WHS Regulatory Update Briefing

Key Issues from July–September 2026 Affecting Equipment Owners and Hire Companies

This briefing summarises recent WHS developments relevant to members of the Hire and Rental Industry Association (HRIA) and the Elevating Work Platform Association (EWPA). Across Q1, regulators released new guidance, expanded inspector workforces, and issued updates affecting the supply, maintenance and safe use of elevating work platforms (MEWPs) and other hire plant. Key themes include falls from height, mobile plant risks, operator competency, and emerging psychosocial and exposure-related hazards.

With NSW Codes of Practice now recognised as minimum performance standards under section 26A of the WHS Act—and similar expectations reflected in Queensland, Victoria and national guidance—equipment owners must ensure their plant, documentation and internal systems align with current regulatory requirements.

September also saw SafeWork NSW launch a new psychosocial advisory service for small businesses, while Safe Work Australia released the 2026 Worker Exposure Survey highlighting common physical, chemical and psychosocial hazards across Australian workplaces.

Jurisdictional updates, including Western Australia's regulatory approach to falls from height in high-risk construction work, reinforce the need for hire companies to maintain jurisdiction-specific compliance and provide clear, equipment-specific information to customers.

The following sections outline the key regulatory updates and the practical implications for HRIA and EWPA/TSHA members.

1. Legislative & Standards Changes

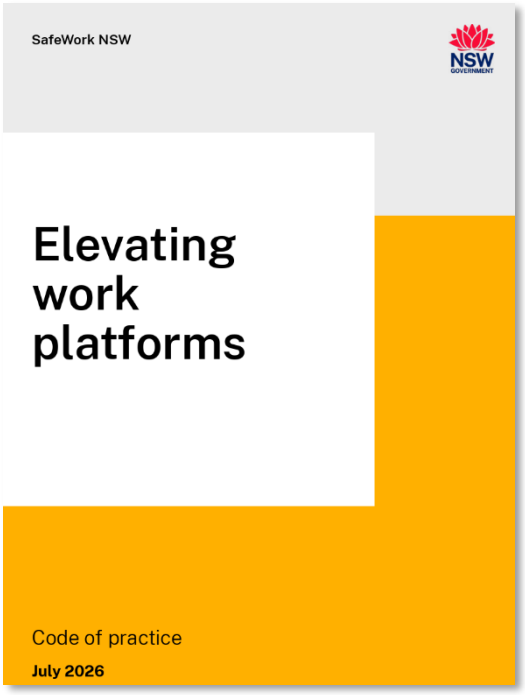
NSW Codes of Practice Now Minimum Performance Standards (s26A WHS Act)

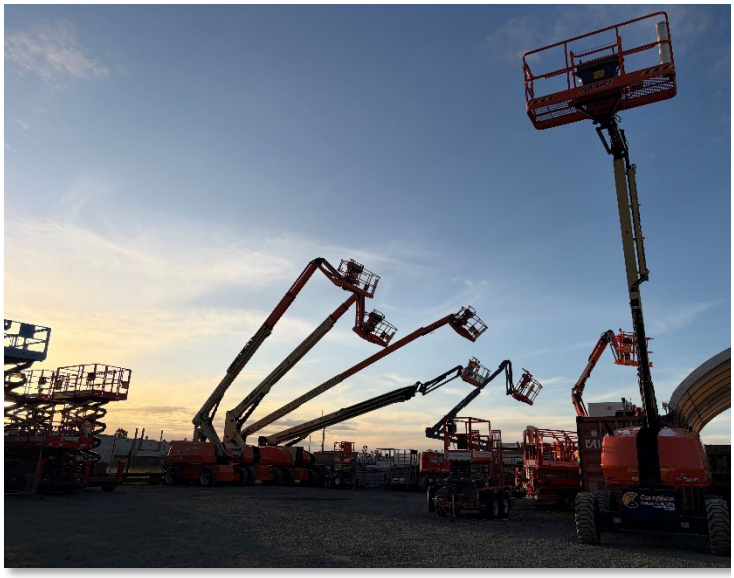
From **1 July 2026**, all NSW Codes of Practice became **minimum performance standards** under section 26A of the WHS Act 2011. PCBUs must comply with the relevant Code or demonstrate controls that achieve an equivalent or higher level of safety.

This change directly affects hire and access-equipment businesses, particularly in areas such as:

- plant selection, inspection and maintenance
- safe operation guidance provided to customers
- working-at-height and mobile-plant risk management
- traffic management and loading/unloading procedures

Reference: Codes of practice | SafeWork NSW





Updated EWPA Yellow Card Program (Aligned to New Standards)

EWPA has released a major update to the Yellow Card program aligned with:

- AS/NZS 1418.10:2025 (MEWP design)
- AS 2550.10:2025 (MEWP safe use)
- ASQA 2025 requirements
- Optional unit: RIIHAN301E – Operate Elevating Work Platform

Enhancements include clearer machine categories, expanded electrocution guidance, improved visuals, and updated training pathways.

Reference: EWPA Yellow Card Program

Queensland – Updated Codes of Practice (Commenced 1 September)

QLD updated **seven Codes of Practice** relevant to plant, construction and high-risk work. The updates ensure the Qld Codes of Practice are aligned with the national model Codes. These updates do not introduce new duties or change existing requirements for plant or MEWP operations. The reintroduction of audiometric testing requirements, which came into effect in 2025 undersection 58 of the WHS Regulation, has also been captured with the variations to the Managing noise and preventing hearing loss at work Code of Practice 2021.

Relevance: No action required beyond maintaining normal compliance with the relevant Queensland Codes of Practice.

Reference: Codes of Practice Updates | WorkSafe Qld

2. Regulator Priorities, Initiatives & Enforcement Trends

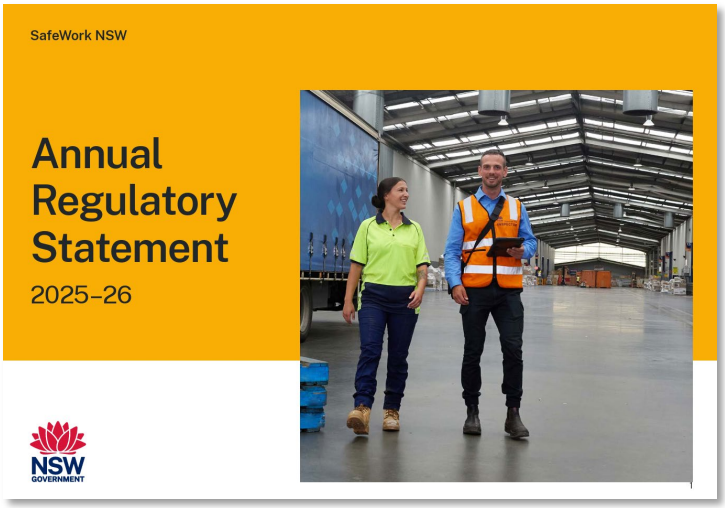
SafeWork NSW 2026–27 Priorities

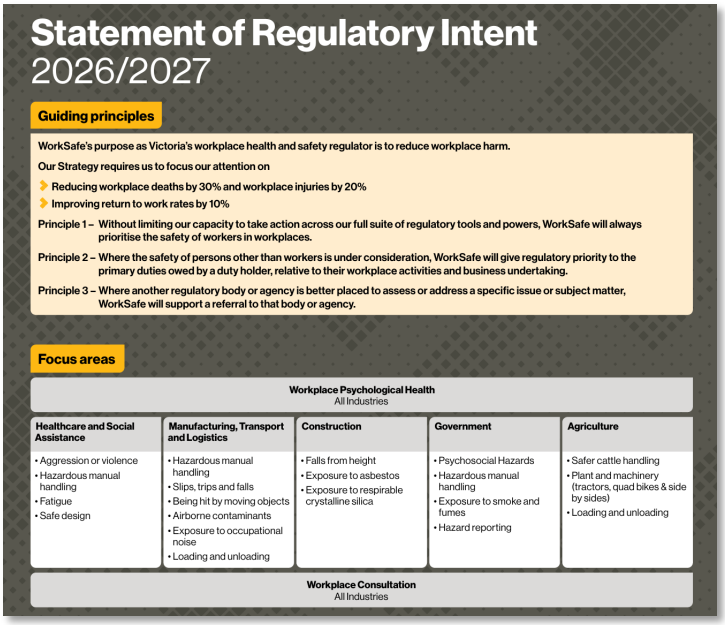
Regulator priorities continue to focus on **falls from height, mobile plant and vehicle interactions, fixed machinery, and hazardous substances**, which remain the most common sources of serious harm in NSW workplaces.

These areas remain the most common sources of serious harm in NSW workplaces and continue to feature prominently in enforcement activity.

Relevance: These priority harm areas directly overlap with risks associated with MEWPs, telehandlers, forklifts and other hire plant. NSW members should ensure plant is supplied in a safe condition, instructions and warnings are clear and equipment-specific, and hire documentation reflects current Codes of Practice and Standards. Strong internal plant-safety systems and clear responsibility splits help prevent hire companies being drawn into workplace-level duties as PCBUs respond to increased regulatory focus in these areas

Reference: Regulatory priorities | SafeWork NSW





WorkSafe Victoria – 2026–27 Regulatory Priorities

WorkSafe Victoria has released its regulatory intent for 2026–27, identifying priority harm areas across construction, manufacturing, logistics, agriculture and health**. Key focus areas include falls from height, occupational violence and aggression, hazardous manual handling, psychological health, and loading and unloading mobile plant**

Relevance: Victorian members should expect continued regulatory attention on mobile-plant risks, particularly loading and unloading practices, traffic management, and operator competency. These priorities reinforce the need for clear instructions, safe loading procedures, and documentation that aligns with current Codes of Practice and Victorian guidance.

Reference: Statement of Regulatory Intent | WorkSafe Victoria

SafeWork NSW – Significant Increase in Inspector Numbers

SafeWork NSW added **27 new inspectors** in Q1, bringing total new recruits since July 2025 to **68**.

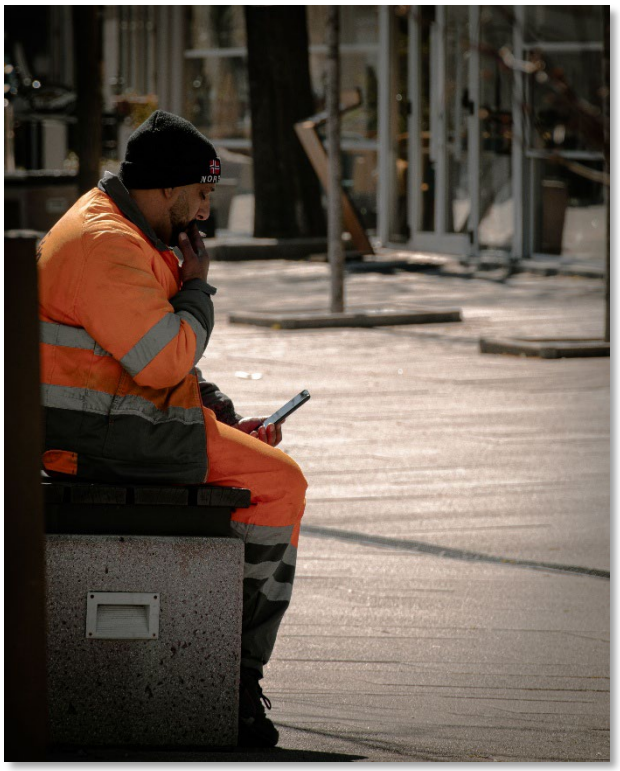
SafeWork NSW inspectors are responsible for taking targeted actions to prevent or reduce the risk of death, injury and illnesses in New South Wales workplaces, particularly against the high-hazard areas identified in SafeWork NSW's 2026-27 priorities.

These include:

- Falls from heights
- Psychosocial risks
- Hazardous substances
- Mobile plant, vehicles and fixed machinery.

Relevance: The increase in inspector numbers means a greater capacity for workplace inspections across NSW, making additional visits to hire depots and customer sites possible, especially where mobile plant risks are present.

Reference: Increased inspectors joining SafeWork NSW | NSW Government



NSW – Psychosocial Advisory Service Launched

SafeWork NSW has launched a new Psychosocial Advisory Service to help businesses manage psychosocial risks, following a rise in reported incidents. The service provides practical, one-on-one guidance to help employers understand their duties and respond early to issues such as aggression, fatigue, conflict, and work-related stress.

Relevance: Many NSW hire companies are small or medium-sized businesses and may not have dedicated HR or safety teams. The advisory service gives SMEs access to clear, practical advice and a point of contact when questions arise about managing psychosocial risks. This support helps businesses address issues early, maintain safe and healthy workplaces, and meet their WHS obligations with greater confidence

Reference: Psychosocial Advisory Service Launched | NSW Government

Western Australia – Falls From Height Regulatory Approach (Commencing 1 Oct 2026)

WorkSafe WA has released its regulatory intent and compliance approach ahead of Regulation 79 of the Work Health and Safety (General) Regulations coming into effect on 1 October 2026. Regulation 79 strengthens requirements for managing the risk of falls from height, particularly in high-risk construction work. WorkSafe WA has stated it will take a targeted, risk-based approach to compliance, focusing on whether PCBUs have identified fall hazards, implemented appropriate controls, and ensured safe systems of work are in place

Relevance:

- WA members operating MEWPs in their own workplaces must ensure fall-prevention measures comply with Reg 79 where their work meets the definition of high-risk construction work.
- WA members supplying MEWPs and other hire plant should provide clear, equipment-specific information and warnings relating to fall risks, including platform guarding, stability, wind limits, emergency controls, and correct use of fall-prevention equipment where required.
- Customers performing high-risk construction work may seek additional guidance as they adjust to Reg 79, so up-to-date information in hire documentation helps support compliance without assuming PCBU duties.

Reference: Falls from heights in high risk construction work | WA Worksafe

Safe Work Australia – Workplace Exposure Limits (WEL) Transition (Commencing December 2026)

Safe Work Australia will introduce national Workplace Exposure Limits (WELs) from **1 December 2026**, replacing existing Workplace Exposure Standards. The transition includes updated limits for airborne contaminants commonly encountered in workshops, depots and construction environments, including diesel particulate matter, respirable crystalline silica and welding fumes.

These changes align with findings from the **2026 Worker Exposure Survey**, which highlighted widespread worker exposure to diesel exhaust, welding fumes, silica, asbestos, noise, vibration, heat and UV radiation across Australian workplaces.

Relevance: Members should review exposure-control measures for diesel exhaust, welding fumes, silica and other airborne contaminants identified in the Worker Exposure Survey. Workshop ventilation, PPE, housekeeping, and exposure registers may require updating ahead of the December WEL transition.

Reference: Workplace Exposure Limits | Safe Work Australia

3. National WHS Trends

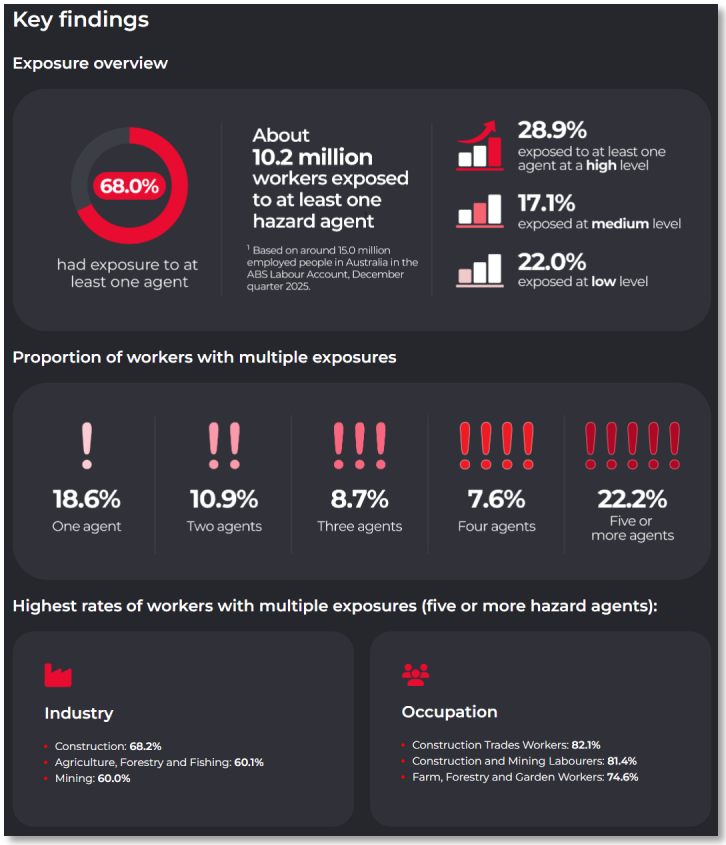
Worker Exposure Survey (22 September)

Safe Work Australia has released the findings of the **2026 Australian Worker Exposure Survey**, covering physical, chemical and psychosocial hazards across Australian workplaces. The survey highlights widespread exposure to airborne contaminants, noise, vibration, heat, UV radiation, and psychosocial pressures.

Relevance: Hire and access-equipment businesses have workers who are routinely exposed to several of the hazards identified in the survey, including:

- **Diesel exhaust** (workshops, depots, delivery vehicles, mobile plant)
- **Welding fumes** (repairs, fabrication, attachment work)
- **Silica dust** (construction sites where MEWPs are delivered or operated)
- **Asbestos** (older buildings accessed using MEWPs)
- **Noise and vibration** (workshops, mobile plant, pressure tools)
- **Heat and UV exposure** (outdoor servicing, delivery, recovery, and operator tasks)
- **Psychosocial risks** (aggression from customers, time pressure, remote work, fatigue)

These findings reinforce the need for members to maintain effective hazard-identification processes, exposure controls, PPE guidance, and clear communication with customers when plant is supplied into environments where airborne contaminants or hazardous materials may be present.



Reference:

2026 Australian Worker Exposure Survey | Safe Work Australia

Exposure Survey 2026 Insights | Safe Work Australia

Implications for HRIA & EWPA Members (Equipment Owners / Hire

1. Supply Safe, Compliant Plant (Primary Duty of Equipment Owners)

- Ensure MEWPs and other hire plant are supplied in a safe condition, maintained in accordance with manufacturer instructions and relevant standards (e.g. AS/NZS 1418.10 and AS 2550.10).
- Conduct and document pre hire inspections, servicing, and defect rectification.
- Ensure all safety features (guarding, decals, emergency lowering systems, load charts, stability information) are present and functional.
- Do not disable, bypass, or disconnect any safety systems, including Operator Protective Systems (OPS), anti entrapment devices, tilt sensors, overload protection, or emergency stop functions. These systems must remain fully operational and set according to manufacturer specifications.
- Remove any unsafe plant from service until rectified.
- With SafeWork NSW's expanded inspector workforce, inspections may increase, particularly where mobile plant risks are present.

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2. Provide Equipment Specific Information, Instruction and Warnings

- Provide clear information on exclusion zones, overhead powerline clearance requirements, rated capacity, stability, wind limits, terrain suitability, entrapment/crush risks, and emergency controls.
- Ensure hire documentation states that operators and site PCBUs must identify and check for these hazards before operating, as required under all Codes of Practice.
- Avoid any wording that implies the hire company has assessed or approved the customer's workplace conditions.
- Reinforce structural-stability warnings where MEWPs are used near prefabricated elements, consistent with recent regulator alerts.

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3. Clarify Responsibility Split in Hire Agreements

- Hire company responsibilities: supply safe plant, maintain plant, provide operating instructions, warnings, and limitations.
- Customer/PCBU responsibilities: identify workplace hazards, conduct risk assessments, prepare SWMS where required, ensure operator competency/licensing, and manage site specific controls.
- Ensure hire agreements clearly reflect this division to prevent misunderstanding of duties.
- Where members own AND operate MEWPs at their own workplace, they also assume full PCBU duties. This includes identifying hazards, implementing controls, establishing exclusion zones, managing ground conditions, ensuring safe systems of work, and supervising operators.
- Consider referencing psychosocial hazard duties in internal PCBU guidance, supported by SafeWork NSW's new advisory service for SMEs.

4. Support Operator Competency

- Encourage or require evidence of operator competency (EWPA Yellow Card, RIIHAN301E, HRW licence for boom type MEWPs ≥11 m).
- Highlight updated Yellow Card content aligned to new Standards, including electrocution hazards and powerline clearance requirements.
- Advise customers of the EWPA Verification of Competency (VoC) option as an additional pathway for validating current MEWP operator competency.
- Make clear that verifying operator competency does not constitute approval of workplace conditions.

5. Reinforce Correct Equipment Selection

- Provide guidance on selecting the appropriate type of plant or equipment for the intended task.
- Warn against unsafe substitutions or improvised alternatives (e.g., using forklift work platforms, loader buckets, or other non compliant attachments in place of purpose designed equipment).
- Provide information on equipment limitations, including terrain suitability, slope/gradient limits, environmental conditions (e.g., wind ratings), load restrictions, reach or height limits, and stability considerations.
- Make clear that final selection must consider site conditions, which the PCBU must assess as part of their workplace hazard identification and risk management duties.
- Reinforce exclusion zone and visibility requirements in line with regulator focus on mobile plant risks.

6. Strengthen Internal Plant Safety Systems

- Maintain documented inspection, servicing, and fault rectification systems, noting that the Safe Work Australia Code of Practice indicates suppliers may be asked to provide plant records for up to two years after disposal or following a notifiable incident to support regulatory investigations.
- Integrate safety alerts, updated standards, and regulatory changes into fleet management processes.
- Ensure staff understand the limits of supplier duties versus customer duties.
- WA members - Incorporate Reg 79 falls from height requirements into internal WHS reviews for members operating MEWPs in their own workplaces.
- Review exposure registers and PPE guidance in light of the Worker Exposure Survey findings and the upcoming Workplace Exposure Limit (WEL) transition in December 2026, particularly for diesel exhaust, welding fumes, silica and asbestos.

Disclaimer

The purpose of this update is to provide relevant information to hire companies regarding updates in legislation, Codes of Practice, Australian Standards and guidance from the Regulators. Please note this is a high-level summary and may not capture every range of products, services or operations within your business. Members should refer to the original source documents and obtain independent professional advice where appropriate before making business, safety, compliance and operational decisions.