

# Annexure A - Overview of the WHS Regulatory Framework

---

## Falls and being hit by falling objects

### 1.1 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](#)

[Work Health and Safety Act 2011](#) (Cth)

[Work Health and Safety Act 2011](#) (ACT)

[Work Health and Safety Act 2011](#) (NSW)

[Work Health and Safety Act 2011](#) (Qld)

[Work Health and Safety \(National Uniform Legislation\) Act 2011](#) (NT)

[Work Health and Safety Act 2012](#) (SA)

[Work Health and Safety Act 2012](#) (Tas)

[Occupational Health and Safety Act 2004](#) (Vic)

[Occupational Safety and Health Act 1984](#) (WA)

[Model WHS 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](#)

### 1.2 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](#): 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](#)

[Model CoP: Construction work](#)

[Model CoP: Managing the risk of falls at workplaces](#)

[Model CoP: Preventing falls in housing construction](#)

[Fact sheet: Falling objects](#)

[Information sheet: Safe work on roofs](#)

## 1.3 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](#)

NSW

[Safe Work on roofs - Part 1 Commercial industrial code of practice](#)

Qld

Clause 299(4) of the [WHS Regulation](#) 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](#)

[Scaffolding Code of Practice 2009](#)

SA

Certain offences (including those set out in clauses 301-304 of the [WHS Regulations](#)) 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](#)

NT

[National Code of Practice for pre-cast, tilt up and concrete elements in building construction](#)

[National Code of Practice for the prevention of falls in general construction](#)

## 1.4 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](#) 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](#)

[Code of Practice: Prevention of falls in housing construction](#) (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).

## 1.5 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](#) 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](#)

[Code of Practice: Safe design of buildings and structures](#)

[AS-NZS 4576-1995 Guidelines for scaffolding](#)

## Vehicle incidents

### 1.6 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](#)

[Work Health and Safety Act 2011](#) (Cth)

[Work Health and Safety Act 2011](#) (ACT)

[Work Health and Safety Act 2011](#) (NSW)

[Work Health and Safety Act 2011](#) (Qld)

[Work Health and Safety \(National Uniform Legislation\) Act 2011](#) (NT)

[Work Health and Safety Act 2012](#) (SA)

[Work Health and Safety Act 2012](#) (Tas)

[Occupational Health and Safety Act 2004](#) (Vic)

[Occupational Safety and Health Act 1984](#) (WA)

[Model WHS 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](#)

## 1.7 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: Part 3.1](#)

[Model CoP: How to manage work health and safety risks](#)

[Model CoP: Construction work](#)

[Guide: Traffic management general guide](#)

[Guide: Traffic management guide - construction work](#)

[Information sheet: Traffic management](#)

[Checklist: Traffic hazards](#)

[Checklist: Traffic control measures](#)

## 1.8 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](#)

SA

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

## 1.9 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](#)

[Guidance sheet: Transporting people and equipment in vehicles](#)

## 1.10 Western Australian regulatory framework

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

[OSH Regulations: Clause 3.22; Part 3, Division 10](#)

[Code of Practice: Fatigue Management for Commercial Drivers](#)

## Contact with electricity

## 1.11 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](#)

[Work Health and Safety Act 2011](#) (Cth)

[Work Health and Safety Act 2011](#) (ACT)

[Work Health and Safety Act 2011](#) (NSW)

[Work Health and Safety Act 2011](#) (Qld)

[Work Health and Safety \(National Uniform Legislation\) Act 2011](#) (NT)

[Work Health and Safety Act 2012](#) (SA)

[Work Health and Safety Act 2012](#) (Tas)

[Occupational Health and Safety Act 2004](#) (Vic)

[Occupational Safety and Health Act 1984](#) (WA)

[Model WHS 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](#)

## 1.12 Model WHS regulatory framework

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

[Model WHS Regulations](#): Part 3.1; Part 4.7

[Model CoP: How to manage work health and safety risks](#)

[Model CoP: Construction work](#)

[Model CoP: Managing electrical risks in the workplace](#)

[General guide: Definitions OHEL](#)

[Guide: Working in the vicinity of overhead and underground electrical lines](#)

[Guide: Working near low voltage OHEL near structures](#)

[Guide: Operating cranes and mobile plant near OHEL](#)

[Guide: Transporting high load near OHEL](#)

[Information sheet: Working in the vicinity of overhead and underground electrical lines](#)

[Information sheet: Scaffolding near OHEL](#)

[Fact sheet: Electrical risks](#)

[Incidents and scenarios: Case studies](#)

### 1.13 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](#)

Qld

[Electrical safety Code of Practice 2010 - Electrical equipment rural industry](#)

[Electrical safety Code of Practice 2010 - Working near overhead and underground electric lines](#)

[Electrical safety Code of Practice 2010 - Work](#)

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.

### 1.14 Victorian WHS regulatory framework

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

[OHS Regulations](#) : Clause 114

### 1.15 Western Australian regulatory framework

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

[OSH Regulations](#): Part 3, Division 6