

EXPLANATORY STATEMENT

Issued by authority of the
Minister for Employment and Workplace Relations

Occupational Health and Safety (Maritime Industry) Act 1993
Subsection 109(1)

Approved Code of Practice for Manual Handling (Maritime Industry)

The purpose of the instrument to which this Explanatory Statement relates is to bring into operation the *Approved Code of Practice for Manual Handling (Maritime Industry)* (“the *Code*”), which was prepared by the Seafarers Safety, Rehabilitation and Compensation Authority (“the Authority”).

The *Code* will take effect the day after it is registered.

Section 109 of the *Occupational Health and Safety (Maritime Industry) Act 1993* (“the Act”) provides that the Minister for Employment and Workplace Relations may approve codes of practice prepared by the Authority or any other body, and may amend or revoke any code of practice so approved under that section.

A code of practice approved by the Minister under the Act is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

An approved code of practice:

- (a) provides practical guidance to persons with a duty of care under the Act and associated regulations;
- (b) should be followed unless there is another means of achieving the same or better standard of health and safety; and
- (c) is admissible as evidence in proceedings under the Act and associated regulations.

In 1990, the National Occupational Health and Safety Commission (NOHSC) [now the Australian Safety and Compensation Council (ASCC)] declared the *National Standard for Manual Handling* [NOHSC:1001 (1990)] (*national standard*) and the *National Code of Practiced for Manual Handling* [NOHSC:2005 (1990)] (*national code*).

The objectives of the *national standard* are to prevent the occurrence of injury and/or reduce the severity of injuries resulting from manual handling tasks and to require employers to identify, assess and control risks arising from manual handling activities in workplaces. The *national code* provides practical advice in meeting the

requirements of the national standard for the identification, assessment and control of risks arising from manual handling activity in workplaces.

The Seacare Authority consulted the Australian Maritime Industry on the adoption of the *national standard* and the *national code*. There was broad agreement to their adoption, subject to a number of enhancements / additions to reflect maritime industry conditions.

The Office of Regulation Review has advised that a Regulation Impact Statement (RIS) was not mandatory as a RIS was prepared for the development of the *national standard* and the *national code* and the amendments required to accommodate the unique nature of the maritime industry are minor in nature.

In accordance with the Council of Australian Governments' *Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard-Setting Bodies* it is not necessary to duplicate the RIS prepared by NOHSC.

In accordance with subsection 109(7), a copy of the approved code of practice will be held in the offices of the Australian Maritime Safety Authority (AMSA), the *Inspectorate* under the Act, for examination on request.