



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF DECISION

Occupational Health and Safety Regulations 2007

Equipment (Public Safety) Regulations 2007

I, Tim Holding, Minister for Finance, WorkCover and the Transport Accident Commission and Minister responsible for administering the **Occupational Health and Safety Act 2004**, the **Dangerous Goods Act 1985** and the **Equipment (Public Safety) Act 1994**, give notice under section 12 of the **Subordinate Legislation Act 1994** of my decision to make the proposed Occupational Health and Safety Regulations 2007 (the OHS Regulations) and the proposed Equipment (Public Safety) Regulations 2007 (the EPS Regulations).

The main objective of the proposed OHS Regulations is to further the objects of the **Occupational Health and Safety Act 2004** by providing for health and safety relating to workplaces and hazards, activities, and things at workplaces; providing for the safe operation of major hazard facilities and mines in order to reduce the likelihood of a serious incident occurring; licensing people engaged in high-risk work; providing procedures for resolution of issues at workplaces; specifying information in entry permits, and providing for other matters under the Occupational Health and Safety Act.

The proposed OHS Regulations place duties on certain designers of plant, manufacturers, suppliers of plant and substances, employers, persons who manage or control workplaces, asbestos removalists, principal contractors, employees, self-employed persons, operators of major hazard facilities and mines and persons who perform high risk work.

The proposed OHS Regulations variously require hazard identification and risk control; implementation of Safety Management Systems (Mines and Major Hazard Facilities); provision of information, instruction and training; mandate the conduct of atmospheric and noise monitoring in certain limited circumstances, health surveillance, mainly where prescribed hazard substances are used; record-keeping;

notification of certain activities and licensing of certain parties and registration of certain things; and development of emergency procedures.

The objectives of the proposed EPS Regulations are to declare certain equipment to be prescribed equipment, to ensure the safety of prescribed equipment when used at places other than workplaces and to specify notifiable incidents. The proposed EPS Regulations place duties on certain designers, manufacturers, importers, suppliers, and persons in charge of prescribed equipment.

A Regulatory Impact Statement was prepared in relation to the proposed OHS Regulations and the proposed EPS Regulations. The RIS was published in the Government Gazette on 19 January 2007 and advertised in daily newspapers on 20 January 2007 seeking public comment and a number of submissions were received. After considering the submissions received, I have decided that the proposed OHS Regulations should be made with amendments, including –

- removing all content within the OHS Regulations of the current Dangerous Goods Order which deals with asbestos-contaminated dust – that Order will be remade;
- including “notifiable incidents” under Part 5 of the **Occupational Health and Safety Act 2004** in most of the “review of risk control” provisions, other than the Construction, Major Hazard Facilities and Mines parts and ensuring the wording of all “review of risk control” provisions are as consistent as possible;
- inserting a “review of risk control” provision into Division 8 (activities involving asbestos) of the Asbestos part;
- clarifying and tightening the definition of “construction work” to ensure it does not inadvertently capture the assembly or manufacture of fixed plant, or the prefabrication of elements as standard stock for sale, or routine or minor testing, maintenance or repair work performed in connection with a building or structure, or mining activities;

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- increasing from 14 to 28 days, the period within which persons can work under direct supervision before completing construction induction training;
- including a power to exempt a person or class of persons from complying with any provision of the Noise part;
- increasing the timeframe for plant registration renewals from 3 to 5 years; and
- making technical amendments and other drafting changes, including improving consistency of language among like provisions, clarifying definitions, and improving navigation, all to improve the content and form of the Regulations.

After considering the submissions received, I have decided that the proposed EPS Regulations should be made with minor technical amendments.

Dated 8 June 2007

TIM HOLDING MP
Minister for Finance, WorkCover
and the Transport Accident Commission

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