



Australian Capital Territory

Occupational Health and Safety Regulations 1991

SL1991-10

made under the

Occupational Health and Safety Act 1989

Republication No 7

Effective: 5 August 2004 – 31 October 2004

Republication date: 5 August 2004

Last amendment made by A2004-29

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 August 2004. It also includes any amendment, repeal or expiry affecting the republished law to 5 August 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):

- 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 is—

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



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R7
05/08/04

Occupational Health and Safety Regulations 1991
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Australian Capital Territory

Occupational Health and Safety Regulations 1991

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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

- (1) For the Act, dictionary, definition of *dangerous occurrence*, 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 61 (1) (f) or 66 (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.

3A Training for authorisation as authorised representative— Act, s 75

A training program approved under regulation 3 is required for authorisation of a person under the Act, section 75 (1).

4 Payment of training fees and expenses

Where—

- (a) a health and safety representative undertakes a training program under the Act, section 61 (1) (ea); or
- (b) a deputy health and safety representative undertakes a training program under the Act, section 66 (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 204, the prescribed period is 7 days.

6 Method of reporting

- (1) Notice under the Act, section 204 may be given in writing or by telephone, fax machine or other electronic means.

Note If a form is approved under the Act, s 226 (Approved forms) for the notice, the form must be used.

- (2) An employer shall give notice under the Act, section 204 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 204, 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 204, 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 205 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 204.
- (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 204 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

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

Maximum penalty: 10 penalty units.

Part 4 Miscellaneous

11 Time for decision on internal review—Act, s 186 (2)

- (1) The time for making a decision on an application for internal review of an inspector's decision is—
 - (a) 10 business days after the day the application is made under the Act, section 185; or
 - (b) if the commissioner tells the applicant in writing within the 10 business days that the commissioner is satisfied that a longer period than the 10 business days is necessary to adequately review the decision—20 business days after the day the application for internal review is made under the Act, section 185; or
 - (c) if the commissioner asks the applicant in writing for further information in relation to the application—10 business days after the day the commissioner receives the further information.
- (2) The commissioner must tell the applicant in writing if the information given in response to a request mentioned in subregulation (1) (c) is not the further information asked for, or not all the further information asked for.

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
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

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)

Endnotes

4 Amendment history

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)

Occupational Health and Safety Amendment Act 2004 A2004-29 sch 2

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 2 commenced 5 August 2004 (s 2 (1))

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 amdts 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 amdts 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 hdg sub A2004-29 amdt 2.1
reg 2A ins 1991 No 13
sub A2004-7 amdt 1.10
am A2004-29 amdt 2.1

Training programs

pt 2 hdg ins 1991 No 13

Training for authorisation as authorised representative—Act, s 75

reg 3A ins A2004-29 amdt 2.2

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

reg 7 ins 1991 No 13

Retention of records etcreg 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 hdg ins Act 2001 No 21 s 12
om A2004-29 amdt 2.3**Infringement notice offences and penalties**reg 10A ins Act 2001 No 21 s 12
om A2004-29 amdt 2.3**Administering authority**reg 10B ins Act 2001 No 21 s 12
om A2004-29 amdt 2.3**Authorised persons for infringement notices**reg 10C ins Act 2001 No 21 s 12
om A2004-29 amdt 2.3**Authorised person for reminder notices**reg 10D ins Act 2001 No 21 s 12
om A2004-29 amdt 2.3**Persons authorised for infringement notices etc to have unique number**reg 10E ins Act 2001 No 21 s 12
om A2004-29 amdt 2.3**Identifying particulars—authorised persons**reg 10F ins Act 2001 No 21 s 12
om A2004-29 amdt 2.3

Endnotes

4 Amendment history

Miscellaneous

pt 4 hdg ins 1999 No 21 reg 7
om A2004-7 amdt 1.11
(prev pt 5 hdg) ins A2004-29 amdt 2.4
renum R7 LA

Permit to use explosives

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

Time for decision on internal review—Act, s 186 (2)

reg 11 ins 1999 No 21 reg 7
om A2004-7 amdt 1.11
ins A2004-29 amdt 2.4

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

Miscellaneous

pt 5 hdg renum as pt 4 hdg

Offences and penalties

sch 1 ins Act 2001 No 21 s 13
om A2004-29 amdt 2.5

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
6	A2004-7	5 April 2004

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