

**OCCUPATIONAL HEALTH, SAFETY AND WELFARE**

OA301

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984

**OCCUPATIONAL HEALTH, SAFETY AND WELFARE  
AMENDMENT REGULATIONS (NO. 3) 1992**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Occupational Health, Safety and Welfare Amendment Regulations (No. 3) 1992*.

**Commencement**

2. These regulations come into operation on 1 January 1993.

**Part 3 amended**

3. Part 3 of the *Occupational Health, Safety and Welfare Regulations 1988\** is amended in Division 3 by inserting after Subdivision 1 the following Subdivision —

“ **Subdivision 1A — Manual Handling**

**Interpretation**

314A. In this Subdivision, “**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 a person, animal or thing.

**Design and maintenance**

314B. (1) An employer shall ensure that, as far as practicable—

- (a) any plant or container used in the workplace is designed, constructed and maintained so as to avoid a hazard arising from its manual handling;
- (b) work practices involving manual handling are designed, implemented and maintained so as to avoid a hazard arising; and
- (c) the working environment is designed, constructed and maintained so that it is consistent with safe manual handling practices.

(2) An employer who contravenes subregulation (1) commits an offence.

**Identification of hazards**

314C. (1) An employer shall identify and assess any manual handling that may involve an employee being exposed to a hazard.

(2) The assessment is to be made in consultation with the employees who are required to carry out the manual handling and their health and safety representatives, if any.

(3) An employer who contravenes subregulation (1) or (2) commits an offence.

**Minimizing risk**

314D. (1) If manual handling is identified as involving an employee being exposed to a hazard, the employer shall take all practicable steps to eliminate the hazard or reduce the risk of it resulting in injury or harm to health.

(2) To this end, the employer shall —

- (a) redesign the task;
- (b) where redesign is impracticable or until it is completed, provide and arrange, as appropriate, mechanical aids, personal protective equipment and team lifting; and
- (c) ensure that the employees concerned receive training and supervision that is appropriate in relation to action taken under paragraphs (a) and (b).

(3) The employer shall give effect to subregulations (1) and (2) in consultation with employees who are required to carry out the manual handling and their health and safety representatives, if any.

(4) An employer who contravenes subregulation (1), (2) or (3) commits an offence.

(5) An employee who does not apply training provided, where such training is consistent with the provisions of the Act, or comply with an instruction given for the purposes of this regulation, so far as application and compliance are practicable, commits an offence.

#### The code of practice

314E. Nothing in the Code of Practice for Manual Handling, approved as a code of practice under section 57 of the Act, detracts from anything in this Subdivision. ”.

[\* *Published in the Gazette of 16 September 1988 at pp. 3767-3911. For amendments to 17 December 1992 see p. 435 of 1991 Index to Legislation of Western Australia and Gazette of 29 May 1992.*]

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

---