

Work Health and Safety Obligations and Forklift Safety

September 2025

Key WHS Regulatory Requirements

Regulation	Requirements under the Legislation
Work Health and Safety Act 2011 (NSW) – sets out duties of persons conducting a business or undertaking	Section.19 – Primary duty of care PCBUs must ensure, so far as is reasonably practicable, the health and safety of workers and others. Forklift safety falls here.
(PCBUs) to ensure health and safety at workplaces.	Section.20 – Duties of PCBU involving management or control of workplaces Covers responsibilities where forklifts operate (layout, pedestrian safety, safe traffic routes).
Find out more at: Work Health and Safety Act 2011 No 10 - NSW Legislation	Section.21 – Duties of PCBU involving management or control of fixtures, fittings or plant PCBUs must ensure forklifts (plant) are without risks to health and safety.
ZOII IVO IO IVO VO LEGISIACIONI	Section.27 – Duty of officers Company directors/officers must exercise due diligence (ensuring forklift safety systems exist and are effective and site rules are followed).
	Section.28 – Duties of workers Workers must take reasonable care for their own health and safety and other on site (e.g. following forklift operating instructions, not misusing equipment, driving within speed limits).

Who can be a PCBU?

Companies / Corporations – the most common PCBUs (e.g. SML, SML Tenants, contracting company, trucking company).

Sole traders / Self-employed persons – if you run your own business within Sydney Markets Limited, a logistics company, you're a PCBU.

Key WHS Regulatory Requirements

Regulation	Requirements under the Legislation
Work Health and Safety Regulation 2017 (NSW) – specific regulations relating to Forklifts	Reg.32 – Duty to manage risk of falls, objects, plant, structures Requires PCBUs to manage forklift risks (loads falling, collisions).
ŭ	Reg.203 – Management of risks to health and safety
	Must identify and control risks from forklifts as plant.
	Reg.208 – Control of risk from powered mobile plant
	PCBUs must ensure powered mobile plant (forklifts) does not expose operators or others to risks. This is the core forklift rule in NSW.
	Reg.213 – Guarding Forklifts must be fitted with load backrest guards, operator protection (ROPS/FOPS where required).
	Reg.214 – Emergency stops Forklifts must have functioning emergency stop features if necessary.
	Reg.81–85 – Requirement for licence Operators must hold a current valid LF High Risk Work License to use a forklift.
	Part 5.2 – Registration of plant designs and items of plant Covers requirements if forklifts are of a type requiring design/item registration (some do, depending on attachments). If so, registered with Transport for NSW (TfNSW) and SML. When driven on a public road, the forklift must be conditionally registered with TfNSW and display plates.

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Forklift Operation Quick Guide for PCBU and Operators

Licensing

- ✓ Operators must hold and carry a valid LF High Risk Work License while operating a forklift (WHS Reg r.81–85, Sch 3)
- ✓ When driven on a public road, the forklift must be conditionally registered with TfNSW and display plates.
- ✓ Pre-Start Checks
- ✓ Complete daily pre-start inspection and record in logbook.
- ✓ Tag out & report defects immediately. (WHS Reg r.203, r.213;)

Safety Features

- ✓ Always wear your seatbelt. (WHS Reg r.208;)
- ✓ Ensure load backrest, ROPS/FOPS, warning devices work. (WHS Reg r.213;)

Load Handling

- ✓ Keep loads within capacity and below load guard. (WHS Reg r.208)
- ✓ Tilt mast back slightly, keep forks low when travelling. (SafeWork practice)
- ✓ Make sure load does not block vision.

Traffic & Speed

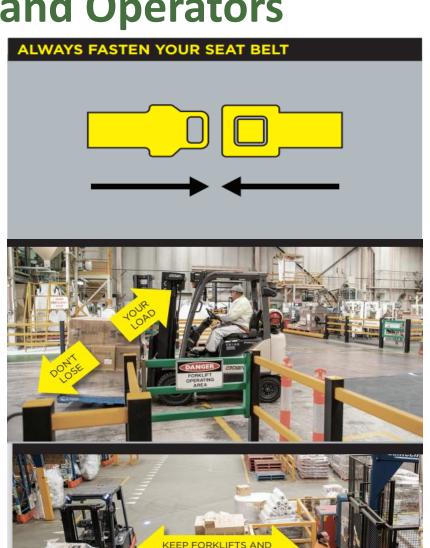
- ✓ Follow site speed limits, directional signage & traffic flow and pedestrian signage.
- ✓ Watch for blind spots

Operation

- ✓ Keep both hands on controls. (SafeWork practice) and Keep Pedestrians Separated
- ✓ Park safely: forks down, neutral, handbrake on, engine off, key out.
- ✓ Report incidents to supervisor and SML immediately. (WHS Act s.19, s.38)
- ✓ Use of spotters when visibility is restricted (SafeWork NSW)

PPE

✓ Ensure high visibility clothing is always worn.



DON'T

- ☑ Operate without a valid Licence (WHS Reg r.81–85) and Without Registration
- ☑ Use a phone, radio, headphones, or smoke while operating. (Safe Work Code of Practice)
- ☑ Carry passengers, people, or items in the cab unless approved. (Safe Work Code of Practice)
- **Speed** (racing, harsh braking, overtaking unsafely). (Safe Work Code of Practice)
- ☑ Operate under the influence of drugs or alcohol. (WHS Act s.28;)
- ☑ Ignore defects never drive a faulty forklift. (WHS Reg r.213;)

For more information visit:

Forklifts | SafeWork NSW

Forklifts Information Sheet for owners and operators