



Draft model Work Health and Safety (WHS) Regulations and Codes of Practice **Issues Paper**



safe work australia

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INTRODUCTION

In July 2008, the Council of Australian Governments (COAG) formally committed to harmonising the occupational health and safety laws in Australia by signing the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety (IGA).

The IGA outlines the commitment of all states and territories and the Commonwealth to work together to develop and implement model work health and safety laws including a *Model Work Health and Safety (WHS) Act*, model WHS Regulations and model Codes of Practice. Each government is committed to adopting the model work health and safety laws within their jurisdictions by December 2011.

The model WHS Act is the result of a comprehensive national review into work health and safety laws across Australia, which involved substantial public consultation. The first draft of the model WHS Act was based on the decisions of the Workplace Relations Ministers' Council (WRMC) in relation to the national review findings. Workplace Relations Ministers' Council endorsed the model WHS Act on 11 December 2009.

The draft model WHS Regulations and model Codes of Practice are based on the policy decisions made by Safe Work Australia Members in accordance with the guidelines specified in the IGA. Safe Work Australia is comprised of Commonwealth, state and territory governments, employer and employee representatives.

In particular, the draft model WHS Regulations are based on matters that:

- are broadly common to all current jurisdictional regulations, as well as existing National Standards and Codes of Practice, and
- are included in some, but not all jurisdictions' regulations, as well as material from national standards under review.

The IGA requires Safe Work Australia to undertake consultation processes to allow for interested persons to make representations concerning proposed model WHS Regulations. This includes the development and release of the draft model WHS Regulations and a Regulatory Impact Statement (RIS) in accordance with COAG guidelines, for public consultation.

Safe Work Australia has agreed to release the draft model WHS Regulations and priority model Codes of Practice for public comment on 7 December 2010. Written submissions are encouraged on the draft model WHS Regulations, model Codes of Practice and the consultation RIS.

WHAT IS INCLUDED IN THIS PACKAGE?

• **Draft model WHS Regulations**

The draft consolidation of the model WHS Regulations has been developed to complement and support the general duties under the model WHS Act. They include provisions on: preliminary matters; representation and participation; general workplace management; hazardous work; plant and structures; construction; hazardous chemicals; major hazard facilities; compliance; review, exemptions and miscellaneous provisions.

• **Draft model Codes of Practice**

The draft model Codes of Practice listed below are considered to be critical to understanding the duties contained in the model WHS Act and Regulations. For this reason, these codes have been developed as a priority so they can be considered concurrently with the model WHS Regulations:

- How to manage work health and safety risks
- How to consult on work health and safety

- Managing the work environment and facilities
- Managing noise and preventing hearing loss at work
- Hazardous manual tasks
- Confined spaces
- How to prevent falls at workplaces
- Labelling of workplace hazardous chemicals
- Preparation of safety data sheets for hazardous chemicals
- How to manage and control asbestos in the workplace
- How to safely remove asbestos, and
- Facilities for construction sites.

- **Consultation Regulatory Impact Statement (RIS)**

The Council of Australian Governments requires Ministerial Councils and national standard setting bodies to establish and maintain effective arrangements to maximise the efficiency of new and amended regulations and avoid unnecessary compliance costs and restrictions on competition. As part of this process, a consultation RIS has been prepared by Access Economics for Safe Work Australia to estimate the potential costs, benefits and impacts associated with the implementation of the draft model WHS Regulations. A decision-making RIS, designed to accompany the final draft of the draft model WHS Regulations, will be developed and will take into account the results of the consultation RIS.

Public comment is being sought via a survey questionnaire, as part of the Consultation RIS. The questionnaire is seeking to obtain additional feedback to assist in quantifying the costs and benefits of the model WHS Regulations and Codes of Practice. The questionnaire will be forwarded to the Safe Work Australia and Australian Bureau of Statistics business mail lists. The survey can also be accessed via the Safe Work Australia website.

WHAT IS THE PURPOSE OF THIS ISSUES PAPER?

Section A of this paper provides an overview of each Chapter and Part of the model WHS Regulations. Section B provides a brief description of each priority model Code of Practice and lists additional codes and guidance that will be developed in the next phase. The appendix lists proposed penalty levels for the offences for the model WHS Regulations and a list of possible infringement notice offences.

This paper aims to provide details about the model WHS Regulations and priority model Codes of Practice in order to stimulate discussion and encourage written submissions. This paper also identifies a number of issues that have arisen during the development of the model WHS Regulations. You are invited to respond to these issues but should not be limited solely to them. Your submission should, wherever possible, include evidence and examples to justify your position.

HOW CAN YOU CONTRIBUTE?

This exposure draft provides all members of the Australian community—particularly workers, employers, their organisations and regulators—with an opportunity to contribute to a regulatory framework that will be used to harmonise work health and safety laws across Australia and improve work health and safety outcomes.

Due to the current variation in work health and safety laws throughout Australia the changes that will result from the introduction of the model WHS Regulations will be different in each jurisdiction. It is therefore important to consider each Chapter and Part of the model WHS Regulations in order to fully understand the impact of the new laws.

You can provide your comments as an individual or you may wish to contribute to a joint submission through your employer or union organisation, professional association, safety group or community forum.

A Public Comment Submission Cover Sheet and the Public Comment Response Form are provided for making written submissions. These are available at www.safeworkaustralia.gov.au

The closing date for written submissions is Monday 4 April 2011. It is preferred that submissions are typed and submitted electronically.

Please contact Safe Work Australia if you wish to submit hand written submissions on (02) 6121 5317 or via email submissions@safeworkaustralia.gov.au

When your submission is received by Safe Work Australia, you will be sent a receipt of confirmation. All submissions will be made accessible to the public on the Safe Work Australia website. Any information that you do not wish to be made available to the public should be clearly marked 'IN CONFIDENCE'.

WHAT HAPPENS AFTER THE PUBLIC COMMENT PERIOD CLOSSES?

Safe Work Australia will analyse all written submissions that are received. Following the analysis of submissions, Safe Work Australia will produce a final version of the model WHS Regulations and supporting material for consideration by WRMC mid 2011 and recommend its adoption into law by all states, territories and the Commonwealth by the end of 2011.

Additional model Codes of Practice and other guidance material will be developed progressively to support the model WHS Regulations. Compliance and enforcement protocols will also be developed to ensure nationally consistent regulatory approaches.

SECTION A: MODEL WHS REGULATIONS

REGULATORY IMPACT—SOME ISSUES

The main object of the proposed model WHS Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. The draft model WHS Regulations have been developed to complement and support the general duties under the model WHS Act and have provisions for: preliminary matters; representation and participation; general workplace management; hazardous work; plant and structures; construction; hazardous chemicals; major hazard facilities; mines; compliance; review; exemptions and miscellaneous provisions.

It is important to ensure that the model WHS Regulations strike the right balance between providing the requirements that are necessary to maximise health and safety outcomes without being overly prescriptive.

Among other things, consideration should be given as to whether any specific Chapter, Part or regulation of the model WHS Regulations when implemented would:

- impose any additional costs on business and why, and
- confer additional benefits and why.

NOTIFICATION

The model WHS Regulations require a person conducting a business or undertaking (PCBU) to notify the regulator of certain things or events. This includes notifying the regulator:

- if manifest quantities of certain hazardous chemicals are exceeded under Chapter 7
- if certain kinds of tanks are abandoned under regulation 7.1.52
- of certain matters in relation to plant under Chapter 5
- of certain excavation work under regulation 6.3.9
- of certain matters in relation to pipelines under regulations 7.1.67 and 7.1.68
- of 'lead risk work' under regulation 7.2.6
- of asbestos removal under regulation 7.3.40, and
- notification in relation to potential major hazard facilities under Chapter 8.

Notifications form part of the regulator's compliance initiatives. For example, a notification of a construction excavation would enable inspectors to visit the site while work is in progress to assist with implementation of safe work practices. While the annual notification of the maintenance of plant under regulation 5.2.37 will require the person with management or control of a registered item of plant to advise the regulator that the item has been maintained in a safe condition and is safe to operate.

Currently different approaches are taken by regulators concerning the matters required to be notified. In relation to the draft model WHS Regulations, consideration should be given as to whether compliance outcomes are being met without creating unnecessary regulatory burden and red tape.

RECORD-KEEPING REQUIREMENTS

The model WHS Regulations include a number of record-keeping requirements which are generally based on current Australian national standards, codes or work health and safety laws. This includes a person conducting a business or undertaking keeping records:

- of training provided to workers under regulations 4.3.21, 7.3.19 and 8.4.7 etc
- of risk assessments under regulation 4.8.20

- of records relating to testing, inspection, maintenance etc., of specified plant under Chapter 5
- of safe work method statements under regulation 6.3.7 and WHS management plans under regulation 6.4.7, and
- of health surveillance results for workers under Chapter 7.

Regulations requiring the recording or transmission of information may be appropriate in order to ensure the health and safety of persons or to facilitate the discharge of duties by others. For example, where there is a demonstrated need for minimum data transfer to assist in the control of work health and safety risks. Requirements for records to be kept for longer periods of up to 30 years or more may be justified, for example, where work-related diseases have a long latency period.

Even if record-keeping requirements are not expressly prescribed, it may be necessary for persons to keep certain records of risk management processes to demonstrate compliance with the model WHS Act and Regulations.

When evaluating the record-keeping requirements contained in the model WHS Regulations, consideration should be given as to whether compliance outcomes are being met without creating unnecessary regulatory burden and red tape. For example, in some cases there may be a good argument that specifying a fixed time for keeping records actually removes uncertainty about how long records must be kept.

USE OF JURISDICTIONAL NOTES

The model WHS Act and Regulations have been drafted in a way that allows them to be enacted or 'mirrored' in all jurisdictions. Jurisdictional notes have only been included in a small number of areas to explain the kinds of modifications that can be made by jurisdictions to ensure the workability of the model provisions in their jurisdiction without adversely affecting harmonisation of work health and safety laws across Australia.

Jurisdictional notes are most commonly used to allow jurisdictions to insert the correct names of bodies—including the names of the regulator, courts or tribunals—and deal with the interaction with general laws such as criminal and administrative review laws.

Jurisdictional notes have also been used to:

- remove duplication of the model WHS Act and Regulations with local laws
- clarify interaction of the model WHS Act and Regulations with local laws and the work health and safety laws of other jurisdictions
- establish appropriate institutional arrangements to administer the model WHS Act and Regulations
- accommodate circumstances that are unique to a particular jurisdiction, for example, Commonwealth's responsibilities in relation to defence, and
- accommodate local drafting protocols.

The IGA requires the model WHS Act and Regulations to be drafted with a view to a high degree of uniformity when implemented. This means that the inclusion of each jurisdictional note must be given careful consideration to ensure this outcome.

CHAPTER 1 : PRELIMINARY

Chapter 1 of the draft model WHS Regulations includes:

- the objectives of the model WHS Regulations
- definitions of key terms, and
- the scope and application of the draft model WHS Regulations.

Part 1.1 sets out preliminary information about the draft model WHS Regulations including the title, commencement date(s) and the definitions of key terms used throughout the model WHS Regulations.

In some cases a term may have more than one meaning so it is important to define the term for the purposes of the model WHS Regulations to avoid any ambiguity. If a term has a widely understood and accepted meaning it is better not to define it to avoid unnecessarily lengthy provisions. If there is a risk of any confusion about the intended meaning of a term, then the term should be defined. These kinds of issues should be taken into consideration when commenting on the proposed definitions for the model WHS Regulations.

Part 1.2 explains how the draft model WHS Regulations apply.

Part 1.3 explains how external documents cited in the draft model WHS Regulations including Australian Standards are incorporated into the model WHS Regulations.

CHAPTER 2 : REPRESENTATION AND PARTICIPATION

Chapter 2 of the draft model WHS Regulations prescribes certain matters in relation to representation and participation processes under the model WHS Act.

Chapter 2 of the draft model WHS Regulations deals with administrative matters relating to work groups established or to be established under the model WHS Act including:

- the negotiation and variation of work groups, including matters to be taken into account in negotiations
- procedures for the election of Health and Safety Representatives (HSRs), including requirements that a PCBU must not delay an election
- procedures for the removal of a HSR by a majority of workgroup members
- training requirements for HSRs
- default procedures for issue resolution
- training requirements for WHS entry permit holders
- what is included on WHS entry permits and requirements for entry notices, and
- requirements relating to the publishing of a register of WHS entry permit holders.

Regulation 2.1.3 sets out a procedure for the election of health and safety representatives and regulation 2.1.4 requires the person conducting the election to display notice of the election in particular ways and for a specified time. An issue arises about whether it is necessary to impose such detailed requirements on the person who conducts the election in the Regulations, or whether providing the detail in guidance material would be more appropriate.

POWER TO REQUEST REVIEW OF RISK CONTROL MEASURES IN CERTAIN CIRCUMSTANCES

A number of provisions throughout the draft model WHS Regulations provide for the review of risk controls if certain circumstances exist, and HSR have a relevant role to play in that

respect. For example, Chapter 6—Construction Work, provides that a HSR may request a review of risk control measures at a workplace if they believe on reasonable grounds that:

- a risk control measure associated with construction work affecting a worker they represent does not adequately control risk, and
- the PCBU has not adequately reviewed the risk control measure.

These provisions have been included, among other reasons, to ensure effective workplace representation, consultation and co-operation in relation to work health and safety. It is necessary to consider that the proposed powers are consistent with that objective and the overall objectives of the model WHS Act and Regulations.

CHAPTER 3 : GENERAL WORKPLACE MANAGEMENT

Chapter 3 of the draft model WHS Regulations makes provision for management of matters common to all workplaces including the general working environment.

PART 3.1 GENERAL WORKING ENVIRONMENT

Part 3.1 of the draft model WHS Regulations requires PCBUs to ensure that the working environment is without risks to health and safety through:

- the unobstructed movement of persons at the workplace (including entry, exit and movement around work areas)
- the design, installation and maintenance of floors and other surfaces
- the provision of adequate lighting and ventilation, and
- protecting workers from extremes of heat and cold.

The Part also includes requirements for:

- ensuring essential services do not pose a risk to workers
- facilities for the welfare of workers, including toilets, drinking water, hand washing and eating facilities, and
- ensuring effective communication with workers carrying out remote or isolated work.

Regulation 3.1.3 requires the implementation of measures to minimise the health and safety risks associated with remote or isolated work if it is not reasonably practicable for a PCBU to eliminate risks associated with that kind of work. Remote or isolated work means work that is isolated from the assistance of other persons (other than workers carrying out work with the worker) because of location, time or the nature of the work. This regulation would require the person to implement measures that include effective communication with the worker.

An issue arises as to whether the proposed regulation appropriately addresses the risks associated with remote or isolated work.

PART 3.2 PERSONAL PROTECTIVE EQUIPMENT

Part 3.2 of the draft model WHS Regulations applies if Personal Protective Equipment (PPE) is provided to workers or other persons at workplaces. Specific requirements are included for air supplied respiratory equipment, signs and duties for workers and other persons to use the PPE in accordance with training and instructions.

An issue arises as to whether it is preferable to specify generic standards for air supplied respiratory equipment in these Regulations or specify these kinds of standards elsewhere, such as in a Code of Practice. The latter approach would allow, for example, requirements to be tailored to particular circumstances or industries.

PART 3.3 FIRST AID

Part 3.3 of the draft model WHS Regulations requires PCBUs to:

- provide first aid equipment and facilities and ensure workers have access to them, and
- ensure an adequate number of workers are trained to administer first aid.

In order to assess how to best provide for first aid in a workplace, these Regulations specify that a PCBU must have regard to the nature of the work and workplace. This includes taking into account the size, location, number of workers and other people at the workplace.

PART 3.4 EMERGENCY PLANS

Part 3.4 of the draft model WHS Regulations requires PCBUs to ensure that:

- an emergency plan is prepared
- the emergency plan includes emergency procedures
- emergency procedures are tested, and
- workers are trained in the implementation of the plan.

PART 3.5 REVIEW OF GENERAL WORKPLACE MANAGEMENT MEASURES

Part 3.5 of the draft model WHS Regulations requires measures implemented under Chapter 3 to be reviewed and if necessary revised in certain circumstances.

CHAPTER 4 : HAZARDOUS WORK

Chapter 4 of the draft model WHS Regulations deals with eliminating hazards or minimising risks associated with certain kinds of hazardous work.

PART 4.1 NOISE

Part 4.1 of the draft model WHS Regulations requires PCBUs to ensure that a worker is not exposed to noise at the workplace that exceeds the exposure standard for noise. The Part requires PCBUs to eliminate the source of noise, or if that is not reasonably practicable, to implement control measures to minimise the exposure to at or below the exposure standard for noise by substituting quieter plant or processes, or using engineering controls, administrative controls or, as a last resort, personal hearing protectors.

PART 4.2 HAZARDOUS MANUAL TASKS

Part 4.2 of the draft model WHS Regulations requires PCBUs to eliminate, or if that is not reasonably practicable, minimise the risk of musculoskeletal disorders arising from a hazardous manual tasks. The Part includes:

- control measures to minimise the risk
- factors that must be considered when determining control measures, and
- when it is necessary to review and revise control measures.

PART 4.3 CONFINED SPACES

Part 4.3 of the draft model WHS Regulations sets out requirements for managing work health and safety risks associated with working in 'confined spaces' including provisions for:

- risk assessments
- confined space entry permits

- ensuring that atmospheres in ‘confined spaces’ are safe and without risks to health or safety
- communication systems, including communication with a standby person, and
- emergency procedures.

The Part also sets out duties for designers, manufacturers and suppliers of structures or plant that contain or will contain a confined space and additional rules for workers who enter confined spaces in emergency situations.

The definition ‘confined space’ in regulation 4.3.2 determines the kinds of spaces that are regulated under the Part. Spaces would only be regulated as ‘confined spaces’ under the Part if they have, among other requirements, a restricted means of entry and exit. For example, shipping containers and cold stores would not fall within the definition of a ‘confined space’ as they do not have restricted means of entry or exit.

Consideration should be given to whether the proposed Regulations properly capture all the kinds of spaces that should be regulated under this Part. In particular, consideration should be given as to whether a space necessarily needs to have restricted means of entry and exit for it to be classified as a ‘confined space’.

PART 4.4 FALLS

Part 4.4 of the draft model WHS Regulations regulates fall hazards across all industries and from any height, including falling or being hit by a falling object.

The Part requires PCBUs to identify and control risks of persons falling by applying the hierarchy of controls. Risks must be identified and controlled by firstly arranging for work to be carried out on the ground or a solid construction through to implementing administrative controls or other reasonably practicable measures to ensure health and safety.

Division 4 of Part 4.4 sets out measures for minimising risks of persons being hit by falling objects, including requirements for safe means of raising and lowering objects, securing barriers to prevent objects from falling freely and in some circumstances using PPE.

Victoria’s *Occupational Health and Safety Regulations 2007* expressly exclude certain types of work, including work that involves theatre performances, stunts, horse-riding and motorbike-riding from the requirements in the Regulations. An issue arises as to whether similar exclusions should be made under this Part.

PART 4.5 HIGH RISK WORK

Part 4.5 of the draft model WHS Regulations provides for licensing of high risk work, which is defined in a Schedule to the Regulations and includes for example, scaffolding, rigging, dogging and the operation of cranes, hoists, forklifts and pressure equipment. Penalties for breaching high risk work licensing requirements are provided for under Part 4 of the model WHS Act.

It is intended that high risk work licences will be mutually recognised across jurisdictions.

The proposed classes of high risk work are generally based on the *National Standard for Licensing Persons Performing High Risk Work* which is published on Safe Work Australia’s website. Consideration should be given as to whether the proposed high risk work classifications are appropriate for purposes of the model WHS Regulations, including the ‘reach stacker’ licence class.

Accreditation of Assessors:

Division 2 of Part 4.5 of the draft model WHS Regulations sets out a process for accrediting assessors to in order to allow them to assess workers’ ability to carry out high risk work for licensing purposes under the Part.

PART 4.6 ABRASIVE BLASTING

Part 4.6 of the draft model WHS Regulations sets out work health and safety requirements for carrying out abrasive blasting, including:

- a requirement that, so far as reasonably practicable, abrasive blasting be carried out using a blasting cabinet or chamber
- if that is not reasonably practicable, alternative control measures to protect workers and others at the workplace from risks arising from abrasive blasting
- requirements for controlling risks associated with ventilation, residue and waste material, and
- requirements for the provision of washing and decontamination facilities.

PART 4.7 ELECTRICAL WORK

Part 4.7 of the draft model WHS Regulations includes general rules for ensuring electrical safety at the workplace including:

- requirements for controlling electrical hazards at the workplace
- requirements for dealing with unsafe electrical equipment and rules for 'testing and tagging' certain high risk equipment
- prohibiting electrical work on energised electrical equipment unless pre-requisites for carrying out the work are met, and
- setting standards for residual current devices (RCDs) at workplaces and work that is carried out near overhead electric lines.

Importantly, the Part is not intended to apply to the works of an electricity supply authority (however described) used for the generation, transmission or distribution of electricity for the public as these authorities are generally regulated elsewhere.

Some jurisdictions currently co-locate work health and safety rules for carrying out work near both overhead *and* underground electric lines. Consideration should be given as to whether similar provision should be made under this Part.

PART 4.8 DIVING WORK

Part 4.8 of the draft model WHS Regulations requires PCBUs to:

- prevent workers from carrying out diving work breathing compressed gas unless they are medically fit and competent through either qualifications and/or experience
- identify hazards and conduct risk assessments, control risks and review risk control measures
- prepare a dive plan, and
- establish and maintain a dive safety log.

The Part also includes requirements that apply to diving work using breath hold techniques.

CHAPTER 5 : PLANT AND STRUCTURES

Chapter 5 of the draft model WHS Regulations has been generally based on the *National Standard for Plant* [NOHSC: 1010 (1994)] which is published on Safe Work Australia's website. The Chapter requires certain plant and plant design to be registered.

The Chapter includes requirements for:

- PCBUs with control or management of relevant plant or structures
- designers, manufacturers, importers, suppliers and persons installing, constructing or commissioning relevant plant or structures, and

- risk controls for scaffolding and other specified plant, such as amusement devices, powered mobile plant, plant that lifts or suspended loads, industrial lift trucks, pressure equipment, industrial robots and lasers.

Regulation 5.1.1 expressly provides the Chapter does not apply to plant that relies exclusively on *manual power* for its operation and is designed to be primarily supported by hand, for example, a hammer. Currently some jurisdictions exclude plant that is either hand held or manually powered. An issue arises in relation to the scope of the Chapter and in particular whether any other kinds of plant should be excluded.

CHAPTER 6 : CONSTRUCTION

Chapter 6 of the draft model WHS Regulations make provision for ensuring health and safety in relation to construction work including requirements for:

- designers of structures and person who commission construction work
- determining risk controls for construction work
- safe work method statements for 'high risk construction work'
- 'principal contractor' duties in relation to construction projects valued \$200 000 and above, including requirements for WHS management plans and co-ordinating safe work method statements for construction projects
- notifying certain kinds of excavations to the regulator, and
- obtaining relevant information about underground services before any excavation work is carried out.

Proposed scope of model WHS Regulations for construction

The definition 'construction work' in regulation 6.1.1 determines the kind of work that is regulated under this Chapter. The Chapter also specifies requirements for safe work method statements, WHS management plans and general construction induction cards. Consideration should be given as to whether the proposed definition is appropriate and provides duty holders with sufficient certainty about its intended coverage.

Meaning of 'structure'

Chapter 6 regulates construction work on 'structures' which is defined under the model WHS Act to mean anything that is constructed, whether fixed or moveable, temporary or permanent and including:

- buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- any component of a structure, and
- part of a structure.

The *National Standard for Construction Work* makes it clear that 'structures' for this purpose also includes things like fixed plant, ships and submarines. These things are covered by Chapter 6 of the model WHS Regulations to the extent they may be described as 'anything that is constructed, whether fixed or moveable, temporary or permanent'.

Consideration should be given as to the kinds of structures that should be covered by the model WHS Regulations on construction.

Proposed scope of 'principal contractor' duties

Under the Chapter, the additional 'principal contractor' duties under Part 6.4 would apply to construction projects where the cost of the construction work is \$200 000 or more. This is different from the *National Standard for Construction Work* [NOHSC:1016 (2005)] which applies 'principal contractor' duties in relation to projects where five or more persons are working, or are likely to be working, simultaneously on a construction site. However, both of

these thresholds are designed to trigger 'principal contractor' duties where the complexity of a construction project requires greater levels of consultation, co-operation and co-ordination between PCBUs at the workplace.

Some jurisdictions currently use the threshold under the *National Standard for Construction Work* in their work health and safety regulations on construction while some others use a monetary threshold ranging from \$80 000 to \$250 000, depending on the jurisdiction.

Consideration should be given as to the appropriate trigger for the principal contractor duties, particularly whether the proposed \$200 000 threshold is appropriate, having regard to the purpose and scope of proposed 'principal contractor' duties (such as the requirement for a WHS management plan).

GENERAL CONSTRUCTION INDUCTION

Part 6.5 of the draft model WHS Regulations provides for general construction induction cards. The Part requires all persons who propose to carry out construction work to have completed general induction training, which is evidenced by a general construction induction card. If workers have been out of the construction industry for two years or more then this Part requires them to be re-trained in general construction induction before carrying out construction work.

The Part includes:

- requirements for PCBUs to ensure that general construction induction training is provided to relevant workers
- provisions establishing a scheme of general construction induction cards, which may be administered by the regulator or the registered training organisations (RTOs) that conduct general construction induction training
- arrangements for replacing and cancelling general construction induction cards in certain circumstances, and
- a requirement that workers carry their general induction training card or prescribed equivalent documentation while carrying out construction work.

Transitional provisions will be made to recognise current general induction cards held by workers and to make it clear that re-training will not be required on commencement of the new laws.

Scope of proposed general construction induction requirements

Consideration should be given as to the appropriate scope of proposed general induction requirements. For example, the *National Code of Practice for Induction for Construction Work* which sets out the kinds of persons who are *not* intended to be captured by general construction induction requirements. This code is published on Safe Work Australia's website.

SITE AND TASK-SPECIFIC INDUCTION

Chapter 6 does not include requirements for site or task-specific induction. Provisions for these types of induction are currently included in the *National Code of Practice for Induction for Construction Work* as well as a number of work health and safety laws across Australia. Consideration should be given as to whether the model WHS Regulations should make similar provision.

CHAPTER 7 : HAZARDOUS CHEMICALS

Chapter 7 of the draft model WHS Regulations includes requirements for work health and safety matters in relation to hazardous chemicals, inorganic lead and asbestos.

PART 7.1 HAZARDOUS CHEMICALS

Part 7.1 of the draft model WHS Regulations deals with hazardous chemicals and includes requirements for:

- importers and manufacturers—relating to safety data sheets, the disclosure of ingredients, and packing and labelling of hazardous chemicals
- suppliers—relating to safety data sheets, packing and labelling of hazardous chemicals and restrictions on supply of certain hazardous chemicals that are carcinogenic
- owners, builders and operators of certain pipelines
- identifying hazards and controlling risk associated with hazardous chemicals. Including requirements for the storage and handling systems for hazardous chemicals, labelling containers and pipework, safety data sheets, warning placards, registers and manifests of hazardous chemicals
- control measures for hazards associated with ‘hazardous atmospheres’ and the accumulation of flammable and combustible material
- health surveillance in certain circumstances
- prohibitions on certain hazardous chemicals, for example, certain carcinogens except in specified circumstances, and
- information, training and supervision.

PART 7.2 INORGANIC LEAD

Part 7.2 of the draft model WHS Regulations deals with inorganic lead and includes requirements in relation to:

- ‘lead processes’—requirements to provide workers and prospective workers information about any health and safety risks relating to working with lead and requirements for biological monitoring
- health surveillance in certain circumstances, which must commence before the worker commences the relevant work for the first time
- arrangements for biological monitoring including arrangements for dealing with a worker’s refusal to have blood lead level monitored
- triggers for removing a worker from and returning them to a lead risk job, including requirements for medical examinations, and
- specific control measures, including: contamination containment; cleaning methods; prohibitions on eating, drinking and smoking; providing changing and washing facilities; laundering and disposal of clothing.

PART 7.3 ASBESTOS

Part 7.3 of the draft model WHS Regulations prohibits work involving asbestos—that is, the manufacture, supply, sale, transport, storage, removal, use, installation, handling, treatment, disposal or disturbance of asbestos—subject to specified exceptions.

The Part requires PCBUs to eliminate workers’ exposure to asbestos, and if elimination is not reasonably practicable, to minimise exposure so far as is reasonably practicable and to always ensure that workers are not exposed to asbestos above the exposure standard.

The Part also requires PCBUs with management or control of a workplace to manage *in situ* asbestos including naturally occurring asbestos at workplaces by:

- identifying asbestos at the workplace, maintaining an asbestos register and asbestos management plan and conducting and reviewing a risk assessment, and
- informing persons at risk from asbestos exposure, providing health surveillance for certain workers, ensuring relevant workers are trained about asbestos and ensuring that certain power tools and equipment are not used on asbestos.

The Part also includes requirements and controls for asbestos removal work and sets out licensing requirements for asbestos removalists and asbestos assessors.

The Part requires a PCBU with management or control of a workplace ensure that an asbestos register and management plan are developed for that workplace. The draft model Code of Practice on *How to Manage and Control Asbestos in the Workplace* sets out what should be included in the asbestos register and plan. Consideration should be given as to whether this detail is more appropriately included in the model WHS Regulations.

CHAPTER 8 : MAJOR HAZARD FACILITIES

Chapter 8 of the draft model WHS Regulations provides for the registration or licensing of Major Hazard Facilities (MHF). This Chapter applies the penalties provided for under clause 41 of the model WHS Act.

Under this Chapter, operators of facilities that have or are likely to have more than 10 per cent of the prescribed threshold quantity of certain hazardous chemicals must provide written notification of that fact to the regulator. Facilities with 100 per cent or more of the threshold quantity will automatically be an MHF. Facilities with less than 100 per cent of the threshold quantity may be determined to be an MHF if, following an inquiry, the regulator considers that there is a potential for a major incident to occur at the facility.

Part 8.3 sets out the duties which apply to the operator of an MHF during the period of registration. The registration period is intended to allow the operator an opportunity to develop its safety case and apply for a licence. While the MHF may operate during this period, the operator is expected to be in close contact with the regulator while conducting its safety assessment and developing its safety case. The operator is also required to include workers in the hazard identification and risk assessment processes and consult workers on elements of its safety case (Part 8.5).

Parts 8.4 and 8.6 impose duties on the operator and workers once a MHF is licensed. These duties are directed at ensuring that the operator tests, implements and maintains all aspects of the safety case on which its licence is granted and provides specified information to workers, visitors and the local community, and that workers comply with the safety case and immediately report any major incident hazards to the operator. The definition of a 'major incident' in some jurisdictions, including Victoria, is limited to certain materials listed in Schedule 15 of the model WHS Regulations. The definition in the model WHS Regulations is not limited in such a way and will cover all sudden occurrences resulting from an uncontrolled escape, spillage or leakage; or implosion, explosion or fire at an MHF which might include a wide range of possible occurrences including explosions of coal dust.

The processes for applying to have a MHF registered and licensed are contained in Parts 8.7 and 8.8 respectively.

CHAPTER 9 : MINES

A draft of this Chapter has not been released as part of the initial consultation phase. However, this draft will be made available for public comment shortly afterwards.

The policy underpinning this Chapter is being developed in conjunction with the National Mine Safety Framework, an initiative of the Ministerial Council on Mineral and Petroleum

Resources, which aims to establish a nationally consistent work health and safety regime in the mining industry.

Chapter 9 of the draft model WHS Regulations is expected to provide for:

- the appointment of mine operators, the key duty holder under this Chapter
- risk control measures in mines, including special rules for principal mining hazards
- safety management systems
- emergency response plans, and
- mine survey plans and mine records.

CHAPTER 10 : GENERAL

Chapter 10 of the draft model WHS Regulations provides for matters relating to compliance, the review of decisions made under the Regulations and exemptions granted under the Regulations.

PART 10.1 REVIEW OF DECISIONS

Part 10.1 provides for the review of specified decisions under the model WHS Regulations, including decisions relating to:

- licenses or cards, for example, construction induction held by workers
- authorisations held by businesses
- accreditation of persons for training-related purposes, for example, assessor or body and RTOs
- registration of plant
- MHFs, and
- exemptions under the model WHS Regulations.

Some decisions under the model WHS Regulations such as decisions in relation to high risk work licensing are proposed to be reviewable both internally and externally, while other more complex decisions such as decisions relating to MHFs are reviewable externally only.

Consideration should be given as to whether:

- internal review processes should be prescribed in the model WHS Regulations or dealt with administratively
- the proposed list of reviewable decisions is appropriate, and
- proposed timeframes for review are appropriate.

PART 10.3 EXEMPTIONS

Part 10.3 includes a general and broad exemption power that would allow the regulator, if satisfied of certain matters, to issue exemptions including for a class of persons or things. The Part also includes some specific limitations on the granting of exemptions in certain areas, i.e. asbestos, MHFs and mining.

SECTION B: MODEL CODES OF PRACTICE

The model Codes of Practice aim to provide practical guidance to duty holders on how to meet the requirements under the WHS Act and Regulations. Once implemented, these Codes of Practice will be approved under section 274 of the WHS Act.

Approved Codes of Practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a Code of Practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

The WHS Act and Regulations may be complied with by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the code.

The model Codes of Practice below have been drafted to support a number of duties under the model WHS Act and Regulations. It is intended that these codes will be supplemented with additional guidance material for specific industries.

In relation to each of the following draft codes, feedback is particularly sought on whether the codes:

- are helpful and easy to understand, and
- reflect current state of knowledge and technological developments in relation to managing various risks.

Model Codes of Practice	Summary
How to manage work health and safety risks	<p>This draft code provides guidance on how to manage work health and safety risks in consultation with workers and includes details on:</p> <ul style="list-style-type: none"> ▪ identifying hazards ▪ assessing risks ▪ eliminating or minimising risks using the hierarchy of control, and ▪ reviewing control measures and keeping records of risk management.
How to consult on work health and safety	<p>This draft code provides guidance on the consultation duties provided in the WHS Act and includes details on:</p> <ul style="list-style-type: none"> ▪ what effective consultation involves ▪ how to establish consultation arrangements, including with HSRs and committees ▪ when to consult, and ▪ how to consult, co-operate and co-ordinate activities with other duty holders. <p>This code will be supported by additional guidance material on workers representation requirements.</p>
Managing the work environment and facilities	<p>This draft code provides guidance on:</p> <ul style="list-style-type: none"> ▪ providing a safe and healthy physical work environment including lighting, workspace and ventilation ▪ the types of facilities that should be provided for the welfare of workers, such as toilets, drinking water, dining areas, change rooms and personal storage ▪ managing the risks of remote and isolated work, and

Model Codes of Practice	Summary
	<ul style="list-style-type: none"> ▪ preparing emergency plans.
Managing noise and preventing hearing loss at work	<p>This draft code provides guidance on:</p> <ul style="list-style-type: none"> ▪ how to identify hazardous noise ▪ how to assess the risks of hearing loss, and ▪ the types of control measures that can be implemented to eliminate or reduce exposure to noise in the workplace.
Hazardous manual tasks	<p>This draft code provides guidance on preventing musculoskeletal disorders caused by hazardous manual tasks. It includes information on:</p> <ul style="list-style-type: none"> ▪ how to identify hazardous manual tasks ▪ risk factors associated with musculoskeletal disorders ▪ how to control risks, and ▪ the role of design in eliminating or minimising risks.
Confined spaces	<p>This draft code provides guidance on identifying confined spaces and assessing and controlling risks, including:</p> <ul style="list-style-type: none"> ▪ isolation controls; atmospheric testing and monitoring; fire and explosion; entry permits; stand-by persons; signs and barricades, ▪ emergency rescue procedures, record-keeping, providing information, instruction and training, and ▪ a sample confined space entry permit.
How to prevent falls at the workplace	<p>This draft code provides guidance on how to identify, assess and control the risk of persons and objects falling in the workplace. Guidance is provided on the hierarchy of control mandated under the model WHS Regulations including examples of various fall prevention devices and work positioning systems.</p>
Labelling of workplace hazardous chemicals	<p>This draft code provides guidance on labelling chemicals supplied or used in the workplace which are classified as hazardous under the WHS Regulations in accordance with the United Nations Globally Harmonised System of Classification and Labelling of Chemicals.</p>
Preparation of safety data sheets for hazardous chemicals	<p>This draft code provides guidance for manufacturers and importers of hazardous chemicals on how to prepare a Safety Data Sheet (SDS) and the type of information that should be provided under each section required in an SDS.</p>
How to manage and control asbestos in the workplace	<p>This draft code provides guidance on how to manage and control asbestos in the workplace. It covers the process of identifying the presence of asbestos in the workplace, including those materials that contain asbestos, assessing associated risks and implementing controls to eliminate or minimise the exposure to asbestos.</p>
How to safely remove asbestos	<p>This draft code provides specific guidance for asbestos removalists on the process of safely removing asbestos. It should be read in conjunction with the draft Code <i>How to manage and control asbestos in the workplace</i>.</p>
Facilities for construction sites	<p>This draft code sets out the minimum standard of facilities for construction sites including change rooms, meal rooms, toilets and sanitation, washing, showers, drinking water, safe keeping tools and personal belongings.</p>

SECOND STAGE CODES AND GUIDANCE MATERIAL

Additional model Codes of Practice will be developed to support the implementation of the model WHS Regulations in 2012 and will be released for public comment in 2011. Codes that are proposed to form part of the second stage cover the follow areas:

- **Construction**
 - General risk management code (including construction induction and safe work method statements)
 - Precast, tilt-up and concrete elements
 - Excavation
 - Demolition
 - Formwork and falsework, and
 - Falls.

- **Plant**
 - how to safely design, manufacture, supply and install plant
 - how to manage the risks of plant in the workplace, and
 - specific plant codes, including amusement devices, cranes, forklift trucks, guarding, rural plant and heritage plant.

- **Chemicals**
 - general risk management, and
 - storage and handling of dangerous goods.

- **Electricity**
 - low voltage electrical work
 - working near overhead electric lines and exposed live parts, and
 - inspection and testing of electrical equipment.

- **Mining**
- **First Aid**
- **Fatigue**
- **Traffic Management**
- **Bullying**
- **Occupational Diving**

- **Safe design of buildings and structures**
- **Abrasive blasting**
- **Forestry safety**
- **Welding**
- **Blood-borne pathogens**
- **Vibration**

This list of codes is indicative only and it is possible that there may be some merging or further splitting of the areas or topics. Consideration should be given to other topic areas for Codes of Practice or guidance material.

In areas where no model Codes of Practice or guidance material has been developed by the time the model WHS legislation comes into effect on 1 January 2012, it is proposed that transitional arrangements will apply so that existing jurisdictional Codes of Practice can continue to operate until superseded by model Codes of Practice or guidance material. This may include codes that deal with issues that are peculiar to a particular jurisdiction—for example, sugar cane rail safety.

Safe Work Australia will continue to examine all work health and safety Codes of Practice and guidance material that currently exist in Australia and continue with the development process beyond 2011.

APPENDIX: PENALTY LEVELS AND INFRINGEMENT NOTICES

The appendix contains information relating to the proposed penalty regime and infringement notice scheme for the model WHS Regulations.

PENALTY LEVELS

The penalty regime in the model WHS Regulations contemplates two types of offence:

1. Offences that are 'linked' to the model WHS Act, specifically to either the general duties of Part 2 or the authorisations provisions of Part 4. These offences provide detail on the duties contain in the model WHS Act and would be subject to the relevant penalty set out in the Act.
2. Stand-alone offences that are subject to a monetary penalty that will be specified in the model WHS Regulations.

Penalty amounts

The model WHS Act prescribes the maximum monetary penalty for stand-alone offences under the model WHS Regulations as \$30 000. However, given there is some disparity between the maximum penalties available in current WHS legislation, consideration is being given to prescribing a higher amount of \$60 000. The final determination of the amount will need to take into account any limits on the maximum penalty that may be imposed under regulations contained in criminal law policy and legislation of the Commonwealth, states or territories.

The \$30 000/\$60 000 figure would be the maximum applicable in the case of a corporate offender; the comparable maximum for individual offenders would be one-fifth of the corporate amount, consistent with the model WHS Act—see the table below.

Level	<i>Lower scale</i>		<i>Higher scale</i>	
	Max penalty for individuals	Max penalty for corporations	Max penalty for individuals	Max penalty for corporations
-	Linked to the model WHS Act general duties		Linked to the model WHS Act general duties	
1	\$6 000	\$30 000	\$12 000	\$60 000
2	\$3 600	\$18 000	\$7 200	\$36 000
3	\$1 250	\$6 000	\$1 250	\$6 000

Methodology used to assign penalty levels

The table below sets out the methodology used for the purpose of assigning a penalty to an offence.

Linked to the model WHS Act	<ul style="list-style-type: none"> • ‘How-to-comply’ provisions, i.e. provisions which explain or detail how duty-holders comply with general duties • Authorisation provisions (see Part 4 of the model WHS Act)
Level 1	<ul style="list-style-type: none"> • Offences which may have very serious consequences, i.e. risk of death or serious injury to the person if the risk control fails • Offences relating to risk assessment and hazard identification • Key administration-related offences, e.g. preparation of a safe work method statement or asbestos register • Other specific risk controls, such as technical or operational risk controls • Risk control offences—high risk industries • Emergency procedures
Level 2	<ul style="list-style-type: none"> • Other risk control offences • Other offences which may have serious consequences • Information and training-related offences • Notification-related and administration-related offences • Licence offences
Level 3	<ul style="list-style-type: none"> • Duties placed on workers • Duties placed on persons other than workers • Record-keeping offences • Low-level offences

The table at the end of this appendix sets out the proposed penalty levels for each offence under the model WHS Regulations.

When evaluating the proposed penalty levels for offences under the model WHS Regulations it is necessary to consider if the levels accurately reflect the relative seriousness of each offence.

INFRINGEMENT NOTICES

The model WHS Act allows for an infringement notice scheme for the model work health and safety laws.

An infringement notice scheme allows a regulator to give a person suspected to have committed an offence a notice outlining the offence and providing them an option to pay a penalty to avoid prosecution. A penalty is a set amount for each offence and is generally far lower than the maximum penalty a court could impose.

The recipient of an infringement notice can elect not to pay the penalty and have the offence heard in the relevant court or tribunal.

Infringement notices and prosecution are just two of the compliance measures available to work health and safety regulators to respond to a breach of workplace health and safety laws. Other options that will be available to a regulator under the model WHS legislation to address a workplace health and safety issue will include providing information, education and advice, or issuing an improvement notice and the use of administrative penalties such as licence suspension and cancellation.

Currently, work health and safety regulators have in place policies that allow inspectors to issue infringement notices when there is clear evidence of the offence, and after an assessment is made on a range of considerations. This includes whether an injury or serious risk of injury has occurred, the duty holders safety and compliance history, and any mitigating or aggravating circumstances.

It is proposed that states and territories use existing generic legislation regarding infringement notice schemes to enact and apply a scheme for the model WHS legislation. This means that there may be some differences in the processes of enacting and applying infringement notices schemes across jurisdictions.

Further information on infringement notice schemes can be found in the Australian Law Reform Commission Report ‘Principled Regulation: Federal Civil and Administrative Penalties in Australia’, Report 55, December 2002, available at www.alrc.gov.au.

Selecting infringement notice offences

It is proposed that the offences for which an infringement notice can be issued under the model WHS legislation will be the same across jurisdictions. Not all offences may be suitable for inclusion in an infringement notice scheme.

For instance, some offences require an assessment of a person's state of mind, or a judgement to be made after considering all of the circumstances in detail.

The following principles are proposed to select offences for an infringement notice scheme:

- Infringement notice offences should be confined to minor or less serious offences.
- Duty of care offences in Part 2 of the model WHS Act should not be infringement notice offences.
- Offences which include qualifying phrases (such as "so far as is reasonably practicable") should not be infringement notice offences.
- Infringement notice offences should not be indictable offences.
- Infringement notice offences should be confined to strict and absolute liability offences.
- The elements of infringement notice offences should be objectively capable of verification.
- Infringement notice offences should carry financial penalties only.
- Subject to a case-by-case consideration, offences need not be excluded from being infringement notice offences merely because of a reliance on a secondary document but rather be excluded where the reference detracts from the clarity of the duty or obligation created by the offence.

The types of offences in the model WHS Regulations which clearly satisfy the principles include recordkeeping and administrative offences. For example, this includes: keeping records of high risk work or plant; returning documentation to the regulator; keeping certain documents available for inspectors, and using signage in specified circumstances. These offences are identified in last column of the table at the end of this appendix.

The types of offences that do not appear to satisfy these principles include duties that require a duty-holder identify hazards, to minimise risks 'so far as reasonably practicable' and review and revise risk control measure 'as necessary'.

In the Commonwealth, and a number of states and territories, there are general criminal law policies that guide the development and application of infringement notice schemes. These policies will be relevant to which offences are appropriate to include in the scheme and the penalty levels that may be attached to a notice.

Penalty amounts in infringement notices

The amount for which an infringement notice can be issued is to be set for each offence included in the scheme. There is currently a wide range of penalty amounts in the states and territories for work health and safety infringement notices, ranging from \$50 to \$1300 for individuals and from \$250 to \$3250 for a corporation. It is not proposed that infringement penalties would significantly exceed the highest levels currently in place.

The model WHS Act prescribes that infringement penalties not exceed 20 per cent of the maximum penalty applicable to the offence. In relation to the model WHS Regulations, it is likely that only those offences that fall within the less serious categories (2 or 3) will be suitable for infringement notices if the preceding principles are applied. If the lower penalty scale in the regulations was adopted, and infringement notices were fixed at 20 per cent of the maximum penalty, infringement notices would likely be \$250 or \$720 for individuals and \$1200 or \$3600 for corporations. If the higher scale is adopted, and infringement notices were fixed at 10 per cent of the maximum penalty, infringement notices would likely be \$125 or \$720 for individuals and \$600 or \$3600 for corporations. Consideration should be given to the appropriate amount for infringement penalties.

Table of proposed penalties and infringement notice offences

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
Administration						
2.1.5	PCBU must not delay election			☑		
2.2.3	PCBU must set out procedure in writing			☑		☑
General workplace management						
3.1.1	Duty in relation to general workplace facilities	☑				
3.1.2(1)	Duty to provide and maintain adequate and accessible facilities			☑		
3.1.2(2)	Duty to provide and maintain adequate and accessible facilities—maintenance			☑		
3.1.3(2)	Remote or isolated work		☑			
3.2.1(2)	PCBU must provide personal protective equipment to workers			☑		
3.2.2(2)	Use of personal protective equipment			☑		☑
3.2.2(4)	Use of personal protective equipment—worker's own PPE			☑		
3.2.3(2)	Air supplied respiratory equipment—maintenance		☑			
3.2.3(3)	Air supplied respiratory equipment—air supply		☑			
3.2.3(4)	Air supplied respiratory equipment—equipment requirements		☑			
3.2.3(5)	Air supplied respiratory equipment—inadequate air supply		☑			
3.2.4	Signage			☑		
3.2.5(2)	Duties of worker—use PPE in accordance with any information, training or instructions provided				☑	☑
3.2.5(3)	Duties of worker—misuse of PPE				☑	
3.2.5(4)	Duties of worker—informing PCBU of damage etc				☑	
3.2.6	Duty of person other than worker				☑	☑
3.3.1(1)	Duty to provide first aid—equipment			☑		☑
3.3.1(2)	Duty to provide first aid—trained first aiders			☑		
3.4.1(1)	Duty to prepare emergency plan		☑			
3.4.2	Duty to test emergency procedures		☑			
3.4.3	Information and training and instruction for workers			☑		
3.5.1(1)	Duty to review risk control measures			☑		
Noise						
4.1.2(1)	Control of noise	☑				
4.1.3(1)	Review of noise control measures			☑		
Manual tasks						
4.2.3	Identification of hazardous manual tasks		☑			
4.2.4(2)	Control of risk of musculoskeletal disorder—minimise		☑			
4.2.4(3)	Control of risk of musculoskeletal disorder—minimise by information etc		☑			
4.2.5(1)	Review of risk control measures			☑		
Confined spaces						
4.3.5(2)	Duty to eliminate or minimise risk	☑				
4.3.7(1)	Hazard identification and risk assessment		☑			
4.3.7(2)	Hazard identification and risk assessment—review		☑			
4.3.8(2)	Control of risk	☑				

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
4.3.9(1)	Confined space entry permit		☑			
4.3.9(4)	Confined space entry permit—worker understanding		☑			
4.3.9(5)	Confined space entry permit—work completed		☑			
4.3.10(1)	Signage		☑			
4.3.11	Communication and safety monitoring		☑			
4.3.12(1)	Specific control—connected plant and services—eliminate risk		☑			
4.3.12(2)	Specific control—connected plant and services—minimise risk		☑			
4.3.13(1)	Specific control—atmosphere		☑			
4.3.13(2)	Specific control—atmosphere—safe oxygen level		☑			
4.3.14(1)	Specific control—atmosphere exposure standard—airborne contaminants		☑			
4.3.14(2)	Specific control—atmosphere exposure standard—respiratory equipment		☑			
4.3.15(1)	Specific control—flammable gases and vapours—below 5% of LEL		☑			
4.3.15(2)	Specific control—flammable gases and vapours—5+% of LEL		☑			
4.3.16	Specific control—fire and explosion					
4.3.17(1)	Emergency procedures—establish and practise		☑			
4.3.17(2)	Emergency procedures—implement in emergency		☑			
4.3.17(3)	Emergency procedures—entry and exit		☑			
4.3.18(2)	Personal protective equipment in emergencies		☑			
4.3.18(3)	Personal protective equipment in emergencies—engulfment		☑			
4.3.19(1)	Information, training and instruction for workers			☑		
4.3.20(1)	Review of control measures			☑		
4.3.21	Record-keeping			☑		☑
Falls						
4.4.2	Hazard identification		☑			
4.4.3(1)	Control of risks—ground or solid construction		☑			
4.4.3(2)	Control of risks—fall prevention device		☑			
4.4.3(3)	Control of risks—work positioning system		☑			
4.4.3(4)	Control of risks—fall arrest system		☑			
4.4.3(5)	Control of risks—other control measures		☑			
4.4.4(1)	Administrative controls to be recorded in relation to falls over 2 metres—make record				☑	☑
4.4.4(2)	Administrative controls to be recorded in relation to falls over 2 metres—keep record				☑	☑
4.4.5	Suitability and maintenance of risk control measures			☑		
4.4.6(1)	Emergency procedures for falls—establish		☑			
4.4.6(2)	Emergency procedures for falls—test		☑			
4.4.6(3)	Emergency procedures for falls—information etc			☑		
4.4.7(1)	Review of risk control measures			☑		
4.4.8(1)	Control of risks—falling objects		☑			
4.4.8(2)	Control of risks—compliance with other regulations		☑			
High risk licensing/accreditation of assessors						
4.5.1	Licence required to carry out high risk work	☑				
4.5.3 (1)	Duty of supervisor to provide direct			☑		

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
	supervision					
4.5.12	Licence document to be available			☑		☑
4.5.13	Changes to information			☑		☑
4.5.14	Licence holder to return licence			☑		☑
4.5.15(1)	Replacement licence document			☑		
4.5.28	Licence holder to return licence document			☑		☑
4.5.30	Accreditation required to assess competency for high risk work licence		☑			
4.5.31(1)	Accredited assessor must act in accordance with accreditation—conducting assessment			☑		
4.5.31(2)	Accredited assessor must act in accordance with accreditation—notice of assessment			☑		
4.5.31(3)	Accredited assessor must act in accordance with accreditation—conditions on conducting assessment			☑		☑
4.5.31(4)	Accredited assessor must act in accordance with accreditation—conditions on issuing notice			☑		☑
4.5.41(1)	Accreditation document to be available—make available for inspection by inspector under the act			☑		☑
4.5.41(2)	Accreditation document to be available—make available for inspection by any person			☑		☑
4.5.42(1)	Changes to information			☑		
4.5.43(1)	Replacement accreditation document			☑		
4.5.56	Accredited assessor to return accreditation document			☑		☑
Abrasive blasting						
4.6.1(1) and (2)	Blasting cabinet or chamber to be used for abrasive blasting		☑			
4.6.2(1) and (2)	Ventilation of abrasive blasting area		☑			
4.6.3	Ventilation of blasting chamber		☑			
4.6.4(1)	Waste materials	☑				
4.6.4(2)	Waste materials—capture and disposal		☑			
4.6.5	Washing and decontamination facilities		☑			
Electrical work						
4.7.6	Hazard identification		☑			
4.7.8(1)	Review of risk controls			☑		
4.7.9(1)	Testing of electrical equipment used in a hostile operating environment—testing		☑			
4.7.9(2)	Testing of electrical equipment used in a hostile operating environment—record		☑			
4.7.10	Untested electrical equipment not to be used		☑			
4.7.11(1)	Unsafe electrical equipment		☑			
4.7.12(1)	Duty to determine whether equipment is energised—testing		☑			
4.7.12(2)	Duty to determine whether equipment is energised—inadvertently re-energised		☑			
4.7.13	Electrical work on energised electrical equipment—prohibited		☑			
4.7.14	Electrical work on energised electrical equipment—when permitted		☑			
4.7.15(1)	Preliminary steps		☑			
4.7.16	Unauthorised access to equipment being worked on		☑			
4.7.17(1)	Contact with equipment being worked on—prevent		☑			

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
4.7.17(2)	Contact with equipment being worked on—minimise		☑			
4.7.18(1)	How the work is to be carried out—competent person, SWMS, etc		☑			
4.7.18(2)	How the work is to be carried out—tools etc			☑		
4.7.19	Record keeping				☑	
4.7.20	Electrical installations at construction sites—AS/NZS3012:2010		☑			
4.7.21(1)	Residual current devices—socket outlet general requirement			☑		
4.7.21(3)	Residual current devices—tripping current for certain equipment		☑			
4.7.22(1)	Testing of residual current devices			☑		
4.7.22(2)	Testing of residual current devices—replacement		☑			
4.7.22(3)	Testing of residual current devices—keep record				☑	☑
4.7.23(1)	Overhead electric lines—unsafe distance		☑			
4.7.23(2)	Overhead electric lines—risk assessment and control		☑			
Diving work						
4.8.2(1)	PCBU must ensure fitness of workers—current certificate of medical fitness		☑			
4.8.2(2)	PCBU must ensure fitness of workers—conditions on certificate		☑			
4.8.4	Duty to keep certificate of medical fitness				☑	☑
4.8.10(1)	Evidence of competence		☑			
4.8.10(2)	Evidence of competence—keep evidence				☑	☑
4.8.11	Dive supervisor required		☑			
4.8.12(1)	Hazard identification and risk assessment		☑			
4.8.12(2)	Hazard identification and risk assessment—risks assessed by dive supervisor		☑			
4.8.12(5)	Hazard identification and risk assessment—review and revise		☑			
4.8.13(1)	Implementation of risk control measures	☑				
4.8.13(2)	Implementation of risk control measures—monitoring	☑				
4.8.14(1)	Review of risk control measures—review and revise		☑			
4.8.14(2)	Review of risk control measures—stop work		☑			
4.8.15(1)	Dive plan must be prepared		☑			
4.8.16(1)	Dive plan must be complied with		☑			
4.8.16(2)	Dive plan must be complied with—briefing workers		☑			
4.8.17	Dive plan must be kept				☑	☑
4.8.18(1)	Standby diver—construction work		☑			
4.8.18(2)	Standby diver—general		☑			
4.8.19(1)	Dive safety log—establish			☑		☑
4.8.19(2)	Dive safety log—signatures			☑		☑
4.8.19(3)	Dive safety log—working from a vessel		☑			
4.8.19(4)	Dive safety log—must be kept				☑	☑
4.8.20(1)	Record of risk assessment			☑		☑
Plant						
5.1.2	Provision of information to manufacturer	☑				
5.1.3	Hazard identified in design during manufacture		☑			
5.1.4	Records and information		☑			
5.1.5(1)	Record of published technical standard used			☑		☑

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
5.1.5(2)	Record of engineering principles used			☑		☑
5.1.6(1)	Records to be available for inspection by regulator			☑		☑
5.1.6(2)	Records to be available for inspection by design verifier			☑		☑
5.1.6(3)	Records to be available for inspection—must be kept				☑	☑
5.1.7(2)	Guarding to prevent access to danger point		☑			
5.1.7(3)	Guarding in specific situations		☑			
5.1.7(4)	Guarding design		☑			
5.1.7(5)	Guarding with moving parts		☑			
5.1.7(6)	Guarding removal		☑			
5.1.8(1)	Operational controls—requirements		☑			
5.1.8(2)	Operational controls—operation during maintenance or cleaning		☑			
5.1.9(1)	Emergency stop controls—operation of plant by more than one person		☑			
5.1.9(2)	Emergency stop controls—design requirements		☑			
5.1.10	Warning devices		☑			
5.1.11(1)	Control of risk		☑			
5.1.11(2)	Control of risk—commencement of manufacturing		☑			
5.1.12(1)	Guarding—construction and mounting		☑			
5.1.12(2)	Guarding—removal		☑			
5.1.13	Information must be obtained and provided			☑		
5.1.14	Information to be obtained and provided by importer		☑			
5.1.15	Information to be obtained and provided by supplier		☑			
5.1.16(1)	Supply of second-hand plant—identification of faults		☑			
5.1.16(2)	Supply of second-hand plant—advice		☑			
5.1.17(1)	Supply of second-hand plant—identification of faults (supplier duty)		☑			
5.1.17(2)	Supply of second-hand plant—advice (supplier duty)		☑			
5.1.18(1)	Second-hand plant to be used for scrap or spare parts		☑			
5.1.18(2)	Second-hand plant to be used for scrap or spare parts (supplier duty)		☑			
5.1.19(2)	Duty of PCBU that installs, constructs or commissions plant		☑			
5.1.20(2)	Duty of PCBU that installs, constructs or commissions structure		☑			
5.1.21(2),(3), (4)	General risk control		☑			
5.1.22(1)	Control of risks arising from installation or commissioning—safe commission		☑			
5.1.22(2)	Control of risks arising from installation or commissioning—decommissioning		☑			
5.1.22(3)	Control of risks arising from installation or commissioning—competent person		☑			
5.1.22(4)	Control of risks arising from installation or commissioning—information		☑			
5.1.22(5)	Control of risks arising from installation or commissioning—inspections		☑			
5.1.23(1)	Review of risk control measures			☑		

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
5.1.24	Preventing unauthorised alterations or interference with plant		☑			
5.1.25(1)	Proper use of plant and controls		☑			
5.1.25(3)	Proper use of plant and controls—safety features and warning devices		☑			
5.1.26	Plant not in use		☑			
5.1.27(1)	Records of specified plant			☑		☑
5.1.27(2)	Records of specified plant—time to keep records			☑		☑
5.1.27(3)	Records of specified plant—inspection under the Act			☑		☑
5.1.27(4)	Records of specified plant—control relinquished			☑		☑
5.1.28(1)	Information, training, instruction and supervision—workers			☑		
5.1.28(2)	Information, training, instruction and supervision—persons who use plant			☑		
5.1.28(3)	Information, training, instruction and supervision—persons involved in specific activities			☑		
5.1.28(4)	Information, training, instruction and supervision—emergency procedures		☑			
5.1.29(2)	Guarding		☑			
5.1.29(3)	Guarding—construction and mounting etc		☑			
5.1.29(4)	Guarding—moving parts		☑			
5.1.29(5)	Guarding—removal		☑			
5.1.30	Guarding and insulation from heat and cold		☑			
5.1.31(1)	Operational controls		☑			
5.1.31(2)	Operational controls—maintenance or cleaning		☑			
5.1.32(1)	Emergency stops—more than one person		☑			
5.1.32(2)	Emergency stops—requirements		☑			
5.1.33	Warning devices		☑			
5.1.34(1)	Powered mobile plant—general control of risk—eliminate risk			☑		
5.1.34(2)	Powered mobile plant—general control of risk—minimise risk			☑		
5.1.35(1)	Powered mobile plant—specific controls—operator protective devices		☑			
5.1.35(2)	Powered mobile plant—specific controls—protection for other riders		☑			
5.1.35(3)	Powered mobile plant—specific controls—collisions		☑			
5.1.35(4)	Powered mobile plant—specific controls—collision warning device		☑			
5.1.36(1)	Roll-over protection on tractors—after 1981		☑			
5.1.36(2)	Roll-over protection on tractors—before 1981		☑			
5.1.37(1)	Protective structures on earthmoving machinery		☑			
5.1.38(1)	Inspection of registered mobile cranes and tower cranes		☑			
5.1.39(1)	Industrial lift trucks—truck requirements		☑			
5.1.39(2)	Industrial lift trucks—seat for persons other than the operator		☑			
5.1.40(2)	Plant that lifts or suspends loads—specific design		☑			
5.1.40(3)	Plant that lifts or suspends loads—non-specific design		☑			

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
5.1.40(4)	Plant that lifts or suspends loads—lifting attachments		☑			
5.1.40(5)	Plant that lifts or suspends loads—no loads travel over a person		☑			
5.1.40(6)	Plant that lifts or suspends loads—loads to remain under control		☑			
5.1.40(7)	Plant that lifts or suspends loads—no load lifted simultaneously unless designed to		☑			
5.1.41(1)	Lifts		☑			
5.1.41(2)	Lifts—safe entry to and exit from lift well		☑			
5.1.41(3)	Lifts—risk of travelling in lift		☑			
5.1.41(4)	Lifts—display of safe working load			☑		☑
5.1.42(2)	Scaffolds—confirmation of completion		☑			
5.1.42(3)	Scaffolds—inspection		☑			
5.1.42(4)	Scaffolds—repairs etc		☑			
5.1.42(5)	Scaffolds—unauthorised access		☑			
5.1.43(1)	Pressure equipment—eliminate risk		☑			
5.1.43(2)	Pressure equipment—inspection		☑			
5.1.43(3)	Pressure equipment—gas cylinders		☑			
5.1.44(2)	Industrial robots—starting without warning		☑			
5.1.44(3)	Industrial robots—uncontrolled (de)activation		☑			
5.1.44(4)	Industrial robots—remote or automatic energising		☑			
5.1.45(2)	Lasers—intended for use on plant		☑			
5.1.45(3)	Lasers—radiation		☑			
5.1.45(4)	Lasers—visual equipment		☑			
5.1.45(5)	Lasers—construction work		☑			
5.1.45(6)	Lasers—diffuse reflections etc		☑			
5.1.46(1)	Operation of amusement devices—operator		☑			
5.1.46(2)	Operation of amusement devices—daily checks etc.		☑			
5.1.47(1)	Storage of amusement devices		☑			
5.1.47(2)	Storage of amusement devices—competent person		☑			
5.1.48(1)	Maintenance, repair, inspection and testing of amusement device		☑			
5.1.49(1)	Annual inspection of amusement device by engineer		☑			
5.1.50(1)	Log book and manuals for amusement devices			☑		☑
5.1.50(2)	Log book and manuals for amusement devices—provision of log book and manuals			☑		☑
5.2.4	Duty of PCBUs that manufacture plant			☑		☑
5.2.5	Duty of PCBUs that import plant			☑		☑
5.2.6	Duty of PCBUs that supply plant			☑		☑
5.2.9(2)	Duties of PCBUs that install, construct or commission plant			☑		☑
5.2.14	Duty of design verifier			☑		☑
5.2.15	Design verification statements not to be made in certain circumstances			☑		☑
5.2.21(3)	Plant design registration number			☑		☑
5.2.21(4)	Plant design registration number—duty of manufacturer, supplier or importer			☑		☑
5.2.21(5)	Plant design registration number—duty of person with management or control				☑	☑
5.2.23	Registration document to be available				☑	☑
5.2.33(3)	Plant registration number—duty of registration holder			☑		☑

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			1	2	3	
5.2.33(4)	Plant registration number—duty of person with management or control				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.2.35	Registration document to be available				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.2.37(1)	Annual notice of maintenance of plant			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
5.2.37(4)	Annual notice of maintenance of plant—additional information				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.2.39(1)	Changes to information			<input checked="" type="checkbox"/>		
5.2.44	Registration holder to return registration document			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
5.2.45(1)	Replacement registration document			<input checked="" type="checkbox"/>		
Construction						
6.2.1	Person who commissions work must consult with designer			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.2.2	Designer must give safety report to person who commissions work			<input checked="" type="checkbox"/>		
6.2.3	Person who commissions project must give information to principal contractor			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.3.1(2)	Control of risk in construction work	<input checked="" type="checkbox"/>				
6.3.2(1)	Review of risk control measures			<input checked="" type="checkbox"/>		
6.3.3(1)	SWMS required for high risk construction work		<input checked="" type="checkbox"/>			
6.3.4	Review of SWMS		<input checked="" type="checkbox"/>			
6.3.5	Compliance with SWMS		<input checked="" type="checkbox"/>			
6.3.6	SWMS—copy to be given to principal contractor		<input checked="" type="checkbox"/>			
6.3.7(1)	SWMS must be kept				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6.3.7(2)	SWMS must be kept—access to SWMS			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.3.7(3)	SWMS must be kept—time period				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6.3.8(1)	Excavation work—underground essential services information—current information		<input checked="" type="checkbox"/>			
6.3.8(2)	Excavation work—underground essential services information—regard to information		<input checked="" type="checkbox"/>			
6.3.8(3)	Excavation work—underground essential services information—keeping information			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.3.8(4)	Excavation work—underground essential services information—access to information			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.3.8(5)	Excavation work—underground essential services information—time period				<input checked="" type="checkbox"/>	
6.3.9(1)	Notification of regulator of certain excavation work			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.4.2	Specific control—signage identifying principal contractor			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.4.3(1)	WHS management plan—preparation		<input checked="" type="checkbox"/>			
6.4.4	WHS management plan—duty to inform			<input checked="" type="checkbox"/>		
6.4.5(1)	WHS management plan—review			<input checked="" type="checkbox"/>		
6.4.5(2)	WHS management plan—review—worker awareness			<input checked="" type="checkbox"/>		
6.4.6	High risk construction work—safe work method statements		<input checked="" type="checkbox"/>			
6.4.7(1)	Copy of WHS management plan must be kept—available for inspection			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.4.7(2)	Copy of WHS management plan must be kept—available to workers			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6.4.7(3)	Copy of WHS management plan must be kept—time period				<input checked="" type="checkbox"/>	
6.4.8(1)	Further safety duties—compliance with other provisions		<input checked="" type="checkbox"/>			
6.4.8(2)	Further safety duties—storage, traffic etc		<input checked="" type="checkbox"/>			
6.4.8(3)	Further safety duties—workplace secured		<input checked="" type="checkbox"/>			

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			1	2	3	
6.5.1	Duty to provide general induction training			☑		☑
6.5.2(1)	Duty to ensure worker has been trained			☑		☑
6.5.10(1)	Duties of workers—inspection				☑	☑
6.5.10(2)	Duties of workers—cancellation				☑	☑
Hazardous chemicals and inorganic lead						
7.1.6(1)	Labelling hazardous chemicals – general requirement			☑		☑
7.1.7(1)-(3)	Labelling hazardous chemicals - containers			☑		☑ (1) & (3)
7.1.8	Labelling hazardous chemicals – pipe work			☑		
7.1.9(1) and (2)	Safety data sheets – content			☑		☑
7.1.10	Classification of hazardous chemicals			☑		
7.1.11(1)-(3)	Manufacturer or importer to prepare and provide SDS			☑		☑ (3)
7.1.12(2)	SDS – research chemical, waste product or sample for analysis			☑		☑
7.1.13(2)	Emergency disclosure of chemical identities		☑			
7.1.14	Packing hazardous chemicals		☑			
7.1.15(1)	Labelling hazardous chemicals			☑		☑
7.1.17(1) and (2)	Retailer or supplier packing hazardous chemicals		☑			
7.1.18	Supplier labelling		☑			
7.1.19(1)	Supplier to provide SDSs			☑		☑
7.1.19(3)	Supplier to provide SDSs—request for SDS			☑		☑
7.1.20(1)	Supply of prohibited and restricted carcinogens—table 10.1 substance		☑			
7.1.20(2)	Supply of prohibited and restricted carcinogens—table 10.2 substance		☑			☑
7.1.20(3)	Supply of prohibited and restricted carcinogens—keep records				☑	
7.1.21(1), (2), (4), (5)	PCBU to obtain and give access to SDS			☑		☑ (1)
7.1.22	Changes to SDS			☑		☑
7.1.23(1)	Hazardous chemicals register			☑		☑
7.1.23(3)	Hazardous chemicals register—availability			☑		
7.1.26(1), (3)	Manifest of hazardous chemicals			☑		
7.1.27(1), (4), (5)	Regulator must be notified if manifest quantities to be exceeded			☑		☑
7.1.29(1)	Outer warning placards—requirement to display			☑		☑
7.1.30(1)	Placards for dangerous goods—requirement to display			☑		☑
7.1.31(1)	Identifying hazards		☑			
7.1.32(2)	Controlling risk	☑				
7.1.33(1)	Review of risk control measures		☑			
7.1.34(2)	Safety signs			☑		☑
7.1.35(1)	Isolation of hazardous chemicals	☑				
7.1.35(3)	Isolation of hazardous chemicals—contamination	☑				
7.1.36(1), (2)	Keeping hazardous chemicals stable	☑				
7.1.37(1)	Flammable and combustible materials not to be accumulated		☑			
7.1.38(1), (2)	Ignition sources	☑				
7.1.39(1), (2), (3)	Containing and managing spills		☑			
7.1.40	Protecting hazardous chemicals from damage		☑			

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7.1.41(1), (2), (3)	Fire protection and firefighting equipment		☑			
7.1.42	Emergency equipment		☑			
7.1.43(2) and (3)	Emergency plans		☑			
7.1.45(1)	Controlling risks from hazardous atmospheres	☑				
7.1.46	Ensuring exposure standards for substances etc not exceeded	☑				
7.1.47(1)	Monitoring workplace contaminant levels		☑			
7.1.47(2)	Monitoring workplace contaminant levels – record-keeping				☑	☑
7.1.48(1)	Controlling risks from storage or handling systems	☑				
7.1.48(2)	Controlling risks from storage or handling systems—information			☑		
7.1.49	Containers for hazardous chemicals used, handled or stored in bulk		☑			
7.1.50(2)	Stopping use and disposing of handling systems		☑			
7.1.50(3)	Stopping use and disposing of handling systems – labelling			☑		
7.1.51(2) and (3)	Stopping use of underground storage and handling systems		☑			
7.1.52(3)	Notification of abandoned tank			☑		
7.1.53(1), (2), (3)	Duty to provide health surveillance		☑			
7.1.54(1), (3), (5)	Health surveillance report			☑		
7.1.54(4)	Health surveillance report – review risk controls		☑			
7.1.55(1)	Health surveillance records				☑	☑
7.1.55(2)	Health surveillance records – disclosure			☑		☑
7.1.56(1)	Duty to provide information, training and supervision			☑		
7.1.56(4)	Duty to provide information, training and supervision – record to be kept				☑	☑
7.1.57	Using, handling and storing prohibited carcinogens	☑				
7.1.58	Using, handling and storing restricted carcinogens	☑				
7.1.59(1), (2)	Using etc restricted hazardous chemicals	☑				
7.1.62	Changes to information in application to be reported (applicant duty)			☑		
7.1.63(2)	Records to be kept				☑	☑
7.1.65(2)	Statement of exposure to be provided to workers			☑		☑
7.1.66(1) and (2)	Pipeline owner's duties		☑			
7.1.67(2)	Pipeline builder's duties			☑		☑
7.1.68(2)	Pipeline operator's duties – minimise risk		☑			
7.1.68(3), (4)	Pipeline operator's duties – notify and label			☑		☑ (3)
7.2.3(2)	Duty to give information about health risks of lead process			☑		
7.2.5(1)	Identifying lead risk work		☑			
7.2.6(1)	Notification of lead risk work			☑		☑
7.2.6(3)	Notification of lead risk work – keep copy of notice				☑	☑
7.2.7(1), (2)	Changes to information in notification of lead				☑	

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			1	2	3	
	risk work					
7.2.8(2)	Duty to give information about health risks of lead risk work			☑		☑
7.2.9(1)	Duty to provide health surveillance before first starting lead risk work		☑			
7.2.10	Duty to provide information to medical practitioner			☑		☑
7.2.11(1)	Duty to obtain information from medical practitioner			☑		☑
7.2.12(1), (2), (4)	Frequency of biological monitoring		☑			
7.2.14(1)	Removal of worker from lead risk work		☑			
7.2.14(2)	Removal of worker from lead risk work – notification			☑		☑
7.2.15(2)	Duty to ensure medical examination if worker removed from lead risk work		☑			
7.2.16(2)	Return to lead risk work after removal – medical examination		☑			
7.2.16(3)	Return to lead risk work after removal		☑			
7.2.17	Information to go to regulator			☑		
7.2.18	Containment of lead contamination	☑				
7.2.19(1)	Cleaning methods		☑			
7.2.19(2)	Cleaning methods – must not create risk	☑				
7.2.20(1)	Prohibition on eating, drinking and smoking			☑		☑
7.2.20(2)	Prohibition on eating, drinking and smoking—eating areas			☑		
7.2.21(1)	Provision of changing and washing facilities			☑		
7.2.21(2)	Provision of changing and washing facilities—removal of clothing			☑		
7.2.22(1)	Laundering, disposal and removal of protective clothing—provision for laundering or disposal			☑		
7.2.22(2)	Laundering, disposal and removal of protective clothing—containers and laundry			☑		☑
7.2.22(3)	Laundering, disposal and removal of protective clothing—removal of clothing			☑		☑
7.2.23(1)	Review of risk control measures		☑			
Asbestos						
7.3.1(1)	Work involving asbestos or ACM—prohibitions and exceptions	☑				
7.3.2(1), (2), (3)	Exposure to airborne asbestos at workplace	☑				
7.3.4(1)	Asbestos to be identified or presumed at workplace		☑			
7.3.5(2)	Analysis of sample		☑			
7.3.6	Presence and location of asbestos to be indicated			☑		
7.3.7(1)	Asbestos register		☑			
7.3.8	Review of asbestos register			☑		
7.3.9(1), (2)	Access to asbestos register			☑		☑
7.3.10	Transfer of asbestos register by person relinquishing management or control		☑			
7.3.11(2)	Asbestos management plan		☑			
7.3.12	Review of asbestos management plan		☑			
7.3.13(2)	Risk assessment – competent person		☑			
7.3.13(3)	Risk assessment – before work is carried out		☑			
7.3.14(1)	Review of risk assessment			☑		
7.3.15(3)	Duty to inform about asbestos exposure at	☑				

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			1	2	3	
	workplace					
7.3.15(4)	Duty to inform about asbestos exposure at workplace – exposure standard	<input checked="" type="checkbox"/>				
7.3.15(5)	Duty to inform about asbestos exposure at workplace – access to info	<input checked="" type="checkbox"/>				
7.3.16(1)	Duty to provide health surveillance		<input checked="" type="checkbox"/>			
7.3.16(3)	Duty to provide health surveillance – expenses		<input checked="" type="checkbox"/>			
7.3.16(4)	Duty to provide health surveillance – requirements		<input checked="" type="checkbox"/>			
7.3.17(1)	Health surveillance results – summary			<input checked="" type="checkbox"/>		
7.3.17(5)	Health surveillance results – copy to worker				<input checked="" type="checkbox"/>	
7.3.18(1)	Health surveillance records			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.18(2)	Health surveillance records – confidentiality			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.18(4)	Health surveillance records—given to worker			<input checked="" type="checkbox"/>		
7.3.19(1)	Duty to train workers about asbestos		<input checked="" type="checkbox"/>			
7.3.19(3)	Duty to train workers about asbestos—records			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.20(1)	Duty to limit use of equipment	<input checked="" type="checkbox"/>				
7.3.20(2)	Duty to limit use of equipment – controlled use	<input checked="" type="checkbox"/>				
7.3.22	Review of asbestos register			<input checked="" type="checkbox"/>		
7.3.23	Duty to provide asbestos register			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.24	Duty to obtain asbestos register			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.25(2)–(5)	Determining presence of asbestos or ACM		<input checked="" type="checkbox"/>			
7.3.26(3)	Identification and removal of asbestos before demolition	<input checked="" type="checkbox"/>				
7.3.27(1)	Demolition of domestic premises	<input checked="" type="checkbox"/>				
7.3.28(2)	Emergency procedure—before demolition etc		<input checked="" type="checkbox"/>			
7.3.28(3)	Emergency procedure—regulator notice		<input checked="" type="checkbox"/>			
7.3.29(2)	Emergency procedure—domestic premises—before demolition etc		<input checked="" type="checkbox"/>			
7.3.29(3)	Emergency procedure – domestic premises—regulator notice		<input checked="" type="checkbox"/>			
7.3.30(3)	Identification and removal of asbestos before refurbishment	<input checked="" type="checkbox"/>				
7.3.31	Refurbishment of domestic premises	<input checked="" type="checkbox"/>				
7.3.33	Asbestos removal supervisor must be readily available		<input checked="" type="checkbox"/>			
7.3.34	Asbestos removalist must be licensed	<input checked="" type="checkbox"/>				
7.3.35(1)	Asbestos removal worker must be competent		<input checked="" type="checkbox"/>			
7.3.35(2)	Asbestos removal worker must be competent – training		<input checked="" type="checkbox"/>			
7.3.36(1), (2)	Licensed removalist must keep training records				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7.3.37	Duty to give information about health risks of asbestos removal work		<input checked="" type="checkbox"/>			
7.3.38(1)	Asbestos removalist must obtain register			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.39(1)	Asbestos removal control plan		<input checked="" type="checkbox"/>			
7.3.39(2)	Asbestos removal control plan – copy to commissioner			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.39(3)	Asbestos removal control plan – access			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.40(1)	Regulator must be notified of asbestos removal			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.40(2)	Regulator must be notified of asbestos removal—immediate start			<input checked="" type="checkbox"/>		
7.3.40(3)	Regulator must be notified of asbestos removal – immediate removal			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7.3.41(2), (3)	Licensed removalist must tell person with management or control of workplace about		<input checked="" type="checkbox"/>			

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
	asbestos removal					
7.3.42(2)	Person with management or control of workplace must tell persons about asbestos removal		☑			
7.3.43	Signage and barricades for asbestos removal work			☑		☑
7.3.44(2)	Limiting access to asbestos removal area		☑			
7.3.45(1)	Decontamination facilities		☑			
7.3.45(2)	Decontamination facilities removal of thing		☑			
7.3.46(1)	Disposing of asbestos waste and contaminated clothing – waste		☑			
7.3.46(2)	Disposing of asbestos waste and contaminated clothing – clothing		☑			
7.3.47(2)	Clearance inspection and clearance certificate		☑			
7.3.47(4)	Clearance inspection and clearance certificate – certificate required		☑			
7.3.47(5)	Clearance inspection and clearance certificate – ensure no risk		☑			
7.3.47(6)	Clearance inspection and clearance certificate issue of certificate		☑			
7.3.48(1)	Air monitoring—asbestos removal requiring class A licence			☑		☑
7.3.48(2)	Air monitoring—asbestos removal requiring class A licence – domestic premises			☑		☑
7.3.48(3)	Air monitoring—asbestos removal requiring class A licence – results			☑		☑
7.3.48(4)	Air monitoring—asbestos removal requiring class A licence – results for domestic premises			☑		☑
7.3.48(5)	Air monitoring—asbestos removal requiring class A licence – assessor			☑		☑
7.3.49(1)(a)	Action if asbestos fibre level too high			☑		
7.3.49(1)(b)	Action if asbestos fibre level too high – more than 0.02 fibres/ml			☑		
7.3.50(5)	Removing friable asbestos			☑		☑
Asbestos licensing						
7.3.69	Licence document to be available			☑		☑
7.3.70(1)	Changes to information			☑		
7.3.71	Change to nominated supervisor			☑		☑
7.3.76	Licence holder to return licence			☑		☑
7.3.79(1)	Replacement licence document			☑		
7.3.89	Licence holder to return licence document			☑		☑
7.3.93	Work must be supervised by named supervisor			☑		☑
Major hazard facilities						
8.1.6	A major hazard facility must be licensed or registered	☑				
8.2.1	Operators of certain facilities must notify regulator		☑			
8.3.1	Safety case outline must be provided		☑			
8.3.3 (4)	Alteration – as required		☑			
8.3.3 (5)	Alteration – copy to regulator		☑			
8.3.4	Compliance		☑			
8.3.5	Identification of major incidents and major incident hazards		☑			
8.3.6 (1)	Safety assessment—duty to conduct		☑			
8.3.6(4)	Safety assessment—duty to conduct--document			☑		

Clause	Provision	Link to Act	Lvl			IN
			1	2	3	
8.3.7 (1)	Emergency plan—duty to prepare		<input checked="" type="checkbox"/>			
8.3.7(3)	Emergency plan—duty to prepare—document			<input checked="" type="checkbox"/>		
8.3.8 (1)	Security plan—duty to prepare		<input checked="" type="checkbox"/>			
8.3.8(4)	Security plan—duty to prepare—document			<input checked="" type="checkbox"/>		
8.3.9(1), (4)	Safety management system—duty to establish		<input checked="" type="checkbox"/>			
8.3.10	Safety case must be provided		<input checked="" type="checkbox"/>			
8.3.11(1)	Content		<input checked="" type="checkbox"/>			
8.3.12 (2)	Coordination of safety cases		<input checked="" type="checkbox"/>			
8.4.1	Control of risk		<input checked="" type="checkbox"/>			
8.4.2(1), (3)	Review of hazard and incident identification, safety assessment and emergency and security plans		<input checked="" type="checkbox"/>			
8.4.3(1), (2), (3)	Safety management system—implementation and review		<input checked="" type="checkbox"/>			
8.4.4	Safety case—review		<input checked="" type="checkbox"/>			
8.4.5	Emergency plan—duty to test and implement		<input checked="" type="checkbox"/>			
8.4.6	Security plan—duty to test and implement		<input checked="" type="checkbox"/>			
8.4.7	Information, training and instruction for workers			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> (1) & (3)
8.4.8	Information for visitors			<input checked="" type="checkbox"/>		
8.4.9(4)	Information for local community—general			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8.4.9(2)	Information for local community—general—request for information			<input checked="" type="checkbox"/>		
8.4.10	Information for community—major incident		<input checked="" type="checkbox"/>			
8.5.1	Safety role for workers			<input checked="" type="checkbox"/>		
8.5.2	Consultation with workers			<input checked="" type="checkbox"/>		
8.6.1	Duties			<input checked="" type="checkbox"/>		
8.7.16	Registration document to be available			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8.7.17(1)	Changes to information			<input checked="" type="checkbox"/>		
8.7.22	Operator to return registration document			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8.7.23(1)	Replacement registration document			<input checked="" type="checkbox"/>		
8.7.28	Operator to return registration document			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8.8.12	Licence document to be available			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8.8.13(1)	Changes to information			<input checked="" type="checkbox"/>		
8.8.18	Operator to return licence			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8.8.19(1)	Replacement licence document				<input checked="" type="checkbox"/>	
8.8.31	Operator to return licence document			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>