

1991—No. 378

**OCCUPATIONAL HEALTH AND SAFETY ACT 1983—  
REGULATION**

(Occupational Health and Safety (Manual Handling) Regulation 1991)

NEW SOUTH WALES



*[Published in Gazette No. 108 of 19 July 1991]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Occupational Health and Safety Act 1983, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY  
Minister for Industrial Relations and  
Mmister for Further Education,  
Training and Employment.

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**Citation**

1. This Regulation may be cited as the Occupational Health and Safety (Manual Handling) Regulation 1991.

**Commencement**

2. This Regulation commences on 1 September 1991.

**Definitions**

3. In this Regulation:

“**National Standard**” means the standard that was published in February 1990 under the title "National Standard for Manual Handling", being a standard the subject of a declaration by the National Occupational Health and Safety Commission under section 38 (1) of the National Occupational Health and Safety Commission Act 1985 of the Commonwealth;

“**the Act**” means the Occupational Health and Safety Act 1983.

**Application of Regulation**

4. This Regulation applies to all places of work other than mines within the meaning of the Coal Mines Regulation Act 1982 or the Mines Inspection Act 1901.

**Adoption of National Standard**

5. (1) The National Standard has effect as if it formed part of this Regulation.

(2) Except as provided by subclause (3), references in the National Standard to expressions that are defined in the Act have the same meanings as they have in the Act rather than the meanings they are given by the Standard.

(3) In this Regulation and in the National Standard, a reference to an employer is to be construed as including a reference to a self-employed person within the meaning of the Act.

**Penalties**

6. (1) An employer who fails to comply with a requirement of the National Standard that applies to employers is guilty of an offence and liable to a penalty not exceeding 100 penalty units (in the case of a corporation) and 50 penalty units (in any other case).

(2) An employee who fails to comply with a requirement of the National Standard that applies to employees is guilty of an offence and liable to a penalty not exceeding 10 penalty units.

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**EXPLANATORY NOTE**

The object of this Regulation is to adopt the National Standard for Manual Handling for the purposes of the Occupational Health and Safety Act 1983. The Standard contains provisions relating to design, risk assessment and risk control (relevant to employers) and to the use of safe manual handling techniques and procedures (relevant to employees). The Regulation deals merely with matters involving the adoption of Australian standards, where an assessment of the costs and benefits has already been made.

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