

Guide for Applicants

HIGH RISK WORK LICENCE

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INTRODUCTION

Why you need a high risk work licence

The *Work Health and Safety Regulations 2012* (SA) (the Regulations) provide for the licensing of persons to perform high risk work.

Under section 43(1) and 44(1) of the *Work Health and Safety Act 2012* (SA) (the WHS Act) it is an offence to carry out work if the regulations require the person carrying out the work to be authorised (in this case licensed), and the person is not so authorised (licensed).

Under section 43(2) and 44(2) of the WHS Act it is an offence for a person who conducts a business or undertaking to direct a worker to carry out work if the regulations require the worker carrying out the work to be authorised or qualified or under the supervision of a person who is qualified.

The licensing of workers ensures the carrying out of high risk work is performed with competence to ensure the health and safety of workers and other persons in the workplace.

Licence types

Listed below are the classes of high risk work for which a licence is required:

Licence class	Licence code	VET accredited course
Basic scaffolding	SB	Licence to erect, alter and dismantle scaffolding basic level
Intermediate scaffolding	SI	Licence to erect, alter and dismantle scaffolding basic and intermediate level
Advanced scaffolding	SA	Licence to erect, alter and dismantle scaffolding basic and intermediate and advanced level
Dogging	DG	Licence to perform dogging
Basic rigging	RB	Licence to perform dogging and rigging basic level
Intermediate rigging	RI	Licence to perform dogging, rigging basic and intermediate level
Advanced rigging	RA	Licence to perform dogging, rigging basic, rigging intermediate and rigging advanced level
Tower crane	CT	Licence to operate a tower crane
Self-erecting tower crane	CS	Licence to operate a self-erecting tower crane

Derrick crane	CD	Licence to operate a derrick crane
Portal boom crane	CP	Licence to operate a portal boom crane
Bridge and gantry crane	CB	Licence to operate a bridge and gantry crane
Vehicle loading crane	CV	Licence to operate a vehicle loading crane (capacity 10 metre tonnes and above)
Non-slewing mobile crane	CN	Licence to operate a non-slewing mobile crane (greater than 3 tonnes capacity)
Slewing mobile crane —with a capacity up to 20 tonnes	C2	Licence to operate a slewing mobile crane (up to 20 tonnes)
Slewing mobile crane —with a capacity up to 60 tonnes	C6	Licence to operate a slewing mobile crane (up to 60 tonnes)
Slewing mobile crane —with a capacity up to 100 tonnes	C1	Licence to operate a slewing mobile crane (up to 100 tonnes)
Slewing mobile crane —with a capacity over 100 tonnes	CO	Licence to operate a slewing mobile crane (over 100 tonnes)
Materials hoist	HM	Licence to operate a materials hoist
Personnel and materials hoist	HP	Licence to operate a personnel and materials hoist
Boom-type elevating work platform	WP	Licence to operate a boom-type elevating work platform (boom length 11 metres or more)
Concrete placing boom	PB	Licence to conduct concrete boom delivery operations

Reach stacker	RS	Licence to operate a reach stacker of greater than 3 tonne capacity
Forklift truck	LF	Licence to operate a forklift truck
Order-picking forklift truck	LO	Licence to operate an order picking forklift truck
Standard boiler operation	BS	Licence to operate a standard boiler
Advanced boiler operation	BA	Licence to operate a standard boiler and an advanced boiler
Steam turbine operation	TO	Licence to operate a steam turbine
Reciprocating steam engine operation	ES	Licence to operate a reciprocating steam engine

[Regulations Schedule 4]

SCOPE

An individual must be licensed for a class of high risk work before they carry out that type of work unless:

- the high risk work is carried out in the course of training towards a certification in order to be licensed to carry out the high risk work and under the supervision of an individual with a licence in that class of high risk work; or
- the high risk work is carried out by an individual who has obtained the certification and applied for a licence while waiting for a decision on the application; or
- the high risk work involves plant at a workplace solely for the purpose of the manufacture, testing, trialling, installation, commissioning, maintenance, servicing, repair, alteration, demolition or disposal of the plant at that workplace or moving the plant (moving does include loading plant onto or unloading it from the vehicle or equipment used to move it) within the workplace and is operated or used without a load except for calibration purposes; or
- high risk work with a crane or hoist that is limited to setting up or dismantling the crane or hoist and the individual carrying out the work is licensed in rigging; or
- high risk work with a boiler if the boiler is being used for a historical purpose or activity or activity ancillary to a historical activity. Examples of historical activity given in the Regulations include a historical display, parade, demonstration or re-enactment. Activity ancillary to a

historical activity includes restoring, maintaining, modifying, servicing, repairing or housing a boiler used, or to be used, for a historical activity.

[Regulations 81 and 82]

WHO MAY APPLY FOR A LICENCE

Age requirements

An individual must be at least 18 years of age to apply for a high risk work licence. [Regulations 89(2) (d)]

Qualifications

The applicant must hold the qualification set out in Schedule 4 of the Regulations and the certificate for the qualification must not have been issued more than 60 days before the application for the licence was made. [Regulations 86 and 87(2) (f)].

Photographs

A photograph of the applicant and their signature will be taken at time of payment.

Proof of identity

Service SA and/or Australia Post will require the applicant to provide 100 points of identification, please see table below.

You will need to provide 100 points of identification when paying your Tax Invoice. At least one document must include photo identification, your full name and signature, eg. a driver's licence. At least one document must show your date of birth. If you are not able to provide a primary document, you can make up 100 points from a combination of secondary documents.		
PRIMARY DOCUMENTS 70 POINTS	SECONDARY DOCUMENTS 40 POINTS	SECONDARY DOCUMENTS 25 POINTS
<ul style="list-style-type: none">• Australian Passport (current or expired which has not been cancelled and was current within the preceding 2 years)• International Passport (current passports only. Expired passports will not be accepted.) Passports in a language other than English must be accompanied by an official NAATI approved translation• Full Australian Birth Certificate (or Australia Certificate Extract)• Australian Citizenship Certificate	<ul style="list-style-type: none">• Australian Driver's Licence• Licence to Perform High Risk Work• Public Service ID Card• Tertiary Education ID Card• Veterans' Affairs Card• Centrelink Card• Health Care Card	<ul style="list-style-type: none">• Proof of Age Card• Medicare Card• Current bank or credit union issued credit, debit or account card• Bank or credit union statement• Council rates notice• Utility bill• Telephone bill• Motor Vehicle registration certificate

Residence/Location

A high risk work licence will not be issued if the applicant holds an equivalent licence under a WHS law of another state or territory or the Commonwealth unless the licence is due for renewal [Regulation 89 (2) (b)].

SafeWork SA may only issue a high risk work licence to an applicant who resides in South Australia, or if the applicant resides outside South Australia, who satisfies SafeWork SA of circumstances justifying the granting of the licence [Regulation 89 (2) (c)]. A circumstance justifying the grant of the licence could be the proximity of the residence to a state or territory or the commonwealth WHS Regulator's office. However, the applicant is required to apply to the state, territory or Commonwealth

WHS Regulator in the jurisdiction in which they undertook the high risk work training and obtained their qualification.

DURATION OF LICENCE

A high risk work licence lasts for five years unless cancelled earlier. [Regulation 92].

Renewal of expired licence

An individual whose high risk work licence has expired may apply for the renewal of the licence within 12 months after its expiry or within a longer period if the individual satisfies SafeWork SA that exceptional circumstances exist. However, as the licence has expired, the individual cannot carry out high risk work covered by the licence until the licence is renewed. [Regulation 103].

RECOGNITION OF INTERSTATE AUTHORISATIONS

Each state, territory or the Commonwealth WHS Regulator will recognise a current high risk work licence issued by another jurisdiction that is being used in accordance with the terms and conditions under which it was granted. [Regulation 83].

Renewal

SafeWork SA may renew a high risk work licence granted to an individual under a WHS law of another state, territory or the Commonwealth, unless that licence is renewed by the WHS regulator of the other jurisdiction. [Regulation 104 (2)] In these circumstances SafeWork SA would issue a South Australian high risk work licence.

HOW TO APPLY FOR A LICENCE

To obtain a Licence to Perform High Risk Work or add a new class to your existing Licence, you must undertake the appropriate training.

To find a Registered Training Organisation, search www.training.gov.au

Once you have completed your training, you will be assessed by an Assessor who is accredited with SafeWork SA. Accredited Assessors must be affiliated with RTOs, so your assessment may be arranged for you. To select an Accredited Assessor, please refer to the list on the SafeWork SA website, www.safework.sa.gov.au/uploaded_files/Accredited%20Assessors%20All%20Classes.pdf

Your Assessor will ask you to sign a declaration that you are over 18 years of age and have not previously been issued with a certificate or Licence for this class of work.

During your assessment, you will be required to undertake a theory (written) exam and a practical test. Upon completion, your Assessor will provide you with written feedback about your results - this is your Assessment Summary.

If you have a successful assessment, your Accredited Assessor will provide you with a 'Notice of Satisfactory Assessment' (NSA) and a Tax Invoice. Your NSA and Tax Invoice are only valid for 60 days from the date of issue.

Fees

Please see the SafeWork SA website for current fees: www.safework.sa.gov.au

Payment must be made at either a Service SA Customer Service Centre or an Australia Post Photo Capture outlet within South Australia.

GRANTING/RENEWING/REFUSING

What does the Regulator take into account in deciding whether to grant or renew a licence?

SafeWork SA will consider the following in making a decision to grant or renew a high risk work licence:

- Whether an equivalent high risk work licence is held by the applicant under the WHS law of another state, territory or the Commonwealth and whether the licence is due for renewal.
- Whether the applicant is at least 18 years of age.
- Whether the applicant lives in South Australia.
- Whether the applicant has received the high risk work training and the subsequent qualification/certification in South Australia.
- Whether the qualification was issued not more than 60 days before the application is made (new applications only).
- Whether the applicant is disqualified under the WHS law of another state, territory or the Commonwealth from holding an equivalent licence.
- Whether the applicant in making the application has given information that is false or misleading or has failed to provide information that should have been provided in the application.
- Whether the applicant is able to carry out the high risk work safely and competently. In considering this, SafeWork SA must have regard to any relevant matter including the following:
 - Whether the applicant has been convicted or found guilty of any offence under the WHS Act or the Regulations or under the WHS law of another state, territory or the Commonwealth.
 - Whether an equivalent licence held by the applicant has been refused, suspended, cancelled or had conditions imposed on it under the WHS Act or the Regulations or under the WHS law of another state, territory or the Commonwealth.

- Whether the applicant has entered into an enforceable undertaking under the WHS Act or under the WHS law of another state, territory or the Commonwealth.
- The applicant's compliance record with respect to any matters arising under the WHS Act or the WHS Regulations or under the WHS law of another state, territory or the Commonwealth. In respect to compliance records, SafeWork SA will consider current and previous suspensions, cancellations or disqualifications, a previous refusal of a High Risk Work Licence by any WHS Regulator, history of compliance with any condition of the licence and/or any requirement to improve or modify performance, and improvement and prohibition notices that have been issued by any WHS regulator.

[Regulation 89, 90 and 104]

An enforceable undertaking is an alternative to court action for an alleged breach of the WHS Act. It is a legal agreement in which the employer takes on the obligation to carry out specific activities to improve not only worker health and safety, but also deliver benefits to industry and the broader community.

If SafeWork SA decides to grant the licence, it must notify the applicant within 14 days after making the decision. [Regulation 89 (4)]

If SafeWork SA does not make a decision within 120 days after receiving the application, the application is taken to have been refused. [Regulation 89 (5)]

Refusing to grant or renew a licence

SafeWork SA must refuse to issue a licence or renew a licence if satisfied that the applicant:

- has been disqualified under the WHS law of another state, territory or the Commonwealth from holding an equivalent licence. (Mandatory refusal.)
- has, in making the application, given information that is false or misleading, or did not provide information that should have been provided. (Mandatory refusal.)

[Regulation 89 (3)].

If SafeWork SA proposes to refuse to grant the licence or renewal, it must provide written notice to the applicant:

- informing the applicant of the reasons for the proposed refusal; and
- advising the applicant that they may, by a specified date (being not less than 28 days after giving the notice) make a submission in relation to the proposed refusal.

After the specified date, SafeWork SA must:

- if the applicant has made a submission, consider the submission; and
- whether or not the applicant has made a submission, decide whether to grant or refuse to grant the licence; and

- within 14 days after making the decision, give the applicant written notice of the decision including reasons for the decision.

[Regulations 91 and 104]

A decision to refuse to grant a licence or renew a licence is a reviewable decision. [Regulation 676]

OBLIGATIONS

Inspection

A licence holder must keep the licence available for inspection by an inspector under the WHS Act unless the card has been returned to SafeWork SA for amendment or application has been made by the licence holder for a replacement licence which is yet to be received. [Regulation 94]

Changes to details

A licence holder must give written notice to SafeWork SA of a change of postal or residential address within 14 days of the change occurring. [Regulation 96]

Return of the licence

If requested in writing by SafeWork SA, the licence holder must return the licence to SafeWork SA for amendment within the time specified in the request. [Regulation 97]

Replacement licence

A licence holder must give written notice to SafeWork SA as soon as possible if the licence is lost, stolen or destroyed, and may apply for a replacement licence. An application for a replacement licence must include a declaration describing the circumstances in which the original document was lost, stolen or destroyed, and must be accompanied by the applicable form. [Regulation 98] A tax invoice will be issued and payment must be made at either a Service SA Customer Service Centre or an Australia Post Photo Capture outlet within South Australia.

A decision to refuse to issue a replacement high risk work licence is a reviewable decision.

[Regulation 676]

Cancellation/suspension of licence

SafeWork SA may suspend or cancel a high risk work licence if it is satisfied about one or more of the following:

- The licence holder has failed to take reasonable care to carry out the high risk work safely and competently.
- The licence holder has failed to obtain a reassessment of competency as directed by SafeWork SA.

- The licence holder has given false or misleading information or failed to give information that should have been given in the application for the grant of a licence or renewal of the licence or where requested by SafeWork SA.
- The licence was granted or renewed on the basis of certification that was obtained on the basis of the giving of false or misleading information by any person or body.

[Regulation 106]

In making a decision to suspend or cancel a High Risk Work Licence due to the licence holder's failure to take reasonable care, SafeWork SA must also take into account any relevant matter, including:

- Any offence under the WHS Act or Regulations or under the WHS laws of another state, territory or the Commonwealth, of which the licence holder has been convicted or found guilty.
- Any suspensions, cancellations, refusal to grant, or conditions imposed on an equivalent licence or other authorisation held under the WHS Act or Regulations or under the WHS laws of another jurisdiction.
- Any enforceable undertaking that has been entered into by the licence holder under the WHS Act or the WHS Act of another state, territory or the Commonwealth.
- The licence holder's record (compliance record) in relation to any matters arising under the WHS Act or Regulations or under the WHS laws of another state, territory or the Commonwealth.

[Regulation 107]

If SafeWork SA suspends or cancels a licence, it may disqualify the licence holder from applying for:

- a further high risk work licence of the same class; or
- another licence or authorisation under the WHS Regulations to carry out work which requires similar skills to those required for the work authorised by the licence that has been suspended or cancelled.

[Regulation 106 (2)]

Notice to and submissions by the licence holder (prior notice)

Before suspending or cancelling a High Risk Work Licence, SafeWork SA must:

- give the licence holder written notice of the proposed suspension, cancellation or disqualification that outlines all relevant allegations, facts and circumstances known to SafeWork SA; and
- give the licence holder not less than 28 days to make submissions to SafeWork SA in relation to the proposed suspension, cancellation or disqualification.

[Regulation 108]

Notice of the decision

SafeWork SA must give the licence holder written notice of a decision to suspend or cancel a High Risk Work Licence within 14 days after the decision is made. The notice must:

- state that the licence is to be suspended or cancelled;
- if the licence is to be suspended, state when the suspension begins and ends and the reasons for the suspension;
- whether the licence holder is required to obtain retraining, reassessment or take any other action before the suspension ends; and
- state whether the licence holder is to be disqualified from applying for any class of high risk work licence or other licence or authorisation under the WHS Regulations during the suspension.

If the licence is to be cancelled, the notice must state when the cancellation takes effect and the reasons for the cancellation and whether or not the licence holder is disqualified from applying for a further licence.

If the licence holder is to be disqualified from obtaining a further licence or authorisation, the notice must state:

- when the disqualification begins and ends and the reasons for the disqualification;
- State whether or not the disqualification ending is conditional upon the licence holder obtaining retraining, reassessment or taking any other action;
- whether the licence holder is disqualified from applying for any class of licence or authorisation under the WHS Regulations during the disqualification; and
- when the licence document must be returned to SafeWork SA.

[Regulation 109]

Immediate suspension

SafeWork SA may immediately suspend a High Risk Work Licence without giving prior notice, if:

- work carried out under the High Risk Work Licence should cease because the work may involve an imminent serious risk to the health and safety of any person; or
- another state, territory or the Commonwealth WHS Regulator has suspended an equivalent licence held by the licence holder.

[Regulation 110 (1)]

If SafeWork SA decides to immediately suspend the licence, it must give the licence holder written notice of the suspension and the reasons for the suspension. The suspension of the licence takes effect on the giving of the notice. [Regulation 110 (2)]

SafeWork SA must then give a notice that outlines all relevant allegations, facts and circumstances and give the licence holder not less than 28 days to make a submission in relation to the suspension. SafeWork SA must issue this notice within 14 days of the notice advising of the suspension. [Regulation 110 (3)]

If SafeWork SA does not give notice under Regulation 110 (3), the suspension of the licence ends at the end of the 14 days. If notice is given the licence remains suspended until a decision is made. [Regulation 110 (5)]

SafeWork SA must return the licence document to the licence holder within 14 days after the licence suspension ends. [Regulation 112]

A decision to suspend or cancel a licence or to disqualify a licence holder from applying for a further licence is a reviewable decision. [Regulation 676]

EXEMPTIONS

Who may apply

Any person or class of persons may apply to SafeWork SA in writing for an exemption from the requirement to hold a High Risk Work Licence. [Regulation 686]

A class of persons means a number of persons who have a common characteristic, for example, operators of a specific tool or machinery.

What does the regulator take into account

SafeWork SA may have regard to any relevant matter when making its decision to grant an exemption from holding a High Risk Work Licence but must be satisfied that granting the exemption will result in a standard of health and safety that is at least equivalent to the standard that would be achieved without the exemption. SafeWork SA must consider the following in making a decision:

- the impracticability of obtaining a High Risk Work Licence;
- whether the person's competencies exceed those required for the granting of a High Risk Work Licence; and
- whether any plant used can be modified to reduce the risk associated with its operation.

[Regulation 687]

Granting of a conditional exemption

SafeWork SA may impose any conditions it considers appropriate on an exemption. Conditions that may be imposed include:

- monitoring risks;
- monitoring the health of persons at the workplace who may be affected by the exemption;
- keeping certain records;
- using a stated system of work;
- reporting certain matters to SafeWork SA; and/or
- giving notice of the exemption to person/s that may be affected by the exemption.

[Regulation 691]

A decision to impose condition/s on an exemption is a reviewable decision. [Regulation 676]

Refusing to grant an exemption

SafeWork SA may refuse to grant an exemption. If it refuses to grant an exemption, it must give the applicant written notice of the refusal within 14 days after making that decision and the notice must state the reasons for the refusal. [Regulation 696]

A decision to refuse to grant an exemption is a reviewable decision. [Regulation 676]

Obligations

A person to whom an exemption is granted must comply with the conditions of the exemption and ensure any person under their management or control complies with the conditions of the exemption. [Regulation 693]

Cancellation/Amendment

SafeWork SA may amend or cancel an exemption at any time. [Regulation 697]

A decision to amend or cancel an exemption is a reviewable decision. [Regulation 676]

If SafeWork SA decides to amend or cancel an exemption it must give written notice to the applicant of the amendment or cancellation within 14 days after making that decision and the notice must state the reasons for the decision. [Regulation 698 (1) and (3)]

If the exemption affects a class of persons, SafeWork SA must publish a notice of amendment or cancellation of the exemption in the South Australian Government Gazette. [Regulation 698 (2)]

The amendment or cancellation takes effect on the publication of the notice in the South Australian Government Gazette or on a later date specified in the notice or, if a notice is not required to be published in the South Australian Government Gazette, on the giving of the notice to the applicant or on a later date specified in the notice. [Regulation 698 (4)]

APPLICATION FOR REVIEW OF DECISION

The table in Regulation 676 sets out decisions that are reviewable (reviewable decisions) and who is eligible (eligible person) to apply for the review of a reviewable decision.

The applicant is the eligible person to request a review of a decision to refuse to grant a licence [Regulations 89, 91], to refuse to renew a licence [Regulation 104] or to refuse to issue a replacement licence [Regulation 98].

The licence holder is the eligible person to request a review of the decision to cancel or suspend a licence or a decision to disqualify the licence holder from applying for another licence. [Regulation 106]

Internal review

An application for internal review allows SafeWork SA's decision to be reviewed and possibly changed by a person who was not involved in the original decision. A written application for the internal review of a reviewable decision is made using the application form provided by SafeWork SA. The application must be lodged within 28 days of the day on which the decision first came to the eligible person's notice or such longer period as SafeWork SA allows. [Regulations 678 (1) and 679]

The internal reviewer may:

- confirm or vary the reviewable decision; or
- set aside the reviewable decision and substitute another decision that the internal reviewer considers appropriate.

[Regulation 680 (2)]

If the reviewable decision is not varied or set aside within the 14 day period the internal decision is taken to have been confirmed. [Regulation 680 (6)]

SafeWork SA will give the applicant written notice of the decision on the internal review and reasons for the decision within 14 days of making the decision. [Regulation 681]

An application for an internal review does not affect the operation of the original reviewable decision or prevent the taking of any lawful action to implement or enforce the decision, though once the decision on internal review is made if a new decision is substituted then the new decision takes effect. [Regulation 682]

External review

If the applicant or licence holder is not satisfied with the decision on internal review, they can apply to the Senior Judge of the Industrial Relations Court of South Australia for an external review. The review will be conducted by a review committee. [Regulation 683]

FURTHER INFORMATION

For further information please contact SafeWork SA:

VISIT www.safework.sa.gov.au

CALL SafeWork SA Help Centre on **1300 365 255**

EMAIL help@safework.sa.gov.au

LEGISLATION

The *Work Health and Safety Act 2012 (SA)* and the *Work Health and Safety Regulations 2012 (SA)* can be found on the SafeWork SA website: www.safework.sa.gov.au

LIST OF JURISDICTION CONTACTS

Jurisdiction	Name of regulator	Telephone	Website
South Australia	SafeWork SA	1300 365 255	www.safework.sa.gov.au
New South Wales	WorkCover NSW	13 10 50	www.workcover.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089	www.worksafe.vic.gov.au
Queensland	Workplace Health and Safety Qld	1300 369 915	www.justice.qld.gov.au
Western Australia	WorkSafe WA	1300 307 877	www.worksafe.wa.gov.au
Australian Capital Territory	WorkSafe ACT	(02) 6207 3000	www.worksafety.act.gov.au
Tasmania	Workplace Standards TAS	1300 366 322 (inside Tasmania) (03) 62337657 (outside Tasmania)	www.wst.tas.gov.au
Commonwealth	Comcare	1300 366 979	www.comcare.gov.au
Northern Territory	NT WorkSafe	1800 019 115	www.nt.gov.au/justice/worksafe