

South Australia

Work Health and Safety Variation Regulations 2014

under the *Work Health and Safety Act 2012*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Work Health and Safety Variation Regulations 2014*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Work Health and Safety Regulations 2012*

4—Variation of regulation 2—Commencement

- (1) Regulation 2(5)—delete "Regulations 347, 348 and 488" and substitute:

Regulation 488

- (2) Regulation 2—after subregulation (5) insert:

- (6) Regulations 347 and 348 will come into operation on 1 January 2016.

5—Variation of regulation 85—Evidence of licence—duty of person conducting business or undertaking

Regulation 85(2)—delete subregulation (2) and substitute:

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

Maximum penalty:

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

Expiation fee:

- (a) In the case of an individual—\$432.
(b) In the case of a body corporate—\$2 160.

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

- (a) in the circumstances referred to in regulation 82(1a)(a)—holds a certification referred to in regulation 82(1a); and

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

Maximum penalty:

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

Expiation fee:

- (a) In the case of an individual—\$432.
- (b) In the case of a body corporate—\$2 160.

6—Substitution of regulation 171

Regulation 171—delete the regulation and substitute:

171—Competence of worker—general diving work— general qualifications

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

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

Note—

See section 44 of the Act.

7—Variation of regulation 171A—Competence of worker—general diving work— additional knowledge and skill

- (1) Regulation 171A—delete "(other than incidental diving work and limited scientific diving work)"
- (2) Regulation 171A—after its present contents as varied by this regulation (now to be designated as subregulation (1)) insert:
 - (2) This regulation does not apply in relation to incidental diving work or limited scientific diving work.

8—Variation of regulation 240—Maintenance, inspection and testing of amusement devices and passenger ropeways

- (1) Regulation 240(1)—after "an amusement device" insert:
or passenger ropeway
- (2) Regulation 240(1)—delete "the amusement device" wherever occurring and substitute in each case:
the device or ropeway
- (3) Regulation 240(2)—after "an amusement device" insert:
or passenger ropeway

9—Variation of regulation 241—Annual inspection of amusement devices and passenger ropeways

- (1) Regulation 241(2)—delete "An inspection" and substitute:
An annual inspection
- (2) Regulation 241(2)(b) and (c)—after "the amusement device" wherever occurring insert:
or passenger ropeway
- (3) Regulation 241(5)(a)—delete "plant" and substitute:
device

10—Variation of regulation 252—Who can be the design verifier

Regulation 252(2) and (3)—delete subregulations (2) and (3) and substitute:

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

11—Variation of regulation 279—Decision on application

Regulation 279(2)(b)—delete "regulation 269" and substitute:

those regulations

12—Variation of regulation 288D—Registration holder to return registration document

Regulation 288D—after "registration holder" insert:

who receives a cancellation notice under regulation 288C

13—Variation of regulation 347—Manifest of hazardous chemicals

- (1) Regulation 347, note—delete "2015" and substitute:
2016
- (2) Regulation 347, note—delete "regulation 2(5)" and substitute:
regulation 2(6)

14—Variation of regulation 348—Regulator must be notified if manifest quantities to be exceeded

- (1) Regulation 348, note—delete "2015" and substitute:
2016
- (2) Regulation 348, note—delete "regulation 2(5)" and substitute:
regulation 2(6)

15—Variation of regulation 421—Application of Chapter 8 Part 3

Regulation 421(2)—delete "residential premises" and substitute:
any part of residential premises that is used only for residential purposes

16—Variation of regulation 458—Duty to ensure asbestos removalist is licensed

Regulation 458(3)—delete "regulation 460" and substitute:
regulation 445

17—Variation of regulation 702—Confidentiality of information—exception relating to administration or enforcement of other laws

Regulation 702(b) and (c)—delete paragraphs (b) and (c) and substitute:

- (b) the *Controlled Substances Act 1984*;
- (c) the *Criminal Law Consolidation Act 1935*;
- (d) the *Electricity Act 1996*;
- (e) the *Environment Protection Act 1993*;
- (f) the *Fire and Emergency Services Act 2005*;
- (g) the *Motor Vehicles Act 1959*;
- (h) the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth;
- (i) the *Navigation Act 2012* of the Commonwealth;
- (j) the *Occupational Health and Safety Act 2004* of Victoria;
- (k) the *Occupational Safety and Health Act 1984* of Western Australia;
- (l) the *Rail Safety National Law (South Australia) Act 2012*;
- (m) the *Road Traffic Act 1961*;
- (n) the *Summary Offences Act 1953*;
- (o) the *Training and Skills Development Act 2008*;
- (p) the *WorkCover Corporation Act 1994*;
- (q) the *Workers Rehabilitation and Compensation Act 1986*.

18—Variation of regulation 720—Plant—registration of design

Regulation 720(3)—delete subregulation (3) and substitute:

- (3) Despite Chapter 5 Part 3 of these regulations, the design of concrete placing booms need not be registered unless the design was commenced on or after the first anniversary of the relevant day.

19—Variation of regulation 726—Application of regulations 475 and 476 (Air monitoring)

Regulation 726(2)—delete "the second anniversary of the relevant day" and substitute:

1 January 2017

20—Variation of regulation 736—Classification and labelling under GHS

Regulation 736(b) and (c)—delete paragraphs (b) and (c) and substitute:

- (b) —
 - (i) the *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008 (2004)]; and
 - (ii) the *Labelling of Workplace Hazardous Chemicals Code of Practice* published by Safe Work Australia in December 2011.

21—Variation of regulation 737—Roll-over protection on tractors (regulation 216)

Regulation 737—delete "the second anniversary of the relevant day" and substitute:

1 January 2016

22—Variation of Schedule 2—Fees

Schedule 2, clause 1, table, item relating to regulation 492—after the row relating to "Application for asbestos removal licence—Class B" insert:

Application for asbestos assessor licence	\$1 893.00
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23—Variation of Schedule 5—Registration of plant and plant designs

Schedule 5, clause 1, item 1.2—delete "Section 1.1" and substitute:

Section 1

24—Variation of Schedule 15—Hazardous chemicals at major hazard facilities (and their threshold quantity)

- (1) Schedule 15, clause 1, definitions of *LD50 (median lethal dose) for acute oral toxicity*, *LD50 for acute dermal toxicity* and *LD50 for acute toxicity on inhalation*—delete the definitions

- (2) Schedule 15, clause 6, table 15.3—delete the table (not including the Key) and substitute:

Table 15.3—Criteria for toxicity

Description	Oral Toxicity ¹ LD ₅₀ (mg/kg)	Dermal Toxicity ² LD ₅₀ (mg/kg)	Inhalation Toxicity ³ LC ₅₀ (mg/L)
Very Toxic	LD ₅₀ ≤ 5	LD ₅₀ ≤ 40	LC ₅₀ ≤ 0.5
Toxic	5 < LD ₅₀ ≤ 50	40 < LD ₅₀ ≤ 200	0.5 < LC ₅₀ ≤ 2.0

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 11 September 2014

No 239 of 2014

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