

Occupational Health and Safety (Mast-Type Elevating Work Platforms) Exemption 2009

Notifiable Instrument NI2009 — 190

made under the:

Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000 - section 32 (Exemptions)

1 Name of instrument

This instrument is the *Occupational Health and Safety (Mast-Type Elevating Work Platforms) Exemption 2009*.

2 Commencement

This instrument commences on the day after notification.

3 Exemption

Persons operating a mast-type elevating work platform are exempt from the operation of section 25 of the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000* only to the extent that those persons are not required to hold a certificate of competency for the operation of an order-picking forklift truck.

Persons operating an elevating work platform which meets the definition of a 'boom-type elevating work platform' under Section 1.8 of Schedule 1 of the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000* must hold a certificate of competency for the operation of a boom-type elevating work platform.

4 Definition of Mast-Type Elevating Work Platform

The type of plant that this instrument applies to are items of mobile plant which:

1. are powered telescoping, hinged or articulated devices, or any combination of those devices, where the design incorporates a mast-style boom used to support a platform to lift people, equipment or materials; and
2. comply with the Australian Standards in force from time to time which govern the design and safe use of elevating work platforms.

5 Conditions

This exemption does not waive or reduce the employer's obligation under the *Occupational Health and Safety Act 1989* to provide employees with the information, instruction, training and supervision necessary to enable them to perform their work in a manner that is safe and without risk to their health. The employer must develop a safe method of work which has regard to any risk assessment developed or approved by the manufacturer in respect of the operation of this type of plant.

Jon Quiggin
Delegate of the Chief Executive

9 April 2009