

"Trafalgar Safety"

1989 - No. 351A

NEW SOUTH WALES



REGULATION

OCCUPATIONAL HEALTH AND SAFETY ACT 1983
(Occupational Health and Safety (First-aid) Regulation 1989)

[Published in Gazette No. 78 of 23 June 1989]

(L.S.) D. J. MARTIN, Governor.

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 (First-aid) Regulation 1989.

Commencement

2. (1) This Regulation takes effect on 1 January 1990, except as provided by subclause (2).

(2) Clauses 7 and 8 (2)-(5) take effect on 1 July 1990.

Application

3. This Regulation applies to all places of work other than:
- (a) mines within the meaning of the Coal Mines Regulation Act 1982 or the Mines Inspection Act 1901; and
 - (b) places of work at which only self-employed persons work (not being construction sites); and
 - (c) places of work at which persons are engaged in a timber industry (within the meaning of the Timber Industry (Health and Safety) Regulation 1982).

Definitions

4. (1) In this Regulation:

"construction site" means a place of work where construction work is carried on;

"construction work" means construction work as defined in section 3 of the Construction Safety Act 1912;

"Co-ordinator" means the person appointed for the time being as the Co-ordinator, Occupational Health, Safety and Rehabilitation Services, Department of Industrial Relations and Employment;

"factory" means factory as defined in section 4 of the Factories, Shops and Industries Act 1962;

"place of work" means premises where persons work;

"premises" includes:

- (a) any land, building or part of any building; and
- (b) any vehicle, vessel or aircraft; and
- (c) any installation on land, on the bed of any waters or floating on any waters; and
- (d) any tent or movable structure.

(2) In this Regulation, a reference to:

- (a) AS 1319 is a reference to the publication of that number of the Standards Association of Australia entitled Safety Signs for the Occupational Environment; and
- (b) AS 2488 is a reference to the publication of that number of the Standards Association of Australia entitled Resuscitators, Resuscitator Containers and Resuscitator Kits.

(3) In this Regulation, a reference to the number of persons working at a place of work is, if persons work in shifts or at different times, a reference to the greatest number of persons regularly working at that place at any one time.

Offence for non-compliance with Regulation

5. If any of the requirements of this Regulation in respect of a place of work are not complied with:

- (a) except in the case of a construction site - the employer of any person working at that place of work; or
 - (b) in the case of a construction site - the principal contractor,
- is guilty of an offence.

Penalty: in the case of the requirements of clause 6, \$1,000; in the case of the requirements of clause 7, \$2,000; in the case of any other requirement, \$500.

First-aid kits

6. (1) First-aid kits that comply with this clause must be provided and maintained:

- (a) at any construction site at which less than 100 persons work; and
- (b) at any other place of work at which less than 200 persons work.

(2) First-aid kits provided at a place of work must be readily accessible to persons working at that place of work.

(3) Where reasonably practicable, first-aid kits must be located so that:

- (a) except in the case of a construction site, no part of the place of work is further than 100 metres from a first-aid kit; and

- (b) except in the case of a construction site, no part of the place of work is more than one floor level above or below a first-aid kit; and
- (c) each first-aid kit is close to a supply of clean running water.
- (4) A first-aid kit provided at a place of work must:
 - (a) be constructed of impervious material and, if appropriate, be capable of being locked (the key being easily accessible in cases of emergency); and
 - (b) be clearly and legibly marked on the outside with the words "FIRST AID" and a safety information sign complying with AS 1319; and
 - (c) in the case of a construction site, be fitted with a carrying handle; and
 - (d) contain the appliances and requisites for first-aid in quantities not less than those set out in Schedule 1 as applicable to the place of work concerned; and
 - (e) contain nothing except appliances and requisites for first-aid; and
 - (f) have attached to the inside of the lid:
 - (i) a list of the appliances and requisites for first-aid which the kit is required to contain; and
 - (ii) a cardio pulmonary resuscitation flow chart; and
 - (g) be kept clean.
- (5) This clause does not apply to a place of work at which a first-aid room complying with clause 7 is provided and is available to all persons working at that place of work.

(6) Even though such a first-aid room is provided at a place of work (not being a construction site), a first-aid kit complying with this clause must be provided at the place of work for persons working more than 100 metres from the first-aid room.

First-aid rooms

7. (1) A first-aid room that complies with this clause must be provided and maintained:

- (a) at any construction site at which 100 or more persons work; and
- (b) at any other place of work at which 200 or more persons work.

- (2) A first-aid room provided at a place of work must:
- (a) be located so that it is readily accessible during working hours to persons working at the place of work; and
 - (b) be situated at a convenient distance from toilets; and
 - (c) have an access door that is wide enough to allow the entry and exit of a patient on a stretcher; and
 - (d) have a suitably constructed floor; and
 - (e) unless otherwise approved by the Co-ordinator, occupy a minimum area of 15 square metres; and
 - (f) be well lighted and well ventilated; and
 - (g) contain the following:
 - (i) a sink or a wash basin equipped with suitable drainage and a supply of clean hot and cold running water;
 - (ii) a work bench or a dressing trolley;
 - (iii) a cupboard for storage;
 - (iv) a suitable container fitted with a disposable bag or liner for soiled dressings;
 - (v) a suitable container for the safe disposal of needles or other sharp implements;
 - (vi) an electric power point;
 - (vii) means of boiling water;
 - (viii) a couch with blankets and pillows;
 - (ix) 2 chairs with arms;
 - (x) a movable screen or suspended curtain;
 - (xi) a desk or table;
 - (xii) a telephone;
 - (xiii) a stretcher, lifting frame or similar device for transporting patients;
 - (xiv) a sufficient supply of soap and disposable towels;
 - (xv) a copy of the current edition of an occupational first-aid handbook approved by the Co-ordinator;
 - (xvi) the appliances and requisites for first-aid in quantities not less than those set out in Schedule 1 relating to first-aid kit A;

- (xvii) a portable first-aid kit for use outside the first-aid room, which contains the appliances and requisites for first-aid in quantities not less than those set out in Schedule 1 relating to first-aid kit B;
- (xviii) such special appliances, requisites and equipment for first-aid as are otherwise required by law or as are necessary or appropriate having regard to the nature of the work undertaken at the place of work;
- (xix) if a resuscitator is provided, one that complies with AS 2488.

(3) Every entrance to a first-aid room must be clearly and legibly marked on the outside with the words "FIRST AID" and a safety information sign complying with AS 1319.

(4) A first-aid room must not:

- (a) contain anything except equipment, requisites or appliances for first-aid or occupational health purposes; or
- (b) be used for any purpose other than for first-aid or occupational health purposes.

(5) A first-aid room and its facilities are to be made available to all persons working at the place of work.

(6) Nothing in this clause requires a first-aid room to be made available at a time when the number of persons working at the place is such that clause 6 applies and first-aid kits that comply with that clause are provided and maintained.

First-aid personnel

8. (1) In respect of each first-aid kit provided at a place of work under clause 6:

- (a) a person or persons must be appointed to be in charge of the first-aid kit and be readily available to render first-aid attention when necessary to persons working at that place of work; and
- (b) a notice must be displayed in a prominent position near the first-aid kit clearly showing:
 - (i) the name and telephone number (if applicable) of the person or persons so appointed; and
 - (ii) in respect of each person so appointed, the place where the person is normally located at that place of work; and

- (iii) the name and telephone number (if applicable) and place of work of any additional person appointed to render first-aid.

(2) In respect of a first-aid room provided at a place of work under clause 7:

- (a) a person or persons must be appointed to be in charge of the first-aid room and be readily available to render first-aid attention when necessary to persons working at that place of work; and
- (b) a notice must be displayed on or adjacent to the door of the first-aid room clearly showing:
 - (i) the name and telephone number (if applicable) of the person or persons so appointed; and
 - (ii) in respect of each person so appointed, the place where the person is normally located at that place of work; and
 - (iii) the name and telephone number (if applicable) and place of work of any additional person appointed to render first-aid.

(3) A person appointed to be in charge of a first-aid kit at a place of work at which more than 25 persons work must be the holder of a current first-aid certificate approved by the Co-ordinator.

(4) A person appointed to be in charge of a first-aid room at a place of work must be the holder of a current occupational first-aid certificate approved by the Co-ordinator.

(5) Any additional person appointed to render first-aid at a place of work at which a first-aid room is provided must be the holder of a current first-aid certificate approved by the Co-ordinator.

(6) Despite anything to the contrary in this clause, a medical practitioner or registered nurse is qualified to render first-aid and to be in charge of a first-aid kit or first-aid room.

Register of injuries and treatment

9. (1) A register must be kept at each place of work containing the following particulars:

- (a) the name, age, address and occupation of every person injured while working at that place of work;

- (b) the industry in which the person was working at the time the injury occurred;
 - (c) the activity in which the person was engaged at the time the injury occurred;
 - (d) the date and time the injury occurred;
 - (e) a brief description of the type and cause of the injury, the part of the body injured and the treatment given;
 - (f) the name of the person rendering first-aid;
 - (g) details of any referral for further treatment.
- (2) The register:
- (a) may be combined with any other similar type of register required to be kept by or under any other Act; and
 - (b) must be kept in a readily accessible place at the relevant place of work; and
 - (c) must be made available for inspection when requested by an inspector; and
 - (d) must be kept for at least 5 years after the date of the last entry made in it.
- (3) If a place ceases to be a place of work, the register may be kept at any other suitable place.

Exemptions

10. (1) The Co-ordinator may, by certificate in writing, exempt persons or classes of persons, either absolutely or subject to conditions, from any provision of this Regulation.
- (2) Any application made by a person for an exemption under this clause is to be in writing.
- (3) An exemption under this clause is not to be granted unless the person who makes the application for the exemption gives notice, at the time of making the application, of the terms of the application:
- (a) to the persons employed at the place of work to which the application relates; or
 - (b) to a representative of those persons.
- (4) The Co-ordinator may at any time revoke an exemption under this clause.

Transitional provisions applying until 1 July 1990

11. (1) In respect of a factory at which 200 or more persons work, until 1 July 1990:

- (a) a first-aid room complying with clause 8 (1)-(5) of the Factories (Health and Safety - First-aid) Regulation 1977 (as in force immediately before 1 January 1990) must be provided and maintained; and
- (b) a person or persons holding a current first-aid certificate approved by the Chief Inspector of Factories, Shops and Industries must be appointed to be in charge of the first-aid room.

(2) In respect of a construction site at which 100 or more persons work, until 1 July 1990:

- (a) the provisions of clause 6 are to apply; and
- (b) a first-aid post must be provided in a room at the construction site and must:
 - (i) be equipped with facilities for washing and boiling water; and
 - (ii) contain a couch, blankets, a portable stretcher and a first-aid kit containing the appliances and requisites for first-aid in quantities not less than those set out in Schedule 1 relating to first-aid kit A; and
- (c) a person or persons holding a current first-aid certificate issued by the St. John Ambulance or the Australian Red Cross Society must be appointed to be in charge of the first-aid post.

(3) In respect of a place of work (other than a factory or construction site) at which 200 or more persons work, until 1 July 1990 the provisions of clause 6 are to apply.

NOTE

TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Application
4. Definitions
5. Offence for non-compliance with Regulation
6. First-aid kits
7. First-aid rooms
8. First-aid personnel
9. Register of injuries and treatment
10. Exemptions
11. Transitional provisions applying until 1 July 1990

SCHEDULE 1

EXPLANATORY NOTE

The object of this Regulation is to make detailed provisions under the Occupational Health and Safety Act 1983 in respect of first-aid kits and first-aid rooms. At present, first-aid chests are required to be provided at factories and construction sites (and, in the case of factories in which 200 or more persons work, a first-aid room is required to be provided).

This Regulation provides that:

- (a) a first-aid kit must be provided and maintained at any construction site at which less than 100 persons work and at any other place of work at which less than 200 persons work; and
- (b) a first-aid room must be provided and maintained at any construction site at which 100 or more persons work and at any other place of work at which 200 or more persons work.

BY AUTHORITY
G. J. COSTELLOE, ACTING GOVERNMENT PRINTER - 1990