



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**



Overview of
**Western Australia's Work Health
and Safety (General) Regulations
2021**



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Introduction

On 12 July 2017, the Premier announced that work would commence to develop modernised work health and safety (WHS) laws for Western Australia.

Western Australia's *Work Health and Safety Act 2020* (WHS Act) was passed by Parliament on 3 November 2020 and assented to by the Governor on 10 November 2020.

When implemented in 2022, all Western Australian workplaces will come under this single Act, which will replace the following legislation:

- *Occupational Safety and Health Act 1984*
- the work health and safety elements of the following Acts, covering mining and petroleum
 - *Mines Safety and Inspection Act 1994*
 - *Petroleum and Geothermal Energy Resources Act 1967*
 - *Petroleum (Submerged Lands) Act 1982*
 - *Petroleum Pipelines Act 1969*.

The new laws are largely based on the national model WHS Act and Regulations used in other states and territories (except Victoria), so companies will have similar obligations and requirements across Australia.

Transitional arrangements will provide sufficient time for duty holders to adapt their safe systems of work to the new requirements.

Note: Levies to cover the cost of regulating health and safety will continue to be collected and used for these purposes, under the Mines Safety and Inspection Act 1994 and the Petroleum and Geothermal Energy Safety Levies Act 2011, and supporting regulations.

Overview of the WHS legislation

The WHS Act covers all workplaces within the natural jurisdiction of Western Australia, including mines, petroleum and geothermal energy operations. There are a number of exceptions where other legislation applies.

Some of the differences include:

- major hazard facilities and dangerous goods storage and handling will continue to be regulated separately under the *Dangerous Goods Safety Act 2004*
- petroleum and geothermal energy operations are included in the WHS Act, supported by a dedicated set of regulations
- the system of workplace entry permits provided under the *Industrial Relations Act 1979* will continue to operate in relation to WHS matters.

Note: Commonwealth Government workers and some self-insured licensees are covered by Comcare under the Work Health and Safety Act 2011 (Cth). Comcare is responsible for workplace safety, rehabilitation and compensation in the Commonwealth jurisdiction, and is a federal statutory authority.

The WHS Act will be supported by three sets of regulations:

- Work Health and Safety (General) Regulations – applies to all workplaces except those covered by the other two sets of regulations [WHS General Regulations]
- Work Health and Safety (Mines) Regulations – applies to mining and mineral exploration operations [WHS Mines Regulations]
- Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations – applies to onshore and offshore petroleum, pipeline and geothermal energy operations [WHS PAGEO Regulations].

The regulator

The WorkSafe Commissioner, an independent statutory office reporting directly to the Minister for Industrial Relations, is responsible for performing the functions and exercising the powers of the regulator under the WHS Act.

The Department of Mines, Industry Regulation and Safety will assist the regulator in the administration of the WHS Act, including the provision of inspectors and other staff to secure compliance with the legislation.

Format of the WHS (General) Regulations

This guide provides an overview of the structure of the WHS General Regulations. Cross references to relevant additional regulations are provided, as are references to provisions of the WHS Act. This overview will help readers identify what duties or rights are contained in each Part of the regulations. Where defined terms are provided by the WHS General Regulations, a non-exhaustive list of these has been included.

Some sections of the model WHS Regulations were tailored for Western Australia following extensive consultation. Where possible, the new laws align with the Chapter and Part numbers of the model WHS Regulations, with the term 'Not used' replacing any clauses that do not apply in Western Australia.

Other changes include terminology and areas of the model WHS Act that intersect with non-WHS laws, such as industrial relations legislation.

Guide to Chapter 1 – Preliminary

The Regulations are made under section 276 and Schedule 2 of the *Work Health and Safety Act 2020*.

The Regulations are about a wide range of matters relating to work health and safety, including:

- representation and participation (Chapter 2)
- managing risks to health and safety and general workplace management (Chapter 3)
- hazardous work involving noise, hazardous manual tasks, confined spaces, falls, demolition work, electrical safety and energised electrical work, diving work and licensing of high risk work and accreditation of assessors of competency (Chapter 4)
- plant and structures (Chapter 5)
- construction work (Chapter 6)
- hazardous chemicals including lead (Chapter 7)
- asbestos (Chapter 8)
- review of decisions, exemptions, and prescribed serious illnesses (Chapter 11).

Chapter 1 contains:

- definitions and other introductory matters
- provisions relating to the application of the Act and the Regulations, and
- provisions relating to incorporated documents.

Guide to Chapter 2 – Representation and participation

Chapter 2 sets out rights and duties of persons conducting a business or undertaking, workers, and workers' representatives about the determination of work groups, the election, removal and training of health and safety representatives, and the procedure for resolution of health and safety issues.

This Chapter prescribes matters for Part 5 of the Act – *Consultation, representation and participation*.

Regulations in Part 3.1 – *Managing risks to health and safety*, Chapter 5 – *Plant and structures*, Part 7.2 – *Lead* and Chapter 8 – *Asbestos* include a role for health and safety representatives.

Guide to Part 3.1 – Managing risks to health and safety

Part 3.1 applies to persons conducting a business or undertaking who have a duty under the Regulations to manage risks to health and safety. It requires duty-holders to identify hazards, apply and maintain a hierarchy of risk control measures and, in specified circumstances, review those risk control measures.

Duty-holders under this Part may also have duties under section 17 of the Act to manage risks, and duties under Part 5 Division 2 of the Act to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations about management of risk in:

- Part 3.2 – *General workplace management*
- Part 4.1 – *Noise*
- Part 4.2 – *Hazardous manual tasks*
- Part 4.3 – *Confined spaces*
- Part 4.4 – *Falls*
- Part 4.7 – *Electrical safety and energised electrical work*
- Part 4.8 – *Diving work*
- Chapter 5 – *Plant and structures*
- Chapter 6 – *Construction work*
- Part 7.1 – *Hazardous chemicals*
- Part 7.2 – *Lead*
- Chapter 8 – *Asbestos*.

Defined terms in Chapter 1 which are relevant to this Part include *administrative control, control measure, duty holder, engineering control, and personal protective equipment*.

Guide to Part 3.2 – General workplace management

Part 3.2 imposes duties upon persons conducting a business or undertaking to ensure, so far as is reasonably practicable, that the environment at a workplace is without risks to health and safety. It requires provision of suitable and adequate information, training, and instruction to workers. It imposes duties regarding the general working environment and facilities for workers, first aid, emergency plans, remote or isolated work, tobacco products, airborne contaminants and hazardous atmospheres, storage of flammable or combustible substances and falling objects. It imposes duties regarding personal protective equipment upon persons conducting a business or undertaking who direct the carrying out of work at a workplace, workers and persons at a workplace.

Duty-holders under this Part may also have health and safety duties under sections 19, 20, 21, 28 or 29 of the Act. Persons conducting a business or undertaking may have duties under Part 5 Division 2 of the Act to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations about emergency plans in:

- Part 4.8 – *Diving work*, and
- Part 7.1 – *Hazardous chemicals*.

There are additional Regulations about personal protective equipment in:

- Part 4.1 – *Noise*
- Part 4.3 – *Confined spaces*
- Part 4.7 – *Electrical safety and energised electrical work*
- Part 7.2 – *Lead*, and
- Chapter 8 – *Asbestos*.

There are additional Regulations about workplace environmental conditions in:

- Part 4.2 – *Hazardous manual tasks*
- Part 4.3 – *Confined spaces*
- Part 4.4 – *Falls*
- Part 4.7 – *Electrical safety and energised electrical work*
- Chapter 6 – *Construction work*
- Part 7.2 – *Lead*, and
- Chapter 8 – *Asbestos*.

There are additional Regulations about training, information and instruction in:

- Part 4.3 – *Confined spaces*
- Part 4.4 – *Falls*
- Part 4.8 – *Diving work*
- Chapter 6 – *Construction work*
- Part 7.1 – *Hazardous chemicals*
- Part 7.2 – *Lead*, and
- Chapter 8 – *Asbestos*.

There are additional Regulations about airborne contaminants and hazardous atmospheres in Part 4.3 – *Confined spaces*, Part 7.1 – *Hazardous chemicals*, Part 7.2 – *Lead* and Chapter 8 – *Asbestos*.

Defined terms in Chapter 1 which are relevant to this Part include:

- *combustible substance*
- *contaminant*
- *control measure*
- *emergency service organisation*
- *emergency service worker*
- *essential services*
- *exposure standard*
- *flammable gas*
- *gas cylinder*
- *hazardous area*
- *ignition source*
- *lower explosive limit (LEL)*
- *personal protective equipment, and*
- *safe oxygen level.*

Guide to Part 4.1 – Noise

Part 4.1 imposes duties upon persons conducting a business or undertaking about the exposure of workers to noise at the workplace. It also imposes duties about noise emissions upon designers and manufacturers of plant, and duties to obtain and provide adequate information about noise upon suppliers and importers of plant. It places a duty on the person conducting a business or undertaking to carry out audiometric testing where a worker is frequently required by the person conducting the business or undertaking to use personal protective equipment to protect the worker from the risk of hearing loss associated with noise that exceeds the exposure standard for noise.

Duty-holders under this Part may also have health and safety duties under sections 19, 20, 21, 22, 23, 24 or 25 of the Act, and duties under Part 5 Division 2 of the Act, to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations about management of risk in Part 3.1 – *Managing risks to health and safety*. There are additional Regulations imposing duties on designers, manufacturers, importers and suppliers of plant or structures in Part 4.2 – *Hazardous manual tasks*, Part 4.3 – *Confined spaces* and Chapter 5 – *Plant and structures*.

Defined terms in Chapter 1 which are relevant to this Part include:

- *control measure*
- *designer*
- *hazardous manual task*
- *importer*
- *manufacturer*
- *personal protective equipment*, and
- *supplier*.

Guide to Part 4.2 – Hazardous manual tasks

Part 4.2 imposes duties upon persons conducting a business or undertaking to manage the risk of a musculoskeletal disorder associated with a hazardous manual task. It also imposes duties about hazardous manual tasks upon designers and manufacturers of plant, and duties to obtain and provide adequate information about hazardous manual tasks upon suppliers and importers of plant.

Duty-holders under this Part may also have health and safety duties under sections 19, 20, 21, 22, 23, 24, 25 or 26 of the Act, and duties under Part 5 Division 2 of the Act to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations about management of risk in Part 3.1 – *Managing risks to health and safety* and about workplace environmental conditions in Part 3.2 – *General workplace management*. There are additional Regulations imposing duties on designers, manufacturers, importers and suppliers of plant or structures in Part 4.1 – *Noise*, Part 4.3 – *Confined spaces* and Chapter 5 – *Plant and structures*.

Defined terms in Chapter 1 which are relevant to this Part include:

- *control measure*
- *designer*
- *hazardous manual task*
- *importer*
- *manufacturer*
- *musculoskeletal disorder*, and
- *supplier*.

Guide to Part 4.3 – Confined spaces

Part 4.3 imposes duties upon persons conducting a business or undertaking about confined spaces under the person's management or control, including duties in respect of:

- workers and workplaces about managing risks
- confined space entry permits
- signage
- communication and safety monitoring
- controls for plant and services
- atmospheric controls
- controls against fire and explosion
- emergency procedures and information, and
- training and instruction.

It imposes duties upon designers, manufacturers, importers, suppliers and persons who install or construct plant or structures about confined spaces related to plant and structures.

Duty-holders under this Part may also have health and safety duties under sections 20, 21, 22, 23, 24, 25 or 26 of the Act, and duties under Part 5 Division 2 of the Act to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations covering a range of issues in the following parts and chapters:

- management of risk is included in Part 3.1 – *Managing risks to health and safety*
- workplace environmental conditions and information, training and instruction is included in Part 3.2 – *General workplace management*, and
- construction work involving confined spaces is included in Chapter 6 – *Construction work*.

There are also additional Regulations imposing duties on:

- designers, manufacturers, importers and suppliers of plant or structures in Part 4.1 – *Noise*, Part 4.2 – *Hazardous manual tasks* and Chapter 5 – *Plant and structures*.
- designers of structures in Chapter 6 – *Construction work*, and
- persons who install or commission plant or structures in Chapter 5 – *Plant and structures* and Chapter 6 – *Construction work*.

Defined terms in Chapter 1 which are relevant to this Part include:

- *airborne contaminant*
- *competent person*
- *confined space*
- *confined space entry permit*
- *contaminant*
- *control measure*
- *designer*
- *emergency service organisation*
- *emergency service worker*
- *entry*
- *flammable gas*
- *head or upper body*
- *ignition source*
- *importer*
- *lower explosive limit (LEL)*
- *manufacturer*
- *personal protective equipment*
- *safe oxygen level, and*
- *supplier.*

Guide to Part 4.4 – Falls

Part 4.4 imposes duties upon persons conducting a business or undertaking at a workplace to manage risks associated with falls and includes requirements around emergency and rescue procedures.

Duty-holders under this Part may also have health and safety duties under sections 19, 20 or 21 of the Act, and duties under Part 5 Division 2 of the Act, to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations about management of risk in Part 3.1 – *Managing risks to health and safety*, about workplace environmental conditions in Part 3.2 – *General workplace management* and about construction work involving risk of a person falling more than two metres in Chapter 6 – *Construction work*.

Defined terms in Chapter 1 which are relevant to this Part include:

- *building maintenance equipment*
- *building maintenance unit*
- *fall arrest system*
- *temporary work platform*
- *theatrical performance*, and
- *work positioning system*.

Guide to Part 4.5 – High risk work

Part 4.5 requires persons carrying out classes of high risk work to be licensed, identifies relevant qualifications for an applicant for a high risk work licence, establishes the licensing process and process for review of licensing decisions and provides for accreditation of assessors of competency.

This Part prescribes requirements for authorisation of work for section 43 of the Act and required qualifications for section 44 of the Act.

Schedules 3-4 to the Regulations apply to this Part. Chapter 5 – *Plant and structures* and Chapter 6 – *Construction work* may apply to some classes of high risk work. Chapter 11 provides for the review of decisions made by the regulator under this Part and exemptions for high risk licences.

Defined terms in Chapter 1 which are relevant to this Part include:

- *accredited assessor*
- *boiler*
- *boom-type elevating work platform*
- *bridge crane*
- *certification*
- *class*
- *competency assessment*
- *concrete placing boom*
- *conveyor*
- *crane*
- *derrick crane*
- *direct fired process heater*
- *dogging work*
- *external review*
- *forklift truck*
- *gantry crane*
- *heritage boiler*
- *high risk work*
- *high risk work licence*
- *hoist*
- *licence holder*
- *mast climbing work platform*
- *materials hoist*
- *non-slewing mobile crane*
- *notice of satisfactory assessment*
- *order-picking forklift truck*
- *personnel and materials hoist*
- *portal boom crane*
- *pressure equipment*
- *reach stacker*

- *reciprocating steam engine*
- *registered training organisation (RTO)*
- *relevant fee*
- *rigging work*
- *scaffold*
- *scaffolding work*
- *self-erecting tower crane*
- *slewing mobile crane*
- *slinging techniques*
- *suspended scaffold*
- *tower crane*
- *steam turbine*
- *vehicle loading crane, and*
- *VET course.*

Guide to Part 4.6 – Demolition work

Part 4.6 requires notice of specified demolition work to be provided to the regulator by a person conducting a business or undertaking proposing to carry out the demolition work, and by an emergency services organisation in relation to demolition work carried out by an emergency services worker.

Duty-holders under this Part may also have health and safety duties under sections 19, 20 or 21 of the Act.

There are additional Regulations which may apply to demolition work in Part 4.7 – *Electrical safety and energised electrical work*, Chapter 6 – *Construction work* and Chapter 8 – *Asbestos*.

Defined terms in Chapter 1 which are relevant to this Part include

- *demolition work*
- *emergency service organisation*, and
- *emergency service worker*.

Guide to Part 4.6A – Licensing of demolition work

Part 4.6A requires persons carrying out demolition work to be licensed, identifies relevant qualifications for an applicant for a demolition licence, establishes the licensing process and process for review of licensing decisions.

This section also outlines conditions which may be imposed on demolition licences.

Guide to Part 4.7 – Electrical safety and energised electrical work

Part 4.7 imposes duties about electrical work, within the meaning of Regulation 146. It requires persons conducting a business or undertaking at a workplace to manage electrical risks, inspect and test electrical equipment at the workplace, disconnect and replace or remove unsafe electrical equipment and use and test appropriate residual current devices. It imposes duties upon a person conducting a business or undertaking at a workplace about the proximity of persons, plant or things at the workplace to electric lines. It imposes prohibitions and duties upon persons conducting a business or undertaking regarding electrical work carried out on energised electrical equipment. It imposes additional duties upon persons conducting a business or undertaking that includes the carrying out of construction work.

Duty-holders under this Part may also have health and safety duties under sections 19, 20 or 21 of the Act, and duties under Part 5 Division 2 of the Act to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations about management of risk in Part 3.1 – *Managing risks to health and safety*, about workplace environmental conditions in Part 3.2 – *General workplace management* and about construction work carried out on or near energised electrical installations or services in Chapter 6 – *Construction work*.

Defined terms in Chapter 1 which are relevant to this Part include:

- *amusement device*
- *competent person*
- *control measure*
- *electrical risk*
- *extra-low voltage*
- *person with management or control of a workplace*
- *personal protective equipment*, and
- *safe work method statement*.

Guide to Part 4.8 – Diving work

Part 4.8 imposes duties upon persons conducting a business or undertaking at a workplace to ensure fitness and competency of persons who carry out diving work and to manage risks to health and safety through supervision, dive plans and dive safety logs. It prohibits workers from carrying out specified diving work unless relevant competency requirements are met.

Duty-holders under this Part may also have health and safety duties under sections 19, 20, 21 or 28 of the Act. Persons conducting a business or undertaking may have duties under Part 5 Division 2 of the Act to consult with workers about matters in this Part. This Part prescribes required qualifications for section 44 of the Act. Section 27 of the Act applies to officers in respect of this Part.

There are additional Regulations about management of risk in Part 3 – *Managing risks to health and safety*, about provision of information training and instruction in Part 3.2 – *General workplace management* and about construction work involving diving work in Chapter 6 – *Construction work*.

Defined terms in Chapter 1 which are relevant to this Part include:

- *appropriate training in underwater medicine*
- *certificate of medical fitness*
- *competent person*
- *current certificate of medical fitness*
- *EANx*
- *fitness criteria*
- *general diving work*
- *high risk diving work*
- *incidental diving work*
- *limited diving*
- *limited scientific diving work*
- *registered medical practitioner, and*
- *VET course.*

Guide to Part 4.9 – Use of power tools on engineered stone products

Part 4.9 imposes duties upon persons conducting a business or undertaking and persons with management or control of a workplace, to ensure that a power tool is not used for cutting, grinding or abrasive polishing of engineered stone unless the use is controlled.

Duty-holders under this Part must also ensure that controls are properly designed, installed, used and maintained to reduce exposure to airborne crystalline silica dust.

Guide to Part 4.10 – Driving commercial vehicles

Part 4.10 imposes a duty on a responsible person at a workplace to ensure that commercial vehicle drivers who are required to drive a commercial vehicle do not exceed the threshold for hours of work, and are certified by a medical practitioner as fit to drive the vehicle.

Duty-holders under this Part also have a requirement to develop and keep current a driver fatigue management plan and keep a current record of work time, breaks from driving and non-work time for each commercial vehicle driver.

Commercial vehicle drivers have health and safety duties relating to their hours of work and to hold a fitness to drive medical certificate.

Guide to Chapter 5 – Plant and structures

Chapter 5 imposes duties upon designers, manufacturers, importers and suppliers directed at ensuring health and safety in respect of subsequent use of plant including guarding, operator controls, emergency stops and warning devices. It imposes duties upon persons conducting a business or undertaking that install, construct or commission plant or structures to comply with designer or manufacturer information and relevant health and safety instructions in doing so. It imposes complementary duties on persons conducting a business or undertaking involving the management and control of plant, as well as a range of additional control measures for specific types of plant. It provides for the registration of plant and structures and their designs, and imposes additional duties in respect of registered plant, structures and designs.

Duty-holders under this Chapter may have health and safety duties under sections 21, 22, 23, 24, 25 and 26 of the Act, and duties under Part 5 Division 1 and Division 2 of the Act to consult with other duty-holders and workers about matters in this Part. This Chapter requires authorisation of plant and design for section 42 of the Act. Section 27 of the Act applies to officers in respect of this Part.

Schedule 5 to the Regulations applies to this Chapter. There are additional Regulations about provision of information training and instruction in Part 3.2 – *General workplace management*. There are additional Regulations imposing duties on designers, manufacturers, importers and suppliers of plant or structures in Part 4.1 – *Noise*, Part 4.2 – *Hazardous manual tasks* and Part 4.3 – *Confined spaces* and on designers of structures in Chapter 6 – *Construction work*. There are additional Regulations imposing duties on persons who install or commission plant or structures in Part 4.3 – *Confined spaces* and Chapter 6 – *Construction work*. Chapter 11 provides for the review of decisions made by the regulator under this Chapter.

Defined terms in Chapter 1 which are relevant to this Chapter include:

- *amusement device*
- *boiler*
- *boom-type elevating work platform*
- *building maintenance equipment*
- *building maintenance unit*
- *competent person*
- *concrete placement unit with delivery boom*
- *control measure*
- *crane*
- *designer*
- *direct fired process heater*
- *earthmoving machinery*
- *external review*
- *fault*
- *gantry crane*
- *gas cylinder*
- *hazardous chemical*
- *hoist*
- *importer*

- *industrial lift truck*
- *industrial robot*
- *lift*
- *mast climbing work platform*
- *mobile crane*
- *manufacturer*
- *operator protective device*
- *person with management or control of plant at a workplace*
- *plant*
- *powered mobile plant*
- *presence-sensing safeguarding system*
- *pressure equipment*
- *pressure piping*
- *pressure vessel*
- *relevant fee*
- *scaffold*
- *self-erecting tower crane*
- *supplier*
- *suspended scaffold*
- *theatrical performance*
- *tower crane*
- *tractor*
- *vehicle hoist, and*
- *work box.*

Guide to Chapter 6 – Construction work

Chapter 6 imposes duties about construction work, within the meaning of Regulation 289, and high risk construction work, within the meaning of Regulation 291. It requires persons conducting a business or undertaking that commission construction work in relation to a structure to consult with the designer, and requires designers of structures to provide a written report regarding health and safety. It requires persons conducting a business or undertaking to control risks associated with construction work and high risk construction work and imposes duties in respect of safe work method statements, excavation work and trenches. It imposes duties upon principal contractors including preparation of a written WHS management plan, signage obligations and obligations to ensure compliance with other Regulations at the workplace. It imposes duties upon persons conducting a business or undertaking, workers and persons about general construction induction training and the issuing of construction induction cards.

Duty-holders under this Chapter may also have health and safety duties under sections 19, 20, 21, 22, 26, 28 or 29 of the Act, and duties under Part 5 Division 1 and Division 2 of the Act to consult with other duty-holders and workers about matters in this Chapter. This Chapter prescribes required qualifications for section 44 of the Act. Section 27 of the Act applies to officers in respect of this Chapter.

There are additional Regulations about management of risk in Part 3.1 – *Managing risks to health and safety* and about workplace environmental conditions and provision of information in Part 3.2 – *General workplace management*. There are additional Regulations imposing duties on designers of structures and persons who construct a structure in Part 4.3 – *Confined spaces* and Chapter 5 – *Plant and structures*. There are additional Regulations which may apply to high risk construction work in:

- Part 4.3 – *Confined spaces*
- Part 4.4 – *Falls*
- Part 4.5 – *High risk work*
- Part 4.6 – *Demolition work*
- Part 4.7 – *Electrical safety and energised electrical work*
- Part 4.8 – *Diving work*
- Chapter 5 – *Plant and structures*
- Part 7.1 – *Hazardous chemicals*, and
- Chapter 8 – *Asbestos*.

Chapter 11 provides for the review of decisions made by the regulator under this Chapter.

Defined terms in Chapter 1 which are relevant to this Chapter include:

- *airborne contaminant*
- *asbestos*
- *confined space*
- *contaminant*
- *control measure*
- *designer*
- *essential services*
- *excavation*

- *excavation work*
- *general construction induction training*
- *general construction induction training card*
- *general construction induction training certification*
- *person with management or control of a workplace*
- *pipeline*
- *powered mobile plant*
- *registered training organisation (RTO)*
- *relevant fee*
- *safe work method statement*
- *shaft*
- *specified VET course*
- *trench*
- *tunnel, and*
- *WHS management plan.*

Guide to Part 7.1 – Hazardous chemicals

Part 7.1 imposes duties upon importers and manufacturers of hazardous chemicals about classification, packing and labelling, safety data sheets and disclosure of chemical identities. It imposes complementary duties upon suppliers of hazardous chemicals about packing, labelling and safety data sheets and prohibits supply of certain carcinogenic substances. It imposes duties upon persons conducting a business or undertaking at a workplace about labelling and safety data sheets as well as the safe use, handling, generation and storage of hazardous chemicals, control of risk and provision of supervision for workers. It requires health monitoring by a person conducting a business or undertaking in respect of workers carrying out specified work for the business or undertaking.

Duty-holders under this Part may also have health and safety duties under sections 19, 20, 21, 22, 23, 24 or 25 of the Act, and duties under Part 5 Division 1 and Division 2 of the Act to consult with other duty-holders and workers about matters in this Part. This Part prescribes requirements for authorisation of work for section 43 of the Act. Section 27 of the Act applies to officers in respect of this Part.

Schedules 6-10,14 of the Regulations apply to this Part. There are additional Regulations about managing risk in Part 3 – *Management of risks to health and safety*, about provision of information training and instruction in Part 3.2 – *General workplace management*, about construction work which may involve hazardous chemicals in Chapter 6 – *Construction work* Chapter 11 provides for the review of decisions made by the regulator under this Part.

Defined terms in Chapter 1 which are relevant to this Part include:

- *ADG code*
- *article*
- *capacity*
- *chemical identity*
- *consumer product*
- *control measure*
- *correct classification*
- *emergency service organisation*
- *emergency service worker*
- *exposure standard*
- *flammable gas*
- *genuine research*
- *GHS*
- *hazard category*
- *hazard class*
- *hazard pictogram*
- *hazard statement*
- *hazardous area*
- *hazardous chemical*
- *health monitoring*
- *ignition source*
- *importer*

- *in transit*
- *lead*
- *manufacturer*
- *mixture*
- *pipeline*
- *pipe work*
- *personal protective equipment*
- *precautionary statement*
- *product identifier*
- *prohibited carcinogen*
- *quantity*
- *registered medical practitioner*
- *research chemical*
- *restricted carcinogen*
- *retailer*
- *safety data sheet*
- *signal word*
- *substance*
- *supplier*
- *technical name, and*
- *UN number.*

Guide to Part 7.2 – Lead

Part 7.2 applies where a lead process, within the meaning of Regulation 392, is carried out at a workplace. It imposes duties upon a person conducting a business or undertaking at a workplace to provide information to workers about a lead process, to control risk of lead contamination using specified measures, to identify and notify the regulator of lead risk work, within the meaning of Regulation 394, and provide health monitoring and biological monitoring of workers in respect of lead risk work.

Duty-holders under this Part may also have health and safety duties under sections 19, 20 or 21 of the Act, or duties under Part 5 Division 2 of the Act to consult with workers about matters in this Part. Section 27 of the Act applies to officers in respect of this Part.

Part 7.1 of the Regulations applies in addition to this Part. Schedule 14 to the Regulations applies to this Part. There are additional Regulations about management of risk in Part 3 – *Managing risks to health and safety* and about provision of information training and instruction in Part 3.2 – *General workplace management*. Chapter 11 provides for the review of decisions made by the regulator under this Part.

Defined terms in Chapter 1 which are relevant to this Part include:

- *abrasive blasting*
- *biological monitoring*
- *blood lead level*
- *blood lead level monitoring*
- *control measure*
- *emergency service organisation*
- *emergency service worker*
- *female of reproductive capacity*
- *health monitoring*
- *lead*
- *lead process area, and*
- *personal protective equipment.*

Guide to Chapter 8 – Asbestos

Chapter 8 prohibits a person conducting a business or undertaking from carrying out, or directing or allowing a worker to carry out, work involving asbestos, other than in circumstances permitted under the Regulations. It imposes a general duty upon persons conducting a business or undertaking at a workplace about eliminating exposure to airborne asbestos at the workplace. It imposes duties upon a person with management or control of a workplace to identify asbestos or asbestos containing material at the workplace, to prepare and keep an asbestos register and an asbestos management plan and, prior to demolition or refurbishment, to identify and remove asbestos and ensure emergency procedures are developed. It imposes duties upon a person conducting a business or undertaking about training workers and health monitoring. It requires asbestos removal work to be licensed, and requires notification of that work to the regulator and other persons by the person with management or control of the workplace and licensed asbestos removalists.

Duty-holders under this Chapter may have health and safety duties under sections 19, 20, 21 or 29 of the Act, and duties under Part 5 Division 1 and Division 2 of the Act to consult with other duty-holders and workers about matters under this Chapter. This Chapter prescribes requirements for authorisation of work for section 43 of the Act and required qualifications for section 44 of the Act. Section 27 of the Act applies to officers in respect of this Chapter.

There are additional Regulations about management of risk in Part 3 – *Managing risks to health and safety*, about general workplace management and provision of information in Part 3.2 – *General workplace management*, about demolition work in Part 4.6 – *Demolition work* and about construction work that involves or is likely to involve asbestos in Chapter 6 – *Construction work*. Chapter 11 provides for the review of decisions made by the regulator under this Chapter.

Defined terms in Chapter 1 which are relevant to this Chapter include:

- *asbestos*
- *asbestos containing material (ACM)*
- *asbestos-contaminated dust or debris (ACD)*
- *asbestos-related work*
- *asbestos removal licence*
- *asbestos removal work*
- *asbestos removalist*
- *asbestos waste*
- *certification*
- *certified safety management system*
- *class*
- *Class A asbestos removal licence*
- *Class A asbestos removal work*
- *Class B asbestos removal licence*
- *Class B asbestos removal work*
- *competent person*
- *control measure*
- *exposure standard*
- *external review*

- *friable asbestos*
- *genuine research*
- *GHS*
- *health monitoring*
- *independent*
- *in situ asbestos*
- *licence holder*
- *licensed asbestos assessor*
- *licensed asbestos removalist*
- *licensed asbestos removal work*
- *membrane filter method*
- *NATA*
- *NATA - accredited laboratory*
- *naturally occurring asbestos*
- *non-friable asbestos*
- *person with management or control of a workplace*
- *personal protective equipment*
- *registered medical practitioner*
- *relevant fee*
- *respirable asbestos fibre*
- *specified VET course, and*
- *VET course.*

Guide to Chapter 9 – Major hazard facilities

Not used refer to the *Dangerous Goods Safety Act 2004*.

Guide to Chapter 10 – Mines

Refer to the Work Health and Safety (Mines) Regulations 2021.

Guide to Chapter 11 – General

Chapter 11 identifies the decisions of the regulator that are reviewable and the process of review. It prescribes the process for granting of exemptions by the regulator from compliance with the Regulations. It also prescribes a list of the prescribed serious illnesses requiring notification under section 36 of the Act.

Part 12 of the Act identifies which decisions of the regulator under the Act are reviewable and the process for review.

This Chapter applies in respect of decisions of the regulator made under:

- Part 4.5 – *High risk work*
- Chapter 5 – *Plant and structures*
- Chapter 6 – *Construction work*
- Part 7.1 – *Hazardous chemicals*
- Part 7.2 – *Lead*, and
- Chapter 8 – *Asbestos*.

Defined terms in Chapter 1 which are relevant to this Chapter include *internal review* and *external review*.



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