

Administered
Government
Parliament
Ex. Co. S:
Insertion of signatures and date of making, etc.



Legislative Services Section,
Office of Legislative Drafting, Attorney-General's
Department

Statutory Rules 1995 No. 1

98/

Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Occupational Health and Safety
(Commonwealth Employment) Act 1991*.

Dated / 1995.

11 May /

h BILL HAYDEN /
Governor-General

By His Excellency's Command,

h

CARY JOHNS /

Assistant Minister for Industrial Relations

1. Commencement

1.1 These Regulations commence on 30 September 1995.

2 *Occupational Health and Safety (Commonwealth Employment)
(National Standards) 1995 No.*

2. Amendment

2.1 The Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations are amended as set out in these Regulations.

3. Part 5 (Manual Handling)

3.1 Omit “[*There are as yet no provisions in this Part*]”, substitute:

“Division 1—Introduction

Object of Part 5

“5.01. The object of this Part is:

- (a) to prevent the occurrence of injury, and reduce the severity of injuries, resulting from manual handling tasks; and
- (b) to require employers to identify, assess and control risks relating to manual handling tasks.

NOTE

The regulations in this Part should be read with:

- (a) the *Approved Code of Practice for Manual Handling* as in force on 30 September 1995; and
- (b) the *Approved Code of Practice for the Prevention of Occupational Overuse Syndrome* as in force on 30 September 1995.

“Division 2—Duties of an employer

Duties of an employer—general

[Employees and other persons at a workplace]

- “5.02. (1) An employer that controls a workplace must ensure, as far as reasonably practicable, that:
- (a) the plant and the containers used at the workplace are designed, constructed and maintained to be without risk to health and safety when manually handled; and
 - (b) the work systems involving manual handling carried out at the workplace are designed to be without risk to health and safety for the purposes of manual handling; and
 - (c) the working environment of the workplace is designed to allow the safe performance of manual handling tasks.

Penalty: 10 penalty units.

NOTES

Subregulation 5.02 (1) addresses an employer’s duties in relation to employees, contractors and other persons at a “workplace” within the meaning of subsection 5 (1) of the Act. Subregulation 5.02 (2) addresses an employer’s duties relating to employees who are “at work” within the meaning of subsection 5 (3) of the Act.

“Plant” is defined in subsection 5 (1) of the Act to include any machinery, equipment or tool, and any component thereof.

[Employees at work]

- “(2) An employer under whose control an employee performs work must ensure, as far as reasonably practicable, that:
- (a) the plant and the containers used by the employee are designed, constructed and maintained to be without risk to health and safety when manually handled; and
 - (b) the work systems involving manual handling carried out by the employee are designed to be without risk to health and safety for the purposes of manual handling; and
 - (c) the working environment of a place at which the employee performs work is designed to allow the safe performance of manual handling tasks.

Penalty: 10 penalty units.

Duties of an employer—risk assessment

- “5.03. (1) An employer must ensure that:
- (a) a manual handling task that is likely to be a risk to health and safety is examined; and
 - (b) the risk is assessed in accordance with subregulation (2).

Penalty: 10 penalty units.

- “(2) The employer must take into account as many of the following matters as are relevant in assessing a risk:
- (a) the actions and movements involved in the task;
 - (b) the layout of:
 - (i) the workplace at which the task is carried out; or
 - (ii) the place, other than a workplace, at which the task is carried out;
 - (c) the layout of the workstation at which the task is carried out;
 - (d) the posture and position that must be taken by each individual involved in carrying out the task;
 - (e) the duration of the task;
 - (f) the frequency with which the task is carried out;

- (g) the location of each load involved in the task;
- (h) the distance that a load is moved as part of the task;
- (i) the weight involved in the task;
- (j) the force required to carry out the task;
- (k) the characteristics of each load involved in the task;
- (l) the characteristics of any plant that is used in the course of carrying out the task;
- (m) the organisation of work at:
 - (i) the workplace at which the task is carried out; or
 - (ii) the place, other than a workplace, at which the task is carried out;
- (n) the work environment of:
 - (i) the workplace at which the task is carried out; or
 - (ii) the place, other than a workplace, at which the task is carried out;
- (o) the skills and experience of each individual involved in carrying out the task;
- (p) the age of each individual involved in carrying out the task;
- (q) the clothing worn by each individual involved in carrying out the task;
- (r) the special needs of each individual involved in carrying out the task;
- (s) any other matter that is considered relevant following consultations required under the Act or these Regulations.

Penalty: 10 penalty units.

Duties of an employer—risk control

- “5.04. (1) An employer must ensure, as far as reasonably practicable, that all risks to health and safety relating to carrying out a manual handling task are controlled in accordance with this regulation.

Penalty: 10 penalty units.

6 *Occupational Health and Safety (Commonwealth Employment)*
(National Standards) 1995 No.

- “(2) The employer must:
- (a) subject to subregulation (4)—redesign the task:
 - (i) to eliminate or minimise the risk associated with each risk factor assessed under regulation 5.03; or
 - (ii) if it is not practicable to eliminate or minimise an assessed risk factor—to control the risk factor; and
 - (b) provide appropriate training to employees involved in carrying out the task, including training in safe manual handling techniques.

Penalty: 10 penalty units.

- “(3) If the redesign of a task is reasonably practicable, but cannot be implemented within a reasonable time after a risk is identified, the employer must, as soon as practicable after identifying the risk, and until the task has been redesigned:
- (a) implement as many of the following measures as are appropriate to control the risk factors:
 - (i) the provision of mechanical aids to manual handling;
 - (ii) the provision of personal protective equipment; and
 - (iii) manual handling by team lifting; and
 - (b) provide appropriate training to employees to give effect to each measure implemented under paragraph (a).

Penalty: 10 penalty units.

- “(4) If it is not reasonably practicable for an employer to redesign a task, the employer must undertake the actions referred to in paragraphs (3) (a) and (b).

Penalty: 10 penalty units.

“Division 3—Duties of an employee

Duties of an employee—use of training

- “5.05. (1) An employee who has been given training in safe manual handling techniques in accordance with paragraph 5.04 (2) (b) must, as far as reasonably practicable, carry out manual handling tasks in accordance with the training.

Penalty: 10 penalty units.

- “(2) An employee who has been given training to give effect to a measure implemented under subregulation 5.04 (3) or (4) must, as far as reasonably practicable, carry out manual handling tasks in accordance with the training.

Penalty: 10 penalty units.

4. Regulation 10.01 (Interpretation)

4.1 Insert the following definitions:

“ ‘manual handling’ means an activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any person, animal or thing;

‘risk control’ means the process of managing the elimination or minimisation of a risk to health and safety;”.

8 *Occupational Health and Safety (Commonwealth Employment)*
(National Standards) 1995 No.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on ^h 1995.
2. Statutory Rules 1994 No. 414 as amended by 1995 No. 53.

18 May/