

*Occupational Health and Safety Regulations 2017 (OHS Regulations) and
Equipment (Public Safety) Regulations 2017 (EPS Regulations)*

Frequently Asked Questions

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1. Why have new regulations been introduced?

Victoria's OHS Regulations 2007 and EPS Regulations 2007 expired in June 2017. WorkSafe was required to review and remake the OHS Regulations and EPS Regulations by this date.

The review of the OHS Regulations 2007 and EPS Regulations 2007 provided a significant opportunity to streamline and modernise them to better reflect current Victorian work practices, including a comprehensive review of each chapter of the regulations and an extensive engagement process with external stakeholders.

The new Occupational Health and Safety Regulations 2017 (OHS Regulations) and Equipment (Public Safety) Regulations 2017 (EPS Regulations) commenced on 18 June 2017.

The [OHS Regulations 2017](#) and [EPS Regulations 2017](#) are available online.

2. Which regulations do I need to comply with?

You need to ensure you are compliant with the OHS Regulations 2017 and EPS Regulations 2017, which commenced on 18 June 2017.

For some changes to the OHS Regulations, transitional arrangements apply to allow you time to become compliant with the updated regulatory requirements. In this case, you need to ensure you comply with the OHS Regulations 2007 until the specified date when the transition period ends. Following this date, you must comply with the OHS Regulations 2017.

If you are affected by the changes, resources are available on the [WorkSafe website](#) to assist you in understanding the new regulations and what the changes mean for you. This includes summaries of the changes and comprehensive guides comparing the 2007 and 2017 Regulations.

3. How were the new regulations developed?

The OHS Regulations 2017 and EPS Regulations 2017 were finalised after a comprehensive review of each chapter of the OHS Regulations 2007 and EPS Regulations 2007.

The review of the 2007 Regulations aimed to:

- evaluate the effectiveness of the existing regulations
- improve health and safety outcomes for workers
- identify and deliver savings to business without reducing safety standards

- ensure the regulations align with areas of greatest risk
- ensure the regulations deliver a proportionate regulatory response, and
- streamline and modernise the regulations while maintaining best practice.

Stakeholder feedback and engagement has played a vital part in making sure the OHS Regulations 2017 and EPS Regulations 2017 are streamlined and modernised to better reflect current Victorian work practices. An extensive engagement process with external stakeholders was conducted throughout the review and development of the new regulations.

In 2016 the proposed new regulations were made available for public comment and 61 submissions were received. WorkSafe considered all feedback before finalising the regulations.

The new regulations have been shaped by the findings of the review as well as feedback we received during consultations and the public comment period.

4. What are the OHS Regulations?

The OHS Regulations are made under the Occupational Health and Safety Act 2004 (OHS Act).

The OHS Regulations prescribe what an employer must do to comply with the OHS Act duties and provide the foundation for Victorian businesses to deliver successful health and safety outcomes.

The OHS Regulations consolidate a range of regulatory duties and requirements about how work should be conducted around common workplace hazards and activities. The OHS Regulations cover the following physical workplace hazards:

- Manual handling
- Plant
- Hazardous substances and materials (including carcinogens)
- Asbestos
- Lead
- Falls
- Noise
- Confined Spaces

The OHS Regulations also set out a range of duties in relation to the following high risk work practices and industries:

- High risk work

- Major hazard facilities
- Mines
- Construction

5. What has changed in the OHS Regulations 2017?

The new OHS Regulations 2017 are mainly the same. However, if you are in a workplace where asbestos is present; are a manufacturer or an importing supplier of hazardous substances or agricultural and veterinary chemicals; work in construction; or operate a mine or major hazard facility, you need to be aware of the changes and ensure you are compliant.

Most importantly, the new regulations maintain Victoria's already high safety standards. In some high risk areas, like asbestos removal work, they improve standards. The changes also deliver significant savings to Victorian businesses in the areas of high risk work licensing and record keeping for designers and manufacturers of plant.

For some changes, transitional arrangements are now in place to allow duty and licence holders time to become compliant with the updated regulatory requirements.

The Regulations have been renumbered with consecutive numbers, in line with modern drafting practices that apply to all new regulations in Victoria. Reconciliation tables are available to help you quickly compare the numbering between the 2007 Regulations and the 2017 Regulations.

Resources are available on the [WorkSafe website](#) to assist you in understanding the new regulations and what the changes mean for you. This includes summaries of the changes and comprehensive guides comparing the 2007 and 2017 Regulations.

6. Who is affected by the change to the new OHS Regulations 2017?

The majority of changes affect workplaces:

- where asbestos is present
- that manufacture or import and supply hazardous substances or agricultural and veterinary chemicals
- in the construction industry
- that are mines or a major hazard facility.

Resources are available on the [WorkSafe website](#) to assist you in understanding the new regulations and what the changes mean for you. This includes summaries of the changes and comprehensive guides comparing the 2007 and 2017 Regulations.

7. Will WorkSafe review the Compliance Codes?

With the new OHS Regulations 2017 in effect, the compliance codes that align with the regulations are now under review. In consultation with stakeholders, WorkSafe has updated the codes.

Eight of the proposed codes were recently available for public comment, and four additional proposed compliance codes are expected to be made available for public comment in late 2017. Find out more about the [Compliance Codes Review](#).

8. What is happening with the Work Health and Safety (WHS) legislation in Victoria?

The Victorian Government has stated that it will not be adopting the model work health and safety laws in their current form.

WorkSafe continues to enforce Victoria's existing occupational health and safety (OHS) laws.

Victorian workplaces should refer to WorkSafe's codes and guidance materials for information about how to comply with Victoria's OHS laws.

Victorian codes and guidance materials are specifically designed to inform duty holders as to how they can comply with Victorian OHS laws.

Model Work Health and Safety codes and guidance materials are designed to support the national model laws and are not designed to support Victorian OHS laws. In some situations, they may provide useful guidance.

9. What are the EPS Regulations?

The EPS Regulations are made under the Equipment (Public Safety) Act 1994 (EPS Act).

The EPS Regulations support the duties and requirements set out in the EPS Act and prescribe the use of plant in non-workplaces to ensure public safety.

The EPS Regulations largely mirror Part 3.5 – Plant, of the OHS Regulations 2017, and applies those provisions to plant in non-work places, such as tractors on hobby farm and the operation of public amusement rides.

10. What has changed in the new EPS Regulations?

Only minor amendments have been made to the EPS Regulations 2017.

The Regulations have been renumbered with consecutive numbers, in line with modern drafting practices that apply to all new regulations in Victoria. Reconciliation tables are available on the [WorkSafe website](#) to help you quickly compare the numbering between the 2007 Regulations and the 2017 Regulations.

11. I made a submission during the public comment period on the proposed OHS and EPS Regulations 2017. What happened to my feedback?

Your feedback and engagement has played a vital part in making sure the OHS Regulations 2017 and EPS Regulations 2017 are streamlined and modernised to better reflect current Victorian work practices.

During the public comment period, we received 61 submissions. WorkSafe considered all feedback before finalising the Regulations.

Comments were mainly focused on specific issues, including:

- the proposal to allow duty holders to assume that asbestos is not present in buildings, structures, ships or plant built or made after 31 December 2003. As a result, this proposal was removed from the final Regulations.
- the requirement for prescription-only veterinary medicines to include Globally Harmonised System of Chemical Labelling (GHS) and GHS hazard and precautionary statements. As a result, an exemption was included in the final Regulations.
- recommendations to extend the Prevention of Falls Part to apply to risks of falls from two metres or less. As a result, the note to reference an employer's obligation to apply a hierarchy of controls when addressing risks of falls from two metres or less was strengthened.
- the proposal to require emergency procedures where there is a risk of ground collapse or the site becoming engulfed with soil. The requirement to establish emergency procedures has been retained in the final Regulations.

All of the submissions, including WorkSafe's response, are available [here](#).

12. Where can I find a copy of the new Regulations?

Printed copies

Printed copies of the the new Occupational Health and Safety Regulations 2017 and Equipment (Public Safety) Regulations 2017 are available to purchase from SAI Global,

located at 85 Buckhurst St, South Melbourne. Their number is 131242 or [click here](#) for their website.

The OHS Regulations cost \$48.25 and the EPS Regulations cost \$12.90.

Online

Both the current and future Regulations are available online at www.legislation.vic.gov.au.

Direct link to: [OHS Regulations 2017](#)

Direct link to [EPS Regulations 2017](#)

13. How can I get more information?

Resources are available on the [WorkSafe website](#) to assist you in understanding the new regulations and what the changes mean for you. This includes summaries of the changes and comprehensive guides comparing the 2007 and 2017 Regulations.

For questions, please contact the WorkSafe Advisory Service on 1800 136 089 (free call). You can also email questions to ohsregsreform@worksafe.vic.gov.au.