

PART 3.3—PREVENTION OF FALLS

Division 1—Introductory matters

3.3.1 Application of Part

(1) This Part does not apply in relation to—

(a) the following activities that are carried out under the control or management of an employer□

(i) the performance of stunt work; or

(ii) the performance of acrobatics; or

(iii) a theatrical performance; or

(iv) a sporting or athletic activity; or

(v) the riding of a bicycle, motorcycle or all-terrain vehicle; or

(vi) horse riding; or

(vii) rock climbing, abseiling or any other similar activities; or

(b) a task that is undertaken on those parts of a building or structure (including stairs, fixed ladders, ramps and balconies) that□

(i) comply with any applicable requirements of AS 1657—Fixed platforms, walkways, stairways and ladders—Design, construction and installation; and

(ii) comply with any applicable requirements of the Building Regulations 2006¹; and

(iii) are used for the purpose for which they were designed, including for access and egress; or

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(c) any activity determined by the Authority in accordance with subregulation (2).

(2) The Authority may determine an activity to be excluded from the application of this Part if the Authority is satisfied that the activity is of a similar nature to an activity referred to in subregulation (1)(a).

3.3.2 Application to employers of emergency service employees

Without limiting the application of this Part (other than regulations 3.3.5, 3.3.6 and 3.3.7), regulations 3.3.5, 3.3.6 and 3.3.7 apply so far as is reasonably practicable to an employer of—

(a) an emergency service employee when that employee is—

- (i) undertaking the rescue of a person; or
 - (ii) providing first aid to a person; or
 - (iii) undertaking training to deal with emergency and rescue operations; or
 - (iv) carrying out an emergency response; or
- (b) a law enforcement officer within the meaning of the **Surveillance Devices Act 1999** when that officer is—

- (i) installing, using, maintaining or retrieving a surveillance device or a tracking device under an emergency authorisation or a warrant issued under that Act; or
- (ii) engaged in any other surveillance operation authorised by a senior officer under that Act; or
- (iii) undertaking training in relation to surveillance duties or operations required in the application of that Act.

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Division 2—Duties of employers

3.3.3 Hazard identification

An employer must, so far as is reasonably practicable, identify any task that an employee is required to undertake at a workplace that involves a fall hazard including—

- (a) on any plant or structure being constructed, demolished, inspected, tested, maintained, repaired or cleaned;
- (b) on a fragile, slippery or potentially unstable surface;
- (c) using equipment to gain access to an elevated level or to undertake the task at an elevated level;
- (d) on a sloping surface on which it is difficult to maintain balance;
- (e) in close proximity to an unprotected edge;
- (f) in close proximity to a hole, shaft or pit that is of sufficient dimensions to allow a person to fall into the hole, shaft or pit.

Notes

1 Act compliance—section 21 (see regulation 1.1.7).

2 A fall in this Part means an involuntary fall of over 2 metres (see the definition of **fall** in regulation 1.1.5).

3.3.4 Control of risk

(1) An employer must ensure that if an employee is required to undertake a task at the workplace that involves a risk of a fall, the risk is controlled, so far as is reasonably practicable, by arranging for the task to be undertaken—

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- (a) on the ground; or
- (b) on a solid construction.

Notes

1 Act compliance—section 21 (see regulation 1.1.7).

2 See subregulation (6) for the definition of **solid construction**.

(2) If it is not reasonably practicable to comply with subregulation (1), or only part of a task may be undertaken in accordance with subregulation (1), and a risk of a fall remains, the employer must reduce the risk, so far as is reasonably practicable, by ensuring that a passive fall prevention device is used.

Notes

1 Act compliance—section 21 (see regulation 1.1.7).

2 Examples of a passive fall prevention device are given in the definition of that term in regulation 1.1.5.

(3) If it is not reasonably practicable to comply with subregulations (1) and (2), or only part of a task may be undertaken in accordance with those subregulations, and a risk of a fall remains, the employer must reduce the risk, so far as is reasonably practicable, by using a work positioning system.

Notes

1 Act compliance—section 21 (see regulation 1.1.7).

2 Work positioning system is defined in regulation 1.1.5.

(4) If it is not reasonably practicable to comply with subregulations (1), (2) and (3), or only part of a task may be undertaken in accordance with those subregulations, and a risk of a fall remains, the employer must reduce the risk, so far as is reasonably practicable, by putting in place a fall arrest system.

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Note

1 Act compliance—section 21 (see regulation 1.1.7).

2 Examples of a fall arrest system are given in the definition of that term in regulation 1.1.5.

(5) If it is not reasonably practicable to comply with subregulations (1), (2), (3) and (4), or only part of a task may be undertaken in accordance with those subregulations, and a risk of a fall remains, the employer must reduce the risk, so far as is reasonably practicable, by ensuring that—
(a) a fixed or portable ladder is used in accordance with regulation 3.3.5; or

(b) an administrative control is used.

Note

Act compliance—section 21 (see regulation 1.1.7).

(6) In this regulation, **solid construction** means an area that has□

(a) a surface that is structurally capable of supporting people, material and any other loads intended to be applied to it; and

(b) barriers around its perimeter and any open penetrations to prevent a fall from the area; and

(c) an even and readily negotiable surface and gradient; and

(d) a safe means of access and egress.

3.3.5 Use of ladder as a control measure

An employer must ensure that a fixed or portable ladder used in accordance with regulation 3.3.4 to control the risk of a fall—

(a) is fit for the purpose; and

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(b) is appropriate for the duration of the task; and

(c) is set up in a correct manner.

3.3.6 Use of administrative control only

(1) If an employer uses only an administrative control in accordance with regulation 3.3.4 to control the risk of a fall, the employer must, before the task is undertaken, record—

(a) a description of the administrative control used; and

(b) a description of the task to which the administrative control relates.

Penalty: 60 penalty units for a natural person; 300 penalty units for a body corporate.

(2) In complying with subregulation (1), an employer may make a generic record in respect of a task to which an administrative control relates if the task will be undertaken in the same or similar circumstances at more than one workplace or at more than one work area within a workplace.

(3) The employer must retain a record made under this regulation for the period during which the task to which the administrative control relates is being undertaken.

Penalty: 60 penalty units for a natural person; 300 penalty units for a body corporate.

(4) The preparation of a safe work method statement in accordance with regulation 5.1.9 is to be taken to be compliance with subregulation (1).

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3.3.7 Use of plant to control risk

(1) An employer must ensure that any plant used to control a risk of a fall is—

- (a) designed and constructed for the task or range of tasks to be undertaken; and
- (b) designed and constructed in such a way as to enable its safe use in the physical surroundings in which it is to be used and the conditions during which it is to be used.

Examples

Examples of physical surroundings are the type and condition of supporting surface and proximity to powerlines and trees.

Examples of conditions are lighting and weather conditions.

Note

Act compliance—section 21 (see regulation 1.1.7).

(2) An employer must ensure that the installation, erection or dismantling of plant used to control the risk of a fall is carried out in such a manner as to reduce, so far as is reasonably practicable, any risk while that installation, erection or dismantling is being carried out.

Examples

Examples of the risks to be reduced are risks of a fall, electric shock, crushing and musculoskeletal disorder.

Note

Act compliance—section 21 (see regulation 1.1.7).

3.3.8 Review of risk control measures

(1) An employer must ensure that any measures implemented to control risks in relation to falls are reviewed and, if necessary, revised—

- (a) before any alteration is made to plant or systems of work that is likely to result in a fall; or

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(b) after any incident occurs to which Part 5 of the Act applies that involves a fall or the risk of a fall; or

(c) if, for any other reason, the risk control measures do not adequately control the risks;

or

(d) after receiving a request from a health and safety representative.

Note

Act compliance—section 21 (see regulation 1.1.7).

(2) A health and safety representative may make a request under subregulation (1)(d) if the health

and safety representative believes on reasonable grounds that—

(a) any of the circumstances referred to in subregulations (1)(a) to (1)(c) exists; or

(b) the employer has failed—

(i) to properly review the risk control measures; or

(ii) to take account of any of the circumstances referred to in subregulations (1)(a) to (1)(c) in conducting a review of, or revising, the risk control measures.

3.3.9 Emergency procedures

(1) If an employer uses a risk control measure in accordance with subregulation (2), (3), (4) or (5) of regulation 3.3.4 to control the risk of a fall, the employer must ensure that emergency procedures are established in accordance with this regulation before the task is undertaken.

Note

Act compliance—section 21 (see regulation 1.1.7).

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(2) An employer must ensure that emergency procedures, so far as is reasonably practicable, enable□

(a) the rescue of an employee in the event of a fall; and

(b) the provision of first aid to an employee who has fallen.

(3) An employer must ensure that an emergency procedure can be carried out immediately after the fall.

(4) An employer must ensure that any risk associated with the carrying out of an emergency procedure—

(a) is eliminated so far as is reasonably practicable; and

(b) if it is not reasonably practicable to eliminate the risk, is reduced so far as is reasonably practicable.

Example

Examples of risks associated with the carrying out of emergency procedures are risks of a fall, electric shock, crushing and musculoskeletal disorder.