protective equipment used in asbestos removal work and contaminated with asbestos —

(a) is sealed in a container before being removed from an asbestos waste area; and

(b) so far as is reasonably practicable, is disposed of on the completion of the asbestos removal work at a site authorised to accept asbestos waste; and

(c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing —

(i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or

(ii) if it is not practicable to launder the clothing — is kept in the sealed container until it is re-used for asbestos removal purposes;

and

(d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing —

(i) is decontaminated before it is removed from the asbestos removal area; or

(ii) if it is not practicable to decontaminate the equipment in the asbestos removal area — is kept in the sealed container until it is re-used for asbestos removal purposes.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Example for this subregulation:

Work boots.

(3) An asbestos removalist must ensure that a sealed container referred to in subregulation (2) is decontaminated and labelled in accordance with Schedule 9 clause 8 to indicate the presence of asbestos before being removed from the asbestos removal area.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

473. Clearance inspection

(1A) In this regulation, a ***clearance inspection*** is an inspection of an asbestos removal area after asbestos removal work has been completed to verify that the area is safe for normal use, that —

(a) includes a visual inspection; and

(b) may include air monitoring.

(1) This regulation applies if a person commissions licensed asbestos removal work at a workplace.

(2) The person or, if the workplace is residential premises, the licensed asbestos removalist must ensure that, when the licensed asbestos removal work is completed, a clearance inspection of

the asbestos removal area at the workplace is carried out by an independent competent person.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2A) For the purposes of subregulation (2), if the asbestos removal work must be carried out by the holder of a Class A asbestos removal licence, the independent competent person must be a licensed asbestos assessor.

(3) *[not used]*

Note for this regulation:

If it is not reasonably practicable for the competent person to be independent, the person or licensed asbestos removalist may apply to the regulator for an exemption under Part 11.2 from the requirement that the assessor or competent person be independent.

474. Clearance certificates

(1) This regulation applies if a clearance inspection has been made in accordance with regulation 473.

(2) The competent person who carried out the clearance inspection must issue a certificate (a ***clearance certificate***), in accordance with this regulation, before the asbestos removal area at the workplace is re-occupied.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The competent person must ensure that the asbestos removal area does not pose a risk to health and safety from exposure to asbestos.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The competent person must not issue a clearance certificate unless satisfied that —

(a) the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination; and

(b) if the competent person undertook air monitoring as part of the clearance inspection — the monitoring shows asbestos below 0.01 fibres/mL.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) The clearance certificate must be in writing and must state that —

(a) the competent person found no visible asbestos residue from asbestos removal work in the area, or in the vicinity of the area, where the work was carried out; and

(b) if air monitoring was carried out by the competent person as part of the clearance inspection — the airborne asbestos fibre level was less than 0.01 asbestos fibres/mL.

Part 8.8 — Asbestos removal requiring Class A asbestos removal licence

475. Air monitoring: asbestos removal requiring Class A asbestos removal licence

(1) A person conducting a business or undertaking who commissions asbestos removal work at a workplace must ensure that an independent competent person undertakes air monitoring of the asbestos removal area at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the workplace is residential premises, the licensed removalist carrying out asbestos removal work at the premises must ensure that an independent competent person undertakes air monitoring of the asbestos removal area at the premises.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2A) For the purposes of subregulations (1) and (2), if the asbestos removal work must be carried out by the holder of a Class A asbestos removal licence, the independent competent person must be a licensed asbestos assessor.

(3) The air monitoring must be carried out —

(a) immediately before the licensed asbestos removal work commences, unless glove bags are to be used for the removal; and

(b) while the licensed asbestos removal work is carried out.

(4) The person who commissions the licensed asbestos removal work must ensure that the results of the air monitoring are given to the following —

(a) workers at the workplace;

(b) health and safety representatives for workers at the workplace;

(c) a person conducting a business or undertaking at the workplace;

(d) other persons at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) If the workplace is residential premises, the licensed asbestos removalist carrying out the licensed asbestos removal work at

the premises must ensure that the results of the air monitoring are given to the following —

(a) the person who commissioned the asbestos removal work;

(b) workers at the workplace;

(c) health and safety representatives for workers at the workplace;

(d) a person conducting a business or undertaking at the workplace;

(e) the occupier of the residential premises;

(f) the owner of the residential premises;

(g) other persons at the workplace.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) An independent competent person, who undertakes air monitoring for the purposes of this regulation, must use the membrane filter method for the air monitoring.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

476. Action if respirable asbestos fibre level too high

(1) The licensed removalist carrying out asbestos removal work requiring a Class A asbestos removal licence at a workplace must —

(a) if respirable asbestos fibre levels are recorded at the asbestos removal area at 0.01 fibres/mL or more, but not more than 0.02 fibres/mL — immediately —

(i) investigate the cause of the respirable asbestos fibre level; and

(ii) implement controls to prevent exposure of anyone to asbestos; and

(iii) prevent the further release of respirable asbestos fibres;

and

(b) if respirable asbestos fibre levels are recorded at the asbestos removal area at more than 0.02 fibres/mL — immediately —

(i) order the asbestos removal work to stop; and

(ii) notify the regulator; and

(iii) investigate the cause of the respirable asbestos fibre level; and

(iv) implement controls to prevent exposure of anyone to asbestos; and

(v) prevent the further release of respirable asbestos fibre.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the licensed removalist stops asbestos removal work requiring a Class A asbestos removal licence because the recorded respirable asbestos fibre level exceeds 0.02 fibres/mL, the removalist must ensure that the asbestos removal work does not resume until air monitoring shows that the recorded respirable asbestos fibre level is below 0.01 fibres/mL.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

477. Removing friable asbestos

(1) A licensed asbestos removalist removing friable asbestos must ensure, so far as is reasonably practicable, the following —

(a) the asbestos removal area is enclosed to prevent the release of respirable asbestos fibres;

(b) subject to subregulation (3), negative pressure is used;

(c) the wet method of asbestos removal is used;

(d) subject to subregulation (3), the asbestos removal work does not commence until the air monitoring is commenced by an independent competent person;

(e) air monitoring is undertaken during the asbestos removal work, at times decided by the independent competent person undertaking the monitoring;

(f) any glove bag used to enclose the asbestos removal area is dismantled and disposed of safely.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(1A) For the purposes of subregulation (1)(e), if the asbestos removal work must be carried out by the holder of a Class A asbestos removal licence, the independent competent person must be a licensed asbestos assessor.

(2) A licensed asbestos removalist must ensure that any enclosure used in removing friable asbestos is tested for leaks.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) Subregulation (1)(b) and (d) do not apply if glove bags are used in the Class A asbestos removal work.

(4) The licensed removalist must not dismantle an enclosure for a friable asbestos removal area until the removalist receives results of air monitoring, showing that the recorded respirable asbestos fibre level within the enclosure is below 0.01 fibres/mL, from —

(a) if the friable asbestos is removed from residential premises — the independent competent person who undertook the air monitoring; or

(b) in any other case — the person who commissioned the Class A asbestos removal work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) The licensed removalist must ensure that an enclosure for a friable asbestos removal area is dismantled in a way that, so far as is reasonably practicable, eliminates the release of respirable asbestos fibre.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) The person who commissioned the removal of the friable asbestos must obtain a clearance certificate from an independent competent person after the enclosure for the friable asbestos removal area has been dismantled.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 8.9 — Asbestos-related work

478. Application of Part

This Part applies in relation to asbestos-related work.

479. Uncertainty as to presence of asbestos

(1) If there is uncertainty (based on reasonable grounds) as to whether work to be carried out for a business or undertaking is asbestos-related work, the person conducting the business or undertaking must ensure that analysis of a sample is undertaken to determine if asbestos or ACM is present.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) For the purposes of subregulation (1), the person must ensure that the sample is analysed only by a NATA-accredited laboratory accredited for the relevant test method.

(3) Subregulation (1) does not apply if the person assumes that asbestos is present.

480. Duty to give information about health risks of asbestos-related work

A person conducting a business or undertaking must give the following information to a person likely to be engaged to carry out asbestos-related work for the business or undertaking before the person is engaged to carry out the work —

(a) the health risks and health effects associated with exposure to asbestos;

(b) the need for, and details of, health monitoring of a worker carrying out asbestos-related work.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

481. Asbestos-related work to be in separate area

A person conducting a business or undertaking that involves the carrying out of asbestos-related work must ensure that —

(a) the asbestos-related work area is separated from other work areas at the workplace; and

(b) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos-related work is being carried out; and

(c) barricades are erected to delineate the asbestos-related work area.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

482. Air monitoring

(1) A person conducting a business or undertaking at a workplace must ensure that a competent person carries out air monitoring of the work area where asbestos-related work is being carried out if there is uncertainty as to whether the exposure standard is likely to be exceeded.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the competent person determines that the exposure standard has been exceeded at any time in a work area, the person conducting the business or undertaking must, so far as is reasonably practicable —

(a) determine the workers and other persons who were in the work area during that time: and

(b) warn those workers about possible exposure to respirable asbestos fibres; and

(c) warn the other persons about possible exposure to respirable asbestos fibres.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The person conducting the business or undertaking must ensure that information about exposure to respirable asbestos fibres, including the determination made by the competent person and the results of the air monitoring, is readily accessible to the workers and other persons referred to in subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

483. Decontamination facilities

(1) A person conducting a business or undertaking for which asbestos-related work is carried out must ensure that facilities are available to decontaminate the following —

(a) the asbestos-related work area;

(b) any plant used in the asbestos-related work area;

(c) workers carrying out the asbestos-related work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos-related work area unless the thing —

(a) is decontaminated before being removed; or

(b) is sealed in a container, and the exterior of the container is, before being removed —

(i) decontaminated; and

(ii) labelled in accordance with Schedule 9 clause 8.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

484. Disposing of asbestos waste and contaminated personal protective equipment

(1) Subject to subregulation (2), a person conducting a business or undertaking for which asbestos-related work is carried out must ensure that asbestos waste —

(a) is contained and labelled in accordance with Schedule 9 clause 8 before the waste is removed from an asbestos-related work area; and

(b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The person must ensure that personal protective equipment used in asbestos-related work and contaminated with asbestos —

(a) is sealed in a container, and that the exterior of the container is decontaminated and labelled in accordance with Schedule 9 clause 8 to indicate the presence of asbestos before being removed; and

(b) so far as is reasonably practicable, is disposed of on the completion of the asbestos-related work at a site authorised to accept asbestos waste; and

(c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing —

(i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or

(ii) if it is not practicable to launder the clothing, is kept in the sealed container until it is re-used for the purposes of asbestos-related work;

and

(d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing —

(i) is decontaminated before it is removed from the asbestos removal area; or

(ii) if it is not practicable to decontaminate the equipment in the asbestos removal area — is kept in the sealed container until it is re-used for the purposes of asbestos-related work.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Example for this subregulation:

Work boots.

(3) The person must ensure that a sealed container referred to in subregulation (2) is decontaminated and labelled in accordance with Schedule 9 clause 8 to indicate the presence of asbestos before being removed from the asbestos-related work area.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 8.10 — Licensing of asbestos removalists and asbestos assessors

Division 1A — Application

484A. Application of Part

This Part does not apply to naturally occurring asbestos.

Division 1 — Asbestos removalists: requirement to be licensed

485. Requirement to hold Class A asbestos removal licence

(1) A person must not carry out the removal of the following at a workplace unless the person, or the person on whose behalf the work is carried out, holds a Class A asbestos removal licence —

(a) friable asbestos;

(b) except as provided in regulation 486, ACD.

Note for this subregulation:

See section 43(1) of the Act.

(2) A person who conducts a business or undertaking must not direct or allow a worker to carry out the removal of the following unless the person holds a Class A asbestos removal licence —

(a) friable asbestos;

(b) except as provided in regulation 486, ACD.

Note for this subregulation:

See section 43(2) of the Act.

486. Exception to requirement to hold Class A asbestos removal licence

A Class A asbestos removal licence is not required for the removal of ACD that —

(a) is associated with the removal of non-friable asbestos; or

(b) is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

487. Requirement to hold Class B asbestos removal licence

(1) A person must not carry out the removal of the following at a workplace unless the person, or the person on whose behalf the

work is carried out, holds a Class B asbestos removal licence or a Class A asbestos removal licence —

(a) more than 10 square metres of non-friable asbestos or ACM;

(b) ACD associated with the removal of more than 10 square metres of non-friable asbestos or ACM.

Note for this subregulation:

See section 43(1) of the Act.

(2) A person who conducts a business or undertaking must not direct or allow a worker to carry out the removal of the following unless the person holds a Class B asbestos removal licence or a Class A asbestos removal licence —

(a) more than 10 square metres of non-friable asbestos or ACM;

(b) ACD associated with the removal of more than 10 square metres of non-friable asbestos or ACM.

Note for this subregulation:

See section 43(2) of the Act.

488. Recognition of asbestos removal licences in other jurisdictions

(1) In this Division, a reference to an asbestos removal licence includes a reference to an equivalent licence —

(a) granted under a corresponding WHS law; and

(b) that is being used in accordance with the terms and conditions under which it was granted.

(2) Subregulation (1) does not apply to a licence that is suspended or cancelled or has expired in the corresponding jurisdiction.

Division 2 — Asbestos assessors: requirement to be licensed

489. Requirement to hold asbestos assessor licence

(1) A person must not carry out air monitoring during Class A asbestos removal work at a workplace unless the person holds an asbestos assessor licence.

(2) Furthermore, a person must not carry out the following at a workplace unless the person holds an asbestos assessor licence —

(a) clearance inspections for Class A asbestos removal work;

(b) issuing clearance certificates in relation to Class A asbestos removal work.

Note for this regulation:

See section 43(1) of the Act.

490. Recognition of asbestos assessor licences in other jurisdictions

(1) In this Division, a reference to an asbestos assessor licence includes a reference to an equivalent licence —

(a) granted under a corresponding WHS law; and

(b) that is being used in accordance with the terms and conditions under which it was granted.

(2) Subregulation (1) does not apply to a licence that is suspended or cancelled or has expired in the corresponding jurisdiction.

Division 3 — Licensing process

491. Who may apply for a licence

(1) Only a person who conducts, or proposes to conduct, a business or undertaking may apply for an asbestos removal licence.

(2) Only an individual who holds the qualifications set out in the *Work Health and Safety (General) Regulations 2022* regulation 495 may apply for an asbestos assessor licence.

492. Application for asbestos removal licence or asbestos assessor licence

(1) An application for an asbestos removal licence or asbestos assessor licence must be made under the *Work Health and Safety (General) Regulations 2022* regulation 492.

(2) *[not used]*

493. Not used

494. Not used

495. Not used

496. Not used

497. Not used

498. Not used

499. Not used

500. Not used

501. Not used

502. Not used

503. Not used

504. Not used

505. Licence document to be available

(1) A licence holder must keep a licence document issued under the *Work Health and Safety (General) Regulations 2022* regulation 504 available for inspection under the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) Subregulation (1) does not apply if the licence document is not in the licence holder's possession because —

(a) it has been returned to the regulator under the *Work Health and Safety (General) Regulations 2022* regulation 512; and

(b) the licence holder has applied for, but has not received, a replacement licence document under the *Work Health and Safety (General) Regulations 2022* regulation 513.

Division 4 — Not used

506. Not used

507. Not used

508. Not used

509. Not used

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Division 5 — Not used

515. Not used

516. Not used

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Division 6 — Not used

520. Not used

521. Not used

522. Not used

523. Not used

524. Not used

525. Not used

526. Not used

Division 7 — General

527. Not used

528. Not used

529. Work must be supervised by nominated supervisor

A person who holds an asbestos removal licence must ensure that asbestos removal work authorised by the licence is

supervised by a supervisor nominated to the regulator by the licence holder.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Chapter 9 — Not used

Note for this Chapter:

Chapter 9 of the Model Work Health and Safety Regulations (see notes for regulations 3 and 4) deals with major hazard facilities. In this State, major hazard facilities are regulated by the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*.

530. Not used

531. Not used

532. Not used

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Chapter 10 — Mines

Part 10.1 — Preliminary

608A. Terms used

In this Chapter —

approved radiation management plan, for a mine, means a radiation management plan approved under regulation 641N(2);

approved radioactive waste management plan, for a mine, means a radioactive waste management plan approved under regulation 641O(2);

contractor, in relation to a mine —

(a) means a person who conducts, or is to conduct, a business or undertaking at the mine; but

(b) does not include any of the following —

(i) the mine operator of the mine;

(ii) a person who conducts a business or undertaking involving the occasional delivery to or from the mine;

(iii) a person, or a person who forms part of a class, determined not to be a contractor under regulation 608B(1);

explosive means a substance or mixture of substances that —

(a) creates a chemical reaction that produces gas at a temperature, pressure and speed that could cause damage to surrounding items; or

(b) has a pyrotechnic effect;

principal mining hazard has the meaning given in regulation 612;

reeling cable means a cable specifically designed to be frequently reeled on and off a cable drum or reeler on mobile apparatus;

trailing cable means a cable specifically designed to be moved in conjunction with mobile apparatus.

608B. Regulator may determine who is not contractor for Chapter

(1) The regulator may, by written notice, determine that a person, or a person of a class, is not a contractor for the purposes of this Chapter.

(2) If the regulator makes a determination under subregulation (1), the regulator must publish the notice on the regulator's website.

609. Not used

Note for this regulation:

See regulation 5A for the definition of ***mine***.

610. Not used

Note for this regulation:

See regulation 5B for the definition of ***mining operations***.

611. Not used

Note for this regulation:

See regulation 5 for the definition of ***mineral***.

612. Meaning of principal mining hazard

(1) In this Chapter, a ***principal mining hazard*** at a mine is any activity, process, procedure, plant, structure, substance, situation or other circumstance relating to the carrying out of mining operations at the mine that has a reasonable potential to result in multiple deaths in a single incident or a series of recurring incidents.

(2) Without limiting subregulation (1), a ***principal mining hazard*** at a mine may include a circumstance relating to the carrying out of mining operations in relation to any of the following at

the mine that has a reasonable potential to result in multiple deaths in a single incident or a series of recurring incidents —

(a) geotechnical structure instability;

(b) inrush of any substance;

(c) mine shafts and winding systems;

(d) roads or other areas where mobile plant operate;

(e) fire or uncontrolled explosion;

(f) if the mine is an underground coal mine —

(i) gas outburst; and

(ii) spontaneous combustion;

(g) a principal mining hazard identified by the mine operator for a mine under regulation 627(1).

613. Not used

Note for this regulation:

See regulation 5C for the definition of ***mine operator***.

614. Not used

615. Not used

616. Not used

Part 10.2 — Managing risks

Division 1 — General requirements

Subdivision 1 — Control of risk

617. Managing risks to health and safety

(1) A person conducting a business or undertaking at a mine must manage risks to health and safety associated with mining operations at the mine in accordance with Part 3.1.

Note for this subregulation:

WHS Act — sections 19, 20 and 21, as applicable (see regulation 9).

(2) A person conducting a business or undertaking at a mine must ensure that any risk assessment conducted for the purposes of subregulation (1) is conducted by a person (the ***competent assessor***) who is competent to conduct the particular risk assessment having regard to the nature of the hazard.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) In conducting the risk assessment, the competent assessor must have regard to —

(a) the nature of the hazard; and

(b) the likelihood of the hazard affecting the health or safety of a person; and

(c) the severity of the potential health and safety consequences.

(4) Nothing in subregulation (3) limits the operation of any other requirement to conduct a risk assessment under these regulations.

Note for this regulation:

See also regulations 631, 631A, 631B, 631C, 631D, 635, 640, 641, 641A, 642A, 643A, 646, 657, 658 and 675EA in relation to complying with this regulation.

618. Review of control measures

(1) A person conducting a business or undertaking at a mine must review and as necessary revise control measures implemented under regulation 617 if —

(a) an audit of the effectiveness of the mine safety management system for the mine indicates a deficiency in a control measure; or

(b) a worker is moved from a hazard or assigned to different work in response to a recommendation contained in a health monitoring report; or

(c) a notifiable incident or reportable incident occurs; or

(d) an inspector requires a review, under subregulation (2), of the control measures.

Notes for this subregulation:

1. WHS Act — sections 19, 20 and 21, as applicable (see regulation 9).
2. This requirement is in addition to the requirement under regulation 38 (see regulation 33).

(2) If an inspector is of the opinion that any control measures are deficient, the inspector may by written notice require the person conducting the business or undertaking to carry out a review of the control measures.

(3) The inspector's notice must set out —

(a) the inspector's reasons for their opinion; and

(b) the reasonable time by which the control measures must be reviewed.

(4) A person conducting a business or undertaking who is given an inspector's notice under subregulation (2) must comply with the notice.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(5) The mine operator of a mine must ensure that a control measure that is the subject of a request by a health and safety representative under regulation 38(4) is reviewed and as necessary revised, whether the request is made directly to the mine operator or notified to the mine operator under subregulation (6) by another person conducting a business or undertaking at the mine.

Notes for this subregulation:

1. WHS Act — sections 19, 20 and 21, as applicable (see regulation 9).
2. This requirement is in addition to the requirement under regulation 38 (see regulation 33).

(6) A person conducting a business or undertaking at a mine who is not the mine operator of the mine must immediately notify the mine operator of a request made to the person under regulation 38(4).

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(7) A health and safety representative for workers at a mine may request a review of a control measure under regulation 38(4) as if the circumstances referred to in subregulation (1) were included in regulation 38(4)(a).

619. Record of certain reviews of control measures: mine operator

(1) This regulation applies to a mine operator of a mine who has, under regulation 38 or 618, reviewed a control measure in response to a notifiable incident or a reportable incident.

(2) The mine operator of the mine must keep a record of the following —

(a) the work health and safety issues arising from the incident;

(b) recommendations arising from consideration of the incident or health monitoring of workers;

(c) a summary of any changes to the mine safety management system for the mine and any affected principal mining hazard management plan for the mine prepared under Division 2.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

620. Record of certain reviews of control measures: other persons conducting business or undertaking

(1) This regulation applies to a person conducting a business or undertaking at a mine, other than the mine operator, who has, under regulation 38 or 618, reviewed a control measure in response to a notifiable incident or a reportable incident.

(2) The person conducting the business or undertaking must give the mine operator a document stating —

(a) the work health and safety issues arising from the incident; and

(b) recommendations arising from consideration of the incident or health monitoring of workers.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Subdivision 2 — Mine safety management system

621. Duty to establish and implement mine safety management system

(1) The mine operator of a mine must establish a mine safety management system for the mine in accordance with this Subdivision.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of a mine must implement the mine safety management system for the mine, so far as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator of a mine must ensure that no mining operations take place during any time at which any part of the mine safety management system relevant to the mining operations is not established and implemented at the mine in accordance with this Subdivision.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

621A. General requirements for mine safety management system

(1) Subject to subregulation (2), the mine safety management system for a mine must provide a comprehensive and integrated system for the management of all aspects of risks to health and safety in relation to the operation of the mine.

(2) The mine safety management system for a mine must comply with subregulation (1) to the extent appropriate to the mine having regard to —

(a) the nature, complexity and location of the mining operations; and

(b) the risks associated with those operations.

(3) The mine safety management system for a mine must form part of any overall management system that is in place at the mine.

(4) The mine safety management system for a mine must be designed to be used by the mine operator as the primary means of ensuring, so far as is reasonably practicable —

(a) the health and safety of workers at the mine; and

(b) that the health and safety of other persons is not put at risk from the mine or work carried out as part of mining operations.

(5) The mine safety management system for a mine must include (without limitation) arrangements for managing risks to health and safety in accordance with regulation 617.

Note for this subregulation:

This includes all control measures implemented in accordance with specific requirements under these regulations (see regulation 33).

(6) The mine safety management system for a mine includes a contractor's health and safety management plan prepared under regulation 625D(1)(a) if —

(a) the contractor carries out a mining operation at the mine; and

(b) the mine operator of the mine accepts the health and safety management plan under regulation 625D(4) and has given the contractor written notice of the acceptance under regulation 625D(5).

(7) The mine safety management system for a mine must be documented.

622. Content of mine safety management system

(1) The mine safety management system for a mine must set out the following —

(a) the mine operator's health and safety policy, including broad aims in relation to the safe operation of the mine;

(b) a brief description of the mining operations at the mine;

(c) the arrangements in place for managing risks to health and safety in accordance with Part 3.1 and regulation 617, including the following —

(i) arrangements for the selection and use of suitable methods of hazard identification and risk assessment;

(ii) details of identified hazards;

(iii) the control measures considered in managing risks to health and safety at the mine, and which of those measures are implemented;

(iv) details of any design principles, engineering standards and technical standards to be relied on for control measures;

(v) arrangements for managing the effect on health and safety due to gradual or sudden change in operations, conditions, systems, environment or resources;

(d) the systems, procedures, plans and other control measures that will be used to control risks to health and safety associated with mining operations at the mine, including the following —

(i) the principal mining hazard management plan for the mine prepared under Division 2;

(ii) if Division 3 Subdivision 3B applies to the mine — the approved radiation management plan and approved radioactive waste management plan for the mine;

(iii) if the mine is an underground mine — the ventilation control plan and ventilation plan prepared for the mine under Division 4 Subdivision 2;

(iv) the emergency plan prepared for the mine under regulation 43 and Division 5 Subdivision 1;

(v) the health management plan prepared for the mine under Part 10.3;

(e) the management and supervisory structure for the management of work health and safety at the mine, including the following —

(i) arrangements for filling temporary and permanent vacancies;

(ii) requirements relating to acting positions in the structure;

(iii) requirements for positions in the structure relating to competency, certification and assessment records;

(iv) details and responsibilities of persons appointed to a statutory position or performing statutory, management or supervisory functions;

(f) the arrangements in place, between any persons conducting a business or undertaking at the mine, for consultation, cooperation and the coordination of activities in relation to compliance with their duties under the Act;

(g) if a contractor is working or likely to work at the mine — the control measures that will be used to control risks to health and safety associated with the contractor's work at the mine, including the following —

(i) if the contractor prepares a health and safety management plan under regulation 625D(1)(a) — how the contractor's plan will be integrated with the mine safety management system for the mine;

(ii) the process for assessing health and safety policies and procedures (including competency requirements) of the contractor and integrating them into the mine safety management system;

(iii) the arrangements for monitoring and evaluating compliance by the contractor with health and safety requirements;

(h) the procedures and conditions under which persons at the mine or a part of the mine are to be withdrawn to a place of safety and to remain withdrawn as a

precautionary measure if a risk to health and safety warrants that withdrawal;

(i) the arrangements for the provision of information, training and instruction required under regulation 39;

(j) the induction procedures for workers at the mine;

(k) the arrangements in place for the supervision needed to protect workers and other persons at the mine from risks to their health and safety from work carried out at the mine, including the type, frequency and method of supervision;

(l) the safety role for workers developed and implemented under the mine safety management system;

(m) the procedures for responding to, and investigating, notifiable incidents and reportable incidents at the mine;

(n) the procedures for records management for the mine to ensure compliance with the Act;

(o) the arrangements in place for all other monitoring and assessment and regular inspection of the work environment of the mine to be carried out for the purposes of the Act;

(p) the performance standards under regulation 623;

(q) the arrangements in place for the effective communication of relevant information across shifts by workers, their supervisors and other relevant persons;

(r) the resources that will be applied for the effective implementation and use of the mine safety management system.

(2) The mine safety management system for a mine must —

(a) contain a level of detail of the matters referred to in subregulation (1) that is appropriate to the mine having regard to —

(i) the nature, complexity and location of the mining operations; and

(ii) the risks associated with those operations;

and

(b) so far as is reasonably practicable, be set out and expressed in a way that is readily understandable by persons who use it.

(3) If any matter referred to in subregulation (1) is, or is addressed in, a plan or other document prepared under these regulations for a mine, it is sufficient if the mine safety management system for the mine refers to the plan or document.

(4) The mine operator of a mine must make arrangements for the following to have, on request, ready access to any part of the mine safety management system for the mine —

(a) any worker at the mine;

(b) any health and safety representative for workers at the mine;

(c) any inspector.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

623. Performance standards and audit

The mine safety management system for a mine must include the following —

(a) performance standards for measuring the effectiveness of all aspects of the mine safety management system that —

(i) are sufficiently detailed to show how the mine operator will ensure the effectiveness of the mine safety management system; and

(ii) include steps to be taken to continually improve the mine safety management system;

(b) the way in which the performance standards are to be met;

(c) a system for auditing the effectiveness of the mine safety management system against the performance standards, including the methods, frequency and results of the audit process.

624. Maintenance

The mine operator of a mine must maintain the mine safety management system for the mine so that the mine safety management system remains effective.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

625. Review

(1) The mine operator of a mine must ensure that the mine safety management system for the mine is reviewed at least once every 3 years and as necessary revised to ensure it remains effective.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

Regular testing of the emergency plan is also required (see regulation 669).

(2) If the mine operator of a mine establishes the mine safety management system for the mine without consultation in accordance with Part 5 Division 2 of the Act, the mine operator must ensure that the mine safety management system is, within 12 months and with consultation in accordance with that

Division, reviewed and as necessary revised to ensure it is effective.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) Subregulation (2) does not apply in relation to a part of the mine safety management system that is a contractor's health and safety management plan that is included in a mine safety management system for a mine under regulation 621A(6) if the contractor carries out, or is to carry out, a mining operation at the mine for less than 1 year.

(4) If the mining operations at a mine change, the mine operator of the mine must ensure that the mine safety management system for the mine is reviewed and as necessary revised to ensure it remains effective.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) If a control measure is revised under regulation 38 or regulation 618, the mine operator must ensure that the mine safety management system for the mine is, reviewed and as necessary revised in relation to all aspects of risk control addressed by the revised control measure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) If the regulator is of the opinion that the mine safety management system for a mine is not effective, the regulator may give a written notice to the mine operator of the mine requiring the mine operator to review and as necessary revise

the mine safety management system within the reasonable time specified in the notice.

Note for this subregulation:

A decision to give a notice under this subregulation is a reviewable decision (see regulation 676).

(7) The regulator's notice under subregulation (6) —

(a) must set out the regulator's reasons for their opinion; and

(b) may be limited in scope to a particular part or aspect of the mine safety management system.

(8) If the mine operator of a mine is given a notice under subregulation (6), the mine operator must ensure that the mine safety management system for the mine is, within the period specified in the notice, reviewed and as necessary revised to ensure it is effective.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(9) Subregulations (2) to (7) do not limit subregulation (1).

625A. Consultation requirement for mine safety management system

For the purposes of section 49(f) of the Act, development of a mine safety management system is an activity for which consultation is required.

Subdivision 2A — Contractors

625B. Duty of mine operator to provide information to contractor

The mine operator of a mine must ensure that a contractor who is to carry out mining operations at the mine is given, so far as is reasonably practicable, all relevant information and access to

the mine to enable the contractor to identify any risks associated with the proposed operations.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

625C. Duty of contractor to provide information to mine operator

A contractor who is to carry out mining operations at a mine must ensure that the mine operator of the mine is given, so far as is reasonably practicable, all relevant information to enable the mine operator to identify any risks associated with the proposed operations.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

625D. Contractor to be covered by health and safety plan or mine safety management system

(1) A contractor must not carry out a mining operation at a mine unless —

(a) the contractor —

(i) prepares a health and safety management plan in accordance with subregulation (3) and provides a copy of the plan to the mine operator of the mine; and

(ii) is given written notice from the mine operator accepting the plan under subregulation (5); and

(iii) has the resources and capability to implement the plan;

or

(b) the contractor —

(i) reviews the relevant parts of the mine safety management system for the mine that apply to the mining operation that the contractor is to carry out; and

(ii) gives the mine operator of the mine a written notice in accordance with subregulation (6); and

(iii) has the resources and capability to implement the relevant parts of the mine safety management system that will apply to the contractor.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

Adopting the mine safety management system for the mine does not reduce the contractor's duty under section 19 of the Act.

(2) The mine operator of a mine must not allow a contractor to carry out a mining operation at the mine in contravention of subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The contractor's health and safety management plan under subregulation (1)(a) must —

(a) set out the means by which the contractor will manage the risks to health and safety from mining operations carried out by the contractor in accordance with regulation 617 and with any other requirements under the Act that relate to those operations; and

(b) be designed to be used by the contractor as the primary means of ensuring, so far as is reasonably practicable —

(i) the health and safety of the contractor's workers at the mine; and

(ii) that the health and safety of other persons is not put at risk from work carried out as part of the contractor's business or undertaking at the mine;

and

(c) be documented; and

(d) so far as is reasonably practicable, be set out and expressed in a way that is readily understandable by persons who use it.

(4) The mine operator may accept the contractor's health and safety management plan if the mine operator considers that —

(a) the plan is in accordance with subregulation (3); and

(b) the plan is consistent with the mine safety management system for the mine; and

(c) the contractor has the resources and capability to implement the plan.

(5) If the mine operator accepts the contractor's health and safety management plan under subregulation (4), the mine operator must give the contractor written notice of the acceptance.

(6) A notice under subregulation (1)(b)(ii) must state the following —

(a) that the contractor has conducted the review of the relevant parts of the mine safety management system;

(b) that those parts of the mine safety management system are acceptable to the contractor;

(c) that the contractor is of the opinion that the mine safety management system is consistent with the contractor's arrangements to manage the risks to health and safety from mining operations carried out by the contractor at

the mine in accordance with regulation 617 and with any other requirements under the Act that relate to those operations.

Subdivision 3 — Information to other mine operators

626. Duty to provide information to other mine operators

(1) The mine operator of a mine (the ***subject mine***) must provide the information referred to in subregulation (2) in accordance with subregulation (3) to the mine operator of —

(a) any adjoining mine; or

(b) any other mine which might be affected by any conditions, or by any activities or proposed activities, at the subject mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The information is any information that the mine operator of the subject mine has about any conditions, or about any activities or proposed activities, at the subject mine that could create a risk to the health and safety of persons at the adjoining or other mine.

(3) The information must be provided —

(a) as soon as practicable on request from the mine operator of the adjoining or other mine; and

(b) whenever it is reasonably necessary to ensure the health and safety of persons at the adjoining or other mine.

Division 2 — Principal mining hazard management plans

627. Identification of principal mining hazards and conduct of risk assessments

(1) The mine operator of a mine must identify all principal mining hazards at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of a mine must conduct, in relation to each principal mining hazard identified at the mine, a risk assessment that involves a comprehensive and systematic investigation and analysis of all aspects of risk to health and safety associated with the principal mining hazard.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator of a mine, in conducting a risk assessment under subregulation (2), must —

(a) use investigation and analysis methods that are appropriate to the principal mining hazard being considered; and

(b) consider the principal mining hazard individually and also cumulatively with other hazards at the mine.

628. Preparation of principal mining hazard management plan

(1) The mine operator of a mine must prepare a principal mining hazard management plan for each principal mining hazard identified at the mine in accordance with —

(a) this regulation; and

(b) if the principal mining hazard is referred to in Schedule 19 — that Schedule.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) A principal mining hazard management plan must —

(a) provide for the management of all aspects of risk control in relation to the principal mining hazard; and

(b) so far as is reasonably practicable, be set out and expressed in a way that is readily understandable by persons who use it.

(3) A principal mining hazard management plan must set out the following —

(a) the nature of the principal mining hazard to which the plan relates;

(b) how the principal mining hazard relates to other hazards at the mine;

(c) the analysis methods used in identifying the principal mining hazard;

(d) a record of the risk assessment conducted in relation to the principal mining hazard;

(e) the investigation and analysis methods used in determining the control measures to be implemented;

(f) all control measures to be implemented to manage risks to health and safety associated with the principal mining hazard;

(g) the arrangements in place for providing the information, training and instruction required by regulation 39 in relation to the principal mining hazard;

(h) any design principles, engineering standards and technical standards relied on for control measures for the principal mining hazard;

(i) the reasons for adopting or rejecting all control measures considered.

Note for this regulation:

A principal mining hazard management plan forms part of the mine safety management system for a mine under regulation 622(1)(d)(i).

629. Review

(1) The mine operator of a mine must ensure that a principal mining hazard management plan is reviewed and as necessary revised if a risk control measure specified in the plan is revised under regulation 38 or regulation 618.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

A principal mining hazard management plan is part of the mine safety management system for a mine under regulation 622(1)(d)(i), which must be audited under regulation 623, maintained under regulation 624 and reviewed and as necessary revised under regulation 625.

(2) If a principal mining hazard management plan is revised, the mine operator must record the revision, including any revision of a risk assessment, in writing in the plan.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Division 3 — Specific control measures — all mines

Subdivision 1 — Operational controls

630. Communication on change of supervisors

(1) In this regulation —

relevant supervisor means —

(a) a statutory supervisor; or

(b) an underground supervisor (non-coal); or

(c) an underground supervisor (coal).

(2) This regulation applies if there is a change from 1 relevant supervisor (the ***outgoing supervisor***) to another relevant supervisor (the ***incoming supervisor***) who holds the same statutory position at the mine.

(3) The mine operator of the mine must implement a system that ensures that, as soon as practicable after the change occurs —

(a) the outgoing supervisor provides a written report to the incoming supervisor in relation to the state of the mine workings and plant and any other matters that relate to work health or safety; and

(b) the incoming supervisor communicates the content of the report to the workers who are, or will be, working under that supervisor.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

For requirements relating to communication with workers carrying out remote or isolated work at the mine, see regulation 48.

(4) The mine operator of the mine must —

(a) keep a copy of any report provided by an outgoing supervisor to an incoming supervisor for the period of

2 years after the day on which the report is provided; and

(b) during that period of 2 years, make the copy available to an inspector when requested by an inspector.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

631. Movement of mobile plant

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the movement of mobile plant at the mine.

(2) In managing risks to health and safety associated with the movement of mobile plant at the mine, the mine operator must have regard to all relevant matters, including the following —

(a) the design, layout, construction and maintenance of all roads and other areas at the mine used by mobile plant;

(b) the selection of suitable mobile plant to operate in the work environment at the mine;

(c) interactions between mobile plant, especially between large and small mobile plant;

(d) interactions between mobile plant and fixed plant or structures;

(e) interactions between mobile plant and pedestrians (including the use of pre-movement warnings for mobile plant in mine workings);

(f) the operation of mobile plant that is externally-controlled plant;

(g) the maintenance, testing and inspection of brakes, steering, lights and other safety features of the mobile plant;

(h) competence of operators and maintenance personnel.

Note for this regulation:

Part 5.1 Division 7 also includes requirements relating to mobile plant.

631A. Inrush hazards

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with inrush at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must have regard to all relevant matters, including the following —

(a) potential sources of water, slurry, rocks, gases or other substances from where inrush might originate;

(b) potential failures of a barrier holding water or another substance that might cause inrush;

(c) potential flow paths of inrush;

(d) areas likely to be affected by inrush;

(e) precautions and controls that might protect against inrushes.

631B. Geotechnical structures

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the instability or failure of geotechnical structures at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must have regard to all relevant matters, including the following —

(a) geological structures, hydrological environment and their influence on stability;

(b) design, location, construction and maintenance of geotechnical structures;

(c) properties of material associated with the geotechnical structures;

(d) operational factors and their influence on stability of geotechnical structures;

(e) design, installation, quality control and maintenance of ground support and reinforcement;

(f) design life of geotechnical structures;

(g) inspection and monitoring of geotechnical structures;

(h) competency of designers, planners, supervisors and operators.

(3) Subregulation (1) applies to design, construction, operation, maintenance and closure of the mine.

631C. Quarry operations

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with quarry operations at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must have regard to all relevant matters, including the following —

(a) design, layout, operation, maintenance and closure of the quarry operation;

(b) loading and dumping of material into or from vehicles;

(c) demarcation of edges of geotechnical structures and illumination;

(d) protection against fall of equipment and persons;

(e) adverse effects of quarry operations during mining and after closure of the mine on nearby structures that are not part of the mine;

(f) unauthorised inadvertent access into quarry operations, whether those operations are suspended or closed.

631D. Managing risks to health and safety in relation to explosives

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the manufacture, storage, transport, supply, use and disposal of explosives at the mine.

Note for this subregulation:

See also the *Dangerous Goods Safety Act 2004* in relation to the manufacture, storage, transport, supply, use and disposal of any explosive at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must have regard to all relevant matters, including the following —

(a) location and layout of surface and underground magazines with respect to their surroundings;

(b) capacity of an underground magazine, having regard to the consumption of explosives for underground usage;

(c) safe lighting in and around magazines and where explosives are prepared and used;

(d) selection, use, testing and maintenance of equipment used to transport, handle, prepare, test, charge and fire explosives;

(e) selection of explosives for specific duty and environment;

(f) transport of explosives to the magazines and workplaces;

(g) blast design;

(h) preparation, approval and implementation of blast plans;

(i) management of activities when and where explosives are prepared, charged or blasted, and making the area safe;

(j) selection, testing, maintenance and use of initiation systems;

(k) precautions against unintended detonation, including precautions against lightning, electric storm, electric current, electrostatic charge and electromagnetic radiation;

(l) drilling, excavating, loading or other activities in areas where explosives are or may be present;

(m) post-blast inspection and detection of and dealing with misfires;

(n) precautions against fly rock affecting workers and public areas, property or infrastructure not belonging to the mine operator;

(o) firing times;

(p) restriction of ignition sources, including smoking near explosives;

(q) blasting in hot, reactive or wet ground;

(r) disposal of explosives;

(s) competency of people who design blasts and store, transport, handle, use and dispose of explosives;

(t) site-specific procedure for activities associated with explosives, including blast design, drilling, transportation, pre-charging inspection and activities, charging, guarding and restricting access, firing, blast warning, withdrawal and re-entry of persons, post-blast inspection and resumption of normal operation.

(3) If there is overlap between the mine operator's duty under subregulation (2) and any duty of the mine operator under the *Dangerous Goods Safety (Explosives) Regulations 2007*, the mine operator may rely on compliance with the latter duty for the purposes of the former duty.

631E. Externally-controlled plant

(1) The mine operator of a mine must ensure, so far as is reasonably practicable, that the use of externally-controlled plant at the

mine is without risks to the health and safety of persons at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If externally-controlled plant at a mine is controlled or operated at a workplace that is not at the mine, the person conducting the business or undertaking from which the plant is controlled or operated must ensure, so far as is reasonably practicable, that the plant is controlled or operated without risks to the health and safety of persons at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) If externally-controlled plant at a mine is controlled or operated at the mine, the mine operator of the mine must ensure, so far as is reasonably practicable, that the plant is controlled or operated without risks to the health and safety of persons at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

See also regulation 222 in relation to industrial robots.

632. Prohibited uses

The mine operator of a mine must take all reasonable steps to ensure an item or substance specified in Schedule 20 column 1 is not used in a place or for a purpose that is prohibited or restricted as set out in Schedule 20 column 2 opposite that item or substance.

Penalty:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

633. Not used

634. Minimum age to work at mine

(1) The mine operator of a mine must take all reasonable steps to ensure the following —

(a) that a person under 16 years of age does not work at the mine;

(b) if the mine is an underground mine — that a person under 18 years of age does not work underground at the mine;

(c) that a person under 18 years of age does not work in any area designated in an approved radiation management plan for the mine as a controlled area.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) Subregulation (1)(b) and (c) does not apply to an apprentice if the work is for the purpose of enabling the apprentice to gain required experience in the course of training for a profession or trade.

634A. Inspections

(1) The mine operator of a mine must ensure that arrangements are in place for the regular inspection of workplaces at the mine in accordance with this regulation for the purpose of ensuring the health and safety of persons at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) An inspection of a workplace must cover the matters necessary for ensuring the health and safety of persons, including, for example, the following matters —

(a) the physical site of the workplace;

(b) the work environment at the workplace;

(c) the activities carried out at the workplace;

(d) the plant at the workplace;

(e) potential hazards at the workplace.

(3) The arrangements for inspections of a workplace at a mine must provide that inspections of electrical work that is carried out by an electrician at the workplace be carried out by the electrical supervisor appointed for the mine.

(4) The arrangements for inspections of a workplace at a mine must provide that inspections, other than inspections of electrical work referred to in subregulation (3), be carried out by —

(a) if a statutory supervisor is appointed for a place at the mine — the statutory supervisor for the place; or

(b) if an underground supervisor (non-coal) or underground supervisor (coal) is appointed at the workplace — the supervisor of the workplace; or

(c) otherwise — a competent person appointed by the mine operator for the purpose.

(5) The arrangements for inspections must be based on a risk assessment of the workplaces at the mine conducted by the mine operator.

(6) The arrangements for inspections must provide for the following —

(a) the procedures for conducting inspections;

(b) when inspections are to be conducted;

(c) the levels of competence required of persons who conduct inspections;

(d) the number of competent persons required to conduct inspections.

Subdivision 2 — Air quality and monitoring

Notes for this Subdivision:

1. In relation to airborne contaminants and hazardous atmosphere see Part 3.2 Divisions 7, 7A and 8.
2. In relation to underground mines see Division 4 Subdivision 2.
3. In relation to underground coal mines see Division 4 Subdivision 3.
4. See also Division 5 and Part 10.3 Division 1.

635. Temperature and moisture content of air

In complying with regulation 617, the mine operator of a mine must —

(a) manage risks to health and safety associated with extremes of either or both the temperature and moisture content of air; and

(b) if risks associated with extreme heat exist in an underground mine — implement control measures (including monitoring) to manage heat stress in places in the mine where —

(i) persons work or travel; and

(ii) the wet bulb temperature exceeds 27°C.

Note for this regulation:

In relation to extreme heat and cold see also regulation 41A.

635A. Airborne contaminants

(1) The mine operator of a mine must ensure that the concentration of any airborne contaminant (including any asphyxiant or explosive gas) at the mine is as low as is reasonably practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator must comply with subregulation (1) —

(a) so far as is reasonably practicable, by suppression or the installation of a ventilation or exhaust extraction system; or

(b) so far as that is not reasonably practicable, by some other suitable means.

(3) This regulation does not limit regulation 49.

636. Not used

637. Monitoring airborne contaminant levels

(1) For the purposes of regulation 50(1), air monitoring at a mine must be carried out —

(a) by, or under the supervision of —

(i) for a part of the mine that is underground — a mine air quality officer or underground ventilation officer for the mine; or

(ii) otherwise — a mine air quality officer for the mine;

and

(b) at a frequency —

(i) that reflects the risk of mixtures or substances that are likely to be in airborne concentrations at the mine, or a part of the mine, that exceed the exposure standard for the mixture or substance; and

(ii) to ascertain whether the mixture or substance is in an airborne concentration that exceeds the exposure standard for the mixture or substance.

(2) For the purposes of regulation 50(2), a record of air monitoring must include —

(a) the results of the monitoring; and

(b) details of the dates, location and frequency of the monitoring; and

(c) the sampling method and equipment used.

637A. Requirements if airborne exposure standard for mixture or substance exceeded

(1) This regulation applies if a mixture or substance at a mine is in an airborne concentration that exceeds the exposure standard for the mixture or substance.

(2) The mine operator of the mine must immediately notify the following persons that the exposure standard for the mixture or substance has been exceeded —

(a) any affected workers or other persons at the mine;

(b) the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The mine operator of the mine must ensure that —

(a) steps are taken to reduce the airborne concentration of the mixture or substance to below the exposure standard for the mixture or substance; and

(b) air monitoring is carried out again as soon as practicable after the steps referred to in paragraph (a) are taken by, or under the supervision of —

(i) for a part of the mine that is underground — a mine air quality officer or underground ventilation officer for the mine; or

(ii) otherwise — a mine air quality officer for the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

638. Use of devices for air monitoring

The mine operator of a mine who uses air monitoring devices to comply with air monitoring requirements under these regulations, including regulation 50, must ensure that the devices are —

(a) suitable and effective having regard to —

(i) the nature of the monitoring being carried out; and

(ii) the mixture or substance being monitored;

and

(b) positioned to ensure that they work to best effect; and

(c) maintained and calibrated to ensure they work to best effect.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

639. Signage relating to air monitoring

The mine operator of a mine, in complying with air monitoring requirements under these regulations, including regulation 50, must ensure that signs are erected at the mine that explain —

(a) the meaning of any warning produced by an air monitoring device; and

(b) what persons must do in response to the warning.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Subdivision 3 — Fitness for work

640. Fatigue

In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with worker fatigue.

641. Alcohol and drugs

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the consumption of alcohol by workers at the mine.

(2) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with the use of drugs by workers.

Subdivision 3A — Electricity in mines

Note for this Subdivision:

This Subdivision applies in addition to the provisions of Part 4.7.

641A. Managing risks due to electricity

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with electricity at the mine, including risks associated with the generation, transmission, use or storage of electricity at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must have regard to all relevant matters, including the following —

(a) design, selection, installation, commissioning, operation, testing and maintenance of electrical equipment and electrical installations and use of electricity at the mine, including the following —

(i) safe and secure location;

(ii) rating;

(iii) provision of appropriate switchgear;

(iv) prospective electrical fault level;

(v) arc fault control;

(vi) minimising potential impacts from voltage rise due to lightning, static electricity, voltage surges and other transient voltages to within acceptable limits;

(vii) reliable circuit interruption, under fault conditions, at all points in the mine's electrical distribution system;

(viii) electrical protective devices;

(ix) hazardous atmosphere;

(b) signage and warnings;

(c) written procedures for critical operations and dealing with emergencies;

(d) effective supervision and communication;

(e) competencies of persons working with or near electrical equipment and installations.

641B. Records to be kept relating to electricity at mine

The mine operator of a mine must ensure that the following are kept at the mine —

(a) up to date plans showing the location and details of the following —

(i) all low voltage and high voltage cabling and plant installed at the mine;

(ii) all low voltage and high voltage cables installed in the ground at the mine;

(iii) main switches provided at the mine;

(b) copies of any compliance and test certificates relating to plant used or installed in hazardous areas at the mine.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

641C. Electrical log books

The mine operator of a mine must ensure that an electrical log book for the mine must be kept at the mine that —

(a) is in the approved form; and

(b) contains up to date —

(i) details of inspections and testing of electrical equipment carried out under regulation 150; and

(ii) details of the most recent test carried out under regulation 165 of in use residual current devices; and

(iii) details of all electrical installing work (as defined in the *Electricity (Licensing) Regulations 1991* regulation 3(1)) carried out at the mine; and

(iv) information about the matters referred to in Schedule 26 clause 5(3)(e)and (f); and

(v) information about the incidents referred to in Schedule 26 clause 5(3)(g).

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

641D. Earthing systems

(1) The mine operator of a mine must ensure the following —

(a) any earthing system installed in a quarry operation or an underground mine is connected to the earthing system

established at the surface of the mine by means of a continuous earthing conductor;

(b) no earthing electrode is installed in a quarry operation or an underground mine;

(c) the neutral point of an alternating current electrical system is effectively earthed to the main earthing system;

(d) an earthing system that incorporates an impedance complies with the requirements for protection against indirect contact in AS/NZS 3007:2013;

(e) any single phase alternating current apparatus that is installed in a quarry operation or an underground mine is supplied from a double wound transformer having 1 pole of the secondary winding connected to earth.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1)(a), (b) and (e) do not apply to installations in any parts of quarry operations that are safe distances from places where electrical shot firing methods are employed.

641E. Trailing cables and reeling cables

The mine operator of a mine must ensure that any trailing cable and reeling cable at the mine —

(a) conforms to —

(i) if the mine is an underground coal mine — AS/NZS 1802:2018; or

(ii) otherwise — AS/NZS 2802:2000;

and

(b) incorporates a pilot core arranged to cut off the supply of electricity in the event of a break in the earthing circuit; and

(c) is installed, located and used in a way that minimises the risk of damage to the cable and to any connecting or coupling device; and

(d) is repaired and tested in accordance with AS/NZS 1747:2003.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

641F. Earth continuity protection and monitoring

(1) This regulation applies to the following plant —

(a) any mobile plant operating from either trailing cables or reeling cables;

(b) any other plant for which the supply cable may be exposed to the risk of damage due to tension;

(c) any equipment connected by restrained plugs and receptacles complying with AS/NZS 1299:2009.

(2) The mine operator of a mine must ensure that, in respect of the plant, a system of monitoring of the earth continuity is provided that automatically disconnects the electricity supply to a cable in the event of a break in the earth conductor.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

641G. Electrical work to be carried out by licensed persons

The mine operator of a mine must ensure that a person is not engaged or permitted to carry out electrical work at the mine unless the person is authorised to carry out that work by a

licence or permit under the *Electricity (Licensing) Regulations 1991*.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

641H. Working in close proximity to uninsulated high voltage conductors or components

The mine operator of a mine must ensure that —

(a) a person does not operate plant in close proximity to uninsulated high voltage conductors or components unless the person is authorised to do so by a high voltage vicinity permit; and

(b) the high voltage operator issuing the high voltage vicinity permit details the measures for the safe operation of the plant in close proximity to uninsulated high voltage conductors or components on the permit; and

(c) those measures are carried out.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Subdivision 3B — Radiation in mines

641I. Terms used

(1) In this Subdivision —

designated worker, in relation to a mine, means a worker classified as a designated worker at the mine under regulation 641S(1)(a);

radioactive material has the meaning given in regulation 641K;

relevant mine has the meaning given in regulation 641L;

RPS-9 means the *Radiation Protection Series 9 - Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (2005)* published by the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency in August 2005 and updated in January and December 2015;

worker monitoring plan means a plan referred to in regulation 641N(2)(a)(i) that is included in an approved radiation management plan for a mine.

(2) A term used in this Subdivision has the same meaning as it has in the Glossary to the RPS-9.

(3) If a clause of the RPS-9 referred to in these regulations refers to the regulatory authority, the reference in that clause to the authority is taken, for the purposes of these regulations, to be a reference to the regulator.

641J. Subdivision prevails over *Radiation Safety (General) Regulations 1983*

This Subdivision prevails over the *Radiation Safety (General) Regulations 1983* to the extent of any inconsistency.

Note for this regulation:

See also the *Radiation Safety (General) Regulations 1983* regulation 4.

641K. Meaning of radioactive material

(1) In this Subdivision, material is ***radioactive material*** if the regulator designates, in writing, the material to be radioactive material under subregulation (2).

(2) The regulator may designate material to be ***radioactive material*** if —

(a) the material —

(i) exhibits radioactivity; or

(ii) emits ionising radiation or particles; or

(iii) contains radionuclides of natural origin;

and

(b) the activity concentration in the material exceeds 1 Bqg^{-1}.

(3) The regulator must give a person who is affected by a designation made under subregulation (2) a written copy of the regulator's designation.

641L. Application of Subdivision

This Subdivision applies to a mine (a ***relevant mine***) if —

(a) minerals or radioactive materials that have an activity concentration of radioactivity of 1 Bqg^{-1} or more are mined at the mine; and

(b) either —

(i) workers at the mine are likely to receive doses of radiation, arising from mining operations at the mine, in excess of an effective dose of 1 millisievert per year; or

(ii) members of the public at, or in the vicinity of, the mine are likely to receive doses of radiation, arising from mining operations at the mine, in excess of one-half of the effective dose set out in subparagraph (i).

641M. Pre-operational monitoring program

(1) The mine operator of a relevant mine must ensure that a mining operation does not commence at the mine unless —

(a) before mining operations commence at the mine, the mine operator submits to the regulator a program for the mining operation (a ***pre-operational monitoring program***) to monitor radiation levels and dose levels at the mine; and

(b) the regulator approves the program under subregulation (2); and

(c) the mine operator provides the results of the program to the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The regulator may approve, by written notice, a pre-operational monitoring program for a mining operation at a mine if the program is appropriate.

Note for this subregulation:

Not approving a pre-operational monitoring program for a mining operation under this subregulation is a reviewable decision (see regulation 676).

(3) In making a decision under subregulation (2), the regulator may have regard to a guideline that is —

(a) approved by the regulator for the purposes of this subregulation; and

(b) published on the regulator's website.

641N. Radiation management plan

(1) The mine operator of a relevant mine must ensure that a mining operation does not commence at the mine unless —

(a) the mine operator submits a radiation management plan for the mining operation at the mine to the regulator; and

(b) the regulator approves the plan under subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The regulator may approve, in writing, a radiation management plan for a mining operation at a mine if the plan —

(a) includes —

(i) a plan for monitoring workers' radiation exposure under clause 2.7.2(b) of RPS-9; and

(ii) a plan for discharges of radioactive waste, including authorised limits for the discharge of the waste; and

(iii) the incidents about which the mine operator must notify the regulator;

and

(b) otherwise complies with clause 2.7.2 of RPS-9.

Note for this subregulation:

Not approving a plan under this subregulation is a reviewable decision (see regulation 676).

(3) The mine operator of a mine the subject of an approved radiation management plan must ensure that the plan is complied with.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) An approved radiation management plan for a mine is part of the mine safety management system for the mine.

641O. Radioactive waste management plan

(1) The mine operator of a relevant mine must ensure that a mining operation does not commence at the mine unless —

(a) the mine operator submits a radioactive waste management plan for the mine to the regulator; and

(b) the regulator approves the plan under subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The regulator may approve, in writing, a radioactive waste management plan for a mine if the plan —

(a) includes —

(i) a plan for discharges of radioactive waste, including the authorised limit of waste to be discharged under the plan;

(ii) the incidents about which the mine operator must notify the regulator;

and

(b) otherwise complies with clause 2.8.2 of RPS-9.

Note for this subregulation:

Not approving a plan under this subregulation is a reviewable decision (see regulation 676).

(3) The mine operator of a mine the subject of an approved radioactive waste management plan must ensure that the plan is complied with.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) An approved radioactive waste management plan for a mine is part of the mine safety management system for the mine.

641P. Dose limits

(1) The mine operator of a relevant mine must ensure that a worker at the mine does not receive doses of radiation, arising from mining operations at the mine, that are in excess of the

occupational dose limits specified in Schedule 1 of RPS-9 for effective dose and annual equivalent dose.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The site senior executive of a relevant mine must ensure that a member of the public at, or in the vicinity of, the mine does not receive doses of radiation, arising from mining operations at the mine, that are in excess of the public dose limits specified in Schedule 1 of RPS-9 for effective dose and annual equivalent dose.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

641Q. Assessment of doses

(1) The mine operator of a relevant mine must ensure that any assessment of doses of radiation —

(a) takes into account the results of the worker monitoring plan included in an approved radiation management plan for the mine; and

(b) does not, without the approval of the regulator, take into account any protection factor for the use of protective clothing or respiratory protective equipment; and

(c) is carried out in accordance with a procedure approved by the regulator under subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The regulator may, in writing, approve a procedure to assess doses of radiation if the procedure aligns with the objective stated in clause 2.2 of RPS-9.

(3) If the assessed effective dose to a person exceeds 10 millisievert per year, the mine operator of the mine must —

(a) ensure that the control measures are reviewed and, if necessary, changed; and

(b) so far as is practicable, reassess the effective dose after the review referred to in paragraph (a) is carried out by using more appropriate data as approved in writing by the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

641R. Controlled areas and supervised areas

(1) The mine operator of a relevant mine must ensure that in any area designated in an approved radiation management plan for the mine as a controlled area —

(a) access is limited to those persons who are required to work, or perform any duty under the Act, in the area; and

(b) the boundaries of the area are clearly delineated and are made known to workers at the mine; and

(c) any person entering the area has received appropriate instructions about the nature of the radiation hazards in the area.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of a relevant mine must ensure that in any area designated in an approved radiation management plan for the mine as a supervised area —

(a) access by members of the public is supervised; and

(b) the boundaries of the area are clearly delineated and are made known to workers at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

641S. Designated workers

(1) The mine operator of a relevant mine must ensure that, before mining operations commence at the mine, each worker at the mine is classified as either —

(a) if the worker works, or may work, under conditions so that the effective dose of radiation the worker receives may exceed 5 millisievert per year — a designated worker at the mine; or

(b) otherwise — a non-designated worker at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The mine operator of a relevant mine must review the classification of workers under subregulation (1) at intervals of not more than 12 months or whenever their work activities change.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The mine operator of a relevant mine must, so far as is practicable, limit the number of designated workers at the mine

to the minimum number necessary for the proper conduct of mining operations at the mine.

641T. Pregnant designated workers

(1) If a designated worker at a relevant mine becomes pregnant, the worker must as soon as practicable notify the mine operator of the mine.

(2) If the mine operator of a mine is notified under subregulation (1) that a designated worker at the mine is pregnant, the mine operator must ensure that the worker —

(a) ceases to be a designated worker; and

(b) does not receive an effective dose of radiation exceeding 1 millisievert over the remainder of the pregnancy.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The dose referred to in subregulation (2)(b) applies to the sum of the relevant doses from external exposure in the period of pregnancy and to the 50-year committed dose from intakes in the same period.

(4) The mine operator of a relevant mine must ensure that all designated workers at the mine are informed of the requirements of this regulation.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

641U. Notifying results of dose assessment of designated workers

The mine operator of a relevant mine must ensure that designated workers at the mine are notified of the results of any

assessment of doses of radiation received by the worker as soon as practicable after the assessment is completed.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

641V. Approval to remove or dispose of radioactive material

A person must not remove or dispose of any radioactive material obtained from mining operations at a relevant mine for use elsewhere in the State without the prior written approval of the regulator.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

Not giving written approval under this regulation is a reviewable decision (see regulation 676).

641W. Approval to use or treat imported radioactive minerals

(1) A person must not use or treat radioactive minerals that have been imported into the State in any mining operation at a relevant mine without the prior written approval of the regulator under subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The regulator may approve, in writing, a person's use or treatment of radioactive minerals in a mining operation at a relevant mine if —

(a) there is an approved radiation management plan for the mine that regulates the use or treatment of the radioactive minerals; and

(b) a radiation safety officer is appointed for the mine to, and who is sufficiently qualified to, supervise the use or treatment of the radioactive minerals.

Note for this subregulation:

Not giving written approval under this subregulation is a reviewable decision (see regulation 676).

641X. Discharges

The mine operator of a relevant mine must ensure the following —

(a) that any discharges of radioactive waste at the mine are in accordance with the approved radiation management plan and approved radioactive waste management plan for the mine;

(b) if there is a discharge of radioactive waste that is not in accordance with, or exceeds authorised limits in, the approved radiation management plan and approved radioactive waste management plan for the mine, that —

(i) immediate action is taken to rectify the situation; and

(ii) the regulator is notified of the situation as soon as practicable; and

(iii) any directions given by the regulator to the mine operator in relation to the situation are complied with.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

641Y. Notifications, reports and records

(1) The mine operator of a relevant mine must ensure that the regulator is notified of the following as soon as practicable —

(a) any dose of radiation in excess of dose limits, or any absorbed dose rates or contamination levels in excess of authorised limits;

(b) the cause of the excessive dose, absorbed dose rates or contamination levels referred to in paragraph (a) and the action taken to reduce those levels;

(c) any other incident of which the regulator is required to be notified under an approved radiation management plan or approved radioactive waste management plan for the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The mine operator of a relevant mine must ensure that the following matters are reported to the regulator in, and include information required by, an approved form and at intervals approved by the regulator —

(a) the results of the worker monitoring plan included in an approved radiation management plan for the mine;

(b) the operation of an approved radiation management plan or approved radioactive waste management plan for the mine that forms part of the mine safety management system for the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The mine operator of a relevant mine must ensure the following —

(a) if a person ceases to be a worker at the mine — that the person's radiation dose assessment records are sent to the Radiological Council established under the *Radiation Safety Act 1975* section 13;

(b) that all records specified by the regulator are transferred to the Radiological Council before a mining operation at the mine is closed and, for that purpose, that the regulator is notified of any intention to close a mining operation at the mine in the near future.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Division 4 — Specific control measures — underground mines

Subdivision 1 — All underground mines — operational controls

642. Not used

642A. Managing risks in underground operations

(1) In complying with regulation 617, the mine operator of an underground mine must manage risks to health and safety associated with underground operations at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must have regard to all relevant matters, including the following —

(a) workers working alone;

(b) accounting for workers at the end of their working shift;

(c) communication systems between the surface and convenient places underground;

(d) lack of illumination and poor visibility;

(e) providing, installing, maintaining and using ladderways and footways;

(f) design and use of travel ways;

(g) overhead protection for underground mining plant;

(h) work near vertical or steep openings;

(i) means of escape.

643. Connecting workings

(1) The mine operator of an underground mine must ensure that, if 2 working faces are approaching each other at the mine, 1 of the workings is stopped, made safe and barricaded as soon as practicable before the distance separating the faces creates a risk to health or safety.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of an underground mine, before connecting any underground mine workings to any other workings (including disused workings), must ensure —

(a) if it is possible to inspect the other workings — that the other workings are inspected for water, gas, misfires, butts and any other circumstance that may be a risk to the health or safety of any person at the mine; or

(b) otherwise — that all other reasonably practicable steps are taken to ascertain whether any of the hazards referred to in paragraph (a) exist.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

643A. Underground fires

(1) In complying with regulation 617, the mine operator of an underground mine must manage risks to health and safety associated with underground fires at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must ensure that, so far as is reasonably practicable, the following measures are implemented —

(a) precautions in relation to the transportation, use and storage of combustible and flammable material;

(b) precautions in relation to the selection, use and maintenance of plant;

(c) precautions against spontaneous combustion;

(d) measures for the management of ignition sources;

(e) provision of fire warning systems;

(f) provision of equipment and systems to mitigate fires;

(g) measures for the availability and use of trained and competent persons.

644. Winding systems

(1) The mine operator of an underground mine must ensure that every winding system used or that may be used at the mine includes the following —

(a) ropes and devices that can withstand all forces reasonably expected to be borne by the ropes and devices;

(b) control measures to prevent, so far as is reasonably practicable, any mine shaft conveyance from overwind, moving at an unsafe speed, excessive acceleration and deceleration and uncontrolled movement;

(c) at least 2 braking (or equivalent) systems that ensure the winder remains under control in the event of a failure in any 1 of the systems;

(d) control measures that detect any of the following malfunctions that may be present —

(i) slack rope;

(ii) rope slip;

(iii) unsafe balance rope conditions;

(iv) unsafe coiling of rope;

(e) control measures that cause the winder to be brought to a safe state when a malfunction referred to in paragraph (d) is detected;

(f) warning systems to alert persons at the mine to any emergency in a winding system or mine shaft;

(g) if it is reasonably practicable — remote monitoring of the functions of the system;

(h) an effective means of communication —

(i) between the surface and any shaft conveyance used for carrying persons; and

(ii) between the point of control of the winder and the entry to every mine shaft that is in use;

(i) a device that safely attaches ropes to conveyances;

(j) if the winding system uses multi-rope winders — devices that load the ropes as uniformly as possible.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of an underground mine must ensure that the condition and performance of every winding system, and its

components, are tested and monitored at intervals that ensure the safe performance of the system.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator of an underground mine must ensure that energy lockout devices are fitted to all mechanical and electrical plant associated with any mine shaft at the mine, including any mechanical and electrical plant associated with the operation, maintenance or use of the mine shaft.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

644A. Ropes

The mine operator of an underground mine must ensure the following —

(a) that each rope used for the purposes of a winding system is regularly inspected and tested to ensure that it is safe for that use;

(b) that criteria are established to determine when a rope is no longer suitable for any such use;

(c) that rope is discarded when it does not comply with those criteria or is unsafe to use.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

645. Operation of mine shaft conveyances

(1) The mine operator of an underground mine must ensure that material or plant being carried in a mine shaft conveyance —

(a) does not protrude from the conveyance, while it is moving, so as to contact a wall of the mine shaft or anything in the mine shaft; and

(b) is so secured to the conveyance that it cannot leave the conveyance except by being deliberately removed.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of an underground mine must ensure that persons being carried in a mine shaft conveyance are adequately protected from —

(a) another mine shaft conveyance in the same mine shaft; and

(b) any material or plant being carried in the other conveyance; and

(c) the wall of the mine shaft or anything in the mine shaft.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator of an underground mine must ensure that, if a mine shaft conveyance that combines a cage and skip is used, material or plant is not carried in the skip while persons are being carried in the cage.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The mine operator of an underground mine must ensure that control measures are implemented to prevent a mine shaft conveyance from falling down the mine shaft.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) The mine operator of an underground mine must ensure, so far as is reasonably practicable, that facilities for loading material or plant onto or into a mine shaft conveyance are designed and operated to prevent persons, rock, material and plant from falling down a mine shaft.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

646. Gas or dust explosion

(1) In complying with regulation 617, the mine operator of an underground mine must manage risks to health and safety associated with explosions related to gas or dust at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator must ensure that, so far as is reasonably practicable, the following measures are implemented —

(a) measures that minimise the chances of explosions;

(b) in relation to explosions related to gas — measures that identify potential sources or causes of explosions, including measures to detect gas;

(c) in relation to explosions related to dust —

(i) measures that minimise the generation of potentially explosive dusts; and

(ii) measures that suppress, collect and remove potentially explosive dusts; and

(iii) measures that suppress any explosion and restrict its propagation so that other areas are not affected; and

(iv) measures that ensure that workers are not exposed to the effects of an explosion.

Subdivision 2 — All underground mines — air quality and ventilation

Notes for this Subdivision:

1. In relation to airborne contaminants and hazardous atmosphere see Part 3.2 Divisions 7, 7A and 8.
2. In relation to underground coal mines see Subdivision 3.
3. See also Division 5 and Part 10.3 Division 1.

647. Not used

648. Air quality — minimum standards for ventilated air

(1) The mine operator of an underground mine must ensure that the ventilation system for the mine provides air that is of sufficient volume, velocity and quality to ensure that the general body of air in the areas in which persons work or travel —

(a) has a concentration of oxygen that is at least 19.5% by volume under normal atmospheric pressure; and

(b) has levels of contaminants that —

(i) are as low as is reasonably practicable; and

(ii) do not exceed the relevant levels specified in regulation 49;

and

(c) if diesel engines are used underground — has a concentration of diesel particulates that —

(i) is as low as is reasonably practicable; and

(ii) does not exceed the exposure standard specified in regulation 656B.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) This regulation does not apply in relation to an area of a mine —

(a) that is required to be entered in an emergency or for a mines rescue purpose; and

(b) in which all persons are wearing self-contained breathing apparatus.

649. Air quality — monitoring

If the mine operator of an underground mine is not certain on reasonable grounds whether or not regulation 648 is being complied with, the mine operator must ensure that air monitoring is carried out by —

(a) a mine air quality officer or underground ventilation officer; or

(b) a competent person under the supervision of a mine air quality officer or underground ventilation officer.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

650. Requirements if air quality requirements or exposure standards not complied with

(1) This regulation applies if air monitoring reveals in an underground mine that —

(a) the oxygen concentration specified in regulation 648(1)(a) is not met; or

(b) the level of contaminants referred to in regulation 49 is exceeded; or

(c) the exposure standard for diesel particulates specified in regulation 656B is exceeded.

(2) The mine operator of the underground mine must immediately notify the following persons of the relevant circumstance referred to in subregulation (1) —

(a) any affected workers or other persons at the mine;

(b) the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The mine operator of the underground mine must ensure that —

(a) the control measures to manage air quality are reviewed and, if necessary, changed; and

(b) the air quality at the mine is retested —

(i) by, or under the supervision of, a mine air quality officer or underground ventilation officer; and

(ii) as soon as practicable after the steps are taken under paragraph (a).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

651. Not used

652. Ventilation system — further requirements

(1) The mine operator of an underground mine must ensure that the air supplied to the ventilation system for the mine is obtained from the purest source available.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of an underground mine must ensure the following —

(a) ventilation circuits at the mine do not allow uncontrolled recirculation of air;

(b) plant and structures that regulate airflow are maintained in good working order;

(c) unventilated headings are not entered unless —

(i) the purpose of entry is to establish ventilation; and

(ii) adequate auxiliary ventilation is provided to the person entering the heading.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator of an underground mine must ensure that, in areas of the mine where persons work or travel, the ventilation system for the mine provides an average air velocity of at least 0.3 m/s measured across the work or travel area.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

653. Monitoring and testing of ventilation system

(1) The mine operator of an underground mine must monitor and test all aspects of the operation of the ventilation system for the mine at intervals that ensure that the system complies with regulations 648 and 652.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The mine operator of an underground mine must keep a record of all monitoring and testing of the ventilation system for the mine for at least 7 years.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The mine operator of an underground mine must make the record kept under subregulation (2) available for inspection to workers and other persons at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

654. Duty to prepare and implement underground ventilation control plan

(1) The mine operator of an underground mine must ensure that an underground ventilation control plan to provide for the management of all aspects of ventilation at the mine is prepared and implemented.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The underground ventilation control plan must describe all control measures implemented in relation to ventilation at the mine.

(3) Without limiting subregulation (2), the underground ventilation control plan must include a description of the following, if applicable to the mine —

(a) the design, planning and operation of the ventilation system, including the standards applying to the placement, operation, maintenance and monitoring of ventilation plant;

(b) identification of factors that may have an effect on the quantity and quality of air required for ventilation during normal operation and emergencies;

(c) integration of the ventilation system with mine development and production schedules;

(d) arrangements and procedures for inspecting, monitoring, maintaining and testing the ventilation system;

(e) arrangements and procedures for managing auxiliary ventilation;

(f) selection, maintenance and calibration of monitoring equipment;

(g) appointment of underground ventilation officers and other competent persons for managing ventilation;

(h) arrangements for managing risks to health and safety associated with potential sudden increase of airborne contaminants;

(i) arrangements for an alternate and independent way of operating the main ventilation system in the event of a loss of power supply to the main ventilation system;

(j) procedures to ensure the health and safety of persons at the mine in the event of a total or partial ventilation failure;

(k) arrangements for managing isolated or fenced-off areas and stopping inadvertent entry to those areas;

(l) modelling of the ventilation processes when a significant change is made to the ventilation arrangements;

(m) procedures to withdraw persons in case of unsafe atmospheric conditions;

(n) maintaining records, including the following —

(i) design calculations;

(ii) breakdowns and deficiencies noted in ventilation and details of corrective actions.

(4) An underground ventilation control plan prepared for a mine is part of the mine safety management system for the mine.

655. Not used

656. Ventilation plan

(1) The mine operator of an underground mine must ensure that a plan of the ventilation system for the mine is prepared.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The ventilation plan must show the following —

(a) the direction, course and volume of air currents;

(b) the position of all air doors, stoppings, fans, regulators and other ventilation plant and structures and ventilation monitoring devices at the mine.

656A. Diesel units

(1) The mine operator of an underground mine must ensure the following if a diesel unit is operated underground at the mine —

(a) that the design and construction of the diesel unit is suitable for use in underground conditions;

(b) that the diesel unit is maintained in accordance with the original equipment manufacturer specifications for the unit to extent those specifications are relevant to both —

(i) the operation of the unit underground; and

(ii) the health and safety of persons;

(c) that the exhaust gas emissions of the diesel unit, under any condition of engine speed or load, are as follows —

(i) less than 1 000 ppm of oxides of nitrogen;

(ii) less than 1 500 ppm of carbon monoxide;

(d) that suitable fire suppression devices are provided on the diesel unit.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of an underground mine must ensure that all necessary measures, including the following, are taken to minimise, so far as is reasonably practicable, the adverse effects of diesel exhaust emissions —

(a) selecting and using suitable diesel fuel;

(b) treating exhaust emissions;

(c) properly maintaining and using diesel units.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator of an underground mine must ensure that a monitoring and maintenance schedule is developed and implemented to ensure that the requirements of this regulation are complied with at all times when a diesel unit is being operated underground at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

656B. Exposure standard for diesel particulates

(1) In this regulation —

TWA concentration means the time weighted average concentration of an atmospheric contaminant when calculated over a normal 8-hour working period during a 5-day working week.

(2) The exposure standard for diesel particulates is a TWA concentration of 0.1 mg per cubic metre of air (measured as sub-micron elemental carbon).

656C. Additional ventilation requirements for diesel units

If there is at least 1 diesel unit operating underground at an underground mine, the mine operator of the mine must ensure —

(a) for a mine where 1 diesel unit is operating underground in any ventilation system of the mine — that the diesel unit has a ventilation volume rate of not less than 0.05 m^3 per second per kilowatt of the maximum rated engine output specified by the manufacturer, for the fuelling and timing configuration at which the engine has been set; and

(b) for a mine where more than 1 diesel unit is operating underground in any ventilation system of the mine — the total ventilation volume rate of air in that system is not less than the aggregate of the volume requirement

for each of the individual diesel units under paragraph (a).

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Subdivision 3 — Underground coal mines

Notes for this Subdivision:

1. In relation to airborne contaminants and hazardous atmosphere see Part 3.2 Divisions 7, 7A and 8.
2. In addition to the above provisions and this Subdivision, see Subdivision 2.
3. See the rest of this Division in relation to underground mines.

657. Coal dust explosion

(1) In this regulation —

intake roadway means a roadway used for the intake of air to mine workings;

return roadway means a roadway used for the removal of air and airborne contaminants from mine workings.

(2) In complying with regulation 617 in relation to coal dust explosion, the mine operator of an underground coal mine must —

(a) limit coal dust generation, including its generation by mining machines, coal crushers and coal conveyors and at conveyor transfer points; and

(b) suppress, collect and remove airborne coal dust; and

(c) remove excessive coal dust accumulations on roadways and other surfaces in mine roadways; and

(d) limit coal dust accumulation on roadways and other surfaces in mine roadways to ensure that the amount of incombustible material contained in roadway dust at the

mine is kept at or above the following concentration levels —

(i) for dust in a panel roadway within 200 metres outbye the last completed line of cut-throughs in the panel — 85%;

(ii) for dust in any 200 metres section of panel roadway within 400 metres of a longwall face — 85%;

(iii) for dust in a panel roadway within 200 metres of the main roadway, if subparagraphs (i) and (ii) do not apply — 80%;

(iv) for dust in a return roadway if subparagraphs (i) to (iii) do not apply — 80%;

(v) for dust in an intake roadway if subparagraphs (i) to (iii) do not apply — 70%;

and

(e) determine the stonedust or other explosion inhibitor application rate necessary to minimise the risk of a coal dust explosion and apply that rate; and

(f) restrict the propagation of any coal dust explosion so that other areas are not affected.

Example for this subregulation:

Use of explosion barriers.

Note for this subregulation:

See also regulation 646 in relation to gas and dust explosions in underground mines.

(3) Subregulation (2)(d) does not apply in relation to dust in a roadway if there is sufficient natural make of water associated with the mining operations to prevent a coal dust explosion.

(4) The mine operator must also establish procedures in relation to the following —

(a) the regular inspection, sampling and analysis of roadway dust layers, including laboratory analysis for incombustible material content;

(b) the applying of stonedust or another explosion inhibitor for suppressing coal dust explosion;

(c) the intervals at which dust sampling and analysis referred to in paragraph (a) must be carried out.

658. Spontaneous combustion

In complying with regulation 617, the mine operator of an underground coal mine must —

(a) manage risks to health and safety associated with spontaneous combustion at the mine; and

(b) implement procedures to minimise the potential exposure of persons to airborne contaminants produced by spontaneous combustion.

659. Not used

660. Not used

661. Not used

662. Not used

663. Additional requirements relating to methane

(1) In this regulation —

production area means an area of an underground coal mine where coal or stone is being extracted other than for the purpose of repairing or enlarging a roadway.

(2) This regulation applies to an underground coal mine.

(3) The mine operator of the mine must ensure that the concentration of methane in intake air in the mine and at any entry to the mine does not exceed 0.25%.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) The mine operator of the mine must ensure that arrangements are in place that cut the supply of electricity to a production area in which the concentration of methane exceeds 1.25%.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(5) The mine operator of the mine must ensure that arrangements are in place to ensure that the internal combustion engine of a flameproof vehicle is stopped and not restarted if the concentration of methane in the air of the production area in which the vehicle is used exceeds 1.25%.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) The mine operator of the mine must ensure that arrangements are in place to ensure that persons are evacuated from a part of the mine in which the concentration of methane exceeds 2%.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(7) The mine operator of the mine must monitor the level of methane at the mine by using air monitoring devices that produce a visible or audible warning in each of the following circumstances —

(a) the concentration of methane in intake air is 0.25% or more;

(b) the concentration of methane in a production area is 1.25% or more;

(c) the concentration of methane in return air is 2% or more.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 5 — Emergency management

Note for this Division:

The requirements of this Division are in addition to the requirements in relation to emergency plans under Part 3.2 Division 4.

Subdivision 1 — Emergency plan — all mines

664. Duty to prepare emergency plan

(1) In addition to the matters required by regulation 43(1), the emergency plan for the mine must —

(a) address all aspects of emergency response, including by ensuring —

(i) the establishment of a system that enables all persons at the mine to be promptly located; and

(ii) the provision of adequate rescue equipment; and

(iii) that an adequate number of persons trained in the use of rescue equipment are available to respond effectively to the emergency if a person is working at the mine; and

(iv) the provision of adequate patient transport if a person is working at a mine;

and

(b) include all matters specified in Schedule 22; and

(c) so far as is reasonably practicable, be set out and expressed in a way that is readily understandable by persons who use it.

(2) The emergency plan for the mine must comply with the matters in subregulation (1)(a) and (b) to the extent that the matters are applicable to the mine having regard to —

(a) the nature, complexity and location of the mining operations; and

(b) the risks associated with those operations.

(3) The emergency plan for the mine must contain an appropriate level of detail about the matters set out in subregulation (1)(a) and (b) having regard to all relevant matters, including —

(a) the scale, nature, complexity and location of the mining operations at the mine; and

(b) the risks associated with those operations.

(4) The emergency plan for the mine is part of the mine safety management system for the mine.

665. Consultation in preparation of emergency plan

(1) In preparing an emergency plan for a mine, the mine operator must consult the following —

(a) an emergency service organisation that may need to respond to an emergency at the mine;

(b) mine emergency workers of any mine who may be required to participate in implementing the emergency plan;

(c) in relation to the principal mining hazards that may cause or contribute to an incident that may adversely affect the health and safety of persons in the area surrounding the mine —

(i) any local government in whose district the mine is located; and

(ii) any regional local government established under the *Local Government Act 1995* section 3.61 in whose region the mine is located.

(2) The mine operator must ensure that the emergency plan addresses any recommendation made by an organisation consulted under subregulation (1)(a) in relation to —

(a) the testing of the emergency plan, including the way in which it will be tested, the frequency of testing and whether or not the organisation will participate in the testing; and

(b) what incidents or events at the mine should be notified to the organisation.

(3) The mine operator must have regard to any other recommendation or advice given by a person consulted under subregulation (1).

666. Not used

667. Copies of emergency plan to be kept and provided

(1) The mine operator of a mine must keep a copy of the emergency plan for the mine at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The mine operator of a mine must ensure that a copy of the emergency plan for the mine is available on request to a person employed in the department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

668. Resources for emergency plan

The mine operator of a mine must ensure that —

(a) all resources, including response and rescue equipment, specified in the emergency plan for the mine are provided in accordance with the plan; and

(b) all equipment, including response and rescue equipment, specified in the emergency plan for the mine is maintained in good working order.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

669. Testing of emergency plan

The mine operator of a mine must test the emergency plan for the mine —

(a) at intervals of no more than 12 months, having regard to the recommendations made by the organisations consulted under regulation 665(1) in preparing the plan; and

(b) in any event, as soon as is reasonably practicable after there has been a significant revision to the plan.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this regulation:

More frequent testing may be required—see regulation 43.

670. Review of emergency plan

If a control measure is revised under regulation 38 or regulation 618, the mine operator of the mine must ensure that the emergency plan for the mine is reviewed and as necessary revised in relation to all aspects of risk control addressed by the revised control measure.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

670A. Training of workers

The mine operator of a mine must ensure that a worker at the mine is trained in relation to their responsibilities to implement the emergency plan for the mine —

(a) before commencing work at the mine; and

(b) as soon as is reasonably practicable after any significant revision to the plan.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Subdivision 1A — Mine emergency workers — all mines

670B. Mine emergency workers

The site senior executive of a mine may appoint a competent person to be a mine emergency worker at the mine in relation to —

(a) a particular emergency at the mine; or

(b) all emergencies at the mine.

Subdivision 2 — Underground mines

671. Emergency exits

(1) The mine operator of an underground mine must ensure that the mine has at least 2 trafficable exits to the surface that comply with subregulations (2) and (3).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Each exit must —

(a) be accessible from each level in the mine in which coal extraction or stoping operations are being carried out; and

(b) allow for the passage of rescue persons and rescue equipment; and

(c) be marked or signposted so that it can be readily located in an emergency; and

(d) be maintained so that it remains effective.

(3) The exits must be located so as to ensure, so far as is reasonably practicable, that an incident or event that occurs in relation to 1 exit, that prevents the exit from being used for the purpose of escape from the mine, does not prevent persons from using the other exit to escape.

(4) The mine operator of an underground mine is not required to comply with subregulation (1) in either of the following circumstances if the mine operator ensures that the mine has at least 1 trafficable exit to the surface that complies with subregulation (2) —

(a) a single entry drive or mine shaft is being developed;

(b) the most distant area of the mine is no more than 250 metres from the mine entrance.

672. Communication, safe escape and refuge

(1) The mine operator of an underground mine must provide adequate means of communicating with all affected persons when the emergency plan for the mine is implemented.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of an underground coal mine must provide adequate means of escape that enable persons to reach an exit safely, including through conditions of reduced visibility or irrespirable or unsafe atmospheres.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator of an underground non-coal mine must provide —

(a) adequate numbers of refuges in the mine to which persons can go during an emergency; and

(b) adequate means of escape that enable persons to reach an exit or refuge safely, including through conditions of reduced visibility or irrespirable or unsafe atmospheres.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

673. Signage for refuges

The mine operator of an underground mine that includes a refuge must ensure that signs are prominently displayed at the mine showing the location of the refuge.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

674. Self-rescuers

(1) In this regulation —

self-contained self-rescuer means a unit of personal respiratory protective equipment that protects the user from toxic or asphyxiant atmospheres by providing them with an independent source of respirable air.

(2) The mine operator of an underground mine must ensure that a person who is to go underground is given an appropriate self-contained self-rescuer if there is a risk of an irrespirable atmosphere in the underground mine (including during an emergency).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The mine operator must ensure that the person is trained in the use of, and is able to use, the self-contained self-rescuer provided.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

674A. First aid and rescue equipment

The mine operator of an underground mine must ensure that —

(a) there is adequate first aid and rescue equipment at the mine for emergencies, taking into account the size and nature of the mine; and

(b) any worker who might enter the mine to carry out first aid or rescue procedures in an emergency is trained in the use of, and is able to use, the equipment.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675. Personal protective equipment for emergencies

(1) The mine operator of an underground mine must ensure that oxygen respiratory equipment is available for use by, and is provided to, a worker who is to enter the mine in order to carry out first aid or rescue procedures in an emergency in which —

(a) the concentration of oxygen falls below a safe oxygen level; or

(b) the atmosphere in the mine has a harmful concentration of an airborne contaminant; or

(c) there is a serious risk of the atmosphere in the mine becoming affected in the way referred to in paragraph (a) or (b) while the worker is in the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator must ensure, so far as is reasonably practicable, that the worker uses the personal protective equipment provided to them.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The mine operator must ensure that any worker to whom subregulation (1) might apply is trained in the use of, and is able to use, the oxygen respiratory equipment.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675AA. Competent persons at surface

The mine operator of an underground mine must ensure that at any time that persons are underground —

(a) 1 or more persons at the surface (the ***surface contacts***) is readily available to be contacted by the persons underground; and

(b) 1 or more of the surface contacts has the authority and competence, and is readily available, to activate the emergency plan for the mine as necessary.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 6 — Information, training and instruction

675A. Duty to inform workers about mine safety management system

(1) The mine operator of a mine must ensure that, before a worker commences work at the mine —

(a) the worker is given a summary of the mine safety management system for the mine that is relevant to the worker's work at the mine; and

(b) the worker is informed of their right to see the mine safety management system for the mine under regulation 622(4)(a).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If the mine safety management system for a mine is revised, the mine operator of the mine must ensure, so far as is reasonably practicable, that each worker at the mine is made aware of any revision that is relevant to work being carried out by the worker.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this regulation:

In relation to the provision of information to workers, see also regulation 39 and section 19(3)(f) of the Act.

675B. Duty to provide information, training and instruction

(1) This regulation applies in addition to regulation 39.

(2) The mine operator of a mine must ensure that each worker at the mine is given suitable and adequate information, training and instruction in relation to the following —

(a) all hazards associated with the work being carried out by the worker;

(b) the implementation of control measures relating to the work being carried out by the worker, including control measures in relation to fatigue, the consumption of alcohol and the use of drugs;

(c) the content and implementation of the mine safety management system for the mine;

(d) the emergency plan for the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675BA. Site induction for new workers

The mine operator of a mine must ensure that before a worker commences work at the mine, the worker is given information, training and instruction on the general mining operations, systems of work, safety procedures and tasks required of the worker.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675BB. Duty of persons conducting businesses or undertaking to ensure competency of workers

A person conducting a business or undertaking at a mine must ensure that each worker who works for the person at the mine is —

(a) given adequate information, training and instruction in safety procedures and systems of work and in the tasks required of the worker; and

(b) assessed before commencing work at the mine to ensure that the worker is competent to perform the tasks required of them and to operate any plant the worker will be required to operate; and

(c) retrained and reassessed whenever systems of work or plant are changed, or new systems of work or plant are introduced.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675C. Information for visitors

The mine operator of a mine must ensure that a visitor who enters the mine with the authority of the mine operator is, as soon as practicable, given —

(a) information about risks associated with mining operations to which the visitor may be exposed at the mine; and

(b) instructions in health and safety precautions the visitor should take at the mine; and

(c) instructions in the actions the visitor should take if the emergency plan for the mine is implemented while the visitor is at the mine.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675D. Review of information, training and instruction

The mine operator of a mine must ensure that information, training and instruction given to workers under regulations 675A, 675B, 675BA and 675BB, or to visitors under regulation 675C, are reviewed and as necessary revised to ensure that they remain relevant and effective.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675E. Records of training

(1) The mine operator of a mine must —

(a) make a record of any instruction, training, retraining, assessment or reassessment given in respect of a worker at the mine as required under this Division; and

(b) keep the record while the worker works at the mine and for at least 2 years after the worker ceases to be a worker at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) A person conducting a business or undertaking at a mine must —

(a) make a record of any instruction, training, retraining, assessment or reassessment given in respect of a worker at the mine as required under this Division; and

(b) keep the record while the worker works at the mine and for at least 2 years after the worker ceases to be a worker at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Part 10.3 — Health management and monitoring

Division 1 — Health management

675EA. Duty to prepare and implement health management plan

(1) In complying with regulation 617, the mine operator of a mine must manage risks to health and safety associated with health hazards arising from mining operations at the mine.

(2) In managing risks to health and safety as described in subregulation (1), the mine operator of a mine must prepare and implement a health management plan for the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The health management plan for a mine must —

(a) identify and consider all health hazards arising from mining operations at the mine that may have an adverse effect on the health or safety of persons at the mine; and

(b) provide details of control measures the mine operator will implement to manage associated risks in accordance with Part 3.1 and regulation 617.

(4) In preparing and implementing the health management plan for a mine, the mine operator of the mine must have regard to all relevant matters, including the following —

(a) heat, humidity and contaminants to which a person at the mine may be exposed;

(b) any other health hazard, including noise and chronic exposure to musculoskeletal stressors;

(c) assessment of risk due to identified health hazards;

(d) control measures considered and implemented to minimise, so far as is reasonably practicable, the adverse effects of identified health hazards;

(e) the establishment and implementation of a monitoring schedule to identify any new health hazard and to assess the effectiveness of controls implemented;

(f) actions to be taken if monitoring indicates that implemented control measures are not effective;

(g) risk-based biological and health monitoring of persons;

(h) actions to be taken if biological or health monitoring indicates adverse effects on persons.

(5) The health management plan is part of the mine safety management system for the mine.

675EB. Duty to provide information on health management plan

(1) This regulation applies to a worker at a mine if there is a risk of an adverse effect on the worker's health because of the worker's

exposure to a hazard associated with mining operations at the mine.

(2) The mine operator of the mine must give the worker the following information in accordance with subregulation (3) —

(a) any likely adverse effects on the worker's health due to mining operations at the mine;

(b) necessary precautions to be taken by the worker;

(c) other controls in place to prevent or minimise the adverse effect on the worker's health.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) The information must be provided, so far as is reasonably practicable, before the worker is exposed to the hazard associated with mining operations at the mine.

Division 2 — Health monitoring

Note for this Division:

See also Part 3.2 Division 11, Part 7.1 Division 6, Part 7.2 Division 4 and Part 8.5 Division 1.

675F. Health monitoring of workers

The mine operator of a mine must ensure that health monitoring is provided in accordance with this Division to a worker engaged to carry out work at the mine if —

(a) there is a risk of an adverse effect on the worker's health because of the worker's exposure to a hazard associated with mining operations at the mine; and

(b) valid techniques are available to detect that effect on the worker's health.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

675G. Duty to inform of health monitoring

The mine operator of a mine who is required to ensure that health monitoring is provided to a worker under regulation 675F must give information about the health monitoring requirements to —

(a) a person who is likely to be engaged to carry out work at the mine that triggers the requirement for health monitoring; and

(b) a worker engaged to carry out work at the mine that triggers the requirement for health monitoring, before the worker commences that work.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675H. Duty to ensure health monitoring is carried out or supervised by registered medical practitioner with experience

(1) The mine operator of a mine must ensure that the health monitoring of a worker under this Division is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator must consult the worker in relation to the selection of the registered medical practitioner.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675I. Duty to pay costs of health monitoring

(1) The mine operator of a mine who engages a worker at the mine must pay all expenses relating to health monitoring of the worker under this Division.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If the mine operator of a mine has not engaged a worker at the mine, the mine operator must ensure that the person conducting the business or undertaking who engaged the worker pays all expenses relating to health monitoring of the worker under this Division.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675J. Duty to provide registered medical practitioner with information

The person conducting a business or undertaking who commissions health monitoring of a worker at a mine must provide the following information to the registered medical practitioner carrying out or supervising the monitoring —

(a) the name and address of the mine operator of the mine;

(b) the name and date of birth of the worker;

(c) the work that the worker is, or will be, carrying out that has triggered the requirement for monitoring;

(d) if the worker has started the work — how long the worker has been carrying out the work.

Penalty:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675K. Health monitoring report

(1) Health monitoring must be documented in a health monitoring report in an approved form.

(2) The health monitoring report of a worker at a mine must include the following —

(a) the name and date of birth of the worker;

(b) the name and registration number of the registered medical practitioner carrying out or supervising the monitoring;

(c) the name and address of —

(i) the mine operator of the mine; and

(ii) the person conducting a business or undertaking who commissioned the health monitoring;

(d) the date of the health monitoring;

(e) an explanation of the results;

(f) any advice indicating an adverse health effect resulting from exposure to a risk associated with mining operations;

(g) any recommendation that the mine operator take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;

(h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

675L. Person conducting business or undertaking to obtain health monitoring report

A person conducting a business or undertaking who commissions health monitoring of a worker must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the

monitoring as soon as practicable after the monitoring is carried out.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

675M. Person conducting business or undertaking to give health monitoring report to mine operator

A person conducting a business or undertaking who commissions health monitoring of a worker must give a copy of the health monitoring report to the mine operator of any mine at which the worker carries out work.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

675N. Duty to give health monitoring report to worker

The mine operator of a mine must take all reasonable steps to ensure that a worker at the mine who is provided with health monitoring is given a copy of the health monitoring report as soon as practicable after the monitoring is carried out.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

675O. Duty to give health monitoring report to regulator

The registered medical practitioner who prepares a health monitoring report must give a copy of the report to the regulator as soon as practicable after it is prepared.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

675P. Health monitoring reports kept as records

(1) A person conducting a business or undertaking who commissions health monitoring of a worker at a mine must ensure that the health monitoring report is kept as a confidential record —

(a) identified as a record in relation to the worker; and

(b) for at least 30 years after the record is made.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(2) The person must not disclose the health monitoring report to another person without the worker's written consent.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

(3) Subregulation (2) does not apply if the health monitoring report is disclosed —

(a) to a person who must keep the report confidential under a duty of professional confidentiality; or

(b) under regulation 675M; or

(c) under regulation 675O.

Part 10.4 — Not used

675Q. Not used

675R. Not used

Part 10.5 — Mine survey plans

675RA. Meaning of mine survey plan

In this Part —

mine survey plan —

(a) means a document that is a plan, cross-section or 3-dimensional plan of all or part of a mine; and

(b) includes a document accompanying the plan or cross-section that is supporting data or control database.

Note for this regulation:

A mine survey plan can be electronic or in paper form.

675S. Duty to prepare and maintain mine survey plan

(1) If an underground operation or a quarry operation is carried out at a mine, the mine operator of the mine must ensure that an accurate and up to date mine survey plan of the mine is prepared and maintained in accordance with regulation 675TA.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) If the mine operator of a mine determines that a mine survey plan is necessary for the safety of an operation at the mine, the mine operator must ensure that an accurate and up to date mine survey plan of the part of the mine where the operation is carried out is prepared and maintained.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(3) The regulator may exempt particular quarry operations, or a class of quarry operations, from subregulation (1).

(4) An exemption applies subject to any conditions specified by the regulator.

(5) If the regulator has reason to believe that a mine survey plan is inaccurate or incomplete, the regulator may direct the mine operator to have a check survey conducted.

(6) A mine operator of a mine who is given a direction under subregulation (5) must comply with the regulator's direction without delay.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675T. Not used

675TA. Minimum requirements for mine survey plans where underground or quarry operations carried out

(1) In this regulation —

Australian Height Datum means the Australian Height Datum described in the Division of National Mapping Technical Report No. 12, The Adjustment of the Australian Levelling Survey, 1970-71 (2nd edition, 1975);

Geocentric Datum of Australia 2020 means the Reference Frame as defined in the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Commonwealth) Schedule 1;

map coordinates means the Map Grid of Australia 2020 rectangular coordinates derived from a Universal Transverse Mercator projection of latitudes and longitudes based on the Geocentric Datum of Australia 2020.

(2) A mine survey plan of an underground mine must be prepared and maintained by or under the supervision of an authorised mine surveyor (underground).

(3) A mine survey plan of a mine where a quarry operation is carried out must be prepared and maintained by or under the supervision of an authorised mine surveyor (quarry operation).

(4) A survey carried out for the purpose of preparing a mine survey plan of a mine where an underground operation or quarry operation is carried out must be completed —

(a) using instruments and technologies that are fit for purpose; and

(b) to a standard that accords with good engineering practice and that is to an accuracy of not less than 1:5 000 or an accuracy permitted by the regulator.

(5) A person who carries out a survey for the purpose of preparing the mine survey plan must establish, in the general vicinity of the mine, a datum station which is to serve as the origin for the survey and the coordinate system used.

(6) The position of the datum station must be established in terms of the map coordinates and the Australian Height Datum.

(7) A person who carries out a survey for the purpose of preparing the mine survey plan must ensure that if a local grid system is used for mine surveying and management the relationship between that grid system and the map coordinates in terms of distance and with respect to true bearing is established.

(8) The mine survey plan must show the following —

(a) sufficient details of the workings and other features so that risk due to lack of information, so far as is reasonably practicable, is minimised;

(b) all features, including boreholes, that are necessary to identify any hazard or are necessary to deal with an emergency;

(c) a certification —

(i) by the authorised mine surveyor who prepared the plan, or supervised the preparation of the plan, that the plan is correct; and

(ii) that is in, and includes information required by, an approved form.

(9) The mine operator of a mine must take all reasonable steps to obtain historical mine surveys of the mine to ensure the accuracy of the mine survey plan.

[Regulation 675TA amended: SL 2023/134 r. 16.]

675U. Mine survey plans to be available

(1) The mine operator of a mine must —

(a) keep the current mine survey plan and all previous versions of the plan available for inspection under these regulations; and

(b) as and when requested by an inspector, provide the inspector with a copy of the current mine survey plan or a previous version of the plan.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The mine operator of a mine must make the current mine survey plan available on request to workers at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675UA. Fatal accident site survey plan

(1) This regulation applies if a coroner as defined in the *Coroners Act 1996* section 3 or an inspector requires a mine survey plan or a location plan to be prepared of the site of any fatal accident at a mine.

(2) The mine operator must ensure that the mine survey plan or location plan is —

(a) in accordance with the requirement of the coroner or inspector; and

(b) prepared —

(i) if underground operations are carried out at the site — by or under the supervision of an authorised mine surveyor (underground); or

(ii) if the site is where quarry operations are carried out — by or under the supervision of an authorised mine surveyor (quarry operation); or

(iii) in any other case — by or under the supervision of an authorised mine surveyor (quarry operation) or a licensed surveyor.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675UB. Duty to provide mine survey plan when mine closed or suspended

(1) In this regulation —

relevant person, in relation to a mine, means —

(a) if a receiver, receiver and manager, or administrator appointed under the *Corporations Act 2001* (Commonwealth) has been appointed in relation to the mine operator or mine — the receiver, receiver and manager, or administrator; or

(b) otherwise — the mine operator of the mine.

(2) This regulation applies to a mine if —

(a) mining operations other than exploration operations are carried out at the mine; and

(b) either of the following events will occur —

(i) the operations carried out at the mine will be suspended;

(ii) the mine will close.

(3) Before the event occurs at the mine, the relevant person in relation to the mine must ensure that an accurate mine survey plan of where the operations are carried out at the time of the event is —

(a) prepared in accordance with any requirements imposed by the regulator; and

(b) provided to the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 10.6 — Provision of information to regulator

675UC. Information about commencement of non-exploration mining operations

(1) This regulation does not apply to a mine where only exploration operations will be carried out.

(2) No later than 45 days before the day on which mining operations commence at the mine, the person who is the prospective mine operator of the mine must give the regulator a notice (a ***mining commencement notice***) about the commencement of the mining operations that —

(a) is in, and includes information required by, an approved form; and

(b) is given in the manner approved by the regulator; and

(c) includes the following matters —

(i) that mining operations will commence at the mine;

(ii) a description of the mining operations;

(iii) any information or document relating to the mining operations that the regulator requires in an approved form and in a manner approved by the regulator.

(3) If a person gives a mining commencement notice to the regulator under subregulation (2), the regulator must give the person a notice acknowledging receipt of the notice.

(4) The person who becomes the mine operator of a mine when mining operations commence at the mine commits an offence if the mining operations commence without the person having complied with subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(5) A person does not commit an offence under subregulation (4) if —

(a) the person gives a mining commencement notice before the mining operations commence at the mine; and

(b) the regulator is satisfied that —

(i) the mine is, or will be when the mining operations commence, a very small mine; and

(ii) it is reasonable in the circumstances for the person to give the mining commencement notice after the due date specified in subregulation (2).

(6) If the regulator makes a decision under subregulation (5)(b), the regulator must give the person a written notice —

(a) acknowledging receipt of the mining commencement notice; and

(b) stating the regulator's decision under subregulation (5)(b) and the effect of the decision.

675UD. Information about commencement of additional mining operations

(1) In this regulation —

additional mining operation means a mining operation at a mine that —

(a) is not an exploration operation; and

(b) does not fall within a description provided to the regulator in respect of the mine under subregulation (2)(c)(ii) or regulation 675UC(2)(c)(ii); and

(c) either —

(i) is significantly different to the mining operations currently carried out at the mine; or

(ii) will result in a significant expansion of the mining operations at the mine when compared to the mining operations currently carried out at the mine;

and

(d) introduces new or increased risks to health and safety associated with the mining operations at the mine.

(2) No later than 30 days before the day on which an additional mining operation commences at a mine, the mine operator of the mine must give the regulator a notice (an ***additional operations notice***) about the additional mining operation that —

(a) is in, and includes information required by, an approved form; and

(b) is given in the manner approved by the regulator; and

(c) includes the following matters —

(i) that the additional mining operation will commence at the mine;

(ii) a description of the additional mining operation;

(iii) any information or document relating to the additional mining operation that the regulator requires in an approved form and in a manner approved by the regulator.

(3) If a mine operator gives an additional operations notice to the regulator under subregulation (2), the regulator must give the person a notice acknowledging receipt of the notice.

(4) The mine operator of a mine commits an offence if an additional mining operation commences at the mine without the mine operator having complied with subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(5) A mine operator does not commit an offence under subregulation (4) if —

(a) the mine operator gives an additional operations notice before the additional mining operation commences at the mine; and

(b) the regulator is satisfied that —

(i) the additional mining operation is not significant; and

(ii) it is reasonable in the circumstances for the mine operator to give the additional operations notice after the due date specified in subregulation (2).

(6) If the regulator makes a decision under subregulation (5)(b), the regulator must give the person a written notice —

(a) acknowledging receipt of the additional operations notice; and

(b) stating the regulator's decision under subregulation (5)(b) and the effect of the decision.

675UE. Request for further information about commencement of mining operations

(1) This regulation applies if a person gives the regulator 1 of the following notices (each a ***mining operation notice***) —

(a) a mining commencement notice under regulation 675UC(2);

(b) an additional operations notice under regulation 675UD(2).

(2) The regulator may give the person a written notice, in an approved form and in a manner approved by the regulator —

(a) requiring the person to —

(i) clarify the contents of the mining operation notice; or

(ii) give supplementary information or documents in relation to the mining operation the subject of the mining operation notice;

and

(b) requiring the person to give the clarification, supplementary information or documents to the regulator —

(i) if practicable, before the mining operation the subject of the mining operation notice commences; or

(ii) otherwise — as soon as practicable after the mining operation the subject of the mining operation notice commences;

and

(c) stating that the person commits an offence if they fail to comply with the notice.

(3) A person who receives a written notice under subregulation (2) must comply with the notice.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) Any clarification, supplementary information or document that is required to be given to the regulator under this regulation must be given in, and include information required by, an approved form and in a manner approved by the regulator.

675UF. Information about suspension and lifting of suspension

(1) In this regulation —

lifted, in relation to a suspension at a mine, or a part of a mine —

(a) means that —

(i) mining operations are recommenced at the mine or part; or

(ii) persons are again allowed to enter the mine or part;

but

(b) does not include the recommencing of mining operations or the entry of persons onto the mine during an emergency.

(2) Before a suspension occurs at a mine, or a part of a mine, the mine operator of the mine must give the regulator notice of the suspension, including the following —

(a) a description of what the suspension entails;

(b) any information or document relating to the suspension that the regulator requires.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) If a suspension is lifted at a mine, or a part of a mine, no later than 10 days before the day on which the suspension is lifted, the mine operator of the mine must give the regulator notice of the lifting of the suspension, including the following —

(a) a description of what the lifting of the suspension entails;

(b) any information or document relating to the lifting of the suspension that the regulator requires.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) If a mine operator gives notice to the regulator under subregulation (2) or (3), the regulator may require the mine operator to provide the regulator with any clarification of the contents of the notice, or with any supplementary information or document, that the regulator requires.

(5) If the regulator requires a mine operator to provide clarification, supplementary information or a document under subregulation (4), the person must provide the clarification, information or document —

(a) before the suspension occurs or is lifted; or

(b) if that is not practicable — as soon as practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(6) Any notice, clarification, information or document that is required to be given or provided to the regulator under this regulation must be given or provided in, and include information required by, an approved form and in a manner approved by the regulator.

675UG. Duty of mine operator to ensure mine is safe and secure during suspension

(1) In this regulation —

warning notice, for a mine, or a part of a mine, means a notice stating that —

(a) mining operations at the mine or part are suspended; and

(b) unauthorised entry is prohibited to the mine or part unless there is an emergency requiring entry to the mine or part.

(2) During the period when a suspension occurs at a mine, or a part of a mine, the mine operator of the mine must ensure that —

(a) the mine or part is safe and secure; and

(b) sufficient warning notices are placed at —

(i) entrances to the mine or part; and

(ii) other places necessary to ensure that the information is given to persons who may enter the mine or part.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

675UH. Information about care and maintenance

(1) For the purposes of this regulation, a mine, or a part of a mine, is put on ***care and maintenance*** if no person is allowed to enter the mine or part except for the care, security and maintenance of —

(a) the mine or part; or

(b) plant at the mine or part.

(2) This regulation does not apply to a mine where only exploration operations are carried out.

(3) Before a mine, or a part of a mine, is put on care and maintenance, the mine operator of the mine must give the regulator a notice (a ***care and maintenance notice***), in the approved form and in the manner approved by the regulator, that the mine or part will be put on care and maintenance, including the following —

(a) a description of what the putting of the mine or part on care and maintenance entails;

(b) any information or document relating to the putting of the mine or part on care and maintenance that the regulator requires.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) If a mine operator gives a care and maintenance notice to the regulator, the regulator may give the person a written notice —

(a) requiring the person to —

(i) clarify the contents of the care and maintenance notice; or

(ii) give supplementary information or documents in relation to the care and maintenance notice;

and

(b) requiring the person to give the clarification, supplementary information or documents to the regulator —

(i) if practicable, before the mine or part is put on care and maintenance; or

(ii) otherwise — as soon as practicable after the mine or part is put on care and maintenance;

and

(c) stating that the person commits an offence if they fail to comply with the notice.

(5) A person who receives a written notice under subregulation (4) must comply with the notice.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(6) Any clarification, information or document that is required to be given to the regulator under this regulation must be given in, and include information required by, an approved form and in a manner approved by the regulator.

675UI. Information about closure of mine

(1) In this regulation —

relevant person, in relation to a mine, means —

(a) if a receiver, receiver and manager, or administrator appointed under the *Corporations Act 2001* (Commonwealth) has been appointed in relation to the mine operator or mine — the receiver, receiver and manager, or administrator; or

(b) otherwise — the mine operator of the mine.

(2) This regulation does not apply to a mine where only exploration operations are carried out.

(3) If the mine, or a part of the mine, will close, the relevant person in relation to the mine must ensure that the mine or part is not closed unless —

(a) measures are taken to ensure that, so far as is reasonably practicable, the mine or part is made safe and secure on a permanent basis; and

(b) after the measures required under paragraph (a) are taken, the relevant person gives the regulator a written notice stating —

(i) a description of the closure; and

(ii) a description of the measures taken under paragraph (a); and

(iii) any information or document relating to the closure that the regulator requires;

and

(c) the regulator has given the relevant person a notice under subregulation (6) authorising the closure.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(4) If the relevant person in relation to the mine gives notice to the regulator under subregulation (3)(b), the regulator may give the relevant person a written notice requiring the person to, within the reasonable time stated in the notice —

(a) provide the regulator with any clarification of the contents of the notice, or with any supplementary information or document, that the regulator requires; or

(b) take further measures that the regulator is satisfied are necessary to ensure that, so far as is reasonably practicable, the mine or part is made safe and secure on a permanent basis.

(5) If the regulator gives the relevant person in relation to a mine a notice under subregulation (4), the relevant person must comply with the notice.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) If the regulator is satisfied that, so far as is reasonably practicable, the mine or part has been made safe and secure on a permanent basis, the regulator must give the relevant person in

relation to the mine a notice authorising the closure of the mine or part.

Note for this subregulation:

A decision not to give a notice under this subregulation is a reviewable decision (see regulation 676).

(7) Any notice, information or document that is required to be given or provided to the regulator under this regulation must be given or provided using, and including information required by, an approved form and in a manner approved by the regulator.

675UJ. Information about commencement of exploration operations

(1) This regulation applies to a mine where exploration operations will be carried out.

(2) Before exploration operations commence at a mine, the person who is the prospective mine operator of the mine must give the regulator notice of the commencement of the exploration operations, including the following —

(a) a description of the exploration operations;

(b) any information or document relating to the exploration operations that the regulator requires.

(3) The person who becomes the mine operator of a mine commits an offence if exploration operations commence at the mine without the person having complied with subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) If a person gives notice to the regulator under subregulation (2), the regulator may require the person to provide the regulator with any clarification of the contents of the notice, or with any supplementary information or document.

(5) A person who is required to provide the regulator with a clarification of the contents of the notice, or with any

supplementary information or document, under subregulation (4) must comply with the requirement as soon as practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(6) Any notice, clarification, information or document that is required to be given or provided to the regulator under this regulation must be given or provided using, and including information required by, an approved form and in a manner approved by the regulator.

675UK. Information about high risk mining activities

(1) In this regulation —

waiting period, in relation to a high risk mining activity, means —

(a) the waiting period specified in Schedule 23 column 3 in relation to the activity; or

(b) if that period is waived or reduced under subregulation (6) — the waived or reduced period; or

(c) if that period is extended under subregulation (7)(b) — the extended period.

(2) The mine operator of a mine must ensure that a high risk mining activity at a mine specified in Schedule 23 column 2 is not carried out at or in relation to the mine unless —

(a) the mine operator has given the regulator a written notice under subregulation (4) that is acknowledged under regulation 675UL(1); and

(b) the waiting period in relation to the activity has elapsed; and

(c) the activity is carried out in the manner specified in the notice (or in the notice as amended under subregulation (7)).

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(3) Subregulation (2) does not apply if the information required under subregulation (4) is given in —

(a) a mining commencement notice for the mining operation given to the regulator under regulation 675UC; or

(b) an additional operations notice for an additional mining operation given to the regulator under regulation 675UD.

(4) The mine operator of a mine where a high risk mining activity is proposed to be carried out must give the regulator a notice that —

(a) is in the approved form and in a manner approved by the regulator; and

(b) includes the following —

(i) the nature of the proposed high risk mining activity, including particulars of how the activity is to be carried out;

(ii) the proposed commencement date for the activity;

(iii) the location of the activity;

(iv) any information or documents specified in Schedule 23 column 4 in relation to the activity;

(v) the hazards identified as having the potential to arise from the activity;

(vi) an assessment of the risks associated with the activity;

(vii) the relevant parts of the mine safety management system for the mine that describe the systems, procedures, plans and other control measures that will be used to control risks to health and safety associated with the carrying out of the activity.

(5) The mine operator of a mine must ensure that a copy of any notice given to the regulator under this regulation is also given, as soon as is reasonably practicable, to any health and safety representative for workers at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(6) The regulator may waive or reduce the waiting period specified in Schedule 23 column 3 in relation to a particular high risk mining activity, whether on request by the mine operator or on the regulator's own initiative.

(7) If the mine operator amends a notice given under subregulation (4) —

(a) the waiting period does not start again; but

(b) the regulator may extend the waiting period by a reasonable time to allow the regulator to consider the amended notice.

675UL. Acknowledging notice about high risk mining activities

(1) The regulator must acknowledge a notice given under regulation 675UK(4) unless the regulator considers that the notice is incomplete.

(2) If the regulator acknowledges the notice under subregulation (1), the regulator must give the mine operator a written notice acknowledging the notice.

(3) If the regulator does not acknowledge the notice under subregulation (1), the regulator must give the mine operator a written notice stating that the notice —

(a) is incomplete; and

(b) must be completed and resubmitted before the proposed high risk mining activity can be carried out.

(4) The regulator is taken to have acknowledged a notice given under regulation 675UK(4) if the waiting period as defined in regulation 675UK(1) for the proposed high risk mining activity has elapsed and the regulator has not given the mine operator a notice under subregulation (3).

675V. Duty to notify regulator of reportable incidents

(1) The mine operator of a mine must take all reasonable steps to ensure that the regulator is notified in accordance with this regulation as soon as possible after becoming aware of a reportable incident arising out of the carrying out of mining operations at the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The notification must —

(a) be in writing; and

(b) be in the approved form; and

(c) if the incident results in an illness or injury — contain the information specified in Schedule 24.

Note for this regulation:

See Part 3 of the Act in relation to notifiable incidents. This regulation is in addition to the provisions of that Part.

675W. Quarterly reports

(1) The mine operator of a mine must give the regulator a work health and safety report each quarter in accordance with this regulation.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The report must —

(a) be given as soon as practicable after the end of the quarter to which the report relates, but no later than 15 days after the end of the quarter; and

(b) be given in the approved form and in the manner required by the regulator; and

(c) contain the information specified in Schedule 25.

675X. Duty to notify mine operator of incidents

(1) A person conducting a business or undertaking at a mine who is not the mine operator of the mine must ensure that the mine operator is notified as soon as practicable of any notifiable incident that has been notified to the regulator under section 38 of the Act.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this subregulation:

Section 38 of the Act requires a person conducting a business or undertaking to ensure that the regulator is notified about notifiable incidents.

(2) A person conducting a business or undertaking at a mine who is not the mine operator of the mine must ensure that the mine

operator is notified as soon as practicable after any reportable incident occurs.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Part 10.7 — Mine record

675Y. Mine record

(1) The mine operator of a mine must keep a mine record for the mine in accordance with this regulation.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) The mine record for the mine must contain the following records —

(a) an inspection record given to the mine operator under regulation 675ZA;

(b) a record of a notice issued in relation to the mine under Part 10 of the Act;

(c) a record of a provisional improvement notice issued in relation to the mine under Part 5 Division 7 of the Act;

(d) correspondence relating to an inspection by an inspector or a notice referred to in paragraph (b) or (c), including correspondence about actions taken as a result of the inspection or notice by the person conducting a business or undertaking or the mine operator;

(e) a record of every notifiable incident or reportable incident notified to the regulator;

(f) a summary of all records kept under regulations 619 and 620;

(g) the records referred to in regulation 675ZW.

(3) However, the mine record must not contain a worker's health records.

(4) A person must not —

(a) knowingly alter, destroy or deface a record contained in a mine record in order to make the record false or misleading in a material particular; or

(b) enter information in a record contained in a mine record that the person knows to be false or misleading in a material particular.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this subregulation:

See section 268 of the Act for offences relating to the giving of false or misleading information under the Act.

675Z. Mine record must be kept and available

(1) The mine operator of a mine must keep a record that forms part of the mine record for the mine under regulation 675Y for —

(a) if mining operations other than exploration operations at the mine are suspended or the mine is closed during the period of 7 years from the date the record was made — 7 years from the day on which the operations are suspended or the mine is closed; or

(b) otherwise — 7 years from the date the record was made.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(2) If the mine operator of a mine changes, the former mine operator of the mine must give the new mine operator the

records that form part of the mine record kept under subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) If a receiver, receiver and manager, or administrator appointed under the *Corporations Act 2001* (Commonwealth) has been appointed in relation to the mine operator or mine, the receiver, receiver and manager, or administrator must take steps to ensure that the mine record is kept under subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) The mine operator of a mine must ensure that the mine record for the mine is kept or is available for inspection under the Act —

(a) if the regulator authorises the mine record to be kept at a particular place — at that place; or

(b) at —

(i) for a mine where only exploration operations are carried out — an office within the State; or

(ii) otherwise — the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(5) The mine operator of a mine must ensure that the mine record for the mine is available, on request, to any of the following persons —

(a) an inspector;

(b) a person approved by the regulator to inspect the mine record;

(c) a member of the health and safety committee for the mine;

(d) a health and safety representative for workers at the mine;

(e) the regulator in the manner decided by the regulator.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(6) For the purposes of subregulation (5) —

(a) in relation to the part of the mine record that is a record referred to in regulation 675Y(2)(e), the mine operator may comply with that subregulation in relation to that record by making a summary of the record available; and

(b) the manner decided by the regulator may include an electronic database or system.

(7) Subregulation (5) does not require or permit the mine operator to provide personal or medical information in relation to a worker without the worker's written consent unless the information is in a form that —

(a) does not identify the worker; and

(b) could not reasonably be expected to lead to the identification of the worker.

675ZA. Mine record to contain inspection records

(1) If an inspector inspects a mine, or a part of a mine, the inspector must give the mine operator of the mine a record (an ***inspection record***) stating —

(a) the parts of the mine inspected by the inspector; and

(b) the nature of inspection; and

(c) any defects in the state or condition of the parts of the mine that the inspector observed during the inspection; and

(d) if the inspector issues a notice in relation to the mine under Part 10 of the Act because of the inspection — details of the notice.

(2) The mine operator of a mine who receives an inspection record in relation to the mine must ensure that the mine record for the mine under regulation 675Y contains the inspection record.

Penalty for this subregulation:

(a) for an individual, a fine of $1 450;

(b) for a body corporate, a fine of $7 000.

Part 10.7A — Positions in relation to mines

Division 1 — Duties to have persons carry out functions of statutory positions

675ZB. Duties of mine operators in relation to statutory positions at mines

(1) The mine operator of a mine must ensure that a person does not carry out the functions of a statutory position unless —

(a) the person —

(i) if the person is the alternate for the site senior executive — meets the eligibility requirements set out in regulation 675ZR(1); or

(ii) otherwise — is an appropriate person for the position;

and

(b) the person —

(i) if the position is a key statutory position — is an alternate for the key statutory position and the

person appointed to the position is not carrying out the functions of the position; or

(ii) otherwise — has been appointed to the position.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) Subregulation (1) does not apply if —

(a) the person who has been appointed to the position or is an alternate for a key statutory position —

(i) is not an appropriate person for the position; and

(ii) gives the mine operator or site senior executive of a mine or the regulator information or a document that contains false or misleading information that purports to show that the person is an appropriate person for the statutory position or to be an alternate for a key statutory position;

and

(b) the mine operator complies with regulation 675ZX.

(3) If a key statutory position is required to be appointed at a mine and has been vacant at the mine for 7 days, the mine operator of the mine must ensure that mining operations at the mine are not carried out until an appropriate person for the position has been appointed to the position.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

675ZC. Sufficient persons must be appointed for statutory positions

(1) The mine operator of a mine must ensure that sufficient appropriate persons for the key statutory positions are appointed as alternates for the positions for the mine so that a person appointed to the key statutory position, or an alternate, is

capable of, and available to, carry out the functions of the position when required.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) The mine operator of a mine must ensure that sufficient appropriate persons for the statutory positions are appointed to positions for the mine, other than key statutory positions, so that a person appointed to a statutory position is capable of, and available to, carry out the functions of the position when required.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Division 2 — Mine operator

675ZD. Information about mine operator

(1) Before mining operations commence at a mine, the person who is the prospective mine operator of the mine must give the regulator notice that the person is to be the mine operator of the mine, including the following —

(a) the person's name and address;

(b) if the mine operator is a partnership, syndicate or other association of persons — the name and address of each person who is a partner of the partnership or a member of the syndicate or association;

(c) any other information or document relating to the person that the regulator requires.

(2) The person who becomes the mine operator of a mine when mining operations commence at the mine commits an offence if

the mining operations commence without the person having complied with subregulation (1).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(3) If there is a change in the person who is the mine operator of a mine, the person who is the new mine operator must, no later than 7 days after the date of the change, give the regulator notice of the change, including the following —

(a) the person's name and address;

(b) the date of the change;

(c) if the person is a partnership, syndicate or other association of persons — the name and address of each person who is a partner of the partnership or a member of the syndicate or association;

(d) any other information or document relating to the person that the regulator requires.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) If a person gives notice to the regulator under subregulation (1) or (3), the regulator may require the person to provide the regulator with any clarification of the contents of the notice, or with any other supplementary information or document.

(5) A person who is required to provide the regulator with a clarification of the contents of the notice, or with any other supplementary information or document, under subregulation (4) must comply with the requirement as soon as practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(6) If there is a change in any information or document provided by a person under subregulation (1), (3) or (5), the person must provide the regulator with the updated information or document no later than 7 days after the date of the change.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(7) Subregulation (6) does not apply if the person ceases to be the mine operator of the mine.

(8) Any notice, information or document that is required to be given or provided to the regulator under this regulation must be given or provided using, and include information required by, an approved form and in a manner approved by the regulator.

675ZE. Duties of mine operator

(1) The mine operator of a mine must make the necessary financial and other provisions to ensure, so far as is practicable, that the mine is planned, designed, constructed, managed and operated in accordance with the Act.

(2) The mine operator of a mine must ensure, so far as is reasonably practicable, that there is minimum risk to the health and safety of persons from the mine and anything arising from the mine.

(3) The duties imposed under subregulations (1) and (2) are not limited by other provisions of these regulations that impose duties on another person in relation to the operation of a mine.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

675ZF. Duties of mine operator of exploration mine without workers

(1) This regulation applies if —

(a) only exploration operations are carried out at a mine; and

(b) the mine operator of the mine is a partnership, syndicate or other association of persons; and

(c) no worker is employed at the mine, and

(d) no site senior executive or exploration manager is appointed for the mine.

(2) Each person who is a partner of the partnership or member of the syndicate or other association is jointly and severally liable for carrying out the functions under these regulations of an exploration manager at the mine.

675ZG. Duties of mine operator of mine where non-exploration operations are carried out without workers

(1) This regulation applies if —

(a) mining operations other than exploration operations are carried out at a mine; and

(b) the mine operator of the mine is a partnership, syndicate or other association of persons; and

(c) no worker is employed at the mine, and

(d) no site senior executive is appointed for the mine.

(2) Each person who is a partner of the partnership or member of the syndicate or other association is jointly and severally liable for carrying out the functions of a site senior executive at the mine.

Division 3 — Site senior executive

675ZH. Mine to have site senior executive

(1) If mining operations other than exploration operations will be carried out at a mine, the prospective mine operator of the mine must, before the operations commence, appoint a person to be the site senior executive of the mine under regulation 675ZI.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) However, subregulation (1) does not apply if —

(a) the prospective mine operator is a partnership, syndicate or other association of persons; and

(b) no worker is employed at the mine.

Note for this subregulation:

See regulation 675ZG.

(3) If only exploration operations will be carried out at a mine, the regulator may require, given the nature of the operations, that the mine operator or prospective mine operator of the mine must appoint a person to be the site senior executive of the mine before the operations commence.

(4) If the regulator requires the appointment of a site senior executive for a mine under subregulation (3), the regulator must give the mine operator for the mine a written notice stating —

(a) that the mine operator must appoint a site senior executive for the mine; and

(b) that failure to appoint a person is an offence under subregulation (5).

(5) If the regulator requires the appointment under subregulation (3) of a site senior executive for a mine, the mine operator or prospective mine operator of the mine must, before the

operations commence, appoint a person to be the site senior executive of the mine under regulation 675ZI.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Notes for this regulation:

1. See regulation 675ZK(2) in relation to a requirement to give the regulator notice about the site senior executive.
2. See regulations 675ZB(3) and 675ZI(4) in relation to requirements about appointment of a site senior executive after mining operations commence at a mine.

675ZI. Appointment of site senior executive

(1) A person is eligible to be appointed as the site senior executive of a mine if the person —

(a) is the most senior executive located at or near the mine; and

(b) is able to carry out the functions of the site senior executive under regulation 675ZJ in relation to the mine; and

(c) passes an applicable legislation examination for site senior executives; and

(d) successfully completes an approved WHS risk management unit for site senior executives; and

(e) works at a mine for at least 2 years.

(2) The appointment of a person as the site senior executive of a mine must be in the approved form and in the manner approved by the regulator.

(3) If a person appointed as the site senior executive of a mine ceases to meet the requirements of subregulation (1), the person ceases to be the site senior executive of the mine.

(4) If a person ceases to be the site senior executive of a mine, the mine operator of the mine must appoint a person who meets the

requirements of subregulation (1) as the site senior executive of the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

See regulation 675ZB(3) in relation to the failure to appoint a person to a key statutory position after 7 days.

675ZJ. Functions of site senior executive

A site senior executive of a mine has the following functions —

(a) providing control and management of the mine and mining operations at the mine under the Act;

(b) managing and dealing with emergencies at the mine;

(c) if statutory supervisors are not required to be appointed under Schedule 26 clause 3(1) for places at the mine listed in Schedule 26 clause 3(1)(a) to (e) — carrying out the functions of a statutory supervisor as set out in Schedule 26 clause 3(3) for those places;

(d) if quarry operations are carried out at the mine and a quarry manager is not required to be appointed for the mine under Schedule 26 clause 14(1) — carrying out the functions of a quarry manager as set out in Schedule 26 clause 14(2);

(e) carrying out another function conferred on the site senior executive by a written law.

675ZK. Information about site senior executive

(1) This regulation applies to a mine where a site senior executive must be appointed.

Note for this subregulation:

See regulation 675ZH in relation to when an offence is committed if a site senior executive is not appointed at a mine.

(2) Before mining operations commence at the mine, the person who is the prospective mine operator of the mine must give the regulator notice of the appointment of a person to be the site senior executive of the mine, including any other information or document relating to the appointed person that the regulator requires.

(3) The person who becomes the mine operator of a mine when mining operations commence at the mine commits an offence if the mining operations commence without the person having complied with subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) If there is a change in the person who is the site senior executive of a mine, the mine operator of the mine must, no later than 7 days after the date of the change, give the regulator notice of the change, including any other information or document relating to the new site senior executive that the regulator requires.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(5) If a person gives notice to the regulator under subregulation (2) or (4), the regulator may require the person to provide the regulator with any clarification of the contents of the notice, or with any supplementary information or document.

(6) A person who is required to provide the regulator with a clarification of the contents of the notice, or with any supplementary information or document, under

subregulation (5) must comply with the requirement as soon as practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(7) If there is a change in any information or document provided to the regulator under subregulation (2), (4) or (6), the mine operator of the mine must provide the regulator with the updated information or document no later than 7 days after the date of the change.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(8) Any notice, clarification, information or document that is required to be given or provided to the regulator under this regulation must be given or provided using, and include information required by, an approved form and in a manner approved by the regulator.

Division 4 — Exploration manager

675ZL. Exploration mine to have exploration manager

(1) If a site senior executive is not appointed for a mine where only exploration operations are carried out, the mine operator or prospective mine operator must, before the operations commence, appoint a person to be the exploration manager of the mine under regulation 675ZM.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(2) However, subregulation (1) does not apply if —

(a) the mine operator or prospective mine operator is a partnership, syndicate or other association of persons; and

(b) no worker is employed at the mine.

Note for this subregulation:

See regulation 675ZF.

675ZM. Appointment of exploration manager

(1) A person is eligible to be appointed as the exploration manager of a mine if the person —

(a) passes an applicable legislation examination for exploration managers; and

(b) successfully completes an approved WHS risk management unit; and

(c) works at a mine or in mining exploration for at least 2 years.

(2) The appointment of a person as the exploration manager of a mine must be in the approved form and in the manner approved by the regulator.

(3) If a person ceases to be the exploration manager of a mine, the mine operator of the mine must appoint a person who meets the requirements of subregulation (1) as the exploration manager of the mine.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Note for this subregulation:

See regulation 675ZB(3) in relation to the failure to appoint a person to a key statutory position after 7 days.

675ZN. Functions of exploration manager

The exploration manager of a mine has the following functions —

(a) providing control and management of the exploration operations for the mine under the Act;

(b) carrying out any functions conferred on an exploration manager of a mine under a written law.

675ZO. Information about exploration manager

(1) This regulation applies to a mine where an exploration manager must be appointed.

Note for this subregulation:

See regulation 675ZL in relation to when an offence is committed if an exploration manager is not appointed at a mine.

(2) Before exploration operations commence at the mine, the mine operator or prospective mine operator of the mine must give the regulator notice of the appointment of a person to be the exploration manager of the mine, including any other information or document relating to the appointed person that the regulator requires.

(3) The person who is or becomes the mine operator of a mine commits an offence if exploration operations commence at the mine without the person having complied with subregulation (2).

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(4) If there is a change in the person who is the exploration manager of the mine, the mine operator must, no later than 7 days after the date of the change, give the regulator notice of the change, including any other information or document

relating to the new exploration manager that the regulator requires.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(5) If a person gives notice to the regulator under subregulation (2) or (4), the regulator may require the person to provide the regulator with any clarification of the contents of the notice, or with any supplementary information or document.

(6) A person who is required to provide the regulator with a clarification of the contents of the notice, or with any supplementary information or document, under subregulation (5) must comply with the requirement as soon as practicable.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(7) If there is a change in any information or document provided to the regulator under subregulation (2), (4) or (6), the mine operator of the mine must provide the regulator with the updated information or document no later than 7 days after the date of the change.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

(8) Any notice, clarification, information or document that is required to be given or provided to the regulator under this regulation must be given or provided using, and include information required by, an approved form and in a manner approved by the regulator.

Division 5 — Schedule 26 positions

675ZP. Schedule 26 positions, functions and eligibility requirements

Schedule 26 sets out —

(a) the positions (the ***Schedule 26 positions***) and the mines for which a person must be appointed to those positions; and

(b) the functions a person appointed to a Schedule 26 position must carry out; and

(c) the eligibility requirements for the Schedule 26 positions.

Note for this regulation:

For the purposes of paragraph (b) see regulation 675ZY.

675ZQ. Appointment of persons to Schedule 26 positions

(1) The mine operator of a mine —

(a) must appoint 1 appropriate person for each Schedule 26 position required to be appointed for the mine under Schedule 26; or

(b) must —

(i) authorise the site senior executive of the mine to appoint 1 appropriate person for each Schedule 26 position required to be appointed for the mine under Schedule 26; and

(ii) ensure that 1 appropriate person is appointed to each Schedule 26 position required to be appointed for the mine.

(2) The mine operator of a mine may appoint, or authorise the site senior executive of the mine to appoint, more than 1 appropriate

person to the same Schedule 26 position for the mine if the position is not a key statutory position.

Notes for this subregulation:

1. The mine operator of a mine must ensure that no more than 1 person is appointed to key statutory positions for a mine under regulation 675ZU. Alternates for key statutory positions may be appointed under regulation 675ZR.
2. See regulation 675ZC in relation to the mine operator's obligations to ensure sufficient persons are available and able to carry out the statutory positions.

(3) If a person appointed to a Schedule 26 position for a mine ceases to be an appropriate person for the position, the person ceases to be appointed to the position for the mine.

(4) If a person ceases to be appointed to a Schedule 26 position for a mine, the mine operator of the mine must appoint, or authorise the site senior executive of the mine to appoint, an appropriate person to the position for the mine under subregulation (1).

Division 6 — General provisions about statutory positions

675ZR. Appointment of alternates for key statutory positions

(1) The mine operator of a mine may appoint a person to be an alternate for the site senior executive of the mine if the person is —

(a) a senior executive located at or near the mine; and

(b) otherwise eligible for appointment as the site senior executive of the mine under regulation 675ZI(1)(b) to (e).

(2) The mine operator of a mine may appoint a person to be an alternate for a key statutory position for the mine, other than a site senior executive, if the person is an appropriate person for the position.

(3) If a person who has been appointed to a key statutory position for a mine is unable to carry out the functions of the position, an

alternate for the position at the mine may temporarily carry out the functions of the position in the person's place.

(4) While an alternate is carrying out the functions of the key statutory position under subregulation (3), these regulations apply to the alternate as if the alternate were appointed to the position.

675ZS. Eligibility of persons in key statutory positions to be appointed to particular positions at other mines

(1) A person who is appointed to a key statutory position for a mine does not meet the eligibility requirements to be appointed to a statutory position or as an alternate for a key statutory position for another mine unless —

(a) the person ceases to be appointed to the key statutory position for the 1st mine; or

(b) the regulator approves the person's appointment to the statutory position, or as an alternate for a key statutory position, for the other mine under subregulation (2).

(2) The regulator may approve a person who is appointed to a key statutory position for a mine to be appointed to a statutory position for another mine if the regulator considers that it is appropriate for the person to be appointed to the statutory position for the other mine.

675ZT. Exemption from requirement to make certain appointments for mine engaged in exploration operations only

(1) This regulation applies to a mine where only exploration operations are carried out.

(2) The regulator may, by written notice, exempt the mine operator of the mine from the requirement under regulation 675ZQ(1) to appoint a person to a Schedule 26 position for the mine.

(3) Without limiting the matters that the regulator may take into account when considering whether to exempt under

subregulation (2), the regulator may take into account the size and nature of the exploration operations at the mine.

675ZU. Only 1 person appointed to key statutory positions for a mine

The mine operator of a mine must ensure that no more than 1 person is appointed to each key statutory position for the mine at the same time.

Note for this subregulation:

The mine operator of a mine may appoint alternates for key statutory positions under regulation 675ZR.

675ZV. Accepting appointments under Part

(1) A person who is appointed to a statutory position for a mine or as an alternate for a key statutory position for a mine must, before taking up the position, accept the appointment to the position in writing.

(2) However, a person must not accept the appointment to a statutory position for a mine, or as an alternate for a key statutory position for a mine, if the person is not an appropriate person for the position.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

675ZW. Recording appointment of persons to statutory positions

The mine operator of a mine must ensure that the mine record for the mine under regulation 675Y contains —

(a) details of persons who are appointed to statutory positions for the mine or as alternates for key statutory positions for the mine; and

(b) each person's acceptance of the appointment under regulation 675ZV(1).

Notes for this regulation:

1. The details and responsibilities of persons appointed to a statutory position must form part of the mine safety management system for a mine under regulation 622(1)(e)(iv).
2. See regulation 675Y in relation to the obligations to keep mine records.

675ZX. Giving false or misleading information or document about eligibility for statutory position

(1) This regulation applies if a person —

(a) is appointed to a statutory position, or as an alternate for a key statutory position, for a mine; and

(b) is not an appropriate person for the statutory position or to be an alternate for the key statutory position; and

(c) gives the mine operator or site senior executive of the mine or the regulator information or a document that contains false or misleading information that purports to show that the person is an appropriate person for the statutory position or to be an alternate for the key statutory position.

(2) The mine operator or site senior executive must, as soon as possible after becoming aware of the false or misleading information, revoke the person's appointment to the statutory position or as an alternate for the key statutory position.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

Note for this subregulation:

See section 268 of the Act for offences relating to the giving of false or misleading information under the Act.

675ZY. Statutory position-holder to carry out functions

A person appointed to a statutory position for a mine must —

(a) carry out the functions of the position; or

(b) if the person is unable to carry out the functions — inform the mine operator or the site senior executive of the mine that the person is unable to carry out the functions and why the person is unable to carry out the functions.

Penalty:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 10.7B — Statutory certificates

675ZZ. Meaning of applicant

In this Part —

applicant means a person who applies for a statutory certificate under regulation 675ZZB(1).

675ZZA. Schedule 27 sets out statutory certificates

Schedule 27 sets out —

(a) the certificates (the ***statutory certificates***) that may be granted to a person; and

(b) the eligibility requirements for the statutory certificates.

675ZZB. Applications for statutory certificates

(1) A person may apply to the regulator for a statutory certificate.

(2) The application must —

(a) be in the approved form; and

(b) be made in a manner approved by the regulator; and

(c) include, or be accompanied by, information outlining whether the applicant meets the eligibility requirements for the certificate.

675ZZC. Grant of statutory certificate

(1) The regulator may grant a statutory certificate to an applicant if the regulator is satisfied on reasonable grounds that the applicant meets the eligibility requirements for the certificate.

Note for this subregulation:

Refusing to grant a statutory certificate to a person is a reviewable decision (see regulation 676).

(2) The regulator must not grant a statutory certificate under subregulation (1) unless the relevant competence committee for the certificate considers, after an assessment under regulation 675ZZL, that the applicant is suitable to hold the certificate.

(3) The regulator may grant a statutory certificate unconditionally or subject to conditions.

Note for this subregulation:

Granting a statutory certificate subject to conditions is a reviewable decision (see regulation 676).

(4) If the regulator refuses to grant a statutory certificate, or grants a statutory certificate subject to conditions, the regulator must give the applicant written notice stating —

(a) that the regulator refuses to grant the certificate, or grants the certificate subject to conditions; and

(b) the reasons for the decision; and

(c) that the applicant may apply for a review of the decision.

(5) A person's statutory certificate is subject to —

(a) a condition that the person must, if required by the regulator by notice in writing, provide, within the time (if any) specified in the notice, specified information

relating to the person's competence or any other matter relating to the statutory certificate; and

(b) any condition the regulator decides under subregulation (3).

675ZZD. Replacement statutory certificate

(1) If a person has lost their statutory certificate, or the person's statutory certificate is destroyed, the person may apply to the regulator for a replacement certificate.

(2) The application must be —

(a) in writing; and

(b) accompanied by a statutory declaration stating that the person has lost their statutory certificate or it has been destroyed.

(3) If the regulator is satisfied that the person has lost their statutory certificate, or it is destroyed, the regulator may issue a replacement certificate.

675ZZE. Suspending or cancelling statutory certificates

(1) The regulator may suspend or cancel a person's statutory certificate if satisfied that the person —

(a) is not eligible to hold the certificate; or

(b) has contravened a condition of the certificate; or

(c) improperly obtained the certificate, whether on the basis of false or misleading information or otherwise; or

(d) has been convicted of an offence against —

(i) mining safety legislation; or

(ii) a corresponding WHS law.

Note for this subregulation:

A decision to suspend or cancel a person's statutory certificate under this subregulation is a reviewable decision (see regulation 676).

(2) Before suspending or cancelling a person's statutory certificate, the regulator must —

(a) give the person a written notice stating that —

(i) the regulator is considering suspending or cancelling the certificate; and

(ii) the person may make submissions, in the manner approved by the regulator and stated in the notice, to the regulator in the period ending 30 days after the day on which the person receives the notice;

and

(b) have regard to any submissions made in accordance with the notice.

(3) If the regulator suspends or cancels a person's statutory certificate, the regulator must give the person a written notice stating —

(a) that the person's statutory certificate is suspended or cancelled; and

(b) if the certificate is suspended —

(i) the day on which the suspension takes effect, which must not be earlier than the day on which the person receives the notice; and

(ii) the day on which the suspension ends, which must not be later than 3 months after the day on which the suspension takes effect;

and

(c) if the certificate is cancelled — the day on which the cancellation takes effect, which must not be earlier than the day on which the person receives the notice; and

(d) the reasons the certificate is suspended or cancelled; and

(e) that the person may apply for a review of the decision to suspend or cancel the certificate.

675ZZF. Register of statutory certificates

(1) The regulator must maintain a register of the statutory certificates granted under this Part.

(2) The register must include —

(a) the names of the persons who hold a statutory certificate; and

(b) the person's gender; and

(c) the person's place and date of birth; and

(d) whether the statutory certificate is suspended or cancelled.

Part 10.7C — Assessments and courses for statutory positions and certificates

675ZZG. Regulator to make determination about mining safety legislation for examinations

(1) The regulator may determine —

(a) what part of mining safety legislation is applicable for an examination to be taken in relation to a statutory position or statutory certificate; and

(b) whether the examination is to be an oral, practical or written examination, or a combination of those types of examination.

(2) However, the regulator must not make a determination under subregulation (1)(a) unless the relevant competence committee for the position or certificate recommends that the part of the mining safety legislation is applicable in relation to the position or certificate.

(3) If the regulator makes a determination under subregulation (1), the regulator must publish a document on the regulator's website setting out —

(a) the determination; and

(b) the details of the applicable part of the mining safety legislation the subject of the determination.

675ZZH. Applicable legislation examinations

(1) Notice of intention to conduct an applicable legislation examination must be published on the regulator's website.

(2) A person may apply to the regulator to take an applicable legislation examination for a statutory position or statutory certificate.

(3) The application must be in the approved form.

(4) The regulator may —

(a) conduct an applicable legislation examination for a statutory position or statutory certificate; or

(b) appoint an examiner to conduct an applicable legislation examination for a statutory position or statutory certificate.

(5) The person who conducts an applicable legislation examination for a statutory position or statutory certificate must conduct the examination in accordance with a determination made under regulation 675ZZG(1) in relation to the position or certificate.

(6) If a person takes an applicable legislation examination —

(a) if an examiner is appointed under subregulation (4)(b) — the examiner must notify the regulator whether the person fails or passes the examination; and

(b) the regulator must give the person a document stating whether the person fails or passes the examination.

675ZZI. Register of persons who pass applicable legislation examinations

(1) The regulator must maintain a register of persons who pass applicable legislation examinations for a statutory position or statutory certificate.

(2) The register must include the following details of each person who passes an applicable legislation examination —

(a) the person's name;

(b) the statutory position or statutory certificate for which the applicable legislation examination is taken and passed;

(c) the person's gender;

(d) the person's place and date of birth.

675ZZJ. Approving WHS risk management units for statutory positions and certificates

(1) The regulator may approve a health and safety risk management unit (an ***approved WHS risk management unit***) for a statutory position or statutory certificate if the unit is —

(a) a unit that is —

(i) in health and safety risk management; and

(ii) included on the National Register established under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth);

and

(b) approved as suitable for the statutory position or certificate by —

(i) if the unit is in relation to a statutory surveyor certificate or statutory surveyor position — the Surveyors Competence Advisory Committee; or

(ii) otherwise — the Mining Competence Advisory Committee.

(2) The regulator must publish a list of approved WHS risk management units on the regulator's website.

[Regulation 675ZZJ amended: SL 2023/134 r. 17.]

675ZZK. Regulator may approve courses for particular statutory positions

(1) The regulator may approve —

(a) for the purposes of Schedule 26 clause 1(3)(c), a course about radiation protection from naturally-occurring radioactive material the regulator considers is suitable for radiation safety officers; and

(b) for the purposes of Schedule 26 clause 2(3)(a), a course about measuring and managing noise the regulator considers is suitable for noise officers; and

(c) for the purposes of Schedule 26 clause 4(3)(a), a course about sampling and assessing airborne contaminants the regulator considers is suitable for mine air quality officers; and

(d) for the purposes of Schedule 26 clause 6(3)(a), a high voltage operator training course the regulator considers is suitable for high voltage operators.

(2) The regulator must publish a list of courses approved under subregulation (1) on the regulator's website.

675ZZL. Referral of application for statutory certificate to relevant competence committee

(1) The regulator must refer an applicant's application for a statutory certificate under regulation 675ZZB(1) to the relevant competence committee for the certificate for an assessment.

(2) The relevant competence committee for the certificate must assess whether the applicant is eligible to hold the statutory certificate, having regard to —

(a) the eligibility requirements for the certificate; and

(b) whether the work undertaken by the applicant is sufficient experience to entitle the applicant to obtain the statutory certificate.

(3) The relevant competence committee for the certificate may give the applicant a written notice —

(a) requiring the applicant to, within the reasonable period stated in the notice, give the committee documents or information for the purposes of its assessment; and

(b) stating that, if the applicant fails to comply with the notice, the committee may decide that the applicant is not eligible for the statutory certificate.

(4) The relevant competence committee must give the regulator the results of the assessment of the applicant's eligibility for a statutory certificate as soon as practicable after the committee completes the assessment.

675ZZM. Relevant competence committee to make determination about mining practice examinations

(1) The relevant competence committee for a statutory certificate may determine —

(a) the practical knowledge that is relevant to the certificate for the mining practice examination for the certificate; and

(b) whether the mining practice examination for the certificate is to be an oral, practical or written examination, or a combination of those types of examination.

(2) If the relevant competence committee makes a determination under subregulation (1) in relation to a statutory certificate, the committee must publish a document on the regulator's website setting out —

(a) the determination; and

(b) the details of the practical knowledge for the mining practice examination the subject of the determination.

675ZZN. Mining practice examinations

(1) Notice of intention to conduct a mining practice examination must be published on the regulator's website.

(2) A person may apply to the regulator to take a mining practice examination for the certificate.

(3) The application must be in the approved form.

(4) The regulator may —

(a) conduct a mining practice examination for a certificate; or

(b) appoint an examiner to conduct a mining practice examination for a certificate.

(5) The person who conducts a mining practice examination for a statutory certificate must conduct the examination in accordance with a determination made under regulation 675ZZM(1) in relation to the certificate.

(6) If a person takes a mining practice examination for a statutory certificate —

(a) if an examiner is appointed under subregulation (4)(b) — the person who conducts the examination must notify the regulator whether the person who takes the examination fails or passes the examination; and

(b) the regulator must give the person a document stating whether the person who takes the examination fails or passes the examination.

Chapter 11 — General

Part 11.1 — Review of decisions under these regulations

Division 1 — Reviewable decisions

676. Which decisions under these regulations are reviewable

(1) The following Table sets out —

(a) decisions made under these regulations that are reviewable under this Part (***reviewable decisions***); and

(b) who is eligible to apply for review of a reviewable decision (the ***eligible person***).

Table

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
Directed medical examinations		
1A.	r. 55F — Issue of medical examination notice	The person conducting a business or undertaking to whom the notice is issued
High risk work licences		
1.	*[not used]*	
2.	*[not used]*	
2A.	*[not used]*	
2B.	*[not used]*	

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
3.	*[not used]*	
4.	*[not used]*	
5.	*[not used]*	
6.	*[not used]*	
7.	*[not used]*	
7A.	*[not used]*	
Accreditation of assessors		
8.	*[not used]*	
9.	*[not used]*	
10.	*[not used]*	
11.	*[not used]*	
12.	*[not used]*	
13.	*[not used]*	
14.	*[not used]*	
15.	*[not used]*	
16.	*[not used]*	

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
Demolition work		
16A.	r. 142H — Approval of demolition work subject to conditions	Applicant
16B.	r. 142H — Refusal to approve demolition work not compliant with AS 2601	Applicant
16C.	*[not used]*	
16D.	*[not used]*	
16E.	*[not used]*	
16F.	*[not used]*	
16G.	*[not used]*	
16H.	*[not used]*	
16I.	*[not used]*	
16J.	*[not used]*	
16K.	*[not used]*	
16L.	*[not used]*	

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
Registration of plant designs		
17.	*[not used]*	
18.	*[not used]*	
19.	*[not used]*	
Registration of plant		
20.	*[not used]*	
21.	*[not used]*	
22.	*[not used]*	
23.	*[not used]*	
24.	*[not used]*	
25.	*[not used]*	
26.	*[not used]*	
27.	*[not used]*	
27A.	*[not used]*	
General construction induction training		
28.	*[not used]*	
29.	*[not used]*	

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
30.	*[not used]*	
Hazardous chemicals and lead		
31.	r. 384 — Refusal to grant authorisation to use, handle or store a prohibited or restricted carcinogen	Applicant
32.	r. 386 — Cancellation of authorisation to use, handle or store a prohibited or restricted carcinogen	Authorisation holder
33.	r. 393 — Deciding a process is a lead process	A person conducting a business or undertaking that carries out the lead process A worker whose interests are affected by the decision
34.	r. 407 — Determining a different frequency for biological monitoring of workers at a workplace, or a class of workers, carrying out lead risk work	A person conducting a business or undertaking that carries out lead risk work A worker whose interests are affected by the decision

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
Asbestos removal licences and asbestos assessor licences		
35.	*[not used]*	
36.	*[not used]*	
37.	*[not used]*	
38.	*[not used]*	
39.	*[not used]*	
40.	*[not used]*	
41.	*[not used]*	
42.	*[not used]*	
43.	*[not used]*	
44.	*[not used]*	
45.	*[not used]*	
Mines		
46.	r. 625(6) — Giving notice to review	The mine operator to whom the notice is given
47.	r. 641M(2) — Not approving a pre-operational monitoring program	The mine operator who submits the program to the regulator

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
48.	r. 641N(2) — Not approving a radiation management plan	The mine operator who submits the plan to the regulator
49.	r. 641O(2) — Not approving a radioactive waste management plan	The mine operator who submits the plan to the regulator
50.	r. 641V — Not giving written approval to remove or dispose of radioactive material	The person who sought the written approval
51.	r. 641W(2) — Not giving written approval to use or treat radioactive minerals	The person who sought the written approval
52.	r. 675UI(6) — Not giving a notice authorising closure of the mine or a part of the mine	The mine operator of the mine
53.	r. 675ZZC(1) — Refusing to grant a statutory certificate	The applicant for the statutory certificate
54.	r. 675ZZC(3) — Granting a statutory certificate subject to conditions	The person who receives the statutory certificate

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
54A.	r. 675ZZE(1) — Suspending a person's statutory certificate	The person whose statutory certificate is suspended
54B.	r. 675ZZE(1) — Cancelling a person's statutory certificate	The person whose statutory certificate is cancelled
55.	*[not used]*	
56.	*[not used]*	
57.	*[not used]*	
58.	*[not used]*	
59.	*[not used]*	
60.	*[not used]*	
61.	*[not used]*	
62.	*[not used]*	
Exemptions		
63.	r. 684 — Refusal to exempt person (or a class of persons) from compliance with any of these regulations on application	Applicant

Item	Regulation under which reviewable decision is made	Eligible person in relation to reviewable decision
64.	r. 686 — Refusal to exempt person from requirement to hold a high risk work licence	Applicant
65.	*[not used]*	
66.	r. 691 — Imposition of a condition on an exemption granted on application under Part 11.2	Applicant
67.	r. 696 — Refusal to grant exemption	Applicant
68.	r. 697 — Amendment of an exemption granted on application under Part 11.2	Applicant
69.	r. 697 — Cancellation of an exemption granted on application under Part 11.2	Applicant

(2) Unless the contrary intention appears, a reference in this Part to a decision includes a reference to —

(a) making, suspending, revoking or refusing to make an order, determination or decision; or

(b) giving, suspending, revoking or refusing to give a direction, approval, consent or permission; or

(c) granting, issuing, amending, renewing, suspending, cancelling, revoking or refusing to grant, issue, amend or renew an authorisation; or

(d) imposing or varying a condition; or

(e) making a declaration, demand or requirement; or

(f) retaining, or refusing to deliver up, a thing; or

(g) doing or refusing to do any other act or thing; or

(h) being taken to refuse or do any act or thing.

[Regulation 676 amended: SL 2022/214 r. 10.]

Division 2 — Internal review

677. Application

This Division does not apply to a reviewable decision made under Part 11.2.

678. Application for internal review

(1) Subject to subregulation (2), an eligible person in relation to a reviewable decision may apply to the regulator for review (an ***internal review***) of the decision within —

(a) 28 days after the day on which the decision first came to the eligible person's notice; or

(b) any longer time the regulator allows.

(2) An eligible person in relation to a reviewable decision under regulation 142H(5) may apply to the regulator for review (an ***internal review***) of the decision within —

(a) 28 days after the day on which the 120 day period referred to in that provision expires; or

(b) any longer time the regulator allows.

(3) The application must be made in the approved form and in the manner required by the regulator.

679. Internal reviewer

(1) The regulator may appoint a person or body to review decisions on applications under this Division.

(2) The person who made the reviewable decision cannot be an internal reviewer in relation to that decision.

680. Decision of internal reviewer

(1) The internal reviewer must review the reviewable decision and make a decision as soon as practicable and within 14 days after the application for internal review, or the additional information requested under subregulation (3), is received.

(2) The decision may be —

(a) to confirm or vary the reviewable decision; or

(b) to set aside the reviewable decision and substitute another decision that the internal reviewer considers appropriate.

(3) The internal reviewer may ask the applicant to provide additional information in support of the application for review.

(4) The applicant must provide the additional information within the time (being not less than 7 days) specified by the internal reviewer in the request for information.

(5) If the applicant does not provide the additional information within the required time, the reviewable decision is taken to have been confirmed by the internal reviewer at the end of that time.

(6) If the reviewable decision is not varied or set aside within the 14 day period referred to in subregulation (1), the reviewable decision is taken to have been confirmed by the internal reviewer.

681. Decision on internal review

Within 14 days of making the decision on the internal review, the internal reviewer must give the applicant written notice of —

(a) the decision on the internal review; and

(b) the reasons for the decision.

682. Internal review: reviewable decision continues

Subject to any provision to the contrary in relation to a particular decision, an application for an internal review does not affect the operation of the reviewable decision or prevent the taking of any lawful action to implement or enforce the decision.

Division 3 — External review

683. Application for external review

(1) An eligible person may apply to the Tribunal for review (an ***external review***) of —

(a) a reviewable decision made by the regulator under Part 11.2; or

(b) a decision made, or taken to have been made, on an internal review.

(2) The application must be made within —

(a) 28 days after the day on which the decision first came to the eligible person's notice; or

(b) any longer time the Tribunal allows.

Part 11.2 — Exemptions

Division 1 — General

684. General power to grant exemptions

(1) The regulator may exempt a person or class of persons from compliance with any of these regulations.

(2) The exemption may be granted on the regulator's own initiative or on the written application of 1 or more persons.

(3) This regulation is subject to the limitations set out in this Part.

(4) This regulation does not apply to an exemption from a provision requiring a person to hold a high risk work licence.

Note for this regulation:

A decision to refuse to grant an exemption is a reviewable decision (see regulation 676).

685. Matters to be considered in granting exemptions

In deciding whether or not to grant an exemption under regulation 684 the regulator must have regard to all relevant matters, including the following —

(a) whether the granting of the exemption will result in a standard of health and safety at the relevant workplace, or in relation to the relevant undertaking, that is at least equivalent to the standard that would be achieved by compliance with the relevant provision or provisions;

(b) whether the requirements of paragraph (a) will be met if the regulator imposes certain conditions in granting the exemption and those conditions are complied with;

(c) whether exceptional circumstances justify the grant of the exemption;

(d) if the proposed exemption relates to a particular thing — whether the regulator is satisfied that the risk associated

with the thing is not significant if the exemption is granted;

(e) whether the applicant has carried out consultation in relation to the proposed exemption in accordance with Part 5 Divisions 1 and 2 of the Act.

Division 2 — High risk work licences

686. High risk work licence: exemption

(1) The regulator may exempt a person or class of persons from compliance with a provision of these regulations requiring the person or class of persons to hold a high risk work licence.

(2) The exemption may be granted on the written application of any person concerned.

Note for this regulation:

A decision to refuse to grant an exemption is a reviewable decision (see regulation 676).

687. High risk work licence: regulator to be satisfied about certain matters

(1) The regulator must not grant an exemption under regulation 686 unless satisfied that granting the exemption will result in a standard of health and safety that is at least equivalent to the standard that would have been achieved without that exemption.

(2) For the purposes of subregulation (1), the regulator must have regard to all relevant matters, including whether or not —

(a) the obtaining of the high risk work licence would be impractical; and

(b) the competencies of the person to be exempted exceed those required for a high risk work licence; and

(c) any plant used by the person can be modified in a way that reduces the risk associated with using that plant.

Division 3 — Not used

688. Not used

689. Not used

Division 4 — Exemption process

690. Application for exemption

An application for an exemption must be made in the approved form and in the manner approved by the regulator.

Notes for this regulation:

1. The application must be in writing (see regulation 684(2)).
2. The regulator may grant an exemption on its own initiative (see regulation 684(2)).
3. See section 268 of the Act for offences relating to the giving of false or misleading information under the Act, including these regulations.

691. Conditions of exemption

(1) The regulator may impose any conditions it considers appropriate on an exemption granted under this Part.

(2) Without limiting subregulation (1), conditions may require the applicant to do 1 or more of the following —

(a) monitor risks;

(b) monitor the health of persons at the workplace who may be affected by the exemption;

(c) keep certain records;

(d) use a stated system of work;

(e) report certain matters to the regulator;

(f) give notice of the exemption to persons who may be affected by the exemption.

Note for this regulation:

A decision to impose a condition is a reviewable decision (see regulation 676).

692. Form of exemption document

The regulator must prepare an exemption document that states the following —

(a) the name of the applicant for the exemption (if any);

(b) the person or class of persons to whom the exemption will apply;

(c) the work or thing to which the exemption relates, if applicable;

(d) the circumstances in which the exemption will apply;

(e) the provisions of these regulations to which the exemption applies;

(f) any conditions on the exemption;

(g) the date on which the exemption takes effect;

(h) the duration of the exemption.

693. Compliance with conditions of exemption

A person to whom the exemption is granted must —

(a) comply with the conditions of the exemption; and

(b) ensure that any person under the management or control of that person complies with the conditions of the exemption.

694. Notice of decision in relation to exemption

The regulator must give a copy of the exemption document referred to in regulation 692, within 14 days after making the decision to grant the exemption, to —

(a) if a person applied for the exemption — the applicant; or

(b) if the regulator granted the exemption on its own initiative — each person (other than persons to whom regulation 695 applies) to whom the exemption will apply.

695. Publication of notice of exemption

(1) This regulation applies to an exemption that applies to a class of persons.

(2) The regulator must publish a copy of the exemption on the WHS department's website.

696. Notice of refusal of exemption

(1) If the regulator refuses to grant an exemption on an application, the regulator must give the applicant for the exemption written notice of the refusal within 14 days after making that decision.

(2) The notice must state the regulator's reasons for the refusal.

Note for this regulation:

A refusal to grant an exemption is a reviewable decision (see regulation 676).

697. Amendment or cancellation of exemption

The regulator may at any time amend or cancel an exemption.

Note for this regulation:

A decision to amend or cancel an exemption is a reviewable decision (see regulation 676).

698. Notice of amendment or cancellation

(1) The regulator must give written notice of the amendment or cancellation of an exemption, within 14 days after making the decision to amend or cancel the exemption, to —

(a) if a person applied for the exemption — the applicant; or

(b) if the regulator granted the exemption on its own initiative — each person (other than persons to whom subregulation (2) applies) to whom the exemption applies.

(2) If the exemption affects a class of persons, the regulator must publish notice of the amendment or cancellation of the exemption on the WHS department's website.

(3) The notice must state the regulator's reasons for the amendment or cancellation.

(4) The amendment or cancellation takes effect —

(a) on the publication of the notice on the WHS department's website, or on a later date specified in the notice; or

(b) if the notice is not required to be published on the WHS department's website, on the giving of the notice to the applicant under subregulation (1) or on a later date specified in the notice.

Part 11.2A — Competence Advisory Committees

Division 1 — Preliminary

698A. Terms used

In this Part —

appointed member means —

(a) in relation to the Mining Competence Advisory Committee — a member of the Committee appointed under regulation 698D(b); or

(b) in relation to the Surveyors Competence Advisory Committee — a member of the Committee appointed under regulation 698E(2)(b);

member means —

(a) in relation to the Mining Competence Advisory Committee — a member of the Committee under regulation 698D; or

(b) in relation to the Surveyors Competence Advisory Committee — a member of the Committee under regulation 698E(2);

Division 2 — Establishment and functions

698B. Establishment

(1) The Mining Competence Advisory Committee is established.

(2) The Surveyors Competence Advisory Committee is established.

698C. Functions

The Mining Competence Advisory Committee and the Surveyors Competence Advisory Committee have the functions conferred on them by these regulations or another written law.

Division 3 — Membership

698D. Membership of Mining Competence Advisory Committee

The Mining Competence Advisory Committee consists of the following persons —

(a) a chairperson who is the Chief Inspector of Mines;

(b) the following persons appointed in writing by the regulator —

(i) an inspector nominated by the Chief Inspector of Mines;

(ii) a person who teaches mining engineering at a university established under a written law of the State;

(iii) a person who is employed in the department of the Public Service principally assisting in the administration of the *Vocational Education and*

Training Act 1996 and nominated by the chief executive officer of that department;

(iv) 3 persons who hold a first class mine manager's certificate for coal mines, a first class mine manager's certificate for non-coal mines or a quarry manager's certificate, and are nominated by The Chamber of Minerals and Energy of Western Australia Inc ABN 82 738 249 529.

698E. Membership of Surveyors Competence Advisory Committee

(1) In this regulation —

Surveyor General has the meaning given in the *Licensed Surveyors Act 1909* section 3(1).

(2) The Surveyors Competence Advisory Committee consists of the following persons —

(a) a chairperson who is the Chief Inspector of Mines;

(b) the following persons appointed in writing by the regulator —

(i) 2 persons who hold an authorised mine surveyor's certificate (grade 1) or authorised mine surveyor's certificate (grade 2) and are nominated by the Western Australian Institution of Surveyors Inc. ABN 24 620 230 357;

(ii) 1 person who holds a degree or diploma in surveying and works at Curtin University in the School of Mines, a TAFE, an Australian university or another tertiary institution that is within Australia and equivalent to a TAFE;

(iii) 1 person nominated by the Surveyor General;

(iv) 1 person who is a licensed surveyor, holds an authorised mine surveyor's certificate (grade 1) and is nominated by the Western Australian Institution of Surveyors Inc.
ABN 24 620 230 357.

698F. Term of appointment

An appointed member —

(a) holds office for the period, which must not be longer than 3 years, stated in the appointment; and

(b) is eligible for reappointment.

698G. Nominations

(1) If an appointed member is required to be nominated under regulation 698D(b)(i), (iii) or (iv) or 698E(2)(b)(i), (iii) or (iv), the regulator must give the person (the ***nominating person***) who nominates a person to be an appointed member a written notice —

(a) requesting that the nominating person nominate a person to be an appointed member; and

(b) specifying that, if the nominating person does not nominate a person to be an appointed member within 60 days after being given the notice, the regulator may appoint a person under subregulation (2).

(2) Despite regulations 698D and 698E, the regulator may appoint a person to be an appointed member under those regulations without a nomination if —

(a) the regulator gives the nominating person a written notice under subregulation (1); and

(b) within 60 days after being given the notice, the nominating person has not nominated a person to be an appointed member.

(3) A person appointed as provided under subregulation (2) is taken to have been nominated under the relevant regulation.

698H. Vacation of office

The office of an appointed member of a relevant competence committee becomes vacant if —

(a) the member resigns from office by notice in writing given to the regulator; or

(b) the member's appointment expires or is terminated by the regulator; or

(c) the person who nominated the member withdraws that nomination by notice in writing given to the regulator.

698I. Deputies

A member of a relevant competence committee may, with the approval of the chairperson of the committee, appoint a deputy to act for the member when the member is unable to attend any meeting of the committee.

Division 4 — Practice and procedure

698J. Quorum

(1) A quorum for a meeting of the Mining Competence Advisory Committee is the chairperson and 3 other members of the committee, other than the member appointed under regulation 698D(b)(i).

(2) A quorum for a meeting of the Surveyors Competence Advisory Committee is the chairperson and 3 other members of the committee.

698K. Meetings

(1) Meetings of a relevant competence committee may be convened at the times and places that the committee determines.

(2) Without limiting subregulation (1), meetings of the committee may be convened by electronic means.

698L. Voting

(1) Each member of a relevant competence committee at a meeting of the committee has 1 vote.

(2) All questions at a meeting of the relevant competence committee must be decided by a majority of the votes of the members present.

(3) In the case of an equality of votes, the chairperson has a casting vote in addition to a deliberative vote.

698M. Procedures

Subject to these regulations, a relevant competence committee may determine its own procedures.

Part 11.2B — Mining and Petroleum Advisory Committee

698N. Prescribed bodies (Act, Sch. 1 cl. 23)

For the purposes of Schedule 1 clause 23 of the Act, the prescribed bodies are —

(a) The Chamber of Minerals and Energy of Western Australia Inc. ABN 82 738 249 529; and

(b) the Association of Mining and Exploration Companies Inc. ABN 33 362 864 696; and

(c) the Australian ~~Petroleum Production and Exploration Association~~Energy Producers Limited [1] ACN 000 292 713; and

(d) the Australian Pipelines and Gas Association Limited ACN 098 754 324; and

(e) UnionsWA Incorporated ABN 64 950 883 305.

698O. Functions of Mining and Petroleum Advisory Committee relating to mining industry (Act, Sch. 1 cl. 24)

The Mining and Petroleum Advisory Committee has the following functions in relation to the mining industry —

(a) advising the Minister on matters that relate to work health and safety issues relating to the mining industry, including by —

(i) making recommendations in relation to those issues; and

(ii) advising on the adoption of codes of practice referred to in section 274 of the Act, or other guidelines, policies or other documents in relation to work health and safety issues relating to the mining industry;

(b) inquiring into, and reporting to the Minister on, a matter relating to the mining industry that is referred to it by the Minister;

(c) advising on education, training and publications in relation to work health and safety issues relating to the mining industry.

Note for this regulation:

The *Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022* regulation 173 confers additional functions on the Mining and Petroleum Advisory Committee in relation to the petroleum industry.

Part 11.3 — Miscellaneous

699. Incident notification: prescribed serious illnesses

For the purposes of section 36 of the Act, each of the following conditions is a serious illness —

(a) any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carrying out work —

(i) with micro-organisms; or

(ii) that involves providing treatment or care to a person; or

(iii) that involves contact with human blood or bodily substances; or

(iv) that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products;

(b) the following occupational zoonoses contracted in the course of work involving handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products —

(i) Q fever;

(ii) Anthrax;

(iii) Leptospirosis;

(iv) Brucellosis;

(v) Hendra Virus;

(vi) Avian Influenza;

(vii) Psittacosis.

Note for this regulation:

The *Public Health Act 2016* contains notification requirements in relation to certain infectious diseases.

700. Inspectors' identity cards

(1) For the purposes of section 157(1) of the Act, an identity card given by the regulator to an inspector must include the following —

(a) a recent photograph of the inspector in the form specified by the regulator;

(b) the inspector's signature;

(c) the date (if any) on which the inspector's appointment ends;

(d) any conditions to which the inspector's appointment is subject, including the kinds of workplaces in relation to which the inspector may exercise the inspector's compliance powers.

(2) For the purposes of sections 157(2)(b) and 173(1)(a) of the Act, another way an inspector may provide identification is by providing the inspector's full name —

(a) if the identification is provided in writing — on the letterhead of the WHS department;

(b) if the identification is provided by email — using an email address under the control of the WHS department;

(c) if the identification is provided by telephone — together with information on how to contact the WHS department to verify the identity of the inspector.

701. Entry warrant

For the purposes of section 167(6) of the Act, the prescribed form for an entry warrant is Schedule 18A Form 1.

702. Not used

703. Review of decisions under the Act: stay of decision

For the purposes of section 228(6)(a) of the Act, the prescribed period is the relevant period within which an application for an external review must be made under section 229(2) of the Act.

704. Confidentiality of information: exception relating to administration or enforcement of other laws

An Act listed in the Table is prescribed for the purposes of section 271(3)(c)(ii) of the Act.

Table

Building Act 2011
Coroners Act 1996
The Criminal Code
Dangerous Goods Safety Act 2004
Electricity Act 1945
Emergency Management Act 2005
Fire and Emergency Services Act 1998
Industrial Relations Act 1979
Mines Safety and Inspection Act 1994
Rail Safety National Law (WA) Act 2015
Road Traffic (Vehicles) Act 2012
Transport (Road Passenger Services) Act 2018
Vocational Education and Training Act 1996

Western Australian Marine Act 1982
Workers' Compensation and Injury Management Act 1981

Part 11.4 — Transitional and savings provisions for *Work Health and Safety (Mines) Regulations 2022*

[Heading amended: SL 2023/134 r. 18.]

705. Terms used

In this Part —

commencement day means the day on which the *Work Health and Safety Act 2020* section 3 comes into operation;

longer transitional period means the period of 2 years beginning on commencement day;

MSIA means the *Mines Safety and Inspection Act 1994* as in force immediately before commencement day;

MSIR means the *Mines Safety and Inspection Regulations 1995* as in force immediately before commencement day;

registered manager, of a mine, means a person appointed as a registered manager of the mine under the MSIA section 33;

shorter transitional period means the period of 12 months beginning on commencement day.

706. Applications pending determination

Subject to regulation 707, the following under the MSIR pending determination immediately before commencement day are, on and after commencement day, to be determined under the MSIR —

(a) an application for a certificate of competency under the MSIR regulation 2.30;

(b) an application for registration of plant under the MSIR regulation 6.34;

(c) an application for approval of a plan for the safe management of radiation at the mine under the MSIR regulation 16.7(3);

(d) an application for approval of an amendment of a plan for the safe management of radiation at the mine under the MSIR regulation 16.7(6);

(e) an application for approval of the removal or disposal of radioactive material under the MSIR regulation 16.27;

(f) an application for approval to use or treat radioactive materials imported into the State under the MSIR regulation 16.28;

(g) an application for approval of a plan for the final management of radiation at a mine under the MSIR regulation 16.35.

Note for this regulation:

Once the application is determined, this Part provides for the transition or saving of the matter being applied for (see for example regulation 730(2)).

707. Continuation of Board of Examiners in relation to applications for certificates of competency

(1) In this regulation —

Board of Examiners means the Board of Examiners established under the MSIA section 48;

pre-commencement certificate application means an application for a certificate of competency under the MSIR regulation 2.30 pending determination immediately before commencement day.

(2) The Board of Examiners continues on and after commencement day in relation to making determinations about pre-commencement certificate applications until the end of the

period (the ***finalisation period***) of 6 months beginning on commencement day.

(3) If a pre-commencement certificate application has not been determined by the end of the finalisation period —

(a) the regulator may make a determination about the pre-commencement certificate application under the MSIR as continued under regulation 706(a); and

(b) for the purposes of paragraph (a), references in the MSIR to the Board of Examiners are taken to be references to the regulator.

708. References to convictions or findings of guilt

A reference in these regulations to a conviction or finding of guilt of any offence under a law includes a reference to any conviction or finding of guilt of any offence under the MSIA or MSIR.

709. Emergency plans

If an emergency plan was prepared for a mine under the MSIR regulation 4.30 and was in force immediately before commencement day, the plan is taken to comply with the requirements of regulations 43(1) and 664 during the shorter transitional period.

710. Tobacco smoke underground in underground non-coal mines

During the longer transitional period, Part 3.2 Division 7A does not apply to an underground workplace at an underground non-coal mine.

711. Materials hoists

During the longer transitional period, regulation 81 does not apply to work of a class specified in Schedule 3 item 19 if the vertical movement of the materials hoist's car, bucket or platform is 11 metres or less.

[Regulation 711 amended: SL 2023/22 r. 11.]

712. Concrete placing booms

During the longer transitional period, regulation 81 does not apply to work of a class specified in Schedule 3 item 22 if the concrete placing boom is not mounted on a vehicle.

[Regulation 712 amended: SL 2023/22 r. 12.]

713. Reach stackers

During the period of 3 years beginning on commencement day, regulation 81 does not apply to work of a class specified in Schedule 3 item 23.

[Regulation 713 amended: SL 2023/22 r. 13.]

714. Demolition

During the shorter transitional period —

(a) Parts 4.6 and 4.6A do not apply; and

(b) the MSIR Part 4 Division 2 continues to apply to construction work as defined in the MSIR regulation 4.18 that is demolition work.

715. Residual current devices

During the shorter transitional period —

(a) a person conducting a business or undertaking at a workplace does not contravene regulation 164(2) in relation to the use of an appropriate residual current

device if there is an earth leakage protection device under the MSIR regulation 5.24(2) at the workplace; and

(b) an earth leakage protection device at a workplace that complies with the MSIR regulation 5.24(2) is taken to comply with regulation 164(3).

716. Plant registered under MSIR

(1) In this regulation —

registrable plant means an item of plant, or the design of an item of plant, that is required to be registered under Part 5.3 on and after commencement day.

(2) If an item of registrable plant was registered under the MSIR regulation 6.34 immediately before commencement day, the registrable plant or the design of the registrable plant is taken to be registered under Part 5.3.

(3) If an item of registrable plant is registered under the MSIR regulation 6.34 as continued under regulation 706(b), the registrable plant or the design of the registrable plant is taken to be registered under Part 5.3.

717. Plant designs and items of plant not registered under MSIR

Part 5.3 does not apply to an item of plant that was not required to be registered under the MSIR regulation 6.34 and that —

(a) immediately before commencement day, was completed or manufactured (as the case requires); or

(b) on and after commencement day, is completed or manufactured (as the case requires) before the end of the longer transitional period.

718. Continuation of exemptions from requirements to register plant

(1) In this regulation —

last MSIR inspection, in relation to plant, means the last inspection of the plant under the MSIR regulation 6.40;

registrable plant means the following items of plant —

(a) boilers referred to in Schedule 5 clause 3(1);

(b) building maintenance units;

(c) lifts;

(d) mobile cranes with a safe working load greater than 10 tonnes;

(e) powered tower cranes;

(f) relevant pressure vessels;

relevant pressure vessels means pressure vessels referred to in Schedule 5 clause 3(2).

(2) This regulation applies if —

(a) an item of registrable plant was —

(i) completed or manufactured (as the case requires) immediately before commencement day; and

(ii) required to be registered under the MSIR regulation 6.34 immediately before commencement day;

and

(b) immediately before commencement day, an exemption under the MSIR regulation 1.4 or 1.5 from the requirement to register the item under the MSIR regulation 6.34 was in force; and

(c) on and after commencement day, the item of registrable plant must be registered under Part 5.3.

(3) The exemption in relation to the item of registrable plant is taken to be an exemption under Part 11.2 from the requirement

to register the plant under Part 5.3 during the period (the ***exemption period***) beginning on commencement day until the earlier of the following —

(a) the day on which the exemption is cancelled;

(b) the day on which the exemption ends in the written notice given under the MSIR regulation 1.4 or 1.5;

(c) otherwise — the end of the period listed opposite the item of registrable plant in the Table.

Table

Column 1 **Registrable plant**	**Column 2** **Period**
Boilers categorised as hazard level A according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels)	1 year beginning on commencement day
Boilers categorised as hazard level B according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels)	2 years beginning on commencement day
Boilers categorised as hazard level C according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels)	3 years beginning on commencement day
Building maintenance units	2 years beginning on commencement day

Column 1 **Registrable plant**	**Column 2** **Period**
Lifts	2 years beginning on commencement day
Mobile cranes with a safe working load greater than 10 tonnes	2 years beginning on commencement day
Powered tower cranes	2 years beginning on commencement day
Relevant pressure vessels categorised as hazard level A according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels)	1 year beginning on commencement day
Relevant pressure vessels categorised as hazard level B according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels)	2 years beginning on commencement day
Relevant pressure vessels categorised as hazard level C according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels)	3 years beginning on commencement day

(4) Subregulation (5) applies if, during the exemption period for an item of registrable plant the subject of an exemption under subregulation (3) that is listed in column 1 of the Table, the period of time set out in column 2 of the Table listed opposite the item of registrable plant ends.

Table

Column 1 **Registrable plant**	**Column 2** **Period**
Boilers	2 years since the last MSIR inspection
Lifts	2 years since the last MSIR inspection
Mobile cranes with a safe working load greater than 10 tonnes	2 years since the last MSIR inspection
Relevant pressure vessels	3 years since the last MSIR inspection

(5) The mine operator of a mine must ensure that the item of the registrable plant —

(a) is inspected by a competent person; and

(b) is not used by any person until it is inspected under paragraph (a).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(6) If the manufacturer of a building maintenance unit at a mine that is the subject of an exemption under subregulation (3)

recommends that the unit be inspected at regular intervals, the mine operator of the mine must ensure that the unit —

(a) is inspected during the exemption period by a competent person —

(i) if the unit has been previously inspected — at the end of each interval that occurs during the exemption period; or

(ii) otherwise — as soon as practicable after commencement day;

and

(b) is not used by any person until it is inspected under paragraph (a).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

(7) The mine operator of a mine must ensure that a powered tower crane the subject of an exemption under subregulation (3) —

(a) is inspected during the exemption period by a competent person —

(i) if a crane jump occurs during the exemption period — before the crane is first used after the jump; or

(ii) if the crane has not been inspected for a period of 1 year since the last inspection — at the end of the 1 year period;

and

(b) is not used by any person until it is inspected under paragraph (a).

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

719. Safe work method statements for high risk construction work

During the shorter transitional period, Part 6.3 Division 2 does not apply.

720. Tilt up concrete and precast concrete elements

During the shorter transitional period, Part 6.3 Division 4 does not apply.

721. Additional duties of principal contractors

During the shorter transitional period, Part 6.4 does not apply.

722. General construction induction training

During the shorter transitional period, Part 6.5 does not apply.

723. Asbestos register

(1) Regulation 425(1) does not apply to a person with management or control of a workplace at a mine until the end of the shorter transitional period.

(2) If the asbestos register is not prepared and kept at a workplace at a mine under subregulation (1), a person does not commit an offence under these regulations during the shorter transitional period in relation to an asbestos register, including offences for failing to access, to provide access or to review the register.

724. Undertaking asbestos removal work without licence

During the shorter transitional period, a person who is carrying out asbestos removal work at a mine is taken to be licensed to carry out that work at the mine if the mine operator of the mine —

(a) considers the person is a competent person to carry out the work; and

(b) appoints the person to carry out the work at the mine.

725. Licensed asbestos assessors

During the shorter transitional period, a person who is carrying out a clearance inspection and issuing clearance certificates at a mine is taken to be a licensed asbestos assessor if the mine operator of the mine —

(a) considers the person is a competent person to carry out the work; and

(b) appoints the person to carry out the work at the mine.

726. Information about commencing or recommencing mining operations given before commencement day

(1) In this regulation —

commencement notice means a notice given under the MSIA section 42(1) in relation to —

(a) the commencement of mining operations at a mine; or

(b) the recommencement of mining operations at a mine after their suspension.

(2) If the principal employer or manager of a mine gave a commencement notice before commencement day in relation to mining operations occurring at the mine on or after commencement day, the commencement notice is taken to be a mining commencement notice given under regulation 675UC(2) in relation to the mining operations the subject of the commencement notice.

727. Information about suspending mining operations given before commencement day

If the principal employer or manager of a mine gave a notice under the MSIA section 42(1) before commencement day in relation to a suspension of mining operations at the mine, the mine operator of the mine is taken to have complied with regulation 675UF(2) in relation to the suspended mining operation.

728. Information about abandoning mining operations given before commencement day

If the principal employer or manager of a mine gave a notice under the MSIA section 42(1) before commencement day in relation to the abandonment of mining operations at the mine and the notice has not been verified under the MSIA section 42(2) —

(a) the notice is taken to have been given under regulation 675UI(3)(b); and

(b) the mine operator of the mine is taken to have complied with regulation 675UI(3) if the regulator gives the relevant person a notice under regulation 675UI(6) authorising the closure.

729. Exploration operations

If a notice in relation to exploration operations at a mine was given under the MSIA section 47 before commencement day and the exploration operations continue on or after commencement day, the mine operator of the mine is taken to have complied with regulation 675UJ(2) in relation to the exploration operations at the mine.

730. Continuation of approvals under MSIR

(1) If a person received an approval under the MSIR (an ***MSIR approval***) referred to in column 1 of the Table and the MSIR approval was in force immediately before commencement day, the MSIR approval is taken to be an approval under these regulations listed opposite the MSIR approval in column 2 of the Table.

(2) If a person receives a MSIR approval under the MSIR continued under regulation 706(c) to (g), the MSIR approval is taken to be the approval under these regulations listed opposite the MSIR approval in column 2 of the Table.

Table

Column 1 **MSIR approval**	**Column 2** **Approval under these regulations**
An approval of a plan for the safe management of radiation at the mine under the MSIR regulation 16.7(7) submitted under the MSIR regulation 16.7(3)	An approval of a radiation management plan at the mine under regulation 641N(2)
An approval of an amended plan for the safe management of radiation at the mine under the MSIR regulation 16.7(7) submitted under the MSIR regulation 16.7(6)	An approval of a radiation management plan under regulation 641N(2) as amended
An approval of the removal or disposal of radioactive material under the MSIR regulation 16.27	An approval of the removal or disposal of radioactive material under regulation 641V
An approval to use or treat radioactive materials imported into the State under the MSIR regulation 16.28	An approval to use or treat radioactive materials imported into the State under regulation 641W(2)
An approval of a plan for the final management of radiation at a mine under the MSIR regulation 16.35	An approval of a radioactive waste management plan under regulation 641O(2)

731. Establishing and implementing mine safety management system for mines

(1) Regulation 621(1) and (3) does not apply to the mine operator of a mine during the shorter transitional period.

(2) Regulation 621(2) does not apply to the mine operator of a mine during the period of 1 year beginning on the day on which the mine operator establishes a mine safety management system for the mine under regulation 621(1).

732. Contractor's health and safety management plans

(1) A contractor who carries out a mining operation at a mine is taken to have complied with regulation 625D(1) if either —

(a) the contractor —

(i) prepares a health and safety management plan in accordance with regulation 625D(3) on or before the end of the shorter transitional period; and

(ii) has the resources and capability to implement the plan by the day that is 1 year after the day on which the plan is prepared;

or

(b) the contractor —

(i) gives a written notice under regulation 625D(1)(b)(ii) on or before the day (the ***compliance day***) that is 1 year after the day on which the mine operator establishes a mine safety management system for the mine under regulation 621(1); and

(ii) has the resources and capability to implement the relevant parts of the mine safety management

system that will apply to the contractor by the compliance day.

Note for this subregulation:

For the purposes of paragraph (b)(i) see also regulation 731(2) in relation to the delayed operation of regulation 621(1).

(2) The mine operator of a mine is taken to have complied with regulation 625D(2) if the contractor complies with subregulation (1).

733. Principal mining hazard management plans

During the shorter transitional period, Part 10.2 Division 2 does not apply.

734. Underground ventilation control plans

During the shorter transitional period, regulation 654 does not apply.

735. Health management plans

During the shorter transitional period, Part 10.3 Division 1 does not apply.

736. Application of MSIR Parts 11, 12 and 14 to mines

(1) The MSIR Parts 11, 12 and 14 (other than the MSIR regulations 11.4, 12.4, 14.3 and 14.4) apply to a mine until the earlier of the following —

(a) a mine safety management system is prepared under regulation 621(1) dealing with winding systems, mine shaft sinking and use of dredges;

(b) the end of the shorter transitional period.

Note for this subregulation:

Regulation 675UK(2) applies in relation to the matters for which approvals are required under the MSIR regulations 11.4, 12.4, 14.3 and 14.4.

(2) However, if a provision of the MSIR Parts 11, 12 and 14 that apply under subregulation (1) are inconsistent with a provision of these regulations, these regulations apply to the extent of any inconsistency.

737. Notices of high risk mining activity

The mine operator of a mine is taken to have complied with regulation 675UK(2) in relation to a high risk mining activity listed in column 1 of the Table and occurring before, on and after commencement day if, before commencement day, the action under the MSIA that is listed opposite the high risk mining activity was taken in relation to the activity.

Table

Column 1 **High risk mining activity**	**Column 2** **Action under MSIA**
Schedule 23 item 1	Written notification was provided under the MSIR regulation 12.3(1) in relation to the mine shaft
Schedule 23 item 2 in relation to installing a winding system	Written notification was provided under the MSIR regulation 11.3(1) in relation to the winding system
Schedule 23 item 2 in relation to making major changes to an already installed winding system	Written notification was provided under the MSIR regulation 11.6(1) in relation to the modification of the winding system

Column 1 **High risk mining activity**	**Column 2** **Action under MSIA**
Schedule 23 item 3	The winding system was approved under the MSIR regulation 11.4 and tested under the MSIR regulation 11.5
Schedule 23 item 4	The method was approved by the senior inspector under the MSIR regulation 10.21(1)
Schedule 23 item 7	Written advice was provided to the district inspector under the MSIR regulation 10.19(2)(a) in relation to the construction
Schedule 23 item 8	Written notification of the fuel storage or refuelling facility was provided under the MSIR regulation 10.58(1)
Schedule 23 item 10	Application for approval for the use of the dredge was sought under the MSIR regulation 14.4(5)

Column 1 **High risk mining activity**	**Column 2** **Action under MSIA**
Schedule 23 item 11	Approval of the commencement of mining operations was sought under the MSIA section 42 in relation to the tailing storage facility
Schedule 23 item 12(a)	Notification of the use of the explosives in reactive ground was given under the MSIR regulation 8.55(2)
Schedule 23 item 12(b)	Notification of the use of the explosives in hot ground was given under the MSIR regulation 8.54(3)
Schedule 23 item 13	Approval of the commencement of mining operations was sought under the MSIA section 42 in relation to the mobile plant or production drilling plant
Schedule 23 item 14	Provision of complete details of the high voltage installation occurred under the MSIR regulation 5.18(2)(a)

738. References to GHS

During the shorter transitional period, a reference in these regulations to the GHS is a reference to —

(a) the GHS as defined in regulation 5; or

(b) the *Globally Harmonised System of Classification and Labelling of Chemicals*, 3rd revised edition, published by the United Nations; or

(c) the *Approved Criteria for Classifying Hazardous Substances [3rd Edition: NOHSC: 1008(2004)]*.

739. Principal employers under MSIA taken to be mine operators

(1) If, immediately before commencement day, a person was the principal employer in relation to a mine as defined in the MSIA section 4(1), that person is, on and after commencement day, taken to be the mine operator of the mine until the earlier of the following —

(a) a notice is given under subregulation (2);

(b) the period of 6 months beginning on commencement day.

(2) The mine operator, or another person who is to be the mine operator of a mine to which subregulation (1) applies, must give the regulator notice that the person is to be the mine operator of the mine, including the following —

(a) the person's name and address;

(b) if the mine operator is a partnership, syndicate or other association of persons — the name and address of each person who is a partner of the partnership or a member of the syndicate or association;

(c) any other information or document relating to the person that the regulator requires.

(3) The mine operator of a mine commits an offence if the person has not complied with subregulation (2) by the end of the period of 6 months beginning on commencement day.

Penalty for this subregulation:

(a) for an individual, a fine of $4 200;

(b) for a body corporate, a fine of $21 000.

740. Site senior executives

(1) If, immediately before commencement day, a person was the registered manager of a mine, the person is, on commencement day, taken to be appointed as the site senior executive of the mine.

(2) During the period of 3 years beginning on commencement day, a person who is not an appropriate person for the position of site senior executive may be appointed to be a site senior executive of a mine, or an alternate for the position, if the person was eligible to be appointed as the registered manager of a mine.

(3) If a person who is the site senior executive of a mine under subregulation (1) or (2), or an alternate for the site senior executive under subregulation (2), is not an appropriate person for the position, the person is taken to be an appropriate person for the position until the earlier of the following —

(a) the day on which the person becomes an appropriate person for the position under regulation 675ZI(1);

(b) at the end of the period of 3 years beginning on commencement day.

Note for this regulation:

Under regulation 675ZI(3) a person ceases to be the site senior executive of a mine if the person ceases to be an appropriate person for the position.

741. Exploration managers

(1) In this regulation —

exploration operations has the meaning given in the MSIA section 4(1).

(2) This regulation applies to a mine where —

(a) exploration operations are carried out at the mine; and

(b) a registered manager was not appointed for the mine.

(3) A person who, immediately before commencement, was the exploration manager appointed under the MSIA section 46A for particular exploration operations on a mining tenement is, on commencement day, taken to be appointed by the mine operator of a mine to be the exploration manager of the mine under regulation 675ZM.

(4) If there is more than 1 exploration manager for the mine under the MSIA section 46A —

(a) the person appointed earliest is, on commencement day, taken to be appointed by the mine operator of the mine to be the exploration manager of the mine under regulation 675ZM; and

(b) the other persons appointed are, on commencement day, taken to be appointed as alternates for the exploration manager of the mine under regulation 675ZR.

(5) During the period of 3 years beginning on commencement day, a person who is not an appropriate person for the position of exploration manager may be appointed to be the exploration manager of a mine, or an alternate for the position, if the person was eligible to be appointed as an exploration manager of a mine under the MSIA.

(6) If a person who is the exploration manager under subregulation (3), (4)(a) or (5), or an alternate for the exploration manager under subregulation (4)(b) or (5), is not an appropriate person for the position, the person is taken to be an

appropriate person for the position until the earlier of the following —

(a) the day on which the person becomes an appropriate person for the position under regulation 675ZM(1);

(b) the day that is 3 years after commencement day.

(7) If a person who is the exploration manager under subregulation (3), (4)(a) or (5), or an alternate for the exploration manager under subregulation (4)(b) or (5), ceases to be taken to be an appropriate person under subregulation (6), the person ceases to be the exploration manager, or an alternate for the exploration manager, of the mine.

742. Persons appointed to positions under MSIA taken to be appointed to equivalent Schedule 26 positions

(1) In this regulation —

equivalent position, in relation to an MSIA position, means the Schedule 26 position listed opposite the MSIA position in column 2 of the Table;

key equivalent position means an equivalent position that is a key statutory position;

MSIA position means a position under the MSIA that is described in column 1 of the Table.

Table

Column 1 **MSIA position**	**Column 2** **Equivalent position**
Underground manager at an underground coal mine	Underground manager (coal)
Underground manager at an underground non-coal mine	Underground manager (non-coal)

Column 1 **MSIA position**	**Column 2** **Equivalent position**
Supervisor at an underground coal mine	Underground supervisor — coal
Supervisor at an underground non-coal mine	Underground supervisor (non-coal)
Quarry manager	Quarry manager
A person who holds an authorised mine surveyor's certificate and who works as a surveyor at an underground mine	Authorised mine surveyor (underground)
A person who holds an authorised mine surveyor's certificate and who works as a surveyor at a quarry	Authorised mine surveyor (quarry operation)
Ventilation officer who works at an underground mine	Underground ventilation officer
Ventilation officer who works at a surface mining operation	Mine air quality officer
Noise officer	Noise officer
Radiation safety officer	Radiation safety officer
Electrical supervisor	Electrical supervisor
High voltage operator	High voltage operator

(2) If, immediately before commencement day, a person held an MSIA position at a mine, the person is, on commencement day, taken to be appointed under these regulations to the equivalent position to the MSIA position at the mine.

(3) During the period of 3 years beginning on commencement day, a person who is eligible to be appointed to an MSIA position may be appointed to the equivalent position to the MSIA position at a mine, whether or not the person is an appropriate person for the equivalent position.

(4) During the period of 3 years beginning on commencement day, a person who is eligible to be appointed to an MSIA position may be appointed as an alternate to a key equivalent position to the MSIA position at a mine, whether or not the person is an appropriate person for the key equivalent position.

(5) If a person who holds an equivalent position to an MSIA position under subregulation (2) or (3), or is an alternate for a key equivalent position under subregulation (4), is not an appropriate person for the position under these regulations, the person is taken to be an appropriate person for the position until the earlier of the following —

(a) the day on which the person becomes an appropriate person for the position under these regulations;

(b) the day that is 3 years after commencement day.

Note for this subregulation:

A person ceases to be appointed to a Schedule 26 position if the person ceases to be an appropriate person for the position under regulation 675ZQ.

743. Statutory supervisors

(1) Regulations 675ZB(1) and 675ZC(2) do not apply during the period of 3 months beginning on commencement day in relation to the appointment of statutory supervisors for places at a mine.

(2) A person is taken to be an appropriate person as a statutory supervisor for the period of 3 years beginning on commencement day if the person is a competent person to carry out the functions of the position.

Note for this subregulation:

A person ceases to be appointed to a Schedule 26 position if the person ceases to be an appropriate person for the position under regulation 675ZQ.

744. Agreements that underground managers need not be appointed

(1) In this regulation —

operative period, in relation to an agreement under the MSIA section 35(4), means the period beginning on commencement day and ending on the earlier of the following —

(a) if the agreement states that it terminates on a particular day — that day;

(b) otherwise — the end of the shorter transition period.

(2) This regulation applies if —

(a) a district inspector agreed in writing that an appointment of an underground manager need not be made in relation to mining operations at a mine under the MSIA section 35(4); and

(b) the agreement is in force immediately before commencement day.

(3) During the operative period, a mine operator of the mine does not commit an offence against regulation 675ZB(1) if, in accordance with the agreement —

(a) if the mine is an underground coal mine — a person who is not an underground manager (coal) performs the functions of the position at the mine; or

(b) if the mine is an underground non-coal mine — a person who is not an underground manager (non-coal) performs the functions of the position at the mine.

(4) During the operative period, a mine operator of the mine does not commit an offence against regulation 675ZC(2) if sufficient persons are available, in accordance with the agreement, to perform the functions of —

(a) if the mine is an underground coal mine — an underground manager (coal); or

(b) if the mine is an underground non-coal mine — an underground manager (non-coal).

745. Agreements that quarry managers need not be appointed

(1) In this regulation —

operative period, in relation to an agreement under the MSIA section 37(4)(a) or (b), means the period beginning on commencement day and ending on the earlier of the following —

(a) if the agreement states that it terminates on a particular day — that day;

(b) otherwise — the end of the shorter transition period.

(2) This regulation applies if —

(a) either —

(i) a district inspector agreed that an appointment of a quarry manager need not be made at a mine under the MSIA section 37(4)(a); or

(ii) the State mining engineer agreed in writing that an appointment of a quarry manager need not be made in relation to quarry operations at a mine under the MSIA section 37(4)(b);

and

(b) the agreement is in force immediately before commencement day; and

(c) the mine is a mine where a quarry manager must be appointed under Schedule 26 clause 14(1).

(3) During the operative period, the site senior executive of a mine where a quarry manager must be appointed under Schedule 26 clause 14(1) has the functions of the quarry manager for the mine.

746. Written directives exempting mines from requirement to appoint ventilation officers

(1) In this regulation —

operative period means the period beginning on commencement day and ending on the earlier of the following —

(a) if the directive made in relation to a mine under the MSIR regulation 9.3(4) states that it terminates on a particular day — that day;

(b) otherwise — the end of the shorter transition period.

(2) This regulation applies if —

(a) a district inspector issued a written directive exempting, under the MSIR regulation 9.3(4), a mine from the requirement to appoint a ventilation officer under the MSIR regulation 9.3; and

(b) the exemption is in force immediately before commencement day.

(3) During the operative period, the mine operator of the mine does not commit an offence against regulation 675ZB(1) if, in accordance with the directive —

(a) if the mine is an underground mine — a person who is not an underground ventilation officer performs the functions of the position at the mine; and

(b) if a mine air quality officer must be appointed for the mine under Schedule 26 clause 4(1) — a person who is not a mine air quality officer performs the functions of the position in relation to the surface mining operation at the mine.

(4) During the operative period, the mine operator of the mine does not commit an offence against regulation 675ZC(2) if sufficient persons are available, in accordance with the directive, to perform the functions of —

(a) if the mine is an underground mine — an underground ventilation officer; and

(b) if a mine air quality officer must be appointed for the mine under Schedule 26 clause 4(1) — a mine air quality officer.

747. Competency certificates

(1) In this regulation —

competency certificate means a certificate of competency under the MSIR that is listed in column 1 of the Table;

equivalent certificate, in relation to a competency certificate, means the statutory certificate listed opposite the competency certificate in column 2 of the Table.

Table

Column 1 **Competency certificate**	**Column 2** **Equivalent certificate**
Authorised mine surveyor's certificate (grade 1)	Authorised mine surveyor's certificate (grade 1)
Authorised mine surveyor's certificate (grade 2)	Authorised mine surveyor's certificate (grade 2)

Column 1 Competency certificate	Column 2 Equivalent certificate
Deputy's certificate	Deputy's certificate for underground coal mines
First class mine manager's certificate for underground coal mines	First class mine manager's certificate for coal mines
First class mine manager's certificate other than for underground coal mines	First class mine manager's certificate for non-coal mines
Quarry manager's certificate	Quarry manager's certificate
Restricted quarry manager's certificate	Restricted quarry manager's certificate
Underground supervisor's certificate	Underground supervisor's certificate

(2) If, immediately before commencement day, a person held a competency certificate, the person is taken to hold the equivalent certificate in relation to the competency certificate.

(3) If a person applied for a competency certificate before commencement day and the certificate is issued to the person under the MSIR as continued under regulation 706(a), the person is taken to hold the equivalent certificate in relation to the competency certificate.

(4) The equivalent certificate in relation to the competency certificate under subregulation (2) or (3) expires at the end of

the period of 3 years beginning on commencement day unless, at the end of the period, the person who holds the certificate —

(a) has passed an applicable legislation examination for the certificate; and

(b) if an eligibility requirement for the certificate is that the person successfully completes an approved WHS risk management unit for the certificate — has successfully completed the unit for the certificate.

(5) If a decision is made to refuse to grant the competency certificate under the MSIR as continued under regulation 706(a), the decision is taken to have been made under regulation 675ZZC(1).

Note for this subregulation:

Refusing to grant a statutory certificate to a person under regulation 675ZZC(1) is a reviewable decision (see regulation 676).

(6) If a competency certificate is issued subject to a restriction under the MSIR regulation 2.29 as continued under regulation 706, the competency certificate is taken to be granted subject to the same condition in the same form as the restriction under the repealed regulations as if the condition were imposed under regulation 675ZZC(3).

Note for this subregulation:

Granting a statutory certificate subject to conditions under regulation 675ZZC(3) is a reviewable decision (see regulation 676).

748. Winding engine driver's certificates

(1) A person who, immediately before commencement day, held a winding engine driver's certificate issued under the MSIR is taken, on and after commencement day, to be eligible to be appointed as —

(a) if the certificate is a Class I winding engine driver's certificate — a winding engine driver for a class 1 or class 2 engine at an underground mine under Schedule 26 clause 13(4); or

(b) if the certificate is a Class II winding engine driver's certificate — a winding engine driver for a class 2 engine at an underground mine under Schedule 26 clause 13(5).

(2) A person who was issued a winding engine driver's certificate under the MSIR as continued under regulation 706 is taken, on and after commencement day, to be eligible to be appointed as —

(a) if the certificate is a Class I winding engine driver's certificate — a winding engine driver for a class 1 or class 2 engine at an underground mine under Schedule 26 clause 13(4); or

(b) if the certificate is a Class II winding engine driver's certificate — a winding engine driver for a class 2 engine at an underground mine under Schedule 26 clause 13(5).

749. Exemptions generally

(1) This regulation applies to an exemption under the MSIR regulation 1.4 or 1.5 that was in effect immediately before commencement day, other than an exemption in relation to the registration of plant.

Note for this subregulation:

See regulation 718 for exemptions in relation to the registration of plant.

(2) The exemption is, on and after commencement day, taken to be an exemption under Part 11.2 until the earlier of the following —

(a) the day on which the exemption is cancelled;

(b) the day on which the exemption ends in the written notice given under the MSIR regulation 1.4 or 1.5;

(c) the end of the longer transitional period.

(3) If the exemption under the MSIR regulation 1.4 or 1.5 specifies a condition in the exemption, the person having the benefit of the exemption must not contravene the condition.

Penalty for this subregulation:

(a) for an individual, a fine of $7 000;

(b) for a body corporate, a fine of $35 000.

Part 11.5 — Transitional and savings provisions for *Work Health and Safety Regulations Amendment Regulations (No. 2) 2023*

[Heading inserted: SL 2023/134 r. 19.]

750. Delayed application of Schedule 3 items 14A and 15A

During the period of 2 years beginning on the day on which the *Work Health and Safety Regulations Amendment Regulations (No. 2) 2023* regulation 19 comes into operation, Schedule 3 items 14A and 15A do not apply.

[Section 750 inserted: SL 2023/134 r. 19.]

Schedule 1 — Not used

Schedule 2 — Not used

Schedule 3 — High risk work licences and classes of high risk work

[r. 81]

Table 3.1

Item	High risk work licence	Description of class of high risk work
Scaffolding work		
1.	Basic scaffolding	Scaffolding work (excluding scaffolding work involving equipment, loads or tasks listed in items 2(2)(a) to (g) and 3(2)(a) to (c)) involving any of the following — (a) modular or pre-fabricated scaffolds; (b) cantilevered materials hoists with a maximum working load of 500 kilograms; (c) ropes; (d) gin wheels; (e) safety nets and static lines; (f) bracket scaffolds (tank and formwork)
2.	Intermediate scaffolding	(1) Scaffolding work included in the class of basic scaffolding (2) Scaffolding work (excluding scaffolding work involving equipment, loads or tasks listed in item 3(2)(a) to (c)) involving any of the following — (a) cantilevered crane loading platforms;

Item	High risk work licence	Description of class of high risk work
		(b) cantilevered scaffolds; (c) spur scaffolds; (d) barrow ramps and sloping platforms; (e) scaffolding associated with perimeter safety screens and shutters; (f) mast climbing work platforms; (g) tube and coupler scaffolds (including tube and coupler covered ways and gantries)
3.	Advanced scaffolding	(1) Scaffolding work included in the class of intermediate scaffolding (2) Scaffolding work involving any of the following — (a) cantilevered hoists; (b) hung scaffolds, including scaffolds hung from tubes, wire ropes or chains; (c) suspended scaffolds
Dogging and rigging work		
4.	Dogging	Dogging work
5.	Basic rigging	(1) Dogging work (2) Rigging work (excluding rigging work involving equipment, loads or tasks listed in items 6(b) to (f)

Item	High risk work licence	Description of class of high risk work
		and 7(b) to (e)) involving any of the following — (a) structural steel erection; (b) hoists; (c) pre-cast concrete members of a structure; (d) safety nets and static lines; (e) mast climbing work platforms; (f) perimeter safety screens and shutters; (g) cantilevered crane loading platforms
6.	Intermediate rigging	Rigging work (excluding rigging work involving equipment listed in item 7(b) to (e)) involving any of the following — (a) rigging work in the class basic rigging; (b) hoists with jibs and self-climbing hoists; (c) cranes, conveyors, dredges and excavators; (d) tilt slabs; (e) demolition of structures or plant; (f) dual lifts

Item	High risk work licence	Description of class of high risk work
7.	Advanced rigging	Rigging work involving any of the following — (a) rigging work in the class intermediate rigging; (b) gin poles and shear legs; (c) flying foxes and cable ways; (d) guyed derricks and structures; (e) suspended scaffolds and fabricated hung scaffolds
Crane and hoist operation		
8.	Tower crane	Use of a tower crane
9.	Self-erecting tower crane	Use of a self-erecting tower crane
10.	Derrick crane	Use of a derrick crane
11.	Portal boom crane	Use of a portal boom crane
12.	Bridge and gantry crane	(1) Use of a bridge crane or gantry crane that is — (a) controlled from a permanent cabin or control station on the crane; or (b) remotely controlled and having more than 3 powered operations (2) Subitem (1) includes the application of load estimation and slinging techniques to move a load

Item	High risk work licence	Description of class of high risk work
13.	Vehicle loading crane	Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, including the application of load estimation and slinging techniques to move a load
14.	Non-slewing mobile crane	Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes
14A.	Non-slewing mobile crane	Use of non-slewing earthmoving machinery with a safe working load greater than 3 tonnes as a crane
15.	Slewing mobile crane — with a capacity up to 20 tonnes	Use of a slewing mobile crane with a capacity of 20 tonnes or less Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes Use of a reach stacker
15A.	Slewing mobile crane — with a capacity up to 20 tonnes	Use of slewing earthmoving machinery with a safe working load greater than 3 tonnes as a crane
16.	Slewing mobile crane — with a capacity up to 60 tonnes	Use of a slewing mobile crane with a capacity of 60 tonnes or less Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load

Item	High risk work licence	Description of class of high risk work
		estimation and slinging techniques to move a load Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes Use of a reach stacker
17.	Slewing mobile crane — with a capacity up to 100 tonnes	Use of a slewing mobile crane with a capacity of 100 tonnes or less Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes Use of a reach stacker
18.	Slewing mobile crane — with a capacity over 100 tonnes	Use of a slewing mobile crane Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes Use of a reach stacker
19.	Materials hoist	Use of a materials hoist
20.	Personnel and materials hoist	Use of a personnel and materials hoist Use of a materials hoist

Item	High risk work licence	Description of class of high risk work
21.	Boom-type elevating work platform	Use of a boom-type elevating work platform where the length of the boom is 11 metres or more
22.	Concrete placing boom	Use of a concrete placing boom
Reach stackers		
23.	Reach stacker	Operation of a reach stacker of greater than 3 tonnes capacity that incorporates an attachment for lifting, moving and travelling with a shipping container, but does not include a portainer crane
Forklift operation		
24.	Forklift truck	Use of a forklift truck other than an order-picking forklift truck
25.	Order-picking forklift truck	Use of an order-picking forklift truck
Pressure equipment operation		
26.	Standard boiler operation	Operation of a boiler with a single fuel source that does not have a pre-heater, superheater or economiser attached
27.	Advanced boiler operation	Operation of a boiler, including a standard boiler, which may have 1 or more of the following — (a) multiple fuel sources; (b) pre-heater; (c) superheater; (d) economiser

Item	High risk work licence	Description of class of high risk work
28.	Steam turbine operation	Operation of a steam turbine that has an output of 500 kilowatts or more and — (a) is multi-wheeled; or (b) is capable of a speed greater than 3 600 revolutions per minute; or (c) has attached condensers; or (d) has a multi-staged heat exchange extraction process
29.	Reciprocating steam engine	Operation of a reciprocating steam engine where the diameter of any piston exceeds 250 mm

[Table 3.1 amended: SL 2023/134 r. 20(1) and (2).]

1. Boom-type elevating work platform

For the purposes of Table 3.1 item 21, 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.

*[**2.** Deleted: SL 2023/134 r. 20(3).]*

Schedule 4 — High risk work licences: competency requirements

[r. 81]

1. Purpose of Schedule

This Schedule sets out the qualifications for high risk work licences.

Table 4.1

Item	Licence class	VET course
1.	Basic scaffolding	Licence to erect, alter and dismantle scaffolding basic level
2.	Intermediate scaffolding	Licence to erect, alter and dismantle scaffolding basic level; and Licence to erect, alter and dismantle scaffolding intermediate level
3.	Advanced scaffolding	Licence to erect, alter and dismantle scaffolding basic level; and Licence to erect, alter and dismantle scaffolding intermediate level; and Licence to erect, alter and dismantle scaffolding advanced level
4.	Dogging	Licence to perform dogging
5.	Basic rigging	Licence to perform dogging; and Licence to perform rigging basic level
6.	Intermediate rigging	Licence to perform dogging; and Licence to perform rigging basic level; and Licence to perform rigging intermediate level

Item	Licence class	VET course
7.	Advanced rigging	Licence to perform dogging; and Licence to perform rigging basic level; and Licence to perform rigging intermediate level; and Licence to perform rigging advanced level
8.	Tower crane	Licence to operate a tower crane
9.	Self-erecting tower crane	Licence to operate a self-erecting tower crane
10.	Derrick crane	Licence to operate a derrick crane
11.	Portal boom crane	Licence to operate a portal boom crane
12.	Bridge and gantry crane	Licence to operate a bridge and gantry crane
13.	Vehicle loading crane	Licence to operate a vehicle loading crane (capacity 10 metre tonnes and above)
14.	Non-slewing mobile crane	Licence to operate a non-slewing mobile crane (greater than 3 tonnes capacity)
15.	Slewing mobile crane — with a capacity up to 20 tonnes	Licence to operate a slewing mobile crane (up to 20 tonnes)

Item	Licence class	VET course
16.	Slewing mobile crane — with a capacity up to 60 tonnes	Licence to operate a slewing mobile crane (up to 60 tonnes)
17.	Slewing mobile crane —with a capacity up to 100 tonnes	Licence to operate a slewing mobile crane (up to 100 tonnes)
18.	Slewing mobile crane — with a capacity over 100 tonnes	Licence to operate a slewing mobile crane (over 100 tonnes)
19.	Materials hoist	Licence to operate a materials hoist
20.	Personnel and materials hoist	Licence to operate a personnel and materials hoist
21.	Boom-type elevating work platform	Licence to operate a boom-type elevating work platform (boom length 11 metres or more)
22.	Concrete placing boom	Licence to operate a concrete placing boom
23.	Reach stacker	Licence to operate a reach stacker of greater than 3 tonnes capacity
24.	Forklift truck	Licence to operate a forklift truck
25.	Order-picking forklift truck	Licence to operate an order-picking forklift truck
26.	Standard boiler operation	Licence to operate a standard boiler

Item	Licence class	VET course
27.	Advanced boiler operation	Licence to operate a standard boiler; and Licence to operate an advanced boiler
28.	Steam turbine operation	Licence to operate a steam turbine
29.	Reciprocating steam engine operation	Licence to operate a reciprocating steam engine

Schedule 5 — Registration of plant and plant designs

[r. 243 and 246]

Division 1 — Plant requiring registration of design

1. Items of plant requiring registration of design

(1) Pressure equipment, other than pressure piping, and categorised as hazard level A, B, C or D according to the criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels).

(2) Gas cylinders covered by Section 1 of AS 2030.1:2009 (Gas cylinders — General requirements).

(3) Tower cranes including self-erecting tower cranes.

(4) Lifts and escalators and moving walkways.

(5) Building maintenance units.

(6) Hoists with a platform movement exceeding 2.4 metres, designed to lift people.

(7) Work boxes designed to be suspended from cranes.

(8) *[not used]*

(8A) Passenger ropeways.

(9) Concrete placing booms.

(10) Prefabricated scaffolding.

(11) Boom-type elevating work platforms.

(12) Gantry cranes with a safe working load greater than 5 tonnes or bridge cranes with a safe working load of greater than 10 tonnes, and any gantry crane or bridge crane which is designed to handle molten metal or dangerous goods.

(13) Vehicle hoists.

(14) Mast climbing work platforms.

(15) Mobile cranes with a rated capacity of greater than 10 tonnes.

2. Exceptions

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

(a) a heritage boiler; or

(ab) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2015 (Pressure equipment); or

Note for this paragraph:

See paragraph A3 of Appendix A to AS/NZS 1200:2015.

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

(ba) a reach stacker; or

(c) an elevating work platform that is a scissor lift or a vertically moving platform; or

(d) a tow truck.

(2) *[not used]*

Division 2 — Items of plant requiring registration

3. Items of plant requiring registration

(1) Boilers categorised as hazard level A, B or C according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels).

(2) Pressure vessels categorised as hazard level A, B or C according to the criteria in Section 2.1 of AS 4343:2014 (Pressure equipment — Hazard levels), except —

(a) gas cylinders; and

(b) LP Gas fuel vessels for automotive use; and

(c) serially produced vessels.

(3) Tower cranes including self-erecting tower cranes.

(4) Lifts and escalators and moving walkways.

(5) Building maintenance units.

(6) *[not used]*

(7) Concrete placing booms.

(8) Mobile cranes with a rated capacity of greater than 10 tonnes.

4. Exceptions

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

(a) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2015 (Pressure equipment); or

Note for this paragraph:

See paragraph A3 of Appendix A to AS/NZS 1200:2015.

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

(c) a reach stacker.

(2) *[not used]*

Schedule 6 — Classification of mixtures

[r. 5]

1. Purpose of Schedule

The Tables in this Schedule replace some of the tables in the GHS.

Note for this clause:

See the definition of ***GHS*** in regulation 5.

Table 6.1 Classification of mixtures containing respiratory or skin sensitisers

Cut-off values/concentration limits of ingredients of a mixture classified as either a respiratory sensitiser or a skin sensitiser that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification		
		Skin sensitiser Category 1	Respiratory sensitiser Category 1	
		All physical states	Solid/liquid	Gas
1.	Skin sensitiser Category 1	≥ 1.0%		
2.	Skin sensitiser Sub category 1A	≥ 0.1%		
3.	Skin sensitiser Sub-category 1B	≥ 1.0%		
4.	Respiratory sensitiser Category 1		≥ 1.0%	≥ 0.2%

Item	Ingredient classification	Mixture classification		
		Skin sensitiser Category 1	**Respiratory sensitiser Category 1**	
		All physical states	**Solid/liquid**	**Gas**
5.	Respiratory sensitiser Sub-category 1A		≥ 0.1%	≥ 0.1%
6.	Respiratory sensitiser Sub-category 1B		≥ 1.0%	≥ 0.2%

Note for this Table:

Table 6.1 replaces Table 3.4.5 in the GHS, p. 159.

Table 6.2 Classification of mixtures containing carcinogens

Cut-off values/concentration limits of ingredients of a mixture classified as a carcinogen that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification	
		Category 1 carcinogen	**Category 2 carcinogen**
1.	Category 1 carcinogen	≥ 0.1%	
2.	Category 2 carcinogen		≥ 1.0%

Notes for this Table:

1. The concentration limits in Table 6.2 apply to solids and liquids (w/w units) and gases (v/v units).

2. Table 6.2 replaces Table 3.6.1 in the GHS, p. 174.

Table 6.3 Classification of mixtures containing reproductive toxicants

Cut-off values/concentration limits of ingredients of a mixture classified as a reproductive toxicant or for effects on or via lactation that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification		
		Category 1 reproductive toxicant	**Category 2 reproductive toxicant**	**Additional category for effects on or via lactation**
1.	Category 1 reproductive toxicant	≥ 0.3%		
2.	Category 2 reproductive toxicant		≥ 3.0%	
3.	Additional category for effects on or via lactation			≥ 0.3%

Notes for this Table:

1. The concentration limits in Table 6.3 apply to solids and liquids (w/w units) and gases (v/v units).
2. Table 6.3 replaces Table 3.7.1 in the GHS, p. 187.

Table 6.4 Classification of mixtures containing specific target organ toxicants (single exposure)

Cut-off values/concentration limits of ingredients of a mixture classified as a specific target organ toxicant that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification	
		Category 1	**Category 2**
1.	Category 1 specific target organ toxicant	Concentration ≥ 10%	1.0% ≤ concentration < 10%
2.	Category 2 specific target organ toxicant		Concentration ≥ 10%

Notes for this Table:

1. The concentration limits in Table 6.4 apply to solids and liquids (w/w units) and gases (v/v units).
2. Table 6.4 replaces Table 3.8.2 in the GHS, p. 197.

Table 6.5 Classification of mixtures containing specific target organ toxicants (repeated exposure)

Cut-off values/concentration limits of ingredients of a mixture classified as a specific target organ toxicant that would trigger classification of the mixture.

Item	Ingredient classification	Mixture classification	
		Category 1	**Category 2**
1.	Category 1 specific target organ toxicant	Concentration ≥ 10%	1.0% ≤ concentration < 10%

Item	Ingredient classification	Mixture classification	
		Category 1	**Category 2**
2.	Category 2 specific target organ toxicant		Concentration ≥ 10%

Notes for this Table:

1. The concentration limits in Table 6.5 apply to solids and liquids (w/w units) and gases (v/v units).
2. Table 6.5 replaces Table 3.9.3 in the GHS, p. 207.

Schedule 7 — Safety data sheets

[r. 330 and 331]

1. Safety data sheets: content

(1) A safety data sheet for a hazardous chemical must —

(a) contain unit measures expressed in Australian legal units of measurement under the *National Measurement Act 1960* (Commonwealth); and

(b) state the date it was last reviewed or, if it has not been reviewed, the date it was prepared; and

(c) state the name, and the Australian address and business telephone number of —

(i) the manufacturer; or

(ii) the importer;

and

(d) state an Australian business telephone number from which information about the chemical can be obtained in an emergency; and

(e) be in English.

(2) A safety data sheet for a hazardous chemical must state the following information about the chemical —

(a) Section 1: Identification;

(b) Section 2: Hazard(s) identification;

(c) Section 3: Composition and information on ingredients, in accordance with Schedule 8;

(d) Section 4: First aid measures;

(e) Section 5: Firefighting measures;

(f) Section 6: Accidental release measures;

(g) Section 7: Handling and storage;

(h) Section 8: Exposure controls and personal protection;

(i) Section 9: Physical and chemical properties;

(j) Section 10: Stability and reactivity;

(k) Section 11: Toxicological information;

(l) Section 12: Ecological information;

(m) Section 13: Disposal considerations;

(n) Section 14: Transport information;

(o) Section 15: Regulatory information;

(p) Section 16: Any other relevant information.

(3) The safety data sheet must use the headings and be set out in the order set out in subclause (2).

(4) The safety data sheet must be in English.

Note for this clause:

Regulations 330 and 331 provide that clause 2 will apply instead of clause 1 in certain cases.

2. Safety data sheets: research chemical, waste product or sample for analysis

For the purposes of regulation 331, a safety data sheet for a hazardous chemical that is a research chemical, waste product or sample for analysis must —

(a) be in English; and

(b) state the name, Australian address and business telephone number of —

(i) the manufacturer; or

(ii) the importer;

and

(c) state that full identification or hazard information is not available for the chemical, and in the absence of full identification or hazard information, a precautionary approach must be taken by a person using, handling or storing the chemical; and

(d) state the chemical identity or structure of the chemical or chemical composition, as far as is reasonably practicable; and

(e) state any known or suspected hazards; and

(f) state any precautions that a person using, handling or storing the chemical must take to the extent that the precautions have been identified.

Schedule 8 — Disclosure of ingredients in safety data sheet

[Sch. 7 cl. 1(2)(c) and Sch. 9 cl. 3(1)(c)]

1. Purpose of Schedule

This Schedule sets out the way in which the ingredients of a hazardous chemical must be disclosed in Section 3 of a safety data sheet prepared under these regulations.

Note for this clause:

See Schedule 7 clause 1(2)(c).

2. Identity of ingredients to be disclosed

(1) This clause applies if an ingredient in a hazardous chemical causes the correct classification of the chemical to include a hazard class and hazard category referred to in Table 8.1.

(2) The identity of the ingredient must be disclosed in English on the label and safety data sheet of the hazardous chemical.

Table 8.1

Item	GHS hazard class	GHS hazard category
1.	Acute toxicity — oral	Category 1 Category 2 Category 3 Category 4
2.	Acute toxicity — dermal	Category 1 Category 2 Category 3 Category 4

Item	GHS hazard class	GHS hazard category
3.	Acute toxicity — inhalation	Category 1 Category 2 Category 3 Category 4
4.	Respiratory sensitiser	Category 1
5.	Skin sensitiser	Category 1
6.	Mutagenicity	Category 1A Category 1B Category 2
7.	Carcinogenicity	Category 1A Category 1B Category 2
8.	Toxic to reproduction	Category 1A Category 1B Category 2 Additional category for effects on or via lactation
9.	Target organ toxicity — single exposure	Category 1 Category 2 Category 3
10.	Target organ toxicity — repeat exposure	Category 1 Category 2

Item	GHS hazard class	GHS hazard category
11.	Aspiration hazards	Category 1
12.	Skin corrosion or irritation	Category 1A Category 1B Category 1C Category 2
13.	Serious eye damage or eye irritation	Category 1 Category 2

3. Generic names used to disclose identity of ingredients

(1) This clause applies if an ingredient of a hazardous chemical must be disclosed under clause 2.

(2) The ingredient —

(a) may be disclosed by its generic name if —

(i) the ingredient causes the correct classification of the hazardous chemical to include a hazard class and hazard category referred to in Table 8.2; and

(ii) the ingredient does not cause the correct classification of the hazardous chemical to include any other hazard class and hazard category in Table 8.1; and

(iii) the identity of the ingredient is commercially confidential; and

(iv) an exposure standard for the ingredient has not been established;

or

(b) in any other case — must be disclosed by its chemical identity.

Table 8.2

Item	Hazard class and hazard category
1.	Acute toxicity (category 4)
2.	Aspiration hazard (category 1)
3.	Serious eye damage or eye irritation (category 2)
4.	Skin corrosion or irritation (category 2)
5.	Specific target organ toxicity (single exposure) (category 3)

4. Disclosing proportions of ingredients

(1) This clause applies if an ingredient of a hazardous chemical must be disclosed under clause 2.

(2) The proportion of the ingredient to the hazardous chemical must be disclosed —

(a) if the exact proportion of the ingredient is not commercially confidential — as the exact proportion of the chemical, expressed as a percentage by weight or volume; or

(b) if the exact proportion of the ingredient is commercially confidential — as 1 of the following ranges within which the exact proportion fits, expressed as a percentage by weight or volume —

(i) <10%;

(ii) 10 – 30%;

(iii) 30 – 60%;

(iv) > 60%;

(v) a range that is narrower than the range set out in subparagraph (i), (ii), (iii) or (iv).

Schedule 9 — Classification, packaging and labelling requirements

[r. 329, 334 and 335]

Division 1 — Correct classification

1. Correct classification of a substance, mixture or article

(1) A substance or mixture (other than a research chemical, sample for analysis or waste product) is ***correctly classified*** if a determination is made about whether the substance or mixture can be classified into a hazard class under the GHS including a mixture classification referred to in Schedule 6.

Note for this subclause:

The Schedule 6 Tables replace some tables in the GHS.

(2) A substance or mixture that is a research chemical, sample for analysis or waste product is ***correctly classified*** if, so far as is reasonably practicable having regard to the known or suspected properties of the substance or mixture —

(a) a determination is made about the identity of the substance or mixture; and

(b) a determination is made about whether the substance or mixture can be classified into a hazard class under the GHS.

(3) An article that contains a substance or mixture that may be released during the use, handling or storage of the article is ***correctly classified*** if the substance or mixture is correctly classified.

Division 2 — Correct packing

2. Correctly packing hazardous chemicals

(1) A hazardous chemical is ***correctly packed*** if the chemical is packed in a container that —

(a) is in sound condition; and

(b) will safely contain the chemical for the time the chemical is likely to be packed; and

(c) is made of material that is compatible with, and will not be adversely affected by, the chemical; and

(d) does not usually contain food or beverages and cannot be mistakenly identified as containing food or beverages.

(2) Despite subclause (1), a hazardous chemical supplied by a retailer to a person, in a container provided by the person, is only ***correctly packed*** if —

(a) for a hazardous chemical with a classification that includes flammable gases or gases under pressure — the container complies with the ADG Code; and

(b) in any other case — the container —

(i) is clearly marked with the product identifier or chemical identity; and

(ii) complies with subclause (1)(a) to (d).

Division 3 — Correct labelling

Note for this Division:

More than 1 clause of this Division may apply to a hazardous chemical depending on the nature of the hazardous chemical, its container and other matters.

3. Labelling hazardous chemicals: general

(1) A hazardous chemical is ***correctly labelled*** if the chemical is packed in a container that has a label in English including the following —

(a) the product identifier;

(b) the name, and the Australian address and business telephone number of —

(i) the manufacturer; or

(ii) the importer;

(c) for each ingredient of the chemical — the identity and proportion disclosed in accordance with Schedule 8;

(d) any hazard pictogram consistent with the correct classification of the chemical;

(e) any hazard statement, signal word and precautionary statement consistent with the correct classification of the chemical;

(f) any information about the hazards, first aid and emergency procedures relevant to the chemical, not otherwise included in the hazard statement or precautionary statement referred to in paragraph (e);

(g) if the chemical has an expiry date — the expiry date.

(2) The label may include any other information that does not contradict or cast doubt on the matters referred to in subclause (1).

(3) This clause is subject to clauses 4 to 10.

4. Labelling hazardous chemicals: small container

(1) This clause applies if a hazardous chemical is packed in a container that is too small for a label attached to it to include all the information referred to in clause 3(1).

(2) The hazardous chemical is ***correctly labelled*** if the chemical is packed in a container that has a label in English including the following —

(a) the product identifier;

(b) the name, and the Australian address and business telephone number of —

(i) the manufacturer; or

(ii) the importer;

(c) a hazard pictogram or hazard statement consistent with the correct classification of the chemical;

(d) any other information referred to in clause 3(1) that it is reasonably practicable to include.

5. Labelling hazardous chemicals: research chemicals or samples for analysis

(1) This clause applies to a hazardous chemical that is a research chemical or sample for analysis.

(2) The hazardous chemical is ***correctly labelled*** if the chemical is packed in a container that has a label in English including the following —

(a) the product identifier;

(b) a hazard pictogram or hazard statement consistent with the correct classification of the chemical.

6. Labelling hazardous chemicals: decanted or transferred chemicals

(1) This clause applies if —

(a) a hazardous chemical is decanted or transferred from the container in which it is packed; and

(b) either —

(i) will not be used immediately; or

(ii) is supplied to someone else.

(2) The hazardous chemical is ***correctly labelled*** if the chemical is packed in a container that has a label in English including the following —

(a) the product identifier;

(b) a hazard pictogram or hazard statement consistent with the correct classification of the chemical.

7. Labelling hazardous chemicals: known hazards

(1) This clause applies to a hazardous chemical if —

(a) the chemical is not being supplied to another workplace; and

(b) the hazards relating to the chemical are known to the workers involved in using, handling or storing the chemical.

(2) The hazardous chemical is ***correctly labelled*** if the chemical is packed in a container that has a label in English including the following —

(a) the product identifier;

(b) a hazard pictogram or hazard statement consistent with the correct classification of the chemical.

8. Labelling hazardous chemicals: waste products

(1) This clause applies to a waste product if it is reasonably likely that the waste product is a hazardous chemical.

(2) The waste product is ***correctly labelled*** if it is packed in a container that has a label in English including the following for the hazardous chemical —

(a) the product identifier;

(b) the name, and the Australian address and business telephone number of —

(i) the manufacturer; or

(ii) the importer;

(c) a hazard pictogram and hazard statement consistent with the correct classification of the chemical.

9. Labelling hazardous chemicals: explosives

(1) This clause applies to a hazardous chemical that may be classified in the explosives hazard class.

(2) The hazardous chemical is ***correctly labelled*** if the chemical is packed in a container that has a label in English that —

(a) complies with the Australian Code for the Transport of Explosives by Road and Rail; and

(b) includes the following —

(i) the proper shipping name and UN number;

(ii) any hazard pictogram consistent with the correct classification of the chemical in relation to health hazards;

(iii) any hazard statement consistent with the correct classification of the chemical in relation to health hazards;

(iv) any precautionary statement consistent with the correct classification of the chemical in relation to health hazards.

10. Labelling hazardous chemicals: agricultural and veterinary chemicals

(1) A hazardous chemical that is an agricultural or veterinary chemical is ***correctly labelled*** if —

(a) the chemical is labelled in accordance with the requirements of the Australian Pesticides and Veterinary Medicines Authority; and

(b) the label is in English and includes the following —

(i) any hazard statement consistent with the correct classification of the chemical;

(ii) any precautionary statement consistent with the correct classification of the chemical.

(2) In this clause —

agricultural or veterinary chemical means an agricultural chemical product or veterinary chemical product under the *Agricultural and Veterinary Chemicals Code Act 1994* (Commonwealth).

Schedule 10 — Prohibited carcinogens, restricted carcinogens and restricted hazardous chemicals

[r. 340 and 380 to 384]

Note for this Schedule:

The prohibition of the use of carcinogens listed in Table 10.1 column 2 and the restriction of the use of carcinogens listed in Table 10.2 column 2 apply to the pure substance and where the substance is present in a mixture at a concentration greater than 0.1%, unless otherwise specified.

Table 10.1 — Prohibited carcinogens

Column 1 Item	Column 2 Prohibited carcinogen [CAS number]
1.	2-Acetylaminofluorene [53-96-3]
2.	Aflatoxins
3.	4-Aminodiphenyl [92-67-1]
4.	Benzidine [92-87-5] and its salts (including benzidine dihydrochloride [531-85-1])
5.	bis(Chloromethyl) ether [542-88-1]
6.	Chloromethyl methyl ether [107-30-2] (technical grade which contains bis(chloromethyl) ether)
7.	4-Dimethylaminoazobenzene [60-11-7] (Dimethyl Yellow)
8.	2-Naphthylamine [91-59-8] and its salts
9.	4-Nitrodiphenyl [92-93-3]

Table 10.2 — Restricted carcinogens

Column 1 Item	Column 2 Restricted carcinogen [CAS Number]	Column 3 Restricted use
1.	Acrylonitrile [107-13-1]	All
2.	Benzene [71-43-2]	All uses involving benzene as a feedstock containing more than 50% of benzene by volume Genuine research or analysis
3.	Cyclophosphamide [50-18-0]	When used in preparation for therapeutic use in hospitals and oncological treatment facilities, and in manufacturing operations Genuine research or analysis
4.	3,3’-Dichlorobenzidine [91-94-1] and its salts (including 3,3’-Dichlorobenzidine dihydrochloride [612-83-9])	All
5.	Diethyl sulfate [64-67-5]	All
6.	Dimethyl sulfate [77-78-1]	All
7.	Ethylene dibromide [106-93-4]	When used as a fumigant Genuine research or analysis
8.	4,4’-Methylene bis(2-chloroaniline) [101-14-4] MOCA	All

Column 1 Item	Column 2 Restricted carcinogen [CAS Number]	Column 3 Restricted use
9.	3-Propiolactone [57-57-8] (Beta-propiolactone)	All
10.	o-Toluidine [95-53-4] and o-Toluidine hydrochloride [636-21-5]	All
11.	Vinyl chloride monomer [75-01-4]	All

Table 10.3 — Restricted hazardous chemicals

Column 1 Item	Column 2 Restricted hazardous chemical	Column 3 Restricted use
1.	Antimony and its compounds	For abrasive blasting at a concentration of greater than 0.1% as antimony
2.	Arsenic and its compounds	For abrasive blasting at a concentration of greater than 0.1% as arsenic For spray painting
3.	Benzene (benzol), if the substance contains more than 1% by volume	For spray painting
4.	Beryllium and its compounds	For abrasive blasting at a concentration of greater than 0.1% as beryllium

Column 1 Item	Column 2 Restricted hazardous chemical	Column 3 Restricted use
5.	Cadmium and its compounds	For abrasive blasting at a concentration of greater than 0.1% as cadmium
6.	Carbon disulphide (carbon bisulphide)	For spray painting
7.	Chromate	For wet abrasive blasting
8.	Chromium and its compounds	For abrasive blasting at a concentration of greater than 0.5% (except as specified for wet blasting) as chromium
9.	Cobalt and its compounds	For abrasive blasting at a concentration of greater than 0.1% as cobalt
10.	Free silica (crystalline silicon dioxide)	For abrasive blasting at a concentration of greater than 1%
11.	Lead and compounds	For abrasive blasting at a concentration of greater than 0.1% as lead or which would expose the operator to levels in excess of those set in the regulations covering lead
12.	Lead carbonate	For spray painting
13.	Methanol (methyl alcohol), if the substance contains more than 1% by volume	For spray painting

Column 1 Item	Column 2 Restricted hazardous chemical	Column 3 Restricted use
14.	Nickel and its compounds	For abrasive blasting at a concentration of greater than 0.1% as nickel
15.	Nitrates	For wet abrasive blasting
16.	Nitrites	For wet abrasive blasting
17.	Radioactive substance of any kind where the level of radiation exceeds 1 Bq/g	For abrasive blasting, so far as is reasonably practicable
18.	Tetrachloroethane	For spray painting
19.	Tetrachloromethane (carbon tetrachloride)	For spray painting
20.	Tin and its compounds	For abrasive blasting at a concentration of greater than 0.1% as tin
21.	Tributyl tin	For spray painting

Note for this Table:

Regulation 382 deals with polychlorinated biphenyls (PCBs).

Schedule 11 — Not used

Schedule 12 — Not used

Schedule 13 — Not used

Schedule 14 — Requirements for health monitoring

[r. 368, 370 and 406]

Table 14.1 — Hazardous chemicals (other than lead) requiring health monitoring

Column 1 Item	Column 2 Hazardous chemical	Column 3 Type of health monitoring
1.	Acrylonitrile	Demographic, medical and occupational history Records of personal exposure Physical examination
2.	Arsenic (inorganic)	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the peripheral nervous system and skin Urinary inorganic arsenic
3.	Benzene	Demographic, medical and occupational history Records of personal exposure Physical examination Baseline blood sample for haematological profile

Column 1 Item	Column 2 Hazardous chemical	Column 3 Type of health monitoring
4.	Cadmium	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the respiratory system Standard respiratory questionnaire to be completed Standardised respiratory function tests including for example, FEV_1, FVC and FEV_1/FVC Urinary cadmium and β_2-microglobulin Health advice, including counselling on the effect of smoking on cadmium exposure
5.	Chromium (inorganic)	Demographic, medical and occupational history Physical examination with emphasis on the respiratory system and skin Weekly skin inspection of hands and forearms by a competent person

Column 1 Item	Column 2 Hazardous chemical	Column 3 Type of health monitoring
6.	Creosote	Demographic, medical and occupational history Health advice, including recognition of photosensitivity and skin changes Physical examination with emphasis on the neurological system and skin, noting any abnormal lesions and evidence of skin sensitisation Records of personal exposure, including photosensitivity
7.	Crystalline silica	Demographic, medical and occupational history Records of personal exposure Standardised respiratory questionnaire to be completed Standardised respiratory function test, for example, FEV_1, FVC and FEV_1/FVC Low dose high resolution computed tomography of the chest at less than 1 millisievert equivalent dose for the entire study. The study must image the whole of each lung on inspiration at

Column 1 Item	Column 2 Hazardous chemical	Column 3 Type of health monitoring
		1.5 mm slice thickness or less, without an interslice gap, and must include expiratory imaging. The images must be of adequate quality to detect subtle abnormalities, including groundglass opacities and small nodules.
8.	Isocyanates	Demographic, medical and occupational history Completion of a standardised respiratory questionnaire Physical examination of the respiratory system and skin Standardised respiratory function tests, for example, FEV_1, FVC and FEV_1/FVC
9.	Mercury (inorganic)	Demographic, medical and occupational history Physical examination with emphasis on dermatological, gastrointestinal, neurological and renal systems Urinary inorganic mercury
10.	4,4'-Methylene bis (2 chloroaniline) (MOCA)	Demographic, medical and occupational history Physical examination Urinary total MOCA

Column 1 Item	Column 2 Hazardous chemical	Column 3 Type of health monitoring
		Dipstick analysis of urine for haematuria Urine cytology
11.	Organophosphate pesticides	Demographic, medical and occupational history including pattern of use Physical examination Baseline estimation of red cell and plasma cholinesterase activity levels by the Ellman or equivalent method Estimation of red cell and plasma cholinesterase activity towards the end of the working day on which organophosphate pesticides have been used
12.	Pentachlorophenol (PCP)	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the skin, noting any abnormal lesions or effects of irritancy Urinary total pentachlorophenol Dipstick urinalysis for haematuria and proteinuria

Column 1 Item	Column 2 Hazardous chemical	Column 3 Type of health monitoring
13.	Polycyclic aromatic hydrocarbons (PAH)	Demographic, medical and occupational history Physical examination Records of personal exposure, including photosensitivity Health advice, including recognition of photosensitivity and skin changes
14.	Thallium	Demographic, medical and occupational history Physical examination Urinary thallium
15.	Vinyl chloride	Demographic, medical and occupational history Physical examination Records of personal exposure

Table 14.2 — Lead requiring health monitoring

Column 1 Item	Column 2 Lead	Column 3 Type of health monitoring
1.	Lead (inorganic)	Demographic, medical and occupational history Physical examination Biological monitoring

Schedule 15 — Not used

Schedule 16 — Not used

Schedule 17 — Not used

Schedule 18 — Not used

Schedule 18A — Forms

[r. 701]

1. Entry warrant

***Work Health and Safety Act 2020* s. 167**	**Entry warrant**	
To[1]	All inspectors under the *Work Health and Safety Act 2020*.	
Application	The applicant has applied under the *Work Health and Safety Act 2020* s. 167(1) to me, a Justice of the Peace, for an entry warrant.	
Applicant's details	Name of inspector	
Purpose for which warrant is issued[2]		
Suspected contravention(s) of Act	Provision(s)	
Warrant	This warrant authorises you to enter the place described below and exercise the powers in the *Work Health and Safety Act 2020* Pt. 9 Div. 3.	
Place to be entered		
Hours during which place may be entered		
Thing, or class of things, to which section 167C(1)(f) applies		

<table>
<tr><td>Document, or class of documents, to which section 167C(1)(i) applies</td><td colspan="4"></td></tr>
<tr><td>Execution period[3]</td><td colspan="4">This warrant must be executed within _____ day(s) after the date it is issued.</td></tr>
<tr><td rowspan="2">Issuing details</td><td>Name of JP</td><td colspan="3"></td></tr>
<tr><td>Date</td><td></td><td>Time</td><td></td></tr>
<tr><td>JP’s signature</td><td colspan="4">Issued by me on the above date and at the above time.

Justice of the Peace</td></tr>
<tr><td rowspan="2">Execution details</td><td>Start</td><td>Date: Time:</td><td>End</td><td>Date: Time:</td></tr>
<tr><td colspan="4">Occupier present? Yes/No
Entry audiovisually recorded? Yes/No</td></tr>
<tr><td rowspan="2">Person executing this warrant</td><td>Name</td><td colspan="3"></td></tr>
<tr><td>Office held</td><td colspan="3"></td></tr>
</table>

Notes to Form 1:

1. An entry warrant may be executed by any inspector (s. 166B of the Act).
2. The grounds on which a JP may issue an entry warrant are set out in s. 167(4) of the Act.
3. The execution period must not exceed 30 days (s. 167(5)(f) of the Act).

Schedule 19 — Principal mining hazard management plans — matters to be considered

[r. 628]

1. Geotechnical structure instability

The following matters must be considered in developing control measures to manage the risks of geotechnical structure instability —

(a) influence of geotechnical properties, geological structures, naturally occurring and mining-induced ground stresses on local and overall geological structure instability;

(b) effects of time, water and oxidation on geotechnical properties;

(c) the hydrological and hydrogeological environment, including surface and ground water and their effect on the stability of geological structures;

(d) site selection for waste, tailings and water storage;

(e) the effect of size, slope and geometry of openings and pillars left as support;

(f) design life of geotechnical structures;

(g) method, sequence and rate of extraction of ground;

(h) placement of any filling material;

(i) design, installation (including time of installation), monitoring, maintenance, longevity and quality control of ground support and reinforcement;

(j) managing and minimising adverse effects of blasting, old workings and dynamic loading;

(k) use of appropriate equipment for scaling of ground and installing ground support and reinforcement;

(l) seismic activity, including —

(i) assessing the likelihood of potential seismic activity; and

(ii) monitoring for seismic activity; and

(iii) how data collected during the monitoring for seismic activity will be analysed; and

(iv) precautions taken to eliminate or minimise the adverse effects of seismic activity;

(m) design and construction of foundations of structures;

(n) procedures for dealing with emergencies due to instability or ground failure;

(o) inspecting and monitoring geotechnical structures, including —

(i) how data is collected and analysed; and

(ii) if corrective action is required, how that action will be carried out;

(p) competency of designers, planners, supervisors and operators;

(q) integration of ground control measures with the design of the mine, production at the mine and the measures taken when the mine closes under regulation 675UI(3)(a).

2. Inrush of any substance

The following matters must be considered in developing control measures to manage the risks to health and safety associated with inrush —

(a) identifying potential sources of water and other substances that may be the source of material causing unplanned inrush at the mine, including —

(i) where water or other material that may cause inrush is stored, and where those places are in relation to workplaces; and

(ii) natural surface water bodies and systems; and

(iii) surface or underground workings, including workings in adjoining mines, that contain or may contain water, slurry or other materials; and

(iv) inaccessible underground voids with unknown boundaries; and

(v) subsurface water bodies and systems; and

(vi) natural events that may result in excess water; and

(vii) tailings, waste and rock storage facilities; and

(viii) loss of containment while backfilling, or loss of containment of backfilled material; and

(ix) ore and waste passes and draw points;

(b) identifying possible paths or failure modes by which inrush could occur, including —

(i) openings from underground to surface; and

(ii) boreholes connecting to water bodies; and

(iii) potential accidental breakthrough into current or old voids; and

(iv) potential failure of barriers, including walls, bunds, plugs, dams, barricades, levies and rock barriers; and

(v) geological structures and weaknesses; and

(vi) sink holes and caving of workings; and

(vii) liquefaction;

(c) having regard to, and taking adequate control measures against, inrush at each stage of mining, including design, construction, operation and closure of a mine, including each of the following that apply —

(i) where water, or other material that may cause inrush, is stored to avoid inrush occurring in relation to workplaces;

(ii) designing, constructing and maintaining barriers, including walls, bunds, plugs, dams, barricades, levies and rock barriers;

(iii) inspecting current or old workings, if possible, before breaking through;

(iv) identifying the extent and condition of current and old voids, including by using accurate and available plans and cross-sections, remote sensing technology and drilling probe holes;

(v) developing a process for drilling probe holes that allows for the detection and controlled release of any water encountered;

(vi) extreme weather conditions, including by monitoring and responding to those conditions;

(vii) potential inrush sources, including by marking danger zones around the sources;

(viii) workers working near or approaching areas that contain or may contain water or slurry;

(ix) drawing ore or waste from passes or draw points;

(x) draining of workings, if practicable, that contain or may contain water or slurry before workers work near or approach the workings;

(xi) backfilling operations, including working near backfilled workings;

(xii) withdrawing workers and other persons from any area if there is a risk of an imminent inrush.

3. Mine shafts and winding systems

The following matters must be considered in developing the control measures to manage the risks associated with mine shafts and winding operations —

(a) the stability and integrity of mine shafts;

(b) the ventilation arrangement for sinking a mine shaft in which people will enter to carry out work;

(c) the potential for fires in underground operations, mine shafts or winder areas;

(d) the potential for any unintended or uncontrolled movement of the conveyances within mine shafts;

(e) the potential for a detached conveyance to fall down a mine shaft;

(f) the potential for persons, equipment, materials or support structure to fall into or within mine shafts;

(g) the potential for failure of, or damage to, health and safety related equipment and controls, including the following —

(i) ropes bearing the weight of the shaft conveyance;

(ii) controls and limiting devices to prevent overwind, overrun, overspeed and the exceeding of other selected limits;

(iii) equipment and controls to detect, prevent or cause the winder to stop in the event of slack rope, drum slip or tail rope malfunctions;

(iv) braking systems, including emergency brakes and systems for preventing the free-fall of a conveyance;

(v) warning systems for any emergency in mine shafts;

(vi) communication systems;

(h) the potential for injury to persons in a conveyance from material being carried in the conveyance or falling from another conveyance;

(i) measures to enable persons to escape from a stalled conveyance;

(j) competencies of winder operators.

4. Roads and other areas where mobile plant operate

The following matters must be considered in developing control measures to manage the risks associated with roads and other areas where mobile plant operate —

(a) the impact of road design and characteristics, including —

(i) the road layout; and

(ii) the road width; and

(iii) the road gradient, including the change of gradient and the road's cross slope; and

(iv) drainage; and

(v) lighting; and

(vi) the road guide; and

(vii) the road surface and subsurface; and

(viii) the road's construction material; and

(ix) the load bearing capacity of the road; and

(x) the driver line of sight when using the road; and

(xi) the radius of the curvature of the road; and

(xii) the road guides, markers and reflectors; and

(xiii) the side treatments of roads;

(b) design of areas where mobile plant operates, including —

(i) parking areas; and

(ii) the proximity of roads to overhead power lines and buildings and other structures; and

(iii) maintenance workshops; and

(iv) intersections; and

(v) interaction with public roads and railways;

(c) maintenance of roads and areas where mobile plant operate;

(d) selection of mobile plant with safety features fit for the use for which the mobile plant is selected and the plant's operating parameters, including driver line of sight, reversing sensors, cameras, mirrors, flashing or rotating lights and anti-collision devices;

(e) maintenance of mobile plant, including —

(i) preventative maintenance; and

(ii) a system for reporting of early defects; and

(iii) a system for corrective actions;

(f) traffic management, including dealing with —

(i) the interaction between heavy and light mobile plant; and

(ii) pedestrians and mobile plant, including heavy mobile plant; and

(iii) temporary obstructions; and

(iv) changes in operating conditions; and

(v) blind spots; and

(vi) visibility issues caused by dust, haze or a lack of light; and

(vii) interaction between externally-controlled plant with other plant and pedestrians; and

(viii) communication;

(g) operating procedures, including in relation to —

(i) parking mobile plant on slopes and in production areas; and

(ii) driving in hazardous areas; and

(iii) issuing a warning before reversing or moving; and

(iv) dumping material from a height;

(h) training and competence of persons carrying out maintenance on mobile plant;

(i) training and competence of persons using roads and areas where mobile plant operate, including —

(i) training on the use of mine roads; and

(ii) training on rules for using roads at the mine; and

(iii) authorisations to operate specific mobile plant in all or part of the mine;

(j) providing and maintaining hazard and traffic control signs;

(k) the interaction between mobile plant at an underground mine or quarry, including —

(i) side and top clearance from workings; and

(ii) clearance from rock support, power lines, pipes, vent bags and other overhead items; and

(iii) hazards arising from using mobile plant near open holes or voids with a steep fall; and

(iv) control of traffic near sharp bends or narrow openings;

(l) changes in operating conditions.

5. Fire and explosion

The following matters must be considered in developing control measures to manage the risks of fire and explosion —

(a) the potential sources of flammable, combustible and explosive substances and materials, both natural and introduced, including gas, dust, fuels, solvents and timber;

(b) the potential sources of ignition, fire or explosion, including plant, electricity, static electricity, spontaneous combustion, lightning, hot work and other work practices;

(c) the potential for propagation of fire or explosion to other parts of the mine;

(d) for an underground mine —

(i) the use of diesel engine operated plant, including selecting and maintaining the plant, the plant's auto-fire-suppression system and refuelling; and

(ii) the use of conveyors, compressors and explosives; and

(iii) the hot work and welding; and

(iv) the storage and transportation of diesel, explosives, combustible and flammable substances; and

(v) the spontaneous combustion; and

(vi) the coal, sulphide and other dust explosions; and

(vii) the emission of methane and other explosive gases; and

(viii) the monitoring and early warning system for failure of controls and fire; and

(ix) the integration of fire and explosion measures with underground ventilation and emergency plans;

(e) for an underground coal mine —

(i) the use of light metal alloys; and

(ii) the use of barriers against explosion; and

(iii) the use of fire-protected or explosion-protected internal combustion-compression engines; and

(iv) the selection, use and maintenance of conveyor belts; and

(v) the selection, use and maintenance of remote-controlled plant; and

(vi) the selection and use of electrical cables, remote-controlled plant and other plant.

6. Gas outbursts at underground coal mines

The following matters must be considered in developing control measures to manage the risks of gas outbursts at an underground coal mine —

(a) the potential for gas release into the working area of a mine from both natural and introduced sources in a concentration that could lead to fire, explosion or asphyxiation;

(b) the potential for accumulation of gases in working areas and inactive or unventilated areas of the mine;

(c) the nature of the gas that could be released;

(d) the gas levels in the material being mined;

(e) gas seam pressures.

7. Spontaneous combustion at underground coal mines

The following matters must be considered in developing control measures to manage the risks of spontaneous combustion at an underground coal mine —

(a) the potential for spontaneous combustion to occur in the coal being mined, including by —

(i) evaluating the history of the mine in relation to spontaneous combustion; and

(ii) evaluating any adjacent or previous mining operations in the same seam; and

(iii) the conduct of scientific testing;

(b) mine ventilation practices;

(c) the design of the mine;

(d) the impact of gases generated by spontaneous combustion on mine environmental conditions.

Schedule 20 — Prohibited uses in mines

[r. 632]

Column 1 Item and substance	Column 2 Prohibited Use
Internal combustion engine (other than a compression ignition engine)	All uses underground
Polyurethane products used for strata injection, void filling and ventilation sealants that undergo the polymeric process underground	All uses underground
Compressed natural gas	In an underground mine in an internal or external combustion engine
Hydrogen	In an underground mine in an internal or external combustion engine
Liquid petroleum gas	In an underground mine in an internal or external combustion engine
Petrol	In an underground mine in an internal or external combustion engine
Ignition sources Examples: Cigarettes, matches, lighters, naked flame, naked light, firearms	All uses in an underground coal mine While carrying, handling or using any explosive or initiating system or within 8 metres of any explosive or initiating system at a mine All uses at a work area at a mine where solvents are used

Column 1 Item and substance	Column 2 Prohibited Use
	All uses at a work area at a mine where flammable vapours are present All uses in a shaft conveyance at a mine All uses in a refuge at a mine during an emergency
Explosive power tools	All uses in an underground coal mine
Explosives, detonators and exploders (excluding explosive power tools)	All uses at a mine, unless for the purpose of shotfiring
Non-fire resistant and non-antistatic (non-FRAS) products	In an underground coal mine in ventilation plant and conveyor belts and accessories

Schedule 21 — Not used

Schedule 22 — Matters to be included in emergency plan for a mine

[r. 664]

1 Site and hazard detail

1.1 The location of the mine, including its street address and the nearest intersection (if any).

Note for this item:

Sufficient detail must be provided to enable a person not familiar with the site to find it.

1.2 The current mine survey plan required under Part 10.5.

1.3 A brief description of the nature of the mine and mining operations.

1.4 The maximum number of persons, including workers, likely to be present at the mine on a normal working day.

1.5 The emergency planning assumptions for different emergencies, and areas likely to be affected.

1.6 The protective resources available to control an incident that could result in an emergency.

1.7 The emergency response procedures, including procedures for isolating areas of the mine in an emergency.

1.8 The infrastructure likely to be affected by an emergency.

2 Command structure and site personnel

2.1 The command structure and control to be activated in an emergency, so that it is clear what actions will be taken, who will take these actions and how, when and where they will be taken.

2.2 Details of the person who can clarify the content of the emergency plan if necessary.

2.3 The contact details of, and the means of contacting, the persons at the mine responsible for liaising with emergency services.

2.4 A list of 24-hour emergency contacts.

2.5 Arrangements for assisting emergency services.

3 Notifications

3.1 If a notifiable incident or reportable incident occurred, or an event that could reasonably be expected to lead to a notifiable or reportable incident, procedures for notifying —

(a) any person whose health or safety may be affected, even if —

(i) the person is located underground; or

(ii) there is no electrical power that can be used for the notification;

and

(b) the emergency services in circumstances in which emergency services are required.

3.2 On-site and off-site warning systems.

3.3 Contact details for emergency services and other support services that can assist in providing resources and implementing evacuation plans in an emergency.

3.4 On-site communication systems.

4 Resources and equipment

4.1 On-site emergency resources, including —

(a) first aid equipment, facilities, services and personnel; and

(b) emergency equipment and personnel; and

(c) gas detectors, wind velocity detectors, sand, lime, neutralising agents, absorbents, spill bins and decontamination equipment.

4.2 Off-site emergency resources, including arrangements for obtaining additional external resources (specific to the likely incidents), including mines rescue services, as necessary.

4.3 Arrangements for mines rescue that state the following —

(a) the minimum mines rescue training to be provided;

(b) any arrangements for the mine operator and mine operators of mines in the vicinity to assist each other in an emergency;

(c) how inertisation equipment is to be used;

(d) the procedures to be followed in carrying out mines rescue.

4.4 For an underground mine, a means of communication between the surface of the mine and any underground area of the mine where persons are located, that is effective even if there is no electrical connection between the surface and the relevant underground area.

4.5 For an underground mine —

(a) the type, number and location of refuges; and

(b) if the workplace has a single entry — the precautions and refuge, in case of a fire, for the workplace.

5 Procedures

5.1 Procedures for the safe evacuation of, and accounting for, all persons at the mine.

5.2 Procedures and control points for utilities, including gas, water and electricity.

5.3 Procedures in the event of the ventilation system for the mine failing totally or for more than 30 minutes.

5.4 Procedures for maintaining refuges and other equipment required for emergencies.

6 Training and competence

6.1 Training, health assessment and competency of emergency response personnel, including volunteers and others, in managing emergencies.

6.2 Training, and conducting emergency drills, for all workers.

Schedule 23 — High risk mining activities

[r. 675UK]

Column 1 Item	Column 2 High risk mining activity	Column 3 Waiting period	Column 4 Information to be provided to regulator
1.	Commencing sinking, widening or deepening of a mine shaft using entry methods at an underground mine	45 days	Information required in the approved form Method of working Details of plant to be used Risk assessment and control measures
2.	Installing a winding system or making major changes to an already installed winding system at an underground mine	45 days	Information required in the approved form Relevant parts of the principal mining hazard management plan for the mine Details and, if necessary, drawings and certifications, of the winder, conveyance, ropes and other attachments
3.	Commissioning a winding system at an underground mine	15 days	Information required in the approved form Relevant parts of the principal mining hazard management plan for the mine

Column 1 Item	Column 2 High risk mining activity	Column 3 Waiting period	Column 4 Information to be provided to regulator
4.	Rising using entry methods at an underground mine	15 days	Information required in the approved form Method of working Risk assessment and control measures Specifications of the finished rise
5.	Single entry development beyond 200 metres from through ventilation at an underground mine	15 days	Information required in the approved form Method of working and ventilation Risk assessment and controls Emergency evacuation procedure
6.	Construction of an underground explosive magazine at an underground mine	30 days	Location, design and capacity Ventilation Risk assessment and control measures
7.	Construction of a dam or plug to store water or slurry at an underground mine	30 days	Information required in the approved form Design calculations Construction method and maintenance

Column 1 Item	Column 2 High risk mining activity	Column 3 Waiting period	Column 4 Information to be provided to regulator
			Risk assessment and control measures
8.	Construction of a fuel storage or refuelling facility at an underground mine	30 days	Information required in the approved form Location, design and capacity Ventilation Risk assessment and control measures
9.	Approaching known or suspected water bodies or water-logged workings at an underground mine, including probe drilling — within 50 m	30 days	Information required in the approved form Assessment of the water body Development plan for workings Risk assessment and controls Relevant parts of the principal mining hazard management plan for the mine
10.	Use of a dredge at a surface mine	45 days	Information required in the approved form Design and construction details of the dredge

Column 1 Item	Column 2 High risk mining activity	Column 3 Waiting period	Column 4 Information to be provided to regulator
			Operating details and parameters Loads, stability and buoyancy calculations Review by an independent qualified naval architect Results of buoyancy and stability tests Risk assessment and control measures
11.	Construction of, or making substantial change to, a tailing storage facility at a surface mine	45 days	Information required in the approved form Design details and calculations Construction method Risk assessment and control measures
12.	Use of explosives at a mine that is — (a) in reactive ground; or (b) in hot (>57°C) ground	15 days	Information required in the approved form Selection of explosive and documents in support of its suitability Risk assessment and control measures

Column 1 Item	Column 2 High risk mining activity	Column 3 Waiting period	Column 4 Information to be provided to regulator
13.	Introducing or making substantial change to externally-controlled plant at a mine that is — (a) mobile plant; or (b) production drilling plant	45 days	Information required in the approved form Design and safety features details Operating environment and limitations Risk assessment and controls Details of planned operations
14.	Installing high voltage equipment at a mine	30 days	Design and construction details of the installation Risk assessment and control measures

Schedule 24 — Information to be included in notification of reportable incidents

[r. 675V]

1 Mine

1.1 The name of the mine operator of the mine.

1.2 The location of the mine.

2 Person ill or injured

2.1 The following details of a person who has suffered an illness or injury in a reportable incident —

(a) the person's name, gender and date of birth;

(b) the business or undertaking the person was engaged in, including the name of the business or undertaking;

(c) whether the person is a worker at the mine;

(d) if the person is a worker at the mine —

(i) the worker's occupation; and

(ii) the worker's usual start and finish time; and

(iii) the worker's start and finish time on the day on which the reportable incident occurred; and

(iv) the nature of the worker's engagement;

(e) if the person is not a worker at the mine and is a visitor at the mine when the reportable incident occurred — that the person was a visitor;

(f) if the person is not a worker or visitor at the mine — the industry in which the person's business or undertaking is primarily conducted.

3 Reportable incident

3.1 The following details about the reportable incident —

(a) the date and time when the incident occurred;

(b) if a person has an illness as a result of the incident — the date when the illness was first reported to the mine operator;

(c) a description of the incident, including —

(i) what each affected person was doing before the incident; and

(ii) a description of all substances (including hazardous chemicals), plant and processes involved in the incident;

(d) the classification under the 3rd edition revision 1 of the document entitled "Type of Occurrence Classification System" published in 2008 by the Australian Safety and Compensation Council (and under that document as remade from time to time) of —

(i) the mechanism of the incident; and

(ii) the agency of the injury; and

(iii) the nature and bodily location of the injury.

4 Consequences of reportable incident

4.1 Whether the reportable incident results in —

(a) the worker being unable to work for 1 or more days; or

(b) the worker carrying out limited work; or

(c) the worker receiving medical treatment.

4.2 Whether the reportable incident is likely to, or could, result in —

(a) the death of a person; or

(b) a permanent incapacity of a person; or

(c) a matter specified in item 4.1.

Schedule 25 — Information to be included in quarterly reports

[r. 675W]

1. Meaning of relevant incident

In this Schedule —

relevant incident means a notifiable incident or reportable incident.

2. Mine operator

The name of the mine operator of the mine.

3. The mine

The location of the mine.

4. Commodity processed

A description of the primary commodity processed at the mine during the quarter to which the report relates.

5. Number of workers

The average number of workers who worked at the mine during the quarter to which the report relates.

6. Number of hours worked

The total number of hours (including additional shifts and overtime) worked at the mine during the quarter to which the report relates.

7. Number of relevant incidents

The total number of relevant incidents occurring during the quarter to which the report relates.

8. Number of lost time injuries

The total number of relevant incidents that resulted in the inability of a worker to work for 1 day or more (not including the incident day) during the quarter to which the report relates.

9. Days lost from work

The total number of days (not including the incident day) lost from work by workers during the quarter to which the report relates as a result of relevant incidents.

10. Number of restricted duty days

The total number of days on which workers carried out restricted duties during the quarter to which the report relates as a result of relevant incidents.

11. Number of workers placed on restricted duties

The total number of workers placed on restricted duties during the quarter to which the report relates as a result of relevant incidents.

12. Number of treatment injuries

The total number of injuries and illnesses of workers arising from relevant incidents that required medical treatment during the quarter to which the report relates but did not result in the inability of a worker to work for 1 day or more (not including the incident day).

13. Number of deaths

The total number of deaths that occurred during the quarter to which the report relates as a result of relevant incidents.

14. Other information

The information set out in Schedule 24 in relation to each relevant incident, if that information has not already been provided to the regulator.

Schedule 26 — Statutory positions

[r. 675ZP]

1. Radiation safety officers

(1) A radiation safety officer must be appointed for a mine to which Part 10.2 Division 3 Subdivision 3B applies.

(2) Radiation safety officers have the following functions —

(a) advising the site senior executive or exploration manager of precautions to be taken to control the radiation doses persons receive at the mine;

(b) monitoring the sources of radiation exposure;

(c) assessing doses of radiation received by persons because of mining operations carried out at the mine.

(3) A person is eligible to be appointed as a radiation safety officer if the person —

(a) has an undergraduate degree in science, technology, engineering or mathematics; and

(b) meets the eligibility requirements for a mine air quality officer under clause 4(3); and

(c) successfully completes a course about radiation protection from naturally-occurring radioactive material that is approved by the regulator under regulation 675ZZK(1)(a); and

(d) works for at least 12 months under the supervision of a radiation safety officer; and

(e) successfully completes an approved WHS risk management unit for radiation safety officers; and

(f) passes an applicable legislation examination for radiation safety officers.

2. Noise officers

(1) A noise officer must be appointed for a mine if a person at the mine is likely to be exposed to noise at the mine that exceeds the exposure standard for noise.

(2) Noise officers for a mine have the following functions —

(a) carrying out noise surveys at the mine to —

(i) identify plant and activities that exceed the exposure standard for noise; or

(ii) confirm the effectiveness of noise controls;

(b) preparing reports to the site senior executive or exploration manager containing details of noise reports and plans to reduce the exposure of persons at the mine to noise;

(c) advising the mine operator, site senior executive or exploration manager about —

(i) plant and activities that exceed the exposure standard for noise; and

(ii) processes and controls to reduce the noise emitted by the plant and activities;

(d) monitoring the noise persons at the mine are exposed to.

(3) A person is eligible to be appointed as a noise officer if the person —

(a) successfully completes a course about measuring noise and managing noise that is approved by the regulator under regulation 675ZZK(1)(b); and

(b) successfully completes an approved WHS risk management unit for noise officers; and

(c) passes an applicable legislation examination for noise officers.

3. Statutory supervisors

(1) Statutory supervisors must be appointed for each of the following places at a mine in respect of which a levy is payable under the *Mines Safety and Inspection Act 1994* —

(a) a laboratory;

(b) a processing plant;

(c) a quarry;

(d) a workshop;

(e) each place where the mine operator for the mine considers it is necessary to have a statutory supervisor to reduce the risks to health and safety associated with mining operations carried out at the mine.

Note for this subclause:

Under regulation 675ZJ(c) if a statutory supervisor is not required to be appointed under this subclause the site senior executive has the functions of a statutory supervisor for the places at a mine at which a supervisor must be appointed.

(2) In making a decision under subclause (1)(e) about whether it is necessary to appoint a statutory supervisor for a place at the mine, the mine operator must have regard to —

(a) the mine's mine safety management system; and

(b) risk assessments undertaken in relation to the place at the mine.

(3) Statutory supervisors have the following functions for the place (the ***appointed place***) at the mine to which they are appointed —

(a) allocating tasks to the worker for that worker to carry out at the appointed place;

(b) supervising and controlling workers and other persons at the appointed place;

(c) if necessary, inspecting areas where workers and other persons travel to the appointed place for risks or hazards to those persons;

(d) taking steps to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to risks or hazards in the appointed place;

(e) if the supervisor is being replaced by another supervisor — providing written reports to the incoming supervisor under regulation 630.

(4) A person is eligible to be appointed as a statutory supervisor for a place at a mine if the person —

(a) works for at least 2 years as a supervisor or worker in a similar operation or industry that the mine is engaged in; and

(b) successfully completes an approved WHS risk management unit for statutory supervisors; and

(c) passes an applicable legislation examination for statutory supervisors.

4. Mine air quality officers

(1) A mine air quality officer must be appointed for a mine if a hazard identified at the mine under the mine safety management system for the mine includes exposing workers to airborne contaminants, heat or humidity.

(2) Mine air quality officers for a mine have the following functions —

(a) advising the mine operator, site senior executive or exploration manager about steps to be taken to reduce the exposure of workers to airborne contaminants, heat or humidity;

(b) planning and carrying out monitoring for air quality and airborne contaminants by reference to the risk of exposure to the airborne contaminants identified at the mine;

(c) reporting on the results of the monitoring to the mine operator, site senior executive or exploration manager.

(3) A person is eligible to be appointed as a mine air quality officer for a mine if the person —

(a) successfully completes a course about sampling and assessing airborne contaminants that is approved by the regulator under regulation 675ZZK(1)(c); and

(b) successfully completes an approved WHS risk management unit for mine air quality officers; and

(c) passes an applicable legislation examination for mine air quality officers.

5. Electrical supervisors

(1) In this clause —

electrician has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1).

(2) An electrical supervisor must be appointed for a mine where electrical work is carried out by an electrician.

(3) Electrical supervisors for a mine have the following functions —

(a) ensuring the efficient supervision of the installation, maintenance and testing of electrical plant;

(b) to be responsible to the site senior executive or exploration manager for the safe operation of electrical plant at the mine;

(c) ensuring that all work carried out by persons in relation to electrical plant and installations at the mine is adequately supervised;

(d) ensuring that electrical plant and installations at the mine are installed and tested in accordance with the Act, and maintained in a safe working condition;

(e) stopping the use of any electrical plant or installation at the mine considered to be dangerous;

(f) reporting to the site senior executive or exploration manager any situation which may affect the safe use of electricity or contravene the Act;

(g) investigating and reporting to the site senior executive or exploration manager details of the following incidents —

(i) any electric shock or burn received by a person;

(ii) any fire suspected to be caused by electricity;

(iii) any dangerous occurrence involving electricity which could have caused injury to a person;

(h) recording up to date information in the electrical log book kept for the mine under regulation 641C about the matters and incidents referred to in paragraphs (e), (f) and (g).

(4) A person is eligible to be appointed as an electrical supervisor if the person —

(a) either —

(i) has an electrician's licence issued under the *Electricity (Licensing) Regulations 1991* without restrictions; or

(ii) holds a qualification in electrical engineering that makes the person eligible for professional engineer membership of the Institution of Engineers Australia ABN 63 020 415 510;

and

(b) successfully completes an approved WHS risk management unit for electrical supervisors; and

(c) works for at least 2 years carrying out electrical work in the mining industry or another heavy industry.

6. High voltage operators

(1) A high voltage operator must be appointed for a mine —

(a) that has high voltage installations; or

(b) where high voltage electricity is used.

(2) High voltage operators for a mine have the following functions —

(a) issuing permits (***high voltage vicinity permits***) to persons authorising them to work or operate any plant at the mine that is in close proximity to uninsulated high voltage conductors or components;

(b) ensuring that measures for the safe operation of the plant in close proximity to uninsulated high voltage conductors or components are —

(i) detailed on the high voltage vicinity permits to which they relate; and

(ii) are carried out;

(c) isolating high voltage equipment at the mine so that the equipment can be accessed, maintained or repaired, and re-energising the equipment.

(3) A person is eligible to be appointed as a high voltage operator for a mine if —

(a) the person successfully completes a high voltage operator training course that is approved by the regulator under regulation 675ZZK(1)(d); and

(b) the site senior executive or exploration manager of the mine is satisfied that the person knows how to operate switchgear to isolate and re-energise high voltage equipment under subclause (2)(c).

7. Underground managers (non-coal)

(1) An underground manager (non-coal) must be appointed for an underground non-coal mine.

(2) Underground managers (non-coal) for an underground non-coal mine have the following functions —

(a) directing and controlling the underground operations of the mine, subject to an instruction given by the site senior executive of the mine;

(b) ensuring that every person who is appointed to perform any duty under the Act underground understands the nature and scope of that duty;

(c) ensuring that, when underground, every person other than the site senior executive performs all duties imposed on that person under the Act;

(d) assisting the site senior executive of the mine to manage an emergency occurring underground at the mine.

(3) A person is eligible to be appointed as an underground manager (non-coal) for an underground non-coal mine if —

(a) for a mine where, on average, more than 25 persons work underground per day — the person holds a first class mine manager's certificate for non-coal mines; or

(b) otherwise — the person holds a first class mine manager's certificate for non-coal mines or underground supervisor's certificate for non-coal mines.

8. Underground managers (coal)

(1) An underground manager (coal) must be appointed for an underground coal mine.

(2) Underground managers (coal) for an underground coal mine have the following functions —

(a) directing and controlling the underground operations of the mine, subject to an instruction given by the site senior executive of the mine;

(b) ensuring that every person who is appointed to perform any duty under the Act underground understands the nature and scope of that duty;

(c) ensuring that, when underground, every person other than the site senior executive of the mine performs all duties imposed on that person under the Act;

(d) assisting the site senior executive of the mine to manage an emergency occurring underground at the mine.

(3) A person is eligible to be appointed as an underground manager (coal) for an underground coal mine if —

(a) for a mine where, on average, more than 25 persons work underground per day — the person holds a first class mine manager's certificate for coal mines; or

(b) otherwise — the person holds a first class mine manager's certificate for coal mines or deputy's certificate for underground coal mines.

9. Underground supervisors (non-coal)

(1) In this clause —

supervised area means an underground area in an underground non-coal mine allocated to the supervisor by the underground manager (non-coal) for the mine.

(2) An underground supervisor (non-coal) must be appointed for a supervised area in an underground non-coal mine.

(3) Underground supervisors (non-coal) for an underground non-coal mine have the following functions —

(a) subject to the direction of the underground manager (non-coal), supervising the underground operations in the supervisor's area;

(b) determining, so far as is reasonably practicable, that it is safe to perform a task in the supervisor's area and allocating the task to a worker;

(c) inspecting underground areas in the supervisor's area where workers work or travel;

(d) taking steps to ensure, so far as is reasonably practicable, that workers are not exposed to hazards in the supervisor's area;

(e) if the supervisor is being replaced by another supervisor — providing written reports to the incoming supervisor under regulation 630.

(4) A person is eligible to be appointed as an underground supervisor (non-coal) if the person holds a first class mine manager's certificate for non-coal mines or underground supervisor's certificate for non-coal mines.

10. Underground supervisors (coal)

(1) In this clause —

supervised area means an underground area in an underground coal mine allocated to the supervisor by the underground manager (coal) for the mine.

(2) An underground supervisor (coal) must be appointed for a supervised area in an underground coal mine.

(3) Underground supervisors (coal) for an underground coal mine have the following functions —

(a) subject to the direction of the underground manager (coal), supervising the underground operations in the supervisor's area;

(b) determining, so far as is reasonably practicable, that it is safe to perform a task in the supervisor's area and allocating the task to a worker;

(c) inspecting underground areas in the supervisor's area where workers work or travel;

(d) taking steps to ensure, so far as is reasonably practicable, that workers who the supervisor is supervising are not exposed to hazards in the supervisor's area;

(e) if the supervisor is being replaced by another supervisor — providing written reports to the incoming supervisor under regulation 630.

(4) A person is eligible to be appointed as an underground supervisor (coal) if the person holds a first class mine manager's certificate for coal mines or deputy's certificate for underground coal mines.

11. Underground ventilation officers

(1) An underground ventilation officer must be appointed for an underground mine.

(2) Underground ventilation officers for a mine have the following functions —

(a) planning and implementing an underground ventilation system that —

(i) ensures air is provided of the required volume, velocity and quality under regulation 648(1), having regard to the underground ventilation control plan under regulation 654 and, if diesel units are used at the mine, the requirements of regulation 656A; and

(ii) manages heat and humidity in the underground part of the mine so that regulations 41A and 635 are not contravened; and

(iii) ensures the underground ventilation control plan is prepared and implemented under regulation 654; and

(iv) reduces concentrations of any airborne contaminant (including any asphyxiant or explosive gas) at the mine to as low as is reasonably practicable;

(b) monitoring atmospheric conditions in the underground part of the mine, having regard to the hazards and risks assessed and identified for the part of the mine;

(c) maintaining records of the monitoring of atmospheric condition;

(d) maintaining the ventilation plan prepared for the underground mine under regulation 656;

(e) advising the following of deficiencies in the underground ventilation system and precautions to be taken because of those deficiencies —

(i) the site senior executive of the mine;

(ii) the underground manager (coal) or underground manager (non-coal) for the mine.

(3) A person is eligible to be appointed as an underground ventilation officer for a mine if —

(a) the person has —

(i) a diploma or degree that had a curriculum that focused substantially on underground mine ventilation; or

(ii) an alternative qualification that the regulator approves under subclause (4) for the mine;

and

(b) the person —

(i) successfully completes an approved WHS risk management unit for underground ventilation officers; and

(ii) passes an applicable legislation examination for underground ventilation officers; and

(iii) works for at least 2 years at an underground mine, at least 6 months of which is working with an underground ventilation officer.

(4) The regulator may approve a qualification as an alternative qualification for underground ventilation officers for a mine if the regulator is satisfied the qualification provides sufficient competency in underground mine ventilation at the mine.

(5) If the regulator approves an alternative qualification under subclause (4) for a mine, or decides not to approve the alternative qualification, the regulator must give written notice of the decision to the mine operator of the mine.

12. Authorised mine surveyors (underground)

(1) An authorised mine surveyor (underground) must be appointed for an underground mine where a mine survey plan must be prepared and maintained under regulation 675S.

(2) Authorised mine surveyors (underground) for a mine have the following functions —

(a) conducting surveys and preparing plans required under these regulations;

(b) supervising other persons who conduct surveys and prepare plans required under these regulations;

(c) certifying that surveys and plans referred to in paragraphs (a) and (b) are accurate and correct.

(3) A person is eligible to be appointed as an authorised mine surveyor (underground) if the person holds an authorised mine surveyor's certificate (grade 1).

13. Winding engine drivers

(1) In this clause —

class 1 engine means a winder for a winding system that has a power input of 75 kW or more;

class 2 engine means a winder for a winding system that has a power input of less than 75 kW.

(2) A winding engine driver must be appointed to operate a winder for a winding system at an underground mine if the winding system lowers and raises persons, material or plant in a mine shaft.

(3) The function of a winding engine driver is to operate the winder for which they have been appointed.

(4) A person is eligible to be appointed as a winding engine driver for a class 1 engine at an underground mine if —

(a) the person has assisted in operating a class 1 engine for at least 300 hours under the supervision of a winding engine driver eligible to operate a class 1 engine; and

(b) the person is assessed, in accordance with a system of assessment decided by the mine operator or site senior executive of the mine, as being competent to operate the class 1 engine.

(5) A person is eligible to be appointed as a winding engine driver for a class 2 engine at an underground mine if —

(a) the person has assisted in operating a winder for a winding system for at least 300 hours under the supervision of a winding engine driver eligible to operate a winder; and

(b) the person is assessed, in accordance with a system of assessment decided by the mine operator or site senior executive of the mine, as being competent to operate the class 2 engine.

14. Quarry managers

(1) A quarry manager must be appointed for a mine —

(a) where quarry operations are carried out; and

(b) in respect of which a levy is payable under the *Mines Safety and Inspection Act 1994*.

Note for this subclause:

Under regulation 675ZJ(d) if a quarry manager is not required to be appointed under this subclause the site senior executive has the functions of a quarry manager.

(2) Quarry managers for a mine have the following functions —

(a) subject to the direction of the mine operator or site senior executive of the mine, directing and controlling the quarry operations at the mine;

(b) controlling and supervising the quarry operations at the mine;

(c) ensuring that every person who is appointed to perform any duty under the Act in the course of quarry operations understands the nature and scope of that duty;

(d) ensuring that, when engaging in quarry operations, every person, other than the mine operator and site senior executive of the mine and any person acting on behalf of the mine

operator, performs all duties imposed on that person under the Act;

(e) assisting the site senior executive of the mine to manage an emergency occurring at the part of the mine where quarry operations are carried out.

(3) A person is eligible to be appointed as a quarry manager if the person holds —

(a) for a mine where, on average, more than 25 persons per day carry out quarry operations —

(i) a first class mine manager's certificate for coal mines; or

(ii) a first class mine manager's certificate for non-coal mines; or

(iii) a quarry manager's certificate;

or

(b) otherwise —

(i) a first class mine manager's certificate for coal mines; or

(ii) a first class mine manager's certificate for non-coal mines; or

(iii) a quarry manager's certificate; or

(iv) a restricted quarry manager's certificate.

15. Authorised mine surveyors (quarry operation)

(1) An authorised mine surveyor (quarry operation) must be appointed for a mine where —

(a) quarry operations are carried out; and

(b) a mine survey plan must be prepared and maintained under regulation 675S(1).

(2) Authorised mine surveyors (quarry operation) for a mine have the following functions —

(a) conducting surveys and preparing plans required under these regulations;

(b) supervising other persons who conduct surveys and prepare plans required under these regulations;

(c) certifying that surveys and plans referred to in paragraphs (a) and (b) are accurate and correct.

(3) A person is eligible to be appointed as an authorised mine surveyor (quarry operation) if the person holds —

(a) an authorised mine surveyor's certificate (grade 1); or

(b) an authorised mine surveyor's certificate (grade 2).

Schedule 27 — Statutory certificates

[r. 675ZZA]

1. First class mine manager's certificates for coal mines

(1) In this clause —

relevant activity means —

(a) managing ground stability; and

(b) production activities at the coal face; and

(c) mine transport and other services necessary for mining operations to be carried out.

(2) A person is eligible for a first class mine manager's certificate for coal mines if the person —

(a) reaches 25 years of age; and

(b) holds —

(i) a degree in mining engineering from an Australian university; or

(ii) a qualification approved by the Mining Competence Advisory Committee to be equivalent to the degree mentioned in subparagraph (i);

and

(c) successfully completes an approved WHS risk management unit for a first class mine manager's certificate for coal mines; and

(d) passes an applicable legislation examination for a first class mine manager's certificate for coal mines; and

(e) works at —

(i) a mine for at least 5 years; and

(ii) an underground coal mine for at least 3 years;

and

(f) while working in an underground coal mine, has experience —

(i) carrying out each relevant activity for at least 3 months; and

(ii) working in mine ventilation, mine planning or mine emergency management for at least 6 months;

and

(g) is of good character; and

(h) receives first aid training.

2. First class mine manager's certificates for non-coal mines

(1) In this clause —

relevant activity means —

(a) managing ground stability; and

(b) production activities in stopes and development faces; and

(c) use of explosives; and

(d) mine transport and other services necessary for mining operations to be carried out.

(2) A person is eligible for a first class mine manager's certificate for non-coal mines if the person —

(a) reaches 25 years of age; and

(b) holds —

(i) a degree in mining engineering from an Australian university; or

(ii) a qualification approved by the Mining Competence Advisory Committee to be equivalent to the degree mentioned in subparagraph (i);

and

(c) successfully completes an approved WHS risk management unit for a first class mine manager's certificate for non-coal mines; and

(d) passes an applicable legislation examination for a first class mine manager's certificate for non-coal mines; and

(e) works at —

(i) a mine for at least 5 years; and

(ii) an underground non-coal mine for at least 3 years;

and

(f) while working in an underground non-coal mine, has experience —

(i) carrying out each relevant activity for at least 3 months; and

(ii) working for at least 6 months in mine ventilation, mine planning or mine emergency management;

and

(g) is of good character; and

(h) receives first aid training.

3. Quarry manager's certificates

(1) In this clause —

relevant activity means —

(a) drilling and use of explosives; and

(b) mine transport and services.

(2) A person is eligible for a quarry manager's certificate if the person —

(a) reaches 24 years of age; and

(b) holds —

(i) a degree in engineering from an Australian university in a discipline approved for the certificate by the Mining Competence Advisory Committee; or

(ii) a diploma in mining from a TAFE; or

(iii) a degree or diploma in geology or in earth sciences from an Australian university or TAFE that is approved by the Mining Competence Advisory Committee; or

(iv) a qualification approved by the Mining Competence Advisory Committee to be equivalent to the degree or diploma mentioned in subparagraph (i), (ii) or (iii);

and

(c) successfully completes an approved WHS risk management unit for a quarry manager's certificate; and

(d) passes an applicable legislation examination for a quarry manager's certificate; and

(e) works for at least 2 years at a mine where quarry operations are carried out; and

(f) while working at a mine where quarry operations are carried out, has experience —

(i) carrying out each relevant activity in relation to quarry operations for at least 3 months; and

(ii) working in managing ground stability, mine planning or mine emergency management in relation to quarry operations for at least 6 months;

and

(g) is of good character; and

(h) receives first aid training.

4. Underground supervisor's certificates

(1) In this clause —

relevant activity means —

(a) installing ground support; and

(b) use of explosives at stopes and development faces; and

(c) mine transport and services;

relevant qualification means —

(a) a degree in mining engineering or science from an Australian university; or

(b) a diploma in mining from an Australian university or TAFE; or

(c) a qualification approved by the Mining Competence Advisory Committee to be equivalent to the degree or diploma mentioned in paragraph (a) or (b).

(2) A person is eligible for an underground supervisor's certificate if the person —

(a) reaches 23 years of age; and

(b) for a person who holds a relevant qualification —

(i) passes an applicable legislation examination for an underground supervisor's certificate; and

(ii) works at an underground mine for at least 2 years;

and

(c) for a person who does not hold a relevant qualification —

(i) passes a mining practice examination for an underground supervisor's certificate; and

(ii) passes an applicable legislation examination for an underground supervisor's certificate; and

(iii) works at an underground mine for at least 5 years;

and

(d) while working at an underground non-coal mine, has experience —

(i) carrying out each relevant activity for at least 3 months; and

(ii) working for at least 6 months in mine ventilation, mine planning or mine emergency management;

and

(e) successfully completes an approved WHS risk management unit for an underground supervisor's certificate; and

(f) is of good character; and

(g) receives first aid training.

5. Deputy's certificates for underground coal mines

(1) In this clause —

relevant activity means —

(a) installing ground support; and

(b) production activities at the coal face;

relevant qualification means —

(a) a degree in mining engineering or science from an Australian university; or

(b) a diploma in mining from an Australian university or TAFE; or

(c) a qualification approved by the Mining Competence Advisory Committee to be equivalent to the degree or diploma mentioned in paragraph (a) or (b).

(2) A person is eligible for a deputy's certificate for underground coal mines if the person —

(a) reaches 23 years of age; and

(b) for a person who holds a relevant qualification —

(i) passes an applicable legislation examination for a deputy's certificate for underground coal mines; and

(ii) works at an underground coal mine for at least 2 years;

and

(c) for a person who does not hold a relevant qualification —

(i) passes a mining practice examination for a deputy's certificate for underground coal mines; and

(ii) passes an applicable legislation examination for a deputy's certificate for underground coal mines; and

(iii) works at an underground coal mine for at least 5 years;

and

(d) while working at an underground coal mine, has experience —

(i) carrying out each relevant activity for at least 3 months; and

(ii) working for at least 6 months in mine ventilation, mine planning or mine emergency management;

and

(e) successfully completes an approved WHS risk management unit for a deputy's certificate for underground coal mines; and

(f) is of good character; and

(g) receives first aid training.

6. Restricted quarry manager's certificates

[(1) deleted]

(2) A person is eligible for a restricted quarry manager's certificate if the person —

(a) reaches 21 years of age; and

(b) passes a mining practice examination and an applicable legislation examination for a restricted quarry manager's certificate; and

(c) works for at least 2 years at a mine where quarry operations are carried out; and

(d) while working at a mine where quarry operations are carried out, has experience —

(i) carrying out mine transport and services in relation to quarry operations for at least 3 months; and

(ia) if the person will work at a mine where drilling and use of explosives is carried out at the mine — carrying out drilling and use of explosives in relation to quarry operations for at least 3 months; and

(ii) working for at least 6 months in managing ground stability, mine planning or mine emergency management in relation to quarry operations;

and

(e) successfully completes an approved WHS risk management unit for a restricted quarry manager's certificate; and

(f) is of good character; and

(g) receives first aid training.

[Clause 6 amended: SL 2023/134 r. 21.]

7. Authorised mine surveyor's certificate (grade 1)

(1) A person is eligible for an authorised mine surveyor's certificate (grade 1) if the person —

(a) holds —

(i) a degree or diploma in mine surveying technology from an Australian university that includes 2 units in

mining and 1 unit in structural geology or engineering geology; or

(ii) a 3-year diploma of mine surveying from a TAFE that includes 2 units in mining and 1 unit in structural geology or engineering geology; or

(iii) a qualification approved by the Surveyors Competence Advisory Committee under subclause (2);

and

(b) has experience preparing underground surveys at a mine under the supervision of a surveyor for at least 2 years; and

(c) passes a mining practice examination and an applicable legislation examination for an authorised mine surveyor's certificate (grade 1); and

(d) is of good character.

(2) The Surveyors Competence Advisory Committee may approve a qualification for the purposes of subclause (1)(a)(iii) if —

(a) the qualification is a surveying qualification from a university or other education institution; and

(b) the qualification includes at least 2 units in mining and 1 unit in structural geology or engineering geology; and

(c) the Committee is satisfied the qualification is equivalent to a degree or diploma mentioned in subclause (1)(a)(i) or (ii).

8. Authorised mine surveyor's certificate (grade 2)

(1) A person is eligible for an authorised mine surveyor's certificate (grade 2) if the person —

(a) holds —

(i) a degree or diploma in mine surveying technology from an Australian university that includes 1 unit in mining and 1 unit in structural geology or engineering geology; or

(ii) a 3-year diploma of mine surveying from a TAFE that includes 1 unit in mining and 1 unit in structural geology or engineering geology; or

(iii) a qualification approved by the Surveyors Competence Advisory Committee under subclause (2);

and

(b) has experience preparing surveys in relation to quarry operations at a mine under the supervision of a surveyor for at least 2 years; and

(c) passes a mining practice examination and an applicable legislation examination for an authorised mine surveyor's certificate (grade 2); and

(d) is of good character.

(2) The Surveyors Competence Advisory Committee may approve a qualification for the purposes of subclause (1)(a)(iii) if —

(a) the qualification is a surveying qualification from a university or other education institution; and

(b) the qualification includes at least 1 unit in mining and 1 unit in structural geology or engineering geology; and

(c) the Committee is satisfied the qualification is equivalent to a degree or diploma mentioned in subclause (1)(a)(i) or (ii).

Notes

This is a compilation of the *Work Health and Safety (Mines) Regulations 2022* and includes amendments made by other written laws. For provisions that have come into operation, or versions that include editorial changes made under the *Legislation Act 2021* Part 3, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table. For provisions affected by editorial changes see the editorial changes table.

Compilation table

Citation	Published	Commencement
Work Health and Safety (Mines) Regulations 2022 (other than r. 58)	SL 2022/32 11 Mar 2022	Regulations other than r. 58, 460(1), 473(2A), 475(2A), 477(1A) and 489(2): 31 Mar 2022 (see r. 2(a) and SL 2022/18 cl. 2); r. 460(1), 473(2A), 475(2A), 477(1A) and 489(2): 31 Mar 2023 (see r. 2(c))
Industrial Relations Regulations Amendment (Work Health and Safety) Regulations 2022 Pt. 3	SL 2022/214 23 Dec 2022	24 Dec 2022 (see r. 2(b))
Work Health and Safety Regulations Amendment Regulations 2023 Pt. 3	SL 2023/22 24 Mar 2023	31 Mar 2023 (see r. 2(b))
Work Health and Safety Regulations Amendment Regulations (No. 2) 2023 Pt. 3	SL 2023/134 9 Aug 2023	10 Aug 2023 (see r. 2(b))
***Work Health and Safety (Mines) Regulations 2022* with editorial changes as at 26 Mar 2024**		

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

Citation	Published	Commencement
Work Health and Safety (Mines) Regulations 2022 r. 58	SL 2022/32 11 Mar 2022	31 Mar 2024 (see r. 2(b))

Editorial changes table

The *Legislation Act 2021* Part 3 authorises the Parliamentary Counsel to make editorial changes to laws. This power cannot be used to change the effect of a law. If an editorial change is made to a law, the law has effect as if the change had been made by another law that amended the law and commenced on the day on which the change is made.

To see the editorial changes included in a version of a law, see the compare document for that version on the WA Legislation website.

Provision/s affected	Authorising provision of *Legislation Act 2021* Part 3	Effective date of change
s. 698N(c)	s. 26(1)	26 Mar 2024

Other notes

[1] Formerly known as *Australian Petroleum Production and Exploration Association Limited*.

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