

1996—No. 135

**OCCUPATIONAL HEALTH AND SAFETY ACT 1983—
REGULATION**

(Occupational Health and Safety (Certificates of Competency) Regulation 1996)
NEW SOUTH WALES



[Published in Gazette No. 49 of 19 April 1996]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Occupational Health and Safety Act 1983, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.,
Minister for Industrial Relations.

PART I—PRELIMINARY

Citation

1. This Regulation may be cited as the Occupational Health and Safety (Certificates of Competency) Regulation 1996.

Commencement

2. This Regulation commences on 22 April 1996.

Definitions

3. In this Regulation, a word or expression that is defined in the Dictionary to this Regulation has the meaning given by the Dictionary.

Notes

4. Notes included in this Regulation are explanatory notes only and do not form part of this Regulation.

Application of Regulation

5. (1) This Regulation applies to work of the kind described in Schedule 1 (generally comprising crane and hoist operation, scaffolding and rigging and the operation of various loadshifting machines, boilers, turbines and reciprocating steam engines and referred to in this Regulation as “**scheduled work**”).

(2) This Regulation applies to all places of work other than mines within the meaning of the Coal Mines Regulation Act 1982 or the Mines Inspection Act 1901.

Object of Regulation

6. The object of this Regulation is to eliminate risks to health and safety accompanying the doing of scheduled work at places of work:
- (a) by establishing minimum standards of competency for people doing that work; and
 - (b) by implementing a certification system to ensure that those standards are achieved and maintained.

PART 2—UNQUALIFIED PERSONS NOT TO DO CERTAIN KINDS OF WORK

Recognised qualifications

7. (1) The following qualifications are recognised for the purposes of this Regulation in relation to scheduled work:

- (a) a permit in force under this Regulation (referred to in this Regulation as a **“certificate of competency”**);
- (b) a certificate of competency in force under the Construction Safety Act 1962 and issued before the commencement of this clause;
- (c) a certificate of competency in force under the Engine Drivers and Boiler Attendants Certification Regulations and issued before the commencement of this clause;
- (d) a qualification in force under a corresponding law.

(2) A qualification does not have any force for the purposes of this Regulation while it is suspended.

Note: The Construction Safety Act 1912 and the Engine Drivers and Boiler Attendants Certification Regulations prohibit a person from doing certain work (whether at a place of work or elsewhere) unless the person holds a certificate of competency under that Act or those Regulations. However, a person is exempt from the requirement to hold such a certificate if the person holds a certificate of competency under this Regulation. Furthermore, in order to obtain a certificate of competency under that Act or those Regulations after the commencement of this Regulation, a person must first hold a certificate of competency under this Regulation.

Requirement to be qualified to do certain work

8. (1) A person must not do any kind of scheduled work unless the person:

- (a) holds a recognised qualification in relation to work of that kind; and

- (b) does the work in accordance with any conditions to which the recognised qualification is subject.

Maximum penalty: 100 penalty units.

(2) A person must not employ, direct or allow another person to do any kind of scheduled work unless the person doing the work holds a recognised qualification in relation to work of that kind.

Maximum penalty: 100 penalty units in the case of a person other than an employer.

Note: An employer who contravenes subclause (2) is taken to have contravened section 15 (1) of the Act. (See clause 40)

(3) This clause does not apply to scheduled work done in any of the circumstances referred to in clause 9, 10 or 11 or in accordance with an exemption granted under clause 37.

Exception for trainees

9. (1) An unqualified person who is engaged in a recognised course of training and who is of or above the age of 17 years (referred to in this Regulation as a “**trainee**”) may do any kind of scheduled work to which the course of training relates if the person:

- (a) does the work under the supervision of a supervisor; and
- (b) keeps and maintains a written record of training in accordance with the requirements of clause 29.

(2) For the purposes of this clause, a course of training is recognised in relation to a person if, when the person began that course, the course was recognised by the guidelines issued by WorkCover in relation to the training of trainees.

Exception for holders of notices of satisfactory assessment

10. (1) An unqualified person who has been issued with a notice of satisfactory assessment that indicates that the person is competent to do a specified kind of scheduled work may do work of that kind until the expiration of 60 days after the date of issue of the notice.

(2) If the person applies to WorkCover for a certificate of competency within that period, the person may continue to do work of that kind:

- (a) until the person is issued with a certificate of competency; or
- (b) until 14 days after the person receives notice that the application has been refused.

Exception for maintenance or demonstration

11. (1) An unqualified person may do any kind of scheduled work (other than dogging or scaffolding) that involves the operation or use of plant if the work:

- (a) is done solely for the purpose of the testing, trialling, installing, commissioning, maintaining, servicing, repairing, altering, or disposing of the plant; and
- (b) does not involve operating or using the plant for the purpose for which it was designed.

(2) A person may operate a crane or hoist solely for the purpose of setting up or dismantling the crane or hoist if the person holds a recognised qualification relating to rigging that qualifies the person to set up or dismantle a crane or hoist.

PART 3—CERTIFICATES OF COMPETENCY**Division 1—Competency assessment****Standards of competency**

12. (1) A person is competent to do a particular kind of scheduled work if the person's competency to do the work is of a standard equal to or better than the appropriate competency standard.

(2) For the purposes of this Regulation, the appropriate competency standard for work that does not involve the operation or use of a loadshifting machine is:

- (a) the standard of competency set out in Schedule A, B or C to the National Certification Standard in relation to that work; or
- (b) any other standard of competency that WorkCover considers to be equivalent to that standard.

(3) For the purposes of this Regulation, the appropriate competency standard for work that involves the operation or use of a loadshifting machine is:

- (a) the standard of competency set out in the National Competency Guidelines in relation to that work; or
- (b) any other standard of competency that WorkCover considers to be equivalent to that standard.

Assessors

13. The following persons are assessors for the purposes of this Regulation:

- (a) WorkCover;
- (b) a person who is accredited as an assessor under Part 5;
- (c) a person who is authorised under a corresponding law to carry out functions equivalent to those carried out by assessors under this Regulation.

Applications for assessment

14. (1) A person may apply to an assessor for an assessment of the person's competency to do scheduled work if the person is at least 18 years of age.

(2) The application:

- (a) must be in the approved form; and
- (b) must be accompanied by such material or information to support the application as the assessor may require; and
- (c) in the case of an application to WorkCover, must be accompanied by the fee fixed for the time being by WorkCover in relation to the application.

(3) An applicant must provide proof of the applicant's age and identity to the assessor.

Assessment of competency

15. (1) In assessing an applicant, an assessor may have regard to any of the following matters:

- (a) any relevant qualifications held by the applicant, including, in particular, any qualifications that are for the time being accepted by WorkCover & being equivalent to a certificate of competency under this Regulation;
- (b) the applicant's learning and experience;
- (c) the applicant's demonstration of competency in tests or examinations carried out by the assessor or another person or body;
- (d) the results of any previous assessments.

(2) If the assessor assesses the applicant & being competent to do scheduled work, the assessor must issue to the applicant a notice of satisfactory assessment specifying the scheduled work that the applicant has been assessed as being competent to do.

(3) An assessor must not assess an applicant's competency to do scheduled work if the assessor is aware that the applicant has been assessed in relation to the same kind of work within the previous 21 days.

Maximum penalty: 50 penalty units.

Assessment guidelines

16. (1) The assessment of a person's competency to do scheduled work must be carried out in accordance with the guidelines issued by WorkCover in relation to the conduct of assessments.

(2) Such guidelines may make provision for any one or more of the following matters:

- (a) techniques for directly observing the applicant's performance of the work under workplace conditions;
- (b) simulated work-related tasks to be performed;
- (c) checklists to be completed by the applicant;
- (d) projects or assignments to be completed by the applicant;
- (e) test questions;
- (f) any other methods of assessment.

Division 2—Issue of certificates of competency

Applications for certificates of competency

17. An application for a certificate of competency to do scheduled work:

- (a) must be lodged with WorkCover; and
- (b) must be in the approved form; and
- (c) must be accompanied by such material or information to support the application (such as any relevant notice of satisfactory assessment) as WorkCover may require; and
- (d) must be accompanied by the fee fixed for the time being by Workcover in relation to the application.

Issue of certificates of competency

18. (1) WorkCover must issue a certificate of competency authorising a person to do a particular kind of scheduled work if:

- (a) the person has complied with the application requirements; and

- (b) the person is the holder of a notice of satisfactory assessment that indicates that the applicant is competent to do work of that kind; and
 - (c) WorkCover is satisfied that the person can be relied on to do work of that kind without endangering the health or safety of that or any other person.
- (2) However, WorkCover may refuse to issue a certificate of competency to an applicant if
- (a) the applicant is less than 18 years of age; or
 - (b) any relevant certificate, qualification or exemption held by the applicant has been suspended or cancelled within the previous 5 years.
- (3) If an application is refused, WorkCover must ensure that written notice of the refusal, and of the reasons for the refusal, are given to the applicant.
- (4) For the purpose of determining the kind of scheduled work for which a certificate of competency may be issued, WorkCover may (but is not required to) have regard to the certificate classifications set out in the National Certification Standard and the National Competency Guidelines.

Form of certificates of competency

- 19. (1)** A certificate of competency must be in the approved form and must specify:
- (a) the name of the person to whom it is issued; and
 - (b) the date of its issue; and
 - (c) a description of the kind of scheduled work that the certificate authorises its holder to do; and
 - (d) a unique identifying number.
- (2) The holder of a certificate of competency must sign the certificate as soon as practicable after receiving it.
- (3) The kind of scheduled work authorised by a certificate of competency may be referred to in the certificate by means of a code or symbol, in which case the holder of the certificate must be given, with the certificate, a document that fully describes the work to which the code or symbol refers.
- (4) Work that is authorised by a certificate of competency by reference to a code or symbol is unaffected by any subsequent change in the system of codes or symbols used by WorkCover to describe different kinds of scheduled work.

Term of certificates of competency

20. (1) Unless sooner cancelled, a certificate of competency is in force for an unlimited period from the date of its issue.

(2) A certificate of competency is of no effect while it is suspended.

Division 3—Suspension and cancellation of certificates of competency**Suspension or cancellation of certificates of competency**

21. (1) WorkCover may suspend or cancel a certificate of competency if WorkCover is satisfied that:

- (a)** the holder of the certificate is no longer competent to do work of the kind authorised by the certificate; or
- (b)** the holder of the certificate can no longer be relied on to do work of the kind authorised by the certificate without endangering the health or safety of the holder or any other person; or
- (c)** the certificate was obtained on the basis of false or misleading information or a failure to disclose or provide required information.

(2) Before suspending or cancelling a certificate of competency, WorkCover:

- (a)** must cause written notice of the proposed suspension or cancellation to be given to the holder of the certificate; and
- (b)** must give the holder of the certificate a reasonable opportunity to make representations to WorkCover in relation to the proposed suspension or cancellation; and
- (c)** must have regard to any representations so made.

(3) If, after having regard to any representations made by the holder of the certificate, WorkCover decides to proceed with the proposed suspension or cancellation, WorkCover must give to the holder a written notice:

- (a)** stating that the certificate is suspended or cancelled; and
- (b)** in the case of a suspension, specifying the period for which the certificate is suspended; and
- (c)** giving reasons for the suspension or cancellation.

(4) The suspension or cancellation takes effect on the date on which notice of the suspension or cancellation is given to the holder of the certificate $\text{\textcircled{O}}$ such later date as may be specified in the notice.

Immediate suspension

22. (1) An inspector may, by notice served on the holder of a certificate of competency, immediately suspend the certificate for a period of up to 10 days if the inspector has a reasonable concern about:

- (a) the competency of the holder to do work of the kind authorised by the certificate; or
- (b) the reliability of the holder to do work of the kind authorised by the certificate without endangering the health or safety of the holder or any other person.

(2) The notice of suspension:

- (a) must be in writing; and
- (b) must give the reasons for the suspension; and
- (c) must specify the period for which the certificate is suspended; and
- (d) must state that the holder of the certificate may object to the suspension by providing WorkCover with reasons why the suspension should not be maintained for that period.

(3) WorkCover must immediately terminate the suspension and give written notice to the holder of the certificate of that fact if, after considering any objection by the holder, WorkCover is satisfied that the suspension should not be maintained.

Cancelled certificates of competency must be surrendered

23. The holder of a certificate of competency that is cancelled must return the certificate to WorkCover within such period as may be specified in the notice of cancellation.

Maximum penalty: 25 penalty units.

Division A—Miscellaneous**Conversion of recognised qualifications to certificates of competency**

24. (1) WorkCover may, on application or on its own motion, issue a certificate of competency authorising the doing of scheduled work to a person who holds a certificate or qualification referred to in clause 7 (1) (b), (c) or (d) that authorises the holder to do the same kind of work.

(2) An application under this clause:

- (a) must be in the approved form; and
- (b) must be accompanied by such material or information to support the application as WorkCover may require; and

- (c) must be accompanied by the fee fixed for the time being by WorkCover in relation to the application.

(3) If an application is refused, WorkCover must ensure that written notice of the refusal, and of the reasons for the refusal, are given to the applicant.

Replacement of lost, stolen, damaged or destroyed certificates of competency

25. (1) The holder of a certificate of competency that is lost, stolen, damaged or destroyed may apply to WorkCover for a replacement certificate.

(2) The application:

- (a) must be in the approved form; and
- (b) must be accompanied by a statutory declaration by the applicant that explains how, or the circumstances in which, the certificate was lost, stolen, damaged or destroyed; and
- (c) must be accompanied by the fee fixed for the time being by WorkCover in relation to the application.

(3) WorkCover may issue a replacement certificate if satisfied that the applicant's certificate of competency has been lost, stolen, damaged or destroyed.

(4) If an application is refused, WorkCover must ensure that written notice of the refusal, and of the reasons for the refusal, are given to the applicant.

(5) The holder of a certificate of competency that is replaced under this clause:

- (a) must surrender the original certificate if it is recovered; or
- (b) in the case of a damaged certificate that is replaced, must surrender the damaged certificate.

Maximum penalty: 25 penalty units.

PART 4—SUPERVISION OF TRAINEES

Responsibility for providing supervision

26. The person responsible for ensuring that a trainee is properly supervised in the doing of scheduled work (in this Part referred to as “**the responsible person**”) is:

- (a) in the case of a trainee who is doing the work as an employee, the person's employer; or

- (b) in the case of a trainee who is doing the work under contract as an independent contractor, the person for whom he or she is doing the work under that contract; or
- (c) in the case of a trainee who is doing the work while engaged in a course of training for that work, the person by whom that course is being conducted; or
- (d) in the case of a trainee who is doing the work under an arrangement with some other person (whether or not for reward) otherwise than as referred to in paragraph (a), (b) or (c), that other person;

Responsible person's obligations

27. (1) The person responsible for a trainee doing scheduled work must ensure that the following requirements are complied with:

- (a) the trainee must at all times be directly supervised by a supervisor designated by the person in accordance with subclause (2), unless the responsible person or supervisor has reasonable grounds to believe:
 - (i) that the circumstances of a particular task make direct supervision impracticable or unnecessary or that the trainee's competency makes direct supervision unnecessary; and
 - (ii) that a lesser degree of supervision would not endanger the health or safety of the trainee or any other person;
- (b) the trainee must receive directions, demonstrations, training and monitoring appropriate to the work and commensurate with the competency of the trainee; and
- (c) it must be possible for immediate remedial action to be taken in the event of an emergency arising out of the trainee's doing the work.

Note: An employer who contravenes subclause (1) is taken to have contravened section 15 (1) of the Act. (See clause 40)

(2) The person responsible for a trainee may designate a supervisor for the trainee only if

- (a) the supervisor is a person who holds a recognised qualification in relation to work of the kind being done by the trainee; or
- (b) if no such person is available, the supervisor is a person who belongs to a class of persons that the guidelines issued by WorkCover in relation to the supervision of trainees recognise as competent to directly supervise a trainee in the doing of the type of work concerned.

(3) The person responsible for a trainee must ensure that the trainee keeps and maintains a written record of training in accordance with clause 29.

Maximum penalty (subclause (3)): 100 penalty units in the case of a corporation or 50 penalty units in any other case.

Supervisor's obligations

28. (1) The supervisor of a trainee doing scheduled work must directly supervise the trainee while the trainee is doing the work, unless the employer of the trainee or the supervisor has reasonable grounds to believe:

- (a) that the circumstances of a particular task make direct supervision impracticable or unnecessary or that the trainee's competency makes direct supervision unnecessary; and
- (b) that a lesser degree of supervision would not endanger the health or safety of the trainee or any other person.

(2) A supervisor designated to supervise a trainee by the trainee's employer:

- (a) must ensure that the trainee keeps and maintains a written record of training in accordance with clause 29; and
- (b) must sign the record on each date the scheduled work is done by the trainee.

Maximum penalty: 25 penalty units.

Trainee's obligations

29. (1) A trainee must keep and maintain a written record of training.

(2) The record must contain the following information in relation to scheduled work of the kind to which the training relates:

- (a) the name and address of the trainee;
- (b) the name and address of each employer for whom the trainee does that work;
- (c) the name of each person who supervises the trainee while the trainee is doing that work;
- (d) a description of that work as it is actually done by the trainee in the course of training;
- (e) a record of the dates on which that work was done.

Maximum penalty: 10 penalty units.

PART 5—ASSESSORS**Division 1—Accreditation****Accreditation of assessors**

30. (1) Any person may apply to WorkCover for accreditation as an assessor.

(2) The application:

- (a) must be in the approved form;
- (b) must be accompanied by such material or information to support the application as WorkCover may require; and
- (c) must be accompanied by the fee fixed for the time being by WorkCover in relation to the application.

(3) WorkCover must not accredit a person as an assessor unless it is satisfied that the applicant is competent to carry out the functions of an assessor under this Regulation.

(4) If WorkCover accredits a person as an assessor, it must issue to the person a certificate of accreditation for the kinds of assessments for which the person is accredited.

(5) If an application is refused, Workcover must ensure that written notice of the refusal, and of the reasons for the refusal, are given to the applicant.

Form of certificates of accreditation

31. A certificate of accreditation for an assessor must be in the approved form and must specify:

- (a) the date on which it was issued; and
- (b) the date on which accreditation expires; and
- (c) the kinds of assessment for which the assessor is accredited.

Term of accreditation

32. (1) Unless sooner cancelled, a person's accreditation as an assessor is in force for 3 years from the date on which the assessor was issued with a certificate of accreditation.

(2) A person's accreditation is of no effect while it is suspended.

Division 2—Suspension and cancellation of accreditation**Suspension and Cancellation of accreditation**

33. (1) WorkCover may suspend or cancel the accreditation of a person who is accredited as an assessor if it is satisfied that:

- (a) the assessor is no longer competent to carry out the kinds of assessments for which the assessor is accredited; or
- (b) the assessor has been convicted of an offence against the Act or the associated occupational health and safety legislation, or any regulations under the Act or that legislation, or of an offence against a corresponding law or any regulation under a corresponding law; or
- (c) the assessor was accredited on the basis of false or misleading information or a failure to disclose or provide required information; or
- (d) the assessor has carried out an assessment of competency:
 - (i) otherwise than in accordance with the guidelines issued by WorkCover in relation to the conduct of assessments; or
 - (ii) in the case of an assessor who has carried out an assessment under a corresponding law, otherwise than in accordance with that law or any guidelines in force under that law.

(2) Before suspending or cancelling an assessor's accreditation, WorkCover:

- (a) must cause written notice of the proposed suspension or cancellation to be given to the assessor; and
- (b) must give the assessor a reasonable opportunity to make representations to WorkCover in relation to the proposed suspension or cancellation; and
- (c) must have regard to any representations so made.

(3) If, after having regard to any representations made by the assessor, WorkCover decides to proceed with the proposed suspension or cancellation, WorkCover must give to the assessor a written notice:

- (a) stating that the accreditation is suspended or cancelled; and
- (b) in the case of a suspension, specifying the period for which the accreditation is suspended; and
- (c) giving reasons for the suspension or cancellation.

(4) The suspension or cancellation takes effect on the date on which notice of the suspension or cancellation is given to the assessor or such later date as may be specified in the notice.

Cancelled certificates of accreditation must be surrendered

34. The holder of a certificate of accreditation that is cancelled must return the certificate to WorkCover within such period as may be specified in the notice of cancellation.

Maximum penalty: 25 penalty units.

PART 6—REVIEW OF DECISIONS

Appeals against decisions by assessors

35. (1) A person who is affected by a decision of an assessor may apply to WorkCover for a review of the decision.

(2) An application for review under this clause must be made within 14 days after the applicant receives notice of the relevant decision.

(3) The decision of WorkCover on an application under this clause has effect as if it were the decision by an assessor.

Appeals against decisions by WorkCover

36. (1) A person may apply to the Minister for a review of a decision by WorkCover:

- (a) to refuse to issue a certificate of competency to the person; or
- (b) to suspend or cancel a certificate of competency held by the person; or
- (c) to refuse to replace a certificate of competency held by the person; or
- (d) to refuse to accredit the person as an assessor; or
- (e) to suspend or cancel the person's accreditation as an assessor.

(2) An application for review must be made within 14 days after the applicant receives notice of the relevant decision.

(3) The decision of the Minister on an application under this clause has effect as if it were the decision by WorkCover.

PART 7—MISCELLANEOUS**WorkCover may grant exemptions**

37. (1) WorkCover may, on its own motion or on the application of any person, make an order exempting any person or class of persons from the operation of any of the provisions of this Regulation.

(2) An application for an exemption:

- (a)** must be in the approved form; and
- (b)** must be accompanied by such material or information to support the application as WorkCover may require; and
- (c)** must be accompanied by the fee fixed for the time being by WorkCover in relation to the application.

(3) An exemption may be given unconditionally or subject to such conditions as WorkCover considers appropriate.

(4) An exemption granted on the motion of WorkCover, and any variation or revocation of such an exemption, takes effect on the date on which notice of the order by which the exemption is granted, varied or revoked is published in the Gazette or such later date as may be specified in the notice.

(5) An exemption granted in response to an application, and any variation or revocation of such an exemption, takes effect on the date on which notice of the order by which the exemption is granted, varied or revoked is served on the person to whom it relates or such later date as may be specified in the notice.

Holder to produce certificate

38. (1) An inspector may direct a person doing scheduled work to produce for inspection immediately:

- (a)** the recognised qualification or exemption that authorises the person to do the work or, if the person is a trainee, the person's record of training in relation to the work; and
- (b)** a sample of the person's usual signature.

(2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 10 penalty units in the case of an unqualified person or 25 penalty units in any other case.

Applications must be made truthfully

39. A person must not provide false or misleading information in, or in support of, any application made by the person under this Regulation.

Maximum penalty:

- (a) for an employer, 100 penalty units (in the case of a corporation) or 50 penalty units (in any other case); and
- (b) for a person other than an employer, 100 penalty units (in the case of a corporation) or 25 penalty units (in any other case).

Certain offences to be offences against the Act

40. The provisions of Part 3 of the Act are adapted so that an employer contravenes section 15 (1) of the Act if the employer contravenes clause 8 (2) or 27 (1) of this Regulation.

Savings and transitional provisions

41. (1) A person who, immediately before the commencement of this Regulation, was exempt from a requirement under the Construction Safety Act 1912 or the Engine Drivers and Boiler Attendants Certification Regulations in relation to the doing of scheduled work is exempt from any corresponding requirement under this Regulation until:

- (a) the expiration of the period of 12 months from that commencement; or
- (b) the exemption ceases to be in force under that Act or those Regulations,

whichever occurs first.

(2) A learner's permit under the Construction Safety Act 1912 or the Engine Drivers and Boiler Attendants Certification Regulations authorising the doing of any particular kind of scheduled work is taken to be a recognised qualification for work of that kind until:

- (a) the expiration of the period of 12 months from that commencement; or
- (b) the permit ceases to be in force under that Act or those Regulations,

whichever occurs first.

(3) No offence arises under this Regulation in relation to the operation or use by an unqualified person of

- (a) a boom-type elevating work platform with a boom 11 metres or more in length; or
- (b) a vehicle-loading crane with a capacity exceeding 10 metre-tonnes but not exceeding 15 metre-tonnes,

during the period of 12 months from the commencement of this Regulation.

SCHEDULE 1—WORK FOR WHICH QUALIFICATIONS REQUIRED

(Dictionary)

SCAFFOLDING

1.1 Basic scaffolding, consisting of scaffolding activities connected with the operation or use of plant including:

- (a) prefabricated scaffolds; and
- (b) cantilevered materials hoists with a maximum working load of 500 kilograms; and
- (c) ropes and gin wheels; and
- (d) safety nets and static lines; and
- (e) bracket scaffolds (tank and formwork),

but excluding:

- (f) cantilevered crane-loading platforms; and
- (g) cantilevered and spurred scaffolds; and
- (h) barrow ramps and sloping platforms; and
- (i) perimeter safety screens and fences; and
- (j) mast climbers; and
- (k) tube and coupler scaffolds (including tube and coupler covered ways and gantries); and
- (l) hung scaffolds, including scaffolds hanging from tubes, wire ropes or chains; and
- (m) suspended scaffolds.

1.2 Intermediate scaffolding, consisting of all basic scaffolding together with other scaffolding activities connected with the operation or use of plant including:

- (a) cantilevered crane-loading platforms; and
- (b) cantilevered and spurred scaffolds; and

- (c) barrow ramps and sloping platforms; and
- (d) perimeter safety screens and fences; and
- (e) mast climbers; and
- (f) tube and coupler scaffolds (including tube and coupler covered ways and gantries),

but excluding:

- (g) hung scaffolds, including scaffolds hanging from tubes, wire ropes or chains; and
- (h) suspended scaffolds.

1.3 Advanced scaffolding, consisting of all intermediate scaffolding together with all other scaffolding activities connected with the operation or use of plant including:

- (a) hung scaffolds, including scaffolds hanging from tubes, wire ropes or chains; and
- (b) suspended scaffolds.

DOGGING

2 Dogging

RIGGING

3.1 Basic rigging, consisting of rigging activities connected with the erection, movement or placement of plant or materials including:

- (a) steel or pre-cast concrete; and
- (b) hoists (including mast-climbing hoists); and
- (c) safety nets and static lines; and
- (d) perimeter safety screens and shutters; and
- (e) cantilevered crane-loading platforms,

but excluding:

- (f) load-equalising gear; and
- (g) cranes, conveyors, dredges and excavators; and
- (h) tilt slabs; and
- (i) hoists with jibs and wire-climbing hoists; and
- (j) plant, equipment or materials moved in demolition; and
- (k) dual lifts; and
- (l) gin poles and shear legs; and
- (m) flying foxes and cableways; and
- (n) guyed derricks and structures; and
- (o) suspended and fabricated hung scaffolds.

3.2 Intermediate rigging, consisting of all basic rigging together with other rigging activities connected with the erection, movement or placement of plant or materials including:

- (a) load-equalising gear; and
- (b) cranes, conveyors, dredges and excavators; and
- (c) tilt slabs; and
- (d) hoists with jibs and wire-climbing hoists; and
- (e) plant, equipment or materials moved in demolition; and
- (f) dual lifts,

but excluding:

- (g) gin poles and shear legs; and
- (h) flying foxes and cableways; and
- (i) guyed derricks and structures; and
- (j) suspended and fabricated hung scaffolds.

3.3 Advanced rigging, consisting of all intermediate rigging together with all other rigging activities connected with the erection, movement or placement of plant or materials including:

- (a) gin poles and shear legs; and
- (b) flying foxes and cableways; and
- (c) guyed derricks and structures; and
- (d) suspended and fabricated hung scaffolds.

OPERATION AND USE OF CRANES

4.1 Tower crane

4.2 Derrick crane

4.3 Portal boom crane

4.4 Bridge or gantry crane (other than one that is remotely controlled and has 3 or fewer powered operations)

4.5 Vehicle-loading crane with a capacity of 10 metre-tonnes or more

4.6 Non-slewing mobile crane with a capacity of greater than 3 tonnes

4.7.1 Slewing mobile crane with a capacity of up to and including 20 tonnes

4.7.2 Slewing mobile crane with a capacity of up to and including 60 tonnes

4.7.3 Slewing mobile crane with a capacity of up to and including 100 tonnes

4.7.4 Slewing mobile crane with a capacity of more than 100 tonnes

Boom-type elevating work platform with a boom 11 metres or more in length

OPERATION AND USE OF HOISTS

- 5.1 **Materials platform hoist**
- 5.2 **Personnel and materials hoist**

OPERATION AND USE OF TRUCK-MOUNTED CONCRETE-PLACING BOOMS

- 6 **Truck-mounted concrete-placing boom**

OPERATION AND USE OF BOILERS

- 7.1 **Basic boiler operation**, consisting of the operation or use of any boiler whose operation relies on:
 - (a) a single fixed combustion air supply; and
 - (b) a non-modulating single heat source; and
 - (c) a fixed firing rate.
- 7.2 **Intermediate boiler operation**, consisting of basic boiler operation together with the operation or use of any other boiler whose operation relies on:
 - (a) a modulating combustion air supply; or
 - (b) a modulating heat source; or
 - (c) a superheater; or
 - (d) an economiser.
- 7.3 **Advanced boiler operation**, consisting of intermediate boiler operation together with the operation or use of any other boiler whose operation relies on multiple fuel types that may be fired simultaneously during normal operation (other than one which changes fuel type during its start sequence).

OPERATION AND USE OF STEAM TURBINES

- 8 **Any steam turbine** which is multi-wheeled or which is capable of a speed exceeding 3,600 rpm or a steam turbine which relies for its operation on:
 - (a) attached condensers; or
 - (b) a multi-stage heat extraction process,except a steam turbine that produces a power output of less than 500 kilowatts.

OPERATION AND USE OF RECIPROCATING STEAM ENGINES

- 9 **Any reciprocating steam engine** containing a piston of 250 millimetres or more in diameter

OPERATION AND USE OF LOADSHIFTING MACHINES

- 10.1 Fork-lift truck**
- 10.2 Order-picking fork-lift truck**
- 10.3 Dragline**
- 10.4 Excavator**
- 10.5 Front-end loader**
- 10.6 Front-end loader/backhoe**
- 10.7 Front-end loader of the skid-steer type**

SCHEDULE 2—CORRESPONDING LAWS

(Dictionary)

Victoria

- Lifts and Cranes Act 1967
- Scaffolding Act 1971
- Boilers and Pressure Vessels Act 1970
- Occupational Health and Safety Act 1985

Queensland

- Workplace Health and Safety Act 1989

South Australia

- Industrial Safety, Health and Welfare Act 1972
- Lifts and Cranes Act 1960
- Lifts and Cranes Act 1985
- Steam Boilers and Enginedrivers Act 1935
- Boilers and Pressure Vessels Act 1968
- Occupational Health, Safety and Welfare Act 1986

Western Australia

- Occupational Health, Safety and Welfare Act 1984

Tasmania

- Workplace Health and Safety Act 1995

Northern Territory

- Work Health Act 1986

Australian Capital Territory

- Scaffolding and Lifts Act 1957
 - Machinery Act 1949
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DICTIONARY

(Cl. 3)

AMBSC Code means Parts 1 and 2 of the document entitled “Australian Miniature Boiler Safety Committee Code” published by the Australian Miniature Boiler Safety Committee, as in force from time to time.

approved form means the form approved for the time being by WorkCover.

AS 2593 means the Australian Standard entitled “AS 2593–1995, Boilers—Unattended and Limited Attendance” published by the Standards Association of Australia, as in force from time to time.

boiler means a boiler within the meaning of AS 2593, but does not include the following:

- (a) a boiler identified in Table 1.1 in AS 2593 as belonging to Attendance category 3 (Unattended Operation) or category 4 (Low Hazard);
- (b) a hot drink dispenser with an internal volume of 0.014 cubic metres or less and a heat input of 5 kilowatts or less and a maximum working pressure of 210 kilopascals or less;
- (c) a liquid heating unit where the liquid is intended to be heated under a pressure above atmospheric pressure and to a temperature not greater than 1 degree below the normal atmospheric boiling point of the liquid;
- (d) a boiler of the Hobby Miniature Locomotive type, manufactured from steel and with an internal volume of 25 litres or less, or manufactured from copper and with an internal volume of 50 litres or less, and having a maximum working pressure of 700 kilopascals or less if:
 - (i) during the construction of the locomotive the boiler has been inspected in the manner described in the AMBSC Code (appropriate to the material of construction) by a person registered with the Australian Miniature Boiler Safety Committee and is certified by that person as having been so inspected; and
 - (ii) the locomotive containing the boiler is in the charge of a person of or above the age of 18 years whenever it is being operated in a public place;
- (e) a direct-fired process heater;

- (f) a vessel whose design allows it to operate empty of the liquid or vapour that it is designed to heat without adversely affecting its structure or its manner of operation.

Certificate of competency means a certificate of competency under Part 3.

corresponding law means a law referred to in Schedule 2.

crane means an appliance intended for raising or lowering a load, and moving it horizontally, but does not include:

- (a) any industrial lift-truck, earthmoving machinery, amusement structure, tractor, industrial robot or lift; or
- (b) any front-end loader, backhoe, excavator or similar plant configured for operation as a crane; or
- (c) any non-slewing mobile crane with a capacity of 3 tonnes or less or used only for towing vehicles.

dogging means:

- (a) the application of slinging techniques, including the selection or inspection of lifting gear, to safely sling a load; or
- (b) the directing of a crane operator or hoist operator in the movement of a load when the load is out of the operator's view.

fork-lift truck does not include any pedestrian-operated fork-lift truck or a pallet truck capable of providing a maximum lift not exceeding 225 millimetres.

hoist means an appliance intended for raising or lowering a load or personnel and includes a mast-climbing work platform, a personnel and materials hoist and a slip form $\text{\textcircled{G}}$ jump form, but does not include a lift.

inspector means an inspector within the meaning of the Act.

loadshifting machine means a dragline, excavator, fork-lift truck, front-end loader, front-end loader/backhoe, front-end loader of the skid-steer type or order picking fork-lift truck.

materials platform hoist means a powered builder's hoist by which only goods or materials (and not people) may be hoisted by means of a car, bucket or platform cantilevered from, and travelling up and down externally to, the face of a structure.

mobile crane means a crane that forms part of a vehicle.

National Certification Standard means the document entitled “National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment” published in December 1992 by the National Occupational Health and Safety Commission, as in force from time to time.

National Competency Guidelines means the document entitled “National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment” published in December 1992 by the National Occupational Health and Safety Commission, as in force from time to time.

notice of satisfactory assessment means a notice of satisfactory assessment issued under clause 15, and includes a record of assessment issued under a corresponding law that, in WorkCover’s opinion, is equivalent to a notice of satisfactory assessment issued under this Regulation.

personnel and materials hoist means a powered builder’s hoist, comprising a car, structure, machinery or other associated equipment, by which people, goods or materials may be hoisted, and includes a cantilever hoist, a tower hoist, a multiple-winch assembly or winches configured for operation as a hoist for the movement of people.

recognised course of training means a course of training that is recognised in accordance with clause 9 (2).

recognised qualification means a qualification referred to in clause 7 (1).

rigging means the exercising of direct control of the movement of equipment and associated gear necessary for the purpose of:

- (a) setting up or dismantling a crane or hoist, or similar plant configured for operation as a crane or hoist; or
- (b) placing or securing plant or a load relating to, and including the structural members of, a building or structure; or
- (c) ensuring the stability of the structural members of a building or structure.

scaffolding means the erection, alteration or dismantling of temporary structures that are specifically erected to support platforms, but does not include the erection, alteration or dismantling of any such structure if the maximum distance a person or object could fall from the structure is less than 4 metres.

scheduled work means work of a kind referred to in Schedule 1.

supervisor, in relation to a trainee, means a person who is designated as the trainee's supervisor under clause 27.

the Act means the Occupational Health and Safety Act 1983.

trainee, in relation to scheduled work, means an unqualified person who is engaged in a recognised course of training for that kind of work and who is of or above the age of 17 years.

unqualified person means a person who does not hold a recognised qualification.

WorkCover means the WorkCover Authority of NSW.

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DICTIONARY

EXPLANATORY NOTE

The object of this Regulation is to restrict the doing of certain kinds of work (“**scheduled work**”) to qualified persons. The Regulation deals with the following matters:

- (a) the recognition of certain qualifications, the restriction of scheduled work to persons holding those qualifications and the granting of exemptions from those restrictions in favour of trainees and other persons (Part 2);
- (b) the granting of certificates of competency in relation to scheduled work (Part 3), including:
 - (i) competency assessment (Division 1); and
 - (ii) the issue of certificates of competency (Division 2); and
 - (iii) the suspension and cancellation of certificates of competency (Division 3); and
 - (iv) miscellaneous matters relating to certificates of competency (Division 4);
- (c) the supervision of trainees engaged in scheduled work (Part 4);
- (d) the use of assessors to assess the competency of persons to do scheduled work (Part 5), including:
 - (i) the accreditation of assessors (Division 1); and
 - (ii) the suspension and cancellation of accreditation (Division 2);
- (e) the review of decisions under the Regulation (Part 6);
- (f) other matters of a minor, consequential and ancillary nature (Parts 1 and 7).

This Regulation is made under the Occupational Health and Safety Act 1983, including section 45 (the general regulation making power) and section 46.

This Regulation relates to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.
