**MODEL WORK HEALTH AND SAFETY REGULATIONS**

**2016 AMENDMENTS (21 MARCH 2016)**

| **Topic** | **Amended provisions** |
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| **Definitions** |  |
| Definitions**—Model Regulation 5(1)**—***concrete placing boom*** | In regulation 5(1), in the definition of ***concrete placing boom***, substitute "an articulating boom" for "a knuckle boom", so it reads as follows—  ***concrete placing boom*** means plant incorporating an articulating boom, capable of power operated slewing and luffing to place concrete by way of pumping through a pipeline attached to, or forming part of, the boom of the plant. |
| Definitions**—Model Regulation 5(1)**—***lift*** | In regulation 5(1), in the definition of ***lift***, delete "escalator, moving walkway" so it reads as follows—  ***lift*** means plant that is, or is intended to be, permanently installed in or attached to a structure, in which people, goods or materials may be raised or lowered within a car or cage, or on a platform and the movement of which is restricted by a guide or guides, and includes:  (a) a chairlift and stairway lift; and  (b) any supporting structure, machinery, equipment, gear, lift well, enclosures and entrances. |
| Definitions**—Model Regulation 5(1)**—***pressure piping*** | In regulation 5(1), in the definition of ***pressure piping***, substitute "fluid" for "liquid" in paragraph (a) so that it reads as follows—  ***pressure piping***:  (a) means an assembly of pipes, pipe fittings, valves and pipe accessories subject to internal or external pressure and used to contain or convey fluid or to transmit fluid pressure; and  (b) includes distribution headers, bolting, gaskets, pipe supports and pressure containing accessories; but  (c) does not include:  (i) a boiler or pressure vessel; or  (ii) any piping that is regulated under [..............].  **Note**  See jurisdictional note in the Appendix |
| Definitions**—Model Regulation 5(1)**—***tower crane*** | In regulation 5(1), amend the definition of ***tower crane*** so that it reads as follows—  ***tower crane*** means:  (a) a crane that has a boom or a jib mounted on a tower structure; and    (b) in Schedule 3:  (i) the crane, if a jib crane, may be a horizontal or luffing jib type; and  (ii) the tower structure may be demountable or permanent,  but does not include a self-erecting tower crane. |
| Definitions**—Model Regulation 5(1)**—***turbine*** | In regulation 5(1), amend the defined term ***turbine*** to ***steam turbine***  (Note that the definition itself does not change) |

| **HSRs & assistants** |  | | |
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| Prescriptions regarding notice under new s68(3B)—**Model Regulations**, new clause 20A | Insert new clause 20A after clause 20—  20A Notice of entry for person assisting health and safety representative  (1) A notice of entry given under section 68(3A) of the Act must:  (a) be written; and  (b) include the following:  (i) the full name of the health and safety representative giving the notice;  (ii) the full name of the assistant whose entry is proposed;  (iii) the name and address of the workplace proposed to be entered;  (iv) the date of proposed entry;  (v) a statement of the reasons why the health and safety representative considers it is necessary for the assistant to enter the workplace to assist.  (2) If the assistant is or has been a WHS entry permit holder under the Act or a corresponding WHS law, the notice must also include the following:  (a) the name of the union the assistant represents or represented;  (b) a declaration by the assistant stating that—  (i) a WHS entry permit held by the assistant has not been revoked; and  (ii) in relation to a current WHS entry permit, the permit is not suspended; and  (iii) the assistant is not disqualified from holding a WHS entry permit. | | |
| Training for health and safety representatives—**Model regulations**, regulation 21 | Include the words "up to" in regulation 21(1)(a) and (b) so that it reads as follows—  **21 Training for health and safety representatives**  (1) For the purposes of section 72(1) of the Act, a health and safety representative is entitled to attend the following courses of training in work health and safety:  (a) an initial course of training of up to 5 days;  (b) up to 1 day's refresher training each year, with the entitlement to the first refresher training commencing 1 year after the initial training. | | |
| **WHS entry permit holders** |  | | |
| **Notice of entry** (for suspected contravention)—notice before entry—**Model Regulations**, regulation 28 (re clauses 117 and 119 of the Model Act) | Amend regulation 28 of the Model Regulations to omit the references to section 119 so that it reads as follows—  28 Additional requirements—entry under section 117  A notice of entry under section 117 of the Act in relation to an entry under that section must also include the following: | | |
| **Various notifications**  Notifications no longer required to be in writing—**Model Regulations**, regulations 96, 98, 127, 288 and 513 | Amend the following regulations to remove the requirement for notification to be in writing so they read as follows—  96 Notice of change of address  The licence holder of a high risk work licence must notify the regulator of a change of residential address, within 14 days of the change occurring.  Maximum penalty:  In the case of an individual—$1 250.  In the case of a body corporate—$6 000.  98 Replacement licence document  (1) A licence holder must notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.  Maximum penalty:  In the case of an individual—$1 250.  In the case of a body corporate—$6 000.  127 Replacement accreditation document  (1) An accredited assessor must notify the regulator as soon as practicable if the accreditation document is lost, stolen or destroyed.  Maximum penalty:  In the case of an individual—$1 250.  In the case of a body corporate—$6 000.  288 Replacement registration document  (1) A registration holder must notify the regulator as soon as practicable if the registration document is lost, stolen or destroyed.  Maximum penalty:  In the case of an individual—$1 250.  In the case of a body corporate—$6 000.  513 Replacement licence document  (1) A licence holder of an asbestos removal licence or an asbestos assessor licence must notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.  Maximum penalty:  In the case of an individual—$1 250.  In the case of a body corporate—$6 000. | | |
| **Asbestos removal licences**  Correction of references—**Model Regulations**, clause 459, heading to Part 8.8, heading to clause 475 | Amend the references in the following provisions from "Class A licence" and "Class B licence" to "Class A asbestos removal licence" or "Class B asbestos removal licence" to read as follows  459 Asbestos removal supervisor must be present or readily available  A licensed asbestos removalist must ensure that the nominated asbestos removal supervisor for asbestos removal work is:  (a) if the asbestos removal work requires a Class A asbestos removal licence—present at the asbestos removal area whenever the asbestos removal work is being carried out; and  (b) if the asbestos removal work requires a Class B asbestos removal licence—readily available to a worker carrying out asbestos removal work whenever the work is being carried out.  Maximum penalty:  In the case of an individual—$6 000.  In the case of a body corporate—$30 000.  Part 8.8 Asbestos Removal Requiring Class A Asbestos Removal Licence  475 Air monitoring—asbestos removal requiring Class A asbestos removal licence | | |
| **High risk work** |  | | |
| **High risk work—**Model regulation Schedule 3, Item 20 | Amend the description in column 3 of Item 20 of Schedule 3 so that it reads as follows—  Use of a personnel and materials hoist  Use of a materials hoist | | |
| **High risk work—**Model regulation Schedule 3, Item 28 | Amend Item 28 of Schedule 3 to refer to steam turbines, so that it reads as follows— | | |
| Steam turbine operation | Operation of a steam turbine that has an output of 500 kilowatts or more and:  (a) is multi-wheeled; or  (b) is capable of a speed greater than 3600 revolutions per minute; or  (c) has attached condensers; or  (d) has a multi-staged heat exchange extraction process | |
| **High risk work—**Model regulation Schedule 4, Item 22 | In Item 22 of Schedule 4 amend the column titled "**VET course**" so that it reads as follows—  Licence to operate a concrete placing boom | | |
| **High risk work—**Model regulation Schedule 4, Item 28 | Amend Item 28 of Schedule 4 to refer to steam turbines, so that it reads as follows— | | |
| Steam turbine operation | | Licence to operate a steam turbine |
| **Plant** |  | | |
| **Plant—**Model regulation Schedule 5, Part 1, Item 1.4 | Amend Item 1.4 of Schedule 5 so that reads as follows—  1.4 Lifts and escalators and moving walkways. | | |
| **Plant—**Model regulation Schedule 5, Part 1, Item 1.8 | Substitute "classified" for "covered" so that Item 1.8 of Schedule 5 reads as follows—  1.8 Amusement devices classified by Section 2.1 of AS 3533.1:2009 (Amusement rides and devices—Design and construction), except devices specified in clause 2(2). | | |
| **Plant—**Model regulation Schedule 5, Part 2, Item 3.4 | Amend Item 3.4 of Schedule 5 so that reads as follows—  3.4 Lifts and escalators and moving walkways. | | |
| **Plant—**Model regulation Schedule 5, Part 2, Item 3.6 | Substitute "classified" for "covered" so that Item 3.6 of Schedule 5 reads as follows—  3.6 Amusement devices classified by Section 2.1 of AS 3533.1:2009 (Amusement rides and devices—Design and construction), except devices specified in clause 4(2). | | |