



Australian Capital Territory

Occupational Health and Safety (Manual Handling) Regulation 1997 (repealed)

SL1997-32

made under the

Occupational Health and Safety Act 1989

Republication No 4

Effective: 1 October 2009

Republication date: 1 October 2009

As repealed by A2009-28 s 4 (1)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Occupational Health and Safety (Manual Handling) Regulation 1997* (repealed), made under the *Occupational Health and Safety Act 1989*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 October 2009.

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 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.



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R4
01/10/09

Occupational Health and Safety (Manual Handling)
Regulation 1997 (repealed)
Effective: 01/10/09

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page 1

1 Name of regulation

This regulation is the *Occupational Health and Safety (Manual Handling) Regulation 1997*.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.

Note 2 A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Object of regulation

The object of this regulation is to ensure that employers and people 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) If a manual handling task is likely to be a risk to health and safety, an employer and a person in control must ensure that it is examined and assessed.
- (2) Subsection (1) applies to a person in control 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 section must 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 must take the steps in accordance with this section that are reasonably practicable to minimise the risk.

Maximum penalty: 10 penalty units.

- (2) For subsection (1), the employer or person in control must—
- (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) If redesign of the manual handling task is not reasonably practicable, the employer or person in control must—
- (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) If redesign of a manual handling task is reasonably practicable, but cannot be implemented immediately, the employer or person in control must, for subsection (1), comply with subsection (3) until the time that the employer or person is in a position to comply with subsection (2).
- (5) An employee must not, without reasonable excuse, fail to—

- (a) apply any training provided for this section; 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 must, in complying with section 5 or section 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 section, consultation involves the sharing of information and the exchange of views between the employer or person in control (including a representative of the employer or such a person) and the people who must be consulted, and includes the genuine opportunity for them to contribute effectively to any decision-making process aimed at eliminating or minimising manual handling risks.

Maximum penalty: 10 penalty units.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 In particular, the Legislation Act, dict, pt 1, defines the following term:

- penalty unit (see s 133).

Note 3 Terms used in this regulation have the same meaning that they have in the *Occupational Health and Safety Act 1989* (see Legislation Act, s 148). In particular, the following terms are defined in the *Occupational Health and Safety Act 1989*, dict:

- employee
- employer
- health and safety representative
- involved union.

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 mentioned in the Act, section 39 (1).

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

- (a) if there is a health and safety representative selected under the Act, section 56 for a designated work group that includes the employee—the health and safety representative; or
- (b) if there is no health and safety representative, but there is an involved union for the designated work group—a representative of an involved union; or

- (c) if there is no health and safety representative and no involved union, and more than 1 employee is required to carry out the relevant manual handling task—an employee nominated by those employees.

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 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 |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| 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 |

3 Legislation history

This regulation was originally the *Occupational Health and Safety (Manual Handling) Regulations*. It was renamed under the *Legislation Act 2001*.

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

notified 5 November 1997 (Gaz 1997 No S340)
s 1, s 2 commenced 5 November 1997 (s 2 (1))
remainder commenced 5 May 1998 (s 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 see Gaz 2001
No S65)

Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.16

notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
sch 3 pt 3.16 commenced 25 August 2004 (s 2 (1))

as repealed by

Work Safety Legislation Amendment Act 2009 A2009-28 s 4

notified LR 9 September 2009
s 1, s 2 commenced 9 September 2009 (LA s 75 (1))
s 4 commenced 1 October 2009 (s 2 and see Work Safety Act 2008
A2008-51, s 2 (1) (b) and CN2009-11)

4 Amendment history

Name of regulation

s 1 am R1 LA
sub A2004-42 amdt 3.82
am R3 LA

Dictionary

s 2 om Act 2001 No 44 amdt 1.3053
ins A2004-42 amdt 3.83

Endnotes

5 Earlier republications

Notes

s 3 sub A2004-42 amdt 3.83
def **manual handling** om A2004-42 amdt 3.83
def **person in control** om A2004-42 amdt 3.83
def **representative on health and safety issues** om
A2004-42 amdt 3.83
def **the Act** om A2004-42 amdt 3.83

Dictionary

dict ins A2004-42 amdt 3.84
def **manual handling** ins A2004-42 amdt 3.84
def **person in control** ins A2004-42 amdt 3.84
def **representative on health and safety issues** ins
A2004-42 amdt 3.84

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. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|------------------------------|-----------------------------|------------------------------|---|
| R1 30 Nov 2001 | 12 Sep 2001– 24 Aug 2004 | A2001-44 | new regulation and amendments by A2001-44 |
| R2 25 Aug 2004 | 25 Aug 2004– 2 Nov 2004 | A2004-42 | amendments by A2004-42 |
| R3 3 Nov 2004 | 2 Nov 2004– 30 Sept 2009 | A2004-42 | includes editorial amendments under Legislation Act |

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