



## INFORMATION SHEET

# Work Health and Safety (General) Regulations 2022 – transitional and savings provisions

### **Work Health and Safety Act 2020**

The *Work Health and Safety Act 2020* (WHS Act) commenced on 31 March 2022, repealing the *Occupational Safety and Health Act 1984* (OSH Act) and the *Occupational Safety and Health Regulations 1996* (OSH Regulations).

The Work Health and Safety (General) Regulations 2022 (WHS Regulations) also commenced on 31 March 2022.

### **Transitional arrangements from 31 March 2022**

WHS Regulations include measures to transition or preserve similar arrangements approved under OSH Regulations, delaying commencement of new requirements, and certain provisions continuing indefinitely.

A transitional period allows duty holders time to consider and review their individual circumstances, and to implement any amendments to ensure ongoing compliance.

Most stated end dates for transitional arrangements fall on 30 March 2024 or 30 March 2025, with new requirements commencing on 31 March of applicable years.

The effective transition period for most measures will vary according to individual requirements and existing conditions under OSH Regulations such as licence expiry dates, scheduled review periods, approvals and changing operational activities.

### **Transitional arrangements ending 30 March 2024**

#### **1. Concrete placing booms – High risk work licence (HRWL)**

WHS Regulations require an HRWL to operate concrete placing booms but operators may continue working under OSH Regulations, if the concrete placing boom is not mounted on a vehicle, until 30 March 2024.

#### **2. Materials hoists – HRWL**

WHS Regulations require an HRWL to operate a materials hoist but operators may continue working under OSH Regulations, if the vertical movement of the materials hoist's car, bucket or platform is 11 metres or less, until 30 March 2024.

### **3. Plant designs and items of plant not registered under OSH Regulations and not completed by 30 March 2024**

A design of plant that was not required to be registered under OSH Regulations, which was started before 30 March 2022 and is completed by 30 March 2024, is not required to be registered under WHS Regulations.

If the design of plant is not completed by 30 March 2024, then the plant design must be registered under WHS Regulations.

An item of plant that was not required to be registered under OSH Regulations, where manufacturing of plant was started before 30 March 2022 and is completed before 30 March 2024, is not required to be registered under WHS Regulations.

If manufacturing is started before 30 March 2022, but is not completed by 30 March 2024, then the item of plant must be registered under WHS Regulations.

### **4. Roll-over protection on tractors**

While the minimum mass threshold for a tractor requiring roll-over protection is 800 kgs under OSH Regulations, WHS Regulations set that threshold at 560 kgs. A tractor with a mass between 560 and 800 kgs manufactured before 31 March 2024 will not require roll-over protection.

These requirements continue to exclude tractors manufactured, imported or originally purchased prior to 1 January 1981 under WHS Regulations.

## **New requirements commencing 31 March 2024**

### **5. Asbestos removal – air monitoring by licensed asbestos assessor (LAA)**

From 31 March 2024, where licensed asbestos removal work at a workplace or residential premises must be carried out by the holder of a Class A asbestos removal licence, air monitoring of the asbestos removal area must be undertaken by an LAA.

### **6. Asbestos removal – clearance inspection by LAA**

From 31 March 2024, where licensed asbestos removal work at a workplace or residential premises must be carried out by the holder of a Class A asbestos removal licence, a clearance inspection of the asbestos removal area must be carried out by an LAA when the licensed asbestos removal work is completed.

### **7. Asbestos removal worker must be trained – specified VET courses**

WHS Regulations require workers to have completed a specified VET course for the type of asbestos to be removed (friable or non-friable) before they can be allowed to conduct asbestos removal work.

Workers who received appropriate training under OSH Regulations may continue to conduct asbestos removal work until 30 March 2024.

This specific VET training requirement will be mandatory from 31 March 2024, and it is recommended that persons conducting a business or undertaking (PCBU) plan ahead to ensure workers have been trained well before this date, as it is likely that there will be higher demand for training around the end of the transitional period.

In the meantime, the more general requirement for a licensed asbestos removalist to provide appropriate training to a worker carrying out licensed asbestos removal work at a workplace will apply.

Class of asbestos removal licence	VET course for workers	Course code
Class A	Remove friable asbestos	CPCCE3015
Class B	Remove non-friable asbestos	CPCCE3014

Further information [www.commerce.wa.gov.au/worksafe/asbestos-removal-licences](http://www.commerce.wa.gov.au/worksafe/asbestos-removal-licences)

## 8. Audiometric testing

WHS Regulations require a PCBU to conduct specified audiometric testing of workers frequently exposed to excessive exposure to noise.

The PCBU must provide audiometric testing for the worker within 3 months of the worker commencing the work and at least every 2 years.

Requirements to conduct audiometric testing commence on 31 March 2024.

## Transitional arrangements ending 30 March 2025

### 9. Falls from height – high risk construction work

Until the close of 30 March 2025, regulation 3.55 of OSH Regulations **must** be used for high risk construction work in general industry instead of regulation 79 of WHS Regulations.

Further information

[www.commerce.wa.gov.au/publications/information-sheet-managing-risk-falls-workplaces](http://www.commerce.wa.gov.au/publications/information-sheet-managing-risk-falls-workplaces)

### 10. Reach stackers – HRWL

A reach stacker HRWL must be held to operate a reach stacker of greater than 3 tonnes capacity that incorporates an attachment for lifting, moving and travelling with a shipping container, but does not include a portainer crane, unless the operator holds a slewing mobile crane HRWL.

Operators have until 30 March 2025 to acquire a reach stacker HRWL.

## Ongoing transitional provisions

These provisions preserve existing arrangements under OSH Regulations with varying effective end dates for transition arrangements, rather than a single stated date for each provision.

### 11. References to convictions or findings of guilt

Applicants for licences are required to declare the details of any conviction or finding of guilt under Australian work health and safety laws, including any offence under the OSH Act and OSH Regulations. Spent convictions are not required to be declared.

### 12. Accreditation of high risk work assessors

Assessors of HRWL training registered under OSH Regulations on 30 March 2022 were deemed accredited assessors for equivalent classes of high risk work under WHS Regulations, as listed in the HRWL comparison table.

### **13. Applications pending determination under OSH Regulations**

Any applications made before 31 March 2022 where equivalent applications are required under WHS Regulations are considered under OSH Regulations requirements until granted, or until any form of review or appeal process is exhausted.

### **14. Approved use of carcinogens**

An approval to use, handle or store prohibited and restricted carcinogens issued under OSH Regulations that was in effect on 30 March 2022 is considered equivalent authorisation under WHS Regulations.

### **15. Class A asbestos removal licence**

An unrestricted asbestos removal licence under OSH Regulations is accepted as a Class A asbestos removal licence under WHS Regulations until it expires. Any unrestricted asbestos licence in force on 30 March 2022 had its expiry date extended by one year.

### **16. Class B asbestos removal licence**

A restricted asbestos removal licence under OSH Regulations is accepted as a Class B asbestos removal licence under WHS Regulations until it expires. Any restricted asbestos licence in force on 30 March 2022 had its expiry date extended by one year.

### **17. Class 1 or 2 demolition work approvals**

An approval to do non-standard class 1 or class 2 demolition work under OSH Regulations valid on 30 March 2022 is considered an equivalent approval under WHS Regulations.

### **18. Construction induction training (white card)**

A construction induction training certificate obtained before 31 March 2022 transitioned to a general construction induction training card under WHS Regulations.

### **19. Demolition licences – Class 1 and Class 2**

A licence issued under OSH Regulations to do class 1 or class 2 demolition work that was valid on 30 March 2022 transitioned to the equivalent Class 1 or Class 2 demolition licence under WHS Regulations, including any applicable imposed conditions.

Any holder of a licence to do class 3 demolition work valid at 30 March 2022 should have received a pro-rata refund of the licence fee for the unexpired duration.

### **20. Exemptions**

Exemptions under OSH Regulations effective at 30 March 2022 are taken as equivalent exemptions under Part 11.2 of WHS Regulations.

### **21. High risk work licences (HRWL)**

WHS Regulations provide details of HRWL requirements, including the classes of high risk work within scope of each licence, and required qualifications.

An HRWL issued under OSH Regulations (OSH HRWL) valid at 30 March 2022 retained its existing expiry date and considered equivalent to an HRWL issued under WHS Regulations (WHS HRWL) [[refer to HRWL comparison table](#)].

Workers with an equivalent HRWL in another Australian state or territory are not required to maintain a Western Australian licence as WHS Regulations automatically recognise equivalent licences issued in other Australian jurisdictions.

A basic or intermediate class of pressure equipment operation OSH HRWL is considered equivalent to a standard boiler operation WHS HRWL.

An OSH HRWL of class "Pressure equipment operation, intermediate" valid on 30 March 2022 continues in force until it expires or is cancelled.

*HRWL comparison table*

<b>WHS HRWL (current class)</b>	<b>OSH HRWL (former class)</b>
Basic scaffolding	Scaffolding work, basic
Intermediate scaffolding	Scaffolding work, intermediate
Advanced scaffolding	Scaffolding work, advanced
Dogging	Dogging work
Basic rigging	Dogging work and rigging work, basic
Intermediate rigging	Dogging work and rigging work, intermediate
Advanced rigging	Dogging work and rigging work, advanced
Tower crane	Crane and hoist operation, tower crane
Self-erecting tower crane	Crane and hoist operation, self-erecting tower crane
Derrick crane	Crane and hoist operation, derrick crane
Portal boom crane	Crane and hoist operation, portal boom crane
Bridge and gantry crane	Crane and hoist operation, bridge crane/ gantry crane
Vehicle loading crane	Crane and hoist operation, vehicle loading crane
Non-slewing mobile crane	Crane and hoist operation, non-slewing mobile crane
Slewing mobile crane – with a capacity up to 20 tonnes	Crane and hoist operation, mobile crane, basic
Slewing mobile crane – with a capacity up to 60 tonnes	Crane and hoist operation, mobile crane, intermediate
Slewing mobile crane – with a capacity up to 100 tonnes	Crane and hoist operation, mobile crane, advanced
Slewing mobile crane – with a capacity over 100 tonnes	Crane and hoist operation, mobile crane, open class
Materials hoist*	Crane and hoist operation, materials hoist
Personnel and materials hoist	Crane and hoist operation, personnel and materials hoist
Boom-type elevating work platform	Crane and hoist operation, boom-type elevating work platform
Concrete placing boom*	Crane and hoist operation, vehicle-mounted concrete placing boom*
Reach stacker*	No equivalent*
Forklift truck	Forklift operation, forklift truck
Order-picking forklift truck	Forklift operation, order-picking forklift truck
Standard boiler operation	Pressure equipment operation, basic
Standard boiler operation*	Pressure equipment operation, intermediate*
Advanced boiler operation	Pressure equipment operation, advanced
Steam turbine operation	Pressure equipment operation, turbine
Reciprocating steam engine	Pressure equipment operation, reciprocating steam engine

\* *Additional information applies.*

## **22. Plant designs and items of plant not registered under OSH Regulations**

A design of plant completed by 30 March 2022, and not required to be registered under OSH Regulations, is not required to be registered under WHS Regulations.

An item of plant manufactured by 30 March 2022, and not required to be registered under OSH Regulations, is not required to be registered under WHS Regulations.

## **23. Plant designs and items of plant registered under OSH Regulations**

A plant design or item of plant registered under OSH Regulations on 30 March 2022 is considered registered under WHS Regulations as required. Registration of a plant design is granted for unlimited duration.

### Transitional arrangements ending 30 March 2024

	Details	WHS Regulations	Transition	Related
1.	Concrete placing booms – HRWL	r. 81	r. 724	WHS Regulations sch 3 item 22
2.	Materials hoists – HRWL	r. 81	r. 723	WHS Regulations sch 3 item 19
3.	Plant designs and items of plant not registered under OSH Regulations and not completed by 30 March 2022	pt 5.3, sch 5	r. 728	OSH Regulations pt 4 div 2, WHS Act ss. 22 23, 384-385, 387-388
4.	Roll-over protection on tractors	r. 216	r. 719	OSH r. 4.45, WHS Act s. 279

### New requirements commencing 31 March 2024

	Details	WHS Regulations	Transition	Related
5.	Asbestos removal – air monitoring by LAA	r. 475(2A)	r. 2(c)	WHS r. 495
6.	Asbestos removal – clearance inspection by LAA	r. 473(2A)	r. 2(c)	WHS r. 495
7.	Asbestos removal worker must be trained – specified VET courses	r. 460(1)	r. 2(c)	
8.	Audiometric testing	r. 58	r. 2(b)	

### Transitional arrangements ending 30 March 2025

	Details	WHS Regulations	Transition	Related
9.	Falls from height – high risk construction work	r. 79	rr. 714, 722	OSH r. 3.55, WHS Act s. 279
10.	Reach stackers – HRWL	r. 81	r. 725	WHS Regulations sch 3 item 23

## Ongoing transitional provisions

	Details	WHS Regulations	Transition	Related
11.	References to convictions or findings of guilt	rr. 87, 116, 492	r. 707	WHS Act, OSH Act, OSH Regulations
12.	Accreditation of high risk work assessors	r. 118	r. 726	OSH r. 6.22
13.	Applications pending determination under OSH Regulations	As applicable	r. 706	WHS Act s. 279
14.	Approved use of carcinogens	r. 384, sch 10	r. 712	OSH rr. 5.31, 5.32, 5.32A
15.	Class A asbestos removal licence	r. 485	r. 729	OSH rr. 5.42(1), 5.45A, WHS Act s. 43(1)
16.	Class B asbestos removal licence	r. 487	r. 730	OSH rr. 5.42(1), 5.45B
17.	Class 1 or 2 demolition work approvals	r. 142H	r. 716	OSH r. 3.121
18.	Construction induction training (White card)	r. 320	r. 731	OSH r. 3.135
19.	Demolition licences – Class 1 and Class 2	rr. 142B, 142C, 142U	r. 720	OSH r. 3.116(2)-(3)
20.	Exemptions	pt 11.2	r. 713	OSH r. 2.12-2.13
21.	High risk work licences (HRWL)	r. 81, sch 3	r. 721	OSH r. 6.1(1)
22.	Plant designs and items of plant not registered under OSH Regulations	pt 5.3, sch 5	rr. 727, 728	OSH Regulations pt 4 div 2, WHS Act ss. 22 23, 385, 388
23.	Plant designs and items of plant registered under OSH Regulations	pt 5.3, sch 5	r. 727	OSH Regulations pt 4 div 2, WHS Act ss. 22 23, 385, 388