

WS302*

Occupational Safety and Health Act 1984

Occupational Safety and Health Amendment Regulations (No. 2) 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Occupational Safety and Health Amendment Regulations (No. 2) 2003*.

2. Commencement

These regulations come into operation on 3 October 2003.

3. The regulations amended

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

[* Reprinted as at 19 July 2002.

For amendments to 18 September 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 259 and Gazette 8 April, 27 June and 15 August 2003.*]

4. Regulation 4.54 replaced

Regulation 4.54 is repealed and the following regulation is inserted instead —

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4.54. Additional requirements as to cranes, hoists and building maintenance units

(1) In this regulation —

“**certificate of competency**” has the meaning given to that term in Part 6;

“**dogger**” means a person who holds a certificate of competency as a dogger;

“**responsible person**”, in relation to a workplace, means a person who, at the workplace is an employer, the main contractor, a self-employed person or a person having control of the workplace;

“**rigger**” means a person who holds a certificate of competency as a rigger;

“**vehicle loading crane**” means a crane mounted on a vehicle for the principal purpose of loading items onto the vehicle and unloading items from the vehicle.

(2) If, at a workplace, a person is to ride in a work box suspended from a crane, each responsible person at the workplace must ensure that both the rider and the driver of the crane have been given written instructions for the use of the crane in those circumstances, setting out the conditions of use, and signed by both the responsible person and a competent person.

(3) If a crane or hoist is at a workplace, each responsible person at the workplace must ensure that the crane or hoist is not used as an amusement structure, whether or not for payment or reward.

(4) If there is a crane, hoist or building maintenance unit at a workplace then each responsible person at the

workplace must ensure that the crane, hoist or unit is maintained, inspected and operated —

- (a) in accordance with written instructions developed at the time of design or manufacture by the person who designed or manufactured the crane, hoist or unit;
 - (b) if it is not practicable for that person to obtain the instructions referred to in paragraph (a), in accordance with any written instructions approved by the Commissioner for the purposes of this paragraph; or
 - (c) if it is not practicable for that person to obtain instructions referred to in paragraph (a) or (b), in accordance with AS 2550.1 and any other part of AS/NZS 2550 that is relevant to that kind of plant and with AS 1418.1 and any other part of AS/NZS 1418 that is relevant to that kind of plant.
- (5) A person does not commit an offence under subregulation (4) in not complying with item 10.4.1(a), 10.4.2(e), or 10.4.3(d) of AS 2550.10 before 3 October 2005 where the relevant plant is a hoist that —
- (a) is a boom-type elevating work platform;
 - (b) is used only in connection with commercial fruit growing; and
 - (c) was owned immediately before 3 October 2003 by a person who has owned it continuously since then.
- (6) Nothing in subregulation (4) or (5) affects the requirement under regulation 4.34 to make and keep records of maintenance and inspection.
- (7) A responsible person at a workplace must ensure that no crane is used at the workplace for multi-crane hoisting unless —
- (a) the rated capacity of the crane exceeds the crane's share of the load by at least —
 - (i) 20%, if 2 cranes are used;
 - (ii) 33%, if 3 cranes are used; or
 - (iii) 50%, if more than 3 cranes are used;
 - (b) the physical dimensions and mass of the load prevent the load from being handled by a single crane that is readily available; and
 - (c) the hoisting is supervised by a competent person who is not an operator of one of the cranes.

- (8) If a crane with a maximum rated capacity of greater than 60 tonnes, other than a vehicle loading crane, is used at a construction site, a responsible person must ensure that the crane is not used unless the following persons are involved in the use of the crane —
- (a) at least one crane operator who has experience in the use of such a crane;
 - (b) at least —
 - (i) one dogger and one rigger;
 - (ii) 2 doggers; or
 - (iii) 2 riggers,each of whom has experience in the use of such a crane.
- (9) If a crane with a maximum rated capacity of equal to or more than 10 tonnes and less than or equal to 60 tonnes, other than a vehicle loading crane, is used at a construction site a responsible person must ensure that the crane is not used unless the following persons are involved in the use of the crane —
- (a) at least one crane operator who has experience in the use of such a crane;
 - (b) at least —
 - (i) one dogger; or
 - (ii) one rigger,who has experience in the use of such a crane.
- (10) If a vehicle loading crane with a boom of a length greater than 3 metres, or capable of extending to a length of greater than 3 metres, is used at a construction site, a responsible person must ensure that the crane is not used unless the following persons are involved in the use of the crane —
- (a) at least one crane operator who has experience of such use of such a crane;
 - (b) at least one dogger who has experience of such use of such a crane.
- (11) If a crane with a maximum rated capacity of less than 10 tonnes and a boom of a length greater than 3 metres, or capable of extending to a length of greater than 3 metres, other than a vehicle loading crane, is used at a construction site a responsible person must ensure that the crane is not used unless the following persons are involved in the use of the crane —
- (a) at least one crane operator who has experience of such use of such a crane;
 - (b) at least one dogger who has experience of such use of such a crane.

- (12) If a crane at a workplace is of a kind set out in Schedule 4.1 or 4.2, and there is an event or occurrence that causes, or that at the time of the event or occurrence would reasonably be expected to cause, the crane to be damaged or to malfunction to the extent that risk of injury or harm occurring to a person at the workplace increases, a person having control of the workplace must as soon as practicable after the person becomes aware of the event or occurrence ensure that the Commissioner is notified of the event or occurrence.

Penalty applicable to subregulations (2), (3), (4), (7), (8), (9), (10), (11) and (12): \$25 000.

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5. **Regulation 6.2 amended**

Regulation 6.2(1) is amended as follows:

- (a) after paragraph (a) by deleting “and”;
- (b) after paragraph (b) by deleting the full stop and inserting instead —

“

; and

- (c) to a record of training is to be treated as a reference to a record of training that complies with regulation 6.2A.

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6. **Regulation 6.2A inserted**

After regulation 6.2 the following regulation is inserted —

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6.2A. Record of training

For the purposes of this Part a record of training in relation to a person who applies to the Commissioner in accordance with the national standard for a certificate of competency (the “**applicant**”) is a current English language record that —

- (a) includes the applicant’s name and address;
- (b) includes for each specific type of industrial equipment the applicant used and operated during the training, sufficient information to show the tasks performed and the outcomes achieved by the applicant in the use and operation of the equipment;
- (c) includes for each occasion the applicant used and operated each specific type of industrial equipment —
 - (i) the date and time when the applicant used and operated the equipment;

- (ii) the name of the person who oversighted or supervised the applicant's use and operation of the equipment, and the number of that person's certificate of competency; and
 - (iii) a signed statement by that person to the effect that he or she oversighted or supervised the applicant's use and operation of the equipment;
- and
- (d) otherwise complies with the national standard.

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By Command of the Governor,

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