

EXPLANATORY STATEMENT

Statutory Rules 2004 No. 378

Issued by the authority of the Minister for Employment and Workplace Relations

Occupational Health and Safety (Commonwealth Employment) Act 1991

Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2004 (No. 2)

The *Occupational Health and Safety (Commonwealth Employment) Act 1991*

(the Act) establishes a statutory framework to secure the health and safety of Commonwealth Government employees (including employees of Commonwealth agencies, statutory authorities and Government Business Enterprises) while at work.

Subsection 82(1) of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 23(1) of the Act provides that the regulations may make provision relating to any matter affecting, or likely to affect, the occupational health and safety of employees or contractors, or other persons at or near a workplace.

The National Occupational Health and Safety Commission (NOHSC), established under section 6 of the *National Occupational Health and Safety Commission Act 1985* (the NOHSC Act), develops National Standards and Codes of Practice to promote uniformity in Australian occupational health and safety schemes. These National Standards and Codes of Practice do not have legislative force of themselves; they are given legislative force by relevant State, Territory or Commonwealth occupational health and safety legislation.

The *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994* (the Principal Regulations) give legislative force to various National Standards declared by NOHSC to the extent that they are capable of relating to Commonwealth employment. Regulations have been made implementing National Standards in relation to occupational noise, plant, manual handling, hazardous substances, safe working in confined spaces and certification standards for users and operators of industrial equipment.

Currently, Part 4 of the Principal Regulations incorporates the NOHSC National Standard titled *National Occupational Health and Safety Commission National Standard for Plant* (National Standard for Plant). Part 4 of the Principal Regulations aims to protect the health and safety of persons from hazards arising from plant (defined in the Act to include any machinery, equipment or tool) and systems of work associated with plant. The main features of Part 4 are the provisions of licensing, design registration, risk assessment and control and employer, manufacturer, supplier and erector duties.

Following consultation with stakeholders, the Safety Rehabilitation and Compensation Commission (SRCC) recommended amendments to plant licensing arrangements. The SRCC

also recommended a number of other clarification and streamlining amendments – relating to licensing of short-term plant hire and maintenance inspections. The purpose of the Regulations is to amend Part 4 of the Principal Regulations to:

- allow for greater flexibility in the licensing arrangements;
- provide for an exemption from the requirements to obtain a licence for hire of plant for 12 months or less; and
- clarify the annual ‘maintenance inspection’ regulatory provisions for plant that must be licensed under the Part.

The Regulations will also:

- update references to Australian Standards to current editions of the relevant standard in Parts 2 and 3 of the Principal Regulations and limit the part of the relevant Australian Standard to the matter that is being regulated, as agreed by the SRCC;
- make minor amendments to Part 2 of the Principal Regulations which contain the competency requirements and certification standards for users and operators of industrial equipment; and,
- make other minor and housekeeping amendments to the Principal Regulations.

Details of the Regulations are set out in the [Attachment](#).

The Regulations will commence on 1 April 2005 to allow Comcare sufficient time to prepare for implementation of the Regulations.

ATTACHMENT

***OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT)
(NATIONAL STANDARDS) AMENDMENT REGULATIONS 2004 (No. 2)***

Regulation 1 - Name of Regulations

Regulation 1 provides that the name of the Regulations is the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2004 (No. 2)*.

Regulation 2 - Commencement

This regulation provides that the Regulations commence on 1 April 2005.

Regulation 3 - Amendment of *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994*

Regulation 3 provides that the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item 1 – Regulation 1.04, note 1

This item rectifies an incorrect reference in note 1 of regulation 1.04.

Item 2 – Regulation 2.01, note

The note in regulation 2.01 currently provides that the regulations in Part 2 should be read with the National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment (NOHSC: 1006 (1992)) as in force on 31 March 1995. This item changes the date of the National Standard to reflect the current version of this National Standard which was declared by the National Occupational Health and Safety Commission on 26 September 2001.

Item 3 - Regulation 2.02, definition of *National Standard*

This item inserts a definition of *interim certificate* and updates the definition of *National Standard* as outlined for Item 2. The definition of *interim certificate* is relevant to the amendment in item 6 to allow a certifying authority to issue a certificate that is valid for a period of 60 days pending the issuing of a certificate of competency by the certifying authority.

Item 4 – Paragraph 2.05A (1) (e)

This item removes a reference to regulation 2.07A as a consequence of its omission by Item 5.

Item 5 – Regulation 2.07A

Part 2 of the Principal Regulations contains the competency requirements and certification standards for users and operators of industrial equipment. When the regulations commenced, South Australia, Tasmania, New South Wales and the Australian Capital Territory had not implemented arrangements for the issuing of certificates of competency in accordance with the National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment. As such a provision was made to allow an employee to perform the work

of an occupation covered in current regulation 2.03 in those jurisdictions without the requirement to hold a certificate of competency. All jurisdictions have now implemented the National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment. As a result, regulation 2.07A is no longer necessary and this item repeals the regulation.

Item 6 – Subregulation 2.07C (1)

Current subregulation 2.07C (1) applies to an employee performing work of a regulation 2.03 occupation before being given a certificate of competency. This item replaces the words ‘the document or advice’ with the words ‘the interim certificate’ in current subregulation 2.07C (1). An interim certificate is to be issued by a certificate assessor in a State or Territory and will be valid for a period of 60 days unless the employee applies to the certifying authority and is issued with a certificate of competency.

Item 7 – Subregulation 2.07C (2)

This item is consequential to the amendment in Item 6 and replaces the words ‘the document or advice’ with the words ‘the interim certificate’ in subregulation 2.07C (2).

Item 8 – Paragraph 2.07C (2) (a)

This item is consequential to the amendment in Item 6 and replaces the words ‘the document or advice’ with the words ‘the interim certificate’ in paragraph 2.07C (2) (a).

Item 9 – Subregulation 2.07E (1)

Current regulation 2.07E applies to a contractor performing work of a regulation 2.03 occupation before being given a certificate of competency. This item replaces the words ‘the document or advice’ with the words ‘the interim certificate’ in subregulation 2.07E (1). An interim certificate is to be issued by a certificate assessor in the State or Territory where the relevant workplace is located and will be valid for a period of 60 days unless the contractor applies to the certifying authority within that period and is issued with a certificate of competency. If a contractor is refused the certificate of competency, the interim certificate will be valid until the end of 14 days after the day on which the contractor is refused the certificate of competency.

Item 10 – Subregulation 2.07E (2)

This item is consequential to the amendment in Item 9 and replaces the words ‘the document or advice’ with the words ‘the interim certificate’ in subregulation 2.07E (2).

Item 11 – Paragraph 2.07E (2) (a)

This item is consequential to the amendment in Item 9 and replaces the words ‘the document or advice’ with the words ‘the interim certificate’ in paragraph 2.07E (2) (a).

Item 12 – Paragraph 2.11 (1) (b)

This item rectifies an incorrect reference in paragraph 2.11 (1) (b).

Item 13 – Paragraph 3.03 (2) (a)

This item amends the existing reference to the Australian Standard in paragraph 3.03 (2) (a) to specify the part of the standard that is relevant to the matter being regulated. The new reference

is Australian and New Zealand Standard 1269.1:1998 ‘Occupational noise management – Measurement and assessment of noise immission and exposure’.

Item 14 – Subregulation 3.03 (3)

This item amends the existing reference to the Australian Standard in subregulation 3.03 (3) to specify the part of the standard that is relevant to the matter being regulated. The new reference is Australian Standard 1259.1-1990 ‘Acoustics - Sound Level Meters - Non-integrating’.

Item 15 – Paragraphs 3.08 (4) (a) and (b)

Current regulation 3.08 imposes a duty of care on an employer to ensure an employee or contractor is not exposed to noise, at or near the place at which an employee performs work, that exceeds the exposure standard. Item 15 amends and updates references to existing Australian Standards in paragraphs 3.08 (4) (a) and (b). Until the noise is reduced to or below the exposure standard, the employer must provide hearing protection for its employees and contractors that complies with Australian and New Zealand Standard 1270:2002 ‘Acoustics — Hearing Protectors’ in accordance with Australian and New Zealand Standard 1269.3:1998 ‘Occupational noise management - Hearing protector program’.

Item 16 - Subregulation 3.08 (4)

This item inserts a note at the end of subregulation 3.08 (4) to alert employers that guidance on the appropriate hearing protection is provided in the National Occupational Health and Safety Commission National Code of Practice for Management and Protection of Hearing at Work.

Item 17 - Subregulation 3.08 (4A)

This item amends the existing reference to the Australian Standard in paragraph 3.08 (4A) to specify the edition of the standard that is relevant to the matter being regulated. The new reference is Australian and New Zealand Standard 1270:2002 ‘Acoustics — Hearing Protectors’.

Item 18 - Subregulation 3.08 (4B)

This item amends the existing reference to the Australian Standard in paragraph 3.08 (4B) to specify the part and edition of the standard that is relevant to the matter being regulated. The new reference is Australian and New Zealand Standard 1269.3:1998 ‘Occupational noise management - Hearing protector program’.

Item 19 – Subregulation 4.07 (3), including the penalty

Item 20 – After regulation 4.07

These items replace current subregulation 4.07(3) with new regulations 4.07A and 4.07B to clarify the obligations on a supplier of plant in relation to the new short term plant hire arrangements.

Under existing regulation 4.07, a supplier of plant who knows or ought to reasonably expect that the plant will be used by employees at work and who identifies a risk arising from the use of plant is required to eliminate, or if elimination is not practicable minimise, that risk. New regulation 4.07A requires a supplier who hires or leases plant mentioned in Part 2 of Schedule 6 to the Principal Regulations, and that is registered with a State or Territory authority, to take all reasonably practicable steps to ensure that the plant is inspected and maintained in accordance with the relevant State or Territory law, including between each hire and leasing to identify and, if necessary, minimise any risk to the health and safety of employees from the use of the plant.

The supplier must also take all reasonably practicable steps to ensure that records of registration, inspections and maintenance are kept for at least 12 months.

Non-compliance with new subregulation 4.07A (2), is an offence, with a penalty of 10 penalty units.

Item 20 inserts new subregulation 4.07A (3), which requires a supplier who hires or leases plant to take all reasonably practicable steps to ensure that an employer is given evidence mentioned in new paragraph 4.40D(b) – that the hired or leased plant has been registered, inspected and maintained in accordance with the relevant State or Territory law.

Non-compliance with new subregulation 4.07A (3) is an offence, with a penalty of 10 penalty units.

Item 20 also inserts new regulation 4.07B, which imposes a duty on a supplier, who hires or leases plant that is not mentioned in Part 2 of Schedule 6 to the Principal Regulations, to take all reasonably practicable steps to ensure that:

- (a) any risk to the health and safety of employees arising from use of the plant is minimised;
- (b) the plant is inspected and maintained between each hire or leasing to identify and, if necessary, minimise any such risk;
- (c) records of inspection and maintenance are kept for at least 12 months after the end of the hire or leasing period for the plant;
- (d) records of registration of the plant are kept for at least 12 months after the date of registration;
- (e) regular assessment is carried out to determine the need for testing the plant to establish whether new or increased risks to health and safety have developed and to determine the times at which such testing is to be carried out;
- (f) if testing is determined to be necessary — testing is carried out and the results are recorded;
- (g) testing records are kept for the period in which the supplier hires or leases the plant to employers.

Non-compliance with new subregulation 4.07B (2) is an offence, with a penalty of 10 penalty units.

Item 21 – Regulation 4.08, heading

This item amends the heading of regulation 4.08 to clarify that the duty contained in the regulation relates to items of used plant.

Item 22 – Regulation 4.20

Current regulation 4.20 imposes a duty on the employer to inspect, test and if applicable, refill plant under pressure, including gas cylinders and pressure equipment, in accordance with the relevant standard. Item 22 splits current regulation 4.20 into two regulations – new regulation 4.20 applies to gas cylinders and new regulation 4.20A applies to pressure equipment. This simplifies and clarifies these provisions.

Item 23 – Regulation 4.22

Item 23 splits current regulation 4.22 into two regulations – new regulation 4.22 applies to powered mobile plant in general and new regulation 4.22A applies to protective structures and restraining devices for powered mobile plant. This simplifies and clarifies these provisions.

Item 24 – Regulation 4.27

Current regulation 4.27 imposes a duty on an employer to take reasonable steps to ensure that a laser or laser product is correctly classified and labelled in accordance with the relevant standard. This item amends existing references to relevant Australian Standards to specify the part and edition of each standard that is relevant to the matter being regulated. The new references include Australian and New Zealand Standard 2211.1:2004 ‘Safety of laser products – Equipment classification, requirements and user’s guide’ and Australian Standard 2397-1993 ‘Safe use of lasers in the building and construction industry.’ The penalty for breach of the provision remains at 10 penalty units.

Item 25 – Regulation 4.39

This item amends the definition of *relevant employing authority* to clarify who the employer is when the Commonwealth or a Commonwealth authority applies for an exemption under regulation 4.40A. Regulation 4.40A permits an employer to apply for an exemption from a licence to operate plant where the employer is already licensed to operate the plant under an equivalent State or Territory law.

Item 26 - Before regulation 4.40

This item inserts a new subheading ‘Subdivision A General licence requirements’ which separates the ‘General licence requirements’ from the ‘Special licence requirements’ in the Principal Regulations.

Item 27 - Subparagraph 4.40 (1) (b) (ii)

Item 28 - Paragraph 4.40 (1A) (b)

These items insert references to new regulation 4.40D, and are consequential to the amendment in Item 30, which inserts that regulation. The effect of new regulation 4.40D is that an employer does not have to obtain a licence under regulation 4.40 for hired plant that is hired by the employer for less than 12 months.

Item 29 – Regulation 4.40A, heading

This item amends the heading to regulation 4.40A to reflect that there are exemptions from licensing in addition to those exemptions issued by the Safety Rehabilitation and Compensation Commission, for example those provided in new regulation 4.40D relating to short-term hired plant.

Item 30 – After regulation 4.40C

This item inserts new regulation 4.40D and applies to plant mentioned in Part 2 of Schedule 6 to the Principal Regulations. New regulation 4.40D provides for an exemption from the requirement for an employer to obtain a licence for hired plant where the plant is hired for less than 12 months and the employer obtains evidence from the supplier that:

- (i) the item, and the design for that type of plant, are registered under a law of the State or Territory in which the supplier operates; and
- (ii) the item will continue to be registered under the law of the State or Territory for the period of hire; and
- (iii) the item complies with the requirements of the law of the State or Territory; and

(iv) the item has been inspected and maintained in accordance with the requirements of the law of the State or Territory; and
before hiring the item, the employer inspected the item.

The current regulations require such plant to be licensed.

Item 31 – Regulations 4.42 and 4.43

Item 31 substitutes existing regulation 4.42 with a new regulation, which makes clear that an employer who wishes to renew a licence must submit an application before the existing licence expires. The application must be in writing, using the form (if any) approved by the Commission, and include a statement to the effect that each item of plant mentioned in the licence has been maintained in a safe condition and is safe to operate.

This item also substitutes existing regulation 4.43 with a new regulation providing the Commission with greater flexibility when granting and renewing a general licence. Existing regulation 4.43 allows the Commission to grant and renew a general licence for a period of 4 years and allows the Commission to charge a licence fee only at the time the licence is granted. The licence fee is currently paid in accordance with specific time frames stated in the regulation. New regulation 4.43:

- gives the Commission the discretionary power to grant or renew a licence for any period not exceeding four years (subregulation 4.43 (6));
- allows the Commission to charge an appropriate fee when granting or renewing a licence (subregulation 4.43 (7)); and
- deletes the reference to specific timeframes to allow the Commission to determine the timeframe for the payment of such licence fees and provide that the relevant notices will contain information about the timeframe within which the licence fee is to be paid (which is currently contained in subparagraph 4.43 (1) (a) (vi)).

New regulation 4.43 also expressly requires the Commission to consider an application and either grant the licence, refuse to grant the licence or require the employer to provide further information.

Item 32 – Regulation 4.44

This item changes the existing reference to paragraph 4.43 (1) (a) as a consequence of the amendment to the licensing provisions in regulation 4.43 at Item 31.

Item 33 – Paragraphs 4.45 (1) (c) and (d)

Subregulation 4.45 (1) provides that a licence to operate plant is subject to the conditions listed in the subregulation. This item deletes paragraph 4.45 (1) (c) which required a licence application to be accompanied by a statement to the effect that each item of plant mentioned in the licence has been maintained in a safe condition and is safe to operate. This requirement has been moved to new regulation 4.42. New paragraph 4.45 (1) (c) requires an employer to pay the fee for the licence which is set out in the notice. This requirement was contained in paragraph 4.45 (1) (d). References to the regulations under which a fee can be issued are also updated to include all provisions which provide for the granting, renewal or variation of a licence.

Item 33 also amends regulation 4.45 to require an employer to comply with a direction given by the Commission that the Commission considers necessary for ensuring the safe operation of the plant. New paragraph 4.45 (1) (d) allows the Commission to set additional safety conditions for

licences particular to the circumstances of the use and operation of the plant (for example, to impose extra or additional maintenance and inspection requirements for an item of plant).

Item 34 – Regulations 4.46, 4.47 and 4.48

This item substitutes existing regulation 4.46 with a new regulation which provides that if plant is decommissioned or disposed of, the licence holder must notify the Commission in writing and return the original licence to the Commission. In addition, the item allows the Commission to charge an appropriate fee for the variation of a general licence and to determine when such a fee is to be paid. A condition of the variation of a licence is that the fee is paid as set out in the notice.

Regulation 4.47 currently sets out maintenance requirements for both plant and tower cranes. New regulations 4.47 and 4.48 separate the requirements for plant and tower cranes. New regulation 4.47 will set out the employer's obligations in relation to the maintenance of plant, other than tower cranes, including that the employer must give the Commission a notice to the effect that the employer has carried out the inspections, checks, tests, maintenance and cleaning required under the regulations for the item.

New regulation 4.48 sets out the employer's obligations in relation to the maintenance and/or the relocation of tower cranes, including that the employer must give the Commission a notice to the effect that the employer has carried out the inspections, checks, tests, maintenance and cleaning required under the regulations for tower cranes.

A notice required under new regulation 4.47 or 4.48 must be given using the form (if any) approved by the Commission as soon as practicable after the end of the period to which it relates, or in the case of a relocated tower crane, as soon as is practicable after relocation. The notice must include the employer's licence number and a statement to the effect that the item or plant or the tower crane has been maintained in a safe condition and is safe to operate.

Item 35 – Subregulation 4.49 (2)

Subregulation 4.49 (1) prohibits an employer from using or allowing the use of specified plant unless the plant's design has been registered by the Commission. This item omits existing subregulation 4.49 (2) and replaces it with a new subregulation, which provides for an exemption from subregulation 4.49 (1) where the plant is listed in Part 2 of Schedule 6, hired for less than 12 months and the employer obtains from the supplier of the item evidence that the design for that type of plant is registered under a law of the State or Territory in which the supplier operates.

Item 36 – Paragraph 4.51 (4) (a)

This item amends paragraph 4.51 (4) (a) to update references to current editions of Australian Standards.

Item 37 – After regulation 4.54

This item inserts a new subheading 'Subdivision B Special licences' which separates the 'General licence requirements' from the 'Special licence requirements' (see also Item 26). Existing regulation 4.56 allows the Department of Defence and the Australian Defence Force (ADF) to apply for a special licence to operate plant following appropriate consultation with involved unions and their employees. The application must list the type of plant and the number of plant items to be licensed. These provisions are amended by Item 38.

Item 38 – Regulations 4.55, 4.56, 4.57 and 4.58

This item omits existing regulations 4.55, 4.56, 4.57 and 4.58 and substitutes these with new regulations.

New regulation 4.55 contains definitions for new subdivision B – *defence employing authority, licensee and special licence*. New subregulation 4.55 (2) makes clear that the *Australian Defence Organisation* comprises the Department of Defence and the ADF. These definitions provide consistency with other Parts of the Principal Regulations.

Existing regulation 4.55 provides that if the Department of Defence and the ADF are granted a 'special' plant licence, regulations relating to a general plant licence do not apply to the Department or the ADF. This exemption moves to new regulation 4.55A. New regulation 4.55A also updates references to the Australian Defence Organisation (ADO).

Item 38 also inserts new regulation 4.56. The amendment requires that an application for a special licence must be in writing, using the form (if any) approved by the Commission and list each individual item and type of plant to be licensed including a unique identifying number for each item of plant to be licensed.

This item also amends regulation 4.57, which prescribes circumstances under which an application for the renewal of a special licence may be made to reflect the amendment to regulation 4.56. New subregulation 4.57 (3) provides that if a licensee applies for a renewal of the special licence and the licensee does not receive notice of the Commission's decision before the special licence expires, the licensee may continue to operate the plant to which the special licence relates until the licensee receives the notice.

In addition, the item amends regulation 4.58 to provide consistency with the application procedure for a general plant licence contained in new regulation 4.43, including the ability of the Commission to set a fee for the grant, renewal or variation of a licence.

Item 39 – Regulation 4.60

Existing regulation 4.60 stipulates specific conditions that the Department of Defence and the ADF are required to comply with, including plant maintenance requirements, design registration requirements, record keeping, and the payment of licence fees. Regulation 4.60 also establishes a mechanism for a licence to be cancelled or suspended by the Commission if the conditions of the licence are not met.

This item omits existing regulation 4.60 and replaces it with a new regulation that requires the ADO to comply with a direction given by the Commission necessary for ensuring the safe operation of the plant. In addition, paragraph 4.60 (1) (f) requires the ADO to ensure that the unique identifying number for an item of plant is displayed on the item. New paragraph 4.60 (1) (h) allows the Commission to set additional safety conditions for licences particular to the circumstances of the use and operation of the plant (for example, to impose extra or additional maintenance and inspection requirements for an item of plant), similar to the amendment to regulation 4.45 concerning a general licence (see Item 33).

Item 39 also deletes existing paragraph 4.60 (1) (g) which requires that if a special licence is renewed the application for renewal must include a list of plant controlled by the Department of Defence or the ADF at the time of renewal. This requirement is replaced by the requirement in new paragraph 4.57 (2) (c), that an application for renewal of a special licence include a list of each type of plant to be licensed (see Item 38).

In addition, this item requires the Commission to provide reasons for a decision to cancel, suspend or vary the conditions of a special licence in new subregulation 4.60 (4).

Item 39 also remakes existing subregulation 4.60 (1) (b) as new regulation 4.60A. New regulation 4.60A requires the licensee, for each period of 12 months that the licensee is licensed to operate the plant, to keep records of details of any inspections, checks, tests, maintenance or cleaning that has been carried out for each item of plant and produce those records if requested.

Item 40 – Regulation 4.62

This item omits existing regulation 4.62 and substitutes it with a new regulation 4.62 to clarify the Commission's powers in relation to the variation of special licences.

This item also inserts new regulation 4.62A, which provides that the Commission is able to remove individual items of plant from a special licence where a condition of a special licence had been contravened in respect of that particular item. In such instances, the Commission must provide a notice to the employer setting out each item of plant that the licensee is licensed to operate, the unique identifying number for each item of plant, the related fee for varying the licence and the reasons for the Commission's decision to vary the special licence.

If the Commission varies the special licence, the licensee is required to return the original licence to the Commission.

Item 40 also introduces provisions relating to the variation or cancellation of a licence in the event that plant is disposed of or decommissioned. Amendments to the Commission's powers to charge a fee are consistent with amendments in Items 34 and 38.

Item 41 – Paragraph 4.63 (i)

This item changes a reference to paragraph 4.46 (2) (b) as a consequence of the amendment to regulation 4.46 (see Item 34).

Item 42 – Subregulation 10.01 (1)

Part 10 of the Principal Regulations provides a list of relevant definitions for the terms used in the regulations. This item removes an additional definition of 'minimise' from subregulation 10.01 (1).

Item 43 – Subregulation 10.01 (1), definition of *risk* (second occurring)

This item removes a duplicated definition of 'risk' from subregulation 10.01 (1).

Item 44 – Schedule 5

Schedule 5 lists the various Australian Standards that are referenced in the Principal Regulations. This item updates the current references to Australian Standards and limits the application of the Standards by listing only the part of the Australian Standards relevant to the matter being regulated.

Item 45 – Schedule 6, heading

Part 1 of Schedule 6 in the Principal Regulations lists various types of plant requiring registration or notification of design. Part 2 lists plant requiring a licence. Item 45 amends the heading of Schedule 6 from 'Items of Plant' to 'Types of Plant' to improve clarity.

This item is consequential to the amendment of regulation 4.56 (see Item 38) which provides a system for identifying individual pieces of plant being licensed.

Item 46 –Schedule 6, Part 1, items 1 and 2

Item 47 –Schedule 6, Part 1, item 7

Item 48 –Schedule 6, Part 1, item 11

Item 49 –Schedule 6, Part 2, items 1 and 2

Item 50 –Schedule 6, Part 2, item 5

These items are consequential to Item 44 which updates references to Australian Standards.

Items 46 and 49 also amend current references to Part 1 of Australian Standard 3920: ‘Pressure Equipment Manufacture — Assurance of Product Quality (ME/1/21 Standard) AMBSC’, which was previously used to determine hazard levels under the umbrella of AS 1200 ‘Pressure Equipment’. The new reference is to Australian Standard 4343 ‘Pressure Equipment-Hazard Levels’.