# Annexure A - Overview of the WHS Regulatory Framework

# Falls and being hit by falling objects

## **Out of scope of review**

Below are links to parts of the WHS Regulatory framework which will inform the Review, but are out of scope and will not be directly considered as a part of the Review:

[Model WHS Act](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-act)

[Work Health and Safety Act 2011](https://www.legislation.gov.au/Details/C2017C00305) (Cth)

[Work Health and Safety Act 2011](http://www.legislation.act.gov.au/a/2011-35/default.asp) (ACT)

[Work Health and Safety Act 2011](https://www.legislation.nsw.gov.au/#/view/act/2011/10/whole) (NSW)

[Work Health and Safety Act 2011](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018) (Qld)

[Work Health and Safety (National Uniform Legislation) Act 2011](https://legislation.nt.gov.au/Legislation/WORK-HEALTH-AND-SAFETY-NATIONAL-UNIFORM-LEGISLATION-ACT) (NT)

[Work Health and Safety Act 2012](https://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx) (SA)

[Work Health and Safety Act 2012](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-001) (Tas)

[Occupational Health and Safety Act 2004](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/750e0d9e0b2b387fca256f71001fa7be!OpenDocument&Highlight=0,occupational,health,safety) (Vic)

[Occupational Safety and Health Act 1984](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a555.html) (WA)

[Model WHS Regulations](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-regulations) (other than provisions specifically in scope of review)

Jurisdictional based electrical safety legislation (not hyperlinked)

## Road traffic laws (not hyperlinked)

## [Heavy vehicle national laws](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2012-021)

## **Model WHS regulatory framework**

Below are links to the model WHS regulatory framework relevant to a fall and being hit by falling objects:

[Model WHS Regulations](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-regulations): Part 3.1; Part 3.2, Division 10; Part 4.4; Part 5.1 (as it relates to scaffolds and falls when working on powered mobile plant); clauses 291; 297; 298; 299 to 303; 304 to 306; and high risk work licences (relevant to working at height)

[Model CoP: How to manage work health and safety risks](https://www.safeworkaustralia.gov.au/doc/model-code-practice-how-manage-work-health-and-safety-risks)

[Model CoP: Construction work](https://www.safeworkaustralia.gov.au/doc/model-code-practice-construction-work)

[Model CoP: Managing the risk of falls at workplaces](https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-risk-falls-workplaces)

[Model CoP: Preventing falls in housing construction](https://www.safeworkaustralia.gov.au/doc/model-code-practice-preventing-falls-housing-construction)

[Fact sheet: Falling objects](https://www.safeworkaustralia.gov.au/doc/falling-objects-fact-sheet)

[Information sheet: Safe work on roofs](https://www.safeworkaustralia.gov.au/doc/safe-work-roofs-information-sheet)

## **Jurisdictional differences (exceptions to the model WHS regulatory framework)**

Below are links to the jurisdictional differences from the model WHS regulatory framework relevant to a fall and being hit by falling objects are:

ACT

[Work Health and Safety (Formwork) Code of Practice](http://www.legislation.act.gov.au/ni/2011-770/default.asp)

NSW

[Safe Work on roofs - Part 1 Commercial industrial code of practice](http://www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52865/Safe-work-on-roofs-part-1-commercial-industrial.pdf)

Qld

Clause 299(4) of the [WHS Regulation](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-0240) is included which provides that in certain circumstances all control measures considered in determining which control measures to implement must be stated in the SWMS (links below).

[Tilt up and pre-cast construction Code of Practice 2003](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0015/58200/tilt-up-pre-cast-cop-2003.pdf)

[Scaffolding Code of Practice 2009](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0010/58195/scaffolding-cop-2009.pdf)

SA

Certain offences (including those set out in clauses 301-304 of the [WHS Regulations](https://www.legislation.sa.gov.au/LZ/C/R/WORK%20HEALTH%20AND%20SAFETY%20REGULATIONS%202012.aspx)) are subject to an expiation fee.

Codes based on the Model CoP: Construction work, Model CoP: Managing the risks of falls at workplaces and the Model CoP: Preventing falls in housing construction have not been adopted in South Australia (links below).

[National Code of Practice for pre-cast, tilt up and concrete elements in building construction](https://www.safework.sa.gov.au/show_page.jsp?id=8309)

NT

[National Code of Practice for pre-cast, tilt up and concrete elements in building construction](http://www.worksafe.nt.gov.au/forms-resources/Documents/precast_tiltup_concrete_elements_in_building_construction_cop.pdf)

[National Code of Practice for the prevention of falls in general construction](http://www.worksafe.nt.gov.au/forms-resources/Documents/prevention_of_falls_in_general_construction_cop.pdf)

## **Victorian WHS regulatory framework**

Below are links to the Victorian WHS regulatory framework relevant to a fall and being hit by falling objects:

[OHS Regulations](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/b12e276826f7c27fca256de50022686b/8679a979bf5a8abcca258140007ce8f9!OpenDocument) Part 3.3; clause 322; clause 109 (as it relates to falling objects); clause 116 (as it relates to falling objects); part 3.5 (as it relates to objects falling on a person)

[Prevention of falls in general construction - Compliance Code](http://www.worksafe.vic.gov.au/pages/forms-and-publications/forms-and-publications/prevention-of-falls-in-general-construction-compliance-code)

[Code of Practice: Prevention of falls in housing construction](http://www.worksafe.vic.gov.au/pages/forms-and-publications/forms-and-publications/prevention-of-falls-in-housing-construction-code-of-practice-no-29-2004)(this code of practice continues to be available as a source of practical guidance. However, as it is made under repealed legislation compliance with the code may not necessarily mean compliance with a duty under the OHS Act).

## **Western Australian regulatory framework**

Below are links to the Western Australian WHS regulatory framework relevant to a fall and being hit by falling objects:

[OSH Regulations](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s4665.html) Part 3, Division 5; Clause 3.18; clause 3.30; clause 3.31; clause 3.36; Part 3, Division 12 (as it relates to falls); Part 4, Division 4 (as it relates to falling objects); Schedule 6.3 (as it relates to falls)

[Code of Practice: Prevention of falls at workplaces](https://www.commerce.wa.gov.au/publications/code-practice-prevention-falls-workplaces)

[Code of Practice: Safe design of buildings and structures](https://www.commerce.wa.gov.au/publications/code-practice-safe-design-buildings-and-structures)

[AS-NZS 4576-1995 Guidelines for scaffolding](https://ablis.business.gov.au/service/wa/australian-new-zealand-standard-as-nzs-4576-1995-guidelines-for-scaffolding/37583)

# Vehicle incidents

## **Out of scope of review**

Below are links to parts of the WHS Regulatory framework which will inform the Review, but are out of scope and will not be directly considered as a part of the Review:

[Model WHS Act](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-act)

[Work Health and Safety Act 2011](https://www.legislation.gov.au/Details/C2017C00305) (Cth)

[Work Health and Safety Act 2011](http://www.legislation.act.gov.au/a/2011-35/default.asp) (ACT)

[Work Health and Safety Act 2011](https://www.legislation.nsw.gov.au/#/view/act/2011/10/whole) (NSW)

[Work Health and Safety Act 2011](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018) (Qld)

[Work Health and Safety (National Uniform Legislation) Act 2011](https://legislation.nt.gov.au/Legislation/WORK-HEALTH-AND-SAFETY-NATIONAL-UNIFORM-LEGISLATION-ACT) (NT)

[Work Health and Safety Act 2012](https://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx) (SA)

[Work Health and Safety Act 2012](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-001) (Tas)

[Occupational Health and Safety Act 2004](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/750e0d9e0b2b387fca256f71001fa7be!OpenDocument&Highlight=0,occupational,health,safety) (Vic)

[Occupational Safety and Health Act 1984](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a555.html) (WA)

[Model WHS Regulations](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-regulations) (other than provisions specifically in scope of review)

Jurisdictional based electrical safety legislation (not hyperlinked)

## Road traffic laws (not hyperlinked)

## [Heavy vehicle national laws](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2012-021)

## **Model WHS regulatory framework**

Below are links to the model WHS regulatory framework relevant to a fall and being hit by falling objects:

[Model WHS Regulations](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-regulations): Part 3.1

[Model CoP: How to manage work health and safety risks](https://www.safeworkaustralia.gov.au/doc/model-code-practice-how-manage-work-health-and-safety-risks)

[Model CoP: Construction work](https://www.safeworkaustralia.gov.au/doc/model-code-practice-construction-work)

[Guide: Traffic management general guide](https://www.safeworkaustralia.gov.au/doc/traffic-management-general-guide)

[Guide: Traffic management guide - construction work](https://www.safeworkaustralia.gov.au/doc/traffic-management-guide-construction-work)

[Information sheet: Traffic management](https://www.safeworkaustralia.gov.au/doc/information-sheet-traffic-management)

[Checklist: Traffic hazards](https://www.safeworkaustralia.gov.au/doc/traffic-hazards-checklist)

[Checklist: Traffic control measures](https://www.safeworkaustralia.gov.au/doc/traffic-control-measures-checklist)

## **Jurisdictional differences (exceptions to the model WHS regulatory framework)**

Below are links to the jurisdictional differences to the model WHS regulatory framework relevant to vehicle incidents:

Qld

[Traffic management for construction or maintenance work code of practice 2008](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0018/58203/traffic-management-construction-cop-2008.pdf)

SA

A code based on the Model CoP: Construction work has not been adopted in South Australia.

## **Victorian WHS regulatory framework**

Below are links to the Victorian WHS regulatory framework relevant to vehicle incidents:

[Guidance sheet: Work-related driving – Selecting safe vehicles](https://www.worksafe.vic.gov.au/pages/forms-and-publications/forms-and-publications/work-related-driving-selecting-safe-vehicles)

[Guidance sheet: Transporting people and equipment in vehicles](https://www.worksafe.vic.gov.au/pages/forms-and-publications/forms-and-publications/transporting-people-and-equipment-in-vehicles)

## **Western Australian regulatory framework**

Below are links to the Western Australian WHS regulatory framework relevant to vehicle incidents:

[OSH Regulations](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s4665.html): Clause 3.22; Part 3, Division 10

[Code of Practice: Fatigue Management for Commercial Drivers](https://www.commerce.wa.gov.au/publications/code-practice-fatigue-management-commercial-vehicle-drivers)

# Contact with electricity

## **Out of scope of review**

Below are links to parts of the WHS Regulatory framework which will inform the Review, but are out of scope and will not be directly considered as a part of the Review.

[Model WHS Act](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-act)

[Work Health and Safety Act 2011](https://www.legislation.gov.au/Details/C2017C00305) (Cth)

[Work Health and Safety Act 2011](http://www.legislation.act.gov.au/a/2011-35/default.asp) (ACT)

[Work Health and Safety Act 2011](https://www.legislation.nsw.gov.au/#/view/act/2011/10/whole) (NSW)

[Work Health and Safety Act 2011](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018) (Qld)

[Work Health and Safety (National Uniform Legislation) Act 2011](https://legislation.nt.gov.au/Legislation/WORK-HEALTH-AND-SAFETY-NATIONAL-UNIFORM-LEGISLATION-ACT) (NT)

[Work Health and Safety Act 2012](https://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012.aspx) (SA)

[Work Health and Safety Act 2012](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-001) (Tas)

[Occupational Health and Safety Act 2004](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/750e0d9e0b2b387fca256f71001fa7be!OpenDocument&Highlight=0,occupational,health,safety) (Vic)

[Occupational Safety and Health Act 1984](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a555.html) (WA)

[Model WHS Regulations](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-regulations) (other than provisions specifically in scope of review)

Jurisdictional based electrical safety legislation (not hyperlinked)

## Road traffic laws (not hyperlinked)

## [Heavy vehicle national laws](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2012-021)

## **Model WHS regulatory framework**

Below are links to the model WHS regulatory framework relevant to contact with electricity:

[Model WHS Regulations](https://www.safeworkaustralia.gov.au/doc/model-work-health-and-safety-regulations): Part 3.1; Part 4.7

[Model CoP: How to manage work health and safety risks](https://www.safeworkaustralia.gov.au/doc/model-code-practice-how-manage-work-health-and-safety-risks)

[Model CoP: Construction work](https://www.safeworkaustralia.gov.au/doc/model-code-practice-construction-work)

[Model CoP: Managing electrical risks in the workplace](https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-electrical-risks-workplace)

[General guide: Definitions OHEL](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Guide: Working in the vicinity of overhead and underground electrical lines](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Guide: Working near low voltage OHEL near structures](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Guide: Operating cranes and mobile plant near OHEL](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Guide: Transporting high load near OHEL](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Information sheet: Working in the vicinity of overhead and underground electrical lines](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Information sheet: Scaffolding near OHEL](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Fact sheet: Electrical risks](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

[Incidents and scenarios: Case studies](https://www.safeworkaustralia.gov.au/electrical-safety" \l "codeguides)

## **Jurisdictional differences (exceptions to the model WHS regulatory framework)**

Below are links to the jurisdictional differences from the model WHS regulatory framework relevant to contact with electricity:

NSW

[Work near overhead power lines code of practice](http://www.safework.nsw.gov.au/__data/assets/pdf_file/0020/52832/Work-near-overhead-power-lines-code-of-practice.pdf)

Qld

[Electrical safety Code of Practice 2010 - Electrical equipment rural industry](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0008/59678/es-code-of-practice-rural-industry.pdf)

[Electrical safety Code of Practice 2010 - Working near overhead and underground electric lines](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0006/59676/es-code-of-practice-2010-working-near-overhead-underground-electric-lines.pdf)

[Electrical safety Code of Practice 2010 - Work](https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0009/59679/es-code-of-practice-works.pdf)

NT

The Northern Territory has not adopted the Model CoP: Managing electrical risks in the workplace.

SA

A code based on the Model CoP: Construction work has not been adopted in South Australia.

## **Victorian WHS regulatory framework**

Below is a link to the Victorian WHS regulatory framework relevant to contact with electricity:

[OHS Regulations](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/b12e276826f7c27fca256de50022686b/8679a979bf5a8abcca258140007ce8f9!OpenDocument) : Clause 114

## **Western Australian regulatory framework**

Below is a link to the Western Australian WHS regulatory framework relevant to contact with electricity:

[OSH Regulations](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s4665.html): Part 3, Division 6