



Australian Capital Territory

# **Occupational Health and Safety Regulations 1991**

**SL1991-10**

made under the

**Occupational Health and Safety Act 1989**

**Republication No 6**

**Effective: 5 April 2004 – 4 August 2004**

Republication date: 5 April 2004

Last amendment made by A2004-7

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Occupational Health and Safety Regulations 1991*, made under the *Occupational Health and Safety Act 1989* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 5 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Occupational Health and Safety Regulations 1991

made under the

**Occupational Health and Safety Act 1989**

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R6  
05/04/04

Occupational Health and Safety Regulations 1991  
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Australian Capital Territory

# Occupational Health and Safety Regulations 1991

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**Occupational Health and Safety Act 1989**

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## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Occupational Health and Safety Regulations 1991*.

### 2 Definitions for regulations

In these regulations:

*Note:* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***Australian Standard 1885.1*** means Australian Standard 1885, being that standard as approved 20 March 1990 and published 11 June 1990 entitled ‘Workplace injury and disease recording standard’.

***boiler*** means a closed vessel in which steam can be generated or water or other liquid can be heated at a pressure greater than that of the atmosphere, and includes any plant, apparatus or appliance fitted to, or used in connection with the raising of pressure in, such a vessel.

***pressure vessel*** means a closed vessel which is subjected to pressure (including a pressure due to a static head) by liquids, vapours, air or other gases, and includes any plant, apparatus or appliance fitted to, or used in connection with the raising of pressure in, such a vessel, but does not include—

- (a) a boiler; or
- (b) a vessel attached to or forming part of a domestic water supply which contains either only cold water under pressure or air the compression of which serves only as a cushion; or

- (c) a vessel containing a liquid only at a temperature not exceeding 99°C where the pressure is due solely to the height of a column of liquid above the vessel.

***training program*** means a training program approved under regulation 3.

## Part 1A Dangerous occurrences

### 2A Matters that are a dangerous occurrence—Act, s 5 (1), def *dangerous occurrence*

- (1) Each of the following is declared to be a dangerous occurrence:
  - (a) damage to a boiler, pressure vessel, plant, equipment or other thing that endangers or is likely to endanger the health or safety of people at a workplace;
  - (b) damage to, or failure of, a load-bearing member or control device of a crane, hoist, conveyor, lift, escalator, moving walk, plant, scaffolding, gear, amusement device or public stand;
  - (c) an uncontrolled fire, explosion, or escape of gas, a dangerous substance or steam;
  - (d) another occurrence involving imminent risk of—
    - (i) fire, explosion, or an escape of gas, a dangerous substance or steam; or
    - (ii) death of, or serious personal injury to, anyone; or
    - (iii) substantial damage to property.
- (2) In this regulation:

*dangerous substance*—see the *Dangerous Substances Act 2004*, section 10.



## Part 2 Training programs

### 3 Approval of training programs

- (1) The council may approve a training program for the purposes of the Act, section 45 (1) (ea) or 50 (4).
- (2) Where the council approves a training program under subregulation (1), it shall cause to be published in a daily newspaper published and circulating in the Territory a notice of its approval of the program that specifies the provision of the Act for the purposes of which the program has been approved.

### 4 Payment of training fees and expenses

Where—

- (a) a health and safety representative undertakes a training program under the Act, section 45 (1) (ea); or
- (b) a deputy health and safety representative undertakes a training program under the Act, section 50 (4);

the employer of that person shall—

- (c) pay the fees for the person to undertake the program; and
- (d) reimburse the person for the expenses reasonably incurred by him or her in undertaking the program.

## **Part 3 Injury and dangerous occurrence reporting and recording requirements**

### **5 Prescribed period**

For the purposes of the Act, section 85, the prescribed period is 7 days.

### **6 Method of reporting**

- (1) Notice under the Act, section 85 may be given in writing or by telephone, fax machine or other electronic means.

*Note* If a form is approved under the Act, s 96B (Approved forms) for the notice, the form must be used.

- (2) An employer shall give notice under the Act, section 85 to the commissioner as soon as practicable and in any event within 7 days.
- (3) Where the commissioner receives notice other than in writing he or she shall forward—
  - (a) a copy of the information received; or
  - (b) an acknowledgment of receipt of the notice;to the employer.

### **7 Necessity of reporting**

Where an employer notifies the commissioner of an injury or dangerous occurrence pursuant to the Act, section 85, the employer is not required to report the same event under an associated law.

**8 Retention of records etc**

- (1) Where an employer gives written notice of a death, an injury or a dangerous occurrence in accordance with section 85, the employer shall retain a copy of the notice for a period of 5 years after the notice is given.
- (2) Where the employer gives notice of a death, an injury or a dangerous occurrence in a manner other than in writing and the commissioner provides the employer with—
  - (a) a copy of the information received; or
  - (b) an acknowledgment of receipt of the notice;the employer shall keep the copy or the acknowledgment for a period of 5 years after the notice is given.

**9 Form of records**

- (1) Records required under the Act, section 86 shall be kept in a form approved, in writing, by the commissioner.
- (2) Records kept under subregulation (1) shall be retained for a period of 5 years after the date on which notice was given in accordance with the Act, section 85.
- (3) An approval under subregulation (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**10 Records of absence**

- (1) Where an employer is aware of the occurrence of an event which would have been reported pursuant to section 85 if the prescribed period under that section was 1 day the employer shall record details of the event.

**Part 3** Injury and dangerous occurrence reporting and recording requirements

Regulation 10

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- (2) Records pursuant to subsection (1) shall be kept in accordance with Australian Standard 1885.1.

Maximum penalty: 10 penalty units.

## Part 3A Infringement notices

### 10A Infringement notice offences and penalties

- (1) An offence against the Act that is described in an item of schedule 1 and is a contravention of the provision of the Act mentioned in the item is an offence to which the Act, part 5A applies (an *infringement notice offence*).
- (2) The penalty payable by an individual under an infringement notice for an infringement notice offence is the amount mentioned in the item of the schedule applying to the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence is \$34.

### 10B Administering authority

The administering authority for every infringement notice offence is the commissioner.

### 10C Authorised persons for infringement notices

An authorised officer may serve an infringement notice for any infringement notice offence.

### 10D Authorised person for reminder notices

An authorised officer may serve a reminder notice for any infringement notice offence.

### 10E Persons authorised for infringement notices etc to have unique number

The administering authority for an infringement notice offence must give a unique number to each person who is authorised by the

**Part 3A** Infringement notice offences and penalties

Regulation 10F

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administering authority to serve infringement or reminder notices for the offence.

**10F Identifying particulars—authorised persons**

For the Act, section 75D (1) (g) (Contents of infringement notices) of the Act, an infringement notice must identify the authorised person using the number given to the person by the administering authority under regulation 10E.

## Schedule 1      Offences and penalties

(see reg 10A)

<b>column 1 item</b>	<b>column 2 provision contravened</b>	<b>column 3 on-the-spot fine \$</b>
1	27	1 000
2	28	1 000
3	29	1 000
4	30	1 000
5	31	1 000
6	32 (1)	1 000
7	32 (2)	1 000
8	33 (1)	1 000
9	34	1 000
10	37 (3)	100
11	38 (7)	100
12	40 (7)	100
13	41 (6)	100
14	42 (2)	100
15	45 (1)	200
16	45 (2)	200
17	45 (3)	100
18	51 (8)	100
19	52	100
20	53	400

**Schedule 1**      Offences and penalties

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<b>column 1 item</b>	<b>column 2 provision contravened</b>	<b>column 3 on-the-spot fine \$</b>
21	59 (1)	100
22	59 (4)	100
23	71	100
24	76 (5)	100
25	77 (4)	100
26	78 (5)	100
27	79	400
28	86	100

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Occupational Health and Safety Regulations 1991 No 10**

notified 6 May 1991  
commenced 6 May 1991

as amended by

#### **Occupational Health and Safety Regulations (Amendment) 1991 No 13**

notified 28 June 1991  
commenced 1 July 1998

#### **Regulations Revision (Penalties) Regulations 1996 No 8**

notified 6 June 1996  
commenced 6 June 1996

#### **Occupational Health and Safety Regulations Amendment 1999 No 21**

notified 30 September 1999  
commenced 30 September 1999

#### **Occupational Health and Safety (Amendment) Act (No 2) 1999 No 82**

notified 23 December 1999  
s 1, s 2 commenced 23 December 1999  
remainder commenced 23 June 2000

#### **Statute Law Amendment Act 2001 No 11**

notified 29 March 2001  
commenced 29 March 2001

#### **Occupational Health and Safety Amendment Act 2001 No 21 pt 3**

notified 19 April 2001  
s 1, s 2 commenced 19 April 2001 (IA s 10B)  
pt 3 commenced 19 October 2001 (s 2 and s 79)

#### **Dangerous Goods Regulations Amendment 2001 No 14**

notified 23 May 2001  
commenced 23 May 2001 (reg 1)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 265**

notified 26 July 2001

s 1, s 2 commenced 26 July 2001 (IA s 10B)

remainder 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Dangerous Substances Act 2004 A2004-7 sch 1 pt 1.6**

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

sch 1 pt 1.6 commenced 5 April 2004 (s 2 and CN2004-6)

**4 Amendment history****Preliminary**

pt 1 hdg ins 1991 No 13

**Name of regulations**

reg 1 sub 1999 No 21 reg 3

**Definitions for regulations**reg 2 am 1991 No 13; 1999 No 21 reg 4; Act 2001 No 11 amds  
3.191-3.193; 2001 No 14 reg 33, reg 34; Act 2001 No 44  
amdt 1.3036, amdt 1.3037; A2004-7 amdt 1.8**Meaning of explosives**reg 2AA ins 1999 No 21 reg 5  
am Act 2001 No 11 amds 3.194-3.196  
om A2004-7 amdt 1.9**Dangerous occurrences**

pt 1A hdg ins 1999 No 21 reg 6

**Matters that are a dangerous occurrence**reg 2A ins 1991 No 13  
sub A2004-7 amdt 1.10**Training programs**

pt 2 hdg ins 1991 No 13

**Injury and dangerous occurrence reporting and recording requirements**

pt 3 hdg ins 1991 No 13

**Prescribed period**

reg 5 ins 1991 No 13

**Method of reporting**reg 6 ins 1991 No 13  
am Act 1999 No 82 s 16 sch pt 3; Act 2001 No 44  
amds 1.3038-1.3040

## Endnotes

### 4 Amendment history

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#### **Necessity of reporting**

reg 7 ins 1991 No 13

#### **Retention of records etc**

reg 8 ins 1991 No 13  
am Act 1999 No 82 s 16 sch pt 3

#### **Form of records**

reg 9 ins 1991 No 13  
am Act 1999 No 82 s 16 sch pt 3; Act 2001 No 44 amdt 1.3041

#### **Records of absence**

reg 10 ins 1991 No 13  
am 1996 No 8

#### **Infringement notices**

pt 3A ins Act 2001 No 21 s 12

#### **Infringement notice offences and penalties**

reg 10A ins Act 2001 No 21 s 12

#### **Administering authority**

reg 10B ins Act 2001 No 21 s 12

#### **Authorised persons for infringement notices**

reg 10C ins Act 2001 No 21 s 12

#### **Authorised person for reminder notices**

reg 10D ins Act 2001 No 21 s 12

#### **Persons authorised for infringement notices etc to have unique number**

reg 10E ins Act 2001 No 21 s 12

#### **Identifying particulars—authorised persons**

reg 10F ins Act 2001 No 21 s 12

#### **Use of explosives**

pt 4 hdg ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

#### **Permit to use explosives**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R4 LA  
om A2004-7 amdt 1.11

#### **Use of explosives at workplaces**

reg 11 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

#### **Use of explosives—obligations of employer and occupier**

reg 12 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

**Application for a permit**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R4 LA  
om A2004-7 amdt 1.11

**Application for a permit to use explosives**

reg 13 ins 1999 No 21 reg 7  
am Act 2001 No 44 amdt 1.3042  
om A2004-7 amdt 1.11

**Requirements of a blast plan**

reg 14 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

**Eligibility for a permit**

reg 15 ins 1999 No 21 reg 7  
am Act 2001 No 11 amdt 3.197  
om A2004-7 amdt 1.11

**Permit to use explosives**

reg 16 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

**Variation of a permit**

reg 17 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

**Statutory conditions of a permit**

reg 18 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

**Registrar may require further information etc**

reg 19 ins 1999 No 21 reg 7  
am Act 2001 No 44 amdt 1.3043, amdt 1.3044  
om A2004-7 amdt 1.11

**Provision of false or misleading information to registrar**

reg 20 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

**Suspension or revocation of a permit**

reg 21 ins 1999 No 21 reg 7  
am Act 2001 No 11 amdt 3.198; Act 2001 No 44 amdt 1.3045,  
amdt 1.3046  
om A2004-7 amdt 1.11

**Review of registrar's decisions**

reg 22 ins 1999 No 21 reg 7  
om A2004-7 amdt 1.11

**Offences and penalties**

sch 1 ins Act 2001 No 21 s 13

## Endnotes

5 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1991 No 13	1 July 1991
2	SL 1996 No 8	30 November 1996
3	Act 1999 No 82	23 October 2000
4	Act 2001 No 44	12 September 2001
5	A2001-44	19 October 2001

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