

Occupational Health and Safety (Pedestrian Forklift Trucks) Exemption 2009

Notifiable Instrument NI2009 — 191

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 (Pedestrian Forklift Trucks) Exemption 2009*.

2 Commencement

This instrument commences on the day after notification.

3 Exemption

Persons operating a pedestrian forklift truck 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 a forklift truck.

4 Definition of Pedestrian Forklift Truck

The type of plant that this instrument applies to are powered industrial trucks with a mast and an elevating load carriage with fork arms or other load-holding attachment, where the operator is intended to control the truck whilst not riding on the truck.

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