

Amendments to the *Work Health and Safety Regulations 2012 (SA)*

Nationally agreed amendments, effective 1 January 2017

The following amendments to the *Work Health and Safety Regulations 2012 (SA)* have been agreed to nationally by work health and safety Ministers, and progressed by Safe Work Australia.

Variation of Regulation #	Amendment (text in blue is additional text or a replacement for the adjacent crossed out/deleted text)	Additional details
Definitions Regulation 5	concrete placing boom means plant incorporating a knuckle an articulating boom, capable of power operated slewing and luffing to place concrete by way of pumping through a pipeline attached to, or forming part of, the boom of the plant.	
Regulation 5	pressure piping: (a) means an assembly of pipes, pipe fittings, valves and pipe accessories subject to internal or external pressure and used to contain or convey liquid fluid or to transmit liquid fluid pressure; and (b) includes distribution headers, bolting, gaskets, pipe supports and pressure containing accessories; but (c) does not include: (i) a boiler or pressure vessel; or (ii) any piping that is regulated under [.....]. Note: See jurisdictional note in the Appendix.	incorporates the established industry term of <i>fluid</i> that defines material in both liquid and gaseous states
Regulation 5	tower crane means: (a) a boom crane that has a boom or a jib crane mounted on a tower structure; and (b) in Schedule 3: (i) the crane, if a jib crane, may be a horizontal or luffing jib type; and (ii) the tower structure may be demountable or permanent, but, in Schedule 3 , does not include a self-erecting tower crane.	
Regulation 5	turbine steam turbine means equipment that is driven by steam acting on a turbine or rotor to cause a rotary motion.	
Regulation 96	Notice of change of address The licence holder of a high risk work licence must give written notice to notify the regulator of a change of residential address, within 14 days of the change occurring.	'notify' now means any form of communication (written, telephone, email etc) as an acceptable means of notifying the regulator

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Regulation 98	<p>Replacement licence document</p> <p>(1) A licence holder must give written notice to notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.</p>	as above
Regulation 127	<p>Replacement accreditation document</p> <p>(1) An accredited assessor must give written notice to notify the regulator as soon as practicable if the accreditation document is lost, stolen or destroyed.</p>	as above
Regulation 288	<p>Replacement registration document</p> <p>(1) A registration holder must give written notice to notify the regulator as soon as practicable if the registration document is lost, stolen or destroyed.</p>	as above
Regulation 513	<p>Replacement licence document</p> <p>(1) A licence holder of an asbestos removal licence or an asbestos assessor licence must give written notice to notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.</p>	as above
Regulation 459	<p>Asbestos removal supervisor must be present or readily available</p> <p>A licensed asbestos removalist must ensure that the nominated asbestos removal supervisor for asbestos removal work is:</p> <p>(a) if the asbestos removal work requires a Class A asbestos removal licence—present at the asbestos removal area whenever the asbestos removal work is being carried out; and</p> <p>(b) if the asbestos removal work requires a Class B asbestos removal licence—readily available to a worker carrying out asbestos removal work whenever the work is being carried out.</p> <p>Part 8.8 Asbestos Removal Requiring Class A Asbestos Removal Licence</p> <p>475 Air monitoring—asbestos removal requiring Class A asbestos removal licence</p>	

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Schedule 3 Item 20	High risk work licences and classes of high risk work Item - 20 HRW Licence - Personnel and materials hoist Description of class of high risk work - Use of a personnel and materials hoist Use of a materials hoist	
Schedule 3 Item 28, Column 2	turbine steam turbine	
Schedule 3 Item 28, Column 3	turbine steam turbine	
Schedule 4 – Item 22, Column 3	High risk work licences – competency requirements conduct concrete boom delivery operations operate a concrete placing boom	reflects the correct title of the VET course
Schedule 4 Item 28, Column 2	turbine steam turbine	
Schedule 4 Item 28, Column 3	turbine steam turbine	
Schedule 5 Part 1 - Item 1.8	Registration of plant and plant designs Amusement devices covered classified by Section 2.1 of AS 3533.1:2009 (Amusement rides and devices—Design and construction), except devices specified in clause 4(2).	
Schedule 5 Part 1 – Item 3.6	Amusement devices covered classified by Section 2.1 of AS 3533.1:2009 (Amusement rides and devices—Design and construction), except devices specified in clause 2(2).	

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South Australian specific amendments, effective 1 January 2017

The following amendments to the *Work Health and Safety Regulations 2012 (SA)* were identified specifically for South Australia.

Variation of Regulation #	Amendment (text in blue is additional text or a replacement for the adjacent crossed out/deleted text)	Additional details
Regulation 164A Provision of residual current devices (RCDs)	Remove	Was included as a South Australian specific provision when the Regulations commenced. It was intended to only be a 12-month transitional provision to allow duty holders time to comply with the new requirements.
Schedule 5 Registration of plant and plant design Part 1,2 Exceptions (2)	(2) The following class 1 devices are excluded from clause 1.8:	The model WHS Regulations do not include 'class 1' at the beginning of the equivalent provision. This appears to have been a typographical error.
Major hazard facilities Regulation 530(2)(c)	530(2)(c) 'a magazine at which explosives may be kept under the <i>Explosives Act 1936</i> and located at a site at which no processing involving dangerous goods, including explosives, is carried out'.	Clarifies the intention of the provision which is to exclude a site which stores and/or distributes explosives from being a Major Hazard Facility.
Regulation 726 Application of regulations 475, 476 and 489	Extend the transitional provision for a further two years until to 1 January 2019 to ensure that air monitoring in South Australia is conducted for asbestos removal under both Class A and Class B licences	Under the model WHS Regulations air monitoring is only required for asbestos removal under a Class A licence.

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Simplify Day amendments, effective 1 January 2017

The following amendments to the *Work Health and Safety Regulations 2012 (SA)* were identified within South Australia through the State Government's *Simplify Day* initiative.

Variation of Regulation #	Amendment (text in blue is additional or a replacement for the adjacent crossed out/deleted text)	Additional details
Regulation 475	<p>Air monitoring – asbestos removal requiring Class A licence</p> <p>Insert a note:</p> <p>Note: This regulation should be read in conjunction with regulation 726. Regulation 475 requires air monitoring for Class A asbestos removal. Regulation 726 extends this requirement to Class B removals.</p>	Ensures it is clear that air monitoring requirements apply to both Class A and Class B asbestos removal licences.

GHS amendments, effective 1 January 2017

The following amendments to the *Work Health and Safety Regulations 2012 (SA)* were required to effect recent decisions by Safe Work Australia members regarding the implementation of the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS).

Variation of Regulation #	Amendment (text in blue is additional or a replacement for the adjacent crossed out/deleted text)	Additional details
Regulation 335 (2)	<p>Labelling Hazardous Chemicals</p> <p>the selection and use of label elements is in accordance with the GHS and it complies with Part 3 of Schedule 9</p> <p>(a) the selection and use of label elements is in accordance with the GHS and it complies with Part 3 of Schedule 9; or</p> <p>(b) the label includes content that complies with another labelling requirement imposed by these regulations or by another law of this State or of the Commonwealth and the content is the same, or substantially the same, as the content that is required by Part 3 of Schedule 9.</p>	Duplication of hazard information already displayed as a result of different labelling requirements is not required where the information on the label is the same, or substantially the same, as the hazard information that would be required under the (WHS) GHS classification of the chemical (e.g. agricultural and veterinary chemicals required to display certain hazard information under the Australian Pesticides and Veterinary Medicines Authority [APVMA] regime are not required to

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		duplicate the information).
Regulation 335	<p>Labelling Hazardous Chemicals</p> <p>After sub-regulation (6) insert:</p> <p>(7) This regulation does not apply to a hazardous chemical that is—</p> <p style="padding-left: 20px;">(a) a veterinary chemical product within the meaning of the Agvet Code; and</p> <p style="padding-left: 20px;">(b) listed in—</p> <p style="padding-left: 40px;">(i) the Poisons Standard, Part 4, Schedule 4, if the chemical product is packaged and supplied in a form intended for direct administration to an animal for therapeutic purposes; or</p> <p style="padding-left: 40px;">(ii) the Poisons Standard, Part 4, Schedule 8.</p> <p>(8) In this regulation—</p> <p><i>Poisons Standard</i> means the <i>Standard for the Uniform Scheduling of Medicines and Poisons October 2016</i> published by the Commonwealth, as in force or remade from time to time.</p>	Exempts Schedule 8 and 4 veterinary medicines approved under the Poisons Standard from the GHS labelling requirements. Schedule 8 medicines are controlled drugs and poisons, and Schedule 4 medicines are prescription only medicines and animal remedies. The Poisons Standard contains 81 entries in Schedule 8 and 2057 entries in Schedule 4, many of which are used for treatment of both humans and animals.
Regulation 341	<p>After its present contents, now designated as sub-regulation (1), insert:</p> <p>(2) Sub-regulation (1) does not apply to a hazardous chemical if the chemical—</p> <p style="padding-left: 20px;">(a) was manufactured before 1 January 2017 and is labelled in accordance with the <i>National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]</i> as in force at the time it was manufactured; or</p> <p style="padding-left: 20px;">(b) in the case of an imported hazardous chemical—was imported before 1 January 2017 and is labelled in accordance with the <i>National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]</i> as in force at the time it was imported.</p> <p>Note: Regulation 338 applies if the chemical is being supplied to another workplace.</p>	Allows end users to use, handle and store hazardous chemicals labelled in accordance with previous labelling code (e.g. the NOHSC code) if the chemical was manufactured or imported before 1 January 2017.
Regulation 342	<p>After sub-regulation (1) insert:</p> <p>(1a) Sub-regulation (1) does not apply to a hazardous chemical if the chemical:</p> <p style="padding-left: 20px;">(a) was manufactured, or transferred or decanted from its original container at the workplace, before 1 January 2017; and</p> <p style="padding-left: 20px;">(b) is labelled in accordance with the <i>National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]</i> as in force at the time it was manufactured, or transferred or decanted from its original container at the workplace.</p>	Allows end users to use, handle and store hazardous chemicals labelled in accordance with previous labelling code (e.g. the NOHSC code) if the chemical was manufactured or imported before 1 January 2017.

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	<p>Note: Regulation 338 applies if the chemical is being supplied to another workplace.</p> <p>After sub-regulation (2) insert:</p> <p>(2a) Sub-regulation (2) does not apply to a container that stores a hazardous chemical manufactured or, in the case of an imported hazardous chemical, imported before 1 January 2017 if the container is labelled in accordance with the <i>National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]</i> as in force at the time it was manufactured or imported (as the case requires).</p> <p>Note: Regulation 338 applies if the chemical is being supplied to another workplace.</p>	
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