



Australian Capital Territory

# Work Health and Safety Amendment Regulation 2014 (No 2)

Subordinate Law SL2014-20

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The Australian Capital Territory Executive makes the following regulation under the *Work Health and Safety Act 2011*.

Dated 13 August 2014.

MICK GENTLEMAN  
Minister

JOY BURCH  
Minister

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Subordinate Law SL2014-20

made under the

[Work Health and Safety Act 2011](#)

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**1 Name of regulation**

This regulation is the *Work Health and Safety Amendment Regulation 2014 (No 2)*.

**2 Commencement**

This regulation commences on the 7th day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This regulation amends the *Work Health and Safety Regulation 2011*.

**4 Section 21 (2)**

*omit*

all

*substitute*

any

**5 Section 25 (3)**

*omit*

must have regard to all relevant matters

*substitute*

may have regard to any relevant matters

**6 Section 43 (3)**

*omit*

consider

*substitute*

have regard to

**7 Section 82 (1)**

*substitute*

- (1) A person who carries out high risk work is not required to be licensed to carry out the work if the work is carried out—
  - (a) in the course of training towards a certification in order to be licensed to carry out the high risk work; and
  - (b) under the supervision of a person who is licensed to carry out the high risk work.
- (1A) A person who holds a certification in relation to a specified VET course for high risk work is not required to be licensed to carry out the work—
  - (a) for 60 days after the certification is issued; and
  - (b) if the person applies for the relevant high risk work licence within that 60 day period, until—
    - (i) the person is granted the licence; or
    - (ii) the expiry of 28 days after the person is given written notice under section 91 (2) (Refusal to grant high risk work licence—process) of a decision to refuse to grant the licence.



- (1B) A person who carries out high risk work is not required to be licensed to carry out the work if the work is carried out while an accredited assessor is conducting an assessment of the person's competency in relation to the work.

## **8 Section 82 (3)**

*substitute*

- (3) For the purposes of subsection (2) (a):

**moving** includes operating the plant in order to load the plant onto, or unload it from, a vehicle or equipment used to move it.

## **9 Section 85 (2)**

*substitute*

- (2) A person conducting a business or undertaking at a workplace must not direct or allow a worker to carry out high risk work in the circumstances mentioned in section 82 (1) (Exceptions) unless the person sees written evidence provided by the worker that the worker is undertaking the course of training mentioned in section 82 (1) (a).

Maximum penalty:

- (a) in the case of an individual—\$3 600; or  
(b) in the case of a body corporate—\$18 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (2A) A person conducting a business or undertaking at a workplace must not direct or allow a worker to carry out high risk work in the circumstances mentioned in section 82 (1A) unless the person sees written evidence provided by the worker that the worker—
- (a) in the circumstances mentioned in section 82 (1A) (a)—holds a certification mentioned in section 82 (1A); and

- (b) in the circumstances mentioned in section 82 (1A) (b)—
  - (i) holds a certification mentioned in section 82 (1A); and
  - (ii) has applied for the relevant licence within the period mentioned in section 82 (1A) (b).

Maximum penalty:

- (a) in the case of an individual—\$3 600; or
- (b) in the case of a body corporate—\$18 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

**10 Section 85 (3)**

*omit*

82 (1) (a)

*substitute*

82 (1)

**11 Section 85 (4)**

*omit everything before paragraph (a), substitute*

- (4) A person conducting a business or undertaking at a workplace must keep a record of the written evidence provided—

**12 Section 87 (2) (b)**

*substitute*

- (b) a photograph of the applicant in the form required by the regulator;

**13 Section 87 (2) (f) (i)**

*substitute*

- (i) that is held by the applicant in relation to the specified VET course, or each of the specified VET courses, for the high risk work licence applied for; and

**14 New section 91A**

*insert*

**91A Conditions of licence**

- (1) The regulator may impose any conditions it considers appropriate on a high risk work licence.
- (2) Without limiting subsection (1), the regulator may impose conditions in relation to 1 or more of the following:
  - (a) control measures that must be implemented in relation to the carrying out of work or activities under the licence;
  - (b) the circumstances in which work or activities authorised by the licence may be carried out.
- (3) The regulator must give the licence-holder written notice of any conditions imposed by the licence.

*Note 1* A person must comply with the conditions of a licence (see [Act](#), s 45).

*Note 2* A decision to impose a condition on a licence is a reviewable decision (see s 676).

**15 Section 93 (2) (b)**

*omit*

recent

**16 Section 101 (2) (b) and (c)**

*substitute*

- (b) if required by the regulator, a photograph of the applicant in the form required by the regulator;
- (c) any other evidence of the applicant's identity required by the regulator;

**17 Section 104 (1) (b)**

*substitute*

- (b) section 89 (except subsection (5)) (Decision on application), section 90 (Matters to be taken into account), section 91A (Conditions of licence) and section 92 (Duration of licence) apply as if a reference in those sections to the grant of a licence were a reference to the renewal of a licence; and

**18 Section 104 (2), note**

*substitute*

*Note* A refusal to renew a licence is a reviewable decision (see s 676).

**19 New section 106 (1) (ab)**

*insert*

- (ab) the licence-holder has failed to comply with a condition of the licence;

**20 Section 106 (2), note**

*omit*

**21 New section 106 (3) and (4)**

*insert*

- (3) If the regulator suspends a licence, the regulator may vary the conditions of the licence, including by imposing different or additional conditions.
- (4) A variation of conditions under subsection (3) takes effect when the suspension of the licence ends.

*Note 1* A decision to suspend a licence, to cancel a licence or to disqualify the licence-holder from applying for a further licence is a reviewable decision (see s 676).

*Note 2* A variation of licence conditions is a reviewable decision (see s 676).

**22 Section 108**

*substitute*

**108 Notice to and submissions by licence-holder**

- (1) Before suspending or cancelling a high risk work licence, the regulator must give the licence-holder a written notice of—
  - (a) the proposed suspension or cancellation; and
  - (b) any proposed disqualification; and
  - (c) any proposed variation of licence conditions.
- (2) A notice under subsection (1) must—
  - (a) outline all relevant allegations, facts and circumstances known to the regulator; and

- (b) advise the licence-holder that the licence-holder may, by a stated date (being not less than 28 days after giving the notice), make a submission in relation to the proposed suspension or cancellation, any proposed disqualification and any proposed variation of licence conditions.

**23 New section 109 (2) (b) (v)**

*insert*

- (v) if licence conditions are to be varied—
- (A) the variation; and
  - (B) that the variation will take effect when the suspension ends; and

**24 Section 152**

*omit*

generate,

**25 Section 161 (4) (a) (ii)**

*after*

rescue

*insert*

and resuscitate

**26 Section 167**

*omit*

carrying out

*substitute*

conducting

**27 Section 169 (a)**

*omit*

appropriate

**28 Section 171**

*substitute*

**171 Competence of worker—general diving work—general qualifications—Act, s 44**

- (1) A person must not carry out any type of general diving work unless the person holds a certificate for general diving work, issued by a training organisation, that demonstrates that the person has acquired the relevant competencies for that type of general diving work.
- (2) This section does not apply in relation to incidental diving work or limited diving work.
- (3) In this section:

*relevant competencies* means the competencies stated in AS/NZS 4005.2-2000 (Training and certification of recreational divers) or AS/NZS 2815 (Training and certification of occupational divers) that are relevant to the type of general diving work to which subsection (1) applies.

*Note* AS/NZS 4005.2-2000 and AS/NZS 2815 do not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 15 and [Legislation Act](#), s 47 (7)). The standard may be purchased at [www.standards.org.au](http://www.standards.org.au).

**171A Competence of worker—general diving work—additional knowledge and skill—Act, s 44**

- (1) In addition to section 171, a person must not carry out general diving work unless the person has, through training, qualification or experience, acquired sound knowledge and skill in relation to the following:
  - (a) the application of diving physics;
  - (b) the use, inspection and maintenance of diving equipment (including emergency equipment) and air supply of the type to be used in the proposed general diving work;
  - (c) the use of decompression tables or dive computers;
  - (d) dive planning;
  - (e) ways of communicating with another diver and with persons at the surface during general diving work;
  - (f) how to safely carry out general diving work of the type proposed to be carried out;
  - (g) diving physiology, emergency procedures and first aid.
- (2) This section does not apply in relation to incidental diving work or limited scientific diving work.

**29 Section 172 (1), except note**

*substitute*

- (1) A person must not carry out incidental diving work unless the person—
  - (a) has the knowledge and skill mentioned in section 171A; and
  - (b) has relevant diving experience; and
  - (c) is accompanied and supervised in the water by a person who has the competencies mentioned in section 171.



**30 Section 173 (1) (a)**

*omit*

171 (b) (Competence of worker—general diving work—Act, s 44)

*substitute*

171A (Competence of worker—general diving work—additional knowledge and skill—Act, s 44)

**31 Section 174 (a)**

*omit*

171 (a)

*substitute*

171

**32 Section 215 (1)**

*omit*

conducting a business or undertaking

**33 Section 217**

*omit*

**34 Section 235 (2) and (3)**

*substitute*

- (2) The person must ensure that a major inspection of the crane is carried out by, or under the supervision of, a competent person—
- (a) at the end of the design life recommended by the manufacturer for the crane; or

- (b) if there are no manufacturer's recommendations—in accordance with the recommendations of a competent person; or
- (c) if it is not reasonably practicable to comply with paragraph (a) or (b)—every 10 years from the date that the crane was first commissioned or first registered, whichever occurred first.

Maximum penalty:

- (a) in the case of an individual—\$3 600; or
- (b) in the case of a body corporate—\$18 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (3) A major inspection carried out under and in accordance with an equivalent provision of a corresponding WHS law is taken to be a major inspection for the purposes of this section.

### **35 Section 235 (4)**

*substitute*

- (4) In this section:

***competent person*** means a person who—

- (a) has acquired through training, qualification or experience the knowledge and skills to carry out a major inspection of the plant; or
- (b) is determined by the regulator to be a competent person.

**36 New section 235 (6)**

*insert*

(6) In this section:

***major inspection*** means—

- (a) an examination of all critical components of the crane, if necessary by stripping down the crane and removing paint, grease and corrosion to allow a thorough examination of each critical component; and
- (b) a check of the effective and safe operation of the crane.

**37 Subdivision 5.2.4.2 heading**

*substitute*

**Subdivision 5.2.4.2 Control measures for amusement devices and passenger ropeways****38 Sections 238 to 241**

*substitute*

**238 Operation of amusement devices and passenger ropeways**

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that the device or ropeway is operated only by a person who has been provided with instruction and training in its proper operation.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (2) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that—
- (a) the amusement device or passenger ropeway is checked before it is operated on each day on which it is to be operated; and
  - (b) the amusement device or passenger ropeway is operated without passengers before it is operated with passengers on each day on which it is to be operated; and
  - (c) the daily checks and operation of the amusement device or passenger ropeway without passengers are properly and accurately recorded in a log book for the device or ropeway.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

### **239 Storage of amusement devices and passenger ropeways**

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that the device or ropeway is stored so as to be without risk to health and safety.

Maximum penalty:

- (a) in the case of an individual—\$3 600; or
- (b) in the case of a body corporate—\$18 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (2) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that a person who stores the device or ropeway is a competent person or is under the supervision of a competent person.

Maximum penalty:

- (a) in the case of an individual—\$3 600; or  
(b) in the case of a body corporate—\$18 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

**240 Maintenance, inspection and testing of amusement devices and passenger ropeways**

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that the maintenance, inspection and, if necessary, testing of the device or ropeway is carried out—
- (a) by a competent person; and
- (b) in accordance with—
- (i) the recommendations of the designer or manufacturer or designer and manufacturer; or
- (ii) if a maintenance manual for the device or ropeway has been prepared by a competent person—the requirements of the maintenance manual.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or  
(b) in the case of a body corporate—\$30 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (2) A person is not a competent person to carry out a detailed inspection of an amusement device or passenger ropeway that includes an electrical installation unless the person is qualified, or is assisted by a person who is qualified, to inspect electrical installations.

**241 Annual inspection of amusement devices and passenger ropeways**

- (1) The person with management or control of an amusement device or passenger ropeway at a workplace must ensure that a detailed inspection of the device or ropeway is carried out at least once every 12 months by a competent person.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (2) An annual inspection must include the following:
  - (a) a check of information about the operational history of the amusement device or passenger ropeway since the last detailed inspection;
  - (b) a check of the log book for the amusement device or passenger ropeway;
  - (c) a check that maintenance and inspections of the amusement device or passenger ropeway have been undertaken under section 240;
  - (d) a check that any required tests have been carried out, and that appropriate records have been maintained;

- (e) a detailed inspection of the amusement device or passenger ropeway to ensure compliance with the Act and this regulation (including a specific inspection of the critical components of the amusement device or passenger ropeway).
- (3) The regulator may extend the date for an inspection by up to 35 days if an inspection is scheduled to coincide with the same event each year.
- (4) If the date is extended under subsection (3), the new date is the date from which future annual inspections of the amusement device or passenger ropeway are determined.
- (5) In this section:
  - competent person** means a person who—
    - (a) in the case of an inflatable device (continuously blown) with a platform height less than 9m—has acquired through training, qualification or experience the knowledge and skills to inspect the device; or
    - (b) in the case of any other amusement device or a passenger ropeway—
      - (i) has acquired through training, qualification or experience the knowledge and skills to inspect the plant; or
      - (ii) is determined by the regulator to be a competent person.
- (6) The regulator may, on the application of a person, make a determination in relation to the person for the purposes of subsection (5), definition of **competent person**, paragraph (b) (ii) if the regulator considers that exceptional circumstances exist.
- (7) An annual inspection carried out under and in accordance with an equivalent provision of a corresponding WHS law is taken to be an annual inspection for the purposes of this section.

**39 New section 244 (3)**

*insert*

- (3) This section does not apply in relation to a tower crane or a gantry crane if—
- (a) the crane is relocated for use in a different workplace; and
  - (b) the design of the supporting structure or foundations of the crane is altered in accordance with a site-specific design prepared for the purpose of the safe operation of the crane at the new location; and
  - (c) the design of the crane is not altered in any other way.

**40 Section 252 (2) and (3)**

*substitute*

- (2) Despite subsection (1), a person is not eligible to be a design verifier for the design of an item of plant if the person was involved in the production of the design.

**41 Section 266 (2) (f)**

*omit*

**42 Section 266 (2) (i)**

*substitute*

- (i) the date that the item of plant was first commissioned or was first registered, if known, whichever occurred first;



**43 Section 269 (2) (b) and (c)**

*before*

plant

*insert*

item of

**44 New division 5.3.6**

*insert*

**Division 5.3.6 Cancellation of registration**

**288A Application—div 5.3.6**

This division applies to—

- (a) the registration of a design of an item of plant; and
- (b) the registration of an item of plant.

**288B Regulator may cancel registration**

The regulator may cancel a registration if satisfied that—

- (a) the registration holder, in applying for the registration—
  - (i) gave information that was false or misleading in a material particular; or
  - (ii) failed to give any material information that should have been given; or
- (b) the design of the item of plant, or the item of plant (as applicable), is unsafe.

*Note* A decision to cancel a registration is a reviewable decision (see s 676).

## **288C Cancellation process**

- (1) Before cancelling a registration, the regulator must give the registration holder written notice—
  - (a) setting out the proposal to cancel the registration and the reasons for it; and
  - (b) advising the registration holder that the registration holder may make a submission to the regulator in relation to the proposed cancellation within a stated period (being not less than 28 days from the date of the notice).
- (2) After the date stated in a notice under subsection (1), the regulator must—
  - (a) if the registration holder has made a submission in relation to the proposed cancellation—consider that submission; and
  - (b) whether or not the registration holder has made a submission, decide—
    - (i) to cancel the registration; or
    - (ii) not to cancel the registration; and
  - (c) within 14 days after making that decision, give the registration holder written notice that—
    - (i) states whether or not the registration is cancelled; and
    - (ii) if a submission was made in relation to the proposed cancellation—sets out the regulator’s reasons for cancelling the registration; and
    - (iii) states the date on which the cancellation, if any, takes effect.

*Note* A decision to cancel a registration is a reviewable decision (see s 676).

**288D Registration holder to return registration document**

A registration holder who receives a cancellation notice under section 288C must return the registration document to the regulator at the written request of the regulator within the time stated in the request.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

**45 Section 318**

*substitute*

**318 Recognition of general construction induction training cards issued in other jurisdictions**

- (1) In this part (other than division 6.5.2), a reference to a general construction induction training card includes a reference to a similar card issued under a corresponding WHS law.
- (2) Subsection (1) does not apply to a card that is cancelled in the corresponding jurisdiction.

**46 Section 676, table**

*substitute*

column 1 item	column 2 section under which reviewable decision is made	column 3 eligible person in relation to reviewable decision
<b>High risk work licences</b>		
1	89—refusal to grant licence	applicant
2	91—refusal to grant licence	applicant

<b>column 1 item</b>	<b>column 2 section under which reviewable decision is made</b>	<b>column 3 eligible person in relation to reviewable decision</b>
2A	91A—imposition of a condition when granting licence	applicant
2B	91A—imposition of a condition when renewing licence	applicant
3	98—refusal to issue replacement licence document	licence-holder
4	104—refusal to renew licence	applicant
5	106—suspension of licence	licence-holder
6	106—cancellation of licence	licence-holder
7	106—disqualification of licence-holder from applying for another licence	licence-holder
7A	106—variation of licence conditions	licence-holder
<b>Registration of Plant Designs</b>		
17	256—refusal to register plant design	applicant
18	257—refusal to register plant design	applicant
19	258—imposition of a condition when granting registration of plant design	applicant
<b>Registration of Plant</b>		
20	269—refusal to register item of plant	<ul style="list-style-type: none"> <li>• applicant</li> <li>• the person with management or control of the item of plant</li> </ul>
21	270—refusal to register item of plant	<ul style="list-style-type: none"> <li>• applicant</li> <li>• the person with management or control of the item of plant</li> </ul>

<b>column 1 item</b>	<b>column 2 section under which reviewable decision is made</b>	<b>column 3 eligible person in relation to reviewable decision</b>
22	271—imposition of a condition when granting registration of item of plant	<ul style="list-style-type: none"> <li>• applicant</li> <li>• the person with management or control of the item of plant</li> </ul>
23	271—imposition of a condition when renewing registration of item of plant	<ul style="list-style-type: none"> <li>• registration holder</li> <li>• the person with management or control of the item of plant</li> </ul>
24	279—refusal to renew registration of item of plant	<ul style="list-style-type: none"> <li>• registration holder</li> <li>• the person with management or control of the item of plant</li> </ul>
25	283—amendment of registration, on regulator's initiative	<ul style="list-style-type: none"> <li>• registration holder</li> <li>• the person with management or control of the item of plant</li> </ul>
26	284—refusal to amend registration on application (or a decision to make a different amendment)	<ul style="list-style-type: none"> <li>• registration holder</li> <li>• the person with management or control of the item of plant</li> </ul>
27	288—refusal to issue replacement registration document	<ul style="list-style-type: none"> <li>• registration holder</li> <li>• the person with management or control of the item of plant</li> </ul>

<b>column 1 item</b>	<b>column 2 section under which reviewable decision is made</b>	<b>column 3 eligible person in relation to reviewable decision</b>
27A	288B—decision to cancel registration	<ul style="list-style-type: none"> <li>• registration holder</li> <li>• the person with management or control of the item of plant</li> </ul>
<b>General Construction Induction Training</b>		
28	322—refusal to issue general construction induction training card	applicant
29	322—refusal to issue replacement general construction induction training card	card-holder
30	323—cancellation of general construction induction training card	card-holder
<b>Exemptions</b>		
63	684—refusal to exempt person (or a class of persons) from compliance with any provision of this regulation	applicant
64	686—refusal to exempt person from requirement to hold a high risk work licence	applicant
66	691—imposing condition on an exemption granted on application under pt 11.2	applicant
67	696—refusal to grant exemption	applicant
68	697—amendment of an exemption granted on application under pt 11.2	applicant
69	697—cancellation of an exemption granted on application under pt 11.2	applicant

**47 Section 700 (a)***substitute*

- (a) a recent photograph of the inspector in the form stated by the regulator;

**48 Schedule 3, table 3.1, items 15 to 18***substitute*

15	slewing mobile crane—with a capacity up to 20t	<p>use of a slewing mobile crane with a capacity of 20t or less</p> <p>use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load</p> <p>use of a non-slewing mobile crane with a capacity exceeding 3t</p> <p>use of a reach stacker</p>
16	slewing mobile crane—with a capacity up to 60t	<p>use of a slewing mobile crane with a capacity of 60t or less</p> <p>use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load</p> <p>use of a non-slewing mobile crane with a capacity exceeding 3t</p> <p>use of a reach stacker</p>
17	slewing mobile crane—with a capacity up to 100t	<p>use of a slewing mobile crane with a capacity of 100t or less</p> <p>use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load</p> <p>use of a non-slewing mobile crane with a capacity exceeding 3t</p> <p>use of a reach stacker</p>

18	slewing mobile crane—with a capacity over 100t	use of a slewing mobile crane with a capacity exceeding 100t use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load use of a non-slewing mobile crane with a capacity exceeding 3t use of a reach stacker
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**49 Schedule 5, subsections 5.1.9 and 5.1.10**

*substitute*

5.1.8A Passenger ropeways.

5.1.9 Concrete placing booms.

5.1.10 Prefabricated scaffolding.

**50 Schedule 5, new section 5.2 (1) (ab)**

*insert*

(ab) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2000 (Pressure equipment); or

*Note 1* See section A1 of AS/NZS 1200:2000, Appendix A.

*Note 2* AS/NZS 1200:2000 does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 15 and [Legislation Act](#), s 47 (7)). The standard may be purchased at [www.standards.org.au](http://www.standards.org.au).

**51 Schedule 5, new section 5.2 (1) (ba)**

*insert*

(ba) a reach stacker; or



**52 Schedule 5, section 5.2 (2) (e) and (f)**

*substitute*

- (e) inflatable devices, other than inflatable devices (continuously blown) with a platform height of 3m or more.

**53 Schedule 5, subsection 5.3.7**

*substitute*

- 5.3.7 Concrete placing booms.

**54 Schedule 5, section 5.4 (1)**

*substitute*

- (1) The items of plant listed in this schedule, section 5.3 do not include—
  - (a) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2000 (Pressure equipment); or
    - Note 1* See section A1 of AS/NZS 1200:2000, Appendix A.
    - Note 2* AS/NZS 1200:2000 does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 15 and [Legislation Act](#), s 47 (7)). The standard may be purchased at [www.standards.org.au](http://www.standards.org.au).
  - (b) a crane or hoist that is manually powered; or
  - (c) a reach stacker.

**55 Schedule 5, section 5.4 (2) (e) and (f)**

*substitute*

- (e) inflatable devices, other than inflatable devices (continuously blown) with a platform height of 3m or more.

**56 Dictionary, definition of *amusement device***

*omit*

passengers travel on,

*substitute*

passengers or other users travel or move on,

**57 Dictionary, definition of *appropriate training in underwater medicine***

*omit*

**58 Dictionary, definition of *boiler*, new paragraph (b) (ii) (C) and (D)**

*before the notes, insert*

(C) AMBSC Part 3—Australian Miniature Boiler Safety Committee Code for Sub-Miniature Boilers;

(D) AMBSC Part 4—Australian Miniature Boiler Safety Committee Code for Duplex Steel Boilers; or

**59 Dictionary, new definition of *combustible dust***

*insert*

***combustible dust*** means finely divided solid particles (including dust, fibres or flyings) that are—

- (a) suspended in air or settle out of the atmosphere under their own weight; and
- (b) able to burn or glow in the air; and
- (c) able to form an explosive mixture with air at atmospheric pressure and normal temperature.

**60 Dictionary, definition of *combustible liquid***

*omit*

**61 Dictionary, definition of *competent person*, paragraphs (c) and (d)**

*substitute*

- (c) for a major inspection of a mobile crane or tower crane under section 235 (Major inspection of registered mobile cranes and tower cranes)—see section 235; and
- (d) for inspection of amusement devices and passenger ropeways under section 241 (Annual inspection of amusement devices and passenger ropeways)—see section 241; and

**62 Dictionary, definition of *concrete-placement unit with delivery boom***

*omit*

**63 Dictionary, definition of *emergency service organisation*, note**

*omit*

the fire brigade,

*substitute*

fire and rescue,

**64 Dictionary, definition of *emergency services worker***

*omit*

**65 Dictionary, new definition of *emergency service worker***

*insert*

***emergency service worker*** means—

- (a) a police officer; or
- (b) a member of an emergency service.

*Note* An ***emergency service*** means the ambulance service, fire and rescue, the rural fire service or the SES (see [Legislation Act](#), dict, pt 1).

**66 Dictionary, definition of *gantry crane*, paragraph (a)**

*substitute*

- (a) consists of a bridge beam or beams supported at one or both ends by legs mounted to end carriages; and

**67 Dictionary, definition of *hazardous area* and note**

*substitute*

***hazardous area*** means an area in which—

- (a) an explosive gas is present in the atmosphere in a quantity that requires special precautions to be taken for the construction, installation and use of plant; or
- (b) a combustible dust is present, or could reasonably be expected to be present, in the atmosphere in a quantity that requires special precautions to be taken for the construction, installation and use of plant.

**68 Dictionary, definition of *incidental diving work*, paragraph (c)**

*omit*

**69 Dictionary, new definitions**

*insert*

***inflatable device (continuously blown)*** means an amusement device that is an inflatable device that relies on a continuous supply of air pressure to maintain its shape.

***passenger ropeway***—

- (a) means a powered ropeway used for transporting, in a horizontal or inclined plane, passengers moved by a carrier that is—
  - (i) attached to or supported by a moving rope; or
  - (ii) attached to a moving rope but supported by a standing rope or other overhead structure; and
- (b) includes, in relation to the powered ropeway—
  - (i) the prime mover; and
  - (ii) any associated transmission machinery; and
  - (iii) any supporting structure and equipment; but
- (c) does not include the following:
  - (i) a cog railway;
  - (ii) a cable car running on rails;
  - (iii) a flying fox or similar device;

- (iv) an elevating system for vehicles or boat style carriers associated with amusement devices.

**Example**

an elevating system for a log ride or boat flume ride

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

***platform height***, in relation to an inflatable device (continuously blown), means the height of the highest part of the device designed to support persons using it (the ***platform***), as measured from the surface supporting the device to the top surface of the platform when the device is inflated but unloaded.

## **70 Dictionary, definition of *specified VET course***

*substitute*

***specified VET course*** means—

- (a) in relation to the general construction induction training—the VET course *Work Safely in the Construction Industry* or a corresponding subsequent VET accredited course; or
- (b) in relation to high risk work—the relevant VET course specified in schedule 4.

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 26 August 2014.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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