

WS301*

Occupational Safety and Health Act 1984

Occupational Safety and Health Amendment Regulations (No. 4) 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 4) 2008*.

2. Commencement

These regulations come into operation as follows:

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

3. The regulations amended

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

4. Regulation 3.44A replaced with regulations 3.44A, 3.44AA and 3.44AB

Regulation 3.44A is repealed and the following regulations are inserted instead —

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3.44A. Terms used in this Subdivision

In this Subdivision —

“**enclosed workplace**” has a meaning affected by regulation 3.44AA;

“**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 to that term 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 one metre or less in height; and
- (b) of which more than 50% of its total vertical surface is open.

3.44AA. Enclosed workplaces

- (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 Subdivision.
- (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 3.44AB.

- (4) The total vertical surface area of the solid material in the walls is to 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 one 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 is to 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 Subdivision if it is covered by a roof or a part of a roof and is bounded by only —
 - (a) one 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.

3.44AB. Notional vertical surface area

- (1) The notional vertical surface area of a workplace is to 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 is to 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.

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5. Regulation 3.44C repealed

Regulation 3.44C is repealed.

6. Regulation 3.44F repealed

Regulation 3.44F is repealed.

7. Regulation 3.44H repealed

Regulation 3.44H is repealed.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.
