

---

---

**WORKSAFE**

---

---

WS301\*

Occupational Safety and Health Act 1984

**Occupational Safety and Health Amendment  
Regulations 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Occupational Safety and Health Amendment Regulations 2003*.

**2. Commencement**

These regulations come into operation on a day 6 months after the day on which they are published in the Gazette.

**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 4 August 2003 see Gazette 10 January, 8 April, 27 June and 8 July 2003.]

**4. Regulation 3.23 amended**

Regulation 3.23 is amended by deleting the penalty provision and inserting instead —

“

- (4) If a crane other than a non-slewing crane, is used at a construction site, a person who at the site, is the main contractor, an employer or a self-employed person,

must ensure that the crane is fitted as far as practicable with a system having the following components —

- (a) at least one light source inside the crane that emits green light only if a load being lifted by the crane is less than or equal to 90% of the crane's rated capacity and which light gives the crane operator an effective warning signal of the status of the load in that respect;
- (b) at least one light source on the outside of the crane that emits a green light only if a load being lifted by the crane is less than or equal to 90% of the crane's rated capacity and which light is visible to a person in the vicinity of the crane;
- (c) at least one light source inside the crane that emits amber light only if a load being lifted by the crane is greater than 90% and less than 100% of the crane's rated capacity and which light gives the crane operator an effective warning signal of the status of the load in that respect;
- (d) at least one light source on the outside of the crane that emits an amber light only if a load being lifted by the crane is greater than 90% and less than 100% of the crane's rated capacity and which light is visible to a person in the vicinity of the crane;
- (e) at least one light source inside the crane that emits a flashing red light only if a load being lifted by the crane is greater than 100% of the crane's rated capacity and which light gives the crane operator an effective warning signal of the status of the load in that respect;
- (f) at least one light source on the outside of the crane that emits a flashing red light only if a load being lifted by the crane is greater than 100% of the crane's rated capacity and which light is visible to a person in the vicinity of the crane;
- (g) an alarm that sounds inside the crane only if a load being lifted by the crane is greater than 100% of the crane's rated capacity, which alarm gives the crane operator an effective warning signal of the status of the load in that respect; and
- (h) an alarm that sounds outside the crane only if a load being lifted by the crane is greater than 100% of the crane's rated capacity, which sound is audible to a person in the vicinity of the crane.

- (5) A person does not commit an offence under subregulation (4) if the percentage of a crane's rated capacity at which a light is emitted or an alarm sounds differs by no more than 2% from that required under subregulation (4) if, proof of which is on the person —
- (a) only one colour of light is emitted by the inside and outside light sources at a time;
  - (b) the inside and outside alarms sound at the same time as the inside and outside light sources emit red light;
  - (c) the percentage of the crane's rated capacity above which the inside and outside light sources emit red light and the inside and outside alarms sound is not greater than 100%; and
  - (d) the crane is operated in accordance with written instructions developed at the time of design or manufacture by the person who designed or manufactured the crane.

Penalty applicable to subregulations (1), (2), (3) and (4): \$25 000.

”.

By Command of the Governor,

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

---