

---

**WORKSAFE**

---

WS301\*

Occupational Safety and Health Act 1984

**Occupational Safety and Health Amendment  
Regulations (No. 3) 2004**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Occupational Safety and Health Amendment Regulations (No. 3) 2004*.

**2. Commencement**

These regulations come into operation on 1 January 2005.

**3. The regulations amended**

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

[\* Reprint 3 as at 9 July 2004.]

**4. Regulation 1.3 amended**

- (1) Regulation 1.3 is amended in the definition of “AS” by deleting “the Standards Association of” and inserting instead —  
“ Standards ”.
- (2) Regulation 1.3 is amended in the definition of “AS/NZS” by deleting “the Standards Association of” and inserting instead —  
“ Standards ”.

**5. Regulation 1.12 amended**

- (1) Regulation 1.12(a) is amended by deleting “the Standards Association of” and inserting instead —  
“ Standards ”.
- (2) Regulation 1.12(b) is amended by deleting “the Standards Association of” and inserting instead —  
“ Standards ”.

**6. Part 3 Division 9 Subdivision 1 heading amended**

The heading to Part 3 Division 9 Subdivision 1 is amended by deleting “for use in buildings”.

7. **Regulation 3.88 replaced with regulations 3.88 to 3.88J**

Regulation 3.88 is repealed and the following regulations are inserted instead —

“

**3.88. Interpretation**

(1) In this Subdivision —

“**concrete panel**” means a concrete panel that is manufactured as a separate and movable panel for the purpose of being incorporated as a wall once the process by which the panel is manufactured is complete, but 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, craning, 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;
- (c) the removal of temporary bracing of a concrete panel;

“**wall**” includes a retaining wall.

(2) For the purposes of this Subdivision, 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).

**3.88A. Commissioner to be given notice of intention to manufacture concrete panels**

- (1) A person who, at a workplace (other than a construction site) where a concrete panel is proposed to be manufactured, is an employer or a self-employed person must ensure that the Commissioner 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 main contractor must ensure that the Commissioner 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) is to be in an approved form 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 once the process by which the panel is manufactured is complete.

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

- (4) A person referred to in subregulation (1) (other than the Commissioner) must ensure that a copy of the notice is given to the main contractor at the construction site referred to in subregulation (3)(b) within the period referred to in subregulation (1).

Penalty: \$2 000.

**3.88B. Manufacture of concrete panels to be 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 an employer or a self-employed person must ensure that —
  - (a) the design and shop drawings of the panel are in accordance with AS 3850 section 3;
  - (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;
  - (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.
- (2) A person who, at a construction site where a concrete panel is proposed to be manufactured, is the main contractor must ensure that —
  - (a) the design and shop drawings of the panel are in accordance with AS 3850 section 3;
  - (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;
  - (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 applicable to subregulations (1) and (2):  
\$25 000.

**3.88C. Transport, cramage, storage and erection of concrete panels at construction sites to be in accordance with Standard**

- (1) A person who, at a construction site, is the main contractor, an employer or a self-employed person 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 cramage, temporary storage and erection of a concrete panel at the construction site is in accordance with AS 3850 section 5.

Penalty: \$25 000.

- (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;
  - (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;
  - (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;
    - (ii) located where there is little chance of damage to the panels to be stored;
    - (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.

**3.88D. Temporary bracing of concrete panels at construction sites to be in accordance with Standard**

- (1) A person who, at a construction site, is the main contractor, an employer or a self-employed person 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: \$25 000.

- (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.

**3.88E. Incorporation of concrete panels into final structure to be in accordance with Standard**

A person who, at a construction site, is the main contractor, an employer or a self-employed person must ensure that —

- (a) the fixing of a concrete panel for the incorporation of the panel as a 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: \$25 000.

**3.88F. Tilt-up work at construction sites not to be done unless notification of intention to manufacture panels has been given**

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 Commissioner has been notified of the intention to manufacture the panel under regulation 3.88A(1) or (2), as is relevant to the case.

Penalty for a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

**3.88G. Certain documents to be at construction sites where tilt-up work done**

- (1) The main 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 Commissioner given under

- regulation 3.88A(4) to the main contractor in respect of the panel;
- (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 3.88A(2) given to the Commissioner in respect of the panel;
  - (c) a copy of any exemption under regulation 2.12 relating to the work;
  - (d) a copy of the shop drawings of each concrete panel that is, or is to be, involved in the work;
  - (e) a current plan setting out details of the proposed execution of the work;
  - (f) a copy of any written or diagrammatic advice, from a qualified practising engineer, received by the main 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 3.88B(1)(d) or (2)(d), as is relevant to the case.

Penalty: \$25 000.

- (2) Nothing in subregulation (1) limits the operation of regulation 3.2.

### **3.88H. Limited entry to areas of construction sites where tilt-up work being done**

A person who, at a construction site where tilt-up work is being done, is the main contractor, an employer, a self-employed person, a person having control of the workplace or a person having control of access to 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;
- (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 for a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

**3.88I. Certain persons to ensure that only trained persons manufacture concrete panels**

- (1) A person who, at a workplace where a concrete panel is proposed to be manufactured, is a person having control of the workplace must ensure that —
- (a) the manufacture is directly supervised by a person who has completed an approved course for managers and supervisors in the construction industry concerning the manufacture of concrete panels; and
  - (b) each person involved in the manufacture has completed an approved course for persons involved in the manufacture of concrete panels concerning the aspect of the work in which the person is involved.

Penalty applicable to a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

- (2) A person does not commit an offence under subregulation (1) if the person's failure to comply with the subregulation occurred before 1 July 2005.

**3.88J. Certain persons to ensure that only trained persons do tilt-up work other than manufacturing concrete panels**

- (1) 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 having control of the workplace must ensure that —
- (a) the work is directly supervised by a person who has completed an approved course for managers and supervisors in the construction industry concerning tilt-up work; and
  - (b) each person involved in the work has completed an approved course for persons involved in tilt-up work concerning the aspect of the tilt-up work in which the person is involved.

Penalty applicable to a person who commits the offence as an employee: \$5 000.

Penalty in any other case: \$25 000.

- (2) A person does not commit an offence under subregulation (1) if the person's failure to comply with the subregulation occurred before 1 July 2005.

**8. Regulation 3.123 amended**

Regulation 3.123(1) is amended by deleting “subregulations (2) and (3),” and inserting instead —

“ subregulation (2), ”.

**9. Schedule 1 amended**

Schedule 1 item 43 is deleted and the following item is inserted instead —

“

43	AS 3850 – 2003	Tilt-up concrete construction	3.88, 3.88B, 3.88C, 3.88D, 3.88E
----	----------------	-------------------------------	----------------------------------

”.

By Command of the Governor,

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

---