

PROPOSED REGULATIONS

Occupational Health and Safety (Maritime Industry) (National Standards) Amendment Regulations 200.. (no. ..)

made under the

*Occupational Health and Safety (Maritime Industry) Act
1993*

Endorsed by Seacare Authority 29 November 2007

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Part 1 Introduction

1.01 Name of Regulations

These Regulations are the *Occupational Health and Safety (Maritime Industry)(National Standards) Amendment Regulations 200.. (No. ..)*

These regulations amend the *Occupational Health and Safety (Maritime Industry)(National Standards) Regulation 2003* by inserting regulations relating to entry to or work in or on confined spaces in the Australian Maritime Industry.

1.02 Commencement

These Regulations commence on <insert date>.

Note In these Regulations notes, similar to this, are used to help you read the Regulations. The notes are for information only, and the effect of subsection 13 (3) of the Acts Interpretation Act 1901 is that they do not form part of the Regulations. The notes serve various purposes, such as providing historical or explanatory information. They may draw your attention to the existence of documents such as Approved Codes of Practice, which provide practical guidance on how a particular standard of health and safety can be achieved and describe the preferred methods or courses of action for achieving the standard of health and safety.

1.03 Objects

The object of these Regulations is to ensure that an operator , employee or contractor takes all appropriate steps to identify, eliminate or minimize all reasonably foreseeable hazards arising from entry to or work in or on confined spaces which may affect the health or safety of employees or other persons.

1.04 Application

- (1) These Regulations cover the health and safety of employees employed on a prescribed ship, contractors and other persons working on a prescribed ship to which the *Occupational Health and Safety (Maritime Industry) Act 1993* applies.

Note These regulations should be read with the *Approved Code of Practice for Confined Spaces (Maritime Industry) 200...* as in force.

- (2) The provisions of these Regulations apply to confined spaces at normal atmospheric pressure and contain the basic minimum requirements for entry to or work in or on a confined space.
- (3) The provisions of these Regulations do not apply to:
- (a) confined spaces that are not at normal atmospheric pressure; and

Note For pressures higher or lower than normal atmospheric pressure expert guidance should be sought.

- (b) an employer of an emergency service employee if at the direction of the employer the employee is:
- (i) undertaking the rescue of a person from a confined space; or
- (ii) providing first aid to a person in a confined space.

1.05 Consultation

In implementing these Regulations, consultation must take place between all relevant stakeholders, or their representatives, in accordance with the provisions of the *Occupational Health and Safety (Maritime Industry) Act 1993*.

1.06 General defence

A person is not guilty of an offence against these Regulations if the alleged offence arises out of circumstances over which:

- (a) the person did not have control; and
- (b) the person could not reasonably be expected to have control.

Notes

1. These Regulations incorporate National Standards declared by the National Occupational Health and Safety Commission (NOHSC) prior to 7

February 2005 under subsection 38(1) of the National Occupational Health and Safety Commission Act 1985 and declared subsequently by the Australian Safety and Compensation Council (ASCC).

2. Penalties in these Regulations are expressed in penalty units, in accordance with the requirements of section 4AA of the Crimes Act 1914.

3. State and Territory laws also promote occupational health and safety, and they may apply, in addition to these Regulations, to the people and bodies referred to in these Regulations.

1.07 Interpretation

Note These Regulations define expressions that are generally used in more than one Part of the Regulations. A number of expressions that are used in these Regulations are defined in section 4 of the Occupational Health and Safety (Maritime Industry) Act 1993, including contractor, employee, operator and workplace.

(1) In these Regulations:

Airborne contaminant means any contaminant present in the air which may be harmful to persons.

ASCC means the Australian Safety and Compensation Council, formerly the National Occupational Health and Safety Commission (NOHSC).

Atmospheric monitoring means the continuous measurement of oxygen concentration and / or airborne contaminants over an uninterrupted duration of time.

Atmospheric testing means the measurement of oxygen concentration and / or airborne contaminants which is not continuous.

Competent person means a person who has, through a combination of training, education and experience, acquired knowledge and skills to enable that person to make an informed assessment of the likelihood of a hazardous atmosphere being present, or subsequently arising in a confined space, and perform correctly specified tasks associated with a confined space.

Confined space means an enclosed space or partially enclosed space, that may or may not have restricted means of entry and exit, which is not intended or designed primarily for human occupancy, within which there is a risk of one or more of the following:

- (a) an oxygen concentration outside the safe oxygen range; or
- (b) an airborne contaminant which may cause impairment, loss of consciousness or asphyxiation; or
- (c) a flammable airborne contaminant which may cause injury from fire or explosion; or
- (d) engulfment in a stored free flowing solid or a rising level of liquid which may cause suffocation or drowning.

Note Appendix B of the Approved Code of Practice for Confined Spaces (Maritime Industry) 200 provides further guidance in the definition of confined spaces.

Contaminant means any dust, fume, mist, vapour, biological matter, gas or other substance in liquid or solid form, the presence of which may be harmful to persons.

Engulfment means the immersion or envelopment of a person by a solid or liquid, such as grain, sugar, flour, sand, coal, fertilizer and any other substance in a powder, granular or liquid form.

Entry (to a confined space) means when a person's head or upper body is within the boundary of the confined space.

Note Inserting an arm for the purpose of atmospheric testing is not considered an entry to a confined space.

Explosive limit means, in relation to a flammable contaminant, the concentration of contaminant in the air in which an explosion may occur on ignition. Expressed by lower explosive limit (LEL) and upper explosive limit (UEL).

Note The term 'explosive limit' is equivalent to the term 'flammable limit'.

Exposure standard means an airborne concentration of a particular substance in the person's breathing zone, exposure to which, according to current knowledge, should not cause adverse health effects nor cause undue discomfort to nearly all persons. The exposure standard can be of three forms: time-weighted average (TWA), short-term exposure limit (STEL) or peak exposure limit (Peak).

Note For further information refer to the Australian Safety and Compensation Council (ASCC) Hazardous Substances Information System (HSIS).

Flammable airborne contaminant means any dust, fume, mist, vapour or gas present in the air at concentrations that can propagate a flame on contact with an ignition source.

Hazard means a source of potential harm.

Lower explosive limit (LEL) means, in relation to a flammable contaminant, the concentration of the contaminant in air below which the propagation of a flame does not occur on contact with an ignition source.

Operator, in relation to a prescribed ship or a prescribed unit, means the person who has the management or control of the ship or unit.

Peak exposure limit (Peak) means a maximum or peak airborne concentration of a particular substance determined over the shortest analytically practicable period of time, which does not exceed 15 minutes.

Permit to work means a document which gives permission for entry to or work in or on a confined space.

Personal protection equipment means any equipment used by a person for their protection including protective clothing, safety helmets, eye and face protection, hearing protection, gloves, safety footwear, lifelines, safety harnesses, breathing apparatus and respirators.

Responsible person means a person, having sufficient knowledge of the procedures to be followed with work in or on a confined space, who is authorised to issue a permit to work, based on a **competent person's** risk assessment.

Risk means the probability and consequences of occurrence of injury or illness.

Risk assessment means the process of evaluating the probability and consequence of injury or illness arising from exposure to an identified hazard or hazards.

Risk control means the process of managing the elimination or minimisation of a risk to health and safety.

Safe oxygen range means a minimum oxygen content in the atmosphere of 19.5 percent by volume under normal

atmospheric pressure and a maximum oxygen content in the atmosphere of 23.5 percent by volume under normal atmospheric pressure.

Seafarer means any person employed in any capacity on board the ship, vessel or unit. The term 'seafarer' has the same meaning as 'employee' in the OHS(MI) Act.

Short-term exposure limit (STEL) means 15-minute TWA exposure which should not be exceeded at any time during a workday even if the eight-hour TWA average is within the TWA **exposure standard**.

Note Exposure at the STEL should not be longer than 15 minutes and should not be repeated more than four times a day. There should be at least 60 minutes between successive exposures at the STEL.

Stand-by person, in relation to work in or on a confined space, means a competent person who:

- (a) is assigned to remain on the outside of, and in close proximity to, that confined space; and
- (b) is able to be in continuous communication with each person in or on that confined space; and
- (c) is able, if practicable, to observe each person in or on that confined space; and
- (d) is able to operate and monitor equipment used to ensure safety during entry to or work in or on that confined space; and
- (e) is able to raise the alarm and initiate an emergency response for persons in the confined space.

Time-weighted average (TWA) means the average airborne concentration of a particular substance when calculated over an eight-hour workday, for a five-day working week.

Upper explosive limit (UEL) means, in relation to a flammable contaminant, the concentration of the contaminant in air above which the propagation of a flame does not occur on contact with an ignition source.

Part 2 Design, Construction, supply and modification

2.01 Owner responsibilities

The owner of a vessel must take all reasonably practicable steps to ensure that:

- (a) the vessel is designed and constructed to minimize the need for entry to or work in or on a confined space;
- (b) any necessary confined spaces are designed and constructed to minimise risk to health and safety when entered;
- (c) openings for entry to and exit from a confined space are designed and constructed so that they are of adequate size to permit rescue of all persons who may enter the confined space, but if this is not practicable a suitable means of rescue is provided; and
- (d) any modifications to a confined space do not detrimentally affect the safe means of entry to, exit from or work in or on that confined space.

Penalty: ?? penalty units.

2.02 Operator responsibilities

The operator of a vessel must take all reasonably practicable steps to ensure that:

- (a) work practices are designed to minimize the need for entry to or work in or on a confined space;
- (b) work practices involving entry to, exit from or work in or on a confined space include appropriate risk control measures to minimise risks to health and safety associated with such work;
- (c) openings for entry to and exit from a confined space are of adequate size to permit rescue of all persons who may enter the confined space, but if this is not practicable a suitable means of rescue is provided;

- (d) openings for entry to and exit from a confined space are not obstructed by fittings or equipment that would impede the rescue of persons;
- (e) any modifications to a confined space do not detrimentally affect the safe means of entry to, exit from, or work in or on that confined space; and
- (f) the entry points to a confined space are secured against unauthorized entry and / or permanently sign posted.

Penalty: ?? penalty units.

Part 3 Competency requirements for persons entering or working in or on confined spaces

3.01 Training, instruction and information

The operator must ensure that all persons have undertaken the necessary training and are provided with any necessary instruction and information on all activities relating to entry to or work in or on confined spaces, commensurate with their duties.

Penalty: ?? penalty units.

3.02 Competency assessment

The operator must ensure the appropriate training, and assessment as competent, of persons who:

- (a) are required to enter to or work in or on a confined space; or
- (b) are required to undertake the role of a stand-by person; or
- (c) provide emergency response and first aid; or
- (d) undertake a risk assessment of a confined space; or
- (e) issue a permit to work.

Penalty: ?? penalty units.

3.03 Training in use of on-board equipment

The operator must ensure that a person is trained in and is competent with the use of on-board equipment provided by the operator.

3.04 Reassessing competencies

The operator must ensure that a competent person is reassessed at intervals of no greater than five years to ensure their ongoing competency to conduct tasks associated with confined spaces.

Penalty: ?? penalty units.

3.05 Minimum training requirements

Training must cover the following core training elements, to the extent that they are relevant to the performance of the particular work and the duties of the person who is being trained:

- (a) the legislation, regulations, codes of practice and standards relevant to confined spaces;
- (b) the criterion that defines confined spaces;
- (c) the assessment of risks associated with entry to and work in or on a confined space;
- (d) the identification and implementation of risk control measures; and
- (e) the application of emergency response procedures.

Penalty: ?? penalty units.

Part 4 Hazard identification, risk assessment and risk control

Division 1 Hazard identification

4.01 Hazard identification by an operator

For any work proposed in or on a confined space, the operator must ensure the identification of any hazards associated with entry to, exit from or work in or on that confined space.

Penalty: ?? penalty units.

Division 2 Risk assessment

4.02 Assessing risks

- (1) The operator must ensure that a risk assessment is undertaken by a competent person before a permit to work is issued to allow entry to or work in or on a confined space.

Penalty: ?? penalty units.

- (2) Strict liability applies to the physical element in sub regulation 4.02(1) that the risk assessment is undertaken.

4.03 Risk assessment to be documented

- (1) The operator must ensure that, unless otherwise exempted, a risk assessment of a confined space, and any review of that assessment, must be documented.
- (2) Strict liability applies to the physical element in sub regulation 4.03(1) that the risk assessment is documented.
- (3) The operator must ensure that, unless otherwise exempted, a risk assessment of a confined space must and take into account the following:
 - (a) the nature and inherent hazards of the confined space; and

- (b) the work required to be carried out, including the need to enter the confined space; and
- (c) the range of methods by which the work can be carried out; and
- (d) the estimated duration of the work required to be carried out; and
- (e) the hazards and associated risks involved with:
 - (i) the actual method of work selected; and
 - (ii) the equipment proposed to be used; and
- (f) the need for emergency response procedures; and
- (g) the competency of the persons needed to undertake the work.

Penalty: ?? penalty units.

4.04 Risk assessment to be reviewed and revised

The operator must ensure that, during the validity of a permit to work, the risk assessment is reviewed whenever there is evidence to indicate that there is a change in the risk and revised accordingly.

Penalty: ?? penalty units.

4.05 Generic risk assessment

The operator may undertake a generic risk assessment where multiple similar confined spaces are present in which similar tasks are conducted and the risk factors are identical.

Division 3 Risk control

4.06 Elimination or control of risk

- (1) If a risk assessment, or a revised risk assessment, indicates a risk to health or safety arising from entry to or work in or on a confined space, the operator must:
 - (a) eliminate the risk; or

- (b) if this is not reasonably practicable, minimize the risk by the implementation of appropriate risk control measures.

Penalty: ?? penalty units.

- (2) Strict liability applies to the physical element in sub regulation 4.06(1) that the risk is eliminated or controlled-
- (3) The risk control measures and precautions must be documented.

Penalty: ?? penalty units.

4.07 Hazardous services to be isolated

- (1) The operator must take all reasonably practicable steps to ensure that, prior to any person entering and working in or on a confined space, all potentially hazardous services, including all process services, normally connected to that space are isolated, tagged and locked out in order to prevent:
 - (a) the introduction of any materials, contaminants, agents or conditions harmful to persons occupying the confined space; and
 - (b) the activation or energizing in any way of equipment or services which could pose a risk to the health or safety of persons within the confined space.

Penalty: ?? penalty units.

- (2) Strict liability applies to the physical element in sub regulation 4.07(1) that the hazardous services are isolated, tagged and locked out.

4.08 Use of a purging agent

Where a confined space must be cleared of airborne contaminants the operator must ensure that:

- (a) the contaminants are removed with the use of a suitable purging agent; and
- (b) the purging agent or any gas used for ventilation purposes must never be pure oxygen or gas mixtures with an oxygen content greater than 21% by volume.

Penalty: ?? penalty units.

Division 4 Risk control – equipment

4.09 Suitable equipment to be provided

- (1) The operator must ensure that suitable equipment is provided for entry to or work in or on a confined space including, where necessary, equipment for:
 - (a) personal protection;
 - (b) emergencies including rescue;
 - (c) first aid;
 - (d) communication;
 - (e) fire suppression;
 - (f) ventilation;
 - (g) lifting; and
 - (h) lighting.

Penalty: ?? penalty units.

- (2) The operator must ensure that the equipment provided for work in or on a confined space is readily accessible and is appropriate to the work to be carried out.

Penalty: ?? penalty units.

- (3) Strict liability applies to the physical element in sub regulation 4.09(2) that the equipment is appropriate and accessible.
- (4) The operator must ensure that:
 - (a) personal protection equipment is selected and fitted to suit the individual; and
 - (b) any emergency response equipment is appropriate to any hazard likely to be encountered in the confined space.

Penalty: ?? penalty units.

- (5) Strict liability applies to the physical element in sub regulation 4.09(4) that the equipment is provided.

4.10 Equipment inspection, calibration, maintenance and operation

- (1) The operator must ensure the periodic inspection, calibration, maintenance and correct operation of all equipment provided

for use in, or in connection with, entry to or work in or on a confined space or during an emergency response.

- (2) Strict liability applies to the physical element in sub regulation 4.10(1) that the equipment is inspected, calibrated, maintained, and correctly operated.

Division 5 Risk control – administrative controls

4.11 Atmospheric testing and monitoring

- (1) The operator must ensure that atmospheric testing and atmospheric monitoring of a confined space are carried out in a manner consistent with the hazards identified and the risk assessment for that confined space.

Penalty: ?? penalty units.

- (2) The operator must ensure that a person must not enter or work in or on a confined space to conduct atmospheric testing or monitoring without a permit to work.

Penalty: ?? penalty units.

4.12 Use of a stand-by person

- (1) Unless a risk assessment indicates otherwise, the operator must ensure that at least one stand-by person or persons is provided to be outside a confined space while it is occupied, for which a permit of work has been issued.

Penalty: ?? penalty units.

- (2) The operator must ensure that the minimum number of stand-by persons required is recorded on the permit to work.

Penalty: ?? penalty units.

4.13 Communication, observation and emergency response

- (1) The operator must ensure that persons in the confined space and the stand-by person are able to be in continuous communication and, where possible, observation.

Penalty: ?? penalty units.

- (2) The stand-by person must be able to initiate emergency response arrangements.

Penalty: ?? penalty units.

- (3) The stand-by person must be able to communicate with the officer of the watch.

Penalty: ?? penalty units.

4.14 Signage and protective barriers

The operator must ensure that prior to entry in or work in or on a confined space, and during any occupancy of the confined space, that appropriate signs or protective barriers are erected to prevent entry of persons not involved in the work.

Penalty: ?? penalty units.

Division 6 Emergency response

4.15 Emergency response preparation

- (1) The operator must ensure that appropriate emergency response and first aid procedures and provisions are planned, established and rehearsed by those persons who are involved in the carrying out of work in or on a confined space.

Penalty: ?? penalty units.

- (2) In cases of emergency response, the operator must ensure that those persons involved in an emergency response are made aware of the conditions in the confined space prior to any entry.

Penalty: ?? penalty units.

Part 5 Confined space entry

5.01 Requirement for confined space entry

- (1) The operator must not allow persons entry to or to work in or on a confined space unless:
 - (a) a review of the risk assessment has been completed in accordance with regulations 4.02 and 4.04; and
 - (b) a permit to work is provided to, or completed by, the responsible person; and
 - (c) the permit to work includes any risk control measures or precautions necessary, including the number of stand-by persons required, for the safe entry to or work in or on the confined space; and
 - (d) they are advised of, understand and comply with the requirements of the permit to work; and
 - (e) a record of the entry and exit of each person into and out of the confined space is maintained; and
 - (f) signs and protective barriers are erected to prevent entry of persons not involved;
 - (g) appropriate and sufficient arrangements for the initiation of emergency response and, where necessary, the rescue of persons from the confined space.

Penalty: ?? penalty units.

5.02 Safe atmosphere

- (1) Before a person enters a confined space, the operator must take all reasonably practicable steps to ensure that:
 - (a) the oxygen level is within the safe oxygen range; and
 - (b) the airborne contaminants are reduced to below the relevant exposure standards; and
 - (c) the confined space is free from extremes of temperatures; and
 - (d) the concentration of flammable airborne contaminants is below 5 percent of its LEL; and

- (e) appropriate steps are taken to control any risk associated with the risk of any vermin; and
- (f) all potentially hazardous services, including process services, normally connected to the confined space are positively isolated in order to prevent:
 - (i) the introduction of any material, contaminant, agent or condition harmful to a person in the confined space; and
 - (ii) the activation or energising of any equipment or service which may pose a risk to the health or safety of a person in a confined space.

Penalty: ?? penalty units.

- (2) Strict liability applies to the physical element in sub regulation 5.02(1)(b) that the exposure standard is identified.

5.03 Flammable atmosphere

- (1) Except in case of emergency response, the operator must ensure that no entry to a confined space is permitted where the concentration of flammable airborne contaminants in the atmosphere is 5 percent of its LEL or greater, or where the oxygen content of the atmosphere exceeds 23.5 percent.

Penalty: ?? penalty units.

- (2) Where persons have entered and are working in a confined space, if the concentration of flammable contaminant in the atmosphere of a confined space has been found to be greater than 5 percent of its LEL and less than 10 percent of its LEL, the operator must ensure that:
 - (a) the persons are removed from the confined space; or
 - (b) continuous monitoring with a suitably calibrated explosive (flammable) atmospheric substance detector is used in that confined space at all times while persons are present.

Penalty: ?? penalty units.

- (3) Where the concentration of flammable contaminant in the atmosphere of a confined space has been found to be 10 percent of its LEL or greater, the operators must ensure that no person remains in that confined space.

Penalty: ?? penalty units.

5.04 Personal protection equipment

- (1) Where the hierarchy of risk control cannot provide oxygen level in the atmosphere greater than 19.5 percent, or the atmospheric contaminants cannot be reduced to below the relevant exposure standards, the operator must ensure that a person does not enter or work in or on a confined space unless they are equipped with:

- (a) supplied-air respiratory equipment; and
- (b) where appropriate, suitable personal protection equipment.

Penalty: ?? penalty units.

- (2) If an operator provides equipment under this regulation, the operator must ensure that:

- (a) the equipment is selected and, if necessary, fitted to suit the person who is to use it; and
- (b) the equipment is maintained in a proper working condition.

- (3) Strict liability applies to the physical element in sub regulation 5.04(2) that the equipment is provided.

Part 6 Permit to work

6.01 Requirement for permit to work

Except in case of an emergency response, the operator must not permit entry to or work in or on a confined space unless:

- (a) a risk assessment has been completed by a competent person; and
- (b) a permit to work has been issued by a responsible person, who has direct control of the work in the confined space.

Penalty: ?? penalty units.

6.02 Permit to work

The operator must ensure that a permit to work identifies:

- (a) the location of the confined space; and
- (b) the work to be conducted in or on that confined space; and
- (c) the risk control measures or precautions necessary for the safe entry to or work in or on that confined space; and
- (d) all persons required to enter or work in or on that confined space; and
- (e) the period of the permit to work's validity for entry ~~and~~ to or work in or on that confined space; and
- (f) the minimum number of stand-by persons required.

Penalty: ?? penalty units.

6.03 Compliance with a permit to work

The operator must ensure that all persons involved in entry to or work in or on a confined space to which a permit of work applies are advised of, understand and comply with the requirements of the permit to work.

Penalty: ?? penalty units.

6.04 Invalid permit to work

- (1) A permit to work ceases to be valid whenever it becomes evident, within the duration of the permit to work, that one of the following will occur:
 - (a) a change of the person responsible for the direct control of entry to or work in or on a confined space;
 - (b) a break in work continuity; or
 - (c) a change in risk or work to be performed.

Penalty: ?? penalty units.

- (2) Where a permit to work ceases to be valid, the operator must ensure that:
 - (a) the confined space is evacuated and the entrance is closed or otherwise secured to prevent re-entry; and
 - (b) control measures listed on the permit to work are revalidated prior to recommencement of work under the permit.

Penalty: ?? penalty units.

6.05 Withdrawal of permit to work

- (1) The operator may withdraw a permit to work at any time.
- (2) Prior to the withdrawal of a permit to work, the operator must ensure and acknowledge in writing that the work in or on the confined space has ceased and that all persons involved in the work have left that confined space.

Penalty: ?? penalty units.

6.06 Record of persons in a confined space

The operator must ensure that a record of all persons permitted entry to or work in or on a confined space to which a permit to work applies is maintained.

Penalty: ?? penalty units.

Part 7 Record keeping

7.01 Record of risk assessments and risk reviews to be maintained

The operator must ensure that records of risk assessments and risk reviews are maintained.

Penalty: ?? penalty units.

7.02 Record of permits to work to be maintained

- (1) The operator must ensure that permits to work issued are maintained.

Penalty: ?? penalty units.

- (2) The operator must ensure that a record of all persons permitted entry to or work in or on a confined space to which a permit to work applies is maintained.

Penalty: ?? penalty units.

7.03 Record of atmospheric testing to be maintained

The operator must ensure that a record of atmospheric testing undertaken is maintained.

Penalty: ?? penalty units.

7.04 Record of equipment to be maintained

The operator must ensure that a record of equipment used and its periodic inspection, calibration and maintenance is maintained.

Penalty: ?? penalty units.

7.05 Record of training to be maintained

- (1) The operator must record the training which is provided to persons.

Penalty: ?? penalty units.

- (2) The operator must ensure that the record of training includes:
- (a) the names of persons who received training and dates of attendance;
 - (b) the title of the training course;
 - (c) the competencies attained by the trained persons; and
 - (d) if the training program is not registered or accredited by any statutory body, government department, educational institution or other association or organization, also provide:
 - (i) an outline of its contents;
 - (ii) the duration of training;
 - (iii) the names, qualifications and experience of the person providing the training.

Penalty: ?? penalty units.

7.06 Time period

The operator must ensure that the following records are kept and maintained for the time specified unless longer periods are necessary, as in the case of health surveillance being required:

- (a) risk assessments and risk reviews, where documented, for five years from the time of their validity;
- (b) permits to work, for at least five years after the permit is issued, including a record of each person within a confined space and each person required for stand-by purposes;
- (c) records of atmospheric testing of a confined space, for five years from the time of the testing;
- (d) records of inspection, calibration and maintenance, of equipment, for a period of five years;
- (f) records of emergency response preparation, for a period of five years; and

- (e) training records, for the period of the employee's employment.

Penalty: ?? penalty units.

7.07 Records to be made available

The operator must ensure that all records listed in regulation 6.06 are made available upon request to:

- (a) the employee to whom the record relates; or
- (b) regulatory authority inspectors.

Penalty: ?? penalty units.