

# Occupational Health and Safety (Work Assist Vehicles) Exemption 2009

Notifiable Instrument NI2009 — 189

made under the:

*Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000* - section 32 (Exemptions)

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## 1 Name of instrument

This instrument is the *Occupational Health and Safety (Work Assist Vehicles) Exemption 2009*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Exemption

Persons operating a work assist vehicle are exempt from the operation of section 25 of the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000* only to the extent that those persons are not required to hold a certificate of competency for the operation of an order-picking forklift truck.

## 4 Definition of Work Assist Vehicle

The type of plant that this instrument applies to are items of mobile plant which are designated by the manufacturer as being a 'work assist vehicle' and which:

1. comply with the Australian Standards in force from time to time which govern the design and safe use of elevating work platforms; and
2. are designed for the primary purpose of positioning a single operator, equipment and materials to and from work locations above the support surface; and
3. are not designed or intended for the primary purpose of conducting load-shifting activities.

## 5 Conditions

This exemption is subject to the following conditions:

1. The employer must put physical isolation controls in place to ensure that unauthorised persons cannot access or operate the work assist vehicle.
2. Before authorising any person to operate the work assist vehicle, the employer must ensure that that individual has successfully completed training to the standard which the manufacturer has deemed necessary to safely operate that model of work assist vehicle.
3. The employer must keep written records of the training provided to each authorised operator and the means by which each authorised operator was assessed as having attained the required standard.
4. If the manufacturer has developed or approved a specific course of training for the safe operation of that model of work assist vehicle, this is the training which must be provided.

This exemption does not waive or reduce the employer's obligation under the *Occupational Health and Safety Act 1989* to provide employees with the information, instruction, training and supervision necessary to enable them to perform their work in a manner that is safe and without risk to their health. The employer must develop a safe method of work which has regard to any risk assessment developed or approved by the manufacturer in respect of the operation of this type of plant.

Jon Quiggin  
Delegate of the Chief Executive

9 April 2009