

Division 5 — Prevention of falls at workplaces

[Heading inserted in Gazette 30 Mar 2001 p. 1767.]

3.48. Terms used

In this Division —

anchorage means an anchorage point for a fall injury prevention system;

fall injury prevention system means a system designed to —

- (a) arrest a person's fall from one level at a workplace to another; and
- (b) minimise the risk of injury or harm to a person who falls from one level at a workplace to another.

[Regulation 3.48 inserted in Gazette 30 Mar 2001 p. 1767.]

3.49. Identification and assessment of hazards in relation to falling

Without limiting regulation 3.1, a person who, at a workplace, is an employer, the main contractor, a self-employed person, a person having control of the workplace or a person having control of access to the workplace must —

- (a) identify each hazard to which a person at the workplace is likely to be exposed in relation to the person falling from one level at the workplace to another; and
- (b) assess the risk of injury or harm to a person resulting from each hazard, if any, identified under paragraph (a); and
- (c) consider the means by which the risk may be reduced.

Penalty: the regulation 1.16 penalty.

[Regulation 3.49 inserted in Gazette 30 Mar 2001 p. 1768; amended in Gazette 14 Dec 2004 p. 6018.]

3.50. Anchorage and fall injury prevention systems to be capable of withstanding forces caused by fall

An employer, main contractor, self-employed person or the person having control of the workplace must ensure that an anchorage or a fall injury prevention system at a workplace is designed, manufactured, constructed, selected, or installed so as to be capable of withstanding the force applied to it as a result of a person's fall at the workplace.

Penalty: the regulation 1.16 penalty.

[Regulation 3.50 inserted in Gazette 30 Mar 2001 p. 1768; amended in Gazette 14 Dec 2004 p. 6018.]

3.51. Inspection etc. of fall injury prevention systems

A person who, at a workplace, is an employer, the main contractor, a self-employed person or the person having control of the workplace must ensure, in relation to each fall injury prevention system provided at the workplace that —

- (a) each component of the system and its means of attachment to an anchorage is inspected by a competent person —
 - (i) after it is installed but before it is used; and
 - (ii) at regular intervals; and
 - (iii) immediately after it has operated or should have operated in relation to a person's free fall at the workplace;

and

- (b) any component of the system or its means of attachment to an anchorage that, on an inspection referred to in paragraph (a), shows wear or weakness is withdrawn from use until it is replaced with a properly functioning component.

Penalty: the regulation 1.16 penalty.

[Regulation 3.51 inserted in Gazette 30 Mar 2001 p. 1768-9; amended in Gazette 14 Dec 2004 p. 6018.]

3.52. Duties when welding etc. being done near fall injury prevention system

If welding or an allied process is being done at a workplace where a fall injury prevention system is in operation then a person who, at the workplace, is an employer, the main contractor or a self-employed person must ensure that —

- (a) a person using the system is protected from hot particles or sparks resulting from the welding or allied process; and
- (b) the system is protected from hot particles or sparks resulting from the welding or allied process.

Penalty: the regulation 1.16 penalty.

[Regulation 3.52 inserted in Gazette 30 Mar 2001 p. 1769; amended in Gazette 14 Dec 2004 p. 6018.]

3.53. Inspection of anchorages

A person who, at a workplace, is an employer, the main contractor, a self-employed person or the person having control of the workplace must ensure —

- (a) that an anchorage at the workplace is inspected by a competent person and —
 - (i) in the case of an anchorage that is permanently fixed and in regular use, inspected at intervals not greater than 6 months; and
 - (ii) in the case of an anchorage that is permanently fixed but not in regular use, inspected before it is used;

and

- (b) where, in the opinion of the competent person, an anchorage is worn or the load bearing capacity of the anchorage may be impaired —
 - (i) that the anchorage is not used while it is in that condition; and

- (ii) while the anchorage is in that condition, that it is tagged to indicate that it is not to be used;

and

- (c) that an anchorage that has been repaired is not used unless it has been inspected by a competent person who is of the opinion that the anchorage can be used again.

Penalty: the regulation 1.16 penalty.

*[Regulation 3.53 inserted in Gazette 30 Mar 2001 p. 1769;
amended in Gazette 14 Dec 2004 p. 6018.]*

3.54. Holes and openings

- (1) A person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that any hole or opening (other than a liftwell, stairwell or vehicle inspection pit) with dimensions of more than 200 mm x 200 mm but less than 2 metres x 2 metres or with a diameter greater than 200 mm but less than 2 metres —

- (a) in a floor, other than a concrete floor, of a building or structure at the workplace is covered with a material that is —

- (i) strong enough to prevent persons or things entering or falling through or into the hole or opening; and

- (ii) securely fixed to the floor;

or

- (b) in a concrete floor of a building or structure at the workplace —

- (i) has, if practicable, wire mesh that meets the requirements of subregulation (2); and

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- (ii) is covered with a material that is —
 - (I) strong enough to prevent persons or things entering or falling through or into the hole or opening; and
 - (II) securely fixed to the floor.
- (2) The wire in the wire mesh referred to in subregulation (1)(b)(i) is required to —
 - (a) be at least 4 mm in diameter; and
 - (b) have maximum apertures of 75 mm x 75 mm; and
 - (c) be embedded, at least 200 mm in the edges of the surrounding concrete; and
 - (d) be embedded either —
 - (i) in the upper half of the slab with a minimum concrete cover of 20 mm; or
 - (ii) in the lower half of the slab with a minimum cover of 30 mm.
- (3) A person to whom subregulation (1) applies must ensure that —
 - (a) wire mesh referred to in subregulation (1)(b)(i) —
 - (i) is not used as a working platform; and
 - (ii) is only removed for the purposes of installing services in circumstances where the removal takes place immediately before the installation of a service and the only portion removed is the minimum portion required to be removed for the installation;
 - and
 - (b) any cover referred to in subregulation (1)(a) or (b)(ii) —
 - (i) is marked in clearly legible lettering with the words “DANGER — HOLE BENEATH”; and

- (ii) is only removed for the purposes of installing services in circumstances where the removal takes place immediately before the installation of a service.

Penalty applicable to subregulations (1) and (3): the regulation 1.16 penalty.

[Regulation 3.54 inserted in Gazette 30 Mar 2001 p. 1770-1; amended in Gazette 14 Dec 2004 p. 6018.]

3.55. Edges of scaffolds, slabs etc.

- (1) A person who at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that edge protection that complies with subregulation (5) is provided and kept in place whenever there is a risk that a person could fall 2 or more metres from the edge of —
 - (a) a scaffold, fixed stair, landing or suspended slab at the workplace; or
 - (b) formwork or falsework at the workplace.

Penalty: the regulation 1.16 penalty.

- (2) A person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that either —
 - (a) edge protection that complies with subregulation (5) is provided and kept in place whenever there is a risk that a person could fall 3 or more metres from an edge at the workplace other than an edge referred to in subregulation (1); or
 - (b) a fall injury prevention system is provided and in operation whenever there is a risk that a person could fall 3 or more metres from an edge at the workplace other than an edge referred to in subregulation (1).

Penalty: the regulation 1.16 penalty.

- (3) When a fall injury prevention system that is designed to be attached to a person is provided in accordance with subregulation (2)(b), a person who is at risk of falling from the structure must use the system.

Penalty: the regulation 1.15 penalty.

- (4) When a fall injury prevention system that is not designed to be attached to a person is provided in accordance with subregulation (2)(b), a person who is at risk of falling from the structure must ensure, before the person ascends the structure, that the system is in operation.

Penalty: the regulation 1.15 penalty.

- (5) Edge protection must have —

- (a) a top rail —

(i) positioned not less than 900 mm and not more than 1 100 mm above the working surface; and

(ii) that is capable of withstanding a force of 0.55 kN applied to any point of the guard rail system;

and

- (b) either —

(i) a mid rail and a toe board; or

(ii) a toe board and a mesh panel that comprises wire that is not less than 3 mm in diameter and apertures not greater than 75 mm x 50 mm and that fills the space between the top rail and the toe board.

[Regulation 3.55 inserted in Gazette 30 Mar 2001 p. 1771-2; amended in Gazette 14 Dec 2004 p. 6016-17 and 6018.]

3.56. Grid mesh and checker plate flooring panels

A person who, at a workplace that is a construction site, is the main contractor, an employer, or a self-employed person must

ensure that if grid mesh or checker plate flooring panels are being installed at the workplace —

- (a) subject to paragraph (b), then each panel is securely fixed, in accordance with the manufacturer's specifications, to a supporting structure before the support structure is placed into position on the building or structure under construction; and
- (b) where it is not practicable to fix the panels to a supporting structure, then each panel is securely fixed to the building or structure under construction immediately after the panel is placed into position.

Penalty: the regulation 1.16 penalty.

[Regulation 3.56 inserted in Gazette 30 Mar 2001 p. 1772; amended in Gazette 14 Dec 2004 p. 6018.]

3.57. Working on or from brittle or fragile roofing

- (1) A person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that if a person is required to work on or from a roof at the workplace where brittle or fragile material forms the whole or any part of the roof then —
 - (a) the person to work on or from the roof is informed that the roof is wholly or in part brittle or fragile, as is relevant to the case; and
 - (b) the person to work on or from the roof is provided with a safe working platform and safe access way; and
 - (c) the person to work on or from the roof is trained and instructed on —
 - (i) the precautions to be taken; and
 - (ii) how and where to access the roof; and

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(iii) how and where to gain access to the working platform or access way referred to in paragraph (b);

and

(d) to the extent practicable, a warning notice bearing the words “DANGER — FRAGILE ROOFING — USE WORKING PLATFORM” is placed at each place where a person who is to work on or from the roof is to access the roof.

Penalty: the regulation 1.16 penalty.

(2) Without limiting regulation 3.1, if at a workplace brittle or fragile material forms the whole or part of a roof that is to be removed, a person who, at the workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must before the roof is removed —

(a) identify which areas of the roof are made of a brittle or fragile material; and

(b) assess the stability of the structure that supports the roof and the soundness of the roof.

Penalty: the regulation 1.16 penalty.

(3) A person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure, if a person is required to work on or from a roof at the workplace where brittle or fragile material forms the whole or any part of the roof and there is a risk that that person might fall through the roof, and if there is no other practicable means of preventing the person falling through the roof, that —

(a) non-corrosive safety mesh that is capable of preventing a person falling through the roof is securely fixed directly over the top of, or directly underneath, the brittle or fragile areas; or

- (b) barriers are securely fixed and adequately maintained around the brittle or fragile areas.

Penalty: the regulation 1.16 penalty.

- (4) A person must not remove a notice referred to in subregulation (1) without the authority of the person who caused the notice to be placed.

Penalty for a person who commits the offence as an employee: the regulation 1.15 penalty.

Penalty in any other case: the regulation 1.16 penalty.

[Regulation 3.57 inserted in Gazette 30 Mar 2001 p. 1772-4; amended in Gazette 14 Dec 2004 p. 6017 and 6018.]

Division 6 — Electricity

3.58. Term used: supply authority

In this Division —

supply authority has the meaning that it has in the *Electricity Act 1945*,

and, for the purposes of this Division, a reference in AS/NZS 3012 to a supply authority is to be treated as a reference to a supply authority as defined in this regulation.

3.59. Electrical installations at workplaces

A person who, at a workplace, is an employer, the main contractor, a self-employed person or a person having control of the workplace must ensure that —

- (a) all electrical installations at the workplace are designed, constructed, installed, protected, maintained and tested so as to minimise the risk of electrical shock or fire; and
- (b) each connection on a flexible cord that is installed or renewed at the workplace after 1 October 1996 is of