Occupational Health and Safety Amendment
Regulations 2012
S.R. No. 57/2012

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ENDNOTES

6
The Governor in Council makes the following Regulations:
Dated: 28 June 2012
Responsible Minister:
GORDON RICH-PHILLIPS
Assistant Treasurer

YVETTE CARISBROOKE
Acting Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Occupational Health and Safety Regulations 2007—

(a) to allow the Authority to accept late applications for renewal of high risk work licences, including interstate licences; and

(b) to make further provision in relation to applications to renew high risk work licences; and

(c) to facilitate online registration and renewal of registration of plant items by removing the fee and the requirement to supply a copy of the plant design registration with the application.
2 Authorising provision

These Regulations are made under section 158 of the Occupational Health and Safety Act 2004.

3 Commencement

These Regulations come into operation on 30 June 2012.

4 Principal Regulations

In these Regulations, the Occupational Health and Safety Regulations 2007\(^1\) are called the Principal Regulations.

5 Application for the renewal of a high risk work licence

For regulation 6.1.38 of the Principal Regulations substitute—

'6.1.38 Application for the renewal of a high risk work licence

(1) The holder of a high risk work licence may apply to the Authority to renew the licence.

Note

Regulation 7.1.1 enables the Authority to specify the form of applications and to specify other information and documents that must be included in or with applications.

(2) An application under subregulation (1) may also be made by a person who—

(a) resides in Victoria, or does not reside in Victoria but satisfies the Authority that the person has reasonable grounds for applying for a licence renewal in Victoria; and

(b) holds an equivalent licence or certificate recognised under regulation 3.6.4 that is due to expire within 60 days.
(3) A person whose high risk work licence has expired may apply to the Authority to renew the licence—

(a) within 12 months after the day on which the licence expired; or

(b) if the applicant satisfies the Authority that exceptional circumstances exist, within any longer period that the Authority allows.

Example
An example of "exceptional circumstances" might be where the applicant has lived overseas for some years and continued to carry out the work for which the applicant had formerly held an appropriate high risk work licence.

Notes
1 Regulation 7.1.1 enables the Authority to specify the form of applications and to specify other information and documents that must be included in or with applications.

2 It is an offence for a person to carry out high risk work if the person is not licensed to carry out the work in accordance with these Regulations (see section 40(4) of the Act). This includes a person who is carrying out high risk work after their licence has expired and not been renewed.

(4) An application under subregulation (3) may also be made by a person who—

(a) resides in Victoria, or does not reside in Victoria but satisfies the Authority that the person has reasonable grounds for applying for a licence renewal in Victoria; and

(b) held an equivalent licence or certificate recognised under regulation 3.6.4.
(5) In relation to an application under subregulation (3)(b), the Authority may request the applicant to provide additional information to enable it to be satisfied as to whether exceptional circumstances exist.

(6) The Authority must renew the licence if the application—

(a) includes the name and residential address of the applicant; and

(b) includes any proof of identity required by the Authority; and

(c) includes a recent photograph of the applicant of the size, and in the form, specified by the Authority; and

(d) contains a declaration by the applicant that he or she has maintained his or her competency to carry out the high risk work; and

(e) is accompanied by the fee required by regulation 6.1.40(1).

(7) The Authority must, within 60 days after receiving an application that has been made in accordance with this regulation, give the applicant a written notice stating the Authority's intention to grant, or to propose to refuse to grant, the renewal.

(8) If the Authority grants a renewal of a licence to a person who holds or held an equivalent licence or certificate recognised under regulation 3.6.4, it must notify the corresponding Authority who issued that licence or certificate.
(9) In this regulation, an equivalent licence or certificate expires if it ceases to have effect in any circumstance other than by being cancelled, suspended or surrendered.'

6 Registration of plant

(1) In regulation 6.2.9(b) of the Principal Regulations, for "Authority; and" substitute "Authority."

(2) Regulation 6.2.9(c) of the Principal Regulations is revoked.

(3) In regulation 6.2.10(1)(b) of the Principal Regulations, for "a copy" (where twice occurring) substitute "the identifying number".

(4) For regulation 6.2.11(1) of the Principal Regulations substitute—

"(1) The Authority must notify the applicant for registration or renewal of registration of an item of plant in writing of the deferral of registration or renewal if the Authority considers that the information provided with the application is inadequate to comply with this Division or regulation 7.1.1."

(5) In regulation 6.2.11(3) of the Principal Regulations, omit "and fee".
ENDNOTES