



AUSTRALIAN CAPITAL TERRITORY

Regulations 1991 No. 13¹

Occupational Health and Safety Regulations² (Amendment)

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

Dated 20 June 1991.

WAYNE BERRY
Minister

BILL WOOD
Minister

Commencement

1. These Regulations commence on 1 July 1991.

Principal Regulations

2. In these Regulations, unless the contrary intention appears “Principal Regulations” means the Occupational Health and Safety Regulations.

Insertion

3. Before regulation 1 of the Principal Regulations the following heading is inserted:

“PART I—PRELIMINARY”.

Interpretation

4. Regulation 2 of the Principal Regulations is amended by inserting the following definitions:

- “ ‘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;
- ‘dangerous goods’ has the same meaning as in the *Dangerous Goods Act 1975* of the State of New South Wales in its application in the Territory;
- ‘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;
 - (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 degrees Celsius where the pressure is due solely to the height of a column of liquid above the vessel;”.

Insertion

5. After regulation 2 of the Principal Regulations the following regulation is inserted:

Dangerous occurrence

“2A. For the purposes of the definition of ‘dangerous occurrence’ in subsection 5 (1) of the Act, each of the following is declared to be a dangerous occurrence:

- (a) damage to any boiler, pressure vessel, plant, equipment or other thing which endangers or is likely to endanger the health or safety of persons at a workplace;
- (b) damage to, or failure of, any 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, dangerous goods or steam;
- (d) any other occurrence involving imminent risk of—
 - (i) fire, explosion or escape of gas, dangerous goods or steam;
 - (ii) death or serious personal injury to any person; or
 - (iii) substantial damage to property.”.

Insertion

6. Before regulation 3 of the Principal Regulations the following heading is inserted:

“PART II—TRAINING PROGRAMS”.

Insertion

7. After regulation 4 of the Principal Regulations the following heading and regulations are inserted:

**“PART III—INJURY AND DANGEROUS OCCURRENCE
REPORTING AND RECORDING REQUIREMENTS**

Prescribed period

“5. For the purposes of section 85 of the Act the prescribed period is 7 days.

Method of reporting

“6. (1) Notice under section 85 of the Act may be given in writing or by telephone, facsimile machine or other electronic means.

“2) A notice under subsection (1) shall be in a form approved by the Registrar.

“3) An employer shall give notice under section 85 of the Act to the Registrar as soon as practicable and in any event within 7 days.

“4) Where the Registrar 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.

Necessity of reporting

“7. Where an employer notifies the Registrar of an injury or dangerous occurrence pursuant to section 85 of the Act, the employer is not required to report the same event under an associated law.

Retention of records etc.

“8. (1) Where an employer gives written notice of a death, an injury or a dangerous occurrence in accordance with section 85, 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 Registrar 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.

Form of records

“9. (1) Records required under section 86 of the Act shall be kept in a form approved, in writing, by the Registrar.

“(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 section 85 of the Act.

“(3) An instrument of approval under subregulation (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Records of absence

“10. (1) Where an employer is aware of the occurrence of an event which would have been reported pursuant to section 85 if the prescribed period under that section was 1 day the employer shall record details of the event.

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

Penalty: \$1,000.”.

NOTES

1. Notified in the ACT Gazette on 28 June 1991.
2. Regulations 1991 No. 10.