SOUTH AUSTRALIA

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (MANUAL HANDLING) REGULATIONS, 1990
REGULATIONS UNDER THE OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT, 1986


being

No. 186 of 1990: Gaz. 27 September 1990, p. 981

as varied by

No. 238 of 1990: Gaz. 29 November 1990, p. 1653

1 Came into operation 1 January 1991: reg. 2.
2 Came into operation 1 January 1991: reg. 2.
Citation
1. These regulations may be cited as the *Occupational Health, Safety and Welfare (Manual Handling) Regulations, 1990*.

Commencement
2. These regulations will come into operation on 1 January, 1991.

Objectives of regulations
3. The chief objectives of these regulations are—

(a) to prevent the occurrence of injury and to reduce the severity of injuries resulting from manual handling tasks in workplaces;

(b) to require employers to identify, assess and control risks arising from manual handling tasks in workplaces.

Preliminary
4. In these regulations, unless the contrary intention appears—

"employer" includes a self-employed person:

"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 person, animal or thing.

*Note: For definition of divisional penalties see Appendix 2.*

Design
5. An employer must ensure, so far as is reasonably practicable—

(a) that the plant and containers used in the workplace are designed, constructed and maintained so as to be, so far as is reasonably practicable, safe and without risk to health and safety when handled manually;

(b) that work practices involving manual handling are designed, implemented and maintained so as to be, so far as is reasonably practicable, safe and without risk to health and safety;

and

(c) that the working environment is designed, constructed and maintained so as to be, so far as is reasonably practicable, consistent with safe manual handling practices.

Risk assessment
6. (1) An employer must ensure that any manual handling that is likely to be a risk to health and safety is identified and assessed.
3.

(2) An assessment undertaken for the purposes this regulation must take into account the following factors:

(a) the actions and movements involved in the 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 task;
(h) the organization of work at the workplace;
(i) the work environment;
(j) the skill and experience of each person who must carry out the manual handling;
(k) the personal characteristics of each person who must carry out the manual handling;
(l) the clothing that is worn during the manual handling;

and

(m) any other relevant factor (as identified by the employer or any employee, health and safety representative or health and safety committee or registered association consulted by the employer).

Risk control

7. (1) If a manual handling task is assessed as being a risk to health and safety, the employer must take such steps as are reasonably practicable to control the risk.

(2) For the purposes of subregulation (1)—

(a) the employer must—

(i) redesign the manual handling task to eliminate or control the risk factors;

and

(ii) ensure that the employees involved in the manual handling task receive appropriate training, (including training in safe manual handling techniques) and appropriate supervision;

and
4.

(b) where redesign is not reasonably practicable, or as a short-term or temporary measure, the employer must—

(i) take one, or a combination of two or more, of the following measures as is appropriate—

(A) provide mechanical aids;

(B) provide personal protective equipment;

(C) arrange for team lifting;

and

(ii) ensure that the employees receive appropriate training and supervision in the correct use or application of any mechanical aids, personal protective equipment or team lifting procedures supplied or introduced for the purposes of subparagraph (i).

3) An employee must, so far as is reasonable (but without derogating from any common law right), apply any training provided for the purposes of this regulation and comply with any instruction given in supervision of the manual handling task.

Consultation

8. (1) In complying with the identification, assessment and control measures required by these regulations, an employer must—

(a) consult with any health and safety representative who represents any employee who is required to carry out the manual handling task;

(b) consult with any health and safety committee that has responsibility in relation to the employees who are required to carry out the manual handling task or the performance of the particular work;

(c) consult with, so far as is reasonably practicable, the employees who are required to carry out the manual handling task;

(d) where an employee who is required to carry out the manual handling task is a member of a registered association—

(i) on the request of a health and safety representative who represents the employee;

or

(ii) if the employee is not represented by a health and safety representative, on the request of the employee,

invite the registered association to consult with the employer in relation to the manual handling;
5.

and

\( e \) where an invitation under paragraph \( d \) is accepted—consult with the registered association.

(2) For the purposes of this regulation, consultation involves the sharing of information and the exchange of views between managers and the persons or bodies which must be consulted and includes the genuine opportunity for them to contribute effectively to any decision-making process to eliminate or control manual handling risks.

Compliance with regulations

9. (1) A person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

(2) A person who is guilty of an offence against these regulations is liable to—

\( a \) in the case of an employer—a Division 6 fine;

\( b \) in the case of an employee—a Division 7 fine.

Note—The Code of Practice "Approved Code of Practice for Manual Handling" (Published in conjunction with this regulation—see Government Gazette) specifically relates to the provision of occupational health in relation to safe manual handling.
APPENDIX 1

Legislative History

Regulation 8(1): varied by 238, 1990, reg. 3
Note: varied by 238, 1990, reg. 4
APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the *Acts Interpretation Act, 1915*, as follows:

<table>
<thead>
<tr>
<th>Division</th>
<th>Maximum imprisonment</th>
<th>Maximum fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15 years</td>
<td>$60 000</td>
</tr>
<tr>
<td>2</td>
<td>10 years</td>
<td>$40 000</td>
</tr>
<tr>
<td>3</td>
<td>7 years</td>
<td>$30 000</td>
</tr>
<tr>
<td>4</td>
<td>4 years</td>
<td>$15 000</td>
</tr>
<tr>
<td>5</td>
<td>2 years</td>
<td>$8 000</td>
</tr>
<tr>
<td>6</td>
<td>1 year</td>
<td>$4 000</td>
</tr>
<tr>
<td>7</td>
<td>6 months</td>
<td>$2 000</td>
</tr>
<tr>
<td>8</td>
<td>3 months</td>
<td>$1 000</td>
</tr>
<tr>
<td>9</td>
<td>-</td>
<td>$500</td>
</tr>
<tr>
<td>10</td>
<td>-</td>
<td>$200</td>
</tr>
<tr>
<td>11</td>
<td>-</td>
<td>$100</td>
</tr>
<tr>
<td>12</td>
<td>-</td>
<td>$50</td>
</tr>
</tbody>
</table>

*Note: This appendix is provided for convenience of reference only.*