

1990 - No. 427/8

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

(Occupational Health and Safety (Floors, Passageways
and Stairs) Regulation 1990)

NEW SOUTH WALES



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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 Employment.

Citation

1. This Regulation may be cited as the Occupational Health and Safety (Floors, Passageways and Stairs) Regulation 1990.

Commencement

2. This Regulation commences on 1 August 1990.

Definitions

3. (1) In this Regulation:

"the Act" means the Occupational Health and Safety Act 1983.

(2) In this Regulation, a reference to AS 1657-1985 is a reference to the publication of that number of the Standards Association of Australia entitled SAA Code for Fixed Platforms, Walkways, Stairways

and Ladders (as in force on the day on which this Regulation commences).

Application

4. (1) 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.

(2) Nothing in this Regulation affects the operation of Ordinance No. 70 under the Local Government Act 1919.

Adoption of standard for safe working in relation to fixed platforms, walkways, stairways and ladders

5. For the purposes of Part 3 of the Act (the provisions of which are adapted accordingly), fixed platforms, walkways, stairways and ladders at a place of work are unsafe and a risk to health if the requirements set out in AS 1657-1985 are not complied with.

Safe working in relation to floors

6. For the purposes of Part 3 of the Act (the provisions of which are adapted accordingly), floors at a place of work are unsafe and a risk to health if the following requirements are not complied with

- (a) all floors must have sufficient strength to safely support the equipment, materials and persons required for, or engaged in, the work carried out at the place of work;
- (b) all floors (or their coverings) must have an even and unbroken slip-resistant surface which is free from holes, indentations, projections or other obstructions likely to cause a person to trip or stumble;
- (c) all floors at the place of work over which any vehicle is required or likely to pass must be maintained in a condition that does not endanger the safe operation and use of the vehicle;
- (d) if liquids are likely to be spilled because of the nature of any process carried on at the place of work, or if it is essential (for hygienic reasons associated with the process or to safeguard the health and safety of persons) for a floor to be cleaned with water or other liquids, the surface of the floor must be impervious to the penetration of liquids likely to be spilt or used in the process of cleaning;

- (e) if liquids are likely to be spilled at a substantial level because of the nature of any process carried on at the place of work or if the cleaning of a floor is carried out by flushing with water, the impervious materials forming the surface of the floor must be continued up the walls to a height of not less than 75 mm from the level of the floor and the surface between the walls and the floor must be concavely rounded;
- (f) all floors referred to in paragraph (e) must be graded to drain off liquids, and if the effluent from any drain is likely to be offensive, it must be intercepted by suitable treatment tanks;
- (g) where practicable, drains for carrying away spilt liquids must be located to ensure that the liquids are intercepted close to the point of spillage and not allowed to spread over the working surface of the floor;
- (h) if persons, while working, are required to stand in substantially the same position on a floor of brick, concrete, metal, stone or other similar material, the floor (or the part where persons stand while working) must be covered, where practicable, with a semi-resilient, thermally non-conductive material;
- (i) guard railing complying with AS 1657-1985 must be provided around unguarded openings in floors or around open edges of floors and, if an object can fall more than 2000 mm from a floor, a toe-board complying with AS 1657-1985 must also be provided at the edge of the floor.

Exemptions

7. (1) The WorkCover Authority may, by certificate in writing, exempt a place of work or classes of places of work, either absolutely or subject to conditions, from any provision of AS 1657-1985 or from the requirements of clause 6.

(2) Any application made by a person for an exemption under this clause is to be in writing.

NOTE

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EXPLANATORY NOTE

The object of this Regulation is to make provision under the Occupational Health and Safety Act 1983 for safe working in relation to fixed platforms, walkways, stairways, ladders and floors at all places of work (other than mines). As part of an employer's general duty to ensure the health, safety and welfare of his or her employees at work, the employer will be required to comply with the requirements set out in the Australian Standard dealing with safe working in relation to fixed platforms, walkways, stairways and ladders and with the requirements set out in the proposed Regulation in relation to floors. Under the Act, if the employer fails to provide or maintain a place of work that is safe and without risk to health the employer is guilty of an offence.
