



Australian Capital Territory

# **Occupational Health and Safety (Manual Handling) Regulations**

**Subordinate Law No. 32 of 1997<sup>1</sup>**

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The Australian Capital Territory Executive makes the following Regulations under the *Occupational Health and Safety Act 1989*.

Dated 28 October 1997.

TREVOR KAINÉ  
Minister

GARY HUMPHRIES  
Minister

### **Citation**

1. These Regulations may be cited as the Occupational Health and Safety (Manual Handling) Regulations.

### **Commencement**

2. (1) Regulation 1 and this regulation commence on the day on which these Regulations are notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subregulation (2) has not commenced before the end of the period of 6 months commencing on the day on which these Regulations are notified in the *Gazette*, that provision, by force of this regulation, commences on the first day after the end of that period.

### **Interpretation**

3. In these Regulations, unless the contrary intention appears—

“manual handling” means any activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any animate or inanimate object;

“person in control” means a person referred to in section 29 of the Act;

“representative on health and safety issues”, in relation to an employee, means—

- (a) where there is a health and safety representative selected under section 40 of the Act for a designated work group that includes the employee—the health and safety representative;
- (b) where there is no health and safety representative, but there is an involved union—a representative of an involved union; or
- (c) where there is no health and safety representative and no involved union, and more than 1 employee is required to carry out the manual handling task—an employee nominated by the employees required to carry out the manual handling task;

“the Act” means the *Occupational Health and Safety Act 1989*.

### **Object of Regulations**

4. The object of these Regulations is to ensure that employers and persons in control take all reasonably practicable steps that are available to them to ensure—

- (a) that plant, equipment and containers that may be manually handled are safe when manually handled;
- (b) that work practices involving manual handling are designed to be safe; and
- (c) that the working environment is designed to be consistent with safe manual handling activities.

### **Risk assessment**

5. (1) Where a manual handling task is likely to be a risk to health and safety an employer and a person in control shall ensure that it is examined and assessed.

(2) Subregulation (1) applies to a person in control in so far as his or her control extends to the carrying out of the task that is likely to be a risk.

(3) An examination and assessment under this regulation shall take into account the following:

- (a) the actions and movements involved in manual handling;
- (b) the workplace and work station layout;
- (c) the postures and positions that must be taken by each person involved in the manual handling;
- (d) the duration and frequency of the manual handling;
- (e) the location of the loads and the distances that they must be moved;
- (f) the weights and forces involved;
- (g) the characteristics of the loads and of any equipment that is used in the manual handling task;
- (h) the organisation of work at the workplace;
- (i) the work environment;
- (j) the skill, experience and personal characteristics of each person who carries out the manual handling;
- (k) the clothing that is to be worn during the manual handling;

- (l) any other factor identified by the employer, an employee or a representative on health and safety issues as being relevant.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

### **Risk control**

**6. (1)** If a manual handling task is assessed as being a risk to health and safety, the employer and person in control shall take such steps in accordance with this regulation as are reasonably practicable to minimise the risk.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

**(2)** For the purposes of subregulation (1) the employer or person in control shall—

- (a) redesign the manual handling task to eliminate or minimise the risk; and
- (b) ensure that each employee involved in the manual handling task receives appropriate training (including training in safe manual handling techniques) and supervision.

**(3)** Where redesign of the manual handling task is not reasonably practicable, the employer or person in control shall—

- (a) take 1 or more of the following measures as is appropriate:
  - (i) provide mechanical aids;
  - (ii) arrange for an appropriately trained person or group of people, as required, to undertake the manual handling;
  - (iii) provide personal protective equipment; and
- (b) ensure that each employee receives appropriate training and supervision in the correct use or application of any mechanical aids, manual handling procedures or personal protective equipment provided or arranged for under paragraph (a).

**(4)** Where redesign of a manual handling task is reasonably practicable, but cannot be implemented immediately, the employer or person in control shall, for the purposes of subregulation (1), comply with

subregulation (3) until such time as he or she is in a position to comply with subregulation (2).

- (5) An employee shall not, without reasonable excuse, fail to—
  - (a) apply any training provided for the purposes of this regulation; or
  - (b) comply with any lawful instruction given by a person supervising a manual handling task.

### **Consultation**

7. (1) An employer and person in control shall, in complying with regulation 5 or 6, take reasonable steps to consult with—

- (a) the employees who are required to carry out a manual handling task that is, or is to be, examined or the risk of which is to be minimised; and
- (b) a representative on health and safety issues.

(2) For the purposes of this regulation, consultation involves the sharing of information and the exchange of views between the employer or person in control, as the case requires, (including a representative of the employer or such a person) and the persons who must be consulted and includes the genuine opportunity for those persons to contribute effectively to any decision-making process aimed at eliminating or minimising manual handling risks.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

### **NOTES**

#### **Notification**

1. Notified in the ACT Gazette on 5 November 1997.

#### **Penalty units**

See section 33AA of the *Interpretation Act 1967* and section 9 of the *Subordinate Laws Act 1989*.