

SOUTH AUSTRALIA

**OCCUPATIONAL HEALTH, SAFETY AND WELFARE (LOGGING)
REGULATIONS 1991**

**REGULATIONS UNDER THE OCCUPATIONAL HEALTH, SAFETY AND
WELFARE ACT 1986**

*Occupational Health, Safety and Welfare (Logging)
Regulations 1991*

being

No. 204 of 1991: *Gaz.* 26 September 1991, p. 905¹

¹ Came into operation 1 November 1991: reg. 2.

2.

PART I

PRELIMINARY

Citation

1. These regulations may be cited as the *Occupational Health, Safety and Welfare (Logging) Regulations 1991*.

Commencement

2. These regulations will come into operation on 1 November 1991.

Revocation

3. The *Occupational Health, Safety and Welfare (Logging Industry) Regulations 1987* are revoked.

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

"the Act" means the *Occupational Health, Safety and Welfare Act 1986*:

"Australian Standard" or "AS" means a standard of the Standards Association of Australia:

"bolster" means a horizontal cross-member attached to the chassis of a road transport vehicle:

"bulkhead" means a structure attached to a road transport vehicle to protect the occupants of the vehicle cabin from any forward movement of a load:

"competent person" means a person who is suitably qualified (whether by experience, training, or both) to carry out the work or function described by the relevant regulation:

"dB(A)" means the weighted value of the level of sound, determined with a sound level meter set to record through the "A weighting" network:

"the Director" means the Director of the Department of Labour:

"employer" *see sections 4(1) and (2) of the Act*:

"faller" means a person who fells or cross-cuts trees:

"felling" means the act of cutting, trimming, chopping or pulling down a tree, or any part of a tree:

"forest compartment" means a continuous area of forest or plantation surrounded by haul or public roads:

"haul road" means a road or track on, or leading to or from, a logging site, other than a public road:

"logging site" means any forest, plantation or other place where persons carry out logging work:

3.

"logging tractor" means a vehicle used in, or for the purposes of:

- (a) land clearing operations;
- (b) harvesting operations;
- (c) snigging or skidding;
- (d) pre-hauling;
- (e) loading or unloading logs onto or from a vehicle;

or

- (f) constructing a haul road,

but does not include a road transport vehicle:

"logging work" means any work associated with obtaining timber from a forest or plantation and includes—

- (a) felling, cross-cutting or snigging or skidding any tree or part of a tree;
- (b) all forms of forest processing;
- (c) pre-hauling;
- (d) loading or unloading logs onto or from a vehicle;
- (e) transporting logs on a vehicle:

"lux" means the unit of illuminance:

"m" means metre:

"mm" means millimetre:

"power-driven" means driven otherwise than by human power:

"pre-hauling" means the movement of logs from the place where felling occurs to the place where logs are loaded onto a road transport vehicle:

"road transport vehicle" means a vehicle used to transport logs on a public road:

"snigging or skidding" means hauling a log by steel wire rope, cable, chain or grapple:

"stanchion" means an upright member that extends from a bolster and that is used to retain logs on a vehicle.

4.

(2) A reference in these regulations to a document prepared or published by any body or authority will be taken as a reference to that document as in force from time to time, and if that document is revoked and remade (with or without modifications) includes a reference to the new document in force from time to time.

Note: For definition of divisional penalties see Appendix.

5.

PART II

GENERAL DUTIES AND RESPONSIBILITIES

General duty of employers

5. Unless specific provision is otherwise made in a particular regulation—

(a) it is the duty of an employer or self-employed person who undertakes logging work to ensure compliance with these regulations;

and

(b) in the event of a contravention of, or failure to comply with, a provision of these regulations, the employer or self-employed person is guilty of an offence.

Penalty: Division 5 fine.

Duty in relation to allocation of work

6. An employer must, in respect of each person employed or engaged by the employer to carry out logging work, ensure so far as is reasonably practicable that the person is not assigned to work—

(a) that the person is not, or would not be, able to perform without endangering himself or herself, or another person;

or

(b) that could involve hazardous situations that the person is not reasonably competent to handle.

Penalty: Division 5 fine.

General duty of employees

7. An employee who carries out logging work must, so far as is reasonable (but without derogating from any common law right)—

(a) do all such things as are required of him or her to ensure compliance with these regulations;

(b) use any equipment provided under or in accordance with these regulations;

(c) immediately report to his or her employer any situation, or the condition of any plant or substance provided by the employer, that is, or is likely to become, a source of danger to himself or herself, or to another person;

and

(d) to his or her best ability, apply any information, instruction or training provided for the purposes of these regulations.

Penalty: Division 7 fine.

Proficiency of persons performing logging work

8. (1) In this regulation—

"approved authority" means a person or organization that is approved by the Director for the purposes of this regulation.

(2) Subject to these regulations, a person must not use or operate any power-driven hand-tool, equipment or machinery in the performance of any logging work unless the person is the holder of a certificate of proficiency in the safe use or operation of that hand-tool, equipment or machinery issued by an approved authority.

Penalty: Division 7 fine.

(3) A person who at the time of the commencement of these regulations is engaged or employed to perform logging work is exempted from the operation of subregulation (2) until the first anniversary of the commencement of these regulations.

(4) An employer—

(a) must not assign a person to any work that would involve the use or operation of any power-driven hand-tool, equipment or machinery in contravention of subregulation (2);

and

(b) must ensure that a person who must use or operate any power-driven hand-tool, equipment or machinery understands any dangers associated with the use or operation of the hand-tool, equipment or machinery.

Penalty: Division 7 fine.

(5) A certificate of proficiency may be issued to a person—

(a) if the person successfully completes an appropriate course of training conducted by an approved authority;

(b) if an approved authority is satisfied that the person has obtained an appropriate degree of proficiency through practical experience;

or

(c) if an approved authority is satisfied that the person has, through a combination of course work and practical experience, obtained an appropriate degree of proficiency in the use or operation of the particular tool, equipment or machinery.

7.

(6) This regulation does not prevent—

(a) the use or operation of any hand-tool, equipment or machinery in a case of emergency to avert a serious and immediate threat to the safety of a person;

or

(b) the use or operation of any hand-tool, equipment or machinery for training purposes under the direct supervision of a competent person.

PART III

PRESCRIBED SAFETY STANDARDS AND REQUIREMENTS

Communication systems

9. The following must be kept in place on a logging site:

- (a) a reliable system for checking the health and safety of any person who must work alone;

and

- (b) a reliable system for summoning help in the event of any injury or other emergency on the logging site.

Felling or cross-cutting

10. Any felling or cross-cutting undertaken on a logging site must be properly planned and supervised, and carried out in a safe manner, and, in particular—

- (a) a tree that has been cut must be brought down immediately;
 - (b) any area where felling or cross-cutting are to occur must be placed under the control of a competent person;
 - (c) all persons in the area must be told where the work is to be carried out;
 - (d) a distance of not less than two times the length of the tallest tree being felled must be maintained—
 - (i) between each faller and any other person at work;
- and
- (ii) between each faller and any fallen tree that has become lodged in a standing tree;
 - (e) so far as is reasonably practicable, each person must work within hailing distance of another person or, where that is not reasonably practicable, the safety of a person who must work outside hailing distance must be checked at least once every two hours during the time he or she is at work;
 - (f) where a person undertakes manual felling, a scarf and back cut must be used;
 - (g) manual felling or cross-cutting must only be undertaken during daylight hours;
 - (h) where mechanical felling or cross-cutting is undertaken at night, adequate illumination of the task (measuring at least 50 lux) must be provided to ensure that the work can be carried out safely;

and

9.

- (i) if a falling tree becomes lodged in a standing tree during felling—
 - (i) reasonable steps must be taken to bring the tree to the ground before felling continues;
 - (ii) while the tree remains lodged, reasonable steps must be taken to warn any person who is in, or who might reasonably be expected to come into, the vicinity of the danger;
- and
- (iii) if it is not possible at that time to bring the tree to the ground, a red hang-up flag that is rectangular in shape and measures at least 200mm × 250mm must be attached to the felled tree, and similar flags must be placed at any place on the edge of the forest compartment where persons might reasonably be expected to enter.

Snigging or skidding

11. Any snigging or skidding undertaken on a logging site must be properly planned and supervised, and carried out in a safe manner, and, in particular—

- (a) all ropes, cables, chains, grapples, shackles, hooks or other equipment used in the work must be in good order and condition;

and

- (b) where the distance between the persons involved in the work is such that signals should be used to co-ordinate the work—

- (i) any machinery or vehicle must be fitted with a device that can be used to signal each person involved in the work;

and

- (ii) a set of signals must be known to, and used by, those persons.

Warning signs

12. Where the performance of any logging work could endanger the safety of any other person working in the area, or using a road or track in the area, clearly visible signs that—

- (a) are square in shape and measure at least 450mm on each side;
- (b) clearly bear the words "Danger—Falling Trees—Keep Out" in letters that are at least 50mm high;

and

10.

- (c) are red, black and white in accordance with the relevant requirements of Australian Standard 1319 "Safety Signs for the Occupational Environment",

must be exhibited in such a manner, and in such positions, as may be necessary to give adequate warning to any such person.

Safe use of hand-tools

13. (1) Any hand-tool used on a logging site must be—

- (a) suitable for the work that is to be undertaken;
 - (b) of safe construction;
- and
- (c) in good order and condition.

Penalty: Division 6 fine.

(2) A person must not use a hand tool that is not—

- (a) suitable for the work that is to be undertaken;
 - (b) of safe construction;
- or
- (c) in good order and condition.

Penalty: Division 7 fine.

NOTE: The following standards, that are also approved codes of practice under the Act, are also relevant to the subject-matter of this regulation:

AS 2726:	<i>"Chainsaw Safety Requirements"</i>
AS 2727:	<i>"Guide to Safe Working Practices for Chainsaws"</i>
AS 3575:	<i>"Brushcutter Safety Requirements"</i>
AS 3576:	<i>"Guide to Safe Working Practices for Brushcutters"</i> .

Equipment and machinery

14. (1) Any equipment or machinery used on a logging site must not endanger the safety of any person at work and, in particular—

- (a) the equipment or machinery must be used in a safe manner;
- (b) the equipment or machinery must be used at a safe distance from any person involved in other work;
- (c) the equipment or machinery must be maintained in good order and condition;

11.

- (d) all dangerous moving parts must be securely safe-guarded and any safe-guard must be in a safe and efficient state while the relevant parts are in motion;
- (e) the equipment or machinery must not be used while any safe-guard required under paragraph (d) is not in place;
- (f) the equipment or machinery must not be left unattended while running;
- (g) any hydraulic equipment must be bedded or at rest before maintenance is carried out;
- (h) where the equipment or machinery is fitted with a cabin, a warning sign must be displayed in the cabin indicating—
 - (i) whether there is a risk of injury to hearing;and
 - (ii) whether hearing protection is needed.

(2) In addition to the requirements of subregulation (1), a logging tractor used on a logging site must be—

- (a) operated in a safe manner (having regard to the gradients that it must negotiate, the surface conditions where the tractor is to be used, and the loads that it must handle);
- (b) equipped with brakes that will hold the tractor on any gradient that must be negotiated;
- (c) equipped with a dry chemical powder fire extinguisher that—
 - (i) has a capacity of not less than 4.5 kilograms;
 - (ii) is securely mounted on the tractor;and
 - (iii) complies with the relevant requirements of Australian Standard 1846 "Portable Fire Extinguishers—Powder Type";
- (d) equipped with lights (for any work undertaken at night) that can provide—
 - (i) adequate illumination of the general work area to ensure that the work can be carried out safely;and
 - (ii) adequate illumination (measuring at least 50 lux) for any task that is undertaken;
- (e) equipped with steps and handholds;

and

- (f) fitted with a metal cabin or frame over the driver's seat that—
 - (i) complies with the relevant requirements of Australian Standard 1636 "Agricultural Wheeled Tractors—Rollover Protective Structures" and Australian Standard 2294 "Protective Structures for Operators of Earthmoving Machines";
 - (ii) provides the driver of the tractor with protection from the weather and from dangerous objects that may come into contact with the tractor;
 - (iii) does not unduly impair the vision or movement of the driver of the tractor;

and

- (iv) allows the driver to leave the tractor quickly and safely through an alternative escape exit in an emergency.

(3) A person must not ride on a logging tractor unless he or she is seated in a properly fitted seat.

Penalty: Division 7 fine.

(4) Subregulation (3) does not apply to a person who is riding on a logging tractor for the purpose of providing training to its operator, provided that the person is riding inside a cabin fitted to the tractor in accordance with subregulation (2).

(5) The following requirements apply in relation to the use of a winch at a logging site:

- (a) the winch must be safely and securely anchored before it is used;
- (b) any rope or cable that is to be used must be securely fitted to the drum of the winch and be long enough to ensure that, in any working position, there are always at least two complete turns of rope or cable on the drum;

and

- (c) where the distance between the persons involved in the work is such that signals should be used to co-ordinate the work—
 - (i) the winch must be fitted with a device that can be used to signal each person involved in the work;

and

- (ii) a set of signals must be known to, and used by, those persons.

(6) Where an employer provides a vehicle to transport persons in association with logging work, the vehicle must—

- (a) be in good order and condition;
- (b) provide adequate seating, in an enclosed compartment, for its driver and any passengers;
- (c) be equipped with interior lighting and have adequate ventilation throughout any compartment occupied by the driver and any passenger;
- (d) be designed and fitted out so as to enable the driver to communicate with any passenger;
- (e) be fitted with ashtrays in any compartment occupied by the driver and any passenger;
- (f) be equipped with a dry chemical powder fire extinguisher that—
 - (i) has a capacity of not less than 2.25 kilograms;
 - (ii) is securely mounted on the vehicle;and
 - (iii) complies with the relevant requirements of Australian Standard 1846 "Portable Fire Extinguishers—Powder Type";and
- (g) be fitted with a properly constructed tool box that—
 - (i) is sufficient to hold any tools that must be carried on the vehicle;and
 - (ii) is securely fixed to the vehicle.

(7) An employer must ensure that any flammable liquids that are carried on a vehicle provided by the employer are transported in a container that is securely placed in a rack fitted outside the passenger compartment of the vehicle.

Penalty: Division 6 fine.

(8) An employer must ensure that a motor vehicle that could transport a sick or injured person to an appropriate place for medical treatment is kept available on a logging site while work is in progress.

Log transportation

15. (1) Logs must not be loaded onto a road transport vehicle at a logging site unless the vehicle complies with the following requirements:

14.

- (a) the vehicle must have a bulkhead that—
 - (i) is fitted between the forward most logs and the rear of the cabin;and
 - (ii) is securely fixed to the vehicle;
 - (b) any bolsters on the vehicle must be in good condition and securely fixed to the chassis of the vehicle;
 - (c) where the logs are to be loaded parallel to the side of the vehicle, the vehicle must be fitted, subject to subregulation (2), with fixed stanchions that are securely fixed to the vehicle;
- and
- (d) the vehicle must be fitted with an appropriate load binder or winch (in good working condition) of adequate strength to tighten any bindings required by these regulations.

(2) A vehicle manufactured before the commencement of these regulations is exempted from the operation of subregulation (1)(c) until six months after the commencement of these regulations.

(3) The following requirements apply in relation to a road transport vehicle:

- (a) any stanchions on the vehicle must be inspected on a regular basis, and at least monthly;
- (b) separately dismountable extension pins must not be used in conjunction with any stanchions on the vehicle;
- (c) a person must not be permitted to ride on the vehicle unless the person is seated in a properly fitted seat.

Penalty: Division 6 fine

(4) The following requirements apply in relation to the loading of logs onto a road transport vehicle at a logging site:

- (a) the bolsters on the vehicle must, so far as is reasonably practicable, be kept in a horizontal position during loading;
- (b) stanchions must be used to prevent the displacement of logs and—
 - (i) where the logs are loaded parallel to the side of the vehicle—there must be at least two fixed stanchions on each side of the load for each length of logs on the vehicle;
 - (ii) where the logs are loaded crosswise—there must be at least two fixed stanchions or two pivoting stanchions at the rear of the load;

15.

- (c) the logs must not extend above any stanchion when loaded;
- (d) the load must be secured to the vehicle by bindings as follows:
 - (i) any binding must have a safe working load of at least 1.28 tonnes and be high tensile steel chain, wire rope, or nylon webbing;
 - (ii) where the logs are loaded parallel to the side of the vehicle—
 - (A) in the case of logs that are less than 2.5m in length—the load must be secured by at least one binding that is secured across the middle of the load;
 - (B) in the case of logs that are 2.5m in length, or longer—the load must be secured by at least two bindings each end of which is secured as close as possible to a stanchion;

and

- (iii) where the logs are loaded crosswise—the load must be secured by at least two bindings;
 - (e) the bindings must be tightened by a load binder or winch;
- and
- (f) the load must be crowned so that as many logs as possible are in contact with the bindings.

(5) In addition to the requirements of subregulation (4)—

- (a) a vehicle that is being loaded or unloaded must be parked at a place that provides sufficient space and an even surface to allow the safe manoeuvring of vehicles involved in the performance of the work;
- (b) any person involved in a loading or unloading operation must remain in a safe position;
- (c) the driver of a vehicle that is being loaded or unloaded must remain in a safe position and be visible to the operator of any mechanical loader or unloader;
- (d) the driver of a vehicle must not secure or release a load on the vehicle while a loader is in operation in the vicinity of the vehicle;
- (e) any tractor used to unload logs or to move logs about a log yard must be fitted with a power-operated top clamp or grab;

and

(f) after the second anniversary of the commencement of these regulations, any tractor used to load logs at a logging site must be fitted with a power-operated top clamp or grab.

(6) The driver of a road transport vehicle must—

(a) ensure that any load is secured in accordance with the requirements of these regulations before the vehicle is first put into motion;

(b) inspect the load immediately before the vehicle is driven from a haul road on to a public road and ensure that all bindings are securely fastened;

(c) ensure that the bindings remain securely fastened until unloading commences;

and

(d) in the case of a road transport vehicle that is to be used to carry an empty jinker—ensure that the jinker is secured to the prime mover by—

(i) a latching mechanism and a safety chain;

or

(ii) two safety chains.

Penalty: Division 6 fine.

NOTE: The following approved code of practice under the Act is also relevant to the subject-matter of this regulation:

"Approved Code of Practice for Logging Stanchions and Bulkheads"—South Australian Occupational Health and Safety Commission.

Haul roads

16. (1) A person who owns a forest in which logging work is undertaken must ensure—

(a) that any haul road in the forest is constructed and maintained to a standard that allows vehicles to use the road safely;

(b) where a haul road in the forest is no wider than a road transport vehicle—that passing bays are constructed and maintained to allow vehicles to pass or pull up safely;

(c) where a bridge forms part of a haul road in the forest—

(i) that the road on both sides of the bridge is, so far as is practicable, constructed in a manner that allows a straight access way for any vehicle that uses the bridge and clear visibility for the driver of any such vehicle;

and

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- (ii) that the bridge is fitted with curb rails that are at least 150mm × 150mm square or 150mm in diameter.

Penalty: Division 6 fine.

(2) A person must not drive a vehicle on a haul road at a speed in excess of the highest speed at which the vehicle can be safely brought to a complete stop within a distance of one half of the unobstructed view that he or she has of the road ahead.

Penalty: Division 7 fine.

Personal protective clothing and equipment

17. (1) A person carrying out any work at a logging site must—

- (a) except where the person is in the cabin of a vehicle, wear a safety helmet that—
 - (i) complies with the relevant requirements of Australian Standard 1801 "Industrial Safety Helmets";and
 - (ii) is used and maintained in accordance with the relevant requirements of Australian Standard 1800 "The Selection, Care and Use of Industrial Safety Helmets";
 - (b) wear suitable safety footwear that—
 - (i) in the case of a manual faller—provides ankle support and has non-slip, deep tread soles, or metal sprigs or cleats, that provide a good foothold;and
 - (ii) in any case—complies with the relevant requirements of Australian Standard 2210 "Safety Footwear";
 - (c) wear a vest or similar garment that is made of high visibility material and, where the work is being carried out at night, is highly reflective;
 - (d) where the work involves exposure to a noise level that exceeds 90 dB(A)—wear a suitable hearing protective device that—
 - (i) complies with the relevant requirements of Australian Standard 1270 "Hearing Protection Devices";and
 - (ii) is used and maintained in accordance with the relevant requirements of Australian Standard 1269 "Hearing Conservation";
- and

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- (e) where the person is operating a chain saw or brush-cutter—wear appropriate cut-resistant leg protection.

Penalty: Division 7 fine.

(2) An employer undertaking logging work must ensure—

(a) that each employee is provided with—

(i) the clothing and equipment required by this regulation;

and

(ii) any other clothing or equipment that is necessary to ensure that the employee carries out his or her work safely;

(b) that each employee is sufficiently trained in the correct use of that clothing and equipment;

and

(c) that the clothing and equipment is regularly cleaned, and maintained and stored in good order and effective condition.

Penalty: Division 7 fine.

(3) An employee must—

(a) wear any protective clothing or equipment required by these regulations or otherwise provided by his or her employer;

and

(b) so far as may be reasonable in the circumstances, take steps to maintain that clothing and equipment in good and clean condition.

Penalty: Division 7 fine.

APPENDIX**DIVISIONAL PENALTIES AND EXPIATION FEES**

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

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

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