



Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2007 (No. 2)¹

Select Legislative Instrument 2007 No. 30

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

Dated 1 March 2007

P. M. JEFFERY
Governor-General

By His Excellency's Command

JOE HOCKEY
Minister for Employment and Workplace Relations

1 Name of Regulations

These Regulations are the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2007 (No. 2)*.

2 Commencement

These Regulations commence immediately after the commencement of Schedule 2 to the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2007 (No. 1)*.

3 Amendment of *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994*

Schedule 1 amends the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulation 4.43 (5)

substitute

- (5) A notice under paragraph (2) (c) in relation to the renewal of a licence must set out the following:
- (a) the items of plant that the employing authority is licensed to operate;
 - (b) the employer who applied for the licence;
 - (c) the date that the renewal of the licence comes into force;
 - (d) the period for which the licence is in force;

-
- (e) the conditions to which the licence is subject under subregulation 4.45 (1);
 - (f) the amount of the licence fee to be paid, and the date by which the fee must be paid.

[2] Subregulation 4.46 (1)

substitute

- (1) This regulation applies if:
 - (a) the name of the employing authority that is licensed to operate plant is changed; or
 - (b) plant that an employing authority is licensed to operate is altered; or
 - (c) for plant that is normally fixed in one location — the plant is relocated; or
 - (d) for mobile plant — the depot or other place at which the plant may be found is changed; or
 - (e) plant is decommissioned or disposed of.

[3] Subregulation 4.54 (1)

omit

- (1) Subject to subregulation (2), an employer

insert

An employer

[4] Paragraph 4.54 (1) (a)

substitute

- (a) the design of the plant has been registered by:
 - (i) the Commission; or
 - (ii) a person administering a law of a State or Territory that corresponds to the Act or these Regulations; and

[5] Subregulation 4.54 (2)

omit

[6] Subregulation 4.56 (2)

substitute

- (2) Before the Australian Defence Organisation makes an application under subregulation (1), the Australian Defence Organisation must consult with:
- (a) the employees of the Australian Defence Organisation; and
 - (b) at the request of an employee — an employee representative.

[7] After regulation 4.62A

insert

4.62B Transitional

- (1) This regulation applies to:
- (a) a special licence granted to the Australian Defence Organisation prior to 1 July 2005; and
 - (b) the renewal of that special licence.
- (2) The conditions to which the licence is subject are the conditions that were set out in regulation 4.60 as in force before 1 July 2005.

Note Regulation 4.60A does not apply to a special licence granted to the Australian Defence Organisation prior to 1 July 2005, or to the renewal of such a licence.

[8] Paragraph 8.01 (d)

substitute

- (d) ensuring that the Commission is notified in writing if, in respect of dangerous goods other than explosives:
 - (i) such goods are stored or handled in a quantity that exceeds the manifest quantity mentioned in Schedule 7 in respect of goods of that kind; or
 - (ii) a pipeline is to be used for the transport of such goods; and
- (da) ensuring that the Commission is notified in writing in respect of explosives to which regulation 8.44A applies; and

[9] Regulation 8.02, heading

substitute

8.02 Application of Part 8 to dangerous goods other than explosives**[10] Subregulation 8.02 (1)**

substitute

- (1) Subject to subregulation (2), this Part applies in relation to:
 - (a) the storage and handling, at a workplace, of dangerous goods except, as provided by regulation 8.02A, explosives; and
 - (b) a pipeline for the transport of dangerous goods other than explosives.

Note Regulation 8.02A sets out the application of this Part to explosives.

[11] After regulation 8.02*insert***8.02A Application of Part 8 to explosives**

- (1) Subject to subregulation (3), the provisions of this Part mentioned in subregulation (2) apply in relation to the storage and handling, at a workplace, of explosives.

Note Regulation 8.02 sets out the application of this Part to dangerous goods other than explosives.

- (2) The provisions are:
- (a) regulation 8.04; and
 - (b) regulations 8.10, 8.12 and 8.13; and
 - (c) regulations 8.15, 8.16 and 8.17, 8.26, 8.27, 8.35, 8.36, 8.37, 8.40, 8.44A, 8.44B, 8.44C, 8.57, 8.58 and 8.67.
- (3) This Part does not apply in relation to any of the following:
- (a) the defence employing authority;
 - (b) explosives that are part of an Australian Federal Police operation for bomb detection or bomb disposal;
 - (c) explosives that:
 - (i) are part of, or are necessary for the operation of, the equipment or any of the accessories of a vehicle, ship or other mobile plant, appliance or device; or
 - (ii) are in the operating system for the equipment or such accessory; or
 - (d) explosives that are being transported in accordance with:
 - (i) the Australian Code for the Transport of Explosives by Road and Rail, Second Edition, published in March 2000 by the Department of Transport and Regional Services; or
 - (ii) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, published by the International Civil Aviation Organization, as in force on 1 May 2006; or

-
- (iii) the International Maritime Dangerous Goods Code, published by the International Maritime Organisation, as in force on 1 May 2006; or
 - (iv) the Dangerous Goods Regulations, published by the International Air Transport Association, as in force on 1 May 2006.

[12] Subregulation 8.04 (1), definition of *capacity*

substitute

capacity:

- (a) for a class 2 cylinder — means the water capacity stamped on the cylinder; and
- (b) for any other container — means the total internal volume of the container at 15°C, expressed in litres or cubic metres.

[13] Subregulation 8.04 (1), after definition of *dangerous occurrence*

insert

explosive means a substance or mixture of substances that:

- (a) are listed in Appendix 2 to the Australian Code for the Transport of Explosives by Road and Rail, Second Edition, published in March 2000 by the Department of Transport and Regional Services; or
- (b) meet the criteria for Class 1 dangerous goods in Chapter 2 of the ADG Code .

[14] Subregulation 8.04 (1), definition of *near miss*

omit

[15] Paragraph 8.04 (3) (f)

substitute

- (f) are explosives; or
- (g) are goods too dangerous to be transported.

[16] Paragraph 8.04 (5) (c)

substitute

- (c) remain at the workplace:
 - (i) in the case of explosives — for no longer than 24 hours; or
 - (ii) in any other case — for no longer than 5 days.

[17] Subregulation 8.27 (1)

substitute

- (1) This regulation applies to an employer in relation to dangerous goods stored or handled at a workplace of the employer if:
 - (a) the goods are of a Class mentioned in column 2 of an item of Schedule 7, and their total quantity is more than the manifest quantity mentioned in column 5 of that item; or
 - (b) the goods are explosives, and their total quantity is a notifiable quantity under subregulation 8.44A (1).

[18] After paragraph 8.27 (4) (b)

insert

Penalty: 10 penalty units.

Note Examples of when an emergency plan requires review can be found in the Approved Code of Practice for the Storage and Handling of Dangerous Goods as in force on 15 March 2007.

[19] Regulation 8.40, heading

omit

and near misses

[20] Subregulation 8.40 (1)

omit

and near misses

[21] Subregulations 8.40 (2) and (3)

omit

or near miss

[22] Regulation 8.40, note 2

substitute

Note 2 For the meaning of dangerous occurrence, see subsection 5 (1) of the Act and regulation 3 of the *Occupational Health and Safety (Commonwealth Employment) Regulations 1991*.

[23] Subdivision 8.3.4, heading

substitute

Subdivision 8.3.4 Notification of storage and handling of dangerous goods other than explosives

[24] Subparagraph 8.41 (2) (a) (iv)

omit

average and

[25] Subparagraph 8.41 (2) (b) (iv)

omit

average and

[26] After Subdivision 8.3.4

insert

Subdivision 8.3.4A Notification of storage and handling of explosives**8.44A Commission notification**

- (1) This regulation applies in relation to a volume of explosives, of which the net explosive quantity (that is, the quantity exclusive of non-explosive components) is greater than 2 kilograms (a *notifiable quantity*).
- (2) An employer must ensure that:
 - (a) if, at the commencement of this regulation, a notifiable quantity of explosives is stored or handled at a workplace of the employer, the Commission is notified, within 3 months, of the following information:
 - (i) the name of the employer;
 - (ii) the name and title of a contact person for the workplace;
 - (iii) details of each subclass of explosives stored or handled at the workplace;
 - (iv) details of each kind of licence held by the employer under a State or Territory law that relates to storage or handling of explosives;
 - (v) the maximum quantities of explosives stored or handled at the workplace; and
 - (b) if, after 3 months following the commencement of this regulation, a notifiable quantity of explosives is to be stored or handled at the workplace, the Commission is notified, before the storage or handling occurs, of the following information:
 - (i) the name of the employer;
 - (ii) the name and title of a contact person for the workplace;
 - (iii) details of each subclass of explosives to be stored or handled at the workplace;

-
- (iv) details of each kind of licence held by the employer under a State or Territory law that relates to storage or handling of explosives;
 - (v) the maximum quantities of explosives to be stored or handled at the workplace; and
- (c) the Commission is notified:
- (i) at intervals of 2 years after notice is given under paragraph (a) or (b) — of the information mentioned in that paragraph, current at the date of the notice; and
 - (ii) if there is a significant increase or decrease in the maximum quantities of explosives stored or handled at the workplace; and
 - (iii) if there is a change to a licence held by the employer under a State or Territory law that relates to storage or handling of explosives; and
 - (iv) if there is a change of contact person for the workplace; and
 - (v) if explosives are no longer stored or handled at the workplace; and
- (d) any information relevant to the storage or handling of explosives that is requested by the Commission is provided to the Commission.

- (3) For subparagraph (2) (b) (iii):

subclass, in relation to explosives, has the same meaning as it has in the Australian Explosives Code, 2nd Edition, published by the Department of Transport and Regional Services in March 2000.

8.44B Form of notices

A notice under this Subdivision must be:

- (a) in writing; and
- (b) in a form approved by the Commission.

8.44C Commission to acknowledge receipt of notice

The Commission must acknowledge receipt of a notice under this Subdivision within 3 months after receiving the notice.

[27] Paragraph 8.60 (1) (c)

omit

average and

[28] Paragraph 8.60 (2) (b)

omit

average and

[29] Subparagraph 8.63 (2) (a) (v)

omit

average and

[30] Paragraph 11.07 (3) (b)

substitute

(b) identifying the driver's fitness for work;

[31] Paragraph 11.08 (1) (a)

after

rest time taken

insert

, in a non-local work area,

[32] Subparagraph 11.08 (1) (b) (ii)

after

to drive

insert

, in a non-local work area,

[33] Subregulations 11.08 (2) and (3)

substitute

(2) The employer must keep records required under Division 11.2 or this Division:

(a) in a clear and systematic manner; and

(b) for at least 5 years from the date on which the record is made.

(3) In this regulation:

non-local work area has the same meaning as in regulation 44 of the *National Transport Commission (Road Transport Legislation — Driving Hours Regulations) Regulations 2006*.

[34] Subregulation 11.10 (3)

omit

[35] After Part 11

insert

Part 12 Construction work

Division 12.1 Introduction

12.01 Object of Part 12

The object of this Part is to protect persons from the hazards associated with construction work by ensuring:

- (a) that hazards are identified; and
- (b) that each risk arising from a hazard is assessed; and
- (c) that each risk is:
 - (i) eliminated; or
 - (ii) if it is not reasonably practicable to eliminate the risk — minimised as far as is reasonably practicable.

12.02 Definitions for Part 12

In this Part:

Act means the *Occupational Health and Safety Act 1991*.

construction project means a project involving construction work including design, preparation and planning.

construction site has the meaning given by regulation 12.04.

construction work has the meaning given by regulation 12.03.

demolition means the complete or partial dismantling of a structure by planned and controlled methods.

design, in relation to a structure, includes a drawing, design detail, scope of works document or specification relating to the structure.

excavation means an earthwork, trench, well, shaft, tunnel or underground work.

existing services means gas, water, sewerage, communication, electrical and other services such as chemical, fuel and refrigerant lines supplied to, or adjacent to, a construction site.

high-risk construction work means any of the following:

- (a) construction work where there is a risk of a person falling 2 metres or more;
- (b) construction work on telecommunications towers;
- (c) construction work involving demolition;
- (d) construction work involving the disturbance or removal of asbestos;
- (e) construction work involving structural alterations that require temporary support to prevent collapse;
- (f) construction work involving a confined space;
- (g) construction work involving excavation to a depth greater than 1.5 metres;
- (h) the construction of tunnels;
- (i) construction work involving the use of explosives;
- (j) construction work on or near pressurised gas distribution mains and consumer piping;
- (k) construction work on or near chemical, fuel or refrigerant lines;
- (l) construction work on or near energised electrical installations and services;
- (m) construction work in an area that may have a contaminated or flammable atmosphere;
- (n) tilt-up and precast concrete construction work;
- (o) construction work on, or adjacent to, roadways or railways used by road or rail traffic;
- (p) work on construction sites where there is any movement of powered mobile plant;
- (q) construction work in an area where there are artificial extremes of temperature;
- (r) construction work in, over, or adjacent to water or other liquids where there is a risk of drowning;
- (s) construction work involving diving.

plant includes:

- (a) anything mentioned in the definition of **plant** in section 5 of the Act; and
- (b) any scaffolding, appliance or implement, and any component of any scaffolding, appliance or implement.

structure includes any of the following:

- (a) buildings;
- (b) steel or reinforced concrete constructions;
- (c) ships or submarines;
- (d) railway lines or sidings;
- (e) docks or harbours;
- (f) inland navigation channels;
- (g) waterworks;
- (h) towers or pylons;
- (i) pipelines;
- (j) roads;
- (k) airfields;
- (l) drainage works or earthworks;
- (m) earth retaining constructions;
- (n) underground tanks;
- (o) fixed plant constructions designed to preserve or alter any natural feature;
- (p) formwork, falsework, scaffolding or other constructions designed or used to provide support or access during construction work.

12.03 Meaning of *construction work*

(1) In this Part:

construction work means work on or in the vicinity of a construction site carried out in connection with the construction, alteration, conversion, fitting out, commissioning, renovation, repair, maintenance, decommissioning, demolition or dismantling of any structure.

- (2) Without limiting subregulation (1), each of the following is construction work:
- (a) the removal from the construction site of any product or waste from the demolition or dismantling of a structure;
 - (b) the assembly of prefabricated elements to form a structure;
 - (c) the disassembly of prefabricated elements which, immediately before such disassembly, formed a structure;
 - (d) any work in connection with excavation, landscaping, preparatory work or site preparation for the purpose of any work mentioned in paragraphs (a) to (c).
- (3) Work carried out on, or under, water, including work on buoys, obstructions to navigation, reefs, ships and wrecks, is construction work if it is otherwise within the definition in subregulation (1).
- (4) Each of the following is not construction work:
- (a) exploration for, or extraction of, mineral resources;
 - (b) preparatory work relating to the extraction of mineral resources carried out at a place where such extraction is carried out;
 - (c) minor maintenance work that is regular or routine in nature.

12.04 Meaning of *construction site*

- (1) In this Part:
- construction site* means:
- (a) a place where construction work is undertaken; and
 - (b) an area in the vicinity of such a place, where plant or other material that is, or will be, used in connection with the construction work is located during the construction work.
- (2) A construction site does not include a place where:
- (a) elements of a structure are manufactured off-site; or
 - (b) construction material is stored as stock for sale or hire.

Division 12.2 General duties of employers in control of a construction project

12.05 Duty to identify hazards

- (1) An employer in control of a construction project must identify reasonably foreseeable hazards that might harm the health and safety of a person:
 - (a) who undertakes construction work on the project; or
 - (b) who is affected by construction work on the project.
- (2) Hazards that must be identified under subregulation (1) include hazards arising from the following:
 - (a) the construction site, including its layout and condition;
 - (b) the physical working environment;
 - (c) working at height;
 - (d) hazardous substances, including their:
 - (i) handling; and
 - (ii) use; and
 - (iii) storage; and
 - (iv) on-site transportation; and
 - (v) disposal;
 - (e) the presence of asbestos;
 - (f) systems of work;
 - (g) plant, including its:
 - (i) on-site transportation; and
 - (ii) installation; and
 - (iii) erection; and
 - (iv) commissioning; and
 - (v) maintenance; and
 - (vi) dismantling; and
 - (vii) storage; and
 - (viii) disposal;
 - (h) manual handling, including the potential for occupational overuse injuries.

12.06 Duty to establish procedures to identify and record hazards

- (1) An employer in control of a construction project must:
 - (a) establish procedures in accordance with subregulation (2) to identify and record reasonably foreseeable hazards that are potential risks to health and safety; and
 - (b) make a record of hazards identified under regulation 12.05.
- (2) Procedures under subregulation (1) must require hazards to be identified and recorded:
 - (a) before the commencement of construction work; and
 - (b) before and during the installation, erection, commissioning or alteration of plant; and
 - (c) before changes to systems of work are introduced; and
 - (d) before hazardous substances are brought onto the site; and
 - (e) when any work is being carried out; and
 - (f) when additional information that is relevant to the health and safety of persons employed in construction work becomes available.

12.07 Duty to assess risks

- (1) If a hazard has been identified under regulation 12.05, the employer in control of a construction project must arrange for an assessment, in accordance with subregulation (2), of each risk arising from that hazard to the health and safety of a person:
 - (a) who undertakes construction work on the project; or
 - (b) who is affected by construction work on the project.
- (2) A risk assessment in relation to a hazard under subregulation (1) must include:
 - (a) an evaluation of:
 - (i) the likelihood of an injury, illness or disease occurring; and
 - (ii) the likely severity of the injury, illness or disease; and

- (b) a review of the available health and safety information relevant to the hazard; and
 - (c) identification of actions necessary to control the risk.
- (3) An employer in control of a construction project must make a record of each risk assessment under subregulation (1).

12.08 Duty to control risks

If a risk is identified and assessed under regulation 12.07, the employer in control of the construction project must take measures to

- (a) eliminate the risk; or
- (b) if it is not reasonably practicable to eliminate the risk — minimise the risk as far as is reasonably practicable.

Note See also regulation 1.06.

12.09 Measures to control risks

- (1) An employer in control of a construction project must make a record of measures taken to control risks.
- (2) An employer in control of a construction project must ensure that measures to control risks to health and safety, including plant and systems of work, are properly used and maintained.

12.10 Duty to review procedures for hazard identification, and measures for assessment and control of risks

- (1) An employer in control of a construction project must ensure that there is a procedure to review the following:
 - (a) hazard identification procedures;
 - (b) risk assessment procedures;
 - (c) measures to control risks.
- (2) The employer in control of a construction project must review hazard identification procedures, risk assessment procedures and measures to control risks whenever:
 - (a) there is information that the procedures are no longer adequate; or

-
- (b) advice is received from a person undertaking construction work on the project that:
 - (i) a hazard has not been identified; or
 - (ii) a risk has not been assessed; or
 - (iii) a risk has not been eliminated or adequately controlled; or
 - (c) an injury, illness or disease results from exposure to a hazard; or
 - (d) a significant change is proposed for the construction site or part of the construction site, including the introduction of:
 - (i) new plant or technology; or
 - (ii) new procedures or systems of work.

12.11 Duty to keep records

An employer in control of a construction project must keep the following for 5 years after the completion of the project:

- (a) records under regulation 12.06 of hazards;
- (b) records under regulation 12.07 of risk assessments;
- (c) records under regulation 12.09 of measures to control risks;
- (d) records under subregulation 12.10 of procedures for reviews;
- (e) records of information and training provided under regulation 12.12.

12.12 Duty to provide information and training

- (1) An employer in control of a construction project must provide to persons engaged in construction work on the project information and training about:
 - (a) hazards that have been identified in relation to the project; and
 - (b) the risks arising from those hazards; and
 - (c) the measures that have been implemented to eliminate or minimise those risks.

- (2) Information under subsection (1) must be provided:
 - (a) when the person commences work on the project; and
 - (b) whenever a new or different hazard is identified.

Division 12.3 Particular areas of risk

12.13 Duty to identify existing services and associated risks

- (1) In this regulation:
 - existing services* includes the following services supplied to, or adjacent to, a construction site:
 - (a) electricity;
 - (b) gas;
 - (c) water;
 - (d) sewerage;
 - (e) communication services;
 - (f) chemical, fuel or refrigerant lines.
- (2) Before the commencement of construction work, an employer in control of a construction project must:
 - (a) identify the existing services at the construction site; and
 - (b) assess:
 - (i) the condition of the services; and
 - (ii) any risks associated with the services.
- (3) An assessment under subregulation (2) must identify the following:
 - (a) the type of service;
 - (b) the location;
 - (c) whether the service is underground, overhead or contained within a structure;
 - (d) the extent of the services;
 - (e) any risks associated with the services.

-
- (4) If contact with an existing service presents a risk to the health or safety of any person, the employer in control of the construction project must ensure that contact with the service is prevented by:
- (a) removing the service; or
 - (b) disconnecting the service; or
 - (c) isolating the service from the construction work.

12.14 Traffic control

An employer in control of a construction project must ensure the safety of pedestrians, motor vehicles or plant moving on or near the construction site, by:

- (a) eliminating any risks to health or safety; or
- (b) if it is not reasonably practicable to eliminate the risks — minimising the risks as far as is reasonably practicable.

12.15 Lighting

An employer in control of a construction project must ensure that there is a level of lighting sufficient to allow work or passage without risk to health or safety:

- (a) in any area in which a person performs construction work; and
- (b) in any area a person might be required to pass through, including access ways and emergency exits.

12.16 Access and egress

- (1) An employer in control of a construction project must ensure that all persons on the construction site have safe access to, and egress from, all places where they might be required to work or pass.
- (2) An employer in control of a construction project must provide emergency access and egress routes that are free of obstructions.

12.17 Public access

- (1) An employer in control of a construction project must ensure, as far as reasonably practicable, that members of the public are not exposed to a health or safety risk arising from the construction work.
- (2) To the extent that it is reasonably practicable to do so, an employer in control of a construction project must:
 - (a) erect perimeter fencing around the construction site before construction work commences; and
 - (b) maintain the perimeter fencing during the construction work; and
 - (c) place signs on each construction site, clearly visible from outside the site, with the following information:
 - (i) names and telephone numbers of persons in control of the construction work;
 - (ii) the name and telephone number of a person who may be contacted in case of an after-hours emergency.

12.18 Emergency procedures

An employer in control of a construction project must ensure that:

- (a) it is possible for all persons to evacuate all work areas safely in an emergency; and
- (b) the following are displayed at appropriate locations on the construction site:
 - (i) a diagram showing emergency exits and evacuation routes;
 - (ii) emergency evacuation plans; and
- (c) there are arrangements for the rescue of injured persons; and
- (d) where required by the risk assessment — emergency evacuation procedures are practised at regular intervals and any difficulties are identified and resolved.

12.19 Maintaining the site

An employer in control of a construction project must ensure that, on a construction site:

- (a) access ways are kept clear of material and debris and are not slippery; and
- (b) general safety signs are erected and kept in good condition; and
- (c) there is a safe system for collecting, storing and disposing of excess or waste material at the construction site; and
- (d) plant is safely secured when not in use; and
- (e) material at or near the construction site is moved and stored so that it does not present a risk to the health or safety of any person.

12.20 Exposure to the elements

If weather conditions create a hazard on the construction site, an employer in control of the construction project must take action to ensure the safety of persons working on the site.

Example

While rainfall is not itself unsafe, rain can make scaffolding slippery creating a risk of serious injury.

12.21 Duty to provide amenities

An employer in control of a construction project has a duty to provide access, for persons undertaking construction work, to amenities to meet their welfare and personal hygiene needs.

Division 12.4 Occupational health and safety management plans

12.22 Occupational health and safety management plans

- (1) An employer in control of a construction project on which it is likely that 5 or more persons will be working at a construction site at any one time, must ensure that:
 - (a) a site-specific occupational health and safety management plan is prepared, in accordance with subregulation (2), before the construction work commences; and
 - (b) the plan is kept up to date during the course of the work.
- (2) An occupational health and safety management plan must include the following:
 - (a) a list of all persons on the site who have specific responsibilities for occupational health and safety, including:
 - (i) names; and
 - (ii) positions; and
 - (iii) the aspects of occupational health and safety for which they are responsible;
 - (b) arrangements for the provision of training under subregulation 12.12 (1);
 - (c) arrangements for the coordination of health and safety issues of persons undertaking construction work;
 - (d) arrangements for managing occupational health and safety incidents when they occur, including names and contact details of persons or agencies available to:
 - (i) prevent such incidents; or
 - (ii) prepare for procedures where there is a risk to health or safety; or
 - (iii) respond to such incidents; or
 - (iv) manage recovery from such incidents;
 - (e) the site safety rules;
 - (f) arrangements for ensuring that all persons at the site are informed of the site safety rules;

-
- (g) for each work activity assessed as having a risk to health or safety, information on:
 - (i) the hazard identification; and
 - (ii) the risk assessment; and
 - (iii) measures for control of risk;
 - (h) for all high-risk construction work — the safe work method statements.
- (3) The employer in control of the construction project must ensure that the plan is available for inspection at the construction site throughout the course of the construction work.
 - (4) The employer in control of the construction project must ensure that each relevant person engaged to work at the construction site is provided with a copy of the occupational health and safety management plan for the site before they commence work at the site.
 - (5) If an occupational health and safety management plan for a construction site is changed during the course of construction work, the employer in control of the construction project must provide a copy of the changed parts of the plan to relevant persons working at the site.

Division 12.5 High-risk construction work

12.23 Safe work method statements for high-risk construction work

- (1) An employer in control of a construction project that requires high-risk construction work at a construction site must obtain a safe work method statement in relation to that work from the persons engaged to undertake that work before they commence work at the site.
- (2) If there is a change to high-risk construction work on a construction project, the employer in control of the construction project must ensure that:
 - (a) the safe work method statement is reviewed; and

- (b) any necessary changes to the statement are made.
- (3) An employer in control of a construction project that requires high-risk construction work must take all reasonably practicable steps to ensure that:
 - (a) construction work on the construction site is carried out in accordance with the safe work method statement; and
 - (b) if a person is working on the site in a manner that does not comply with the safe work method statement — the person is directed:
 - (i) to stop work immediately and not to resume work until he or she complies with the safe work method statement; or
 - (ii) if an immediate cessation of work is likely to increase the risk to health or safety — to stop work as soon as it is safe to do so.

Division 12.6 Education and training

12.24 Induction training before commencing work

An employer in control of a construction project must not direct or allow a person to carry out construction work on the construction site unless the person has completed a course of occupational health and safety induction training relating to construction.

Division 12.7 Duties of employees and contractors

12.25 Duty to undertake training

A person engaged to undertake construction work on a construction project must not commence construction work until the person has completed:

- (a) a course of occupational health and safety induction training; and

-
- (b) training identified in the risk assessment for the construction work.

12.26 Duty to work in accordance with training, information and instructions

A person engaged to undertake construction work on a construction project must undertake that work in accordance with:

- (a) occupational health and safety training; and
- (b) information and instructions on occupational health and safety measures.

Part 13 Falls from 2 metres or more

Division 13.1 Introduction

13.01 Object of Part 13

The object of this Part is to prevent or reduce injury to an individual at a workplace resulting from a fall 2 metres or more by:

- (a) imposing an obligation on an employer to:
 - (i) identify any task to be performed in a workplace that involves a fall hazard; and
 - (ii) eliminate the risk or, if that is not reasonably practicable, minimise the risk; and
 - (iii) inform, instruct and train employees and contractors concerning fall hazards and fall control measures; and
 - (iv) keep records of:
 - (A) tasks identified; and
 - (B) measures taken to eliminate and reduce fall hazards; and

- (b) imposing an obligation on an employee or contractor to perform tasks in accordance with:
 - (i) information, instruction and training given by an employer; and
 - (ii) risk control measures adopted by the employer.

13.02 Application of Part 13

This Part applies to an employer, employee or contractor as follows:

- (a) Division 13.2 applies to an employer;
- (b) Division 13.3 applies to an employee or a contractor.

13.03 Definitions for Part 13

In this Part:

administrative control means a system of work or work procedures that eliminates or reduces the risk of a fall.

fall means an involuntary fall of 2 metres or more by an individual.

fall hazard means an object or circumstance that increases the risk of a fall.

fall injury prevention system means equipment or material designed to arrest a fall to prevent an injury, including:

- (a) an industrial safety net; or
- (b) a catch platform; or
- (c) a safety harness system other than a travel restraint system.

industrial rope access system means a system that:

- (a) is designed for use by an individual in carrying out work on a building or structure; and
- (b) consists of equipment that:
 - (i) enables the individual to manually raise or lower himself or herself in a harness or seat supported by one or more fibre ropes; and
 - (ii) is capable of anchoring a rope.

passive fall prevention device means equipment or material that:

- (a) is designed to prevent a fall; and
- (b) after installation, does not require ongoing adjustment, alteration or operation by a person to maintain its ability to prevent a fall.

Example

Temporary work platforms, roof safety mesh and guard railings are all passive fall prevention devices.

solid construction means a building or structure, or a part of a building or structure that has:

- (a) a surface capable of supporting the number of people, and amount of material, that it may reasonably be expected to support for a particular task; and
- (b) a barrier or barriers around its perimeter and any open penetrations that are designed to prevent a fall; and
- (c) an even and readily negotiable surface and gradient; and
- (d) a safe means of access and egress.

task includes:

- (a) the work to be done; and
- (b) matters necessary for or directly associated with the work to be done; and
- (c) the movement to and from a task.

temporary work platform means:

- (a) a fixed, mobile or suspended scaffold; or
- (b) an elevating work platform; or
- (c) a mast climbing work platform; or
- (d) a work box supported and suspended by a crane, hoist, forklift truck or other form of mechanical plant; or
- (e) building maintenance equipment, including a building maintenance unit; or
- (f) a portable or mobile fabricated platform; or

- (g) any other temporary platform that:
 - (i) provides a working area for the duration of work carried out at height; and
 - (ii) is designed to prevent a fall.

Example for paragraph (f)

A step platform.

travel restraint system means equipment that is:

- (a) worn by or attached to an individual; and
- (b) designed to physically restrain the individual from reaching an edge or elevated surface from which there is a risk of a fall.

unprotected edge means the edge of a surface:

- (a) from which extends a horizontal gap, void or space of more than 300 millimetres; and
- (b) that is not provided with a barrier to eliminate or reduce the risk of a fall.

work positioning system means:

- (a) an industrial rope access system; or
- (b) a drainer's hoist; or
- (c) a travel restraint system; or
- (d) any other equipment that:
 - (i) enables an individual to be positioned and safely supported at a work location for the duration of a task being undertaken at height; and
 - (ii) is not a temporary work platform.

Division 13.2 Duties of employers

13.04 Employer's duty to identify tasks that involve fall hazard

- (1) An employer must, as far as reasonably practicable, identify any task to be performed in a workplace that involves a fall hazard.

-
- (2) Without limiting subregulation (1), an employer must identify any fall hazard caused by or involved by a task, that relates to the following:
 - (a) the construction, demolition, inspection, testing, maintenance, repair or cleaning of any plant or structure;
 - (b) a fragile, slippery or potentially unstable surface;
 - (c) the use of equipment to gain access to an elevated level, or to carry out a task at an elevated level;
 - (d) a sloping surface on which it is difficult for an individual to maintain balance;
 - (e) an unprotected edge;
 - (f) a hole, shaft, pit or trench into which an individual may fall.
 - (3) The employer must make a record of each task that has been identified.

13.05 Employer's duty to control risk

- (1) If a fall hazard is identified under subregulation 13.04 (1), the employer must, before the task is performed or an employee or contractor is required to perform any work that involves the fall hazard concerned:
 - (a) eliminate the risk; or
 - (b) if it is not reasonably practicable to eliminate the risk — take measures to minimise the risk as far as reasonably practicable.
- (2) The employer must make a record of steps taken to eliminate or minimise a risk.

13.06 Risk control measures

- (1) An employer must adopt risk control measures in accordance with subregulation (2).
- (2) In eliminating or minimising risk, an employer must:
 - (a) arrange that tasks be performed on the ground or on a solid construction; or

- (b) if it is not reasonably practicable to comply with paragraph (a) in relation to all of the task, the employer must:
 - (i) comply with paragraph (a) as far as reasonably practicable; and
 - (ii) control the remaining risk by ensuring that a passive fall prevention device is used; or
 - (c) if it is not reasonably practicable to comply with paragraph (a) or (b) in relation to all of the task, the employer must:
 - (i) comply with paragraphs (a) and (b) as far as reasonably practicable; and
 - (ii) control the remaining risk by ensuring that a work positioning system is used; or
 - (d) if it is not reasonably practicable to comply with paragraph (a), (b) or (c) in relation to all of the task, the employer must:
 - (i) comply with paragraphs (a), (b) and (c) as far as reasonably practicable; and
 - (ii) control the remaining risk by ensuring that a fall injury prevention system is used; or
 - (e) if it is not reasonably practicable to comply with paragraph (a), (b), (c) or (d) in relation to all of the task, the employer must:
 - (i) comply with paragraphs (a), (b), (c) and (d) as far as reasonably practicable; and
 - (ii) control the remaining risk by:
 - (A) ensuring that a fixed or portable ladder is used in accordance with regulation 13.08; or
 - (B) ensuring that an administrative control is implemented; or
 - (C) taking all reasonably practicable steps.
- (3) If there is a change in the way a task is being performed, the employer must review risk control measures adopted under subregulation (2).

-
- (4) The employer must make a record of risk control measures adopted under this regulation.

13.07 Employer must maintain control measures and equipment

- (1) An employer must ensure that any equipment or measure mentioned in regulation 13.06 that is used, or available for use, is:
- (a) used properly; and
 - (b) maintained properly.
- (2) The employer must make a record of steps taken to monitor the use and maintenance of equipment or measures.

13.08 Use of fixed or portable ladder

For sub-subparagraph 13.06 (2) (e) (ii) (A), if an employer uses a fixed or portable ladder to control a risk, the employer must ensure that the ladder is:

- (a) appropriate for the performance of the task; and
- (b) appropriate for the duration of the task; and
- (c) set up in a correct manner; and
- (d) used in a correct manner.

13.09 Use of administrative control

If an employer uses an administrative control to control a risk, and repeats the control in relation to more than 1 task, the employer may make a single record for all the performances of the task.

13.10 Use of plant

- (1) If an employer uses plant to control the risk of a fall, the employer must ensure that the plant is:
- (a) designed and constructed for the task or range of tasks to be undertaken; and

- (b) designed and constructed in such a way to enable its safe use in:
 - (i) the physical surroundings in which it is to be used; and
 - (ii) the physical conditions expected to prevail during the period it is to be used.

Examples of physical surroundings

The type and condition of the supporting surface, and proximity to powerlines or trees.

Examples of physical conditions

Lighting or weather conditions.

- (2) An employer must ensure that while plant is being installed, erected or dismantled, those operations are carried out in such a manner so as to reduce, as far as reasonably practicable the risk of a fall.

13.11 Emergency procedures

- (1) If an employer establishes risk control measures for a task in accordance with regulation 13.06, the employer must also adopt emergency procedures in accordance with this regulation before the task is performed.
- (2) The emergency procedures must, as far as reasonably practicable, provide for:
 - (a) the rescue of an individual in the event of a fall; and
 - (b) the provision of first aid to the individual; in a timely manner.
- (3) An employer must ensure that emergency procedures adopted are carried out in such a manner so as to eliminate, or if that is not reasonably practicable, minimise as far as reasonably practicable:
 - (a) the risk of a fall; or
 - (b) any other risk.
- (4) An employer must make a record of:
 - (a) emergency procedures; and

- (b) measures taken to adopt emergency procedures.

13.12 Employer's duty to provide information, instruction and training

- (1) If an employee or contractor is to perform a task that involves a fall hazard the employer must provide to the employee or contractor such information, instruction or training as is reasonably necessary to enable the employee or contractor to perform the task in a safe manner, having regard to:
- (a) the nature of the task; and
 - (b) the need for, and proper use of, measures to control the risk of a fall.
- (2) An employer must make a record of information, instruction and training provided to an employee or contractor.

13.13 Employer's duty to keep records

An employer must keep records required under this Part for not less than 5 years.

Division 13.3 Duties of employees and contractors

13.14 Duty of employee or contractor

An employee or contractor who has been provided with information, instruction or training mentioned in regulation 13.12 in relation to a task must:

- (a) perform the task in accordance with the information, instruction or training; and
- (b) use any risk control measures adopted by the employer under regulation 13.06, in accordance with the information, instruction or training.

[36] Subregulation 20.01 (1), after definition of *risk control**insert**safe work method statement* means a document that:

- (a) identifies each work activity assessed as having one or more safety risks; and
- (b) describes the safety risk or risks; and
- (c) describes the control measures that will be applied to the work activity; and
- (d) describes how safety measures will be implemented to do the work safely; and
- (e) includes a description of the equipment used in the work, the qualifications of the people doing the work and the training required to do the work safely.

[37] Schedule 7*substitute*

Schedule 7 Quantities of dangerous goods

(regulations 8.01, 8.27, 8.39, 8.41, 8.42, 8.50, 8.51, 8.52, 8.53 and 8.54)

Item	Dangerous goods	Packing group	Placarding quantity	Manifest quantity
1	Class 2.1		500 L	5 000 L
2	Class 2.2, Subsidiary Risk 5.1		2 000 L	10 000 L
3	Class 2.2, other than Subsidiary Risk 5.1		5 000 L	10 000 L
4	Class 2.3		50 L	500 L
5	Aerosols		5 000 L	10 000 L
6	Cryogenic fluids		1 000 L	10 000 L

38 *Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2007 (No. 2)* 2007, 30

Item	Dangerous goods	Packing group	Placarding quantity	Manifest quantity
7	Class 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1 or 8	I	50 kg or L	500 kg or L
8	Class 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1 or 8	II	250 kg or L	2 500 kg or L
9	Class 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1 or 8	III	1 000 kg or L	10 000 kg or L
10	Class 3	Mixed	1 000 kg or L	10 000 kg or L
11	Class 4.1	Mixed	1 000 kg or L	10 000 kg or L
12	Class 4.2	Mixed	1 000 kg or L	10 000 kg or L
13	Class 4.3	Mixed	1 000 kg or L	10 000 kg or L
14	Class 5.1	Mixed	1 000 kg or L	10 000 kg or L
15	Class 5.2	Mixed	1 000 kg or L	10 000 kg or L
16	Class 6.1	Mixed	1 000 kg or L	10 000 kg or L
17	Class 8	Mixed	1 000 kg or L	10 000 kg or L
18	Class 9	II	1 000 kg or L	10 000 kg or L
19	Class 9	III	5 000 kg or L	10 000 kg or L
20	Class 9	Mixed	5 000 kg or L	10 000 kg or L
21A	Mixed Classes of dangerous goods for which: (a) none of the Classes, types and Packing Groups present exceeds the quantities specified in items 1 to 20; and		2 000kg or L	10 000 kg or L

Item	Dangerous goods	Packing group	Placarding quantity	Manifest quantity
	(b) the quantity specified in this Schedule for each of the Classes is 2 000 kg or L or less			
21B	Mixed Classes of dangerous goods for which:		5 000 kg or L	10 000 kg or L
	(a) none of the Classes, types and Packing Groups present exceeds the quantities specified in Items 1 to 20 of this Table; and			
	(b) the quantity specified in this Schedule for one or more of the Classes is 5 000 kg or L; and			
	(c) placarding is not required for any items specified in items 1 to 21A			
22	Goods too dangerous to be transported		5 kg or L	50 kg or L

Item	Dangerous goods	Packing group	Placarding quantity	Manifest quantity
23	Combustible liquids stored or handled with fire risk dangerous goods		1 000 kg or L	10 000 kg or L
24	C1 combustible liquids in bulk containers		10 000 L	100 000 L
25	C1 combustible liquids in packages		50 000 L	100 000 L
26	C1 combustible liquids in bulk and packages combined		50 000 L	100 000 L

Note 1 Capacity of class 2 cylinders for the purposes of schedule 7 is the water capacity stamped on the cylinder in accordance with AS 2030.1-1999 — *The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases — Cylinders for compressed gases other than acetylene.*

Note 2 Items 7, 8 and 9 should be considered separately by class within their packing groups.

[38] Further amendments

<i>Provision</i>	<i>Omit</i>	<i>Insert</i>
Paragraph 8.01 (e)	Comcare	the Commission
Paragraphs 8.41 (2) (a) and (b)	Comcare	the Commission
Paragraph 8.41 (2) (c)	Comcare	The Commission
Paragraph 8.41 (2) (d)	Comcare	the Commission
Subregulations 8.42 (2) and(3)	Comcare	the Commission
Paragraph 8.43 (b)	Comcare	the Commission
Regulation 8.44	Comcare	The Commission

<i>Provision</i>	<i>Omit</i>	<i>Insert</i>
Paragraphs 8.63 (2) (a), (b), (c), (d), (e) and (f)	Comcare	the Commission
Subregulations 8.64 (2) and (3)	Comcare	the Commission
Paragraph 8.65 (b)	Comcare	the Commission
Regulation 8.66	Comcare	The Commission

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.