



Australian Capital Territory

Occupational Health and Safety (Manual Handling) Regulations 1997 No 32

made under the

Occupational Health and Safety Act 1989

Republication No 1

Republication date: 30 November 2001

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Occupational Health and Safety (Manual Handling) Regulations 1997*, made under the *Occupational Health and Safety Act 1989* as in force on 30 November 2001. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

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):

- 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 includes 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—

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

Amendments incorporated to
12 September 2001



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Australian Capital Territory

Occupational Health and Safety (Manual Handling) Regulations 1997

made under the

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1 Citation

These regulations may be cited as the *Occupational Health and Safety (Manual Handling) Regulations 1997*.

3 Interpretation

In these regulations:

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

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 the Act, section 29.

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

- (a) where there is a health and safety representative selected under the Act, section 40 for a designated work group that includes the employee—the health and safety representative; or
- (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*.

4 Object of regulations

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; and
- (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.

5 Risk assessment

- (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 workstation 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.

Maximum penalty: 10 penalty units.

6 Risk control

- (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.

Maximum penalty: 10 penalty units.

- (2) For 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 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 this regulation; or
 - (b) comply with any lawful instruction given by a person supervising a manual handling task.

7 Consultation

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

Maximum penalty: 10 penalty units.

Endnotes

1 About the endnotes

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 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 endnotes.

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

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

3 Legislation history

These regulations were originally the *Occupational Health and Safety (Manual Handling) Regulations*. They were renamed under the *Legislation Act 2001* as the *Occupational Health and Safety (Manual Handling) Regulations 1997*.

Occupational Health and Safety (Manual Handling) Regulations SL 1997 No 32

notified 5 November 1997

reg 1, reg 2 commenced 5 November 1997 (reg 2 (1))

remainder commenced 5 May 1998 (reg 2 (3))

as amended by

Legislation (Consequential Amendments) Act 2001 No 44 pt 267

notified 26 July 2001 (Gaz 2001 No 30)

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

pt 267 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

4 Amendment history

Citation

reg 1 om R1 LA

Commencement

reg 2 om Act 2001 No 44 amdt 1.3053

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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