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WorkSafe ACT

Confined Spaces

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[The Work Health and Safety Regulation 2011](#) sets out a range of measures which ensure work safety in relation to working in confined spaces.

Definitions

The Regulation establishes that *airborne contaminant* means a contaminant in the form of a fume, mist, gas, dust or vapour, and includes microorganisms.

A *confined space* means an enclosed or partially enclosed space that:

- is not designed or intended primarily to be occupied by a person; and
- is, or is designed or intended to be, at normal atmospheric pressure while any person is in the space; and
- is or is likely to be a risk to health and safety from:
 - an atmosphere that does not have a safe oxygen level, or
 - contaminants, including airborne gases, vapours and dusts, that may cause injury from fire or explosion, or
 - harmful concentrations of any airborne contaminants, or engulfment.

It does not include a mine shaft or the workings of a mine.

Confined Space Entry Permits

A *Confined Space Entry Permit* is a written document that must be issued prior to any worker commencing work within a confined space. It is a strict liability offence for a PCBU to direct a worker to enter a confined space prior to a confined space entry permit being issued.

The entry permit identifies:

- the confined space,
- clearly describes the work to be carried out in the confined space,
- sets out the risk management steps to be taken,
- states the name of each person who may enter or work in the confined space,
- states the date and time when each person may enter or be in the confined space to carry out the

work, and

- contains a space for an acknowledgement that work in the confined space has been completed and all persons have left the space.

The control measures stated in the permit must be based on a risk assessment conducted under section 66 (Regulation) and include the control measure for safe entry and the system of work provided for communicating and safety monitoring.

At the completion of work in the confined space the PCBU must ensure that all workers leave the confined space and that the competent person completes the acknowledgment on the entry permit.

From 1 January 2013 the entry permit must be issued by a person with the knowledge and skills (acquired through training, qualification or experience) to issue the entry permit (the competent person).

Design etc - confined spaces

The Regulation provides that a person in control of the design, manufacture, import or supply of a confined space commits a strict liability offence if they do not ensure that the space is designed so that there is ordinarily no need for anyone to enter it, and, if entry is needed, the space has a safe means of entry and exit and the risks to any person who enters the space is eliminated so far as is reasonably practicable.

Hazard identification and risk assessment - confined spaces

The Regulation provides that a person conducting a business or undertaking at a workplace commits a strict liability offence if:

- the person does not identify each confined space at the workplace, and, each reasonably foreseeable hazard associated with working in the space.
- the person does not ensure that a risk assessment is undertaken by a competent person before any work involving entering a confined space at the workplace is started for the first time. *A competent person*, for this purpose, is someone who is suitably qualified by experience or training to carry out the risk assessment.
- there is evidence that the risk assessment undertaken under the previous offence does not address, or no longer addresses, the risks posed by the confined space for which the risk assessment is undertaken, and, the person does not ensure that the risk assessment is reviewed.

Risk assessment includes at least an assessment of the nature of the space and the work to be done, whether work can be done without entering the space, different ways that the work can be done, and, the risks associated with the method of work, the plant to be used and any potential hazard in the space.

Entry to and work in confined spaces

The Regulation provides that a person conducting a business or undertaking at a workplace commits a strict liability offence if:

- a worker enters a confined space before all obligations to manage risks to health and safety have

been complied with.

- a written risk assessment is not undertaken by a competent person for the purpose of managing the risks to health and safety (part 3.1) associated with a confined space; including risks of working in, on or in the vicinity of the confined space. The following matters must be taken into consideration when doing the risk assessment: whether the work can be carried out without the need to enter the confined space, the nature of the confined space, hazards associated with the concentration of oxygen or other airborne contaminants, the range of methods by which the work can be carried out and the proposed method for working, and the type of emergency and rescue procedures required.
- the risk assessment is not reviewed and revised as necessary by the competent person.

Signage

Signs that:

- identify the confined space,
- inform workers that they must not enter the space unless they have a confined space entry permit; and
- are clear and prominently located next to each entry

must be put up by the PCBU immediately before, during, in preparation of, and in the completion of work in a confined space.

Communication and Safety Monitoring

The PCBU must ensure that prior to workers entering the confined space that a means for continuous communication between workers within the confined space and the outside has been established, and that a standby person monitors the conditions within the space, ideally by observing the work being carried out.

Connected plant and services - Specific control

A PCBU must, so far as is reasonably practicable, eliminate risks associated with work in a confined space in either of the following circumstances:

- any substance or condition is introduced into the space from or by any plant or services connected to the space; or
- any plant or services connected to the space are energised or activated.

Atmosphere - Specific control

In relation to work in confined spaces, a PCBU must also manage risks to health and safety associated with hazardous atmosphere. This duty is imposed if:

- the atmosphere does not contain a safe oxygen level, or
- the concentration of oxygen in the atmosphere increases the fire risk; or
- the concentration of any flammable gas, vapour, mist or fumes exceeds 5% of the LEL for the

substance; or

- combustible dust is present in a quantity and form that would result in a hazardous area.

For the Regulation, LEL, or *lower explosive limit*, of a flammable contaminant means the concentration of the contaminant in air below which the propagation of a flame does not occur on contact with an ignition source.

The PCBU must ensure, so far as is reasonably practicable, that purging or ventilation of any contaminant in the atmosphere of the confined space is carried out, but that pure oxygen, or gas mixtures with oxygen in a concentration more than 21% by volume, is not used for purging or ventilation.

The PCBU must also ensure that while work is carried out in the confined space there is a safe oxygen level; or if the atmosphere has an oxygen level less than 19.5% by volume, that any worker carrying out work in the confined space is provided with air-supplied respiratory equipment.

Flammable Gases and Vapours - Specific control

A PCBU must ensure that the concentration of any flammable gas, vapour, mist or fumes exceeds 5% of the LEL for the substance. Where this concentration is greater than 5%, but less than 10% of its LEL the person must ensure that any worker is immediately removed from the confined space unless a calibrated, continuous-monitoring flammable gas detector is used in the space. If the concentration is greater than 10% of its LEL the person must remove all workers from the confined space.

The PCBU must ensure that an ignition source cannot be introduced into a confined space if there is a possibility of a fire or explosion in the space.

Emergencies - particular measures

The Regulation provides that a PCBU at a workplace commits a strict liability offence if:

- The person does not establish first-aid and rescue procedures to be followed in the event of an emergency in a confined space; and
- the person does not ensure that emergency procedures rehearsed as necessary to ensure they are efficient and effective.
- The person does not ensure that the openings for entry and exit from a confined space at the workplace are large enough to allow the rescue of anyone in the space;
- the person does not ensure that the openings are not obstructed; and
- the person does not ensure that plant, equipment and personal protective equipment provided for first aid or emergency rescue are maintained in good working order.
- The person does not ensure that first aid and rescue procedures are initiated from outside the confined space as soon as practicable in an emergency.

If a worker is required to enter a confined space to carry out first aid or rescue procedures in an emergency the PCBU must ensure that the worker has suitable personal protective equipment. This includes providing air-supplied respiratory equipment and protective clothing for potential engulfment where there is an identified risk.

Training about confined spaces

A PCBU must ensure that relevant workers are provided with suitable and adequate information, training and instruction on the following matters:

- the nature of all hazards relating to a confined space;
- the need for, and the appropriate use of, control measures to control risks to health and safety associated with those hazards;
- the selection, fit, use, wearing, testing, storage and maintenance of any personal protective equipment;
- the contents of the confined space entry permit issued in relation to the work carried out by the worker in the confined space; and
- emergency procedures.

A *relevant worker* means a person carrying out work for the business or undertaking who could enter or work in a confined space; or carry out any function in relation to work in a confined space or the emergency procedures; or any person supervising a worker in a confined space.

The Regulation provides that a PCBU commits a strict liability offence if the person does not keep a record of training given to a worker for 2 years.

Record keeping

Any risk assessment completed under section 66 in relation to a confined space must be retained for at least 28 days after the work to which it relates is completed. The Confined space entry permit must be retained at least until the work has been completed.

If a notifiable incident occurs in connection with work in a confined space, a copy of the risk assessment or permit must be kept for 2 years after the incident.

A copy must be available for inspection by WorkSafe ACT or by any relevant worker on request.