



New South Wales

# Work Health and Safety Regulation 2011

under the

Work Health and Safety Act 2011

## Status information

### Currency of version

Current version for 2 November 2012 to date (generated 6 November 2012 at 16:27).  
Legislation on the NSW legislation website is usually updated within 3 working days.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced. See Historical Notes.

### See also:

Ports Assets (Authorised Transactions) Bill 2012

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- (5) The person must ensure that, for the period for which the assessment or permit must be kept under this clause, a copy is available to any relevant worker on request.

Maximum penalty:

- (a) in the case of an individual—\$3,600, or  
(b) in the case of a body corporate—\$18,000.

## Part 4.4 Falls

### 78 Management of risk of fall

- (1) A person conducting a business or undertaking at a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with a fall by a person from one level to another that is reasonably likely to cause injury to the person or any other person.

**Note.** WHS Act—section 19 (see clause 9).

- (2) Subclause (1) includes the risk of a fall:
- (a) in or on an elevated workplace from which a person could fall, or  
(b) in the vicinity of an opening through which a person could fall, or  
(c) in the vicinity of an edge over which a person could fall, or  
(d) on a surface through which a person could fall, or  
(e) in any other place from which a person could fall.
- (3) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that any work that involves the risk of a fall to which subclause (1) applies is carried out on the ground or on a solid construction.

Maximum penalty:

- (a) in the case of an individual—\$6,000, or  
(b) in the case of a body corporate—\$30,000.

- (4) A person conducting a business or undertaking must provide safe means of access to and exit from:

- (a) the workplace, and  
(b) any area within the workplace referred to in subclause (2).

Maximum penalty:

- (a) in the case of an individual—\$6,000, or  
(b) in the case of a body corporate—\$30,000.

- (5) In this clause, ***solid construction*** means an area that has:

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- (a) a surface that is structurally capable of supporting all persons and things that may be located or placed on it, and
  - (b) barriers around its perimeter and any openings to prevent a fall, and
  - (c) an even and readily negotiable surface and gradient, and
  - (d) a safe means of entry and exit.

### **79 Specific requirements to minimise risk of fall**

- (1) This clause applies if it is not reasonably practicable for the person conducting a business or undertaking at a workplace to eliminate the risk of a fall to which clause 78 applies.
- (2) The person must minimise the risk of a fall by providing adequate protection against the risk in accordance with this clause.

Maximum penalty:

- (a) in the case of an individual—\$6,000, or
  - (b) in the case of a body corporate—\$30,000.
- (3) The person provides adequate protection against the risk if the person provides and maintains a safe system of work, including by:
    - (a) providing a fall prevention device if it is reasonably practicable to do so, or
    - (b) if it is not reasonably practicable to provide a fall prevention device, providing a work positioning system, or
    - (c) if it is not reasonably practicable to comply with either paragraph (a) or (b), providing a fall arrest system, so far as is reasonably practicable.

#### **Examples.**

- 1 Providing temporary work platforms.
- 2 Providing training in relation to the risks involved in working at the workplace.
- 3 Providing safe work procedures, safe sequencing of work, safe use of ladders, permit systems and appropriate signs.

**Note.** A combination of the controls set out in this subclause may be used to minimise risks, so far as is practicable, if a single control is not sufficient for the purpose.

- (4) This clause does not apply in relation to the following work:
  - (a) the performance of stunt work,
  - (b) the performance of acrobatics,
  - (c) a theatrical performance,
  - (d) a sporting or athletic activity,

(e) horse riding.

**Note.** Clause 36 applies to the management of risk in relation to this work.

(5) In this clause, **fall prevention device** includes:

- (a) a secure fence, and
- (b) edge protection, and
- (c) working platforms, and
- (d) covers.

**Note.** See clause 5 (1) for definitions of **fall arrest system** and **work positioning system**.

#### **80 Emergency and rescue procedures**

(1) This clause applies if a person conducting a business or undertaking provides a fall arrest system as a control measure.

(2) Without limiting clause 79, the person must establish emergency procedures, including rescue procedures, in relation to the use of the fall arrest system.

Maximum penalty:

- (a) in the case of an individual—\$6,000, or
- (b) in the case of a body corporate—\$30,000.

(3) The person must ensure that the emergency procedures are tested so that they are effective.

Maximum penalty:

- (a) in the case of an individual—\$6,000, or
- (b) in the case of a body corporate—\$30,000.

(4) The person must provide relevant workers with suitable and adequate information, training and instruction in relation to the emergency procedures.

Maximum penalty:

- (a) in the case of an individual—\$6,000, or
- (b) in the case of a body corporate—\$30,000.

(5) In this clause, **relevant worker** means:

- (a) a worker who, in carrying out work in the business or undertaking, uses or is to use a fall arrest system, and
- (b) a worker who may be involved in initiating or implementing the emergency procedures.