

# **Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations (Amendment) 1995 No. 98**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1995 No. 98**

Issued by, the Authority of the Assistant Minister for Industrial Relations

Occupational Health and Safety (Commonwealth Employment) Act 1991

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

The Occupational Health and Safety (Commonwealth Employment) Act 1991 (the Act) provides for the health and safety of Commonwealth employees and others at work and establishes a framework within which Commonwealth employers, employees and involved unions, may co-operate to address health and safety issues. Pursuant to subsection 82(1) the Governor-General may make regulations for the purpose of the Act.

Subsection 23(1) of the Act provides that the regulations may make provisions relating to any matter affecting, or likely to affect the occupational health and safety of employees or contractors.

Under agreement with the States and Territories, it is proposed to establish regulatory occupational health and safety schemes which are standard across the Commonwealth and the States and Territories.

The regulatory schemes to be adopted are based on national standards and codes of practice developed by the National Occupational Health and Safety Commission (the Commission). Subsection 38(1) of the National Occupational Health and Safety Commission Act 1985 (the NOHSC Act) provides that the Commission may declare national standards and codes of practice relating to occupational health and safety matters.

Subsection 38(2) of the NOHSC Act provides in part that, except as otherwise provided by a law other than that Act, a national standard or code of practice is of advisory character.

In December 1994 the National Occupational Health and Safety (Commonwealth Employees) (National Standards) Regulations (the Regulations) were made. The Regulations comprised the first in a series of packages of regulations being developed from the national standards, with parts covering Competency Requirements and Certification Standards for Users and Operators of Industrial Equipment, and Occupational Noise.

These amending Regulations provide for the next part of the national standards and codes on a legislative basis, by inserting the Manual Handling provisions as Part 5 of the Regulations, to ensure that employers identify, assess and control risks relating to manual handling tasks to prevent the occurrence of injury, and reduce the severity of injuries, resulting from manual handling tasks.

Details of the amending Regulations are attached.

The amending Regulations commence on 30 September 1995.

## **ATTACHMENT**

### **Details of the Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations (Amendment)**

## **COMMENCEMENT**

*Subregulation 1.1* provides that the regulations are to commence on 30 September 1995.

## **AMENDMENT**

*Subregulation 2.1* provides that the Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations (the Regulations) be amended as set out in these regulations.

## **PART 5 (Manual Handling)**

*Subregulation 3.1* inserts a new Part 5 into the Regulations, dealing with manual handling:

### **Division 1 - Introduction**

*New subregulation 5.01* defines the object of Part 5, being to prevent the occurrence of injury, and reduce the severity of injuries, resulting from manual handling tasks, and to require employers to identify, assess and control risks relating to manual handling tasks.

### **Division 2 - Duties of Employers**

*New subregulation 5.02* prescribes the duties of employers in relation to the design of plant, containers, workplaces, work systems and working environment.

Penalties are prescribed for contraventions of the new subregulation 5.02.

*New subregulation 5.03* prescribes the duties of employers in relation to risk assessment.

Penalties are prescribed for contraventions of the new subregulation 5.03.

*New subregulation 5.04* prescribes the duties of employers in relation to risk control.

Penalties are prescribed for contraventions of the new subregulation 5.04.

### **Division 3 - Duties of Employees**

*New subregulation 5.05* prescribes the duties of employees in relation to the use of training.

Penalties are prescribed for contraventions of the new subregulation 5.05.

## **PART 10**

*Subregulation 4.1* amends subregulation 10.1 of the Regulations to include the definition of a number of words and terms used commonly in Part 5 of the Regulations.

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#### **Division 2 - Duties of Employers**

*New subregulation 5.02* prescribes the duties of employers in relation to the design of plant containers, workplaces, work systems and working environment.

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Penalties are prescribed for contraventions of the new subregulation 5.03.

*New subregulation 5.04* prescribes the duties of employers in relation to risk control.

Penalties are prescribed for contraventions of the new subregulation 5.04.

#### **Division 3 - Duties of Employees**

*New subregulation 5.05* prescribes the duties of employees in relation to the use of training.

Penalties are prescribed for contraventions of the new subregulation 5.05.

### **PART 10**

*Subregulation 4.1* amends subregulation 10.1 of the Regulations to include the definition of a number of words and terms used commonly in Part 5 of the Regulations.