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**WORKSAFE**

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WS301\*

Occupational Safety and Health Act 1984

## **Occupational Safety and Health Amendment Regulations (No. 3) 1999**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Occupational Safety and Health Amendment Regulations (No. 3) 1999*.

**2. Commencement**

These regulations come into operation on 1 January 2000.

**3. The regulations amended**

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

[\* Reprinted as at 15 October 1999.]

**4. Regulation 1.3 amended**

Regulation 1.3 is amended in the definition of “platform” by deleting “, in relation to a construction site, includes a surface of

a plank or other material that is used as an access way” and inserting instead —

“

means the surface of a plank or other material that is used to provide access to, or egress from, a place,

”.

**5. Regulation 1.14 inserted**

After regulation 1.13 the following regulation is inserted —

“

**1.14. AS or AS/NZS reference in Schedule 1**

Failure to include the number of the regulation in which a reference is made to an AS or AS/NZS designation in the regulation reference for that designation in Schedule 1 does not invalidate the reference to that designation in the regulation.

”.

**6. Regulation 3.26 amended**

- (1) Regulation 3.26(1)(c) is amended by deleting “and” and inserting instead —

“ or ”.

- (2) Regulation 3.26(1)(d) and “and” after it are deleted and the following paragraph is inserted instead —

“

- (d) if being used to approach a platform, protrudes at least 900 mm beyond the landing for the platform; and

”.

**7. Regulation 3.27 amended**

Regulation 3.27 is amended as follows:

- (a) in paragraph (a) after the word “damage” by inserting the following —

“

or the uncontrolled release of its contents while the cylinder is being used, moved, or stored

”;

- (b) by deleting paragraph (b) and inserting the following paragraph instead —

“

- (b) is not lifted or lowered by mechanical means unless —

- (i) it is contained in an appropriate type of box; or

- (ii) it is lifted or lowered using attachments that are suitable for the task being performed.

”.

**8. Regulation 3.31 replaced**

Regulation 3.31 is repealed and the following regulation is inserted instead —

“

**3.31. Flotation devices where person working alone**

If, at a workplace —

- (a) a person works over water or other liquid and there is a risk of the person drowning if he or she falls into the water or other liquid; and
- (b) the person works alone,

a person who, at the workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must, as far as practicable, ensure that the first-mentioned person wears a life jacket to reduce the risk of drowning.

Penalty: \$25 000.

”.

**9. Regulation 3.45 amended**

Regulation 3.45 is amended as follows:

- (a) in the definition of “exposure standard for noise” by deleting paragraph (a) and inserting the following paragraph instead —
  - “ (a) an  $L_{Aeq,8h}$  of 85dB(A); ”;
- (b) in the definition of “ $L_{Aeq,8h}$ ” by deleting “AS 1269” and inserting instead —
  - “ AS/NZS 1269.1 ”;
- (c) in the definition of “ $L_{peak}$ ” by deleting “AS 1269 as measured by a sound level meter with a peak detector-indicator characteristic complying with AS 1259.1;” and inserting instead —
  - “ AS/NZS 1269.1; ”.

**10. Regulation 3.47 replaced**

Regulation 3.47 is repealed and the following regulation is inserted instead —

“

**3.47 Standard of personal hearing protectors**

If it is not practicable to avoid exposing a person at a workplace to noise above the exposure standard for

noise then a person who, at the workplace, is an employer, the main contractor or a self-employed person must ensure that the first-mentioned person is provided with personal hearing protectors that have been selected in accordance with the procedures specified in AS/NZS 1269.3.

Penalty: \$25 000.

”.

**11. Regulation 3.50 amended**

Regulation 3.50 is amended in paragraph (d) by deleting “AS 1891.3,” and inserting instead —

“ AS/NZS 1891.1, AS/NZS 1891.3, ”.

**12. Regulation 3.57 amended**

After regulation 3.57(1) the following subregulation is inserted —

“

(1a) Without limiting regulation 3.1, if at a workplace fragile material forms the whole or part of a roof that is to be removed, a person who, at the workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must before the roof is removed —

- (a) identify which areas of the roof are made of a fragile material; and
- (b) assess the soundness of the roof.

”.

**13. Regulation 3.60 amended**

(1) Regulation 3.60(3)(b) is amended by deleting “after 31 March 1998”.

(2) Regulation 3.60(4) is amended as follows:

- (a) in paragraph (b)(i) by deleting “after 31 March 1998”;
- (b) in paragraph (b)(ii) by deleting “when an item of portable equipment is being used by the person or an employee of the person at the workplace after 31 March 1998” and inserting instead —

“

and that an item of portable equipment being used by the person or an employee of the person is directly connected to the output side of that portable residual current device

”.

- (3) Regulation 3.60(5) is amended by inserting after “a fixed socket” —

“

and the item of portable equipment is directly connected to the output side of that portable residual current device

”.

**14. Regulation 3.64 replaced**

Regulation 3.64 is repealed and the following regulation is inserted instead —

“

**3.64. Restrictions on working in vicinity of overhead power lines**

- (1) In this regulation —

“**danger zone**” means anywhere that —

- (a) is within 0.5 metres of a live insulated overhead power line or aerial bundled conductor line of a voltage of not more than 1 000 volts;
- (b) is within 1.0 metre of a live uninsulated overhead power line of a voltage of not more than 1 000 volts;
- (c) is within 3.0 metres of a live overhead power 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 power line, whether insulated or not, of a voltage exceeding 33 000 volts;

“**overhead power line**” means an overhead line for the transmission of electrical energy.

- (2) Subject to subregulation (3), without limiting clause 2.5.7 of AS/NZS 3012, a person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that an employee or any plant or material used or controlled by an employee does not enter the danger zone of an overhead power line.

Penalty: \$25 000.

- (3) A person does not commit an offence under subregulation (2) if, proof of which is on the person —
- (a) the overhead power 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 employee is authorized to carry out electrical work under the *Electricity Act 1945*.

”.

**15. Regulation 3.82 amended**

- (1) Regulation 3.82 is amended in the definition of “confined space” as follows:

- (a) paragraph (d) is amended by inserting after “containing” —

“ or likely to contain ”;

- (b) paragraph (e) is amended by inserting after “has” —

“ or is likely to have ”;

- (c) paragraph (f) is amended by inserting after “nature” —

“ or is likely to be of a nature ”;

- (d) by deleting the full stop after paragraph (f) and inserting —

“ or a contaminant; ”.

- (2) Regulation 3.82 is amended after the definition of “confined space” by inserting the following definition —

“

“**contaminant**” means any substance, the presence of which may be harmful to safety or health.

”.

**16. Regulation 3.98 amended**

Regulation 3.98(1) is amended as follows:

- (a) by deleting “welding” in the first place where it occurs and inserting instead —

“ gas welding, heating, cutting ”;

- (b) after “must ensure” by inserting —

“ that a flashback arrester is fitted ”;

- (c) in paragraph (a) by deleting “that a flash arrester is fitted”;

- (d) by deleting paragraph (b) and inserting the following paragraph instead —

“ (b) to the blowpipe. ”.

**17. Regulation 3.103 amended**

Regulation 3.103 is amended as follows:

- (a) by deleting paragraph (a) and inserting the following paragraph instead —

“

- (a) is designed so that the person operating the nozzle can control the flow of abrasive material through the nozzle;

”;

(b) by inserting before “A person” the subregulation designation “(1)”;

(c) by inserting the following subregulation —

“

(2) A person who, at a workplace at which equipment is used for the purposes of abrasive blasting, is an employer, the main contractor, or a self-employed person must ensure that —

(a) the equipment includes a device designed to cut off automatically the flow of abrasive material through the nozzle if the person operating the nozzle becomes unable to do so; or

(b) procedures are in place which enable a person other than the person operating the nozzle to cut off the flow of abrasive material if the person operating the nozzle becomes unable to do so.

”;

(d) by deleting “Penalty: \$25 000” and inserting the following penalty instead —

“

Penalty applicable to subregulations (1) and (2):  
\$25 000.

”.

**18. Regulation 3.124 amended**

Regulation 3.124(1)(c) is amended by deleting “900 mm” and inserting instead —

“ one metre ”.

**19. Regulation 4.1 amended**

Regulation 4.1 is amended in the definition of “pressure equipment” by inserting after “AS 3920.1” —

“ or AS 4343 ”.

**20. Regulation 4.43 amended**

Regulation 4.43(b) is amended by deleting “AS 3788” in both places where it occurs and inserting instead —

“ AS/NZS 3788 ”.

**21. Regulation 5.1 amended**

Regulation 5.1(1) is amended in the definition of “hazardous substance” by deleting “[NOHSC: 10005 (1994)]” and inserting instead —

“ [NOHSC: 10005 (1999)] ”.

**22. Regulation 5.2 amended**

Regulation 5.2(b) is amended by inserting after “animals” —

“

while it is being administered to a human being  
or an animal

”.

**23. Regulation 5.3 amended**

Regulation 5.3(a) is amended by deleting

“[NOHSC: 10005 (1994)]” and inserting instead —

“ [NOHSC: 10005 (1999)] ”.

**24. Regulation 5.5 amended**

Regulation 5.5(1) is amended as follows:

(a) after paragraph (b) by inserting —

“ and ”;

(b) after paragraph (c) by deleting “; and” and inserting a  
full stop;

(c) by deleting paragraph (d).

**25. Regulation 5.48 amended**

Regulation 5.48(1)(b) is amended by inserting before “Code” —

“

*Guide to the Control of Asbestos Hazards in  
Buildings and Structures* [NOHSC: 3002  
(1988)] and the

”.

**26. Regulation 5.50 amended**

Regulation 5.50 is amended by deleting “the use or cleaning of”  
in both places where it occurs.

**27. Regulation 5.52 amended**

Regulation 5.52 is amended by deleting “*Code of Practice for  
the Safe Removal of Asbestos* [NOHSC: 2002 (1988)]” and  
inserting instead —

“

Guide to the Control of Asbestos Hazards in Buildings  
and Structures [NOHSC: 3002 (1988)]

”.

**28. Regulation 6.2 amended**

Regulation 6.2(2)(b) is amended by inserting after  
“competency” —

“

or a certificate issued under regulations  
repealed by regulation 7.3

”.



**29. Schedule 1 replaced**

Schedule 1 is repealed and the following Schedule is inserted instead —

“

**Schedule 1 — Australian Standards and  
Australian/New Zealand Standards**

[r. 1.3]			
<b>Item</b>	<b>AS or AS/NZS Number</b>	<b>Title</b>	<b>Regulation Reference</b>
1	AS/NZS 1200:1994	Pressure equipment	4.1, 4.43, Sch. 4.3
2	AS/NZS 1269:1998	Occupational noise management	3.45, 3.47
	AS/NZS 1269.1:1998	Measurement and assessment of noise immission and exposure	
	AS/NZS 1269.3:1998	Hearing protector program	
3	AS 1319-1994	Safety signs for the occupational environment	1.3, 3.11, 3.34, 3.36, 4.1
4	AS/NZS 1337:1992	Eye protectors for industrial applications	3.33
5	AS/NZS 1338:1992	Filters for eye protectors	3.33
	AS/NZS 1338.1:1992	Filters for protection against radiation generated in welding and allied operations	
	AS/NZS 1338.2:1992	Filters for protection against ultraviolet radiation	
	AS/NZS 1338.3:1992	Filters for protection against infrared radiation	
6	AS 1418	Cranes (including hoists and winches)	4.54, Sch. 4.3
	AS 1418.1-1994	General requirements	
	AS 1418.2-1997	Serial hoists and winches	
	AS 1418.3-1997	Bridge, gantry and portal cranes (including container cranes)	
	AS 1418.4-1988	Tower cranes	
	AS 1418.5-1995	Mobile and vehicle loading cranes	
	AS 1418.6-1988	Guided storing and retrieving appliances	

Item	AS or AS/NZS Number	Title	Regulation Reference
	AS 1418.7-1988	Builders' hoists and equipment	
	AS 1418.8-1989	Special purpose appliances	
	AS/NZS 1418.9:1996	Vehicle hoists	
	AS 1418.10-1996	Elevating work platforms	
	AS 1418.12-1991	Crane collector systems	
	AS 1418.13-1996	Building maintenance units	
	AS 1418.14-1996	Requirements for cranes subject to arduous working conditions	
	AS 1418.15-1994	Concrete placing equipment	
	AS 1418.16-1997	Mast climbing work platforms	
	AS 1418.17-1996	Design and construction of workboxes	
7	AS/NZS 1576	Scaffolding	3.55, 3.67, 3.72, 3.124, Sch. 4.3
	AS/NZS 1576.1:1995	General requirements	
	AS 1576.2-1991	Couplers and accessories	
	AS/NZS 1576.3:1995	Prefabricated and tube-and-coupler scaffolding	
	AS 1576.3 Supplement 1-1991	Prefabricated and tube-and-coupler scaffolding — Metal tube-and-coupler scaffolding — Deemed to comply (Supplement to AS 1576.3-1991)	
	AS 1576.4-1991	Suspended scaffolding	
	AS/NZS 1576.5:1995	Prefabricated splitheads and trestles	
8	AS 1636-1996	Agricultural wheeled tractors — Roll-over protective structures — Criteria and tests	4.44
9	AS 1657-1992	Fixed platforms, walkways, stairways and ladders — Design, construction and installation	3.55

Item	AS or AS/NZS Number	Title	Regulation Reference
10	AS 1674	Safety in welding and allied processes	3.52, 3.96
	AS 1674.1-1997	Fire precautions	
	AS 1674.2-1990	Electrical	
11	AS/NZS 1715:1994	Selection, use and maintenance of respiratory protective devices	3.40, 3.42, 3.37
12	AS/NZS 1716:1994	Respiratory protective devices	3.40, 3.42
13	AS 1735	Lifts, escalators, and moving walks (known as the SAA Lift Code)	4.56, Sch. 4.3
	AS 1735.1-1986	General requirements	
	AS 1735.2-1997	Passenger and goods lifts — Electric	
	AS 1735.3-1995	Passenger and goods lifts — Electro-hydraulic	
	AS 1735.4-1986	Service lifts — Poweroperated	
	AS 1735.5-1996	Escalators	
	AS 1735.6(Int)-1996	Moving walks	
	AS 1735.7-1998	Stairway lifts	
	AS 1735.8-1986	Inclined lifts	
	AS 1735.9-1994	Special purpose industrial lifts	
	AS 1735.10(Int)-1998	Tests	
	AS 1735.11-1986	Fire-rated landing doors	
	AS 1735.12-1999	Facilities for persons with disabilities	
	AS 1735.13-1986	Lifts for persons with limited mobility — Manually powered	
	AS 1735.14-1998	Low-rise platforms for passengers	
	AS 1735.15-1990	Lifts for people with limited mobility — Restricted use — Non-automatically controlled	
	AS 1735.16-1993	Lifts for persons with limited mobility — Restricted use — Automatically controlled	

Item	AS or AS/NZS Number	Title	Regulation Reference
	AS 1735.17-1995	Lifts for people with limited mobility — Restricted use — Water-drive	
14	AS/NZS 1801:1997	Occupational protective helmets	3.33, 3.36
15	AS/NZS 1873:1994	Powder-actuated (PA) hand-held fastening tools	4.51
16	AS/NZS 1891	Industrial fall arrest systems and devices	3.48, 3.50
	AS/NZS 1891.1:1995	Safety belts and harnesses	
	AS/NZS 1891.3:1997	Fall-arrest devices	
17	AS/NZS 1892	Portable ladders	3.26
	AS/NZS 1892.1:1996	Metal	
	AS 1892.2-1992	Timber	
	AS/NZS 1892.3:1996	Reinforced plastic	
18	AS 2030	The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases (known as the SAA Gas Cylinders Code)	4.1, 4.43, Sch. 4.2, Sch. 4.3
	AS 2030.1-1999	Cylinders for compressed gases other than acetylene	
	AS 2030.2-1996	Cylinders for dissolved acetylene	
	AS 2030.3-1982	Non-refillable cylinders for compressed gases	
	AS 2030.4-1985	Welded cylinders — Insulated	
	AS 2030 Supplement 1-1986	Foreign gas cylinder specifications	
19	AS 2106-1980	Methods for the determination of the flashpoint of flammable liquids (closed cup)	3.99
20	AS/NZS 2161	Occupational protective gloves	3.33
	AS/NZS 2161.2:1998	General requirements	
	AS/NZS 2161.3:1998	Protection against mechanical risks	

Item	AS or AS/NZS Number	Title	Regulation Reference
	AS/NZS 2161.4:1999	Protection against thermal risks (heat and fire)	
	AS/NZS 2161.5:1998	Protection against cold	
	AS/NZS 2161.7.1:1998	Protection against cuts and stabs by hand knives	
21	AS/NZS 2208: 1996	Safety glazing materials for use in buildings	3.104
22	AS/NZS 2210:1994	Occupational protective footwear	3.33
	AS/NZS 2210.1:1994	Guide to selection care and use	
	AS/NZS 2210.2:1994	Specification	
23	AS/NZS 2211	Laser safety	4.49
	AS/NZS 2211.1:1997	Equipment classification, requirements and user's guide	
	AS/NZS 2211.1 Supplement 1:1999	Equipment classification, requirements and user's guide — Application guidelines and explanatory notes (Supplement to AS/NZS 2211.1:1997)	
24	AS 2268-1979	Electrostatic paint and powder spray guns for explosive atmospheres	3.101
25	AS 2294-1997	Earthmoving machinery — Protective structures	4.44, 4.45
26	AS/NZS 2299.1:1999	Occupational diving operations — Standard operational practice	3.29
	AS/NZS 2299.1 Supplement 1:1999	Standard operational practice — AS/NZS 2299 Diving Medical Examination Forms (Supplement to AS/NZS 2299.1:1999)	
27	AS 2337	Gas cylinder test stations	4.43
	AS 2337.1-1999	General requirements, inspections and tests — Gas cylinders	
	AS 2337.2-1990	LP gas fuel vessels for automotive use	

<b>Item</b>	<b>AS or AS/NZS Number</b>	<b>Title</b>	<b>Regulation Reference</b>
	AS 2337.3-1998	Inspection and testing of fibre reinforced plastics (FRP) gas cylinders	
28	AS/NZS 2359 AS 2359.2-1985	Powered industrial trucks Operation	4.55
29	AS 2375-1980	Guide to the selection, care and use of clothing for protection against heat and fire	3.33
30	AS 2397-1993	Safe use of lasers in the building and construction industry	4.49
31	AS 2424-1991	Plastics building sheets — General installation requirements and design of roofing systems	3.57
32	AS 2444-1995	Portable fire extinguishers and fire blankets — Selection and location	3.9
33	AS/NZS 2550 AS 2550.1-1993 AS 2550.4-1994 AS 2550.5-1993 AS 2550.6-1995 AS 2550.7-1996 AS/NZS 2550.9:1996 AS 2550.10-1994 AS 2550.13-1997 AS 2550.15-1994 AS 2550.16-1997	Cranes — Safe use General requirements Tower cranes Mobile and vehicle loading cranes Guided storing and retrieving appliances Builders' hoists and associated equipment Vehicle hoists Elevating work platforms Building maintenance units Concrete placing equipment Mast climbing work platforms	4.54
34	AS 2593-1995	Boilers — Unattended and limited attendance	4.43

<b>Item</b>	<b>AS or AS/NZS Number</b>	<b>Title</b>	<b>Regulation Reference</b>
35	AS 2601-1991	The demolition of structures	3.114, 3.116, 3.117, 3.119, 3.120, 3.121
36	AS/NZS 2604:1993	Sunscreen products — Evaluation and classification	3.33
37	AS 2626-1983	Industrial safety belts and harnesses — Selection, use and maintenance	3.50
38	AS 2865-1995	Safe working in a confined space	3.85
39	AS 2971-1987	Serially produced pressure vessels	Sch. 4.2
40	AS 2985-1987	Workplace atmospheres — Method for sampling and gravimetric determination of respirable dust	3.37
41	AS 3000-1991	Electrical installations — Buildings, structures and premises (known as the SAA Wiring Rules)	3.101, 4.27
42	AS/NZS 3012:1995	Electrical installations — Construction and demolition sites	3.58, 3.60, 3.61, 3.62, 3.63, 3.64
43	AS/NZS 3108:1994	Approval and test specification — Particular requirements for isolating transformers and safety isolating transformers	3.60
44	AS/NZS 3509:1996	LP gas fuel vessels for automotive use	Sch. 4.2, Sch. 4.3

<b>Item</b>	<b>AS or AS/NZS Number</b>	<b>Title</b>	<b>Regulation Reference</b>
45	AS 3533-1997	Amusement rides and devices	4.52, Sch. 4.1, Sch. 4.2, Sch. 4.3
46	AS 3640-1989	Workplace atmospheres — Method for sampling and gravimetric determination of inspirable dust	3.37
47	AS 3765-1990	Clothing for protection against hazardous chemicals	3.33
	AS 3765.1-1990	Protection against general or specific chemicals	
	AS 3765.2-1990	Limited protection against specific chemicals	
48	AS/NZS 3788:1996	Pressure equipment — In-service inspection	4.43
49	AS 3850	Tilt-up concrete and precast concrete elements for use in buildings	3.88
	AS 3850.1-1990	Safety requirements	
	AS 3850.2-1990	Guide to design, casting and erection of tilt-up panels	
	AS 3850.3-1992	Guide to erection of precast concrete members	
50	AS 3873-1995	Pressure equipment — Operation and maintenance	4.43
51	AS 3920.1-1993	Assurance of product quality — Pressure equipment manufacture	4.1, 4.3, Sch. 4.1, Sch. 4.2, Sch. 4.3
52	AS/NZS 4114:1995	Spray painting booths	3.100
	AS/NZS 4114.1:1995	Design, construction and testing	
	AS/NZS 4114.2:1995	Selection, installation and maintenance	
53	AS 4343-1999	Pressure equipment — Hazard levels	4.1, Sch. 4.1, Sch. 4.2, Sch. 4.3



Item	AS or AS/NZS Number	Title	Regulation Reference
54	AS/NZS 4431:1996	Guidelines for safe working on new lift installations in new constructions	4.56
55	AS/NZS 4576:1995	Guidelines for scaffolding	3.26
56	AS 4626-1993	Industrial fall-arrest devices — Selection, use and maintenance	3.50
			”.

**30. Schedule 4.1 amended**

Schedule 4.1 is amended after “AS 3920, Part 1” by inserting —  
“ and AS 4343 ”.

**31. Schedule 4.2 amended**

Schedule 4.2 is amended in the second and sixth items by inserting after “Part 1” —  
“ and AS 4343 ”.

**32. Schedule 4.3 amended**

Schedule 4.3 is amended after the item relating to “AS 3920.1” by inserting the following item —  
“  
AS 4343 Pressure equipment — Hazard levels  
”.

By Command of the Governor,

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

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