



Victoria Government Gazette

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Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

EXEMPTION

This exemption from compliance with a provision of the Occupational Health and Safety Regulations 2017 (the OHS Regulations) is granted by the Victorian WorkCover Authority (trading as WorkSafe Victoria) under regulation 538(1) of the OHS Regulations, in the form required by regulation 545.

The following class of person is exempt from compliance with regulation 128 of the OHS Regulations, which prohibits persons from doing any high risk work unless they hold an appropriate high risk work licence in relation to the work.

Exempt class of person

Non-Australian residents employed or engaged by Dorna Sports S.L. or a MotoGP racing team to handle freight for the Australian Motorcycle Grand Prix held at Philip Island Grand Prix circuit, Back Beach Road, Philip Island, Victoria, 3922 (the international operators).

High risk work that may be performed by the exempt class of person

Operation of a forklift truck operated by a person who does not hold a high risk work licence for the licence class of forklift truck operation licence in Part 2 of Schedule 3 of the OHS Regulations.

Conditions

In accordance with regulations 543 and 544 of the OHS Regulations the following conditions are imposed in granting the exemption, which must be observed and apply to all work:

1. This exemption applies to only those persons who are non-Australian residents engaged or employed by Dorna Sports SL or a MotoGP racing team to operate fork-lift trucks at the Australian Motorcycle Grand Prix held at Philip Island Grand Prix circuit (the Grand Prix).
2. This exemption commences fourteen days before the start of the Grand Prix and expires fourteen days after the conclusion of the Grand Prix held in the years 2022, 2023 and 2024 respectively, unless earlier revoked by WorkSafe Victoria.
3. Each international fork-lift truck operator is required to provide evidence of a relevant licence or certificate of competency obtained in their home country together with a colour photograph and supporting identification.
4. A supervisor representing the AGPC, its Project Manager or a Nominated Representative, will be present all times that forklift operating activities are taking place at the Grand Prix and will ensure an initial competency assessment for skills is undertaken by each forklift operator. This exemption only applies to those forklift operators who are deemed competent after undertaking this assessment.
5. Safety requirements will be provided to the racing teams and Dorna Sports SL by the AGPC prior to the Grand Prix in a format and language they are able to understand. The operators will receive circuit specific instructions upon arrival.
6. Each international operator is required to sign a safety undertaking before being provided with the keys to operate a forklift truck.
7. This exemption shall only apply to the designated forklift operating areas in accordance with those areas specified in the AGPC's exemption application, including supporting documents, dated 17 August 2022. If the designated forklift operating areas change in 2023 and/or 2024, AGPC must provide an updated drawing to WorkSafe Victoria for its review at least 28 days prior to the start of the Grand Prix.

SPECIAL

8. Restricted areas and work zones will be established where forklift trucks are in operation using various accepted methods including but not limited to perimeter fencing, temporary barriers or cones, traffic delineation, security personnel, supervision and spotters. No forklift operations will be carried out in the forklift exclusion zone or restricted areas as set out in the AGPC's exemption application dated 17 August 2022.
9. A physical boundary must be erected to restrict unauthorised access to, and traffic egress from, the designated operating areas for forklift activities. Security personnel must be provided to enforce the secured area.
10. All personnel working in the restricted areas and zones will be required to wear appropriate personal protective equipment including high visibility clothing and protective footwear.
11. All forklifts to be operated under the terms of this exemption must undergo a safety inspection at the commencement of each day.
12. A suitably competent safety officer/observer, independent of Dorna Sports SL and the MotoGP racing teams, must be present at all times that forklift operating activities are taking place at the Grand Prix to monitor and enforce the implementation of any safety requirements and the initiation of corrective action in the event those requirements are not correctly or fully implemented.
13. WorkSafe Victoria retains the right to suspend, cancel and/or request re-assessment of any international operator should they be found to be operating a forklift in an unsafe manner or if an operator is involved in an incident or fails to adhere to any direction given by WorkSafe Victoria whilst covered by this exemption.

In accordance with regulation 543 of the OHS Regulations, the Victorian WorkCover Authority is satisfied that, provided the above conditions are met, the work that is the subject of this exemption can be performed as safely by a person who does not hold a relevant high risk work licence as it could be performed by a person who holds such a licence.

This exemption starts on and from 1 October 2022 and will remain in force for the duration of those periods set out in condition two.

NARELLE BEER
Executive Director, Health and Safety Business Unit
for and on behalf of the Victorian WorkCover Authority

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