



# Work Health and Safety Obligations and Forklift Safety

September 2025

# Key WHS Regulatory Requirements

Regulation	Requirements under the Legislation
<p><b>Work Health and Safety Act 2011</b> (NSW) – sets out duties of persons conducting a business or undertaking (PCBUs) to ensure health and safety at workplaces.</p> <p>Find out more at: <a href="#"><u>Work Health and Safety Act 2011 No 10 - NSW Legislation</u></a></p>	<p><b>Section.19 – Primary duty of care</b> PCBUs must ensure, so far as is reasonably practicable, the health and safety of workers and others. Forklift safety falls here.</p> <p><b>Section.20 – Duties of PCBU involving management or control of workplaces</b> Covers responsibilities where forklifts operate (layout, pedestrian safety, safe traffic routes).</p> <p><b>Section.21 – Duties of PCBU involving management or control of fixtures, fittings or plant</b> PCBUs must ensure forklifts (plant) are without risks to health and safety.</p> <p><b>Section.27 – Duty of officers</b> Company directors/officers must exercise due diligence (ensuring forklift safety systems exist and are effective and site rules are followed).</p> <p><b>Section.28 – Duties of workers</b> 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).</p>

## 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.

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<b>Work Health and Safety Regulation 2017</b> (NSW) – specific regulations relating to Forklifts	<p><b>Reg.32 – Duty to manage risk of falls, objects, plant, structures</b> Requires PCBUs to manage forklift risks (loads falling, collisions).</p> <p><b>Reg.203 – Management of risks to health and safety</b> Must identify and control risks from forklifts as plant.</p> <p><b>Reg.208 – Control of risk from powered mobile plant</b> PCBUs must ensure powered mobile plant (forklifts) does not expose operators or others to risks. This is the <b>core forklift rule</b> in NSW.</p> <p><b>Reg.213 – Guarding</b> Forklifts must be fitted with load backrest guards, operator protection (ROPS/FOPS where required).</p> <p><b>Reg.214 – Emergency stops</b> Forklifts must have functioning emergency stop features if necessary.</p> <p><b>Reg.81–85 – Requirement for licence</b> Operators must hold a current <b>valid LF High Risk Work License</b> to use a forklift.</p> <p><b>Part 5.2 – Registration of plant designs and items of plant</b> 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.</p>

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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](#)