



Victoria Government Gazette

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Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Exemption

This exemption from compliance with a provision of the Occupational Health and Safety Regulations 2017 (the OHS Regulations) is granted by the Victorian WorkCover Authority (trading as WorkSafe Victoria) under regulation 538(1) of the OHS Regulations, in the form required by regulation 545.

The following class of person is exempt from compliance with regulation 128 of the OHS Regulations, which prohibits persons from doing any high risk work unless he or she holds an appropriate high risk work licence in relation to the work.

Exempt class of person

Non-Australian residents employed or engaged to handle freight for the Australian Formula One Grand Prix (the Grand Prix) held at Albert Park Grand Prix circuit, Albert Park Victoria (the international operators).

High risk work that may be performed by the exempt class of person

Operation of a forklift truck by a person who does not hold a high risk work licence for the licence class of 'forklift truck operation licence' in Part 2 of Schedule 3 of the OHS Regulations.

Conditions

In accordance with regulations 543 and 544 of the OHS Regulations the following conditions are imposed in granting the exemption, which must be observed:

1. This exemption commences fourteen days before the start of the Grand Prix and expires fourteen days after the completion of the Grand Prix held in the years 2019, 2020 and 2021 respectively unless earlier revoked by WorkSafe Victoria.
2. This exemption shall only apply to the designated forklift operating areas in accordance with those areas specified in the drawing provided by Australian Grand Prix Corporation (AGPC) to WorkSafe Victoria in its 2019 exemption application. If the designated forklift operating areas change in 2020 and/or 2021, AGPC must provide an updated drawing to WorkSafe Victoria for its review at least 28 days prior to the start of the Grand Prix.
3. AGPC's International Freight Logistics Operations Plan (the Plan), as provided to the Authority in 2019, must be implemented. If this Plan changes in 2020 and/or 2021, AGPC must provide an updated Plan to WorkSafe Victoria for its review at least 28 days prior to the start of the Grand Prix.
4. Prior to being eligible to use a forklift, an international operator is to be assessed using the WorkSafe Victoria endorsed Performance Observation Checklist.
5. Once deemed competent under the Performance Observation Checklist, the international operator must be issued with a Forklift Competency Card under the name of the Registered Training Organisation (RTO) appointed by the AGPC to conduct forklift operation competency assessments on its behalf.
6. Forklift Competency Cards are to be valid for the period of the exemption.
7. Unless required by WorkSafe Victoria, any international operator who holds a valid Forklift Competency Card for 2019 will not require re-assessment to operate a forklift at the Grand Prix in 2020 and 2021.
8. WorkSafe Victoria retains the right to suspend, cancel and/or request re-assessment of any international operator should they be found to be operating a forklift in an unsafe manner or if an operator is involved in an incident or fails to adhere to any direction given by WorkSafe Victoria whilst covered by this exemption.

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9. Each individual Forklift Competency Card must be issued with an identifying number and include the operator's name, date of issue and date of expiry.
10. All international operators must keep their Forklift Competency Card on them at all times whilst operating a forklift at the Grand Prix.
11. Both electronic and hard copies of the completed Performance Observation Checklists of all international operators must be kept by the AGPC.
12. An electronic database must be established by the AGPC to keep a record of details of all international operators issued with a Forklift Competency Card, including card number and the information set out in paragraphs 9, 13 and 14. This information must be readily available to and provided to WorkSafe Victoria on request.
13. The AGPC must ensure that all persons applying for a Forklift Competency Card provide original identification, which includes a colour photograph.
14. The AGPC must ensure that all persons applying for a Forklift Competency Card provide an original and valid (not expired) forklift licence or certificate of competency from country of issue.
15. The AGPC must provide WorkSafe Victoria with a complete list of the names of all international operators who have been issued with Competency Cards within three working days.
16. The AGPC is to ensure that all documentation pertaining to an individual's Forklift Competency Card is kept in a secure location.
17. As far as is reasonably practicable, a physical boundary must be erected to restrict unauthorised access to, and traffic egress from, the designated operating areas for forklift activities. Suitably competent personnel must be provided to enforce the secured area.
18. An AGPC supervisor or project manager must be present at all times that forklift operating activities are taking place at the Grand Prix.
19. A suitably competent safety officer/observer, independent of Formula One Management Ltd and the F1 racing teams, must be present at all times that forklift operating activities are taking place at the Grand Prix to monitor and enforce the implementation of any safety requirements and plans and the initiation of corrective action in the event those requirements and plans are not correctly or fully implemented.

In accordance with regulation 543 of the OHS Regulations, the Victorian WorkCover Authority is satisfied that, provided the above conditions are met, the work that is the subject of this exemption can be performed as safely by a person who does not hold a relevant high risk work licence as it could be performed by a person who holds such a licence.

This exemption starts from the date of publication of this notice in the Government Gazette.

BARBARA ANNE HILL
Head of Specialists, Programs and Licensing, Health and Safety
for and on behalf of the Victorian WorkCover Authority

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