



Australian Capital Territory

# **Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000**

**SL2000-48**

made under the

**Occupational Health and Safety Act 1989**

**Republication No 7**

**Effective: 26 August 2008 – 1 February 2009**

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Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000*, made under the *Occupational Health and Safety Act 1989* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 26 August 2008. It also includes any amendment, repeal or expiry affecting the republished law to 26 August 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000

made under the

**Occupational Health and Safety Act 1989**

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# Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000

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Users and Operators) Regulation 2000

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Effective: 26/08/08-01/02/09

## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition '*backhoe*—see schedule 1, section 1.7.' means that the term 'backhoe' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156).



## **Part 2**                      **Certificates of competency**

### **Division 2.1**                **Assessment of competency**

#### **4**                      **Application for assessment to do scheduled work**

An application for assessment to do scheduled work must be given to an assessor.

*Note*        A fee may be determined under the Act, s 225 for an application under this section for assessment by an assessor who is a public employee.

#### **5**                      **Assessment of competency**

- (1) On receiving an application, an assessor must conduct an assessment of the applicant's competency to do the kind of scheduled work applied for.
- (2) An assessor must conduct an assessment in accordance with the guidelines.

Maximum penalty: 10 penalty units.

- (3) In this section:

*guidelines* means the guidelines under section 10.

#### **6**                      **Competency**

- (1) An assessor must certify a person as competent to do scheduled work to which an application relates if satisfied that—
  - (a) for work that does not involve the operation or use of a load-shifting machine—the applicant's competency is equal to or better than—
    - (i) the standard of competency stated in schedule A, B or C of the national certification standard for the work; or

- (ii) a standard of competency declared by the chief executive to be equal to that standard; or
- (b) for work that involves the operation or use of a load-shifting machine—the applicant’s competency is equal to or better than—
  - (i) the standard of competency stated in the national competency guidelines for the work; or
  - (ii) a standard of competency declared by the chief executive to be equal to that standard.
- (2) In deciding whether an applicant is competent to do scheduled work, an assessor may have regard to the following:
  - (a) the applicant’s qualifications and experience;
  - (b) the applicant’s competency in tests or examinations conducted by the assessor in accordance with the guidelines under section 10;
  - (c) the outcome of previous assessments.
- (3) Unless section 8 applies, an assessor may only assess an applicant’s competency to do a kind of scheduled work if the applicant has not been assessed for the same kind of work within the previous 21 days.
- (4) In this section:

***national certification standard*** means the ‘National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment’ published in January 1995 by the National Occupational Health and Safety Commission.

***national competency guidelines*** means the ‘National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment’ published in 1992 by WorkSafe Australia.

## **7 Issue of notice of satisfactory assessment**

If an assessor is satisfied that an applicant is competent to do scheduled work, or scheduled work of a particular kind, the assessor must issue the applicant with a notice of satisfactory assessment for the scheduled work or scheduled work of that kind.

*Note* For how documents may be given, see the Legislation Act, pt 19.5.

## **8 Non-public employee assessor—notice of refusal to issue satisfactory assessment**

- (1) This section applies if an assessor who is not a public employee makes a decision to refuse to issue a notice of satisfactory assessment to a person.

*Note* For notice of a decision made by an assessor who is a public employee, see pt 5.

- (2) The assessor must give the person written notice of the decision.

*Note* For how documents may be given, see the Legislation Act, pt 19.5.

- (3) The notice must include a statement telling the person that the person may apply to an assessor, who is a public employee, for another assessment.

## **9 Duration of assessment notice**

A notice of satisfactory assessment is in force—

- (a) for 60 days beginning on the day the notice is issued; or
- (b) if the holder of the notice has applied for a certificate of competency or a variation of a certificate of competency under section 11—until the applicant receives notice of a decision to issue or vary the certificate.

## **10 Guidelines**

- (1) The chief executive may issue or approve guidelines for the conduct of assessments.
- (2) The guidelines may—
  - (a) state techniques for observing applicants doing particular kinds of scheduled work; and
  - (b) set simulated tasks for assessing scheduled work of a particular kind; and
  - (c) set out check lists for assessing performance of scheduled work; and
  - (d) set out ways of assessing applicants.

## **Division 2.2 Certificates of competency**

### **11 Applications for certificates of competency or variations**

- (1) A person who holds a notice of satisfactory assessment may apply to the chief executive—
  - (a) for a certificate of competency authorising the person to do the kind of work to which the notice relates; or
  - (b) if the person holds a certificate of competency—to vary the certificate by endorsing the certificate with the kind of work applied for.
- (2) The application must be accompanied by the notice of satisfactory assessment.

*Note* A fee may be determined under the Act, s 225 for this section.

## **12 Issue of certificates of competency**

- (1) On receiving an application under section 11 (Applications for certificates of competency or variations), the chief executive must—
  - (a) issue a certificate of competency to the applicant with an endorsement authorising the holder to do the kind of scheduled work to which the notice relates; or
  - (b) vary a certificate by issuing a new certificate with another endorsement for the kind of scheduled work applied for (the *new certificate*); or
  - (c) refuse to issue, or to vary, a certificate of competency.
- (2) The chief executive may refuse to issue or to vary a certificate if—
  - (a) a certificate, qualification or exemption held by the applicant under a corresponding law has been suspended or cancelled within the previous 5 years; or
  - (b) the chief executive believes on reasonable grounds that to issue or vary the certificate would endanger the health or safety of the applicant or someone else.
- (3) If the chief executive varies a certificate, the holder of the certificate must surrender the previous certificate within 14 days after the new certificate is given to the holder.

Maximum penalty (subsection (3)): 5 penalty units.

## **13 Certificate of competency—conditions**

A certificate of competency is subject to any conditions stated in the certificate.

#### **14 Endorsements on certificates of competency**

- (1) A certificate of competency must, by a written description, code or symbol, contain an endorsement for each kind of scheduled work the holder is authorised to do.
- (2) A code or symbol authorises the holder to do only the kind of scheduled work to which the code or symbol related on the day the certificate was issued, despite any change in the meaning of the code or symbol after that day.

#### **15 Duration of certificate of competency**

- (1) A certificate of competency is in force until surrendered or cancelled.
- (2) However, a certificate is not in force when it is suspended.

### **Division 2.3 Trainees**

#### **16 Definition of *supervisor* for div 2.3**

In this division:

*supervisor*, for a trainee doing scheduled work, means a person who holds a certificate of competency for work of the kind being done for the supervisor or the supervisor's employer by the trainee.

## **17 Supervisors' obligations**

- (1) A supervisor for a trainee must supervise the trainee doing scheduled work.

Maximum penalty: 10 penalty units.

- (2) A supervisor for a trainee must sign the trainee's record each day the trainee does scheduled work under the supervisor's supervision.

Maximum penalty: 5 penalty units.

- (3) A supervisor for a trainee must try to ensure that the trainee—

- (a) receives directions, demonstrations, training and supervision appropriate to the trainee's level of competence for the work being done by the trainee; and
- (b) does scheduled work safely.

## **18 Trainees' obligations**

- (1) A trainee must keep a written record of each day the trainee does scheduled work.

Maximum penalty: 5 penalty units.

- (2) The record must set out—

- (a) the name and address of the trainee; and
- (b) the date the work was done; and
- (c) the name and address of the employer for whom the trainee does the work; and
- (d) the name and certificate of competency number of the trainee's supervisor; and
- (e) a short description of the work done.

## Part 3 Accreditation of assessors

### 19 Assessors

The chief executive may accredit a person as an assessor.

### 20 Accreditation of assessors

- (1) A person may apply to the chief executive—
  - (a) for accreditation as an assessor; or
  - (b) if the person is an assessor—to vary the person’s certificate of accreditation by endorsing it with the kind of assessments applied for.
- (2) An application to vary a certificate of accreditation must be accompanied by the certificate.

*Note* A fee may be determined under the Act, s 225 for this section.

### 21 Issue of certificates of accreditation

- (1) On receiving an application under section 20, the chief executive must—
  - (a) issue a certificate of accreditation to the applicant stating the kinds of assessment that may be done under the certificate; or
  - (b) vary the certificate by issuing a new certificate with another endorsement accrediting the applicant to perform the kind of assessment applied for (the *new certificate*); or
  - (c) refuse to accredit, or to vary the accreditation of, the applicant as an assessor.



- (2) The chief executive may refuse to issue a certificate of accreditation, or vary the accreditation of a person as an assessor, if satisfied that the applicant is not competent to be an assessor or to do the kind of assessments applied for.
- (3) If the chief executive varies a certificate, the holder of the certificate must surrender the previous certificate within 14 days after the new certificate is given to the holder.

Maximum penalty (subsection (3)): 5 penalty units.

## **22 Certificate of accreditation—conditions**

A certificate of accreditation is subject to any conditions stated in the certificate.

## **23 Endorsements on certificates of accreditation**

A certificate of accreditation must be endorsed with a statement of the kinds of assessments the assessor is authorised to do.

## **24 Duration of certificate of accreditation**

- (1) A certificate of accreditation is in force for a period of not longer than 3 years unless sooner surrendered or cancelled.
- (2) However, a certificate is not in force when it is suspended.

## Part 4                      Enforcement

### Division 4.1              Offences

#### 25            Doing work without a certificate of competency

- (1) A person must not do scheduled work unless the person holds a certificate of competency for the work.

Maximum penalty: 10 penalty units.

- (2) Subsection (1) does not apply—
- (a) to a trainee, if the work is done by the trainee in accordance with division 2.3 (Trainees); or
  - (b) to a person (other than a person doing scaffolding, dogging or rigging work) who—
    - (i) is testing, trialling, installing, commissioning, maintaining, servicing, repairing, altering or disposing of plant; or
    - (ii) is operating or using plant for a purpose other than to perform scheduled work; or
  - (c) to a person installing or dismantling a crane or hoist, if the work consists of positioning integral outriggers or stabilisers.

**26 Breach of conditions of certificate of competency**

The holder of a certificate of competency must comply with the conditions to which the certificate is subject.

Maximum penalty: 10 penalty units.

*Note* The effect of the Criminal Code, s 45 is that a person who aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the commission of an offence is taken to have committed the offence. For example, an employer who aided or abetted or counselled or procured an employee to do scheduled work without a certificate of competency (s 25) or contrary to the conditions of a certificate of competency (s 26) would also commit the offence.

**Division 4.2 Suspension and cancellation of certificates and endorsements**

**27 Suspension or cancellation**

- (1) The chief executive may suspend or cancel a certificate of competency or an endorsement, if satisfied that—
  - (a) the holder of the certificate—
    - (i) is not competent to do a kind of work endorsed on the certificate; or
    - (ii) can no longer be relied on to do a kind of work endorsed on the certificate without endangering the health or safety of the holder or someone else; or
    - (iii) has contravened this regulation; or
  - (b) the certificate was obtained on the basis of false or misleading information or a failure to give required information.

- (2) The chief executive may suspend or cancel a certificate of accreditation or an endorsement—
- (a) if satisfied that—
    - (i) the assessor is not competent to perform an assessment; or
    - (ii) the assessor's accreditation was obtained on the basis of false or misleading information or a failure to give required information; or
  - (b) if the assessor has been convicted or found guilty of an offence against the Act or a corresponding law; or
- Note* A reference to an Act or law includes a reference to the statutory instruments made or in force under the Act or law, including any regulation (see Legislation Act, s 104).
- (c) if the assessor has assessed the competency of a person—
    - (i) otherwise than in accordance with the guidelines under section 10; or
    - (ii) if an assessor has performed an assessment under a corresponding law—otherwise than as required by that law or any guidelines in force under that law.
- (3) Before suspending or cancelling a certificate or an endorsement, the chief executive must by written notice given to the holder, tell the holder—
- (a) of the proposed suspension or cancellation; and
  - (b) that the holder may, within 14 days after the day the notice of the suspension or cancellation is given, give reasons why the certificate or an endorsement on the certificate should not be suspended or cancelled.

- (4) The chief executive may, after having regard to any representations made by the holder, by written notice given to the holder—
  - (a) suspend the certificate for a stated period; or
  - (b) cancel the certificate; or
  - (c) suspend an endorsement on the certificate; or
  - (d) cancel an endorsement on the certificate.
- (5) A suspension or cancellation takes effect on the day when notice of the suspension or cancellation is received by the person holding the certificate or, if the notice states a later day of effect, that day.
- (6) If the chief executive suspends a certificate, or an endorsement on a certificate, the chief executive may require the holder to surrender the certificate within 14 days after the day the notice of the suspension is given.
- (7) The chief executive must return a certificate surrendered under subsection (6) at the end of the suspension if the certificate has not been further suspended or cancelled.
- (8) If the chief executive cancels an endorsement on a certificate, the chief executive must issue a new certificate to the holder.
- (9) The holder of a certificate must—
  - (a) if the certificate is cancelled—surrender the certificate to the chief executive within 14 days after the holder receives notice of the cancellation; or
  - (b) if an endorsement on a certificate is cancelled—surrender the previous certificate within 14 days after the new certificate is received by the holder.

Maximum penalty (subsection (9)): 5 penalty units.

## 28 Immediate suspension

- (1) The chief executive may suspend immediately a certificate of accreditation or competency, or an endorsement on a certificate, if the chief executive believes—
  - (a) a ground exists to suspend or cancel the certificate; and
  - (b) the health or safety of the holder or someone else may be endangered if the chief executive does not do so.
- (2) The suspension—
  - (a) must be effected by written notice (a *suspension notice*) given to the licensee; and
  - (b) operates immediately the suspension notice is given; and
  - (c) continues to operate until the suspension notice is finally dealt with.
- (3) The chief executive may suspend a certificate or an endorsement for a term not longer than 28 days beginning on the day after the suspension notice is received by the holder of the certificate.
- (4) A suspension notice must—
  - (a) state the term of the suspension; and
  - (b) tell the holder that the holder may make representations to the chief executive why the suspension should be cancelled.
- (5) If, after considering any representations made by the holder of the certificate, the chief executive is satisfied that the suspension should be cancelled, the chief executive must, by written notice given to the holder, cancel the suspension.

## Part 5                      Review of decisions

### 29                      Meaning of *reviewable decision* for pt 5

In this part:

*reviewable decision* means—

- (a) a decision of the chief executive mentioned in schedule 3, column 3 under a provision of this regulation mentioned in schedule 3, column 2 in relation to the decision; and
- (b) a decision of an assessor who is a public employee to refuse to issue a notice of satisfactory assessment.

*Note*            For a decision mentioned in par (b) made by an assessor who is not a public employee, see s 8.

### 29A                      Notice of decisions

- (1) The chief executive must give written notice of a reviewable decision mentioned in schedule 3 to the person mentioned in schedule 3, column 4 in relation to the decision.

*Note*            For how documents may be given, see Legislation Act, pt 19.5.

- (2) The chief executive must also give written notice of a decision of an assessor who is a public employee to refuse to issue a notice of satisfactory assessment.
- (3) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**30 Review by administrative appeals tribunal of reviewable decisions**

A person may apply in writing to the administrative appeals tribunal for review of a reviewable decision within 28 days after the day the person receives notice of the decision.



## Part 6                      Miscellaneous

### 31                      Further information—applications

The chief executive or an assessor may, by written notice, require a person who made an application under this regulation to give the chief executive or the assessor further information, either orally or in writing, relating to the application.

*Note*            For how documents may be given, see the Legislation Act, pt 19.5.

### 32                      Exemptions

- (1) The chief executive may, whether on application by a person or otherwise, by written notice, exempt a person or class of people from any of the provisions of this regulation.

*Note*            A reference to a subordinate law includes a reference to a provision of the subordinate law (see Legislation Act, s 8).

- (2) The chief executive may—
- (a) issue an exemption; or
  - (b) refuse to issue an exemption.
- (3) An exemption is subject to any conditions stated in the notice of exemption.
- (4) An exemption, variation or revocation of an exemption, takes effect—
- (a) if the exemption, variation or revocation is given on application—
    - (i) on the day when notice of the exemption, variation or revocation is received by the applicant or holder of the exemption; or

- (ii) if the notice states a later day of effect—that day; or
- (b) in any other case—
  - (i) on the day notice of the exemption, variation or revocation is given by the chief executive to the person; or
  - (ii) if the notice states a later day of effect—that day.

### **33 Production of certificates etc on request**

A person doing scheduled work must, when requested by the chief executive or an inspector, produce—

- (a) a certificate of competency, or exemption, for the work; and
- (b) if the person is a trainee—the trainee’s record of training under section 18 (Trainees’ obligations); and
- (c) a sample of the person’s usual signature.

Maximum penalty: 5 penalty units.

### **34 Lost, stolen etc certificates**

- (1) If the chief executive is satisfied that a certificate of competency or certificate of accreditation is lost, stolen, damaged or destroyed the chief executive must issue a replacement certificate.
- (2) On receiving an application for a replacement certificate, the chief executive may—
  - (a) issue a replacement certificate; or
  - (b) by written notice given to the holder, refuse to issue a replacement certificate.

*Note* For how documents may be given, see the Legislation Act, pt 19.5.

- (3) If a certificate is replaced because it is lost or damaged, the holder of the certificate must—
- (a) surrender the original certificate if it is found; or
  - (b) surrender the damaged certificate.

Maximum penalty (subsection (3)): 5 penalty units.

## Schedule 1            Scheduled work

### Part 1.1             Definitions for schedule

#### 1.1            Boilers

- (1) A **boiler** is a vessel or arrangement of vessels and interconnecting parts, where steam or other liquid is heated at a pressure above atmospheric pressure by fire, the products of combustion, electrical power or other similar method.
- (2) A **boiler** includes the valves, gauges, controls, boiler setting and any directly associated equipment, up to and including the first connection point after the first valve or valve assembly.
- (3) A **boiler** does not include—
  - (a) a fully flooded or pressurised system where water or other liquid is heated to a temperature lower than the normal atmospheric boiling temperature of the liquid; or
  - (b) any vessel designed to operate deprived of all liquid or vapour that is intended to be heated without affecting the structure or operation of the vessel; or
  - (c) a direct-fired process heater.

#### 1.2            Bridge crane

- (1) A **bridge crane** is a crane capable of travelling along elevated runways and consists of—
  - (a) 1 or more bridge beams mounted at each end to an end carriage; and
  - (b) 1 or more hoisting mechanisms that can travel across the bridge beams.

- (2) A **bridge crane** does not include a crane that has 3 or less powered operations and that is remote-controlled.

### **1.3 Gantry crane**

- (1) A **gantry crane** consists of 1 or more bridge beams, supported at each end by legs, towers or columns mounted on end carriages, capable of travelling on runways, supporting surfaces or deck levels, with 1 or more hoisting units arranged to traverse the bridge.
- (2) A **gantry crane** does not include a crane that has 3 or less powered operations that is remote-controlled.

### **1.4 Hoist**

- (1) A **hoist** is plant designed for raising or lowering a load or people (vertically without slewing).
- (2) A **hoist** includes a mast-climbing work platform, a personnel and materials hoist, a scaffolding hoist and a serial hoist.
- (3) A **hoist** does not include a lift or building maintenance equipment.

### **1.5 Materials hoist**

- (1) A **materials hoist** is a builder's hoist for hoisting goods or materials but not people.
- (2) A **materials hoist** includes the platform, structure, machinery and other equipment associated with, or attached to, the hoist.

### **1.6 Personnel and materials hoist**

- (1) A **personnel and materials hoist** is a builder's hoist in which people, goods and materials may be hoisted.
- (2) A **personnel and materials hoist** may be either a cantilever hoist or a tower hoist, may have 1 or more winches and includes the car, structure, machinery and other equipment associated with the hoist.

**1.7                      Backhoe**

A *backhoe* is a small tractor with a bucket fitted to a telescoping boom that excavates, elevates, swings and discharges material, without moving the chassis or undercarriage during any part of the working cycle of the machine.

**1.8                      Boom-type elevating work platform**

A *boom-type elevating work platform* is a powered telescoping, hinged or articulated device, or any combination of those devices, with a boom length of at least 11m, used to support a platform to lift people, equipment or materials.

**1.9                      Derrick crane**

A *derrick crane* is a powered slewing strut-boom crane with the boom pivoted at the base of a mast, guyed or held by backstays, capable of luffing under load.

**1.10                     Direct-fired process heater**

A *direct-fired process heater* is an arrangement of tubes comprising 1 or more coils located in the radiant zone or convection zone, or both, of a combustion chamber, the primary purpose of which is to raise the temperature of a process fluid circulated through the coils, to allow distillation, fractionation, reaction or another petrochemical process of the process fluid, whether that fluid is liquid or gas, or in a phase between liquid and gas.

**1.11                     Dragline**

A *dragline* is a lattice-boom crane configuration supporting a bucket or scoop that is thrown outwards and dragged through material by a drag cable.

**1.12 Excavator**

An *excavator* is a self-propelled crawler or wheeled machine with—

- (a) an upper structure capable of up to 360° rotation; and
- (b) a bucket fitted to a boom, arm or telescoping boom, that excavates, lifts, swings and dumps material, without moving the chassis or undercarriage.

**1.13 Forklift truck**

A *forklift truck* is a powered industrial truck with—

- (a) a mast; and
- (b) an elevating load carriage with fork arms or other load-holding attachment.

**1.14 Front-end loader**

- (1) A *front-end loader* is a self-propelled, wheeled machine with a bucket mounted at the front, that loads or excavates in a forward motion, and lifts, transports and dumps material.
- (2) A *front-end loader of the skid-steer type* is a loader that is steered by skidding or reversing the wheels on 1 side of the loader.

**1.15 Load-shifting machine**

A *load-shifting machine* is a dragline, excavator, forklift truck, front-end loader, front-end loader of the skid-steer type, backhoe, or order-picking forklift truck.

**1.16 Mobile crane**

A *mobile crane* is a crane that forms part of a vehicle.

**1.17        Non-slewing mobile crane**

- (1) A *non-slewing mobile crane* is a powered mobile crane with a capacity of more than 3t incorporating a boom or jib that cannot be slewed.
- (2) A *non-slewing mobile crane* includes an articulated mobile crane and a locomotive crane, but does not include a crane for towing vehicles.

**1.18        Order-picking forklift truck**

An *order-picking forklift truck* is a powered truck that is controlled from and lifted with the load carriage or lifting equipment.

**1.19        Portal boom crane**

A *portal boom crane* is a powered jib or boom crane mounted on a portal frame that is supported on runways along which the crane travels.

**1.20        Reciprocating steam engine**

A *reciprocating steam engine* is an engine in which steam causes a piston to move, but does not include an expanding (steam) reciprocating engine with a piston diameter of 250mm or less.

**1.21        Rigging**

- (1) *Rigging* is mechanical load-shifting equipment and associated gear used—
  - (a) to move, place or secure and stabilise a load; or
  - (b) to set up and dismantle a crane or hoist.
- (2) *Rigging* does not include setting up a crane or hoist that only requires the positioning of integral outriggers or stabilisers.



### **1.22 Scaffold and scaffolding**

- (1) A *scaffold* is a temporary structure for supporting access platforms or working platforms.
- (2) *Scaffolding* work is the erection, alteration or dismantling of temporary structures that are erected to support platforms that are not less than 4m from the ground.

### **1.23 Stabilisers**

*Stabilisers* are devices used to increase stability, but not to hoist or level.

### **1.24 Tower crane**

A *tower crane* is a powered jib boom or jib crane mounted on a demountable or permanent tower structure, and includes horizontal and luffing jibs.

### **1.25 Turbine**

A *turbine* is plant in which steam acting on a turbine or rotor causes a rotary motion, but does not include steam turbines and expansion turbines with a power output of less than 500kW.

### **1.26 Vehicle-loading crane**

A *vehicle-loading crane* is a powered slewing mobile crane with a capacity of 10t or more, mounted on a vehicle for the principal purpose of loading and unloading the vehicle.

*Note* 't' is the symbol for metric ton.

## Part 1.2 Work for which qualifications required

### 1.27 Scaffolding

- (1) **Basic scaffolding**, consisting of scaffolding activities connected with the operation or use of plant including the following:
- (a) prefabricated scaffolds;
  - (b) cantilevered materials hoists with a maximum working load of 500kg;
  - (c) ropes and gin wheels;
  - (d) safety nets and static lines;
  - (e) bracket scaffolds (tank and formwork),
- but excluding:
- (f) cantilevered crane-loading platforms;
  - (g) cantilevered and spurred scaffolds;
  - (h) barrow ramps and sloping platforms;
  - (i) perimeter safety screens and shutters;
  - (j) mast-climbers;
  - (k) tube and coupler scaffolds (including tube and coupler covered ways and gantries);
  - (l) hung scaffolds, including scaffolds hanging from tubes, wire ropes or chains;
  - (m) suspended scaffolds.

- (2) **Intermediate scaffolding**, consisting of all basic scaffolding together with other scaffolding activities connected with the operation or use of plant including the following:
- (a) cantilevered crane-loading platforms;
  - (b) cantilevered and spurred scaffolds;
  - (c) barrow ramps and sloping platforms;
  - (d) perimeter safety screens and shutters;
  - (e) mast-climbers;
  - (f) tube and coupler scaffolds (including tube and coupler covered ways and gantries),
- but excluding:
- (g) hung scaffolds, including scaffolds hanging from tubes, wire ropes or chains;
  - (h) suspended scaffolds.
- (3) **Advanced scaffolding**, consisting of all intermediate scaffolding together with all other scaffolding activities connected with the operation or use of plant including the following:
- (a) hung scaffolds, including scaffolds hanging from tubes, wire ropes or chains;
  - (b) suspended scaffolds.

## **1.28 Dogging**

**Dogging**, consisting of the use of slinging techniques to move a load, including the selection and inspection of lifting gear and the directing of a crane or hoist operator in the movement of a load.

## 1.29 Rigging

(1) **Basic rigging**, consisting of rigging activities connected with the erection, movement or placement of plant or materials including the following:

- (a) steel or precast concrete;
- (b) hoists (including mast-climbing hoists);
- (c) safety nets and static lines;
- (d) perimeter safety screens and shutters;
- (e) cantilevered crane-loading platforms,

but excluding:

- (f) load-equalising gear;
- (g) cranes, conveyors, dredges and excavators;
- (h) tilt slabs;
- (i) hoists with jibs and self-climbing hoists;
- (j) plant, equipment or materials moved in demolition;
- (k) dual lifts;
- (l) gin poles and shearlegs;
- (m) flying foxes and cableways;
- (n) guyed derricks and structures;
- (o) suspended and fabricated hung scaffolds.

- (2) **Intermediate rigging**, consisting of all basic rigging together with other rigging activities connected with the erection, movement or placement of plant or materials including the following:
- (a) load-equalising gear;
  - (b) cranes, conveyors, dredges and excavators;
  - (c) tilt slabs;
  - (d) hoists with jibs and self-climbing hoists;
  - (e) plant, equipment or materials moved in demolition;
  - (f) dual lifts;
- but excluding:
- (g) gin poles and shearlegs;
  - (h) flying foxes and cableways;
  - (i) guyed derricks and structures;
  - (j) suspended and fabricated hung scaffolds.
- (3) **Advanced rigging**, consisting of all basic rigging together with all other rigging activities connected with the erection, movement or placement of plant or materials including the following:
- (a) gin poles and shearlegs;
  - (b) flying foxes and cableways;
  - (c) guyed derricks and structures;
  - (d) suspended and fabricated hung scaffolds.

### **1.30 Cranes**

The operation and use of any of the following:

- (a) tower crane;
- (b) derrick crane;
- (c) portal boom crane;
- (d) bridge or gantry crane (other than one that is remote-controlled and has 3 or fewer powered operations);
- (e) vehicle-loading crane with a capacity of 10m tonnes or more;
- (f) non-slewing mobile crane with a capacity of greater than 3t;
- (g) slewing mobile crane with a capacity of up to and including 20t;
- (h) slewing mobile crane with a capacity of up to and including 60t;
- (i) slewing mobile crane with a capacity of up to and including 100t;
- (j) slewing mobile crane with a capacity of more than 100t;
- (k) boom-type elevating work platform with a boom 11m or more in length.

### **1.31 Hoists**

The operation and use of any of the following:

- (a) materials platform hoist;
- (b) personnel and materials hoist.

### **1.32 Truck-mounted concrete-placing booms**

The operation and use of a truck-mounted concrete-placing boom.

### **1.33 Boilers**

- (1) **Basic boiler operation**, consisting of the operation or use of any boiler whose operation relies on any of the following:
  - (a) a single fixed combustion air supply;
  - (b) a non-modulating single heat source;
  - (c) a fixed firing rate.
- (2) **Intermediate boiler operation**, consisting of basic boiler operation together with the operation or use of any other boiler whose operation relies on any of the following:
  - (a) a modulating combustion air supply;
  - (b) a modulating heat source;
  - (c) a superheater;
  - (d) an economiser.
- (3) **Advanced boiler operation**, consisting of intermediate boiler operation together with the operation or use of any other boiler whose operation relies on multiple fuel types that may be fired simultaneously during normal operation (other than one which changes fuel type during its start sequence).

### **1.34 Steam turbines**

- (1) Any steam turbine (except a steam turbine that produces a power output of less than 500kW) that—
  - (a) is multi-wheeled; or
  - (b) is capable of a speed exceeding 3 600rpm.
- (2) Any steam turbine that relies for its operation on attached condensers or a multistage heat extraction process.

**1.35      Reciprocating steam engines**

Any reciprocating steam engine containing a piston of 250mm or more in diameter.

**1.36      Load-shifting machines**

The operation and use of any of the following:

- (a) forklift truck;
- (b) order-picking forklift truck;
- (c) dragline;
- (d) excavator;
- (e) front-end loader;
- (f) front-end loader/backhoe;
- (g) front-end loader of the skid-steer type.



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## Schedule 2 Corresponding laws

(see dict, def *corresponding law*)

### **New South Wales**

*Occupational Health and Safety Act 2000*

*Occupational Health and Safety Regulation 2001*

### **Victoria**

*Occupational Health and Safety Act 1985*

*Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994*

### **Queensland**

*Workplace Health and Safety Act 1995*

*Workplace Health and Safety Regulation 1997*

### **South Australia**

*Occupational Health, Safety and Welfare Act 1986*

*Occupational Health, Safety and Welfare Regulations 1995*

### **Western Australia**

*Occupational Safety and Health Act 1984*

*Occupational Safety and Health Regulations 1996*

### **Tasmania**

*Workplace Health and Safety Act 1995*

### **Northern Territory**

*Work Health Act*

*Work Health (Occupational Health and Safety) Regulations*

## Schedule 3 Reviewable decisions made by chief executive

(see s 29)

*Note* For decisions of assessors to refuse to issue a notice of satisfactory assessment, see s 8 and s 29.

column 1 item	column 2 provision	column 3 reviewable decision	column 4 person to be notified
1	12 (1) (c)	refusing to issue certificate of competency	applicant for certificate
2	12 (1) (c)	refusing to vary certificate of competency to include an endorsement	applicant for endorsement
3	13	including condition in certificate of competency	applicant for certificate / certificate holder
4	21 (1) (c)	refusing to accredit person as an assessor	applicant for accreditation
5	21 (1) (c)	refusing to vary certificate of accreditation to include an endorsement	applicant for endorsement

column 1 item	column 2 provision	column 3 reviewable decision	column 4 person to be notified
6	22	including condition in certificate of accreditation	applicant for certificate / certificate holder
7	27 (1)	suspending or cancelling certificate of competency/ endorsement	certificate holder
8	27 (2)	suspending or cancelling certificate of accreditation/ endorsement	certificate holder
9	28 (1)	immediately suspending certificate of accreditation / endorsement	certificate holder
10	28 (1)	immediately suspending certificate of competency/ endorsement	certificate holder
11	32 (2) (b)	refusing to give exemption	applicant for exemption

## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- administrative appeals tribunal
- found guilty
- public employee.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Occupational Health and Safety Act 1989* (see Legislation Act, s 148). In particular, the following term is defined in the *Occupational Health and Safety Act 1989*, dict:

- commissioner.

***assessor*** means a person accredited under section 19.

***backhoe***—see schedule 1, section 1.7.

***boiler***, for schedule 1 (Scheduled work)—see schedule 1, section 1.1.

***boom-type elevating work platform***, for schedule 1 (Scheduled work)—see schedule 1, section 1.8.

***bridge crane***, for schedule 1 (Scheduled work)—see schedule 1, section 1.2.

***certificate of accreditation*** means a certificate issued under section 21.

***certificate of competency*** means a certificate of competency issued under section 12.

***corresponding law*** means a law mentioned in schedule 2.

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**crane** means plant designed to raise or lower a load or move it horizontally, but does not include—

- (a) an industrial lift-truck, earthmoving machinery or tractor; or
- (b) a front-end loader, backhoe, excavator or similar plant designed for use as a crane; or
- (c) a non-slewing mobile crane used only for towing motor vehicles; or
- (d) an amusement structure, industrial robot or lift.

**derrick crane**, for schedule 1 (Scheduled work)—see schedule 1, section 1.9.

**direct-fired process heater**, for schedule 1 (Scheduled work)—see schedule 1, section 1.10.

**dogging** means—

- (a) the use of slinging techniques to move a load, including the selection and inspection of lifting gear; and
- (b) the directing of a crane or hoist operator in the movement of a load.

**dragline**, for schedule 1 (Scheduled work)—see schedule 1, section 1.11.

**endorsement** means—

- (a) for a certificate of competency—an endorsement authorising the holder of the certificate to do a stated kind of scheduled work; and
- (b) for a certificate of accreditation—an endorsement authorising the holder to do a stated kind of assessment.

**excavator**—see schedule 1, section 1.12.

**exemption** means an exemption under section 32.

***forklift truck***, for schedule 1 (Scheduled work)—see schedule 1, section 1.13.

***front-end loader***—see schedule 1, section 1.14 (1).

***front-end loader of the skid-steer type***, for schedule 1 (Scheduled work)—see schedule 1, section 1.14 (2).

***gantry crane***, for schedule 1 (Scheduled work)—see schedule 1, section 1.3.

***hoist***—see schedule 1, section 1.4.

***load-shifting machine***—see schedule 1, section 1.15.

***materials hoist***, for schedule 1 (Scheduled work)—see schedule 1, section 1.5.

***mobile crane***, for schedule 1 (Scheduled work)—see schedule 1, section 1.6.

***mobile scaffold*** means freestanding scaffold, mounted on castors, constructed with snap on hooks, clips or clamps.

***non-slewing mobile crane***—see schedule 1, section 1.17.

***notice of satisfactory assessment*** means a notice of satisfactory assessment under section 7.

***order-picking forklift truck***, for schedule 1 (Scheduled work)—see schedule 1, section 1.18.

***outriggers*** means extendable members attached to a crane or hoist which rest on supports at the outer ends to increase stability.

***personnel and materials hoist***, for schedule 1 (Scheduled work)—see schedule 1, section 1.6.

***portal boom crane***, for schedule 1 (Scheduled work)—see schedule 1, section 1.19.

***reciprocating steam engine***, for schedule 1 (Scheduled work)—see schedule 1, section 1.20.

**reviewable decision**, for part 5 (Review of decisions)—see section 29.

**rigging** for schedule 1 (Scheduled work)—see schedule 1, section 1.21.

**scaffold**, for schedule 1 (Scheduled work)—see schedule 1, section 1.22 (1).

**scaffolding**—see schedule 1, section 1.22 (2).

**scheduled work** means work of the kind mentioned in schedule 1, part 1.2.

**stabilisers**—see schedule 1, section 1.23.

**supervisor**, for a trainee doing scheduled work, for division 2.3 (Trainees)—see section 16.

**tower crane**, for schedule 1 (Scheduled work)—see schedule 1, section 1.24.

**trainee** means an person who does not hold a certificate of competency who is undertaking training towards obtaining a certificate of competency to do scheduled work.

**turbine**, for schedule 1 (Scheduled work)—see schedule 1, section 1.25.

**vehicle-loading crane**, for schedule 1 (Scheduled work)—see schedule 1, section 1.26.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

This regulation was originally the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000*. It was renamed under the *Legislation Act 2001*.

#### **Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000 No 48**

notified 30 November 2000 (Gaz 2000 No 48)  
commenced 30 November 2000 (s 2)

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 266**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 266 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.16**

notified LR 11 September 2003  
s 1, s 2 commenced 11 September 2003 (LA s 75 (1))  
sch 3 pt 3.16 commenced 9 October 2003 (s 2 (1))

#### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.59**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.59 commenced 9 April 2004 (s 2 (1))

#### **Occupational Health and Safety (Regulatory Services) Legislation Amendment Act 2007 A2007-37 sch 2 pt 2.4**

notified LR 22 November 2007  
s 1, s 2 commenced 22 November 2007 (LA s 75 (1))  
sch 2 pt 2.4 commenced 23 November 2007 (s 2)

#### **Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.41**

notified LR 12 August 2008  
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))  
sch 3 pt 3.41 commenced 26 August 2008 (s 2)

## Endnotes

4 Amendment history

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### 4 Amendment history

#### **Name of regulation**

s 1 am R5 LA

#### **Commencement**

s 2 om R1 LA

#### **Dictionary**

s 3 am 2001 No 44 amdt 1.3047; A2003-41 amdt 3.314

#### **Application for assessment to do scheduled work**

s 4 sub 2001 No 44 amdt 1.3048  
am A2003-41 amdt 3.315

#### **Competency**

s 6 am A2003-41 amdt 3.316; A2007-37 amdt 2.9

#### **Issue of notice of satisfactory assessment**

s 7 am A2003-41 amdt 3.317

#### **Non-public employee assessor—notice of refusal to issue satisfactory assessment**

s 8 sub A2003-41 amdt 3.318

#### **Guidelines**

s 10 am A2007-37 amdt 2.9

#### **Applications for certificates of competency or variations**

s 11 am 2001 No 44 amdt 1.3049; A2007-37 amdt 2.9

#### **Issue of certificates of competency**

s 12 am A2007-37 amdt 2.9; A2008-28 amdt 3.114

#### **Assessors**

s 19 am A2007-37 amdt 2.9

#### **Accreditation of assessors**

s 20 am 2001 No 44 amdt 1.3050; A2003-41 amdt 3.319; A2007-37  
amdt 2.9

#### **Issue of certificates of accreditation**

s 21 am A2007-37 amdt 2.9

#### **Breach of conditions of certificate of competency**

s 26 am A2003-41 amdt 3.320, amdt 3.321

#### **Suspension or cancellation**

s 27 am 2001 No 44 amdt 1.3051; A2003-44 amdt 3.322–3.324;  
A2007-37 amdt 2.9

**Immediate suspension**

s 28 am A2003-41 amdt 3.325, amdt 3.326; A2007-37 amdt 2.9

**Review of decisions**

pt 5 hdg sub A2003-41 amdt 3.327

**Meaning of *reviewable decision* for pt 5**

s 29 sub A2003-41 amdt 3.327  
am A2007-37 amdt 2.9

**Notice of decisions**

s 29A ins A2003-41 amdt 3.327  
am A2007-37 amdt 2.9

**Review by administrative appeals tribunal of reviewable decisions**

s 30 sub A2003-41 amdt 3.327

**Further information—applications**

s 31 am A2003-41 amdt 3.328; A2007-37 amdt 2.9

**Exemptions**

s 32 am A2003-41 amdt 3.329, amdt 3.330; A2007-37 amdt 2.9

**Production of certificates etc on request**

s 33 am A2007-37 amdt 2.9

**Lost, stolen etc certificates**

s 34 am A2003-41 amdt 3.331; A2007-37 amdt 2.9

**Applications—false or misleading information**

s 35 om A2004-15 amdt 2.131

**Approved forms**

s 36 om 2001 No 44 amdt 1.3052

**Transitional**

pt 7 hdg exp 30 November 2001 (s 39)

**Existing certificates**

s 37 exp 30 November 2001 (s 39)

**Certain work may be done without a certificate**

s 38 exp 30 November 2001 (s 39)

**Expiry of pt 7**

s 39 exp 30 November 2001 (s 39)

**Scheduled work**

sch 1 ss renum R5 LA

## Endnotes

4 Amendment history

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### Definitions for schedule

sch 1 pt 1.1 hdg (prev sch 1 pt 1 hdg) renum R3 LA  
sch 1 pt 1.1 am A2003-41 amdt 3.332

### Work for which qualifications required

sch 1 pt 1.2 hdg (prev sch 1 pt 2 hdg) renum R3 LA

### Corresponding laws

sch 2 am A2003-41 amdt 3.333

### Reviewable decisions made by chief executive

sch 3 hdg am A2007-37 amdt 2.9  
sch 3 ins A2003-41 amdt 3.334

### Dictionary

dict am A2003-41 amdt 3.335; A2007-37 amdt 2.10  
def **assessor** am A2003-41 amdt 3.336  
def **backhoe** sub A2003-41 amdt 3.337  
def **boom-type elevating work platform** sub A2003-41  
amdt 3.338  
def **certificate of accreditation** ins A2003-41 amdt 3.339  
def **forklift truck** sub A2003-41 amdt 3.340  
def **front-end loader** sub A2003-41 amdt 3.340  
def **front-end loader of the skid-steer type** sub A2003-41  
amdt 3.340  
def **guidelines** om A2003-41 amdt 3.341  
def **mobile crane** sub A2003-41 amdt 3.342  
def **record of training** om A2003-41 amdt 3.343  
def **reviewable decisions** ins A2003-41 amdt 3.344  
def **scaffold** sub A2003-41 amdt 3.345  
def **scaffolding** sub A2003-41 amdt 3.345  
def **supervisor** sub A2003-41 amdt 3.346  
def **the Act** om A2003-41 amdt 3.347

## 5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised replication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised replication are identical.

<b>Replication No</b>	<b>Amendments to</b>	<b>Replication date</b>
1	A2001-44	12 September 2001
2	A2001-44	3 December 2001
3	A2003-41	9 October 2003
4	A2004-15	9 April 2004
5	A2004-15	1 November 2004
6	A2007-37	23 November 2007

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