

## Level of Supervision required for Earthmoving Machinery Logbooks

### WHS Regulations 2011 - Part 3.2: General workplace management

#### 39 Provision of information, training and instruction

- (1) This section applies for section 19 of the Act to a person conducting a business or undertaking.
- (2) The person must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to –
  - (a) the nature of the work carried out by the worker; and
  - (b) the nature of the risks associated with the work at the time the information, training or instruction is provided; and
  - (c) the control measures implemented.
- (3) The person must ensure, so far as is reasonably practicable, that the information, training and instruction provided under this section is provided in a way that is readily understandable by any person to whom it is provided.

**Maximum penalty—60 penalty units**

#### 206 Proper use of plant and controls

- (1) The person with management or control of plant at a workplace must take all reasonable steps to ensure that plant is used only for the purpose for which it was designed, unless the person has determined that the proposed use does not increase the risk to health or safety.
- (2) In determining whether or not a proposed use of plant increases the risk to health or safety, the person with management or control of the plant must ensure that the risk associated with the proposed use is assessed by a competent person.
- (3) The person with management or control of plant at a workplace must take all reasonable steps to ensure that all health and safety features and warning devices (including guarding, operational controls, emergency stops and warning devices) are used in accordance with the instructions and information provided by that person under section 39.

**Maximum penalty—60 penalty units**

For further information, please refer to Section 19 of the WHS Act, WHS Regulations 2011 plus relevant current Codes of Practice and Australian Standards etc. relating to the particular tasks being undertaken.

Should you wish to place more rigour around the delivery of your workplace training, the legislation below covers the delivery of training in the arena of high risk work licencing should you wish adopt it.

**Direct supervision** of a person means the oversight by the supervising person of the work of that person for the purposes of—

- a) directing, demonstrating, monitoring and checking the person's work in a way that is appropriate to the person's level of competency; and
- b) ensuring a capacity to respond in an emergency situation.

**Maximum fine for non-compliance is 60 penalty points (\$6,000).**

The only exceptions to direct supervision of the person are if the nature or circumstances of a particular task make direct supervision impracticable or unnecessary; and if the reduced

level of supervision will not place the health or safety of the supervised person or any other person at risk.