

LEGISLATION

The Legislative Framework

This information bulletin provides guidance to the structure and purpose of the various legislative documents used to regulate occupational health and safety (OHS) in the Northern Territory.

How the law works –

The Act

The [Workplace Health and Safety Act 2007](#) (the Act) is the cornerstone of legislative and administrative measures to maintain and improve occupational health and safety in the Northern Territory. The Act commenced on the 1 July 2008.

The Act sets out the objects, key principles, duties, obligations and rights in relation to occupational health and safety. The general nature of the duties imposed by the Act means that they cover a very wide variety of circumstances, do not readily date and provide considerable flexibility for a duty holder (a person or organisation given legal responsibilities under the Act) to determine what needs to be done to comply.

The Regulations

The [Workplace Health and Safety Regulations 2008](#) (the regulations) are made under the authority of the Act. They specify the ways duties imposed by the Act must be performed, or prescribe procedural or administrative matters to support the Act, such as requiring licenses for specific activities, keeping records, or notifying certain matters to NT WorkSafe.

OHS Standards

Standards referred to or 'called up' in regulations

The *Workplace Health and Safety Act* does not mention any specific standards or codes of practice. The *Workplace Health and Safety Regulations* however, do adopt certain standards, rules, codes or specifications. These may be Australian Standards or National Standards on particular matters. For example, Regulation 64 – electrical installations on constructions sites, specifically states that these installations must comply with Australian Standard AS 3012. This Australian Standard therefore forms part of the Regulations and must be complied with as though it were a regulation. Other examples of Standards that form part of the regulations are the:

- [National Standard for Construction Work \[NOHSC:1016\(2005\)\];](#)
- [National Standard for the Control of Major Hazard Facilities \[NOHSC:1014\(2002\)\];](#)
- [National Standard for Occupational Noise \[NOHSC:1007\(2000\)\];](#)

Those standards called up in the regulations can be found in the following schedules at the end of the regulations:

- Schedule 10 Standards covering design and manufacture of plant
- Schedule 12 Standards applying to lifting gear
- Schedule 13 Other standards

Standards not specifically called up in regulations

These can be Australian Standards or other technical documents. When they are not referenced in the regulations, standards and codes of practice have no primary legal status. They provide useful, current information on safe operation, design, manufacture and maintenance of plant for example or for handling various chemicals. They can, however, be used as evidence in court that there was an accepted standard for doing something that may not have been followed and what was actually done did not properly deal with the problem.

Approved Codes of Practice

An approved code of practice adopted under the Act documents practical ways of complying with workplace health and safety laws. While an approved code of practice does not have the same status as law, it provides practical guidance on how to control risk. An approved code of practice can be a code, a standard or any document approved by the minister or in the case of a particular workplace; approved by the Authority.

You don't have to comply with a code of practice but you may be required (in the case of a workplace accident, for example) to show that the risk management system you have chosen to use achieves the same or a better safety outcome than what is contained in the approved code of practice. So if you follow an approved code of practice, you can be confident that you will achieve the minimum standards required to meet your obligations under the *Workplace Health and Safety Act* and Regulations.

An approved code of practice can relate to workplaces generally; or a particular class or type of workplaces; or a particular workplace.

A code of practice if it relates to workplaces generally or a particular class of workplaces – takes effect when approved by the Minister; and if it relates to a particular workplace – takes effect when approved by the Authority.

Examples of approved codes of practice: [NOHSC2002](#) National Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)], [AS 1715](#) Selection, use and maintenance of respiratory protective devices. [AS 1170](#) Minimum design loads on structures.

Please refer to information bulletin [09.01.03](#) Legislation - Approved codes of practice. for a list of all approved codes of practice.

Information Bulletins

Effective OHS regulation requires that NT WorkSafe provides clear, accessible advice and guidance about what constitutes compliance with the Act and Regulations. This is done by way of Information Bulletins. Currently there are over 300 bulletins available and they are grouped under a number of headings such as:

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| 01 Biological Hazards | 02 Confined Spaces |
| 03 Construction | 04 Dangerous Goods |
| 05 Electrical | 06 Ergonomics/Manual Handling |
| 07 Fireworks | 08 Hazardous Substances |
| 09 Legislation | 10 Licensing |
| 11 Noise | 12 Plant |
| 13 Rehabilitation and Compensation | 14 Safety Management |
| 15 Work Environment | 16 Work Health |

17 [Take Control](#)

18 [Consultation](#)

19 [Public Safety](#)

20 [Occupational Disease](#)

Information bulletins are accessible on the NT WorkSafe website worksafe.nt.gov.au

Legislation administered by NT Worksafe

NT WorkSafe is responsible for administering a range of legislation and related regulations throughout the Northern Territory including the:

Workplace Health and Safety Act and Workplace Health and Safety Regulations. incorporating:

- National Standard for Construction Work [NOHSC:1016(2005)];
- National Standard for the Control of Major Hazard Facilities [NOHSC:1014(2002)];
- National Standard for Occupational Noise [NOHSC:1007(2000)];

Workers Rehabilitation and Compensation Act and Workers Rehabilitation and Compensation Regulations;

Dangerous Goods Act and Regulations; incorporating:

- National Standard for the Control of Major Hazard Facilities [NOHSC:1014(2002)]; and
- National Standard for the Storage and Handling of Workplace Dangerous Goods [NOHSC:1015(2001)];

Dangerous Goods (Road and Rail Transport) Act and Regulations;

Radioactive Ores and Concentrates (Packaging and Transport) Act and Regulations;

Electrical Workers and Contractors Act and Regulations;

Electricity Reform Act and Electricity Reform (Safety and Technical) Regulation.

Note: NT WorkSafe Officers are Authorised Officers under the **Tobacco Control Act**

For further information please contact NT Worksafe on 1800 019 115 or go to worksafe.nt.gov.au