



Australian Capital Territory

# **Occupational Health and Safety Regulation 1991**

**SL1991-10**

made under the

**Occupational Health and Safety Act 1989**

**Republication No 8**

**Effective: 1 November 2004 – 22 November 2007**

Republication date: 1 November 2004

Last amendment made by A2004-29  
(republishing includes editorial amendments  
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Occupational Health and Safety Regulation 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 1 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 1 November 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 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.



Australian Capital Territory

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made under the

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R8  
01/11/04

Occupational Health and Safety Regulation 1991  
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Australian Capital Territory

# Occupational Health and Safety Regulation 1991

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**Occupational Health and Safety Act 1989**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Occupational Health and Safety Regulation 1991*.

### 2 Definitions for regulation

In this regulation:

*Note:* A definition applies except so far as the contrary intention appears (see Legislation Act, 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 that 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 if the pressure is due solely to the height of a column of liquid above the vessel.

*training program* means a training program approved under section 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 section:

*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 Act, section 61 (1) (f) or section 66 (4).
- (2) If the council approves a training program under subsection (1), it must publish in a daily newspaper published and circulating in the ACT a notice of its approval of the program that specifies the provision of the Act for which the program has been approved.

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

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

### 4 Payment of training fees and expenses

If—

- (a) a health and safety representative undertakes a training program under the Act, section 61 (1) (f); or
- (b) a deputy health and safety representative undertakes a training program under the Act, section 66 (4);

the employer of that person must—

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

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

### 5 Prescribed period

For 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 or other electronic means.

*Note* If a form is approved under the Act, s 226 for the notice, the form must be used.

- (2) An employer must give notice under the Act, section 204 to the commissioner as soon as practicable and in any event within 7 days.
- (3) If the commissioner receives notice other than in writing, the commissioner must send to the employer—
  - (a) a copy of the information received; or
  - (b) an acknowledgment of receipt of the notice.

### 7 Necessity of reporting

If an employer notifies the commissioner of an injury or dangerous occurrence under the Act, section 204, the employer is not required to report the same event under an associated law.

### 8 Retention of records etc

- (1) If an employer gives written notice of a death, an injury or a dangerous occurrence in accordance with section 204, the employer must keep a copy of the notice for 5 years after the notice is given.

- (2) If the employer gives notice of a death, an injury or a dangerous occurrence in a way 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 must keep the copy or the acknowledgment for 5 years after the notice is given.

## **9 Form of records**

- (1) Records required under the Act, section 205 must be kept in a form approved, in writing, by the commissioner.
- (2) Records kept under subsection (1) must be kept for 5 years after the day when notice was given in accordance with the Act, section 204.
- (3) An approval under subsection (1) is a disallowable instrument.

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

## **10 Records of absence**

- (1) If an employer is aware of the occurrence of an event that would have been reported under section 204 if the prescribed period under that section was 1 day, the employer must record details of the event.
- (2) Records under subsection (1) must 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 subsection (1) (c) is not the further information asked for, or not all the further information asked for.

## 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

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Occupational Health and Safety Regulations*. It was renamed by the *Occupational Health and Safety Regulations Amendment SL1999-21 s 3* and under the *Legislation Act 2001*.

#### **Occupational Health and Safety Regulation 1991 SL1991-10**

notified 6 May 1991 (Gaz 1991 No S31)

commenced 6 May 1991

as amended by

#### **Occupational Health and Safety Regulations (Amendment) 1991 SL1991-13**

notified 28 June 1991 (Gaz 1991 No S53)

commenced 1 July 1991 (s 1)

#### **Regulations Revision (Penalties) Regulations 1996 SL1996-8**

notified 6 June 1996 (Gaz 1996 No S108)

commenced 6 June 1996 (s 2)

#### **Occupational Health and Safety Regulations Amendment 1999 SL1999-21**

notified 30 September 1999 (Gaz 1999 No S57)

commenced 30 September 1999 (s 1)

#### **Occupational Health and Safety (Amendment) Act (No 2) 1999 A1999-82**

notified 23 December 1999 (Gaz 1999 No S65)

ss 1-3 commenced 23 December 1999 (s 2 (1))

remainder commenced 23 June 2000 (s 2 (3))

#### **Statute Law Amendment Act 2001 A2001-11**

notified 29 March 2001 (Gaz 2001 No 13)

commenced 29 March 2001 (s 2)

#### **Occupational Health and Safety Amendment Act 2001 A2001-21 pt 3**

notified 19 April 2001 (Gaz 2001 No 16)

s 1, s 2 commenced 19 April 2001 (IA s 10B)

pt 3 commenced 19 October 2001 (s 2 and LA s 79)

**Dangerous Goods Regulations Amendment 2001 SL2001-14**

notified 23 May 2001 (Gaz 2001 No S28)  
 commenced 23 May 2001 (s 1)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 265**

notified 26 July 2001 (Gaz 2001 No 30)  
 s 1, s 2 commenced 26 July 2001 (IA s 10B)  
 remainder commenced 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 SL1991-13 s 3

**Name of regulation**

s 1 sub SL1999-21 s 3  
 am R8 LA

**Definitions for regulation**

s 2 am A2001-44 amdt 1.3036  
 def **Australian Standard 1885.1** ins SL1991-13 s 4  
 def **blaster** ins SL1999-21 s 4  
 om A2004-7 amdt 1.8  
 def **blast plan** ins SL1999-21 s 4  
 om A2004-7 amdt 1.8  
 def **boiler** ins SL1991-13 s 4  
 def **dangerous goods** SL1991-13 s 4  
 sub A2001-11 amdt 3.191  
 om A2004-7 amdt 1.8  
 def **Dangerous Goods Regulation** ins SL1999-21 s 4  
 om A2001-11 amdt 3.192  
 def **explosive** ins SL1999-21 s 4  
 om A2004-7 amdt 1.8

## Endnotes

### 4 Amendment history

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def **firework** ins SL1999-21 s 4  
sub A2001-11 amdt 3.192; SL2001-14 s 33  
om A2004-7 amdt 1.8  
def **permit** ins SL1999-21 s 4  
am A2001-14 s 34  
om A2004-7 amdt 1.8  
def **pressure vessel** ins SL1991-13 s 4  
def **the Act** om A2001-44 amdt 1.3037  
def **use** ins SL1999-21 s 4  
om A2004-7 amdt 1.8

#### **Meaning of explosives**

s 2AA ins SL1999-21 s 5  
am A2001-11 amdts 3.194-3.196  
om A2004-7 amdt 1.9

#### **Dangerous occurrences**

pt 1A hdg ins SL1999-21 s 6

#### **Matters that are a dangerous occurrence**

s 2A hdg sub A2004-29 amdt 2.1  
s 2A ins SL1991-13 s 5  
sub A2004-7 amdt 1.10  
am A2004-29 amdt 2.1

#### **Training programs**

pt 2 hdg ins SL1991-13 s 6

#### **Training for authorisation as authorised representative—Act, s 75**

s 3A ins A2004-29 amdt 2.2

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

pt 3 hdg ins SL1991-13 s 7

#### **Prescribed period**

s 5 ins SL1991-13 s 7

#### **Method of reporting**

s 6 ins SL1991-13 s 7  
am A1999-82 sch pt 3; A2001-44 amdts 1.3038-1.3040

#### **Necessity of reporting**

s 7 ins SL1991-13 s 7

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

s 8 ins SL1991-13 s 7  
am A1999-82 s 16 sch pt 3

#### **Form of records**

s 9 ins SL1991-13 s 7  
am A1999-82 sch pt 3; A2001-44 amdt 1.3041



**Records of absence**

s 10 ins SL1991-13 s 7  
am SL1996-8 sch

**Infringement notices**

pt 3A hdg ins A2001-21 s 12  
om A2004-29 amdt 2.3

**Infringement notice offences and penalties**

s 10A ins A2001-21 s 12  
om A2004-29 amdt 2.3

**Administering authority**

s 10B ins A2001-21 s 12  
om A2004-29 amdt 2.3

**Authorised persons for infringement notices**

s 10C ins A2001-21 s 12  
om A2004-29 amdt 2.3

**Authorised person for reminder notices**

s 10D ins A2001-21 s 12  
om A2004-29 amdt 2.3

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

s 10E ins A2001-21 s 12  
om A2004-29 amdt 2.3

**Identifying particulars—authorised persons**

s 10F ins A2001-21 s 12  
om A2004-29 amdt 2.3

**Miscellaneous**

pt 4 hdg ins SL1999-21 s 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)**

s 11 ins SL1999-21 s 7  
om A2004-7 amdt 1.11  
ins A2004-29 amdt 2.4

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

s 12 ins SL1999-21 s 7  
om A2004-7 amdt 1.11

## Endnotes

### 4 Amendment history

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#### **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**

s 13 ins SL1999-21 s 7  
am A2001-44 amdt 1.3042  
om A2004-7 amdt 1.11

#### **Requirements of a blast plan**

s 14 ins SL1999-21 s 7  
om A2004-7 amdt 1.11

#### **Eligibility for a permit**

s 15 ins SL1999-21 s 7  
am A2001-11 amdt 3.197  
om A2004-7 amdt 1.11

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

s 16 ins SL1999-21 s 7  
om A2004-7 amdt 1.11

#### **Variation of a permit**

s 17 ins SL1999-21 s 7  
om A2004-7 amdt 1.11

#### **Statutory conditions of a permit**

s 18 ins SL1999-21 s 7  
om A2004-7 amdt 1.11

#### **Registrar may require further information etc**

s 19 ins SL1999-21 s 7  
am A2001-44 amdt 1.3043, amdt 1.3044  
om A2004-7 amdt 1.11

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

s 20 ins SL1999-21 s 7  
om A2004-7 amdt 1.11

#### **Suspension or revocation of a permit**

s 21 ins SL1999-21 s 7  
am A2001-11 amdt 3.198; A2001-44 amdt 1.3045,  
amdt 1.3046  
om A2004-7 amdt 1.11

#### **Review of registrar's decisions**

s 22 ins SL1999-21 s 7  
om A2004-7 amdt 1.11

#### **Miscellaneous**

pt 5 hdg renum as pt 4 hdg

**Offences and penalties**

sch 1                      ins A2001-21 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. Electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	SL1991-13	1 July 1991
2	SL1996-8	30 November 1996
3	A1999-82	23 October 2000
4	A2001-44	12 September 2001
5	A2001-44	19 October 2001
6	A2004-7	5 April 2004
7	A2004-29	5 August 2004

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