

Guide to the Occupational Health and Safety Regulations 2017

June 2017

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Foreword

On 18 June 2017, Victoria's *Occupational Health and Safety Regulations 2017* (OHS Regulations 2017) will take effect. In consultation with stakeholders, the previous regulations were updated to reflect modern work places and hazards.

The new OHS Regulations 2017 are mainly the same for most Victorian duty holders. 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 outlined in this guide.

Transitional arrangements apply for some changes to allow duty and licence holders a period of time to become compliant with any new regulatory requirements.

Other changes that have been made to the regulations are to streamline, modernise, and reduce regulatory burden on duty holders around licensing for high risk work and record keeping for designers and manufacturers of plant.

Most importantly, the new regulations maintain Victoria's already high safety standards. In some high risk areas, like asbestos removal work, they improve standards.

Introduction

As a duty holder, you will be required to understand the changes in the OHS Regulations 2017 and how they apply to you.

This guide gives you information about what has changed, how it will affect you, and what you need to do to ensure you are compliant with the updated regulations.

How to use this guide

You can use this guide to understand how your duties may have changed under the OHS Regulations 2017 and identify specific areas that apply to you. The quick reference table will help you identify those relevant areas and direct you to more detailed information in the guide that includes cross-references to relevant chapters, parts, divisions and schedules and how they've changed. Information about schedules is within the relevant chapters to make it easier for you to find.

You can contact the WorkSafe Advisory Service on 1800 136 089, Monday to Friday, between 8.30am to 5.00pm, if you need further assistance. Further information can also be found at **worksafe.vic.gov.au**

Disclaimer: This guide contains material of a general nature only and is not to be used as a substitute for obtaining legal advice.

Finding the changes that apply to you—A quick reference table

This table can be used to find key changes in the OHS Regulations 2017 that may apply to your situation. Click on the links to take you to the relevant section in the guide for more detailed information. Where the table states 'no change to duty holder requirements', you can still review any changes that have been made by clicking on the relevant link.

For all of the numbering changes between the 2007 regulations and 2017 regulations, please refer to detailed reconciliation tables that can be downloaded from worksafe.vic.gov.au

OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Chapter 1—Preliminary	Chapter 1—Preliminary	Chapter 1—Preliminary
Part 1.1—Introductory matters	Part 1.1—Introductory matters	Part 1.1—Introductory matters
1.1.5 Definitions – abseiling equipment	5 Definitions – rope access equipment	No change to duty holder requirements. More detail page 15.
No equivalent definition	5 Definitions – asbestos-contaminated dust	Change to requirements. More detail page 15.
1.1.5 Definitions – asbestos removal work	5 Definitions – asbestos removal work	Change to requirements. More detail page 15.
1.1.5 Definitions – blood lead level	5 Definitions – blood lead level	No change to requirements. More detail page 16.
No equivalent definition	5 Definitions – Class A asbestos removal work	Change to requirements. More detail page 16.
No equivalent definition	5 Definitions – Class B asbestos removal work	Change to requirements. More detail page 16.
1.1.5 Definitions – container	5 Definitions – container	Change to requirements. More detail page 17.
No equivalent definition	5 Definitions – emergency stop device	No change to duty holder requirements. More detail page 17.
1.1.5 Definitions – manual handling 1.1.5 Definitions – hazardous manual handling	5 Definitions – hazardous manual handling	No change to duty holder requirements. More detail page 18.
1.1.5 Definitions – hazardous substance	5 Definitions – hazardous substance	Change to requirements. More detail page 18.
1.1.5 Definitions – health surveillance	5 Definitions – health monitoring	No change to duty holder requirements. More detail page 19.
1.1.5 Definitions – independent person	5 Definitions – independent person	Change to requirements. More detail page 19.
1.1.5 Definitions – lead-risk job	5 Definitions – lead-risk work	No change to duty holder requirements. More detail page 19.
No equivalent definition	5 Definitions – operator controls	No change to duty holder requirements. More detail page 19.
No equivalent definition	5 Definitions – operational stop control	No change to duty holder requirements. More detail page 20.
1.1.5 Definitions – presence-sensing safeguarding system	5 Definitions – presence-sensing safe-guarding system	No change to duty holder requirements. More detail page 20.
Schedule 3 Item 1 – dogging	5 Definitions – dogging work	No change to duty holder requirements. More detail page 20.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Schedule 3 Item 9 Definitions – fork-lift truck No equivalent definition	5 Definitions – forklift truck 5 Definitions – pallet truck	Change to requirements. More detail page 21.
No equivalent regulation	11 Duties of self-employed persons	No change to requirements. More detail page 21.
Part 1.2—Incorporated documents	Part 1.2—Incorporated documents	Part 1.2—Incorporated documents
<i>Approved Criteria for Classifying Hazardous Substances, Hazardous Substances Information System (HSIS) and associated terminology</i>	<i>Globally Harmonized System of Classification and Labelling of Chemicals (GHS) terminology</i>	Change to requirements. More detail page 22.
No equivalent regulation	17 Compliance with the GHS	Change to requirements. More detail page 22.
Chapter 3—Physical hazards	Chapter 3—Physical hazards	Chapter 3—Physical hazards
Part 3.1—Manual handling	Part 3.1—Hazardous manual handling	Part 3.1—Hazardous manual handling
Title of the Part – Part 3.1—Manual handling	Title of the Part – Part 3.1—Hazardous manual handling	No change to duty holder requirements. More detail page 22.
3.1.1(1) Hazard Identification	26 Hazard identification	No change to duty holder requirements. More detail page 23.
3.1.1(2) Hazard Identification	This provision has been removed.	No change to duty holder requirements. More detail page 23.
3.1.2 Control of risk	27 Control of risk	No change to duty holder requirements. More detail page 23.
3.1.3(1) Review of risk control measures	28(1) Review of risk control measures	No change to duty holder requirements. More detail page 25.
Part 3.2—Noise	Part 3.2—Noise	Part 3.2—Noise
Division 2—Duties of employers	Division 3—Audiometric tests and audiological examinations	Division 3—Audiometric tests and audiological examinations
3.2.12 Audiological examinations	38 Audiological examinations	Change to requirements. More detail on page 26.
Part 3.3—Prevention of Falls	Part 3.3—Prevention of Falls	Part 3.3—Prevention of Falls
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
3.3.1 Application of Part	41 Application of Part	No change to duty holder requirements. More detail page 27.
Part 3.4—Confined Spaces	Part 3.4—Confined Spaces	Part 3.4—Confined Spaces
Division 2—Duties of designers, manufacturers and suppliers of plant	Division 2—Duties of designers, manufacturers and suppliers of plant	Division 2—Duties of designers, manufacturers and suppliers of plant
3.4.4 Suppliers	53 Suppliers	Change to requirements. More detail on page 28.
Division 3—Duties of employers	Division 3—Duties of employers and self-employed persons	Division 3—Duties of employers and self-employed persons
3.4.15 Employer to retain entry permits	64 Employer to keep entry permits	Change to requirements. More detail on page 29.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Part 3.5—Plant	Part 3.5—Plant	Part 3.5—Plant
Division 2—Duties of designers of plant	Division 2—Duties of designers of plant	Division 2—Duties of designers of plant
Division 3—Duties of manufacturers of plant	Division 3—Duties of manufacturers of plant	Division 3—Duties of manufacturers of plant
Division 4—Duties of suppliers of plant	Division 4—Duties of suppliers of plant	Division 4—Duties of suppliers of plant
3.5.6(1) Operational stop controls and emergency stop devices (designer)	79(1) Emergency stop devices (designer)	Change to requirements. More detail page 29.
3.5.10(1) Records and information (designer)	83(1) Records and information (designer)	Change to requirements. More detail page 30.
3.5.10(2) Records and information (designer)	83(2) Records and information (designer)	Change to requirements. More detail page 31.
3.5.11(3) Record of standards or engineering principles used (designer)	84(3) Record of standards or engineering principles used (designer)	
3.5.14(2) Records and information (manufacturer)	87(2) Records and information (manufacturer)	Change to requirements. More detail page 31.
3.5.13(a) Information must be obtained and provided (manufacturer)	These provisions have been removed.	Change to requirements. More detail page 32.
3.5.17(1)(a)(i) Information to be obtained and provided (supplier)		
3.5.16 General duties (suppliers of plant)	This regulation has been removed.	No change to duty holder requirements. More detail page 32.
Division 5—Duties of employers who use plant	Division 5—Duties of employers and self-employed persons who use plant	Division 5—Duties of employers and self-employed persons who use plant
Division 6—Duties of self-employed persons		
3.5.24(3) Control of risk	98(4) Control of risk	No change to requirements. More detail page 33.
3.5.27(1) Operational stop controls and emergency stop devices	102(1) Specific risk control measures - Emergency stop devices	Change to requirements. More detail page 33.
3.5.31 Record of inspections and maintenance	106 Record of inspection and maintenance	Change to requirements. More detail page 34.
Division 6—Duties of self-employed persons	Division 5—Duties of employers and self-employed persons who use plant	Division 5—Duties of employers and self-employed persons who use plant
No equivalent regulations	119 Tower cranes 120 Employer or self-employed person to keep certain design information available	Change to requirements. More detail page 35.
3.5.46 Self-employed person to have the same duties as employer	No equivalent provisions to regulation 3.5.46(1) and (2).	No change to duty holder requirements. More detail page 36.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Schedule 2—Plant requiring registration of design.	Schedule 2—Plant requiring registration of design	Schedule 2—Plant requiring registration of design
1.2 Tower cranes	1.2 Tower cranes	Change to requirements. More detail page 36.
1.4 Lifts	1.4 Lifts	Change to requirements. More detail page 36.
1.8 Amusement structures	1.8 Amusement structures	Change to requirements. More detail page 37.
Part 3.6—High risk work	Part 3.6—High Risk Work	Part 3.6—High Risk Work
Division 3—Assessments of competency	Division 3—Assessments of competency	Division 3—Assessments of competency
3.6.10 Person may work while application is being processed	138 Person may work while application for high risk work licence or renewal is being processed	Change to requirements. More detail page 37.
Division 3—Assessments of competency	Division 4—Authorisation of assessors	Division 4—Authorisation of assessors
3.6.11 Authorisation to carry out assessments of competency	139 Authorisation to carry out assessments of competency	No change to duty holder requirements. More detail page 38.
Schedule 3—High risk work licence classes	Schedule 3—High risk work licence classes	Schedule 3—High risk work licence classes
Part 1—Licence classes for scaffolding and rigging	Part 1—Licence classes for scaffolding and rigging	Part 1—Licence classes for scaffolding and rigging
Item 5 Dogging licence Item 1 Definitions - dogging	Item 4 Dogging licence 5 Definitions – dogging work	No change to requirements. More detail page 39.
Part 2—Licence classes for crane, hoist and fork lift truck operation	Part 2—Licence classes for crane, hoist and forklift truck operation	Part 2—Licence classes for crane, hoist and forklift truck operation
Item 9 Definitions – fork-lift truck No equivalent definition	5 Definitions – forklift truck 5 Definitions – pallet truck	Change to requirements. More detail page 39.
Item 14 Bridge and gantry crane operation licence	Item 12 Bridge and gantry crane operation licence	Change to requirements. More detail page 40.
Item 15 Vehicle loading crane operation licence	Item 13 Vehicle loading crane operation licence	Change to requirements. More detail page 40.
Item 16 Non-slewing mobile crane operation licence	Item 19 Reach stacker operation licence	Change to requirements. More detail page 41.
Item 27 Order-picking forklift truck operation licence	Item 25 Order-picking forklift truck operation licence	Change to requirements. More detail page 42.
Part 3—Licence classes for pressure equipment operation	Part 3—Licence classes for pressure equipment operation	Part 3—Licence classes for pressure equipment operation
Item 29 Basic boiler operation licence Item 30 Intermediate boiler operation licence Item 31 Advanced boiler operation licence	Item 26 Standard boiler operation licence Item 27 Advanced boiler operation licence	Change to requirements. More detail page 42.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Schedule 4—Pressure equipment for which high risk work licence is not required	Schedule 4—Pressure equipment for which high risk work licence is not required	Schedule 4—Pressure equipment for which high risk work licence is not required
Item 2.1 Pressure equipment for which high risk work licence is not required	Item 1 Boilers having less than 5 square metres of heating surface	Change to requirements. More detail page 43.
Chapter 4—Hazardous substances and materials	Chapter 4—Hazardous substances and materials	Chapter 4—Hazardous substances and materials
Part 4.1—Hazardous substances	Part 4.1—Hazardous substances	Part 4.1—Hazardous substances
Division 2—Duties of manufacturers and suppliers	Division 2—Duties of manufacturers and suppliers	Division 2—Duties of manufacturers and suppliers
4.1.4 Determination of hazardous substances	143 Determination of hazardous substances	Change to requirements. More detail page 44.
4.1.6 What must an MSDS contain?	145 What must a safety data sheet contain?	Change to requirements. More detail page 44.
4.1.9 Manufacturers and importing suppliers must label containers	149 Manufacturers and importing suppliers must label containers	Change to requirements. More detail page 47.
4.1.10 Recognition of other labelling systems	150 Recognition of other labelling systems	Change to requirements. More detail page 49.
Part 4.2—Scheduled Carcinogenic Substances	Part 4.2—Scheduled carcinogenic substances	Part 4.2—Scheduled carcinogenic substances
4.2.3 Requirement to hold carcinogens licence	174 Requirement to hold carcinogens licence	No change to duty holder requirements. More detail page 52.
Part 4.3—Asbestos	Part 4.4—Asbestos	Part 4.4—Asbestos
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
4.3.95 Independent person to be qualified	207 Independent person	Change to requirements. More detail page 53.
No equivalent regulation	208 Asbestos-contaminated dust	Change to requirements. More detail page 54.
Division 2—General requirements	Division 2—General requirements	Division 2—General requirements
4.3.6 Analysis by approved asbestos analyst	213 Analysis by approved asbestos laboratory	Change to requirements. More detail page 54.
Division 3—Prohibitions under the Occupational Health and Safety Act 2004	Division 3—Prohibitions under the Occupational Health and Safety Act 2004	Division 3—Prohibitions under the Occupational Health and Safety Act 2004
4.3.7 Asbestos removal work	214 Asbestos removal work	Change to requirements. More detail page 55.
4.3.8 Removal of contaminated protective clothing	215 Removal of contaminated protective clothing	Change to requirements. More detail page 55.
4.3.9 Use of certain tools or instruments	216 Use of certain tools or instruments	Change to requirements. More detail page 57.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Division 4—Prohibitions under the Dangerous Goods Act 1985	Division 4—Prohibitions under the Dangerous Goods Act 1985	Division 4—Prohibitions under the Dangerous Goods Act 1985
4.3.12 Supply of asbestos (2)(b) 4.3.13 Storage of asbestos (2)(c) 4.3.14 Transport of Asbestos (2)(c) 4.3.15 Sales of asbestos (2)(b)	These provisions have been removed.	No change to duty holder requirements. More detail page 59.
4.3.18 Exemptions for chrysotile	This provision has been removed.	No change to duty holder requirements. More detail page 60.
Division 5—Asbestos in workplaces	Division 5—Asbestos in workplaces	Division 5—Asbestos in workplaces
4.3.19 Application of Division	225 Application of Division	Change to requirements. More detail page 63.
4.3.28 Information about risks to be given to person who manages or controls workplace	234 Information about risks to be given to person who manages or controls workplace	Change to requirements. More detail page 63.
Division 6—Demolition and refurbishment where asbestos is present	Division 6—Demolition and refurbishment where asbestos is present	Division 6—Demolition and refurbishment where asbestos is present
4.3.34 Application of Division	240 Application of Division	Change to requirements. More detail page 64.
4.3.36 Review of employer's asbestos register	242 Review of employer's asbestos register	Change to requirements. More detail page 65.
4.3.38 Determination of presence of asbestos	245 Determination of presence of asbestos	Change to requirements. More detail page 65.
4.3.39 Identification and removal of asbestos before demolition 4.3.40 Identification and removal of asbestos before refurbishment	244 Identification and removal of asbestos before demolition and refurbishment	No change to duty holder requirements. More detail page 67.
4.3.41 Requirements for asbestos removal work	246 Requirements for asbestos removal work	No change to duty holder requirements. More detail page 69.
4.3.42 Emergency procedures	247 Emergency procedures	Change to requirements. More detail page 70.
Division 7—Removal of asbestos	Division 7—Removal of asbestos	Division 7—Removal of asbestos
<i>Dangerous Goods Order 2007</i>	Division 7 of Part 4.4 – Asbestos	Change to requirements. More detail page 71.
4.3.45 Limited asbestos removal work without licence permitted	250 Limited asbestos removal work	Change to requirements. More detail page 71.
4.3.51 Signs	255 Signs and barricades	Change to requirements. More detail page 72.
4.3.54 Elimination of airborne asbestos fibres	258 Elimination of airborne asbestos fibres	Change to requirements. More detail page 72.
4.3.56 Disposal of asbestos waste	260 Disposal of asbestos waste	Change to requirements. More detail page 73.
4.3.57 Laundering of clothing contaminated with asbestos	261 Laundering of clothing contaminated with asbestos	Change to requirements. More detail page 74.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
4.3.58(3) Medical examinations	262 Medical examinations	No change to duty holder requirements. More detail page 75.
4.3.49 Provision of information about proposed asbestos removal work 4.3.90 Employers in immediate and adjacent areas to be informed	301 Information to be provided to persons occupying premises in immediate and adjacent areas	Change to requirements. More detail page 76.
4.3.59 Notice of medical practitioner 4.3.80 Notice of medical practitioner 4.3.111 Notice of medical practitioner	These provisions have been removed.	Change to requirements. More details page 77.
4.3.60 Results of medical examinations	263 Results of medical examinations	Change to requirements. More detail page 77.
4.3.61(2) Person not to perform asbestos removal work unless licenced	264 Class A asbestos removal work	Change to requirements. More detail page 78.
4.3.64 Information to job applicants	268 Information to job applicants and independent contractors	Change to requirements. More detail page 79.
4.3.66 Training record to be made 4.3.67 Training record to be retained and made available	270 Training record	No change to duty holder requirements. More detail page 79.
4.3.77 Disposal of asbestos waste	280 Disposal of asbestos waste	Change to requirements. More detail page 80.
4.3.78 Laundering of clothing contaminated with asbestos	281 Laundering of clothing contaminated with asbestos	Change to requirements. More detail page 81.
4.3.81 Results of medical examinations	283 Results of medical examinations	Change to requirements. More detail page 82.
4.3.82 Application of Subdivision	284 Application of Subdivision	Change to requirements. More detail page 82.
4.3.85 Air monitoring required before commencement of removal work	287 Asbestos paraoccupational air monitoring requirements	Change to requirements. More detail page 83.
4.3.91 Asbestos paraoccupational air monitoring	292 Asbestos paraoccupational air monitoring	Change to requirements. More detail page 83.
4.3.92 Results of monitoring to be made available	295 Results of inspection and monitoring to go to licence holder	Change to requirements. More detail page 84.
4.3.96 Clearance certificates	297 Clearance certificates	Change to requirements. More detail page 84.
4.3.97 Notification of asbestos removal work 4.3.98 Notification in an unexpected situation 7.1.3 Specific notifications	298 Notice of asbestos removal work 299 Notice in an unexpected situation	No change to duty holder requirements. More detail page 85.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Division 8—Activities involving asbestos	Division 8—Activities involving asbestos	Division 8—Activities involving asbestos
4.3.100 Application of Division	302 Application of Division	Change to requirements. More detail page 88.
4.3.115 Disposal of asbestos waste	316 Disposal of asbestos waste	Change to requirements. More detail page 90.
4.3.116 Laundering of clothing contaminated with asbestos	317 Laundering of clothing contaminated with asbestos	Change to requirements. More detail page 91.
Schedules	Schedules	Schedules
Schedule 6—Asbestos – Categories of asbestos-containing material containing chrysotile asbestos and their uses	This schedule has been removed.	No change to duty holder requirements. More detail page 92.
Schedule 7—Asbestos – Information required to be included in an asbestos control plan	Schedule 12—Information required to be included in an asbestos control plan	Change to requirements. More detail page 93.
Schedule 8—Asbestos – Information required to be included in a notification of asbestos removal work	Schedule 13—Information required to be included in a notice of asbestos removal work	Change to requirements. More detail page 95.
Part 4.4—Lead	Part 4.3—Lead	Part 4.3—Lead
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
4.4.5(2) Medical examinations and biological monitoring	181(2) Medical examinations and biological monitoring	Change to requirements. More detail page 96.
Chapter 5—Hazardous industries	Chapter 5—Hazardous industries	Chapter 5—Hazardous industries
Part 5.1—Construction	Part 5.1—Construction	Part 5.1—Construction
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
5.1.5 What is a safe work method statement?	324 What is a safe work method statement?	Change to requirements. More detail page 97.
5.1.6 Self-employed person to have the same duties as an employer	This regulation has been removed.	No change to duty holder requirements. More detail page 98.
Division 2—Control of risk	Division 2—Control of risk	Division 2—Control of risk
No equivalent regulation	331 Emergency procedures	Change to requirements. More detail page 99.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
Division 3—Induction training for construction work	Division 3—Construction induction training	Division 3—Construction induction training
5.1.19 Application of Division	338 Application of Division	No change to duty holder requirements. More detail page 100.
5.1.20 Construction induction training to be provided	339 Construction induction training to be provided	
5.1.21 Requirement to be registered	340 Requirements to hold a current construction induction card	
5.1.22 Employer must not allow unregistered employee to perform construction work	341 Employer must not allow a person to perform construction work unless the person holds a current construction induction card	
5.1.23 Temporary exemption	342 Exemptions	
5.1.24 Offence to refuse to accept construction induction card	343 - 353 include consequential amendments arising from the removal of Part 6.2 - Division 4 - Registration to perform construction work (6.2.15 - 6.2.21)	
Part 6.2 – Division 4 – Registration to perform construction work (6.2.15 – 6.2.21)		
Part 5.2—Major hazard facilities	Part 5.2—Major hazard facilities	Part 5.2—Major hazard facilities
Division 3—Safety duties of operators	Division 6—Safety duties of operators	Division 6—Safety duties of operators
5.2.5 Safety Management System	372 Safety management system 373 Operator to keep safety management system available 374 Review of safety management system	No change to duty holder requirements. More detail page 103.
5.2.9 Emergency plan	375 Emergency plan 376 Emergency plan to be kept and sent to emergency services and municipal councils	Change to requirements. More detail page 104.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
5.2.12 Review by operator	379 Review by operator	No change to duty holder requirements. More detail page 106.
Division 4—Safety Case	Division 8—Safety case	Division 8—Safety case
5.2.17 Review of Safety Case	387 Review of safety case	Change to requirements. More detail page 108.
Division 7—Determination of major hazard facility	Division 4—Determination of major hazard facility	Division 4—Determination of major hazard facility
5.2.27 Operators of certain facilities to notify Authority	360 Operators of certain facilities to notify Authority	Change to requirements. More detail page 109.
Schedules	Schedules	Schedules
Schedule 9—Major hazard facilities – Materials at major hazard facilities (and their thresholds)	Schedule 14—Materials at major hazard facilities and their threshold quantities	Change to requirements. More detail page 110.
Schedule 11—Major hazard facilities – Matters to be included in Emergency Plan	Schedule 16—Matters to be included in major hazard facility emergency plan	Change to requirements. More detail page 111.
Schedule 12—Major hazard facilities – Additional matters to be included in Safety Case	Schedule 17—Additional matters to be included in major hazard facility safety case	Change to requirements. More detail page 113.
Part 5.3—Mines	Part 5.3—Mines	Part 5.3—Mines
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
5.3.2 What is a mining hazard?	400 What is a mining hazard?	Change to requirements. More detail page 114.
Division 2—Safety duties of mine operators	Division 2—Safety duties of mine operators	Division 2—Safety duties of mine operators
5.3.11 Who may enter mine	408 Who may enter mine	Change to requirements. More detail page 115.
5.3.18 Communication in the event of an employee working alone	415 Communication in the event of an employee working alone	Change to requirements. More detail page 117.
5.3.30(1)(a) Working environment	429(1)(a) Working environment	Change to requirements. More detail page 117.
5.3.34(2)&(4) Emergency plan	433 Emergency plan 434 Emergency plan to be kept and sent to emergency services and municipal councils	Change to requirements. More detail page 118.
Chapter 6—Licensing and registration	Chapter 6—Licensing and registration	Chapter 6—Licensing and registration
Part 6.1—Licences	Part 6.1—Licences	Part 6.1—Licences
Division 1—Applications	Division 1—Applications	Division 1—Applications
6.1.1(2) Matters to be included in licence applications	These provisions have been removed.	Change to requirements. More detail page 119.
6.1.9(a) Additional information to be included in licence application		
6.1.9(b) Additional information to be included in licence application	458 Additional information to be included in high risk work licence application	Change to requirements. More detail page 120.

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OHS Regulations 2007	OHS Regulations 2017	Change to duty holders requirements
6.1.13 Additional information to be included in licence application	462 Additional information to be included in asbestos removal licence application	Change to requirements. More detail page 121.
Division 2—Other provisions concerning licences	Division 2—Other provisions concerning a licence	Division 2—Other provisions concerning a licence
6.1.24 Authority may impose terms and conditions on licences	473 Authority may impose terms and conditions on licence	Change to requirements. More detail page 122.
Part 6.2 Registration	Part 6.2 Registration	Part 6.2 Registration
Division 4—Registration to perform construction work	No equivalent Division	No equivalent Division
Registration to perform construction work (6.2.15 – 6.2.21)	Provisions in relation to the performance of construction work have been included in Part 5.1 - Division 3—Construction induction training (Regulations 338 – 353)	No change to duty holder requirements. More detail page 122.
Chapter 7—Administrative matters and exemptions	Chapter 7—Administrative matters and exemptions	Chapter 7—Administrative matters and exemptions
Part 7.2—Exemptions	Part 7.2—Exemptions	Part 7.2—Exemptions
7.2.10 Notice of exemptions to be given to individual applicants 7.2.13 Notice of refusal 7.2.14 Variation or revocation of exemption	546 Notice of exemptions to be given to individual applicants 549 Notice of refusal 550 Variation or revocation of exemption	No change to duty holder requirements. More detail page 123.

Other changes that apply across the regulations

Licensing and other fees	Licensing and other fees	Change to requirements. More details page 124.
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A detailed guide to what has changed and what it means for you

The table outlines the changes to the OHS Regulations and actions you need to take, if any, to remain compliant when the new OHS Regulations 2017 come into effect on 18 June 2017.

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Chapter 1—Preliminary	Chapter 1—Preliminary	Chapter 1—Preliminary
Part 1.1—Introductory Matters	Part 1.1—Introductory matters	Part 1.1—Introductory matters
<p>1.1.5 Definitions</p> <p>abseiling equipment means equipment used to manually lower or raise a person in a harness or seat, supported by one or more fibre ropes and includes the equipment used to anchor or haul the rope or ropes while abseiling;</p>	<p>5 Definitions</p> <p>rope access equipment means equipment used to manually lower or raise a person in a harness or seat, supported by one or more fibre ropes and includes the equipment used to anchor or haul the rope or ropes while the person is lowered and raised;</p>	<p>No change to duty holder requirements.</p> <p>The definition of <i>abseiling equipment</i> has been replaced by the definition of <i>rope access equipment</i> to update terminology. As the meaning of the definition remains the same, there is no change to the operation of the defined term.</p>
<p>1.1.5 Definitions</p> <p>No equivalent definition</p>	<p>5 Definitions</p> <p>asbestos-contaminated dust means dust that is, or is assumed under Part 4.4 (Asbestos) to be, contaminated with asbestos;</p>	<p>Change to duty holder requirements.</p> <p>If you are involved in asbestos removal work, a new definition of asbestos-contaminated dust has been added to the regulations due to the incorporation of the <i>Dangerous Goods Order 2007</i>. Duty holders must be aware that asbestos-contaminated dust is now covered by the regulations. Further detail is outlined in Part 4.4 of the regulations and this guide.</p>
<p>1.1.5 Definitions</p> <p>asbestos removal work means the removal of asbestos that is fixed or installed in a building, structure, ship or plant so that the asbestos is no longer fixed or installed in that building, structure, ship or plant, up to the point of containment;</p>	<p>5 Definitions</p> <p>asbestos removal work means the removal of asbestos that is present at a workplace, building, structure, ship or plant so that the asbestos is no longer present in that workplace, building, structure, ship or plant, up to the point of containment;</p>	<p>Change to duty holder requirements.</p> <p>If you are involved in asbestos removal work, the definition of what that work includes has been amended to allow for the removal of all forms of asbestos, including the removal of asbestos in soil. A reference to 'workplace' in addition to 'building, structure, ship or plant' has also been included.</p> <p>The amendment was made due to the incorporation of the <i>Dangerous Goods Order 2007</i> into the OHS Regulations 2017.</p>

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<p>1.1.5 Definitions</p> <p>blood lead level means the concentration of lead in the whole blood expressed in micromoles per litre ($\mu\text{mol/L}$);</p>	<p>5 Definitions</p> <p>blood lead level means the concentration of lead in whole blood expressed in micromoles per litre ($\mu\text{mol/L}$) or micrograms per decilitre ($\mu\text{g/dL}$);</p>	<p>No change to duty holder requirements.</p> <p>The <i>blood lead level</i> definition now displays the concentration of lead expressed in both $\mu\text{g/dL}$ (micrograms per decilitre) and $\mu\text{mol/L}$ (micromoles per litre).</p>
<p>1.1.5 Definitions</p> <p>No equivalent definition</p>	<p>5 Definitions</p> <p>Class A asbestos removal work means asbestos removal work (other than limited asbestos removal work) involving the removal of—</p> <ol style="list-style-type: none"> friable asbestos; or asbestos-contaminated dust (other than asbestos-contaminated dust associated with or derived from the removal of non-friable asbestos); 	<p>Change to duty holder requirements.</p> <p>As a Class A asbestos licence holder, your duties under the OHS Regulations 2017 now apply to friable asbestos contaminated material that is not fixed or installed and asbestos contaminated dust.</p> <p>This is a new definition under the OHS Regulations 2017.</p>
<p>1.1.5 Definitions</p> <p>No equivalent definition.</p> <p>Dangerous Goods Act 1985 - Order Prohibiting the Removal of Certain Asbestos at Workplaces</p> <ol style="list-style-type: none"> The removal of asbestos (including asbestos-contaminated dust) that is not fixed to or installed in a building, structure, ship or plant at any premises that are a workplace is prohibited. The prohibition under clause 1 does not apply in relation to the removal of asbestos: <ul style="list-style-type: none"> ... (b) by an employer or self-employed person who is the holder of a Class B asbestos removal licence, or by an employee of such a licence-holder, if that removal is associated with or derived from the removal of non-friable asbestos-containing material that is fixed to or installed in a building, structure, ship or plant; <p style="text-align: right;"><i>cont'd</i></p>	<p>5 Definitions</p> <p>Class B asbestos removal work, means asbestos removal work (other than limited asbestos removal work) involving the removal of—</p> <ol style="list-style-type: none"> non-friable asbestos; or asbestos-contaminated dust associated with or derived from the removal of non-friable asbestos; 	<p>Change to duty holder requirements.</p> <p>Previously, as a Class B asbestos removal licence holder, the removal of non-friable asbestos that is not fixed or installed was prohibited unless:</p> <ul style="list-style-type: none"> ▪ the asbestos is associated with or derived from the removal of non-friable asbestos-containing material that is fixed to or installed in a building, structure, ship or plant, or ▪ does not constitute more than a minor contamination. <p>Given that the same method of removal and risk control would be used for non-friable asbestos that is not fixed or installed, Class B asbestos removal licence holders can remove non-friable asbestos under the OHS Regulations 2017 regardless of whether it is associated with or derived from the removal of non-friable asbestos that is fixed or installed in a building, structure, ship or plant.</p> <p style="text-align: right;"><i>cont'd</i></p>

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<p>...</p> <p>(d) by an employer or self-employed person, if the asbestos does not constitute more than a minor contamination;</p> <p>...</p>		In relation to the removal of asbestos contaminated dust that constitutes a minor contamination, amounts permitted to be removed as limited asbestos removal work are now explicitly stated in Regulation 250.
<p>1.1.5 Definitions</p> <p>container means anything in or by which a hazardous substance is or has been wholly or partly encased, covered, enclosed, contained or packed (whether empty, partially full or full) but does not include—</p> <p>(a) the fuel tank of a vehicle; or</p> <p>(b) a container within the meaning of bulk in the <i>Dangerous Goods (Storage and Handling) Regulations 2000</i>;</p>	<p>5 Definitions</p> <p>container, in Part 4.1 (Hazardous substances), means anything in or by which a hazardous substance is or has been wholly or partly encased, covered, enclosed, contained or packed (whether empty, partially full or full), but does not include the fuel tank of a vehicle;</p>	<p>Change to duty holder requirements.</p> <p>Bulk containers are now included in the definition of 'container' in the OHS Regulations 2017.</p> <p>As a manufacturer or importing supplier, you are now required to apply the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i> (GHS) labelling to a bulk container of dangerous goods.</p>
No equivalent definition	<p>5 Definitions</p> <p>emergency stop device means a device that immediately stops, or effectively isolates the hazardous operation of, an item of plant and requires manual resetting;</p>	<p>No change to duty holder requirements.</p> <p>A new definition has been added to distinguish an emergency stop device from an operational stop control.</p>
<p>1.1.5 Definitions</p> <p>manual handling means any activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any object.</p> <p><i>Object</i>, in Part 3.1 (Manual Handling) and the definition of <i>manual handling</i>, includes an inanimate or animate object, plant and any substance or material contained by an object</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>5 Definitions</p> <p>hazardous manual handling means work requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain—</p> <p>(a) a thing if the work involves one or more of the following—</p> <p>(i) repetitive or sustained application of force;</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>No change to duty holder requirements.</p> <p>The <i>hazardous manual handling</i> definition has been redrafted to incorporate the definitions of 'manual handling' and 'object' which were previously defined separately.</p> <p style="text-align: right;"><i>cont'd</i></p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>hazardous manual handling means—</p> <p>(a) manual handling having any of the following characteristics—</p> <p>(i) repetitive or sustained application of force;</p> <p>(ii) repetitive or sustained awkward posture;</p> <p>(iii) repetitive or sustained movement;</p> <p>(iv) application of high force being an activity involving a single or repetitive use of force that it would be reasonable to expect that a person in the workforce may have difficulty undertaking;</p> <p>(iv) exposure to sustained vibration;</p> <p>(b) manual handling of live persons or animals;</p> <p>(c) manual handling of unstable or unbalanced loads or loads that are difficult to grasp or hold.</p>	<p>(ii) sustained awkward posture;</p> <p>(iii) repetitive movement;</p> <p>(iv) application of high force involving a single or repetitive use of force that it would be reasonable to expect that a person in the workforce may have difficulty undertaking;</p> <p>(v) exposure to sustained vibration;</p> <p>(b) live persons or animals;</p> <p>(c) unstable or unbalanced loads or loads that are difficult to grasp or hold;</p>	<p>The definition of <i>hazardous manual handling</i> has also been streamlined by:</p> <ul style="list-style-type: none"> ▪ removal of the word 'repetitive' in relation to posture (regulation 1.1.5 'hazardous manual handling' (a)(ii) of the OHS regulations 2007). ▪ removal of the word 'sustained' in relation to movements (regulation 1.1.5 'hazardous manual handling' (a)(iii) of the OHS Regulations 2007)
<p>1.1.5 Definitions</p> <p>hazardous substance means a substance that—</p> <p>(a) is listed on the HSIS and the concentration of the substance or its ingredients equals or exceeds the concentration cut-off levels listed on the HSIS that relate to health effects; or</p> <p>(b) meets the criteria for a hazardous substance set out in the Approved Criteria for Classifying Hazardous Substances; or</p> <p>(c) meets the criteria for hazard classification set out in Part 3 (Health Hazards) of the GHS;</p>	<p>5 Definitions</p> <p>hazardous substance means a substance that satisfies the criteria for hazard classification set out in Part 3 (Health Hazards) of the GHS, but does not include a substance that satisfies the criteria solely for one of the following hazard classes—</p> <p>(a) acute toxicity—oral—category 5;</p> <p>(b) acute toxicity—dermal—category 5;</p> <p>(c) acute toxicity—inhalation—category 5;</p> <p>(d) skin corrosion/irritation—category 3;</p> <p>(e) serious eye damage/eye irritation—category 2B;</p> <p>(f) aspiration hazard—category 2;</p>	<p>Change to duty holder requirements.</p> <p>The definition of a <i>hazardous substance</i> no longer refers to the <i>Approved Criteria for Classifying Hazardous Substances</i>. It now refers only to the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i> (GHS).</p> <p>As a manufacturer or importing supplier who is classifying chemicals to determine if they are hazardous substances, you are no longer able to classify in accordance with the <i>Approved Criteria for Classifying Hazardous Substances</i>. You must now classify according to the GHS.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>1.1.5 Definitions</p> <p>health surveillance means health monitoring, which may include audiometric testing, medical examinations (including audiological examinations) and biological monitoring;</p>	<p>5 Definitions</p> <p>health monitoring of a person means monitoring the person to identify changes in the person's health status and may include audiometric testing, medical examinations (including audiological examinations) and biological monitoring;</p> <p>Note "Health" includes psychological health (see section 5 of the Act).</p>	<p>No change to duty holder requirements.</p> <p>The definition of <i>health surveillance</i> has been replaced by the definition of <i>health monitoring</i> to update terminology and better align the regulations with the model WHS laws. Further detail has also been added to the definition for clarity.</p> <p>The note has been added to clarify that, under the OHS Act, wherever "health" is referred to in the Act or the regulations this includes psychological as well as physical health.</p>
<p>1.1.5 Definitions</p> <p>independent person, in Part 4.3 (Asbestos), means a person who is independent from the asbestos licence holder and from the person who commissioned the work;</p>	<p>5 Definitions</p> <p>independent person, in Part 4.4 (Asbestos), has the meaning given by regulation 207;</p>	<p>Change to duty holder requirements.</p> <p>If you are an independent person involved in carrying out a relevant function in relation to asbestos removal work, Regulation 207 explains what constitutes a relevant function at 207(2).</p> <p>It also clarifies who you must be independent from for the purposes of that function, specifically at 207(1)(i), employers and self-employed persons performing the asbestos removal work, and 207(b) where the person does not have a conflict of interest in carrying out the relevant function.</p>
<p>1.1.5 Definitions</p> <p>lead-risk job has the meaning given by regulation 4.4.17;</p>	<p>5 Definitions</p> <p>lead-risk work has the meaning given by regulation 193;</p>	<p>No change to duty holder requirements.</p> <p>The terminology has been changed from lead-risk job to lead-risk work.</p>
<p>No equivalent definition</p>	<p>5 Definitions</p> <p>operator controls includes an operational stop control and an emergency stop device;</p>	<p>No change to duty holder requirements.</p> <p>A new definition has been added to the OHS Regulations 2017 to make it clear that operator controls includes an operational stop control.</p> <p>Those operational stop controls are subject to the requirements set out for operator controls in regulations 78 and 101 of the OHS Regulations 2017.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
No equivalent definition	5 Definitions operational stop control means a device used to stop an item of plant under normal operation, but does not include an emergency stop device;	No change to duty holder requirements. A new definition has been added to distinguish an operational stop control from an emergency stop device. Operational stop controls are subject to the requirements set out in regulations 78 and 101 of the OHS Regulations 2017.
1.1.5 Definitions presence-sensing safeguarding system includes— <ul style="list-style-type: none"> (a) (b) (c) the machine stopping capabilities, by which the presence of a person or part of a person within the sensing field will cause the dangerous parts of a machine to be brought to a safe state; 	5 Definitions presence-sensing safeguarding system includes— <ul style="list-style-type: none"> (a) (b) (c) the machine stopping capabilities, by which the presence of a person or part of a person within the sensing field will cause the dangerous parts of a machine to be brought to a safe state before the person can reach the dangerous parts; 	No change to duty holder requirements. The definition of <i>presence-sensing safeguarding system</i> has been amended to confirm that the machine stopping capabilities must cause the dangerous parts of a machine to be brought to a safe state <i>before a person can reach the dangerous parts</i> . Safe state means if a person reaches into a dangerous part of the machine which is guarded it would no longer be dangerous. The change is a clarification only.
Schedule 3 Item 1 Definition dogging means the application of slinging techniques, including the selection or inspection of lifting gear, or the directing of a crane or hoist operator in the movement of a load when the load is out of the operator's view.	5 Definitions dogging work means one or both of the following— <ul style="list-style-type: none"> (a) the application of slinging techniques, including the selection or inspection of lifting gear, to sling a load; (b) the directing of a crane or hoist operator in the movement of a load when the load is out of the operator's view; 	No change to duty holder requirements. As a high risk licence holder, you need to be aware of the licence scope statement for a dogging licence. In the new regulations, it has been aligned with the definition of 'dogging work' to provide clarity around your requirements.

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<p>Schedule 3 Item 9 Definitions</p> <p>fork-lift truck means a powered industrial truck equipped with a mast and an elevating load carriage to which is attached a pair of fork arms or other load holding attachment, including a truck on which the operator is raised with the attachment for order-picking, but does not include—</p> <ul style="list-style-type: none"> (a) a pedestrian operated industrial truck; or (b) a tractor fitted with a pair of fork arms or other load holding attachment. <p>No equivalent definition for pallet truck.</p>	<p>5 Definitions</p> <p>forklift truck, in Part 3.6 (High risk work) and Schedule 3, means a powered industrial truck equipped with a mast and an elevating load carriage to which is attached a pair of fork arms or other load holding attachment, but does not include the following—</p> <ul style="list-style-type: none"> (a) a pedestrian operated industrial truck; (b) a pallet truck that is unable, by design, to raise its fork arms 900 mm or more above the ground; (c) an order-picking forklift truck; (d) a tractor fitted with a pair of fork arms or other load holding attachment; <p>pallet truck means a non-counterbalanced industrial truck where the operator is intended to control the truck while riding on the truck and where the truck is designed to handle pallets and palletized loads by means of a fork (pair of fork arms) which is adjustable in elevation;</p>	<p>Change to duty holder requirements.</p> <p>If you are an operator of a forklift truck, you no longer require a high risk licence to operate a pallet truck that is unable, by design, to raise its fork arms 900 mm or more above ground. You are required to have a high risk licence for a forklift truck.</p> <p>This change to the OHS Regulations has come with the removal of the reference to 'low-lift pallet trucks' from the definition of a 'forklift truck'.</p>
<p>No equivalent regulation.</p>	<p>11 Duties of self-employed persons</p> <p>A self-employed person's duties under these Regulations apply only so far as to ensure, so far as is reasonably practicable, that persons are not exposed to risks to their health and safety arising from the conduct of the undertaking of the self-employed person.</p>	<p>No change to duty holder requirements.</p> <p>As a self-employed person, where you have a duty under the OHS Regulations 2017 this is now always specified in the relevant regulation. This replaces the previous approach of having an overarching regulation in some parts of the Regulations requiring self-employed persons to comply with employer duties in that part.</p> <p>The change provides self-employed persons with greater clarity as to the duties that apply to them.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Part 1.2—Incorporated documents	Part 1.2—Incorporated documents	Part 1.2—Incorporated documents
<i>Approved Criteria for Classifying Hazardous Substances, Hazardous Substances Information System (HSIS)</i> and associated terminology	<i>Globally Harmonized System of Classification and Labelling of Chemicals (GHS)</i>	<p>Change to duty holder requirements.</p> <p>The <i>Globally Harmonized System of Classification and Labelling of Chemicals (GHS)</i> terminology is included in the regulations, and replaces all references to the <i>Approved Criteria for Classifying Hazardous Substances, Hazardous Substances Information System</i>. If you are involved in the classification and labelling of hazardous substances and development of safety data sheets, you now have a duty to use the Third revised edition, Fourth revised edition or the Fifth revised edition of the GHS, but not a combination of these editions.</p>
No equivalent regulation	<p>17 Compliance with the GHS</p> <p>In complying with the GHS, a person may use the Third revised edition, Fourth revised edition or the Fifth revised edition of the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i>, but not a combination of these editions.</p>	<p>Change to duty holder requirements.</p> <p>The <i>Globally Harmonized System of Classification and Labelling of Chemicals (GHS)</i> has been applied in place of all terminology taken from the <i>Approved Criteria for Classifying Hazardous Substances</i>. If you are involved in the classification and labelling of hazardous substances and development of safety data sheets, you must now use the Third revised edition, Fourth revised edition or the Fifth revised edition of the GHS, but not a combination of these editions.</p>
Chapter 3—Physical hazards	Chapter 3—Physical hazards	Chapter 3—Physical hazards
Part 3.1—Manual handling	Part 3.1—Hazardous manual handling	Part 3.1—Hazardous manual handling
Title of the Part – Part 3.1—Manual handling	Title of the Part – Part 3.1—Hazardous manual handling	<p>No change to duty holder requirements.</p> <p>The title of the Part has been changed to 'Hazardous manual handling' to better reflect the scope of the Part, which applies to activities that fall within the definition of 'hazardous manual handling'.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>3.1.1(1) Hazard identification</p> <p>(1) An employer must, so far as is reasonably practicable, identify any task undertaken, or to be undertaken, by an employee involving hazardous manual handling.</p>	<p>26 Hazard identification</p> <p>An employer must, so far as is reasonably practicable, identify any hazardous manual handling undertaken, or to be undertaken, by an employee.</p>	<p>No change to duty holder requirements.</p> <p>The language has been updated to provide clearer guidance to duty holders.</p>
<p>3.1.1(2) Hazard identification</p> <p>An employer may carry out a hazard identification under subregulation (1) for a class of tasks rather than for individual tasks if—</p> <p>(a) all the tasks in the class are similar; and</p> <p>(b) the identification carried out for the class of subject to any greater, additional or different risk to health and safety than if the identification were carried out for each individual task</p>	<p>This provision has been removed.</p>	<p>No change to duty holder requirements.</p> <p>This provision has been removed because it merely provides guidance as to one way an employer may identify hazardous manual handling tasks under 3.1.1(1). An employer may still choose to identify work involving hazardous manual handling in a 'class', providing all hazardous manual handling is identified.</p> <p>As an employer carrying out hazard identification, you can now find information on how to comply with the broader duty to identify hazardous manual handling at worksafe.vic.gov.au</p>
<p>3.1.2 Control of risk</p> <p>(1) An employer must ensure that the risk of a musculoskeletal disorder associated with a hazardous manual handling task affecting an employee is eliminated so far as is reasonably practicable.</p> <p>(2) If it is not reasonably practicable to eliminate the risk of a musculoskeletal disorder associated with a hazardous manual handling task affecting an employee, an employer must reduce that risk so far as is reasonably practicable by—</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>27 Control of risk</p> <p>(1) An employer must, so far as is reasonably practicable, eliminate any risk of a musculoskeletal disorder associated with hazardous manual handling.</p> <p>(2) If it is not reasonably practicable to eliminate a risk of a musculoskeletal disorder associated with hazardous manual handling, the employer must reduce the risk so far as is reasonably practicable by—</p> <p>(a) altering—</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>No change to duty holder requirements.</p> <p>The wording has been updated to provide clearer guidance to duty holders.</p> <p>Subsection 27(4) was previously a note under 3.1.2(3) and is not a new requirement.</p>

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<p>(a) altering—</p> <p>(i) the workplace layout; or</p> <p>(ii) the workplace environment, including heat, cold and vibration, where the task involving manual handling is undertaken; or</p> <p>(iii) the systems of work used to undertake the task; or</p> <p>(b) changing the objects used in the task involving manual handling; or</p> <p>(c) using mechanical aids; or</p> <p>(d) any combination of paragraphs (a) to (c).</p> <p>(3) If it is not reasonably practicable for an employer to reduce the risk of a musculoskeletal disorder associated with a hazardous manual handling task in accordance with subregulation (2), the employer may control that risk by the use of information, instruction or training.</p> <p>(4) Without affecting the generality of subregulations (1), (2) and (3), an employer, when determining any measure to control any risk of musculoskeletal disorder, must address the following factors—</p> <p>(a) postures; and</p> <p>(b) movements; and</p> <p>(c) forces; and</p> <p>(d) duration and frequency of the task; and</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>(i) the workplace layout; or</p> <p>(ii) the workplace environment, including heat, cold and vibration; or</p> <p>(iii) the systems of work which involve hazardous manual handling; or</p> <p>(b) changing the things used in the hazardous manual handling; or</p> <p>(c) using mechanical aids; or</p> <p>(d) combining any of the risk control measures referred to in paragraphs (a), (b) and (c).</p> <p>(3) If the employer has complied with subregulations (1) and (2) so far as is reasonably practicable and a risk of a musculoskeletal disorder associated with hazardous manual handling remains, the employer must reduce the risk so far as is reasonably practicable by using information, instruction or training.</p> <p>(4) The employer may only rely solely or primarily on the use of information, instruction or training to control a risk if none of the measures set out in subregulation (2) is reasonably practicable.</p> <p>(5) Without affecting the generality of subregulations (1), (2), (3) and (4), the employer, when determining any measure to control a risk of a musculoskeletal disorder, must take into account the following—</p> <p style="text-align: right;"><i>cont'd</i></p>	

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<p>(e) environmental conditions including heat, cold and vibration that act directly on a person undertaking the task.</p>	<p>(a) postures; (b) movements; (c) forces; (d) duration and frequency of the hazardous manual handling; (e) environmental conditions including heat, cold and vibration that act directly on a person undertaking hazardous manual handling.</p>	
<p>3.1.3(1) Review of risk control measures</p> <p>(1) An employer must ensure that any measures implemented to control risks in relation to musculoskeletal disorders are reviewed and, if necessary, revised—</p> <p>(a) before any alteration is made to objects used in a workplace or to systems of work that include a task involving hazardous manual handling, including a change in the place where that task is undertaken; or</p> <p>(b) before an object is used for another purpose than that for which it was designed if that other purpose may result in an employee carrying out hazardous manual handling; or</p> <p>(c) if new or additional information about hazardous manual handling being associated with a task becomes available to the employer; or</p> <p>(d) if an occurrence of a musculoskeletal disorder in a workplace is reported by or on behalf of an employee; or</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>28(1) Review of risk control measures</p> <p>(1) An employer must review and, if necessary, revise any measures implemented to control risks under regulation 27—</p> <p>(a) before any alteration is made to any thing, process or system of work involving hazardous manual handling, including a change in the place where that work is undertaken; or</p> <p>(b) if new or additional information about hazardous manual handling becomes available to the employer; or</p> <p>(c) if an occurrence of a musculoskeletal disorder at a workplace is reported by or on behalf of an employee; or</p> <p>(d) after any incident occurs to which Part 5 of the Act applies that involves hazardous manual handling; or</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>No change to duty holder requirements.</p> <p>The provision requiring review of a risk control measure before an object is used for another purpose than that for which it was designed has been removed.</p> <p>However 28(1)(a) maintains the requirement for an employer to review a risk control measure before any change to a thing or a system of work, which would include the scenario where an object is used in a different way or for a different purpose.</p>

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<p>(e) after any incident occurs to which Part 5 of the Act applies that involves hazardous manual handling; or</p> <p>(f) if, for any other reason, the risk control measures do not adequately control the risks; or</p> <p>(g) after receiving a request from a health and safety representative.</p> <p>(2) A health and safety representative may make a request under subregulation (1)(g) if the health and safety representative believes on reasonable grounds that—</p> <p>(a) any of the circumstances referred to in subregulations (1)(a) to (1)(f) exists; or</p> <p>(b) the employer has failed—</p> <p>(i) to properly review the risk control measures; or</p> <p>(ii) to take account of any of the circumstances referred to in subregulations (1)(a) to (1)(f) in conducting a review of, or revising, the risk control measures.</p>	<p>(e) if, for any other reason, the risk control measures do not adequately control the risks; or</p> <p>(f) after receiving a request from a health and safety representative.</p> <p>(2) A health and safety representative may make a request under subregulation (1)(f) if the health and safety representative believes on reasonable grounds that—</p> <p>(a) any of the circumstances referred to in subregulation (1)(a) to (e) exists; or</p> <p>(b) the employer has failed—</p> <p>(i) to properly review the risk control measures; or</p> <p>(ii) to take account of any of the circumstances referred to in subregulation (1)(a) to (e) in conducting a review of, or revising, the risk control measures.</p>	
Part 3.2—Noise	Part 3.2—Noise	Part 3.2—Noise
Division 2—Duties of employers	Division 3—Audiometric tests and audiological examinations	Division 3—Audiometric tests and audiological examinations
<p>3.2.12 Audiological examinations</p> <p>If the results of 2 consecutive audiometric tests of an employee under regulation 3.2.11 indicate a reduction in hearing levels equal to or greater than 15dB at 3000 Hz, 4000 Hz or 6000 Hz, the employer must provide for the employee to undergo an audiological examination as soon as is reasonably possible.</p>	<p>38 Audiological examinations</p> <p>If the results of 2 or more audiometric tests of an employee under regulation 37 during a period not exceeding 2 years indicate a reduction in hearing levels equal to or greater than 15 decibels at 3000 hertz, 4000 hertz or 6000 hertz, the employer must provide for the employee to undergo an audiological examination as soon as reasonably possible.</p>	<p>Change to duty holder requirements.</p> <p>An audiological examination is required when there is a reduction in hearing level of 15dB or more over a two year period, regardless of how many tests are undertaken over that period.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Part 3.3—Prevention of Falls	Part 3.3—Prevention of Falls	Part 3.3—Prevention of Falls
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
3.3.1 Application of Part	41 Application of Part	No change to duty holder requirements.
No equivalent provision.	<p>(1) This Part applies to the prevention of falls.</p> <p>Notes</p> <ol style="list-style-type: none"> 1. A fall in this Part means an involuntary fall of more than 2 metres (see the definition of fall in regulation 5). 2. Section 21 of the Act imposes duties on employers to, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risks to health. This includes managing risks associated with falls of 2 metres or less. In accordance with section 20(1) of the Act, employers must eliminate risks associated with falls of 2 metres or less so far as is reasonably practicable and, if it is not reasonably practicable to eliminate the risks, reduce those risks so far as is reasonably practicable, having regard to the matters set out in section 20(2) of the Act. 	<p>As an employer, in addition to specific duties that apply under Part 3.3 in relation to falls above 2 metres, you have a general duty to provide and maintain a working environment that is safe and without risks to health, so far as is reasonably practicable. That duty means you must control risks associated with falls of two metres or less so far as is reasonably practicable. The note at regulation 41 clarifies this requirement under the Act.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Part 3.4—Confined Spaces	Part 3.4—Confined Spaces	Part 3.4—Confined Spaces
Division 2—Duties of designers, manufacturers and suppliers of plant	Division 2—Duties of designers, manufacturers and suppliers of plant	Division 2—Duties of designers, manufacturers and suppliers of plant
3.4.4 Suppliers	53 Suppliers	Change to duty holder requirements.
<p>(1) A supplier of plant that includes, or is intended to include, a confined space must ensure, so far as is reasonably practicable, that the plant has been designed and manufactured in accordance with regulations 3.4.2 and 3.4.3 before the plant is supplied.</p> <p>(2) If it is not reasonably practicable for a supplier to comply with subregulation (1), the supplier must ensure, before the plant is supplied, that—</p> <p>(a) the need for any person to enter the confined space is eliminated so far as is reasonably practicable; or</p> <p>(b) if it is not reasonably practicable to eliminate the need to enter the space—</p> <p>(c) the need to enter is reduced so far as is reasonably practicable; and</p> <p>(d) any risk associated with the means of entry to and exit from the space is eliminated so far as is reasonably practicable or, if it is not reasonably practicable to eliminate the risk, reduced so far as is reasonably practicable.</p>	<p>A supplier of plant that includes, or is intended to include, a confined space must ensure, so far as is reasonably practicable, that the plant has been designed and manufactured in accordance with regulations 51 and 52 before the plant is supplied.</p>	<p>As a supplier of plant, you no longer have a duty to ensure so far as is reasonably practicable, that the need to enter a confined space is eliminated or reduced. The duty continues to be held by the designers and manufacturers of the plant.</p> <p>The provision was removed from the regulations as it was unclear how a supplier would be capable of discharging this duty in practice.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Division 3—Duties of employers	Division 3—Duties of employers and self-employed persons	Division 3—Duties of employers and self-employed persons
<p>3.4.15 Employer to retain entry permits</p> <p>An employer must retain each confined space entry permit issued by the employer for 30 days from the date on which the permit ceases to be in operation.</p>	<p>64 Employer to keep entry permits</p> <p>An employer must keep each confined space entry permit issued by the employer—</p> <ul style="list-style-type: none"> (a) until the work to which it relates is completed; or (b) if a notifiable incident occurs in connection with the work to which the permit relates, for at least 2 years after the date on which the incident occurs. 	<p>Change to duty holder requirements.</p> <p>As an employer, you no longer have a duty to retain a 'confined space entry permit' for 30 days. Instead you are required to retain each confined space entry permit:</p> <ul style="list-style-type: none"> ▪ until the work is completed; or ▪ for two years in the event of a notifiable incident.
Part 3.5—Plant	Part 3.5—Plant	Part 3.5—Plant
<p>Division 2—Duties of designers of plant</p> <p>Division 3—Duties of manufacturers of plant</p> <p>Division 4—Duties of suppliers of plant</p>	<p>Division 2—Duties of designers of plant</p> <p>Division 3—Duties of manufacturers of plant</p> <p>Division 4—Duties of suppliers of plant</p>	<p>Division 2—Duties of designers of plant</p> <p>Division 3—Duties of manufacturers of plant</p> <p>Division 4—Duties of suppliers of plant</p>
<p>3.5.6(1) Operational stop controls and emergency stop devices</p> <p>(1) If plant is designed to be operated or attended by more than one person and more than one stop control is fitted, the designer of the plant must ensure that the design provides for the multiple stop controls to be of the "stop and lock-off" type so that the plant cannot be restarted after a stop control has been used unless each stop control is reset.</p>	<p>79(1) Emergency stop devices</p> <p>(1) A designer of plant that is designed to be operated or attended by more than one person and has more than one emergency stop device fitted must ensure that the design provides for the emergency stop devices to be of the type that ensures that, if an emergency stop device has been used, the plant can be restarted only if—</p> <ul style="list-style-type: none"> (a) that emergency stop device is manually reset; and (b) the start function is manually activated. 	<p>Change to duty holder requirements.</p> <p>As a designer of plant, you can now refer solely to regulation 78 for the design requirements for all operator controls including operational stop controls and solely to regulation 79 for the design of emergency stop devices. Previously design duties for operational stop controls in the OHS Regulations 2007 were covered by both regulations 3.5.5 and 3.5.6 which led to inconsistency and confusion as to design requirements.</p> <p>Changes have been made to reflect the intent of the regulations, reflect industry standards and practice, and clarify the specific design requirements for operational stop controls and emergency stop devices.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
		<p>The design must now provide for emergency stop devices to be of the type that ensures that, if an emergency stop device has been used, the plant cannot be restarted until that emergency stop device is manually reset and the start function is manually activated, ('latch in' type and not of a 'stop and lock off' type) if the plant is designed to be operated by more than one person and more than one emergency stop device is fitted.</p> <p>This means the emergency stop devices must be a 'latch in' type and not of a 'stop and lock off' type. Operator controls including operational stop controls must be of the type to ensure that they can be locked into the 'off' position.</p>
<p>3.5.10(1) Records and information (designer)</p> <p>(1) If the design of plant is required to be registered under Part 6.2 (Registration), the designer of that plant must make a record that contains—</p> <p>(a) a record of the method used to determine the risk controls for the plant and the risk controls that result from that determination; and</p> <p>(b) a copy of the information provided to a manufacturer under section 27(1)(c) of the Act in relation to that plant; and</p> <p>(c) a copy of the information provided to a manufacturer under regulation 3.5.8 in relation to that plant; and</p> <p>(d) if applicable, a copy of the information provided to a manufacturer under regulation 3.5.9 in relation to that plant.</p>	<p>83(1) Records and information (designer)</p> <p>(1) A designer of plant that is required to be registered under Part 6.2 (Registration) must record—</p> <p>(a) the method used to determine the risk control measures for the plant; and</p> <p>(b) the risk control measures that result from the determination.</p>	<p>Change to duty holder requirements.</p> <p>As a designer of plant that is required to be registered, you no longer have a duty to keep copies of the information provided to the manufacturer. This reduces duplication of records as under Regulation 87 manufacturers are required to keep information provided by the designer. However, in relation to plant that is required to be registered, you will still need to make a record of the method used to determine the risk control measures for the plant and the risk control measures that result from the determination.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>3.5.10(2) Records and information (designer)</p> <p>(2) A designer of plant must ensure that the record made under subregulation (1) is retained in a suitable state for inspection by the Authority for a period of 10 years after the date of registration of the design of the plant under Part 6.2 (Registration).</p> <p>3.5.11(3) Record of standards or engineering principles used (designer)</p> <p>(3) A designer of plant must ensure that the records made under subregulations (1) and (2) are retained in a suitable state for inspection by—</p> <p>(a) the Authority; or</p> <p>(b) the person who verified the design of that plant under regulation 6.2.3 –</p> <p>for a period of 10 years after the date on which the design or information about the design is made available to a manufacturer under regulation 3.5.8 or 3.5.9.</p>	<p>83(2) Records and information (designer)</p> <p>(2) A designer of plant must keep any record made under subregulation (1) available for inspection by the Authority for a period of 7 years after the date of registration of the design of the plant under Part 6.2 (Registration).</p> <p>84(3) Record of standards or engineering principles used (designer)</p> <p>(3) A designer of plant must keep any record made under this regulation available for inspection by the Authority or the person who verified the design of the plant under regulation 509, for a period of 7 years after the later of—</p> <p>(a) the date on which the design or information about the design is given to the manufacturer under regulation 81; or</p> <p>(b) if applicable, the date on which revised information is given to the manufacturer under regulation 82.</p>	<p>Change to duty holder requirements.</p> <p>As a designer of plant where you are required by Part 3.5 to keep records, you will now have a duty to keep those records for seven years instead of ten years.</p> <p>The reduction in the time required to keep records applies to:</p> <ul style="list-style-type: none"> ▪ records of the method used to determine risk control measures for plant and the resultant risk control measures from the determination (designer) ▪ records of published technical standards or engineering principles used in designing the plant (designer).
<p>3.5.14(2) Records and information (manufacturer)</p> <p>(2) A manufacturer of plant must ensure that the records and information referred to in subregulation (1) are retained in a suitable state for inspection by the Authority for a period of 10 years after the date of manufacture of the plant.</p>	<p>87(2) Records and information (manufacturer)</p> <p>(2) A manufacturer of plant must keep the records and information referred to in subregulation (1) available for inspection by the Authority for a period of 7 years after the date of manufacture of the plant.</p>	<p>Change to duty holder requirements.</p> <p>As a manufacturer of plant where you are required by Part 3.5 to keep records, you will now have a duty to keep those records for seven years instead of ten years.</p> <p>The reduction in the time required to keep records applies to:</p> <ul style="list-style-type: none"> ▪ records of published technical standards used to manufacture the plant (manufacturer) ▪ information in relation to the plant given to the manufacturer by a designer (manufacturer).

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>3.5.13(a) Information must be obtained and provided (manufacturer) A manufacturer of plant must—</p> <p>(a) take all reasonable steps to obtain the information required to be provided to the manufacturer by the designer of the plant under section 27(1)(c) of the Act and regulation 3.5.8;</p> <p>3.5.17(1)(a)(i) Information to be obtained and provided (supplier)</p> <p>(1) A supplier of plant must—</p> <p>(a) in the case of new plant—</p> <p>(i) take all reasonable steps to obtain the information required to be provided to the supplier by a manufacturer under sections 29(1)(c)(i) and 29(1)(c)(iii) of the Act and regulation 3.5.13;</p>	<p>These provisions have been removed.</p>	<p>Change to duty holder requirements.</p> <p>As a supplier and manufacturer of plant, you no longer have a duty to 'obtain information'. This provision was removed to maintain the focus on the provision of information.</p> <p>A manufacturer still has duties under regulation 86 to give prescribed information when the manufacturer supplies the plant.</p> <p>A supplier of new plant still has duties under regulation 89 to give prescribed information when supplying the plant.</p>
<p>3.5.16 General duties (suppliers of plant)</p> <p>(1) A supplier of plant must ensure that the hazard identification and control of risk measures set out in Divisions 2 and 3 have been carried out in relation to the design and manufacture of the plant before the plant is supplied.</p> <p>(2) This regulation does not apply to a requirement that may be placed on a supplier in relation to the fitting of roll-over protection on a tractor that conveys its power to the ground directly by wheels.</p>	<p>This regulation has been removed.</p>	<p>No change to duty holder requirements.</p> <p>Although the regulation has been removed, as a supplier of plant, you still have general duties under section 30 of the <i>Occupational Health and Safety Act 2004</i> (OHS Act). This includes a duty to ensure, so far as is reasonably practicable, that plant you supply is safe and without risks to health if it is used for a purpose for which it was designed, manufactured or supplied.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Division 5—Duties of employers who use plant</p> <p>Division 6—Duties of self-employed persons</p>	<p>Division 5—Duties of employers and self-employed persons who use plant</p>	<p>Division 5—Duties of employers and self-employed persons who use plant</p>
<p>3.5.24(3) Control of risk</p> <p>(3) If it is not reasonably practicable for an employer to reduce a risk associated with plant in accordance with subregulation (2), the employer may control that risk by the use of administrative controls or personal protective equipment.</p>	<p>98(4) Control of risk</p> <p>(4) If the employer or self-employed person has complied with subregulations (1), (2) and (3) so far as is reasonably practicable and a risk associated with plant remains, the employer or self-employed person must reduce the risk so far as is reasonably practicable by providing appropriate personal protective equipment to persons at risk.</p>	<p>No change to duty holder requirements.</p> <p>The provision has been redrafted to confirm that the employer or self-employed person is responsible for providing appropriate personal protective equipment where that equipment is used as a measure to control risk.</p> <p>The control of risk provision has been drafted to be consistent with similar provisions in other Parts of the OHS Regulations 2017 that provide for personal protective equipment as a risk control measure.</p>
<p>3.5.27(1) Operational stop controls and emergency stop devices</p> <p>(1) If plant is designed to be operated or attended by more than one person and more than one stop control is fitted, the employer must ensure that the multiple stop controls are of the “stop and lock-off” type so that the plant cannot be restarted after a stop control has been used unless each stop control is reset.</p>	<p>102(1) Specific risk control measures - Emergency stop devices</p> <p>(1) If plant is designed to be operated or attended by more than one person and more than one emergency stop device is fitted, the employer or self-employed person must ensure that the emergency stop devices are of the type that ensures that, if an emergency stop device has been used, the plant can be restarted only if—</p> <p>(a) that emergency stop device is manually reset; and</p> <p>(b) the start function is manually activated.</p>	<p>Change to duty holder requirements.</p> <p>As an employer or self-employed person, you can now solely refer to regulation 101 for your duties in regards to all operator controls including operational stop controls and solely to regulation 102 for emergency stop devices.</p> <p>Previously employer duties in regard to operational stop control controls were covered by both regulations 3.5.26 and 3.5.27 which led to inconsistency and confusion as to requirements.</p> <p>Changes have been made to reflect the intent of the regulations, reflect industry standards and practice, and clarify the specific requirements for operational stop controls and emergency stop devices.</p> <p>Emergency stop devices must now be of the type that ensures that, if an emergency stop device has been used, the plant cannot be restarted until that emergency stop device is manually reset and the start function is manually activated, if the plant is designed to be operated by more than one person and more than one emergency stop device is fitted.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
		This means the emergency stop devices must be a 'latch in' type and not of a 'stop and lock off' type. Operator controls including operational stop controls must be of the type to ensure that they can be locked into the 'off' position.
<p>3.5.31 Record of inspections and maintenance</p> <p>An employer must ensure that any record of inspections and maintenance carried out on the following plant is retained for the period that the employer has management or control of the plant—</p> <p>(a) the plant referred to in items 1.2, 1.3, 1.5, 1.14 and 1.16 of Schedule 2;</p>	<p>106 Record of inspection and maintenance</p> <p>An employer or self-employed person must keep a record of any inspection and maintenance carried out on the following plant for the period that the employer or self-employed person has management or control of the plant—</p> <p>(a) the plant referred to in clauses 1.3, 1.5, 1.14, 1.15 and 1.16 of Schedule 2;</p>	<p>Change to duty holder requirements.</p> <p>Chairlifts have been added to the list of plant subject to record of inspection and maintenance requirements. The addition was made by the insertion of a cross-reference to clause 1.15 of Schedule 2 in regulation 106(a) of the OHS Regulations 2017.</p> <p>As an employer or self-employed person, you have a duty to ensure that a record of any inspection and maintenance carried out on a chairlift is retained for the period that you have management or control of the chairlift. A consequence of this change is that the incident notification provision (regulation 124) will apply to chairlifts. Duty holders will be required to notify WorkSafe of any incident that exposes a person in the immediate vicinity to an immediate risk to the person's health or safety through the collapse, overturning, failure or malfunction of, or damage to, chairlifts. The duty under section 39 of the <i>Occupational Health and Safety Act 2004</i> to preserve incidents sites will also apply to such incidents.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Division 6—Duties of self-employed persons</p> <p>No equivalent regulation.</p>	<p>Division 5—Duties of employers and self-employed persons who use plant</p> <p>119 Tower cranes</p> <p>(1) An employer or self-employed person must ensure that any tower crane is erected on a supporting structure or foundation that has been designed—</p> <p>(a) by an engineer with relevant knowledge and experience; and</p> <p>(b) for the specific ground conditions at the location; and</p> <p>(c) taking into account the configurations and forces that were provided for the tower crane when its design was registered.</p> <p>(2) An employer or self-employed person must ensure that the placement of any crane ties fitted to the tower crane has been designed—</p> <p>(a) by an engineer with relevant knowledge and experience; and</p> <p>(b) taking into account the configurations and forces that were provided for the tower crane when its design was registered.</p> <p>120 Employer or self-employed person to keep certain design information available</p> <p>An employer or self-employed person must keep any design information concerning the supporting structure or foundation on which a tower crane is erected and the placement of any crane ties available for inspection by the Authority while the tower crane is erected on that supporting structure or foundation.</p>	<p>Division 5—Duties of employers and self-employed persons who use plant</p> <p>Change to duty holder requirements.</p> <p>As an employer or self-employed person, you now have a duty to ensure that any tower crane is erected on a supporting structure or foundation that has been designed by an engineer with relevant knowledge and experience. Further, you must ensure that the supporting structure or foundation has been designed for the specific ground conditions taking into account the configurations and forces that were provided for the tower crane when its design was registered.</p> <p>You also have a duty to ensure that the placement of any crane ties fitted to the tower crane has been designed by an engineer with relevant knowledge and experience, taking into account the configurations and forces that were provided for the tower crane when its design was registered.</p> <p>Additionally, you must keep available for inspection by WorkSafe:</p> <ul style="list-style-type: none"> ▪ any design information concerning the supporting structure or foundation on which a tower crane is erected ▪ any design information concerning the placement of any crane ties. <p>This design information must be available for inspection by WorkSafe while the tower crane is erected on that supporting structure or foundation.</p> <p>The above new design requirements, including the requirement to keep design information available for inspection, only apply in relation to supporting structures or foundations and crane ties designed on or after 18 June 2017. These duties would apply when the tower crane is erected on or after this date.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>3.5.46 Self-employed person to have the same duties as employer</p> <p>(1) A self-employed person must comply with the requirements of Division 5 (except regulation 3.5.45) as if that person were an employer.</p> <p>(2) If a provision of Division 5 is an Act compliance provision, compliance by a self-employed person with that provision in respect of a matter is the way that the self-employed person complies with the self-employed person's duty under section 24 of the Act in respect of that matter.</p> <p>(3) A self-employed person's duties under this regulation apply only so far as to ensure, so far as is reasonably practicable, that persons are not exposed to risks to their health and safety arising from the conduct of the undertaking of the self-employed person.</p>	<p>No equivalent provisions to regulation 3.5.46(1) and (2).</p>	<p>No change to duty holder requirements.</p> <p>As a self-employed person, where you have a duty within Part 3.5 of the OHS Regulations 2017, this duty is now specifically referenced in the relevant regulation in Division 5 of Part 3.5, rather than in an overarching provision like the previous regulation 3.5.46. Regulation 11 establishes the extent of your duties under the OHS Regulations as a self-employed person. Regulation 11 has the same effect as previous regulation 3.5.46(3).</p>
<p>Schedule 2—Plant requiring registration of design</p>	<p>Schedule 2—Plant requiring registration of design</p>	<p>Schedule 2—Plant requiring registration of design</p>
<p>1.2 Tower cranes.</p>	<p>1.2 Tower cranes, other than the foundations or supporting structure and the crane ties of the tower crane.</p>	<p>Change to duty holder requirements.</p> <p>There is no longer a requirement to register the design for the foundations or supporting structure and crane ties of a tower crane. However, there is still a requirement to register the design of the tower crane with WorkSafe prior to its use.</p>
<p>1.4 Lifts, other than—</p> <p>(a) platforms for raising or lowering stage performers and associated equipment; and</p> <p>(b) plant designed only to store vehicles in a designated parking facility.</p>	<p>1.4 Lifts, other than the following—</p> <p>(a) platforms for raising or lowering stage performers and associated equipment;</p> <p>(b) plant designed only to store vehicles in a designated parking facility;</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>There is no longer a requirement to register with WorkSafe, the design of lifts which are designed for the transportation of goods alone and which do not have any operational controls within the lift car.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	(c) lifts designed to transport goods only, which do not have any operational controls within the lift car, including dumb waiters.	
<p>1.8 Amusement structures to which AS 3533.1—Amusement rides and devices—Part 1: Design and construction applies, other than the following—</p> <p>(g) rides or devices that are used as a form of transport, including quad bikes and snow mobiles;</p>	<p>1.8 Amusement structures to which AS 3533.1—Amusement rides and devices—Part 1: Design and construction applies, other than the following—</p> <p>(g) rides or devices that are primarily designed as a form of transport or motor sport, including hovercrafts, quad bikes and snow mobiles;</p> <p>(h) jet packs and hover boards;</p>	<p>Change to duty holder requirements.</p> <p>There is no longer a requirement to register the designs of rides or devices primarily designed as a form of motor sport, including hovercrafts, jet packs, and hover boards.</p>
Part 3.6—High Risk Work	Part 3.6—High Risk Work	Part 3.6—High Risk Work
Division 3—Assessments of competency	Division 3—Assessments of competency	Division 3—Assessments of competency
<p>3.6.10 Person may work while application is being processed</p> <p>(1) This regulation applies to a person who has been issued with—</p> <p>(a) a statement of attainment; or</p> <p>(b) a notice of a satisfactory assessment of competency under regulation 3.6.7(2) (a).</p> <p>(2) The person may perform any work to which the statement or notice applies—</p> <p>(a) for 60 days after the date of issue of the statement or notice; and</p> <p>(b) if the person applies for a licence within that 60 day period, until he or she is granted the licence or until 14 days after he or she is given written notice that the application has been refused.</p>	<p>138 Person may work while application for high risk work licence or renewal is being processed</p> <p>(1) A person who has been given a notice of assessment (satisfactory) by an authorised assessor may perform any work to which the notice applies—</p> <p>(a) for 60 days from the date of issue of the notice; and</p> <p>(b) if the person applies for a licence within that 60 day period, until—</p> <p>(i) the person is granted the licence by the Authority; or</p> <p>(ii) 14 days after the person is given written notice by the Authority that the application has been refused.</p>	<p>Change to duty holder requirements.</p> <p>If you hold a high risk work licence and apply for a licence renewal before the licence expires, you can continue to perform work until a renewal is granted or until 14 days after being given written notice that the application has been refused.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<p>(2) The holder of a high risk work licence who applies for a licence renewal under regulation 490(1) or (2), on or before the date of expiry of the existing licence, may perform any work to which the licence applies until—</p> <p>(a) the licence holder is granted the licence renewal by the Authority; or</p> <p>(b) 14 days after the licence holder is given written notice by the Authority that the application has been refused.</p>	
Division 3—Assessments of competency	Division 4—Authorisation of assessors	Division 4—Authorisation of assessors
<p>3.6.11 Authorisation to carry out assessments of competency</p> <p>(1) The Authority may authorise a person to carry out assessments of competency in relation to a class or classes of risk work for the purpose of these Regulations, for a specified period of time.</p> <p>(2) The authorisation must be in writing and specify the class or classes of high risk work to which it applies.</p>	<p>139 Authorisation to carry out assessments of competency</p> <p>(1) The Authority may authorise a person to carry out assessments of competency in relation to a class or classes of high risk work for the purpose of these Regulations, for a specified period.</p> <p>Note <i>Person</i> includes a body corporate, unincorporated body or association and a partnership (see section 5(1) of the Act).</p> <p>(2) The authorisation must be in writing and specify the relevant class or classes of high risk work to which it applies.</p> <p>(3) The Authority may impose on the authorisation any terms or conditions that it considers necessary to authorise a person to carry out assessments of competency for the purposes of these Regulations.</p>	<p>No change to duty holder requirements.</p> <p>A new provision in regulation 139 confirms that WorkSafe may impose terms and conditions when it authorises a person to carry out assessments of competency in regards to a class or classes of high risk work.</p> <p>Duty holders are provided with additional transparency that the authorisation process may involve WorkSafe imposing terms and conditions on an authorisation.</p> <p>The new note clarifies that organisations (such as Registered Training Organisations) as well as individuals can be authorised by WorkSafe to be assessors.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Schedule 3—High risk work licence classes	Schedule 3—High risk work licence classes	Schedule 3—High risk work licence classes
Part 1—Licence classes for scaffolding and rigging	Part 1—Licence classes for scaffolding and rigging	Part 1—Licence classes for scaffolding and rigging
Item 5 Dogging Licence The scope of work for this licence is the application of slinging techniques including the selection and inspection of lifting gear and the directing of the crane or hoist operator in the movement of the load including when the load is out of view of the operator. Item 1 Definitions - dogging dogging means the application of slinging techniques, including the selection or inspection of lifting gear, or the directing of a crane or hoist operator in the movement of a load when the load is out of the operator's view.	Item 4 Dogging Licence The scope of work for this licence is dogging work. 5 Definitions – dogging work dogging work means one or both of the following— <ul style="list-style-type: none"> (a) the application of slinging techniques, including the selection or inspection of lifting gear, to sling a load; (b) the directing of a crane or hoist operator in the movement of a load when the load is out of the operator's view; 	No change to duty holder requirements. As a high risk licence holder, you need to be aware of the licence scope statement for a dogging licence. In the OHS Regulations 2017, it has been aligned with the definition of 'dogging work' to provide clarity around your requirements.
Part 2—Licence classes for crane, hoist and fork-lift truck operation	Part 2—Licence classes for crane, hoist and fork-lift truck operation	Part 2—Licence classes for crane, hoist and fork-lift truck operation
Item 9 Definitions – fork-lift truck fork-lift truck means a powered industrial truck equipped with a mast and an elevating load carriage to which is attached a pair of fork arms or other load holding attachment, including a truck on which the operator is raised with the attachment for order-picking, but does not include— <ul style="list-style-type: none"> (a) a pedestrian operated industrial truck; or <ul style="list-style-type: none"> (b) a tractor fitted with a pair of fork arms or other load holding attachment. 	5 Definitions forklift truck , in Part 3.6 (High risk work) and Schedule 3, means a powered industrial truck equipped with a mast and an elevating load carriage to which is attached a pair of fork arms or other load holding attachment, but does not include the following— <ul style="list-style-type: none"> (a) a pedestrian operated industrial truck; (b) a pallet truck that is unable, by design, to raise its fork arms 900 mm or more above the ground; (c) an order-picking forklift truck; (d) a tractor fitted with a pair of fork arms or other load holding attachment; 	Change to duty holder requirements. As a forklift truck licence holder, you no longer require a high risk licence to operate a pallet truck that is unable, by design, to raise its fork arms 900 mm or more above the ground. You are still required to have a high risk licence for a forklift truck. This change to the regulations has come with the removal of the reference to 'low-lift pallet trucks' from the definition of a 'forklift truck'. This change applies to existing licence holders as well as to new licence holders.

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
No equivalent definition of pallet truck.	<p>5 Definitions – pallet truck</p> <p>pallet truck means a non-counterbalanced industrial truck where the operator is intended to control the truck while riding on the truck and where the truck is designed to handle pallets and palletized loads by means of a fork (pair of fork arms) which is adjustable in elevation.</p>	
<p>Item 14 Bridge and gantry crane operation licence</p> <p>The scope of the work for this licence covers the operation of bridge and gantry cranes.</p>	<p>Item 12 Bridge and gantry crane operation licence</p> <p>The scope of the work for this licence covers the following–</p> <ul style="list-style-type: none"> (a) the operation of bridge cranes and gantry cranes that are– <ul style="list-style-type: none"> (i) controlled from a permanent cabin or control station on the crane; or (ii) remotely controlled and have more than 3 powered operations; and (b) the application of load estimation and slinging techniques to move a load using a bridge crane or gantry crane. 	<p>Change to duty holder requirements.</p> <p>If you hold a bridge and gantry crane operation licence, you can now apply load estimation and slinging techniques to move a load using a bridge crane or gantry crane. Previously, this work could only be performed by a person holding a dogging licence.</p> <p>This change applies to existing licence holders as well as to new licence holders.</p>
<p>Item 15 Vehicle loading crane operation licence</p> <p>The scope of the work for this licence covers the operation of vehicle loading cranes.</p>	<p>Item 13 Vehicle loading crane operation licence</p> <p>The scope of the work for this licence covers the operation of vehicle loading cranes and includes the application of load estimation and slinging techniques to move a load using a vehicle loading crane.</p>	<p>Change to duty holder requirements.</p> <p>If you hold a vehicle loading crane operation licence, you can apply load estimation and slinging techniques to move a load with a vehicle loading crane.</p> <p>However, if you hold a slewing mobile crane operation licence, you can no longer apply load estimation or slinging techniques to move a load with a vehicle loading crane. But, you can still operate a vehicle loading crane.</p> <p>This change has been made to each of the slewing mobile crane licence classes.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
		This change applies to existing licence holders as well as to new licence holders.
<p>Item 16 Non-slewing mobile crane operation licence</p> <p>The scope of the work for this licence covers the operation of non-slewing mobile cranes.</p>	<p>Item 19 Reach stacker operation licence</p> <p>The scope of the work for this licence covers the operation of reach stackers with a capacity of more than 3 tonnes.</p>	<p>Change to duty holder requirements.</p> <p>If you hold a non-slewing mobile crane operation licence, you will still be able to operate a reach stacker. If you want to only operate a reach stacker, a new licence class specifically for reach stackers, the reach stacker operation licence, has been introduced into the OHS Regulations 2017.</p> <p>This new licence class allows you to train and receive a licence for operating reach stackers without having to cover all the competencies required for a non-slewing mobile crane operation licence.</p> <p>The following transitional arrangements also apply for this new licence class.</p> <p>You can apply for the new reach stacker operation licence class on and from 18 June 2018. Until that date the existing licence requirements continue.</p> <p>If you hold a non-slewing mobile crane operation licence you can still operate a reach stacker when the new licence class commences.</p> <p>These changes apply to existing licence holders as well as to new licence holders.</p> <p>For further information about the changes to licensing, visit worksafe.vic.gov.au</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Item 27 Order-picking forklift truck operation licence</p> <p>The scope of the work for this licence covers the operation of order-picking fork-lift trucks.</p>	<p>Item 25 Order-picking forklift truck operation licence</p> <p>The scope of the work for this licence covers the operation of order-picking forklift trucks with fork arms or other loadholding attachments that can be raised 900mm or more above the ground.</p> <p>Note</p> <ol style="list-style-type: none"> 1. The scope of the work for this licence does not include the operation of a forklift truck. 2. No high risk work licence is required to operate an order-picking forklift truck with fork arms or other loadholding attachments that cannot be raised 900mm or more above the ground. 	<p>Change to duty holder requirements.</p> <p>If you operate order-picking forklift trucks capable of being raised 900 mm or more above the ground, you are required to hold an order-picking forklift truck operation licence. If you operate order-picking forklift trucks that lift less than 900 mm, you are no longer required to hold a high risk work licence. This change applies to existing licence holders as well as to new licence holders. For further information about changes to licensing, visit worksafe.vic.gov.au</p>
<p>Part 3—Licence classes for pressure equipment operation</p> <p>29 Basic boiler operation licence</p> <p>The scope of the work for this licence covers the operation of boilers with the following features—</p> <ol style="list-style-type: none"> (a) single fixed combustion air supply; and (b) non-modulating single heat source; and (c) fixed firing rate. <p>30 Intermediate boiler operation licence</p> <p>The scope of the work for this licence covers the operation of boilers with any or all of the following features—</p> <ol style="list-style-type: none"> (a) modulating combustion air supply; (b) modulating heat source; (c) superheaters; (d) economisers. <p style="text-align: right;"><i>cont'd</i></p>	<p>Part 3—Licence classes for pressure equipment operation</p> <p>Item 26 Standard boiler operation licence</p> <p>The scope of the work for this licence covers the operation of a boiler with a single fuel source that does not have a pre-heater, re-heater, superheater or economiser attached (a standard boiler).</p> <p>Item 27 Advanced boiler operation licence</p> <p>The scope of the work for this licence is—</p> <ol style="list-style-type: none"> (a) the scope of work included in the standard boiler operation licence; and (b) the operation of boilers, which may have one or more of the following— <ol style="list-style-type: none"> (i) multiple fuel sources; (ii) pre-heater; (iii) re-heater; (iv) superheater; (v) economiser. 	<p>Part 3—Licence classes for pressure equipment operation</p> <p>Change to duty holder requirements.</p> <p>If you hold a boiler operation licence, on and from 18 June 2018:</p> <ul style="list-style-type: none"> ▪ a valid basic boiler operation licence is taken to be a standard boiler operation licence; ▪ a valid intermediate boiler operation licence is taken to be a standard boiler operation licence, and ▪ a valid advanced boiler operation licence is taken to be an advanced boiler operation licence under the OHS Regulations 2017. <p>While an intermediate boiler operation licence will be taken to be a standard boiler operation licence, those licence holders can still continue to operate the same boilers that are in the intermediate class until 18 June 2019</p> <p style="text-align: right;"><i>cont'd</i></p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>The scope of the work for this licence includes the scope of the work for the basic boiler operation licence.</p> <p>31 Advanced boiler operation licence</p> <p>The scope of the work for this licence covers the operation of boilers with the same features as intermediate boiler operation and with multiple fuel type which may be fired simultaneously during normal operation. This does not include boilers which change fuel type during their start sequence.</p> <p>The scope of the work for this licence includes the scope of the work for the intermediate boiler operation licence.</p>		<p>On and from 19 June 2019, an advanced boiler operation licence is required to operate boilers with multiple fuel sources, pre-heater, re-heater, superheater or an economiser.</p> <p>Transitional provisions provide that from 18 June 2017 until 17 June 2018 the existing licence classes still apply.</p> <p>For further information about changes to licensing, visit worksafe.vic.gov.au</p>
<p>Schedule 4—Pressure equipment for which high risk work licence is not required</p> <p>Item 2.1 Pressure equipment for which high risk work licence is not required</p> <p>Boilers having not more than 4.6 square metres of heating surface used in dairying, agriculture, horticulture, viticulture, apiculture or pastoral enterprises.</p>	<p>Schedule 4—Pressure equipment for which high risk work licence is not required</p> <p>Item 1 Boilers having less than 5 square metres of heating surface.</p>	<p>Schedule 4—Pressure equipment for which high risk work licence is not required</p> <p>Change to duty holder requirements.</p> <p>You no longer require a high risk work licence to operate boilers having less than five square metres of heating surface, regardless of the industry in which they are used.</p> <p>These changes apply to existing licence holders as well as to new licence holders.</p> <p>For further information about changes to licensing, visit worksafe.vic.gov.au</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Chapter 4—Hazardous substances and materials	Chapter 4—Hazardous substances and materials	Chapter 4—Hazardous substances and materials
Part 4.1—Hazardous substances	Part 4.1—Hazardous substances	Part 4.1—Hazardous substances
Division 2—Duties of manufacturers and suppliers	Division 2—Duties of manufacturers and suppliers	Division 2—Duties of manufacturers and suppliers
4.1.4 Determination of hazardous substances (1) A manufacturer or an importing supplier of a substance must determine whether a substance is a hazardous substance before the substance is first supplied to a workplace. (2) Subregulation (1) does not apply to a substance if a determination in relation to that substance has already been made under equivalent legislation.	143 Determination of hazardous substances (1) A manufacturer or an importing supplier of a substance must determine whether a substance is a hazardous substance before the substance is first supplied to a workplace. (2) Subregulation (1) does not apply to a substance if a determination in relation to the substance has already been made under equivalent legislation.	Change to duty holder requirements. As a manufacturer or an importing supplier of a hazardous substance, you must now label, develop safety data sheets and classify the substance using the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i> (GHS) terminology. A manufacturer or importing supplier must refer to the GHS, as modified by Schedule 7 in making their determination. The terminology taken from the <i>Approved Criteria for Classifying Hazardous Substances</i> no longer applies. Classifications, safety data sheets and labels developed under equivalent legislation in other jurisdictions (e.g. the Model Work Health and Safety Regulations) are acceptable under the regulations.
4.1.6 What must an MSDS contain? (1) The Material Safety Data Sheet for a hazardous substance must be in English and be legible and must contain— (a) the product name of the substance; and (b) the name, address and telephone number of— (i) the manufacturer of the substance in Australia; or (ii) the importing supplier in Australia of the substance; and <div style="text-align: right;"><i>cont'd</i></div>	145 What must a safety data sheet contain? (1) The safety data sheet for a hazardous substance must contain the following— (a) the product identifier and chemical identity of the substance; (b) the name, address and telephone number of— (i) the manufacturer of the substance in Australia; or (ii) the importing supplier of the substance in Australia; <div style="text-align: right;"><i>cont'd</i></div>	Change to duty holder requirements. As a manufacturer or importing supplier developing safety data sheets, you are required to prepare and update your documents to only use the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i> (GHS) terminology and concepts. The term Material Safety Data Sheet (MSDS) has now also been replaced with the GHS term 'safety data sheet'.

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<p>(c) an Australian telephone number where information about the substance can be obtained in an emergency; and</p> <p>(d) the date of preparation or last review of the MSDS; and</p> <p>(e) a statement that the substance is a hazardous substance; and</p> <p>(f) the hazard classification of the substance determined in accordance with—</p> <p>(i) the HSIS; or</p> <p>(ii) the Approved Criteria for Classifying Hazardous Substances; or</p> <p>(iii) the GHS; and</p> <p>(g) the risk phrase and safety phrase for the substance; and</p> <p>(h) the chemical name for each Type I ingredient; and</p> <p>(i) for each Type II ingredient—</p> <p>(i) its chemical name; or</p> <p>(ii) if the identity of the ingredient is commercially confidential, its generic name; and</p> <p>(j) for each Type III ingredient which has a known synergistic effect with another ingredient that makes up the hazardous substance—</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>(c) an Australian telephone number where information about the substance can be obtained in an emergency;</p> <p>(d) the date of preparation or last review of the safety data sheet;</p> <p>(e) the hazard identification for the substance determined in accordance with the GHS;</p> <p>(f) the hazard statement and precautionary statement for the substance;</p> <p>(g) composition of and information about ingredients, in accordance with Schedule 8;</p> <p>(h) first aid measures;</p> <p>(i) fire fighting measures;</p> <p>(j) accidental release measures;</p> <p>(k) exposure controls, exposure standards (if any), engineering controls and personal protection information;</p> <p>(l) information relating to handling and storage, including how the substance may be safely used;</p> <p>(m) disposal considerations;</p> <p>(n) information relating to the physical and chemical properties of the substance;</p> <p>(o) stability and reactivity information;</p> <p>(p) toxicological information, including health effects.</p> <p style="text-align: right;"><i>cont'd</i></p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<ul style="list-style-type: none"> (i) its chemical name; or (ii) if the identity of the ingredient is commercially confidential, its generic name; and (k) the proportion or proportion ranges for each ingredient identified in paragraphs (h), (i) and (j); and (l) first aid measures to be taken in the event of an incident or exposure involving the substance; and (m) emergency procedures to apply in the event of an incident or exposure involving the substance; and (n) precautions for the safe use of the substance including engineering controls and personal protective equipment; and (o) precautions for the safe storage and disposal of the substance; and (p) the exposure standard (if any) for the substance or its ingredients; and (q) the physical and chemical properties of the substance or its ingredients including any hazardous decomposition products likely to be generated during normal use; and (r) information on the health effects of the substance or its ingredients. 	<ul style="list-style-type: none"> (2) The safety data sheet must be in English and legible. (3) A manufacturer or importing supplier may prepare a safety data sheet with the information required by subregulation (1) in languages in addition to English. 	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.1.9 Manufacturers and importing suppliers must label containers</p> <p>(1) A manufacturer or an importing supplier of a hazardous substance must label any container that contains a hazardous substance in accordance with subregulation (3) before the substance is supplied to a workplace.</p> <p>(2) Subregulation (1) does not apply if a container of hazardous substance is supplied to a workplace for the purposes of affixing the label in order to comply with this regulation.</p> <p>(3) The label must be in English, be legible and be firmly secured, and must contain—</p> <p>(a) the product name of the hazardous substance; and</p> <p>(b) the name, address and telephone number of—</p> <p>(i) the manufacturer of the substance in Australia; or</p> <p>(ii) the importing supplier of the substance in Australia; and</p> <p>(c) the chemical name for each Type I ingredient; and</p> <p>(d) for each Type II ingredient—</p> <p>(i) its chemical name; or</p> <p>(ii) if the identity of the ingredient is commercially confidential, its generic name; and</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>149 Manufacturers and importing suppliers must label containers</p> <p>(1) A manufacturer or an importing supplier of a hazardous substance must correctly label any container that contains a hazardous substance in accordance with subregulations (3), (4) and (5) before the substance is supplied to a workplace.</p> <p>(2) Subregulation (1) does not apply if a container that contains a hazardous substance is supplied to a workplace for the purposes of affixing the label in order to comply with this regulation.</p> <p>(3) Subject to subregulation (4), the label must contain the following—</p> <p>(a) the product identifier of the hazardous substance;</p> <p>(b) the name, address and telephone number of—</p> <p>(i) the manufacturer of the substance in Australia; or</p> <p>(ii) the importing supplier of the substance in Australia;</p> <p>(c) for each ingredient of the hazardous substance— the identity and proportion which must be disclosed in accordance with Schedule 8;</p> <p>(d) any hazard pictogram consistent with the correct classification of the substance;</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>As a manufacturer or importing supplier developing labels, you are required to prepare and update your labels to only use the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i> (GHS) terminology and concepts.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(e) any relevant health and safety information about the substance, including the substance's risk phrases and safety phrases, unless the container is so small that it is not practical to provide that information; and</p> <p>(f) the word "hazardous" clearly and prominently displayed.</p> <p>(4) Nothing in subregulation (1) prevents a manufacturer or importing supplier from labelling a container with the information required by that subregulation in appropriate languages in addition to English.</p>	<p>(e) any hazard statement, signal word and precautionary statement consistent with the correct classification of the substance.</p> <p>(4) If a hazardous substance is packed in a container that is too small for a label attached to it to include all the information referred to in subregulation (3), the label must contain the following—</p> <p>(a) the product identifier of the hazardous substance;</p> <p>(b) the name, address and telephone number of—</p> <p>(i) the manufacturer of the substance in Australia; or</p> <p>(ii) the importing supplier of the substance in Australia;</p> <p>(c) a hazard pictogram or hazard statement consistent with the correct classification of the substance;</p> <p>(d) any other information referred to in subregulation (3) that it is reasonably practicable to include.</p> <p>(5) The label must be in English, legible and firmly secured to the container.</p> <p>(6) A manufacturer or importing supplier may label a container with the information required by this regulation in languages in addition to English.</p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.1.10 Recognition of other labelling systems</p> <p>(1) A manufacturer or an importing supplier of a hazardous substance need not comply with regulation 4.1.9 (other than subregulation (3)(f)) if—</p> <p>(a) the container is labelled in accordance with equivalent legislation; or</p> <p>(b) the container is labelled in English in accordance with the GHS and contains the name, address and telephone number of—</p> <p>(i) the manufacturer of the substance in Australia; or</p> <p>(ii) the importing supplier of the substance in Australia; or</p> <p>(b) the substance is an agricultural chemical product within the meaning of the AgVet Code of Victoria and the container is labelled in accordance with the Ag Labelling Code; or</p> <p>(c) the substance is a veterinary chemical product within the meaning of the AgVet Code of Victoria and the container is labelled in accordance with the Vet Labelling Code; or</p> <p>(d) the substance is “therapeutic goods” within the meaning of the Therapeutic Goods (Victoria) Act 1994 and the container is labelled in accordance with an order in force under section 10 of the Therapeutic Goods Act 1989 of the Commonwealth; or</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>150 Recognition of other labelling systems</p> <p>(1) A manufacturer or an importing supplier of a hazardous substance need not comply with regulation 149 if—</p> <p>(a) the container is labelled in accordance with equivalent legislation including, if required under that equivalent legislation, the clear and prominent display of signal words; or</p> <p>(b) in the case of an agricultural or veterinary chemical—</p> <p>(i) the container is labelled in accordance with the Agricultural Labelling Code and the Veterinary Labelling Code of the Australian Pesticides and Veterinary Medicines Authority, as in force from time to time; and</p> <p>(ii) the label is in English and legible; and</p> <p>(iii) the label is firmly secured to the container; and</p> <p>(iv) the label includes any hazard statement consistent with the correct classification of the chemical; and</p> <p>(v) the label includes any precautionary statement consistent with the correct classification of the chemical; or</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>As a manufacturer or an importing supplier of a hazardous substance, you can continue to use the Australian Pesticides and Veterinary Medicines Authority (APVMA) approved labels. However, you are also now required to apply the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i> (GHS), hazard and precautionary statements. Exemptions are in place for certain prescription only veterinary medicines from the requirement to include hazard and precautionary statements.</p> <p>The OHS Regulations 2017 now also exempt hazardous substances labelled in accordance with the Poisons Standards only where it is reasonably foreseeable that the substance will be used in a workplace in a quantity and in a way consistent with household use, and in a way that is incidental to the nature of the work carried out by the worker.</p> <p>In all other instances, the substance must be labelled in accordance with the regulations.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(e) the substance is a poison or controlled substance within the meaning of the Drugs, Poisons and Controlled Substances Act 1981 and the container is labelled in accordance with the Poisons Standard within the meaning of Part 6-3 of the Therapeutic Goods Act 1989 of the Commonwealth.</p> <p>(2) A manufacturer or an importing supplier of a hazardous substance need not comply with regulation 4.1.9(3)(f) if the manufacturer or importing supplier complies with subregulation (1) and is required to provide signal words to be clearly and prominently displayed on the label for that compliance.</p> <p>(2A) Nothing in subregulation (1)(ab) prevents a manufacturer or importing supplier from labelling a container with the information required by that subregulation in appropriate languages in addition to English.</p> <p>(3) In this regulation— “Ag Labelling Code” means the Ag Labelling Code published by the APVMA on its Internet site; “AgVet Code of Victoria” has the same meaning as it has in the Agricultural and Veterinary Chemicals (Victoria) Act 1994 ; “APVMA” means Australian Pesticides and Veterinary Medicines Authority continued in existence by the Agricultural and Veterinary Chemicals (Administration) Act 1992 of the Commonwealth;</p>	<p>(c) in the case of a substance that is “therapeutic goods” within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth, the container is labelled in accordance with an order in force under section 10 of the Therapeutic Goods Act 1989 of the Commonwealth, as in force at the time of labelling; or</p> <p>(d) the substance is a poison or controlled substance within the meaning of the Drugs, Poisons and Controlled Substances Act 1981 and the container is labelled in accordance with the current Poisons Standard as in force at the time of labelling and—</p> <p>(i) the container for the substance has its original label; and</p> <p>(ii) it is reasonably foreseeable that the substance will be used at a workplace only in—</p> <p>(A) a quantity that is consistent with household use; and</p> <p>(B) a way that is consistent with household use; and</p> <p>(C) a way that is incidental to the nature of the work carried out by a person using the substance; or</p>	
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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>“Vet Labelling Code” means the Vet Labelling Code published by the APVMA on its Internet site.</p>	<ul style="list-style-type: none"> (e) the substance is— <ul style="list-style-type: none"> (i) a veterinary chemical product within the meaning of the Agvet Code; and (ii) listed in— <ul style="list-style-type: none"> (A) the current Poisons Standard, Part 4, Schedule 4, if the substance is packaged and supplied in a form intended for direct administration to an animal for therapeutic purposes; or (B) the current Poisons Standard, Part 4, Schedule 8. (2) Nothing in subregulation (1) requires a manufacturer or importing supplier to label a container with information that is the same, or substantially the same, as any other information required by that subregulation. (3) A manufacturer or importing supplier may label a container with the information required by this regulation in languages in addition to English. (4) In this regulation— <ul style="list-style-type: none"> agricultural or veterinary chemical means an agricultural chemical product or veterinary chemical product within the meaning of the Agricultural and Veterinary Chemicals Code Act 1994 of the Commonwealth; Agvet Code has the same meaning as in the Agricultural and Veterinary Chemicals Code Act 1994 of the Commonwealth current Poisons Standard has the same meaning as in the Therapeutic Goods Act 1989 of the Commonwealth. 	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Part 4.2—Scheduled Carcinogenic Substances	Part 4.2—Scheduled carcinogenic substances	Part 4.2—Scheduled carcinogenic substances
<p>4.2.3 Requirement to hold carcinogens licence</p> <p>(1) A person must not perform work or carry out an activity involving a Schedule 5A carcinogenic substance at a workplace unless—</p> <p>(a) the workplace is a laboratory; and</p> <p>(b) the person—</p> <p>(i) holds a licence to use a Schedule 5A carcinogenic substance at that laboratory issued under Part 6.1 (Licences); or</p> <p>(ii) is an employee of the holder of such a licence.</p> <p>(2) A person must not perform work or carry out an activity involving a Schedule 5B carcinogenic substance at a workplace that is a laboratory unless the person—</p> <p>(a) holds a licence to use a Schedule 5B carcinogenic substance at that laboratory issued under Part 6.1 (Licences); or</p> <p>(b) is an employee of the holder of such a licence.</p> <p>(3) A person must not perform work or carry out an activity involving a Schedule 5B carcinogenic substance at a workplace other than a laboratory unless the person—</p> <p>(a) holds a licence to use a Schedule 5B carcinogenic substance at that workplace issued under Part 6.1 (Licences); or</p> <p>(b) is an employee of the holder of such a licence.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>174 Requirement to hold carcinogens licence</p> <p>(1) A person must not perform work or carry out an activity involving a Schedule 10 carcinogenic substance at a workplace unless—</p> <p>(a) the workplace is a laboratory; and</p> <p>(b) the person—</p> <p>(i) holds a licence to use a Schedule 10 carcinogenic substance at that laboratory issued under Part 6.1 (Licences); or</p> <p>(ii) is an employee of a holder of such a licence.</p> <p>(2) A person must not perform work or carry out an activity involving a Schedule 11 carcinogenic substance at a workplace that is a laboratory unless the person—</p> <p>(a) holds a licence to use a Schedule 11 carcinogenic substance at that laboratory issued under Part 6.1 (Licences); or</p> <p>(b) is an employee of a holder of such a licence.</p> <p>(3) A person must not perform work or carry out an activity involving a Schedule 11 carcinogenic substance at a workplace other than a laboratory unless the person—</p> <p>(a) holds a licence to use a Schedule 11 carcinogenic substance at that workplace issued under Part 6.1 (Licences); or</p> <p>(b) is an employee of a holder of such a licence.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>No change to duty holder requirements.</p> <p>As a supplier of a carcinogenic substance who stores these substances in a sealed container without needing to open the container before passing it on to a customer, you do not require a carcinogens licence.</p> <p>This exemption has been clarified at Regulation 174(4).</p> <p>For further information about changes to licensing, visit worksafe.vic.gov.au</p>

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(4) Despite anything to the contrary in this regulation, a carcinogens licence is not required in respect of a scheduled carcinogenic substance that is supplied to the workplace of an employer or self-employed person in a sealed container, if the sealed container is not intended to be opened on the premises of the employer or self-employed person.	(4) Despite anything to the contrary in this regulation, a carcinogens licence is not required by a supplier of a scheduled carcinogenic substance if the substance is in a sealed container that is not intended to be opened at the supplier's premises.	
Part 4.3—Asbestos	Part 4.4—Asbestos	Part 4.4—Asbestos
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
4.3.95 Independent person to be qualified The person who commissioned the asbestos removal work must ensure that the independent person performing duties under regulation 4.3.93 or regulation 4.3.96 has the requisite knowledge, skills and experience to undertake those duties.	207 Independent person (1) In this Part a person is an independent person in relation to carrying out a relevant function in relation to asbestos removal work if the person— (a) is independent from the following, if applicable— (i) the employer or self-employed person performing the asbestos removal work; (ii) the person who commissioned the asbestos removal work; (iii) the asbestos removal licence holder performing the asbestos removal work; and (b) does not have a conflict of interest in carrying out the relevant function; and (c) has the requisite knowledge, skills and experience to carry out the relevant function. <i>cont'd</i>	Change to duty holder requirements. This regulation has been updated to clarify who is an independent person when carrying out a relevant function in relation to asbestos removal work. An independent person cannot be the person who commissioned the asbestos removal work or the employer, self-employed person, or asbestos removal licence holder performing the asbestos removal work. They also cannot have a conflict of interest in the carrying out of a relevant function; and they must have the requisite knowledge, skills and experience to carry out the relevant function. Relevant functions include determining airborne asbestos fibre levels under regulation 250, visually inspecting an area for visible asbestos residue under regulation 294, or giving a clearance certificate under regulation 297.

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	<p>(2) In this regulation— relevant function means—</p> <ul style="list-style-type: none"> (a) the determination of airborne asbestos fibre levels under regulation 250; or (b) the visual inspection of an area for visible asbestos residue under regulation 294; or (c) the giving of a clearance certificate under regulation 297. 	
No equivalent regulation.	<p>208 Asbestos-contaminated dust</p> <p>For the purpose of this Part, if there is uncertainty (based on reasonable grounds) as to whether dust is contaminated with asbestos a person must—</p> <ul style="list-style-type: none"> (a) assume the dust is contaminated with asbestos; or (b) arrange for analysis of a sample to be undertaken. 	<p>Change to duty holder requirements.</p> <p>If you have any uncertainty (based on reasonable grounds) that dust may be contaminated with asbestos, you now expressly have a duty to assume that it is contaminated with asbestos or arrange for a sample to be analysed. This requirement was previously dealt with under the <i>Dangerous Goods Order 2007</i>.</p>
Division 2—General requirements	Division 2—General requirements	
<p>4.3.6 Analysis by approved asbestos analyst</p> <ul style="list-style-type: none"> (1) If an analysis of any sample is required under this Part the analysis must be undertaken by an approved asbestos analyst. (2) The analysis results must be reported in accordance with the requirements of NATA or the scheme under which the analyst was approved. 	<p>213 Analysis by approved asbestos laboratory</p> <ul style="list-style-type: none"> (1) If an analysis of any sample is required under this Part the analysis must be undertaken by an approved asbestos laboratory. (2) The analysis results must be reported in accordance with the requirements of NATA or the scheme under which the laboratory was approved. 	<p>Change to duty holder requirements.</p> <p>If you require a sample of asbestos to be analysed, the analysis must now be undertaken by an approved asbestos laboratory. The regulation was updated from analyst to laboratory to align with the National Association of Testing Authorities (NATA) approval processes.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Division 3—Prohibitions under the Occupational Health and Safety Act 2004</p> <p>4.3.7 Asbestos removal work</p> <p>(1) An employer, a self-employed person or a person who manages or controls a workplace must not perform asbestos removal work, or arrange for asbestos removal work to be performed, in respect of the workplace unless—</p> <p>(a) The person performing the asbestos removal work—</p> <p>(i) Holds an asbestos removal licence that permits the person to remove the asbestos; or</p> <p>(ii) Is employed by a person who holds such a licence; or</p> <p>(b) The asbestos removal work is permitted under regulation 4.3.45.</p> <p>(2) This prohibition does not apply if the work is for the purpose of sampling and identification.</p>	<p>Division 3—Prohibitions under the Occupational Health and Safety Act 2004</p> <p>214 Asbestos removal work</p> <p>(1) An employer, a self-employed person or a person who manages or controls a workplace must not perform asbestos removal work, or arrange for asbestos removal work to be performed, in respect of the workplace except in accordance with Division 7.</p> <p>(2) Subregulation (1) does not apply if the asbestos removal work is for—</p> <p>(a) the purpose of sampling and identification; or</p> <p>(b) the removal of asbestos encountered in the course of non-asbestos mining or the extraction of stone.</p>	<p>Division 3—Prohibitions under the Occupational Health and Safety Act 2004</p> <p>Change to duty holder requirements.</p> <p>As an employer, self-employed person or a person who has management or control of a workplace, you can now perform or arrange for asbestos removal work to be performed in the course of non-asbestos mining or the extraction of stone without such work being performed in accordance with Division 7.</p>
<p>4.3.8 Removal of contaminated protective clothing</p> <p>(1) An employer or self-employed person must not remove from a workplace protective clothing contaminated with asbestos unless the clothing is—</p> <p>(a) disposed of—</p> <p>(i) as soon as is reasonably practicable; and</p> <p>(ii) in an appropriate manner that eliminates the release of airborne asbestos fibres; and</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>215 Removal of contaminated protective clothing</p> <p>(1) An employer or self-employed person must not remove from a workplace protective clothing contaminated with asbestos unless the clothing is—</p> <p>(a) disposed of—</p> <p>(i) as soon as reasonably possible; and</p> <p>(ii) in an appropriate manner that eliminates the release of airborne asbestos fibres; and</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>Where an employer or self-employed person previously could use a commercial laundry to launder protective clothing contaminated with asbestos, under the new OHS Regulations 2017 they must launder it at a laundry equipped to launder clothing contaminated with asbestos.</p>

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<p>(iii) at a waste disposal site licenced by the Environment Protection Authority; or</p> <p>(b) laundered at a commercial laundry and for that purpose the clothing is contained so as to eliminate the release of airborne asbestos fibres and the exterior of the container—</p> <p>(i) is decontaminated before being removed from the work area; and</p> <p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p> <p>(2) Subregulation (1) does not apply if the contamination arises from the asbestos removal work under Division 7 or the carrying out of asbestos related activities under Division 8.</p>	<p>(iii) at premises—</p> <p>(A) in respect of which the occupier is licensed by the Environment Protection Authority to dispose of asbestos waste; or</p> <p>(B) to which regulation 12 of the Environment Protection (Scheduled Premises and Exemptions) Regulations 2017 applies in relation to the disposal; or</p> <p>(C) set out in a classification issued under regulation 11(1)(b) of the Environment Protection (Industrial Waste Resource) Regulations 2009 that classifies asbestos waste as non-prescribed industrial waste.</p> <p>(b) laundered at a laundry equipped to launder clothing contaminated with asbestos and for that purpose the clothing is contained so as to eliminate the release of airborne asbestos fibres and the exterior of the container—</p> <p>(i) is decontaminated before being removed from the work area; and</p>	

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	<p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p> <p>(2) Subregulation (1) does not apply if the contamination arises from asbestos removal work under Division 7 or carrying out asbestos related activities under Division 8.</p>	
<p>4.3.9 Use of certain tools or instruments</p> <p>(1) An employer or self-employed person must not use the following or cause the following to be used on asbestos unless the use is controlled—</p> <p>(a) a broom; or</p> <p>(b) a brush (except where the brush is used for sealing); or</p> <p>(c) a high pressure water jet, power tool or other similar tool or instrument.</p> <p>(2) For the purposes of subregulation (1), the use of the tool or instrument is controlled, if, while the tool or instrument is in use—</p> <p>(a) the tool or instrument is enclosed; or</p> <p>(b) engineering controls are used; or</p> <p>(c) a combination of the methods in paragraphs (a) and (b) is used— so that the employer or self-employed person ensures that a person is not likely to be exposed to more than one half of the asbestos exposure standard.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>216 Use of certain tools or instruments</p> <p>(1) An employer or self-employed person must not use the following or cause the following to be used on asbestos unless the use is controlled—</p> <p>(a) broom; or</p> <p>(b) a brush (except where the brush is used for sealing); or</p> <p>(c) a high pressure water jet, power tool or other similar tool or instrument.</p> <p>(2) Subregulation (1) does not apply if airborne asbestos fibre levels are not in excess of 0.01 f/ml while the tool or instrument is in use.</p> <p>(3) For the purposes of subregulation (1), the use of the tool or instrument is controlled, if, while the tool or instrument is in use—</p> <p>(a) the tool or instrument is enclosed; or</p> <p>(b) engineering controls are used; or</p> <p>(c) a combination of the methods in paragraphs (a) and (b) is used—</p> <p>so that the employer or self-employed person ensures that a person is not likely to be exposed to more than one half of the asbestos exposure standard.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>As an employer or self-employed person, if airborne asbestos fibre levels are not in excess of 0.01 f/ml, the tools or instructions referred to in sub-regulation (1) may be used without implementing the control measures outlined in sub-regulation (3).</p> <p>Sub-regulation (5) has been clarified to refer to other <i>compressed</i> gases.</p>

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<p>(3) An employer or self-employed person must not rely on respiratory protection devices to ensure that one half of the asbestos exposure standard is not exceeded.</p> <p>(4) Subregulations (1) to (3) do not apply to the removal of asbestos undertaken within an enclosed removal area in accordance with Division 7.</p> <p>(5) An employer or self-employed person must not use or cause to be used compressed air or other gases—</p> <p>(a) on asbestos, except in areas enclosed to prevent the release of airborne asbestos fibres from the enclosed area; or</p> <p>(b) within 6 metres of an activity involving asbestos unless the use of that air or gas does not result in airborne asbestos fibres that exceed one half of the asbestos exposure standard.</p> <p>(6) An employer or self-employed person must not rely on respiratory protection devices to control a risk under subregulation (5)(b).</p>	<p>(4) An employer or self-employed person must not rely on respiratory protective equipment to ensure that one half of the asbestos exposure standard is not exceeded.</p> <p>(5) An employer or self-employed person must not use or cause to be used compressed air or other compressed gases—</p> <p>(a) on asbestos, except in areas enclosed to prevent the release of airborne asbestos fibres from the enclosed area; or</p> <p>(b) within 6 metres of an activity involving asbestos unless the use of that air or gas does not result in airborne asbestos fibres that exceed one half of the asbestos exposure standard.</p> <p>(6) An employer or self-employed person must not rely on respiratory protective equipment to control a risk under subregulation (5)(b).</p>	

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Division 4—Prohibitions under the Dangerous Goods Act 1985	Division 4—Prohibitions under the Dangerous Goods Act 1985	Division 4—Prohibitions under the Dangerous Goods Act 1985
<p>4.3.12(2)(b) Supply of asbestos</p> <p>(2) This prohibition does not apply to—</p> <p>(b) The supply of brake shoes lined with asbestos for the purpose of re-lining the brake shoes with material that does not contain asbestos.</p> <p>4.3.13(2)(c) Storage of asbestos</p> <p>(2) This prohibition does not apply to—</p> <p>(c) the storage of brake shoes lined with asbestos if the brake shoes are—</p> <p>(i) being stored for the purpose of disposal of the asbestos or awaiting supply in accordance with regulation 4.3.12(2) (b) or transport in accordance 4.3.14(2) (c); and</p> <p>(ii) stored securely and identified to indicate the likely or actual presence of asbestos; and</p> <p>(iii) contained so as to eliminate the release of airborne asbestos fibres.</p> <p>4.3.14(2)(c) Transport of asbestos</p> <p>(2) This prohibition does not apply to—</p> <p>(c) the transport of brake shoes lined with asbestos for the purpose of re-lining the brake shoes with material that does not contain asbestos.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>These provisions have been removed.</p>	<p>No change to duty holder requirements.</p> <p>The exemptions for brake shoes lined with asbestos have been removed from the OHS Regulations 2017 as they are no longer in force as of 1 February 2008.</p>

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<p>4.3.15(2)(b) Sales of asbestos</p> <p>(2) This prohibition does not apply to—</p> <p>(b) the sale of brake shoes lined with asbestos for the purpose of re-lining the brake shoes with material that does not contain asbestos.</p>		
<p>4.3.18 Exemptions for chrysotile</p> <p>(1) A person is not required to comply with regulations 4.3.16 and 4.3.17 in relation to asbestos-containing material until 1 January 2008 if—</p> <p>(a) the asbestos-containing material contains chrysotile asbestos (but not amphibole asbestos) and is of a type, and for a use, that falls within Category 1 or Category 2 specified in Schedule 6; and</p> <p>(b) the person has given a notice to the Authority in accordance with subregulation (2); and</p> <p>(c) the person receives from the Authority a confirmation of receipt of the notice.</p> <p>(1A) A person is not required to comply with regulations 4.3.16 and 4.3.17 in relation to asbestos-containing material until 1 January 2011 if—</p> <p>(a) the asbestos-containing material contains chrysotile (but not amphibole asbestos) and is of a type, and for a use, that falls within Category 3 specified in Schedule 6; and</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>This provision has been removed.</p>	<p>No change to duty holder requirements.</p> <p>The exemptions for chrysotile asbestos have been removed from the regulations as they are no longer in force as of 1 January 2008. The definition of chrysotile-containing material has also been removed.</p>

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<p>(b) the person has given a notice to the Authority in accordance with subregulation (2); and</p> <p>(c) the person receives from the Authority a confirmation of receipt of the notice.</p> <p>(2) A notice referred to in subregulation (1)(b) or (1A)(b) must state—</p> <p>(a) the person's name and any registered business name; and</p> <p>(b) the person's contact details; and</p> <p>(c) the category specified in Schedule 6 within which the chrysotile asbestos falls; and</p> <p>(d) the address of the premises where the person will use, fix, install or re-use chrysotile-containing material or will replace any material with chrysotile-containing material; and</p> <p>(e) the quantity of chrysotile-containing material; and</p> <p>(f) if different from paragraph (b), the contact details of the person immediately involved in the use, fixing, installation or reuse of chrysotile-containing material or in the replacement of any material with chrysotile-containing material; and</p> <p>(g) the date of the notice; and</p> <p style="text-align: right;"><i>cont'd</i></p>		

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<p>(h) the details of any consultation that occurred with the health and safety representative of an affected designated work group, or affected employees if there is no health and safety representative, in relation to the proposed use, fixing, installation or re-use of chrysotile-containing material or replacement of any material with chrysotile-containing material; and</p> <p>(i) the name and contact details of persons who will supply, store, transport or sell the chrysotile-containing material.</p> <p>(3) Within 30 days after receiving a notice under subregulation (1)(b) or (1A)(b), the Authority must—</p> <p>(a) give the person who gave the notice a receipt in writing that states that the Authority confirms receipt of the notice; or</p> <p>(b) in writing inform the person who gave the notice—</p> <p>(i) that the Authority defers confirming receipt of the notice under paragraph (a) because the notice contains insufficient information; and</p> <p>(ii) of what further information is required by the Authority.</p> <p style="text-align: right;"><i>cont'd</i></p>		

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<p>(4) The person who receives a confirmation of receipt under subregulation (3)(a) must provide a copy of the confirmation of receipt to any other person who supplies, stores, transports or sells chrysotile-containing material on behalf of the first-mentioned person.</p> <p>(5) A person who is given a copy of a confirmation of receipt under subregulation (4) is not required to comply with regulation 4.3.12, 4.3.13, 4.3.14 or 4.3.15 when supplying, storing, transporting, or selling the chrysotile-containing material specified in the confirmation of receipt.</p>		
<p>Division 5—Asbestos in workplaces</p> <p>4.3.19 Application of Division</p> <p>(1) This Division applies to a workplace where asbestos-containing material is fixed or installed in a building, structure, ship or plant.</p> <p>(2) This Division does not apply to a domestic premises that is a workplace only because of work being performed by an employer or self-employed person engaged to perform the work.</p>	<p>Division 5—Asbestos in workplaces</p> <p>225 Application of Division</p> <p>(1) This Division applies to a workplace where asbestos is present in a building, structure, ship or plant or has been identified elsewhere at the workplace.</p> <p>(2) This Division does not apply to a domestic premises that is a workplace only because of work being performed by an employer or self-employed person engaged to perform the work.</p>	<p>Division 5—Asbestos in workplaces</p> <p>Change to duty holder requirements.</p> <p>Division 5 now includes all types of asbestos where previously it only applied to asbestos that is not fixed or installed where fixed or installed asbestos contaminated material is present.</p> <p>Further, to ensure that all asbestos at the workplace is captured (including asbestos contaminated soil) a reference to 'workplace' has been included in addition to 'building, structure, ship or plant'.</p>
<p>4.3.28 Information about risks to be given to person who manages or controls workplace</p> <p>If the employer identifies a risk associated with the presence of fixed or installed asbestos under the control or management of the person who manages or controls the workplace that may occur as a result of an activity carried out by the employer, the employer must inform the person who manages or controls the workplace of the risk.</p>	<p>234 Information about risks to be given to person who manages or controls workplace</p> <p>An employer must notify the person who manages or controls the workplace about any risks that the employer identifies that are associated with—</p>	<p>Change to duty holder requirements.</p> <p>As an employer, you now have a duty to inform the person with management or control of the workplace of a risk associated with any asbestos which may include asbestos-contaminated dust or asbestos in soil.</p>

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	<ul style="list-style-type: none"> (a) the presence of asbestos under the control or management of the person who manages or controls the workplace; and (b) an activity carried out by the employer. 	Due to the incorporation of the <i>Dangerous Goods Order 2007</i> , the application of this regulation has been expanded to any asbestos under the management or control of the person who manages or controls the workplace. Previously it was limited to fixed or installed asbestos.
Division 6—Demolition and refurbishment where asbestos is present	Division 6—Demolition and refurbishment where asbestos is present	Division 6—Demolition and refurbishment where asbestos is present
4.3.34 Application of Division <ul style="list-style-type: none"> (1) This Division applies to the carrying out of demolition or refurbishment on a building, structure, ship or plant where asbestos is fixed or installed. (2) In this Division, demolition and refurbishment do not include minor or routine maintenance work or other work of a minor nature. (3) In this Division a reference to plant is a reference to plant that generally forms part of a structure. (4) For the purposes of this Division, an emergency exists if a building or structure is structurally unsound or in danger of imminent collapse as determined— <ul style="list-style-type: none"> (a) by an emergency order issued under the Building Act 1993; or (b) in a report by a structural engineer. 	240 Application of Division <ul style="list-style-type: none"> (1) This Division applies to carrying out demolition or refurbishment work at a workplace on a building, structure, ship or plant where asbestos is present or elsewhere at the workplace where asbestos has been identified. (2) In this Division, demolition and refurbishment work do not include minor or routine maintenance work or other work of a minor nature. (3) For the purposes of this Division, an emergency exists if a building or structure is structurally unsound or in danger of imminent collapse as determined— <ul style="list-style-type: none"> (a) by an emergency order issued under the Building Act 1993; or (b) in a report by a structural engineer. (4) This Division applies in relation to domestic premises that become a workplace due to demolition or refurbishment work being performed. 	Change to duty holder requirements. <p>Division 6 now includes all types of asbestos where previously it only applied to asbestos that is not fixed or installed where fixed or installed asbestos contaminated material is present.</p> <p>To ensure that asbestos in soil is captured, a reference to 'workplace' in addition to 'building, structure, ship or plant' has been included.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.36 Review of employer's asbestos register</p> <p>(1) Before demolition or refurbishment work commences on plant of which an employer has management or control, the employer must—</p> <p>(a) Review the employer's asbestos register; and</p> <p>(b) Revise the employer's asbestos register if it is inadequate having regard to the proposed demolition or refurbishment work.</p> <p>(2) The employer must provide the employer or self-employed person who is to perform the demolition or refurbishment work with a copy of the employer's asbestos register, including any revision's made under the regulation.</p>	<p>242 Review of employer's asbestos register</p> <p>(1) Before demolition or refurbishment work commences at a workplace, an employer who has management or control of asbestos, including asbestos-containing material that is fixed or installed in any plant under the management or control of the employer, must—</p> <p>(a) review the employer's asbestos register; and</p> <p>(b) revise the employer's asbestos register if it is inadequate having regard to the proposed demolition or refurbishment work.</p> <p>Example <i>The employer's asbestos register may be inadequate if it identifies areas that are inaccessible that are likely to contain asbestos and those areas will become accessible as a result of the demolition or refurbishment work.</i></p> <p>(2) The employer must provide the employer or self-employed person who is to perform the demolition or refurbishment work with a copy of the employer's asbestos register, including any revisions made under this regulation.</p>	<p>Change to duty holder requirements.</p> <p>Due to the incorporation of the <i>Dangerous Goods Order 2007</i>, the application of this regulation has been expanded to any asbestos the employer has management or control of in the workplace. It was previously limited to plant of which an employer has management or control.</p>
<p>4.3.38 Determination of presence of asbestos</p> <p>(1) This regulation applies if there is no asbestos register or employer's asbestos register in respect of a workplace or plant in relation to which demolition or refurbishment work is to be performed.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>245 Determination of presence of asbestos</p> <p>(1) This regulation applies if there is no asbestos register or employer's asbestos register in respect of a workplace or plant in relation to which demolition or refurbishment work is to be performed.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>Due to incorporation of the <i>Dangerous Goods Order 2007</i>, application of this regulation has been expanded to any asbestos that is in the workplace; previously limited to fixed or installed asbestos.</p> <p>This change affects the employer or self-employed person performing the demolition or refurbishment work.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(2) The employer or self-employed person performing the demolition or refurbishment work must not commence that work until that employer or self-employed person has determined whether asbestos is fixed to or installed in the building, structure, ship or plant to be demolished or refurbished.</p> <p>(3) If there is uncertainty (based on reasonable grounds) as to whether asbestos is fixed to or installed in a building, structure, ship or plant to be demolished or refurbished, or if there are inaccessible areas that are likely to contain asbestos that is fixed or installed, the employer or self-employed person performing the demolition or refurbishment work must—</p> <p>(a) assume that asbestos is present; or</p> <p>(b) arrange for analysis of a sample to be undertaken.</p> <p>(4) If asbestos is assumed to be present under subregulation (3), it is taken to be identified for the purposes of this Part.</p> <p>(5) If the employer or self-employed person performing demolition or refurbishment work has determined under subregulation (2) or subregulation (3) that asbestos is fixed to or installed in a building, structure, ship or plant to be demolished or refurbished, the employer or self-employed person must—</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>(2) The employer or self-employed person performing the demolition or refurbishment work must not commence that work until that employer or self-employed person has determined whether asbestos is present in the building, structure, ship or plant to be demolished or refurbished.</p> <p>(3) If there is uncertainty (based on reasonable grounds) as to whether asbestos is present in a building, structure, ship or plant to be demolished or refurbished, or if there are inaccessible areas that are likely to contain asbestos, the employer or self-employed person performing the demolition or refurbishment work must—</p> <p>(a) assume that asbestos is present; or</p> <p>(b) arrange for analysis of a sample to be undertaken.</p> <p>(4) If asbestos is assumed to be present under subregulation (3), it is taken to be identified for the purposes of this Part.</p> <p>(5) If the employer or self-employed person performing demolition or refurbishment work has determined under subregulation (2) or subregulation (3) that asbestos is present in a building, structure, ship or plant to be demolished or refurbished, the employer or self-employed person must—</p> <p style="text-align: right;"><i>cont'd</i></p>	

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<ul style="list-style-type: none"> (a) inform the person who has management or control of the workplace that asbestos is fixed to or installed in the building, structure ship or plant; and (b) in the case of plant under the management or control of an employer at the workplace, inform the employer that asbestos is fixed to or installed in the plant. 	<ul style="list-style-type: none"> (a) inform the person who has management or control of the workplace that asbestos is present in the building, structure, ship or plant; and (b) in the case of plant under the management or control of an employer at the workplace, inform the employer that asbestos is present in the plant. 	
<p>4.3.39 Identification and removal of asbestos before demolition</p> <ul style="list-style-type: none"> (1) A person who manages or controls a workplace or plant that forms part of a workplace must— <ul style="list-style-type: none"> (a) identify asbestos under that person's management or control that is likely to be disturbed by proposed demolition work; and (b) ensure, so far as is reasonably practicable, that the asbestos is removed before the demolition work is commenced. (2) Subregulation (1)(b) does not prevent the demolition of parts of a building, structure, ship or plant in order to gain access to the asbestos. <p>Example Part of a wall may be demolished to gain access to asbestos in a riser shaft.</p> <ul style="list-style-type: none"> (3) Subregulation (1) does not apply— <ul style="list-style-type: none"> (a) in an emergency; or (b) to domestic premises. <p style="text-align: right;"><i>cont'd</i></p>	<p>244 Identification and removal of asbestos before demolition and refurbishment</p> <ul style="list-style-type: none"> (1) A person who manages or controls a workplace or plant that forms part of a workplace must identify asbestos under that person's management or control that is likely to be disturbed by proposed demolition or refurbishment work and— <ul style="list-style-type: none"> (a) if the proposed work is refurbishment work, ensure, so far as is reasonably practicable, that the asbestos is removed; or (b) if the proposed work is demolition work, ensure, so far as is reasonably practicable, that the asbestos is removed before the demolition work is commenced. (2) An employer at a workplace must identify asbestos under that employer's management or control, including asbestos-containing material that is fixed or installed in any plant under the management or control of the employer, that is likely to be disturbed by proposed demolition or refurbishment work and— <p style="text-align: right;"><i>cont'd</i></p>	<p>No change to duty holder requirements.</p> <p>The duties where a person who has management or control of a workplace and employers at a workplace who have management or control of asbestos have to identify and remove asbestos before demolition and refurbishment work, have been consolidated into a single regulation. These duties remain unchanged.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(4) An employer or self-employed person performing demolition work on domestic premises must—</p> <p>(a) identify asbestos under that person's management or control that is likely to be disturbed by proposed demolition work; and</p> <p>(b) ensure, so far as is reasonably practicable, that the asbestos is removed before the demolition work is commenced.</p> <p>(5) Subregulation (4)(b) does not prevent the demolition of part of domestic premises in order to gain access to the asbestos.</p> <p>4.3.40 Identification and removal of asbestos before refurbishment</p> <p>(1) A person who manages or controls a workplace or plant at a workplace must—</p> <p>(a) identify asbestos under the person's management or control that is likely to be disturbed by the proposed refurbishment work; and</p> <p>(b) ensure, so far as is reasonably practicable, that the asbestos is removed.</p> <p>(2) Subregulation (1) does not apply to domestic premises.</p> <p>(3) An employer or self-employed person performing refurbishment work on domestic premises must—</p> <p>(a) identify asbestos that is likely to be disturbed by the proposed refurbishment work; and</p> <p>(b) ensure, so far as is reasonably practicable, that the asbestos is removed.</p>	<p>(a) if the proposed work is refurbishment work, ensure, so far as is reasonably practicable, that the asbestos is removed; or</p> <p>(b) if the proposed work is demolition work, ensure, so far as is reasonably practicable, that the asbestos is removed before the demolition work is commenced.</p> <p>(3) Subregulations (1)(b) and (2)(b) do not prevent the demolition of parts of a building, structure, ship or plant in order to gain access to the asbestos.</p> <p>Example Part of a wall may be demolished to gain access to asbestos in a riser shaft.</p> <p>(4) Subregulations (1) and (2) do not apply—</p> <p>(a) to demolition work in an emergency; or</p> <p>(b) to domestic premises.</p> <p>(5) An employer or self-employed person performing demolition or refurbishment work on domestic premises must identify asbestos under that person's management or control that is likely to be disturbed by proposed demolition or refurbishment work and—</p> <p>(a) if the proposed work is refurbishment work, ensure, so far as is reasonably practicable, that the asbestos is removed; or</p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<ul style="list-style-type: none"> (b) if the proposed work is demolition work ensure, so far as is reasonably practicable, that the asbestos is removed before the demolition work is commenced. (6) Subregulation (5)(b) does not prevent the demolition of part of domestic premises in order to gain access to the asbestos. 	
<p>4.3.41 Requirements for asbestos removal work</p> <ul style="list-style-type: none"> (1) A person who manages or controls a workplace or plant at a workplace must ensure that asbestos removal work is performed— <ul style="list-style-type: none"> (a) by an asbestos licence holder; or (b) by a person who is permitted under regulation 4.3.45 to perform the asbestos removal work. (2) Subregulation (1) does not apply to domestic premises. (3) An employer or self-employed person performing demolition or refurbishment work on domestic premises must ensure that asbestos removal work is performed— <ul style="list-style-type: none"> (a) by an asbestos licence holder; or (b) by a person who is permitted under regulation 4.3.45 to perform the asbestos removal work. 	<p>246 Requirements for asbestos removal work</p> <p>A person who is required to ensure asbestos is removed under regulation 244 must ensure that the asbestos removal work is performed by—</p> <ul style="list-style-type: none"> (a) an asbestos removal licence holder; or (b) a person who is permitted under regulation 250 to perform limited asbestos removal work. 	<p>No change to duty holder requirements.</p> <p>The regulation has been streamlined but there is no change to duty holder requirements.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.42 Emergency procedures</p> <p>(1) If an emergency occurs at a workplace where there was fixed or installed asbestos in a building, structure, ship or plant immediately before the emergency occurred, the person who manages or controls the workplace must—</p> <p>(a) consider the asbestos register; and</p> <p>(b) before demolition occurs, document a procedure that will, so far as is reasonably practicable, reduce the risk of exposure of employees and persons in the vicinity of the demolition site to asbestos to below the asbestos exposure standard.</p> <p>(2) Subregulation (1) does not apply in the case of domestic premises.</p> <p>(3) A person engaged for the purpose of asbestos removal work as part of an emergency must comply, so far as is reasonably practicable, with Division 7.</p> <p>(4) If an emergency occurs at domestic premises, an employer or self-employed person performing demolition work must, before demolition, document a procedure that will, so far as is reasonably practicable, reduce the risk of exposure of employees and persons in the vicinity of the demolition site to asbestos to below the asbestos exposure standard.</p>	<p>247 Emergency procedures</p> <p>(1) If an emergency occurs at a workplace where asbestos was present in a building, structure, ship or plant immediately before the emergency occurred, the person who manages or controls the workplace must—</p> <p>(a) consider the asbestos register; and</p> <p>(b) before demolition occurs, document a procedure that will reduce the risk of exposure of employees and persons in the vicinity of the demolition site to asbestos to below the asbestos exposure standard so far as is reasonably practicable.</p> <p>(2) Subregulation (1) does not apply in the case of domestic premises.</p> <p>(3) A person engaged for the purpose of asbestos removal work as part of an emergency must comply, so far as is reasonably practicable, with Division 7.</p> <p>(4) If an emergency occurs at domestic premises where asbestos was present in a building, structure, ship or plant immediately before the emergency occurred, an employer or self-employed person performing demolition work at the premises must, before demolition, document a procedure that will reduce the risk of exposure of employees and persons in the vicinity of the demolition site to asbestos to below the asbestos exposure standard so far as is reasonably practicable.</p>	<p>Change to duty holder requirements.</p> <p>Due to incorporation of the <i>Dangerous Goods Order 2007</i>, the application of this regulation has been expanded to include any asbestos that was present in the workplace immediately before the emergency occurred, where previously it was limited to fixed or installed asbestos.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Division 7—Removal of asbestos</p> <p><i>Dangerous Goods Order 2007</i></p> <p>The DG Order prohibiting the removal of certain asbestos at workplaces is a separate document and is not incorporated into the OHS Regulations 2007.</p>	<p>Division 7—Removal of asbestos</p> <p>Division 7 of Part 4.4 – Asbestos</p> <p>Multiple changes have been made to Division 7 of 'Part 4.4 – Asbestos' to give effect to the incorporation of the <i>Dangerous Goods Order 2007</i> into the Regulations.</p>	<p>Division 7—Removal of asbestos</p> <p>Change to duty holder requirements.</p> <p>Duties in relation to asbestos removal work now apply to all asbestos at a workplace, not just asbestos fixed or installed in a building, structure, ship or plant.</p> <p>This includes, but is not limited to, asbestos-contaminated dust and asbestos-contaminated soil.</p>
<p>4.3.45 Limited asbestos removal work without licence permitted</p> <p>An employer or self-employed person may perform asbestos removal work in accordance with this Subdivision in relation to non-friable asbestos-containing material if—</p> <ul style="list-style-type: none"> (a) the area of asbestos-containing material to be removed does not exceed 10 square metres in total; and (b) the total time over which asbestos removal work is performed in any period of 7 days does not exceed 1 hour. 	<p>250 Limited asbestos removal work</p> <ul style="list-style-type: none"> (1) An employer or self-employed person may perform asbestos removal work, in accordance with this Subdivision, involving— <ul style="list-style-type: none"> (a) the removal of non-friable asbestos-containing material if— <ul style="list-style-type: none"> (i) the area of non-friable asbestos-containing material to be removed does not exceed 10 square metres in total; and (ii) the employer or self-employed person does not perform more than 1 hour of asbestos removal work in total during a 7 day period; or (b) the removal of asbestos-contaminated dust, if— <ul style="list-style-type: none"> (i) the asbestos removal work does not exceed 10 minutes in total; and (ii) the employer or self-employed person does not perform more than 1 hour of asbestos removal work in total during a 7 day period; or <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>Due to the incorporation of the <i>Dangerous Goods Order 2007</i>, the application of this regulation has been expanded to include asbestos-contaminated dust.</p> <p>The amount of asbestos-contaminated dust permitted to be removed as limited asbestos removal work is now explicitly outlined in regulation 250(1)(b) and (1)(c).</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<p>(c) the removal of asbestos-contaminated dust if an independent person has determined that airborne asbestos fibre levels are likely to be less than one half of the asbestos exposure standard.</p> <p>(2) If an employer or self-employed person is an asbestos removal licence holder, any periods during which the employer or self-employed person perform asbestos removal work in accordance with the asbestos removal licence are not to be counted for the purpose of calculating the total amount of time the employer or self-employed person performs asbestos removal work during a 7 day period for the purposes of subregulation (1)(a)(ii) or (b)(ii).</p>	
<p>4.3.51 Signs</p> <p>An employer or self-employed person performing asbestos removal work must ensure that appropriately placed signs are used to indicate the area where the removal work is being performed.</p>	<p>255 Signs and barricades</p> <p>An employer or self-employed person performing limited asbestos removal work must ensure that appropriately placed signs and barricades are used to indicate the area where the removal work is being performed.</p>	<p>Change to duty holder requirements.</p> <p>As an employer or self-employed person performing limited asbestos removal work, you now have a duty to ensure appropriately placed barricades as well as signs are used to indicate the area where limited asbestos removal work is being performed.</p>
<p>4.3.54 Elimination of airborne asbestos fibres</p> <p>An employer or self-employed person performing asbestos removal work must ensure that removal work is performed in a manner that eliminates the release of airborne asbestos fibres so far as is reasonably practicable.</p>	<p>258 Elimination of airborne asbestos fibres</p> <p>An employer or self-employed person performing limited asbestos removal work must ensure that the asbestos removal work is performed in a manner that, so far as is reasonably practicable—</p> <p>(a) eliminates the release of airborne asbestos fibres; and</p> <p>(b) prevents the contamination of areas adjacent to the asbestos removal area.</p>	<p>Change to duty holder requirements.</p> <p>As an employer or self-employed person performing limited asbestos removal work, you now have a duty to ensure the removal work is performed in a manner that prevents the contamination of areas adjacent to the asbestos removal area.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.56 Disposal of asbestos waste An employer or self-employed person performing asbestos removal work must ensure that asbestos waste is—</p> <ul style="list-style-type: none"> (a) disposed of as soon as is reasonably practicable; and (b) disposed of in an appropriate manner that eliminates the release of airborne asbestos fibres; and (c) disposed of at a waste disposal site licensed by the Environment Protection Authority. 	<p>260 Disposal of asbestos waste An employer or self-employed person performing limited asbestos removal work must ensure that asbestos waste is disposed of—</p> <ul style="list-style-type: none"> (a) as soon as reasonably possible; and (b) in an appropriate manner that eliminates the release of airborne asbestos fibres; and (c) at premises— <ul style="list-style-type: none"> (i) in respect of which the occupier is licensed by the Environment Protection Authority to dispose of asbestos waste; or (ii) to which regulation 12 of the Environment Protection (Scheduled Premises and Exemptions) Regulations 2017 applies in relation to the disposal; or (iii) set out in a classification issued under regulation 11(1)(b) of the Environment Protection (Industrial Waste Resource) Regulations 2009 that classifies asbestos waste as non-prescribed industrial waste. 	<p>Change to duty holder requirements. Due to changes to the Environment Protection Authority requirements, the application of this regulation has been expanded to permit employers or self-employed persons performing limited asbestos removal work to dispose of asbestos waste at a number of types of premises.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.57 Laundering of clothing contaminated with asbestos</p> <p>(1) An employer or self-employed person performing asbestos removal work must provide for the laundering of personal protective clothing that is likely to be contaminated with asbestos and that is not contained and disposed of in accordance with regulations 4.3.55 and 4.3.56.</p> <p>(2) If an employer or self-employed person performing asbestos removal work arranges for personal protective clothing that is likely to be contaminated with asbestos to be laundered at a commercial laundry, the employer or person must ensure that—</p> <p>(a) the clothing is contained so as to eliminate the release of airborne asbestos fibres; and</p> <p>(b) the exterior of the container—</p> <p>(i) is decontaminated before being removed from the area where the removal work is performed; and</p> <p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p>	<p>261 Laundering of clothing contaminated with asbestos</p> <p>(1) An employer or self-employed person performing limited asbestos removal work must provide for the laundering of personal protective clothing that is likely to be contaminated with asbestos at a laundry equipped to launder clothing contaminated with asbestos if that clothing is not contained and disposed of in accordance with regulations 259 and 260.</p> <p>(2) If an employer or self-employed person performing limited asbestos removal work arranges for personal protective clothing that is likely to be contaminated with asbestos to be laundered, the employer or person must ensure that—</p> <p>(a) the clothing is contained so as to eliminate the release of airborne asbestos fibres; and</p> <p>(b) the exterior of the container—</p> <p>(i) is decontaminated before being removed from the area where the removal work is performed; and</p> <p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p>	<p>Change to duty holder requirements.</p> <p>As an employer and self-employed person performing asbestos removal work, it's been clarified that you must launder personal protective clothing that is likely to be contaminated with asbestos at a laundry equipped to launder asbestos-contaminated clothing.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.58(3) Medical examinations</p> <p>(1) An employer performing asbestos removal work must arrange for appropriate medical examinations to be conducted by a registered medical practitioner for each employee engaged in ongoing asbestos removal work if there is a risk of exposure to airborne asbestos fibres above one half of the asbestos exposure standard.</p> <p>(2) Respiratory protective equipment must not be considered in establishing whether there is a risk of exposure to airborne asbestos fibres above one half of the exposure standard.</p> <p>(3) The purpose of the medical examination is to monitor the employee's health for the purpose of identifying changes in the employee's health status due to occupational exposure to asbestos.</p> <p>(4) The employer must ensure that medical examinations are provided—</p> <p>(a) before the employee commences asbestos removal work for the first time for that employer unless the employee has had an appropriate medical examination within the preceding 2 years; and</p> <p>(b) at intervals of not more than 2 years; and</p> <p>(c) within 30 days after the employee has ceased asbestos removal work unless the employee has had an appropriate medical examination within the preceding year.</p>	<p>262 Medical examinations</p> <p>(1) An employer performing limited asbestos removal work must arrange for appropriate medical examinations to be conducted by a registered medical practitioner for each employee engaged in ongoing asbestos removal work if there is a risk of exposure to airborne asbestos fibres in excess of one half of the asbestos exposure standard.</p> <p>(2) Respiratory protective equipment must not be taken into account in establishing whether there is a risk of exposure to airborne asbestos fibres in excess of one half of the exposure standard.</p> <p>(3) The employer must ensure that medical examinations are provided—</p> <p>(a) before the employee commences asbestos removal work for the first time for that employer unless the employee has had an appropriate medical examination within the preceding 2 years; and</p> <p>(b) at intervals of not more than 2 years; and</p> <p>(c) within 30 days after the employee has ceased asbestos removal work unless the employee has had an appropriate medical examination within the preceding year.</p> <p>(4) In this regulation the duties of an employer in relation to medical examinations extend to an independent contractor.</p>	<p>No change to duty holder requirements.</p> <p>Sub-regulation 4.3.58(3) has been removed from regulation 262 of the OHS Regulations 2017.</p> <p>With this change Regulation 4.3.58(4) is now 262(3) and Regulation 4.3.58(5) is now 262(4).</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
(5) In this regulation the duties of an employer in relation to medical examinations extend to an independent contractor.		
<p>4.3.49 Provision of information about proposed asbestos removal work</p> <p>(1) This regulation applies if an employer or self-employed person is commissioned to perform work for a person and plans to remove asbestos that is permitted under regulation 4.3.45 to be removed.</p> <p>(2) The employer or self-employed person must inform the person who commissioned the work that asbestos removal work will be performed before the commissioned work commences.</p> <p>(3) A person who has been informed of the proposed asbestos removal work under subregulation (2) must notify employers in the immediate and adjacent areas to where the proposed removal work will take place of the proposed removal work before that removal work commences.</p> <p>(4) An employer who has been notified of the proposed asbestos removal work in accordance with subregulation (3) must inform employees in the immediate and adjacent areas of the proposed removal work before the removal work commences.</p> <p>4.3.90 Employers in immediate and adjacent areas to be informed</p> <p>A person who commissions asbestos removal work must, before the asbestos removal work commences, inform all employers in the immediate and adjacent areas of the proposed removal work.</p>	<p>301 Information to be provided to persons occupying premises in immediate and adjacent areas</p> <p>(1) An employer or self-employed person who is commissioned to perform work for a person and intends to perform limited asbestos removal work must, before the limited asbestos removal work commences, inform the person who commissioned the asbestos removal work about the proposed limited asbestos removal work.</p> <p>(2) A person who commissions asbestos removal work or who has been informed of proposed limited asbestos removal work under subregulation (1) must before the work commences inform all employers and other persons occupying premises in the immediate and adjacent areas to where the work will take place about the work.</p> <p>(3) An employer who has been informed about asbestos removal work in accordance with subregulation (2) must before the work commences inform employees in the immediate and adjacent areas to where the work will take place about the work.</p> <p>(4) For the purposes of this regulation, the employer or self-employed person performing the asbestos removal work is the person who commissions the asbestos removal work if the work will be performed at domestic premises.</p>	<p>Change to duty holder requirements.</p> <p>As an employer or self-employed person who commissions asbestos removal work or who has been informed of proposed limited asbestos removal work, you are required to inform all employers, employees and other persons occupying premises in the immediate and adjacent areas to where the work will take place about the work before the work commences. This requirement now also includes domestic premises.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.59 Notice of medical practitioner An employer must notify the Authority in writing within 7 days of the name and contact details of the registered medical practitioner the employer has engaged to undertake medical examinations in accordance with regulation 4.3.58.</p> <p>4.3.80 Notice of medical practitioner The asbestos licence holder must notify the Authority in writing within 7 days of the name and contact details of the registered medical practitioner the licence holder has engaged to undertake medical examinations in accordance with regulation 4.3.79.</p> <p>4.3.111 Notice of medical practitioner The employer must notify the Authority in writing within 7 days of the name and contact details of the registered medical practitioner the employer has engaged to undertake medical examinations in accordance with regulation 4.3.109.</p>	<p>These regulations have been removed.</p>	<p>Change to duty holder requirements. As an employer or asbestos licence holder, you no longer need to notify WorkSafe of the name and contact details of registered medical practitioners engaged to undertake medical examinations in regards to asbestos.</p>
<p>4.3.60 Results of medical examinations</p> <p>(1) An employer must ensure that a summary of results of a medical examination of a person carried out as required by regulation 4.3.58 indicating whether an asbestos-related disease exists and the fitness of the person to engage in asbestos removal work is provided to the employer by the registered medical practitioner.</p> <p>(2) The employer must retain a copy of the summary of results obtained under this regulation for—</p> <p>(a) a period (not exceeding 30 years) determined by the Authority; or</p> <p>(b) if no period has been determined by the Authority, 30 years.</p>	<p>263 Results of medical examinations</p> <p>(1) An employer must obtain a summary of results of a medical examination of a person carried out as required by regulation 262 indicating whether an asbestos-related disease exists and the fitness of the person to engage in limited asbestos removal work.</p> <p>(2) The employer must keep a copy of the summary of results obtained under this regulation for—</p> <p>(a) a period (not exceeding 30 years) determined by the Authority; or</p> <p>(b) if no period has been determined by the Authority, 30 years.</p>	<p>Change to duty holder requirements. As an employer performing limited asbestos removal work, you now have a duty to obtain a summary of results of a medical examination from a registered medical practitioner of any employees engaged in ongoing asbestos removal work if there is a risk of exposure to airborne asbestos fibres in excess of one half of the asbestos exposure standard. Previously you had to ensure that a summary of the medical examination was provided by the medical practitioner.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.61(2) Person not to perform asbestos removal work unless licenced</p> <p>(2) A person must not perform asbestos removal work of friable asbestos or within a negative air enclosure at a workplace unless that person—</p> <p>(a) is the holder of a Class A asbestos removal licence; or</p> <p>(b) is an employee of the holder of a Class A asbestos removal licence.</p>	<p>264 Class A asbestos removal work</p> <p>A person must not perform Class A asbestos removal work unless that person—</p> <p>(a) holds a Class A asbestos removal licence; or</p> <p>(b) is an employee of a person who holds a Class A asbestos removal licence; or</p> <p>(c) is an independent contractor who is—</p> <p>(i) engaged by a person who holds a Class A asbestos removal licence; and</p> <p>(ii) performing asbestos removal work involving the operation of an excavator; and</p> <p>(iii) directly supervised at all times during the asbestos removal work by the person who holds the Class A asbestos removal licence and by the asbestos removal supervisor who is appointed under regulation 266.</p>	<p>Change to duty holder requirements.</p> <p>As a Class A asbestos removal licence holder, you are now permitted to engage an independent contractor to perform asbestos removal work involving the operation of an excavator. The independent contractor must be supervised at all times by the Class A asbestos removal licence holder and the asbestos removal supervisor.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.64 Information to job applicants</p> <p>An asbestos licence holder must provide each applicant who applies for employment with the licence holder to perform asbestos removal work with information about—</p> <ul style="list-style-type: none"> (a) the health effects and risks associated with exposure to airborne asbestos fibres; and (b) the need for, and details of, medical examinations required under this Subdivision. 	<p>268 Information to job applicants and independent contractors</p> <p>An asbestos removal licence holder must provide each applicant who applies for employment with, and each independent contractor who seeks to be engaged by, the licence holder to perform asbestos removal work with information about—</p> <ul style="list-style-type: none"> (a) the health effects and risks associated with exposure to airborne asbestos fibres; and (b) the need for, and details of, medical examinations required under this Subdivision. 	<p>Change to duty holder requirements.</p> <p>As an asbestos removal licence holder, you now have a new duty to inform independent contractors who seek to be engaged by you about health effects and risks associated with the work and their requirement to have medical examinations as part of the work.</p>
<p>4.3.66 Training record to be made</p> <p>An asbestos licence holder performing asbestos removal work must ensure that a record is made of the training undertaken by a person performing the asbestos removal work.</p> <p>4.3.67 Training record to be retained and made available</p> <p>An asbestos licence holder performing asbestos work must ensure that the record of training made under regulation 4.3.66 is—</p> <ul style="list-style-type: none"> (a) retained while the person performs asbestos removal work for the asbestos licence holder; and (b) readily available where the asbestos removal work is being performed. 	<p>270 Training record</p> <ul style="list-style-type: none"> (1) An asbestos removal licence holder performing asbestos removal work must make a record of the training undertaken by a person performing the asbestos removal work. (2) The asbestos removal licence holder must keep the record of training — <ul style="list-style-type: none"> (a) while the person performs asbestos removal work for the asbestos removal licence holder; and (b) readily accessible where the asbestos removal work is being performed for inspection on request under the Act. 	<p>No change to duty holder requirements.</p> <p>Regulations 4.2.66 and 4.3.67 from the OHS Regulations 2007 have been consolidated.</p> <p>As an asbestos licence holder, you still have a duty to make a record of the training undertaken by a person performing asbestos removal work, retain the record and make it readily available while the work is being performed.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.77 Disposal of asbestos waste</p> <p>An asbestos licence holder performing asbestos removal work must ensure that asbestos waste is—</p> <ul style="list-style-type: none"> (a) disposed of as soon as is reasonably practicable; and (b) disposed of in an appropriate manner that eliminates the release of airborne asbestos fibres; and (c) disposed of at a waste disposal site licensed by the Environment Protection Authority. 	<p>280 Disposal of asbestos waste</p> <p>An asbestos removal licence holder performing asbestos removal work must ensure that asbestos waste is disposed of—</p> <ul style="list-style-type: none"> (a) as soon as reasonably possible; and (b) in an appropriate manner that eliminates the release of airborne asbestos fibres; and (c) at premises— <ul style="list-style-type: none"> (i) in respect of which the occupier is licensed by the Environment Protection Authority to dispose of asbestos waste; or (ii) to which regulation 12 of the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007 applies in relation to the disposal; or (iii) set out in a classification issued under regulation 11(1)(b) of the Environment Protection (Industrial Waste Resource) Regulations 2009 that classifies asbestos waste as non-prescribed industrial waste. 	<p>Change to duty holder requirements.</p> <p>Due to changes to the Environment Protection Authority requirements, the application of this regulation has been expanded to permit employers or self-employed persons performing limited asbestos removal work to dispose of asbestos waste at a number of types of premises.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.78 Laundering of clothing contaminated with asbestos</p> <p>(1) An asbestos licence holder performing asbestos removal work must provide for the laundering of personal protective clothing that is likely to be contaminated with asbestos and that is not contained and disposed of in accordance with regulations 4.3.76 and 4.3.77.</p> <p>(2) If an asbestos licence holder performing asbestos removal work arranges for personal protective clothing that is likely to be contaminated with asbestos to be laundered at a commercial laundry, the licence holder must ensure that—</p> <p>(a) the clothing is contained so as to eliminate the release of airborne asbestos fibres; and</p> <p>(b) the exterior of the container—</p> <p>(i) is decontaminated before being removed from the area where the removal work is performed; and</p> <p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p>	<p>281 Laundering of clothing contaminated with asbestos</p> <p>(1) An asbestos removal licence holder performing asbestos removal work must provide for the laundering of personal protective clothing that is likely to be contaminated with asbestos at a laundry equipped to launder clothing contaminated with asbestos if that if that clothing is not contained and disposed of in accordance with regulations 279 and 280.</p> <p>(2) If an asbestos removal licence holder performing asbestos removal work arranges for personal protective clothing that is likely to be contaminated with asbestos to be, the licence holder must ensure that—</p> <p>(a) the clothing is contained so as to eliminate the release of airborne asbestos fibres; and</p> <p>(b) the exterior of the container—</p> <p>(i) is decontaminated before being removed from the area where the removal work is performed; and</p> <p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p>	<p>Change to duty holder requirements</p> <p>As an asbestos removal licence holder performing asbestos removal work, it has been clarified that you must launder personal protective clothing that is likely to be contaminated with asbestos at a laundry equipped to launder asbestos-contaminated clothing.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.81 Results of medical examinations</p> <p>(1) The asbestos licence holder must ensure that a summary of results of a medical examination of a person carried out as required by regulation 4.3.79, indicating whether an asbestos-related disease exists and the fitness of the person to engage in asbestos removal work, is provided to the asbestos licence holder by the registered medical practitioner.</p> <p>(2) The asbestos licence holder must retain a copy of the summary of results obtained under this regulation for—</p> <p>(a) A period (not exceeding 30 years) determined by the Authority; or</p> <p>(b) if no period has been determined by the Authority, 30 years.</p>	<p>283 Results of medical examinations</p> <p>(1) The asbestos removal licence holder must obtain a summary of results of a medical examination of a person carried out as required by regulation 282, indicating whether an asbestos-related disease exists and the fitness of the person to engage in asbestos removal work.</p> <p>(2) The asbestos removal licence holder must keep a copy of the summary of results obtained under this regulation for—</p> <p>(a) a period (not exceeding 30 years) determined by the Authority; or</p> <p>(b) if no period has been determined by the Authority, 30 years.</p>	<p>Change to duty holder requirements.</p> <p>As the asbestos removal licence holder, you now have a duty to obtain a summary of results of a medical examination of a person to see if an asbestos-related disease exists and to determine their fitness to engage in asbestos removal work from a registered medical practitioner. Previously an asbestos removal licence holder had to ensure that a summary of results of a medical examination was provided.</p>
<p>4.3.82 Application of Subdivision</p> <p>This Subdivision applies to asbestos removal work involving friable asbestos-containing material.</p> <p>Note</p> <p>A Class A asbestos removal licence is required for this removal work.</p> <p>1.1.5 Definitions</p> <p>Class A asbestos removal licence means a licence that permits the holder to remove asbestos of any kind as specified in the licence;</p>	<p>284 Application of Subdivision</p> <p>This Subdivision applies to Class A asbestos removal work.</p> <p>5 Definitions</p> <p>Class A asbestos removal work, means asbestos removal work (other than limited asbestos removal work) involving the removal of—</p> <p>(a) friable asbestos; or</p> <p>(b) asbestos-contaminated dust (other than asbestos-contaminated dust associated with or derived from the removal of non-friable asbestos);</p>	<p>Change to duty holder requirements.</p> <p>As a Class A asbestos licence holder, your duties now expressly include friable asbestos that is not fixed or installed and asbestos-contaminated dust.</p> <p>The definition of Class A asbestos removal work has also been added to reflect the new duties.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.85 Air monitoring required before commencement of removal work</p> <p>If asbestos paraoccupational air monitoring is required under regulation 4.3.91 the asbestos licence holder must not commence asbestos removal work until that monitoring has commenced.</p>	<p>287 Asbestos paraoccupational air monitoring requirements</p> <p>If asbestos paraoccupational air monitoring is required under regulation 292 the Class A asbestos removal licence holder must not—</p> <ul style="list-style-type: none"> (a) commence asbestos removal work until the asbestos paraoccupational air monitoring has commenced; or (b) if asbestos paraoccupational air monitoring has already commenced, recommence asbestos removal work until the results of the most recent air monitoring have been obtained. 	<p>Change to duty holder requirements.</p> <p>As a Class A asbestos licence holder, you now have a duty to not recommence Class A asbestos removal work until the results of most recent paraoccupational air monitoring have been obtained.</p> <p>For further information about changes to licensing, visit worksafe.vic.gov.au</p>
<p>4.3.91 Asbestos paraoccupational air monitoring</p> <p>(1) A person who commissions asbestos removal work with respect to friable asbestos-containing material must arrange for asbestos paraoccupational air monitoring to be conducted before the work commences and for the duration of the work if—</p> <ul style="list-style-type: none"> (a) The asbestos removal work will be performed indoors; or (b) The asbestos removal work will be performed outdoors and will constitute a risk to other persons. <p>(2) A person who commissions asbestos removal work must arrange for an asbestos paraoccupational air monitoring sample to be analysed as soon as is reasonably possible after it is taken.</p>	<p>292 Asbestos paraoccupational air monitoring</p> <p>(1) A person who commissions Class A asbestos removal work must arrange for asbestos paraoccupational air monitoring to be conducted before the work commences and for the duration of the work if—</p> <ul style="list-style-type: none"> (a) the asbestos removal work will be performed indoors; or (b) the asbestos removal work will be performed outdoors and will constitute a risk to other persons. <p>(2) A person who commissions Class A asbestos removal work must arrange for an asbestos paraoccupational air monitoring sample to be analysed as soon as reasonably possible after it is taken.</p>	<p>Change to duty holder requirements.</p> <p>As an employer or person who commissions Class A asbestos removal work, you have a duty to arrange for an asbestos paraoccupational air monitoring sample to be analysed before and during the duration of the asbestos removal work.</p> <p>This now applies to asbestos contaminated dust as well as friable asbestos-containing material.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.92 Results of monitoring to be made available</p> <p>(1) A person who commissions asbestos removal work must provide the results of asbestos paraoccupational air monitoring to the asbestos licence holder as soon as the results are received.</p> <p>(2) A person who commissions asbestos removal work must ensure that a copy of the results of asbestos paraoccupational air monitoring is accessible to the health and safety representative of any affected designated work group and to any affected employees.</p>	<p>295 Results of inspection and monitoring to go to licence holder</p> <p>The person who commissioned the Class A or Class B asbestos removal work must ensure that the results of the inspection and monitoring under regulation 294 are provided to the asbestos removal licence holder.</p>	<p>Change to duty holder requirements.</p> <p>As a person who commissions the Class A or Class B asbestos removal work, you now have a duty to ensure that the results of visual inspection and asbestos paraoccupational air monitoring are provided to the asbestos removal licence holder; previously this was limited to the results of asbestos paraoccupational air monitoring.</p>
<p>4.3.96 Clearance certificates</p> <p>(1) This regulation applies to asbestos removal work of—</p> <p>(a) friable asbestos-containing material; or</p> <p>(b) more than 10 square metres of non-friable fixed or installed asbestos-containing material.</p> <p>(2) The person who commissioned the asbestos removal work must obtain a clearance certificate from an independent person before the area where the asbestos removal work was being performed is re-occupied.</p>	<p>297 Clearance certificates</p> <p>(1) The person who commissioned the Class A or Class B asbestos removal work must obtain a clearance certificate from an independent person on completion of the asbestos removal work and before the area where the asbestos removal work was being performed is re-occupied.</p> <p>(2) A clearance certificate must state that—</p> <p>(a) an inspection by an independent person has found that there is no visible asbestos residue remaining as a result of the asbestos removal work in the area where the asbestos removal work was performed or in the area immediately surrounding the area where the asbestos removal work was performed; and</p>	<p>Change to duty holder requirements.</p> <p>Due to the incorporation of the <i>Dangerous Goods Order 2007</i>, the application of this regulation has been expanded to any asbestos. Previously it was limited to fixed or installed asbestos.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(3) A clearance certificate must state that—</p> <p>(a) an inspection by an independent person has found that there is no visible asbestos residue remaining as a result of the asbestos removal work in the area where the asbestos removal work was performed or in the area immediately surrounding the area where the asbestos removal work was performed; and</p> <p>(b) if applicable, asbestos paraoccupational air monitoring in the area where the asbestos removal work was performed indicates that the airborne asbestos fibre level is less than 0.01 f/ml.</p>	<p>(b) if required under regulation 292 or 294, asbestos paraoccupational air monitoring in the area where the asbestos removal work was performed indicates that the airborne asbestos fibre level is less than 0.01 f/ml. before the area where the asbestos removal work was being performed is re-occupied.</p> <p>(3) Despite subregulations (1) and (2), a clearance certificate is not required if the asbestos removal work consisted only of the removal of non-friable asbestos-containing material not exceeding 10 square metres in total.</p>	
<p>4.3.97 Notification of asbestos removal work</p> <p>(1) Subject to subregulation (5) and regulation 4.3.92(2), the asbestos licence holder must notify the Authority of asbestos removal work in accordance with subregulation (a) if the work involves removal of a total area of 10 square metres or less of non-friable asbestos-containing material that is fixed or installed in a building, structure, ship or plant, at least 24 hours before the work commences; or</p> <p>(b) in any other case, at least 5 days before the work commences.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>298 Notice of asbestos removal work</p> <p>(1) Subject to subregulation (7) and regulation 299(2), an asbestos removal licence holder must notify the Authority of asbestos removal work in accordance with subregulation (2)—</p> <p>(a) if the work involves removal of a total area of 10 square metres or less of non-friable asbestos-containing material that is present in a building, structure, ship or plant, at least 24 hours before the work commences; or</p> <p>(b) in any other case, at least 5 days before the work commences.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>No change to duty holder requirements.</p> <p>Regulation 7.1.3(2) and 7.1.3(3) have been incorporated into Regulation 298.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(2) A notification under subregulation (1) must be in writing and include the information in Schedule 8.</p> <p>(3) Before commencing the asbestos removal work, the asbestos licence holder must give a copy of the notification under subregulation (1) to the person who commissioned the work.</p> <p>(4) An asbestos licence holder may proceed with the asbestos removal work despite notifying the Authority of a change under regulation 7.1.3.</p> <p>(5) The Authority may vary the notification requirements under this regulation by including a specific condition in a licence with respect to notification.</p> <p>4.3.98 Notification in an unexpected situation</p> <p>(1) This regulation applies to the following situations (an “unexpected situation”)—</p> <p>(a) a sudden, unexpected event, including work required by non-routine failures of equipment, that may result in persons being exposed to airborne asbestos fibres; or</p> <p>(b) an unexpected breakdown of an essential service (including gas, water, sewerage, electricity and telecommunications) that requires immediate rectification to enable continuance of that service.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>(2) A notice under subregulation (1) must be in writing and include the information in Schedule 13.</p> <p>(3) Before commencing the asbestos removal work, the asbestos removal licence holder must give a copy of the notice under subregulation (1) to the person who commissioned the asbestos removal work.</p> <p>(4) If any change occurs to any information provided at any time by the asbestos removal licence holder to the Authority in relation to the notice of a matter that is ongoing (whether in notifying the matter, under this regulation or in any other circumstance), the asbestos removal licence holder must advise the Authority in writing of that change as soon as reasonably possible after the person becomes aware that the change has occurred.</p> <p>(5) Subregulation (4) does not apply in relation to a change of supervisor.</p> <p>(6) An asbestos removal licence holder may proceed with the asbestos removal work despite advising the Authority of a change under subregulation (4).</p> <p>(7) The Authority may vary the notice requirements under this regulation by including a specific condition in a licence with respect to notice.</p> <p style="text-align: right;"><i>cont'd</i></p>	

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(2) In an unexpected situation, the asbestos licence holder must, not later than 24 hours after commencing asbestos removal work, notify the Authority of the removal work in accordance with subregulation (3).</p> <p>(3) A notification under subregulation (2) must be in writing and include the information in Schedule 8.</p> <p>(4) The Authority may vary the notification requirements under this regulation by including a specific condition in a licence with respect to the notification.</p> <p>7.1.3 Specific notifications</p> <p>(1) This regulation applies to a notification to the Authority required by—</p> <p>(a) regulation 4.3.97, in relation to asbestos removal work;</p> <p>(b) regulation 4.3.98, of an unexpected situation;</p> <p>(c) regulation 5.2.27 (presence of specified quantities of certain substances at a facility).</p> <p>(2) If any change occurs to any information provided at any time by the person to the Authority in relation to the notification of a matter that is ongoing (whether in notifying the matter, under this regulation or in any other circumstance), the person must advise the Authority in writing of that change as soon as is reasonably possible after the person becomes aware that the change has occurred.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>299 Notice in an unexpected situation</p> <p>(1) This regulation applies to the following situations (an unexpected situation)—</p> <p>(a) a sudden, unexpected event, including work required by non-routine failures of equipment, that may result in persons being exposed to airborne asbestos fibres; or</p> <p>(b) an unexpected breakdown of an essential service (including gas, water, sewerage, electricity and telecommunications) that requires immediate rectification to enable continuance of that service.</p> <p>(2) In an unexpected situation, the asbestos removal licence holder must, not later than 24 hours after commencing asbestos removal work, notify the Authority of the removal work in accordance with subregulation (3).</p> <p>(3) A notice under subregulation (2) must be in writing and include the information in Schedule 13.</p> <p>(4) If any change occurs to any information provided at any time by the asbestos removal licence holder to the Authority in relation to the notice of a matter that is ongoing (whether in notifying the matter, under this regulation or in any other circumstance), the asbestos removal licence holder must advise the Authority in writing of that change as soon as reasonably possible after the person becomes aware that the change has occurred.</p> <p style="text-align: right;"><i>cont'd</i></p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
(3) Subregulation (2) does not apply in relation to a change of supervisor in relation to a matter for which notification is required by regulation 4.3.97.	(5) Subregulation (4) does not apply in relation to a change of supervisor. (6) The Authority may vary the notice requirements under this regulation by including a specific condition in a licence with respect to the notice.	
Division 8—Activities involving asbestos 4.3.100 Application of Division This Division applies to the following activities (asbestos-related activities) that are carried out at a workplace—	Division 8—Activities involving asbestos 302 Application of Division This Division applies to the following activities (asbestos-related activities) that are carried out at a workplace—	Division 8—Activities involving asbestos Change to duty holder requirements. If you are involved in asbestos-related activities at a workplace, you now need to be aware of the changes to the Environmental Protection Authority requirements for premises accepting asbestos waste. Regulation 302 has been updated to reflect these changes.
<ul style="list-style-type: none"> (a) the handling, including for the purpose of removal or transport for disposal, of aircraft and automotive components that are asbestos-containing material or that have asbestos-containing material fixed to them or installed in them; (b) the laundering of clothing contaminated with asbestos; (c) research involving asbestos; (d) sampling or analysis involving suspected asbestos; (e) the transport of asbestos waste for disposal purposes; (f) working at a site licensed by the Environment Protection Authority to accept asbestos waste; (g) the enclosing or sealing of asbestos; (h) hand drilling and cutting of asbestoscontaining material; <p style="text-align: right;"><i>cont'd</i></p>	<ul style="list-style-type: none"> (a) the handling, including for the purpose of removal or transport for disposal, of aircraft and automotive components that are asbestos-containing material or that have asbestos-containing material fixed to them or installed in them; (b) the laundering of clothing contaminated with asbestos; (c) research involving asbestos; (d) sampling or analysis involving suspected asbestos; (e) the transport of asbestos waste for disposal purposes; (f) working at premises— <ul style="list-style-type: none"> (i) in respect of which the occupier is licensed by the Environment Protection Authority to dispose of asbestos waste; or <p style="text-align: right;"><i>cont'd</i></p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<ul style="list-style-type: none"> (i) maintenance of dust extraction equipment, contaminated with asbestos; (j) processing of construction and demolition material in accordance with the method determined by the Authority under regulation 4.3.1(b); (k) any other activity (other than asbestos removal work to which Division 7 applies) that is likely to produce airborne asbestos fibres in excess of one half of the asbestos exposure standard; (l) any other activity determined by the Authority for the purposes of this Division. 	<ul style="list-style-type: none"> (ii) to which the Environment Protection (Scheduled Premises and Exemptions) Regulations 2017 applies in relation to the disposal; or (iii) set out in a classification issued under regulation 11(1)(b) of the Environment Protection (Industrial Waste Resource) Regulations 2009 that classifies asbestos waste as non-prescribed industrial waste; (g) the enclosing or sealing of asbestos; (h) hand drilling and cutting of asbestos-containing material; (i) maintenance of dust extraction equipment, contaminated with asbestos; (j) processing of construction and demolition material in accordance with the method determined by the Authority under regulation 206(b); (k) any other activity (other than asbestos removal work to which Division 7 applies) that is likely to produce airborne asbestos fibres in excess of one half of the asbestos exposure standard; 	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	(l) any other activity determined by the Authority for the purposes of this Division.	
<p>4.3.115 Disposal of asbestos waste An employer carrying out an asbestos-related activity must ensure that asbestos waste is—</p> <ul style="list-style-type: none"> (a) disposed of as soon as is reasonably practicable; and (b) disposed of in an appropriate manner that eliminates the release of airborne asbestos fibres; and (c) disposed of at a waste disposal site licensed by the Environment Protection Authority. 	<p>316 Disposal of asbestos waste An employer carrying out an asbestos-related activity must ensure that asbestos waste is disposed of—</p> <ul style="list-style-type: none"> (a) as soon as reasonably possible; and (b) in an appropriate manner that eliminates the release of airborne asbestos fibres; and (c) at premises— <ul style="list-style-type: none"> (i) in respect of which the occupier is licensed by the Environment Protection Authority to dispose of asbestos waste; or (ii) to which regulation 12 of the Environment Protection (Scheduled Premises and Exemptions) Regulations 2017 applies in relation to the disposal; or (iii) set out in a classification issued under regulation 11(1)(b) of the Environment Protection (Industrial Waste Resource) Regulations 2009 that classifies asbestos waste as non-prescribed industrial waste. 	<p>Change to duty holder requirements. As an employer carrying out an asbestos-related activity, you can now dispose of asbestos waste at additional sites permitted by the Environment Protection Authority.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>4.3.116 Laundering of clothing contaminated with asbestos</p> <p>(1) An employer carrying out an asbestos-related activity must provide for the laundering of personal protective clothing that is used for an asbestos-related activity and that is likely to be contaminated with asbestos and that is not contained and disposed of in accordance with regulations 4.3.114 and 4.3.115.</p> <p>(2) If the employer arranges for personal protective clothing that is likely to be contaminated with asbestos to be laundered at a commercial laundry, the employer must ensure that—</p> <p>(a) The clothing is contained so as to eliminate the release of airborne asbestos fibres; and</p> <p>(b) The exterior of the container—</p> <p>(i) is decontaminated before being removed from the work area; and</p> <p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p>	<p>317 Laundering of clothing contaminated with asbestos</p> <p>(1) An employer carrying out an asbestos-related activity must provide for the laundering of personal protective clothing that is used for an activity and that is likely to be contaminated with asbestos at a laundry equipped to launder clothing contaminated with asbestos if that clothing is not contained and disposed of in accordance with regulations 315 and 316.</p> <p>(2) If the employer arranges for personal protective clothing that is likely to be contaminated with asbestos to be laundered, the employer must ensure that—</p> <p>(a) the clothing is contained so as to eliminate the release of airborne asbestos fibres; and</p> <p>(b) the exterior of the container—</p> <p>(i) is decontaminated before being removed from the work area; and</p> <p>(ii) indicates the presence of asbestos before the clothing is transferred to the laundry.</p>	<p>Change to duty holder requirements.</p> <p>As an employer carrying out an asbestos-related activity, you have a duty to provide for the laundering of personal protective clothing that is used and that is likely to be contaminated with asbestos. It has been clarified that you must have this protective clothing laundered at laundries equipped to launder asbestos contaminated clothing.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Schedules</p> <p>Schedule 6—Asbestos</p> <p>Regulation 4.3.18</p> <p>Categories of asbestos containing material containing chrysotile asbestos and their uses</p> <p>Category 1</p> <p>Products consisting of a mixture of asbestos and phenol formaldehyde resin or asbestos and cresylic formaldehyde resin that are used in—</p> <ul style="list-style-type: none"> (a) vanes for rotary vacuum pumps; or (b) vanes for rotary compressors; or (c) split face seals of at least 150 millimetres in diameter used to prevent leakage of water from cooling water pumps in fossil fuel electricity generating stations. <p>Category 2</p> <p>Chrysotile-containing parts and components in relation to which an exemption under the Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994 of the Commonwealth has been granted to the Commonwealth Department of Defence or the Australian Defence Force.</p> <p>Category 3</p> <p>Chrysotile-containing parts and components in relation to which an exemption under the Occupational Health and Safety (Safety Standards) Regulations 1994 of the Commonwealth has been granted to the Commonwealth Department of Defence or the Australian Defence Force.</p>	<p>Schedules</p> <p>This Schedule has been removed.</p>	<p>Schedules</p> <p>No change to duty holder requirements.</p> <p>This schedule no longer applies and has been removed from the OHS Regulations 2017.</p> <p>If you are involved with the use, re-use, installation and replacement of asbestos-contaminated material, you are no longer exempt in relation to chrysotile asbestos under regulation 4.3.18 as it was only in effect until 1 January 2008.</p> <p>The exemption for Category 1 and 2 asbestos-contaminated material was in effect until 1 January 2008, while Category 3 was in effect until 1 January 2011.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Schedule 7—Asbestos</p> <p>Regulation 4.3.69</p> <p>Information required to be included in an asbestos control plan</p> <p>(1) A record to indicate that the notification requirements have been met and that required documentation is kept at the workplace where the asbestos removal work is performed.</p> <p>(2) In relation to asbestos—</p> <p>(a) its location;</p> <p>(b) in relation to asbestos-containing material—</p> <p>(i) whether the asbestos-containing material is friable or non-friable;</p> <p>(ii) the type of asbestos-containing material;</p> <p>(iii) the condition of the asbestos-containing material;</p> <p>(iv) the quantity of asbestos-containing material proposed to be removed.</p> <p>(3) The type of personal protective clothing and personal protective equipment to be used, including respiratory protective equipment.</p> <p>(4) Proposed risk control measures to be used to prevent release of airborne asbestos fibres from the area where the asbestos removal work is being performed.</p> <p>(5) If the area where the asbestos removal work is being performed in a negative air enclosure, details regarding—</p> <p>(a) smoke testing;</p> <p>(b) negative air units.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Schedule 12—Information required to be included in an asbestos control plan</p> <p>Regulation 272</p> <p>(1) A record to indicate that the notice requirements have been met and that required documentation is kept at the workplace where the asbestos removal work is performed.</p> <p>(2) In relation to asbestos—</p> <p>(a) its location;</p> <p>(b) the quantity of asbestos proposed to be removed; and</p> <p>(c) in relation to asbestos-containing material—</p> <p>(i) whether the asbestos-containing material is friable or non-friable;</p> <p>(ii) the type of asbestos-containing material;</p> <p>(iii) the condition of the asbestos-containing material.</p> <p>(3) The type of personal protective clothing and personal protective equipment to be used, including respiratory protective equipment.</p> <p>(4) Proposed risk control measures to be used to prevent release of airborne asbestos fibres from the area where the asbestos removal work is being performed.</p> <p>(5) If the area where the asbestos removal work is being performed in a negative air enclosure, details regarding—</p> <p>(a) smoke testing; and</p> <p>(b) negative air units.</p> <p>(6) Details of decontamination procedures for—</p> <p>(a) persons performing the asbestos removal work;</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>If you are required to have an asbestos control plan, you now have a duty to include the name of any independent contractors engaged, namely excavator operators, in the plan.</p> <p>You are also required to include in the control plan in relation to asbestos, the quantity proposed to be removed. This requirement was added following the incorporation of the <i>Dangerous Goods Order 2007</i> into the OHS Regulations 2017.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(6) Details of decontamination procedures for—</p> <ul style="list-style-type: none"> (a) persons performing the asbestos removal work; (b) tools and equipment used for the asbestos removal work; (c) non-disposable personal protective clothing and personal protective equipment. <p>(7) Method of disposal of—</p> <ul style="list-style-type: none"> (a) asbestos waste; (b) disposable personal protective clothing and personal protective equipment; (c) the structure used to enclose the area where the asbestos removal work is being performed. <p>(8) Administrative controls to be implemented, including—</p> <ul style="list-style-type: none"> (a) security; (b) work practices. <p>(9) Methods of cleaning following asbestos removal work.</p> <p>(10) Names of persons engaged by the licence holder or person who commissioned the work (as applicable) to conduct asbestos paraoccupational air monitoring (if any) and to conduct the clearance inspection.</p>	<ul style="list-style-type: none"> (b) tools and equipment used for the asbestos removal work; and (c) non-disposable personal protective clothing and personal protective equipment. <p>(7) Method of disposal of—</p> <ul style="list-style-type: none"> (a) asbestos waste; (b) disposable personal protective clothing and personal protective equipment; and (c) the structure used to enclose the area where the asbestos removal work is being performed. <p>(8) Administrative controls to be implemented, including—</p> <ul style="list-style-type: none"> (a) security; and (b) work practices. <p>(9) Methods of cleaning following asbestos removal work.</p> <p>(10) Names of persons engaged by the licence holder or person who commissioned the asbestos removal work (as applicable) to conduct asbestos paraoccupational air monitoring (if any) and to conduct the clearance inspection.</p> <p>(11) Names of any independent contractors engaged by the asbestos removal licence holder to perform asbestos removal work.</p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Schedule 8—Asbestos</p> <p>Regulations 4.3.97 and 4.3.98</p> <p>Information required to be included in a notification of asbestos removal work</p> <ol style="list-style-type: none"> (1) The name, registered business name, Australian Business Number, licence number and contact details of the licence holder. (2) The name of the supervisor who will oversee the asbestos removal work and the supervisor's contact details. (3) The client name and contact details. (4) The name, including registered business or corporate name, and address of the workplace and type of workplace where the asbestos removal work will be performed including the specific location if it is a large workplace. (5) The date of notification. (6) The commencement date and estimated duration of the asbestos removal work. (7) Whether the asbestos is friable asbestos-containing material or non-friable asbestos-containing material. (8) If friable asbestos-containing material is to be removed, details of the way that the area where the asbestos removal work is to be performed will be enclosed. (9) The type of asbestos-containing material. (10) The estimated quantity of asbestos to be removed. (11) The number of employees who will perform the asbestos removal work. <p style="text-align: right;"><i>cont'd</i></p>	<p>Schedule 13—Information required to be included in a notice of asbestos removal work</p> <p>Regulations 298 and 299</p> <ol style="list-style-type: none"> (1) The name, registered business name, Australian Business Number, licence number and contact details of the licence holder. (2) The name of the supervisor who will oversee the asbestos removal work and the supervisor's contact details. (3) The name and contact details of the person who commissioned the asbestos removal work. (4) The name, including registered business or corporate name, and address of the workplace and type of workplace where the asbestos removal work will be performed including the specific location if it is a large workplace. (5) The date of notice. (6) The commencement date and estimated duration of the asbestos removal work. (7) Whether the asbestos is friable asbestos-containing material, non-friable asbestos-containing material or asbestos-contaminated dust. (8) If the work is Class A asbestos removal work, details of the way that the area where the asbestos removal work is to be performed will be enclosed. (9) The type of asbestos-containing material. (10) The estimated quantity of asbestos to be removed. (11) The number of persons who will perform the asbestos removal work. <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>If you have to write a notice of asbestos removal work, you are now required to also include in the notice whether it is asbestos-contaminated dust (item 7), the number of contractors, namely excavator operators (item 11), and the name of the independent person who determined that airborne asbestos fibre levels are likely to be less than one half of the exposure standard.</p>

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<p>(12) Details of training and experience of those individual employees, if different to the information notified previously.</p> <p>(13) The date of any asbestos register or employer's asbestos register used to prepare the asbestos control plan.</p>	<p>(12) Details of training and experience of those individual persons, if different to the information notified previously.</p> <p>(13) If an independent person has determined that airborne asbestos fibres levels are likely to be less than one half of the asbestos exposure standard, the name of that independent person.</p>	
Part 4.4 Lead	Part 4.3 Lead	Part 4.3 Lead
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
4.4.5(2) Medical examinations and biological monitoring	181(2) Medical examinations and biological monitoring	Change to duty holder requirements.
<p>(2) In this Part, a requirement for biological monitoring of a person is a requirement for biological monitoring that consists of the testing of the venous blood of the person by a pathology service accredited by NATA under the supervision of a registered medical practitioner to determine the amount of lead in the blood corrected to a haematocrit of 0.45 (45%) for males and a haematocrit of 0.42 (42%) for females.</p>	<p>(2) In this Part, a requirement for biological monitoring of a person is a requirement for biological monitoring that consists of the testing of the venous blood of the person by a pathology service accredited by NATA under the supervision of a registered medical practitioner to determine the amount of lead in the blood.</p>	<p>Haematocrit correction is no longer required when undertaking blood lead level analysis.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Chapter 5—Hazardous industries	Chapter 5—Hazardous industries	Chapter 5—Hazardous industries
Part 5.1—Construction	Part 5.1—Construction	Part 5.1—Construction
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
<p>5.1.5 What is a safe work method statement?</p> <p>In this Part a safe work method statement means a document that—</p> <ul style="list-style-type: none"> (a) identifies work that is high risk construction work; and (b) states the hazards and risks of that work; and (c) sufficiently describes measures to control those risks; and (d) describes how the risk control measures are to be implemented. 	<p>324 What is a safe work method statement?</p> <p>In this Part a safe work method statement means a document that—</p> <ul style="list-style-type: none"> (a) identifies work that is high risk construction work; and (b) states the hazards and risks of that work; and (c) sufficiently describes measures to control those risks; and (d) describes how the risk control measures are to be implemented; and (e) is set out and expressed in a way that is readily accessible and comprehensible to the persons who use it. 	<p>Change to duty holder requirements.</p> <p>As an employer or self-employed person, the regulations specifically require you to ensure your safe work method statement (SWMS) is set out and expressed in a way that is readily accessible and comprehensible to the persons who use it.</p> <p>This explicit requirement reflects WorkSafe's current policy and guidance on SWMS.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>5.1.6 Self-employed person to have the same duties as an employer</p> <p>(1) A self-employed person must comply with the requirements of this Part as if that person were an employer.</p> <p>(2) If a provision of this Part is an Act compliance provision, compliance by a self-employed person with that provision in respect of a matter is the way that the self-employed person complies with the self-employed person's duty under section 24 of the Act in respect of that matter.</p> <p>(3) A self-employed person's duties under this regulation apply only so far as to ensure, so far as is reasonably practicable, that persons are not exposed to risks to their health and safety arising from the conduct of the undertaking of the self-employed person.</p>	<p>This regulation has been removed.</p>	<p>No change to duty holder requirements.</p> <p>As a self-employed person, where you have a duty within Part 5.1 of the OHS Regulations 2017 and where such a duty is required to be compliant with the OHS Act, this duty will now be specifically referenced in the relevant regulation rather than in an overarching provision that requires you to comply with the whole of the Part.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Division 2—Control of risk	Division 2—Control of risk	Division 2—Control of risk
No equivalent regulation.	<p>331 Emergency procedures</p> <p>(1) This section applies to construction work if there is a risk of a person becoming engulfed by soil or other material when the work is performed.</p> <p>(2) An employer or self-employed person must establish emergency procedures in accordance with subregulations (3) and (4) before the construction work is undertaken.</p> <p>(3) The employer or self-employed person must ensure that the emergency procedures—</p> <p>(a) so far as is reasonably practicable, enable—</p> <p>(i) the rescue of a person in the event that the person becomes engulfed by soil or other material; and</p> <p>(ii) the provision of first aid to a person who has become engulfed; and</p> <p>(b) can be carried out immediately after a person becomes, or is likely to become, engulfed.</p> <p>(4) The employer or self-employed person must ensure that any risk associated with carrying out the emergency procedures is—</p> <p>(a) so far as is reasonably practicable, eliminated; or</p> <p>(b) if it is not reasonably practicable to eliminate the risk, reduced so far as is reasonably practicable.</p>	<p>Change to duty holder requirements.</p> <p>As an employer or self-employed person, the OHS Regulations 2017 now explicitly require you to develop emergency procedures if there is a risk of a person becoming engulfed by soil or other material when construction work is being performed. Rescues in these circumstances need to occur quickly and may involve a risk of further ground collapse which can put both trapped people and their rescuers at risk. An engulfment hazard has a similar risk profile to falls and confined spaces hazards that already have specific emergency response requirements within the regulations.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	(5) The employer or self-employed person must ensure that the emergency procedures are carried out immediately after a person becomes, or is likely to become, engulfed.	
<p>Division 3—Induction training for construction work</p> <p>5.1.19 Application of Division</p> <p>This Division applies to all persons at a workplace at which construction work is performed, with the exception of—</p> <ul style="list-style-type: none"> (a) visitors to the workplace who are accompanied at all times by a person who has received construction induction training; and (b) persons temporarily at the workplace to deliver plant, supplies or materials. <p>5.1.20 Construction induction training to be provided</p> <p>(1) Subject to regulation 5.1.23, an employer must ensure that construction induction training is provided in accordance with this regulation to a person who is employed to perform construction work and—</p> <ul style="list-style-type: none"> (a) who is neither registered, nor taken under these Regulations to be registered, under Part 6.2 (Registration) to perform construction work; or (b) who has not performed construction work in the preceding 2 years. <p>(2) The construction induction training must be provided to the person before the person commences construction work.</p> <p>(3) The construction induction training must be provided by a construction RTO.</p>	<p>Division 3—Construction induction training</p> <p>338 Application of Division</p> <p>This Division applies to all persons at a workplace at which construction work is performed, with the exception of—</p> <ul style="list-style-type: none"> (a) visitors to the workplace who are accompanied at all times by a person who has received construction induction training; and (b) persons temporarily at the workplace to deliver plant, supplies or materials. <p>339 Construction induction training to be provided</p> <p>(1) Subject to regulation 342, an employer must ensure that construction induction training is provided in accordance with this regulation to a person who—</p> <ul style="list-style-type: none"> (a) is employed to perform construction work; and (b) does not hold a current construction induction card. <p>(2) The construction induction training must be provided to the person before the person commences construction work.</p> <p>(3) The construction induction training must be provided by a construction RTO.</p> <p>340 Requirement to hold a current construction induction card</p> <p>Subject to regulation 342, a person must not perform construction work at a workplace unless the person holds a current construction induction card.</p>	<p>Division 3—Construction induction training</p> <p>No change to duty holder requirements.</p> <p>If you undertake construction work you are still required to have undertaken construction induction training and hold a construction induction training card (CI card) or provide specified evidence of having undertaken the required construction induction training. There are no changes to the CI card application process.</p> <p>However, you are no longer required to register for construction work. The registration provisions have been removed from the OHS Regulations 2017.</p>
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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>5.1.21 Requirement to be registered Subject to regulation 5.1.23, a person must not perform construction work at a workplace unless the person is registered, or taken under these Regulations to be registered, under Part 6.2 (Registration) to perform construction work.</p> <p>5.1.22 Employer must not allow unregistered employee to perform construction work Subject to regulation 5.1.23, an employer must not knowingly allow a person (including a person placed with an employer under a work experience arrangement under the <i>Education and Training Reform Act 2006</i>) whom the employer employs to perform construction work unless the person is registered, or taken under these Regulations to be registered, under Part 6.2 (Registration) to perform construction work.</p> <p>5.1.23 Temporary exemption</p> <p>(1) If an employer employs a person to perform construction work, regulations 5.1.20, 5.1.21 and 5.1.22 do not apply for the first 28 consecutive days if—</p> <p>(a) the person employed has not performed construction work in the preceding 2 years; and</p> <p>(b) the employer ensures that an application for the person to undertake construction induction training is made and paid for by the employer before or during that 28 day period.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>341 Employer must not allow a person to perform construction work unless the person holds a current construction induction card</p> <p>(1) Subject to regulation 342, an employer must not knowingly allow a person whom the employer employs to perform construction work unless the person holds a current construction induction card.</p> <p>(2) A reference in subregulation (1) to a person employed by the employer includes a person placed with the employer under a work experience arrangement under the Education and Training Reform Act 2006.</p> <p>342 Exemptions</p> <p>(1) Regulations 339, 340 and 341 do not apply in relation to a person who is employed to perform construction work during the period of 28 days after the person's employment commences if—</p> <p>(a) the person has not performed construction work during the preceding 2 years; and</p> <p>(b) the employer makes an application and pays for the person to undertake construction induction training before or during the period of 28 days; and</p> <p style="text-align: right;"><i>cont'd</i></p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(2) The employer must ensure that the person employed receives—</p> <ul style="list-style-type: none"> (a) direct supervision; and (b) directions, demonstrations and monitoring—appropriate to the construction work performed by the person, for the 28 day period referred to in subregulation (1), so that, so far as is reasonably practicable, the person can perform the work in a manner that is safe and without risks to health. <p>5.1.24 Offence to refuse to accept construction induction card</p> <p>(1) An employer must not knowingly refuse to accept a current construction induction card from a person as evidence of the registration of that person to perform construction work for the purposes of this Part.</p> <p>(2) For the purposes of subregulation (1), construction induction card means—</p> <ul style="list-style-type: none"> (a) a construction induction card issued by the Authority under Part 6.2 (Registration); (b) recognised evidence of construction induction training; (c) a construction statement of attainment issued to a person within the previous 60 day period; <p style="text-align: right;"><i>cont'd</i></p>	<ul style="list-style-type: none"> (c) the employer ensures that the person receives direct supervision, directions, demonstrations and monitoring appropriate to the construction work performed by the person for the 28 day period so that, so far as is reasonably practicable, the person can perform the work in a manner that is safe and without risks to health. <p>(2) Regulations 339, 340 and 341 do not apply in relation to a person who is employed to perform construction work during the period of 60 days after the person has been issued with a construction statement of attainment.</p> <p>(3) Regulations 339, 340 and 341 do not apply in relation to a person who is employed to perform construction work if the person—</p> <ul style="list-style-type: none"> (a) completed the Construction Induction Basic Induction Training course before 1 July 2008 and holds a card evidencing that completion; and (b) has performed construction work in the preceding 2 years. <p style="text-align: right;"><i>cont'd</i></p>	

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<p>(d) a card evidencing completion before 1 July 2008 of the Construction Industry Basic Induction training course.</p> <p>Part 6.2 – Division 4—Registration to perform construction work (6.2.15 – 6.2.21)</p> <p>Consequential amendments arising from the removal of the above Registration provisions in relation to the performance of construction work have been included in Part 5.1 – Division 3—Construction induction training (Regulations 338 – 353)</p>	<p>(4) Regulations 339, 340 and 341 do not apply in relation to a person who is employed to perform construction work if the person has recognised evidence of construction induction training and—</p> <p>(a) not more than 2 years have passed since the recognised evidence of construction induction training was issued; or</p> <p>(b) the person has performed construction work in the preceding 2 years.</p> <p>Regulations 343 - 353 include consequential amendments arising from the removal of Part 6.2 - Division 4 - Registration to perform construction work (6.2.15 - 6.2.21) in relation to construction induction cards and statements of attainment.</p>	
Part 5.2—Major Hazard Facilities	Part 5.2—Major hazard facilities	Part 5.2—Major hazard facilities
Division 3—Safety duties of operators	Division 6—Safety duties of operators	Division 6—Safety duties of operators
5.2.5 Safety Management System	372 Safety management system	Division 6—Safety duties of operators
<p>(1) The operator of a major hazard facility must establish and implement a Safety Management System for the major hazard facility, in accordance with this regulation.</p> <p>(2) The operator must use the Safety Management System as the primary means of ensuring the safe operation of the major hazard facility.</p> <p>(3) A Safety Management System must –</p> <p>(a) be documented; and</p> <p>(b) provide a comprehensive and integrated management system for all aspects of risk control measures adopted under this Part; and</p>	<p>(1) The operator of a major hazard facility must establish and implement a safety management system for the major hazard facility, in accordance with this regulation, which provides a comprehensive and integrated management system for all risk control measures adopted under this Part.</p> <p>(2) The operator must use the safety management system as the primary means of ensuring the safe operation of the major hazard facility.</p>	<p>No change to duty holder requirements.</p> <p>The content requirements for a Safety Management System remain the same but they have been consolidated in Schedule 15 of the OHS Regulations 2017.</p> <p>As a major hazard facility operator, you can now refer to Schedule 15 of the new regulations for details of all content required in a Safety Management System.</p> <p>There is a new provision at 373 to make clear that you must keep the Safety Management System available for inspection as required under the OHS Act.</p> <p>Note that 5.2.5(4) has now been moved into a separate provision (regulation 374).</p>
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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(c) be set out and expressed in a way that is readily accessible and comprehensible to persons who use it; and</p> <p>(d) set out the operator's safety policy, including the operator's broad aims in relation to the safe operation of the major hazard facility; and</p> <p>(e) set out the operator's specific safety objectives and describe the systems and procedures by which those objectives are to be achieved; and</p> <p>(f) set out how the operator intends to comply with this Division and Division 5; and</p> <p>(g) include all of the matters specified in Schedule 10.</p> <p>(4) The operator of a major hazard facility must review and, if necessary, revise the Safety Management System if—</p> <p>(a) a modification is made to the major hazard facility; or</p> <p>(b) a major incident occurs at the major hazard facility— and in any event at least once every 5 years.</p>	<p>(3) The operator of a major hazard facility must ensure that the safety management system—</p> <p>(a) is documented; and</p> <p>(b) is set out and expressed in a way that is readily accessible and comprehensible to persons who use it; and</p> <p>(c) includes all of the matters specified in Schedule 15.</p> <p>373 Operator to keep safety management system available</p> <p>The operator of a major hazard facility must keep the documented safety management system available for inspection on request under the Act.</p> <p>374 Review of safety management system</p> <p>The operator of a major hazard facility must review and, if necessary, revise the safety management system at least once every 5 years as well as in the following circumstances—</p> <p>(a) before a modification is made to the major hazard facility;</p> <p>(b) after a major incident occurs at the major hazard facility.</p>	
<p>5.2.9 Emergency plan</p> <p>(1) The operator of a major hazard facility must prepare an emergency plan for the major hazard facility in accordance with this regulation.</p> <p>(2) The emergency plan prepared under this regulation must be included as a risk control measure adopted under regulation 5.2.8 for that major hazard facility.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>375 Emergency plan</p> <p>(1) The operator of a major hazard facility must prepare an emergency plan for the major hazard facility in accordance with this regulation.</p> <p>(2) The emergency plan must be included as a risk control measure adopted under regulation 371 for that major hazard facility.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>As an operator of a major hazard facility, you now have a duty to provide a copy of the parts of the emergency plan relevant to the off-site consequences of a major incident to municipal councils in the area occupied by the local community. This will help to ensure municipal councils are able to prepare and respond more quickly in the event of a major incident.</p> <p style="text-align: right;"><i>cont'd</i></p>

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<p>(3) An emergency plan must—</p> <ul style="list-style-type: none"> (a) address the potential on-site and off-site consequences of a major incident occurring; and (b) include all matters specified in Schedule 11; and (c) be prepared in conjunction with— <ul style="list-style-type: none"> (i) the emergency services that have responsibility for the area in which the major hazard facility is located; and (ii) in relation to the off-site consequences of a major incident occurring, the municipal councils in the area occupied by the local community. <p>(4) After preparing an emergency plan, the operator must—</p> <ul style="list-style-type: none"> (a) keep a copy of the emergency plan at the major hazard facility for use by the emergency services consulted under subregulation (3)(c)(i); and (b) inform those emergency services of the location of the copy of the emergency plan; and (c) forward a copy of the plan to those emergency services. 	<p>(3) The emergency plan must—</p> <ul style="list-style-type: none"> (a) address the potential on-site and off-site consequences of a major incident occurring; and (b) include all matters specified in Schedule 16; and (c) be prepared in conjunction with— <ul style="list-style-type: none"> (i) the emergency services that have responsibility for the area in which the major hazard facility is located; and (ii) in relation to the off-site consequences of a major incident occurring, the municipal councils in the area occupied by the local community. <p>(4) The operator of a major hazard facility must ensure that the emergency plan is able to be carried out immediately if—</p> <ul style="list-style-type: none"> (i) a major incident occurs; or (ii) an uncontrolled event or incident occurs that could reasonably be expected to lead to a major incident. <p>376 Emergency plan to be kept and sent to emergency services and municipal councils</p> <p>After preparing an emergency plan, the operator of a major hazard facility must—</p> <ul style="list-style-type: none"> (a) keep a copy of the emergency plan at the major hazard facility for use by emergency services; and <p style="text-align: right;"><i>cont'd</i></p>	<p>In addition, you must be able to carry out the emergency plan immediately if a major incident, or an uncontrolled event or incident which could lead to a major incident, occurs.</p>

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	<ul style="list-style-type: none"> (b) send a copy of the emergency plan to those emergency services involved in the preparation of the plan under regulation 375(3)(c)(i) and inform those emergency services of the plan's location at the major hazard facility; and (c) send to the municipal councils involved in the preparation of the plan under regulation 375(3)(c) <ul style="list-style-type: none"> (ii) a copy of those parts of the emergency plan relating to the off-site consequences of a major incident occurring. 	
<p>5.2.12 Review by operator</p> <p>(1) The operator of a major hazard facility who has—</p> <ul style="list-style-type: none"> (a) identified major incident hazards and possible major incidents under regulation 5.2.6; or (b) conducted a Safety Assessment under regulation 5.2.7; or (c) adopted risk control measures under regulation 5.2.8— <p>must review and, if necessary, revise those matters to ensure that the risk control measures adopted are such that the operator continues to comply with regulation 5.2.8.</p> <p>(2) A review and revision under this regulation must be conducted—</p> <ul style="list-style-type: none"> (a) at the direction of the Authority; or (b) before a modification is made to the major hazard facility; or <p style="text-align: right;"><i>cont'd</i></p>	<p>379 Review by operator</p> <p>(1) In order to ensure that an operator of a major hazard facility is complying with regulation 371 by adopting appropriate risk control measures, the operator must review and, if necessary, revise the following—</p> <ul style="list-style-type: none"> (a) the major incident hazards and possible major incidents identified under regulation 368; (b) the safety assessment; (c) the risk control measures adopted under regulation 371; (d) the emergency plan. <p>(2) A review under this regulation must be conducted at least every 5 years as well as in the following circumstances—</p> <ul style="list-style-type: none"> (a) at the direction of the Authority; (b) before any modification is made to the major hazard facility; <p style="text-align: right;"><i>cont'd</i></p>	<p>No change to duty holder requirements.</p> <p>The revised provision makes clear that as an operator of a major hazard facility, you must review and revise the emergency plan at least every five years, as well as in the circumstances set out at 379(2).</p>

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<p>(c) after a major incident occurs at the major hazard facility; or</p> <p>(d) when an effectiveness test indicates a deficiency in a risk control measure; or</p> <p>(e) if there has been any change to the circumstances that formed part of the initial Property Protection Assessment under regulation 5.2.36; or</p> <p>(f) if a health and safety representative requests the operator to conduct a review— and in any event at least once every 5 years.</p> <p>(3) A health and safety representative may make a request under subregulation (2) (f) if the health and safety representative believes on reasonable grounds that—</p> <p>(a) any of the circumstances referred to in subregulations (2)(a) to (2)(e) exists; or</p> <p>(b) the operator has failed—</p> <p>(i) to properly review the risk control measures; or</p> <p>(ii) to take into account any of the circumstances referred to in subregulations (2)(a) to (2)(e) in conducting a review of the risk control measures.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>(c) after any major incident occurs at the major hazard facility;</p> <p>(d) when an effectiveness test indicates a deficiency in a risk control measure;</p> <p>(e) if there has been any change to the circumstances that formed part of the property protection assessment under regulation 382;</p> <p>(f) after receiving a request from a health and safety representative.</p> <p>(3) A health and safety representative may make a request under subregulation (2) (f) if the health and safety representative believes on reasonable grounds that—</p> <p>(a) any of the circumstances referred to in subregulation (2)(a) to (e) exists; or</p> <p>(b) the operator has failed—</p> <p>(i) to properly review the risk control measures; or</p> <p>(ii) to take into account any of the circumstances referred to in subregulation (2)(a) to (e) in conducting a review of, or revising, the risk control measures.</p> <p>(4) The operator must review and, if necessary, revise the emergency plan for the major hazard facility in conjunction with—</p> <p style="text-align: right;"><i>cont'd</i></p>	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(4) The operator must review and, if necessary, revise the emergency plan for the major hazard facility in conjunction with—</p> <p>(a) the emergency services that have responsibility for the area in which the major hazard facility is located; and</p> <p>(b) in relation to the off-site consequences of a major incident occurring, the municipal councils within the area occupied by the local community.</p>	<p>(a) the emergency services that have responsibility for the area in which the major hazard facility is located; and</p> <p>(b) in relation to the off-site consequences of a major incident occurring, the municipal councils within the area occupied by the local community.</p>	
<p>Division 4—Safety Case</p> <p>5.2.17 Review of Safety Case</p> <p>(1) An operator of a major hazard facility must review and revise the Safety Case for the major hazard facility if—</p> <p>(a) the risk control measures are revised under regulation 5.2.12; or</p> <p>(b) the operator intends to apply for the renewal of the operator's major hazard facility licence under Part 6.1 (Licences); or</p> <p>(c) a Property Protection Assessment is revised under regulation 5.2.37.</p> <p>(2) A revised Safety Case must—</p> <p>(a) include all of the matters required under regulation 5.2.15; and</p> <p>(b) specify the changes made to the Safety Case in relation to matters specified in regulation 5.2.15(1).</p> <p>(3) If a Safety Case is revised by the operator of a major hazard facility, the operator must provide a copy of the revised Safety Case to the Authority as soon as is reasonably possible after the revision is made.</p>	<p>Division 8—Safety Case</p> <p>387 Review of safety case</p> <p>(1) The operator of a major hazard facility must review and revise the safety case for the major hazard facility if—</p> <p>(a) the risk control measures are revised under regulation 379; or</p> <p>(b) the operator intends to apply for the renewal of the operator's major hazard facility licence under Part 6.1 (Licences); or</p> <p>(c) a property protection assessment for the facility is revised under regulation 383.</p> <p>(2) A revised safety case must—</p> <p>(a) include all of the matters required under regulation 385; and</p> <p>(b) specify the changes made to the safety case in relation to matters specified in regulation 385(1).</p> <p>(3) If a safety case is revised by the operator of a major hazard facility, the operator must, as soon as reasonably possible after the revision is made, provide to the Authority a copy of—</p>	<p>Division 8—Safety Case</p> <p>Change to duty holder requirements.</p> <p>As an operator of a major hazard facility, you now have more flexibility in providing revised information to WorkSafe following a review of the safety case for your major hazard facility.</p> <p>You can now provide WorkSafe with details of the changes made to the safety case, rather than the entire revised safety case.</p> <p>You can also still provide the entire revised safety case by choice, and will be required to do so upon a request by WorkSafe.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<ul style="list-style-type: none"> (a) the revised safety case; or (b) the changes made to the safety case as set out in subregulation (2)(b). <ul style="list-style-type: none"> (4) The Authority may request a copy of the revised safety case at any time. (5) The operator must provide to the Authority a copy of the revised safety case as soon as reasonably possible after receiving a request under subregulation (4). 	
<p>Division 7—Determination of major hazard facility</p> <p>5.2.27 Operators of certain facilities to notify Authority</p> <ul style="list-style-type: none"> (1) The operator of a facility at which Schedule 9 materials are present or likely to be present in a quantity exceeding 10% of their threshold quantity but less than their threshold quantity must notify the Authority of this circumstance in accordance with this regulation. (2) The notification must be given within 30 days after the operator becomes aware, or ought reasonably to have become aware, of the circumstance giving rise to the requirement to notify. 	<p>Division 4—Determination of major hazard facility</p> <p>360 Operators of certain facilities to notify Authority</p> <ul style="list-style-type: none"> (1) Subject to subregulation (2), the operator of a facility at which Schedule 14 materials are present, or likely to be present, in a quantity exceeding 10% of their threshold quantity must notify the Authority of this circumstance in accordance with this regulation. (2) Subregulation (1) does not apply to— <ul style="list-style-type: none"> (a) a person who has applied under regulation 514 to the Authority for registration to operate the facility as a major hazard facility; or (b) an operator of a registered major hazard facility. (3) The notice under subregulation (1) must be given within 30 days after the operator becomes aware, or ought reasonably to have become aware, of the circumstance giving rise to the requirement to notify. (4) Without limiting regulation 532, the notice must contain— <p style="text-align: right;"><i>cont'd</i></p>	<p>Division 4—Determination of major hazard facility</p> <p>Change to duty holder requirements.</p> <p>Under the OHS Regulations 2017, an operator of a facility that is not yet a major hazard facility is required to notify WorkSafe where materials listed in Schedule 14 are present at the facility in a quantity exceeding 10% of their threshold.</p> <p>To reduce confusion about who has to notify, the upper limit on the quantity required for notification has been removed. That is, the new provision requires a facility operator to notify the Authority where they hold Schedule 14 materials at or above threshold levels, as well as where they hold amounts above 10% but less than full threshold.</p> <p>To ensure that this change does not duplicate existing requirements and impose undue burden on operators, the provision makes clear that a person who has already registered (or applied to register) a proposed major hazard facility would not have to provide a notification for the same facility.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<ul style="list-style-type: none"> (a) the information specified in Schedule 18 with all necessary adaptations to the circumstance described in subregulation (1) that give rise to the requirement to notify; and (b) if the facility or proposed facility is expected to operate as a major hazard facility, the date on which it will commence so operating. 	
Schedules	Schedules	Schedules
<p>Schedule 9—Materials at Major Hazard Facilities (and their thresholds)</p> <p>Regulation 1.1.5</p> <p>Refer to OHS Regulations 2007 for detail.</p>	<p>Schedule 14—Materials at major hazard facilities and their threshold quantities</p> <p>Regulation 5</p> <p>Refer to OHS Regulations 2017 for detail.</p>	<p>Change to duty holder requirements.</p> <p>Schedule 14 of OHS Regulations 2017 has been updated to reflect improved safety knowledge about the storage of hazardous materials and to align with the <i>Globally Harmonized System of Classification and Labelling of Chemicals</i> (GHS) terminology.</p> <p>As an operator of a major hazard facility, you need to review Schedule 14 to determine whether any changes to material descriptions or thresholds affect your operations. For example, operators should consider whether any hazardous materials they have on site are subject to a revised threshold quantity.</p> <p>Refer to the regulations for full details of the schedules.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Schedule 11—Major Hazard Facilities</p> <p>Regulation 5.2.9</p> <p>Matters to be included in Emergency Plan</p> <p>1 Site and hazard detail</p> <p>1.1 The name, location, postal address and nature of the operations of the major hazard facility.</p> <p>1.2 A detailed map of—</p> <p>(a) the site of the major hazard facility;</p> <p>(b) the area surrounding the site showing details of residents, the built and natural environment, closely located major hazard facilities and all other neighbours whose health or safety could be adversely affected by a major incident.</p> <p>The map should also identify all potentially hazardous inventories in the area that are known to the operator and the location of all staging points for emergency services.</p> <p>1.3 Inventory of Schedule 9 materials present or likely to be present at the major hazard facility.</p> <p>1.4 Minimum and maximum number of employees expected to be on-site at any one time and their likely or normal location within the major hazard facility.</p> <p>1.5 Infrastructure likely to be affected by a major incident, including any utilities, road, rail, airport or shipping infrastructure.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Schedule 16—Matters to be included in major hazard facility emergency plan</p> <p>Regulation 375</p> <p>1 Site and hazard detail</p> <p>1.1 The name, location, postal address and nature of the operations of the major hazard facility.</p> <p>1.2 A detailed map of—</p> <p>(a) the site of the major hazard facility; and</p> <p>(b) the area surrounding the site showing details of residents, the built and natural environment, closely located major hazard facilities and all other neighbours whose health or safety could be adversely affected by a major incident.</p> <p>The map must also identify all potentially hazardous inventories in the area that are known to the operator and the location of all staging points for emergency services.</p> <p>1.3 Inventory of Schedule 14 materials present or likely to be present at the major hazard facility.</p> <p>1.4 Minimum and maximum number of employees expected to be on-site at any one time and their likely or normal location within the major hazard facility.</p> <p>1.5 Infrastructure likely to be affected by a major incident, including any utilities, road, rail, airport or shipping infrastructure.</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>As an operator of a major hazard facility, you now have a duty to consider the protection of emergency services personnel when preparing an emergency plan. The new duty has been inserted into Schedule 16 (at 1.6) of the OHS regulations 2017. This ensures that the potential impact of a major incident on first responders is planned for as part of the preparation and implementation of the facility's emergency plan. Requirements in the rest of the Schedule are unchanged.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>1.6 Emergency planning assumptions, including emergency measures planned for identified major incidents, the area likely to be affected, the likely duration of events, protection of the local community, including other nearby facilities, and the built and natural environment.</p> <p>1.7 For each major incident hazard and major incident, a description of the measures taken and to be taken to control or limit the consequences of a major incident, including a description of all protective resources available and all emergency response procedures.</p>	<p>1.6 Emergency planning assumptions for each identified major incident, including—</p> <ul style="list-style-type: none"> (a) planned emergency measures; and (b) the area likely to be affected; and (c) the likely duration of events; and (d) protection of the local community; and (e) protection of nearby facilities; and (f) protection of the built and natural environment; and (g) protection of any emergency services personnel that may attend the major incident. <p>1.7 For each major incident hazard and major incident, a description of the measures taken and to be taken to control or limit the consequences of a major incident, including a description of all protective resources available and all emergency response procedures.</p>	

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Schedule 12—Major hazard facilities</p> <p>Regulations 5.2.15(1)(c) and 8.1.8(7)</p> <p>Additional matters to be included in Safety Case</p> <p>A FACILITY DESCRIPTION</p> <p>2 The surrounding area</p> <p>2.1 A plan to scale of the facility and its surrounding area showing—</p> <ul style="list-style-type: none"> (a) the location of the facility within the surrounding area; (b) topographical information; (c) surrounding land uses; (d) the location of any identified external threats (including other major hazard facilities or other facilities that could affect the safety of the major hazard facility). <p>2.2 Graphically presented demographic information for the local community, including surrounding land uses permitted by the local planning authority.</p> <p>2.3 Meteorological data relevant to the estimation of the effects of any major incident.</p> <p>B SAFETY INFORMATION</p> <p>8 Major incident history</p> <p>A summary of the major incidents that have occurred at the major hazard facility over the previous 5 years.</p>	<p>Schedule 17—Additional matters to be included in major hazard facility safety case</p> <p>Regulation 385</p> <p>A FACILITY DESCRIPTION</p> <p>2 The surrounding area</p> <p>2.1 A plan to scale of the facility and its surrounding area showing the following—</p> <ul style="list-style-type: none"> (a) the location of the facility within the surrounding area; (b) topographical information; (c) surrounding land uses; (d) the location of any identified external threats (including other major hazard facilities or other facilities that could affect the safety of the major hazard facility). <p>2.2 Demographic information for the local community, including surrounding land uses permitted by the local planning authority.</p> <p>2.3 Meteorological and seismic data relevant to the estimation of the effects of any major incident.</p> <p>B SAFETY INFORMATION</p> <p>10 Major incident history</p> <p>A summary of—</p> <ul style="list-style-type: none"> (a) the major incidents that have occurred at the major hazard facility over the previous 5 years; and (b) the incidents (other than those under paragraph (a)) the operator has been required to notify the Authority of under Part 5 of the Act over the previous 5 years. 	<p>Change to duty holder requirements.</p> <p>As an operator of a major hazard facility, you no longer have to provide graphically presented demographic information for the local community in your safety case.</p> <p>You now have a duty to provide seismic data in the safety case where it is relevant to the risk of a major incident at a major hazard facility. The likelihood and consequence of a major incident may be affected by the type and nature of any seismic activity posing a risk and it is therefore useful to have this data included in a safety case where it is relevant.</p> <p>You now also have a duty to provide a summary of any notifiable incidents (i.e. incidents that require notification to WorkSafe under Part 5 of the OHS Act) that have occurred at the major hazard facility in the last five years, in addition to major incidents as shown at Item 10. This is intended to ensure that operators address hazards and risks highlighted by previous incidents, including those that may not fall within the definition of a ‘major incident’.</p> <p>Requirements in the rest of the Schedule are unchanged.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Part 5.3—Mines	Part 5.3—Mines	Part 5.3—Mines
Division 1—Introductory matters	Division 1—Introductory matters	Division 1—Introductory matters
5.3.2 What is a mining hazard?	400 What is a mining hazard?	Change to duty holder requirements.
<p>(1) For the purposes of this Part, a mining hazard is any activity, procedure, plant, process, substance, situation or other circumstance that could pose a risk to health or safety in relation to—</p> <ul style="list-style-type: none"> (a) ground control; (b) slope stability; (c) rock falls; (d) rock bursts; (e) susceptibility to seismicity; (f) inrush of water or semi-solids; (g) shaft sinking or winding; (h) mining plant, including mobile plant and remote control equipment; (i) heavy transport equipment; (j) mine fires or explosions; (k) gas outbursts; (l) loss of ventilation; (m) airborne dust; (n) radiation from rock strata or other sources; (o) proximity to dangerous openings; (p) tailings dams; (q) exposure to sodium cyanide and its reaction products; (r) any other matter determined by the Authority under subregulation (2)—but does not include a major incident hazard. 	<p>(1) For the purposes of this Part, a mining hazard is—</p> <ul style="list-style-type: none"> (a) any activity, procedure, plant, process, substance, situation or other circumstance relating to work performed at a mine that could pose a risk to health or safety in relation to any of the following— <ul style="list-style-type: none"> (i) ground or strata failure, including ground control, slope stability, rock falls, rock bursts and susceptibility to seismic activity; (ii) inundation or inrush of any substance; (iii) mine shafts and winding operations; (iv) mining plant, including mobile plant and remote control equipment; (v) heavy transport equipment; (vi) mine fire or explosion; (vii) gas outbursts; (viii) loss of ventilation; (ix) air quality including dust or other airborne contaminants; (x) radiation from rock strata or other sources; (xi) proximity to dangerous openings; (xii) tailings dams; (xiii) exposure to sodium cyanide and its reaction products; 	<p>The list of mining hazards has been consolidated to retain the remaining mining-hazards types and to align with the model Work Health and Safety laws terminology for principal mining hazards.</p> <p>As a result, the scope of 'airborne dust' as a mining hazard has been broadened to cover 'air quality including dust or other airborne contaminants'.</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	(b) any other activity, procedure, plant, process, substance, situation or other circumstance determined by the Authority to be a mining hazard under regulation 6.	
Division 2—Safety duties of mine operators	Division 2—Safety duties of mine operators	Division 2—Safety duties of mine operators
5.3.11 Who may enter mine The operator of a mine must ensure that—	408 Who may enter mine	Change to duty holder requirements.
(1) no person, other than an inspector, or a person authorised under section 87 of the Act, enters the mine without permission;	(1) The operator of a mine must ensure, so far as is reasonably practicable, that—	As an operator of a mine, you now have more flexibility to allow an apprentice or trainee over 16 years but under 18 years of age to work in an underground mine if they are under direct supervision.
(2) no person under the age of 16 years is employed at the mine;	(a) no person, other than an inspector, or a person authorised under section 87 of the Act, enters the mine without permission; and	You can now also allow a person under the age of 16 years to work at the mine but not to carry out work in any open cut workings or in an underground mine.
(3) no employee under the age of 18 years works underground.	(b) no person under the age of 16 years is engaged to carry out work in any open cut workings or in an underground mine; and	
	(c) no person under the age of 18 years is engaged to carry out work in an underground mine, unless the person—	
	(i) is over the age of 16 years; and	
	(ii) is an apprentice or trainee under direct supervision by a suitably qualified and experienced supervisor authorised by the operator, as required under subregulation (2).	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<p>(2) For the purposes of subregulation (1)(c)(ii), the operator of the mine must ensure that—</p> <ul style="list-style-type: none"> (a) the apprentice or trainee is given directions, demonstrations and monitoring so that the apprentice or trainee can perform the work in a manner that is safe and without risks to health, and that the directions, demonstrations and monitoring are appropriate having regard to— <ul style="list-style-type: none"> (i) the tasks assigned to the apprentice or trainee; and (ii) the competence of the apprentice or trainee; and (b) should an emergency involving the apprentice or trainee arise, immediate action to rectify any hazardous situation can be taken; and (c) the apprentice or trainee is always under direct supervision unless the authorised supervisor of the apprentice or trainee reasonably believes— <ul style="list-style-type: none"> (i) that the circumstances of a particular task make such direct supervision impracticable or unnecessary; and 	

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<ul style="list-style-type: none"> (ii) that the level of competence of the apprentice or trainee is sufficient so that direct supervision in relation to that task is unnecessary; and (iii) that the lesser degree of supervision will not place the apprentice or trainee or any other person at risk. 	
<p>5.3.18 Communication in the event of an employee working alone</p> <p>The operator of the mine must ensure, so far as is reasonably practicable, that there are available means for constant communication with an employee who is working alone at an isolated location at a mine.</p>	<p>415 Communication in the event of an employee working alone</p> <p>The operator of the mine must ensure, so far as is reasonably practicable, that there are available means for effective communication with an employee who is working alone at an isolated location at a mine.</p>	<p>Change to duty holder requirements.</p> <p>As an operator of a mine, you must now ensure that there are available means for effective communication with an employee who is working alone at an isolated location at a mine. This change to replace 'constant' with 'effective' communication provides a more flexible and performance-based approach to the communication requirements.</p>
<p>5.3.30(1)(a) Working environment</p> <p>(1) The operator of a prescribed mine must ensure that—</p> <ul style="list-style-type: none"> (a) the air throughout the mine is maintained at a safe level; 	<p>429(1)(a) Working environment</p> <p>(1) The operator of a prescribed mine must ensure that—</p> <ul style="list-style-type: none"> (a) the air throughout the mine where persons work or travel, or areas of the mine where a person may work or travel, is maintained at a safe level; 	<p>Change to duty holder requirements.</p> <p>As an operator of a prescribed mine, you must now ensure air is maintained at a safe level throughout areas in the mine 'where persons work or travel', or areas in the mine 'where a person may work or travel'.</p> <p>Previously, you were required to maintain air at a safe level 'throughout the mine'.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>5.3.34(2)(4) Emergency plan</p> <p>(2) The operator must use the emergency plan as the primary means of responding to incidents involving a significant risk of serious injury or death.</p> <p>(4) After preparing the emergency plan, the operator of the prescribed mine must—</p> <p>(a) keep a copy of the emergency plan at the mine for use by the emergency services consulted under subregulation (3)(b)(i); and</p> <p>(b) inform the emergency services of the location of the copy of the emergency plan; and</p> <p>(c) forward a copy of the emergency plan to those emergency services.</p>	<p>433 Emergency plan</p> <p>(2) The emergency plan must—</p> <p>(a) ...</p> <p>(b) be prepared in conjunction with—</p> <p>(i) the emergency services that have responsibility for the area in which the mine is located; and</p> <p>(ii) in relation to major mining hazards that could adversely affect the health or safety of persons in the area surrounding the mine, any municipal council in that area; and</p> <p>(c) ...</p> <p>(d) be able to be implemented immediately in response to an incident involving a significant risk of serious injury or death.</p> <p>(3) The operator must immediately implement the emergency plan in responding to incidents involving a significant risk of serious injury or death.</p> <p>434 Emergency plan to be kept and sent to emergency services and municipal councils</p> <p>After preparing an emergency plan the operator of the prescribed mine must—</p> <p>(a) keep a copy of the emergency plan at the prescribed mine for use by emergency services; and</p> <p>(b) send a copy of the emergency plan to—</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>Change to duty holder requirements.</p> <p>The duty on a mine operator to use the emergency plan as the primary means of responding to incidents involving significant risk of serious injury or death has been made clearer by 433(2)(d) and 433(3) of the OHS Regulations 2017.</p> <p>These require the operator to ensure that the plan is able to be implemented 'immediately' in response to such incidents and to 'immediately' implement the plan in responding to those incidents.</p> <p>As an operator of a prescribed mine, 434(b)(ii) requires you to provide relevant parts of the plan to municipal councils that have been required to be involved in the preparation of the plan under 433(2)(b)(ii).</p> <p>This will help municipal councils be prepared, and respond more quickly in the event of an incident that may impact the community and communications (eg. the council may have a role in informing the community and developing an integrated council/ community response).</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
	<ul style="list-style-type: none"> (i) the emergency services involved in the preparation of the plan under regulation 433(2)(b)(i) and inform them of the plan's location at the prescribed mine; and (ii) the municipal councils involved in the preparation of the plan under regulation 433(3)(b)(ii). 	
Chapter 6—Licensing and Registration	Chapter 6—Licensing and Registration	Chapter 6—Licensing and Registration
Part 6.1—Licences	Part 6.1—Licences	Part 6.1—Licences
Division 1—Applications	Division 1—Applications	Division 1—Applications
<p>6.1.1(2) Matters to be included in licence applications</p> <p>(2) Despite subregulation (1), an application by a person who holds a certificate of competency (as defined in regulation 8.2.1) and who seeks to be licensed to perform the type of work authorised by that certificate need only—</p> <ul style="list-style-type: none"> (a) include the following— <ul style="list-style-type: none"> (i) a declaration by the applicant that he or she has maintained the competencies required to do the work that the certificate of competency authorises him or her to do; and (ii) any photograph of the applicant required by the Authority; and 	These provisions have been removed.	<p>Change to duty holder requirements.</p> <p>The mechanism for conversion of expired old certificates (i.e. certificate of competency and old style certificates issued under former legislation) to current high risk work licences has been removed. The previous regulations replaced certificates of competency with high risk work licences in 2007 and provided for the phased expiry of all old certificates by 30 June 2012. The proposed change has closed a 10 year transition period for the conversion of old certificates to high risk work licences. If you require a new high risk work licence, you will need to apply following the steps set out in Division 1 of Part 6.1 of the OHS Regulations 2017. Before applying for a licence you will need to apply to an authorised assessor for a competency assessment (see regulation 134 of the OHS Regulations).</p>
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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>(iii) any other proof of identity required by the Authority; and</p> <p>(b) be accompanied by the application fee required by regulation 6.1.2(2).</p> <p>6.1.9(a) Additional information to be included in licence applications</p> <p>In addition to any other information required by these Regulations, a person applying for a high risk work licence must also include with the application—</p> <p>(a) if the person holds a certificate of competency (as defined in regulation 8.2.1) and seeks to be licensed to perform the type of work authorised by the certificate, a declaration by the person that he or she has maintained the competencies required to do the work that the certificate authorises him or her to do;</p>		<p>Details of what you need to do to apply for a new high risk work licence can be found at worksafe.vic.gov.au</p>
<p>6.1.9(b) Additional information to be included in licence application</p> <p>In addition to any other information required by these Regulations, a person applying for a high risk work licence must also include with the application—</p> <p>(b) in any other case, in relation to the work in respect of which the licence is sought—</p> <p>(i) a statement of attainment in respect of the relevant competency standard for that work; or</p> <p style="text-align: right;"><i>cont'd</i></p>	<p>458 Additional information to be included in high risk work licence application</p> <p>In addition to any other information required by these Regulations, a person applying for a high risk work licence must also include with the application, in relation to the work in respect of which the licence is sought, a notice of assessment (satisfactory) issued for that work.</p>	<p>Change to duty holder requirements.</p> <p>If you are applying for a high risk work licence, only a notice of assessment (satisfactory) will be recognised as evidence of a person's competency in a licence application. You are no longer able to include a statement of attainment with your application.</p> <p>For further information about changes to licensing, visit worksafe.vic.gov.au</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
(ii) a notice of satisfactory assessment of competency issued under Division 3 of Part 3.6 (High Risk Work) for that work.		
<p>6.1.13 Additional information to be included in licence application</p> <p>Regulation 6.1.13(1) does not have equivalent provisions to paragraphs (h) and (i) of regulation 462 in the OHS Regulations 2017.</p>	<p>462 Additional information to be included in asbestos removal licence application</p> <p>(1) In addition to any other information required by these Regulations, a person applying for an asbestos removal licence must also include the following with the application—</p> <p>(h) a declaration as to whether or not the applicant (and in the case of a body corporate, any officer of the applicant body corporate) has ever been found guilty of any offence under the <i>Environment Protection Act 1970</i> or the <i>Environment Protection (Industrial Waste Resource) Regulations 2009</i> in relation to the transport or disposal of asbestos;</p> <p>(i) the details of any finding of guilt declared under paragraph (h);</p>	<p>Change to duty holder requirements.</p> <p>If you are applying for an asbestos removal licence, you are now required to declare whether or not you have ever been found guilty of an offence under specified environment protection laws (including in relation to the transport or disposal of asbestos).</p>

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OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
<p>Division 2—Other provisions concerning licences</p> <p>6.1.24 Authority may impose terms and conditions on licences</p> <p>(1) In granting or renewing a licence under this Part, the Authority may impose on the licence any terms or conditions that it considers to be appropriate to further the purposes for which the licence is granted or renewed.</p>	<p>Division 2—Other provisions concerning a licence</p> <p>473 Authority may impose terms and conditions on licence</p> <p>(1) This regulation applies to—</p> <p>(a) the grant or renewal of a licence under this Part; or</p> <p>(b) the transfer of a major hazard facility licence under regulation 479.</p> <p>(2) The Authority may impose on the licence any terms and conditions that it considers to be appropriate to further the purposes for which the licence is granted, renewed or transferred.</p>	<p>Division 2—Other provisions concerning a licence</p> <p>Change to duty holder requirements.</p> <p>If you hold a major hazard facility licence, it is now explicit that WorkSafe has the ability to impose terms and conditions on that licence when that licence is transferred to another operator.</p>
<p>Part 6.2—Registration</p> <p>Division 4—Registration to perform construction work</p> <p>Registration to perform construction work (6.2.15 – 6.2.21)</p>	<p>Part 6.2—Registration</p> <p>No equivalent Division</p> <p>Provisions concerning registration to perform construction work have been removed.</p> <p>Consequential amendments arising from the removal of the Registration provisions in relation to the performance of construction work have been included in Part 5.1 - Division 3—Construction induction training (Regulations 338 – 353).</p>	<p>Part 6.2—Registration</p> <p>No equivalent Division</p> <p>No change to duty holder requirements.</p> <p>As a construction worker, you are no longer required to be registered to perform construction work. However, you must still complete construction induction training and hold a construction induction card (CI card) or provide specified evidence of having undertaken the required construction induction training before you can perform construction work. There are no changes to the CI card application process.</p>

OHS Regulations 2007	OHS Regulations 2017	What do I need to do?
Chapter 7—Administrative matters and exemptions	Chapter 7—Administrative matters and exemptions	Chapter 7—Administrative matters and exemptions
Part 7.2—Exemptions	Part 7.2—Exemptions	Part 7.2—Exemptions
<p>7.2.10 Notice of exemptions to be given to individual applicants</p> <p>If the Authority grants an exemption in response to an application, the Authority must give a copy of the exemption to the person who applied for the exemption.</p> <p>7.2.13 Notice of refusal</p> <p>If the Authority refuses to grant an exemption, the Authority must notify the person who applied for the exemption of the reasons for the refusal in writing.</p> <p>7.2.14 Variation or revocation of exemption</p> <p>(1) The Authority may vary or revoke an exemption at any time—</p> <p>(a) in the case of an exemption applying to a class of person, process, substance, activity or thing, by placing a notice in the Government Gazette setting out the variation, or stating that the exemption has been revoked; or</p> <p>(b) in any other case, by giving a written notice of the variation or revocation to the person to whom the exemption applies.</p>	<p>546 Notice of exemptions to be given to individual applicants</p> <p>If the Authority grants an exemption in response to an application, the Authority must give a copy of the exemption to the person who applied for the exemption within 14 days after granting the exemption.</p> <p>549 Notice of refusal</p> <p>If the Authority refuses to grant an exemption, the Authority must notify the person who applied for the exemption of the reasons for the refusal in writing within 14 days after deciding to refuse the application.</p> <p>550 Variation or revocation of exemption</p> <p>(1) The Authority may vary or revoke an exemption at any time—</p> <p>(a) in the case of an exemption applying to a class of person, process, substance, activity or thing, by placing a notice in the Government Gazette setting out the variation, or stating that the exemption has been revoked; or</p> <p>(b) in any other case, by giving a written notice of the variation or revocation to the person to whom the exemption applies within 14 days after deciding to vary or revoke the exemption.</p>	<p>No change to duty holder requirements.</p> <p>Where WorkSafe is required to give a notice of a decision in relation to exemptions, WorkSafe must now give that notice within 14 days after the decision. This time limit applies to:</p> <ul style="list-style-type: none"> ▪ the provision of a copy of an exemption after WorkSafe grants the exemption ▪ a notice of a refusal to grant an exemption ▪ a notice of the variation or revocation of an exemption (unless the exemption applies to a class of person, process, substance, activity or thing).

Other changes across the regulations

Licensing and other fees	Licensing and other fees	Change to duty holder requirements.
<p>Where fees were prescribed in the OHS Regulations 2007, such as the fee for a licence or considering an exemption application, set fees were used.</p>	<p>The OHS Regulations 2017 provide for fees by reference to fee units. Fee units have a meaning within the Monetary Units Act 2004 and they increase annually.</p>	<p>From 18 June 2017, the amount of a fee is to be calculated by multiplying the number of fee units specified in the OHS Regulations 2017 by the current fee unit value. The value of a fee unit for each financial year is fixed by the Treasurer.</p> <p>Provisions in the OHS Regulations 2017 providing for fees by reference to fee units, include provisions relating to:</p> <ul style="list-style-type: none"> ▪ Construction induction card applications ▪ High risk work licences (new or renewal) ▪ Class A and Class B asbestos removal licences (new or renewal) ▪ Major Hazard Facility (MHF) licence (new or renewal) ▪ Carcinogenic substance licence (new or renewal) ▪ Replacement of lost, stolen or destroyed licence documents ▪ Registration of plant design (and notice of a prescribed equipment design under the Equipment (Public Safety) Regulations 2017) ▪ Exemption applications ▪ [New] Transfer of an MHF licence and amendment to an MHF licence <p>Transitional arrangements apply for some fees.</p> <p>Details of what fees and transitional arrangements apply to you can be found at worksafe.vic.gov.au or call the WorkSafe Advisory Service on 1800 136 089.</p>

Further information

For further information, contact the WorkSafe Advisory Service on **1800 136 089** or email info@worksafe.vic.gov.au. Further information is also available on the WorkSafe website, worksafe.vic.gov.au